

# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 5 Ordinance/Resolution# 13-024

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of September 4, 2012  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL     LEGISLATIVE     ADMINISTRATIVE

**TITLE:** A RESOLUTION AUTHORIZING THE LAS CRUCES SYMPHONY ASSOCIATION TO CONTINUE WITH THE PERMITTING PROCESS WHICH FINAL APPROVAL WOULD ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA AT A FUNDRAISING EVENT AT THE BRANIGAN CULTURAL CENTER, 501 NORTH MAIN STREET, TO BE HELD ON SATURDAY, SEPTEMBER 8, 2012 FROM 5:30 P.M. TO 10:30 P.M.

**PURPOSE(S) OF ACTION:**

Authorize continuation of 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:**

The Las Cruces Symphony Association ("Symphony Association") is hosting a fundraising event, with music and an auction, on Saturday, September 8, 2012 at the Branigan Cultural Center located at 501 North Main Street. The Symphony Association would like to offer alcoholic beverages for sale and consumption at the event, and has hired St. Clair Winery to provide the alcoholic beverages.

Approval by the City Council is required prior to submission of the Public Celebration Permits 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 alcoholic beverages to be sold for consumption in a restricted and secured area during the event at Branigan Cultural Center on Saturday, September 8, 2012, from 5:30 p.m. to 10:30 p.m.

The proposed location of the event is within 300 feet of both the Center for Spiritual Living and the Latter Rain Harvest Fellowship Church. St. Clair Winery has requested a waiver of the church/school distance restriction through a separate agenda item. Approval of the Public Celebration Permits is contingent on waiver approval.

(Continue on additional sheets as required)

RESOLUTION NO. 13- 024

**A RESOLUTION AUTHORIZING THE LAS CRUCES SYMPHONY ASSOCIATION TO CONTINUE WITH THE PERMITTING PROCESS WHICH FINAL APPROVAL WOULD ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A RESTRICTED AND SECURED AREA AT A FUNDRAISING EVENT AT THE BRANIGAN CULTURAL CENTER, 501 NORTH MAIN STREET, TO BE HELD ON SATURDAY, SEPTEMBER 8, 2012 FROM 5:30 P.M. TO 10:30 P.M.**

The City Council is informed that:

**WHEREAS**, the Las Cruces Symphony Association (“Symphony Association”) is hosting a fundraising event, with music and an auction, at the Branigan Cultural Center, located at 501 North Main Street, on Saturday, September 8, 2012; and

**WHEREAS**, the Symphony Association would like to offer for sale and consumption alcoholic beverages at the event; and

**WHEREAS**, the alcoholic beverages would be sold and consumed in a restricted and secured area of the Branigan Cultural Center; and

**WHEREAS**, as required by state law, a liquor license holder must seek approval to sell alcoholic beverages in an unlicensed area through a Public Celebration Permit (Exhibits “A” and “B”) issued by the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico (“Alcohol and Gaming”); and

**WHEREAS**, the Symphony Association has hired St. Clair Winery to provide the alcoholic beverages, and is seeking authorization to allow the permit process to continue; and

**WHEREAS**, if the City and Alcohol and Gaming approve the Public Celebration Permits, St. Clair Winery will be allowed to dispense alcoholic beverages in a restricted and secured area at the event on Saturday, September 8, 2012, from 5:30 p.m. to 10:30 p.m.; and

The granting of the Public Celebration Permits will also comply with the requirements of LCMC 1997, Section 5-1, which restricts alcohol consumption in public areas to areas approved by the State only.

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A". Public Celebration Permit Application – St. Clair Winery & Bistro V.
3. Exhibit "B". Public Celebration Permit Application – St. Clair Winery.

**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: <u>1015-10180020-520002</u> in the amount of <u>\$50.00</u> for <u>FY13</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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve alcoholic beverages being sold for consumption within a restricted and secured area at the Branigan Cultural Center, 501 North Main Street, during a fundraising event on Saturday, September 8, 2012 from 5:30 p.m. to 10:30 p.m. Approval will allow Alcohol and Gaming to continue with the permitting process.

(Continue on additional sheets as required)

2. Vote "No"; this will mean that no alcoholic beverages will be sold at the fundraising event. The Alcohol and Gaming Director may issue the Public Celebration Permits provided that the City Council has given written approval for the permit process to continue.
3. Vote to "Amend"; this could include such items as 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 during the event.

**REFERENCE INFORMATION:**

N/A

**WHEREAS**, in accordance with NMSA 1978, Section 60-6B-10, the Symphony Association did submit and was granted a waiver of the church/school distance restriction by the City Council; and

**WHEREAS**, the granting of the Public Celebration Permits will also comply with the requirements of LCMC 1997, 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 Las Cruces Symphony Association is authorized to continue with the permitting process which final approval will allow for the sale and consumption of alcoholic beverages within a restricted and secured area at the Branigan Cultural Center located at 501 North Main Street, on Saturday, September 8, 2012, from 5:30 p.m. to 10:30 p.m.

**(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 \_\_\_\_\_, 2012.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

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

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

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Smith: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

Councillor Thomas: \_\_\_\_\_

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  
Instructions - Please Read Carefully  
APPLICATION WILL BE RETURNED IF INCOMPLETE

LICENSE HOLDER INFORMATION:

Business Name (DBA) St Clair Winery & Bistro Worker Name St Clair Winery & Bistro License # 10160  
Street Address: 1700 Avenida de Mesilla City Las Cruces State NM Zip 88001 County Dona Ana  
Phone Number: 575-546-1179 Fax number: 575-546-0037

EVENT INFORMATION: Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta \_\_\_ Cultural/Artistic Performance X

Date: Sept 8, 2012 Begin/end Time 5:30-10:30pm

Description of Celebration: "Sounds Delicious" Fundraising Event with music & auction.

Number of Security to be Provided 4 company: Branigan Volunteers Number of Guests Expected: 200

Contact Name & Number: Rebecca Slaughter 575-652-1619

Physical Address of Event: Branigan Cultural Center City: Las Cruces County: Dona Ana  
501 Main St.

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration: Las Cruces Symphony Association  
Contact Name (print) Katie Tomicek Title: Executive Director Date: 7-26-12 Signature: [Signature]

LICENSE HOLDER CERTIFICATION: I Florent Lescombes (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 ALL information in this application is true and correct. Licensee Signature: [Signature]

Notary Information  
Subscribed and Sworn To Before Me This 24th day of July 2012 Notary Public: [Signature] Exp. 12/09/2012

BUILDING OWNER CONSENT  
Contact Name Rebecca Slaughter Facility Name Branigan Cultural Center Date 8/1/12 Signature [Signature] Phone 541-2156

LOCAL GOVERNING BODY APPROVAL/ACKNOWLEDGMENT  
Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_  
Date \_\_\_\_\_ Signature \_\_\_\_\_ Permit # \_\_\_\_\_

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

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
Bitler, Laura	#200106	9/30/12
Borrego, Amanda	#212734	8/6/13
Cepeda, Nancy	105525	3/19/2013
Contreras, Isaac	#205297	2/18/13
Dallman, Marisela	#216001	10/23/13
Emery, Jennifer	#65565	5/19/16
Ford, Dana	#213975	8/20/13
Garcia, Joshua	#201426	11/14/12
Gutierrez, Crystal	#233164	10/2/14
Hart, Micheal	214238	8/25/2013
Hayes, Connie	#165853	5/5/15
Jameson, Jessica	#219238	1/5/14
Knapp, Ken	#219584	1/6/14
Lawrence, Sarah	#220182	1/9/14
McCraw, Judd	#217934	12/10/13
Paulk, Terri	#202859	1/4/13
Pedraza, Esperanza	#227486	7/7/14
Pedraza, Esperanza	227486	7/7/14
Quarrell, Jennifer	#110573	6/9/13
Robinson, Lora	#232072	9/22/14
Sanchez, Myles	#198034	8/15/12
Scudder, Kristen	#204626	2/6/13



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  
Instructions - Please Read Carefully  
APPLICATION WILL BE RETURNED IF INCOMPLETE

LICENSE HOLDER INFORMATION:

Business Name (DBA) S. Clair Winery Owner Name S. Clair Winery + Tasting Room LLC 16130  
Street Address: 1335 De Baca Rd City State Zip Deming, NM 88831 County Luna  
Phone Number: 575-546-1179 Fax number: 575-546-2037

EVENT INFORMATION: Celebration type: State Fair \_\_\_ County Fair \_\_\_ Community Fiesta \_\_\_ Cultural/Artistic Performance X

Date: Sept 8, 2012 Begin/end Time 5:30-10:30pm

Description of Celebration: "Sounds Delicious" Fundraising Event with music + auction.

Number of Security to be Provided 4 Company: CSA Volunteers Number of Guests Expected: 200

Contact Name & Number: Katie Tomick 575-646-3374

Physical Address of Event: Branigan Cultural Center 501 Main St. Las Cruces, NM County: Dona Ana

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration: Las Cruces Symphony Association  
Contact Name (print) Katie Tomick Title: Executive Director Date: Sept. 8, 2012 Signature: [Signature]

LICENSE HOLDER CERTIFICATION: I Florent Lescombes (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 ALL information in this application is true and correct. Licensee Signature: [Signature]

Notary Information

Subscribed and Sworn To Before Me This 6<sup>th</sup> day of July 2012 Notary Public: [Signature] Exp. 12/09/2012

BUILDING OWNER CONSENT  
Contact Name Brecca Slaughter Facility Name Branigan Cultural Center Date 8/11/12 Signature [Signature] Phone 541-2152

LOCAL GOVERNING BODY APPROVAL/ACKNOWLEDGMENT  
Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

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

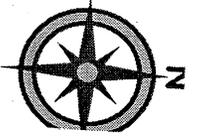
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**Branigan Cultural Center**

*Beer + Wine  
Services*

**Las Cruces Museum of Art**

