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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 15-009

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of July 21, 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 6:00 P.M. TO 12:00 A.M. ON SATURDAY, AUGUST 2, 2014.

PURPOSE(S) OF ACTION:

To authorize continuation of the permitting process.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Farmers Market of Las Cruces will hold a public movie show outdoors, along with music, on Saturday, August 2, 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 6:00 p.m. and 12:00 a.m. on August 2, 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, 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 FY <u>15</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, August 2, 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 August 2, 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. 15-009

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 6:00 P.M. TO 12:00 A.M. ON SATURDAY, AUGUST 2, 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, August 2, 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 6:00 p.m. and 12:00 a.m. on Saturday, August 2, 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

LICENSE HOLDER INFORMATION:

Business Name (DBA) High Desert Brewing Company Owner Name High Desert Brewing Co., Inc. License Number 6801
Street Address: 1201 W Hadley Avenue City, State & Zip Las Cruces, NM 88005 County Dona Ana
Phone Number: 575-525-6752 Fax number 575-647-8033

EVENT INFORMATION: Celebration type: State Fair County Fair Community Fiesta Cultural/Artistic Performance
Date(s) of Celebration SATURDAY 02 AUG 2014 Begin Time 6:00 PM End Time 12:00 AM

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 DONA ANA

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration
FARMERS & CRAFTS MARKET OF LAS CRUCES

Contact Name DUANE MOSLEY Title MKT MGR Date 6/14/14 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 25 May 2014

Subscribed and Sworn To Before Me This 25 day of June, 2014, Notary Public [Signature] Exp 7/6/2017

BUILDING OWNER APPROVAL:

Contact Name (print) Robert L. Garza, P.E. Facility Name La Placita Date [Signature] Signature [Signature] Phone 541-2016

LOCAL GOVERNING BODY APPROVAL:

Print Name Robert L. Garza P.E. Title City Manager Date [Signature] Signature [Signature] Phone 541-2016 Fax 541-2017

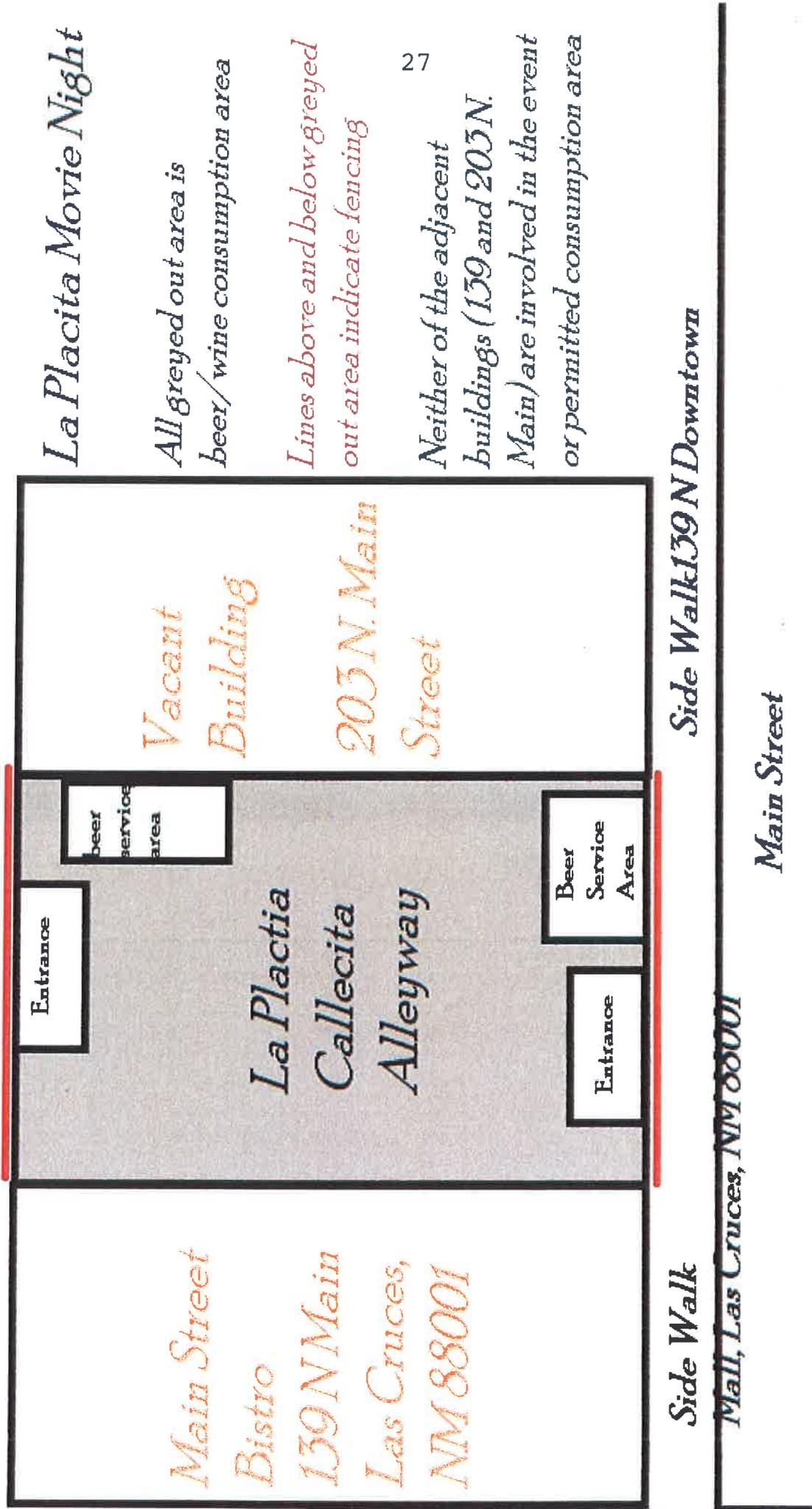
Alcohol and Gaming Division Use Only

Approved By: _____ Date: _____ Permit Number _____



OFFICIAL SEAL
MONICA CAMPBELL
NOTARY PUBLIC STATE OF NEW MEXICO

7/6/2017



La Placita Movie Night

All greyed out area is beer/wine consumption area

Lines above and below greyed out area indicate fencing

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Neither of the adjacent buildings (139 and 203 N. Main) are involved in the event or permitted consumption area

Vacant Building

203 N. Main Street

Entrance

beer service area

La Placita Callecita Alleyway

Beer Service Area

Entrance

*Main Street
Bistro
139 N Main
Las Cruces,
NM 88001*

Side Walk 139 N Downtown

Side Walk

Mall, Las Cruces, NM 88001

Main Street

July 1, 2014-June 30, 2015

| LIQUOR LICENSE NUMBER 6801 | | OWNER NAME High Desert Brewing Company | | DBA NAME High Desert Brewing Company | | |
|-------------------------------|-----------|---|-----|---|------------------|------------------------|
| Server Permit # | Last Name | First Name | SS# | HIRE DATE | TERMINATION DATE | SERVER EXPIRATION DATE |
| 32589 | Gosselin | Robert | | 1/13/1994 | N/A | 6/8/2016 |
| 43172 | Schack | Erlc | | 7/20/2001 | N/A | 10/17/2017 |
| 49454 | Alvarez | Donna | | 1/1/1997 | N/A | 6/1/2018 |
| 91307 | Romero | Rudy | | 1/16/2010 | N/A | 5/11/2016 |
| 92623 | Costilow | Amber | | 5/3/2003 | N/A | 12/20/2015 |
| 153396 | Hauptmann | Benjamin | | 10/10/2003 | N/A | 7/11/2014 |
| 162289 | Costilow | Raven | | 6/5/2006 | N/A | 2/5/2015 |
| 181875 | Cepeda | Cory | | 4/11/2013 | N/A | 6/25/2016 |
| 194355 | Lowther | Coy | | 1/10/2014 | N/A | 7/28/2017 |
| 201850 | Tutor | Tabitha | | 3/28/2012 | N/A | 6/22/2016 |
| 211210 | Lowther | Matthew | | 4/21/2008 | N/A | 7/20/2016 |
| 213777 | Costilow | Lianne | | 8/17/2005 | N/A | 8/19/2016 |
| 215329 | Williams | Nathaniel | | 7/18/2010 | N/A | 10/16/2016 |
| 223584 | Morin | Daniel | | 11/7/2007 | N/A | Retest 2/26/2014-93% |
| 224282 | Merle | Monett | | 8/2/2012 | N/A | Retest 3/19/2014-95% |
| 230468 | Obregon | Andres | | 6/1/2001 | N/A | 9/4/2014 |
| 253231 | Radtke | Michael | | 11/1/2010 | N/A | 1/12/2016 |
| 258148 | Hite | Maria | | 5/29/2013 | N/A | 5/14/2016 |
| 258151 | Knab | Abigail | | 9/2/2011 | N/A | 5/14/2016 |
| 278399 | Arleta | Jonathan | | 6/5/2012 | N/A | 9/15/2017 |
| 282292 | Taylor | Morgan | | 5/3/2014 | N/A | 1/16/2018 |
| 49696 | Whitman | Christopher | | Special Events | Special Events | 10/8/2014 |
| 93042 | Kindrick | Lawrence | | Special Events | Special Events | 5/2/2017 |
| 158769 | Frary | Susan | | Special Events | Special Events | 10/13/2015 |
| 236149 | Kindrick | Jill | | Special Events | Special Events | 10/29/2014 |
| 238398 | Kamat | Satish | | Special Events | Special Events | 1/11/2015 |
| 241940 | Denton | Drew | | Special Events | Special Events | 5/7/2015 |
| 292023 | Ambler | Darryl | | Special Events | Special Events | 9/6/2016 |
| | Rios | Robert | | Special Events | Special Events | Test-04/01/2014-92% |