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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 17-023

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of August 15, 2016
 (Adoption Date)

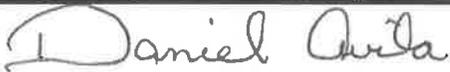
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO HALO'S FOR THE SPECIAL DISPENSER PERMIT APPLICATION SUBMITTED FOR THE BIG EVENT TO BE HELD AT THE CIVIC PLAZA BETWEEN EAST LAS CRUCES AVENUE AND EAST ORGAN AVENUE ON SEPTEMBER 23, 24 AND 25, 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:

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 unless the City Council grants a waiver of the distance restriction.

Halo's has submitted a Special Dispenser Permit Application (Permit Application) for The Big Event which is sponsored by Cancer Aid Resource and Education, Inc. The event will be held at the Civic Plaza between East Las Cruces Avenue and East Organ Avenue on September 23, 24 and 25, 2016. The event location is approximately 35 feet from Casa de Alabanza church. The property owners within 300 feet of the church were notified by U. S. Mail of the Las Cruces City Council meeting to approve or disapprove the waiver of the church/school distance restriction.

The approval or disapproval of the Permit Application is presented as a separate agenda item and its approval is contingent upon approval of a waiver of the distance restriction. Granting a waiver of the church/school distance restriction will allow Halo's to proceed to the next step of the application process.

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Zoning/Vicinity Map.
3. Attachment "1", Map of event area on Main Street.
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 Halo's to continue with the permitting process for the Event.
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.

(Continue on additional sheets as required)

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



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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 15, 2016
 (Adoption Date)

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO HALO'S FOR THE SPECIAL DISPENSER PERMIT APPLICATION SUBMITTED FOR THE BIG EVENT TO BE HELD AT THE CIVIC PLAZA BETWEEN EAST LAS CRUCES AVENUE AND EAST ORGAN AVENUE ON SEPTEMBER 23, 24 AND 25, 2016.

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	7-13-2016
Department Director	<i>WBS</i>	541-2128	13 July 2016
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2107	7-15-2016 7-13-2016
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	7-18-16
City Attorney	<i>WBS</i>	541-2128	13 July 2016
City Clerk	<i>[Signature]</i>	541-2115	8-5-16

RESOLUTION NO. 17-023

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION TO HALO'S FOR THE SPECIAL DISPENSER PERMIT APPLICATION SUBMITTED FOR THE BIG EVENT TO BE HELD AT THE CIVIC PLAZA BETWEEN EAST LAS CRUCES AVENUE AND EAST ORGAN AVENUE ON SEPTEMBER 23, 24, AND 25, 2016.

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, Cancer Aid Resource & Education, Inc. is sponsoring The Big Event to be held at the Civic Plaza between East Las Cruces Avenue and East Organ Avenue on September 23, 24 and 25, 2016; and

WHEREAS, the Casa De Alabanza Church is approximately 35 feet from a designated alcoholic beverage service area at the Event; and

WHEREAS, Halo's has submitted a Special Dispenser Permit Application (Permit Application) to provide beer and liquor for sale and consumption during The Big Event; 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 before Halo's Permit Application can be approved for the event; and

WHEREAS, granting a waiver of the church/school distance restriction will allow Halo's to proceed to the next step of the Permit 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 Halo's for the Event, to be held at the Civic Plaza between East Las Cruces Avenue and East Organ Avenue on September 23, 24 and 25, 2016, as shown on Exhibit "A" attached hereto and made a part of this Resolution, 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 Gandara: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Eakman: _____
Councillor Sorg: _____
Councillor Levatino: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

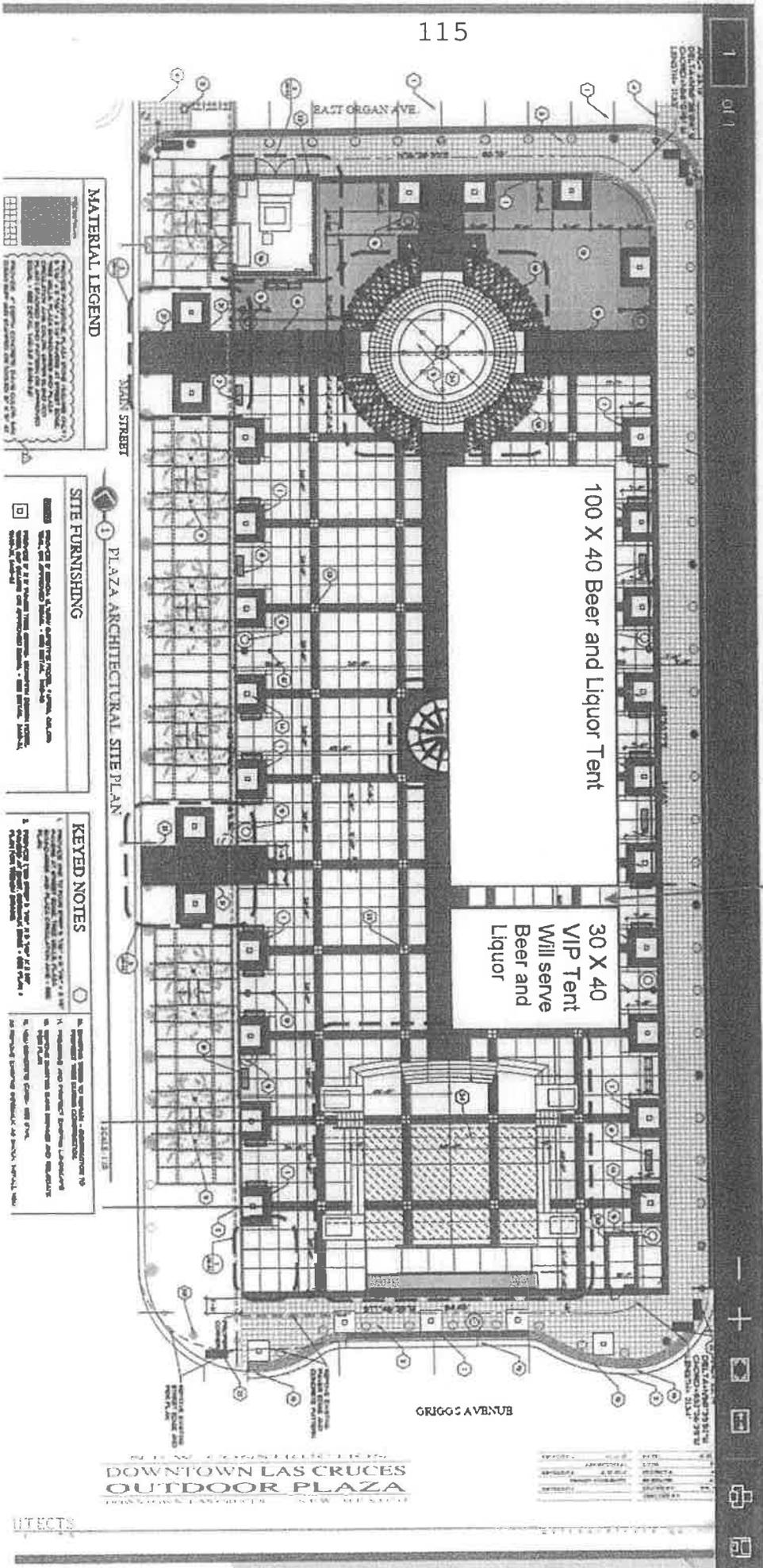
CARE – Cancer Aid Resource & Education, Inc.
 125 North Main Street, Suite 114
 Las Cruces, NM 88001
 575-649-0598
 Contact: Yoli Diaz



10' Walking Path
 Into City Plaza

Note: Liquor Sales will be segregated in these two areas. There is a choice of whether or to add panels to create enclosed walls or add sections of white fencing to create barriers and keep the tents open and inviting.

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MATERIAL LEGEND

[Symbol]	Material Description
[Symbol]	Material Description
[Symbol]	Material Description

SITE FURNISHING

[Symbol]	Furniture Item
[Symbol]	Furniture Item
[Symbol]	Furniture Item

KEYED NOTES

- 1. Note description
- 2. Note description
- 3. Note description
- 4. Note description
- 5. Note description

**DOWNTOWN LAS CRUCES
 OUTDOOR PLAZA**

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

BLEIWEISS FAMILY TRUST LLC
1215 VILLITA LP
LAS CRUCES, NM. 88007

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

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

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

CORONADO JOSE R & RUBEN
CORONADO
119 N MAIN ST
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

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

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

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

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

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

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

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

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



July 13, 2016

Dear Property Owner:

Cancer Aid Resource & Education, Inc. is sponsoring the The Big Event to be held at the Civic Plaza between East Las Cruces Avenue and East Organ Avenue. The event is scheduled for September 23, 24 and 25, 2016. Halo's has submitted a permit application to provide beer and liquor for sale and consumption during The Big Event as follows:

Friday, September 23, 2016	5:00 p.m. to 11:00 p.m.
Saturday, September 24, 2016	12:00 p.m. to 11:00 p.m.
Sunday, September 25, 2016	12:00 p.m. to 6:00 p.m.

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 governing body of the City of Las Cruces.

This matter will come before the City Council as part of its regular meeting on Monday, August 15, 2016, which begins at 1:00 p.m. in the City Council Chambers located at City Hall, 700 North Main Street.

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 Casa De Alabanza Church is approximately 35 feet from a designated alcohol service area.

If you wish to share your views concerning The Big Event, Halo's permit application and the waiver request, you may attend the City Council Meeting on August 15, 2016, 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, August 11, 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