

65
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 6

Ordinance/Resolution# 15-174

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of April 6, 2015
 (Adoption Date)

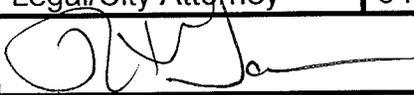
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING DE LA VEGA'S PECAN GRILL & BREWERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING THE 3RD 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.

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 will sponsor the 3rd Annual Blazin' Brewfest, a beer festival to be held on Main Street, Saturday, May 2, 2015. De La Vega's Pecan Grill & Brewery 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 De La Vega's Pecan Grill & Brewery 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, De La Vega's Pecan Grill and Brewery.
3. Attachment "1", Map of alcoholic beverages service areas.
4. Attachment "2", Map of Brewfest area.
5. Attachment "3", List of servers for De La Vega's Pecan Grill and Brewery.

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 De La Vega's Pecan Grill & Brewery, within a restricted and secured area during the 3rd 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 De La Vega's Pecan Grill & Brewery 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 De La Vega's Pecan Grill & Brewery during the 3rd 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.

RESOLUTION NO. 15-174

A RESOLUTION AUTHORIZING DE LA VEGA'S PECAN GRILL & BREWERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING THE 3RD 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 3rd Annual Blazin' Brewfest, a beer festival to be held on Saturday, May 2, 2015; and

WHEREAS, De La Vega's Pecan Grill & Brewery 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 De La Vega's Pecan Grill & Brewery to sell beer for consumption within a restricted and secured area during the 3rd 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 De La Vega's Pecan Grill & Brewery 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) De la Vega's PeanGell & Brewery Liquor License # 67023
Billing Address 500 S. HISHOR City, State & Zip Las Cruces, NM 88011
Contact Telephone # 505-239-3252 Fax # 515-521-2088 Email Address Ashley@peanGell.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 88001 Number of Persons expected to Drink 1,000
Description of Security Security Guards Number of Security 10 Security Contact Name Mike Gonzalez Contact Telephone # 575-642-1555

SPONSOR INFORMATION

Sponsor of Event New Mexico BrewinGublet Contact Name Christophe Gublet Contact Telephone # (505) 662-2151

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature _____ Telephone # 575-541-2076 Date _____
City Manager

LICENSE HOLDER & SERVER CERTIFICATION: I, TOM SPRINGER (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) TOM SPRINGER Signature _____ My Commission Expires: _____
Profits derived from the sale of liquor will go only to the licensee.

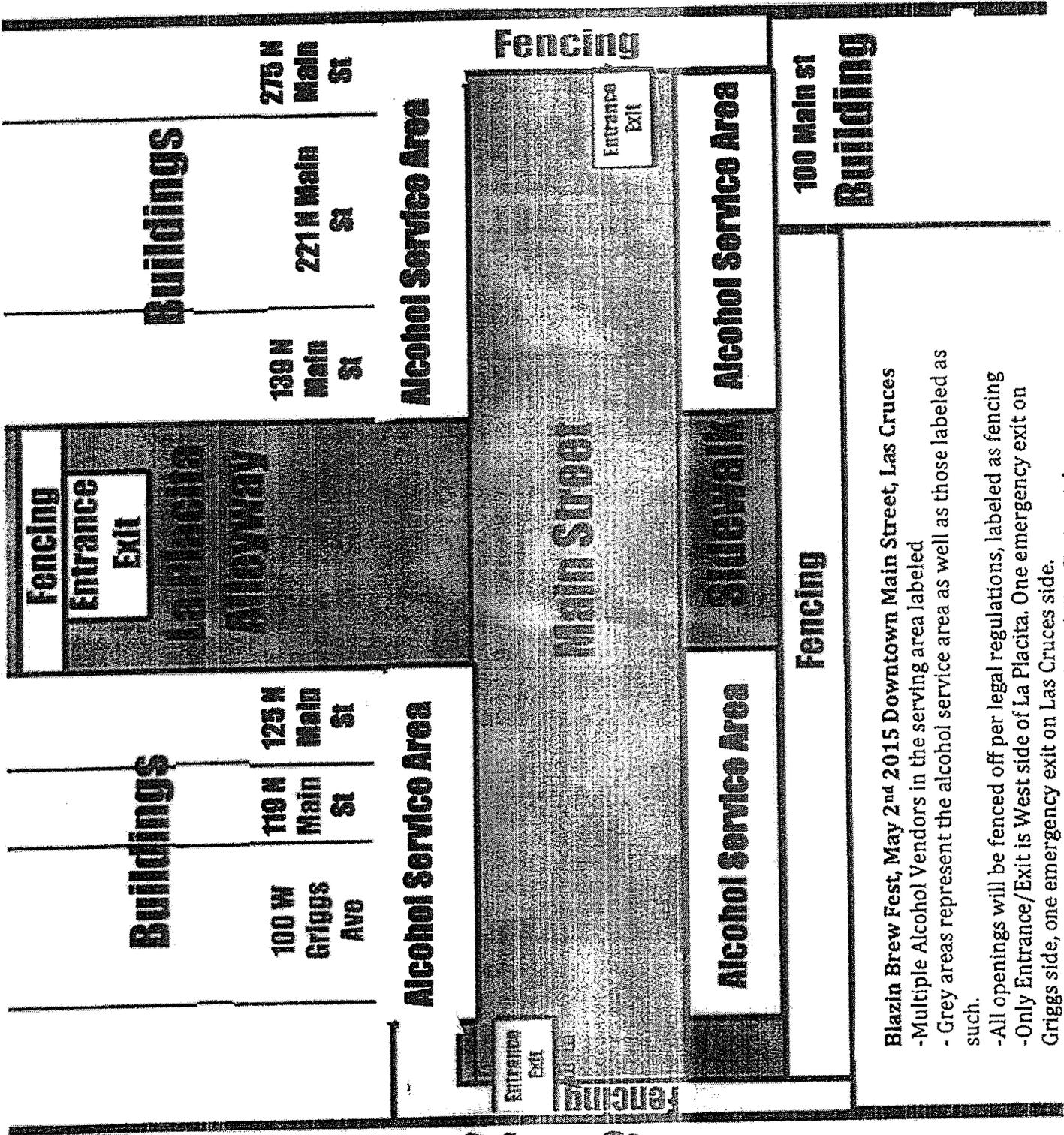
Notary Name (print) DAWN A. COCKSEY Signature _____
Notary Public Dawn A. Cocksey Exp. 11/17/2016

Observed and Sworn before me this 23rd day of February, 2015 Notary Public Robert L. Garza, P.E. Signature _____
Date _____ Phone 541-2076 Fax 541-2017

LOCAL GOVERNING BODY APPROVAL
Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
Permit Number _____

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: _____ Date _____
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

	First Name	Last name	Permit #	Expiration date
	Nicholas	Baca	289244	7/1/2016
Temporar	Catherine	Bauer		2/22/2020?
	Colton	Brown	296313	1/4/2017
	Maranda	Brown	262035	10/27/2016
	Fabiola	Caskie	239922	3/15/2015
	Jose	Cerna	274913	6/25/2015
	James	Cordova	240146	2/11/2017
	George	Dougherty	295430	12/2/2016
	Dani-Adam	Duarte	278195	9/12/2017
	Luke	Dumke	268082	1/21/2017
	Angel	Galvan	282652	1/5/2018
Temporar	Luis	Garcia		12/19/2019?
	Shauni	Gibson	270918	3/31/2017
	Julian	Gonzales	175469	5/9/2017
	Uriel	Guerrero	295567	12/5/2016
	Michael	Justesen	259550	6/11/2016
	Brooke	Kay	276950	8/8/2017
Temporar	Andrew	Kern		3/2/2020
	Ira	Kubowski	242785	6/4/2015
	Alexandria	Lynch	243413	6/21/2015
	Andrew	Martinez	219044	7/7/2017
	Kara	Mcelheny	243620	6/25/2015
Renewal	Thomas	Mondragon		12/9/2019
Renewal	Daniel	Neal		11/17/2019
	William	Norris	177239	2/1/2016
	Tara	Perriguy	298446	3/1/2017
	Chris	Rambicure	196862	7/11/2017
Temporar	Ryan	Riddle		8/24/14?
	Bradley	Roof	246308	6/20/2015
Renewal	Ashley	Ruiz		12/11/2019
Temporar	Alixandria	Savilla		3/6/2019
	Charles	Schero	284643	3/25/2018
	Heather	Singleton	188910	2/1/2017
	Daleska	Siroki	256010	5/20/2016
	Jesse	Solomon	87668	4/20/2016
	Ashley	Springer	221801	9/12/2016
Temporar	Thomas	Springer		9/29/2019?
Temporar	Shae	Stephens		10/28/2019?
Temporar	Tiana	Struble		2/21/19?
	Isamael	Vela	192906	1/31/2017
	Jenna	Walkey	184785	7/27/2016
	Brianna	Wilson	288496	6/1/2018