

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2Ordinance/Resolution# 12-162For Meeting of _____
(Ordinance First Reading Date)For Meeting of April 2, 2012
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING AMARO WINERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE WITHIN A RESTRICTED AND SECURED AREA DURING A FILM SCREENING RECEPTION TO BE HELD ON APRIL 7, 2012 INSIDE THE RIO GRANDE THEATRE, 211 NORTH DOWNTOWN MALL, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve, modify, or not approve the sale of wine inside the Rio Grande Theatre ("Theatre") on April 7, 2012.

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:

ACTion Programs for Animals is presenting a screening of the film entitled "Beyond the Myth" on April 7, 2012. Amaro Winery is requesting approval to sell wine for consumption inside the Theatre during a reception preceding the film screening.

Authorization by the City Council is required 1) because the wine will be served inside the Theatre which is City property; and 2) prior to submission of the Public Celebration Permit Application ("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 from 5:00 p.m. to 7:00 p.m. within a restricted and secured area inside the Theatre on April 7, 2012.

Approval of the Application 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.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Public Celebration Permit Application.
3. Attachment "1". Drawing of the Theatre showing licensed area.
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"/>	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: 1015-10180020-520002, Permits-Liquor Licenses in the amount of <u>\$25.00</u> for FY12.
	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 wine for consumption within a restricted and secured area inside the Theatre on April 7, 2012 from 5:00 p.m. to 7:00 p.m.
2. Vote "No"; this will result in no wine being sold at the Theatre on April 7, 2012. The Director of Alcohol and Gaming 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 may include such items as limiting the hours of service. Any amendments must comply with city ordinance, state statute and/or the requirements of Alcohol and Gaming.

(Continue on additional sheets as required)

4. Vote to "Table"; this may result in no wine being sold at the April 7, 2012 event.

REFERENCE INFORMATION:

N/A.

RESOLUTION NO. 12- 162

A RESOLUTION AUTHORIZING AMARO WINERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE WITHIN A RESTRICTED AND SECURED AREA DURING A FILM SCREENING RECEPTION TO BE HELD ON APRIL 7, 2012 INSIDE THE RIO GRANDE THEATRE, 211 NORTH DOWNTOWN MALL, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Amaro Winery is requesting approval to sell wine inside the Rio Grande Theatre ("Theatre") during a reception preceding the screening of a film entitled "Beyond the Myth" presented by ACTION Programs for Animals; and

WHEREAS, approval by the City Council is required prior to submission of the Public Celebration Permit Application, attached as Exhibit "A", 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 from 5:00 p.m. to 7:00 p.m. within a restricted and secured area inside the Theatre on April 7, 2012; and

WHEREAS, approval 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 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 Amaro Winery is hereby authorized to continue with the permitting process to allow wine to be sold for consumption within a restricted and secured area inside the Rio Grande Theatre on April 7, 2012, from 5:00 p.m. to 7:00 p.m.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the hereinabove.

DONE AND APPROVED on this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney



PUBLIC CELEBRATION PERMIT APPLICATION FOR WINEGROWER AND SMALL BREWER LICENSE HOLDERS
FEE - \$10 PER DAY - Fees are non-refundable (60-6A-11 / 60-6A-26.1 NMSA)

APPROVED AS TO FORM:
[Signature]
 City Attorney

LICENSE HOLDER INFORMATION

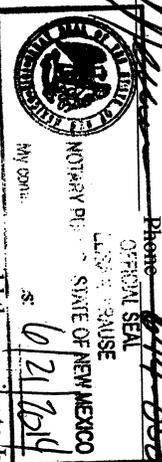
Business Name (DBA) Amaro Winery Owner Name Amaro Winery LLC License Number _____
 Street Address: 402 S. Melendres St City, State, Zip Las Cruces NM 88005 County Dona Ana
 Phone Number: 575-527-5310 Fax number 575-525-9405

EVENT INFORMATION Celebration type: State Fair _____ County Fair _____ Community Fiesta _____ Cultural/Artistic Performance
 Date(s) of Celebration April 7, 2012 Begin Time 5 p.m. End Time 7 p.m.

Description of Celebration: Beyond the Myth film screening reception Number of guests expected 100-200
 Number of Security Personnel to be provided 1 Security company name _____

Contact name and number Michel Meunier or David Salcido
 Physical address of event Rio Grande Theater, 211N. Downtown Mall City Las Cruces County Dona Ana
SPONSOR OF EVENT - Name of Organization/Person Sponsoring Celebration Action Programs for Animals (APA)

Contact Name Michel Meunier Title Director Date 3-8-12 Signature *[Signature]* Phone 575-574-0595
LICENSE HOLDER CERTIFICATION



This form must be signed and dated in the presence of a notary public.

I Harold G. Westphal (Licensee) hereby certify that this 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 are server certified and that ALL information in this application is true and correct. Licensee Signature: *[Signature]* Date 3/8/12

NOTARY
 Subscribed and sworn to before me this 8th day of March 2012 Notary Public *[Signature]* Exp 6/21/2014

BUILDING OWNER APPROVAL

Contact Name (print) Ceci Versteegh Facility Name Rio Grande Theater Date 3-8-12 Signature *[Signature]* Phone 575-523-6403

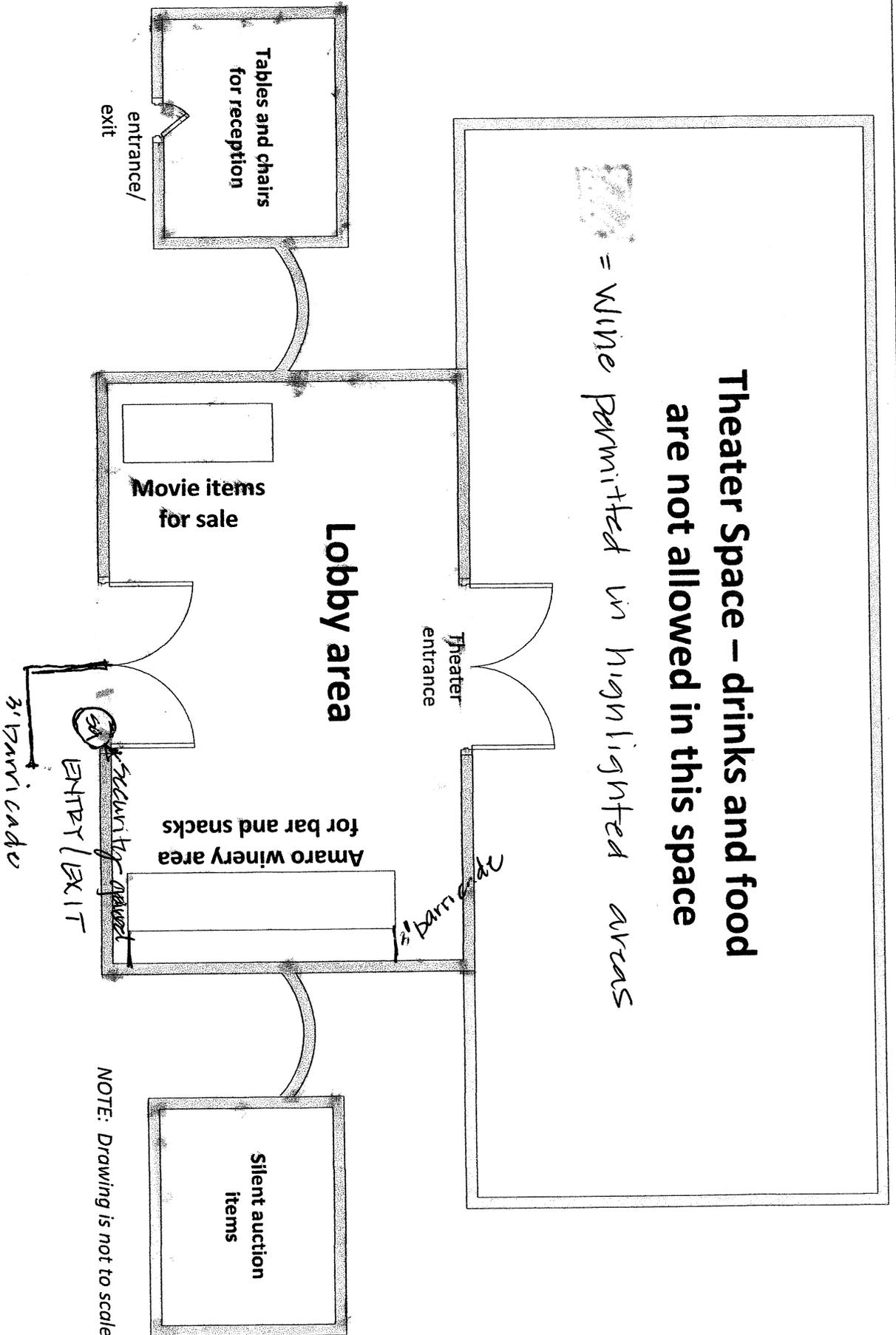
LOCAL GOVERNING BODY APPROVAL

Print Name Robert Garza Title City Manager Date _____ Signature _____ Phone 575-575-575-575-2016 Fax 575-575-2119

Alcohol and Gaming Division Use Only
 Approved by: _____ Date: _____ Permit Number: _____

Theater Space – drinks and food are not allowed in this space

Wine permitted in highlighted areas



Rio Grande Theater setup for APA's *Beyond the Myth* Movie Screening

April 7th, 2012 – with requested reception services from Amaro from 5 p.m. to 7 p.m.

Film will be screened at 7 p.m. with a Q&A session to follow.

Food and drinks are not allowed in the theater space, so the reception services will end at 7 p.m.

Amaro Winery Servers

Drew Denton-241940

Elisa Krause- 241280

Sylvia Chavez- 28666

Meghan Raub-242848

Kelly Allen-38954

Shawn Allen-237032

Harold Denton-236682

Barbara Denton- 237060

Reagan Williams-128609

Lisa Maier-227706

Benjamin Maier-227683

Wayne Hilton - 136410