



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 5 Ordinance/Resolution# 16-086

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 PECAN GRILL & BREWERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA AT THE 44<sup>TH</sup> 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.

<b>COUNCIL DISTRICT: 3</b>		
<b><u>Drafter/Staff Contact:</u></b> Monica Campbell	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> 541-2128
<b><u>City Manager Signature:</u></b>	<i>Daniel Quila</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. Pecan Grill & Brewery 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, Pecan Grill & Brewery.
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 <u>FY16</u> .
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
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**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 Pecan Grill & Brewery 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 Pecan Grill & Brewery at the Renaissance ArtsFaire on November 7 and 8, 2015. The Alcohol and Gaming Director may issue the Public Celebration Permit for Pecan Grill & Brewery 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 Pecan Grill & Brewery 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. 16-086

**A RESOLUTION AUTHORIZING PECAN GRILL & BREWERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA AT THE 44<sup>TH</sup> 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**, Pecan Grill & Brewery 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** Pecan Grill & Brewery 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**  
 (60-6A-11 / 60-6A-26.1 NMSA)

**FEES ARE \$10 PER DAY -- Fees are Non-Refundable**

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Pecan Grill & Brewery Owner Name Tom Springer Liquor License # 67023  
 Mailing Address 5005 Telslor City, State & Zip Las Cruces NM, 88011  
 Contact Telephone # 575-521-1099 Fax # 575-521-2656 Email Address Tom@pecangrill.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 10 AM End Time 5:00 PM  
 Description and Name of Event LC Renaissance Faire Date(s) of Event Nov 7 & 8, 2015 Alcohol Service Begin Time 10 AM End Time 5:00 PM  
 Physical Address of Event & Name of Building or Business 1905 E Nevada Ave (Young Park) Number of Persons expected to Drink 500  
 Description of Security Security Concepts Number of Security 5 Security Contact Name Bernadette Contact Telephone # 575-526-4151

**SPONSOR INFORMATION**

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

**BUILDING/PROPERTY OWNER APPROVAL**

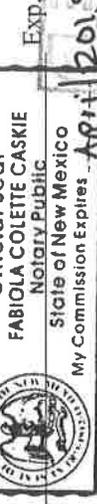
Name (print) Robert L. Garza, P.E. Signature \_\_\_\_\_ Telephone # 575-541-2016 Date \_\_\_\_\_  
City Manager

**LICENSE HOLDER & SERVER CERTIFICATION:** I, Tom Springer (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) Tom Springer Signature \_\_\_\_\_ Date 9/16/15  
 All profits derived from the sale of liquor will go only to the licensee.

**NOTARY INFORMATION**



Only the owner or authorized person under this license may sign the permit.  
 Subscribed and Sworn before me this 16 day of September, 20 15 Notary Public  
 Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Title City Manager Date \_\_\_\_\_  
 Signature \_\_\_\_\_  
 My Commission Expires April 2015  
 Phone 575-541-2016 Fax 575-541-2019

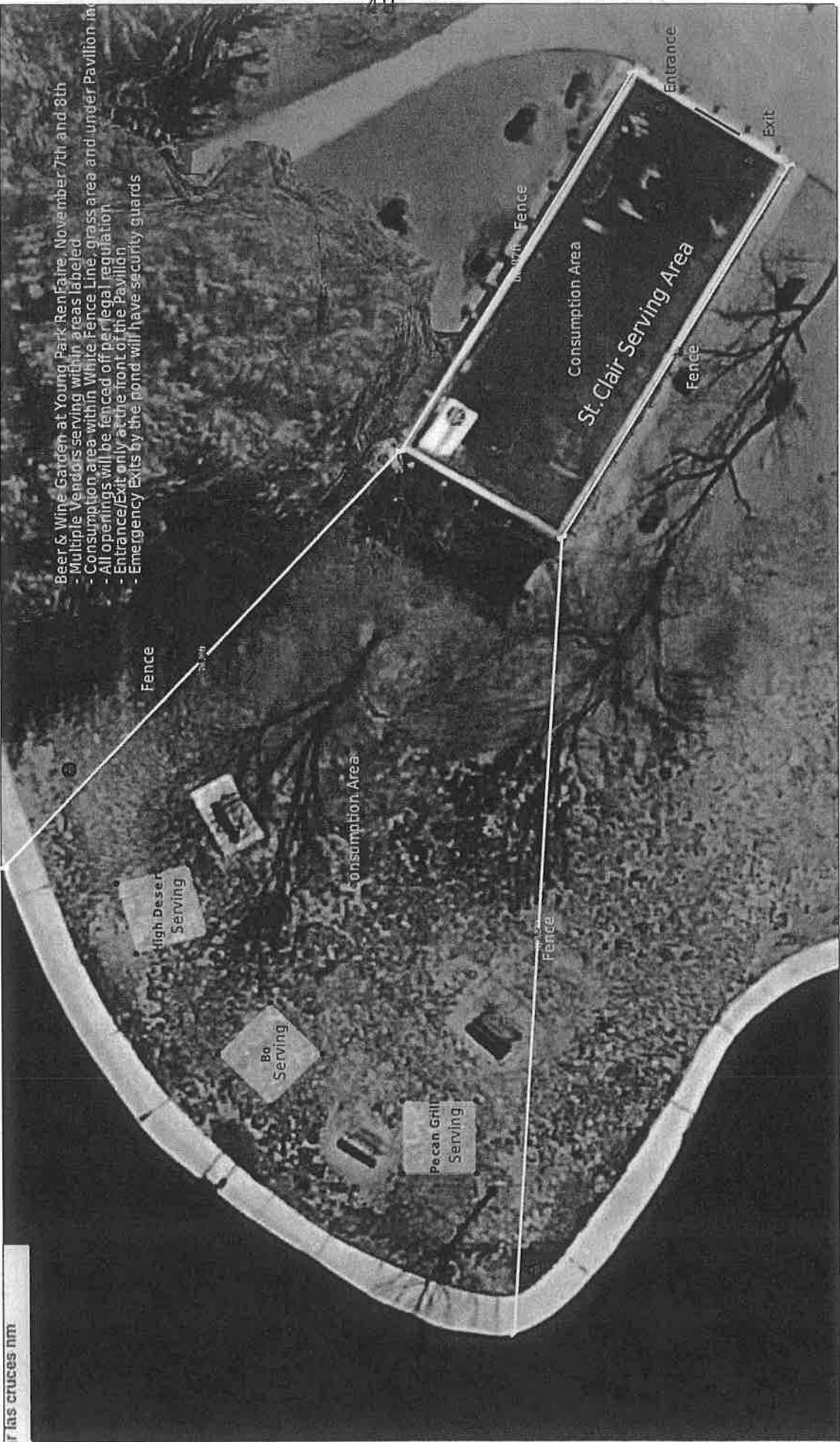
**LOCAL GOVERNING BODY APPROVAL**

Print Name Robert L. Garza P.E. Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
 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 \_\_\_\_\_

SEP 16 2015

Beer & Wine Garden at RenFaire\_St.Clair  
2015-11-07 10:00 am  
Print Date: 2015-09-17 20:05:51  
Young Park Pavillion

See notes in map below



Pecan Grill Servers<sup>49</sup>

Pecan Grill:	Allan	David	11/8/15-Temp
289244	Baca	Nicholas	7/1/16
160755	Bauer	Catherine	2/22/18
262035	Brown	Maranda	10/27/16
296313	Brown	Colton	1/4/17
239922	Caskie	Fabiola	3/17/18
240146	Cordova	James	2/11/17
295430	Dougherty	George	12/2/16
278195	Duarte	Daniel	9/12/2017
268082	Dumke	Luke	1/21/17
282652	Galvan	Angel	1/5/2018
310879	Garcia	Luis(Alex)	12/17/17
270918	Gibson	Shauni	3/31/17
175469	Gonzales	Julian	5/9/17
295567	Guerrero	Uriel	12/5/2016
259550	Justesen	Michael	6/11/16
239436	Kern	Andrew	3/2/18
312873	Merrill	Tyler	6/8/2018
237491	Mondragon	Thomas	12/9/17
308925	Montes	Cynthia	10/22/2017
236962	Neal	Daniel	11/17/17
177239	Norris	Bill - William	2/1/16
298446	Perriguy	Tara	3/1/2017
196862	Rambicure	Chris L.C	7/11/17
306388	Riddle	Ryan	8/20/17
237670	Ruiz	Ashley	12/11/17
284643	Schero	Charles	3/25/2018
188910	Singleton	Heather (Nikki)	3/1/2017
256010	Siroki	Daleska	5/20/16
87668	Solomon	Jesse	4/20/16
221801	Springer	Ashley	9/12/16
230782	Springer	Thomas	9/29/17
312906	Struble	Tiana	2/21/18
192906	Vela	Ismael	1/31/17

184785	Walkey (Ferralez)	Jenna	7/27/16
288396	Wilson	Brianna	6/1/18



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## COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

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(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	9/18/15
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>[Signature]</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