



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3Ordinance/Resolution# 16-013For Meeting of _____
(Ordinance First Reading Date)For Meeting of August 3, 2015
(Adoption Date)

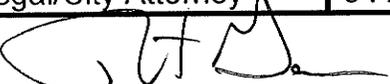
Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO AMARO WINERY FOR THE PUBLIC CELEBRATION PERMIT APPLICATION SUBMITTED FOR THE LADIES' BRUNCH AT THE AMADOR HOTEL, 180 WEST AMADOR AVENUE, TO BE HELD ON AUGUST 30, 2015.

PURPOSE(S) OF ACTION:

To approve the issuance of a waiver.

COUNCIL DISTRICT: 1		
<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:

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.

Project Mainstreet is sponsoring the Ladies' Brunch at the Amador Hotel, to be held on Sunday, August 30, 2015 from 11:00 a.m. to 5:00 p.m. The New America School-Las Cruces is within 300 feet of City of Las Cruces property which includes the Amador Hotel.

Amaro Winery has submitted a Public Celebration Permit Application to provide wine for sale and consumption on August 30, 2015 from 11:00 a.m. to 4:30 p.m. The Alcohol and Gaming Division of the Regulation and Licensing Department requires a waiver of the church/school distance restriction by the Las Cruces City Council for the Public Celebration Permit Application to be approved.

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

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Zoning/Vicinity Map showing the City property which includes the Amador Hotel and the approximate distance to the New America School-Las Cruces.
3. Attachment "1", Map of event area at the Amador Hotel, 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

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 Amaro Winery to continue with the permitting process for the sale and consumption of wine at the Ladies' Brunch at the Amador Hotel on Sunday, August 30, 2015.

(Continue on additional sheets as required)

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 Permit.
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. 16-013

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO AMARO WINERY FOR THE PUBLIC CELEBRATION PERMIT APPLICATION SUBMITTED FOR THE LADIES' BRUNCH AT THE AMADOR HOTEL, 180 WEST AMADOR, TO BE HELD ON AUGUST 30, 2015.

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, Project Mainstreet is sponsoring the Ladies' Brunch at the Amador Hotel to be held on August 30, 2015; and

WHEREAS, The New America School-Las Cruces is within 300 feet of the City of Las Cruces property which includes the Amador Hotel; and

WHEREAS, Amaro Winery has submitted a Public Celebration Permit Application to provide wine for sale and consumption during the Ladies' Brunch at the Amador Hotel; 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 Las Cruces City Council for the Public Celebration Permit Application to be approved for the event; and

WHEREAS, granting a waiver of the church/school distance restriction will allow the applicant 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 to Amaro Winery for the Ladies' Lunch at the Amador Hotel, 180 West Amador Avenue, to be held on Sunday, August 30, 2015, as shown on Exhibit "A" attached hereto, 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)

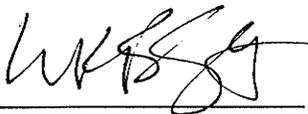
VOTE:

- Mayor Miyagishima: _____
- Councillor Silva: _____
- Councillor Smith: _____
- Councillor Pedroza: _____
- Councillor Small: _____
- Councillor Sorg: _____
- Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney



Subject Property

235 FT

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

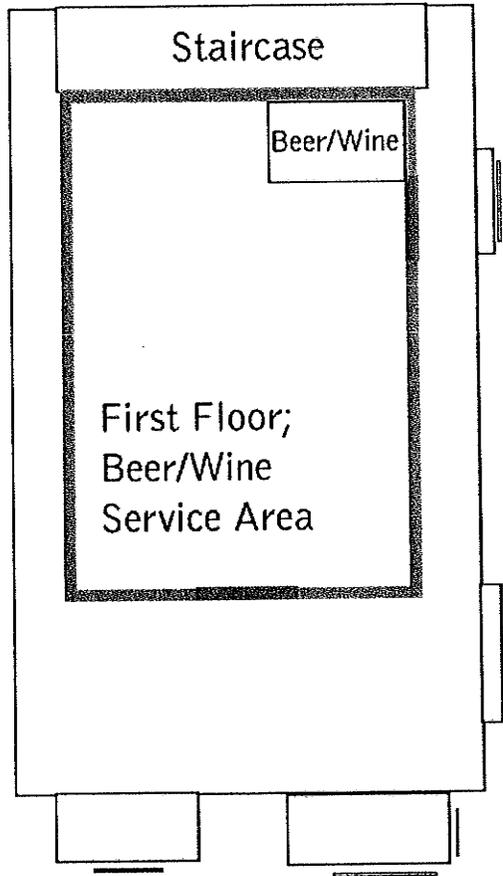
303 S. WATER ST.
 ZONING CBD
 DISTANCE TO THE NEAREST SCHOOL: 235 FEET
 DISTANCE TO THE NEAREST CHURCH: 400 FEET



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

The Amador Hotel
180 West Amador Avenue
Las Cruces, NM 88005

- Exit
- Beer/Wine Servicing Area



390 South Water Street
Parking Lot

South Water Street

My Brother's Place 334 South Main Street

South Main Street

West Amador Avenue

ROMERO LEO D & LAURA TRUE
821 BANNA CT
LAS CRUCES NM 88005-4664

HOFFMAN JOHN 29
PO BOX 961597
EL PASO TX 7996-1597

GUTIERREZ JOHN P TRSTEE
336 S MAIN
LAS CRUCES NM 88001

DONA ANA COUNTY
845 N MOTEL BLVD
LAS CRUCES NM 88007

BFS RETAIL & COMMERCIAL OPS
535 MARRIOTT DRIVE
NASHVILLE TN 37214

RESOURCES FOR CHILDREN &
YOUTH INC.
PO BOX 1868
LAS CRUCES NM 88004

TAR VENTURES
3150 BOWMAN
LAS CRUCES NM 88005

HD FAMILY PROPERTIES LLC
220 S WATER ST
LAS CRUCES NM 88001

FIRST STATES INVESTORS 5200
PO BOX 167129
IRVING TX 75016-7129

1732 LLC
4898 RAINTREE LANE
LAS CRUCES NM 88007

CAMPBELL'S PROEPRTIES LLC
PO BOX 846
LAS CRUCES NM 88004

IKARDS CITY CENTER LLC
101 E LOHMAN AVE
LAS CRUCES NM 88001

DUOW LLC
13001 SAND CHERRY PL NE
ALBUQUERQUE NM 87111

GUTIERREZ JOHN P TRSTEE
334 S MAIN
LAS CRUCES NM 88001-1204

127 AMADOR LLC
2044 TURRENTING DR
LAS CRUCES NM 88005

BLANCHARD ENTERPRISES INC
PO BOX 16395
LAS CRUCES NM 88004

ST PAUL'S METHODIST CHURCH
PO BOX 696
LAS CRUCES NM 88004



July 14, 2015

Dear Property Owner:

Project Mainstreet is sponsoring the Ladies' Brunch at the Amador Hotel on Sunday, August 30, 2015, from 11:00 a.m. to 5:00 p.m. Amaro Winery has submitted an application to provide wine for sale and consumption at the event. As part of the approval process, the Liquor Control Act ("LCA") requires the liquor license holder 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, August 3, 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 for approval or disapproval because The New America School-Las Cruces is within 300 feet of the City property which includes the Amador Hotel.

If you wish to share your views concerning the Ladies' Brunch at the Amador Hotel, the liquor license holder's application and the waiver request, you may attend the City Council Meeting on August 3, 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, July 30, 2015.

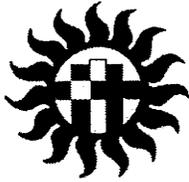
If you have any questions or need additional information, please contact Monica Campbell at 575-541-2128.

Sincerely,

CITY OF LAS CRUCES

A handwritten signature in black ink, appearing to read "WRB", written over the typed name of the City Attorney.

William R. Babington Jr.
City Attorney



City of Las Cruces®

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of August 3, 2015
(Adoption Date)

TITLE:

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO AMARO WINERY FOR THE PUBLIC CELEBRATION PERMIT APPLICATION SUBMITTED FOR THE LADIES' BRUNCH AT THE AMADOR HOTEL, 180 WEST AMADOR, TO BE HELD ON AUGUST 30, 2015.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	7/15/15
Department Director	<i>WTS</i>	541-2128	16 July 2015
Other	<i>[Signature]</i>		
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2106	7/16/15 7/16/15
Assistant City Manager/COO	<i>Daniel De</i>	541-2271	7/17/15
City Attorney	<i>WTS</i>	541-2128	16 July 2015
City Clerk - Interim	<i>[Signature]</i>	541-2115	7-24-15