

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 2 Ordinance/Resolution# 14-027

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of August 19, 2013
(Adoption Date)

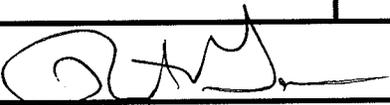
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE EXPANSION OF THE LICENSED PREMISES FOR STATE LIQUOR LICENSE NUMBER 0190 ISSUED TO LAS CRUCES HOTEL MANAGEMENT CORPORATION D/B/A HOTEL ENCANTO DE LAS CRUCES LOCATED AT 705 SOUTH TELSHOR BOULEVARD, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION:

To approve the expansion of a liquor licensed premises.

COUNCIL DISTRICT: 6		
<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:

Las Cruces Hotel Management Corporation d/b/a Hotel Encanto de Las Cruces ("Hotel Encanto") has expanded its outdoor area. Hotel Encanto is now in a position to request that the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division ("Alcohol and Gaming") approve the expansion of the liquor licensed area at Hotel Encanto.

Hotel Encanto has expanded its outdoor area by 16,600 square feet which includes 12,000 square feet in the pool area, 3,500 square feet in a new garden area, and an additional 1,100 square feet for the bar patio.

Alcohol and Gaming requires that the City Council, as the local governing body, approve the expansion of the liquor licensed premises at Hotel Encanto.

SUPPORT INFORMATION:

1. Resolution.

- Exhibit "A". Change of Floor Plan/Expansion of Liquor Licensed Premise Application for Liquor License No. 0190 owned by Las Cruces Hotel Management d/b/a Hotel Encanto de Las Cruces.

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:

- Vote "Yes"; this will approve the expansion of the licensed premises of State Liquor License Number 0190 issued to Las Cruces Hotel Management d/b/a Hotel Encanto de Las Cruces.
- Vote "No"; this must be based on substantial evidence that the expansion of the licensed premises would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
- Vote to "Amend"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.
- Vote to "Table"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

(Continue on additional sheets as required)

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

(Continue on additional sheets as required)

RESOLUTION NO. 14-027

A RESOLUTION APPROVING THE EXPANSION OF THE LICENSED PREMISES FOR STATE LIQUOR LICENSE NUMBER 0190 ISSUED TO LAS CRUCES HOTEL MANAGEMENT CORPORATION D/B/A HOTEL ENCANTO DE LAS CRUCES LOCATED AT 705 SOUTH TELSHOR BOULEVARD, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, Las Cruces Management Corporation d/b/a Hotel Encanto de Las Cruces (“Hotel Encanto”) holds State Liquor License Number 0190; and

WHEREAS, Hotel Encanto has expanded its outdoor area by 16,600 square feet and now wishes to include the new square footage in its liquor licensed premises; and

WHEREAS, the New Mexico Regulation and Licensing Department, Alcohol and Gaming Division requires that the local governing body approve the expansion of the liquor licensed premises at Hotel Encanto.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the expansion of the liquor licensed premises for Las Cruces Hotel Management Corporation d/b/a Hotel Encanto de Las Cruces, as noted on Exhibit “A” attached hereto, is hereby approved.

(II)

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

(III)

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 _____, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

VOTE:

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

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:


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

Fee \$75.00 Fees are Non-Refundable

CHANGE OF FLOOR PLAN /EXPANSION OF LIQUOR LICENSED PREMISE APPLICATION
15 NMAC 10.3.2 13.1

A Licensee may not change or expand the licensed premises without prior written approval of the Director. Applications to change or expand the licensed premises shall be submitted along with the required documentation and application fee. If the change or expansion of the licensed premises is twenty-five (25%) or more of the total existing square footage of the licensed premises, the Director may require the licensee to file an application for a transfer of location. **Proof of tenancy and photographs with a detailed floor are required for the expansion area.** Please attach a copy of your existing approved floor plan along with an 8 1/2 x 11 detailed floor plan that includes the existing approved premises and any proposed change or expansion. Please label all areas and include all entrances, exits, walls or enclosures as well as dimensions for any expansion. The licensee cannot make any changes or expand the premises until approval has been granted for this request. A before and after site inspection may be scheduled.

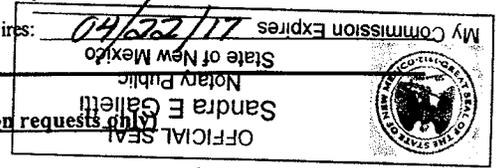
Liquor License Number 0190 Telephone Number 575-522-4300 Fax Number 505-246-8665
Business Name (DBA) Hotel Encanto De las Cruces Owner Name Las Cruces Hotel Mgmt Corp
Mailing Address 201 Third St Ste 1100 City Albuquerque State NM Zip 87102
License Location 705 S. Telshore Blvd City Las Cruces State NM Zip 88011
Current square footage 155,960 Additional square footage you would like to add/change 16,600
Total square footage (add both amounts above) 172,560 Reason for request Expansion of Outdoor Area
Will the proposed expansion bring the licensed premises within 300 feet of a church or school? No
Has there been any change in the ownership or operation of the licensee? No
If so, explain NA

I Adrian Perez (print name) Licensee for Liquor License No. 0190 hereby attest that the requested change meets the definition of "licensed premises" in NMSA 1978 60-3A-3 (M), which states in part " 'licensed premises' means the contiguous areas or areas connected by indoor passageways of a structure and the outside dining, recreation and lounge areas of the structure that are under the direct control of the licensee..."

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

Submitted by (print name) Adrian Perez
Signature [Signature] Title Resident Agent Date _____

SUBSCRIBED AND SWORN TO before me this 25 Day of June 20 13 By Adrian Perez
Notary Public [Signature] My Commission Expires: 04/22/17



LOCAL GOVERNING BODY APPROVAL - (Required on expansion requests)
Print Name _____ Title _____ Date _____
Signature _____ Phone _____ Fax _____

Alcohol and Gaming Use Only: _____ Approved _____ Disapproved _____
By _____ Date _____

Linda