



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 12

Ordinance/Resolution# 16-066

For 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 AT THE SOUTHERN NEW MEXICO PRIDE FALL FESTIVAL TO BE HELD ON MAIN STREET ON OCTOBER 3, 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:

Southern New Mexico Pride is sponsoring its Fall Festival, to be held on Main Street, generally between Las Cruces Avenue and Griggs Avenue, on Saturday, October 3, 2015 on Main Street. 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 between 6:00 p.m. and 10:30 p.m. on October 3, 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.
3. Attachment "1", Map showing the restricted and secured area for beer service during the event.
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 <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 the sale of beer for consumption by High Desert Brewing Company, within a restricted and secured area on Main Street, generally between Las Cruces Avenue and Griggs Avenue, during the Southern New Mexico Pride Fall Festival on October 3, 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 serve beer during the event on October 3, 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 at the event.

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. 16-066

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 AT THE SOUTHERN NEW MEXICO PRIDE FALL FESTIVAL TO BE HELD ON MAIN STREET ON OCTOBER 3, 2015.

The City Council is informed that:

WHEREAS, Southern New Mexico Pride is presenting its Fall Festival on Saturday, October 3, 2015; and

WHEREAS, High Desert Brewing Company has requested 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 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 on Main Street between 6:00 p.m. and 10:30 p.m. on Saturday, October 3, 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

ALCOHOL & GAMING DIVISION
PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS
(60-64-11 / 60-64-26.1 NMSA)

FEEES 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 11:00 pm
Description and Name of Event So NM Pride Fall Festival Date(s) of Event Oct 3, 2015 Alcohol Service Begin Time 6:00 pm End Time 10:30 pm
Physical Address of Event & Name of Building or Business 125 N Main St/between Griggs and Las Cruces Av Number of Persons expected to Drink 450
Description of Security Security Concepts Number of Security 3 Security Contact Name Michael Contact Telephone # 575-526-4151

SPONSOR INFORMATION

Sponsor of Event Southern NM Pride Contact Name Holly Piasente Contact Telephone # 575-644-7276

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 14 Aug 2015
All profits derived from the sale of liquor will go only to the licensee.



NOTARY INFORMATION

14th day of August, 2015 Notary Public Ryan Bae Exp. Aug 18 2019
Only the owner or authorized person under this license may sign the permit.

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
Phone 575-541-2076 Fax 575-541-2017

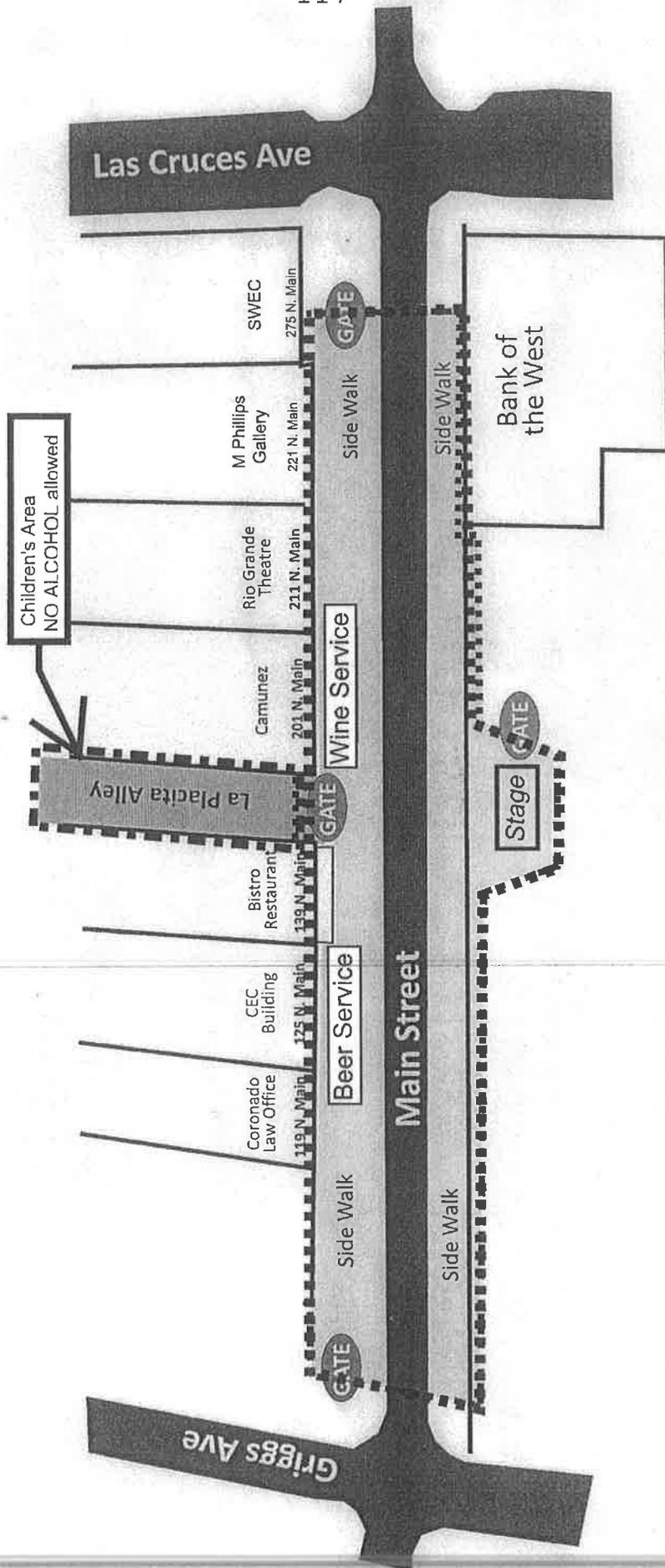
ALCOHOL & GAMING DIVISION USE ONLY

Approved by: _____ Date _____ Permit Number _____
Attachments: 1) Floor plan -- (Pictures) _____ 2) Fees per _____ 3) Server information list _____

Beer & Wine Service Map

Southern NM Pride Fall Festival

October 3, 2015 (Saturday)



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		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	Retested-5/30/2015-96%
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
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
313527	Garton	Lori			3/13/2015	N/A	3/4/2018
	Hernandez	Luis			3/13/2015	N/A	Tested 7/31/2015-97%
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%
299885	Rios	Robert			Special Events	Special Events	3/31/2017
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	9/13/15
Department Director	<i>[Signature]</i>	541-2128	3 Sept 2015
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2100	9/11/15
Management & Budget Manager	<i>[Signature]</i>	541-2107	9-4-15
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	9-9-15
City Attorney	<i>[Signature]</i>	541-2128	3 Sept 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	9-11-15