

# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 7 Ordinance/Resolution# 14-171

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

For Meeting of April 21, 2014  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION AUTHORIZING ST. CLAIR WINERY & BISTRO TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE WITHIN A RESTRICTED AND SECURED AREA IN FRONT OF THE RIO GRANDE THEATER, 211 NORTH MAIN STREET, ON APRIL 24, 2014.

**PURPOSE(S) OF ACTION:**

To authorize continuation of a 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 Dona Ana Arts Council is holding a celebration of the arts community awards banquet at the Rio Grande Theater, 211 North Main Street, on April 24, 2014. St. Clair Winery & Bistro is requesting approval to sell wine for consumption within a restricted and secured area during the event.

Approval by the Las Cruces 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 St. Clair Winery & Bistro to sell wine within a restricted and secured area between 5:00 p.m. and 10:00 p.m. on April 24, 2014.

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.

(Continue on additional sheets as required)

2. Exhibit "A", Public Celebration Permit Application, St. Clair Winery & Bistro, License No. 6161.
3. Attachment "1", List of servers.
4. Attachment "2", Map showing the restricted and secured area for service at 211 North Main Street.

**SOURCE OF FUNDING:**

N/A	<b>Is this action already budgeted?</b>	
	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>1000-10180010-520002</u> in the amount of <u>\$25.00</u> for FY14.
	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 the sale of wine for consumption by St. Clair Winery & Bistro within a restricted and secured area at the Rio Grande Theater, 211 North Main Street, on April 24, 2014. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that St. Clair Winery & Bistro may not serve wine during the event on April 24, 2014. 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.

(Continue on additional sheets as required)

3. Vote to "Amend"; this could include 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 by St. Clair Winery & Bistro in front of the Rio Grande Theater on April 24, 2014.

**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. 14-171**

**A RESOLUTION AUTHORIZING ST. CLAIR WINERY & BISTRO TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE WITHIN A RESTRICTED AND SECURED AREA IN FRONT OF THE RIO GRANDE THEATER, 211 NORTH MAIN STREET, ON APRIL 24, 2014.**

The City Council is informed that:

**WHEREAS**, the Dona Ana Arts Council is holding a celebration of the arts community awards banquet at the Rio Grande Theater on April 24, 2014; and

**WHEREAS**, St. Clair Winery & Bistro requests approval to sell wine for consumption within a restricted and secured area in front of the Rio Grande Theater at 211 North Main Street; and

**WHEREAS**, approval by the Las Cruces 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 St. Clair Winery & Bistro to sell wine for consumption within a restricted and secured area in front of the Rio Grande Theater at 211 North Main Street; 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 St. Clair Winery & Bistro 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 in front of the Rio Grande Theater at 211 North Main Street, between 5:00 p.m. and 10:00 p.m. on April 24, 2014, during a celebration of the arts community awards banquet.

(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 Silva: \_\_\_\_\_

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

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

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

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

Councillor Levatino: \_\_\_\_\_

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

Instructions - Please Read Carefully

APPLICATION WILL BE RETURNED IF INCOMPLETE

LICENSE HOLDER INFORMATION:

Business Name (DBA) St. Clair Winery & Bistro Owner Name ST. CLAIR WINERY & BISTRO V, LLC License # 6161

Street Address: 1710 AVENIDA DE MESILLA City State Zip Las Cruces, NM 88005 County Dona Ana

Phone Number: 575-524-0390 Jennifer Fax number: 575-523-2594

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

Date: Thursday, April 24, 2014 Begin/end Time 5:00pm-10:00pm

Description of Celebration: Celebration of the arts community awards banquet

Number of Security to be Provided 4 Company: Dona Ana Arts Council Number of Guests Expected: appr. 150

Contact Name & Number: Kathleen Albers (575) 523-6403

Physical Address of Event: 211 N Downtown Mall City: Las Cruces County: Dona Ana

SPONSOR OF EVENT: Name of Organization/Person Sponsoring Celebration: Dona Ana Arts Council  
 Contact Name(print) Kathleen Albers Title: Executive Director Date: 3-27-14 Signature: [Signature]

LICENSE HOLDER CERTIFICATION: I Kathleen Albers (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] 3/25/14

**Notary Information**

Subscribed and Sworn To Before Me This 25 day of March 2014 Notary Public [Signature] Exp. 04/01/2017

**BUILDING OWNER CONSENT**

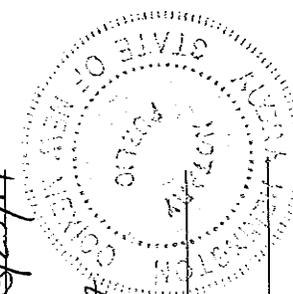
Contact Name Robert Garza Facility Name Rio Grande Theater Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone 575-541-2016

**LOCAL GOVERNING BODY APPROVAL/ACKNOWLEDGMENT**

Print Name Robert Garza Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone 575-541-2016 Fax \_\_\_\_\_

Alcohol and Gaming Division Use Only

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit # \_\_\_\_\_



**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
Emery, Jennifer	#65565	5/19/16
Hayes, Connie	#165853	5/5/15
Paulk, Terri	#202859	1/4/18
Robinson, Lora	#232072	9/22/14
Pedraza, Esperanza	227486	7/7/14
Lemcke, Megan	new	
Smith, Daine	288736	6/19/16

