



# Alamogordo City Commission

## NOTICE OF MEETING

### Regular Meeting Agenda

April 13, 2021 - 6:30 PM

The Commission Meeting will be a VIRTUAL MEETING  
with City Commission and City staff participating through video. The link is:  
<https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>

|                   |                           |
|-------------------|---------------------------|
| Richard Boss      | Mayor                     |
| Nadia Sikes       | Mayor Pro-Tem, District 2 |
| Jason Baldwin     | District 1                |
| Susan Payne       | District 3                |
| Josh Rardin       | District 4                |
| Sharon McDonald   | District 5                |
| Dusty Wright      | District 6                |
|                   |                           |
| Brian Cesar       | City Manager              |
| Petria Bengoechea | City Attorney             |
| Rachel Hughs      | City Clerk                |

#### MISSION STATEMENT as Adopted by the City Commission on March 24, 1995.

*The City of Alamogordo is a Municipal Corporation that exists solely for the purpose of providing the best possible services to our customers, the citizens of Alamogordo. We are committed to providing these services with honesty, integrity, compassion, fairness, and a commitment to excellence.*

*We are committed to the long-term financial stability and responsible growth of the City and all decisions will be driven by our commitment to provide the best services possible in a financially sound and responsible manner given the economic realities facing the City.*

*In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside a the north entrance of the City Hall, distributed to the appropriate news media, and posted on the City website: <http://ci.alamogordo.nm.us> within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Alamogordo website: <http://ci.alamogordo.nm.us>*

*The Mayor and City Commission request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Commission Chambers to respond to or to conduct a phone conversation. The Alamogordo Commission Chambers is wheelchair accessible. Other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 575-439-4100.*

#### CALL TO ORDER & ROLL CALL

*Announce the presence of a Quorum.*

#### INVOCATION & PLEDGE OF ALLEGIANCE

#### APPROVAL OF AGENDA

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**PRESENTATIONS**

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1. Presentation of Purple Up Day for Military Kids Day Proclamation. *(Richard Boss, Mayor)*

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**PUBLIC COMMENT**

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*Residents must submit comments to the City Clerk prior to 3 p.m. on the day of the Commission meeting. Comments will be distributed to the Commission and the City Manager and will be included in the public record.*

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**CITY MANAGER'S REPORT**

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**REMARKS AND INQUIRIES BY THE CITY COMMISSION**

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**CONSENT AGENDA** (Roll Call Vote Required for an Ordinance or Resolution)

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*All matters listed under the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

2. Approve the minutes for the March 23, 2021 Regular meeting. *(Rachel Hughs, City Clerk)*
3. Approve the statements related to the Executive Closed Session held on March 23, 2021. *(Rachel Hughs, City Clerk)*
4. Consider, and act upon, Ordinance 1627 Case Z-2021-0001(A) for adoption and final publication for a map amendment to change the zoning designation of the property located at 911 Mescalero St. from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
5. Consider, and act upon, award of IFB 2021-01 Sodium Hypochlorrite 12.5% to DPC Inc. in the amount not to exceed \$160,000. *(Larry Garner, Public Works Director)*

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**ITEMS REMOVED FROM CONSENT AGENDA**

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**PUBLIC HEARINGS**

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6. Consider, and act upon, a Winegrower Liquor License for St. Clair Winery & Bistro VI, LLC application 1180494, located at 261 Panorama Blvd. *(Rachel Hughs, City Clerk and Rebecca Lescombes, Applicant)*
7. Consider, and act upon, a Restaurant Beer and Wine Liquor License with on the Premises Consumption Only for IHOP application 3330 Alamogordo, INC, located at 1413 S. White Sands Blvd. *(Rachel Hughs, City Clerk and Teodoro Regalado, Applicant)*

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**NEW BUSINESS**

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8. Consider, and act upon, Award of an Engineering Services Agreement to Smith Engineering Company related to the CDBG Sidewalk Improvement Project. *(Nancy Beshaler, Project Manager)*
9. Consider, and act upon, request by Lucy Sanchez-Braswell, citizen, for removal of liens and fines at 806 Jefferson Avenue. *(Lucy Sanchez-Braswell, Citizen)*
10. Consider, and act upon, approval for water services for a County residence at 907 S. Canyon Road. *(Larry Garner, Public Works Director)*
11. Consider, and act upon, Resolution 2021-10 to Increase Convenience Center rates on water bills. *(Larry Garner, Public Works Director)* **(Roll Call Vote Required)**

12. Consider, and act upon, approval of two new Meter Reader positions in the Utility Billing Department. (*Evelyn Huff, Finance Director*)

13. Appointments to Boards and Committees. (*Richard Boss, Mayor*)

**EXECUTIVE SESSION** (Roll Call Vote Required)

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14. Adjourn into Executive Session in compliance with 10151(h)(7) NMSA (as amended) to discuss threatened or pending litigation - Tommy Herrell threatened lawsuit. (**Roll Call Required**)

**ADJOURNMENT**

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# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 3/15/2021

**Report No:** 1.

**Submitted By:** Rachel Hughs

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**Subject:** Presentation of Purple Up Day for Military Kids Day Proclamation. (*Richard Boss, Mayor*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:** Purple Up Day for Military Kids Day is to honor and to thank children of our men and women in the military serving our country.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 3/30/2021

**Report No:** 2.

**Submitted By:** Rachel Hughs

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**Subject:** Approve the minutes for the March 23, 2021 Regular meeting. *(Rachel Hughs, City Clerk)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve the minutes.

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**Background:** This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
6:30 P.M., VIRTUAL MEETING  
March 23, 2021**

**RICHARD BOSS, MAYOR  
SHARON McDONALD, COMMISSIONER  
JOSH RARDIN, COMMISSIONER  
DUSTY WRIGHT, COMMISSIONER  
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM  
JASON BALDWIN, COMMISSIONER  
BRIAN CESAR, CITY MANAGER  
PETRIA BENGOCHEA, CITY ATTORNEY  
RACHEL HUGHS, CITY CLERK**

**CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE**

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the Deputy Clerk. Deputy Clerk Gutierrez announced there was a quorum present. Invocation was given by Commissioner McDonald, and the Pledge of Allegiance was led by Commissioner Payne.

**APPROVAL OF AGENDA**

**Commissioner Baldwin moved to approve the agenda.  
Commissioner Wright seconded the motion.  
Motion carried with a vote of 7-0-0.**

**PRESENTATIONS**

1. Presentation by Jennifer Toncray for help to proceed in efforts to locate and fix water leak. (*Jennifer Toncray, Citizen*)

Ms. Toncray said she had three questions before she started the presentation. She asked the salary and pay of Mark Threadgill. Commissioner Baldwin said in a presentation it was not a question-and-answer session, and any questions like that could be directed to the City Clerk or City Manager. Ms. Toncray said her questions pertained to her presentation and it would be helpful if she knew whether he received bonuses for increasing revenue intake. Mayor Boss said to please just direct the presentation to the Commission. Ms. Toncray said her last question was whether the employees of the City were drug tested, the managers and the employees? Could she get those questions answered from the City's personnel department? Commissioner Payne said she needed to do a public records request. Some of those were personnel matters and she may not get all those answers.

Ms. Toncray said her father had water with the City for more than 60 years, and her grandfather before that. She had had water for more than 20 years. The customer service she had received from Armando was good and helpful, and she found the contrast between him and Mark very troubling. She did not know the details why Armando was not with the City anymore except what she had heard through the community and the newspaper, and it seemed he was only trying to help people although maybe not in a properly described manner. She found Mark had a sense of bullying her, was unhelpful at times, and was very aggressive in the way he did his job. He was vengeful and there were dishonest things he did. She felt he had tried to harm her.

Commissioner Payne asked if she had a presentation or something she would like to share about her water service? Ms. Toncray said she was talking about the dirty tricks that were pulled on her by Mark. He ran up her water bill initially when the leak began, and he even told her he had done that because people did not pay their bills. That put a hardship on her from the beginning in trying to get this water situation squared around. She was disabled and that was not helpful with what he did to run the water bill up on her. Then she found out about another account that was opened, and monies which were supposed to be applied to paying down her account to get her water turned back on, were going into the other account. The first time she knew about it was on March 4, 2021. So, there were monies that had been misappropriated going into that other account. She had asked several times prior to that time to see if she could get the water turned

back on so she could identify where the leak was and start working on getting it fixed. She and City Manager Cesar had talked, and they had an agreement on what was going to be happening. Then when he had his procedure and while he was gone, Mark had decided to lock her water, so she was without water. One of her animals had gone without water and had died. She had continuously paid on this bill every month. The first plumber was canceled in September because when he arrived to try and find the leak, the water was locked, and he could not do anything with it. Starting on March 1<sup>st</sup> of this year, she tried to find out the status of her account. Prior to that she had tried to find out and she knew the numbers were wrong. Now the numbers were still wrong because of the monies going into that other account. She felt that close to \$400 should be going back into her original account to help her get that cleared up so she could get the water back on. The second plumber had to be canceled as well, so that was twice she had plumbers lined up trying to get the water leak identified so she could fix it. Her yard line was over two football field lengths away from her house. Other dirty tricks pulled on her that caused distress included Mark accusing her of parking her car over the meter, causing it to not read properly. She was disabled and was not going to be parking her car over two football field lengths away from her house. Ever since she started looking at her options, she was told that it would cost her almost \$1,700 if she tried to disconnect, plus almost \$2,000 in water. So, she had chosen to try and find the water leak and continue. But now that this other account had been created, she would like to see if that second account could be discharged because there was no reason for that initial account to be closed because it was being paid on. She would like to have the other account closed and those monies be applied to her initial account. At this point she had no services because she had no water and had never had sewage or trash services. Ms. Toncray said the paperwork in her backup included a graph that showed the initial problem, and it showed a large peak on December 30<sup>th</sup>. That was when she had first found out about the problem and a possible leak. On a Wednesday, the cashier had told her they did not know what it was and that it would take about two days to find out. She had expected to be notified on Friday but was not notified for over three weeks later.

Assistant City Manager Hernandez said her presentation had been 10 minutes. Ms. Toncray asked if she could go through the forms? Mayor Boss said everyone had copies of her forms. Assistant City Manager Hernandez said all the forms which were provided to the City Clerk's office were included in the packet and the Commission was able to see them all and review them. Mayor Boss said they could review them and have the necessary conversations with management, and they could get back to her. Ms. Toncray asked who would be getting back to her and when because this was a very expensive job she was looking at and it was going to take all her money to get it done. Assistant City Manager Hernandez said she would be contacting her tomorrow.

## **CITY MANAGER'S REPORT**

### **City Manager Cesar made the following comments:**

1. City Manager Cesar said that Officer Ray Brown had been promoted to the position of Sergeant last week, and he wished to offer him congratulations.
2. City Manager Cesar said Fire Chief Jim Leclair was retiring at the end of April, and Richard Adler from Holloman AFB had been selected to replace him. Mr. Adler would be starting with the City on April 5<sup>th</sup>, so there would be a period of overlap between him and Chief Leclair.
3. City Manager Cesar said normally we paid for the fireworks display out of Fund 20 which was partially funded by the lodger's tax. That was one of the cuts for this fiscal year which was cut out of the budget. He had spoken with Mr. Powell from the Space Hall, and we would be funding the fireworks display out of a different fund for this year. For next fiscal year that display would be funded out of a different fund, but hopefully after that it could be put back into the proper fund. In addition to that, they found that we did not have an agreement with the Space Hall since probably the early 2000's so we would be needing to also put that together.
4. City Manager Cesar said as a reminder to Commissioner Rardin, Commissioner McDonald, and Commissioner Payne, today the proxy forms went out for the annual Otero County Solid Waste

Authority meeting which would be held this Thursday at 2:00 pm. He requested they each fill out the proxy form and email it through.

5. City Manager Cesar said he had received the final decision from the PRC regarding the Scenic Extension. It had been approved, so Engineering was moving forward with getting the plans finalized, and Engineering and Legal were working together to get the remaining documents signed. Hopefully in the very near future the project would be bid.

## **REMARKS AND INQUIRIES BY THE CITY COMMISSION**

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### **Commissioner Rardin made the following comments:**

Commissioner Rardin said at the intersection of White Sands Blvd. and Indian Wells where the construction was going on, he had already seen three or four accidents and the project had only been going on for two weeks. He was wondering if City Manager Cesar could reach out to the contractor to see if they could redevelop their traffic plan a little bit. Currently it was a mess. This was a year long project, we were only two weeks in, and he had literally seen four accidents, and that was just the ones he had seen. City Manager Cesar said he had already reached out to them as there were issues with sign placement and the congestion at White Sands and Indian Wells, which had been communicated to DOT. Some of the signage was blocking line of sight and some signs had already been adjusted. They also were looking at the traffic control plan, which was dictated by NMDOT to see what, if anything, could be modified. According to the way it was bid and the traffic control plan, which was placed in the project, a lot of the medians had already been removed which would make it more difficult to change traffic patterns without the contractor going in and filling in some of the median areas or laying some temporary pavement to help divert traffic. The contractor did state they would be looking at it. Commissioner Rardin said this was a year long project, and during busy traffic times it was not unusual to sit through three to five light cycles before you could get through the intersection.

## **CONSENT AGENDA**

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**2. Approve the minutes for the March 9, 2021 Regular meeting. (Rachel Hughs, City Clerk)**

**3. Approve the 2021-2022 Law Enforcement Protection Funds Application in the amount of \$55,200. (Richard Denton, Chief of Police)**

**4. Consider, and act upon, acceptance of grant agreement from NMDOT to Alamogordo-White Sands Regional Airport in the amount of \$94,000.00 to construct a tractor shed. (Jim Talbert, Airport Manager)**

**5. Consider, and act upon Ordinance 1625, for adoption and final publication, authorizing the Repeal of Ordinance 1439 Housing Authority Advisory Board and Creating Resident Advisory Board. (Marissa Ruiz, Housing Authority Manager and Evelyn Huff, Finance Director) (Roll Call Vote Required)**

**6. Consider, and act upon, Resolution 2021-09 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of March 23, 2021 (Evelyn Huff, Finance Director) (Roll Call Vote Required)**

**Commissioner Payne moved to approve items 2, 3, 4, 5, and 6 of the Consent Calendar.**

**Commissioner Wright seconded the motion.**

**Roll Call Vote was taken.**

**Motion carried with a vote of 7-0-0.**

## **NEW BUSINESS**

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### **7. Appointments to Boards and Committees. (*Richard Boss, Mayor*)**

Mayor Boss read the openings and reappointed Barbara Jo Telles to the Mayor's Committee on Aging for her third term. No one was opposed.

## **EXECUTIVE SESSION (Roll Call Vote Required)**

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**8. Adjourn into Executive Session in compliance with 10151(h)(7)(8), NMSA (as amended) to discuss Threatened or Pending litigation Western Baking Corporation LEDA and to discuss Real Property 7<sup>th</sup> and Alaska.**

## **ADJOURNMENT**

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Commissioner Payne moved to adjourn into Executive Closed Session at 6:58 p.m.  
Mayor Pro-Tem Sikes seconded the motion.  
Roll Call Vote was taken.  
Motion carried with a vote of 7-0-0

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*Mayor Richard Boss*

*ATTEST:*

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*City Clerk Rachel Hughs*

(Prepared by Teresa Gutierrez, Deputy Clerk)  
Approved at the Regular Meeting held on April 13, 2021.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 3/24/2021

**Report No:** 3.

**Submitted By:** Rachel Hughs

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**Subject:** Approve the statements related to the Executive Closed Session held on March 23, 2021. *(Rachel Hughs, City Clerk)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** The statement is required per the Open Meetings Act.

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**Background:** Approve the following statements authorizing them to be included in the minutes of April 13, 2021: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that on March 23, 2021, a Closed Executive Session was held and matters discussed in the closed meeting were limited only to: discuss Threatened or Pending litigation Western Baking Corporation LEDA and to discuss Real Property 7th and Alaska.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 3/24/2021

**Report No:** 4.

**Submitted By:** Stella Rael

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**Subject:** Consider, and act upon, Ordinance 1627 Case Z-2021-0001(A) for adoption and final publication for a map amendment to change the zoning designation of the property located at 911 Mescalero St. from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park. (*Stella Rael, City Planner*)  
**(Roll Call Vote Required)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve for final adoption and final publication.

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**Background:** Ordinance 1627 came before the Commission on February 23, 2021 for first publication. Commission passed it with a vote of 7-0-0.

The existing Manufactured Housing Park was annexed into the city limits in early 1960. The current zoning designation is MH-1 Manufactured Housing Subdivision. Current owners have listed the property for sale and in order to continue operating as a Manufactured Housing Park and allow new homes to be placed the zoning designation must be corrected. The correct zoning is MH-2 Manufactured Housing Park.



City of Alamogordo

# City Commission



**Z-2021-0001(A)**

Stella Rael, City Planner  
February 23, 2020

# Zoning Request Case: Z-2021-0001(A)

## Request:

The applicants are requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 911 Mescalero St. from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park.

## Applicant:

Robert J. & Marsha Smith

911 Mescalero St.

Alamogordo, NM 88310

# 911 Mescalero St. MH-1 District

3



# Zoning Request Case: Z-2021-0001(A)

4

## Findings of Fact

- ◆ 1. The property is located at 911 Mescalero Street within a MH-1 Manufactured Housing Subdivision.
- ◆ 2. The request is to amend the current zoning map from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park.
- ◆ 3. The legal notice was published on January 17, 2021
- ◆ 4. Twenty-Two (22) letters were mailed by certified/returned receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the rezoning is sought.
- ◆ 5. As of February 16, 2021 there have six letters returned undeliverable, and I have not received any letters or phone calls of opposition.
- ◆ 5. This case was presented to the Planning and Zoning Board on February 4, 2021. Planning and Zoning recommend approval by a vote of 4-0-0.

# Zoning Request Case: Z-2021-0001(A)

5

## **Staff Recommends:**

To accept the finding of facts as presented and approve Zone Request Case: Z-2021-0001(A).

## **ORDINANCE No. 1627**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 911 MESCALERO ST. FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT MH-1 MANUFACTURED HOUSING SUBDIVISION TO MH-2 MANUFACTURED HOUSING PARK, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.**

**WHEREAS**, Robert J. and Marsha Smith, (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 911 Mescalero St. and legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

**WHEREAS**, an application has been filed in the Owner's names under Case No.

**Z-2021-0001(A)** to change the zoning of the Property, and

**WHEREAS**, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the present designation and zoning district of MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park ; and

**WHEREAS**, the City Commission, after notice and hearing, finds and determines that the application for re-zoning of the Property is in the public interest and is consistent with proper development of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION, THAT** the zoning of the Property, which is more fully described below:

### **COLLINS TRACTS, LOT TR 10**

Is hereby changed from MH-1 Manufactured Housing Subdivision to MH-2 Manufactured Housing Park: and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**CITY OF ALAMOGORDO, NEW MEXICO a  
New Mexico municipal corporation**

By: \_\_\_\_\_  
Richard Boss, Mayor

**ATTEST:**

\_\_\_\_\_  
Rachel Hughs, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Petria Bengoechea, City Attorney

Record of Decision  
City of Alamogordo  
A New Mexico Municipal Corporation

Case#: **Z-2021-0001(A)**

For the Subject Property as follows:

Commonly Known As: **911 Mescalero St.**

Uniform Property Code & Parcel Code: **01N4053097484450**

Legal Description: **COLLINS TRACTS, LOT TR 10**

The Alamogordo Planning & Zoning Commission considered this item on **February 4, 2021**  
and recommended the following action to the Alamogordo City Commission by a vote of **4-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2021-0001(A)**.

.....  
The Alamogordo City Commission issued the following decision on **February 23, 2021** by a  
vote of \_\_\_\_\_

**Approve as recommended for first publication Ordinance # 1627**

.....  
The Alamogordo City Commission issued the following decision on \_\_\_\_\_, by a vote of  
\_\_\_\_\_

**Approve as recommended for final publication Ordinance #1627 .**

Attest:

CITY OF ALAMOGORDO, New Mexico,  
A New Mexico Municipal Corporation

\_\_\_\_\_  
Rachel Hughs, City Clerk

\_\_\_\_\_  
Richard Boss, Mayor

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 4/1/2021

**Report No:** 5.

**Submitted By:** Larry Garner

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**Subject:** Consider, and act upon, award of IFB 2021-01 Sodium Hypochlorite 12.5% to DPC Inc. in the amount not to exceed \$160,000. *(Larry Garner, Public Works Director)*

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**Fiscal Impact:** N/A

Amount Budgeted: \$196,000.00

Fund: 081-5703-461-3295 & 081-5603-432-3295

Additional Fiscal Impact:

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**Recommendation:** Award IFB 2021-01 to DPC Industries, Inc. in the amount of \$160,000.00

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**Background:** IFB No. 2021-01 Sodium Hypochlorite was advertised March 21, 2021, and opened March 31, 2021 at 2:00 p.m.. There was one responsive bid received: DPC Industries, Inc. This bid is to be awarded to lowest bidder meeting specifications.

This is an estimated quantity, multi-term contract commencing April 14, 2021 through April 13, 2022 for the first term. The contract may be extended for three additional one-year terms. Quantity is determined on an estimated annual maximum usage.

The purchase of Sodium Hypochlorite will be utilized by Water Maintenance Department. It is required for compliance with drinking water permit used to disinfect water. Waste Water Maintenance uses Sodium Hypochlorite for disinfecting.

Anticipated need for the product will not exceed \$63,000 for the remainder of FY 2021.

Bid tabulation attached.

**BID TABULATION**  
**Sodium Hypochlorite**  
**CITY OF ALAMOGORDO IFB BID NO. 2021-01**  
**March 31st, 2021 2:00 PM**

| ITEM<br>NO. | Estimated<br>Quantity<br>In Gallons | DESCRIPTION                   | DPC Industries Inc. |              |
|-------------|-------------------------------------|-------------------------------|---------------------|--------------|
|             |                                     |                               | Unit Price          | Total Price  |
| 1           | 100,000                             | SODIUM HYPOCHLORITE-<br>12.5% | \$1.60              | \$160,000.00 |
|             |                                     |                               |                     |              |
|             |                                     |                               |                     |              |
| TOTAL       |                                     |                               |                     |              |

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 4/1/2021

**Report No:** 6.

**Submitted By:** Rachel Hughs

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**Subject:** Consider, and act upon, a Winegrower Liquor License for St. Clair Winery & Bistro VI, LLC application 1180494, located at 261 Panorama Blvd. (*Rachel Hughs, City Clerk and Rebecca Lescombes, Applicant*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Provide Staff direction.

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**Background:**

The Alcoholic Beverage Control Division of the State of New Mexico has given this application preliminary approval. In accordance with Section 60-6B-4 NMSA of the Liquor Control Act, the Division must refer the application to the Governing Body for approval or disapproval. This public hearing is for the purpose of considering the application. A Notice of Public Hearing was published in the Alamogordo Daily News on Friday, March 12, 2021, and Sunday, March 28, 2021. These publications meet the State regulations of publishing a notice twice prior to the hearing.

The applicant Rebecca Lescombes of New Mexico Wineries, Inc. 1325 De Baca Rd SE, Deming NM 88030, is seeking a Winegrower Liquor License for St. Clair Winery & Bistro VI, LL located at 261 Panorama Blvd.



**NMRLD**  
NEW MEXICO  
REGULATION &  
LICENSING DEPARTMENT

STATE OF NEW MEXICO  
**MICHELLE LUJAN GRISHAM, GOVERNOR**  
Linda M. Trujillo, Superintendent  
Andrew Vallejos, Director

March 1, 2021

**Certified Mail No.: 9171 9690 0935 0078 6738 68**

9171 9690 0935 0078 6738 68

**City of Alamogordo**  
**Attn: Rachel Hughes**  
**1376 East Ninth St.**  
**Alamogordo, NM 88310**

**Lic. No. /Appl. No.:**      **Application No. 1180494**  
**Name of Applicant:**      St. Clair Winery & Bistro VI, LLC  
**Doing Business As:**      DH Lescombes Winery & Bistro  
**Proposed Location:**      261 Panorama Blvd., Alamogordo, NM 88310

The Director of the Alcoholic Beverage Control Division (ABC) has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

**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 **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur 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;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and



regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;

ABC has no preference in the option you choose.

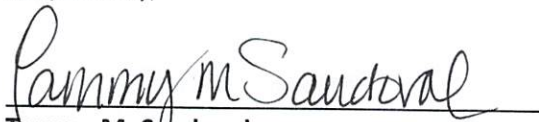
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

**The Applicant is seeking a Winegrower Liquor License.**

**Within thirty (30) days** after the Public Hearing, the governing body shall notify ABC of their decision to approve or disapprove the issuance or 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 notices of publication. **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 issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



**Tammy M. Sandoval**

Admin Law Judge | Hearing Officer  
NM Regulation & Licensing Department  
Alcoholic Beverage Control Division  
Phone: (505) 476-4552 Fax: (505) 476-4595  
Email: [Tammy.Sandoval@state.nm.us](mailto:Tammy.Sandoval@state.nm.us)

**Enclosures:**

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement





AGD Stamp

AGD USE ONLY: Payment | Application Fee \$ 200.00 Received on: 10/26/20 Receipt No. 2332941  
License Fee \$ \_\_\_\_\_ Received on: \_\_\_\_\_ Receipt No. \_\_\_\_\_

Application # 479063-1180494 Local Option District: \_\_\_\_\_

## WINEGROWER LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Application is for: ☒ New License ☐ Off-Site Location - 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> Master License No. \_\_\_\_\_

Applicant is: ☐ Individual ☒ Limited Liability Company ☐ Corporation ☐ Partnership (General/Limited)

NAME OF APPLICANT: (Company or Individual)

TELEPHONE NUMBER

ST. CLAIR WINERY & BISTRO VI, LLC 575-546-9324

EMAIL ADDRESS (required): COMPLIANCE@LESCOMBESWINERY.COM

MAILING ADDRESS: PO BOX 1180 DEMING NM 88031

D/B/A Name to be used: DH LESCOMBES WINERY & BISTRO Business Phone #: 575-546-9324

Physical location where license is to be used: (Include street number / highway number / state road, city, county, state, and zip code)

201 PANORAMA BLVD ALAMOGORDO NM 88310

Are alcoholic beverages currently being dispensed at the proposed location? ☐ Yes ☒ No If Yes, License # / Type: \_\_\_\_\_

Agent/Contact Person: REBECCA LESCOMBES Phone#: 575-546-9324 x19 Email: RLESCOMBES@LESCOMBESWINERY.COM

I, (print name) FLORENT LESCOMBES, as (title) MANAGING MEMBER / V.P.  
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 before a Notary Public.

Signature of Applicant: \_\_\_\_\_ Date: 10/18/20

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Grana)

SUBSCRIBED AND SWORN TO before me this 8th day of October, 20 20

By: Florent Lescombes Notary Public: Janice E. Wilson

My Commission Expires: Jan 23, 2021

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: \_\_\_\_\_ City, County, Town, Village

Public Hearing held on \_\_\_\_\_, 20 \_\_\_\_\_. Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: \_\_\_\_\_

FOR ALCOHOL AND GAMING DIVISION USE ONLY: ☐ Approved ☐ Disapproved

Signed by Director: \_\_\_\_\_ Date: \_\_\_\_\_



COPY

**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**

NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

☐ Owned by Applicant, copy of deed/document attached

☒ Leased by Applicant, copy of lease/document attached

☐ Other (provide details): \_\_\_\_\_

EXHIBIT #1  
RECEIVED

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

A. Owner(s): **BACCHUS PROPERTIES, LLC**

B. Date and Term of Lease: **9/1/2020 5 years**

OCT 26 2020

ALCOHOLIC BEVERAGE  
CONTROL

3. Premises location is Zoned (example C-1, see Zoning Statement): **C-3 Commercial**

☒ **Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning. **EXHIBIT #2**

4. Distance\* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: **Heart Cowboy Church** Miles/feet: **.4 miles**

Address/location of Church: **1311 Galway Dr, Alamogordo, NM 88310**

EXHIBIT #3

5. Distance\* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: **Mt View Middle School** Miles/feet: **1.4 mi**

Address/location of School: **500 Washington Ave, Alamogordo, NM 88310**

EXHIBIT #4

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

Name of Military Installation, circle one: **Kirtland Air Force Base (Albuquerque)**, White Sands Missile Range (Las Cruces),  
Miles: **7.1** **Holloman Air Force Base (Alamogordo)**, Cannon Air Force Base (Clovis)

EXHIBIT #5

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises. **EXHIBIT #6**

8. Type of Operation: ☐ Hotel ☐ Lounge ☐ Package Grocery ☒ Restaurant ☐ Racetrack

☐ Small Brewer ☐ Craft Distiller ☒ Winery ☐ Wholesaler

☐ Other (specify): \_\_\_\_\_

**\*NOTE:** 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.

COPY



## City of Alamogordo

Planning & Zoning 1376 E. Ninth Street

Alamogordo, New Mexico 88310 Ph (575)439-4220 FAX (575)439-4343  
Srael@ci.alamogordo.nm.us

CD-016-2020  
Revised

January 22, 2021

St. Clair Winery & Bistro VI, LLC  
PO Box 1180  
Deming, NM 88031

RE: 261 Panorama Blvd.

ATTN: Florent Lescombes

Dear Mr. Lescombes:

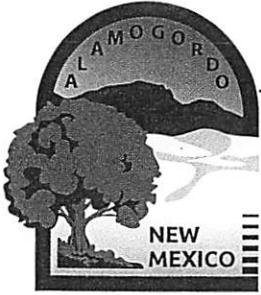
At your request, we have researched our records and determined the zoning classification of that certain real property, which has the street address of **261 Panorama Blvd.** is within the corporate boundaries of the City of Alamogordo. This is written, in accordance with the provisions of Section 2-01-030(j) and Section 29-01-010 of the Code of Ordinances of the City of Alamogordo, New Mexico, to provide a Certificate of Zoning Classification regarding the property.

The property at **261 Panorama Blvd.** is within the **C-3 Business District** as per the City of Alamogordo Zoning Map, which does not prohibit the sale of alcoholic beverages. Alamogordo Municipal Code Chapter 29, zoning allows restaurant, wineries, and commercial businesses within the district. Applicant will be allowed to bring in raw juice in sixty (60) gallon containers, and ferment in the same containers at this location of **261 Panorama Blvd.** to be served onsite or sent off site to a bottling facility.

Please contact me if you need more information. Note for a full understanding of what is permitted or prohibited by the Alamogordo Code of Ordinances please refer to the Code in its entirety. The City's website at [www.ci.alamogordo.nm.us](http://www.ci.alamogordo.nm.us) provides access to the entire Municipal Code. On the City's Home Page click on Government -- COA Code of Ordinances

Sincerely,

Stella Rael CZO  
City Planner  
1376 E. 9<sup>th</sup> Street  
Alamogordo, NM 88310  
575-439-4220 x4208  
[srael@ci.alamogordo.nm.us](mailto:srael@ci.alamogordo.nm.us)



## *City of Alamogordo*

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March 12, 2021

**VIA CERTIFIED MAIL**

Rebecca Lescombes  
PO Box 1180  
Deming, NM 88031

Re: Winegrower Liquor License

Ms. Lescombes,

The City Commission will hold a virtual PUBLIC HEARING on Tuesday, April 13, 2021 at 6:30 p.m., on the question of whether or not the Alcoholic Beverage Control Division of the State of New Mexico should grant St. Clair Winery & Bistro VI, LLC, application 1180494 a Winegrower Liquor License located at 261 Panorama Blvd., Alamogordo, NM 88310 to Rebecca Lescombes of New Mexico Wineries, Inc. 1325 De Baca Rd SE, Deming NM 88030.

The link to the virtual Public Hearing during the regular Commission meeting is:  
<https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>

We will email you the Zoom meeting link on April 9, 2021 so can you attend, in case the Commission has any questions of you.

The livestream meeting link is  
<https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>.

If you have any questions, please contact me at (575) 439-4100 or [rhughs@ci.alamogordo.nm.us](mailto:rhughs@ci.alamogordo.nm.us).

Sincerely,

Rachel Hughes, CMC  
City Clerk

7006 3450 0001 8876 9244

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| Postage                                           | \$ | Postmark<br>Here |
| Certified Fee                                     |    |                  |
| Return Receipt Fee<br>(Endorsement Required)      |    |                  |
| Restricted Delivery Fee<br>(Endorsement Required) |    |                  |
| Total Postage & Fees                              |    |                  |

Se  
Sti  
or  
Cit

**Rebecca Lescombes**  
**PO Box 1180**  
**Deming, NM 88031**

PS

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:

**Rebecca Lescombes**  
**PO Box 1180**  
**Deming, NM 88031**

2.

7006 3450 0001 8876 9244

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☐ Agent  
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Rebecca Lescombes 3/24/21

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

MAR 24 2021

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a virtual PUBLIC HEARING on Tuesday, April 13, 2021 at 6:30 p.m., on the question of whether or not the Alcoholic Beverage Control Division of the State of New Mexico should grant St. Clair Winery & Bistro VI, LLC, application 1180494 a Winegrower Liquor License located at 261 Panorama Blvd., Alamogordo, NM 88310 to Rebecca Lescombes of New Mexico Wineries, Inc. 1325 De Baca Rd SE, Deming NM 88030.

The link to the virtual Public Hearing during the regular Commission meeting is: <https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>

Members of the public may submit comments to the City Clerk prior to 3 p.m. April 13, 2021. These comments will be distributed to the Elected Officials and the City Manager and will be included in the public record. Inquiries regarding this Public Hearing should be directed to the City Clerk at (575) 439-4100 or [rhughs@ci.alamogordo.nm.us](mailto:rhughs@ci.alamogordo.nm.us)

Date: 3/9/2021  
City of Alamogordo, New Mexico  
By: Rachel Hughs, City Clerk  
#4639383, Daily News, Mar. 12 & 28, 2021

**Legal Notices**

**Legal Notices**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a virtual PUBLIC HEARING on Tuesday, April 13, 2021 at 6:30 p.m., on the question of whether or not the Alcoholic Beverage Control Division of the State of New Mexico should grant St. Clair Winery & Bistro VI, LLC, application 1180494 a Winegrower Liquor License located at 261 Panorama Blvd., Alamogordo, NM 88310 to Rebecca Lescombes of New Mexico Wineries, Inc. 1325 De Baca Rd SE, Deming NM 88030.

The link to the virtual Public Hearing during the regular Commission meeting is: <https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>

Members of the public may submit comments to the City Clerk prior to 3 p.m. April 13, 2021. These comments will be distributed to the Elected Officials and the City Manager and will be included in the public record. Inquiries regarding this Public Hearing should be directed to the City Clerk at (575) 439-4100 or [rhughs@ci.alamogordo.nm.us](mailto:rhughs@ci.alamogordo.nm.us)

Date: 3/9/2021  
City of Alamogordo, New Mexico  
By: Rachel Hughs, City Clerk  
#4639383, Daily News, Mar. 12 & 28, 2021

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 4/1/2021

**Report No:** 7.

**Submitted By:** Rachel Hughs

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**Subject:** Consider, and act upon, a Restaurant Beer and Wine Liquor License with on the Premises Consumption Only for IHOP application 3330 Alamogordo, INC, located at 1413 S. White Sands Blvd. *(Rachel Hughs, City Clerk and Teodoro Regalado, Applicant)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Provide Staff direction.

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**Background:**

The Alcoholic Beverage Control Division of the State of New Mexico has given this application preliminary approval. In accordance with Section 60-6B-4 NMSA of the Liquor Control Act, the Division must refer the application to the Governing Body for approval or disapproval. This public hearing is for the purpose of considering the application. A Notice of Public Hearing was published in the Alamogordo Daily News on Friday, March 12, 2021, and Sunday, March 28, 2021. These publications meet the State regulations of publishing a notice twice prior to the hearing.

The applicant Teodoro Regalado of 15234 Space Murals Lane, Las Cruces, NM 88011, is seeking a Restaurant Beer and Wine Liquor License with on the Premises Consumption Only for IHOP located at 1413 S. White Sands Blvd.

February 25, 2021

Certified Mail No.: 9171 9690 0935 0155 2457 59

**City of Alamogordo**  
Rachel Hughs  
1376 East Ninth Street  
Alamogordo, NM 88310

**Lic. No. /Appl. No.:**     **Application No. 1182019**  
**Name of Applicant:**     3330 Alamogordo, Inc.  
**Doing Business As:**     IHOP #3330  
**Proposed Location:**     1413 S. White Sands Blvd., Alamogordo, New Mexico 88310

The Director of the Alcoholic Beverage Control Division (ABC) has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

**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 **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur 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;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer”, we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;



ABC has no preference in the option you choose.

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 LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY**

**Within thirty (30) days after the Public Hearing, the governing body shall notify ABC of their decision to approve or disapprove the issuance or 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 notices of publication. 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 issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



**Charmaine Martinez**  
Admin Law Judge | Hearing Officer  
NM Regulation & Licensing Department  
Alcoholic Beverage Control Division  
Phone: (505) 476-4804 Fax: (505) 476-4595  
Email: [Charmaine.Martinez2@state.nm.us](mailto:Charmaine.Martinez2@state.nm.us)

**Enclosures:**

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement





ADD USE ONLY: Payment Application Fee \$ 200 Received on: 12-8-2020 Receipt No. 2342993  
 License Fee \$ \_\_\_\_\_ Received on: \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Application # 1182019 Local Option District: \_\_\_\_\_

DEC 18 2020

## RESTAURANT LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Check appropriate boxes:

Applicant is: ☐ Individual ☐ Limited Liability Company ☒ Corporation ☐ Partnership (General/Limited)

Application is for: ☒ New Restaurant Liquor License

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER

3330 Alamogordo Inc

D/B/A Name to be used: IHOP #3330 Business Phone #: 575-443-1260

Email Address (required): hmi.ihop.nm@gmail.com

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)  
1413 S. White Sands Blvd, Alamogordo, NM 88310

Mailing Address: PO Box 16649 Las Cruces NM 88004

Agent/Contact Person: Teodoro Regalado Phone#: 575-644-0942 Email: hmi.ihop.nm@gmail.com

Are alcoholic beverages currently being dispensed at the proposed location? ☐ Yes ☒ No If Yes, License # / Type: \_\_\_\_\_

I, (print name) Teodoro Regalado, as (title) Director  
 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 before a Notary Public.

Signature of Applicant: Teodoro Regalado Date: 11-30-2020

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of Dona Ana)

SUBSCRIBED AND SWORN TO before me this 30 day of November, 2020  
 By: Veronica Aguilera Alvarez Notary Public: Veronica Aguilera A  
 My Commission Expires: Sep 19, 2022



OFFICIAL SEAL  
 VERONICA AGUILERA ALVAREZ  
 NOTARY PUBLIC - STATE OF NEW MEXICO  
 My commission expires Sep 19, 2022

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: \_\_\_\_\_ City, County, Village

Public Hearing held on \_\_\_\_\_, 20\_\_\_\_. Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: \_\_\_\_\_

FOR ALCOHOL AND GAMING DIVISION USE ONLY: ☐ Approved ☐ Disapproved

Signed by Director: \_\_\_\_\_ Date: \_\_\_\_\_



**PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION**

NMSA §60-6B-10

DEC 08 2020

1. The land and building which is proposed to be the licensed premises is: (check one) **ALCOHOLIC BEVERAGE CONTROL**
- ☐ Owned by Applicant, copy of deed/document attached ☒ Leased by Applicant, copy of lease/document attached
- ☐ Other (provide details): \_\_\_\_\_

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

A. Owner(s): **HMB Investments LLC**

B. Date and Term of Lease: **9/21/2010 Term: 20 years**

3. Premises location is Zoned (example C-1, see Zoning Statement): **C-3**

☒ **Zoning Statement attached**, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance\* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: **New Heart Cowboy Church** Miles/feet: **1/2 mile**

Address/location of Church: **1311 Galway Dr, Alamogordo**

5. Distance\* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: **Mt View Middle School** Miles/feet: **1.4 miles**

Address/location of School: **500 Washington Ave, Alamogordo**

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

Name of Military Installation, <sup>circle one:</sup> **Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),**  
Miles: **8.4** **Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)**

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: ☐ Hotel ☐ Lounge ☐ Package Grocery ☒ Restaurant ☐ Racetrack
- ☐ Small Brewer ☐ Craft Distiller ☐ Winery ☐ Wholesaler
- ☐ Other (specify): \_\_\_\_\_

**\*NOTE:** 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.



## City of Alamogordo



CD-015-2020

November 17, 2020

HMB Investments LLC  
17216 Benner Place  
Encino, CA 91316  
ATTN: Teodoro Regalado

**RECEIVED**

DEC 08 2020

**ALCOHOLIC BEVERAGE  
CONTROL**

RE: 3330 Alamogordo Inc, dba IHOP 3330

Dear Mr Regalado:

At your request, we have researched our records and determined the zoning classification of that certain real property, which has the street address of **1413 S. White Sands Blvd** is within the corporate boundaries of the City of Alamogordo. This is written, in accordance with the provisions of Section 2-01-030(j) and Section 29-01-010 of the Code of Ordinances of the City of Alamogordo, New Mexico, to provide a Certificate of Zoning Classification regarding the property.

The property at **1413 S. White Sands Blvd.** is within the **C-3 Business District** as per the City of Alamogordo Zoning Map, which does not prohibit the sale of alcoholic beverages. Alamogordo Municipal Code Chapter 29, Zoning allows restaurants, and commercial businesses within this district.

Please contact me if you need more information. Note for a full understanding of what is permitted or prohibited by the Alamogordo Code of Ordinances please refer to the Code in its entirety. The City's website at [www.ci.alamogordo.nm.us](http://www.ci.alamogordo.nm.us) provides access to the entire Municipal Code. On the City's Home Page click on Government – COA Code of Ordinances.

Sincerely,

Stella Rael CZO  
City Planner  
1376 E. 9<sup>th</sup> Street  
Alamogordo, NM 88310  
575-439-4220 x4208  
[srael@ci.alamogordo.nm.us](mailto:srael@ci.alamogordo.nm.us)



## *City of Alamogordo*

---

March 12, 2021

**VIA CERTIFIED MAIL**

Teodoro Regalado  
15234 Space Murals Lane  
Las Cruces, NM 88011

Re: Restaurant Beer and Wine Liquor License with on the Premises Consumption Only

Mr. Regalado,

The City Commission will hold a virtual PUBLIC HEARING on Tuesday, April 13, 2021 at 6:30 p.m., on the question of whether or not the Alcoholic Beverage Control Division of the State of New Mexico should grant IHOP a Restaurant Beer and Wine Liquor License with on the Premises Consumption Only, application 3330 Alamogordo, INC, located at 1413 S. White Sands Blvd., Alamogordo, NM 88310 to Teodoro Regalado of 15234 Space Murals Lane Las Cruces, NM 88011.

We will email you the Zoom meeting link on April 9, 2021 so can you attend, in case the Commission has any questions of you.

The livestream meeting link is  
<https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>.

If you have any questions, please contact me at (575) 439-4100 or [rhughs@ci.alamogordo.nm.us](mailto:rhughs@ci.alamogordo.nm.us).

Sincerely,

Rachel Hughes, CMC  
City Clerk

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| Restricted Delivery Fee<br>(Endorsement Required) |    |

Postmark  
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**Teodoro Regalado**  
**15234 Space Murals Lane**  
**Las Cruces, NM 88011**

PS Form 3800, August 2006

See Reverse for Instructions

7006 3450 0001 8876 9237

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Alamogordo City Commission will hold a virtual PUBLIC HEARING on Tuesday, April 13, 2021 at 6:30 p.m., on the question of whether or not the Alcoholic Beverage Control Division of the State of New Mexico should grant IHOP a Restaurant Beer and Wine Liquor License with on the Premises Consumption Only, application 3330 Alamogordo, INC, located at 1413 S. White Sands Blvd., Alamogordo, NM 88310 to Teodoro Regalado of 15234 Space Murals Lane, Las Cruces, NM 88011

The link to the virtual Public Hearing during the regular Commission meeting is: <https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>

Members of the public may submit comments to the City Clerk prior to 3 p.m. April 13, 2021. These comments will be distributed to the Elected Officials and the City Manager and will be included in the public record. Inquiries regarding this Public Hearing should be directed to the City Clerk at (575) 439-4100 or [rhughs@ci.alamogordo.nm.us](mailto:rhughs@ci.alamogordo.nm.us)

Date: 3/9/2021  
City of Alamogordo, New Mexico  
By: Rachel Hughes, City Clerk  
#4639923, Daily News, Mar. 12 & 28, 2021

**Legal Notices**

**Legal Notices**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Alamogordo City Commission will hold a virtual PUBLIC HEARING on Tuesday, April 13, 2021 at 6:30 p.m., on the question of whether or not the Alcoholic Beverage Control Division of the State of New Mexico should grant IHOP a Restaurant Beer and Wine Liquor License with on the Premises Consumption Only, application 3330 Alamogordo, INC, located at 1413 S. White Sands Blvd., Alamogordo, NM 88310 to Teodoro Regalado of 15234 Space Murals Lane, Las Cruces, NM 88011

The link to the virtual Public Hearing during the regular Commission meeting is: <https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>

Members of the public may submit comments to the City Clerk prior to 3 p.m. April 13, 2021. These comments will be distributed to the Elected Officials and the City Manager and will be included in the public record. Inquiries regarding this Public Hearing should be directed to the City Clerk at (575) 439-4100 or [rhughs@ci.alamogordo.nm.us](mailto:rhughs@ci.alamogordo.nm.us)

Date: 3/9/2021  
City of Alamogordo, New Mexico  
By: Rachel Hughes, City Clerk  
#4639923, Daily News, Mar. 12 & 28, 2021

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 3/22/2021

**Report No:** 8.

**Submitted By:** Nancy Beshaler

---

**Subject:** Consider, and act upon, Award of an Engineering Services Agreement to Smith Engineering Company related to the CDBG Sidewalk Improvement Project. *(Nancy Beshaler, Project Manager)*

---

**Fiscal Impact:** \$50,000

Amount Budgeted: \$50,000.00

Fund: 048-0207-463.57-34 (GC2004)

Additional Fiscal Impact:

---

**Recommendation:** Approve Award of and Engineering Services Agreement to Smith Engineering Company related to the CDBG Sidewalk Improvement Project.

---

**Background:** The City was awarded a Community Development Block Grant for design and construction of ADA-compliant sidewalks, ramps, and aprons to City blocks that include New York Avenue to Texas Avenue blocks going east and west and Second Street to Eighth Street blocks going north and south. The City was given authority to use the grant funds on February 8, 2021. A Request for Proposal for Design Professional Services was advertised on February 14, 2021. Five proposals were received on March 11, 2021 and scored (see attached score sheet). Smith Engineering Company provided the highest scored proposal. The Department of Finance and Administration has reviewed and approved the scoring and selection.

|              | Smith Engineering |    |    |    |    | Bohannon Huston |    |    |    |    | Stantec |    |    |    |    | Wilson Company |    |    |    |    | Souder Miller & Associates |    |    |    |    |
|--------------|-------------------|----|----|----|----|-----------------|----|----|----|----|---------|----|----|----|----|----------------|----|----|----|----|----------------------------|----|----|----|----|
| FACTOR       | 1                 | 2  | 3  | 4  | 6  | 1               | 2  | 3  | 4  | 6  | 1       | 2  | 3  | 4  | 6  | 1              | 2  | 3  | 4  | 6  | 1                          | 2  | 3  | 4  | 6  |
| Evaluator #1 | 30                | 25 | 20 | 10 | 7  | 26              | 25 | 20 | 10 | 7  | 27      | 25 | 18 | 10 | 10 | 23             | 25 | 15 | 10 | 10 | 22                         | 25 | 15 | 10 | 7  |
| Evaluator #2 | 29                | 24 | 19 | 9  | 6  | 27              | 24 | 19 | 9  | 6  | 24      | 24 | 14 | 9  | 9  | 25             | 23 | 14 | 9  | 9  | 22                         | 21 | 14 | 6  | 6  |
| Evaluator #3 | 30                | 25 | 20 | 10 | 7  | 28              | 25 | 20 | 10 | 7  | 25      | 25 | 15 | 10 | 10 | 28             | 25 | 17 | 10 | 10 | 23                         | 25 | 17 | 10 | 7  |
| Total        | 89                | 74 | 59 | 29 | 20 | 81              | 74 | 59 | 29 | 20 | 76      | 74 | 47 | 29 | 29 | 76             | 73 | 46 | 29 | 29 | 67                         | 71 | 46 | 26 | 20 |
|              | 271               |    |    |    |    | 263             |    |    |    |    | 255     |    |    |    |    | 253            |    |    |    |    | 230                        |    |    |    |    |

**Construction Services**

|              | Smith Engineering |    |    |    |    | Bohannon Huston |    |    |    |    | Stantec |    |    |    |    | Wilson Company |    |    |    |    | Souder Miller & Associates |    |    |    |    |
|--------------|-------------------|----|----|----|----|-----------------|----|----|----|----|---------|----|----|----|----|----------------|----|----|----|----|----------------------------|----|----|----|----|
| FACTOR       | 1                 | 2  | 3  | 4  | 5  | 1               | 2  | 3  | 4  | 5  | 1       | 2  | 3  | 4  | 5  | 1              | 2  | 3  | 4  | 5  | 1                          | 2  | 3  | 4  | 5  |
| Evaluator #1 | 20                | 12 | 15 | 10 | 10 | 15              | 10 | 15 | 9  | 10 | 15      | 10 | 15 | 10 | 10 | 12             | 10 | 9  | 9  | 10 | 15                         | 10 | 9  | 10 | 10 |
| Evaluator #2 | 19                | 9  | 14 | 9  | 9  | 19              | 9  | 14 | 7  | 9  | 14      | 9  | 14 | 9  | 8  | 14             | 9  | 9  | 6  | 9  | 13                         | 7  | 7  | 7  | 7  |
| Evaluator #3 | 20                | 10 | 15 | 10 | 10 | 20              | 10 | 15 | 8  | 10 | 15      | 10 | 15 | 10 | 10 | 15             | 10 | 10 | 7  | 10 | 15                         | 10 | 10 | 10 | 10 |
| Total        | 59                | 31 | 44 | 29 | 29 | 54              | 29 | 44 | 24 | 29 | 44      | 29 | 44 | 29 | 28 | 41             | 29 | 28 | 22 | 29 | 43                         | 27 | 26 | 27 | 27 |
|              | 192               |    |    |    |    | 180             |    |    |    |    | 174     |    |    |    |    | 149            |    |    |    |    | 150                        |    |    |    |    |

|              |     |  |  |  |  |     |  |  |  |  |     |  |  |  |  |     |  |  |  |  |     |  |  |  |  |
|--------------|-----|--|--|--|--|-----|--|--|--|--|-----|--|--|--|--|-----|--|--|--|--|-----|--|--|--|--|
| Vendor total | 463 |  |  |  |  | 443 |  |  |  |  | 429 |  |  |  |  | 402 |  |  |  |  | 380 |  |  |  |  |
|--------------|-----|--|--|--|--|-----|--|--|--|--|-----|--|--|--|--|-----|--|--|--|--|-----|--|--|--|--|

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 4/5/2021

**Report No:** 9.

**Submitted By:** Lucy Sanchez-Braswell

---

**Subject:** Consider, and act upon, request by Lucy Sanchez-Braswell, citizen, for removal of liens and fines at 806 Jefferson Avenue. (*Lucy Sanchez-Braswell, Citizen*)

---

**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

---

**Recommendation:** No recommendation.

---

**Background:** Ms. Lucy Sanchez-Braswell, citizen, is requesting removal of liens and fines at 806 Jefferson Avenue, Alamogordo.



RECEIVED

APR 05 2021

CITY CLERK

City of Alamogordo City Commission Meeting  
AGENDA REQUEST FORM

Today's Date: April 5, 2021

**Request Date  
of Meeting:**

At the EARLIEST opening Available

**Name and Title:**

REMOVAL OF liens And Fines At 806 JEFFERSON  
AVENUE, ALAMOGORDO, NM 88310

**Address:**

1309 Charlotte Lane

Alamogordo, NM ZIP 88310

**Phone Number:**

575-437-1412

**E-Mail Address:**

lhs451309@gmail.com

Item requested will be for Information only

**Brief description of topic to be discussed:**

Please attach one original of any documents pertaining to the topic -

**We do not allow handouts at the meeting**

REMOVAL OF liens And Fines At 806 JEFFERSON  
AVENUE, ALAMOGORDO, NM 88310

PLEASE SEE Attachment

Signature: Lucy H. Sanchez-Brazwell

Please return to:

Rachel Hughs, CMC, City Clerk  
City of Alamogordo  
1376 E. 9<sup>th</sup> Street  
Alamogordo, NM 88310

Phone: (575) 439-4100

Fax: (575) 439-4396

E-mail: [rhughs@ci.alamogordo.nm.us](mailto:rhughs@ci.alamogordo.nm.us)

RECEIVED

APR 05 2021

CITY CLERK

April 5, 2021

Lucy H. Sanchez-Braswell  
1309 Charlotte Lane  
Alamogordo, NM 88310

Re: 806 Jefferson Avenue  
Alamogordo, NM 88310

Mayor, Mayor Pro-Tem, and Commissioners:

Request that liens and fines be removed from 806 Jefferson Avenue, Alamogordo, New Mexico, a total of \$705.44.

1. I have had a utility bill at 1309 Charlotte Lane for fifty-one and a half years, so I am easily found in the city's utility billing system.
2. There was no utility service at 806 Jefferson Avenue, and there had been no service at that address for over thirty years, when the city started billing for the water meters on empty lots. I never received notification of this change.
3. In April, 2017, a change of address notification for 800 Jefferson Avenue, which included 806 Jefferson Avenue, was submitted at the post office. The post office was not forwarding all of my mail, and I did not receive the two certified mail notifications of lien on 806 Jefferson Avenue sent by the city's utility billing/collections clerk.
4. I started receiving utility bills for 806 Jefferson Avenue, at 1309 Charlotte Lane, early 2020, with a past due amount, at that time I immediately contacted Mr. Mark Threadgill, Customer Service Manager, to make arrangements for a payment plan for this bill, and I was set up with a payment plan. I requested an adjustment of this bill from the City Manager, because I had never received a bill, and the City Manager adjusted my bill, and have had credit on that account since August, 2020. I was never advised that I had liens on 806 Jefferson Avenue from the utility department, or Mr. Threadgill.
5. A lien on someone's property is a very serious matter, and more than one source should be used to locate a property owner, since the county accessor is not always a reliable source for an owner's address. A lot of time and money could be saved by both the city, and the property owner/taxpayer if a more efficient and updated system was in place.
6. The payment of this lien is a financial hardship for me at this time, since I am on a fixed income of social security.

Thank you for your consideration on this matter.

  
Lucy H. Sanchez-Braswell

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

---

**Meeting Date:** 4/13/2021

**Report Date:** 3/19/2021

**Report No:** 10.

**Submitted By:** Larry Garner

---

**Subject:** Consider, and act upon, approval for water services for a County residence at 907 S. Canyon Road. (*Larry Garner, Public Works Director*)

---

**Fiscal Impact:**

Amount Budgeted:

Fund:

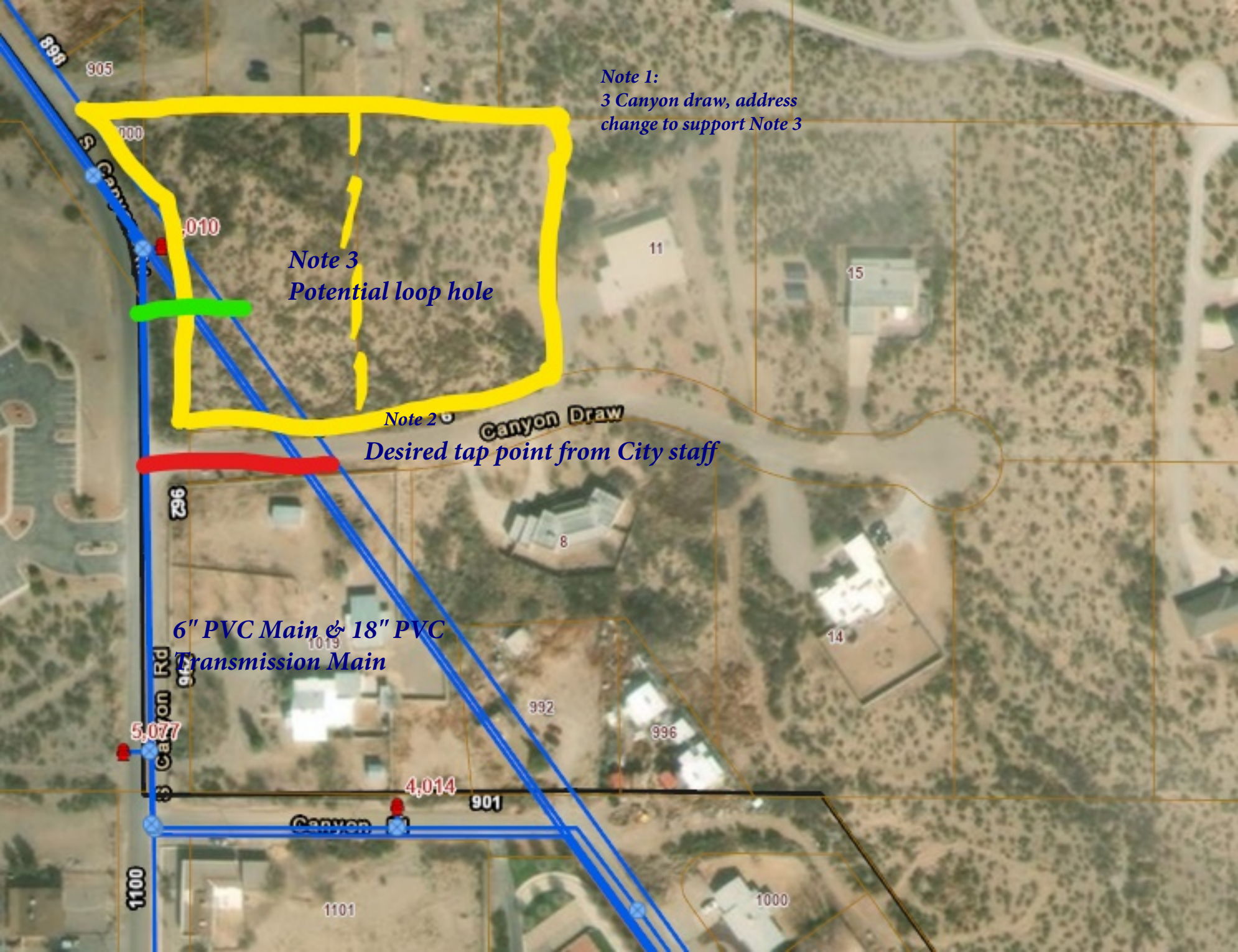
Additional Fiscal Impact:

---

**Recommendation:** City Staff would recommend the 6" line to be extended into the potential subdivision area.

---

**Background:** City Staff met with owners requesting service. It was explained at that time that because the residence is in the County and the area is set for future growth of a subdivision, that a 6" main supply line with 3 - 6" gate valves and a flush hydrant would need to be installed for service. The owners contacted the County to change their address from 3 Canyon Draw which leads to this subdivision to 907 S. Canyon Road in order to have a 6" tap off of Canyon to feed their lot. The owners were also made aware of the charges due to this location being in the County. Their petition is included in the attachments.



*Note 1:  
3 Canyon draw, address  
change to support Note 3*

*Note 3  
Potential loop hole*

*Note 2  
Desired tap point from City staff*

*6" PVC Main & 18" PVC  
Transmission Main*

## Larry Garner

---

**From:** Shannon Paige <shannon@ahcnm.com>  
**Sent:** Wednesday, February 24, 2021 5:21 PM  
**To:** Larry Garner  
**Subject:** Request for City Water Service

Shannon Paige and Allison Money Penny

459 San Simon Dr.

Alamogordo, NM 88310

[Shannon@ahcnm.com](mailto:Shannon@ahcnm.com)

Larry Garner, Public Works Director

City of Alamogordo

2600 N. Florida Avenue

Alamogordo, NM 88310

Reference Letter of Intent for Request of City Water at 907 S. Canyon Rd, Alamogordo, NM 88310.

Dear Mr. Garner,

Please allow this letter to serve as my request to petition the City Commission's approval to grant application for City Water service at our residence, 907 S. Canyon Rd, Alamogordo, NM 88310.

I understand that we are outside city limits and that the city is under no obligation provide water to our residence. We also Understand that as county resident's, we will be charged twice the going rate for water and that this service will be for water only, excluding sewer and trash service.

There is already a water main to the west of our property on the easement that would be readily accessible for our service. I further understand that I will bear the cost of all labor and materials needed to tie into the city's water system.

I appreciate your time spent processing my request and bringing it before the City Commissioners for their consideration  
Please let me know if you need any additional information.

Respectfully requested,

Shannon Paige

614-404-8467

Email WARNING: This email may have originated external to the City of Alamogordo email system. Review the email address and NOT just the email user name. Do not click on links or open attachments unless you are sure the content is Safe. If unsure send to the Go Secure email verification system for processing.

Shannon Paige and Allison Money Penny

Note 1: The combined lots in which dwelling will be constructed is outlined in Yellow.

Note 2: Original desired tap point would have required them to extend the line from this point with the installation of a tee with 3 – 6” gate valves and to extend a 6” PVC distribution line past the lot for future expansion and equip line with a flush hydrant.

Note 3: Potential loop hole in which they wish to use a change of address to 907 S. Canyon road from 3 Canyon Draw.

There is a 6” PVC main and an 18” PVC transmission Main that runs up South Canyon road.

The email sent by them to petition the Commission for this service is included.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

---

**Meeting Date:** 4/13/2021

**Report Date:** 3/22/2021

**Report No:** 11.

**Submitted By:** Larry Garner

---

**Subject:** Consider, and act upon, Resolution 2021-10 to Increase Convenience Center rates on water bills.  
(Larry Garner, Public Works Director) **(Roll Call Vote Required)**

---

**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

---

**Recommendation:** Staff recommends approval of Resolution 2021-10 for the \$1.00 increase and increases in following years following CPI.

---

**Background:** The City of Alamogordo has not raised the fees for the Convenience Center services since July of 2016. Since then tipping fees have continued to increase and due to the pandemic, the Center saw a tremendous increase. Due to both the increase and the fact that the Landfill tipping fees and Southwest Disposal increase their fees every year, staff recommends raising the fees by \$1.00 to all paying customers and then raising by CPI in all future years to keep in line with increases. Currently all City citizens are paying \$2.20 for Collection Center services and all Commercial are paying \$2.30 on their water bill which will increase to \$3.20 and \$3.30 respectively. Resolution 2021-10 will replace or modify Resolution No. 2016-10.

## **RESOLUTION NO. 2021-10**

### **AMENDING THE CONVENIENCE CENTER FEE STRUCTURE**

**WHEREAS**, the City of Alamogordo, New Mexico operates a convenience center for the use of its citizens in disposing of bulky or hazardous waste; and,

**WHEREAS**, commercial businesses contribute to the cost of disposing of items they bring to the convenience center; and,

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico deems it advisable to increase the fee structure for residential and commercial customers leaving items at the convenience center.

**BE IT THEREFORE RESOLVED** that the City Commission of the City of Alamogordo hereby adopts the following convenience center fee structure for residential and commercial customers to leave waste at the City's convenience center.

1. All residential water utility accounts billed by the City of Alamogordo will include a \$3.20 convenience center surcharge.
2. All commercial water utility accounts billed by the City of Alamogordo will include a \$3.30 convenience center surcharge.
3. Any person or entity who maintains a water utility account with the City of Alamogordo is permitted to dispose of acceptable solid waste at the convenience center at no additional charge.
4. Non-residents of the City, whether commercial or individuals, will be charged at a rate of \$2.50 per 100 pounds of waste.
5. Annually, a rate review will be performed on the activities of the convenience center and shall be adjusted for increases pursuant to the Consumer Price Index-All Urban Consumers (CPI-U).
6. Any owner of residential property who received an abatement notice from the Alamogordo Code Enforcement will be permitted to bring the waste that is required to be removed from the property in order to comply with relevant City Codes to the convenience center at no charge upon obtaining a permit from the City Manager, or his designee, provided the waste is acceptable by the convenience center.
7. This fee structure will be effective beginning July 1, 2021.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By: \_\_\_\_\_  
Richard A. Boss, Mayor

ATTEST:

\_\_\_\_\_  
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Petria Bengoechea, City Attorney

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

---

**Meeting Date:** 4/13/2021

**Report Date:** 4/6/2021

**Report No:** 12.

**Submitted By:** Evelyn Huff

---

**Subject:** Consider, and act upon, approval of two new Meter Reader positions in the Utility Billing Department. *(Evelyn Huff, Finance Director)*

---

**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Staff recommends approval.

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**Background:** Attached presentation provides more details for this request

# Request for New Positions

---

Evelyn Huff, Finance Director

Nichole Sierra, Customer Service Manager

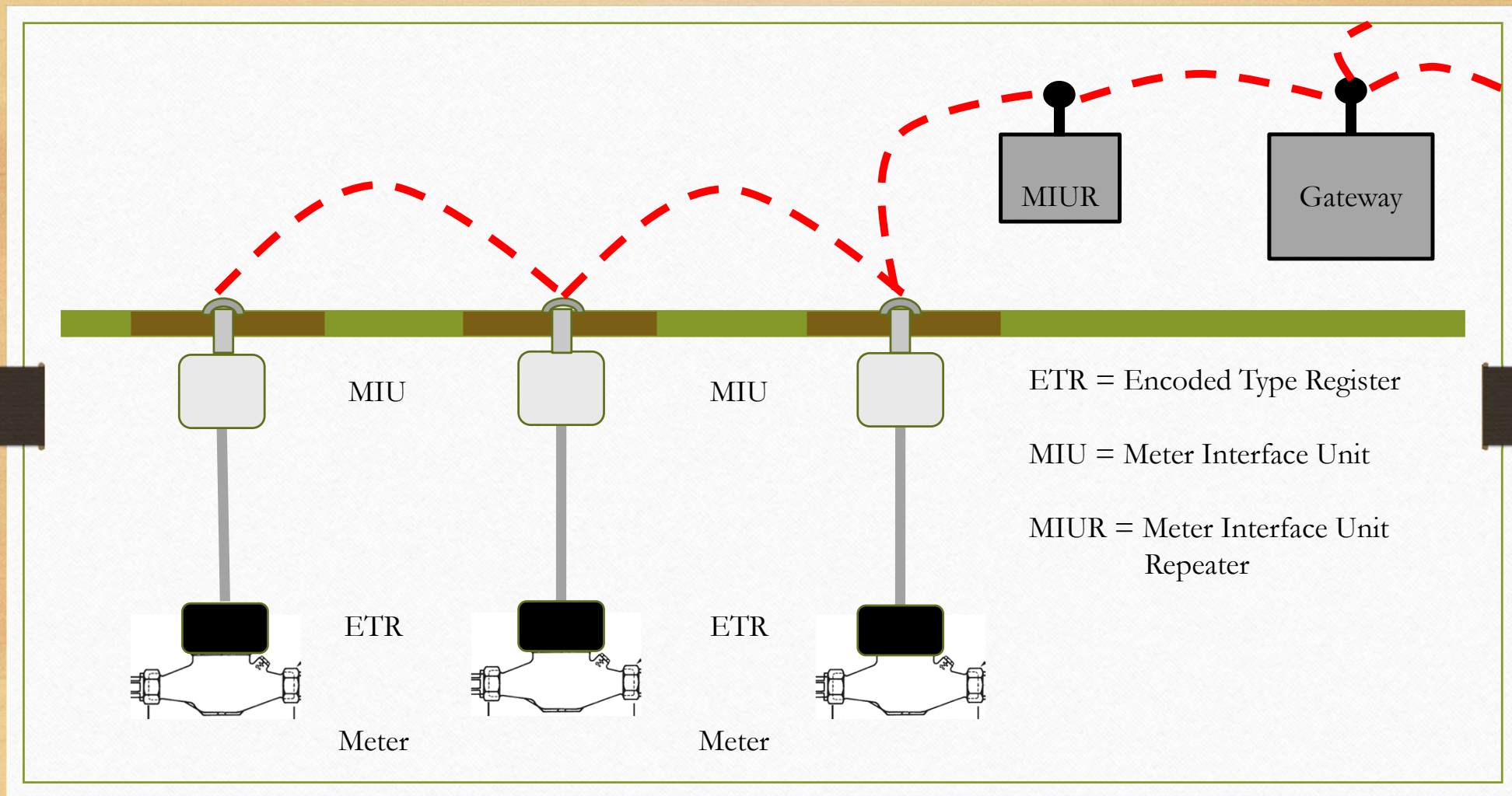
# Quick Overview of the System

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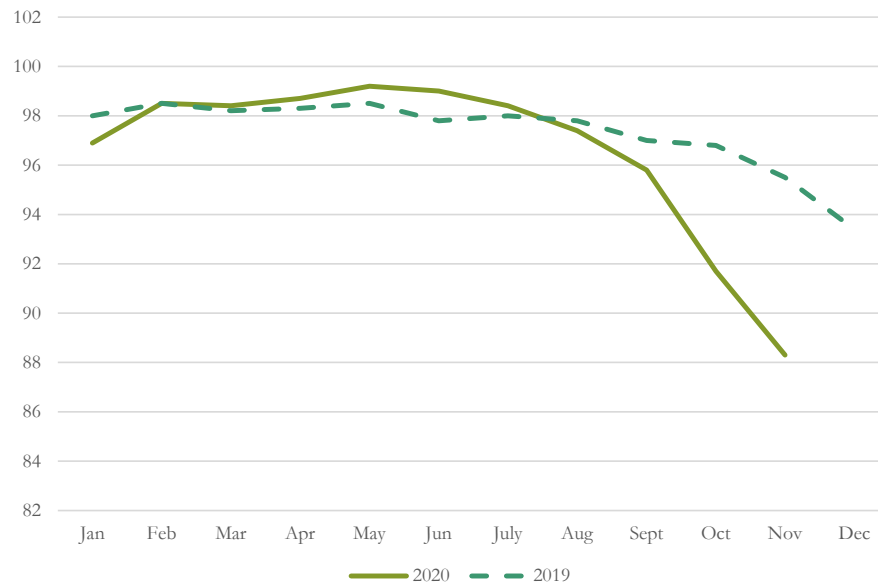
- In 2014, the Commission approved the installation of an Advanced Metering Infrastructure (AMI) system.
- The system was installed by Zenner USA over the course of three years
- Zenner still provides warranty service through 2027, but this do not include general system maintenance
- Not every meter in the city is currently outfitted with the AMI system

# Advanced Metering Infrastructure Overview

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3-Day Reporting % 1st of Month



## System Failure

When parts of the system fail, inability to replace them quickly or to replace them before they fail, can cause major reporting issues

# System Failure

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System failures can happen for many reason including

- Old parts reaching end of life status, defective parts
- Repeated vibrations
- Damage from weather, careless handling from contractors
- Underground animals
- Sabotage

When a system failure occurs, a COA meter technician must respond to the failed equipment, trouble shoot it and complete the repair (dependent on available parts). No one else handles the repairs but the three meter technicians. Some failures are not spotted right away, because the equipment may still be reporting an inaccurate read

# Current Staffing and Responsibilities

---

- Currently we have three positions in Utility Billing working directly with the AMI system
  - 1 Meter Technician Supervisor
  - 2 Meter Technicians
- These three positions are responsible for maintaining the over 13,000 meters, ETR's, MIU's, MIUR's and Gateways that make up our system
- If this equipment is not working, customers will not be able to see their accurate consumptions in AquaHawk.

# Current Staffing and Responsibilities

---

They also are currently responsible for:

- All manual readings necessary (Approximately 350 a month)
- All new service turn-ons and meter installations for new builds (1 inch and lower)
- All termination of service turn offs
- Billing cut-offs for non-payment (currently suspended due to COVID-19) (Normally three weeks)
- Zero consumption audits every three months (should be done more often)
- Base rate turn-ons and turn offs including locking the meter
- Emergency turn offs during work hours
- Re-check readings for billing purposes
- Customer requests

# Issues with Current Staffing

---

- All these responsibilities make it impossible for them to do routine maintenance or replacements on the aging system. This can lead to very fast, very large drops in the reporting rate.
- The skills required to complete these repairs and maintenance are highly specialized and not easily acquired. Each situation can be time consuming depending on the level of troubleshooting and networking required.
- We are currently using our specialized labor to complete non-specialized tasks. We are also unable to systematically upgrade to new technology with our current staffing level.

# Staffing Request

---

We are requesting two (2) new Meter Reader positions. These positions would take over some of the following responsibilities:

- All manual readings necessary (Approximately 350 a month)
- All new service turn-ons and meter installations for new builds (1 inch and lower)
- All termination of service turn offs
- Billing cut-offs for non-payment (currently suspended due to COVID-19) (Normally three weeks)
- Zero consumption audits every three months (should be done more often)
- Base rate turn-ons and turn offs including locking the meter
- Emergency turn offs during work hours
- Re-check readings for billing purposes
- Customer requests

|                          | PROPOSED           |             |  |             |
|--------------------------|--------------------|-------------|--|-------------|
|                          | POSITION BUDGET    |             |  |             |
| Wages                    | \$12.0140          | 24,989.12   |  |             |
| Admin Fee-Ins            |                    | 9.84        |  |             |
| Dental Ins               |                    | 697.92      |  |             |
| Health Ins               |                    | 11,412.00   |  |             |
| Basic Life               |                    | 53.04       |  |             |
| Medicare Tax             | 1.45%              | 362.34      |  |             |
| PERA Member Reg          | 4.60%              | 1,149.50    |  |             |
| PERA                     | 9.80%              | 2,448.93    |  |             |
| Retiree Health           | 2.00%              | 499.78      |  |             |
| SS Tax                   | 6.20%              | 1,549.33    |  |             |
| Taxable Uniforms         |                    | 0.00        |  |             |
| WC Fee                   |                    | 9.20        |  |             |
| Workers Comp Ins         | 7.33%              | 1,831.38    |  |             |
| TOTAL COST               |                    | \$45,012.38 |  |             |
| Funding Source           | 081-2202-461-20.02 |             |  |             |
| WC Code                  | 4.79%              | 7520        |  |             |
| WC Exp Mod               | 1.53               |             |  |             |
|                          |                    |             |  |             |
| PROPOSED POSITION BUDGET |                    |             |  | \$45,012.38 |

# Staffing Request

---

- The total annual cost for the two positions would be \$90,024.76 with the assumption of full family insurance.
- This would also improve the customer service for all the system's customers and would allow the Meter Technician positions to focus on maintaining the system and keeping up with the preventive maintenance.
- The Water Billing Department is requesting that you approve these two new positions for hire as soon as possible

Questions?

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# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:**

**Report No:** 13.

**Submitted By:** Teresa Gutierrez

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**Subject:** Appointments to Boards and Committees. (*Richard Boss, Mayor*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Appoint to the Senior Volunteer Programs Advisory Council.

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**Background: Airport Zoning Board** - One (1) vacancy.

No applications received.

**Parks and Recreation Board** - One (1) vacancy. This vacancy is due to the expiring term of (Rita) Moyra Robuck.

No applications received.

**Senior Volunteer Programs Advisory Council** - Three (3) vacancies.

The following individual is interested in being appointed:

Monica Pflugh - If appointed, this will be her first term.

If anyone is interested in serving on a board or committee, you may apply with the City Clerk's office, or online at the City's website.

Print

Application to serve on a Board/Committee - Submission #2527

Date Submitted: 3/26/2021

RECEIVED

MAR 25 2021

CITY CLERK



First Name\*

Monica

Last Name\*

Pflugh

Address\*

2001 Amber Skies #127

City\*

Alamogordo

State\*

New Mexico

Zip Code\*

88310

Phone Number\*

5754421370

Email Address\*

scrapstuff105@gmail.com

Is the above address within City Limits?\*

☒ Yes

☐ No

Present Employer:\*

retired

Board/Committee you would like to serve on (1st choice):\*

Mayor's Committee on Aging



Board/Committee you would like to serve on (2nd choice):

Senior Volunteer Programs Advisory Council



Are you related to anyone who is presently employed by the City of Alamogordo?\*

☐ Yes

☒ No

If so, what is their relation to you?

Are you related to an Elected Official of the City of Alamogordo?\*

☐ Yes

☒ No

Is so, what is their relation to you?

**Experience and education relating to the Board/Committee:**

My degree in Business Administration and a career at the executive level provided me with need/solution assessment and development skills. My career included experience in teamwork, oversight, and an understanding of budgeting. And I am a senior.

**Please indicate your interest in serving on a City Board/Committee:**

In my retirement, I still want to give back to my community. I would like to serve Alamogordo's senior population by helping to ensure they receive the care and services that can be made available to them. They are a unique group of people who have unique needs.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/13/2021

**Report Date:** 4/5/2021

**Report No:** 14.

**Submitted By:** Petria Bengoechea

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**Subject:** Adjourn into Executive Session in compliance with 10151(h)(7) NMSA (as amended) to discuss threatened or pending litigation - Tommy Herrell threatened lawsuit. (**Roll Call Required**)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:**