



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2Ordinance/Resolution# 16-197For Meeting of _____
(Ordinance First Reading Date)For Meeting of April 18, 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 GAME SPORTS BAR & GRILL FOR THE SPECIAL DISPENSER APPLICATION SUBMITTED FOR A GREEN ROOM AT THE BRANIGAN CULTURAL CENTER DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL ON APRIL 29 AND 30, 2016.

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:

The Las Cruces Country Music Festival ("CMF") will be held Downtown on April 29 and 30, 2016 and a green room, or private staging and waiting area, will be provided for performing artists, band members and crew at the Branigan Cultural Center during CMF. The Game Sports Bar & Grill ("The Game") has submitted a Special Dispenser Permit Application ("Permit Application") to have alcoholic beverages available in the green room from 4:00 p.m. to 12:00 a.m. on each day.

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 Permit Application submitted by The Game. The Latter Rain Harvest Fellowship church is approximately 208 feet from the Branigan Cultural Center.

The Permit Application is presented as a separate agenda item, and approval is contingent upon the 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 location of Branigan Cultural Center and the distance to the nearest church and school.
3. Attachment "1", Map of the green room location in the Branigan Cultural Center.
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 The Game to continue with the permitting process for the green room during CMF on April 29 and 30, 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 Permit Application.

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



City of Las Cruces[®]

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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of April 18, 2016
 (Adoption Date)

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO THE GAME SPORTS BAR & GRILL FOR THE SPECIAL DISPENSER PERMIT APPLICATION SUBMITTED FOR A GREEN ROOM AT THE BRANIGAN CULTURAL CENTER DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL ON APRIL 29 AND 30, 2016.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Yvonna Campbell</i>	541-2128	3/18/2016
Department Director	<i>Max Buggs for WRB</i>	541-2128	3-18-16
Other			
Assistant City Manager /CAO	<i>David Willey</i>	541-2100	3-18-2016 27
Management & Budget Manager		541-2107	
Assistant City Manager/COO	<i>DL De</i>	541-2271	3/20/16
City Attorney	<i>Max Buggs for WRB</i>	541-2128	3-18-16
City Clerk	<i>Angie Jones</i>	541-2115	4-6-16

RESOLUTION NO. 16-197

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO THE GAME SPORTS BAR & GRILL FOR THE SPECIAL DISPENSER PERMIT APPLICATION SUBMITTED FOR A GREEN ROOM AT THE BRANIGAN CULTURAL CENTER DURING THE LAS CRUCES COUNTRY MUSIC FESTIVAL ON APRIL 29 AND 30, 2016.

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 Las Cruces Country Music Festival ("CMF") will be held Downtown on April 29 and 30, 2016; and

WHEREAS, a green room, or private staging and waiting area, will be provided for performing artists, band members and crew at the Branigan Cultural Center during CMF; and

WHEREAS, The Game Sports Bar & Grill has submitted a Special Dispenser Permit Application to have alcoholic beverages available in the green room from 4:00 p.m. to 12:00 a.m. on both April 29 and 30, 2016; 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 Special Dispenser Permit Application to be approved; and

WHEREAS, the Special Dispenser Permit Application is presented as a separate agenda item and approval is contingent upon the approval of a waiver of the church/school distance restriction.

WHEREAS, The Latter Rain Harvest Fellowship church is approximately 208 feet

from the Branigan Cultural Center; and

WHEREAS, granting a waiver of the church/school distance restriction will allow The Game Sports Bar & Grill 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 and made a part of this Resolution, to The Game Sports Bar & Grill for the Las Cruces Country Music Festival green room on April 29 and 30, 2016 from 4:00 p.m. to 12:00 a.m. each day 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)

Zoning / Vicinity Map

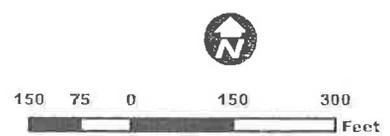
Exhibit A



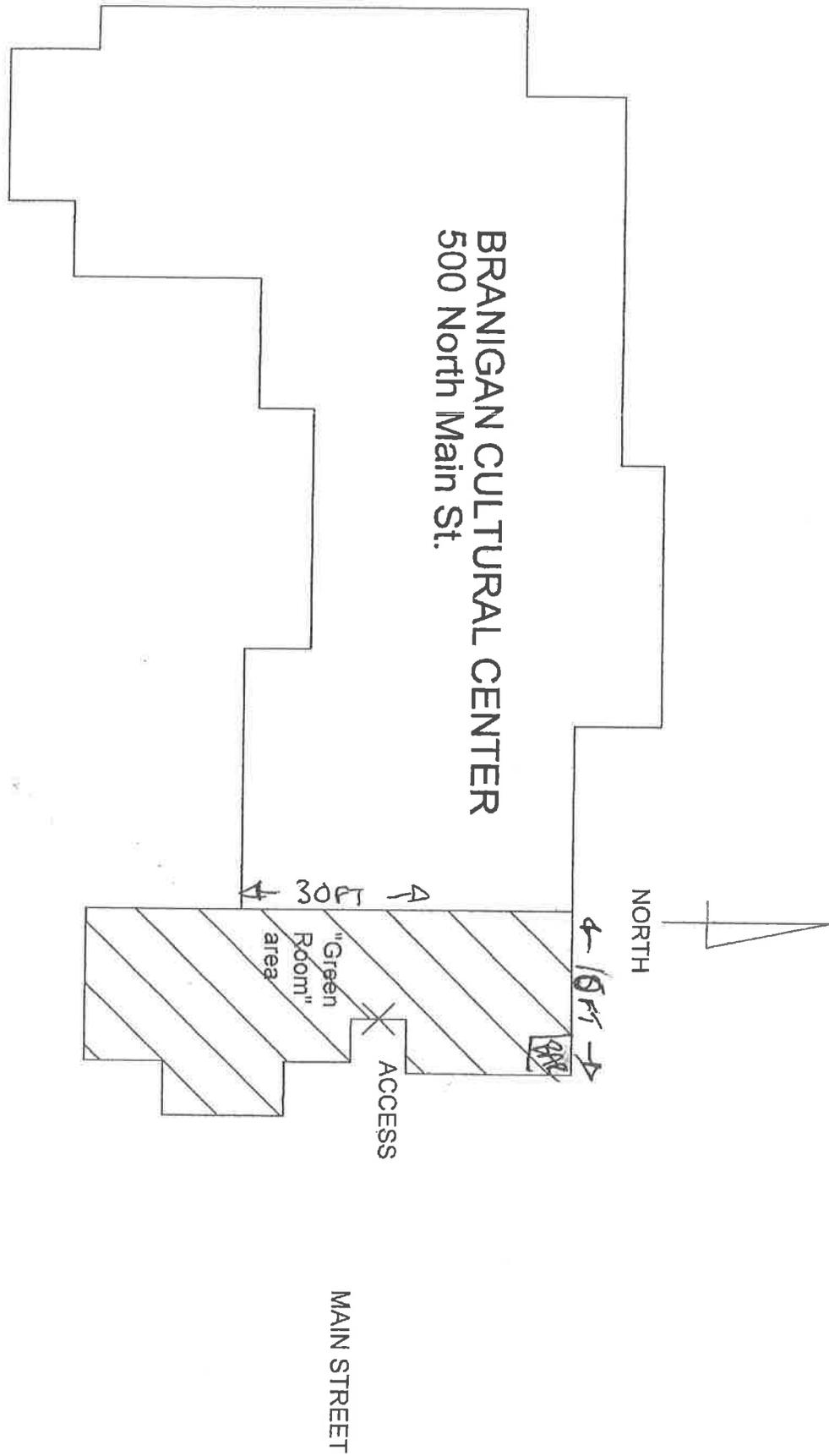
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

Legend

501 N. MAIN ST.
 ZONING CBD
 DISTANCE TO THE NEAREST SCHOOL: 739 FEET
 DISTANCE TO THE NEAREST CHURCH: 208 FEET



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



Not to scale

AGUIRRE PETE MRS
PO BOX 2276
LAS CRUCES, NM. 88004-2276

AMERICAN LINEN SUPPLY OF N M
550 N CHURCH ST
LAS CRUCES, NM. 88001-3440

AVASIL PROPERTIES LLC
406 N MAIN ST
LAS CRUCES, NM. 88001

BANK OF THE RIO GRANDE NA
1800 GLENARM PL STE 103
DENVER, CO. 80202

FIRST CHURCH OF RELIGIOUS
PO BOX 6181
LAS CRUCES, NM. 88006

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

HADLEY AVE INVESTMENTS LLC
253 W HADLEY AVE
LAS CRUCES, NM. 88005

HERMAN PETER & CEIL
430 N DOWNTOWN MALL
LAS CRUCES, NM. 88001

HULL ERROL T & GUADALUPE
145 W MOUNTAIN AVE
LAS CRUCES, NM. 88005-1826

LAS CRUCES LODGE #2081 LOYAL
ORDER
514 N MAIN
LAS CRUCES, NM. 88001-1256

LATTER RAIN HARVEST FELLOWSHIP
PO BOX 1927
LAS CRUCES, NM. 88004

LOOMIS NEIL
127 HARVARD
LAS CRUCES, NM. 88005-1708

MARTINEZ NOAH S & DORA R
1803 W 24TH
ODESSA, TX. 79863

MRMJ PROPERTIES LLC
560 N WATER ST
LAS CRUCES, NM. 88001

PIONEER CONSTRUCTION LLC
PO BOX 397
LAS CRUCES, NM. 88004

RAINBOW REAL ESTATE CO
PO BOX 16134
LAS CRUCES, NM. 88004

SANDOVAL GABRIEL C & MINERVA N
2000 E LOHMAN STE C
LAS CRUCES, NM. 88001

SCHWAIGER GLENN & LEEANN
MEADOWS
3800 N VALLEY DR APT 4
LAS CRUCES, NM. 88007

SCIENTIST
325 W MOUNTAIN
LAS CRUCES, NM. 88001

SCOTT JAMES M & MARTA H
TRUSTEES
216 PRINCETON
LAS CRUCES, NM. 88005-1728

SERGIO ENRIQUEZ &
207 BUCKHORN
LAS CRUCES, NM. 88005

STUDIO D ARCHITECTS PA
6490 VISTA VALLEY TRL
LAS CRUCES, NM. 88007

WALKER FAMILY LP
PO BOX 1638
ROSWELL, NM. 88202-1638

WEST MOUNTAIN LLC
PO BOX 16008
LAS CRUCES, NM. 88004

WILLIAMS BLAKE A & MADELINE E
133 W LUCERO
LAS CRUCES, NM. 88005

ZESSEL ROBERT & TRACIE
1700 ASTURIA CT NE
RIO RANCHO, NM. 87144-1588



March 21, 2016

Dear Property Owner:

As you may know, the Las Cruces Country Music Festival will be held downtown on April 29 and 30, 2016. As part of this event a green room, or private staging and waiting area, will be provided for performing artists, band members and crew at the Branigan Cultural Center.

The Game Sports Bar & Grill has submitted an application to have alcoholic beverages available in the green room. As part of the approval process, state law requires a 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, April 18, 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 Branigan Cultural Center. State law prohibits the sale and consumption of alcoholic beverages within 300 feet of a church or school unless a waiver has been granted. The Latter Rain Harvest Fellowship church is within 300 feet of the Branigan Cultural Center.

If you wish to share your views concerning this waiver request and the application to provide alcoholic beverages, you may attend the City Council Meeting on April 18, 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, April 14, 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