City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item #11 Ordinance/Resolution# 16-184

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of April 4, 2016 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: **A RESOLUTION AUTHORIZING PICACHO PEAK BREWING CO. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING BLAZIN' BREWFEST, AN EVENT TO BE HELD ON MAIN STREET ON SATURDAY, MAY 7, 2016 FROM 4:00 P.M. TO 10:00 P.M.**

PURPOSE(S) OF ACTION:

To authorize continuation of a permitting process.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Blazin' Brewfest will be held on Main Street, which is City property, on Saturday, May 7, 2016. The New Mexico Brewers Guild is the sponsor of its annual Blazin' Brewfest and would like to make available for consumption award winning ales and lagers from craft breweries throughout New Mexico. Consumption of the alcoholic beverages would be allowed between the hours of 4:00 p.m. and 9:00 p.m. within a restricted and secured area on Main Street. Picacho Peak Brewing Co., New Mexico Small Brewer's License No. 67056, has submitted a Public Celebration Permit Application ("Permit Application") to serve beer during the event.

The Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department (Alcohol and Gaming) allows an alcoholic beverage license holder, in this case Picacho Peak Brewing Co., to submit a Permit Application to use its Small Brewer's license at a place other than its regular approved licensed premises. The Las Cruces City Council must grant approval for the issuance of the Permit Application before Picacho Peak Brewing Co. sends the Permit Application to Alcohol and Gaming for review and final approval.

In addition to the Permit Application, Alcohol and Gaming requires a detailed floor plan showing the restricted and secured location of alcoholic beverages including the location of bars, security

(Continue on additional sheets as required)

and the placement of security personnel, serving areas, entrances, exits, and the type and height of the enclosure of the service area which is at least four feet or higher. Finally, Alcohol and Gaming requires a list of employees who are licensed servers for Picacho Peak Brewing Co. who may sell and serve the beer.

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 only to areas approved by Alcohol and Gaming.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, Picacho Peak Brewing Co.
3. Attachment "1", Map of Brewfest area.
4. Attachment "2", List of servers for Picacho Peak Brewing Co.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____Fund.
Does this action create any revenue?			
	Yes	☒	Funds will be deposited into this fund: 1000-10180010-520002 in the amount of $25.00 for FY16.
	No	☐	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

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the sale of beer for consumption by Picacho Peak Brewing Co. within a restricted and secured area during Blazin' Brewfest on Main Street on May 7, 2016. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that Picacho Peak Brewing Co. may not serve beer during Blazin' Brewfest on May 7, 2016. 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 Picacho Peak Brewing Co. during Blazin' Brewfest.

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.

(Continue on additional sheets as required)

(10)

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 April 4, 2016 (Adoption Date)

TITLE: A RESOLUTION AUTHORIZING PICACHO PEAK BREWING CO. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING BLAZIN' BREWFEST, AN EVENT TO BE HELD ON MAIN STREET ON SATURDAY, MAY 7, 2016 FROM 4:00 P.M. TO 10:00 P.M.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	Monica Campbell	541-2128	3/4/2016
Department Director	[illegible]	541-2128	8 MAR 2016
Other			
Assistant City Manager /CAO Management & Budget Manager	[illegible]	541-2100 541-2107	3-9-2016 3-9-2016
Assistant City Manager/COO	[illegible]	541-2271	3/11/16
City Attorney	[illegible]	541-2128	8 MAR 2016
City Clerk	[illegible]	541-2115	3-22-16

Rev. 8/2011

RESOLUTION NO. 16-184

A RESOLUTION AUTHORIZING PICACHO PEAK BREWING CO. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER WITHIN A RESTRICTED AND SECURED AREA DURING BLAZIN' BREWFEST, AN EVENT TO BE HELD ON MAIN STREET ON SATURDAY, MAY 7, 2016 FROM 4:00 P.M. TO 10:00 P.M.

The City Council is informed that:

WHEREAS, the New Mexico Brewers Guild is sponsoring its annual Blazin' Brewfest, a craft beer festival to be held on Saturday, May 7, 2016; and

WHEREAS, Picacho Peak Brewing Co. requests 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 Picacho Peak Brewing Co. to sell beer for consumption within a restricted and secured area during Blazin' Brewfest; 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 Picacho Peak Brewing Co. 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 4:00 p.m. and 9:00 p.m. on Saturday, May 7, 2016.

(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 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
(60-6A-11 / 60-6A-26.1 NMSA)
FEES ARE $10 PER DAY -- Fees are Non-Refundable

LICENSE HOLDER INFORMATION:

Business Name (DBA) Picacho Peak Brewing Co. Owner Name Xavier Mendoza Liquor License # 67056
Mailing Address 3900 W Picacho Ave. City, State & Zip Las Cruces, NM
Contact Telephone # (575)680-6394 Fax # _____ Email Address xmandoza@gmail.com

EVENT INFORMATION: Celebration type: State Fair___ County Fair___ Community Fiesta X Cultural/Artistic Performance___ Athletic ___

Circle those that apply – ***All Age Event*** **Wrist Bands and/or Stamps** – ***Beer Garden*** – ***Indoor*** ***Outdoor*** Event Begin Time 4:00 End Time 10:00
Description and Name of Event BLAZIN' BREWFEST Date(s) of Event 5/7/2016 Alcohol Service Begin Time 4:00 End Time 9:00
Physical Address of Event & Name of Building or Business 211 MAIN ST, DOWNTOWN MALL, LAS CRUCES Number of Persons expected to Drink 1,000
Description of Security SECURITY CONCEPTS UNIFORM GUARDS Number of Security 10 Security Contact Name MIKE GONZALES Contact Telephone # (575) 526-4151

SPONSOR INFORMATION

Sponsor of Event NEW MEXICO BREWERS GUILD Contact Name JOHN GOZIGIAN Contact Telephone # (505) 660-7423

BUILDING/PROPERTY OWNER APPROVAL

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

LICENSE HOLDER & SERVER CERTIFICATION: I, Xavier Mendoza (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) Xavier Mendoza Signature Xavier Mendoza Date 2-22-16
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 22nd day of February, 2016 Notary Public Kathy Jaine Burowski Exp. 6/29/18

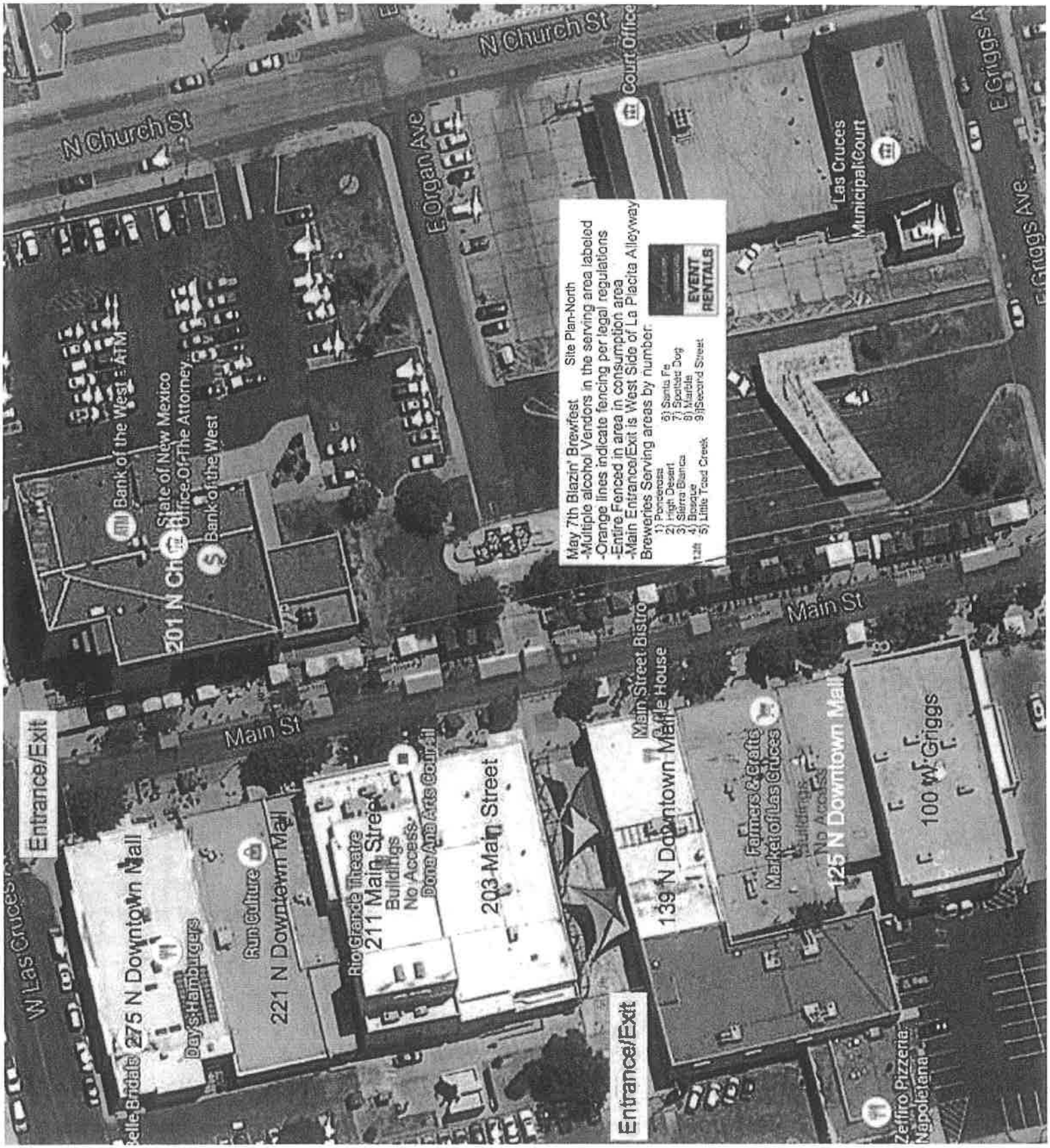
LOCAL GOVERNING BODY APPROVAL

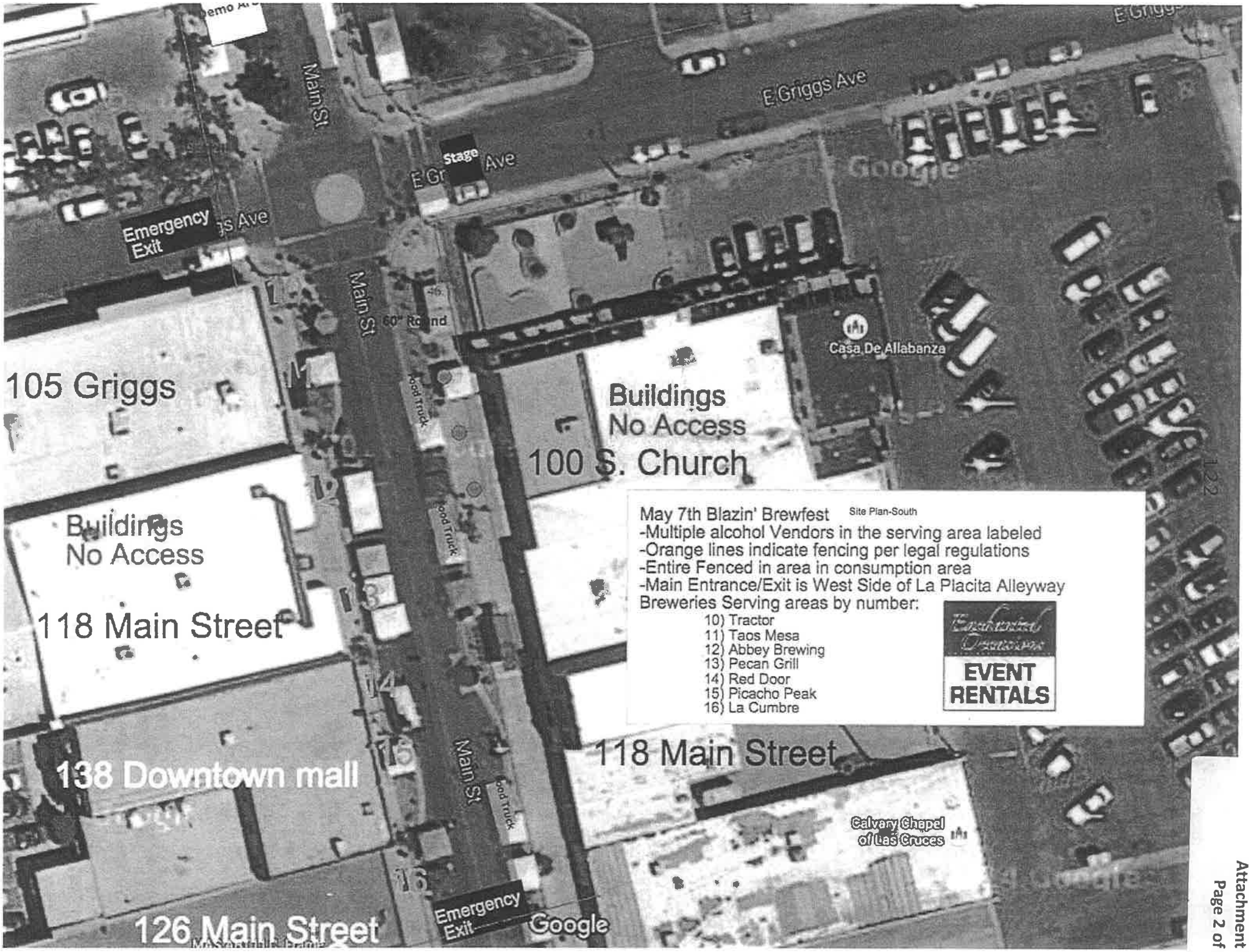
Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____ Phone 575-541-2076 Fax 575-541-2017

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

Scanned by CamScanner

Exhibit A


N Church St
N Church St
E Organ Ave
Court Office
Las Cruces Municipal Court
E Griggs Ave
E Griggs Ave
Bank of the West - ATM
State of New Mexico
Office Of The Attorney
Bank of the West
201 N Ch
Main St
Main St
Main Street Bistro
Main Street House
Entrance/Exit
Entrance/Exit
W Las Cruces
275 N Downtown Mall
Days Hamburgers
Run Culture
221 N Downtown Mall
Rio Grande Theatre
211 Main Street
Buildings
No Access
Dona Ana Arts Council
203 Main Street
139 N Downtown Mall
Farmers & Crafts
Market of Las Cruces
125 N Downtown Mall
100 W Griggs
Zeffiro Pizzeria
Napoletana
May 7th Blazin' Brewfest
Site Plan-North
-Multiple alcohol Vendors in the serving area labeled
-Orange lines indicate fencing per legal regulations
-Entire Fenced in area in consumption area
-Main Entrance/Exit is West Side of La Placita Alleyway
Breweries Serving areas by number:
1) Ponderosa
2) High Desert
3) Sierra Blanca
4) Bosque
5) Little Toad Creek
6) Santa Fe
7) Spotted Dog
8) Marble
9) Second Street
EVENT RENTALS


E Griggs Ave
Main St
Stage
Emergency Exit
60" Round
Food Truck
Casa De Allabanza
105 Griggs
Buildings
No Access
100 S. Church
Buildings
No Access
118 Main Street
138 Downtown mall
118 Main Street
Calvary Chapel of Las Cruces
126 Main Street
Emergency Exit
Google
May 7th Blazin' Brewfest
Site Plan-South
-Multiple alcohol Vendors in the serving area labeled
-Orange lines indicate fencing per legal regulations
-Entire Fenced in area in consumption area
-Main Entrance/Exit is West Side of La Placita Alleyway
Breweries Serving areas by number:
10) Tractor
11) Taos Mesa
12) Abbey Brewing
13) Pecan Grill
14) Red Door
15) Picacho Peak
16) La Cumbre
Enchanted Occasions
EVENT RENTALS

Attachment 2

PICACHO PEAK BREWING CO. LLC

List of Servers 2/22/2016

Name	NM Server Certificate No.	Expiration Date
Xavier Mendoza	**260752**	**7/9/2016**
Zachary Mendoza	**319822**	**7/11/2018**
Jim Fulkerson	**Pending - see attached**	**Pending-see attached**
Deborah L. Crow	**55232**	**6/9/2018**
Jennifer R. Hagen	**299131**	**3/19/2017**
Lindsay M. Keller	**256625**	**4/13/2016**
Michael R. Layton	**65713**	**4/26/2017**
David J. Rodriguez	**196591**	**6/17/2018**

WAY TO SERVE

State of New Mexico
Regulation & Licensing Department
Alcohol and Gaming Division
2550 Cerrillios Road
Santa Fe, NM 87505
Phone (505) 476-4875 • Fax (505) 476-4595

Alcohol Server Education Act — Temporary Server Permit Certificate

This Temporary Certificate is for:

Renewal	New	Minor (19 & 20 Years Old)
☒	☐	☐

Instructions to Server:
Review the information on this certificate to ensure that it correct; it is very important that we get the correct mailing address. After you have confirmed that the information is correct, print out this form and sign it.

Last Name:	First Name:	Middle Initial:
Fulkerson	Jim	M

Mailing Address:	City:	State:	Zip Code:	Zip + 4:
1855 Cruse Ave	Las Cruces	NM	88005	

Social Security Number:	Date of Birth:	Driver's License or Photo Identification Number:	State of Issuance:	Server's Telephone:	Server's Email Address:
[redacted]	[redacted]/1970		NM	915-240-1510	Robbynzbrew@gmail.com

Sex:	Height:	Weight:	Hair Color:	Eye Color:	Test Score:	Completion Date:
M	6' 2	215 lbs	Brn	Hzl	88%	8/24/2015

I have read the above information and swear under penalty of perjury that the information contained herein is true and correct to the best of my knowledge and belief. All servers including licensees and lessees who are serving **MUST HAVE THEIR VALID SERVERS PERMIT IN THEIR POSSESSION WHEN ENGAGED IN THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES.** Upon recording a test grade of 80% or better on the Way to Serve Training Program the provider will issue the temporary server permit certificate to the applicant. The temporary server permit (a signed print out of this certificate) will be **VALID FOR 120 DAYS from the date of issuance**. Photocopies may not be used for temporary server permits.

Server's Signature	Printed Name of Server	Date
	Jim Fulkerson	9-9-15

Provider's Signature	Printed Name of Provider	Date	Provider Number
W. Gill Woodall	W. Gill Woodall	9/9/2015	**098**

This certificate was awarded from the Way To Serve Training Program by Wedge Communications LLC, a provider approved by the State of New Mexico Regulation & Licensing, Department Alcohol and Gaming Division. If you have any questions regarding this program or the validity of this certificate please contact:

Dr. Gill Woodall
Wedge Communications LLC
1667 Cole Boulevard, Suite 225A
Golden, CO 80401