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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 15-170

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of April 6, 2015
 (Adoption Date)

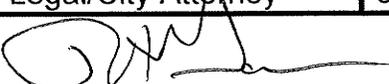
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO THE NEW MEXICO BREWERS GUILD FOR THE PUBLIC CELEBRATION PERMIT APPLICATIONS SUBMITTED FOR THE 3RD ANNUAL BLAZIN' BREWFEST, TO BE HELD ON MAIN STREET ON SATURDAY, MAY 2, 2015 FROM 4:00 P.M. TO 10:00 P.M.

PURPOSE(S) OF ACTION:

To approve the issuance of a waiver.

COUNCIL DISTRICT: 1		
Drafter/Staff Contact: Monica Campbell	Department/Section: Legal/City Attorney	Phone: 541-2128
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

According to NMSA 1978, Section 60-6B-10, no license shall be issued for the sale of alcoholic beverages at a licensed premises that is within 300 feet of a church or school. However, in 1997 the statute was amended to allow for the granting of a waiver of the distance restriction by the governing body of the local option district.

The New Mexico Brewers Guild ("Guild") is sponsoring the 3rd Annual Blazin' Brewfest to be held on Main Street on Saturday, May 2, 2015. The Casa De Alabanza Church is approximately 75 feet from a designated alcohol service area located near the intersection of Main Street and Griggs Avenue.

Fifteen brewers have submitted Public Celebration Permit Applications to provide alcoholic beverages for sale and consumption during the 3rd Annual Blazin' Brewfest: Abbey Brewing Co., Bosque Brewing Co., La Cumbre Brewing Company, De La Vega's Pecan Grill & Brewery, High Desert Brewing Company, Little Toad Creek Brewery, Little Toad Creek Distillery, Marble Brewery, New Mexico Hard Cider, Red Door Brewing Co., Santa Fe Brewing Company, Spotted Dog Brewery, Taos Mesa Brewing Co., Tractor Brewing Company and Turtle Mountain Brewing Company.

(Continue on additional sheets as required)

The Alcohol and Gaming Division of the Regulation and Licensing Department requires a waiver of the church/school distance restriction by the City Council for the Public Celebration Permit Applications to be approved.

The Public Celebration Permit Applications are presented as 15 separate agenda items and approval of each item is contingent upon approval of a waiver of the church/school distance restriction.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Zoning/Vicinity Map showing the location of the 3rd Annual Blazin' Brewfest event and the distance to the nearest church.
3. Attachment "1", Map of event area on Main Street, showing the designated alcohol service areas.
4. Attachment "2", List of property owners.
5. Attachment "3", Form of letter sent to the property owners listed in Attachment "2".

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 type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input checked="" 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

(Continue on additional sheets as required)

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the issuance of a waiver of the church/school distance restriction. Approval will allow the liquor license holders to continue with the permitting process for the 3rd Annual Blazin' Brewfest on Main Street.
2. Vote "No"; if the Las Cruces City Council does not approve the waiver, Alcohol & Gaming will be notified of the reason(s) the waiver was not approved and the Director of Alcohol & Gaming shall not approve the Public Celebration Permits.
3. Vote to "Amend"; any amendments must comply with state statute and/or the requirements of Alcohol & Gaming.
4. Vote to "Table"; if the City Council fails to either approve or disapprove the issuance of a waiver, the matter will be submitted to Alcohol & Gaming for further proceedings.

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. 15-170

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO THE NEW MEXICO BREWERS GUILD FOR THE PUBLIC CELEBRATION PERMIT APPLICATIONS SUBMITTED FOR THE 3RD ANNUAL BLAZIN' BREWFEST, TO BE HELD ON MAIN STREET ON SATURDAY, MAY 2, 2015 FROM 4:00 P.M. TO 10:00 P.M.

The City Council is informed that:

WHEREAS, according to NMSA 1978, Section 60-6B-10, no license shall be issued for the sale of alcoholic beverages at a premises that is within 300 feet of a church or school. However, in 1997, the statute was amended to allow for the granting of a waiver of the distance restriction; and

WHEREAS, the New Mexico Brewers Guild ("Guild") is sponsoring the 3rd Annual Blazin' Brewfest to be held on Main Street on Saturday, May 2, 2015; and

WHEREAS, Casa De Alabanza Church is approximately 75 feet from a designated alcohol service area near the intersection of Main Street and Griggs Avenue; and

WHEREAS, fifteen liquor license holders have submitted Public Celebration Permit Applications to provide alcoholic beverages for sale and consumption during the 3rd Annual Blazin' Beerfest: Abbey Brewing Co., Bosque Brewing Co., La Cumbre Brewing Company, De La Vega's Pecan Grill & Brewery, High Desert Brewing Company, Little Toad Creek Brewery, Little Toad Creek Distillery, Marble Brewery, New Mexico Hard Cider, Red Door Brewing Co., Santa Fe Brewing Co., Spotted Dog Brewery, Taos Mesa Brewing Co., Tractor Brewing Company, and Turtle Mountain Brewing Company; and

WHEREAS, the Alcohol and Gaming Division of the New Mexico State Regulation and Licensing Department requires a waiver of the church/school distance restriction from the City Council for the Public Celebration Permit Applications to be approved for the event; and

WHEREAS, granting a waiver of the church/school distance restriction will allow the applicants to proceed to the next step of the application process.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the issuance of a waiver of the church/school distance restriction, as shown on Exhibit "A" attached hereto, to Abbey Brewing Co., Bosque Brewing Co., La Cumbre Brewing Company, De La Vega's Pecan Grill & Brewery, High Desert Brewing Company, Little Toad Creek Brewery, Little Toad Creek Distillery, Marble Brewery, New Mexico Hard Cider, Red Door Brewing Co., Santa Fe Brewing Co., Spotted Dog Brewery, Taos Mesa Brewing Co., Tractor Brewing Company, and Turtle Mountain Brewing Company for the 3rd Annual Blazin' Beerfest to be held on Saturday, May 2, 2015, from 4:00 p.m. to 10:00 p.m. on Main Street is hereby approved.

(II)

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

DONE AND APPROVED on this _____ day of _____, 20____.

APPROVED:

ATTEST:

Mayor

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

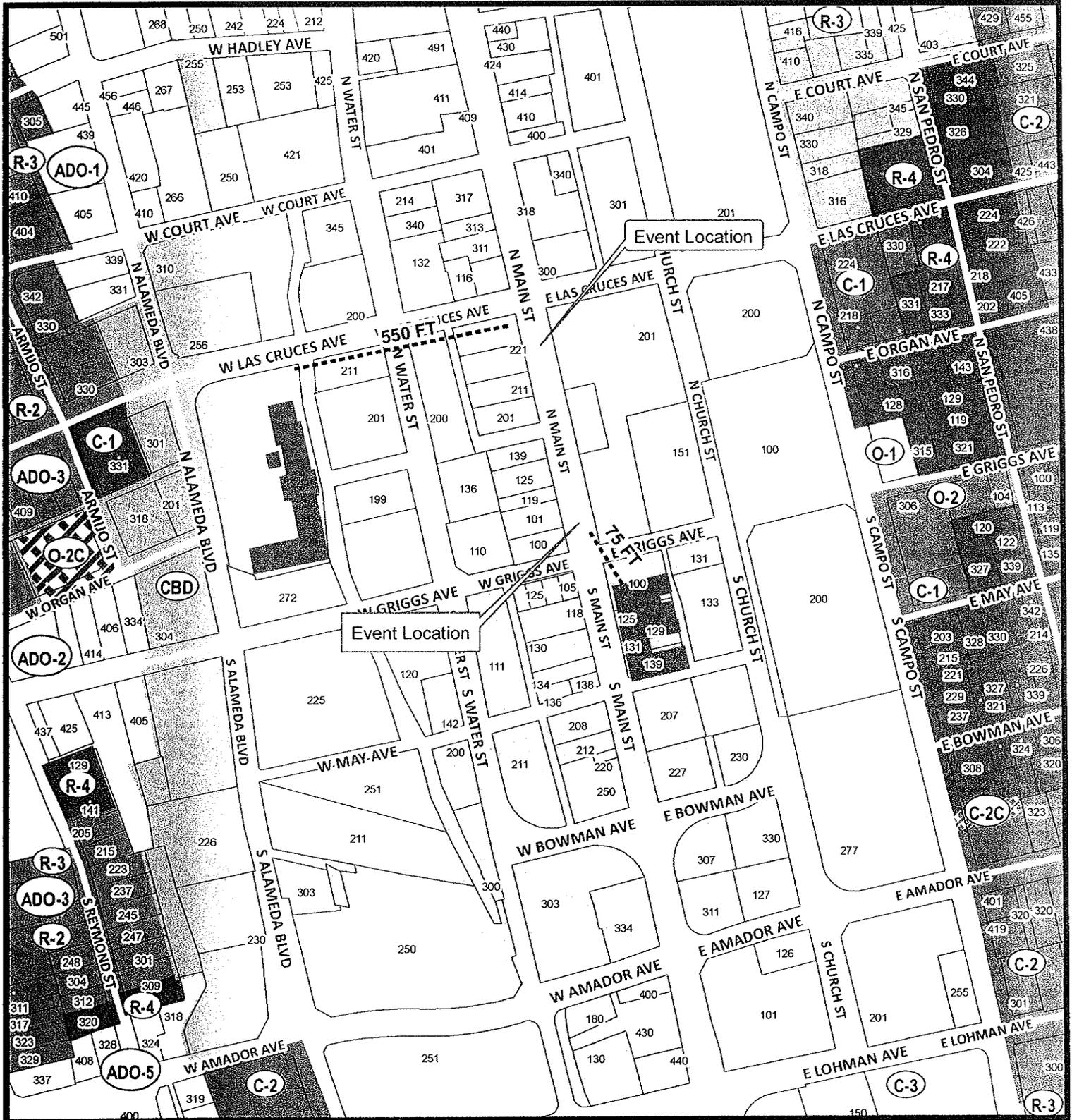
Councillor Levatino: _____

APPROVED AS TO FORM:



City Attorney

Zoning / Vicinity Map

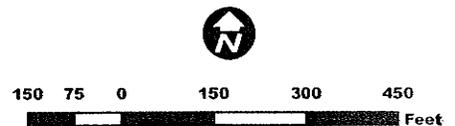


This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

Legend

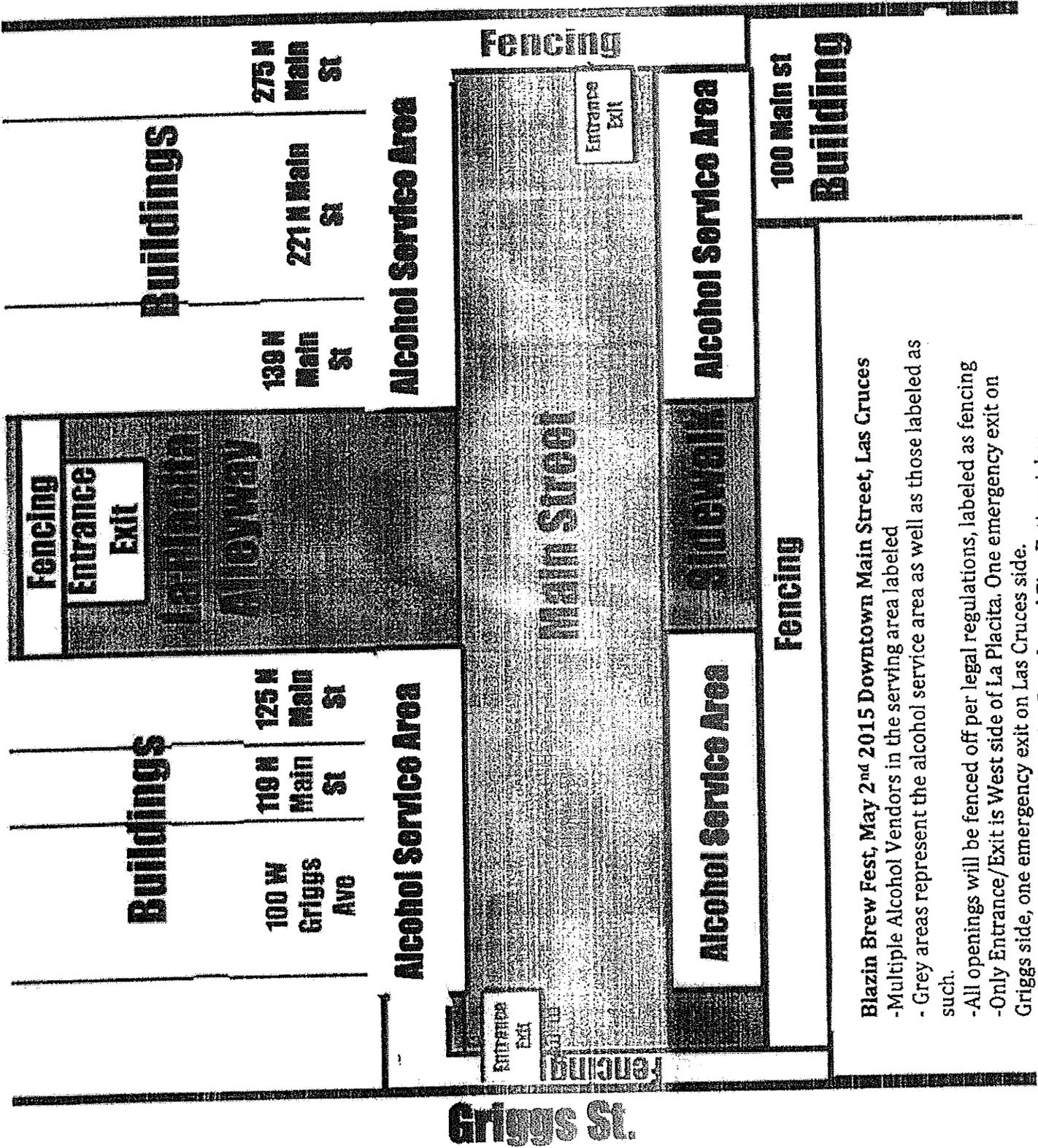
Buildings Considered

N. MAIN ST.
 ZONING CBD
 DISTANCE TO THE NEAREST SCHOOL: 550 FEET
 DISTANCE TO THE NEAREST CHURCH: 75 FEET



Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

Las Cruces Avenue



Blazin Brew Fest, May 2nd 2015 Downtown Main Street, Las Cruces

- Multiple Alcohol Vendors in the serving area labeled
- Grey areas represent the alcohol service area as well as those labeled as such.
- All openings will be fenced off per legal regulations, labeled as fencing
- Only Entrance/Exit is West side of La Placita. One emergency exit on Griggs side, one emergency exit on Las Cruces side.
- All Entrance/exits have Security Guards and Fire Extinguishers.

116 COMMERCIAL PROPERTIES LLC
116 W LAS CRUCES AVE
LAS CRUCES, NM. 88001

125 W GRIGGS LLC
125 W GRIGGS
LAS CRUCES, NM. 88001

BANK OF THE WEST
PO BOX 5155
SAN RAMON, CA. 94583-5155

BLEIWEISS MAX P & GAIL A TRUSTEES
1215 VILLITA LP
LAS CRUCES, NM. 88007

C B SMITH & SONS INC
213 W GRIGGS AVE
LAS CRUCES, NM. 88005

CALVARY CHAPEL INC
139 S MAIN ST
LAS CRUCES, NM. 88001

CLARK RUTH & BOBBY C TRUSTEES
PO BOX 1777
LAS CRUCES, NM. 88004

COAS PROPERTIES LLC
317 N MAIN ST
LAS CRUCES, NM. 88001

CORONADO JOSE R & RUBEN
CORONADO
119 N MAIN ST
LAS CRUCES, NM. 88001

EL PASO ELECTRIC COMPANY
PO BOX 910
LAS CRUCES, NM. 88001

GARCIA R LEO & SALLY P
PO BOX 16228
LAS CRUCES, NM. 88004

GREENSTREET DONNA & WILLIAM
ROSS
6408 HARPER CT NE
ALBUQUERQUE, NM. 87109

HAMILL-BUCKLEY LLC ET AL
1230 CITYLIGHTS PL
LAS CRUCES, NM. 88007

HOUSE OF PRAISE INC
PO BOX 2527
LAS CRUCES, NM. 88004-252

LYNER L L C
PO BOX 2274
LAS CRUCES, NM. 88004-2274

NEW MEXICO DEVELOPMENT
CORPORATION
PO BOX 2049
LAS CRUCES, NM. 88004

OVERMYER CARL R
340 N WATER
LAS CRUCES, NM. 88001

RICHARD ROSEN INC
306 E OVERLAND
EL PASO, TX. 79901

SOUTHERN RIO GRANDE MENTAL
HEALTH
100 W GRIGGS
LAS CRUCES, NM. 88001

ST GENEVIEVE PARISH INC
1280 MED PARK DR
LAS CRUCES, NM. 88005

SUGAMOSTO RONALD LOUIS
4173 CAPISTRANO
LAS CRUCES, NM. 88011

SUN CITY FINANCE INC
3190 DEL REY BLVD
LAS CRUCES, NM. 88012

SUNSHINE BUILDING OF LAS CRUCES
LLC
PO BOX 578
LAS CRUCES, NM. 88004

TREE OF LIFE FELLOWSHIP INC
PO BOX 467
ORGAN, NM. 88052

UNITED STATES OF AMERICA
1800 MARQUESS
LAS CRUCES, NM. 88005-3371

UNITED STATES POSTAL SERVICE
201 E LAS CRUCES AVE
LAS CRUCES, NM. 88001

VALENTINE JERALD A & J A
PO BOX 850
LAS CRUCES, NM. 88004-0850



March 23, 2015

Dear Property Owner:

The New Mexico Brewers Guild is sponsoring the 3rd Annual Blazin' Brewfest to be held on Main Street between Las Cruces Avenue and Griggs Avenue on Saturday, May 2, 2015 from 4:00 p.m. to 10:00 p.m. Fifteen liquor license holders have submitted applications to provide alcoholic beverages for sale and consumption at the event. As part of the approval process, the Liquor Control Act ("LCA") requires the liquor license holders to obtain approval for the use of City property from the Las Cruces City Council.

This matter will come before the City Council as part of its regular meeting on Monday, April 6, 2015, which begins at 1:00 p.m. in the City Council Chambers located at City Hall, 700 North Main Street.

In addition, the LCA prohibits the sale and consumption of alcoholic beverages within 300 feet of a church or school unless a waiver has been granted. A waiver request will be considered by the City Council because Casa De Alabanza Church is approximately 75 feet from a designated alcohol service area near the intersection of Main Street and Griggs Avenue.

If you wish to share your views concerning the 3rd Annual Blazin' Brewfest, the liquor license holder applications and the waiver request, you may attend the City Council Meeting on April 6, 2015, or you may submit your views in writing to the City Attorney's Office, Post Office Box 20000, Las Cruces, New Mexico 88004. Letters must be received by 5:00 p.m. on Thursday, April 2, 2015.

If you have any questions or need additional information, please contact Monica Campbell at 575-541-2128.

Sincerely,

CITY OF LAS CRUCES

William R. Babington Jr.
City Attorney