



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 19Ordinance/Resolution# 16-192For 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 ABBEY 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.

<b>COUNCIL DISTRICT: 1</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>		

**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. Abbey Brewing Co., New Mexico Small Brewer's License No. 67054, 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 Abbey 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 Abbey 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 Abbey 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, Abbey Brewing Co.
3. Attachment "1", Map of Brewfest event.
4. Attachment "2", List of servers for Abbey Brewing Co.

**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"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	<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 <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

(Continue on additional sheets as required)

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the sale of beer for consumption by Abbey 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 Abbey 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 Abbey 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)



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**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 ABBEY 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	<i>Monica Campbell</i>	541-2128	3/4/2016
Department Director	<i>W. B. G. [Signature]</i>	541-2128	8 MAR 2016
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2107	3-9-2016 3-9-2016
Assistant City Manager/COO	<i>Daniel [Signature]</i>	541-2271	3/11/16
City Attorney	<i>W. B. G. [Signature]</i>	541-2128	8 MAR 2016
City Clerk	<i>[Signature]</i>	541-2115	3-22-16

RESOLUTION NO. 16-192

**A RESOLUTION AUTHORIZING ABBEY 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**, Abbey 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 Abbey 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** Abbey 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  
 (60-64-11/60-64-26.1 NMSA)

FEEs ARE \$10 PER DAY -- Fees are Non-Refundable

LICENSE HOLDER INFORMATION:

Business Name (DBA) ABSEY BREWING CO. Owner Name ASSEY BREWING Liquor License # 67054  
 Mailing Address 215 W. ALCANTAR RD City, State & Zip SANTA FE, NM 87505  
 Contact Telephone # 505-670-6802 Fax # 505-628-1566 Email Address SHERMANTO@ASSEYBREWING.BIZ

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 4:00PM End Time 10:00PM  
 Description and Name of Event QUAZN' BLEDSFEST Date(s) of Event 5/7/2016 Alcohol Service Begin Time 4:PM End Time 9:00PM  
 Physical Address of Event & Name of Building or Business 211 MAIN ST. DOWNTOWN HILL, LAS CECEES Number of Persons expected to Drink 1,000  
 Description of Security SECURITY GUARDS Number of Security 10 Security Contact Name MIKE BONZAC Contact Telephone # 515-526-4157

SPONSOR INFORMATION

Sponsor of Event NEWS MEXICO BROADCASTS 64150 Contact Name TOMAS GOZIGANS, EX-DIC. Contact Telephone # 660-7403

BUILDING/PROPERTY OWNER APPROVAL

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

LICENSE HOLDER & SERVER CERTIFICATION: I, BERKELEY T MERCHANT (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) BERKELEY T MERCHANT Signature Berkeley T Merchant Date 5/24/16  
 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 21 day of May, 2015 Notary Public Emelinda J May Exp 02-18-18

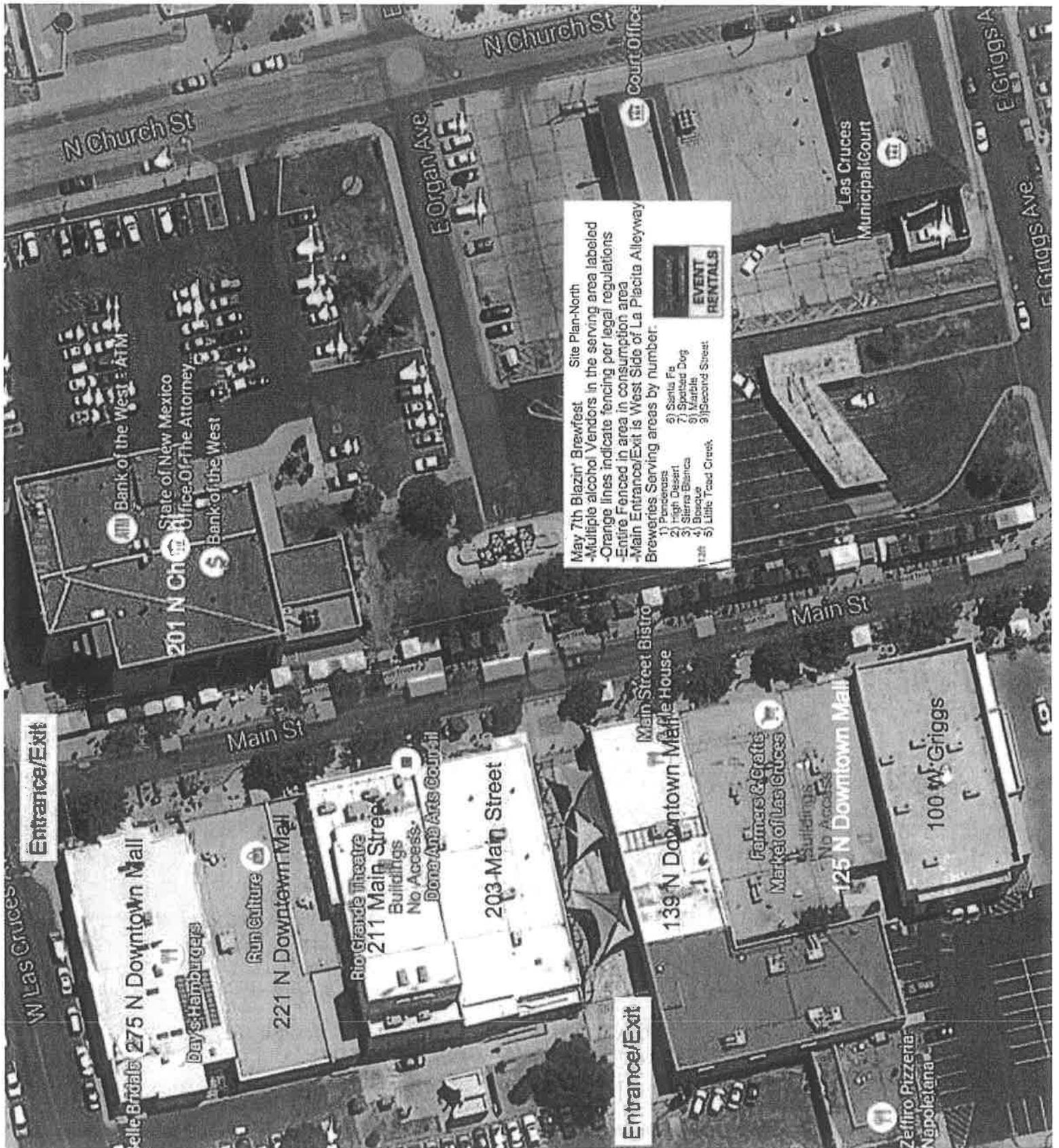
LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza PE 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





**Site Plan-North**  
**May 7th Blazin' Brewfest**  
 -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) Pancorras	6) Santa Fe
2) High Desert	7) Spotted Dog
3) Sierra Blanca	8) Mangle
4) Bosque	9) Second Street
5) Little Trud Creek	

12th  
**EVENT RENTALS**

Entrance/Exit

Entrance/Exit

275 N Downtown Mall

221 N Downtown Mall

211 Main Street

203 Main Street

139 N Downtown Mall

125 N Downtown Mall

100 W Griggs

201 N Church St

E Organ Ave

N Church St

Las Cruces Municipal Court

E Griggs Ave

E Griggs Ave

Main St

Main St

W Las Cruces

275 N Downtown Mall

Days & Hamburgers

Run Culture

Rio Grande Theatre Buildings

No Access

Donor Arts Council

Main Street Bistro

139 N Downtown Mall

Farmers & Crafts Market of Las Cruces

No Access

Zeffiro Pizzeria Napolitana



Abbey Brewing Company, LLC  
1305 Forest Service Rd. #151  
Abiquiu, New Mexico 87510-0270

Liquor License Number 67054 Name Abbey Brewing Company, LLC  
DBA Abbey Brewing Co

List of Alcohol Servers

Server Permit Number	Last Name	First Name	Year of Birth	Date of Hire	Permit Expiration Date
56096	Holquin	Robert	1974	May-13	05/19/2017
232904	Merchant	Berkeley	1947	July-09	10/07/2017
277213	Ostos	Paul	1990	May-13	08/18/2017