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

**Council Action and Executive Summary**

Item # 10      Ordinance/Resolution# 15-053

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

For Meeting of October 6, 2014  
 (Adoption Date)

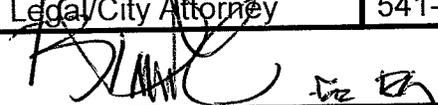
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE: A RESOLUTION AUTHORIZING BOSQUE BREWING CO. 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. Bosque Brewing Co. 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 Bosque Brewing Co. 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.

**SUPPORT INFORMATION:**

1. Resolution.

(Continue on additional sheets as required)

2. Exhibit "A", Public Celebration Permit Application, Bosque Brewing Co.
3. Attachment "1", Map showing the restricted and secured area for sales and consumption of alcoholic beverages 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 \$25.00 for FY15.	
	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 Bosque Brewing Co. 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 Bosque Brewing Co. may not serve beer during the event on October 25, 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 Bosque Brewing Co. 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. 15-053

**A RESOLUTION AUTHORIZING BOSQUE BREWING CO. 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**, Bosque Brewing Co. 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 Bosque Brewing Co. 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** Bosque Brewing Co. 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 & CRAFT DISTILLER LICENSE HOLDERS  
(60-64-11/60-64-26.1 NMSA)

FEES ARE \$10 PER DAY -- Fees are Non-Refundable

LICENSE HOLDER INFORMATION:

Business Name (DBA) Bosse Brewing Co. Owner Name Bosse Brewing Co, LLC Liquor License # 61028  
Mailing Address 8900 San Maria Blvd, Ste I City, State & Zip Albuquerque, NM 87113  
Contact Telephone # 5054017115 Fax # \_\_\_\_\_ Email Address GABRIEL@BOSSBREWINGCO.COM

EVENT INFORMATION: Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta \_\_\_ Cultural/Artistic Performance  Athletic \_\_\_

*Circle those that apply - All Age Event / Wrist Bands and/or Stamps - Beer Garden - Indoor / Outdoor*  
Description and Name of Event Zombie Walk & Fire Magic Date(s) of Event OCT 25, 2014 Alcohol Service Begin Time 5:00 End Time 12:00 am  
Physical Address of Event & Name of Building or Business Main St Las Contas Between Spriggs & Las Contas Ave. Number of Persons expected to Drink 500  
Description of Security Security Concepts Number of Security 10 Security Contact Name \_\_\_\_\_ Contact Telephone # 575-526-4157

SPONSOR INFORMATION

Sponsor of Event Project Main Street Contact Name Quane Morley Contact Telephone # 575.644.0268

BUILDING/PROPERTY OWNER APPROVAL

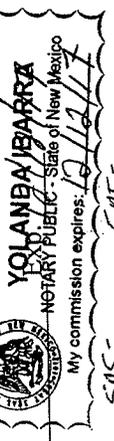
Name (print) Robert L. Garza, P.E. Signature \_\_\_\_\_ Telephone # 575-541-2076 Date \_\_\_\_\_

LICENSE HOLDER & SERVER CERTIFICATION: I, GABRIEL BOSSE (Licensee) hereby certify that this event is not within 300 Ft. 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 they are my employees and that ALL the information in this application is true and correct.

NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application. Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) GABRIEL BOSSE Signature [Signature] Date 8/28/14  
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION



Subscribed and Sworn before me this 28 day of August, 2014 Notary Public Yolanda Ybarra  
Date \_\_\_\_\_ Signature \_\_\_\_\_

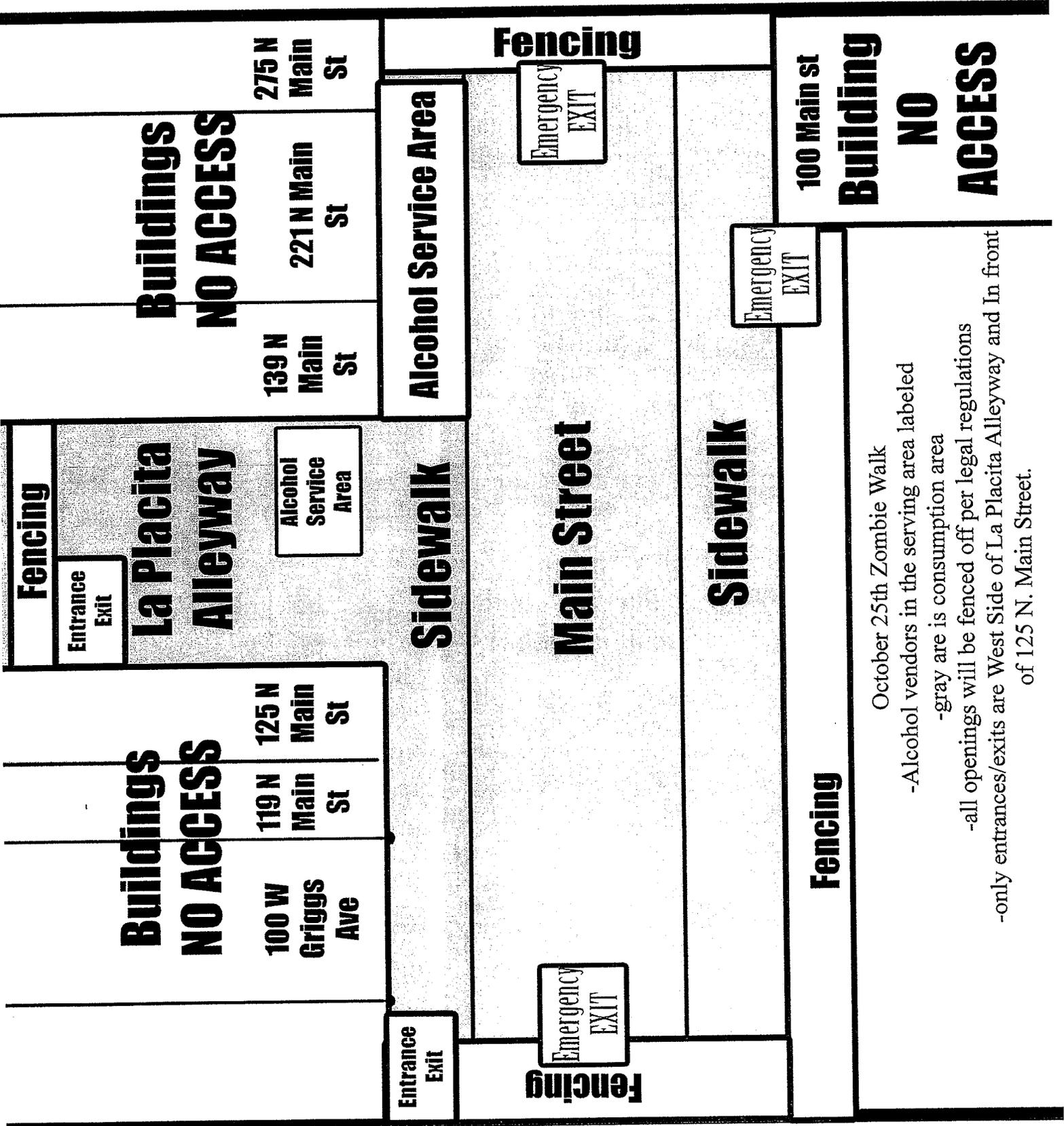
Phone 541-2076 Fax 541-2017

ALCOHOL & GAMING DIVISION USE ONLY

Print Name Robert L. Garza, P.E. Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_ Permit Number \_\_\_\_\_  
Approved by: \_\_\_\_\_ 2) Fees per day (listed on top of page) \_\_\_\_\_ 3) Server information list \_\_\_\_\_

Attachments: 1) Floor plan - (Pictures)

# 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
- only entrances/exits are West Side of La Placita Alleyway and In front of 125 N. Main Street.

**Griggs St.**

SERVER PERMIT #	LIQUOR LICENSE NUMBER 67028	OWNER NAME	Bosque Brewing Co., LLC	OWNER NAME	Bosque Brewing Co., LLC	DBA NAME	Bosque Brewing Co., LLC	SS#	DOB	HIRE DATE	TERMINATION DATE	PERMIT EXPIRATION DATE
196002		Myers		Jessica					10/18/12			8/22/17
210028		Jameson		Ryan				Owner				6/19/16
242887		Eichorn		David				10/18/12				6/8/15
209744		Strain-Bey		Ira				10/30/12				5/22/18
196965		Barfield		Danny				3/22/13				8/16/17
72576		Jensen		Gabe				Owner				6/27/16
274185		Moya		Candice				11/27/12				6/7/17
191227		Michnovicz		Joanna				10/18/12				10/18/17
90000		Michnovicz		Jotham				Owner				9/22/17
279384		Jameson		Kevin				Owner				10/11/17
279368		Michnovicz		Jared				Owner				10/11/17
286840		Jensen		Gelaine				Owner				5/12/18
286933		Jameson		Jenifer				Owner				5/13/18
283183		Michnovicz		Esther				Owner				2/11/18
286835		Dallas		Sarah				Owner				5/11/18
253883		Escamilla		Nestor				5/7/13				3/7/16
232051		Barfield		Ryan				7/8/13				1/3/18
288203		Graser		Shirley				1/17/13				6/7/18
255692		Rakes		Harrison				6/5/13				10/8/16
240931		Bullard		John				10/23/12				4/14/15
288123		Michnovicz		Kara				3/7/14				6/12/18

