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

**Council Action and Executive Summary**

Item # 17      Ordinance/Resolution# 15-185

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

For Meeting of April 6, 2015  
 (Adoption Date)

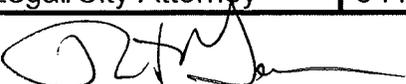
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION AUTHORIZING TURTLE MOUNTAIN BREWING COMPANY 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>Drafter/Staff Contact:</b> Monica Campbell	<b>Department/Section:</b> Legal/City Attorney	<b>Phone:</b> 541-2128
<b>City Manager Signature:</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. Turtle Mountain Brewing Company 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 Turtle Mountain Brewing Company 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, Turtle Mountain Brewing Company.
3. Attachment "1", Map of alcoholic beverages service areas.
4. Attachment "2", Map of Brewfest area.
5. Attachment "3", List of servers for Turtle Mountain Brewing Company.

**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 Turtle Mountain Brewing Company, 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 Turtle Mountain Brewing Company 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 Turtle Mountain Brewing Company 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. 15-185**

**A RESOLUTION AUTHORIZING TURTLE MOUNTAIN BREWING COMPANY 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**, Turtle Mountain 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 Turtle Mountain Brewing Company 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** Turtle Mountain 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 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) TURTLE MOUNTAIN BREWING COMPANY Owner Name TURTLE MOUNTAIN LLC Liquor License # 6789  
Billing Address PO BOX 44063 City, State & Zip RID RANCHO NM 87174  
Contact Telephone # 505 994-9497 Fax # 994-3989 Email Address turtlemt@swcp.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 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 Gublet Contact Telephone # (505) 602-2757

**BUILDING/PROPERTY OWNER APPROVAL**

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

CENSE HOLDER & SERVER CERTIFICATION: I, NICO ORTIZ (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) NICO ORTIZ Signature \_\_\_\_\_ Date 3/16/15  
Only the owner or authorized person under this license may sign the permit.

**NOTARY INFORMATION**

Subscribed and Sworn before me this 16<sup>th</sup> day of March, 2015 Notary Public John Bearden Exp. 11-14-17



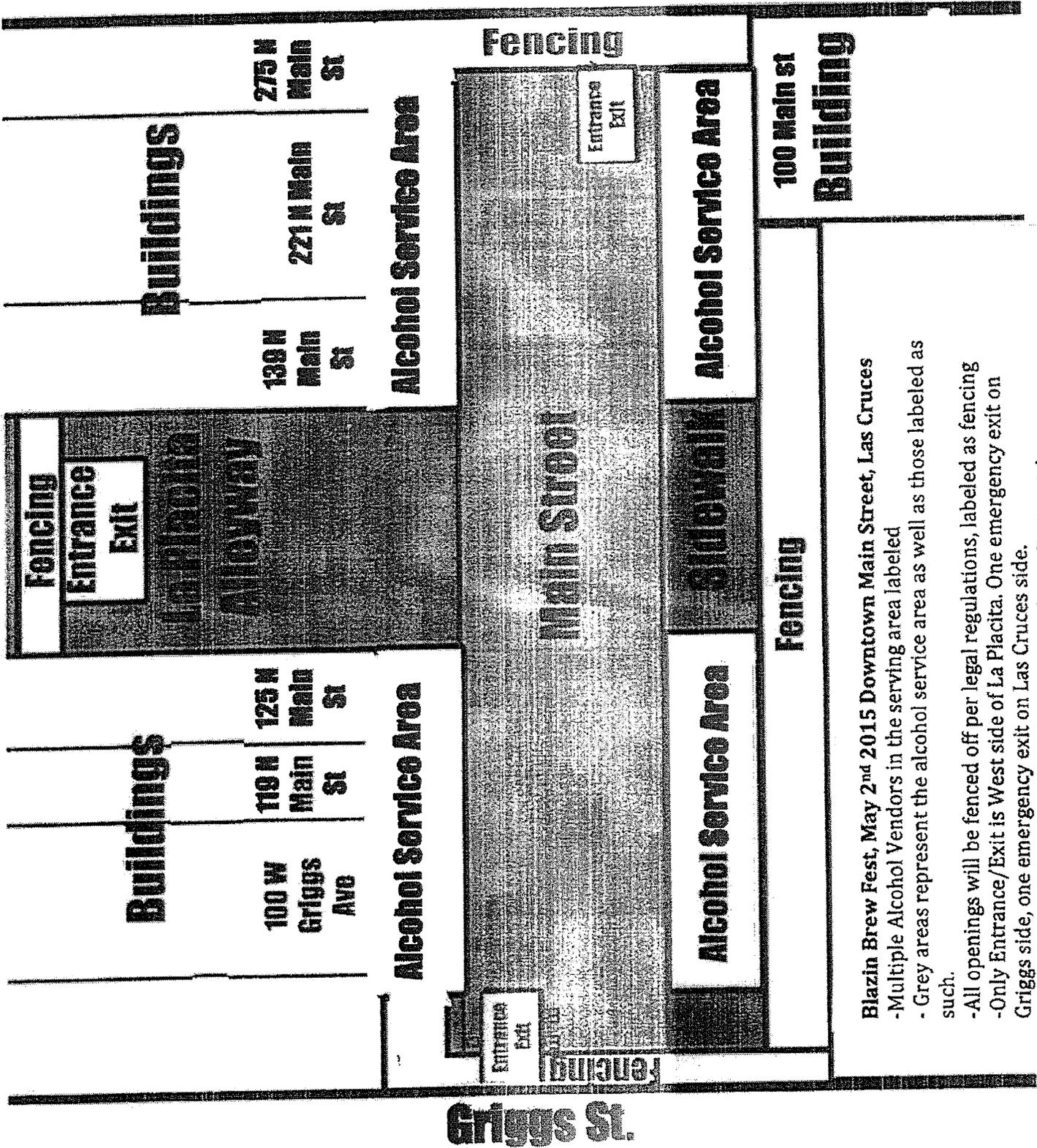
OFFICIAL SEAL  
FLOR V. BEARDEN  
NOTARY PUBLIC-STATE OF NEW MEXICO  
My commission expires: 11-14-17

Licensee Name Robert L. Garza, P.E. Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone 515-541-2076 Fax \_\_\_\_\_

**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 2<sup>nd</sup> 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

## TURTLE MOUNTAIN BREWING COMPANY BREWFEST SERVERS LIST

NAME	PERMIT NUMBER	EXPIRATION DATE
PHILLIP ROMERO	245515	6/14/2015
JACOB HALL	263197	8/22/2016
TIMOTHY WOODWARD	272614	5/9/2017
SHANNON HORMEL	187015	9/17/2016
SEAN BETTY	246004	8/24/2015
NICO ORTIZ	66096	5/10/2017
MARGARET TORRES	107507	10/24/2016
DIANA HERRERA	275835	7/17/2017
SHANNON DONOHOE	276838	8/11/2017
BRADEN VICK	187156	9/15/2016
EVAN GASPER	302535	5/29/2017

## Turtle Mountain Brewing Company Festival Servers List

	<u>Name</u>	<u>Server #</u>	<u>Expiration Date</u>
1.	Shannon Hormel	187015	09/17/2016
2.	Marco Garcia	185918	08/24/2016