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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15 Ordinance/Resolution# 15-069

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of October 20, 2014
 (Adoption Date)

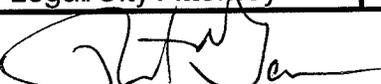
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING TURTLE MOUNTAIN 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. Turtle Mountain Brewing Company from Rio Rancho, 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 Turtle Mountain 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, Turtle Mountain 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 Turtle Mountain 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 Turtle Mountain 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 Turtle Mountain 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. 15-069

A RESOLUTION AUTHORIZING TURTLE MOUNTAIN 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, Turtle Mountain Brewing Company from Rio Rancho, 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 Turtle Mountain 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 Turtle Mountain 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



My commission expires: 11-14-17

**ALCOHOL & GAMING DIVISION
PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER 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) TURTLE MOUNTAIN BREWING Owner Name BREWING COMPANY LLC License Number 6789
Street Address: 905 36th PLACE SE City, State & Zip RIO RANCHO NM County SANDOVAL
Phone Number: 505 994-9497 Fax number 505 994-3989 87124

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

Date(s) of Celebration Dia de la Cerveza, Nov. 2, 2014 Begin Time 12:00 pm End Time 5:00 pm

Description of Celebration: Dia de la Cerveza

Number of Security to be Provided 10 Company Name Security Concepts Number of Guests Expected 1,000

Contact Name & Number Mike Gonzales 705-660-2951

Physical Address of Event Main St. Las Cruces 220 N. Main City Las Cruces County Dona Ana

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

Contact Name Chris Goblet Title _____ Date _____ Signature _____ Phone _____

LICENSE HOLDER CERTIFICATION:

I NICO ORTIZ (Licensee) hereby certify that this event is not within 300ft. 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 ALL information in this application is true and correct. Licensee Signature: _____ Date 9/25/14

Subscribed and Sworn To Before Me This 25th day of Sept, 2014, Notary Public Flor V. Bearden Exp 11-14-17

BUILDING OWNER APPROVAL:

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

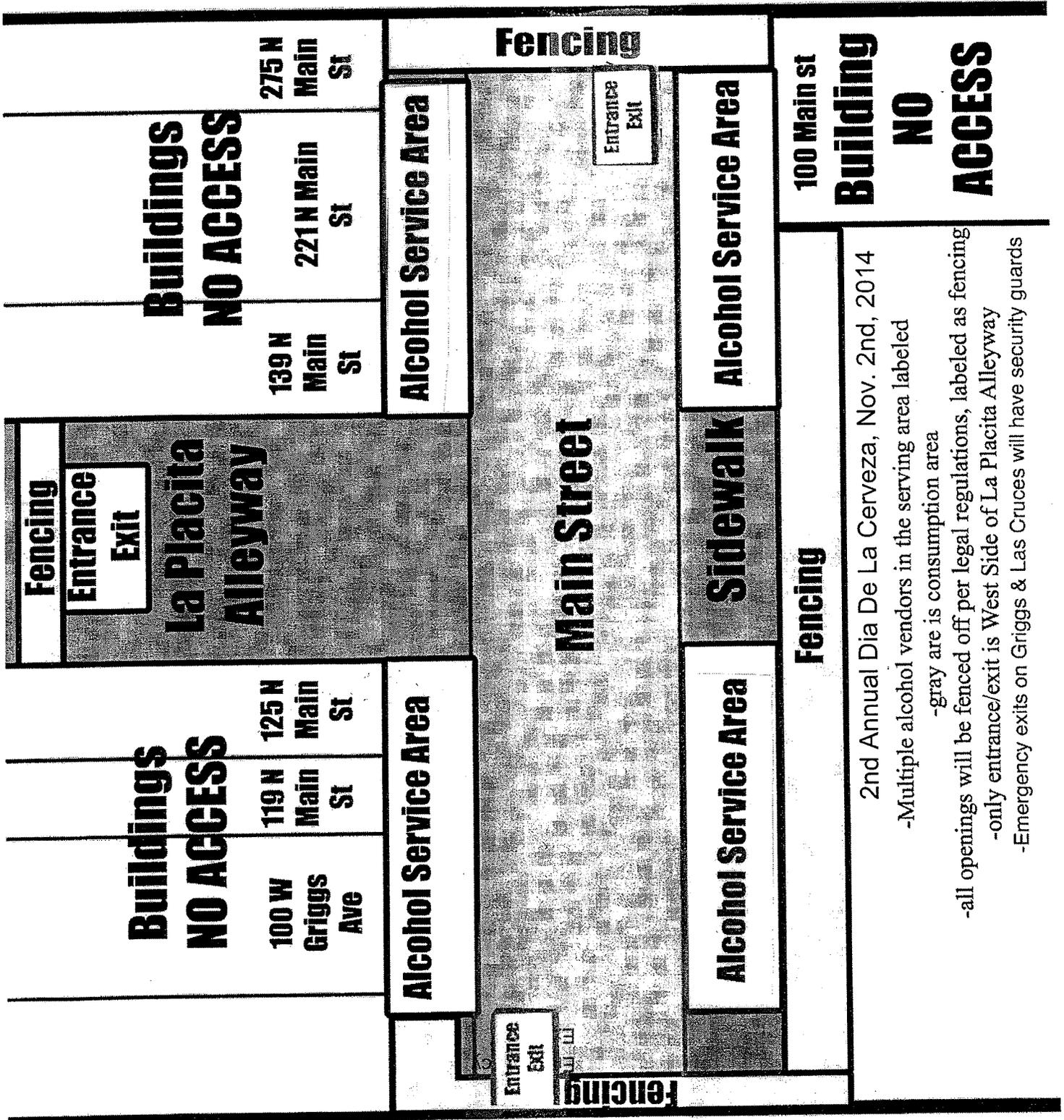
LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____ Phone 541-2076 Fax 541-2017

Alcohol and Gaming Division Use Only

Approved By: _____ Date: _____ Permit Number _____

Las Cruces Avenue



100 Main st
Building
NO
ACCESS

Fencing

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.

Turtle Mountain Brewing Company Festival Servers List

	<u>Name</u>	<u>Server #</u>	<u>Expiration Date</u>
<u>1.</u>	Nico Ortiz	66096	05/16/2014
<u>2.</u>	Mark Matheson	21451	04/16/2015
<u>3.</u>	William Krostag	68313	04/04/2014
<u>4.</u>	Shannon Hormel	187015	09/17/2016
<u>5.</u>	Marco Garcia	185918	08/24/2016