



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 16-085

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of October 5, 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 44TH ANNUAL RENAISSANCE ARTSFAIRE TO BE HELD NOVEMBER 7 AND 8, 2015 AT 1905 EAST NEVADA (YOUNG PARK), LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

| | | |
|---------------------------------------------------------|----------------------------------------------------------|----------------------------------|
| COUNCIL DISTRICT: 3 | | |
| <u>Drafter/Staff Contact:</u> Monica Campbell | <u>Department/Section:</u> Legal/City Attorney | <u>Phone:</u> 541-2128 |
| <u>City Manager Signature:</u> | <i>Daniel Oule</i> | |

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

One of the largest annual cultural events in Southern New Mexico is the Renaissance ArtsFaire ("ArtsFaire"). The ArtsFaire is a juried arts show that showcases local and regional artists and crafts people and is sponsored by the Dona Ana Arts Council, Inc., a nonprofit corporation. High Desert Brewing Company is requesting approval to sell beer for consumption within a restricted and secured area located between the pond and the pavilion in Young Park during the ArtsFaire.

Approval by the 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 beer to be sold within the restricted and secured area on the following dates during the times indicated:

| | | |
|----------|------------------|-------------------------|
| Saturday | November 7, 2015 | 10:00 a.m. to 5:00 p.m. |
| Sunday | November 8, 2015 | 11:00 a.m. to 4:00 p.m. |

(Continue on additional sheets as required)

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", Site map showing the restricted and secured area for beer sale and consumption.
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>\$50.00</u> 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 at Young Park during the Renaissance ArtsFaire on November 7 and 8, 2015. Approval will allow Alcohol and Gaming to continue with the permitting process.

(Continue on additional sheets as required)

2. Vote "No"; this will mean that no beer will be served by High Desert Brewing Company at the Renaissance ArtsFaire on November 7 and 8, 2015. The Alcohol and Gaming Director may issue the Public Celebration Permit for High Desert Brewing Company provided that the City Council has given written approval for the permitting process to continue.
3. Vote to "Amend"; this could include such items as changing the dates or times 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 ArtsFaire.

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. 16-085

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 44TH ANNUAL RENAISSANCE ARTSFAIRE TO BE HELD NOVEMBER 7 AND 8, 2015 AT 1905 EAST NEVADA (YOUNG PARK), LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, the Renaissance ArtsFaire (“ArtsFaire”) is an annual cultural event held the first full weekend in November; and

WHEREAS, the ArtsFaire is sponsored by the Dona Ana Arts Council, Inc., a New Mexico nonprofit corporation; and

WHEREAS, High Desert Brewing Company is requesting approval to offer beer for sale and consumption at the ArtsFaire; and

WHEREAS, approval by the 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 beer to be sold for consumption within a restricted and secured area during the ArtsFaire; and

WHEREAS, approval of the Public Celebration Permit Applications 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 the Renaissance ArtsFaire on the following dates during the times indicated:

| | | |
|----------|------------------|-------------------------|
| Saturday | November 7, 2015 | 10:00 a.m. to 5:00 p.m. |
| Sunday | November 8, 2015 | 11:00 a.m. to 4:00 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:

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)

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 Event Begin Time 10:00 am End Time 5:00 pm
Las Cruces Saturday & Sunday 10:00 am 5:00 pm
Description and Name of Event Renaissance ArtsFair Date(s) of Event Nov 07&08, 2015 Alcohol Service Begin Time 11:00 am End Time 4:00 pm
Physical Address of Event & Name of Building or Business 1905 E Nevada Ave (Young Park), LC, NM Number of Persons expected to Drink 500

Description of Security _____ Number of Security _____ Security Contact Name _____ Contact Telephone # _____

SPONSOR INFORMATION

Sponsor of Event Dona Ana Arts Council & NM Brewer's Guild Contact Name Chris Goblet Contact Telephone # 505-660-2951

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 Donna Almarez Date 15 Sep 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

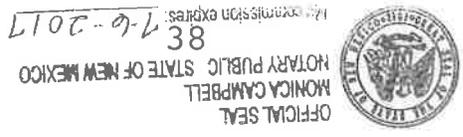
Subscribed and Sworn before me this 15 day of September, 2015 Notary Public Monica Campbell Exp. 7-6-2017

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
Phone 541-2076 515-515-515 541-2017

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



| 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 | Gossein | 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 | 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 |
| 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 | | | 1/17/2007 | 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 |
| 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% |
| 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 | 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

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of October 5, 2015
(Adoption Date)

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 44TH ANNUAL RENAISSANCE ARTSFAIRE TO BE HELD NOVEMBER 7 AND 8, 2015 AT 1905 EAST NEVADA (YOUNG PARK), LAS CRUCES, NEW MEXICO.

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

| DEPARTMENT | SIGNATURE | PHONE NO. | DATE |
|-----------------------------|------------------------------------|-----------|--------------|
| Drafter/Staff Contact | <i>Monica Campbell</i> | 541-2128 | 9/18/15 |
| Department Director | <i>[Signature]</i> | 541-2128 | 18 Sept 2015 |
| Other | | | |
| Assistant City Manager /CAO | <i>[Signature]</i> | 541-2100 | 9/21/15 |
| Management & Budget Manager | <i>C. MacGregor for R. Burdick</i> | 541-2107 | 9/18/15 |
| Assistant City Manager/COO | <i>[Signature]</i> | 541-2271 | 9/22/15 |
| City Attorney | <i>[Signature]</i> | 541-2128 | 18 Sept 2015 |
| City Clerk - Interim | <i>[Signature]</i> | 541-2115 | 9/25/15 |