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

**Council Action and Executive Summary**

Item # 2      Ordinance/Resolution# 15-144

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

For Meeting of February 17, 2015  
 (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 ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA FOR AN EVENT AT THE MUSEUM OF NATURE & SCIENCE, 411 NORTH MAIN STREET, TO BE HELD ON FRIDAY, FEBRUARY 27, 2015.

**PURPOSE(S) OF ACTION:**

Authorize continuation of 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 Foundation for Las Cruces Museums ("The Foundation") is sponsoring an event called "Birds, Bees and Brew" on Friday, February 27, 2015 from 6:00 p.m. to 9:00 p.m. at the Museum of Nature & Science ("MoNaS") located at 411 North Main Street. The event is for adults 21 and over and will feature discussion with MoNaS staff and experts from New Mexico State University about animal courting rituals. The Foundation would like High Desert Brewing Company to offer beer for sale and consumption at 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 a restricted and secured area between 6:00 p.m. and 8:30 p.m. on Friday, February 27, 2015.

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 of event location at MoNaS.
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: 1015-10180020-520002 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
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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 beer being sold for consumption within a restricted and secured area at the Museum of Nature & Science, 411 North Main Street, during an event on Friday, February 27, 2015, from 6:00 p.m. to 8:30 p.m. Approval will allow Alcohol and Gaming to continue with the permit process.
2. Vote "No"; this will mean that no beer at the event. The Alcohol and Gaming Director may issue the Public Celebration Permit provided that the City Council has given written approval for the permit process to continue.

(Continue on additional sheets as required)

3. Vote to "Amend"; this could include such items as 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 during the event.

**REFERENCE INFORMATION:**

The resolution(s) or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

**RESOLUTION NO. 15-144**

**A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA FOR AN EVENT AT THE MUSEUM OF NATURE & SCIENCE, 411 NORTH MAIN STREET, TO BE HELD ON FRIDAY, FEBRUARY 27, 2015.**

The City Council is informed that:

**WHEREAS**, The Foundation for Las Cruces Museums is sponsoring an event called "Birds, Bees and Brew" at the Museum of Nature & Science ("MoNaS"), 411 North Main Street, on Friday, February 27, 2015; and

**WHEREAS**, High Desert Brewing Company 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 High Desert Brewing Company to sell beer for consumption within a restricted and secured area at MoNaS 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 at the Museum of Nature & Science, 411 North Main Street, between 6:00 p.m. and 8:30 p.m. on Friday, February 27, 2015.

(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) 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 Community Fiesta Cultural/Artistic Performance Athletic

Circle those that apply -- All Age Event / Wrist Bands and/or Stamps -- Beer Garden - (Indoor) / Outdoor Event Begin Time 6:00 AM End Time 9:00 PM  
THE BIRDS THE BEES AND THE BEES Date(s) of Event FEB 27, 2015 Alcohol Service Begin Time 6:00 PM End Time 8:30 PM  
Physical Address of Event & Name of Building or Business 411 N. MAIN ST. MUSEUM OF NATURE & SCIENCE Number of Persons expected to Drink 50  
Description of Security LAS CRUCES SECURITY Number of Security 2 Security Contact Name PETE HAMPTON Contact Telephone # 526-1294-

SPONSOR INFORMATION

Sponsor of Event FOUNDATION FOR LAS CRUCES MUSEUMS Contact Name MICHAEL WEISS Contact Telephone # 575-202-9971

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature \_\_\_\_\_ Telephone # 575-511-2076 Date \_\_\_\_\_

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 23 Jan 2015  
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized representative of the licensee may sign the permit.

NOTARY INFORMATION

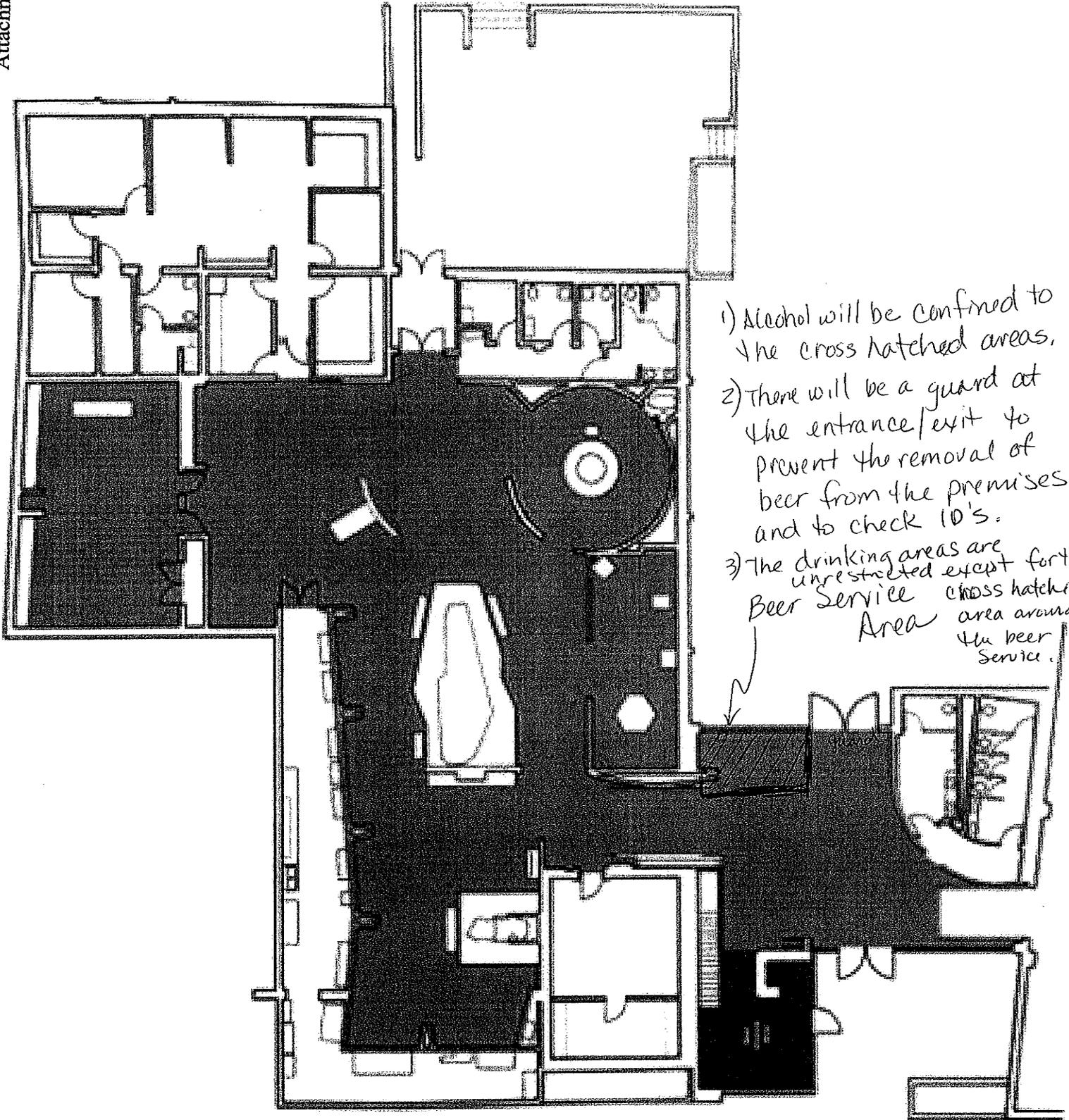
Subscribed and Sworn before me this 23 day of January, 2015 Notary Public's Signature Date 23 Jan 2015  
My commission expires 1/6/2016 Exp. 1/6/2016

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Signature \_\_\_\_\_ Date \_\_\_\_\_  
Phone 575-541-2076 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 \_\_\_\_\_



- 1) Alcohol will be confined to the cross hatched areas.
- 2) There will be a guard at the entrance/exit to prevent the removal of beer from the premises and to check ID's.
- 3) The drinking areas are unrestricted except for Beer Service cross hatched Area area around the beer service.

411 N MAIN ST  
Museum of Nature  
and Science

July 1, 2014~June 30, 2015

LIQUOR LICENSE NUMBER 6801		OWNER NAME High Desert Brewing Company		DBA NAME 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	Costlow	Amber			5/3/2003	N/A	12/20/2015
153396	Hauptmann	Benjamin			10/10/2003	N/A	Retest 7/10/2014-90%
162289	Costlow	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	Costlow	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%
49696	Whitman	Christopher			Special Events	Special Events	10/8/2014
93042	Kindrick	Lawrence			Special Events	Special Events	5/2/2017
158769	Frary	Susan			Special Events	Special Events	10/13/2015
236149	Kindrick	Jill			Special Events	Special Events	10/29/2014