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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 1 Ordinance/Resolution# 15-035

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

For Special Meeting of September 8, 2014  
 (Adoption Date)

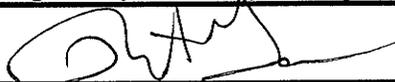
Please check box that applies to this item:

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 DURING AN EVENT SPONSORED BY THE SOUTHWEST ENVIRONMENTAL CENTER, IN AND AROUND 275 NORTH MAIN STREET ON SATURDAY, SEPTEMBER 27, 2014.**

**PURPOSE(S) OF ACTION:**

To authorize a permitting process to continue.

<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 Southwest Environmental Center will hold its annual fundraiser on Saturday, September 27, 2014. High Desert Brewing Company is requesting approval to sell beer for consumption within a restricted and secured area in and around 275 North Main Street.

Approval by the 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 beer to be sold within the restricted and secured area between 6:00 p.m. and 10:00 p.m. during the event.

The authorization of the Public Celebration Permit Applications 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.

(Continue on additional sheets as required)

2. Exhibit "A", Public Celebration Permit Application, High Desert Brewing Company.
3. Attachment "1", Map of area in and around 275 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
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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 High Desert Brewing Company within a restricted and secured area during an event sponsored by Southwest Environmental Center, in and around 275 North Main Street, on September 27, 2014. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that no beer will be served during the event on September 27, 2014. The Alcohol and Gaming Director may issue the Public Celebration Permit for the event provided that the City Council has given written approval for the permitting process to continue.
3. Vote to "Amend"; this could include such items as 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 at the event.

(Continue on additional sheets as required)

**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. 15-035

**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 DURING AN EVENT SPONSORED BY THE SOUTHWEST ENVIRONMENTAL CENTER, IN AND AROUND 275 NORTH MAIN STREET, ON SATURDAY, SEPTEMBER 27, 2014.**

The City Council is informed that:

**WHEREAS**, the Southwest Environmental Center will hold its annual fundraiser on Saturday, September 27, 2014; and

**WHEREAS**, High Desert Brewing Company is requesting approval to offer beer for sale and consumption at the event; and

**WHEREAS**, approval by the 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 beer to be sold 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 10:00 p.m. on Saturday, September 27, 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 \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
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, SEPT 27, 2014 Begin Time 6:00 PM End Time 10:00 PM

Description of Celebration: SOUTHWEST ENVIRONMENTAL CENTER ANNUAL FUNDRAISING DINNER/DANCE

Number of Security to be Provided 3 Company Name SECURITY CONCEPTS Number of Guests Expected 250

Contact Name & Number KEN BIXBY (EXEC DIR) 575-522-5552 / HOWA R. AGENTE (COMMITTEE CHAIR) 575-644-6576

Physical Address of Event 275 NORTH MAIN ST (DOWNTOWN MALL) CITY LAS CRUCES County DONA ANA

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration BETWEEN LAS CRUCES AND GRACE ST

SOUTHWEST ENVIRONMENTAL CENTER, 275 N. MAIN ST, LAS CRUCES Phone 575-522-5552

Contact Name KEN BIXBY Title EXEC DIR Date \_\_\_\_\_ Signature [Signature]

**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 served there on or after 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 served responsibly.  
 information in this application is true and correct. Licensee Signature: \_\_\_\_\_  
 My commission expires 6/6/2016

Subscribed and Sworn To Before Me This 14 day of Aug, 2014, Notary Public [Signature] Exp 8/6/2016

**BUILDING OWNER APPROVAL:**

Contact Name (print) ZIA TRUSTY INC Facility Name ENVIRON CENTER Date 8-8-14 Signature [Signature] Phone 575-523-2448

**LOCAL GOVERNING BODY APPROVAL**

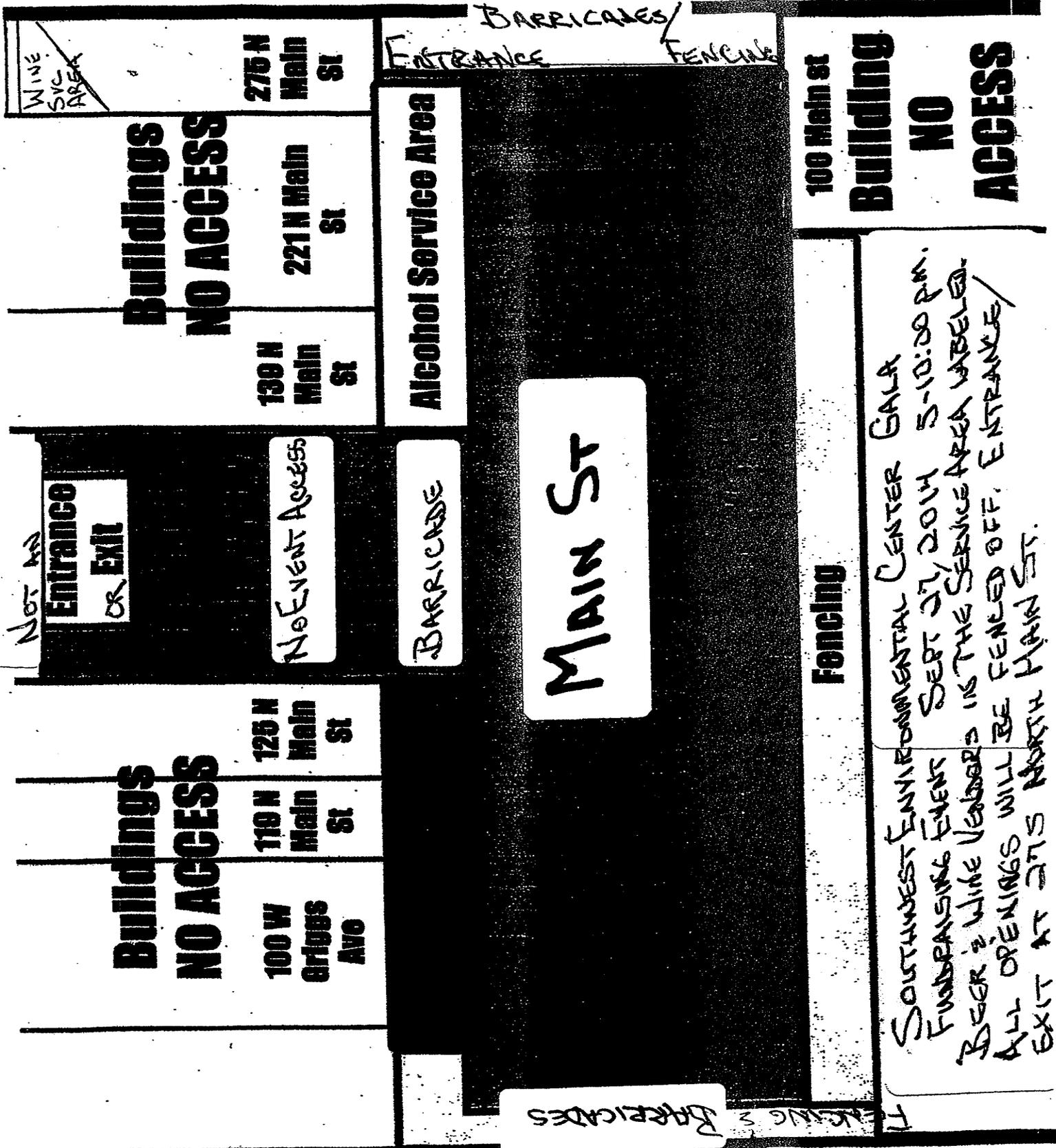
Print Name Robert L. Garza PE Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
 Phone 575-541-2070 Fax 541-2017

**Alcohol and Gaming Division Use Only**

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



# Las Cruces Avenue



**Griggs St.**

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#	DOB	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%