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

**Council Action and Executive Summary**

Item # 5 Ordinance/Resolution# 15-173

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

For Meeting of April 6, 2015  
 (Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE: A RESOLUTION AUTHORIZING LA CUMBRE BREWING CO. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING THE 3<sup>RD</sup> ANNUAL BLAZIN' BREWFEST TO BE HELD ON MAIN STREET ON SATURDAY, MAY 2, 2015 FROM 4:00 P.M. TO 10:00 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 will sponsor the 3<sup>rd</sup> Annual Blazin' Brewfest, a beer festival to be held on Main Street, Saturday, May 2, 2015. La Cumbre Brewing Co. 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 La Cumbre Brewing Co. to sell beer within the restricted and secured area between 4:00 p.m. and 9:00 p.m. on May 2, 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.

**SUPPORT INFORMATION:**

1. Resolution.

(Continue on additional sheets as required)

2. Exhibit "A", Public Celebration Permit Application, La Cumbre Brewing Co.
3. Attachment "1", Map of alcoholic beverages service areas.
4. Attachment "2", Map of Brewfest area.
5. Attachment "3", List of servers for La Cumbre Brewing Co.

**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 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 the sale of beer for consumption by La Cumbre Brewing Co., within a restricted and secured area during the 3<sup>rd</sup> Annual Blazin' Brewfest on Main Street on May 2, 2015. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that La Cumbre Brewing Co. may not serve beer during Blazin' Brewfest on May 2, 2015. 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 La Cumbre Brewing Co. during the 3<sup>rd</sup> Annual Blazin' Brewfest.

**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.

(Continue on additional sheets as required)

**RESOLUTION NO. 15-173**

**A RESOLUTION AUTHORIZING LA CUMBRE BREWING CO. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING THE 3<sup>RD</sup> ANNUAL BLAZIN' BREWFEST TO BE HELD ON MAIN STREET ON SATURDAY, MAY 2, 2015 FROM 4:00 P.M. TO 10:00 P.M.**

The City Council is informed that:

**WHEREAS**, the New Mexico Brewers Guild is sponsoring the 3<sup>rd</sup> Annual Blazin' Brewfest, a beer festival to be held on Saturday, May 2, 2015; and

**WHEREAS**, La Cumbre Brewing Co. 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 La Cumbre Brewing Co. to sell beer for consumption within a restricted and secured area during the 3<sup>rd</sup> Annual Blazin' Brewfest; 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** La Cumbre Brewing Co. 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 4:00 p.m. and 9:00 p.m. on Saturday, May 2, 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) La Cumbre Brewing Co. Owner Name Jeffrey Flury Liquor License # 67048  
Mailing Address 3313 Girard Blvd. NE City, State & Zip Albuquerque, NM 87107  
Contact Telephone # 505-877-0222 Fax # \_\_\_\_\_ Email Address e.jefe@cumbrebrewing.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 4:00 End Time 10:00  
Description and Name of Event Blazing Brewfest Date(s) of Event May 2, 2015 Alcohol Service Begin Time 4:00 End Time 9:00  
Physical Address of Event & Name of Building or Business 200 Main St. Las Cruces NM Number of Persons expected to Drink 1,000  
Description of Security Security Concepts Number of Security 10 Security Contact Name Mike Gonzalez Contact Telephone # \_\_\_\_\_

SPONSOR INFORMATION

Sponsor of Event New Mexico Brews Guild Contact Name Christopher Gabel Contact Telephone # (505) 662-2151

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature \_\_\_\_\_ Telephone # 515-541-2076 Date \_\_\_\_\_  
City Manager

CENSE HOLDER & SERVER CERTIFICATION: I, Jeffrey S. Flury (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  
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) Jeffrey S. Flury Signature \_\_\_\_\_ Date 3/14/15  
Profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

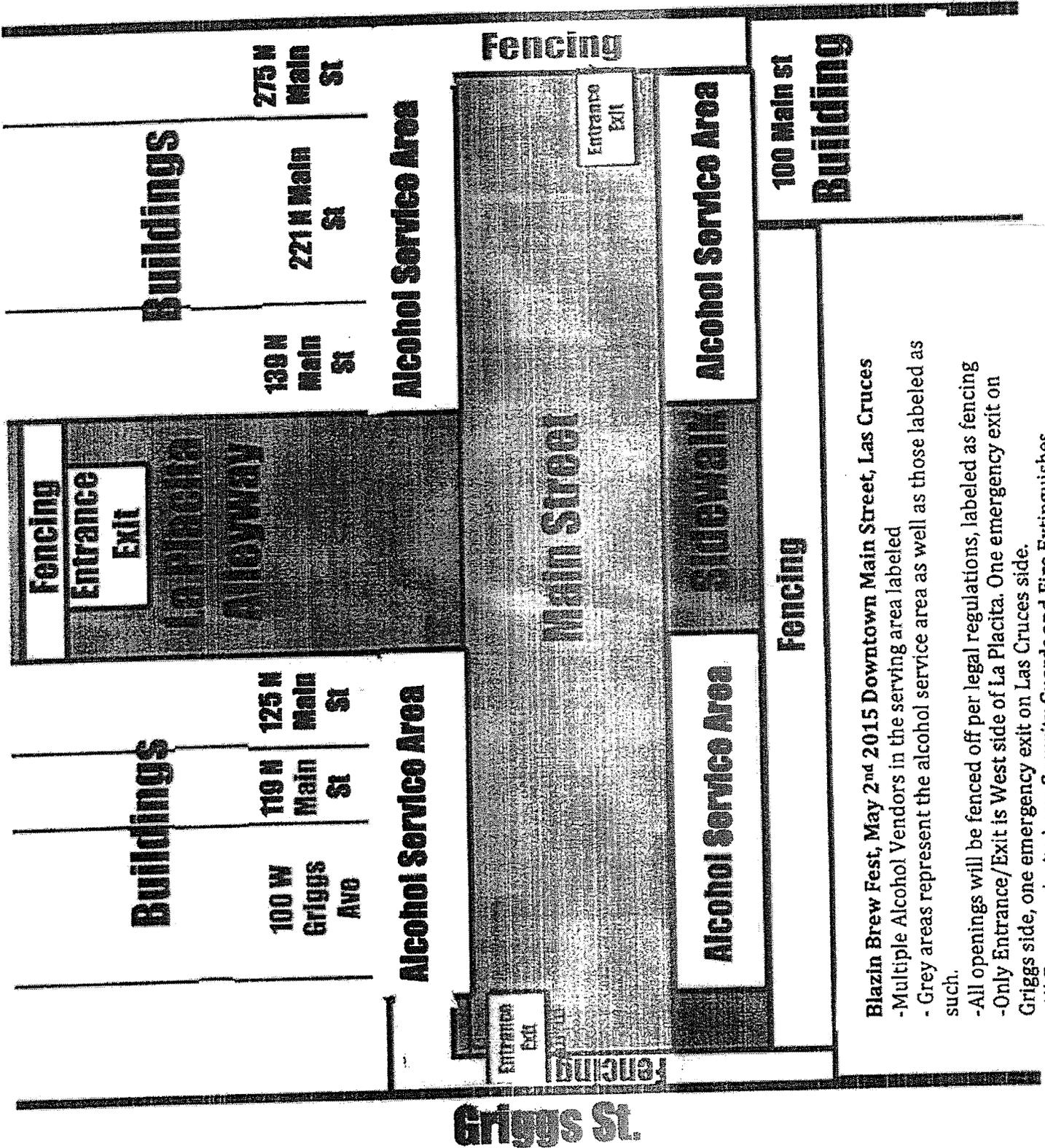
Notary Name (print) Jeffrey S. Flury Signature \_\_\_\_\_ Date 3/14/15  
Subscribed and Sworn before me this 14 day of March, 2015 Notary Public  
Exp 8/27/2018  
LOCAL GOVERNING BODY APPROVAL \_\_\_\_\_  
Signature \_\_\_\_\_ Phone 541-2076 Fax 541-2017

Notary Name Robert L. Garza, P.E. Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
Permit Number \_\_\_\_\_

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



- Blazin Brew Fest, May 2nd 2015 Downtown Main Street, Las Cruces
- Multiple Alcohol Vendors in the serving area labeled
  - Grey areas represent the alcohol service area as well as those labeled as such.
  - All openings will be fenced off per legal regulations, labeled as fencing
  - Only Entrance/Exit is West side of La Placita. One emergency exit on Griggs side, one emergency exit on Las Cruces side.
  - All Entrance/exits have Security Guards and Fire Extinguishers.



Blazin Brewfest May 2nd, 2015

## List of Alcohol Servers

Liquor License Number: 6811

Owner Name: Jeffrey S. Erway

Server Permit #	Last Name	First Name	Permit Expiration Date
179730	Lucero	Geraldine	04/19/16
85923	Cornett	Paul	08/31/16
260914	Zerbe	Nathan	07/14/16
249402	Nauman	Leah	11/09/15
148769	Lovato	Tamara	01/04/17