



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 6 Ordinance/Resolution# 17-046

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 HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA DURING THE SOUTHERN NEW MEXICO FALL FESTIVAL TO BE HELD ON MAIN STREET ON OCTOBER 8, 2016.

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:

Southern New Mexico Pride is sponsoring a Fall Festival to be held on Main Street between Las Cruces Avenue and Griggs Avenue on October 8, 2016. High Desert Brewing Company ("High Desert") is requesting approval to sell alcoholic beverages for consumption within a restricted and secured area during the event.

Approval by the 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 to provide alcoholic beverage sales and service on October 8, 2016 from 6:00 p.m. to 10:30 p.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.
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"/>	<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: 1000-15315000-511300 in the amount of \$25.00 for FY17.
	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 High Desert, within a restricted and secured area, during the Fall Festival on October 8, 2016. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that High Desert may not sell alcoholic beverages for consumption during the Fall Festival on October 8, 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 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 for consumption during the Fall Festival.

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.



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 September 19, 2016
 (Adoption Date)

TITLE:

A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA DURING THE SOUTHERN NEW MEXICO FALL FESTIVAL TO BE HELD ON MAIN STREET ON OCTOBER 8, 2016.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	8-22-16
Department Director	<i>[Signature]</i>	541-2128	23 Aug 2016
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2107	8/23/16
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	8/26/16
City Attorney	<i>[Signature]</i>	541-2128	23 August 2016
City Clerk	<i>[Signature]</i>	541-2115	

RESOLUTION NO. 17-046

A RESOLUTION AUTHORIZING HIGH DESERT BREWING COMPANY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA DURING THE SOUTHERN NEW MEXICO FALL FESTIVAL TO BE HELD ON MAIN STREET ON OCTOBER 8, 2016.

The City Council is informed that:

WHEREAS, Southern New Mexico Pride is sponsoring a Fall Festival, to be held on Main Street between Las Cruces Avenue and Griggs Avenue, on October 8, 2016; and

WHEREAS, High Desert Brewing Company ("High Desert") requests 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 High Desert to sell alcoholic beverages for consumption within a restricted and secured area during the Fall Festival on October 8, 2016 from 6:00 p.m. to 10:30 p.m.; 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 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 October 8, 2016, during the Fall Festival.

(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

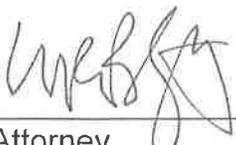
(SEAL)

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, ALL FEES ARE NON-REFUNDABLE Date Application Filed:
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: Liquor License # 6801 Clear of Citations/Holds: Yes No
Local Option District (LOD): 08005

Business Name (DBA): High Desert Brewing Company Owner Name: High Desert Brewing Co., Inc
Mailing Address: 1201 W Hadley Avenue City, State & Zip: Las Cruces, NM 88005
Phone: 575-525-6752 Fax No.: 575-647-8022 Email Address: hdbc.lcnm@gmail.com

EVENT INFORMATION: Saturday
Description and Name of Event: So NM Pride Fall Festival Date(s) /Duration of Event: Oct 08, 2016
Physical Address of Event and Name of Building: 125 N Main St/between Griggs Ave & Las Cruces Ave

Check all that apply: Indoor Event Only Outdoor Event Only Beer Garden All Ages Event Wrist Bands and/or Stamps
Celebration Type: State Fair County Fair Community Fiesta Cultural / Artistic Performance Athletic

Time Event Begins: 6:00 pm Time Event Ends: 11:00 pm
Total Number of Attendees Expected at Event: 500

Time Alcohol Service Begins: 6:00 pm Time Alcohol Service Ends: 10:30 pm
Total Number of Attendees Expected to Consume Alcohol: 200

Security, Describe: Security Concepts Number of Security: 3
Security Contact Name: Mike Gonzalez 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: Southern New Mexico Pride
Name of Contact: Holly Piasente Phone: 575-644-7276

APPROVAL OF PROPERTY OWNER: Phone:
Print Name: David Dollahon Signature: Date:
Name of Your Business: City of Las Cruces

LICENSE HOLDER & SERVER CERTIFICATION: I, Donna L Almarez (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. Must sign before a Notary:

Licensee Name: (print) Donna L Almarez Signature: Donna Almarez Date: 8-19-2016

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

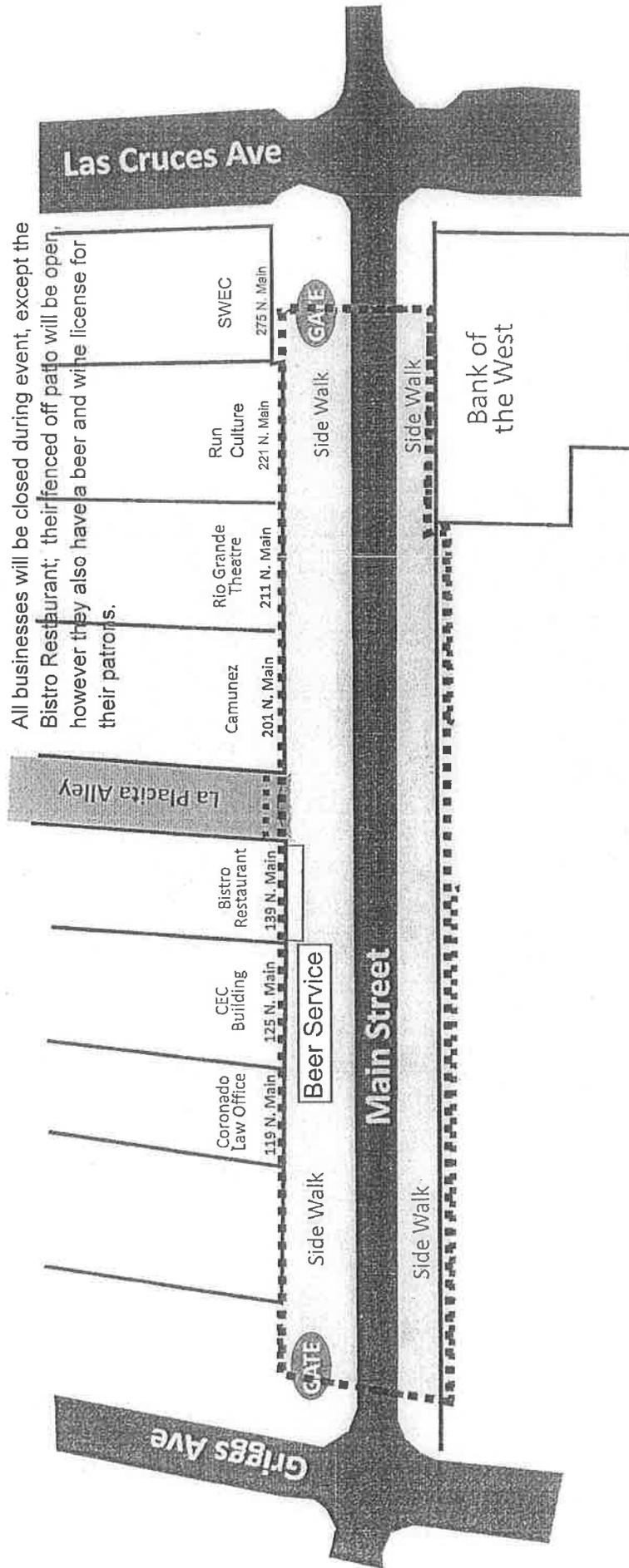
SUBSCRIBED AND SWORN TO before me this 19th day of August, 2016
By: Donna L Almarez Notary Public: My Commission Expires: 2-2-20

LOCAL GOVERNING BODY APPROVAL: Print Name: David Dollahon Title: Interim City Mgr
Signature: Date: Phone: 575-541-2014 Fax: 575-541-2017

ALCOHOL & GAMING DIVISION USE ONLY:
Application Must Include: Payment of Fees, per day (listed on top of page), Floor Plan - (w/photos) and Detailed Server List
Approved Disapproved
Processed By: Date:
Assigned Permit Number: Approved Permit Sent on: By: Email Fax

Beer & Wine Service Map

So NM Pride Fall Festival
 October 8, 2016 (Saturday)



All businesses will be closed during event, except the Bistro Restaurant; their fenced off patio will be open, however they also have a beer and wine license for their patrons.

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.

Total fenced in beer serving area is approximately 13,275 sq ft
 Total length=295'; Total width=45'
 (Sidewalk = 12.5' on either side; Street = 20')

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

LIQUOR LICENSE NUMBER	OV	DBA NAME	
6801	High Desert	High Desert Brewing Company	
Server Permit #	Last Name	First Name	SERVER EXPIRATION DATE
49454	Alvarez	Donna	6/1/2018
181875	Cepeda	Cory	6/27/2019
184164	Mendez	Juan	9/3/2018
213777	Costilow	Lianne	8/19/2016
230468	Obregon	Andres	10/17/2017
304548	Williams	Taylor	7/12/2017