

City of Las Cruces⁰¹
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 10 Ordinance/Resolution# 16-035

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of August 17, 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 WITHIN A RESTRICTED AND SECURED AREA DURING THE SEVENTH ANNUAL SALSA FEST TO BE HELD ON MAIN STREET ON AUGUST 29 AND 30, 2015.

PURPOSE(S) OF ACTION:

To 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:

The Downtown Las Cruces Partnership will host the Seventh Annual Salsa Fest on Main Street, August 29 and 30, 2015. 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 on August 29, 2015 between 5:00 p.m. and 11:00 p.m. and on August 30, 2015 between 12:00 p.m. and 5:00 p.m.

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", Special Dispenser Permit Application for August 29 and 30, 2015.
3. Attachment "1", Map of event area on 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 Adjustmen 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>\$50.00</u> for FY <u>16</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, during the Seventh Annual Salsa Fest on Main Street, August 29 and 30, 2015. 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 Seventh Annual Salsa Fest on August 29 and 30, 2015. 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.

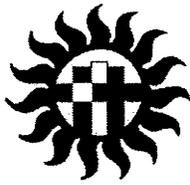
(Continue on additional sheets as required)

4. Vote to "Table"; this could result in no wine being sold by Amaro Winery during the Seventh Annual Salsa Fest.

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.



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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of August 17, 2015
 (Adoption Date)

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 DURING THE SEVENTH ANNUAL SALSA FEST TO BE HELD ON MAIN STREET ON AUGUST 29 AND 30, 2015.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	7/30/15
Department Director	<i>WRBGA</i>	541-2128	30 July 2015
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2100	7/30/15
Management & Budget Manager	<i>[Signature]</i>	541-2107	7/30/15
Assistant City Manager/COO	<i>David Aule</i>	541-2271	8/5/15
City Attorney	<i>WRBGA</i>	541-2128	30 July 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	8/7/15

RESOLUTION NO. 16-035

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 DURING THE SEVENTH ANNUAL SALSA FEST TO BE HELD ON MAIN STREET ON AUGUST 29 AND 30, 2015.

The City Council is informed that:

WHEREAS, the Downtown Las Cruces Partnership is sponsoring the Seventh Annual Salsa Fest on Main Street, generally between Las Cruces Avenue and Griggs Avenue, on August 29 and 30, 2015; 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 within a restricted and secured area during the Seventh Annual Salsa Fest on August 29, 2015 between 5:00 p.m. and 11:00 p.m. and on August 30, 2015 between 12:00 p.m. and 5:00 p.m.; 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 alcoholic beverages to be sold for consumption within a restricted and secured area on August 29, 2015 between 5:00 p.m. and 11:00 p.m. and on August 30, 2015 between 12:00 p.m. and 5:00 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

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

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 x Cultural/Artistic Performance Athletic

Circle those that apply - All Age Event / Wrist Bands and/or Stamps - Beer Garden - Indoor / Outdoor Event Begin Time _____ End Time _____

Description and Name of Event 7th Annual Salsa Fest Date(s) of Event 09/29&09/30 Alcohol Service Begin Time 5PM/12PM End Time 11AM/5PM

Physical Address of Event & Name of Building or Business Downtown Las Cruces Main Street/DLCP Number of Persons expected to Drink 1000

Description of Security Security Concepts Number of Security 6 Security Contact Name _____ Contact Telephone # _____

SPONSOR INFORMATION

Sponsor of Event Downtown Las Cruces Partnership Contact Name Arianna Parsons Contact Telephone # 575-525-1955

BUILDING/PROPERTY OWNER APPROVAL

Name (print) City of Las Cruces / Robert L. Garza Signature _____ Telephone # 515-541-2076 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 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 7/22/15
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

Subscribed and Sworn before me this 22nd day of JULY, 2015 Notary Public Quanita Stein Exp. 9/20/2018

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza PE Title City Manager Date _____ Signature _____
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

NOTARY PUBLIC - STATE OF NEW MEXICO
OFFICIAL SEAL
9/20/2018
MY COMMISSION EXPIRES: 9/20/2018



- Fencing around entire event
- Entrances at La Placita and Las Cruces at Main
- 2 Guards at each entrance & 2 roaming

Google Main St



Imagery ©2015 Google, Map data ©2015 Google 100 ft

Amaro Winery

2015

List of Servers

Name	Permit #	Expiration Date
Barbara Denton	237060	5/8/2017
Harold Denton	236682	5/25/2017
Lisa Maier	227706	5/24/2017
Benjamin Maier	227683	5/23/2017
Kelly Allen	38954	8/22/2017
Allen Williams	128609	6/11/2018
Xu, Xiao	252985	12/15/2015
Kacy Del Villez	183833	5/17/2017
Nicholas Mainini	289963	7/6/2016