



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 14-175

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of May 5, 2014
(Adoption Date)

Please check box that applies to this item:

- QUASI JUDICIAL
 LEGISLATIVE
 ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA AT AN EVENT SPONSORED BY THE FARMERS MARKET OF LAS CRUCES, TO BE HELD AT LA PLACITA, 145 NORTH MAIN STREET, FROM 5:00 P.M. TO 11:00 P.M. ON SATURDAY, MAY 17, 2014.

PURPOSE(S) OF ACTION:

To authorize continuation of the permitting process.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Farmers Market of Las Cruces will hold a public movie show outdoors, along with music, on Saturday, May 17, 2014 at La Placita, 145 North Main Street. High Desert Brewing Company 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 High Desert Brewing Company to sell beer within the restricted and secured area between 5:00 p.m. and 11:00 p.m. on May 17, 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.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, High Desert Brewing Company, License No. 6801.
3. Attachment "1", Map showing the restricted and secured area for beer service at 145 North 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 <u>FY14</u> .
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

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 High Desert Brewing Company, within a restricted and secured area, at 145 North Main Street during an event sponsored by the Farmers and Crafts Market of Las Cruces on Saturday, May 17, 2014. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that High Desert Brewing Company may not serve beer during the event on May 17, 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 High Desert Brewing Company at the event.

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. 14-175

A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA AT AN EVENT SPONSORED BY THE FARMERS MARKET OF LAS CRUCES, TO BE HELD AT LA PLACITA, 145 NORTH MAIN STREET, FROM 5:00 P.M. TO 11:00 P.M. ON SATURDAY, MAY 17, 2014.

The City Council is informed that:

WHEREAS, the Farmers Market of Las Cruces is the sponsor of an outdoor movie show and music event to be held on Saturday, May 17, 2014; and

WHEREAS, High Desert Brewing Company of Las Cruces, 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 High Desert Brewing Company to sell beer for consumption within a restricted and secured area during the event; 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 High Desert Brewing Company 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 5:00 p.m. and 11:00 p.m. on Saturday, May 17, 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

APPROVED AS TO FORM:
Rosa y Ruiz
City Attorney

LICENSE HOLDER INFORMATION:

Business Name (DBA) HIGH DESERT BREWING CO Owner Name HIGH DESERT BREWING CO, INC License Number 6801
Street Address: 1201 W. HADLEY AVENUE City, State & Zip LAS CRUCES, NM 88005 County DOÑA ANA
Phone Number: 575-525-6752 Fax number 575-647-8033

EVENT INFORMATION:

Celebration type: State Fair County Fair County Fiesta Community Fiesta Cultural/Artistic Performance ✓
Date(s) of Celebration SATURDAY, MAY 17, 2014 Begin Time 5:00PM End Time 11:00PM
Description of Celebration: PUBLIC MOVIE SHOW (OUTDOORS) WITH MUSIC
Number of Security to be Provided 2 Company Name HIGH DESERT BREWING CO Number of Guests Expected 200
Contact Name & Number DUANE MOSLEY 575-649-0268
Physical Address of Event 145 N. MAIN STREET City LAS CRUCES County DOÑA ANA

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration

FARMERS & CRAFTS MARKET OF LAS CRUCES
Contact Name DUANE MOSLEY Title MA MGR Date 4/14/14 Signature *[Signature]* Phone 575-649-0268

LICENSE HOLDER CERTIFICATION:

I DONNA L ALMAREZ (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: *[Signature]* Date 04/14/14

Notary information

Subscribed and Sworn To Before Me This 4 day of April, 2014, Notary Public Rosa y Ruiz
Signature *[Signature]* Date 4/14/14
OFFICIAL SEAL
ROSA Y RUIZ
NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires 3/6/2016
Phone 575-541-2076

BUILDING OWNER APPROVAL:

Contact Name (print) Robert Garza Facility Name La Placita Signature [Signature]
Print Name Robert Garza Title City Manager Date 5/15/14 Signature [Signature]
Phone 541-2076 Fax 541-2017

LOCAL GOVERNING BODY APPROVAL

Approved By: [Signature] Date: [Signature] Permit Number: [Signature]

Alcohol and Gaming Division Use Only

Approved By: [Signature] Date: [Signature] Permit Number: [Signature]

LIQUOR LICENSE NUMBER 6801		OWNER NAME High Desert Brewing Company		DBA NAME High Desert Brewing Company			
Server Permit #	Last Name	First Name	SS#	DOB	HIRE DATE	TERMINATION DATE	SERVER EXPIRATION DATE
32589	Gosselin	Robert		[REDACTED]	1/13/1994	N/A	6/8/2016
43172	Schack	Eric		[REDACTED]	7/20/2001	N/A	10/17/2017
49454	Almarez	Donna		[REDACTED]	1/1/1997	N/A	6/1/2018
91307	Romero	Rudy		[REDACTED]	1/16/2010	N/A	5/11/2016
92623	Costilow	Amber		[REDACTED]	5/3/2003	N/A	12/20/2015
153396	Hauptmann	Benjamin		[REDACTED]	10/10/2003	N/A	7/11/2014
162289	Costilow	Raven		[REDACTED]	6/5/2006	N/A	2/5/2015
181875	Cepeda	Cory		[REDACTED]	4/11/2013	N/A	6/25/2016
194355	Lowther	Coy		[REDACTED]	1/10/2014	N/A	7/28/2017
201850	Tutor	Tabitha		[REDACTED]	3/28/2012	N/A	6/22/2016
211210	Lowther	Matthew		[REDACTED]	4/21/2008	N/A	7/20/2016
213777	Costilow	Lianne		[REDACTED]	8/17/2005	N/A	8/19/2016
215329	Williams	Nathaniel		[REDACTED]	7/18/2010	N/A	10/16/2016
223584	Morin	Daniel		[REDACTED]	11/7/2007	N/A	Retest 2/26/2014-93%
224282	Merle	Monett		[REDACTED]	8/2/2012	N/A	Retest 3/19/2014-95%
230468	Obregon	Andres		[REDACTED]	6/1/2001	N/A	9/4/2014
253231	Radtke	Michael		[REDACTED]	11/1/2010	N/A	1/12/2016
258148	Hite	Maria		[REDACTED]	5/29/2013	N/A	5/14/2016
258151	Knab	Abigail		[REDACTED]	9/2/2011	N/A	5/14/2016
278399	Arrieta	Jonathan		[REDACTED]	6/5/2012	N/A	9/15/2017
49696	Whitman	Christopher		[REDACTED]	Special Events	8/5/2012	10/8/2014
93042	Kindrick	Lawrence		[REDACTED]	Special Events	Special Events	5/2/2017
158769	Frary	Susan		[REDACTED]	Special Events	Special Events	10/13/2015
236149	Kindrick	Jill		[REDACTED]	Special Events	Special Events	10/29/2014
238398	Kamat	Satish		[REDACTED]	Special Events	Special Events	1/11/2015
241940	Denton	Drew		[REDACTED]	Special Events	Special Events	5/7/2015
	Rios	Robert		[REDACTED]	Special Events	Special Events	Test-04/01/2014-92%