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

**Council Action and Executive Summary**

Item # 10      Ordinance/Resolution# 15-064

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 LITTLE TOAD CREEK DISTILLERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF SPIRITUOUS LIQUORS 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><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:**

The New Mexico Brewers Guild is sponsoring Dia de la Cerveza on Main Street on Sunday, November 2, 2014. Little Toad Creek Distillery from Silver City, New Mexico is requesting approval to sell spirituous liquors 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 Little Toad Creek Distillery to sell spirituous liquors 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, Little Toad Creek Distillery.
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"/>	<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
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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 spirituous liquors for consumption by Little Toad Creek Distillery 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 Little Toad Creek Distillery may not serve spirituous liquors 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 spirituous liquors are 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 spirituous liquors being sold by Little Toad Creek Distillery 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

RESOLUTION NO. 15-064

**A RESOLUTION AUTHORIZING LITTLE TOAD CREEK DISTILLERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF SPIRITUOUS LIQUORS 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**, Little Toad Creek Distillery from Silver City, New Mexico requests approval to sell spirituous liquors 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 Little Toad Creek Distillery to sell spirituous liquors 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 Little Toad Creek Distillery is hereby authorized to continue with the permitting process for the Public Celebration Permit Application, attached hereto as Exhibit "A", to allow spirituous liquors 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:

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**  
**(60-6A-11/60-6A-26.1 NMSA)**

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

LICENSE HOLDER INFORMATION:

Business Name (DBA) Little Toad Creek Distillery Owner Name Little Toad Creek LLC Liquor License # 63004  
Mailing Address HC 68 Box 134 City, State & Zip Silver City NM 88061  
Contact Telephone # 575-536-9649 Fax # \_\_\_\_\_ Email Address teresa.mdb@aol.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 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  
Telephone # 515-541-2016 Date \_\_\_\_\_

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature \_\_\_\_\_ Date \_\_\_\_\_

HOLDER & SERVER CERTIFICATION: I, Teresa Dahl-Breding (Licensee) hereby certify that this event is not within 300 Ft. of a 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 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.

List of servers including name, server permit # and server expiration date must be attached to permit application. I agree that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.  
Name (print) Little Toad Creek LLC Signature [Signature] Date 9/25/14  
Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION

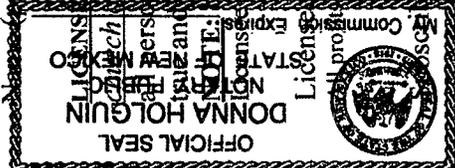
Notary Public Donna Halburn Notary Public Donna Halburn Exp. 3/18/2016  
ed and Sworn before me this 25<sup>th</sup> day of September, 2014

LOCAL GOVERNING BODY APPROVAL

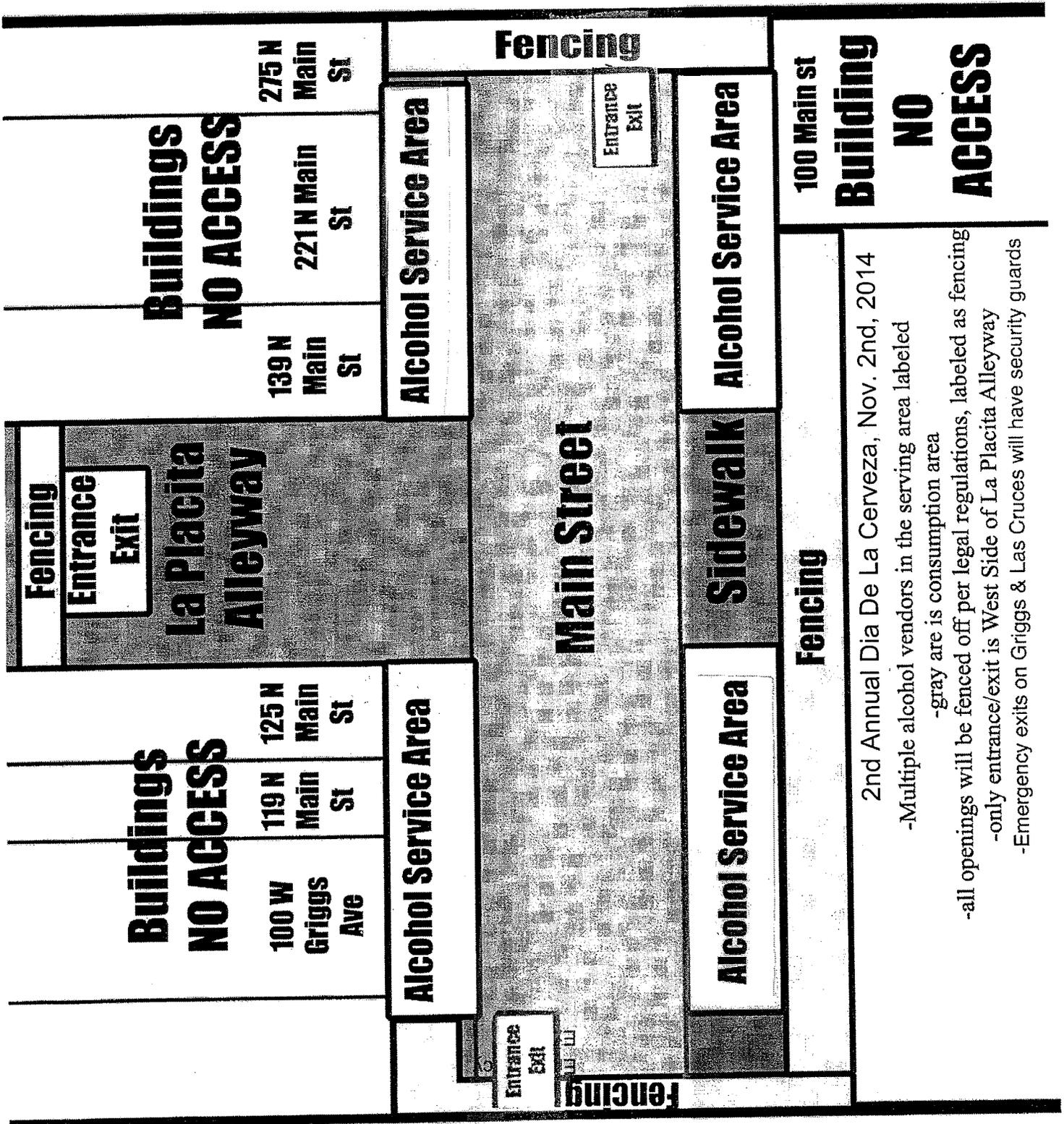
Print Name Robert L. Garza, P.E. Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
Phone 541-2016 Fax 541-2017

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



## Griggs St.

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

**LIST OF ALCOHOL SERVERS**

**LITTLE TOAD CREEK LLC DBA LITTLE TOAD CREEK DISTILLERY**

**LIQUOR LICENSE # 63004**

Server Permit #	Last Name	First Name	SS #	DOB	Hire Date	Terminate	permit expires
49995	Dahl-Bredine	Teresa			1/1/12		12/21/15
268286	Crosley	David			1/1/12		1/25/17
284207	Ivans	Darrell			3/31/13		3/13/18
286535	Miller	Marilyn			5/4/13		5/1/18
286512	Miller	Dennis			5/4/13		5/3/18
284892	Castello	Sam			3/15/13		3/28/18
186475	Damien	Davies			6/15/13		9/15/18
temporary	Castello	Heather			6/10/14		10/15/14
295376	Warnack	Kristen			12/21/14		11/28/16
141315	Tesnow	Nicole			12/21/14		8/20/17