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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 16-002

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of July 20, 2015
 (Adoption Date)

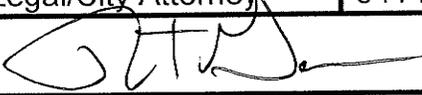
Please check box that applies to this item:

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 "ACTING ON A DREAM" FESTIVAL, AN EVENT AT THE LAS CRUCES COMMUNITY THEATER, 313 NORTH MAIN STREET, ON FRIDAY, AUGUST 14, 2015.

PURPOSE(S) OF ACTION:

Authorize continuation of a permitting process.

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:

The Las Cruces Community Theater ("Theater") in collaboration with Parents, Families and Friends of Lesbians and Gays (PFLAG) is sponsoring an event at the Theater called the "Acting on a Dream" Festival. The sponsors have requested that 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 in front of the Theater 5:00 p.m. and 10:30 p.m. on Friday, August 14, 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:

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 <u>FY16</u> .
	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 within and restricted and secured area in front of the Theater on Friday, August 14, 2015 from 5:00 p.m. to 10:30 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.

(Continue on additional sheets as required)

4. Vote to "Table"; this could result in no beer 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. 16-002

A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER DURING THE "ACTING ON A DREAM" FESTIVAL, AN EVENT AT THE LAS CRUCES COMMUNITY THEATER, 313 NORTH MAIN STREET, ON FRIDAY, AUGUST 14, 2015.

The City Council is informed that:

WHEREAS, the Las Cruces Community Theater ("Theater") in collaboration with Parents, Families and Friends of Lesbians and Gays (PFLAG) is sponsoring an event at the Theater called the "Acting on a Dream" Festival on Friday, August 14, 2015 from 5:00 p.m. to 11:00 p.m.; and

WHEREAS, High Desert Brewing Company requests approval to sell beer for consumption within a restricted and secured area in front of the Theater 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 within a restricted and secured area in front of the Theater from 5:00 p.m. to 10:30 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 in front of the Las Cruces Community Theater between 5:00 p.m. and 10:30 p.m. on Friday, August 14, 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 Event Begin Time 5:00 pm End Time 11:00 pm
Description and Name of Event Acting on a Dream Festival Date(s) of Event August 14, 2015 Alcohol Service Begin Time 5:00 pm End Time 10:30 pm
Physical Address of Event & Name of Building or Business 313 N Main St, Las Cruces Comm. Theater Number of Persons expected to Drink 200
Description of Security Security Concepts Number of Security 2 Security Contact Name Michael Contact Telephone # 575-526-4151

SPONSOR INFORMATION

Sponsor of Event LC Community Theater & PFLAG Contact Name Janet Beatty Payne, President Contact Telephone # 575-571-5399

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 2 Jul 2015
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 2 day of July, 2015 Notary Public Monica Campbell Exp. 7-6-2017

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Signature _____ Date _____
City Manager Phone 541-2016 Fax 541-2017

ALCOHOL & GAMING DIVISION USE ONLY

Approved by: _____ Permit Number _____
Attachments: 1) Floor plan - (Pictures) _____ 2) Fees per day (listed on top of page) _____ 3) Server information list _____

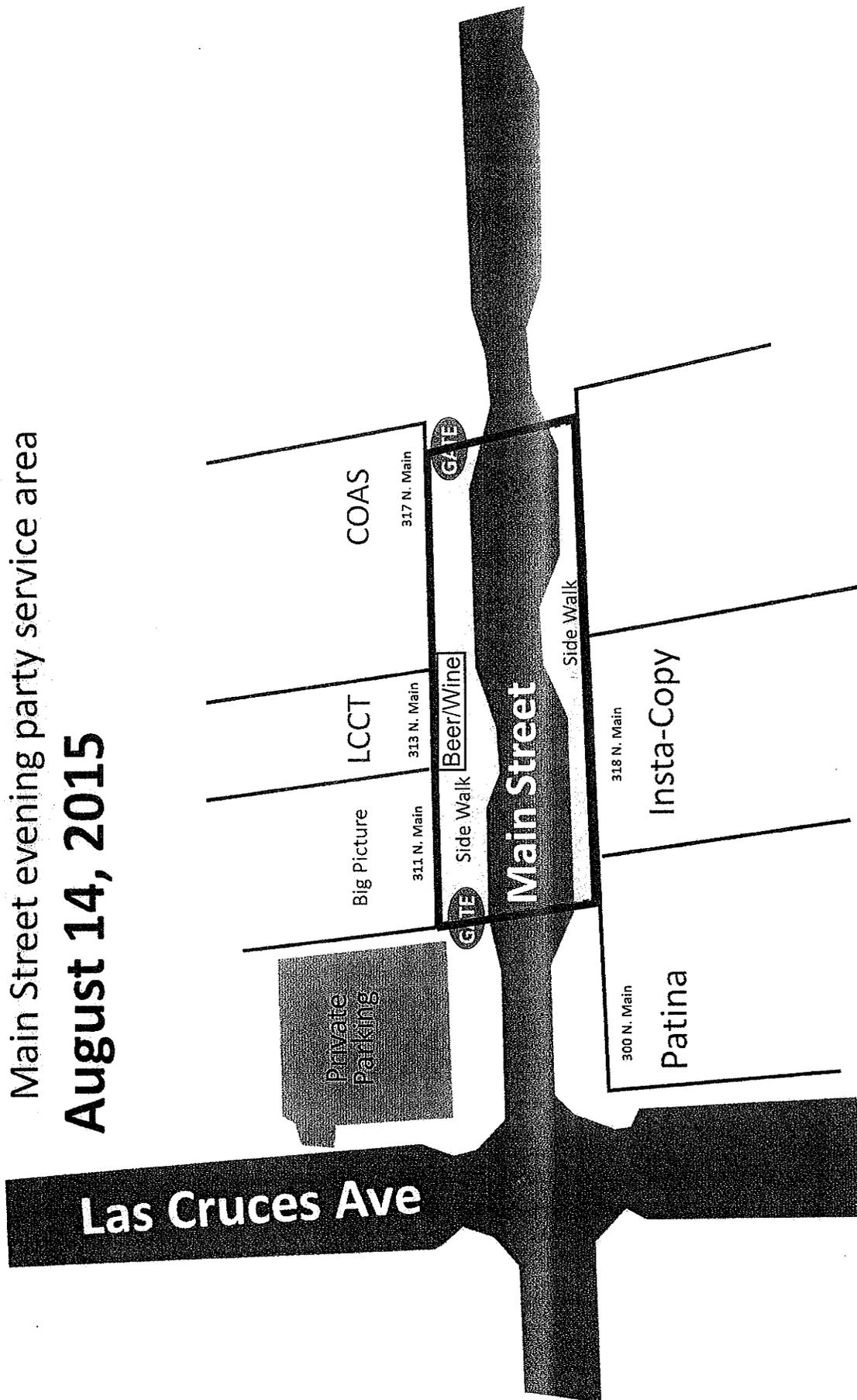
MONICA CAMPBELL
NOTARY PUBLIC STATE OF NEW MEXICO
OFFICIAL SEAL
My Commission Expires 7-6-2017



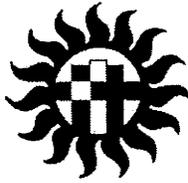
Beer & Wine Service Map

Main Street evening party service area

August 14, 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	McCiellan	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	Costilow	Raven			6/5/2006	N/A	2/5/2015
181875	Cepeda	Cory			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
218329	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
243855	Cooper	Keit			9/8/2014	2/1/2015	11/7/2016
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	11/9/2014	1/16/2018
304548	Williams	Taylor			4/18/2009	N/A	7/12/2017
	Garton	Lori			3/13/2015	N/A	Test-03/14/2015-96%
49696	Whitman	Christopher			Special Events	Special Events	10/8/2014
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	1/16/2018
241940	Denton	Drew			Special Events	Special Events	Retested-5/09/2015-95%
298885	Rios	Robert			Special Events	Special Events	Test-04/01/2014-92%
301778	Miller	Joy			Special Events	Special Events	5/22/2017



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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	7/2/15
Department Director	<i>WRB</i>	541-2128	2 July 2015
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i> <i>Scott Anderson</i>	541-2100 541-2106	7/6/15 7/8/15
Assistant City Manager/COO	<i>Daniel Ode</i>	541-2271	7/8/15
City Attorney	<i>WRB</i>	541-2128	2 July 2015
City Clerk		541-2115	