



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 1

Ordinance/Resolution# 17-041

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 19, 2016
(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 ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA AT THE SOUTHWEST ENVIRONMENTAL CENTER'S GALA FUNDRAISER TO BE HELD ON OCTOBER 15, 2016.

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

COUNCIL DISTRICT: 1		
<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 Southwest Environmental Center's Gala Fundraiser will be held on Main Street between Las Cruces Avenue and Griggs Avenue, on October 15, 2016. Pecan Grill & Brewery ("Pecan Grill") is requesting approval to sell alcoholic beverages 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 Pecan Grill to sell alcoholic beverages within the restricted and secured area between 6:00 p.m. and 10:00 p.m. on October 15, 2016.

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.
3. Attachment "1", Map of event area on Main Street.
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"/>	<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>1000-15315000-511300</u> in the amount of <u>\$25.00</u> for <u>FY17</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 alcoholic beverages for consumption by Pecan Grill, within a restricted and secured area on Main Street, during the Gala Fundraiser on October 15, 2016. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that Pecan Grill may not serve alcoholic beverages during the event on October 15, 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.

(Continue on additional sheets as required)

3. Vote to "Amend"; this could include changing the time that alcoholic beverages are 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 alcoholic beverages being sold by Pecan Grill 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



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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of September 19, 2016
 (Adoption Date)

TITLE: A RESOLUTION AUTHORIZING PECAN GRILL & BREWERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA AT THE SOUTHWEST ENVIRONMENTAL CENTER'S GALA FUNDRAISER TO BE HELD ON OCTOBER 15, 2016.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Therica Campbell</i>	541-2128	8-22-2016
Department Director	<i>W. J. [Signature]</i>	541-2128	24 Aug 2016
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2100	8/25/2016
Management & Budget Manager	<i>[Signature]</i>	541-2107	8/24/16
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	8/26/16
City Attorney	<i>[Signature]</i>	541-2128	24 Aug 2016
City Clerk	<i>[Signature]</i>	541-2115	9-9-16

RESOLUTION NO. 17-041

A RESOLUTION AUTHORIZING PECAN GRILL & BREWERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA AT THE SOUTHWEST ENVIRONMENTAL CENTER'S GALA FUNDRAISER TO BE HELD ON OCTOBER 15, 2016.

The City Council is informed that:

WHEREAS, the Southwest Environmental Center's Gala Fundraiser will be held on October 15, 2016; and

WHEREAS, Pecan Grill & Brewery ("Pecan Grill") has requested approval to sell alcoholic beverages for consumption within a restricted and secured area during the event; 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 Pecan Grill to sell alcoholic beverages 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 Pecan Grill is hereby authorized to continue with the permitting process for

the Public Celebration Permit Application, attached hereto as Exhibit "A", to allow alcoholic beverages to be sold for consumption within a restricted and secured area on Main Street between 6:00 p.m. and 10:00 p.m. on Saturday, October 15, 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

(§60-6A-11 / 60-6A-26.1 NMSA)

FEE PER DAY: \$10.00, No. of Days: 1 (DO NOT SUBMIT CASH) Date Application Filed: 8-22-2016

A copy of all approved permits are sent to the Special Investigations Division of the Department of Public Safety, and DPS will request additional information, if needed.

LICENSE HOLDER INFORMATION: Check boxes that apply

Liquor License # 67023 Type of License: [] Craft Distiller [X] Small Brewer [] Winegrower

Business Name (DBA): Pecan Grill & Brewery Owner Name: Tom Springer

Mailing Address: 500 S Telshor City, State & Zip: Las Cruces, NM 88011

Phone: 575-521-1099 Fax No.: 575-521-2656 Email Address: Colette@pecan grill.com

EVENT INFORMATION: Date(s) /Duration of Event: October 15, 2016

Description and Name of Event: SWEC Gala Fundraiser

Physical Address of Event: 275 N Main St/ between Griggs & Las Cruces Ave

Type of Event: [] Indoor Event Only [] Outdoor Event Only [] Beer Garden [X] All Ages Event/ Wrist Bands and/or Stamps

Type of Celebration: [] State Fair [] County Fair [] Community Fiesta [X] Cultural / Artistic Performance [] Athletic

TIME:

Event Begins at: 6:00 pm Event Ends at: 10:30 pm Total Number of Attendees Expected at Event: 250

Alcohol Service Begins at: 6:00 pm Alcohol Service Ends at: 10:00 pm Total # of Attendees Expected to Consume Alcohol: 200

SECURITY: Describe Type: Security Concepts Number of Security: 3

Security Contact Name: Michael Contact Telephone #: 575-526-4151

Note: Licensee's employee(s) assigned to work security, must work this exclusively and may not serve at the Event.

SPONSOR INFORMATION: Sponsor of Event: Southwes Environmental Center

Name of Contact: Kevin Bixby Phone: 575-522-5552

APPROVAL OF PROPERTY OWNER: Phone Number: 631-806-1394

Print Name: William M Ross Signature: [Signature] Date: 8/22/16

Name of Your Business and Location of Property: Building Owner

LICENSE HOLDER & SERVER CERTIFICATION: I, Tom Springer (Licensee) hereby certify that this application is signed by Licensee or authorized person under this License, that Event is not within 300 feet 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 at the Event are currently Server Certified, that they are all my employees, and that ALL the information in this Application and the Attachments, is true and correct. Licensee Agrees that if any statements or representations herein are found to be false, the Director may refuse to issue additional permits. I understand that all fees submitted are non-refundable. Must sign before a Notary:

Licensee Name: (print) Tom Springer Signature: [Signature] Date: 8-22-16

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Dona Ana)

SUBSCRIBED AND SWORN TO before me this 22 day of August, 2016

By: Fabiola Colette Coakie Notary Public:

My Commission Expires: 4/6/19



LOCAL GOVERNING BODY APPROVAL: Print Name: David Dollahan Title: Interim City Manager

Signature: _____ Date: _____ Phone: 575-541-2016 Fax: 575-541-2017

AGD USE ONLY: Application Must Include: Payment of Fees, per day (listed on top of page), Floor Plan - (w/photos) & Detailed Server List

FINANCE| Application Fee \$ _____ Received on: _____ Receipt No. _____

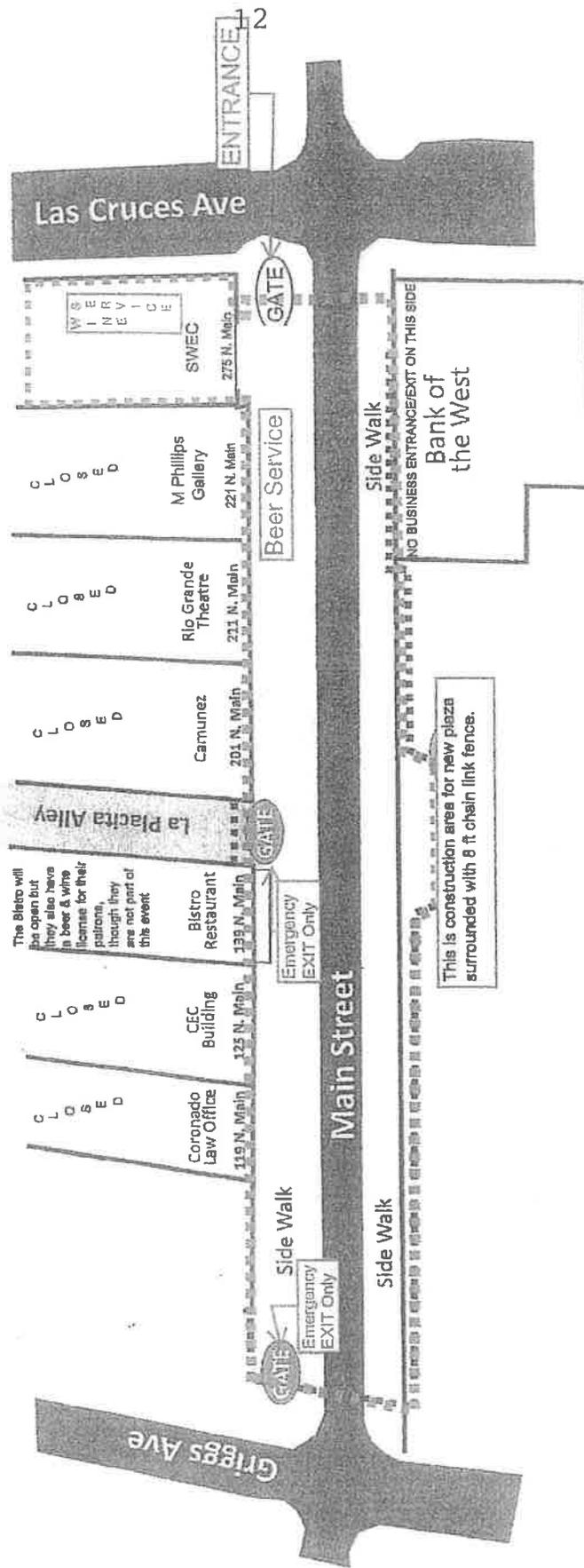
Clear of Citations/Holds: [] Yes [] No, [] Approved [] Disapproved, _____

Processed By: _____ Date: _____

Assigned Permit Number: _____ Approved Permit Sent on: _____ By: [] Email [] Fax

Beer & Wine Service Map

SouthWest Environmental Center Gala Fundraising Event
 October 17, 2015 (Saturday)



Total fenced in beer serving area is approximately 13,285 sq ft
 Total length=295'; Total width = 45'; Extra cut-out=10'
 (Sidewalk = 12.5' on either side; Street = 20')

Street closed at Main St & Griggs Ave
 Street closed at Main St & Las Cruces Ave
 R2 Barriers at street closings
 4 foot orange barrier fencing around all open areas and in front of street barriers.

Authorized personnel at all gates to ensure alcohol does not leave the enclosed area.

Liquor License Number: 2654

Owner Name: Springer Management of La

DBA Name: Pecan Grill and Brewery

Today's Date

8/22/16

Server Permit #	Last Name	First Name	DOB	Hire Date	Termination Date	Permit Expiration Date	Column1
289244	Baca	Nicholas		10/13/14		11/13/16	temp
295430	Dougherty	George		6/28/13		12/2/16	
184785	Walkey (Ferralez)	Jenna		3/14/11		12/9/16	temp
295907	Meza	Santiago		8/28/15		12/15/16	
296313	Brown	Colton		3/18/14		1/4/17	
196862	Rambicure	Chris L.C		1/23/15		7/11/17	
305313	Rich	William		9/16/15		7/22/17	
306388	Riddle	Ryan		4/28/14		8/20/17	
278195	Duarte	Daniel		8/19/13		9/12/17	
260132	Hernandez	Stephanie		6/27/15		9/25/17	
230782	Springer	Thomas		owner		9/29/17	
236962	Neal	Daniel		11/16/09		11/17/17	
237491	Mondragon	Thomas		11/17/09		12/9/17	
237670	Ruiz	Ashley		3/9/11		12/11/17	
160755	Bauer	Catherine		9/20/10		2/22/18	
239436	Kern	Andrew		6/2/14		3/2/18	
313772	Savilla	Alixandria		11/13/14		3/5/18	
239922	Caskie	Fabiola		7/26/11		3/17/18	
316253	Rodriguez	Cynthia		8/31/12		4/28/18	
287379	Garcia, 3rd	Alfredo		2/17/15		5/22/18	
312873	Merrill	Tyler		5/28/15		6/8/18	
243620	McElheny	Kara		10/31/13		6/25/18	
319435	Allan	David		8/15/13		7/8/18	
320400	Turquette	James		9/11/15		7/22/18	
320453	Martinez	Jenna		5/27/14		8/4/18	
328595	Martinez	Corey		8/2/15		8/4/18	
324939	Garcia	Alyssa		5/22/14		11/10/18	
325719	Rosa	John		3/3/16		1/13/19	
177239	Norris	William		3/23/10		2/12/19	
259550	Justesen	Michael		5/29/13		2/13/19	
328471	Sandoval	Yasmin		4/28/15		3/23/19	
	Boothe	Sarah		8/17/15		4/6/19	
	Paz	Nicole					temp
Total						32	