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

**Council Action and Executive Summary**

Item # 14 Ordinance/Resolution# 15-048

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

For Meeting of September 15, 2014  
 (Adoption Date)

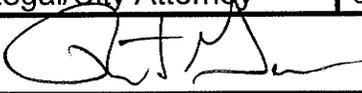
Please check box that applies to this item:

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 THE 5<sup>TH</sup> ANNUAL ZOMBIE WALK TO BE HELD ON MAIN STREET ON OCTOBER 25, 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:**

Project Main Street is the sponsor of the 5<sup>th</sup> Annual Zombie Walk to be held on October 25, 2014 on Main Street, generally between Las Cruces Avenue and Griggs Avenue. 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 12:00 a.m. on October 25, 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.
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	<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 on Main Street, generally between Las Cruces Avenue and Griggs Avenue during the 5<sup>th</sup> Annual Zombie Walk on Saturday, October 25, 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 October 25, 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. 15-048**

**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 THE 5<sup>TH</sup> ANNUAL ZOMBIE WALK TO BE HELD ON MAIN STREET ON OCTOBER 25, 2014.**

The City Council is informed that:

**WHEREAS**, Project Main Street is the sponsor of the 5<sup>th</sup> Annual Zombie Walk to be held on Saturday, October 25, 2014; and

**WHEREAS**, High Desert Brewing Company has requested 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 12:00 a.m. on Saturday, October 25, 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 X

Date(s) of Celebration Saturday October 25<sup>th</sup>, 2014 Begin Time 5:00 pm End Time 11:00 am

Description of Celebration: Zombie Walk 5<sup>th</sup> Annual

Number of Security to be Provided 10 Company Name Security Concepts 575.586.4151 Number of Guests Expected 1000

Contact Name & Number Quane Mosley 575.644.0268 County Dona Ana

Physical Address of Event MAIN Street between Griggs & Las Cruces Ave City Las Cruces

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration Project Mainstreet / La Semilla

Contact Name Quane Mosley Title Coordinator Date 08/27/14 Signature [Signature] Phone 575.644.0268

**LICENSE HOLDER CERTIFICATION:**

I, Donna L Almaraz (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 8/27/2014



Notary information  
Subscribed and Sworn To Before Me This 27 day of August, 2014, Notary Public [Signature]  
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

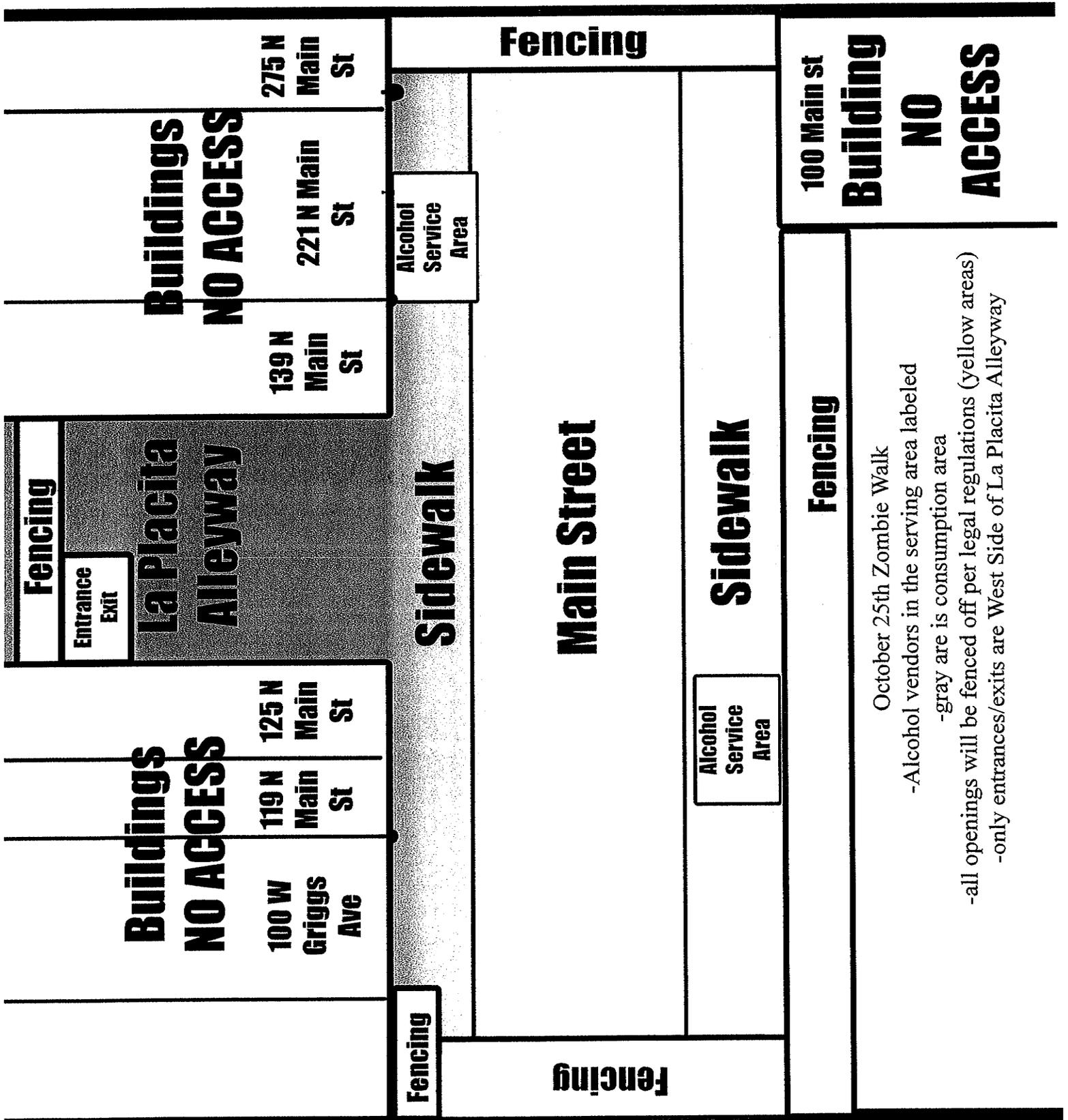
**LOCAL GOVERNING BODY APPROVAL**

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

**Alcohol and Gaming Division Use Only**

Approved By:                      Date:                      Permit Number

# Las Cruces Avenue



October 25th Zombie Walk

- Alcohol vendors in the serving area labeled -gray are is consumption area
- all openings will be fenced off per legal regulations (yellow areas)
- only entrances/exits are West Side of La Placita Alleyway

## 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%