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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 3      Ordinance/Resolution# 12-037

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

For Meeting of September 6, 2011  
 (Adoption Date)

**TITLE:** 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 WITHIN THE FIESTA GARDEN, A RESTRICTED AND SECURED AREA, AT THE 31<sup>ST</sup> ANNUAL *THE WHOLE ENCHILADA FIESTA* TO BE HELD SEPTEMBER 23, 24, AND 25, 2011 AT 1600 EAST HADLEY AVENUE, LAS CRUCES, NEW MEXICO.

**PURPOSE(S) OF ACTION:**

To approve, modify or not approve the sale of beer and wine at the 31<sup>st</sup> Annual *The Whole Enchilada Fiesta* ("Fiesta").

<b>COUNCIL DISTRICT: 3</b>		
<b><u>Drafter/Staff Contact:</u></b> Monica Campbell	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> 541-2128
<b><u>City Manager Signature:</u></b>		

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

The Fiesta is an annual event held in Las Cruces the last full weekend in September. Events at the Fiesta include the making of the world's largest enchilada, live musical entertainment, a parade, and a 5K 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 volunteers.

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

Approval of the request 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 Garden, a restricted and secured area, during specific dates and times as follows:

(Continue on additional sheets as required)

Friday	September 23, 2011	6:00 p.m. to 12:00 a.m.
Saturday	September 24, 2011	4:00 p.m. to 11:00 p.m.
Sunday	September 25, 2011	12:00 p.m. to 8:00 p.m.

The approval of the Special Dispenser 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 the State only.

**SUPPORT INFORMATION:**

1. Resolution.
2. Special Dispenser Permit Application attached as Exhibit "A".

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>  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.
<b>Does this action create any revenue?</b>	Yes	<input checked="" type="checkbox"/>	Funds will be deposited into this fund: 1015-10180020-520002 Permits-Liquor Licenses in the amount of <u>\$75.00</u> for FY12.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
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**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

(Continue on additional sheets as required)

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the sale of beer and wine for consumption within a restricted and secured area in the Fiesta Garden during the Fiesta, and will allow Alcohol and Gaming to continue with the Special Dispenser Permit Application process.
2. Vote "No"; this will result in no beer and wine being sold during the Fiesta. The Director of Alcohol and Gaming may issue a Special Dispenser Permit provided the City Council has given written approval for the permitting process to continue.
3. Vote to "Amend"; this may include such items as changing dates and limiting times of day 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"; this may result in no beer and wine being sold during the Fiesta. Alcohol and Gaming requires issuance of a Special Dispenser Permit 10 days prior to an event.

**REFERENCE INFORMATION:**

N/A

RESOLUTION NO. 12- 037

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 WITHIN THE FIESTA GARDEN, A RESTRICTED AND SECURED AREA, AT THE 31<sup>ST</sup> ANNUAL *THE WHOLE ENCHILADA FIESTA* TO BE HELD SEPTEMBER 23, 24, AND 25, 2011 AT 1600 EAST HADLEY AVENUE, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

**WHEREAS**, *The Whole Enchilada Fiesta* ("Fiesta") is an annual event and this year marks the 31<sup>st</sup> annual Fiesta; and

**WHEREAS**, The Whole Enchilada Fiesta, Inc. ("TWEF, Inc.") is a New Mexico nonprofit corporation which plans and organizes the annual Fiesta through its board of directors, committee members and 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 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 31<sup>st</sup> Annual *The Whole Enchilada Fiesta* during specific dates and times as follows:

Friday	September 23, 2011	6:00 p.m. to 12:00 a.m.
Saturday	September 24, 2011	4:00 p.m. to 11:00 p.m.
Sunday	September 25, 2011	12:00 p.m. to 8:00 p.m.

**(II)**

**THAT** City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

**DONE AND APPROVED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Connor: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

Councillor Thomas: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ALCOHOL & GAMING DIVISION  
SPECIAL DISPENSER PERMIT APPLICATION (60-6A-12)

Fee Per day:  \$50.00 Public Celebration

\$25.00 Private Event (Catered) (all fees are non refundable)

A copy of all approved permits will be sent to the Special Investigations Division of the Department of Public Safety. They will notify you directly if they need additional information.

Business Name (DBA) THE GAME BAR & GRILL Owner Name PHILMAR INC Local Option District LAS CRUCES  
Street Address 2605 S. ESPINA Mailing Address PO Box 161 TRAPACES NM 88033  
City, State & Zip LAS CRUCES, NM 88001 Telephone # (575) 644-0778 Fax # (575) 526-0880

**EVENT INFORMATION**  
Description of Event WHOLE ENCHILADA Date(s) of Event 9/23; 9/24; 9/25 Begin Time 9/23 - 6PM End Time 9/25 - 8PM  
Physical Address of Event WHOLE ENCHILADA AREA ON HADLEY Number of Persons expected 1,000  
Description of Security LAS CRUCES SECURITY, LAS CRUCES POLICE DEPT, D.A. SHERIFF'S Number of Security Personnel to be at this function 10  
Security Contact Name MARCI DICKERSON Telephone # (575) 644-0778

**SPONSOR INFORMATION**  
Sponsor of Event The Whole Enchilada Fiesta, Inc. Contact Name Virginia M. Barcala Signature [Signature] Telephone # 575-571-9509  
**BUILDING OWNER APPROVAL**

Name (print) Robert Garza Signature \_\_\_\_\_ Telephone # 575-541-2076 Date \_\_\_\_\_

**LICENSE HOLDER & SERVER CERTIFICATION:** I, MARCI DICKERSON (Licensee) hereby certify that this event is within the same local option district as the dispenser's license, that 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 names, 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) MARCI DICKERSON Signature (Licensee Only) \_\_\_\_\_ Date 8/19/11  
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit. (seal)

Subscribed and Sworn before me this 19th day of August, 2011 Notary Public [Signature] Exp. 7.22.2015

**LOCAL GOVERNING BODY APPROVAL**

Print Name Robert Garza Title City Manager Signature \_\_\_\_\_ Date \_\_\_\_\_

ALCOHOL & GAMING DIVISION USE ONLY  
Approved by: \_\_\_\_\_

Permit Number \_\_\_\_\_  
Server information list \_\_\_\_\_  
Fees (listed on top of page) \_\_\_\_\_  
Date \_\_\_\_\_  
**APPROVED AS TO FORM:**  
[Signature]  
City Attorney

Brian Mares	#146977	Exp 04/21/14
Katrina Dixon	#130021	Exp 06/03/13
Kathryn Thomas	#130021	Exp 08/18/13
Chase Roberts	#216135	Exp 10/27/13
Delaine Charlie	#231542	Exp 09/05/14
Rebecca Rosnick	#210513	Exp 06/17/13
Lucas Taylor	#52243	Exp 07/16/13

