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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

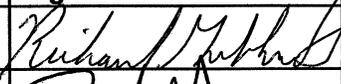
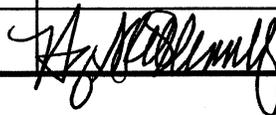
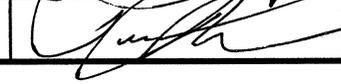
Council Action and Executive Summary

Item #4 Ordinance/Resolution # 11-051 Council District:

For Meeting of September 7, 2010
 (Adoption Date)

A RESOLUTION AUTHORIZING THE WHOLE ENCHILADA FIESTA, INC. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER AND WINE ONLY WITHIN THE FIESTA GARDEN, A RESTRICTED AND SECURED AREA, AT THE 30TH ANNUAL WHOLE ENCHILADA FIESTA TO BE HELD SEPTEMBER 24, 25, AND 26, 2010 AT 1600 EAST HADLEY AVENUE, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve, modify or not approve authorization for The Whole Enchilada Fiesta, Inc. to sell beer and wine only for consumption within the Fiesta Garden, a restricted and secured area, during the 30th Annual Whole Enchilada Fiesta.

Drafter and Staff Contact: Monica Campbell		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
Department Director			Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Whole Enchilada Fiesta is an annual event held in Las Cruces, New Mexico during the last full weekend of September. This year marks the 30th Annual Whole Enchilada Fiesta ("Fiesta") with events that include the making of the world's largest enchilada, live musical entertainment, a parade, and a 5K Fun Run.

The Whole Enchilada Fiesta, Inc. ("TWEF, Inc.") is a New Mexico nonprofit corporation which plans and organizes the Fiesta through its Board of Directors, committee members, and hundreds of volunteers.

This year TWEF, Inc. is requesting approval to sell beer and wine for consumption within the Fiesta Garden, a restricted and secured area. The location is shown on the map of the Fiesta area (Attachment "1").

Approval by the City Council is required prior to submission of the Special Dispenser 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 beer and wine to be sold for consumption within the Fiesta

(Continue on additional sheets as required)

Garden, a restricted and secured area at the Fiesta, during specific dates and times as follows:

Friday	September 24, 2010	4:00 p.m. to 11:00 p.m.
Saturday	September 25, 2010	12:00 p.m. to 11:00 p.m.
Sunday	September 26, 2010	12:00 p.m. to 6:00 p.m.

The granting of a Special Dispenser Permit will also comply with the requirements of the Las Cruces Municipal Code, Section 5-1, which restricts alcohol consumption in public places to areas approved by the State only.

SUPPORT INFORMATION:

1. Resolution.
2. Special Dispenser Permit application attached as Exhibit "A".
3. Map showing location of the Fiesta Garden area, Attachment "1".

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>1015-10180020-520002</u> Permits-Liquor Licenses
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

FUND SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A					

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes". This will consent to beer and wine only being sold for consumption within the Fiesta Garden, a restricted and secured area, during the 30th Annual Whole Enchilada Fiesta on September 24, 25, and 26, 2010. Approval will allow Alcohol and Gaming to continue with the Special Dispenser Permit process.
2. Vote "No". A "No" vote means that there will be no beer and wine sold at the 30th Annual Whole Enchilada Fiesta. The Alcohol and Gaming Director may issue a Special Dispenser Permit for the Fiesta provided that the City Council has given written approval for the permitting process to continue.
3. Vote to "Amend". Amendments may include such items as changing the dates and times that beer and wine is sold. Any amendments must comply with city ordinance, state statute and/or the requirements of Alcohol and Gaming.
4. Vote to "Table". Tabling this item may result in no beer and wine being sold at the Fiesta. Alcohol and Gaming requires receipt of the Special Dispenser Permit ten days before the scheduled event. In this case, the deadline is September 14, 2010.

REFERENCE INFORMATION

None. See Support Information above.

(Continue on additional sheets as required)

RESOLUTION NO. 11-051

A RESOLUTION AUTHORIZING THE WHOLE ENCHILADA FIESTA, INC. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER AND WINE ONLY WITHIN THE FIESTA GARDEN, A RESTRICTED AND SECURED AREA, AT THE 30TH ANNUAL WHOLE ENCHILADA FIESTA TO BE HELD SEPTEMBER 24, 25, AND 26, 2010 AT 1600 EAST HADLEY AVENUE, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, the Whole Enchilada Fiesta is an annual event and this year marks the 30th Annual Whole Enchilada Fiesta ("Fiesta"); and

WHEREAS, The Whole Enchilada Fiesta, Incorporated ("TWEF, Inc.") is a New Mexico nonprofit corporation which plans and organizes the annual Fiesta through its Board of Directors, committee members and hundreds of volunteers; and

WHEREAS, TWEF, Inc. is requesting approval to sell beer and wine for consumption at the Fiesta within a restricted and secured area known as the Fiesta Garden; and

WHEREAS, approval by the City Council is required prior to submission of the Special Dispenser 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 beer and wine to be sold for consumption within the Fiesta Garden, a restricted and secured area, at the Fiesta; and

WHEREAS, the granting of a Special Dispenser Permit will also 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 The Whole Enchilada Fiesta, Inc. is hereby authorized to continue with the permitting process to allow for the sale of beer and wine for consumption within the

Fiesta Garden, a restricted and secured area, at the 30th Annual Whole Enchilada Fiesta, during specific dates and times as follows:

Friday	September 24, 2010	4:00 p.m. to 11:00 p.m.
Saturday	September 25, 2010	12:00 p.m. to 11:00 p.m.
Sunday	September 26, 2010	12:00 p.m. to 6:00 p.m.

(II)

THAT City staff is authorized to do all deeds necessary to accomplish the intent of this Resolution.

DONE AND APPROVED on this 7 day of September 2010.

Mayor

ATTEST:

City Clerk

{SEAL}

Moved by: _____

Seconded by: _____

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:



Interim City Attorney

<u>Server</u>	<u>Permit #</u>	<u>Expiration</u>
Cameron Franco	185932	08/16/2011
Sunshine Hoffman	125646	03/07/2013
Marci Dickerson	184714	07/28/2011

ADAM CHANEY #186689 EX 09/08/2011

MICHELLE LOPEZ #160905 EX 01/04/2010

BRIAN MARES #146977 EX04/21/2014

GERALD GRIMLEY #172866 EX 10/13/2010

KATRINA DIXON #130021 EX 06/03/2013

KATHRYN THOMAS #213713 EX08/18/2013

CHASE ROBERTS #216135 EX10/27/2013

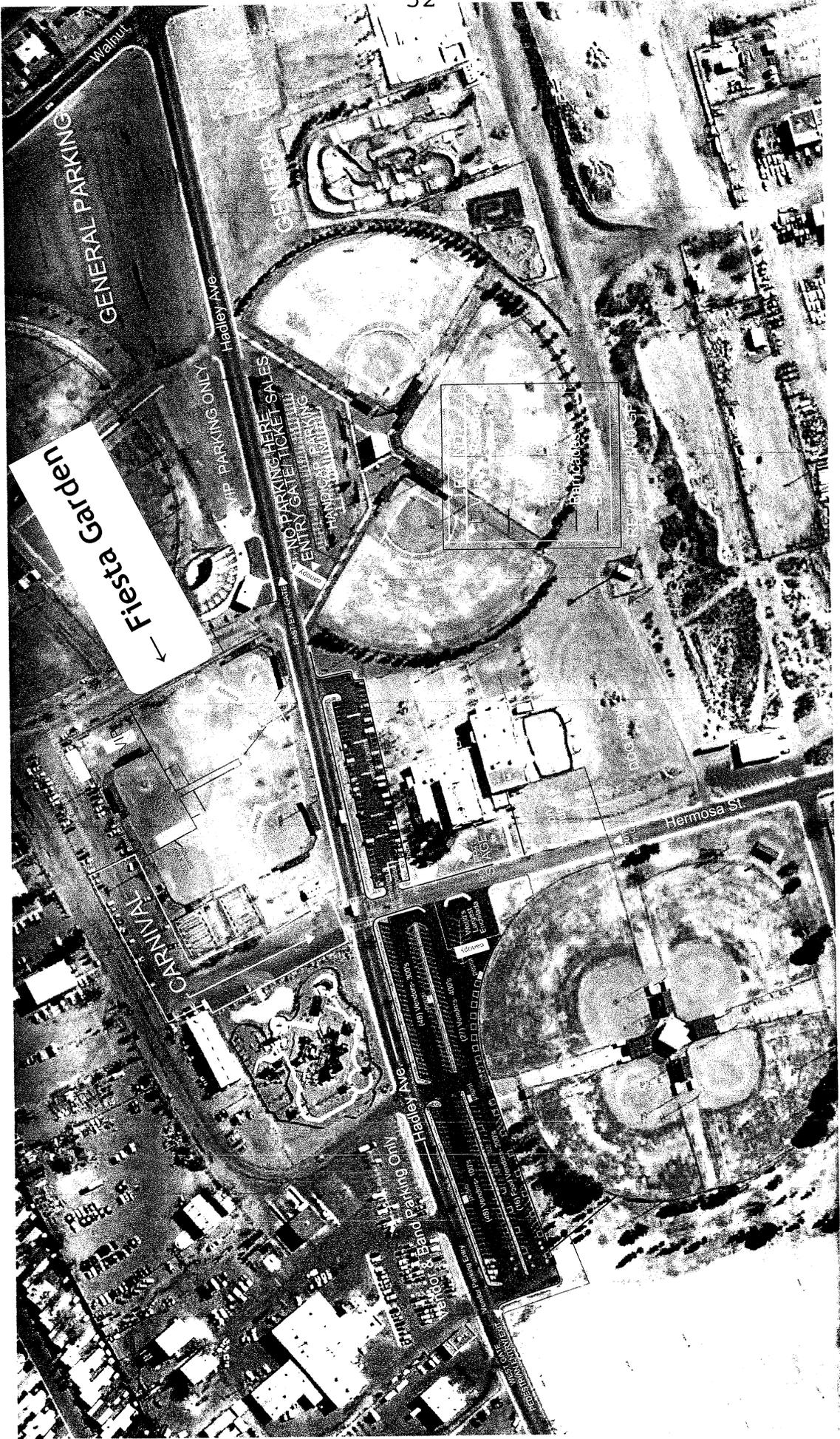
ERICA WHITESIDE#184406 EX07/25/2011

DELAINE CHARLIE #232542 EX09/05/2014

REBECCA ROSNICK #210513 EX 06/17/2013

LUCAS TAYLOR #52243 EX07/16/2013

THOMAS TIMMS #97529 EX01/23/2011



Attachment "1"