



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 14

Ordinance/Resolution# 16-068

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

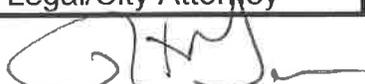
LEGISLATIVE

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 LAS CRUCES RAILROAD MUSEUM, 351 NORTH MESILLA STREET, DURING ZYMURGY-THE SCIENCE OF FERMENTATION ON OCTOBER 9, 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 Foundation for Las Cruces Museums is sponsoring Zymurgy-The Science of Fermentation at the Las Cruces Railroad Museum, 351 North Mesilla Street, on October 9, 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 5:30 p.m. and 8:30 p.m. on October 16, 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 <u>\$25.00</u> for <u>FY16</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 at the Las Cruces Railroad Museum, 351 North Mesilla Street, during Zymurgy-The Science of Fermentation on October 9, 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 9, 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 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. 16-068

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 LAS CRUCES RAILROAD MUSEUM, 351 NORTH MESILLA STREET, DURING ZYMURGY-THE SCIENCE OF FERMENTATION ON OCTOBER 9, 2015.

The City Council is informed that:

WHEREAS, the Foundation for Las Cruces Museums is the sponsor of Zymurgy-The Science of Fermentation on October 9, 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 during Zymurgy-The

Science of Fermentation between 5:30 p.m. and 8:30 p.m. on October 9, 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:

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



PUBLIC CELEBRATION PERMIT APPLICATION FOR WINEGROWER AND SMALL BREWER LICENSE HOLDERS
 FEE - \$10 PER DAY - Fees are non-refundable (60-6A-11 / 60-6A-26.1 NMISA)

LICENSE HOLDER INFORMATION

Business Name (DBA) AMARO WINERY Owner Name AMARO WINERY, LLC License Number 6151
 Street Address: 402 S. MELENDEZ ST City, State, Zip LAS CRUCES, NM County DOÑA ANA
 Phone Number: 575-527-5310 Fax number 575-525-9405

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

Date(s) of Celebration 10/9/15 Begin Time 5:30pm End Time 9:30pm

Description of Celebration: LAS CRUCES RAILROAD MUSEUM - ZYMURGY The Science of Fermentation

Number of Security Personnel to be provided 2 Security company name Las Cruces Security Number of guests expected 200

Contact name and number Pete Hampton 575 526 1294

Physical address of event 351 N. MESILLA ST City LAS CRUCES, NM County DOÑA ANA

SPONSOR OF EVENT - Name of Organization/Person Sponsoring Celebration Foundation for Las Cruces Museums

Contact Name Michael Weiss Title _____ Date 09/03/15 Signature _____ Phone 575 202 9971

LICENSE HOLDER CERTIFICATION

This form must be signed and dated in the presence of a notary public.

Harrold (licensee) hereby certify that this event is not within 300 feet of a church or school unless alcoholic beverages were sold there prior to 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 ALL information in this application is true and correct. Licensee Signature: _____ Date 9/2/15

NOTARY

Subscribed and sworn to before me this 2nd day of SEPTEMBER 2015, Notary Public Juanita L. Stern Exp 9/20/2018

BUILDING OWNER APPROVAL

Contact Name (print) Robert L. Garza, P.E. Facility Name Railroad Museum Date _____ Signature _____ Phone 575-541-2076

LOCAL GOVERNING BODY APPROVAL

Print Name Robert L. Garza, P.E. Title City Manager Date _____ Signature _____ Phone 575-541-2076 Fax 541-2017

Alcohol and Gaming Division Use Only

Approved by: _____ Date: _____

Date: ubru

Permit Number: _____

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



negm

Beer & Wine Service Map

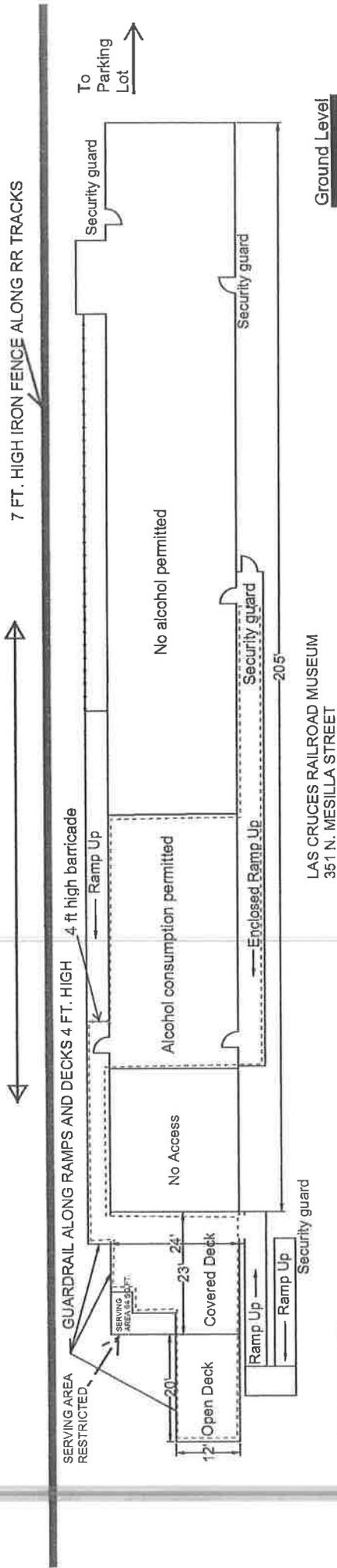
Las Cruces Rail Road Museum

October 09, 2015

Total area for alcohol serving is approximately 2000 sq ft, which includes the area inside the museum and the outside decks, as well as the exterior access ramps. The exterior access ramps and the decks have 4 ft high guardrail fencing around them.

Security guards will be posted at all 4 entrances/exits to check IDs and to prevent the removal of alcohol from the premises.

Rail Road Tracks



Ground Level

Decks are 4 FT above Ground Level

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



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 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>Monica Campbell</i>	541-2128	9/4/15
Department Director	<i>[Signature]</i>	541-2128	4 Sept 2015
Other			
Assistant City Manager /CAO	<i>[Signature]</i>	541-2100	9/9/15
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	4 Sept 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	9-11-15