

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 13-021

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of September 4, 2012
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION AUTHORIZING THE WHOLE ENCHILADA FIESTA, INC. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE FIESTA GARDEN, A RESTRICTED AND SECURED AREA, AT THE 32ND ANNUAL *THE WHOLE ENCHILADA FIESTA* TO BE HELD SEPTEMBER 28, 29, AND 30, 2012 AT THE HADLEY STREET COMPLEX, 1501 EAST HADLEY AVENUE, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To authorize continuation of permitting process.

COUNCIL DISTRICT: 3		
<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 Whole Enchilada Fiesta ("Fiesta") is an annual event held in Las Cruces the last full weekend of September. This year marks the 32nd Annual Fiesta with events to include a parade, a 5K Run, live musical entertainment, an enchilada eating contest, and a truck and car show.

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 alcoholic beverages, specifically, beer and pre-mixed margaritas, 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 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

(Continue on additional sheets as required)

Gaming would allow alcoholic beverages, specifically, beer and pre-mixed margaritas, to be sold for consumption within the Fiesta Garden during specific dates and times as follows:

Friday	September 28, 2012	11:00 a.m. to 11:45 p.m.
Saturday	September 29, 2012	10:00 a.m. to 11:45 p.m.
Sunday	September 30, 2012	12:00 p.m. to 7:00 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. Exhibit "A". Special Dispenser Permit Application packet from The Dublin Street Pub.

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> in the amount of <u>\$25.00</u> for FY <u>13</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 alcoholic beverages being sold for consumption within a restricted and secured area at the 32nd Annual *The Whole Enchilada Fiesta* to be held September 28, 29, and 30, 2012. Approval will allow Alcohol and Gaming to continue with the permitting process.
2. Vote "No"; this will mean that no alcoholic beverages will be sold at the 32nd Annual *The Whole Enchilada Fiesta*. The Alcohol and Gaming Director may issue the Special Dispenser Permit provided that the City Council has given written approval for the permitting process to continue.
3. Vote to "Amend"; this could include such items as changing the time that alcoholic beverages are 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 alcoholic beverages being sold during the event.

REFERENCE INFORMATION:

N/A

RESOLUTION NO. 13-021

A RESOLUTION AUTHORIZING THE WHOLE ENCHILADA FIESTA, INC. TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE FIESTA GARDEN, A RESTRICTED AND SECURED AREA, AT THE 32ND ANNUAL *THE WHOLE ENCHILADA FIESTA* TO BE HELD SEPTEMBER 28, 29, AND 30, 2012 AT THE HADLEY STREET COMPLEX, 1501 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 32nd annual Fiesta; and

WHEREAS, The Whole Enchilada Fiesta, Inc. ("TWEF") 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 alcoholic beverages, specifically, beer and pre-mixed margaritas, 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 of The Dublin Street Pub (Exhibit "A") 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 alcoholic beverages, specifically, beer and pre-mixed margaritas, 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 alcoholic beverages, specifically, beer and pre-mixed margaritas, within the Fiesta Garden, a restricted and secured area, at the 32nd Annual *The Whole Enchilada Fiesta* during specific dates and times as follows:

Friday	September 28, 2012	11:00 a.m. to 11:45 p.m.
Saturday	September 29, 2012	10:00 a.m. to 11:45 p.m.
Sunday	September 30, 2012	12:00 p.m. to 7:00 p.m.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the hereinabove.

DONE AND APPROVED on this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

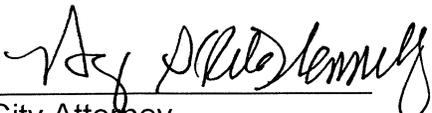
Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

APPROVED AS TO FORM:



City Attorney

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

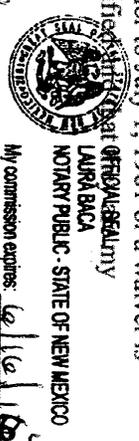
Fee Per day: \$50.00 Public Celebration
 \$25.00 Private Event (Catered) (all fees are non refundable)
A copy of all approved permits will be sent to the Special Investigations Division of the Department of Public Safety. They will notify you directly if they need additional information.

LICENSE HOLDER INFORMATION
Business Name (DBA) The Dublin Street Pub Owner Name Pinecroft, LLC Liquor License # 2543
Street Address 1745 E. University Ave Mailing Address 1745 E. University Ave Local Option District Doña Ana (Las Cruces)
City, State & Zip Las Cruces, NM 88001 Telephone # 575-522-0930 Fax # 575-522-0687

EVENT INFORMATION
Description of Event The Whole enchilada Fiesta Date(s) of Event September 28th, 29th, 30th Begin Time 11:00am, Noon, 11:00pm, 7:00pm
Physical Address of Event Halley Street Complex (1501 Halley Ave Las Cruces, NM 88001) Number of Persons expected 3000 (3000/day)
Description of Security Las Cruces Police Department + Security Concepts Number of Security personnel to be at this function 35/day
Security Contact Name Terry Reser (LEPD) Eric Murales (Security Concepts) Telephone # 575-528-4385 (LEPD) 575-805-4657 (Security Concepts)

SPONSOR INFORMATION
Sponsor of Event Dublin's Street Pub Contact Name Brandon Sanchez Signature  Telephone # 505-720-4332
BUILDING/PROPERTY OWNER APPROVAL

Name (print) See attached permit Signature See attached permit Telephone # 575-541-5554 Date _____
LICENSE HOLDER & SERVER CERTIFICATION: I, Robert Villalobos (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 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) Robert Villalobos Signature (Licensee Only)  Date 8/13/2012
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 13 day of Aug, 2012 Notary Public Juanita Baca Exp. 12/16/16
NOTARY INFORMATION
LOCAL GOVERNING BODY APPROVAL

Print Name _____ Title _____ Date _____ Signature _____ Phone _____ Fax _____

ALCOHOL & GAMING DIVISION USE ONLY
Approved by: _____ Date _____ Permit Number _____
Attachments: 1) Floor plan - (Pictures) 2) Fees (listed on top of page) 3) Server information list

Permit #: 2900 INSUR.
Required

CITY OF LAS CRUCES
PARKS & RECREATION DEPARTMENT
FACILITY USE PERMIT

Date Paid: _____
Receipt #: _____

Purpose: To assure that all City-owned parks and recreation facilities are made available on an equitable basis to individuals, groups and organizations residing within the City of Las Cruces, Dona Ana County, New Mexico.

Policy: Use of all City-owned parks and recreation facilities by individuals, groups and organizations, including their members, will be granted through the auspices of the Parks and Recreation Department or a designated representative, hereinafter referred to as "Department." Priority for use will be given to year-round recreational programs directly sponsored and/or co-sponsored by the City of Las Cruces. The School District will have next priority for use of fields and facilities. All individuals, groups and organizations must abide by all facility and City of Las Cruces rules and regulations, the Municipal Code, and must obtain special permits if such are required (i.e., Sound Permits). Refer to Las Cruces Municipal Code (LCMC), Chapter 20, Parks and Recreation, Article I. "In General", Section 20-1.

Non-Discrimination Compliance: Facility users will not discriminate against any person in access to or participation in any program contemplated by this policy, or in any facility used in connection therewith, on the basis of race, color, national origin, age, disability or sex. Facility users will ensure that all programs, services and activities are accessible to and useable by persons with disabilities in accordance with the Americans with Disabilities Act, including but limited to, equal opportunity to participate and benefit, equally effective communication for persons with speech, hearing and other impairments, integrated seating and the provision of reasonable modifications and/or accommodations and shall adhere to the City of Las Cruces Communication Policy. If portable toilets are going to be provided, accessible units must also be provided at each bank of standard units.

User Fees: User fees are established by the City Council. All applicable fees and/or deposits must be paid by cash, credit card, check or money order, made payable to the City of Las Cruces, a minimum of ten working days prior to the approved event.

Permitting Procedure: Requests for exclusive use of City owned park/recreation facilities or portion thereof by any individual, group or organization, must be submitted in writing to the Department, a minimum of ten days in advance of the requested date and shall contain the reason for the request. Permits for exclusive use of City-owned parks, recreation facilities or parking areas will be issued for a period not less than four hours for the established fee (\$50.00).

Insurance: The City requires that users of City owned facilities for special requests, one-time events, athletic leagues, tournament play, and recreational programs provide proof of liability insurance to cover such use of the facilities, with the City of Las Cruces named as an additional insured on the policy, if staff determines that such insurance is necessary. This proof of insurance will be forwarded to the Department no later than 30 working days prior to the scheduled event for annual routine requests or no later than ten working days prior to the scheduled event. The amount of this insurance shall coincide with the limitations of the Tort Claims Act, NMSA 1978, Section 41-4-1.

Consumption of Alcohol: No alcoholic beverages are allowed to be consumed in City parks and facilities. See LCMC, Chapter 5, Section 5-1.

PLEASE PRINT

Date Submitted: 8/1/12 Date(s) of Reservation: Sept. 26, 27, 28, 29, 30, 2012 Facility name & area requested: Apdley Street Complex
Event Planned: The Wind Enchilada Fiesta Name of Person Requesting Facility: Dolores Calderon
Organization Requesting Facility: Trust Board of Directors
Requestor's Address: PO Box 8248 City: Las Cruces State: NM Zip Code: 88106
Start Time of Event: 7:00 End Time of Event: 1:00 No. of People (estimate): 40,000 Work Number: 595-650-4032 Home Number: _____
Email address: d.calderon57@hotmail.com

Equipment Requested: (If applicable):	Approved:	Maintenance Requested:	Approved:
Extra Trash Cans <input checked="" type="checkbox"/> # _____	Yes <input type="checkbox"/> No <input type="checkbox"/>	Field Maintenance <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Other (please specify) <input type="checkbox"/> # _____	Yes <input type="checkbox"/> No <input type="checkbox"/>	Park Maintenance <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Key(s) Check Out: _____	Key(s) Deposit: _____	Watering <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
		Electricity <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Comments: Same as past years. (as per contract with the City of Las Cruces)

Customer Signature: [Signature] Department Approved: [Signature] Date: 13/8/12
Department Disapproved: _____ Date: _____

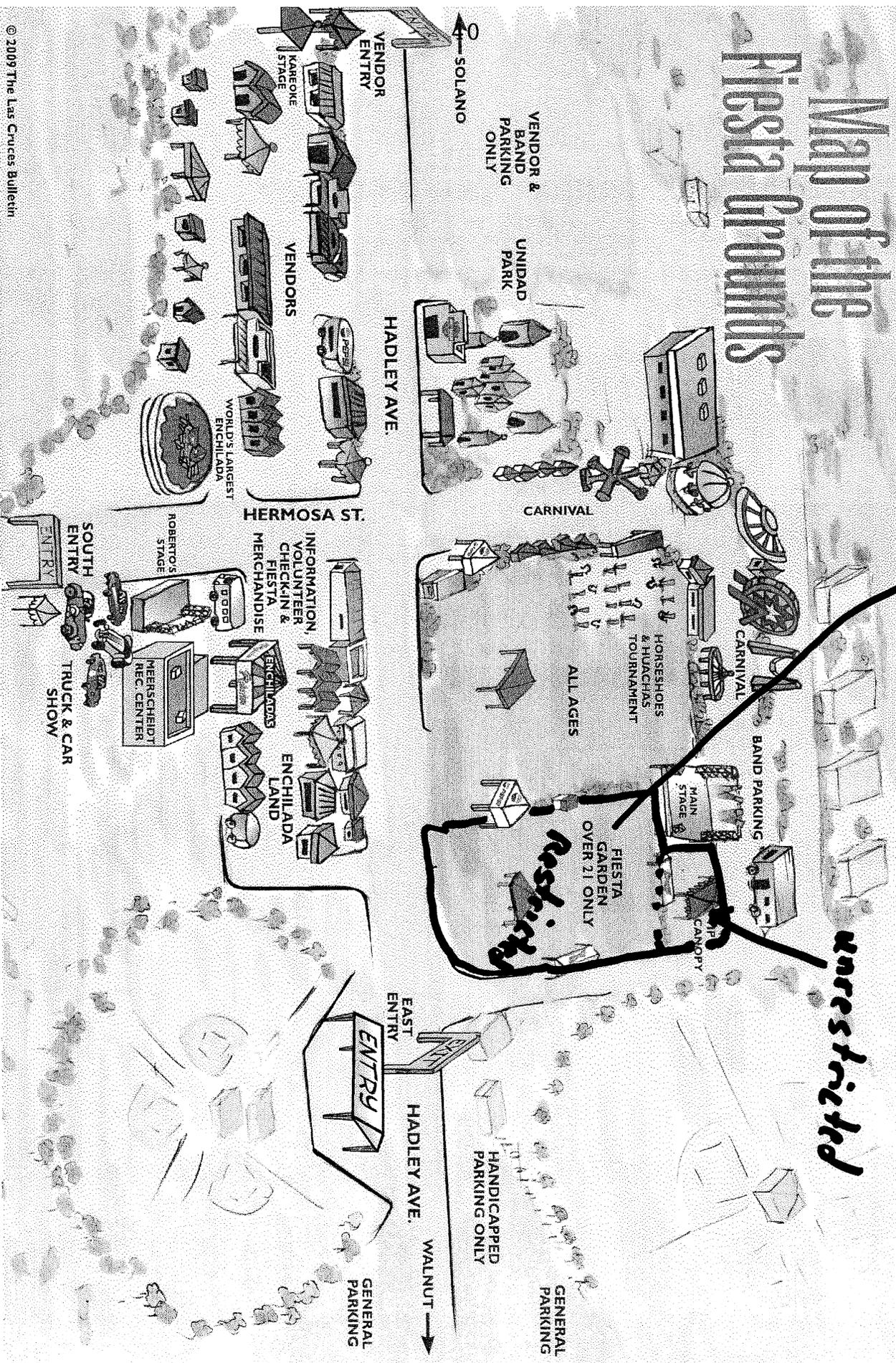
◆P.O. Box 20000◆Las Cruces, NM◆88004◆(575) 541-2554
Distribution: White - Administrative Office Staff; Yellow - Customer; Pink - Parks Maintenance Staff

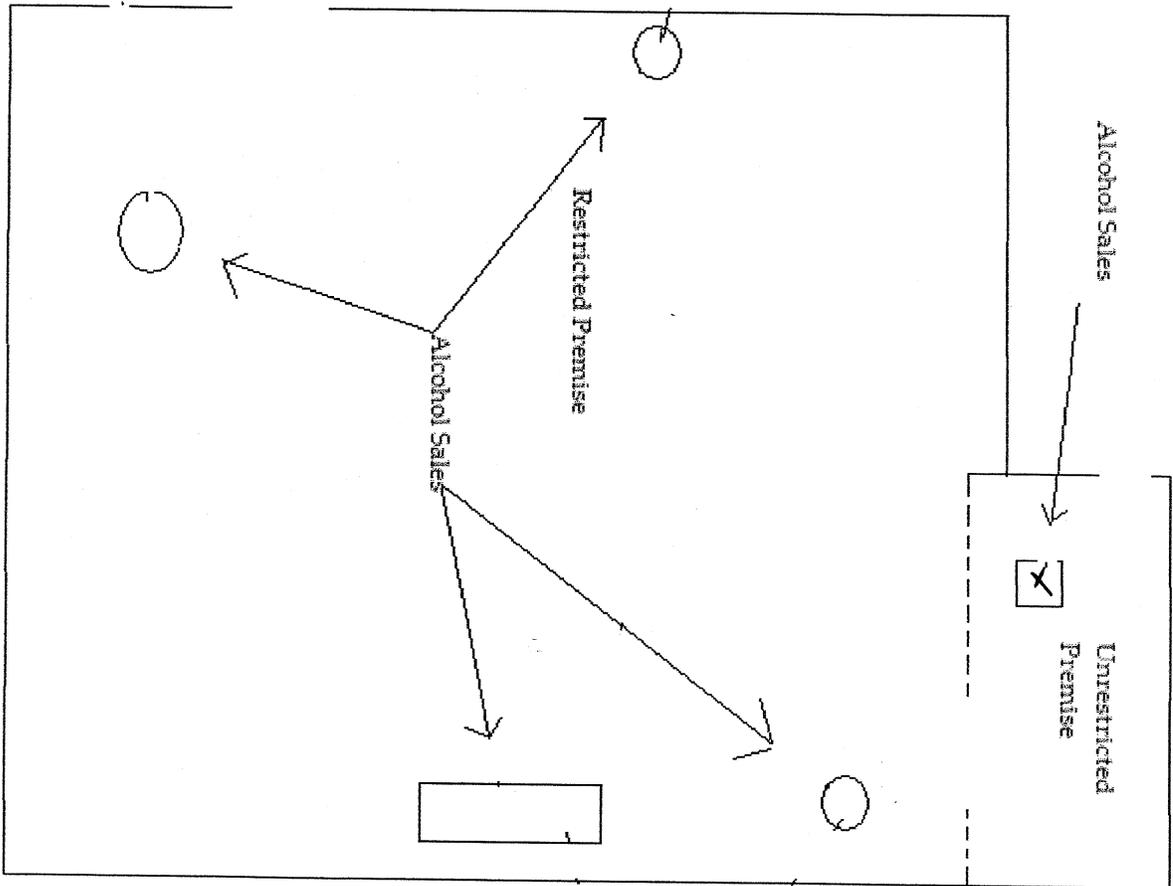
(Additional Rules on Reverse Side)

Map of the Fiesta Grounds

*Licensed
Premises*

unrestricted





Bartender/Server List

Brandon Sanchez: 156864	09/15/2014
Adan Acosta: 226330	06/03/2014
Jackie Valverde: 154857	09/15/2014
Jared Reinow: 196395	07/17/2012 (Renewed 7/17/2012)
Rachel Christiansen: 204193	01/29/2013
Lindsay Ricketts: 197607	08/06/2012
Edward Thibodeau: 149240	07/17/2014
Maxwell Portilla::213968	08/20/2013
Chandell Ward: 223761	02/24/2014
Richard Norris: 226340	06/03/2014
Megan Dow: 247092	09/13/2015
Ernest Venegas:195175	04/09/2012
Daniel Graham:252170	12/04/2015
Kelli Jennings:267047	12/17/2016
Lindsey Martin:253736	03/03/2016
Lindsay Rogers:197598	08/06/2012
Belinda Dayley: 9543	07/23/2016
Stephanie Salas: 260629	07/06/2016
Ivalie Smith: 34243	03/26/2016
Sylvia Chavez: 135025	06/08/2016