



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4Ordinance/Resolution# 16-114For Meeting of _____
(Ordinance First Reading Date)For Meeting of December 7, 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 CHILE DROP TO BE HELD ON MAIN STREET ON DECEMBER 31, 2015.

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

COUNCIL DISTRICT: 1		
Drafter/Staff Contact: Monica Campbell	Department/Section: Legal/City Attorney	Phone: 541-2128
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Project Mainstreet is the sponsor of the Las Cruces Chile Drop to be held on December 31, 2015 on Main Street, generally between Las Cruces Avenue and Griggs Avenue. 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 on December 31, 2015 between 8:00 p.m. and 12:30 a.m.

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 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 by High Desert Brewing Company within a restricted and secured area on Main Street, generally between Las Cruces Avenue and Griggs Avenue during the Las Cruces Chile Drop on December 31, 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 31, 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 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. 16-114

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 CHILE DROP TO BE HELD ON MAIN STREET ON DECEMBER 31, 2015.

The City Council is informed that:

WHEREAS, Project Mainstreet is the sponsor of the Las Cruces Chile Drop to be held on December 31, 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 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 between 8:00 p.m. and 12:30 a.m. on December 31, 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)

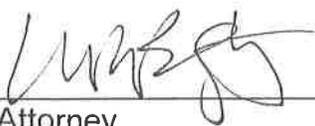
VOTE:

Mayor Miyagishima: _____
Councillor Gandara: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Eakman: _____
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 hdbc.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 Thursday
Event Begin Time 8:00 pm End Time 1:00 am

Description and Name of Event Chile Drop/Street Party Date(s) of Event Dec 31, 2015 Alcohol Service Begin Time 8:00 pm End Time 12:30 am

Physical Address of Event & Name of Building or Business 125 N Main St, Las Cruces, NM Number of Persons expected to Drink 800

Description of Security Security Concepts Number of Security 15 Security Contact Name Michael Gonzalez Contact Telephone # 526-4151

SPONSOR INFORMATION

Sponsor of Event Project Main Street Contact Name Russ Smith Contact Telephone # 575-640-8283

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature _____ Telephone # 575-541-2076 Date _____

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 19 Nov 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 19 day of November, 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 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

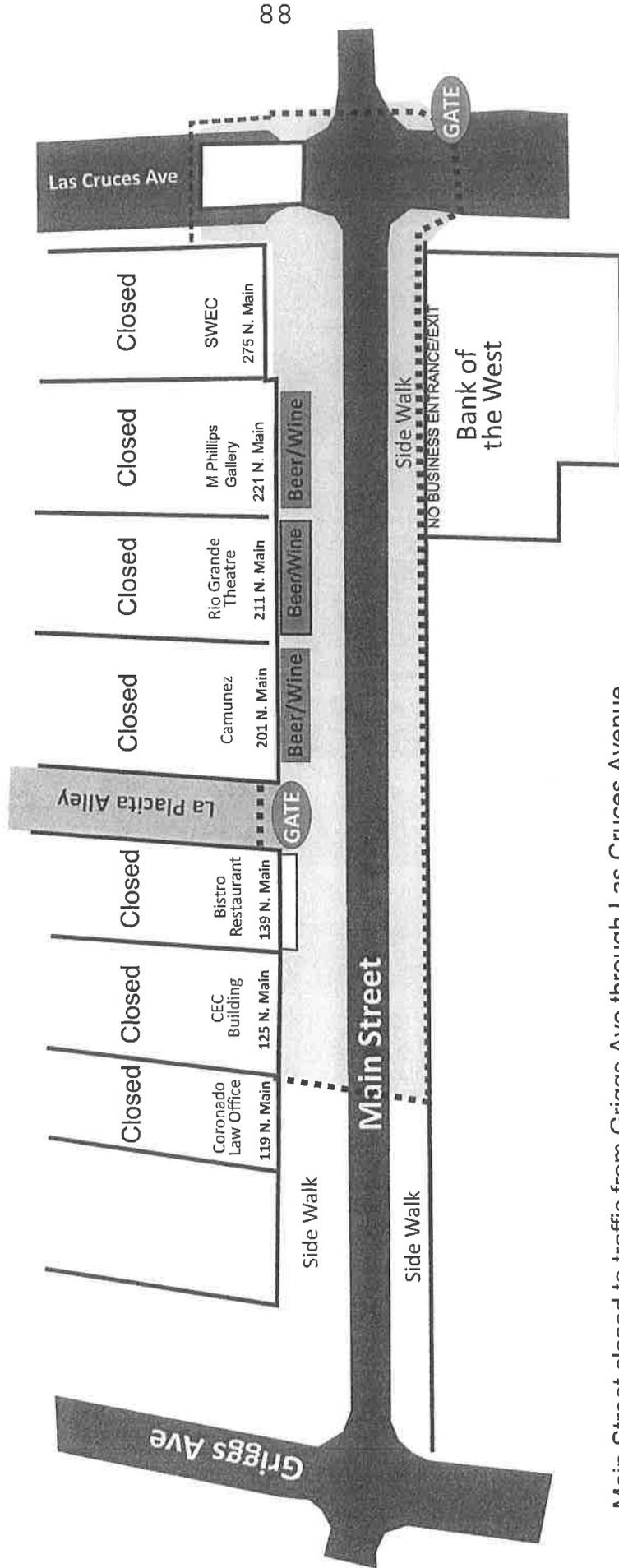
NOTARY PUBLIC STATE OF NEW MEXICO
MONICA CAMPBELL
OFFICIAL SEAL
My commission expires: 7-6-2017



Beer & Wine Service Map

Chile Drop

Dec 31, 2015



- Main Street closed to traffic from Griggs Ave through Las Cruces Avenue
- Las Cruces Avenue closed to traffic at intersection with Main Street
- R2 Barriers at street closings
- 4 foot orange barrier fencing around all open areas and in front of street barriers.

Authorized security personnel at both gates at all times to ensure no alcoholic beverages leave the enclosed area.

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
49454	Alvarez	Donna	1/1/1997	6/1/2018
211210	Lowther	Matthew	4/21/2008	7/20/2016
230468	Obregon	Andres	6/1/2001	10/17/2017



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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of December 7, 2015
 (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	11/20/15
Department Director	<i>Webb</i>	541-2128	20 Nov 2015
Other	<i>[Signature]</i>		
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2100	11/23/15 11/20/15
Assistant City Manager/COO	<i>Daniel Odo</i>	541-2271	11/23/15
City Attorney	<i>Webb</i>	541-2128	20 Nov 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	12-1-15