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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 15-196

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of April 20, 2015
 (Adoption Date)

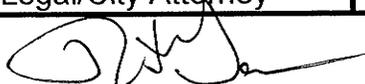
Please check box that applies to this item:

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 DURING A COMBINED MUSEUMS EVENT AT THE BRANIGAN CULTURAL CENTER, THE MUSEUM OF ART AND THE MUSEUM OF NATURE AND SCIENCE TO BE HELD ON FRIDAY, MAY 15, 2015.

PURPOSE(S) OF ACTION:

Authorize continuation of a 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 Foundation for Las Cruces Museums ("The Foundation") is sponsoring a combined museums event called "Transformations" on Friday, May 15, 2015 from 5:30 p.m. to 9:30 p.m. The combined museums area will be restricted and secured so that patrons will be able to roam, by walkways and open courts, throughout the Branigan Cultural Center, the Museum of Art, and the Museum of Nature and Science. The Foundation has requested that Amaro Winery serve wine in the open court area of the Branigan Cultural Center 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 a restricted and secured area between 5:30 p.m. and 8:30 p.m. on Friday, May 15, 2015.

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.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, Amaro Winery.
3. Attachment "1", Map of event location.
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: 1015-10180020-520002 in the amount of \$25.00 for FY15. |
| | 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 wine being sold for consumption in the courtyard of the Branigan Cultural Center during a combined museums event on Friday, May 15, 2015, from 5:30 p.m. to 8:30 p.m. Approval will allow Alcohol and Gaming to continue with the permit process.
2. Vote "No"; this will mean that no wine will be sold for consumption at the event. The Alcohol and Gaming Director may issue the Public Celebration Permit provided that the City Council has given written approval for the permit 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 during the event.

REFERENCE INFORMATION:

The resolution(s) or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

RESOLUTION NO. 15-196

A RESOLUTION AUTHORIZING AMARO WINERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE DURING A COMBINED MUSEUMS EVENT AT THE BRANIGAN CULTURAL CENTER, THE MUSEUM OF ART AND THE MUSEUM OF NATURE AND SCIENCE TO BE HELD ON FRIDAY, MAY 15, 2015.

The City Council is informed that:

WHEREAS, The Foundation for Las Cruces Museums is sponsoring an event called "Transformations" on Friday, May 15, 2015 from 5:30 p.m. to 9:30 p.m. in which patrons will be able to roam, by walkways and open courtyards, throughout the Branigan Cultural Center, the Museum of Art, and the Museum of Nature and Science; and

WHEREAS, Amaro Winery requests 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 in the courtyard of the Branigan Cultural Center from 5:30 p.m. to 8:30 p.m. 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 in the courtyard of the Branigan Cultural Center between 5:30 p.m. and 8:30 p.m. on Friday, May 15, 2015.

(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

EXAMPLE FILL IN HIGHLIGHTED LINES ONLY

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 88007
Contact Telephone # 575-312-3168 Fax # 575-525-9405 Email Address KELLY.ALLEN@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
Description and Name of Event TRANSFORMATIONS Date(s) of Event MAY 15 2015 Alcohol Service Begin Time 5:30 p.m. End Time 9 p.m.
Physical Address of Event & Name of Building or Business 501 N. MAIN ST. LAS CRUCES, CULTURAL CTR Number of Persons expected to Drink 200
Description of Security Las Cruces Security Number of Security 4 Security Contact Name Pete Hampton Contact Telephone # (575) 526-1294

SPONSOR INFORMATION

Sponsor of Event FOUNDATION FOR LAS CRUCES MUSEUMS Contact Name MICHAEL WEISS Contact Telephone # 575-202-9971

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature _____ Telephone # 575-541-2076 Date _____
City Manager
LICENSE HOLDER & SERVER CERTIFICATION: I, Kelly Allen (Licensee) hereby certify that this event is not within 300 Ft. of a church or school unless alcoholic beverages were sold prior to July 1, 2011 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) Kelly Allen Signature Kelly Allen Date 3/22/15
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

Subscribed and Sworn before me this 27TH day of MARCH, 2015 Notary Public Juanita A. Stern Exp. 9/20/2018
Only the owner or authorized person under this license may sign the permit.

LOCAL GOVERNING BODY APPROVAL

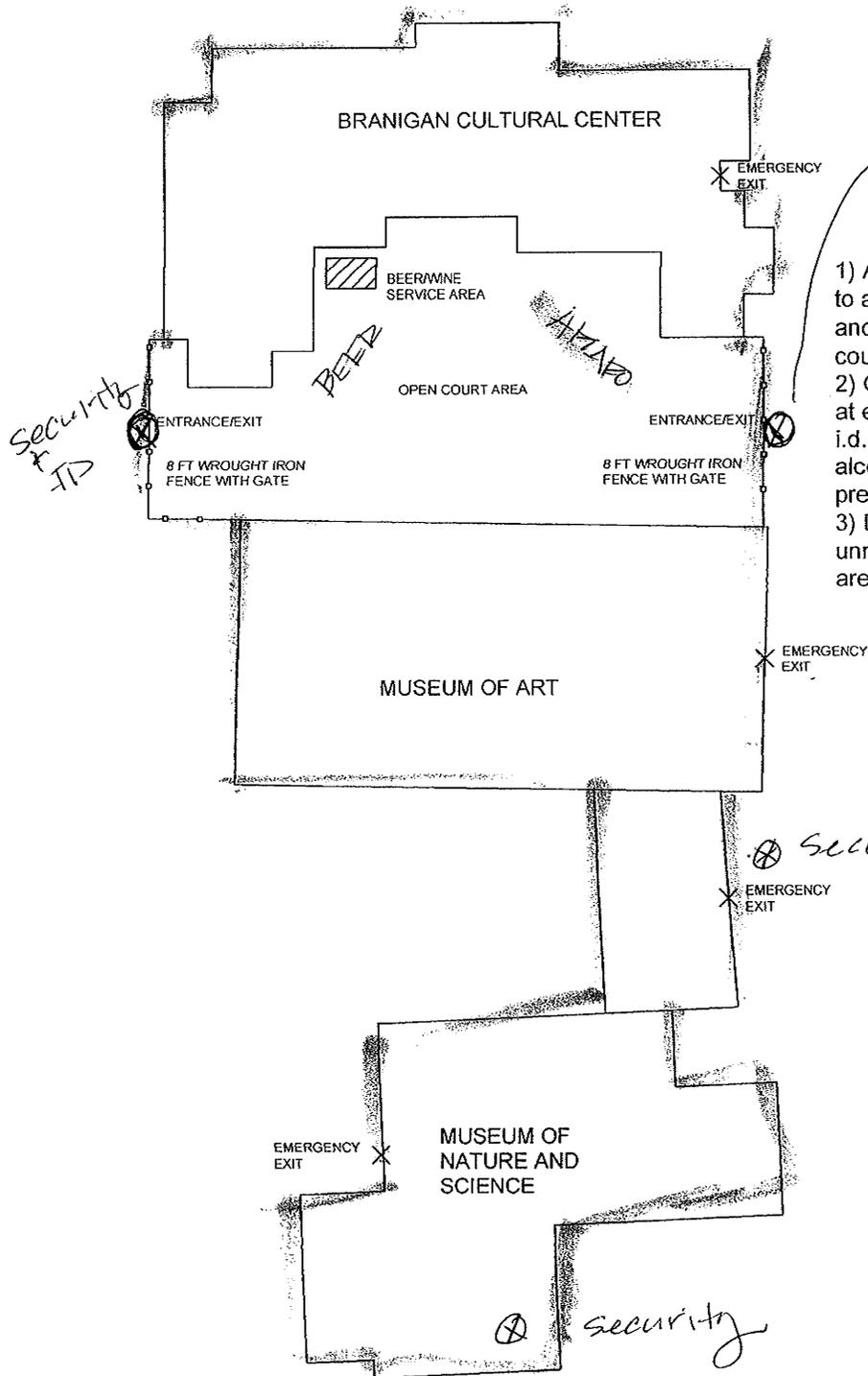
Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____
575-575- Phone 541-2076 Fax 541-2017

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

My commission expires: 9/20/2018
NOTARY PUBLIC - STATE OF NEW MEXICO





- 1) Alcohol will be confined to all three building interiors and completely enclosed court yard.
- 2) Guards will be present at entrance/exit to check i.d. and prevent removal of alcoholic beverages from premises.
- 3) Drinking areas are unrestricted except for hatched area around service area.

Liquor License Number: 6151

Owner Name: Amaro Winery, LLC

DBA: Amaro Winery

| 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 |
| 227096 | Maier | Benjamin | [REDACTED] | 5/23/2017 |
| 38954 | Allen | Kelly | [REDACTED] | 8/22/2017 |
| 227092 | Allen | Schamus | [REDACTED] | 10/20/2016 |
| 252985 | XU | Qlongxiao | [REDACTED] | 12/15/2015 |
| 241940 | Denton | Drew | [REDACTED] | 5/17/2015 |
| 128609 | Williams | Allen | [REDACTED] | 6/11/2018 |
| 289963 | Malmi | Nick | [REDACTED] | 7/6/2016 |
| 183833 | De Villez | Kacy | [REDACTED] | 5/17/2017 |