CITY OF LOVINGTON
CALLED MEETING OF THE CITY COMMISSION

THURSDAY, MARCH 28, 2013 @ 5:30 P.M.
TO BE HELD AT 214 SOUTH LOVE STREET

AGENDA

Notice of this meeting has been given to the public in compliance with Section 10-15-4 NMSA 1978

OPEN MEETING

Call to Order
Roll Call
Invocation- Commissioner Benge
Pledge of Allegiance- Commissioner Benge
Approval of Agenda

ACTION ITEMS

Consideration of Approval of Restaurant Beer and Wine License for Francisco J. Hernandez dba Taqueria Jalisco 928 W. Ave D, Lovington, NM **TAB 1**

PUBLIC COMMENT

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-396-2884 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-396-2884 if a summary or other type of accessible format is needed.

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/alcoholandgaming

Susana Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Mary Kay Root
DEPUTY
SUPERINTENDENT

James C. McKay
CHIEF GENERAL
COUNSEL

Jennifer M. Anderson
DIRECTOR

February 13, 2013

Certified Mail No.: 7009 2250 0000 9393 2445

City of Lovington
Attn: Rhonda Jones, Clerk
PO Box 1268
Lovington, NM 88260

Re: License /Appl. No.: Appl. No. A-842195
Name of Applicant: Francisco J. Hernandez
Doing Business As: Taqueria Jalisco
Proposed Location: 928 W. Avenue D
Lovington, NM 88260

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 and granted **Preliminary Approval**; it 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 RESTAURANT BEER AND WINE LICENSE WITH ON-PREMISE CONSUMPTION ONLY.

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

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 the proposed location is 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.
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,

Rose L. Garcia

Rose L. Garcia
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4552
Fax: 505-476-4595
Email: rosel.garcia@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application

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

Rev. 05/10

12/26/12 mail

LIQUOR LICENSE APPLICATION

Application fee - **$200.00** Fees are non-refundable.

ENTERED 200

State Liquor License # _____
Application Number 85195
Local option (AGD use) 14020
R# 14328863

Record Owner of Existing License _____
Current D/B/A Name ~~Francisco J Hernandez DBA Taqueria Jalisco~~
Current Premises Address ~~928 West Avenue D, Lovington NM 88260~~

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 X Type of License being applied for Beer and Wine

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

NAME OF APPLICANT (company or individual)	**ADDRESS (including city, state, zip)**	**TELEPHONE NUMBER**
Francisco J Hernandez	3917 Springwood Dr Clovis NM 88101	575-309-3382

D/B/A name to be used: Taqueria Jalisco Phone number for licensed premises: 575 396-1764

Physical location where license is to be used: 928 W Avenue D Lovington NM 88260
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 3917 Springwood Dr Clovis NM 88101

RECEIVED
DEC 24 2012
ALCOHOL & GAMING DIVISION

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

I, (print name) Francisco J Hernandez, as (title) Owner 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 Appplicant Francisco Hernández Date 12/20/2012

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 20th day of December, 20 12 by Francisco J Hernandez

Notary Public Julia L Gonzales My Commission Expires 12-31-2015

OFFICIAL SEAL
JULIA L. GONZALES
NOTARY PUBLIC - STATE OF NEW M
My commission expires: 12/31/2015

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 _____

RECEIVED
DEC 24 2012
ALCOHOL & GAMING DIVISION

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) TMM Investments Ltd from month to month

B. Date and term of lease Original Lease and renewal 8/16/2009 - 8/31/2010 & 5/1/2012 - 4/30/2017

3. Premises location is zoned (example C-1) C
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 1000 ft Name of church Iglesia Cristo esel Camino Address/location of church 518 S 11th Street Lovington NM

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

Miles/feet 1250 ft Name of school Taylor Middle School Address/location of school 700 S 11th Street Lovington NM

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

Miles 130.4 Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), 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 ½ 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 X Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery.

CITY OF LOVINGTON
PUBLIC HEARING NOTICE

The City of Lovington will be conducting a public hearing on March 28, 2013 at 5:30 p.m. at City Hall, 214 South Love Street, Lovington, New Mexico for the purposes of approving or disapproving the application of a restaurant beer and wine license with on-premise consumption only. Francisco J. Hernandez, DBA Taqueria Jalisco, 928 West Avenue D, Lovington, New Mexico 88260 has applied to the New Mexico Regulation and Licensing Department for this restaurant license. The Director of the Alcohol and Gaming Division has reviewed the application and has granted Preliminary Approval.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-396-2884 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-396-2884 if a summary or other type of accessible format is needed.

7012 1640 0000 3217 3522

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OFFICIAL USE

Postage	$ .46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	2.55
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 6.11

0660 04 Postmark Here

03/12/2013

Sent To: Francisco J. Hernandez
Street, Apt. No.; or PO Box No.: 928 W Ave D
City, State, ZIP+4: Lovington, NM 88260

PS Form 3800, August 2006 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Francisco J. Hernandez
DBA Taqueria Jalisco
928 West Ave D
Lovington, NM 88260

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Karmin Rivera ☐ Agent ☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery 3/13/13

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7012 1640 0000 3217 3522

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154