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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 15-206

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of May 4, 2015
 (Adoption Date)

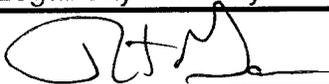
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA INSIDE OF AND IN FRONT OF THE RIO GRANDE THEATER, 211 NORTH MAIN STREET, ON SATURDAY, JUNE 20, 2015.

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

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:

Project MainStreet is sponsoring an art and music celebration at the Rio Grande Theater, 211 North Main Street, on Saturday, June 20, 2015. High Desert 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 High Desert Brewing Company to sell beer for consumption within a restricted and secured area between 6:00 p.m. and 11:00 p.m. on June 20, 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, High Desert Brewery.
3. Attachment "1", Floor plan of the restricted and secured area in front of and inside of 211 North Main Street.
4. Attachment "2", List of servers.

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

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 High Desert Brewing Company within a restricted and secured area at the Rio Grande Theater, 211 North Main Street, on June 20, 2015. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that High Desert Brewing Company may not sell beer for consumption during the event on June 20, 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 High Desert Brewery during the event at the Rio Grande Theater on June 20, 2015.

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. 15-206

A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA INSIDE OF AND IN FRONT OF THE RIO GRANDE THEATER, 211 NORTH MAIN STREET, ON SATURDAY, JUNE 20, 2015.

The City Council is informed that:

WHEREAS, Project MainStreet is sponsoring an art and music celebration at the Rio Grande Theater on June 20, 2015; and

WHEREAS, High Desert Brewing Company has requested approval to sell beer for consumption within a restricted and secured area inside of and in front of the Rio Grande Theater at 211 North Main Street; 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 High Desert Brewing Company to sell beer for consumption within a restricted and secured area inside of and in front of the Rio Grande Theater at 211 North Main Street; 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 High Desert 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 inside of and in front of the Rio Grande Theater at 211 North Main Street, between 6:00 p.m. and 11:00 p.m. on Saturday, June 20, 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)

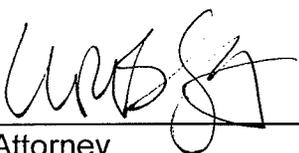
VOTE:

- Mayor Miyagishima: _____
- Councillor Silva: _____
- Councillor Smith: _____
- Councillor Pedroza: _____
- Councillor Small: _____
- Councillor Sorg: _____
- Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS

ALCOHOL & GAMING DIVISION

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

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

LICENSE HOLDER INFORMATION:

Business Name (DBA) High Desert Brewing Company Owner Name High Desert Brewing Co., Inc. Liquor License # 6801
Mailing Address 1201 W Hadley Avenue City, State & Zip Las Cruces, NM 88005
Contact Telephone # 575-525-6752 Fax # 575-647-8033 Email Address hdhc.lcnm@gmail.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 6:00 pm End Time 12:00 pm
(NO SORTROS) Saturday
Description and Name of Event Art & Music Celebration Date(s) of Event June 20, 2015 Alcohol Service Begin Time 6:00 pm End Time 11:00 pm
Physical Address of Event & Name of Building or Business 211 N Main St, Las Cruces, NM Rio Grande Theater Number of Persons expected to Drink 200
Description of Security High Desert Brewing Co Number of Security 2 Security Contact Name Matt Lowther Contact Telephone # 575-525-6752

SPONSOR INFORMATION

Sponsor of Event Project Main Street Contact Name Marissa Coronado Contact Telephone # 575-520-3362

BUILDING/PROPERTY OWNER APPROVAL

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

LICENSE HOLDER & SERVER CERTIFICATION: I, Donna L. Almarez (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 all 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) Donna L. Almarez Signature Donna L. Almarez Date 16 APR 15
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION

Subscribed and Sworn before me this 16th day of April, 20 15 Notary Public Reyna G. Ruiz Exp. 8/2016

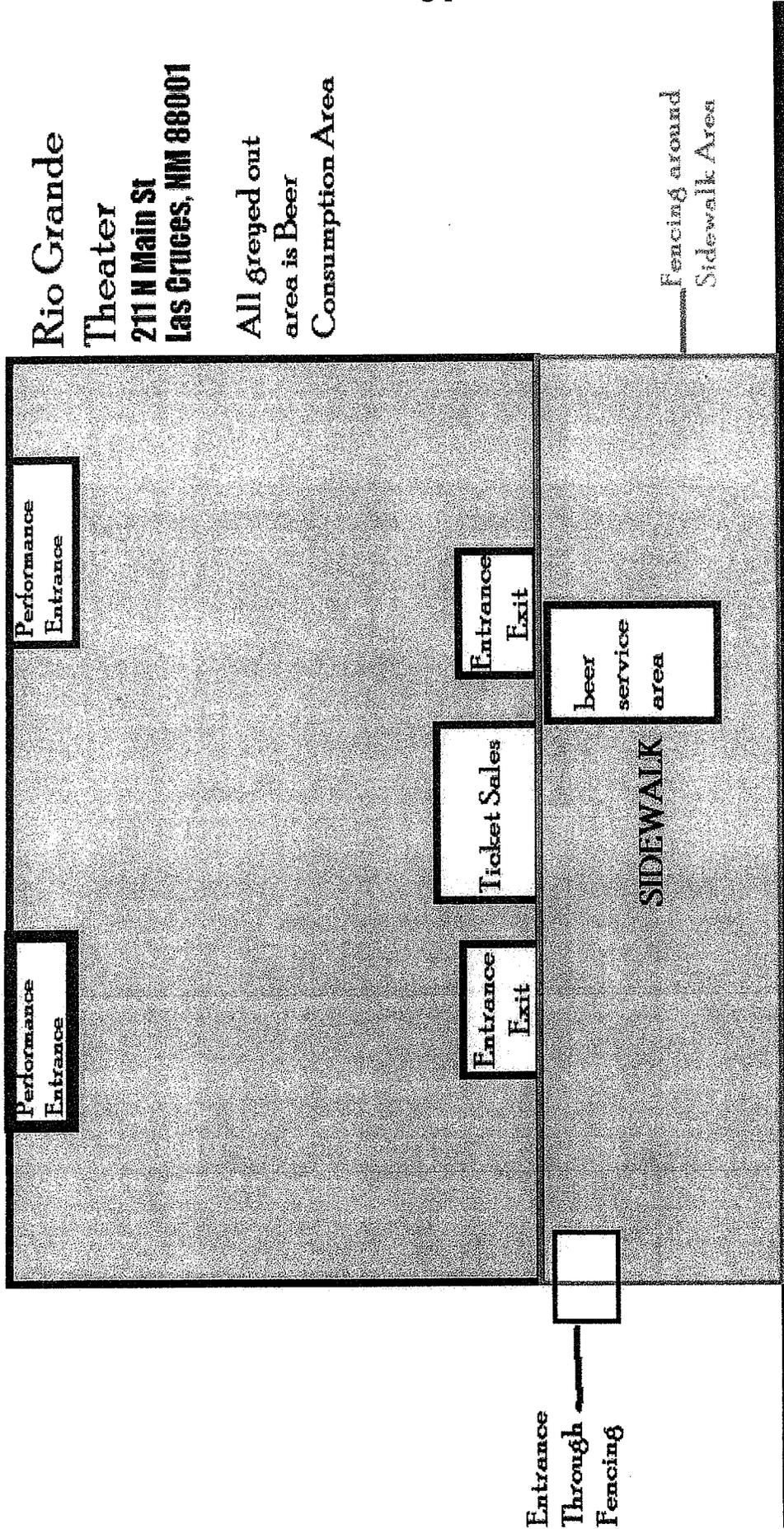
LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
575-575-541-2076 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 _____





Rio Grande

Theater

211 N Main St
Las Cruces, NM 88001

All greyed out
area is Beer
Consumption Area

Fencing around
Sidewalk Area

Main Street

1. There will be a guard at the entrance/exit at all times. The guard will be checking ID's and preventing removal of beer in containers.
2. The beer service area is restricted; all greyed out area is unrestricted.
3. There will be 4 ft high fencing around the entire outdoors area.
4. The gate guard and servers will prevent passage of beer across the fence.

July 1, 2014-June 30, 2015

LIQUOR LICENSE NUMBER		OWNER NAME		DBA NAME			
6801		High Desert Brewing Company		High Desert Brewing Company			
Server Permit #	Last Name	First Name	SS#	DOB	HIRE DATE	TERMINATION DATE	SERVER EXPIRATION DATE
32589	Gosselin	Robert			1/13/1994	N/A	6/8/2016
36476	McClellan	Jacob			12/15/2014	N/A	3/26/2017
43172	Schack	Eric			7/20/2001	N/A	10/17/2017
49454	Almarez	Donna			1/1/1997	N/A	6/1/2018
91307	Romero	Rudy			1/16/2010	N/A	5/11/2016
92623	Costilow	Amber			5/3/2003	N/A	12/20/2015
153396	Hauptmann	Benjamin			10/10/2003	N/A	7/12/2017
162289	McClellan	Raven			6/5/2006	N/A	Retest
181875	Cepeda	Corey			4/11/2013	N/A	6/25/2016
194355	Lowther	Coy			1/10/2014	N/A	7/28/2017
211210	Lowther	Matthew			4/21/2008	N/A	7/20/2016
213777	Costilow	Lianne			8/17/2005	N/A	8/19/2016
215329	Williams	Nathaniel			7/18/2010	N/A	10/16/2016
222454	Burns	Daniel			8/4/2014	N/A	10/30/2016
223584	Morin	Daniel			11/7/2007	N/A	2/26/2017
224282	Merle	Monett			8/2/2012	N/A	3/19/2017
258148	Hike	Maria			5/29/2013	N/A	5/14/2016
280753	Vera	Elizabeth			9/5/2014	N/A	11/26/2017
282292	Taylor	Morgan			5/3/2014	N/A	1/16/2018
304548	Williams	Taylor			4/18/2009	N/A	7/12/2017
306401	DiLorenzo	Britnee			9/4/2014	N/A	8/20/2017
	Garton	Lori			3/13/2015	N/A	Test-03/04/2015-96%
93042	Kindrick	Lawrence			Special Events	Special Events	5/2/2017
158769	Frary	Susan			Special Events	Special Events	10/13/2015
236149	Kindrick	Jill			Special Events	Special Events	10/18/2017
238398	Kamat	Satish			Special Events	Special Events	Retest
241940	Denton	Drew			Special Events	Special Events	5/7/2015
299885	Rios	Robert			Special Events	Special Events	3/31/2017
301778	Miller	Joy			Special Events	Special Events	5/22/2017

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