



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4

Ordinance/Resolution# 16-058

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 21, 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 AT THE SOUTHWEST ENVIRONMENTAL CENTER'S GALA FUNDRAISER TO BE HELD ON MAIN STREET ON OCTOBER 17, 2015.

PURPOSE(S) OF ACTION:

To authorize a permitting process to continue.

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 Southwest Environmental Center's Gala Fundraiser will be held on Main Street generally between Las Cruces Avenue and Griggs Avenue, on Saturday, October 17, 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 between 6:00 p.m. and 10:00 p.m. on October 17, 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.
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 \$25.00 for FY16.
	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 on Main Street, generally between Las Cruces Avenue and Griggs Avenue, during the Southwest Environmental Center's Gala Fundraiser on October 17, 2015. 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 October 17, 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.

(Continue on additional sheets as required)

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.
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. 16-058

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 SOUTHWEST ENVIRONMENTAL CENTER'S GALA FUNDRAISER TO BE HELD ON MAIN STREET ON OCTOBER 17, 2015.

The City Council is informed that:

WHEREAS, the Southwest Environmental Center's Gala Fundraiser will be held on Saturday, October 17, 2015; 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 on Main Street between

6:00 p.m. and 10:00 p.m. on Saturday, October 17, 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)

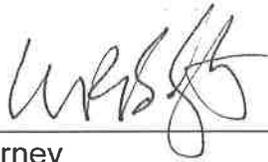
VOTE:

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
(60-6A-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 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: GALE FUNDRAISER Date(s) of Event: 10/17/2015 Alcohol Service Begin Time 6:00 End Time 10:30p.m.
Physical Address of Event & Name of Building or Business: 205 N. Hwy / Downtown Area Number of Persons expected to Drink: 200
Description of Security: SECURITY CONCERNS Number of Security 3 Security Contact Name MIKE Contact Telephone # 505-641-4151

SPONSOR INFORMATION

Sponsor of Event: ENVIRONMENTAL CIR Contact Name KEVIN DIXBY Contact Telephone # 575-522-5252

BUILDING/PROPERTY OWNER APPROVAL

Name (print) William M Ross Signature [Signature] Telephone # 631-806-1394 Date 8/19/15

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 [Signature] Date 8/12/15
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

Subscribed and Sworn before me this 12th day of AUGUST, 20 15 Notary Public [Signature] Exp. 9/20/2018

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garcia, P.E. Title City Manager Date _____ Signature _____
515-515-3016 Phone 515-515-3016 Fax 515-515-3017

ALCOHOL & GAMING DIVISION USE ONLY

Approved by: _____ Date _____
Attachments: 1) Floor plan - (Pictures) _____ 2) Fees paid _____ 3) Server information list _____

8/2/15

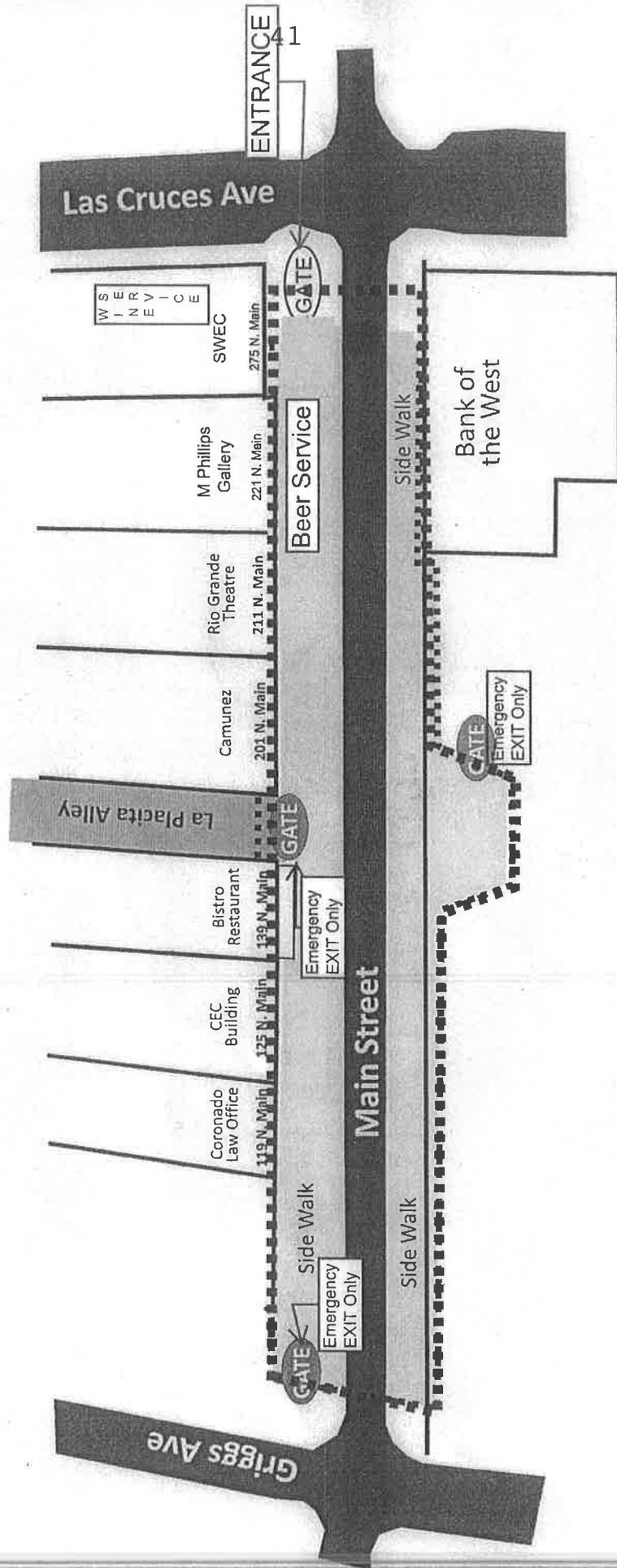
My Commission Expires: 9/20/2018
JUANITA STEIN
NOTARY PUBLIC - STATE OF NEW MEXICO



Beer & Wine Service Map

SouthWest Environmental Center Gala Fundraising Event

October 17, 2015 (Saturday)



Total fenced in beer serving area is approximately 13,285 sq ft
 Total length=295'; Total width = 45'; Extra cut-out=10'
 (Sidewalk = 12.5' on either side; Street = 20')

Street closed at Main St & Griggs Ave
 Street closed at Main St & Las Cruces Ave
 R2 Barriers at street closings
 4 foot orange barrier fencing around all open areas and in front of street barriers.

Authorized personnel at all gates to ensure alcohol does not leave the enclosed area.

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



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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 21, 2015
(Adoption Date)

TITLE:

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Therica Campbell</i>	541-2128	9/3/15
Department Director	<i>[Signature]</i>	541-2128	3 Sept 2015
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2100	9/8/15
Management & Budget Manager	<i>[Signature]</i>	541-2107	9-4-15
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	9-9-15
City Attorney	<i>[Signature]</i>	541-2128	3 Sept 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	9/11/15