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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15 Ordinance/Resolution# 10- 080 Council District:

For Meeting of September 8, 2009

(Adoption Date)

A RESOLUTION AUTHORIZING THE WHOLE ENCHILADA FIESTA, INCORPORATED, TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER AND WINE ONLY WITHIN THE BEER GARDEN, A RESTRICTED AND SECURED AREA, AT THE 29th ANNUAL WHOLE ENCHILADA FIESTA TO BE HELD SEPTEMBER 25, 26, AND 27, 2009 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 Beer Garden, a restricted and secured area, during the 29th Annual Whole Enchilada Fiesta.

Name of Drafter: Monica Campbell <i>MC</i>		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
Originating Department			Budget	<i>[Signature]</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	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 29th 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, Incorporated ("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 only for consumption within the Beer Garden, a restricted and secured area. The location is shown on the attached map of the Fiesta area at 1600 East Hadley Avenue.

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 only to be sold for consumption within the Beer

(Continue on additional sheets as required)

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

Friday, September 25, 2009	6:00 p.m. to 11:00 p.m.
Saturday, September 26, 2009	12:00 p.m. to 11:00 p.m.
Sunday, September 27, 2009	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:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Resolution.
2. Special Dispenser Permit application attached as Exhibit "A" with attachments (2 maps of area and a list of servers).
3. TWEF, Inc.'s schedule of operating dates and times for the Beer Garden, Attachment "1".

OPTIONS / ALTERNATIVES:

1. Approve the Resolution and consent to beer and wine only being sold for consumption within the Beer Garden, a restricted and secured area, during the 29th Annual Whole Enchilada Fiesta on September 25, 26, and 27, 2009. Approval will allow the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") to continue with its Special Dispenser Permit process.
2. Modify the Resolution and provide further direction to staff.
3. Do not approve the Resolution. This will result in no beer and wine being sold at the 29th 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.

(Continue on additional sheets as required)

RESOLUTION NO. 10-080

A RESOLUTION AUTHORIZING THE WHOLE ENCHILADA FIESTA, INCORPORATED, TO CONTINUE WITH THE PERMITTING PROCESS TO ALLOW FOR THE SALE AND CONSUMPTION OF BEER AND WINE ONLY WITHIN THE BEER GARDEN, A RESTRICTED AND SECURED AREA, AT THE 29th ANNUAL WHOLE ENCHILADA FIESTA TO BE HELD SEPTEMBER 25, 26, AND 27, 2009 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 29th 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 only for consumption at the Fiesta within a restricted and secured area known as the Beer 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 only to be sold for consumption within the Beer 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 only for consumption within the

Beer Garden, a restricted and secured area, at the 29th Annual Whole Enchilada Fiesta, during specific dates and times as follows:

Friday, September 25, 2009	6:00 p.m. to 11:00 p.m.
Saturday, September 26, 2009	12:00 p.m. to 11:00 p.m.
Sunday, September 27, 2009	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 8 day of September 2009.

Mayor

ATTEST:

City Clerk

{SEAL}

Moved by: _____

Seconded by: _____

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:



City Attorney



1500 total

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/aged

Rev. 05/09

SPECIAL DISPENSER PERMIT APPLICATION (60-6A-12)

Fee per day: \$50 Public Celebration \$25 Private Event (All fees are non-refundable)

LICENSE HOLDER INFORMATION

Business Name (DBA) The Cruise Sports Bar Owner Name Phimer Inc License Number 2733

Street Address: 2605 S. Espina City, State, Zip Las Cruces NM 88001

Mailing Address PO Box 161 City, State, Zip Farmacia NM 88033

Phone # 575-644-0778 Fax # 505-6526-0880 Local Option District Las Cruces

EVENT INFORMATION

Description of Event Whole Enchilada Fiesta Date(s) of Event 9/25 - 9/27 Begin Time 12:00pm End Time 11:00pm

Physical Address of Event _____ Number of Persons expected 1000

Description of Security AA County Sheriff's / LCPD / Dickerson Number of Security personnel to be at this function 20

Security Contact Name Ray Cadena Telephone # 575-642-6721

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SPONSOR INFORMATION

Sponsor of Event Whole Enchilada Fiesta Contact Name Joy Lillo Signature _____ Phone 575-648-1532

BUILDING OWNER APPROVAL

Name (print) Terrence R. Moore Signature _____ Phone 575-541-2076 Date _____

LICENSE HOLDER AND SERVER CERTIFICATION

I, Merci 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 feet 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 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) Phimer Inc Signature (Licensee Only) _____ Date 6/21/09

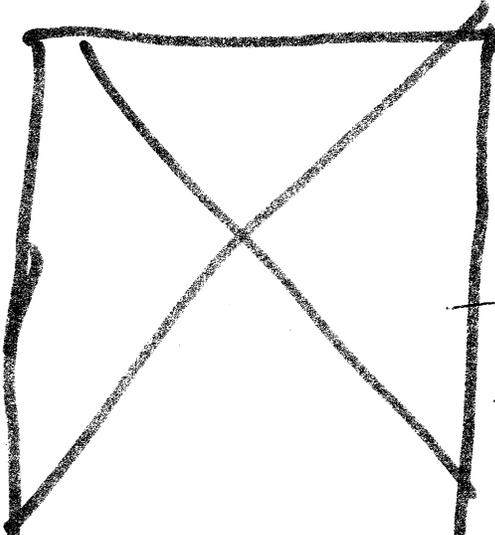
All profits derived from the sale of liquor will go only to the licensee. Only the owner or authorized person under this license may sign the permit.

NOTARY INFORMATION
Subscribed and Sworn before me this 21 day of June, 2009 Notary Public Martin S. Strick Exp. 2.7.2010

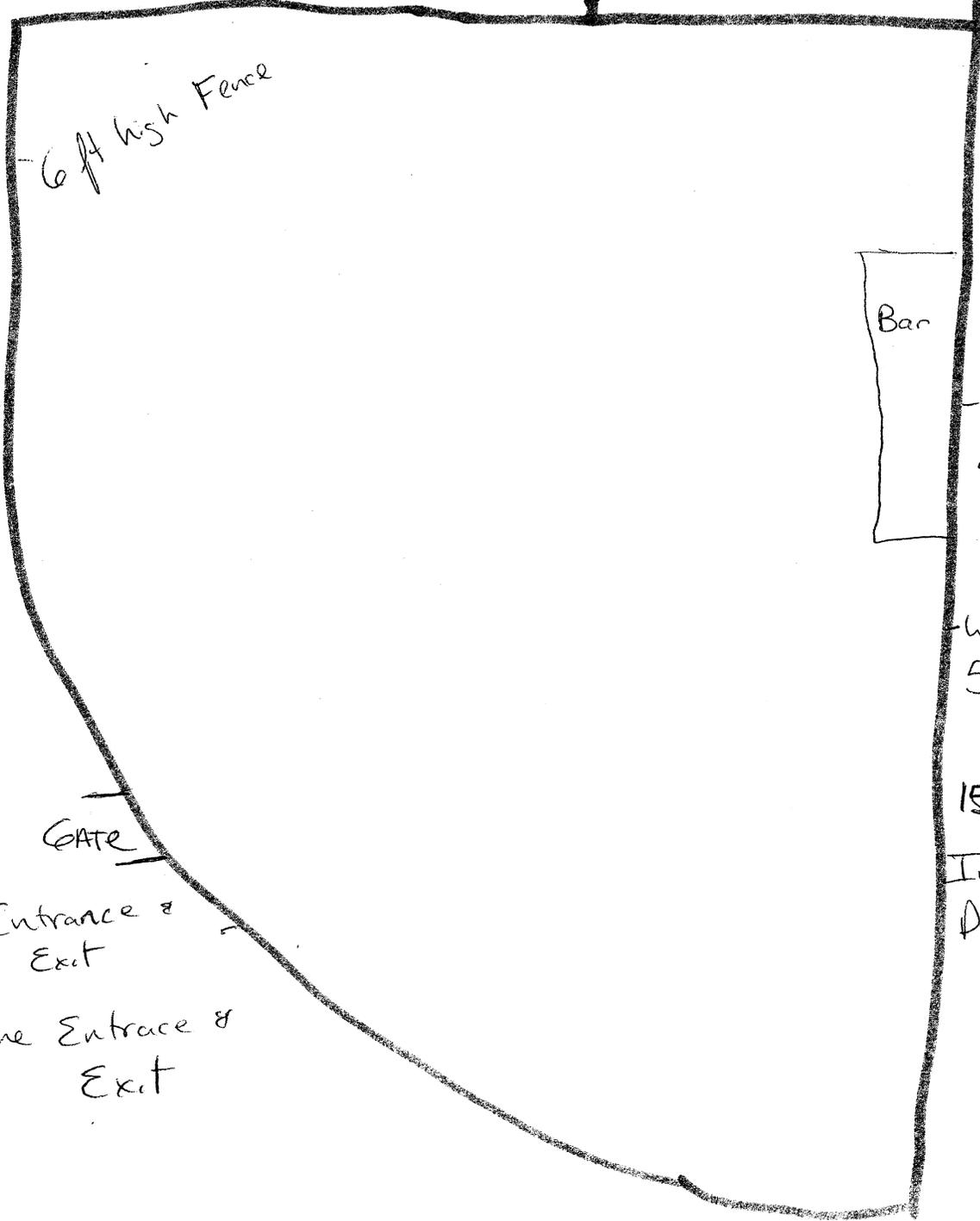
LOCAL GOVERNING BODY APPROVAL

Print Name TERRENCE R. MOORE Title CITY MANAGER Signature _____ Date _____

Alcohol and Gaming Division Use Only
Approved by: _____ Date: _____
APPROVED AS TO FORM: _____
APPROVED AS TO FORM: _____



Area Not Included



6 ft high Fence



Only Beer & Wine will be Served

We will have 5 dicterson's Security & 15 Sheriff Deputi

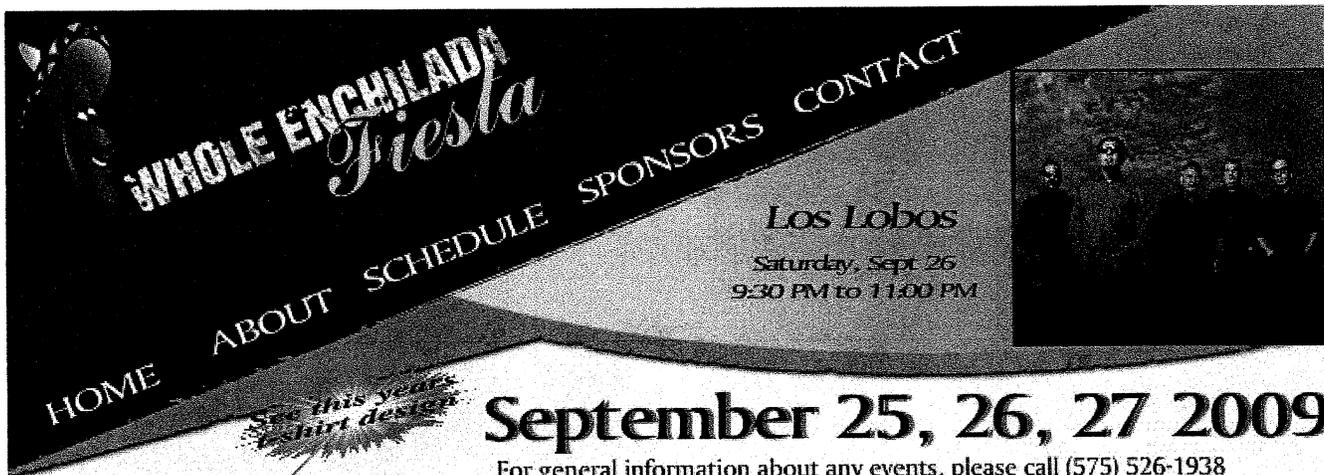
In this Area Doing Security

GATE

Entrance & Exit

One Entrance & Exit

<u>Server</u>	<u>Permit #</u>	<u>Expiration</u>	<u>DOB</u>
Cameron Franco	185932	08/16/2011	01/02/87
Sunshine Hoffman	125646	03/07/2013	03/02/74
Marci Dickerson	184714	07/28/2011	12/02/75



September 25, 26, 27 2009

For general information about any events, please call (575) 526-1938

2009

WHOLE ENCHILADA FIESTA HOURS

- Fiesta Hours
- Entertainment
- Horseshoes/Huachas
- The Enchilada
- Layout & Site
- Vendors
- Volunteers
- Lodging
- For Kids
- Fiesta Parade
- 5K Run/Fun Run
- Past Entertainment
- Band Songs
- Event Pictures

ADMISSION FEE: \$3 (Applies to people 7 years and older) On Saturday, admission fee will be charged following the conclusion of the parade

BEER GARDEN ADMISSION FEE: \$5 (five dollars) Sold Only at the Beer Garden Entrances

Friday: 6:00 PM - Midnight
Beer Garden: 6:00 PM - 11:00 PM

Saturday: 10:00 AM - Midnight
Fun run starts at 7:30 AM
Parade starts at 10:00 AM
Beer Garden: 12:00 PM - 11:00 PM

Sunday: 10:00 AM - 6:00 PM
Making of the Enchilada starts at 11:00 AM
Beer Garden: 12:00 PM - 6:00 PM

- No Refunds
- No Outside Food or Drink
- No Weapons
- No pets (service animals allowed)

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