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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 6      Resolution #11- 205      Council District: 2

**For Meeting of April 4, 2011**  
 (Adoption Date)

**TITLE:**      **A RESOLUTION APPROVING THE ISSUANCE OF A GOVERNMENTAL LIQUOR LICENSE TO THE CITY OF LAS CRUCES, FOR ITS USE AT THE LAS CRUCES CONVENTION CENTER, LOCATED AT 680 EAST UNIVERSITY AVENUE, LAS CRUCES, NEW MEXICO.**

**PURPOSE(S) OF ACTION:** To approve, disapprove, or not approve the issuance of a Governmental Liquor License to the City for its use at the Las Cruces Convention Center.

<b>Drafter and Staff Contact:</b> Monica Campbell <i>mc</i>		<b>Department:</b> Legal		<b>Phone:</b> 541-2128	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Department Director			Budget	<i>[Signature]</i>	541-2107
Other			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Pursuant to New Mexico Statute, an application for the issuance of a Governmental Liquor License must be accompanied by a resolution of the City Council approving of and consenting to its issuance after a public hearing.

The City applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a Governmental Liquor License for its use at the Las Cruces Convention Center, 680 East University Avenue, Las Cruces, New Mexico. Alcohol and Gaming granted conditional preliminary approval on February 23, 2011.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the conditional preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, April 4, 2011, beginning at 1:00 p.m., in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on March 13 and 20, 2011 and in the *Las Cruces Bulletin* on March 11 and 18, 2011.

Council may approve or disapprove the issuance. However, Council's disapproval must be based on substantial evidence that the issuance of the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces. Council may also fail to

(Continue on additional sheets as required)

either approve or disapprove the license. If Council fails to approve or disapprove the license within 30 days after the public hearing, the Director of Alcohol and Gaming may give final approval of this license.

**SUPPORT INFORMATION:**

1. Resolution with Alcohol and Gaming’s letter of conditional preliminary approval with the application attached as Exhibit “A”.
2. NMSA 1978, Section 60-6B-4.B, *Issuance or transfer of license; approval of appropriate governing body*, Attachment “1”.
3. Notices of Intent to Adopt, Attachments “2” and “3”.
4. Traffic Impact Report from the Traffic Engineering Section, Attachment “4”.
5. Liquor License Impact Report (zoning) from the Community Development Department, Attachment “5”.
6. Economic Development Report (registration and permits), Attachment “6”.
7. Criminal Activity Report from the Las Cruces Police Department, Attachment “7”.
8. Fire and Safety Compliance Report from the Las Cruces Fire Department, Attachment “8”.

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>	Yes	<input checked="" 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 <u>N/A</u> Fund.	
<b>Does this action create any revenue?</b>	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:**

<b>Fund Name(s)</b>	<b>Account Number(s)</b>	<b>Expenditure Proposed</b>	<b>Available Budgeted Funds in Current FY</b>	<b>Remaining Funds</b>	<b>Purpose for Remaining Funds</b>
CVB-Convention Center	2710- 27205200- 722190	\$600.00	\$42,648.00	\$42,048.00	Convention Center expenses

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes". This will approve of and consent to the issuance of a Governmental Liquor License to the City, for its use at the Las Cruces Convention Center, and Alcohol and Gaming will continue with the application process.
2. Vote "No". A "No" vote must be based on substantial evidence that the issuance of the Governmental Liquor license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. "Amendment" is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.
4. "Tabling" is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

**REFERENCE INFORMATION**

None.

**RESOLUTION NO. 11- 205**

**A RESOLUTION APPROVING THE ISSUANCE OF A GOVERNMENTAL LIQUOR LICENSE TO THE CITY OF LAS CRUCES, FOR ITS USE AT THE LAS CRUCES CONVENTION CENTER, LOCATED AT 680 EAST UNIVERSITY AVENUE, LAS CRUCES, NEW MEXICO.**

The City Council of the City of Las Cruces is informed that:

**WHEREAS**, the City of Las Cruces applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a Governmental Liquor License for its use at the Las Cruces Convention Center, located at 680 East University Avenue, Las Cruces, New Mexico; and

**WHEREAS**, on February 23, 2011, Alcohol and Gaming granted conditional preliminary approval for the issuance of the Governmental Liquor License, as evidenced by their letter with the application attached; and

**WHEREAS**, pursuant to law, the application for issuance of a Governmental Liquor License must be accompanied by a resolution of the City Council approving of and consenting to the issuance after a public hearing upon reasonable notice of such hearing; and

**WHEREAS**, the City Council did on this date hold a public hearing after reasonable notice setting forth the appropriate information concerning the public hearing, and the City Council has considered the issuance of the Governmental Liquor License and has determined that the approval of said issuance is not detrimental to the public health, safety or welfare of the City of Las Cruces.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS CRUCES:**

**(I)**

**THAT** the issuance of a Governmental Liquor License to the City, for its use at the Las Cruces Convention Center, located at 680 East University Avenue, Las Cruces, New Mexico, is hereby approved.

(II)

THAT a copy of this Resolution shall be conveyed to the Director of the Alcohol and Gaming Division of the Regulation and Licensing Department, Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(III)

THAT City staff is authorized to do all deeds necessary to accomplish the intent of this Resolution.

DONE AND APPROVED on this 4 day of April 2011.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

{SEAL}

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Interim City Attorney

New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd



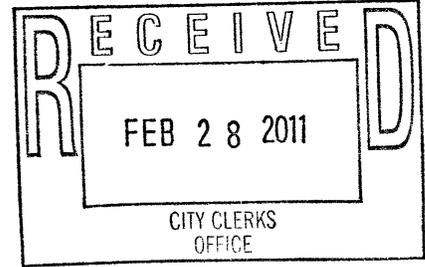
Susana Martinez  
GOVERNOR

J. Dee Dennis, Jr.  
SUPERINTENDENT

Gary J. Tomada  
DIRECTOR

February 23, 2011

Certified Mail No.: 7009 1680 0000 1945 8738



City of Las Cruces  
Attn: Esther Martinez, Clerk  
P.O. Box 20000  
Las Cruces, NM 88004-0000

Re: License / App. No.: Application #A-652805  
Applicant Name: City of Las Cruces  
Doing Business As: Las Cruces Convention Center  
Proposed Location: 680 East University Avenue, Las Cruces, NM 88001

**ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.**

Greetings:

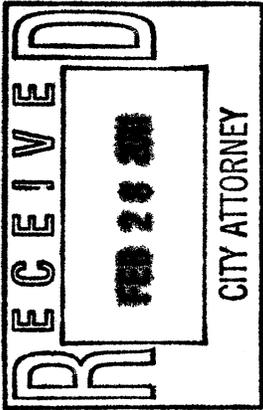
The Director of the Alcohol and Gaming Division has reviewed the referenced Application for **Conditional Preliminary Review** and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, **which requires that two weeks of publication must be satisfied before a hearing can be conducted.** The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

**THE APPLICANT IS SEEKING A GOVERNMENTAL LIQUOR LICENSE. THE APPLICANT IS ALSO SEEKING AN APPROVED WAIVER FROM THE CITY OF LAS CRUCES SINCE THE PROPOSED LIQUOR-LICENSED PREMISES ARE WITHIN 300 FEET FROM THE NEAREST SCHOOL, NEW MEXICO STATE UNIVERSITY.**

The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if



Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

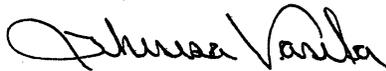
the proposed location is <sup>99</sup> within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).

- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval. Attached is a copy of a Zoning Statement from the local governing body.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance of transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license.

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



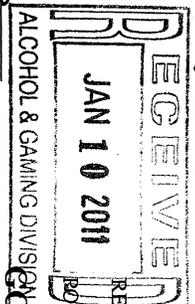
Theresa Varela  
Administrative Law Judge

#### ENCLOSURES

1. **Original Page 1 of the Application with attachment (must be signed and returned).**
2. **Copy of Page 2 of the Application.**
3. **Copy of Zoning Statement.**
4. **Copy of Floor Plan (no outdoor areas).**
5. **Copy of Page 4 of the Application.**

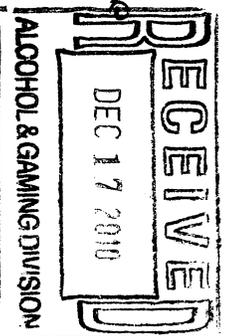
AMENDED PAGE

State Liquor License # \_\_\_\_\_  
Application Number 652805  
Local option (AGD use) Las Cruces



STATE OF NEW MEXICO  
REGULATION & LICENSING DEPARTMENT  
ALCOHOL & GAMING DIVISION  
PO BOX 25101 SANTA FE, NEW MEXICO 87504-5101  
(505) 476-4875 Fax (505) 476-4595  
GOVERNMENTAL APPLICATION

Application Fee - \$200.00 Non Refundable



Name of Governmental Entity: City of Las Cruces

Pursuant to NMSA 1978, 60-6A-10E (1), "Governmental Entity" means a municipality, a county, a state fair that is held for less than 10 days per year, the state fair commission, a state museum or a state university. Please check one below:

Type:  Municipal  County  Fair  State University  State Museum

Department of Entity Which Will Administer Use of License: Global Spectrum

Contact Name: David Hicks, General Manager Telephone Number: 575-526-0100

D/B/A Name to be used: Las Cruces Convention Center Phone number for licensed premise: 575-526-0100

Physical Location where license is to be used: 680 East University Avenue, Las Cruces, Dona Ana County, NM 88001

Include: Street number / Highway Number / State Road, City, County, State & Zip

Mailing Address: PO Box 20000, Attn: Legal Dept., Las Cruces, NM 88004

Are alcoholic beverages currently being dispensed at the proposed location? If yes, give license number and type: (none)  
Will License be Operated By Employees of the Governmental Entity? Yes  No

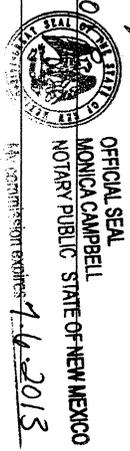
NOTE: If license is not to be operated by employees of the governmental entity, the lessee-operator must file a separate lease application. Any operation of the license by unauthorized persons may result in revocation of the license.

I, (print name) Terrence Moore, as (title) City Manager, being first duly sworn upon oath deposes and says: that he/she represents or is authorized by the applicant to make this application; that he/she has read the same; knows the contents thereof, and all statements contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Signature of Applicant/Representative [Signature] Date 12/14/10

SUBSCRIBED AND SWORN TO before me this 14 day of December, 2010 by Terrence Moore

Notary Public Monica Campbell My Commission Expires July 6, 2013



Local Governing Body of \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20\_\_\_\_.

Please check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_ (Signature & Title)

AGD Use Only

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_

"DANGER REQUIRED"

APPROVED AS TO FORM  
[Signature]  
City Attorney



New Mexico Regulation and Licensing Department • Alcohol and Gaming Division  
 P.O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd

**PERMITS**  
**RECORDS**  
**ALCOHOL & GAMING DIVISION**  
 RECEIVED  
 OCT 25 2010  
 Rev. 05/10

State Liquor License # 652805  
 Application Number 652805  
 Local option (AGD use) Las Cruces  
 Record Owner of Existing License N/A  
 Current D/B/A Name N/A  
 Current Premises Address N/A

Application is for: Change of Stock  Change of Officers/Directors  Transfer Ownership of Existing License  Transfer Ownership and Location  Other   
 Issue New License  Type of License being applied for GOVERNMENTAL  
 Applicant is: Individual  Corporation  Partnership (General or Limited)  Limited Liability Company

NAME OF APPLICANT (company or individual) CITY OF LAS CRUCES  
 ADDRESS (including city, state, zip) RD BOX 20000 LAS CRUCES NM 88001  
 TELEPHONE NUMBER 575-541-2000

D/B/A name to be used: CITY OF LAS CRUCES  
 Phone number for licensed premises: \_\_\_\_\_

Physical location where license is to be used: 680 E. UNIVERSITY AVE. LAS CRUCES, DOÑA ANA, NM 88001  
 (Include street number /highway number / state road, city and county, state, and zip code)  
 Mailing address: 700 N. MAIN ST., LAS CRUCES, NM 88001

Are alcoholic beverages currently being dispensed at the proposed location? Yes  No  If yes, give license number and type \_\_\_\_\_

I, (print name) \_\_\_\_\_, as (title) CITY MANAGER, being first duly sworn upon oath, deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant CITY OF LAS CRUCES BY \_\_\_\_\_ Date 10/21/10

SUBSCRIBED AND SWORN TO before me this 21 day of October, 2010 by Terrence Moore City Manager  
 Notary Public Monica Campbell My Commission Expires July 6, 2013



Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20\_\_\_\_  
 Check one: Approved  Disapproved  City/County Official \_\_\_\_\_ (Signature & Title)

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_

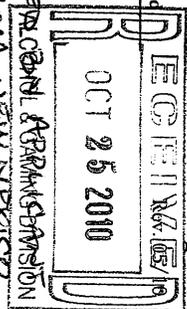
For Alcohol and Gaming Division Use Only

WARRANT REQUIRED

APPROVED AS TO FORM:  
[Signature]  
 City Attorney



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION  
SS-60-6B-10



BUILDING OWNED BY  
- LAND LEASED FROM NEW MEXICO  
STATE UNIVERSITY (NMSU)  
SEE EXHIBIT A

- The land and building which is proposed to be the licensed premises is (check one):  
Owned by Applicant \_\_\_\_\_ Leased by Applicant (attach copy of deed or lease)  Other (provide details) \_\_\_\_\_
- If the land and building are not owned by Applicant, indicate the following:
  - Owner(s) Regents of New Mexico State University (NMSU) TX 11-23-10
  - Date and term of lease MARCH 12, 2007 - 45 YEARS WITH 1 25-YEAR RENEWAL OPTION TX 11-23-10

3. Premises location is zoned (example C-1) ~~INDUSTRIAL ZONE~~ UN-CZ (UNIVERSITY DISTRICT-CONVENTION ZONE)  
If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property/line of church to licensed premises—shortest distance).  
5/10 of a mile, SW, per posting. St. James Episcopal Church, per posting. Address unavailable, per posting. TX 12-27-10  
Miles/feet 1,402 Name of church ST. JAMES EPISCOPAL Address/location of church 102 ST. JAMES AVE, LAS CRUCES, NM 88005  
5. Distance from nearest school \*(Property/line of school to licensed premises—shortest distance).  
125 feet, west, per posting. New Mexico State University, per posting. Address unavailable, per posting. TX 12-27-10  
Miles/feet 0.0 Name of school NMSU Address/location of school 1780 E. UNIVERSITY AVE, LAS CRUCES, NM 88003

6. Distance from military installation \*(Property/line of military installation to licensed premises—shortest distance.)  
Miles 22.1 Name of Military Installation, circle one: White Sands Missile Range (Las Cruces)  
Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:
- Lounge \_\_\_\_\_ Restaurant \_\_\_\_\_ Package Grocery \_\_\_\_\_ Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (specify) (CONVENTION CENTER) TX 11-23-10



### STATEMENT OF ZONING

The property located at 680 E. University Avenue in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 03-07122 is zoned as follows:

#### **UD-CZ (University District-Convention Zone)**

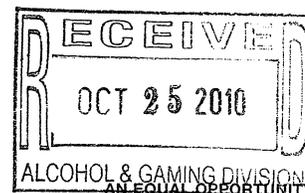
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

June 8, 2010  
Date

  
Adam Ochoa  
Acting Planner

Comments: The UD-CZ is assigned to land suitable for development that, by its intrinsic size, function, or configuration, may not conform to the descriptions and standards for one of the other zones. The development types include convention and exhibition hall, hotel, and ancillary uses such as restaurant and specialty retail. A convention center with a dispenser's liquor license is a permitted use within the UD-CZ, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met (as per Section 38-44.C.4a 2001 Las Cruces Zoning Code as amended).

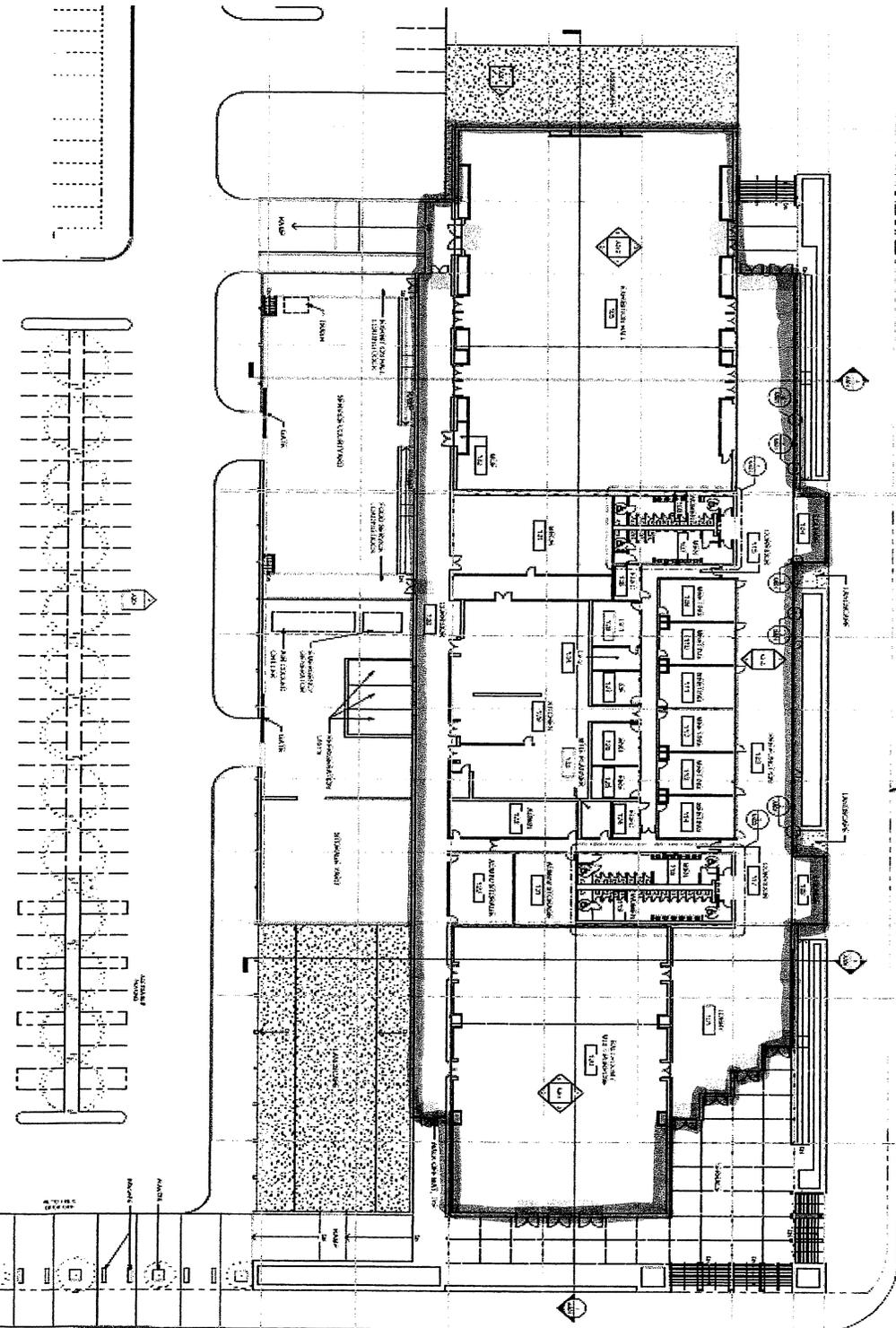
Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.



Unshaded Area - Square Footage: 49,000 Curbed Area

**RECEIVED**  
 DEC 17 2010  
 ALCOHOL & GAMING DIVISION

UNIVERSITY BLVD.



EL PASEO ROAD

BUILDING PLAN 1

**LAS CRUCES CENTER**  
 LAS CRUCES, NM

AAVA

**PHITS**  
 PHITS ARCHITECTURE  
 1000 S. UNIVERSITY BLVD.  
 SUITE 100  
 LAS CRUCES, NM 88001  
 (505) 785-1111  
 www.phits.com

**NOTES:**  
 1. REFER TO ARCHITECTURAL RECORDS FOR ALL DETAILS.  
 2. REFER TO MECHANICAL RECORDS FOR ALL MECHANICAL DETAILS.  
 3. REFER TO ELECTRICAL RECORDS FOR ALL ELECTRICAL DETAILS.  
 4. REFER TO PLUMBING RECORDS FOR ALL PLUMBING DETAILS.  
 5. REFER TO STRUCTURAL RECORDS FOR ALL STRUCTURAL DETAILS.  
 6. REFER TO FINISH RECORDS FOR ALL FINISH DETAILS.  
 7. REFER TO SCHEDULES FOR ALL MATERIALS AND FINISHES.  
 8. REFER TO SPECIFICATIONS FOR ALL MATERIALS AND FINISHES.  
 9. REFER TO CONTRACT DOCUMENTS FOR ALL CONTRACT CONDITIONS.  
 10. REFER TO PERMITS FOR ALL PERMITS AND REGULATIONS.



Governments  
 City

CORPORATION GOVERNMENTAL ENTITY  
 SS 60-6B-2 ORGANIZED PURSUANT TO THE STATUTES OF THE STATE OF NEW MEXICO

Name of Corporation: CITY OF LAS CRUCES, A NEW MEXICO GOVERNMENTAL ENTITY (ART X, SEC 4) AND  
 (Corporations must attach certified copy of its Certificate of Incorporation and Articles of Incorporation. Foreign corporations must also include a certified copy of its New Mexico Certificate of Authority.)

Date of Incorporation: JANUARY 1, 1970 In what State? NEW MEXICO

Mailing Address of Corporate Office: PO BOX 20000 City LAS CRUCES State NM Zip 88004 Phone 575-541-2125

Provide complete names and addresses of all officers and directors of the Corporation, also the names and addresses of all stockholders of 10% or more of the stock in the Corporation. If a stockholder of 10% or more of the stock is any other legal entity, complete the appropriate disclosure page for the stockholding entity.

Name and Title of Officers, Directors and Stockholders Complete Address % Stock Held

<u>KEN HINAGISHIMA</u>	<u>MAYOR</u>	<u>PO BOX 20000, LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>MIGUEL SILVA</u>	<u>CONCILLOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>DOLORES CONNOR</u>	<u>CONCILLOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>OLEA PEREZA</u>	<u>CONCILLOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>WALTER SMAL</u>	<u>CONCILLOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>HEIDI SOREN</u>	<u>CONCILLOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>STEPHEN THOMAS</u>	<u>MAYOR PRO-TEM</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>

USE ADDITIONAL PAGES IF NECESSARY.

Has this Corporation ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Corporation been denied the issuance of a liquor license? No  Yes  If Yes, provide details:

N/A

List every liquor license in which the Corporation holds any interest, direct or indirect: NONE

Has this Corporation ever been convicted of a felony? No  Yes  If Yes, provide details:

N/A

**\*\* Note:** For each individual applicant, partner, officer, director, and stockholder of 10% or more of stock in corporation, complete the Personal Data Information Form (page 6) and attach two completed sets of fingerprint cards (available from the Alcohol and Gaming Division) along with fees and supporting documentation. Fingerprints must be taken by City Police, State Police, or Sheriff (any state).

**§ 60-6B-4. Issuance or transfer of license; approval of appropriate governing body**

A. Prior to the approval of the issuance of a new license, and prior to the approval of any transfer permitted by Section 39 or 113 of the Liquor Control Act, the director shall notify the governing body of his preliminary approval of the issuance or transfer of the license. Notice to the governing body shall be by certified mail.

B. A governing body which has received a notice of preliminary approval of the issuance or transfer of a license from the department may approve or disapprove the issuance or transfer of the license in accordance with the provisions of this section.

C. Within forty-five days after receipt of a notice of preliminary approval from the department, the governing body shall hold a public hearing on the question of whether the department should approve the proposed issuance or transfer.

D. Notice of the public hearing required by Subsection C of this section shall be given by the governing body by:

(1) publishing a notice of the date, time and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body. The notice shall set forth:

- (a) the name and address of the licensee;
- (b) the action proposed to be taken by the department;
- (c) the location of the licensee's premises; and
- (d) such other information as may be required by the department; and

(2) sending a notice by certified mail to the applicant of the date, time and place of the public hearing.

E. The governing body may designate a hearing officer to conduct the hearing. A record shall be made of the hearing.

F. The governing body may disapprove the issuance or transfer of the license if:

(1) the proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico;

(2) the issuance or transfer would be in violation of a zoning or other ordinance of the governing body; or

(3) the issuance or transfer would be detrimental to the public health, safety or morals of the residents of the local option district.

G. Within thirty days after the public hearing, the governing body shall notify the department as to whether the governing body has approved or disapproved the proposed issuance or transfer of the license. If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director may give final approval to the issuance or transfer of the license.

H. If the governing body disapproves the issuance or transfer of the license, it shall notify the department within the time required by Subsection G of this section setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the department by the governing body with the notice of disapproval. If the governing body disapproves of the issuance or transfer of the license, the director shall disapprove the issuance or transfer of the license.

I. If the governing body approves the issuance or transfer of the license, it shall notify the department within the time required by Subsection G of this section of its approval. If the governing body approves of the issuance or transfer of the license, the director shall approve the issuance or transfer of the license.



**AD FORM**  
**LAS CRUCES SUN NEWS**  
**LEGAL CLASSIFIED**

City contact: Monica Campbell; 541-2014 / 541-2128

Account No. 26484 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: March 13 and 20, 2011

Copy to publish:

**NOTICE OF INTENT TO ADOPT**

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the issuance of a Governmental Liquor License for the City of Las Cruces at its Las Cruces Convention Center, located at 680 East University Avenue, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, April 4, 2011, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department, Alcohol and Gaming Division, may approve issuance of the license.

Witness my hand and seal of the City of Las Cruces on this the 2<sup>nd</sup> day of March 2011.

  
\_\_\_\_\_  
Esther Martinez, CMC, City Clerk



**AD FORM**  
**LAS CRUCES BULLETIN**  
**LEGAL CLASSIFIED**

City contact: Monica Campbell; 541-2014 / 541-2128

Proof of publication/bill to: City Clerk, PO Box 20000, Las Cruces, NM 88004

Dates to Publish: March 11 and 18, 2011

Copy to publish:

**NOTICE OF INTENT TO ADOPT**

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the issuance of a Governmental Liquor License for the City of Las Cruces at its Las Cruces Convention Center, located at 680 East University Avenue, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, April 4, 2011, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department, Alcohol and Gaming Division, may approve issuance of the license.

Witness my hand and seal of the City of Las Cruces on this the 2<sup>nd</sup> day of March 2011.

  
\_\_\_\_\_  
Esther Martinez, CMC, City Clerk



**City of Las Cruces**  
PEOPLE HELPING PEOPLE

**INTER-DEPARTMENTAL  
MEMORANDUM**

=====

**TO:** Harry "Pete" Connelly, Interim City Attorney

**FROM:** Dan Soriano, Traffic Engineer, Public Works 

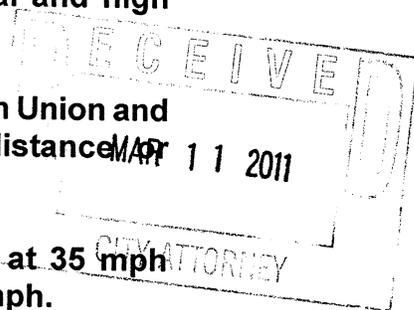
**SUBJECT:** Traffic Investigation Report

**DATE:** March 8, 2011

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As requested, Traffic Engineering has completed a traffic investigation for Las Cruces Convention Center located at 680 East University Avenue, Las Cruces., New Mexico. The following information is submitted for review:

- University Avenue at this location carries approximately 17,000 vehicles per day. Union Avenue carries approximately 18,000 vehicles per day.
- University and Union Avenues are both operated as a four lane roadway and primarily serve commercial and high density residential properties.
- Access to the property in question is off of both Union and University Avenues. No potential sight distance or operational problems exist.
- The speed limit on University Avenue is set at 35 mph while the speed limit on Union Avenue is 40 mph.



The approval of a Liquor License Transfer at this location does not appear it will adversely impact traffic operations along this segment of roadway.

Should any additional information be needed, please contact me.

City of Las Cruces  
Community Development Department

LIQUOR LICENSE IMPACT REPORT  
Governmental Liquor License Application No. A-652805

Las Cruces Convention Center  
680 E. University Avenue

March 14, 2011

**LIQUOR LICENSE IMPACT REPORT  
Governmental Liquor License**

**Las Cruces Convention Center  
680 E. University Avenue**

The purpose of this report is to review, analyze and determine any possible impacts of a liquor license relating to land use and other planning related issues.

**PROPERTY INFORMATION:**

Location: 680 E. University Avenue  
 Applicant: City of Las Cruces  
 Business Name: Las Cruces Convention Center

**LAND USE AND ZONING INFORMATION:**

Subject Property Zoning: UD-CZ (University District-Convention Zone)  
 (See attached Statement of Zoning and Vicinity Map)

Subject Property Current Land Use:

<u>Adjacent Land Uses</u>	<u>Zoning</u>	<u>Land Use</u>
North	UD-UAZ	Commercial/Office
South	City Limits	New Mexico State University
East	City Limits	New Mexico State University
West	City Limits	New Mexico State University

**DISTANCE REQUIREMENTS:**

Greater than 300 feet to a school: NO  
 Greater than 300 feet to a church: YES  
 Greater than 300 feet to a military installation: YES

**TRAFFIC COUNT AND ACCESS INFORMATION:**

Roadway: University Avenue  
 Classification: Principal Arterial  
 Number of Lanes: 5  
 Site Access: 2  
 Nearest intersection: University Avenue and Union Street

**PARKING REQUIREMENTS:**

The 2001 Las Cruces Zoning Code, as amended, requires a convention center to provide 1 auto parking space per 3-5 individuals at the maximum occupancy and 1 bicycle parking space for every 75 individuals at the maximum occupancy. As the center currently exists, it complies with current parking standards.

**IMPACT ANALYSIS:**

The site of the Las Cruces Convention Center is located along a Principal Arterial roadway which is designed to accommodate heavy traffic and land uses such as convention centers and exhibition halls. The subject property is zoned UD-CZ which allows the convention center as a permitted use by right. The applicant is requesting a new governmental liquor license for this location. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.

There is a question, however, concerning the required distance between liquor establishments and military installations, churches, and schools. New Mexico State Statutes read that the liquor establishment must be 300 feet from the property line of military installations, churches and schools. The Las Cruces Convention Center is actually within the required 300 foot distance of a school property: New Mexico State University.

According to New Mexico State Law, a local governing district may grant a waiver to allow such a business within 300 feet of a church or school. Thus the local governing district may determine whether or not the location of the liquor license request is appropriate. The law does not set parameters to assist in determining applicability. Therefore, Planning staff assumes the local government district may use traditional guidelines, such as, health, safety, and welfare to make this decision.



## STATEMENT OF ZONING

The property located at 680 E. University Avenue in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 03-07122 is zoned as follows:

### UD-CZ (University District-Convention Zone)

The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

March 14, 2011  
Date

  
\_\_\_\_\_  
Adam Ochoa  
Planner

Remarks: The UD-CZ is assigned to land suitable for development that, by its intrinsic size, function, or configuration, may not conform to the descriptions and standards for one of the other zones. The development types include convention and exhibition hall, hotel, and ancillary uses such as a restaurant and specialty retail. A convention center with a dispenser's license is a permitted use within the UD-CZ, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met.

Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.



## VICINITY MAP

**680 E UNIVERSITY AVENUE  
PARCEL: 03-07122**

**ZONING: UD-CZ**

**DISTANCE TO NEAREST SCHOOL: ~155 FEET**

**DISTANCE TO NEAREST CHURCH: ~1,535 FEET**



**ZONING**



**CHURCH**



**SCHOOL**



0 162.525 650 975 1,300

Feet

*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 Community Development Department at (505) 528-3043.*

ECONOMIC DEVELOPMENT REPORT

**From:** Vicki Montez

The Las Cruces Convention Center does have an active business license with the City of Las Cruces.

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**From:** Monica Campbell  
**Sent:** Wednesday, March 02, 2011 2:59 PM  
**To:** Vicki Montez  
**Cc:** Christine Logan; Cheryl Rodriguez  
**Subject:** Report request - liquor license application

The City has received preliminary approval from Alcohol & Gaming for its Governmental Liquor License to be used at the Las Cruces Convention Center, 680 East University Avenue.

Please review the attached letter and application and report on the status of any applicable licenses and permits.

In order to meet the time limits and publication deadlines imposed by law, I would appreciate it if you would submit the report no later than **March 17, 2011**.

Monica Campbell  
Legal Dept. Operations Analyst  
City of Las Cruces  
575-541-2014 / 575-541-2128  
Fax 575-541-2017



LAS CRUCES POLICE DEPARTMENT  
PO BOX 20000  
217 E. Picacho  
Las Cruces, New Mexico 88004

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**DATE:** *March 3, 2011*

**TO:** *Pete Connelly, City Attorney*

**From:** *Richard Williams, Chief of Police*

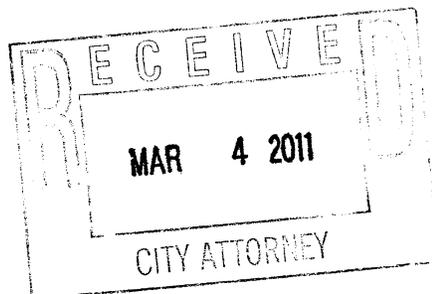
**Subject:** *Las Cruces Convention Center*

I have reviewed all available statistical information obtained from the Las Cruces Police Department in reference to the attached liquor license application for Las Cruces Convention Center located at 680 East University Avenue Las Cruces, NM 88001.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Las Cruces Conventions Center be approved.

A handwritten signature in black ink, appearing to read "R Williams".

Richard Williams  
Chief of Police



LAS CRUCES FIRE DEPARTMENT REPORT

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**From:** Adrian Arias

NO issues after review. Building equipped with required life safety/Fire suppression features.

Adrian Arias  
Fire Inspector  
Las Cruces Fire Dept.  
[aarias@las-cruces.org](mailto:aarias@las-cruces.org)  
(575) 528-3473

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**From:** Monica Campbell  
**Sent:** Wednesday, March 02, 2011 3:00 PM  
**To:** Travis Brown; Steve Mims; Adrian Arias  
**Cc:** Mary Helen Sarabia  
**Subject:** Report request - liquor license application

The City has received preliminary approval from Alcohol & Gaming for its Governmental Liquor License to be used at the Las Cruces Convention Center, 680 East University Avenue.

Please review the attached letter and application and prepare a fire and safety compliance report.

In order to meet the time limits and publication deadlines imposed by law, I would appreciate it if you would submit the reports no later than **March 17, 2011**.

Monica Campbell  
Legal Dept. Operations Analyst  
City of Las Cruces  
575-541-2014 / 575-541-2128  
Fax 575-541-2017