

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 5 Ordinance/Resolution# 14-053

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 16, 2013
(Adoption Date)

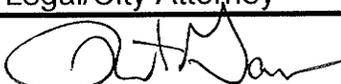
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING THE SOUTHWEST ENVIRONMENTAL CENTER TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE WITHIN A RESTRICTED AND SECURED AREA DURING ITS ANNUAL FUNDRAISER IN AND AROUND 275 NORTH MAIN STREET ON SATURDAY, OCTOBER 5, 2013 FROM 5:00 P.M. TO 10:30 P.M.

PURPOSE(S) OF ACTION:

To authorize continuation of the permitting process.

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 ("Center") will hold its annual gala fundraiser on Saturday, October 5, 2013. The Center is requesting approval to sell wine for consumption within a restricted and secured area in and around 275 North Main Street.

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 wine to be sold within the restricted and secured area between 5:00 p.m. and 10:30 p.m. during the fundraiser.

The authorization of the Public Celebration Permit Applications 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.

(Continue on additional sheets as required)

2. Exhibit "A". Public Celebration Permit Application, Luna Rossa Winery, License No. 6091.
3. Attachment "1". Map of area in and around 275 North 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"/>	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>1000-10180010-520002</u> in the amount of <u>\$50.00</u> for <u>FY14</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 wine for consumption within a restricted and secured area in and around 275 North Main Street during the Southwest Environmental Center's annual gala fundraiser on October 5, 2013. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that no wine will be served during the Southwest Environmental Center's annual gala fundraiser on October 5, 2013. The Alcohol and Gaming Director may issue the Public Celebration Permit for the annual gala 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 such items as changing the time 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"; this could result in no wine being sold at the annual gala.

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.

RESOLUTION NO. 14-053

A RESOLUTION AUTHORIZING THE SOUTHWEST ENVIRONMENTAL CENTER TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE WITHIN A RESTRICTED AND SECURED AREA DURING ITS ANNUAL FUNDRAISER IN AND AROUND 275 NORTH MAIN STREET ON SATURDAY, OCTOBER 5, 2013 FROM 5:00 P.M. TO 10:30 P.M.

The City Council is informed that:

WHEREAS, the Southwest Environmental Center ("Center") will hold its annual gala fundraiser on Saturday, October 5, 2013; and

WHEREAS, the Center is requesting approval to offer wine for sale and consumption at the annual gala; 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 wine to be sold for consumption within a restricted and secured area during the annual gala; 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 the Southwest Environmental Center is hereby authorized to continue with the permitting process for the Public Celebration Permit Application, attached hereto as

Exhibit "A", to allow wine to be sold for consumption within a restricted and secured area between 5:00 p.m. and 10:30 p.m. during the annual gala.

(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 _____, 2013.

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

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) Kuna Rossa Wineery Owner Name Sylvia D Andre License Number 6091
Street Address: 3710 W Pine St City, State & Zip Deming NM 88033 County Luna
Phone Number: 575-494-3537 Fax number 575-546-7948

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

Date(s) of Celebration Sat Oct 5, 2013 Begin Time 5pm End Time 10:30pm

Description of Celebration: DW Enivrome Fair Center Annual gala

Number of Security to be Provided 3 Company Name Security Concepts Number of Guests Expected 300

Contact Name & Number Kelly Covert 575-642-0339 City DC County Amolua

Physical Address of Event 275 N. Main St

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration

Southwest Environmental Center (SWEC)

Contact Name Kelly Covert Title Event coord. Date 9/9/13 Signature Kelly Covert Phone _____

LICENSE HOLDER CERTIFICATION:

I Sylvia D Andre (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: _____ Date 9-6-13

Subscribed and Sworn To Before Me This 6th day of Sept, 2013, Notary Public Yvette Valenzuela Exp Aug 04 2015

BUILDING OWNER APPROVAL:

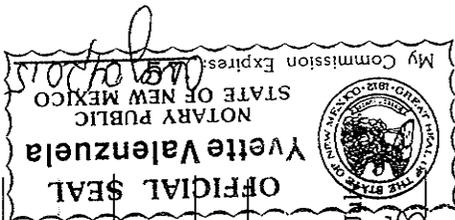
Contact Name (print) _____ Facility Name _____ Date _____ Signature _____ Phone _____

LOCAL GOVERNING BODY APPROVAL

Print Name _____ Title _____ Date _____ Signature _____ Phone _____ Fax _____

Alcohol and Gaming Division Use Only

Approved By: _____ Date: _____ Permit Number _____

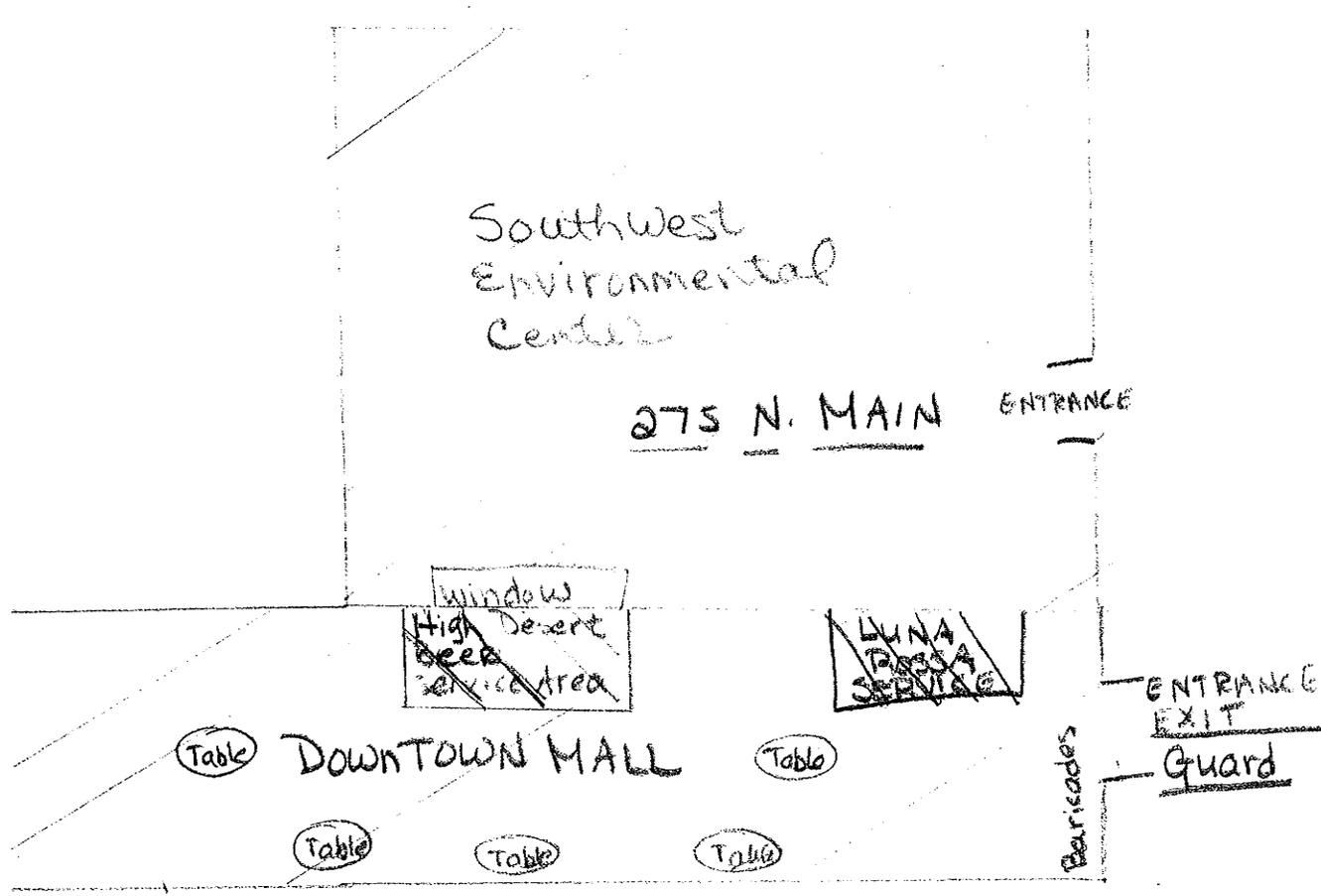


Southwest Environmental Center

Saturday, October 5, 2013

5:00pm-10:00pm

1. There will be a guard at the entrance/exit at all times. The guard will be checking ID's and issuing bracelets. The guard will also prevent removal by the drink of any alcohol.
2. The guard and servers will prevent passage of alcoholic beverages across the barrier fence and respond to any potential disturbance.
3. The lined area(hatched) inside and outside the building is unrestricted, the cross-hatched area around the alcohol serving area is restricted.



Luna Rossa Winery
 3710 W. Pine Street Deming, NM 88030
 575-544-1160

Liquor License #: 6091

Owner Name: Paolo D'andrea

Name	Permit #	Expires
Bejarano, Minerva	180401	5/14/2016
Bejarano, Robert	180311	5/14/2016
D'andrea, Paolo	135391	10/28/2013 5-3-2018
D'andrea, Sylvia	135394	8/26/2013 5-3-2018
Gomez, Marcos	219253	1/5/2014
Jasso, Chris	149522	4/26/2014
McClendon, Stephanie	276464	8/1/2017
Nunez, Angel	219257	1/5/2014
Parten, Prestin	169660	10/20/2015
Ross, Sam	249137	9/8/2015
Sanchez, Paul	240969	1/19/2017
Tarango, Jose L	167441	5/15/2015
Tarango, Teresa	135405	8/26/2013
Velez, Monika	168830	10/20/2015
Velez, Robert	182919	8/27/2016

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