



Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 15-029

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 2, 2014
(Adoption Date)

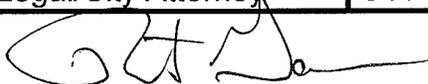
Please check box that applies to this item:

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 INSIDE OF AND IN FRONT OF THE RIO GRANDE THEATER, 211 NORTH MAIN STREET, ON SEPTEMBER 21, 2014.

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

| | | |
|--|--|---------------------------|
| 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 West End Art Depot is sponsoring "All Aboard for Art", a fundraiser gala with music, an auction and dinner at the Rio Grande Theater, 211 North Main Street, on September 21, 2014. 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 for consumption within a restricted and secured area between 5:00 p.m. and 9:00 p.m. on September 21, 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 Brewery.
3. Attachment "1", Floor plan of the restricted and secured area in front of and inside of 211 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>FY15</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 the Rio Grande Theater, 211 North Main Street, on September 21, 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 sell beer for consumption during the event on September 21, 2014. The Alcohol and Gaming Director may issue the Public Celebration Permit provided that the City Council has given written approval for the permitting process to continue.

(Continue on additional sheets as required)

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 Brewery during the event at the Rio Grande Theater on September 21, 2014.

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. 15-029

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 INSIDE OF AND IN FRONT OF THE RIO GRANDE THEATER, 211 NORTH MAIN STREET, ON SEPTEMBER 21, 2014.

The City Council is informed that:

WHEREAS, the West End Art Depot is sponsoring “All Aboard for Art”, a fundraiser gala, at the Rio Grande Theater on September 21, 2014; and

WHEREAS, High Desert Brewing Company has requested approval to sell beer for consumption within a restricted and secured area inside of and in front of the Rio Grande Theater at 211 North Main Street; 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 inside of and in front of the Rio Grande Theater at 211 North Main Street; 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 inside of and in front of the Rio Grande Theater at 211 North Main Street, between 5:00 p.m. and 9:00 p.m. on September 21, 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 Cultural/Artistic Performance
 Date(s) of Celebration Sunday, Sept 21, 2014 Begin Time 5:00 PM End Time 9:00 PM

Description of Celebration: Fundraiser Gala w/ Bands, Auction, Dinner "All Aboard for Art"
 Number of Security to be Provided 2 Company Name High Desert Brewing Co Number of Guests Expected 200
 Contact Name & Number Robert Grusselin 575-525-6752
 Physical Address of Event 211 N. MAIN ST + SIDEWALK & STREET City LAS CRUCES County DOÑA ANA

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration West End Art Depot

Contact Name Chris Bardey Title Event Mgr Date 7/27/14 Signature [Signature] Phone 575-312-9892

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 AUG 2014



Subscribed and Sworn To Before Me This 1 day of AUG, 2014, Notary Public [Signature] My commission expires: 8/6/2016

BUILDING OWNER APPROVAL:

Contact Name (print) Kathleen Albers Facility Name Rio Grande Theatre Signature [Signature] Date 7-30-14 Phone 575-533-8403

LOCAL GOVERNING BODY APPROVAL AND BUILDING OWNER APPROVAL (RIO GRANDE THEATRE)

Print Name Robert L. Garza, P.E. Title City Manager Signature [Signature] Date 5/15 Phone 541-2016 Fax 541-2017

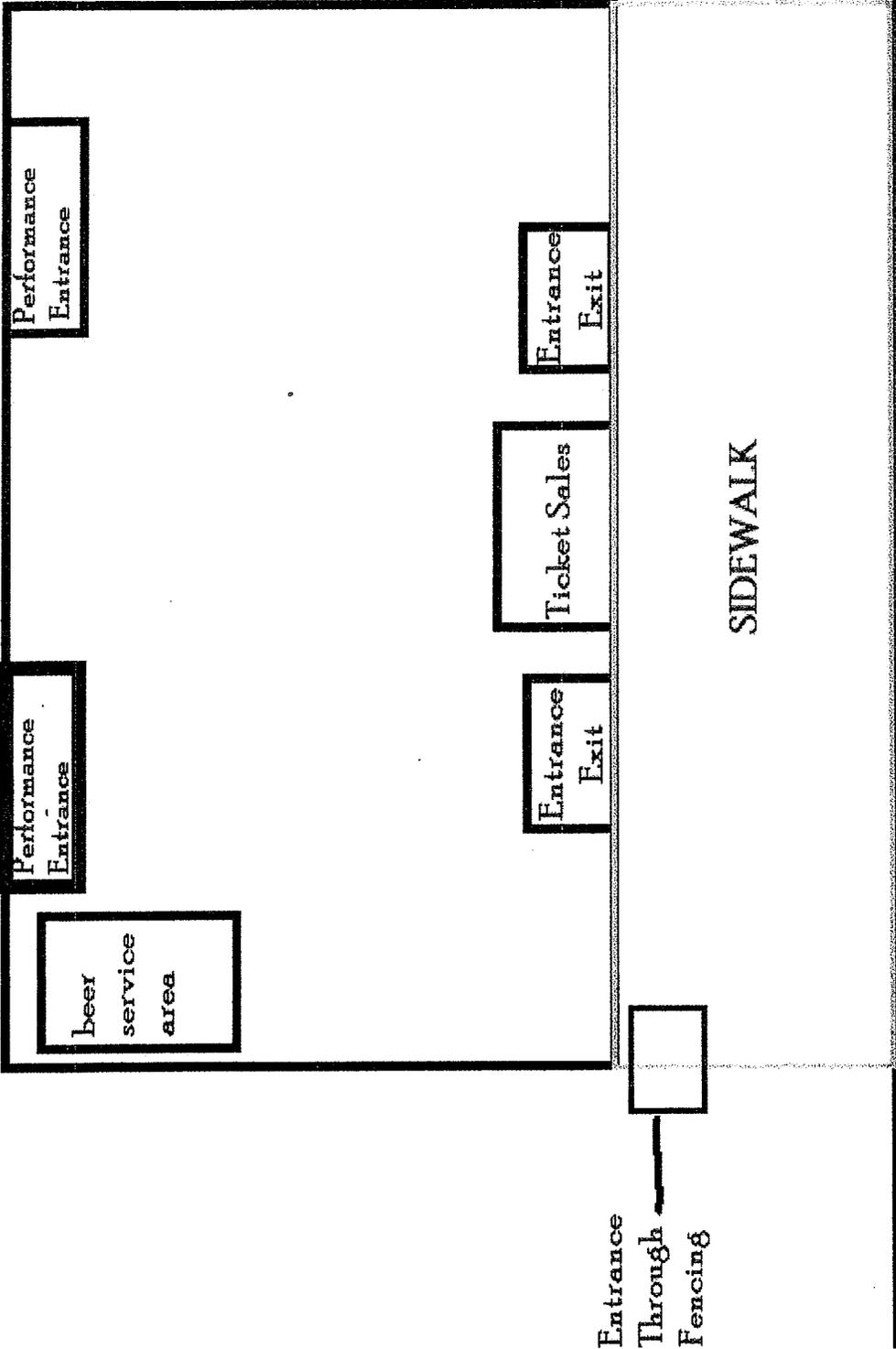
Alcohol and Gaming Division Use Only

Approved By: _____ Date: _____ Permit Number _____

Rio Grande Theater

All greyed out area is Beer Consumption Area

Greyed out area is Beer Consumption Area



Main Street

Entrance Through Fencing

SIDEWALK

July 1, 2014-June 30, 2015

| LIQUOR LICENSE NUMBER | | OWNER NAME | | DBA NAME | | |
|-----------------------|-----------|-----------------------------|-----|-----------------------------|------------------|------------------------|
| 6801 | | High Desert Brewing Company | | 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 | Eric | | 7/20/2001 | N/A | 10/17/2017 |
| 49454 | Almarez | 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 | Retest 7/10/2014-90% |
| 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 | Arrieta | 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% |