



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 7

Ordinance/Resolution# 16-061

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 DURING THE ZOMBIE WALK TO BE HELD ON MAIN STREET ON OCTOBER 24, 2015.

**PURPOSE(S) OF ACTION:**

To authorize continuation of a permitting process.

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

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Project Mainstreet is sponsoring the Zombie Walk on Main Street on October 24, 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 October 24, 2015 between 5:00 p.m. and 10:30 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.
2. Exhibit "A", Special Dispenser Permit Application, Amaro Winery.

(Continue on additional sheets as required)

- 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 \$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, during the Zombie Walk on Main Street on October 24, 2015.
- 2. Vote "No"; this will mean that Amaro Winery may not sell wine for consumption during the Zombie Walk on October 24, 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.
- 4. Vote to "Table"; this could result in no wine being sold by Amaro Winery during the Zombie Walk.

**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.

(Continue on additional sheets as required)

RESOLUTION NO. 16-061

**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 ZOMBIE WALK TO BE HELD ON MAIN STREET ON OCTOBER 24, 2015.**

The City Council is informed that:

**WHEREAS**, Project Mainstreet is sponsoring the Zombie Walk on Main Street on October 24, 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 Zombie Walk on October 24, 2015 between 5:00 p.m. and 10:30 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 October 24, 2015 between 5:00 p.m. and 10:30 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:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
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

LICENSE HOLDER INFORMATION:

Business Name (DBA) Amigo Winery Owner Name Amor Winery LLC Liquor License # 6151  
Mailing Address 6320 Vista de Oro City, State & Zip Las Cruces, NM 88007  
Contact Telephone # 575-312-3168 Fax # 575 525-9405 Email Address Kelly.allen@msh.com

EVENT INFORMATION: Celebration type: State Fair  County Fair  Community Fiesta  Cultural/Artistic Performance  Athletic

Circle those that apply - All Age Event Artist Bands and/or Stamps - Beer Garden - Indoor Outdoor Event Begin Time 5:00PM End Time 11:00PM

Description and Name of Event Zombie Walk Date(s) of Event Sat 10/24/15 Alcohol Service Begin Time 5:00PM End Time 10:30PM  
Physical Address of Event & Name of Building or Business 211 N. Main Street / Richard's Tavern Number of Persons expected to Drink 800  
Description of Security Security Concepts Number of Security 8 Security Contact Name Michael Contact Telephone # (575) 526-4151

SPONSOR INFORMATION

Sponsor of Event Project Mainstreet Contact Name Marissa Coronado Contact Telephone # (575) 570-3333

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza, P.E. Signature \_\_\_\_\_ Telephone # 515-541-2076 Date \_\_\_\_\_  
City Manager

LICENSE HOLDER & SERVER CERTIFICATION: I, \_\_\_\_\_ (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 8/4/15  
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION

Subscribed and Sworn before me this 4<sup>th</sup> day of AUGUST, 2014 Notary Public Juanita X Stein Exp. 9/20/2018

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date \_\_\_\_\_ Signature \_\_\_\_\_  
515-541-2076 Phone 515-541-2017 Fax

ALCOHOL & GAMING DIVISION USE ONLY

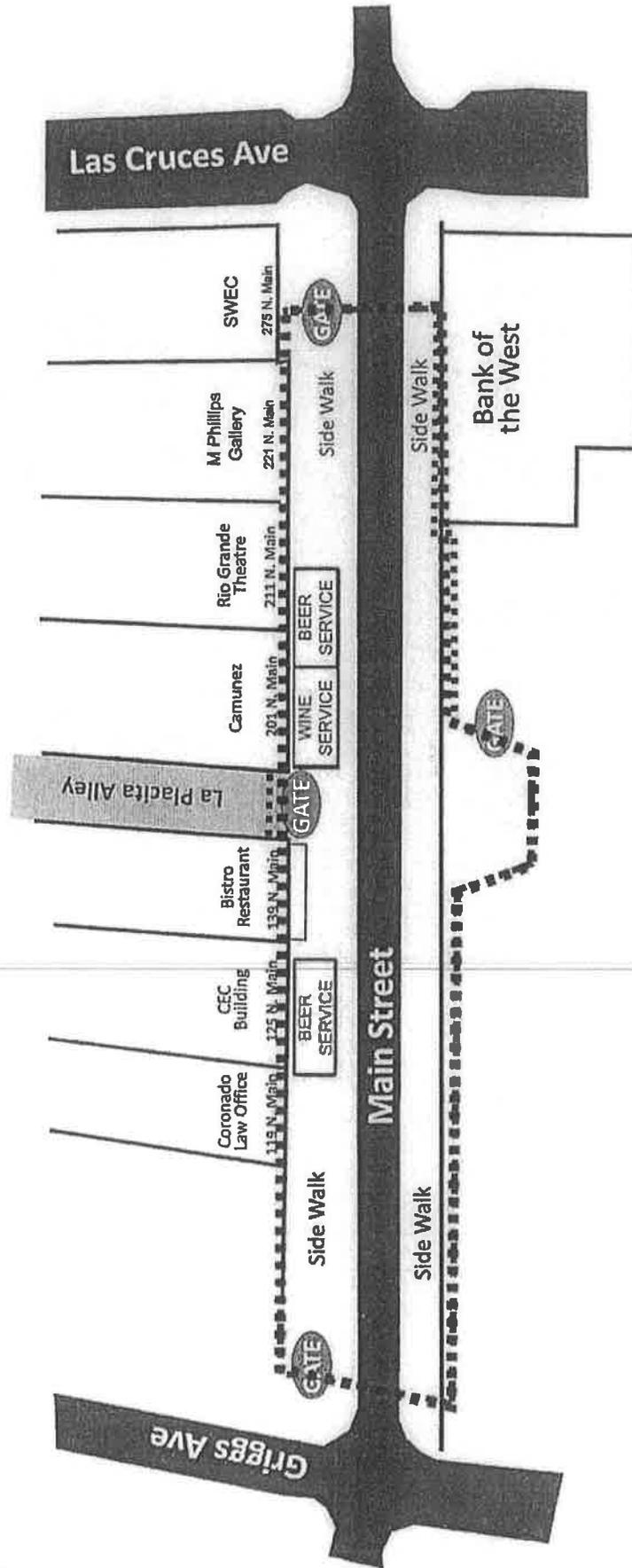
Approved by: \_\_\_\_\_ Date \_\_\_\_\_ Permit Number \_\_\_\_\_  
Attachments: 1) Floor plan - (Pictures) 2) Fees per day (listed on top of page) 3) Server information list

My commission expires 8/16/2018  
NOTARY PUBLIC - STATE OF NEW MEXICO  
OFFICIAL SEAL



# Beer & Wine Service Map

Zombie Walk  
October 24, 2015



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.

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')

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

Liquor License Number: 6151

DBA: Amaro Winery      Owner Name: Amaro Winery, LLC

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
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



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of September 21, 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 ZOMBIE WALK TO BE HELD ON MAIN STREET ON OCTOBER 24, 2015.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Thonica Campbell</i>	541-2128	9/3/15
Department Director	<i>W. B. G.</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>W. B. G.</i>	541-2128	3 Sept 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	9-11-15