



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3Ordinance/Resolution# 16-100For Meeting of _____
(Ordinance First Reading Date)For Meeting of November 16, 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 FRANK O'BRIEN PAPER CENTER, 304 WEST BELL AVENUE, DURING THE NEW MEXICO STATE UNIVERSITY DEPARTMENT OF ENTOMOLOGY, PLANT PATHOLOGY & WEED SCIENCE'S HOLIDAY BANQUET ON DECEMBER 2, 2015.

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

COUNCIL DISTRICT: 2		
<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 Department of Entomology, Plant Pathology & Weed Science ("EPPWS") at New Mexico State University is sponsoring a holiday banquet at the Frank O'Brien Paper Center, 304 West Bell Street, on December 2, 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 5:30 p.m. and 9:00 p.m. on December 2, 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.

(Continue on additional sheets as required)

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-FY <u>16</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 Frank O'Brien Papen Center, 304 West Bell Avenue, during the EPPWS Holiday Banquet on December 2, 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 December 2, 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.

(Continue on additional sheets as required)

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. 16-100

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 FRANK O'BRIEN PAPEN CENTER, 304 WEST BELL AVENUE, DURING THE NEW MEXICO STATE UNIVERSITY DEPARTMENT OF ENTOMOLOGY, PLANT PATHOLOGY & WEED SCIENCE'S HOLIDAY BANQUET ON DECEMBER 2, 2015.

The City Council is informed that:

WHEREAS, the Department of Entomology, Plant Pathology & Weed Science at New Mexico State University is the sponsor of a holiday banquet on December 2, 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 the New Mexico State University Department of Entomology, Plant Pathology & Weed Science's Holiday Banquet between 5:30 p.m. and 9:00 p.m. on December 2, 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:

Hyatt Buggs

SR. Ass't 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 5:30 pm End Time 9:00 pm
Wednesday

Description and Name of Event EPPWS Holiday Banquet Date(s) of Event Dec 02, 2015 Alcohol Service Begin Time 5:30 pm End Time 9:00 pm
Physical Address of Event & Name of Building or Business 304 W Bell Ave; O'Brien-Papen Community Center Number of Persons expected to Drink 100
Description of Security High Desert Brewing Co Number of Security 2 Security Contact Name Matt Lowther Contact Telephone # 575-525-6752

SPONSOR INFORMATION

NMSU Dept of Entomology, Plant Pathology & Weed Sci. Contact Name Dr. Gerald Simms Contact Telephone # 575-646-1125

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 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 _____ Date 4 Oct 2015
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

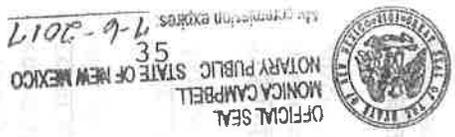
Subscribed and Sworn before me this 14 day of October, 2015 Notary Public Monica Campbell Exp. 7-6-2017

LOCAL GOVERNING BODY APPROVAL

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

ALCOHOL & GAMING DIVISION USE ONLY

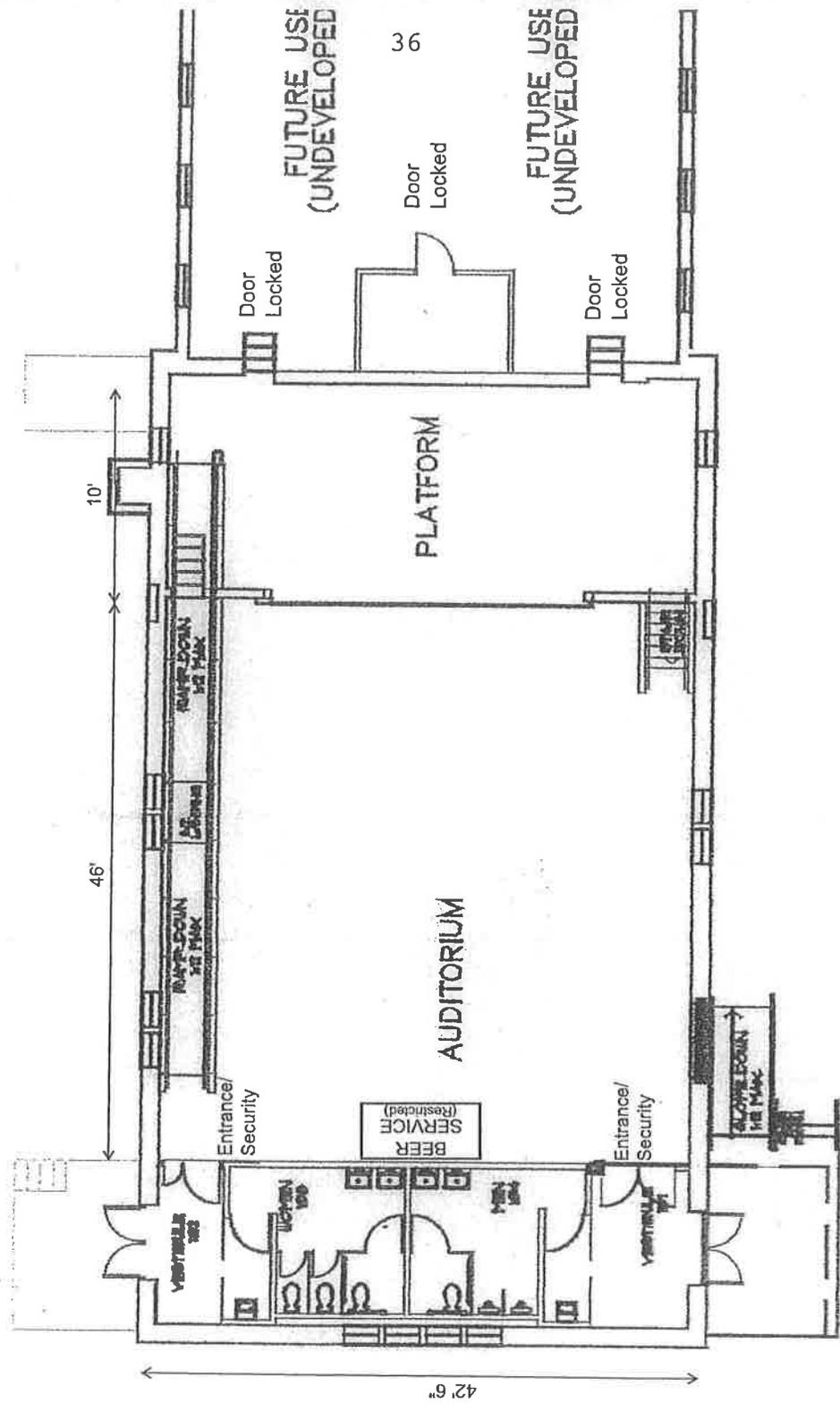
Approved by: _____ Date _____ Permit Number _____
Attachments: 1) Floor plan - (Pictures) _____ 2) Fees per day (listed on top of page) _____ 3) Server information list _____



Beer Service Map

EPPWS Holiday Banquet December 02, 2015 (Wednesday)

O'Brien-Papen Community Center
304 W Bell Avenue
Las Cruces, NM

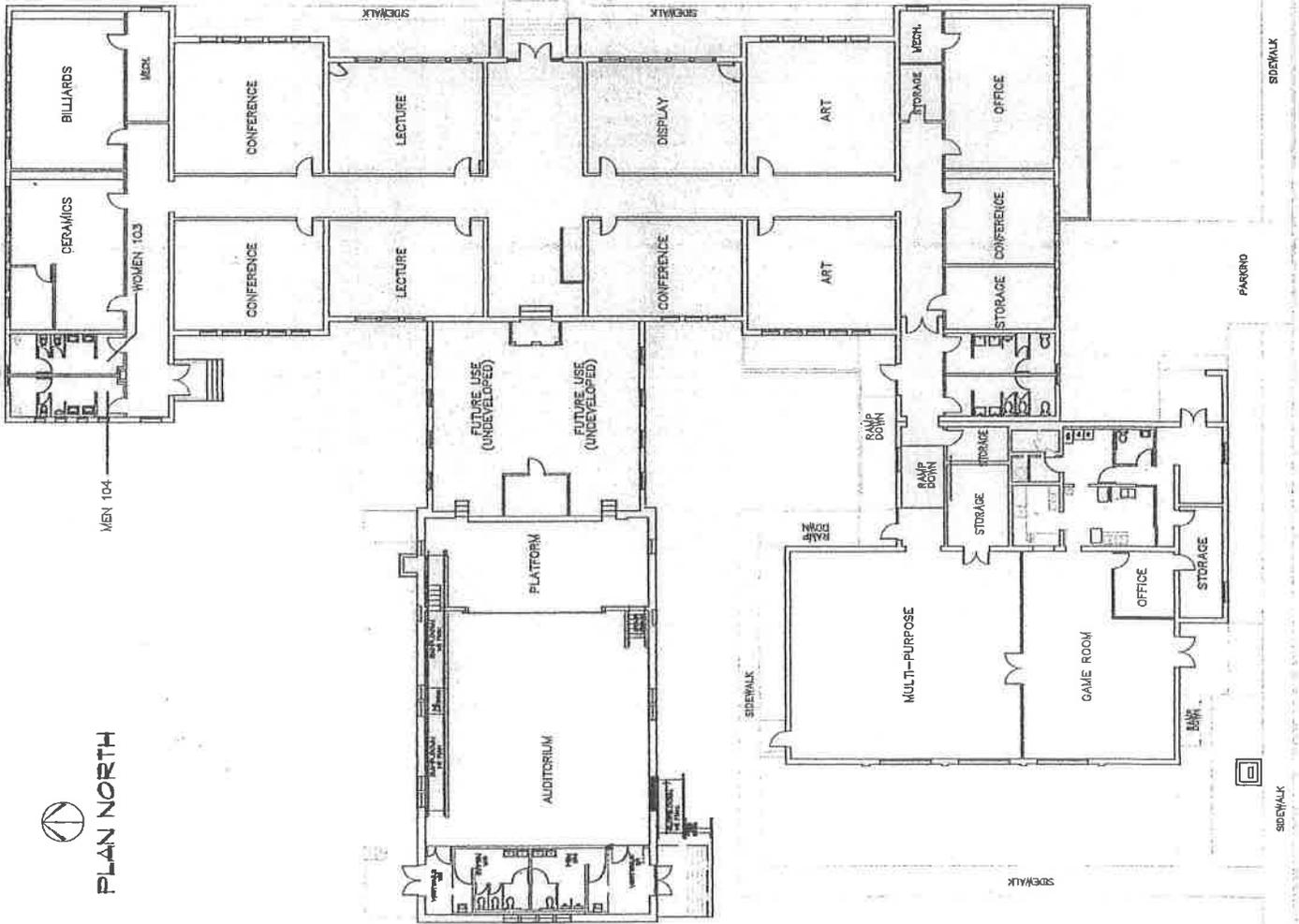


Approximately 2,380 sq ft
2 Entrance/Exits

SIDEWALK



PLAN NORTH



Linden Avenue

304 W Bell Avenue

July 1, 2015-June 30, 2016

LIQUOR LICENSE NUMBER		OWNER NAME		DBA NAME
6801		High Desert Brewing Company		High Desert Brewing Company
Server Permit #	Last Name	First Name	HIRE DATE	SERVER EXPIRATION DATE
32589	Gosselin	Robert	1/13/1994	6/8/2016
36476	McClellan	Jacob	12/15/2014	3/26/2017
43172	Schack	Eric	7/20/2001	10/17/2017
49454	Alvarez	Donna	1/1/1997	6/1/2018
91307	Romero	Rudy	1/16/2010	5/11/2016
153396	Hauptmann	Benjamin	10/10/2003	7/12/2017
162289	McClellan	Raven	6/5/2006	2/5/2015
181875	Cepeda	Cory	4/11/2013	6/25/2016
194355	Lowther	Coy	1/10/2014	7/28/2017
211210	Lowther	Matthew	4/21/2008	7/20/2016
213777	Costilow	Lianne	8/17/2005	8/19/2016
215329	Williams	Nathaniel	7/18/2010	10/16/2016
222454	Burns	Daniel	8/4/2014	10/30/2016
224282	Merle	Monett	8/2/2012	3/19/2017
230468	Obregon	Andres	6/1/2001	10/17/2017
258148	Hite	Maria	5/29/2013	5/14/2016
280753	Vera	Elizabeth	9/5/2014	11/26/2017
304548	Williams	Taylor	4/18/2009	7/12/2017
313527	Garton	Lori	3/13/2015	3/4/2018
	Hernandez	Luis	6/22/2015	Tested 8/13/2015
	Mendez	Juan	6/17/2015	Tested 09/15/2015
93042	Kindrick	Lawrence		5/2/2017
236149	Kindrick	Jill		10/18/2017
238398	Kamat	Satish		1/16/2018
241940	Denton	Drew		5/6/2018
299885	Rios	Robert		3/31/2017
301778	Miller	Joy		5/22/2017

184164-exp-07/21/2011



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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of November 2, 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 FRANK O'BRIEN PAPER CENTER, 304 WEST BELL AVENUE, DURING THE NEW MEXICO STATE UNIVERSITY DEPARTMENT OF ENTOMOLOGY, PLANT PATHOLOGY & WEED SCIENCE'S HOLIDAY BANQUET ON DECEMBER 2, 2015.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Comstock</i>	541-2128	10/15/15
Department Director	<i>[Signature]</i>	541-2128	10/16/15
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2106	10/16/15 10/16/15
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	10/16/15
City Attorney	<i>[Signature]</i>	541-2128	10/16/15
City Clerk -Interim	<i>[Signature]</i>	541-2115	10/23/15