



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9Ordinance/Resolution# 16-063For Meeting of _____
(Ordinance First Reading Date)For Meeting of September 21, 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 DURING THE ZOMBIE WALK TO BE HELD ON MAIN STREET ON OCTOBER 24, 2015.

PURPOSE(S) OF ACTION:

To 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:

Project Mainstreet is sponsoring the Zombie Walk on Main Street on October 24, 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 within the restricted and secured area on October 24, 2015 between 5:00 p.m. and 10:30 p.m.

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 area on 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 \$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 the sale of beer for consumption by High Desert Brewing Company, within a restricted and secured area, during the Zombie Walk on October 24, 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 Zombie Walk on October 24, 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.
4. Vote to "Table"; this could result in no beer being sold by High Desert Brewing Company during the Zombie Walk.

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. 16-063

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 DURING THE ZOMBIE WALK TO BE HELD ON MAIN STREET ON OCTOBER 24, 2015.

The City Council is informed that:

WHEREAS, Project Mainstreet is sponsoring the Zombie Walk on Main Street on October 24, 2015; 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 within a restricted and secured area during the Zombie Walk on October 24, 2015 between 5:00 p.m. and 10:30 p.m.; 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 on October 24, 2015 between 5:00 p.m. and 10:30 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:

Mayor

ATTEST:

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) 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 Cultural/Artistic Performance Athletic

Circle those that apply - All Age Event Wrist Bands and/or Stamps - Beer Garden Indoor Outdoor
Saturday

Event Begin Time 5:00 pm End Time 11:00 pm

Description and Name of Event Zombie Walk Date(s) of Event Oct 24, 2015 Alcohol Service Begin Time 5:00 pm End Time 10:30 pm

Physical Address of Event & Name of Building or Business 125 N Main Street (CEC Building) Number of Persons expected to Drink 800

Description of Security Security Concepts Number of Security 8 Security Contact Name Michael Contact Telephone # 575-526-4157

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 _____ 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 _____ 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 Almarez Date Sept 2, 2015
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

Subscribed and Sworn before me this 2 day of September, 2015 Notary Public Monica Campbell Exp. 7-6-2017

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 _____ 3) Server information list _____

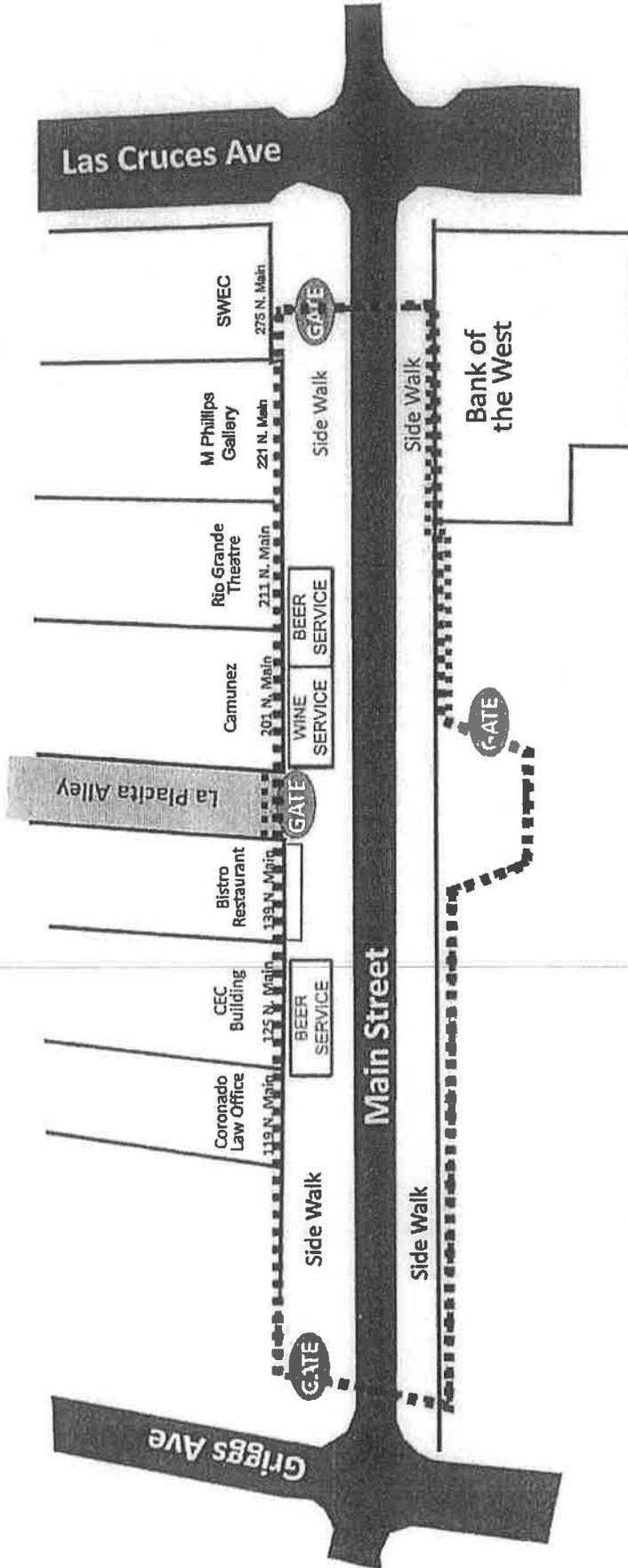
18
1007-9-2017
OFFICIAL SEAL
MONICA CAMPBELL
NOTARY PUBLIC STATE OF NEW MEXICO



Beer & Wine Service Map

Zombie Walk

October 24, 2015



Total fenced in beer serving area is approximately 13,285 sq ft
 Total length=295'; Total width = 45'; Extra cut-out=10'
 (Sidewalk = 12.5' on either side; Street = 20')

Street closed at Main St & Griggs Ave
 Street closed at Main St & Las Cruces Ave
 R2 Barriers at street closings
 4 foot orange barrier fencing around all open areas and in front of street barriers.

Authorized personnel at all gates to ensure alcohol does not leave the enclosed area.

LIQUOR LICENSE NUMBER 6801		OWNER NAME High Desert Brewing Company		
Server Permit #	Last Name	First Name	DOB	SERVER EXPIRATION DATE
32589	Gosselin	Robert		6/8/2016
36476	McClellan	Jacob		3/26/2017
43172	Schack	Eric		10/17/2017
49454	Alvarez	Donna		6/1/2018
91307	Romero	Rudy		5/11/2016
153396	Hauptmann	Benjamin		7/12/2017
162289	Costilow	Raven		Retested-5/30/2015-96%
181875	Cepeda	Cory		6/25/2016
194355	Lowther	Coy		7/28/2017
211210	Lowther	Matthew		7/20/2016
213777	Costilow	Lianne		8/19/2016
215329	Williams	Nathaniel		10/16/2016
222454	Burns	Daniel		10/30/2016
230468	Obregon	Andres		10/17/2017
258148	Hite	Maria		5/14/2016
280753	Vera	Elizabeth		11/26/2017
304548	Williams	Taylor		7/12/2017
313527	Garton	Lori		3/4/2018
	Hernandez	Luis		Tested 7/31/2015-97%
93042	Kindrick	Lawrence		5/2/2017
236149	Kindrick	Jill		10/18/2017
238398	Kamat	Satish		1/16/2018
241940	Denton	Drew		Retested-5/09/2015-95%
299885	Rios	Robert		3/31/2017
301778	Miller	Joy		5/22/2017



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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 21, 2015
(Adoption Date)

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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	9/3/15
Department Director	<i>Webster</i>	541-2128	3 Sept 2015
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2100	9/9/15
Management & Budget Manager	<i>[Signature]</i>	541-2107	9-4-15
Assistant City Manager/COO	<i>Dale De</i>	541-2271	9-9-15
City Attorney	<i>Webster</i>	541-2128	3 Sept 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	9-11-15