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

**Council Action and Executive Summary**

Item #   2   Ordinance/Resolution#   15-036  

For Meeting of \_\_\_\_\_ For Special Meeting of September 8, 2014  
(Ordinance First Reading Date) (Adoption Date)

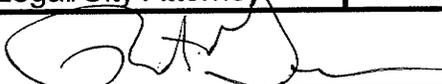
Please check box that applies to this item:

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 DURING AN EVENT SPONSORED BY THE SOUTHWEST ENVIRONMENTAL CENTER, IN AND AROUND 275 NORTH MAIN STREET ON SATURDAY, SEPTEMBER 27, 2014.

**PURPOSE(S) OF ACTION:**

To authorize a permitting process to continue.

<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 Southwest Environmental Center will hold its annual fundraiser on Saturday, September 27, 2014. St. Clair Winery & Bistro 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 beer to be sold within the restricted and secured area between 6:00 p.m. and 10:00 p.m. during the event.

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, St. Clair Winery & Bistro.
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>\$25.00</u> for <u>FY15</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 the sale of wine for consumption by St. Clair Winery & Bistro within a restricted and secured area during an event sponsored by Southwest Environmental Center, in and around 275 North Main Street, on September 27, 2014. 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 event on September 27, 2014. The Alcohol and Gaming Director may issue the Public Celebration Permit for the event provided that the City Council has given written approval for the permitting process to continue.
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 event.

(Continue on additional sheets as required)

**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.

(Continue on additional sheets as required)

**RESOLUTION NO. 15-036**

**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 DURING AN EVENT SPONSORED BY THE SOUTHWEST ENVIRONMENTAL CENTER, IN AND AROUND 275 NORTH MAIN STREET, ON SATURDAY, SEPTEMBER 27, 2014.**

The City Council is informed that:

**WHEREAS**, the Southwest Environmental Center will hold its annual fundraiser on Saturday, September 27, 2014; and

**WHEREAS**, St. Clair Winery & Bistro is requesting approval to offer wine for sale and consumption at the event; 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 event; 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 between 6:00 p.m. and 10:00 p.m. on Saturday, September 27, 2014.

(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 \_\_\_\_\_, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
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 & CRAFT DISTILLER LICENSE HOLDERS  
(60-64-11/60-64-26.1 NMSA)

FEES ARE \$10 PER DAY -- Fees are Non-Refundable

LICENSE HOLDER INFORMATION:

Business Name (DBA) St Clair Winery & Bistro Owner Name St Clair Winery & Bistro License # 60161  
Mailing Address 1720 Avenida de Mesilla City, State & Zip Las Cruces, NM 88005  
Contact Telephone # 575-524-0390 Fax # \_\_\_\_\_ Email Address jennifer@winery.com

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

Circle those that apply - All Age Event / Wrist Bands and/or Stamps -- Beer Garden - Indoor / Outdoor Event Begin Time 6pm End Time 10pm  
Description and Name of Event Southwest Environmental Contests (date(s) of Event Sept. 07 Alcohol Service Begin Time 6pm End Time 10pm)  
Physical Address of Event & Name of Building or Business 275 N. Main Street Number of Persons expected to Drink 250  
Description of Security Security Contests Number of Security 3 Security Contact Name BEANZA GALVEZ Contact Telephone # 526-4151

SPONSOR INFORMATION

Sponsor of Event Southwest Environmental Contests Contact Name Holly Pasente (Commissioner) Contact Telephone # 575-644-6070  
AT SOUTHWEST ENVIRONMENTAL BUILDING/PROPERTY OWNER APPROVAL CONTACT KEY SIGNER 575-522-5552  
Name (print) ZIA TRUSTING TREE Signature Ray Kitchens Sr., Tr. Telephone # 575-522-2448 Date 8/2/14

LICENSE HOLDER & SERVER CERTIFICATION: I, Robert Lescombe (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 they are my employees and that ALL the information in this application is true and correct.

NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application. Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) Robert Lescombe Signature \_\_\_\_\_ Date 7/23/14  
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION

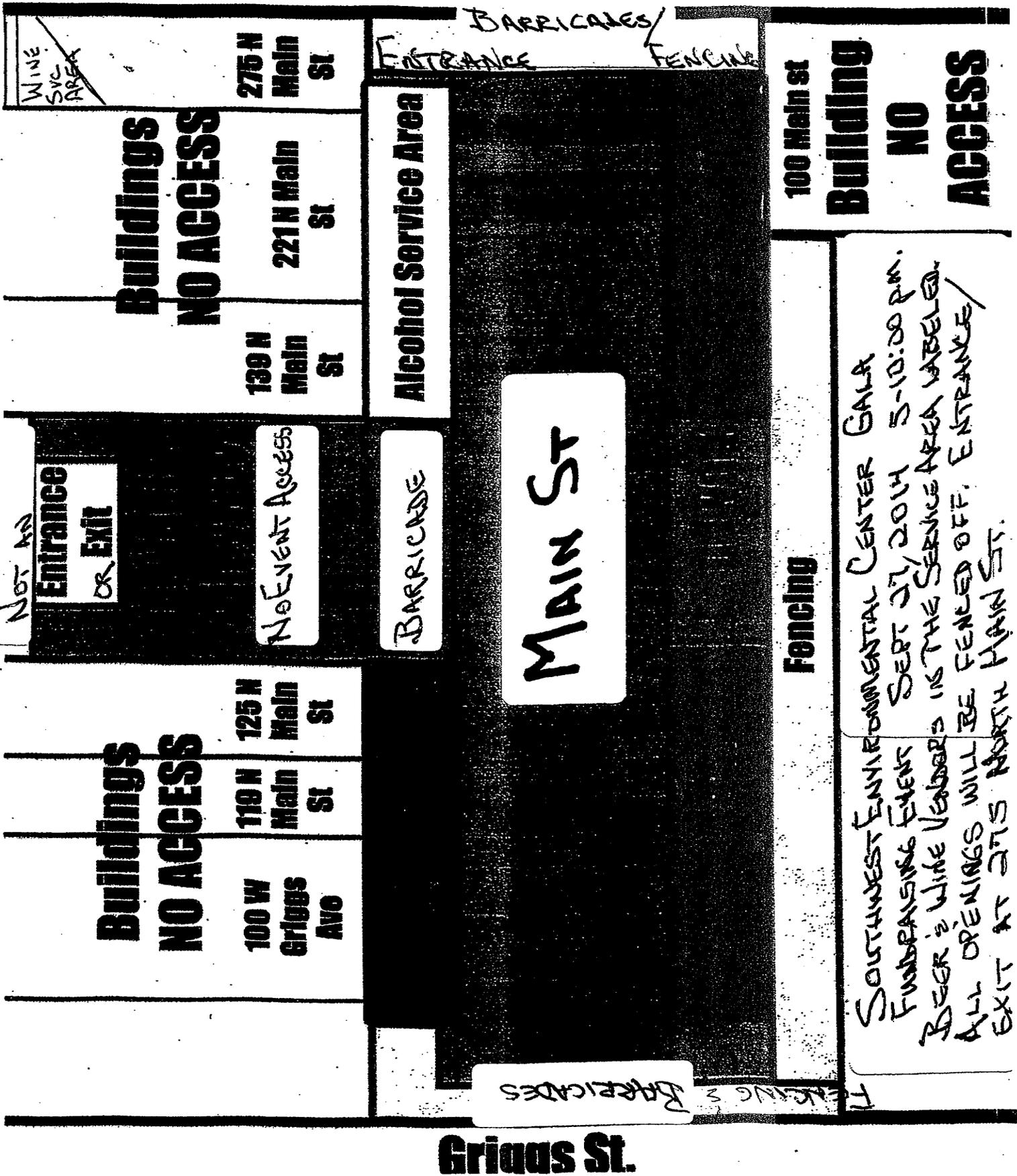
Subscribed and Sworn before me this 23 day of July, 20 14 Notary Public Shelley Exp. 04/30/17  
LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_ Phone 541-2016 Fax 515-541-2017

ALCOHOL & GAMING DIVISION USE ONLY

Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_  
Attachments: 1) Floor plan - (Pictures) \_\_\_\_\_ 2) Fees per day (listed on top of page) \_\_\_\_\_ 3) Server information list \_\_\_\_\_

# Las Cruces Avenue



BARRICADES / ENTRANCE FENCING

WINE SVC AREA

**Buildings  
NO ACCESS**

275 N  
Main  
St

139 N  
Main  
St

No Event Access

Alcohol Service Area

BARRICADE

MAIN ST

NOT AN  
Entrance  
OR  
Exit

**Buildings  
NO ACCESS**

125 N  
Main  
St

119 N  
Main  
St

100 W  
Grijous  
Ave

100 Main St  
**Building  
NO  
ACCESS**

Fencing

Grijous St.

SOUTHWEST ENVIRONMENTAL CENTER GALA  
FUNDRAISING EVENT SEPT 27, 2014 5-10:00 PM.  
BEER & WINE VENDORS IN THE SERVICE AREA LABELED.  
ALL OPENINGS WILL BE FENCED OFF. ENTRANCE/  
EXIT AT 275 NORTH MAIN ST.

BARRICADES & FENCING

**St. Clair Winery and Tasting Room, LLC, 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.

Emery	Jennifer	65565	5/19/2016
Lemcke	Megan	287751	5/13/2018
Smith	Diane	288736	6/19/2016
Hart	Michael	21438	5/24/2018
Acosta	Christophe	188096	5/19/2017
Angel	Veronica	57436	12/10/2015
Aragon	Anthony	243388	6/21/2015
Babington	Carol	273183	5/19/2017
Babington	William	273184	5/19/2017
Barbara	Aaron	273602	5/30/2017
Bartholomew	Donalee	188083	4/25/2017
Bizzell	James	264922	10/15/2016
Castanede	Anita	143976	5/28/2016
Chacon	Samantha	257915	5/11/2016
Comparin	Elizabeth	276335	7/28/2017
costa	Benjamin	275198	6/30/2017
Cunningham	Joyclyn	268549	1/28/2017
Duran	Erica	276960	8/8/2017
Durr	Darrell	246764	9/7/2015
Figueroa	Lili	238182	12/30/2014
Flores	Doreen	229248	8/19/2014
Garay	Teresa	574042	6/6/2017
Goremon	Larry	277216	8/8/2017
Guzman	Marcos	260166	6/20/2016
hering	Leanne	174078	8/10/2015
Hinton	Marjorie	273516	4/11/2017
Hobbs	Kristie	247012	9/9/2015
Hopper	Amber	255998	5/20/2016
Hubbard	Sammie	246758	7/13/2015
Johnson	Breanna	250625	12/9/2015
Juarez	Brenda	262525	8/24/2016
Marinelarena	Mirna	251192	11/3/2015
McCarson	Samantha	274427	6/16/2017
McClave	Megan	273197	5/19/2017