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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 15-219

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of May 18, 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 DURING THE "BODY ART BLOCK BASH" TO BE HELD ON SATURDAY, JUNE 6, 2015.

PURPOSE(S) OF ACTION:

Authorize continuation of a permitting process.

COUNCIL DISTRICT: 1		
Drafter/Staff Contact: Monica Campbell	Department/Section: Legal/City Attorney	Phone: 541-2128
City Manager Signature: 		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Java Gypsy, LLC is sponsoring the "Body Art Block Bash" on Saturday, June 6, 2015, on Main Street between the roundabout and Las Cruces Avenue. Java Gypsy has asked High Desert Brewing Company serve beer 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 within a restricted and secured area between 6:00 p.m. and 11:30 p.m. on Saturday, June 6, 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.
2. Exhibit "A", Public Celebration Permit Application, High Desert Brewing Company.

(Continue on additional sheets as required)

3. Attachment "1", Map of event location.
4. Attachment "2", List of servers.

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>1015-10180020-520002</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 beer being sold for consumption during the "Body Art Block Bash" on Saturday, June 6, 2015 between 6:00 p.m. and 11:30 p.m. Approval will allow Alcohol and Gaming to continue with the permit process.
2. Vote "No"; this will mean that no beer will be sold for consumption at the event. The Alcohol and Gaming Director may issue the Public Celebration Permit provided that the City Council has given written approval for the permit process to continue.
3. Vote to "Amend"; this could include such items as 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 during the event.

(Continue on additional sheets as required)

REFERENCE INFORMATION:

The resolution(s) or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

RESOLUTION NO. 15-219

A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER DURING THE “BODY ART BLOCK BASH” TO BE HELD ON SATURDAY, JUNE 6, 2015.

The City Council is informed that:

WHEREAS, Java Gypsy, LLC is sponsoring the “Body Art Block Bash” on Saturday, June 6, 2015, on Main Street between the roundabout and Las Cruces Avenue; and

WHEREAS, High Desert 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 High Desert Brewing Company to sell beer for consumption during the “Body Art Block Bash” from 6:00 p.m. to 11:30 p.m. during the event; 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 during the "Body Art Block Bash" on Saturday, June 6, 2015, from 6:00 p.m. to 11:30 p.m.

(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) 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 / Saturday Event Begin Time 6:00 pm End Time 12:00 am
Description and Name of Event Body Art Block Bash Date(s) of Event June 6, 2015 Alcohol Service Begin Time 6:00 pm End Time 11:30 pm
Physical Address of Event & Name of Building or Business Main Street, Downtown Las Cruces Number of Persons expected to Drink 700
Description of Security Security Concepts Number of Security 10 Security Contact Name Mike Gonzales Contact Telephone # 575-526-4151

SPONSOR INFORMATION

Sponsor of Event Java Gypsy, LLC Contact Name Whitney Billings Contact Telephone # 520-342-9277

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature _____ Telephone # 515-541-2076 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 _____ Date 16 APR 15
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

Subscribed and Sworn before me this 16 day of April, 2015 Notary Public _____ Exp. 9/6/26

LOCAL GOVERNING BODY APPROVAL

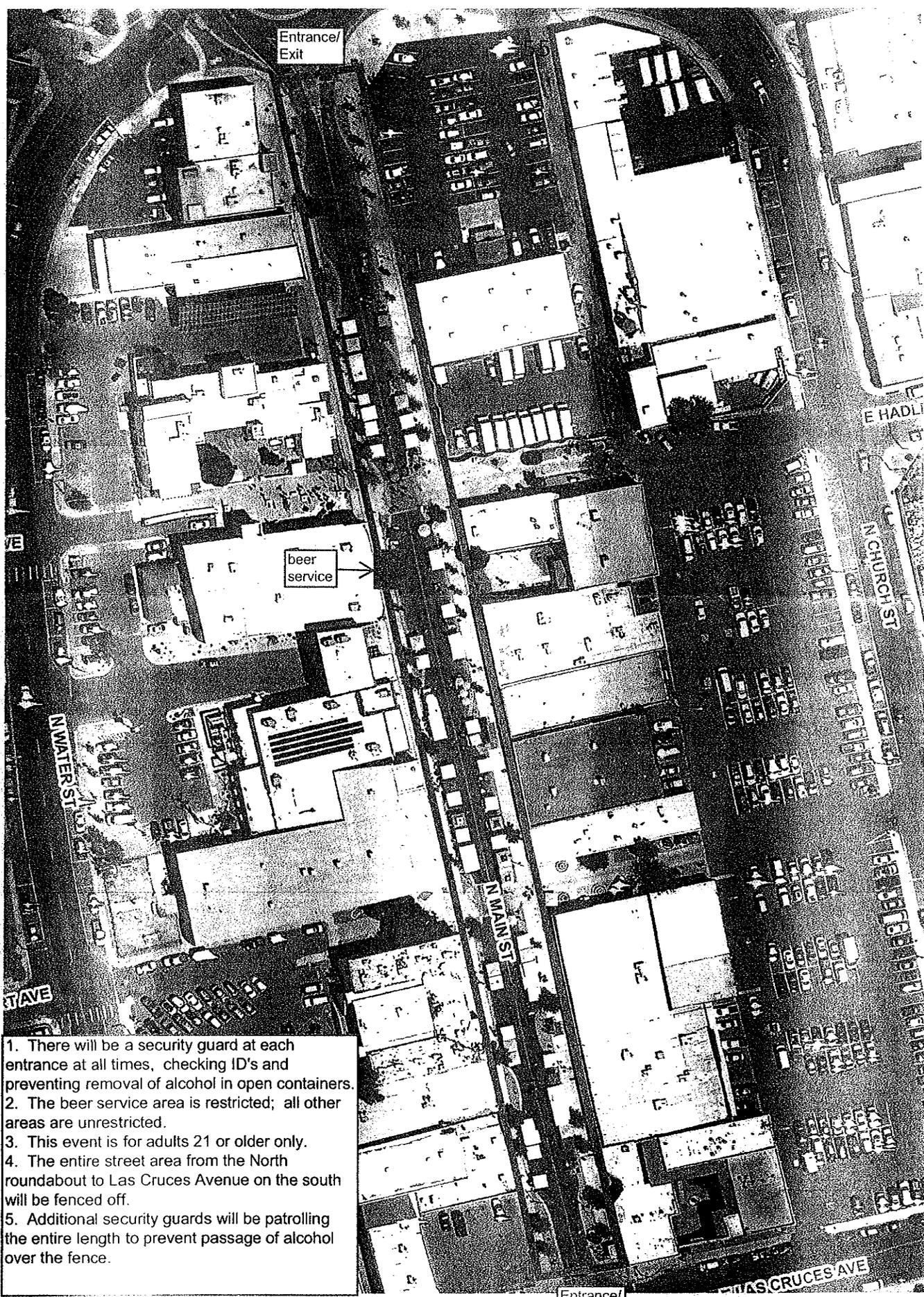
Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
515. 541.2076 Phone 541-2076 Fax 541-2017

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

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8/1/2016
My commission expires:
NOTARY PUBLIC - STATE OF NEW MEXICO
ROSA Y RUIZ
OFFICIAL SEAL





Entrance/
Exit

beer
service

N MAIN ST

E HADLI

N CHURCH ST

STAVE

LAS CRUCES AVE

Entrance/
Exit

1. There will be a security guard at each entrance at all times, checking ID's and preventing removal of alcohol in open containers.
2. The beer service area is restricted; all other areas are unrestricted.
3. This event is for adults 21 or older only.
4. The entire street area from the North roundabout to Las Cruces Avenue on the south will be fenced off.
5. Additional security guards will be patrolling the entire length to prevent passage of alcohol over the fence.

July 1, 2014-June 30, 2015

LIQUOR LICENSE NUMBER		OWNER NAME		DBA NAME		
Server Permit #	Last Name	First Name	SS#	HIRE DATE	TERMINATION DATE	SERVER EXPIRATION DATE
6801	High Desert Brewing Company					High Desert Brewing Company
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	Alvarez	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	Hite	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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