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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 15-218

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of May 18, 2015
 (Adoption Date)

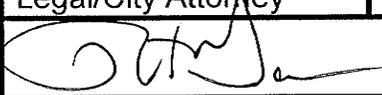
Please check box that applies to this item:

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 THE "BODY ART BLOCK BASH" TO BE HELD ON SATURDAY, JUNE 6, 2015.

PURPOSE(S) OF ACTION:

Authorize continuation of a permitting process.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Java Gypsy, LLC is sponsoring the "Body Art Block Bash" on Saturday, June 6, 2015, on Main Street between the roundabout and Las Cruces Avenue. Java Gypsy has asked Amaro Winery to serve wine 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 6:00 p.m. and 11:30 p.m. on Saturday, June 6, 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.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Public Celebration Permit Application, Amaro Winery.

(Continue on additional sheets as required)

3. Attachment "1", Map of event location.
4. Attachment "2", List of servers.

SOURCE OF FUNDING:

N/A	Is this action already budgeted?		
	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>1015-10180020-520002</u> in the amount of <u>\$25.00</u> 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 during the "Body Art Block Bash" on Saturday, June 6, 2015 between 6:00 p.m. and 11:30 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.
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.

(Continue on additional sheets as required)

REFERENCE INFORMATION:

The resolution(s) 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. 15-218

A RESOLUTION AUTHORIZING AMARO WINERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE DURING THE “BODY ART BLOCK BASH” TO BE HELD ON SATURDAY, JUNE 6, 2015.

The City Council is informed that:

WHEREAS, Java Gypsy, LLC is sponsoring the “Body Art Block Bash” on Saturday, June 6, 2015, on Main Street between the roundabout and Las Cruces Avenue; 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 during the “Body Art Block Bash” from 6:00 p.m. to 11:30 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 during the "Body Art Block Bash" on Saturday, June 6, 2015, from 6:00 p.m. to 11:30 p.m.

(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

PUBLIC CELEBRATION PERMIT APPLICATION WINEGROWER, SMALL BREWER & CRAFT DISTILLER LICENSE HOLDERS
(60-64-11/60-64-26.1 NMSA)

EXAMPLE FILL IN HIGHLIGHTED LINES ONLY
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 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 Events / Wrist Bands and/or Stamps - Beer Garden - Indoor / Outdoor Event Begin Time 6 pm End Time 12 am

Description and Name of Event Body art block Date(s) of Event 7/15/15 Alcohol Service Begin Time 6 pm End Time 11:30 pm

Physical Address of Event & Name of Building or Business Main street downtown Number of Persons expected to Drink 100

Description of Security Security Groups Number of Security 10 Security Contact Name Mike Gonzalez Contact Telephone # 575-526-4151

SPONSOR INFORMATION

Sponsor of Event Java Gypsy LLC Contact Name Whitney Billings Contact Telephone # 520-342-9277

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature _____ Telephone # 575-541-2076 Date _____

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 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) Kelly Allen Signature _____ Date 4/21/15
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

Subscribed and Sworn before me this 21ST day of APRIL, 2015 Notary Public [Signature] Exp. 9/20/2018

LOCAL GOVERNING BODY APPROVAL

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

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
OFFICIAL SEAL
JUANITA STEIN
MY COMMISSION EXPIRES: 9/20/2018





1. There will be a security guard at each entrance at all times, checking ID's and preventing removal of alcohol in open containers.
2. The beer service area is restricted; all other areas are unrestricted.
3. This event is for adults 21 or older only.
4. The entire street area from the North roundabout to Las Cruces Avenue on the south will be fenced off.
5. Additional security guards will be patrolling the entire length to prevent passage of alcohol over the fence.

Entrance/
Exit

LAS CRUCES AVE

DBA: Amaro Winery
 Server Perfit # Last Name First Name Owner Name: Amaro Winery, LLC Liquor License Number: 6151

Server Perfit #	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
38954	Allen	Kelly	[REDACTED]	8/22/2017
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