City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 16-176

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of April 4, 2016 (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 BLAZIN' BREWFEST, AN EVENT TO BE HELD ON MAIN STREET ON SATURDAY, MAY 7, 2016 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 state statute (NMSA 1978, Section 60-6B-10, as amended), a license shall not be issued for the sale of alcoholic beverages within 300 feet of a church or school. 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 before it will consider the Public Celebration Permit Applications submitted by the following small brewer and distillery license holders.

Brewery Name-License #	City
Abbey Brewing-67054	Abiquiu
Bosque Brewing-67028	Albuquerque
La Cumbre Brewing Co.-67048	Albuquerque
High Desert Brewing Company-6801	Las Cruces
Little Toad Creek Brewery-67021	Silver City
Little Toad Creek Distillery-63004	Silver City
Marble Brewery-6794	Albuquerque
Pecan Grill & Brewery-67023	Las Cruces

(Continue on additional sheets as required)

Picacho Peak Brewing Company-67056	Las Cruces
Ponderosa Brewing Co.-67039	Albuquerque
Red Door Brewing Co.-67042	Albuquerque
Santa Fe Brewing Co.-6785	Santa Fe
Sierra Blanca Brewing Company-6792	Moriarty
Spotted Dog Brewery-67041	Las Cruces
Taos Mesa Brewing-67010	Taos
Tractor Brewing Company-67033	Albuquerque

The New Mexico Brewers Guild is sponsoring Blazin' Brewfest 2016 to be held on Main Street, generally between Las Cruces Avenue and Bowman Avenue, on Saturday, May 7, 2016. The Casa de Alabanza church and the School of the Americas are within 300 feet of designated alcoholic beverage service areas.

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

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Zoning/Vicinity Map showing the location of Blazin' Brewfest and the distance to the nearest church and school.
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	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue			
	Yes	☐	Funds will be deposited into this fund: _____in the amount of $_____ for FY__.
	No	☒	There is no new revenue generated by this action.

(Continue on additional sheets as required)

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 the small brewer and distillery license holders to continue with the permitting process for Blazin' Brewfest on May 7, 2016.
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

(Continue on additional sheets as required)

(2)

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 April 4, 2016 (Adoption Date)

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 BLAZIN' BREWFEST, AN EVENT TO BE HELD ON MAIN STREET ON SATURDAY, MAY 7, 2016, FROM 4:00 P.M. TO 10:00 P.M.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	Monica Compbell	541-2128	3/7/2016
Department Director		541-2128	8 MAR 2016
Other			
Assistant City Manager /CAO Management & Budget Manager		541-2100 541-2107	3-9-2016
Assistant City Manager/COO		541-2271	3/11/16
City Attorney		541-2128	8 MAR 2016
City Clerk		541-2115	3-22-16

Rev. 8/2011

RESOLUTION NO. 16-176

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 BLAZIN' BREWFEST, AN EVENT TO BE HELD ON MAIN STREET ON SATURDAY, MAY 7, 2016 FROM 4:00 P.M. TO 10:00 P.M.

The City Council is informed that:

WHEREAS, according to state statute (NMSA 1978, Section 60-6B-10, as amended), no license shall be issued for the sale of alcoholic beverages within 300 feet of a church or school; and

WHEREAS, the New Mexico Brewers Guild is sponsoring its annual Blazin' Brewfest to be held on Main Street on Saturday, May 7, 2016, and has submitted Public Celebration Permit Applications from the following small brewer and distillery license holders:

Brewery Name-License #	City
Abbey Brewing-67054	Abiquiu
Bosque Brewing-67028	Albuquerque
La Cumbre Brewing Co.-67048	Albuquerque
High Desert Brewing Company-6801	Las Cruces
Little Toad Creek Brewery-67021	Silver City
Little Toad Creek Distillery-63004	Silver City
Marble Brewery-6794	Albuquerque
Pecan Grill & Brewery-67023	Las Cruces
Picacho Peak Brewing Company-67056	Las Cruces
Ponderosa Brewing Co.-67039	Albuquerque
Red Door Brewing Co.-67042	Albuquerque
Santa Fe Brewing Co.-6785	Santa Fe
Sierra Blanca Brewing Company-6792	Moriarty
Spotted Dog Brewery-67041	Las Cruces
Taos Mesa Brewing-67010	Taos
Tractor Brewing Company-67033	Albuquerque

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 Applications to be approved for the event; and

WHEREAS, the Public Celebration Permit Applications are presented as separate agenda items, and approval is contingent upon the approval of a waiver of the church/school distance restriction; and

WHEREAS, Casa De Alabanza Church is adjacent to a designated alcohol service area; and

WHEREAS, the School of the Americas is within 50 feet of a designated alcohol service area; and

WHEREAS, granting a waiver of the church/school distance restriction will allow the small brewer and distillery liquor license holders 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, High Desert Brewing Company, Little Toad Creek Brewery, Little Toad Creek Distillery, Marble Brewery, Pecan Grill & Brewery, Picacho Peak Brewing Company, Ponderosa Brewing Co., Red Door Brewing Co., Santa Fe Brewing Co., Sierra Blanca Brewing Company, Spotted Dog Brewery, Taos Mesa Brewing Co. and Tractor Brewing Company for Blazin' Brewfest, an event to be held on Saturday, May 7, 2016, 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:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: ____
Councillor Gandara: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Eakman: ____
Councillor Sorg: ____
Councillor Levatino: ____

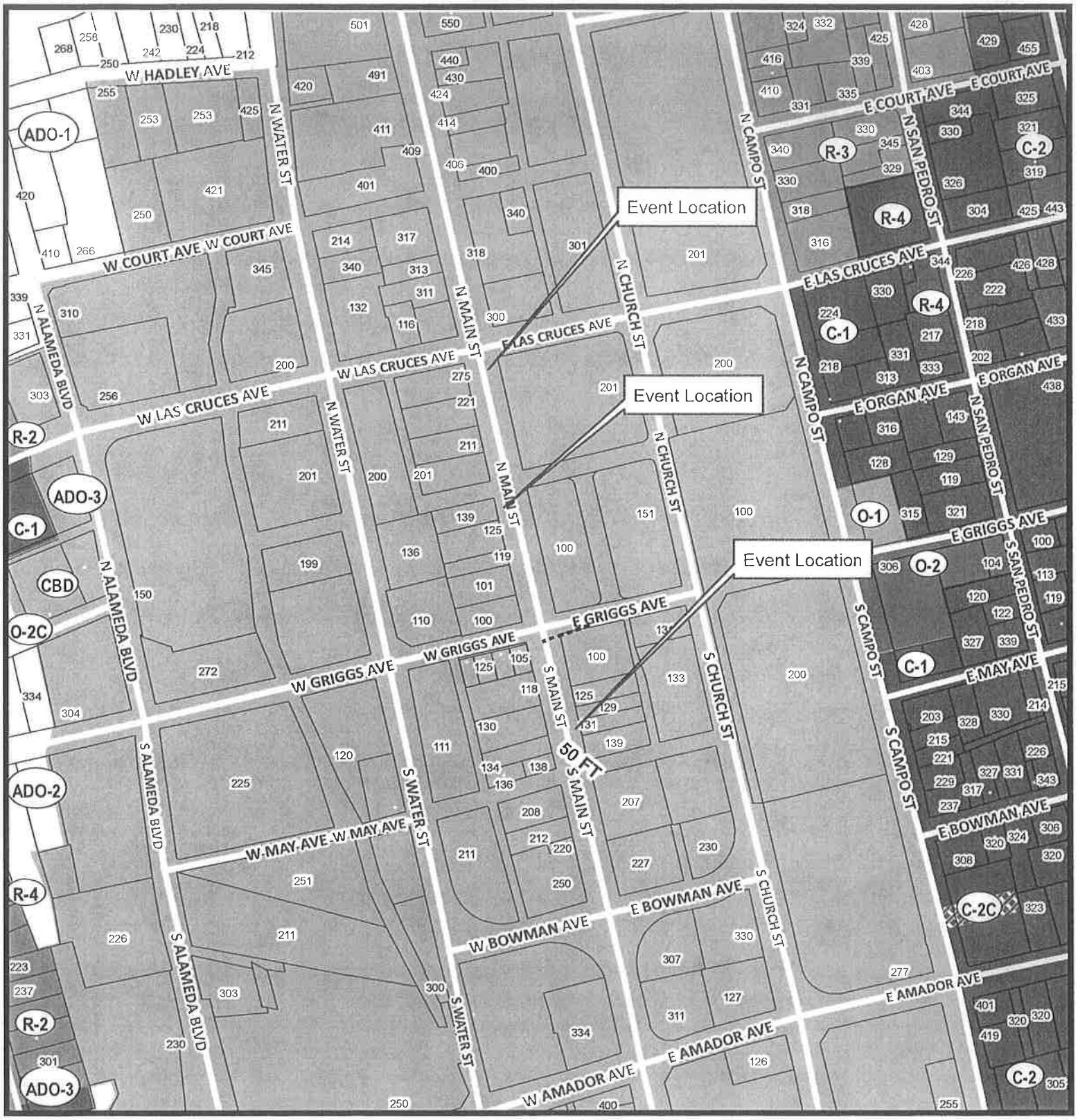
Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Zoning / Vicinity Map



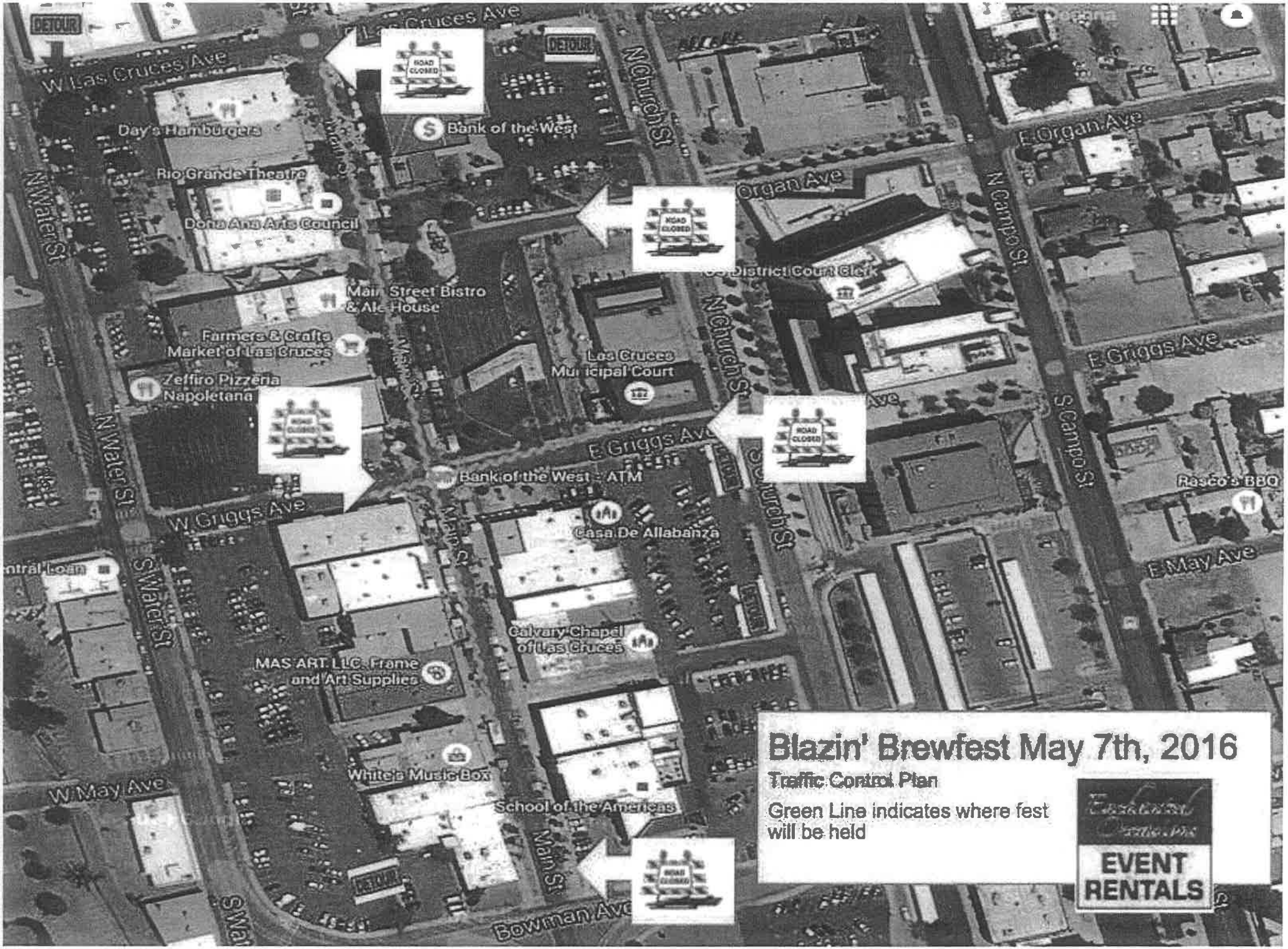
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

Legend

N. Main St. & S. Main St.
Zoning CBD
DISTANCE TO THE NEAREST SCHOOL: 50 FEET
DISTANCE TO THE NEAREST CHURCH: ADJACENT

150 75 0 150 300 Feet

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


DETOUR
W Las Cruces Ave
E Las Cruces Ave
Day's Hamburgers
Bank of the West
Rio Grande Theatre
Doña Ana Arts Council
N Church St
Organ Ave
E Organ Ave
N Campo St
N Water St
Main St
Main Street Bistro & Ale House
Farmers & Crafts Market of Las Cruces
Zeffiro Pizzeria Napoletana
Las Cruces Municipal Court
District Court Clerk
E Griggs Ave
W Griggs Ave
Bank of the West - ATM
Casa De Allabanza
S Church St
S Campo St
Rasco's BBQ
E May Ave
S Water St
Calvary Chapel of Las Cruces
MAS ART, LLC, Frame and Art Supplies
White's Music Box
W May Ave
School of the Americas
Bowman Ave
ROAD CLOSED
Blazin' Brewfest May 7th, 2016
Traffic Control Plan
Green Line indicates where fest will be held
EVENT RENTALS

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

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

BLANCHARD ENTERPRISES INC
PO BOX 16395
LAS CRUCES, NM. 88004

BLEIWEISS FAMILY TRUST LLC
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

CAMPBELLS' PROPERTIES LLC
PO BOX 846
LAS CRUCES, NM. 88004

CLARK RUTH & BOBBY C TRUSTEES
223 W GREENING
LAS CRUCES, NM. 88005

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

COMMUNITY ENTERPRISE CENTER LLC
PO BOX 2049
LAS CRUCES, NM. 88004

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

DUOW LLC
13001 SAND CHERRY PL NE
ALBUQUERQUE, NM. 87111

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

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

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

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

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

LAS CRUCES COMMUNITY INVESTORS 1
135 RIO WEST BLDG B
EL PASO, TX. 79932

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

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

PBC ACQUISITIONS VI LLC
1160 BATTERY ST STE 250
SAN FRANCISCO, CA. 94111

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

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

ROCKING LAZY R LLC
275 N MAIN ST
LAS CRUCES, NM. 88007

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

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

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

TAR VENTURES
3150 BOWMAN
LAS CRUCES, NM. 88005

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TAX INCREMENT DEVELOPMENT OF LAS
700 N MAIN ST
LAS CRUCES, NM. 88881

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

US BANK
2800 EAST LAKE ST
MINNEAPOLIS, MN. 55406

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

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Bend along line to expose Pop-up Edge™
AVERY® 5160®

City of Las Cruces®

March 8, 2016

Dear Property Owner:

The New Mexico Brewers Guild is sponsoring its annual Blazin' Brewfest on Saturday, May 7, 2016, from 4:00 p.m. to 10:00 p.m. on Main Street, generally from the intersection of Main Street and Las Cruces Avenue to the area of Main Street and Bowman Avenue. Sixteen small brewer liquor license holders have submitted applications to provide alcoholic beverages for sale and consumption at the event. As part of the approval process, state law 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 4, 2016, which begins at 1:00 p.m. in the City Council Chambers located at City Hall, 700 North Main Street.

You are being sent this letter because property you own is within 300 feet of the event. State law prohibits the sale and consumption of alcoholic beverages within 300 feet of a church or school unless a waiver has been granted. Casa De Alabanza Church and the School of the Americas are each within 300 feet of designated alcohol service areas during Blazin' Brewfest.

If you wish to share your views concerning Blazin' Brewfest, the waiver request and the applications to sell alcoholic beverages, you may attend the City Council Meeting on April 4, 2016, or you may submit your views in writing to the City Attorney's Office, P. O. Box 20000, Las Cruces, New Mexico 88004. Letters must be received by 5:00 p.m. on Thursday, March 31, 2016.

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