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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3

Ordinance/Resolution# 15-235

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of July 6, 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 "NIGHT UNDER THE STARS", AN EVENT AT THE BRANIGAN CULTURAL CENTER, 501 NORTH MAIN STREET, ON SATURDAY, JULY 25, 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:

The Foundation for Las Cruces Museums ("The Foundation") is sponsoring an event at the Branigan Cultural Center called "Night Under the Stars" on Saturday, July 25, 2015 from 6:30 p.m. to 10:30 p.m. The Foundation has requested that High Desert Brewing Company to 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 6:30 p.m. and 10:00 p.m. on Saturday, July 25, 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.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, High Desert Brewing Company.
3. Attachment "1", Map of event location.
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: 1015-10180020-520002 in the amount of \$25.00 for FY16.
	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 at the Branigan Cultural Center on Saturday, July 25, 2014 from 6:30 p.m. to 10:00 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.

(Continue on additional sheets as required)

4. Vote to "Table"; this could result in no wine being sold during the event.

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. 15-235

A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER DURING "NIGHT UNDER THE STARS", AN EVENT AT THE BRANIGAN CULTURAL CENTER, 501 NORTH MAIN STREET, ON SATURDAY, JULY 25, 2015.

The City Council is informed that:

WHEREAS, The Foundation for Las Cruces Museums is sponsoring an event at the Branigan Cultural Center called "Night Under the Stars" on Saturday, July 25, 2015 from 6:30 p.m. to 10:30 p.m.; 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 at the Branigan Cultural Center from 6:30 p.m. to 10:00 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 at the Branigan Cultural Center between 6:30 p.m. and 10:00 p.m. on Saturday, July 25, 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

Interim City Clerk

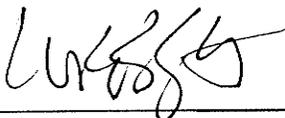
(SEAL)

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 6:30 pm End Time 10:30 pm
Description and Name of Event Night Under the Stars Date(s) of Event July 25, 2015 Alcohol Service Begin Time 6:30 pm End Time 10:00pm
Physical Address of Event & Name of Building or Business 501 N Main St, Las Cruces, NM Cultural Ctr Branigan Number of Persons expected to Drink 200
Description of Security Las Cruces Security Number of Security 4 Security Contact Name Pete Hampton Contact Telephone # 575-526-1294

SPONSOR INFORMATION

Sponsor of Event Foundation for Las Cruces Museum Contact Name Michael Weiss Contact Telephone # 575-202-9971

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 Almaraz (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 Almaraz Signature _____ Date 17 June 2015
All profits derived from the sale of alcoholic beverages go to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION

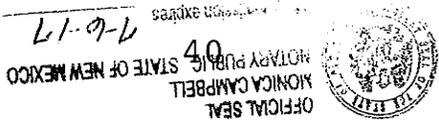
Subscribed and Sworn before me this 17 day of June, 2015 Notary Public Yolanda Carrasco Exp. 1-6-17

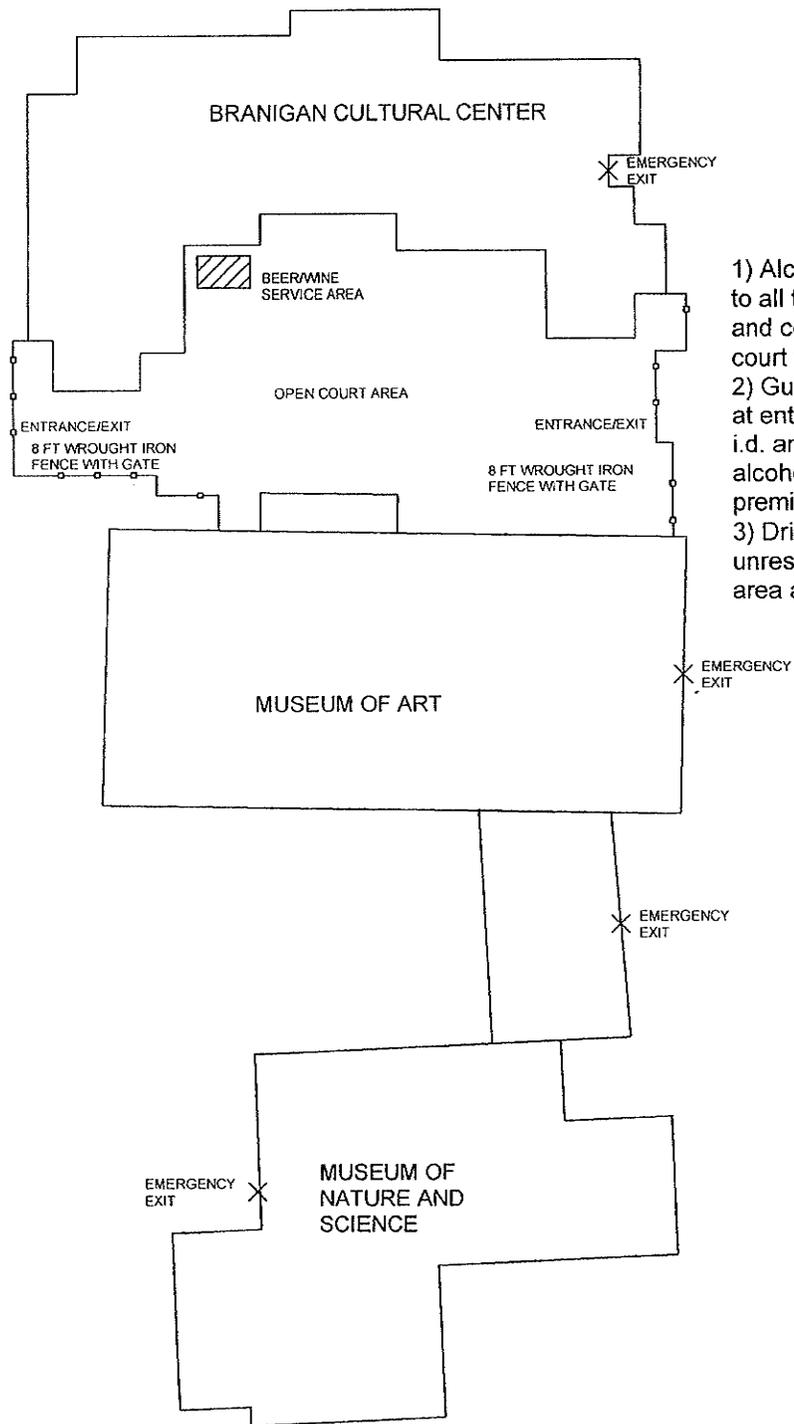
LOCAL GOVERNING BODY APPROVAL

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



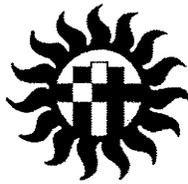


- 1) Alcohol will be confined to all three building interiors and completely enclosed court yard.
- 2) Guards will be present at entrance/exit to check i.d. and prevent removal of alcoholic beverages from premises.
- 3) Drinking areas are unrestricted except for hatched area around service area.

July 1, 2014-June 30, 2015

LIQUOR LICENSE NUMBER 6801	OWNER NAME High Desert Brewing Company	DBA NAME High Desert Brewing Company
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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
196600	Penate, Jr	Antonio			6/9/2014	8/6/2014	10/24/2017
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
230468	Obregon	Andres			6/1/2001	N/A	10/17/2017
258148	Hite	Maria			5/29/2013	N/A	5/14/2016
280753	Vera	Elizabeth			9/5/2014	N/A	11/26/2017
304548	Williams	Taylor			4/18/2009	N/A	7/12/2017
	Garton	Lori			3/13/2015	N/A	Test-03/04/2015-96%
49696	Whitman	Christopher			Special Events	Special Events	Retest
93042	Kindrick	Lawrence			Special Events	Special Events	5/2/2017
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



COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

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 (Ordinance First Reading Date)

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Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Therica Campbell</i>	541-2128	6/18/15
Department Director	<i>WBS</i>	541-2128	18 JUNE 2015
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2100	6/19/15
Management & Budget Manager	<i>[Signature]</i>	541-2107	6/19/15
Assistant City Manager/COO	<i>[Signature] for Daniel Avila</i>	541-2271	6/23/15
City Attorney	<i>WBS</i>	541-2128	18 JUNE 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	6/26/15