City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 15-039

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of September 15, 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 PROJECT MAIN STREET, TO BE HELD ON MAIN STREET, FROM 5:00 P.M. TO 11:00 P.M. ON FRIDAY, SEPTEMBER 26, 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:

Project Main Street is the sponsor of an outdoor movie night to be held on Friday, September 26, 2014 on 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 September 26, 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.

(Continue on additional sheets as required)

2. Exhibit "A", Public Celebration Permit Application, High Desert Brewing Company.
3. Attachment "1", Map showing the restricted and secured area for beer service during the event.
4. Attachment "2", List of servers.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☒	Funds will be deposited into this fund: 1000-10180010-520002 in the amount of $25.00 for FY15.
	No	☐	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 on Main Street, during an event sponsored by Project Main Street on Friday, September 26, 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 September 26, 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.
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.

(Continue on additional sheets as required)

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

(Continue on additional sheets as required)

RESOLUTION NO. 15-039

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 PROJECT MAIN STREET, TO BE HELD ON MAIN STREET, FROM 5:00 P.M. TO 11:00 P.M. ON FRIDAY, SEPTEMBER 26, 2014.

The City Council is informed that:

WHEREAS, Project Main Street is the sponsor of an outdoor recreation festival to be held on Friday, September 26, 2014; and

WHEREAS, High Desert Brewing Company 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 Friday, September 26, 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:

_____
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 X Cultural/Artistic Performance X

Date(s) of Celebration Friday September 26, 2014 Begin Time 5:00pm End Time 11:00pm

Description of Celebration: Outdoor Recreation Festival

Number of Security to be Provided 2 Company Name HIGH DESERT BREWING CO Number of Guests Expected 200

Contact Name & Number ROBERT GOSSELIN 575-525-6752

Physical Address of Event Between 125N MAIN & 275N MAIN (LA PLACITA 145N. MAIN) City Las Cruces County Dona Ana

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration Project Main Street

Contact Name Duane Mosley Title community organizer Date 07/18/2014 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 waver 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: Donna L Almarez Date 1 AUG 2014

Notary information

Subscribed and Sworn To Before Me This 1 day of Aug, 20 14, Notary Public [signature]

OFFICIAL SEAL
ROSA Y. RUIZ
NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires: 8/6/2016

BUILDING OWNER APPROVAL:

Contact Name (print) Robert L. Garza, P.E. Facility Name Main Street Date ____ Signature ____ Phone 575-541-2076

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date ____ Signature ____ Phone 575-541-2076 Fax 575-541-2017

Alcohol and Gaming Division Use Only
Approved By: ____ **Date:** ____ **Permit Number** ____

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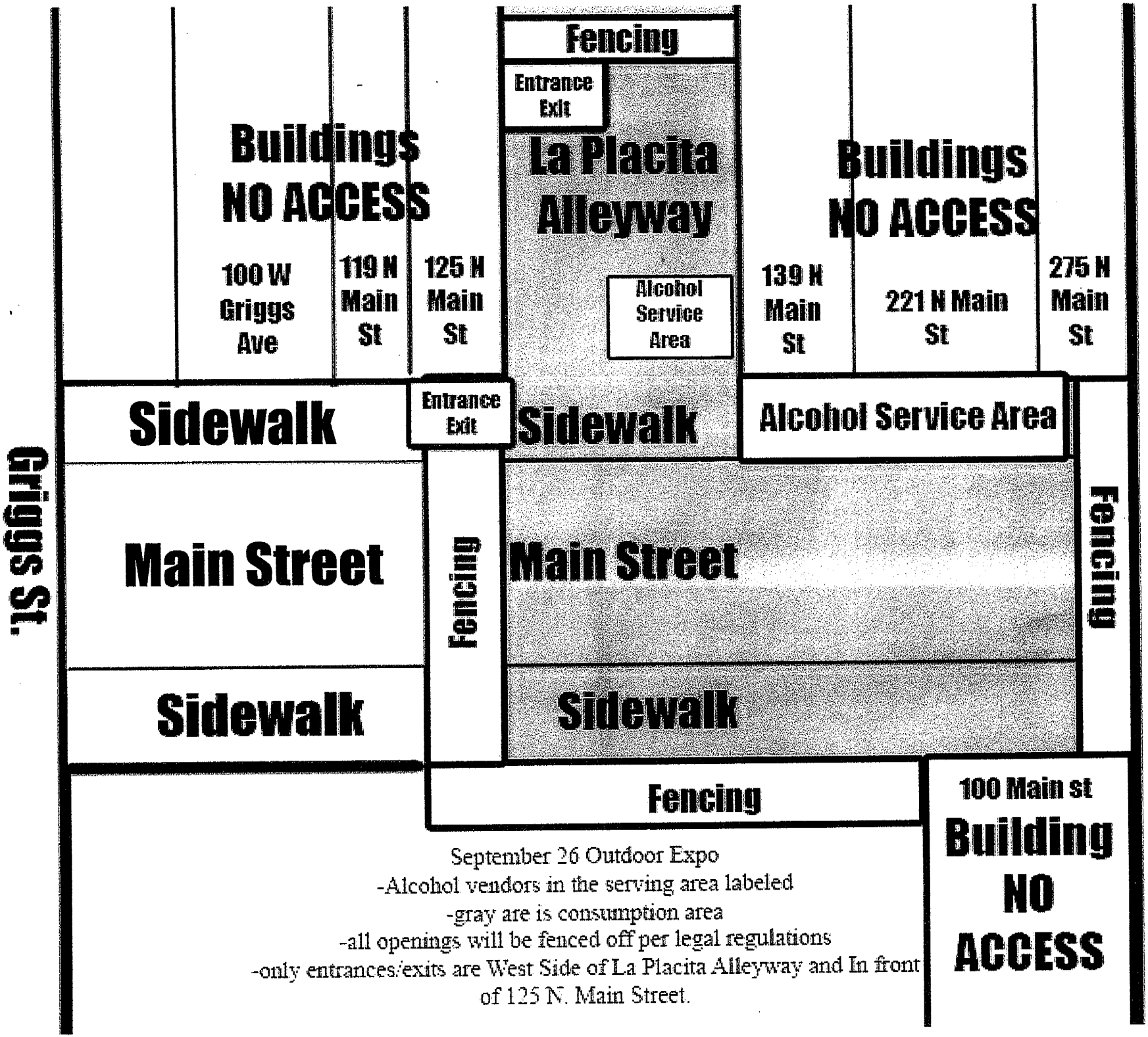
Exhibit A



September 26 Outdoor Expo
-Alcohol vendors in the serving area labeled
-gray are is consumption area
-all openings will be fenced off per legal regulations
-only entrances/exits are West Side of La Placita Alleyway and In front of 125 N. Main Street.

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#	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	Retest 7/10/2014-90%
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
282292	Taylor	Morgan		[redacted]	5/3/2014	N/A	1/16/2018
49696	Whitman	Christopher		[redacted]	Special Events	Special Events	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
292023	Ambler	Darryl		[redacted]	Special Events	Special Events	9/6/2016
	Rios	Robert		[redacted]	Special Events	Special Events	Test-04/01/2014-92%