



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15Ordinance/Resolution# 16-069For 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 LAS CRUCES RAILROAD MUSEUM, 351 NORTH MESILLA STREET, DURING ZYMURGY-THE SCIENCE OF FERMENTATION ON OCTOBER 9, 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:

The Foundation for Las Cruces Museums is sponsoring Zymurgy-The Science of Fermentation at the Las Cruces Railroad Museum, 351 North Mesilla Street, on October 9, 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 between 5:00 p.m. and 8:30 p.m. on October 16, 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 at the Las Cruces Railroad Museum, 351 North Mesilla Street, during Zymurgy-The Science of Fermentation on October 9, 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 9, 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. 16-069

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 LAS CRUCES RAILROAD MUSEUM, 351 NORTH MESILLA STREET, DURING ZYMURGY-THE SCIENCE OF FERMENTATION ON OCTOBER 9, 2015.

The City Council is informed that:

WHEREAS, the Foundation for Las Cruces Museums is the sponsor of Zymurgy-The Science of Fermentation on October 9, 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 during Zymurgy-The Science of Fermentation between 5:00 p.m. and 8:30 p.m. on October 9, 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:

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
(60-64-11/60-64-26.1 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 9:00 pm
Description and Name of Event Zymurgy: fermentation the Science of Friday
Date(s) of Event Oct 09, 2015 Alcohol Service Begin Time 5:00 pm End Time 8:30 pm
Physical Address of Event & Name of Building or Business 351 N Mesilla St, Las Cruces RR Museum 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 Museums Contact Name Michael Weiss Contact Telephone # 575-202-9971

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, 2015. I have obtained a waiver from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified 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 Sept 22, 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 September, 2015 Notary Public Monica Campbell Exp. 1-6-2017

LOCAL GOVERNING BODY APPROVAL

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

ALCOHOL & GAMING DIVISION USE ONLY

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

NOTARY PUBLIC STATE OF NEW MEXICO
MONICA CAMPBELL
OFFICIAL SEAL
100-046



Beer & Wine Service Map

Las Cruces Rail Road Museum

October 09, 2015

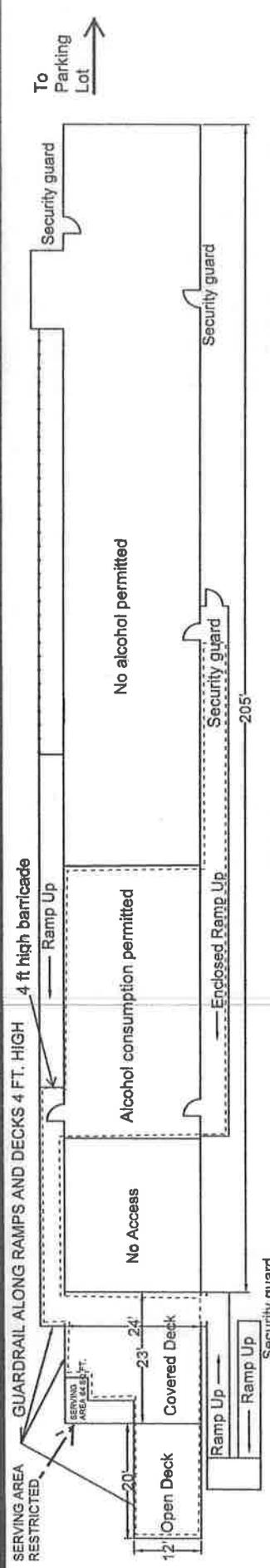
Total area for alcohol serving is approximately 2000 sq ft, which includes the area inside the museum and the outside decks, as well as the exterior access ramps. The exterior access ramps and the decks have 4 ft high guardrail fencing around them.

Security guards will be posted at all 4 entrances/exits to check IDs and to prevent the removal of alcohol from the premises.

Rail Road Tracks



7 FT. HIGH IRON FENCE ALONG RR TRACKS



LAS CRUCES RAILROAD MUSEUM
351 N. MESILLA STREET

Decks are 4 FT above Ground Level

Ground Level

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	Costlow	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	Costlow	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

July 1, 2015-2016



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 21, 2015
(Adoption Date)

TITLE:

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Yhonica Campbell</i>	541-2128	9/4/15
Department Director	<i>WBF</i>	541-2128	4 Sept 2015
Other			
Assistant City Manager /CAO	<i>WBF</i>	541-2100	9/8/15
Management & Budget Manager	<i>WBF</i>	541-2107	9-4-15
Assistant City Manager/COO	<i>Daryl De</i>	541-2271	9-9-15
City Attorney	<i>WBF</i>	541-2128	4 Sept 2015
City Clerk - Interim	<i>Trina Ruiz</i>	541-2115	9-11-15