City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 7 Ordinance/Resolution# 15-239

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of July 6, 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 "ACTING ON A DREAM" FESTIVAL, AN EVENT AT THE LAS CRUCES COMMUNITY THEATER, 313 NORTH MAIN STREET, ON FRIDAY, AUGUST 14, 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: for RG		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Las Cruces Community Theater ("Theater") in collaboration with Parents, Families and Friends of Lesbians and Gays (PFLAG) is sponsoring an event at the Theater called the "Acting on a Dream" Festival. The sponsors have requested that Amaro Winery 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 in front of the Theater 5:00 p.m. and 8:30 p.m. on Friday, August 14, 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.

(Continue on additional sheets as required)

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	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: ____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the ____ Fund.
Does this action create any revenue?			
	Yes	☒	Funds will be deposited into this fund: 1015-10180020-520002 in the amount of $25.00 for FY16.
	No	☐	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 within and restricted and secured area in front of the Theater on Friday, August 14, 2015 from 5:00 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.
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. 15-239

A RESOLUTION AUTHORIZING AMARO WINERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE DURING THE "ACTING ON A DREAM" FESTIVAL, AN EVENT AT THE LAS CRUCES COMMUNITY THEATER, 313 NORTH MAIN STREET, ON FRIDAY, AUGUST 14, 2015.

The City Council is informed that:

WHEREAS, the Las Cruces Community Theater ("Theater") in collaboration with Parents, Families and Friends of Lesbians and Gays (PFLAG) is sponsoring an event at the Theater called the "Acting on a Dream" Festival on Friday, August 14, 2015 from 5:00 p.m. to 9:00 p.m.; and

WHEREAS, Amaro Winery requests approval to sell wine for consumption within a restricted and secured area in front of the Theater 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 in front of the Theater from 5:00 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 front of the Las Cruces Community Theater between 5:00 p.m. and 8:30 p.m. on Friday, August 14, 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

_____
Interim 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
(60-6A-11 / 60-6A-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 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 X Athletic ___

Circle those that apply – *All Age Event* / **Wrist Bands and/or Stamps** – *Beer Garden – Indoor / Outdoor* Event Begin Time 5pm End Time 9pm
Description and Name of Event "Acting on A Dream" Festival Date(s) of Event Aug 14, 2015 Alcohol Service Begin Time 5pm End Time 8:30pm
Physical Address of Event & Name of Building or Business 313 N. Main St. / Las Cruces Community Theatre Number of Persons expected to Drink 150
Description of Security Security Concepts Number of Security 2 Security Contact Name Michael Contact Telephone # 575-526-4181

SPONSOR INFORMATION

Sponsor of Event Las Cruces Community Theatre Contact Name Janet Beatty-Payne, Pres Contact Telephone # 575-571-5399
PFLAG

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Janet Beatty-Payne Signature Janet Beatty-Payne LCCT President Telephone # 575-571-5399 Date 6/1/15

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 Kelly Allen Date 6/9/15
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 9th day of JUNE, 20 15 Notary Public Juanita L Stern 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
City Manager

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

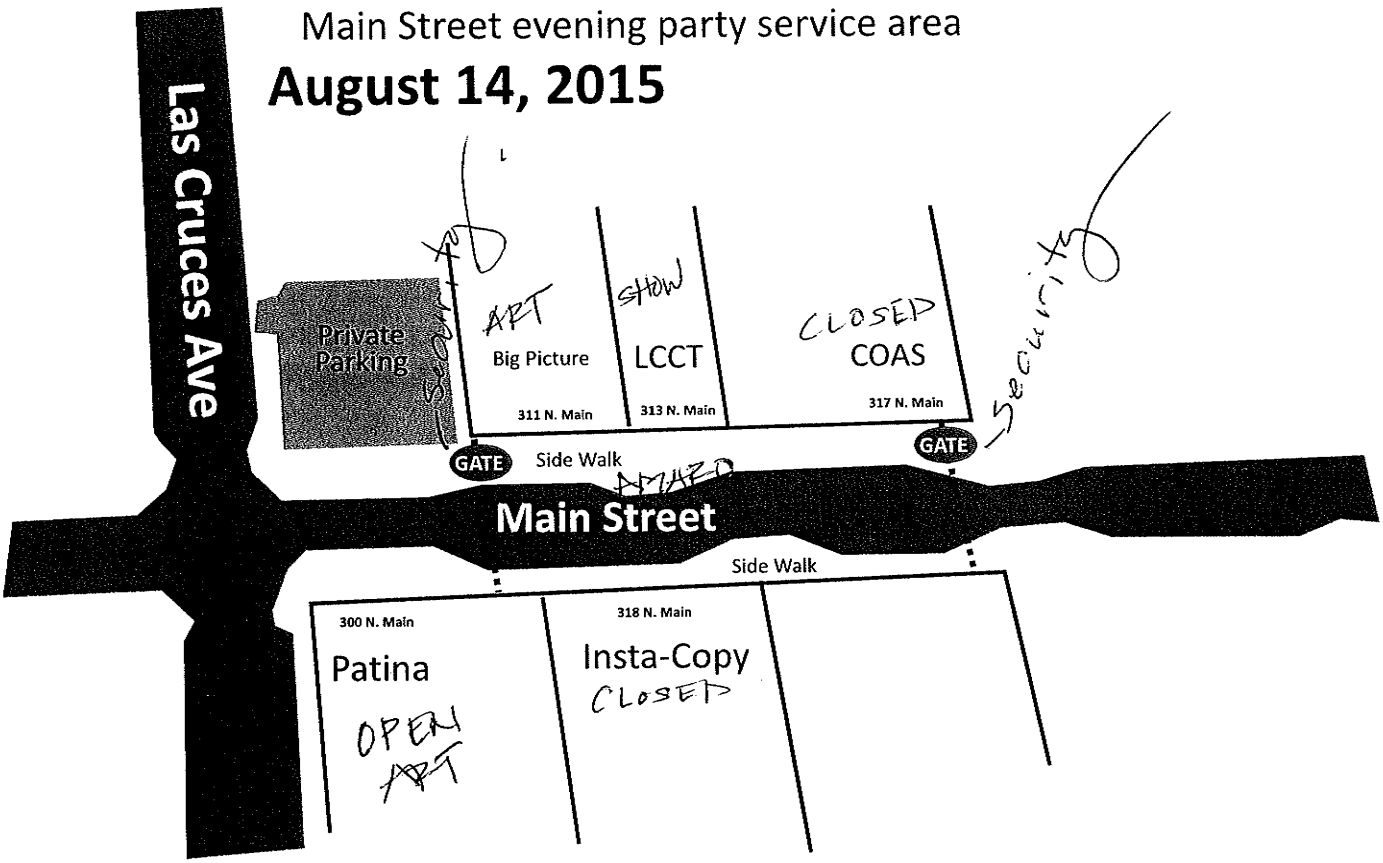
OFFICIAL SEAL JUANITA L STERN NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires: 9/20/2018

Exhibit A

Beer & Wine Service Map

Main Street evening party service area

August 14, 2015



DBA: Amaro Winery Owner Name: Amaro Winery, LLC Liquor License Number: 6151

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

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City of Las Cruces®
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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of July 6, 2015 (Adoption Date)

TITLE: A RESOLUTION AUTHORIZING AMARO WINERY TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF WINE DURING THE "ACTING ON A DREAM" FESTIVAL, AN EVENT AT THE LAS CRUCES COMMUNITY THEATER, 313 NORTH MAIN STREET, ON FRIDAY, AUGUST 14, 2015.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes ☐ No ☒

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	Yhonica Campos	541-2128	6/17/15
Department Director		541-2128	18 June 2015
Other			
Assistant City Manager /CAO Management & Budget Manager		541-2100 541-2107	6/19/15 6/19/15
Assistant City Manager/COO	for Daniel Avila	541-2271	6/23/15
City Attorney		541-2128	18 June 2015
City Clerk - Interim		541-2115	6/26/15

Rev. 8/2011