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

**Council Action and Executive Summary**

Item # 7                      Ordinance/Resolution# 15-101

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

For Meeting of December 1, 2014  
 (Adoption Date)

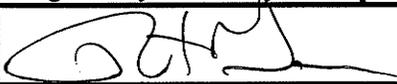
Please check box that applies to this item:

QUASI JUDICIAL                       LEGISLATIVE                       ADMINISTRATIVE

**TITLE:** A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA AT THE 1<sup>ST</sup> ANNUAL LAS CRUCES CHILE DROP TO BE HELD ON MAIN STREET ON DECEMBER 31, 2014.

**PURPOSE(S) OF ACTION:**

To authorize a permitting process to continue.

<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:**

Project Mainstreet is the sponsor of the 1<sup>st</sup> Annual Las Cruces Chile Drop to be held on December 31, 2014 on Main Street, generally between Las Cruces Avenue and Griggs Avenue. High Desert Brewing Company 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 High Desert Brewing Company to sell beer within the restricted and secured area between 7:00 p.m. and 1:00 a.m. on December 31, 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, High Desert Brewing Company.
3. Attachment "1", Map showing the restricted and secured area for beer service during the event.
4. Attachment "2", List of servers.

**SOURCE OF FUNDING:**

N/A	<b>Is this action already budgeted?</b>	
	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
		See fund summary below
		If No, then check one below:
		Expense reallocated from: _____
		Proposed funding is from a new revenue source (i.e. grant; see details below)
		Proposed funding is from fund balance in the _____ Fund.
<b>Does this action create any revenue?</b>	Yes	<input checked="" type="checkbox"/>
	No	<input 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> .	
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 High Desert Brewing Company, within a restricted and secured area on Main Street, generally between Las Cruces Avenue and Griggs Avenue during the 1<sup>st</sup> Annual Las Cruces Chile Drop on December 31, 2014. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that High Desert Brewing Company may not serve beer during the event on December 31, 2014. The Alcohol and Gaming Director may issue the Public

(Continue on additional sheets as required)

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.
4. Vote to "Table"; this could result in no beer being sold by High Desert Brewing Company at the event.

**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. 15-101**

**A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA AT THE 1<sup>ST</sup> ANNUAL LAS CRUCES CHILE DROP TO BE HELD ON MAIN STREET ON DECEMBER 31, 2014.**

The City Council is informed that:

**WHEREAS**, Project Mainstreet is the sponsor of the 1st Annual Las Cruces Chile Drop to be held on December 31, 2014; and

**WHEREAS**, High Desert Brewing Company has requested 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 High Desert Brewing Company to sell beer for consumption within a restricted and secured area during the event; 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** High Desert 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 between 7:00 p.m. and 1:00 a.m. on December 31, 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:

*Deputy*  
\_\_\_\_\_  
City Attorney

ALCOHOL & GAMING DIVISION  
PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS  
(60-6A-II / 60-6A-26.1 NMSA)

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

LICENSE HOLDER INFORMATION:

Business Name (DBA) High Desert Brewing Company Owner Name High Desert Brewing Co., Inc. Liquor License # 6801  
Mailing Address 1201 W Hadley Avenue City, State & Zip Las Cruces, NM 88005  
Contact Telephone # 575-525-6752 Fax # 575-647-8033 Email Address hdhc.lcnm@gmail.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 \_\_\_\_\_ End Time \_\_\_\_\_  
Description and Name of Event St Annual LC ChileSnap Date(s) of Event 12/31/2014 Alcohol Service Begin Time 7:00 PM End Time 1:00 AM  
Physical Address of Event & Name of Building or Business Main Street Between Spriggs & Las Cruces Number of Persons expected to Drink 1,000  
Description of Security Security Concepts Number of Security 25 Security Contact Name Mike Gonzalez Contact Telephone # 575-526-4151

SPONSOR INFORMATION

Sponsor of Event Project Mainstreet Contact Name Aquino Mosley Contact Telephone # 575-644-0268

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature \_\_\_\_\_ Telephone # 575-541-2016 Date \_\_\_\_\_  
City Manager

LICENSE HOLDER & SERVER CERTIFICATION: I, Donna L Almarez (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) Donna L Almarez Signature Donna L Almarez Date 12/30/2014  
All profits derived from the sale of liquor will go only to the licensee.



NOTARY INFORMATION

Only the owner or authorized person under this license may sign this permit application.  
Subscribed and Sworn before me this 12 day of NOVEMBER 20 14 Notary Public Rosay Ruiz

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
575-541-2016 Phone 575-541-2016 Fax 575-541-2017

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



July 1, 2014-June 30, 2015

LIQUOR LICENSE NUMBER	OWNER NAME	DBA NAME					
6801	High Desert Brewing Company	High Desert Brewing Company					
Server Permit #	Last Name	First Name	SS#	DOB	HIRE DATE	TERMINATION DATE	SERVER EXPIRATION DATE
32589	Gosselin	Robert			1/13/1994	N/A	6/8/2016
43172	Schack	Eric			7/20/2001	N/A	10/17/2017
49454	Almarez	Donna			1/1/1997	N/A	6/1/2018
91307	Romero	Rudy			1/16/2010	N/A	5/11/2016
92623	Costilow	Amber			5/3/2003	N/A	12/20/2015
153396	Hauptmann	Benjamin			10/10/2003	N/A	Retest 7/10/2014-90%
162289	Costilow	Raven			6/5/2006	N/A	2/5/2015
181875	Cepeda	Cory			4/11/2013	N/A	6/25/2016
194355	Lowther	Coy			1/10/2014	N/A	7/28/2017
196600	Penate, Jr	Antonio			6/9/2014	8/6/2014	10/24/2017
201850	Tutor	Tabitha			3/28/2012	8/13/2014	6/22/2016
211210	Lowther	Matthew			4/21/2008	N/A	7/20/2016
213777	Costilow	Lianne			8/17/2005	N/A	8/19/2016
215329	Williams	Nathaniel			7/18/2010	N/A	10/16/2016
222454	Burns	Daniel			8/4/2014	N/A	10/30/2016
223584	Morin	Daniel			11/7/2007	N/A	2/26/2017
224282	Merle	Monett			8/2/2012	N/A	Retest 3/19/2014-95%
230468	Obregon	Andres			6/1/2001	N/A	Retest 10/17/2014-96%
243855	Cooper	Kelt			9/8/2014	N/A	11/7/2016
253231	Radtke	Michael			11/1/2010	N/A	1/12/2016
258148	Hite	Maria			5/29/2013	N/A	5/14/2016
258151	Knab	Abigail			9/2/2011	7/20/2014	5/14/2016
278399	Arrieta	Jonathan			6/5/2012	7/20/2014	9/15/2017
280753	Vera	Elizabeth			9/5/2014	N/A	11/26/2017
282292	Taylor	Morgan			5/3/2014	N/A	1/16/2018
	DiLorenzo	Britnee			9/4/2014	N/A	Test-8/20/2014-90%
93042	Kindrick	Lawrence			Special Events	Special Events	5/2/2017
238398	Kamat	Satish			Special Events	Special Events	1/11/2015
241940	Denton	Drew			Special Events	Special Events	5/7/2015
	Rios	Robert			Special Events	Special Events	Test-04/01/2014-92%