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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 14-051

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of September 16, 2013
 (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 GARDENS, A RESTRICTED AND SECURED AREA, AT THE 33RD ANNUAL WHOLE ENCHILADA FIESTA TO BE HELD SEPTEMBER 27, 28, AND 29, 2013 AT THE HADLEY STREET COMPLEX, 1501 EAST HADLEY AVENUE, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To authorize continuation of a 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 33rd annual Fiesta with three days of events, activities and music.

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 on each day of the Fiesta. The alcoholic beverages will be sold within the Fiesta Gardens which will be a restricted and secured area.

Approval of the request by the City Council is required prior to submission of the Special Dispenser Permits 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 to be sold for consumption within the Fiesta Gardens during specific dates and times as follows:

Friday	September 27, 2013	5:00 p.m. to 11:00 p.m.
Saturday	September 28, 2013	4:00 p.m. to 11:00 p.m.
Sunday	September 29, 2013	12:00 p.m. to 8:00 p.m.

The approval of the Special Dispenser Permit Applications 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 from The Game Sports Bar and Grill for Friday, September 27, 2013.
3. Exhibit "B". Special Dispenser Permit Application from The Game Sports Bar and Grill for Saturday, September 28, 2013.
4. Exhibit "C". Special Dispenser Permit Application from The Game Sports Bar and Grill for Sunday, September 29, 2013.
5. Attachment "1". Map of the Fiesta area showing the location of the Fiesta Gardens.
6. Attachment "2". List of servers from The Game Sports Bar and Grill.

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>\$75.00</u> for FY14.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

(Continue on additional sheets as required)

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 33rd annual Whole Enchilada Fiesta to be held September 27, 28, and 29, 2013. 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 33rd annual Whole Enchilada Fiesta. The Alcohol and Gaming Director may issue the Special Dispenser Permits 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:

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. 14-051

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 GARDENS, A RESTRICTED AND SECURED AREA, AT THE 33RD ANNUAL WHOLE ENCHILADA FIESTA TO BE HELD SEPTEMBER 27, 28, AND 29, 2013 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 33rd 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 for consumption at the Fiesta within a restricted and secured area known as the Fiesta Gardens; and

WHEREAS, approval by the City Council is required prior to submission of the Special Dispenser Permit Applications of The Game Sports Bar and Grill 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 to be sold for consumption within the Fiesta Gardens, a restricted and secured area at the Fiesta; and

WHEREAS, the granting of the Special Dispenser Permits 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 within the Fiesta Gardens, a restricted and secured area, at the 33rd annual Whole Enchilada Fiesta during the specific dates and times shown in Exhibits "A", "B", and "C" attached hereto, and as follows:

Friday	September 27, 2013	5:00 p.m. to 11:00 p.m.
Saturday	September 28, 2013	4:00 p.m. to 11:00 p.m.
Sunday	September 29, 2013	12:00 p.m. to 8:00 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 _____, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

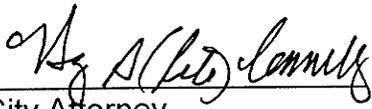
VOTE:

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

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

Fee Per day: \$29.66 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 GAME SPORTS BAR & GRILL Owner Name MARCI DICKERSON Local Option District LAS CRUCES
Liquor License # 2732
Street Address 2605 S. ESPINA Mailing Address PO Box 161
City, State & Zip FAIR ACRES, NH 38033 Telephone # (575) 644-0778 Fax # (575) 526-0850

EVENT INFORMATION

Description of Event WHOLE EXHIBADA FESTIVAL Date(s) of Event 9/27/13 Begin Time 5PM End Time 11PM
Physical Address of Event 1501 E. HADLEY AVE Number of Persons expected 500
Description of Security LAS CRUCES SECURITY Number of Security personnel to be at this function 6
Security Contact Name RAY CADENA Telephone # (575) 642-6721

SPONSOR INFORMATION

Sponsor of Event _____ Contact Name _____ Signature _____ Telephone # _____

BUILDING OWNER APPROVAL

Name (print) _____ Signature _____ Telephone # _____ 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 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) MARCI DICKERSON Signature (Licensee Only) _____ Date 9/3/13
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. (act)

NOTARY INFORMATION

Subscribed and Sworn before me this 3rd day of Sept, 2013 Notary Public [Signature] Exp. 07 21 2015

LOCAL GOVERNING BODY APPROVAL

Print Name _____ Title _____ Signature _____ Date _____

ALCOHOL & GAMING DIVISION USE ONLY

Approved by _____ Date _____ Permit Number _____

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 GAME SPORTS BAR & GRILL Owner Name MARCI DICKERSON Local Option District LAS CRUCES
Street Address 2605 S. ESPINA Mailing Address PO Box 161
City, State & Zip FAERACRES, NH 038033 Telephone # (575) 644-0778 Fax # (575) 526-0880
Liquor License # 2732

EVENT INFORMATION

Description of Event WHOLE ENCHILADA FESTIVAL Date(s) of Event 9/28/13 Begin Time 4PM End Time 11PM
Physical Address of Event 1501 E. HADLEY AVE Number of Persons expected 500
Description of Security LAS CRUCES SECURITY Number of Security personnel to be at this function 6
Security Contact Name PAT CADENA Telephone # 575-642-6721

SPONSOR INFORMATION

Sponsor of Event _____ Contact Name _____ Signature _____ Telephone # _____

BUILDING OWNER APPROVAL

Name (print) _____ Signature _____ Telephone # _____ 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 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) MARCI DICKERSON Signature (Licensee Only) _____ Date 9/3/13
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. (sc#1)

Subscribed and Sworn before me this 3rd day of Sept 2013 Notary Public [Signature] Exp. 07.21.2015

NOTARY INFORMATION

LOCAL GOVERNING BODY APPROVAL

Print Name _____ Title _____ Signature _____ Date _____

ALCOHOL & GAMING DIVISION USE ONLY

Approved by _____ Date _____ Permit Number _____

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 GAME SPORTS BAR & GRILL Owner Name MARCI DICKERSON Local Option District LAS CRUCES
Street Address 2605 S. ESPINA Mailing Address PO Box 1661
City, State & Zip FARRACLES, NH 388033 Telephone # (575) 644-0778 Fax # (575) 526-0880
Liquor License # 2732

EVENT INFORMATION
Description of Event WHOLE ENCHILADA FESTIVAL Date(s) of Event 9/29/13 Begin Time 12 PM End Time 8 PM
Physical Address of Event 1501 E HADLEY AVE Number of Persons expected 500
Description of Security LAS CRUCES SECURITY Number of Security personnel to be at this function 6
Security Contact Name RAY CADENA Telephone # 575-642-6721

SPONSOR INFORMATION
Sponsor of Event _____ Contact Name _____ Signature _____ Telephone # _____
Name (prints) _____ Signature _____ Telephone # _____ Date _____

BUILDING OWNER APPROVAL
Name (prints) _____ Signature _____ Telephone # _____ 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 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 (prints) MARCI DICKERSON Signature (Licensee Only) _____ Date 9/8/13
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. (sect.1)

Subscribed and Sworn before me this 3rd day of Sept, 2013 Notary Public [Signature] Exp. 07.21.2015

LOCAL GOVERNING BODY APPROVAL
Print Name _____ Title _____ Signature _____ Date _____

ALCOHOL & GAMING DIVISION USE ONLY
Approved by _____ Permit Number _____

NAME	#	EXP DATE
Brian Mares	146977	04/21/14
Chase Roberts	216135	10/27/13
Delaine Charlie	231542	09/05/14
Reyes Garcia	244856	07/28/15
Tyler Alred	262976	08/27/16
Luis Vela	192905	02/09/17