

# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 14

Ordinance/Resolution# 15-068

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

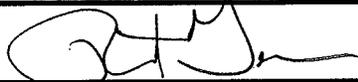
LEGISLATIVE

ADMINISTRATIVE

**TITLE:** A RESOLUTION AUTHORIZING TRACTOR 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.

<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. Tractor Brewing Company from Albuquerque, 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 Tractor 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, Tractor 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 \$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 Tractor 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 Tractor 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 Tractor 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

**RESOLUTION NO. 15-068**

**A RESOLUTION AUTHORIZING TRACTOR 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**, Tractor Brewing Company from Albuquerque, 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 Tractor 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 Tractor 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:

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) Tractor Brewing Company Owner Name Troubled Minds License Number 67033  
Street Address: 1800 4th St NW City, State & Zip ABQ, NM 87102 County Bernalillo  
Phone Number: 505-243-6752 Fax number nicole@getplowed.com

**EVENT INFORMATION:** Celebration type: State Fair County Fair Community Fiesta  Cultural/Artistic Performance

Date(s) of Celebration Nov 2, 2014 Begin Time 12:00PM End Time 5:00PM

Description of Celebration: Dia de la Cerveza -> craft beer, music and local food fest

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

Contact Name & Number Michael Gonzales

Physical Address of Event 200 N. Main St - Main St Las Cruces City Las Cruces County Dona Ana

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration NM Brewers Guild

Contact Name Christopher P. Goblet Title Ex Dir Date Sept 17, 2014 Signature [Signature] OFFICIAL SEAL Phone (505) 662-2987

**LICENSE HOLDER CERTIFICATION:**

I Skye C. Morris-Devore (Licensee) hereby certify that this event is not within 300ft of a church or school unless the beverages were so 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 3/21/14

Subscribed and Sworn To Before Me This 21 day of March, 2014 Notary Public Jennifer Nicole Duke Signature [Signature] Phone 575-541-2076 Exp 1/30/18

**BUILDING OWNER APPROVAL:**

Contact Name (print) Robert L. Garza, P.E. Facility Name Main Street Date [Signature] Signature [Signature] Phone 541-2076

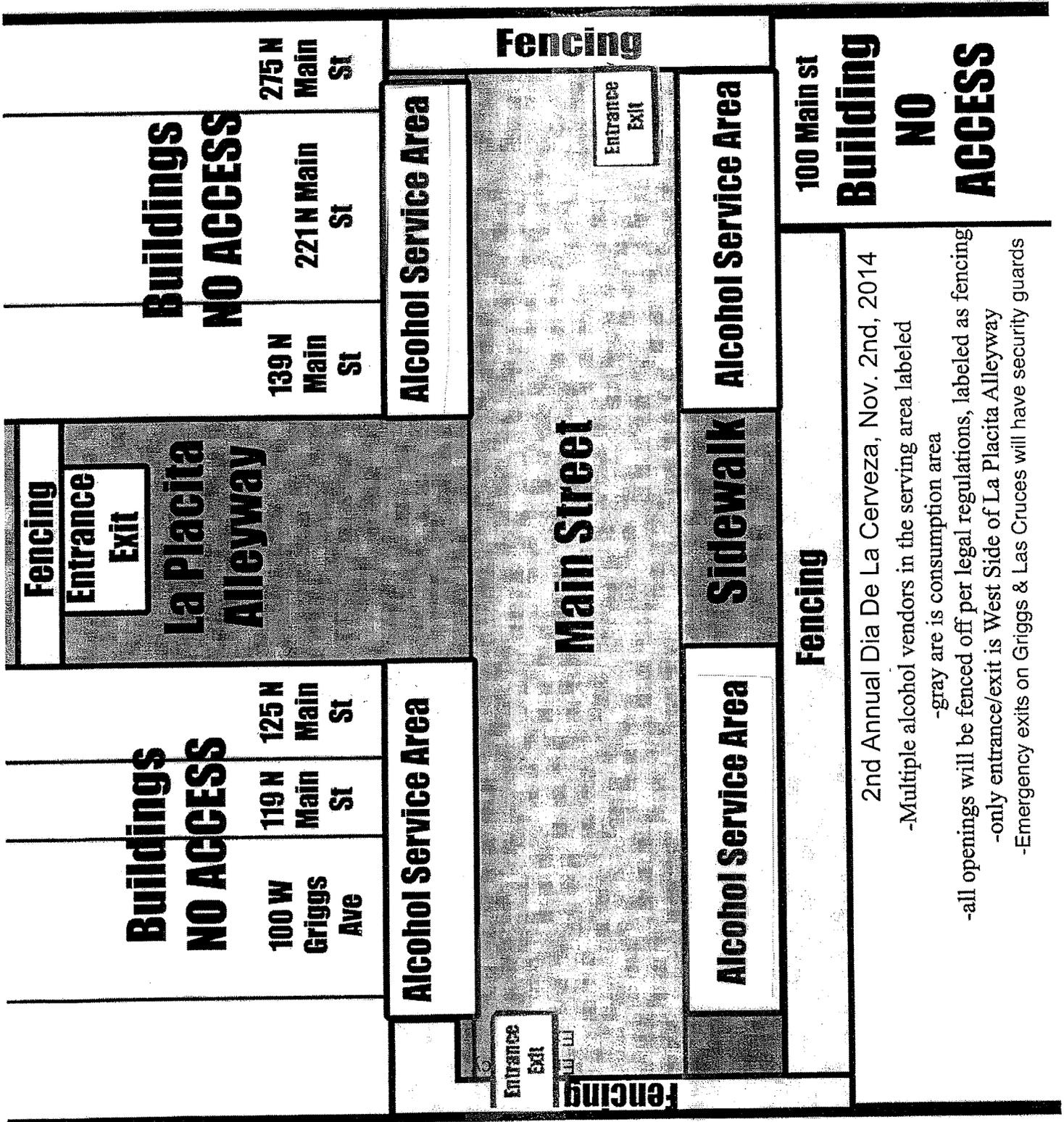
**LOCAL GOVERNING BODY APPROVAL**

Print Name Robert L. Garza, P.E. Title City Manager Date [Signature] Signature [Signature] Phone 575-541-2076 Fax 541-2076

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit Number \_\_\_\_\_  
Page 2 of 2 New Mexico Regulation and Licensing Department Alcohol & Gaming Division Rev. date: 03/2013

# Las Cruces Avenue



- 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

Tractor Brewing Co. 6795

Name	Number	Exp
Skye Morris Devore	102337	10/24/2012
David Hargis	249473	11/10/2015
Joshua Campbell	250121	11/29/2015
Lauren Poole	203735	7/18/2016
Allison Pierce	215141	9/8/2013
David Forster	202011	12/5/2012
Nathan Simpson	178948	3/19/2016
Michaela Maddy	239963	3/16/2015