



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 25 Ordinance/Resolution# 14-166

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of April 7, 2014  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

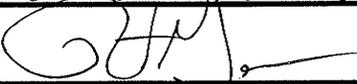
LEGISLATIVE

ADMINISTRATIVE

**TITLE:** A RESOLUTION AUTHORIZING WELLHEAD RESTAURANT & BREWPUB TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING THE 2<sup>ND</sup> ANNUAL BLAZIN' BREW FEST, TO BE HELD ON MAIN STREET ON SATURDAY, MAY 3, 2014 FROM 4:00 P.M. TO 9:00 P.M.

**PURPOSE(S) OF ACTION:**

To authorize continuation of the permitting process.

<b>COUNCIL DISTRICT: 1</b>		
<b><u>Drafter/Staff Contact:</u></b> Monica Campbell	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> 541-2128
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The New Mexico Brewers Guild will host the 2<sup>nd</sup> Annual Blazin' Brew Fest, a craft beer, food and music event on Main Street, Saturday, May 3, 2014. Wellhead Restaurant & Brewpub from Artesia, New Mexico is requesting approval to sell beer for consumption within a restricted and secured area during the event.

Approval by the Las Cruces City Council is required prior to the submission of the Public Celebration Permit Application to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming"). Final approval by Alcohol and Gaming would allow Wellhead Restaurant & Brewpub to sell beer within the restricted and secured area between 4:00 p.m. and 9:00 p.m. on May 3, 2014.

The authorization of the Public Celebration Permit Application will comply with the requirements of the Las Cruces Municipal Code, Section 5-1, which restricts alcohol consumption in public places to areas approved by Alcohol and Gaming only.

(Continue on additional sheets as required)

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, Wellhead Restaurant & Brewpub, License No. 6776.
3. Attachment "1", Map of event area on Main Street.
4. Attachment "2", List of servers.

**SOURCE OF FUNDING:**

Is this action already budgeted?  N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)	
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.	
Does this action create any revenue?	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: <u>1000-10180010-520002</u> in the amount of <u>\$25.00</u> for FY14.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
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**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the sale of beer for consumption by Wellhead Restaurant & Brewpub, within a restricted and secured area during the 2<sup>nd</sup> Annual Blazin' Brew Fest on Main Street, May 3, 2014. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that Wellhead Restaurant & Brewpub may not serve beer during Blazin' Brew Fest on May 3, 2014. The Alcohol and Gaming Director may issue the Public

(Continue on additional sheets as required)

Celebration Permit provided that the City Council has given written approval for the permitting process to continue.

3. Vote to "Amend"; this could include changing the time that beer is sold. Any amendments must comply with city ordinance, state statute, and/or the requirements of Alcohol and Gaming.
4. Vote to "Table"; this could result in no beer being sold by Wellhead Restaurant & Brewpub during the 2<sup>nd</sup> Annual Blazin' Brew Fest.

**REFERENCE INFORMATION:**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A.

**RESOLUTION NO. 14-166**

**A RESOLUTION AUTHORIZING WELLHEAD RESTAURANT & BREWPUB TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING THE 2<sup>ND</sup> ANNUAL BLAZIN' BREW FEST, TO BE HELD ON MAIN STREET ON SATURDAY, MAY 3, 2014 FROM 4:00 P.M. TO 9:00 P.M.**

The City Council is informed that:

**WHEREAS**, the New Mexico Brewers Guild is sponsoring the 2<sup>nd</sup> Annual Blazin' Brew Fest, a craft beer, food and music event on Saturday, May 3, 2014; and

**WHEREAS**, Wellhead Restaurant & Brewpub from Artesia, New Mexico requests approval to sell beer for consumption within a restricted and secured area during the event; and

**WHEREAS**, approval by the Las Cruces City Council is required prior to submission of the Public Celebration Permit Application to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming"); and

**WHEREAS**, final approval by Alcohol and Gaming would allow Wellhead Restaurant & Brewpub to sell beer for consumption within a restricted and secured area during the 2<sup>nd</sup> Annual Blazin' Brew Fest; and

**WHEREAS**, approval of the Public Celebration Permit Application will comply with the requirements of the Las Cruces Municipal Code, Section 5-1, which restricts alcohol consumption in public to areas approved by Alcohol and Gaming only.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT Wellhead Restaurant & Brewpub is hereby authorized to continue with the permitting process for the Public Celebration Permit Application, attached hereto as Exhibit "A", to allow beer to be sold for consumption within a restricted and secured area between 4:00 p.m. and 9:00 p.m. on Saturday, May 3, 2014.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(SEAL)

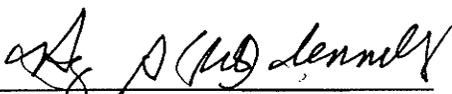
VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Smith: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Levatino: \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**ALCOHOL & GAMING DIVISION  
PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER LICENSE HOLDERS  
(60-6A-11 / 60-6A-26.1 NMSA)  
FEES ARE \$10 PER DAY - Fees are Non-Refundable**

Exhibit A

APPROVED AS TO FORM:  
*By (Notary) Dorothy Rivera*  
City Attorney

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Willhead Restaurant & Bumpub Owner Name Frank Yates Jr License Number Lo776  
 Street Address: 332 W. Main St. City, State & Zip Artesia N.M. 88210 County Eddy  
 Phone Number: 575-746-8640 Fax number 575-746-2192

**EVENT INFORMATION:** Celebration type: State Fair  County Fair  Community Fiesta  Cultural/Artistic Performance

Date(s) of Celebration May 3rd, 2014 Begin Time 4:00 pm End Time 9:00 pm

Description of Celebration: 2nd Annual Blazin Brews Festival Number of Guests Expected 1000

Number of Security to be Provided 10 Company Name Security Concepts

Contact Name & Number Mike Gonzales 575-526-4151

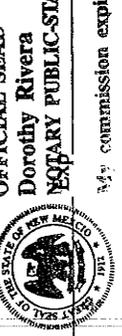
Physical Address of Event Main St. @ Las Cruces Ave. to Griggs Ave City Las Cruces County Dona Ana

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration

Contact Name Christopher Gabbit Title Exec Director Date 3/17/14 Signature Dorothy Rivera Phone 505-660-2951

**LICENSE HOLDER CERTIFICATION:**

I Mary F. Yates (Licensee) hereby certify that this event is not within 300ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that ALL information in this application is true and correct. Licensee Signature: Mary F. Yates Date 3/13/14



Subscribed and Sworn To Before Me This 13<sup>th</sup> day of March, 2014, Notary Public Dorothy Rivera Signature \_\_\_\_\_ Date \_\_\_\_\_

**BUILDING OWNER APPROVAL:**

Contact Name (print) Robert Garza Facility Name Main St. Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone 575-541-2076

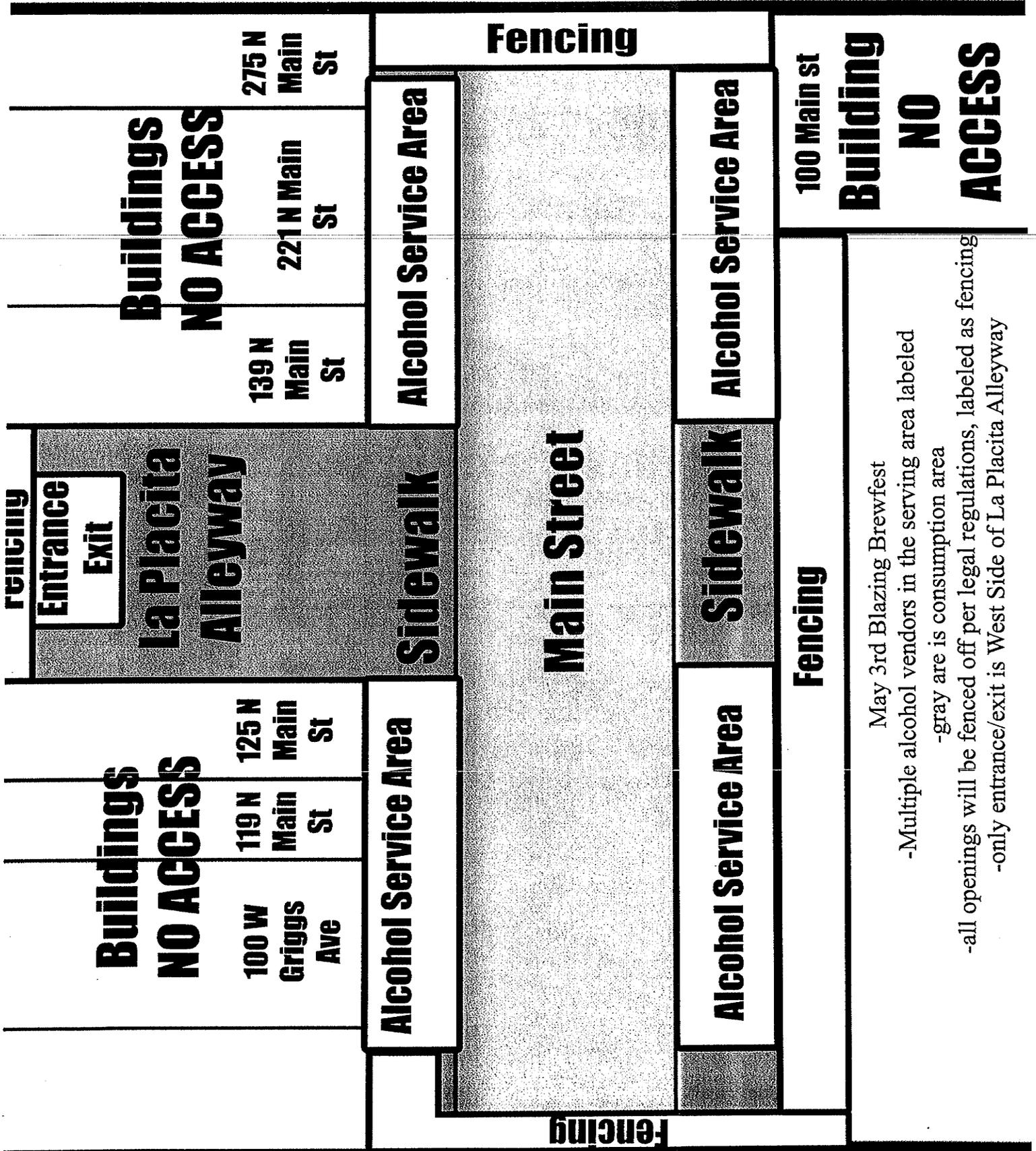
**LOCAL GOVERNING BODY APPROVAL**

Print Name Robert Garza Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone 575-541-2076 Fax 575-541-2017

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit Number \_\_\_\_\_

# Las Cruces Avenue



**Buildings  
NO ACCESS**

275 N  
Main  
St

221 N Main  
St

139 N  
Main  
St

**Alcohol Service Area**

**Fencing**

100 Main st

**Building**

**NO**

**ACCESS**

**REIGNING**

**Entrance  
Exit**

**La Placita  
Alleyway**

**Sidewalk**

**Main Street**

**Sidewalk**

**Alcohol Service Area**

**Fencing**

**Alcohol Service Area**

**Buildings  
NO ACCESS**

125 N  
Main  
St

119 N  
Main  
St

100 W  
Griggs  
Ave

**Alcohol Service Area**

**Fencing**

**Griggs St.**

May 3rd Blazing Brewfest

- Multiple alcohol vendors in the serving area labeled
- gray are is consumption area
- all openings will be fenced off per legal regulations, labeled as fencing
- only entrance/exit is West Side of La Placita Alleyway

**Wellhead Inc**

(Wellhead Restaurant and Brewpub)

License # 0788

**Liquor License #0788**

**Owner Name** Frank Yates, Jr

**DBA N Name** Wellhead Restaurant & Brew Pub

Permit #	Last Name	First Name	SS Number	Date of Birth	Hire Date	Term Date	Permit Exp
73433	Yates Jr	Frank	[REDACTED]	[REDACTED]	1/2/2000	NA	7/26/2014 Owner
155755	Yates	Mary	[REDACTED]	[REDACTED]	1/2/2000	NA	7/26/2014 Owner
167302	Bills	Emily	[REDACTED]	[REDACTED]	2/4/2005	NA	7/26/2014 General Mana
88764	Fabela	Elizabeth	[REDACTED]	[REDACTED]	4/26/2005	NA	6/11/2015 Assistant Man
27707	Rodriquez	Teresa	[REDACTED]	[REDACTED]	12/10/2005	NA	7/26/2014 Current
232327	Rodriquez	Chris R.	[REDACTED]	[REDACTED]	6/2/2008	NA	9/24/2014 Current
159376	Cortez	Gracie	[REDACTED]	[REDACTED]	6/8/2006	NA	7/26/2014 Current
167301	Rojo	Sara	[REDACTED]	[REDACTED]	3/7/2008	NA	6/11/2015 Current
56157	Dean	Kayla K	[REDACTED]	[REDACTED]	12/23/2011	NA	12/15/2016 Current
286511	Garcia	Kimberly	[REDACTED]	[REDACTED]	5/8/2013	NA	5/5/2018 Current
256758	Crumrine	Thomas	[REDACTED]	[REDACTED]	1/1/2012	NA	4/15/2016 Current

*Only 2 / Attending the event*  
*Emily Bills General Manager*  
*Thomas Crumrine Brewer*