



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11Ordinance/Resolution# 16-065For 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 SOUTHERN NEW MEXICO PRIDE FALL FESTIVAL TO BE HELD ON MAIN STREET ON OCTOBER 3, 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:

Southern New Mexico Pride is sponsoring its Fall Festival, to be held on Main Street, generally between Las Cruces Avenue and Griggs Avenue, on Saturday, October 3, 2015 on Main Street. 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 10:30 p.m. on October 3, 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 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 <u>\$25.00</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 on Main Street, generally between Las Cruces Avenue and Griggs Avenue, during the Southern New Mexico Pride Fall Festival on October 3, 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 3, 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 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. 16-065

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 SOUTHERN NEW MEXICO PRIDE FALL FESTIVAL TO BE HELD ON MAIN STREET ON OCTOBER 3, 2015.

The City Council is informed that:

WHEREAS, Southern New Mexico Pride is presenting its Fall Festival on Saturday, October 3, 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 10:30 p.m. on Saturday, October 3, 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 SNM FIDELITY FEST Date(s) of Event Oct 5, 2018 Alcohol Service Begin Time 6:00 pm End Time 10:30 pm
Physical Address of Event & Name of Building or Business 125 North Main/Downtown Mall CEC BUILDING Number of Persons expected to Drink 450
Description of Security Security Concepts Number of Security 3 Security Contact Name _____ Contact Telephone # 575-526-4151

SPONSOR INFORMATION

Sponsor of Event Southern N.M. Pride Contact Name Holly Piasente Contact Telephone # 575-644-7276

BUILDING/PROPERTY OWNER APPROVAL

Name (print) Robert L. Garza P.E. Signature Kelly Allen Telephone # 575-541-2016 Date _____
sign
LICENSE HOLDER & SERVER CERTIFICATION: I, HAROLD G. DENION (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 8/12/15
All profits derived from the sale of liquor will go only to the licensee.
sign

NOTARY INFORMATION

Subscribed and Sworn before me this 12TH day of AUGUST, 2015 Notary Public Juanita Soto Exp. 9/20/2018

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza Title City Manager Date _____ Signature _____
sign
Phone 541-2016 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 _____

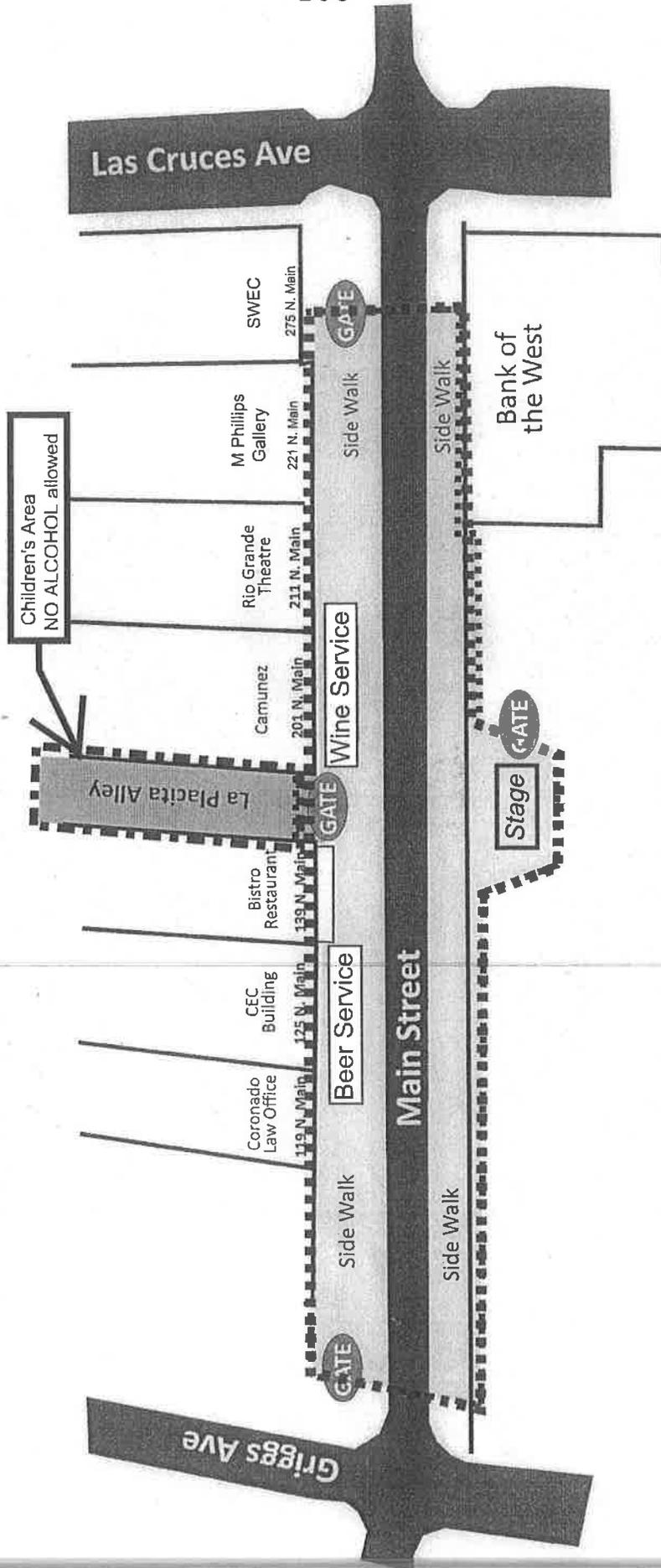
NOTARY PUBLIC - STATE OF NEW MEXICO
OFFICE 222
ANNUAL FEE \$25
9/20/2018
My commission expires



Beer & Wine Service Map

Southern NM Pride Fall Festival

October 3, 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>Merica Campbell</i>	541-2128	9/3/15
Department Director	<i>WBF</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	9-2-15
Assistant City Manager/COO	<i>Daniel De</i>	541-2271	9-9-15
City Attorney	<i>WBF</i>	541-2128	3 Sept 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	9-11-15