

988
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 18 Ordinance/Resolution# 10-066 Council District:

For Meeting of August 17, 2009
 (Adoption Date)

A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP OF STATE LIQUOR LICENSE NO. 2787 FROM ANDREWS, RAGLE & WAMEL, INC. D/B/A HURRICANE ALLEY PUB TO FOUR DAUGHTERS ENTERPRISES, INC. D/B/A HURRICANE ALLEY PUB, LOCATED AT 1490-A EAST MISSOURI AVENUE, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve, disapprove, or not approve the transfer of ownership of State Liquor License No. 2787 to Four Daughters Enterprises, Inc. d/b/a Hurricane Alley Pub.

Name of Drafter: Monica Campbell <i>MC</i>		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
Originating Department		541-2128	Budget	<i>[Signature]</i>	541-2107
			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 state law, the application for transfer of ownership of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the transfer of ownership after a public hearing.

Four Daughters Enterprises, Inc. d/b/a Hurricane Alley Pub applied to the Alcohol & Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming) for a transfer of ownership of State Liquor License No. 2787. Alcohol and Gaming granted preliminary approval on July 20, 2009.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, August 17, 2009, beginning at 1:00 p.m., in the City Council Chambers, City Hall, 200 North Church Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on August 2 and 9, 2009, and in the *Las Cruces Bulletin* on July 31 and August 7, 2009.

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

(Continue on additional sheets as required)

also fail to 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:

Revenue: The City receives a \$300 administrative fee to cover publication and preparation costs regarding this transfer of liquor license. When Alcohol & Gaming issues the new State Liquor License, Hurricane Alley Pub will apply for a City liquor license and pay a yearly \$250 license fee.

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Resolution with Alcohol and Gaming's preliminary approval with the application attached as Exhibit "A".
2. Notice of Intent to Adopt, Attachments "1" and "2".
3. Traffic Impact Report from the Traffic Engineering Section, Attachment "3".
4. Liquor License Impact Report (zoning) from the Community Development Department, Attachment "4".
5. Liquor License Impact Report (registration and permits) from the Economic Development Department, Attachment "5".
6. Criminal Activity Report from the Las Cruces Police Department, Attachment "6".
7. Fire and Safety Compliance Report from the Las Cruces Fire Department, Attachment "7".

OPTIONS / ALTERNATIVES:

1. Approve the resolution and consent to the transfer of ownership of State Liquor License No. 2787 to Four Daughters Enterprises, Inc. d/b/a Hurricane Alley Pub. Approval will allow Alcohol and Gaming to continue with its application process.
2. Disapprove the resolution. Council's disapproval must be based on substantial evidence that the transfer of ownership of the liquor license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Not approve or disapprove the Resolution. If the Council fails to either approve or disapprove the transfer of ownership of the liquor license, the Director of Alcohol and Gaming may give final approval to said transfer.

(Continue on additional sheets as required)

RESOLUTION NO. 10-066

A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP OF STATE LIQUOR LICENSE NO. 2787 FROM ANDREWS, RAGLE & WAMEL, INC. D/B/A HURRICANE ALLEY PUB TO FOUR DAUGHTERS ENTERPRISES, INC. D/B/A HURRICANE ALLEY PUB, LOCATED AT 1490-A EAST MISSOURI AVENUE, LAS CRUCES, NEW MEXICO.

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

WHEREAS, Four Daughters Enterprises, Inc. d/b/a Hurricane Alley Pub applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of ownership of State Liquor License No. 2787 to 1490-A East Missouri Avenue, Las Cruces, New Mexico; and

WHEREAS, on July 20, 2009, Alcohol and Gaming granted preliminary approval for the transfer of ownership, as evidenced by their letter with the application attached; and

WHEREAS, pursuant to law, the application for transfer of ownership of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the transfer after a public hearing upon reasonable public notice of such hearing; and

WHEREAS, the City Council did on this date hold a public hearing after reasonable public notice setting forth the appropriate information concerning the public hearing. The City Council has considered the transfer of ownership of the liquor license and it has determined that the approval of said transfer 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 transfer of ownership of State Liquor License No. 2787 to Four Daughters Enterprises, Inc. d/b/a Hurricane Alley Pub, located at 1490-A East Missouri 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 17 day of August 2009.

Mayor

ATTEST:

City Clerk

{SEAL}

Moved by: _____

Seconded by: _____

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Archuleta:	_____
Councillor Small:	_____
Councillor Jones:	_____
Councillor Thomas:	_____

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/agd

July 20, 2009

Bill Richardson
GOVERNOR

Kelly O'Donnell, Ph.D.
SUPERINTENDENT

Julie Ann Meade
DEPUTY
SUPERINTENDENT

Gary J. Tomada
DIRECTOR

Certified Mail No: 7005 0390 0003 4006 9761

City of Las Cruces
Attn: Ester Martinez, Clerk
PO Box 20000
Las Cruces, NM 88004

Re: License / App. No. 2787/594867
Applicant Name: Four Daughters Enterprises, Inc.
Doing Business As: Hurricane Alley Pub
Proposed Location: 1490 A East Missouri Ave., Las Cruces, NM

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. *(Please review the revised instructions for approval or disapproval below.)

Greetings:

The Director of the Alcohol and Gaming Division has granted Preliminary Approval for the referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five days after receipt of a notice of preliminary approval 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; (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 requesting a Transfer of Ownership:

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

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 the proposed location is within 300 feet of a church or school unless the license has been located at this

EXHIBIT A

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

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.)

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.

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 *in writing* as to whether the local governing body has approved or disapproved the issuance of transfer of the license *and* by signing the enclosed original Page 1 of the application. *The letter of approval/disapproval and the Page 1 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,



Annette R. Brumley
Hearing Officer

ENCLOSURES: Original Page 1 of Liquor License Application
Copy of page 2 Premises, Location, Ownership & Description of Premises

G 2.25.09
annette

1051957



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

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LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable

State Liquor License # 2787
Application Number 594867
Local option (AGD use) _____

Record Owner of Existing License Andrews, Regal & Wemel, Inc.
Current D/B/A Name Hurricane Alley Pub
Current Premises Address 1490-A East Missouri Ave
LAS CRUCES, NM

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License Transfer Ownership and Location _____ Transfer Location _____ Other _____

Issue New License _____ Type of License being applied for _____

Applicant is: Individual _____ Corporation Partnership (General or Limited) _____ Limited Liability Company _____

NAME OF APPLICANT (company or individual) Four Daughters Enterprises, INC. ADDRESS (including city, state, zip) SB DON ABRAN, PERALTA, NM 87402 TELEPHONE NUMBER (505) 328-7388

D/B/A name to be used: Hurricane Alley Pub Phone number for licensed premises: (505)

Physical location where license is to be used: 1490-A East Missouri Ave, Las Cruces, NM 88001
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: SB Don Abran, Peralta, NM 87402

Are alcoholic beverages currently being dispensed at the proposed location? Yes No _____ If yes, give license number and type Dispenser 2787

I, (print name) Roland G. Lucero, as (title) President 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 Roland G. Lucero Date _____

SUBSCRIBED AND SWORN TO before me this 18th day of February, 2009 by Roland G. Lucero
Notary Public [Signature] My Commission Expires March 15, 2012

Local Governing Body of: _____ (City or County). Hearing held on _____ 20____

Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____



COPY



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

1. 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) X Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) Gadco of El Paso, LLC

B. Date and term of lease October 1, 1996 Expires January 31, 2014

Attach a hand drawn map, zoning map, or other map showing the location of the proposed premises and the main adjacent streets, roads or highways in relation to the closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

3. Premises location is zoned (example C-1) C-2 (Commercial Medium Intensity)

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).

Miles/feet Approx 322 ft Name of church Bethlehem EV Lutheran Church Address/location of church 1701 E. Missouri Ave, Las Cruces

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).

Miles/feet Approx 1.010 ft Name of school United Fellowship of Las Cruces Address/location of school 2000 S. Solano, Las Cruces, NM

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)

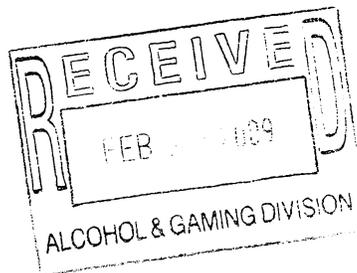
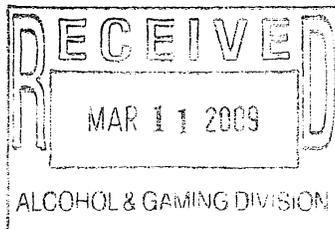
Miles Approx 15 miles Name of Military Installation, circle one: White Sands Missile Range (Las Cruces), Kirtland Air Force Base (Albuquerque), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

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 X Restaurant _____ Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____





AD FORM

LAS CRUCES SUN NEWS	
CLASSIFIED LEGAL AD	
DATES TO PUBLISH: 08/02/09 & 08/09/09	Account No. 720680
CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017	BILL TO: <u>CITY CLERK</u> P O Box 20000 LAS CRUCES, NM 88004
PROOF OF PUBLICATION REQUIRED.	

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 **Transfer of Ownership of State Liquor License No. 2787 from Andrews, Ragle & Wamel, Inc. d/b/a Hurricane Alley Pub to Four Daughters Enterprises, Inc. d/b/a Hurricane Alley Pub, located at 1490-A East Missouri 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, August 17, 2009, at 1:00 p.m. in the City Council Chambers, 200 North Church, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the transfer.

Witness my hand and seal of the City of Las Cruces on this the 22nd day of July 2009.

Esther Martinez
Esther Martinez, CMC, City Clerk



AD FORM

LAS CRUCES BULLETIN	
CLASSIFIED LEGAL AD	
DATES TO PUBLISH: 07/31/09 & 08/07/09	
CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017	BILL TO: <u>CITY CLERK</u> P O BOX 20000 LAS CRUCES, NM 88004
PROOF OF PUBLICATION REQUIRED.	

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 **Transfer of Ownership of State Liquor License No. 2787 from Andrews, Ragle & Wamel, Inc. d/b/a Hurricane Alley Pub to Four Daughters Enterprises, Inc. d/b/a Hurricane Alley Pub, located at 1490-A East Missouri 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, August 17, 2009, at 1:00 p.m. in the City Council Chambers, 200 North Church, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the transfer.

Witness my hand and seal of the City of Las Cruces on this the 22nd day of July 2009.



 Esther Martinez, CMC, City Clerk



City of Las Cruces®
PEOPLE HELPING PEOPLE

**INTER-DEPARTMENTAL
MEMORANDUM**

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TO: Fermin A. Rubio, City Attorney

FROM: Dan Soriano, Traffic Engineer, Public Works 

SUBJECT: Traffic Investigation Report

DATE: July 23, 2009

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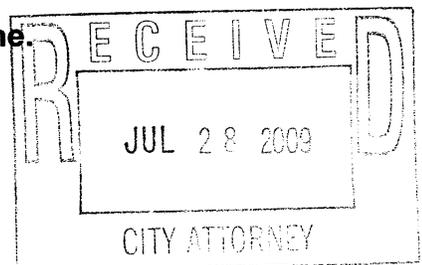
As requested, Traffic Engineering has completed a traffic investigation for Hurricane Alley Pub, 1490-A East Missouri, Las Cruces. The following information is submitted for review:

- Missouri Avenue at this location carries approximately 16,500 vehicles per day.
- Missouri Avenue is operated as a four lane major arterial roadway and primarily serves commercial use.
- Access to the property in question is off of both Missouri Avenue and Luna Street. No sight distance problems exist at either access.
- The speed limit on Missouri Avenue in this area is 35 mph and is unposted along Luna Street (30 mph by ordinance).

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.

Attachment 3





City of Las Cruces

To: Fermin A. Rubio, City Attorney

From: Adam Ochoa, Associate Planner *AO*

Re: Liquor License Impact Report, Four Daughters Enterprises, Inc.
d/b/a/ Hurricane Alley Pub

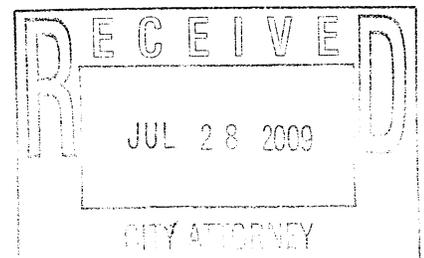
Date: July 22, 2009

M-09-164

Development Services staff has reviewed the request for transfer of ownership of Liquor License No. 2787 for Four Daughters Enterprises, Inc., d/b/a/ Hurricane Alley Pub located at 1490A E. Missouri Avenue. Because this license is a transfer of ownership request and no actual change in the operation/activities at this location will occur, staff recommends approval of the request.

Cc: Cheryl Rodriguez *CR*

Attachment 4



From: Christine Logan
Sent: Wednesday, July 22, 2009 11:43 AM

Hurricane Alley is current on both their City liquor license (through June 2010) and city business registration (through December 2009).

From: Monica Campbell
Sent: Tuesday, July 21, 2009 4:47 PM
To: Christine Logan
Cc: Vicki Montez
Subject: Review of Liquor License Application

Attached is Alcohol & Gaming's letter and an application for a Transfer of Ownership of State Liquor License No. 2787, Hurricane Alley Pub, 1490-A East Missouri, Las Cruces.

Please review the application and report on any business licenses and permits.

In order to meet the time limits and publication deadlines imposed by law, I would appreciate it if you would submit your report no later than **July 31, 2009**.

Monica Campbell
City Attorney's Office
541-2128



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

DATE: August 4, 2009
TO: Fermin A. Rubio, City Attorney
From: Harry Romero, Chief of Police
Subject: Four Daughters Enterprises, Inc.

I have reviewed all available statistical information obtained from the Las Cruces Police Department Crime Analyst in reference to the attached liquor license application for Four Daughters Enterprises, Inc. (Hurricane Alley Pub).

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for Four Daughters Enterprises, Inc.(Hurricane Alley Pub) to be approved.


Harry Romero
Chief of Police



Interdepartmental Memorandum

TO: Fermin A. Rubio, City Attorney
FROM: Travis A. Brown, Deputy Chief *TAB*
SUBJECT: Liquor License Review
DATE: July 31, 2009 **FILE #:**

Our department has reviewed the liquor license application for Four Daughters Enterprises, Inc., d/b/a Hurricane Alley Pub, located at 1490 A East Missouri Ave., Las Cruces, New Mexico.

This is an existing facility that currently serves alcoholic beverages. The building was inspected for compliance with the 2006 International Fire Code (IFC). The following deficiency was noted and our department will conduct a re-inspection to ensure corrective measures are taken.

1. Fire extinguisher had not been serviced within 12 months

The building is in compliance with the requirements for a facility that serves alcoholic beverages. Please contact me if you have questions or desire additional information.

Attachment 7

