



## Council Action and Executive Summary

Item # 10 Ordinance/Resolution# 15-178

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 MARBLE BREWERY 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. Marble 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 Marble 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, Marble Brewery.
3. Attachment "1", Map of alcoholic beverages service areas.
4. Attachment "2", Map of Brewfest area.
5. Attachment "3", List of servers for Marble 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
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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 Marble Brewery 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 Marble 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.
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.

(Continue on additional sheets as required)

4. Vote to "Table"; this could result in no beer being sold by Marble Brewery 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.

**RESOLUTION NO. 15-178**

**A RESOLUTION AUTHORIZING MARBLE BREWERY 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**, Marble 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 Marble Brewery 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** Marble 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) Marble Brewery Owner Name Marble Brewery Liquor License # 6799  
Billing Address 111 Marble Ave City, State & Zip Abiquiu, NM  
Contact Telephone # 505-243-2839 Fax # \_\_\_\_\_ Email Address \_\_\_\_\_

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 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 Alamos, NM Number of Persons expected to Drink 1,000  
Description of Security Security Carcops Number of Security 10 Security Contact Name Mike Gonzalez Contact Telephone # \_\_\_\_\_

SPONSOR INFORMATION

Sponsor of Event New Mexico State's Great Contact Name Christopher Lindt Contact Telephone # (505) 660-2715

BUILDING/PROPERTY OWNER APPROVAL

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

CENSE HOLDER & SERVER CERTIFICATION: I, Theodore Rice (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) Theodore Rice Signature \_\_\_\_\_ Date 3-11-15  
profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

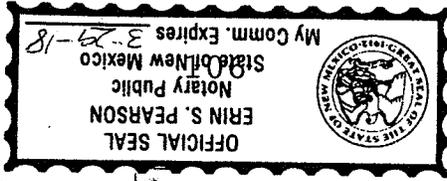
Only the owner or authorized person under this license may sign the permit.  
Subscribed and Sworn before me this 11<sup>th</sup> day of March, 2015 Notary Public [Signature] Exp. 3-29-18

LOCAL GOVERNING BODY APPROVAL

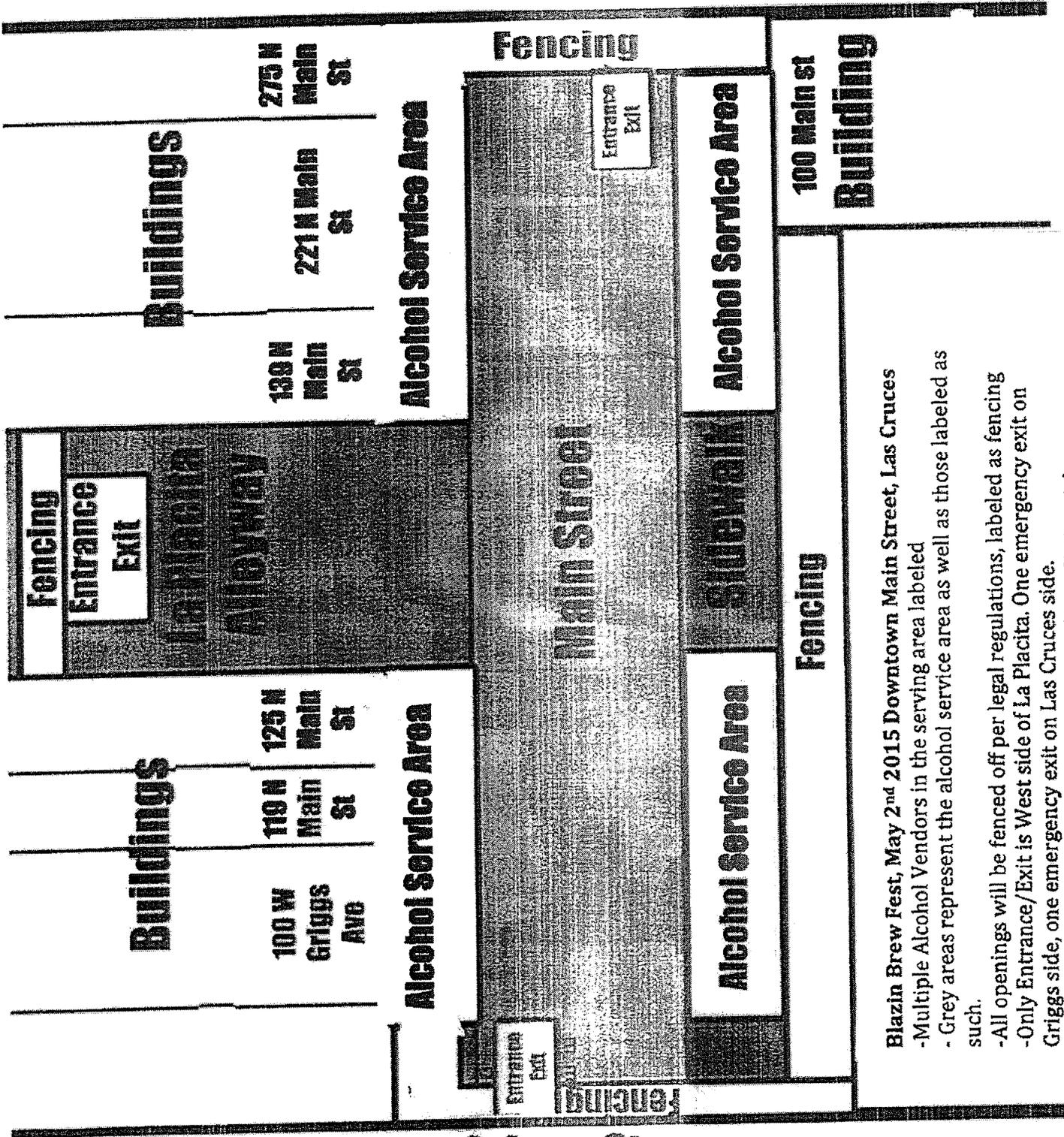
Print Name Robert L. Garza, P.E. Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
Phone 541-2076 Fax 541-2017

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

MARBLE BREWERY INC  
Directory

First Name	Last Name	Mobile	Email	Birthdate	Hire Date	Server Permit #
1 Aaron	Moore				05/12/14	64038
2 Adam	Doezema				11/14/14	285396
3 Adam	Galarneau				11/13/13	43688
4 Amber	Byars				06/11/13	268037
5 Amberley	Pyles				03/12/12	276310
6 Andrew	Krosche				02/07/12	261110
7 Anna	Kornke				05/25/11	262582
8 Annie	Reynolds				06/01/14	NEED COPY
9 Ashley	Rowe				07/19/13	158841
10 Barbara	Gonzalez				03/05/13	113517
11 Bob	Gonzales				09/06/13	264547
12 Corey	Mansfield				10/12/14	205653
13 Courtney	Bell				04/09/10	142316
14 Dana	Serio				08/19/14	202893
15 Daniel	Gonzales				03/15/14	297370
16 Daniel	Grissom				07/12/12	275797
17 Daniel	Mundschaue				04/19/09	268/289
18 Daniel	Ortiz				01/17/14	223956
19 Danny Ray	Ferguson				06/06/13	N/A
20 Douglas	Osborn				05/01/14	70345
21 Edward	Montano				05/19/14	N/A
22 Eliza	Lutz				05/08/14	NEED COPY
23 Elliott	Padilla				11/13/14	N/A
24 Elvira	Guillen-Garcia				06/20/13	N/A
25 Elyse	Cushman				12/26/14	258972
26 Gabriel	Aguiar-Tafoya				11/14/14	293419
27 Hayden	Lammons				09/03/14	N/A
28 Jesse	Brundige				05/01/14	88585
29 Joshua	Trujillo				11/03/08	225375
30 Karlee	Kaza				06/01/14	271349
31 Keri	Fleming				03/29/14	165253

32 Leah	Black	5/19/14	249402
33 LeeAnn	Pautz	09/19/12	277849
34 Lisa	Cordova	05/12/14	302330
35 Lonn	Calanca	09/01/14	N/A
36 Martha	Chavez	06/14/12	N/A
37 Max	Jones	05/26/14	246124
38 Michael	Hahn	07/13/13	215637
39 Michael	Hale	06/13/14	182880
40 Michelle	Funaro	05/10/14	249402
41 Morgan	Beatty	06/11/14	NEED COPY
42 Natlie	Shapiro	11/09/14	N/A
43 Nathan	Jackson	06/30/11	278679
44 Patrick	Cavanaugh	10/13/10	204725
45 Rachel	Reynolds	08/27/12	200661
46 Savannah	Guglielmo	04/05/14	239374
47 Theodore	Rice	04/23/08	75480
48 Tiffany	St. Peter	04/21/14	N/A
49 Vanessa	Padilla	02/06/14	120605
50 Vanessa	Trujillo	03/05/13	211575
51 Xavier	Romero	03/05/13	106044
52 York	Seiler	02/21/14	N/A
53 Zach	Hulbert	12/2/14	1/14/48