

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 15-058

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

For Meeting of October 20, 2014  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION AUTHORIZING ABBEY BREWING CO. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING DIA DE LA CERVEZA, AN EVENT SPONSORED BY THE NEW MEXICO BREWERS GUILD, TO BE HELD ON MAIN STREET ON SUNDAY, NOVEMBER 2, 2014 FROM 12:00 P.M. TO 5:00 P.M.

**PURPOSE(S) OF ACTION:**

To authorize continuation of the permitting process.

<b>COUNCIL DISTRICT: 1</b>		
<b>Drafter/Staff Contact:</b> Monica Campbell	<b>Department/Section:</b> Legal/City Attorney	<b>Phone:</b> 541-2128
<b>City Manager Signature:</b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The New Mexico Brewers Guild is sponsoring Dia de la Cerveza on Main Street on Sunday, November 2, 2014. Abbey Brewing Co. from Santa Fe, New Mexico 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 Abbey Brewing Co. to sell beer within the restricted and secured area between 12:00 p.m. and 5:00 p.m. on November 2, 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, Abbey Brewing Co.
3. Attachment "1", Map of event location on 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:
	Budget Adjustment Attached <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
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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 Abbey Brewing Co. within a restricted and secured area on Main Street during Dia de la Cerveza on Sunday, November 2, 2014. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that Abbey Brewing Co. may not serve beer during Dia de la Cerveza. 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)

**RESOLUTION NO. 15-058**

**A RESOLUTION AUTHORIZING ABBEY BREWING CO. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING DIA DE LA CERVEZA, AN EVENT SPONSORED BY THE NEW MEXICO BREWERS GUILD, TO BE HELD ON MAIN STREET ON SUNDAY, NOVEMBER 2, 2014 FROM 12:00 P.M. TO 5:00 P.M.**

The City Council is informed that:

**WHEREAS**, the New Mexico Brewers Guild is sponsoring Dia de la Cerveza on Main Street on Sunday, November 2, 2014; and

**WHEREAS**, Abbey Brewing Co. from Santa Fe, New Mexico 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 Abbey Brewing Co. to sell beer for consumption within a restricted and secured area on Main Street during Dia de la Cerveza; 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** Abbey 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 on Main Street between 12:00 p.m. and 5:00 p.m. on Sunday, November 2, 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

4. Vote to "Table"; this could result in no beer being sold by Abbey Brewing Co. during Dia de la Cerveza.

**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)

**ALCOHOL & GAMING DIVISION**  
**PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER 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) ABBEY BREWING Co Owner Name ABBEY BREWING COMPANY LLC Liquor License # \_\_\_\_\_  
Mailing Address 215 W ALCANTATE RD City, State & Zip SANTA FE, NM 87505  
Contact Telephone # 505-470-6802 Fax # 505-627-1566 Email Address ABBEY@ABBEYBREWING.COM

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

Circle those that apply - All Age Event / Wrist Bands and/or Stamps - Beer Garden - Indoor / Outdoor Event Begin Time 12:00pm End Time 5:00pm

Description and Name of Event Dia de la Cerveza Date(s) of Event Nov 2, 2014 Alcohol Service Begin Time 12:00pm End Time 5:00pm

Physical Address of Event & Name of Building or Business Main St. Las Cruces - 200 N. Main Number of Persons expected to Drink 1,000

Description of Security Security Concepts Number of Security 10 Security Contact Name Mike Gonzales Contact Telephone # (575) 526-4151

**SPONSOR INFORMATION**

Sponsor of Event New Mexico Brewers Guild Contact Name Christopher Goblet Contact Telephone # (505) 660-2951

**BUILDING/PROPERTY OWNER APPROVAL**

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

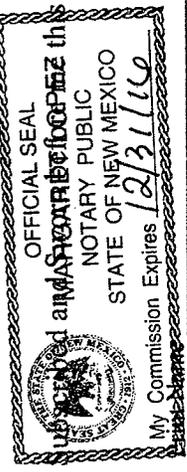
**LICENSE HOLDER & SERVER CERTIFICATION:** I, \_\_\_\_\_ (Licensee) hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing 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) Robert L. Garza Signature [Signature] Date 09/17/2014  
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

**NOTARY INFORMATION**

18 day of September, 2014 Notary Public [Signature] Exp 12/31/10



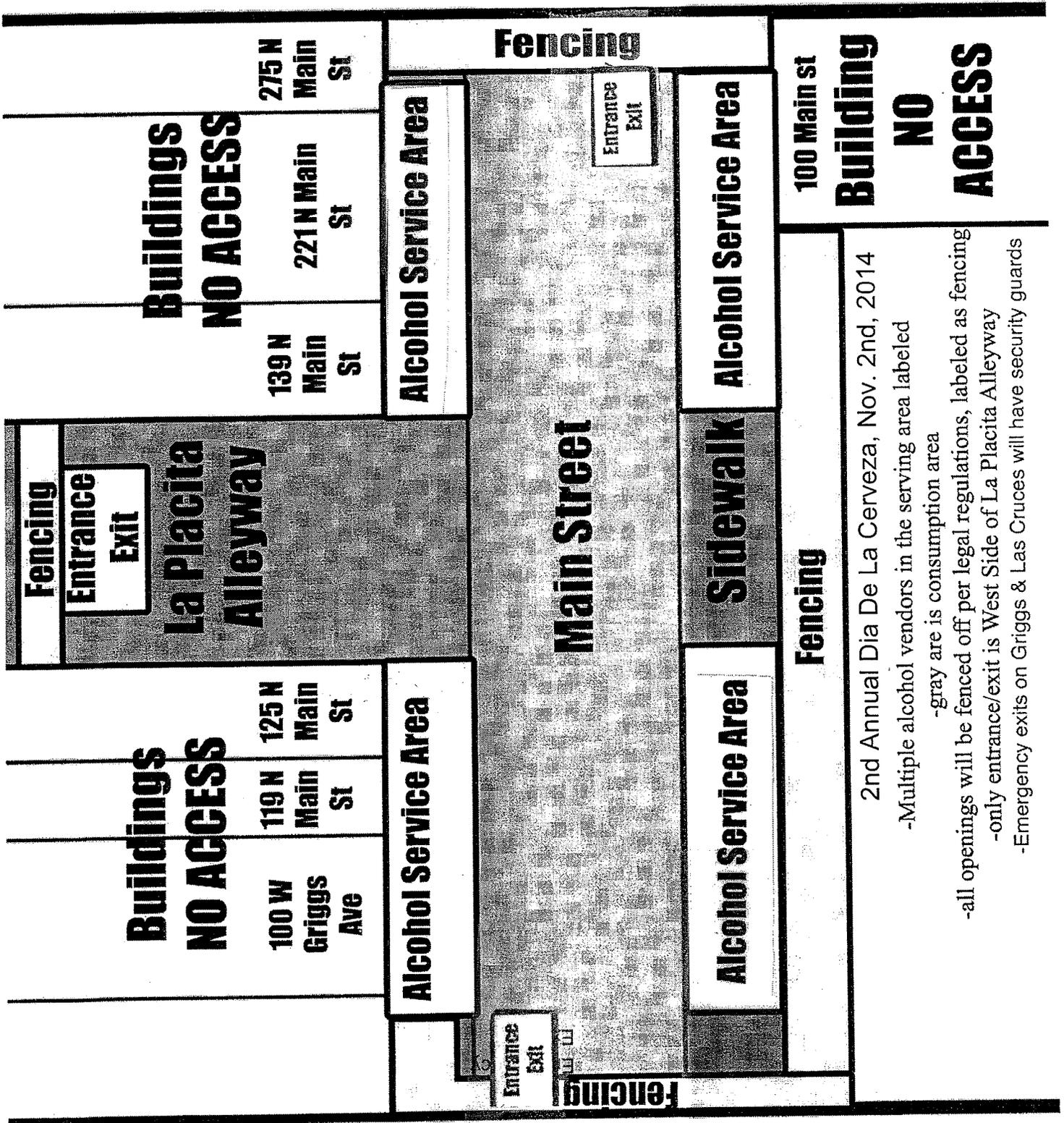
**LOCAL GOVERNING BODY APPROVAL**

Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
Phone 541-2076 Fax 541-2017

**ALCOHOL & GAMING DIVISION USE ONLY**

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_  
Attachments: 1) Floor plan - (Pictures) \_\_\_\_\_ 2) Fees per day (listed on top of page) \_\_\_\_\_ 3) Server information list \_\_\_\_\_

# Las Cruces Avenue



Abbey Beverage Company, LLC  
1305 Forest Service Rd. #151  
Abiquiu, New Mexico 87510-0270

List of Alcohol Servers

Liquor License Number 67007

Name Abbey Brewing Company, LLC  
DBA Name Abbey Brewing Co.

Server Permit Number	Last Name	First Name	Year of Birth	Permit Expiration Date
23904	Merchant	Berkeley	1947	10/01/2014
260371	Jahner	Robert	1949	06/24/2016
267672	Steinbach	James	1980	01/06/2017
276868	Leisy	Richard	1952	08/14/2017
Temp	Chesley	Lane	1960	07/16/2016
276781	Vu	Tung Duc	1975	08/10/2017
56096	Holguin	Robert	1974	05/19/2017
292643	Ellis	Laura	1986	09/19/2016
179950	Goblet	Christopher	1976	09/05/2017
Temp	Emery	Donald	1943	12/17/2016