

FORT BEND COUNTY FY 2009
COMMISSIONERS COURT AGENDA REQUEST FORM

Return Completed Form by E-Mail to: Agenda Coordinator, County Judge's Office

Date Submitted: April 21, 2009	Submitted By: Michael Gutierrez
Court Agenda Date: April 28, 2009	Department: Comm. Pct. #1
	Phone Number: 281-633-7687

SUMMARY OF ITEM: Take all appropriate action to authorize the County Judge to submit a recommendation from Commissioners Court to TABC to grant the issuance of a permit to sell wine and beer at 16634 Hwy 36 Needville, Tx 77461 per section 11.41(b) of the Alcoholic Beverage Code.

RENEWAL AGREEMENT/APPOINTMENT YES NO

REVIEWED BY COUNTY ATTORNEY'S OFFICE: YES NO

FINANCIAL SUMMARY:

BUDGETED ITEM: YES NO

FUNDNG SOURCE: Accounting Unit: _____ Account Number: _____
Activity (If Applicable): _____

DESCRIPTION OF LAWSOM ACCOUNT: _____

Instructions to submit Agenda Request Form:

- Completely fill out agenda form: incomplete forms will not be processed.
- Agenda Request Forms should be submitted by e-mail, fax, or inter-office mail, and all back-up information must be provided by Wednesday at 2:00 p.m. to all those listed below.
- All original back-up must be received in the County Judge's Office by 2:00 p.m. on Wednesday.

DISTRIBUTION:

Original Form Submitted with back up to County Judge's Office (✓ when completed)

If by E-Mail to ospindon@co.fort-bend.tx.us If by Fax to (281) 341-8609

Distribute copies with back-up to all listed below. If by fax, send to numbers below:

<input type="checkbox"/> Auditor (281-341-3774)	<input type="checkbox"/> Comm. Pct. 1 (281-342-0587)
<input type="checkbox"/> Budget Officer (281-344-3954)	<input checked="" type="checkbox"/> Comm. Pct. 2 (281-403-8009)
<input type="checkbox"/> Facilities/Planning (281-633-7022)	<input checked="" type="checkbox"/> Comm. Pct. 3 (281-242-9060)
<input type="checkbox"/> Purchasing Agent (281-341-8642)	<input checked="" type="checkbox"/> Comm. Pct. 4 (281-980-9077)
<input type="checkbox"/> Information Technology (281-341-4526)	<input checked="" type="checkbox"/> County Clerk (281-341-8697)
<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify):

5-1-09 orig. ret. to Michael at Comm Pct. 1

STATE OF TEXAS §

COUNTY OF FORT BEND §

Resolution and Order Granting a Variance to the December 2, 1997 Order Regulating the Distance Between the Sale of Alcoholic Beverages and the Nearest Public Schools, Churches, and Public Hospitals, Day Care Centers and Child Care Facilities on behalf of The Jay Cafe

On this the 28 day of April 2009, at a regular meeting of Commissioners Court of Fort Bend County, Texas (the "County") upon motion of Comm. Morrison, seconded by Comm. Prestage, duly put and carried:

WHEREAS, the Commissioners Court of Fort Bend County enacted a order on December 2, 1997 regulating the sale of alcoholic beverage outside of an incorporated city or town by a dealer whose place of business is within 300 feet of a public school as authorized pursuant to Section 109.33 Texas Alcoholic Beverage Code; and

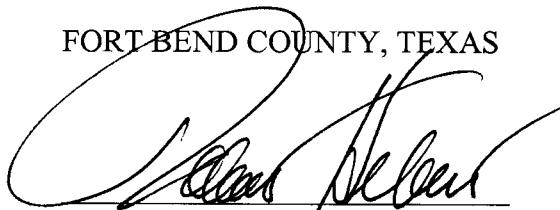
WHEREAS, the Commissioners Court of a County that has enacted a regulation under Section 109.33 of the Texas Alcoholic Beverage Code may also allow variances to the regulation if the Commissioners Court determines that enforcement of the regulation in a particular instance is not in the best interest of the public; and

WHEREAS, the Commissioners Court of Fort Bend County does wish to grant a variance to The Jay Cafe to be located at 16634 Hwy 36, Needville, Texas, 77461, of whose retail of on-premise consumption is less than fifty percent of the gross receipts for the premises; and

WHEREAS, denial of this Mixed Beverage Permit would constitute waste of inefficient use of land or resources, creates an undue hardship on an applicant for a license, does not serve its intended purpose and is not in the best interest of the community;

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners Court of Fort Bend County, Texas hereby grants a variance for a Mixed Beverage Permit to The Jay Café at 16634 Hwy 36, Needville, Texas, 77461, as authorized under Section 109.33 (e) of the Texas Alcoholic Beverage Code.

FORT BEND COUNTY, TEXAS


Robert E. Hebert, County Judge

ATTEST:


Dianne Wilson, County Clerk