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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 15-176

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 LITTLE TOAD CREEK 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. Little Toad Creek 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 Little Toad Creek 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, Little Toad Creek Brewery.
3. Attachment "1", Map of alcoholic beverages service areas.
4. Attachment "2", Map of Brewfest area.
5. Attachment "3", List of servers for Little Toad Creek Brewery.

SOURCE OF FUNDING:

N/A	Is this action already budgeted?		
	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 Little Toad Creek 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 Little Toad Creek 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 Little Toad Creek 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. 15-176

A RESOLUTION AUTHORIZING LITTLE TOAD CREEK 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, Little Toad Creek 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 Little Toad Creek 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 Little Toad Creek 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)

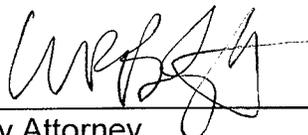
VOTE:

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**

(60-64-11/60-64-26.1 NMSA)

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

LICENSE HOLDER INFORMATION:

Business Name (DBA) Little Toad Creek Brewery Owner Name Little Toad Creek LLC Liquor License # 67021
Billing Address HC 68 Box 134 City, State & Zip Silver City NM 88061
Contact Telephone # 575-536-9649 Fax # _____ Email Address terese@littletoadcreek.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 - Outdoor Event Begin Time 4:00 End Time 10:00
Description and Name of Event BLAZING Breakfast 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 CAYAS 54001 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 Small Guild Contact Name Christophe Gabel 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, _____ (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.

Sensee Name (print) Teresa Dahl-Bredie Signature _____ Date _____
Profits derived from the sale of liquor will go only to the licensee.



My commission expires: 2/19/15 u/espas

NOTARY INFORMATION

Subscribed and Sworn before me this 19th day of February, 2015 Notary Public Steve M. Madrid Exp. u/espas

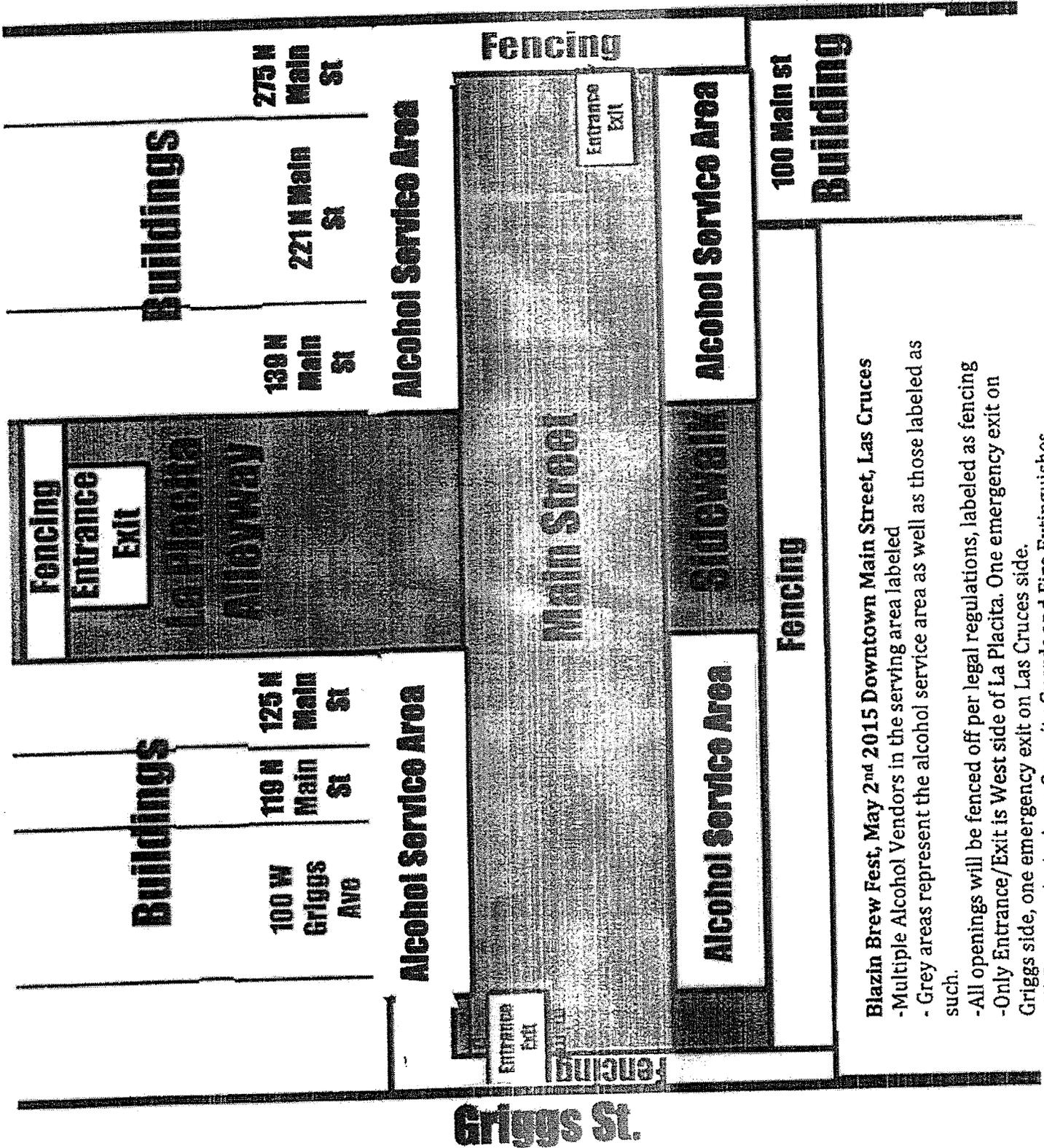
LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
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 _____

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 # 67021

LITTLE TOAD CREEK LLC

DBA LITTLE TOAD CREEK BREWERY

Server Permit #	Last Name	First Name	SS #	DOB	Hire Date	Terminate	permit expires
49995	Dahl-Bredline	Teresa		/75	1/1/12		12/21/15
268286	Crosley	David		/74	1/1/12		1/25/17
272241	Jamison	Esther		/79	7/5/12		4/30/17
284892	Castello	Sam		/75	3/15/13		3/28/18
186475	Damien	Davies		/78	6/15/13		9/15/18