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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 6 Ordinance/Resolution# 15-060

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 COMANCHE CREEK BREWING COMPANY 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.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The New Mexico Brewers Guild is sponsoring Dia de la Cerveza on Main Street on Sunday, November 2, 2014. Comanche Creek Brewing Company from Eagle Nest, 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 Comanche Creek Brewing Company 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.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, Comanche Creek Brewing Company.
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:
	<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 Comanche Creek Brewing Company 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 Comanche Creek Brewing Company 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.

(Continue on additional sheets as required)

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 Comanche Creek Brewing Company 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)

RESOLUTION NO. 15-060

A RESOLUTION AUTHORIZING COMANCHE CREEK BREWING COMPANY 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, Comanche Creek Brewing Company from Eagle Nest, 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 Comanche Creek Brewing Company 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 Comanche Creek 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 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

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) Comanche Creek Brewing Company Owner Name Comanche Creek Brewing Company Liquor License # 6803
Mailing Address PO Box 375 City, State & Zip Esque Nest NM 87118
Contact Telephone # 575-377-2337 Fax # N/A Email Address Kody.mutz@comanchecreekbrewing.co.com

EVENT INFORMATION: Celebration type: State Fair County Fair 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 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 # (775) 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 # 515-541-2016 Date _____

LICENSE HOLDER & SERVER CERTIFICATION: I, Kody Mutz (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) Kody Mutz Signature _____ Date 9/24/14
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

Subscribed and Sworn before me this 24th day of September, 20 14 Notary Public [Signature] Date 9/24/14
Notary Seal: ROBERT L. LONGO Notary Public, State of New Mexico. Exp. August 29, 2017

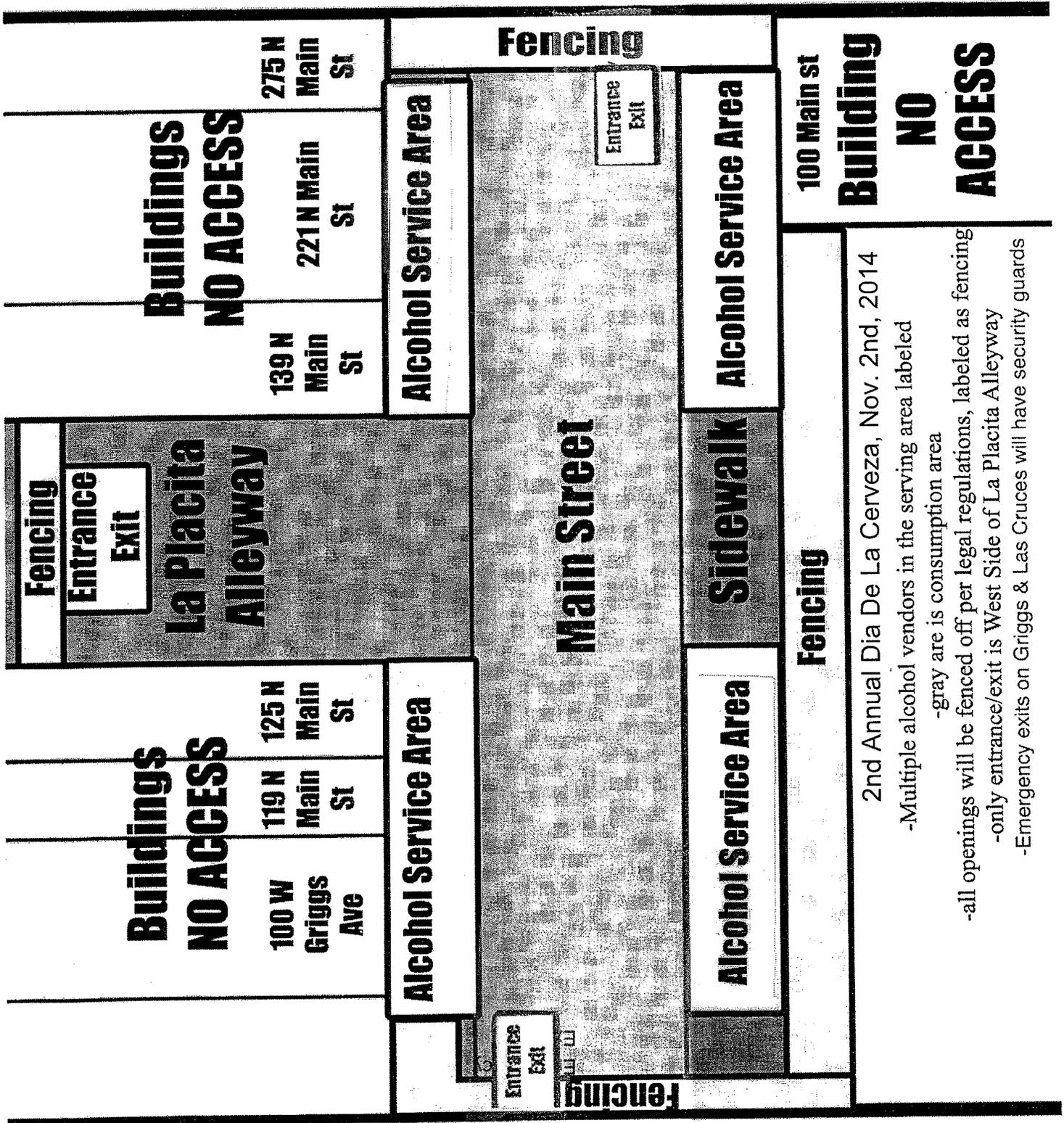
LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
Phone 541-2016 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



**Buildings
NO ACCESS**

275 N
Main
St

221 N Main
St

139 N
Main
St

Alcohol Service Area

Fencing

Entrance
Exit

Alcohol Service Area

100 Main st

Building

**NO
ACCESS**

Fencing

Entrance
Exit

**La Placita
Alleyway**

Main Street

Sidewalk

Fencing

Alcohol Service Area

**Buildings
NO ACCESS**

125 N
Main
St

119 N
Main
St

100 W
Griggs
Ave

Entrance
Exit

Fencing

Alcohol Service Area

2nd Annual Dia De La Cerveza, Nov. 2nd, 2014

- Multiple alcohol vendors in the serving area labeled -gray are is consumption area
- all openings will be fenced off per legal regulations, labeled as fencing
- only entrance/exit is West Side of La Placita Alleyway
- Emergency exits on Griggs & Las Cruces will have security guards

Griggs St.

Server list for Comanche Creek Brewing Company

Kody Mutz – Permit # 245041 Exp. 06/05/2015

Tasha Mutz – Permit # 245044 Exp. 06/05/2015

Gunnar Mutz – Permit #245239 Exp. 08/06/2015