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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

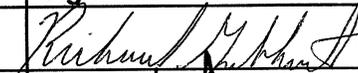
**Council Action and Executive Summary**

Item # 4      Resolution # 11-081      Council District:     

**For Meeting of October 4, 2010**  
 (Adoption Date)

**A RESOLUTION AUTHORIZING THE DONA ANA ARTS COUNCIL, INC. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE WITHIN A RESTRICTED AND SECURED AREA AT THE RENAISSANCE ARTSFAIRE 2010 TO BE HELD NOVEMBER 6 AND 7, 2010 AT YOUNG PARK, LAS CRUCES, NEW MEXICO.**

**PURPOSE(S) OF ACTION:**      To approve, modify or not approve authorization for the Dona Ana Arts Council, Inc. ("DAAC, Inc.") to sell wine for consumption within a restricted and secured area during the Renaissance ArtsFaire 2010 ("ArtsFaire").

<b>Drafter and Staff Contact:</b> Monica Campbell		<b>Department:</b> Legal		<b>Phone:</b> 541-2128	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Department Director			Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The ArtsFaire is an annual, Renaissance themed, juried art show that showcases local and regional arts, craftspeople and entertainers. It is one of the largest cultural events in Southern New Mexico.

DAAC, Inc., a nonprofit corporation that plans and organizes the ArtsFaire, is requesting approval to sell wine for consumption in a restricted and secured area known as the Wine Garden in the Pavilion at Young Park.

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"). Final approval by Alcohol and Gaming would allow wine to be sold for consumption in a restricted and secured area within Young Park during specific dates and times as follows:

Saturday	November 6, 2010	10:00 a.m. – 5:00 p.m.
Sunday	November 7, 2010	12:00 p.m. – 4:00 p.m.

(Continue on additional sheets as required)

The granting of the Public Celebration Permit will also 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. Public Celebration Permit application with attachments (a list of servers and a map of Young Park), Exhibit "A".

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>  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.	
<b>Does this action create any revenue?</b>	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: 1015-10180020-520002 in the amount of \$50.00 (\$25 per day).
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**FUND SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A					

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes". This will approve wine being sold for consumption within a restricted and secured area at Young Park during the Renaissance ArtsFaire 2010 on November 6 and 7, 2010. Approval will allow Alcohol and Gaming to continue with the Public Celebration Permit process.
2. Vote "No". A "No" vote means that no wine will be sold at the Renaissance ArtsFaire 2010. The Alcohol and Gaming Director may issue a Public Celebration Permit for

(Continue on additional sheets as required)

the ArtsFaire provided that the City Council has given written approval for the permitting process to continue

3. Vote to "Amend". Amendments may include such items as changing the dates and times that wine is sold. Any amendments must comply with city ordinance, state statute and/or the requirements of Alcohol and Gaming.
4. Vote to "Table". Tabling may result in no wine being sold at the ArtsFaire. Alcohol and Gaming requires receipt of the Public Celebration Permit ten days before the scheduled event. In this case, the deadline is October 27, 2010.

### **REFERENCE INFORMATION**

None.

**RESOLUTION NO. 11- 081**

**A RESOLUTION AUTHORIZING THE DONA ANA ARTS COUNCIL, INC. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE WITHIN A RESTRICTED AND SECURED AREA AT THE RENAISSANCE ARTSFAIRE 2010 TO BE HELD NOVEMBER 6 AND 7, 2010 AT YOUNG PARK, LAS CRUCES, NEW MEXICO.**

The City Council is informed that:

**WHEREAS**, the Renaissance ArtsFaire is an annual event held in Las Cruces, New Mexico during the first full weekend of November; and

**WHEREAS**, the Dona Ana Arts Council, Inc. is a New Mexico nonprofit corporation which plans and organizes the Renaissance ArtsFaire; and

**WHEREAS**, the Dona Ana Arts Council, Inc. is requesting approval to sell wine for consumption at the Renaissance ArtsFaire 2010 within a restricted and secured area known as the Wine Garden in the Pavilion at Young Park; and

**WHEREAS**, approval by the City Council is required prior to submission of the Public Celebration Permit 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 wine to be sold for consumption within a restricted and secured area during the Renaissance ArtsFaire 2010; and

**WHEREAS**, the granting of a Public Celebration permit will also 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** the Dona Ana Arts Council, Inc. is hereby authorized to continue with the permitting process to allow wine to be sold for consumption within the restricted and secured area known as the Wine Garden in the Pavilion at Young Park during the Renaissance ArtsFaire 2010 at specific dates and times as follows:

Saturday	November 6, 2010	10:00 a.m. to 5:00 p.m.
Sunday	November 7, 2010	12:00 p.m. to 4:00 p.m.

(II)

THAT City staff is authorized to do all deeds necessary to accomplish the intent of this Resolution.

DONE AND APPROVED on this 4 day of October 2010.

APPROVED:

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Connor: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Thomas: \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ALCOHOL & GAMING DIVISION  
PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER & SMALL BREWER 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) St Clair Winery Owner Name St Clair Winery & Tasting Room LLC  
Street Address: 1325 De Baca Rd City, State & Zip Deming NM 88830 County Luna  
Phone Number: 575-546-1179 Fax number 575-546-2027

**EVENT INFORMATION:** Celebration type: State Fair County Fair County Fiesta Community Fiesta 0 Cultural/Artistic Performance 0

Date(s) of Celebration NOV. 6 & 7, 2010 Begin Time 12pm End Time 7pm  
Description of Celebration: Art Fair with Renaissance Theme  
Number of Security to be Provided 2 Company Name Doña Ana Arts Council Number of Guests Expected 500-750

Contact Name & Number Ceci Vasconcellos  
Physical Address of Event Young Park, Las Cruces City, Las Cruces County Doña Ana

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration Doña Ana Arts Council Phone 575-523-6403  
Contact Name Ceci Vasconcellos Title Ex. Dir Date 9-9-10 Signature C. Vasconcellos

**LICENSE HOLDER CERTIFICATION:** I Patent Lescombes (Licensee) hereby certify that this event is not within 300ft. 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 ALL information in this application is true and correct. Licensee Signature: \_\_\_\_\_

Subscribed and Sworn To Before Me This 8<sup>th</sup> day of September 20 10, Notary Public Jessica E. Gault Exp 12/09/2012

**BUILDING OWNER APPROVAL:**

Contact Name (print) Ceci Vasconcellos Facility Name Doña Ana Arts Council Date 9-9-10 Signature C. Vasconcellos Phone 575-6403

**LOCAL GOVERNING BODY APPROVAL**

Print Name Terrence Moore Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
575- 575-  
Phone 541-2076 Fax 541-2077

Alcohol and Gaming Division Use Only  
Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit Number \_\_\_\_\_

PLEASE INCLUDE LIST OF SERVERS AND THEIR SERVER PERMIT NUMBER WHO WILL BE AT THE EVENT. A DETAILED FLOOR PLAN MUST ALSO BE SUBMITTED DESIGNATING RESTRICTED AND UNRESTRICTED AREAS.

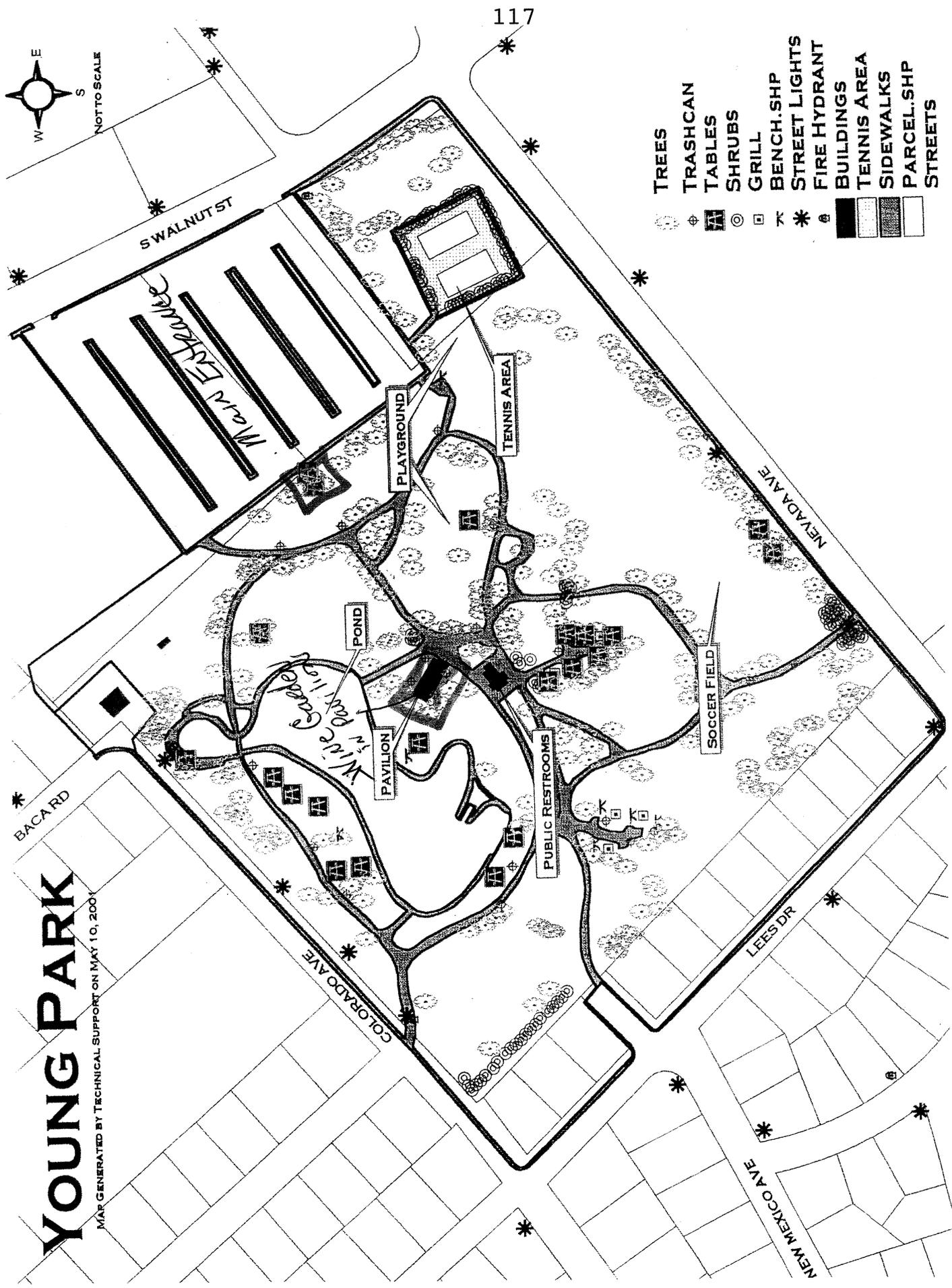
**St. Clair Winery & Tasting Room, Deming, NM.  
Event Servers License Information**

All Server Permit Information are kept on file at the Managers Office in Deming NM.  
All Servers are required to carry the original certificate when dispensing alcohol.

Name	server #	expires
Benningfield, Joshua	#210189	6/9/13
Emery, Jennifer	#65565	6/14/11
Hayes, Connie	#165853	5/5/15
Gutierrez, Crystal	#233164	10/2/14
Paulk, Terri	#202859	1/4/13
Robinson, Lora	#232072	9/22/14

# YOUNG PARK

MAP GENERATED BY TECHNICAL SUPPORT ON MAY 10, 2001



- TREES
- TRASHCAN
- TABLES
- SHRUBS
- GRILL
- BENCH.SHP
- STREET LIGHTS
- FIRE HYDRANT
- BUILDINGS
- TENNIS AREA
- SIDEWALKS
- PARCEL.SHP
- STREETS



NOT TO SCALE

117

SWALNUT ST

Main Entrance

PLAYGROUND

TENNIS AREA

POND

Wire Garden

PAVILION

PUBLIC RESTROOMS

SOCCER FIELD

NEVADA AVE

BACA RD

COLORADO AVE

LEES DR

NEW MEXICO AVE