

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 Las Alamedas Restaurant and Cantina

On this the 5th day of January 2010, at a regular meeting of Commissioners Court of Fort Bend County, Texas (the "County") upon motion of Commissioner Meyers, seconded by Commissioner 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

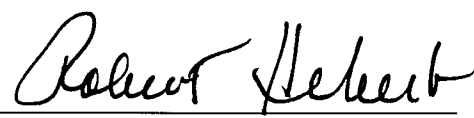
WHEREAS, the Commissioners Court of a County that has enacted a regulation under Section 109.33 of the Texas Alcoholic Beverage Code may also allow variances to the regulation if the Commissioners Court determines that enforcement of the regulation in a particular instance is not in the best interest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

WHEREAS, the Commissioners Court of Fort Bend County does wish to grant a variance to Las Alamedas Restaurant and Cantina, located at 23501 Cinco Ranch Blvd., Ste. F-140 Katy, TX 77494, of whose retail of on-premise consumption is less than fifty percent of the gross receipts for the premises; and

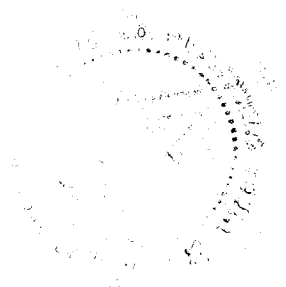
WHEREAS, denial of this Mixed Beverage Permit would constitute waste of inefficient use of land or resources, creates an undue hardship on an applicant for a license, does not serve its intended purpose and is not in the best interest of the community;

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners Court of Fort Bend County, Texas hereby grants a variance for a Mixed Beverage Permit to Las Alamedas Restaurant and Cantina, located at 23501 Cinco Ranch Blvd., Ste. F-140 Katy, TX 77494, as authorized under Section 109.33 (e) of the Texas Alcoholic Beverage Code.

FORT BEND COUNTY, TEXAS


Robert E. Hebert, County Judge

Date: 1-22-10



ATTEST:

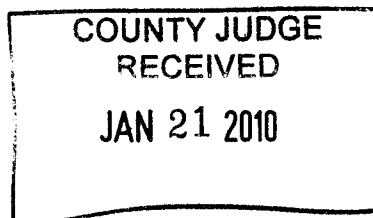
Dianne Wilson, County Clerk



Alton L. Frailey
SUPERINTENDENT

January 15, 2010

The Honorable Judge Hebert
County Judge, Fort Bend County
301 Jackson Street, Suite 710
Richmond, TX 77469



Dear Judge Hebert:

We have received a letter from Mr. Jorge Sneider, Gourmex Restaurants, LLC, regarding the opening of a Las Alamedas restaurant in the LaCenterra Town Center. Due to this venue being within 300 feet of Cinco Ranch High School, he is requesting a variance to the proximity rules so that he may secure a permit from TABC to serve mixed beverages. Please feel free to use this letter as confirmation that the Katy Independent School District does not oppose the issuance of such license.

The LaCenterra development is "Class A" and has been a tremendously positive addition to our community. Hundreds of Katy families daily enjoy the selection of first class shops and restaurants currently available. We are looking forward to more opportunities within this mixed-use development. Partnerships with businesses there and the school district are strong and growing stronger with further build out of the development. The businesses located in the LaCenterra development are quality businesses and certainly add value to our community.

Again, we are not opposed to the issuance of the requested license to Gourmex Restaurants, LLC, dba Las Alamedas or any future restaurants that meet the standards allowing them to be located within the LaCenterra development. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Alton Frailey".

Alton Frailey
Superintendent of Schools

Cc: Mr. Woody Mann, President, The Vista Companies
Mr. Jorge Sneider, President, Gourmex Restaurants, LLC

19. **COMMISSIONER, PCT. 2: Take all appropriate action to grant an exemption to the competitive bidding process as authorized by Local Government Code §262.024 for the purchase of a professional service, an Agreement between Fort Bend County and Lolalisa D. King to provide Professional Energy Efficiency Technical Consulting Services for the Energy Efficiency and Conservation Block Grant Program. (Fund: Energy Efficiency and Conservation Block Grant)**

Moved by Commissioner Prestage Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to grant an exemption to the competitive bidding process as authorized by Local Government Code §262.024 for the purchase of a professional service, an Agreement between Fort Bend County and Lolalisa D. King to provide Professional Energy Efficiency Technical Consulting Services for the Energy Efficiency and Conservation Block Grant Program. (Fund: Energy Efficiency and Conservation Block Grant)

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

20. **COMMISSIONER, PCT. 3: Take all appropriate action on request for a variance to the 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 Las Alamedas Restaurant, located at 23501 Cinco Ranch Boulevard in Katy, Precinct 3.**

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to grant a variance to the 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 Las Alamedas Restaurant, located at 23501 Cinco Ranch Boulevard in Katy, Precinct 3 pending receipt of a letter of no objection from the Katy Independent School District.

Judge Hebert	yes
Commissioner Morrison	yes
Commissioner Prestage	yes
Commissioner Meyers	yes
Commissioner Patterson	yes

AGENDA ITEM

20

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: December 23, 2009

Submitted By: Mandi Bronsell

Department: Commissioner Pct. 3

Court Agenda Date: January 5, 2010

Phone Number: 281-494-9076

SUMMARY OF ITEM:

Discuss and consider taking action to allow a mixed beverage variance for Jorge Sneider for restaurant in La Centera. ✓

RENEWAL AGREEMENT/APPOINTMENT

YES ☐NO ☐

REVIEWED BY COUNTY ATTORNEY'S OFFICE:

YES ☐NO ☐

List Supporting Documents Attached:

FINANCIAL SUMMARY:BUDGETED ITEM: YES ☐NO ☐

FUNDING SOURCE: Accounting Unit:

Account Number:

Activity (If Applicable):

DESCRIPTION OF LAWSON 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 type="checkbox"/> Comm. Pct. 2 (281-403-8009)
<input type="checkbox"/> Facilities/Planning (281-633-7022)	<input type="checkbox"/> Comm. Pct. 3 (281-242-9060)
<input type="checkbox"/> Purchasing Agent (281-341-8642)	<input type="checkbox"/> Comm. Pct. 4 (281-980-9077)
<input type="checkbox"/> Information Technology (281-341-4526)	<input type="checkbox"/> County Clerk (281-341-8697)
<input type="checkbox"/> Other:	<input type="checkbox"/> County Atty (281-341-4557)

RECOMMENDATION / ACTION REQUESTED:

Special Handling Requested (specify): _____



TABC Richmond Field Office
1521 Eugene Heimann Circle, Suite 111
Richmond, Texas – 77469
Phone: 281-239-2607 Fax: 281-239-2545

FAX TRANSMISSION COVER SHEET

TO : Linda

FROM: Charles Bowers

FAX NO.:

NO. OF PAGES: 5
(INCLUDING COVER PAGE)

As we discussed on the phone, the TABC auditor had determined the restaurant was within 300 feet of a public school. The applicant came into the office and changed the answer to "YES" on the question "Will your business be located within 300 feet of any private/public school..."

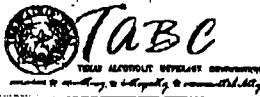
The applicant has contacted Commissioner Andy Meyers to set a meeting with him. I have instructed the applicant that should Andy Meyers approve the variance, the applicant should have the county initial the correction on the Prequalification Packet as well.

The applicant is in possession of the Original Prequalification Packet.

This document and/or the information contained in this transmission are confidential and may not be released without prior approval from the Texas Alcoholic Beverage Commission. If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, or distribution is strictly prohibited and may constitute a criminal offense under state and federal law. If you have received this communication in error, please notify sender immediately.

P.O. Box 13127, Austin, Texas 78711-3127 • (512) 206-3333 • www.tabc.state.tx.us

An Equal Opportunity Employer



On-Premise Prequalification Packet

L-ON (5/2009)

Please complete this Prequalification Packet with information concerning your proposed business location for which you are applying to sell/serve alcoholic beverages. This information will be used to obtain your prequalification to hold a license/permit. You will submit this information to the proper governmental entities for certification that your proposed location is legal for the type of license/permit for which you are applying. Permit applicants will also provide this packet to their local newspaper for certification that you have published the required notice.

Please immediately contact your local TABC office to determine if you must post a 60 Day Sign at your proposed location, and for more information.

LOCATION INFORMATION

Type of On-Premise License/Permit

- | | |
|---|---|
| <input type="checkbox"/> BG Wine and Beer Retailer's Permit | <input checked="" type="checkbox"/> LB Mixed Beverage Late Hours Permit |
| <input type="checkbox"/> BE Beer Retail Dealer's On-Premise License | <input type="checkbox"/> MI Minibar Permit |
| <input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License | <input type="checkbox"/> CB Caterer's Permit |
| <input type="checkbox"/> BP Brewpub License | <input checked="" type="checkbox"/> FB Food and Beverage Certificate |
| <input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats | <input checked="" type="checkbox"/> PE Beverage Cartage Permit |
| <input type="checkbox"/> Y Wine & Beer Retailer's Permit for Railway Dining Car | <input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB |
| <input checked="" type="checkbox"/> MB Mixed Beverage Permit | |

ARTS 921290

LE 2334219

Indicate Primary Business at this Location

- | | |
|--|--|
| <input checked="" type="checkbox"/> Restaurant | <input type="checkbox"/> Sporting Arena, Civic Center, Hotel |
| <input type="checkbox"/> Bar | <input type="checkbox"/> Miscellaneous |
| <input type="checkbox"/> Sexually Oriented | |

RECEIVED
NOV-16 2009
RICHMOND OUTPC

Trade Name of Location

LAS ALAMEDAS

Location Address

23501 CINCO RANCH BLVD SUITE F-140

City

KATY

County

FORT BEND

State

TX

Zip Code

77494-3105

Mailing Address

23307 GABLE LODGE DR

City

KATY

State

TX

Zip Code

77494-2167

Business Phone No.

(713) 253 - 3545

Alternate Phone No.

(281) 347 - 7070

E-mail Address

psneider@sbcglobal.net

OWNER INFORMATION

Type of Owner

- | | | |
|--|---|---|
| <input type="checkbox"/> Individual | <input type="checkbox"/> Corporation | <input type="checkbox"/> City/County/University |
| <input type="checkbox"/> Partnership | <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Other |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Joint Venture | |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Trust | |

Entity/Applicant

GOURMEX RESTAURANTS, LLC

60 Day Sign Date (TABC USE ONLY)

/ /

If Applicant Is/Who Must Be Listed Below (attach L-OIC if additional space is needed).

Individual/Individual Owner

Limited Liability Company/All Officers or Managers

Partnership/All Partners

Joint Venture/Venturers

Limited Partnership/All General Partners

Trust/Trustee(s)

Corporation/All Officers

City, County, University/Official

Last Name

KREHEL

First Name

MICHAEL

MI

P

Title

CEO

Last Name

SNEIDER

First Name

JORGE

MI

Title

PRESIDENT

Last Name

First Name

MI

Title

MEASUREMENT INFORMATION

Will your business be located within 300 feet of a church or public hospital? ☐ Yes ☒ No

NOTE: For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.

Will your business be located within 300 feet of any private/public school, day care center or child care facility? ☒ Yes ☐ No

If "YES," are the facilities located on different floors or stories of the building? ☐ Yes ☐ No

NOTE: For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.

NOTE: For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.

NOTE: If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.

Will your business be located within 1,000 feet of a private school? ☐ Yes ☒ No

Will your business be located within 1,000 feet of a public school? ☒ Yes ☐ No

WARNING AND SIGNATURE

If Applicant Is/Who Must Sign

Individual/Individual Owner

Partnership/Partner

Limited Partnership/General Partner

Corporation/Officer

Limited Liability Company/ Officer or Manager

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the penitentiary for not less than 2 nor more than 10 years."

BY SIGNING YOU ARE SWEARING TO ALL INFORMATION AND ATTACHMENTS TO THIS PACKET.

PRINT
NAME

Jorge Snedder

SIGN
HERE

TITLE

President

Before me, the undersigned authority, on this 16th day of November, 2009, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN
HERE

NOTARY PUBLIC

SEAL



JASON JEN HUANG
Notary Public, State of Texas
My Comm. Expires April 27, 2011

CERTIFICATE OF CITY SECRETARY (FOR MB, RM, BE, BG, V, & Y)

☒ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN

HERE

City Secretary/Clerk

NO CITY

TEXAS

SEAL

If location can not be certified above, please complete the following:

I hereby certify on this N/A day of _____, 20____, that the location is prohibited by Charter or Ordinance No. _____, in reference to the sale of alcoholic beverages.

SIGN

HERE

City Secretary/Clerk

TEXAS

CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT☒ CHECK HERE IF NOT IN CITY LIMITS

I hereby certify on this _____ day of _____, 20____, that one of the below is correct:

- ☐ The governing body of this city has by ordinance authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
- ☐ The governing body of this city has by ordinance authorized the sale of **beer** between midnight and 2:00 _____ A.M.; or
- ☒ The population of the city where premises are located was 500,000 or more according to the last Federal Census.

SIGN
HERE

City Secretary/Clerk

NO CITY _____, TEXAS

SEAL

CERTIFICATE OF COUNTY CLERK (FOR MB, RM & BE)I hereby certify on this 10th day of November, 2009, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.SIGN
HERE

County Clerk

Fort Bend

COUNTY

SEAL

CINDY CHOINIERE

CERTIFICATE OF COUNTY CLERK (FOR BG, V & Y)I hereby certify on this _____ day of N/A, 20____, that the location for which the license/permit is sought is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court for a Wine & Beer Retailer's Permit.

Most current election for given location was held for:

- ☐ legal sale of all alcoholic beverages for off-premise consumption
- ☐ legal sale of all alcoholic beverages
- ☐ legal sale of all alcoholic beverages except mixed beverages
- ☐ legal sale of all alcoholic beverages including mixed beverages
- ☐ legal sale of mixed beverages
- ☐ legal sale of mixed beverages in restaurants by food and beverage certificate holders
- ☐ legal sale of wine on the premises of a holder of a winery permit
- ☐ legal sale of wine/beer (17%) on-premise or wine/beer off-premise **AFTER** Sept. 1, 1999
- ☐ legal sale of wine/beer (14%) on-premise or wine/beer off-premise **BEFORE** Sept. 1, 1999

SIGN
HERE

County Clerk

COUNTY

SEAL

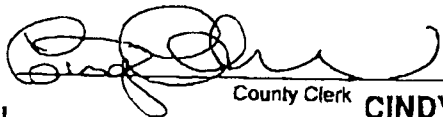
CERTIFICATE OF COUNTY CLERK FOR LATE HOURS LICENSE/PERMIT

I hereby certify on this 10th day of November, 2009, that one of the below are correct:

- ☐ The Commissioner's Court of the county has by order authorized the sale of **mixed beverages** between midnight and 2:00 A.M.; or
- ☐ The Commissioner's Court of the county has by order authorized the sale of **beer** between midnight and _____ A.M.; or
- ☒ The population of the county where premises are located was 500,000 or more according to the last Federal Census.

SIGN

HERE



County Clerk

CINDY CHOINIÈRE

Fort Bend

COUNTY

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

This is to certify on this 10th day of November, 2009, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 32040093075Outlet Number 00001Print Name of Comptroller Employee Maria GomezPrint Title of Comptroller Employee BO J

SIGN

HERE



FIELD OFFICE

2131

SEAL

PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, & BP)

Name of newspaper

Fort Bend Herald

City, County

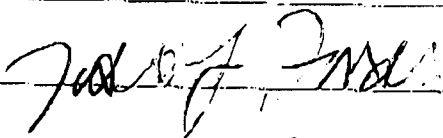
Rosenberg, Fort Bend

Dates notice published in daily/weekly newspaper (mm/dd/yyyy)

11/13, 15/2009

Publisher or designee certifies attached notice was published in newspaper stated on dates shown

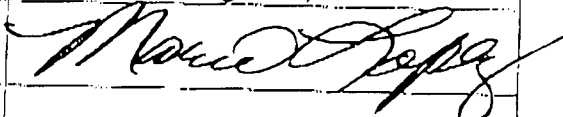
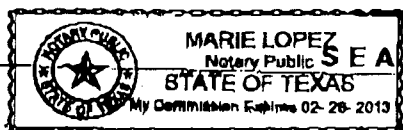
Signature of publisher or designee



Sworn to and subscribed before me on this date

11/16/2009

Signature of Notary Public

LEGAL NOTICE APPLICATION HAS BEEN MADE WITH THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FOR MIXED BEVERAGE AND MIXED BEVERAGE LATE HOURS PERMITS BY GOURMET RESTAURANTS, LLC DBA LAS ALAMEDAS TO BE LOCATED AT 23601 CINCO RANCH BLVD ROSENBERG, TEXAS 77469