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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 15-038

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of September 15, 2014
 (Adoption Date)

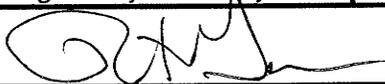
Please check box that applies to this item:

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 INSIDE OF AND IN FRONT OF THE RIO GRANDE THEATER, 211 NORTH MAIN STREET, ON SEPTEMBER 21, 2014.

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

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 West End Art Depot is sponsoring "All Aboard for Art", a fundraiser gala with music, an auction and dinner at the Rio Grande Theater, 211 North Main Street, on September 21, 2014. Amaro Winery 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 Amaro Winery to sell wine for consumption within a restricted and secured area between 5:00 p.m. and 9:00 p.m. on September 21, 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, Amaro Winery.
3. Attachment "1", Floor plan of the restricted and secured area in front of and inside of 211 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 FY <u>15</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 by Amaro Winery within a restricted and secured area at the Rio Grande Theater, 211 North Main Street, on September 21, 2014. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that Amaro Winery may not sell wine for consumption during the event on September 21, 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.
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.

(Continue on additional sheets as required)

4. Vote to "Table"; this could result in no wine being sold by High Desert Brewery during the event at the Rio Grande Theater on September 21, 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. 15-038

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 INSIDE OF AND IN FRONT OF THE RIO GRANDE THEATER, 211 NORTH MAIN STREET, ON SEPTEMBER 21, 2014.

The City Council is informed that:

WHEREAS, the West End Art Depot is sponsoring "All Aboard for Art", a fundraiser gala, at the Rio Grande Theater on September 21, 2014; and

WHEREAS, Amaro Winery has requested approval to sell wine for consumption within a restricted and secured area inside of and 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 Amaro Winery to sell wine for consumption within a restricted and secured area inside of and 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 Amaro Winery 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 inside of and in front of the Rio Grande Theater at 211 North Main Street, between 5:00 p.m. and 9:00 p.m. on September 21, 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 _____, 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 & 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) Amaro Winery Owner Name Amaro Winery LLC Liquor License # 6151
Mailing Address 402 S. Melendres St. City, State & Zip Las Cruces, NM 88005
Contact Telephone # 575-312-3168 Fax # 575-525-9465 Email Address Kelly.alten@msn.com

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

Circle those that apply - All Age Event / Wrist Bands and/or Stamps - Beer Garden - Indoor / Outdoor Event Begin Time 5:00 PM End Time 9:00 PM
Description and Name of Event All Alcohol for Beer GARDEN Date(s) of Event 9/21/14 Alcohol Service Begin Time 5:00 PM End Time 8:45 PM
Physical Address of Event & Name of Building or Business RIO GRANDE TRAIL 211 N. MAIN ST. LAS CRUCES Number of Persons expected to Drink 120
Description of Security SECURITY CONCERNS Number of Security 2 Security Contact Name MIKE BONZALE Contact Telephone # (575) 526-4151

SPONSOR INFORMATION

Sponsor of Event WEST ENO ART DEPOT Contact Name CHRIS BARDEY, EVENT MANAGER Contact Telephone # (575) 812-9892

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Kathleen Albers Signature Kathleen Albers telephone # 503-6403 Date 8/18/14
Portola Arts Council

LICENSE HOLDER & SERVER 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 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) Harold G. Denton Signature Harold G. Denton Date 8/20/14
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

Subscribed and Sworn before me this 20TH day of AUGUST, 20 14 Notary Public Juanita J. Stein Exp. 9/20/2014
BUILDING/PROPERTY OWNER APPROVAL LOCAL GOVERNING BODY APPROVAL

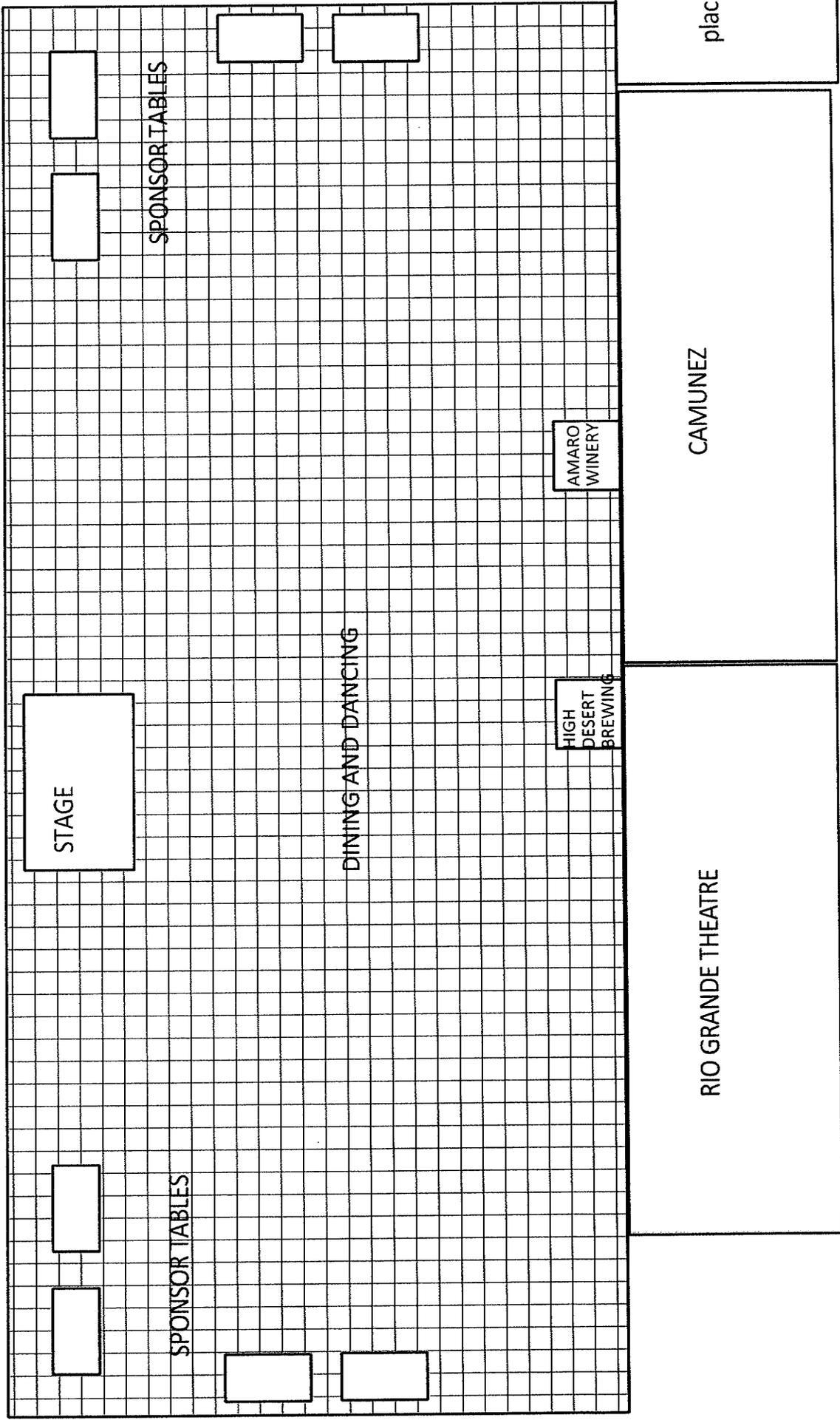
Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
Phone 541-276-515 Fax 541-2017

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

NOTARY PUBLIC - STATE OF NEW MEXICO
JUANITA J. STEIN
OFFICIAL SEAL
MY COMMISSION EXPIRES: 9/20/2014





Name	Server LIC #	EXP Date
Allen, Kelly	38954	8/22/2017
Allen, Shawn	237032	11/24/2014
Denton, Barbara	237060	11/24/2014
Denton, Harold	236682	11/10/2014
Maier, Ben	227683	5/23/2017
Maier, Lisa	227706	7/13/2014
Xiao	252985	12/15/2015
Kacy De Villez	183833	5/17/2017

05/29/2017