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

**Council Action and Executive Summary**

Item # 5 Ordinance/Resolution# 15-099

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

For Meeting of December 1, 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 AT THE 1<sup>ST</sup> ANNUAL LAS CRUCES CHILE DROP TO BE HELD ON MAIN STREET ON DECEMBER 31, 2014.

**PURPOSE(S) OF ACTION:**

To authorize a permitting process to continue.

<b>COUNCIL DISTRICT: 1</b>		
<b>Drafter/Staff Contact:</b> Monica Campbell	<b>Department/Section:</b> Legal/City Attorney	<b>Phone:</b> 541-2128
<b>City Manager Signature:</b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Project Mainstreet is the sponsor of the 1<sup>st</sup> Annual Las Cruces Chile Drop to be held on December 31, 2014 on Main Street, generally between Las Cruces Avenue and Griggs Avenue. 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 within the restricted and secured area between 7:00 p.m. and 1:00 a.m. on December 31, 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", Map showing the restricted and secured area for wine service during the event.
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
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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 beer for consumption by Amaro Winery, within a restricted and secured area on Main Street, generally between Las Cruces Avenue and Griggs Avenue during the 1<sup>st</sup> Annual Las Cruces Chile Drop on December 31, 2014. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that Amaro Winery may not serve wine during the event on December 31, 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 Amaro Winery at the event.

**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. 15-099**

**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 AT THE 1<sup>ST</sup> ANNUAL LAS CRUCES CHILE DROP TO BE HELD ON MAIN STREET ON DECEMBER 31, 2014.**

The City Council is informed that:

**WHEREAS**, Project Mainstreet is the sponsor of the 1st Annual Las Cruces Chile Drop to be held on December 31, 2014; and

**WHEREAS**, Amaro Winery has requested approval to sell wine for consumption within a restricted and secured area during the event; 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 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** 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 between 7:00 p.m. and 1:00 a.m. on December 31, 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:

\_\_\_\_\_  
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

Duty

**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**

Exhibit A

**LICENSE HOLDER INFORMATION:**

Business Name (DBA) Amano Winery Owner Name Amano Winery LLC License Number 6151  
 Street Address: 402 S Melendres St City, State & Zip Las Cruces, NM 89005 County Dona Ana  
 Phone Number: 575-312-3168 Fax number 575-525-9405

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

Date(s) of Celebration December 31<sup>st</sup>, 2014 Begin Time 6:00pm End Time 1:00 a.m.

Description of Celebration: New Years Eve Ballroom + street party

Number of Security to be Provided 25 Company Name Security Concepts Number of Guests Expected 1500

Contact Name & Number Kelly Allen 575-312-3168

Physical Address of Event Main St Between Spriggs + Las Cruces Ave City Las Cruces County Dona Ana

**SPONSOR OF EVENT:** Name of Organization/Person Sponsoring Celebration Project Mainstreet

Contact Name Quade Mosley Title community organizer Date 11/14/14 Signature [Signature] Phone 575.644.0268

**LICENSE HOLDER CERTIFICATION:**

I, Theresa S. Denton (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: [Signature] Date 11/14/14

Subscribed and Sworn To Before Me This 11<sup>th</sup> day of November, 2014, Notary Public Quanita A. Stein Exp 9/20/2018

**BUILDING OWNER APPROVAL:** Robert L. Garza, P.E.

Contact Name (print) Las Cruces Main Street Facility Name Main St. Date 11/14/14 Signature [Signature] Phone 575-541-2016

**LOCAL GOVERNING BODY APPROVAL**

Print Name Robert L. Garza, P.E. Title City Manager Date 11/14/14 Signature [Signature] Phone 575-541-2016 Fax 541-2017

**Alcohol and Gaming Division Use Only**

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_ Permit Number \_\_\_\_\_

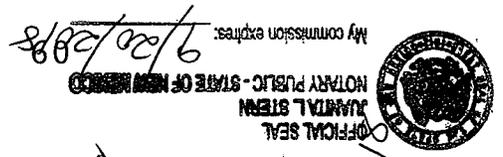
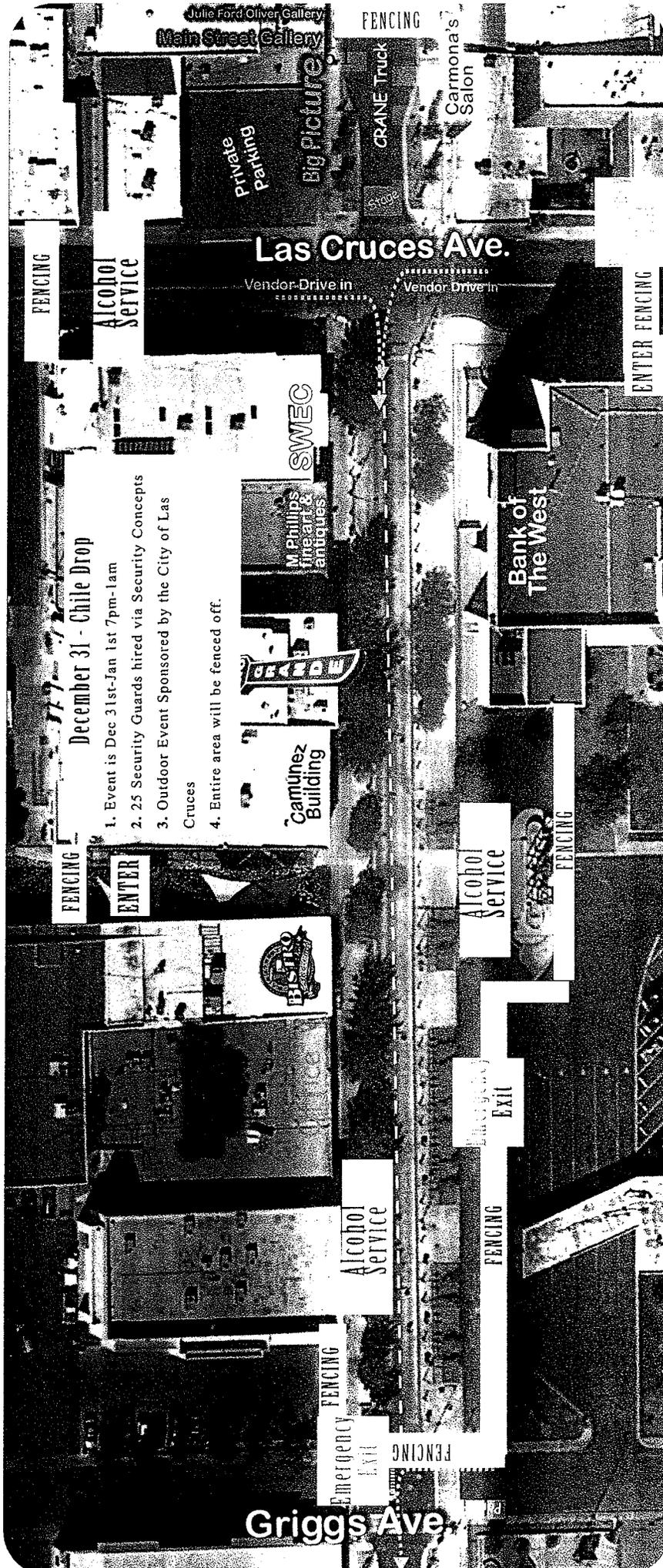


Exhibit A



Liquor License Number: 6151

Server Perit #	Last Name	First Name	DOB	Exp Date
237060	Denton	Barbara	[REDACTED]	5/8/2017
236682	Denton	Harold	[REDACTED]	5/18/2017
227706	Maier	Lisa	[REDACTED]	5/24/2017
227683	Maier	Benjamin	[REDACTED]	5/23/2017
188136	Maier	Bernd	[REDACTED]	2/15/2015
38954	Allen	Kelly	[REDACTED]	8/22/2017
237032	Allen	Shawn	[REDACTED]	11/24/2014
252985	XU	Qiongxiao	[REDACTED]	12/15/2015
241940	Denton	Drew	[REDACTED]	5/17/2015
128609	Williams	Allen	[REDACTED]	6/11/2018
289963	Mainini	Nick	[REDACTED]	7/6/2016
183833	De Villez	Kacy	[REDACTED]	5/17/2017

DBA: Amaro Winery

Owner Name: Amaro Winery, LLC