



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

November 18, 2025 - 6:30 PM

Donald E. Carroll City Commission Chambers
City Hall, 1376 E. Ninth Street

Susan L. Payne Mayor
Sharon McDonald Mayor Pro-Tem, District 5
Crystal Guthrie District 1
Stephen Burnett District 2
Warren Robinson District 3
Josh Rardin District 4
Mark Tapley District 6

Stephanie Hernandez Acting City Manager
Darrell Mori 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 east bulletin board located in the south of the City Hall and in the glass case located outside 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

PRESENTATIONS

1. Presentation regarding a development matter and Chapter 28 Water, Sewers, and Sewage Disposal clarification. (*Dusty Wright, Arrowhead Investment Group*)

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Commission. The standard allotted time is 3 minutes, but the Mayor reserves the right to change depending on the number of public comments.

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

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

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 Regular Commission meetings on October 28, 2025, and November 5, 2025. *(Rachel Hughs, City Clerk)*
3. Approve the statements related to the Executive Closed Session held on November 5, 2025. *(Rachel Hughs, City Clerk)*
4. Consider, and act upon, a funds appropriation of \$151,000 through the Capital Outlay Bureau with the Aging & Long-Term Services Department to renovate the Senior Center parking lot, adding a designated area for the City of Alamogordo Senior Center fleet. *(Magdalena Morales, ASC Manager, and Eileen Flint, Community Services Director)*
5. Consider, and act upon, the award of RFP 2025-011 Water & Wastewater Analytical Testing Services to Aqua Environmental Testing Laboratory. *(Dave Nunnelley, Utilities Director)*
6. Consider, and act upon, the award of Public Works Bid No. 2025-009, Lower Alamo, Callahan, and Ocotillo Water Tank Rehabilitation Project No.UP2602, to DNR Tank, related to the Lower Alamo, Callahan, and Ocotillo Water Tank Project for an amount not to exceed \$7,609,529.01, including NMGR. *(Justen Boyle, Senior Project Manager)*
7. Consider, and act upon, the award of Public Works Bid No. 2025-008, White Sands and Fairgrounds Intersection Project No.CM2601, to Rock Canyon Construction, related to the White Sands and Fairgrounds Intersection Project for an amount not to exceed \$2,203,069.62, including NMGR. *(Justen Boyle, Senior Project Manager)*
8. Consider, and act upon, the award of Public Works Bid No. 2025-003, La Luz South Reservoir Cover, Tower, and Catwalk Replacement Project No.UC2209, to KE&G, related to the La Luz South Reservoir Cover, Tower, and Catwalk Replacement Project for an amount not to exceed \$4,586,180.64, including NMGR. *(Justen Boyle, Senior Project Manager)*

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

9. Consider, and act upon, the question of whether the Alcoholic Beverage Control Division of the State of New Mexico should approve or disapprove the transfer of ownership and location of Dispenser Liquor License No. DIS-000637 with no premises consumption with no patio service to the the applicant Murphy Oil USA, Inc., dba Murphy Express #3576 at 2919 White Sands Blvd., with the transfer from BW Gas and Convenience Retail, LLC, dba Allsup's #102177 at 2201 N. White Sands Blvd. *(Dylan Aleshire, Deputy City Clerk)*

UNFINISHED BUSINESS

10. Consider, and act upon, Ordinance 1719 for first publication to approve a Local Economic Development Project not to exceed \$475,000 Secured Assistance Proposed by Xtreme Amplitude. *(Echo Johnson, Owner) (Roll Call Vote Required)*

NEW BUSINESS

11. Consider, and act upon, the first publication of Ordinance 1720 Declaring The Need For Designation By Otero County, New Mexico By And Through The County's Board Of County Commissioners Of Certain Real Property Within The County's Area Of Operation Overlapping The Municipal Boundaries Of The City Of Alamogordo As A Metropolitan Redevelopment Area. (*Chris Muirhead, Modrall Sperling*) **(Roll Call Vote Required)**

12. Consider, and approve, Resolution 2025-35, Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority. (*Chris Muirhead, Modrall Sperling*) **(Roll Call Vote Required)**

13. Appointments to Boards and Committees. (*Susan L. Payne, Mayor*)

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/13/2025

Report No: 1.

Submitted By:

Subject: Presentation regarding a development matter and Chapter 28 Water, Sewers, and Sewage Disposal clarification. (*Dusty Wright, Arrowhead Investment Group*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background: Emails attachments added by city staff.



City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM

Today's Date: 11/12/15

Request Date of Meeting: November 18, 2025

Name and Title: Arrowhead Investment Group/ Dustin Wright

Address: 1001 Zuni Dr. Ste F
Alamogordo, NM **ZIP** 88310

Phone Number: 575-430-3395

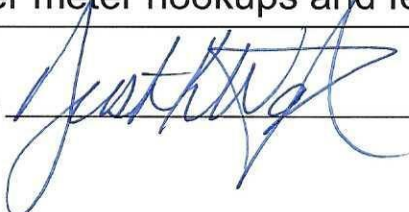
E-Mail Address: arrowhead.aid@gmail.com

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

We would like to brief the commission of an ongoing development
issue that we are facing. We would like to present the information we
have and request that the commission seek a resolution from City
staff with regards to this matter. We are also seeking clarification on
City Code Ch. 28 with regards to Water meter hookups and fees.

Signature: 

Please return to: Rachel Hughs, CMC, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4100

Fax: (575) 439-4396

E-mail: rhughs@ci.alamogordo.nm.us

ORDINANCE NO. 1700

AN ORDINANCE REPEALING CHAPTER 8 ARTICLE 8-08 CROSS CONNECTION, PREVENTION AND CONTROL AND AMENDING CHAPTER 28 WATER, SEWERS AND SEWAGE DISPOSAL

WHEREAS, the City Commission of the City of Alamogordo acknowledges that they have a responsibility to ensure the provision of safe, reliable, and sustainable water services to all users in the City of Alamogordo;

WHEREAS, the current rate structure, established by ordinance 1506, has been in effect since July 2015 and no longer adequately reflects the cost of providing water services, maintaining infrastructure and ensuring regulatory compliance and;

WHEREAS, the City of Alamogordo has commissioned a detailed financial analysis by GovRates, Inc which recommends a revised rate structure to better align revenues with the operational and capital expenditures necessary for the long-term sustainability of the water system; and,

WHEREAS, the implementation of the new water rate structure is essential for meeting future water demand, addressing aging infrastructure, and complying with state and federal water quality standards; and

WHEREAS, the City Commission of the City of Alamogordo recognizes the importance of adopting a water and sewer ordinance that supports the City of Alamogordo's goals of environmental stewardship, fiscal responsibility, and public health; and

WHEREAS, it is in the best interest of the City of Alamogordo to update the water and sewer ordinance to reflect these findings and ensure the continued provision of high-quality water services to all customers;

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Chapter 8 Article 08-08 Cross Connections, Prevention and Control be repealed in its entirety and Chapter 28 Water, Sewers and Sewage Disposal be amended as follows;

28-01-010. Definitions.

As used in this chapter:

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen by weight utilized in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at twenty (20) degrees Celsius expressed in milligrams per liter (mg/l).

City is defined as the City of Alamogordo, New Mexico, or any authorized person or entity acting in its behalf.

City commission is the governing body authorized to oversee the implementation of the City Code of Ordinances, or any authorized person acting in its behalf.

City Manager is the regular, acting, or interim City Manager or their designee.

COD (denoting chemical oxygen demand) is a measure of the oxygen-consuming capacity of organic and inorganic matter present in wastewater as milligrams per liter (mg/l).

Cooling water is defined as the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat. This may also be termed as "noncontact cooling water." Water which comes into contact with raw materials or finished products from an industrial process is considered contact cooling water and is considered a polluted industrial waste.

CFR is defined as the Code of Federal Regulations, published by the office of the Federal Register, National Archives and Records Administration, as a Special Edition of the Federal Register.

Commodity charge. See "Consumption charge."

Connection charge or "connection fee" means the applicable charge for physically connecting to the water system and/or sewer system. The connection charges are not impact fees.

Consumption charge means the approved rate per volume of water and/or sewer used as measured by a meter and/or calculated per ordinance.

Customer charge is the fixed monthly fee charged property owners serviced by the city's sanitary sewer system and municipal water supply system and shall have the same meaning as base rate.

Cut off shall mean the turning off of the water supply to the property at the meter can.

Disconnect shall mean the severing of utility services to a property, including but not limited to removal of all, or part, of the city service lines, meter, meter can and all connecting hardware.

Distribution Mains shall mean the primary supply pipes of 6, 8, 10, or 12 inches inside diameter from which service connections are made to supply water to the User.

Effluent water. See "reclaimed water."

Finance Director is the regular, acting, or interim Finance Director or their designee.

Garbage shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storing and sale of produce.

Grid Mains shall mean the mains of 12 to 16 inches inside diameter serving as distribution supply mains.

Hauled wastes is defined as wastes delivered to the city's sanitary sewer system by conveyance other than direct pipe connection to the sewer, usually by tank truck.

Holding tank wastes any wastes from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

Hot tub. See "swimming pool."

Housing facilities: If a housing facility has 4 units or less is determined to be residential. Housing facilities with 5 or more units are considered commercial.

Industrial liquid wastes shall mean all waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage. Industrial manufacturing processes shall include, but are not limited to: ordnance and accessories; food and allied products; tobacco manufacturers, textile mill products; apparel and other finished products made from fabrics and similar materials; lumber and wood products, except furniture; furniture and fixtures; printing, publishing, and allied industries; chemicals and allied products; petroleum refining and related industries; rubber and miscellaneous plastics products; leather and leather products; stone, clay, glass and concrete products; primary metal industries; fabricated metal products, except ordnance, machinery and transportation equipment; machinery, except electrical; electrical machinery, equipment and supplies; transportation equipment; photographic and optical goods; watches and clocks; miscellaneous manufacturing industries.

Interference is defined as a discharge which alone or in conjunction with a discharge or discharges from other sources which:

- (1) Inhibits or disrupts the city's wastewater treatment processes or operations or its sludge processes, use or disposal; and
- (2) Causes a violation of any state, federal, or local requirements placed on the final disposal of the treated effluent or sludge from the city treatment works.

Master Meter shall mean a water meter used for billing purposes serving a building or group of buildings.

Medical waste is defined as isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Meter is a device designed to measure the flow/consumption of water delivered to a user (see "standard meter" and "non-standard meter").

Non-Residential use means all other uses, including but not limited to, commercial, industrial, separately-metered irrigation, and agricultural uses.

Non-standard meter is a meter approved for use by the city which does not communicate electronically with the city and is required to be read manually to record flow/consumption. A standard meter may be converted to a non-standard meter by disconnecting and removing the meter interface unit (MIU).

Normal domestic wastewater shall mean waterborne wastes normally discharging from the sanitary conveniences of buildings (including apartments, houses and hotels), office buildings, factories and institutions, free from storm surface water and industrial wastes. Normal domestic wastewater shall mean "normal" for the city.

Pass through is defined as a discharge which exits the POTW into the receiving stream in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's discharge permit, including an increase in the magnitude or duration of a violation.

Person is defined as any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

pH shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution.

Pollutant shall include, but not be limited to, the following: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, suspended solids, settleable solids, turbidity, color, BOD, COD, toxicity, or color).

Potable water is water treated within the city's system to standards acceptable for human consumption.

POTW (publicly owned treatment works). A "treatment works" as defined by section 212 of the Clean Water Act (33 U.S.C. § 1292) which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Pretreatment is defined as the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the city's wastewater facility.

Public sewer shall mean a sewer in which all owners of abutting properties shall have equal rights, and is controlled by public authority.

Public Works Inspector shall mean the public works inspector or their designee.

Reclaimed water is wastewater treated to standards acceptable for reuse under the New Mexico Environmental Department (NMED) discharge permit.

Residential use is defined as domestic use including indoor and outdoor uses at residences, and includes uses such as drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, watering lawns and gardens, and maintaining pools.

Sanitary sewer shall mean the public sewer portion of a wastewater facility which transports wastewater and to which storm, surface and ground water are not intentionally admitted.

Settleable solids means those solids which settle during a preselected period of time as expressed in milliliters per liter of sample.

Septage means the liquid removed from domestic septic tanks composed of sanitary and household liquid wastes.

Septage hauler is defined as the person or business engaged in the service of pumping domestic septic tanks and trucking the collection septage to the city's wastewater treatment works.

Sewage is defined as human excrement and gray water (household showers, dishwashing operations, etc.)

Smart meter. See "Standard meter."

Standard meter is a meter approved by the city which reads and records flow/consumption on a programmed interval and communicates that information electronically to the city for billing and management purposes.

Spa. See "swimming pool."

Storm sewer shall mean a sewer which carries storm water.

Storm water is defined as any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Swimming pool is any structure, including spas and hot tubs more than twenty-four (24) inches in depth and containing more than five hundred (500) gallons of water and intended primarily for recreational use.

Total Suspended Solids (TSS) shall mean the weight of solids remaining after a well-mixed sample of wastewater is filtered through a standard glass filter and the suspended portion is dried to a constant weight at 103-105 deg C. The concentration of TSS shall be denoted in milligrams per liter (mg/L).

Transmission Mains shall mean the mains larger than 16 inches inside diameter used to transmit water from treatment and storage facilities to grid mains. Tapping of transmission mains is not permitted by anything less than the diameter of 12 inches inside diameter.

Trap is a device for retaining sand, silt, grit mineral material, petroleum solvent, grease or oil by gravity-differential separation from wastewater and of a design and capacity approved by the city.

Treated water. See "potable water."

Unpolluted process water shall mean any water or waste containing none of the following: Free or emulsified grease or oil; acid or alkali, phenols or other substances imparting taste and odor to receiving water; toxic substances in suspension, colloidal state or solution; and noxious or odorous gases.

User is defined as any person who has a building sewer connected to the city's sanitary sewer, or contributes, causes or permits the contribution of wastewater into the city's POTW, including those who discharge hauled wastes to the POTW.

Utilities Director or "Director of Utilities" is the regular, acting, or interim Utilities Director or their designee.

Wastewater shall mean the used water of a community. Such used water may be a combination of the liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.

Wastewater facilities shall mean the structures, equipment and processes required to collect, transport and treat domestic industrial wastes and dispose of the effluent.

Wastewater treatment works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with waste treatment plant or wastewater treatment plant.

Water user is defined any person who has a meter connected to the city water system.

ARTICLE 28-02. SEWERS AND SEWAGE DISPOSAL

28-02-010. Connections required—Generally.

Any person whose building is on a lot or land adjoining a street in which a sewage collection system exists and which the property lines is within two hundred fifty (250) feet of a sanitary sewer shall be required to connect his building to the sewage collection system and pay applicable sewer connection and impact fees. Failure to connect to the system within 120 days after receiving notice of availability shall be subject to applicable fines.

28-02-020. Use of private facilities restricted.

No privies, cesspools or septic tanks shall be constructed or permitted within the area which is served by sanitary sewer facilities. Upon failure of a property owner to comply with the provisions hereof, written notice by the Public Works inspector shall be given demanding that connection with such sewer be made within thirty (30) days from date of such notice. Upon failure to comply with such notice, then and in that event the city shall have the power and the authority to make such connection, the cost and expense of which shall be a lien against any such property. The sewer connection fee as established by the city commission, for each and every connection made within the sewer district of the city shall be paid in advance before a permit for such connection shall be issued.

28-02-030. Permit—Required—Connections.

Before any connection shall be made with the city sewers a permit shall be obtained from the Public Works Inspector, Planning and Zoning Department and approved by the Public Works Inspector .

28-02-040. - Same—Application—Connections.

When application for a permit to connect with the city sewers is made, the applicant shall file with the Planning and Zoning department. Required documents include plans, drawings, specifications or descriptions of the proposed work. If these documents meet with the approval of the Public Works Inspector, a permit for such construction shall be issued.

28-02-050. - Supervision by licensed plumber—Connections.

No connections to city sewers shall be made either directly or indirectly, except by or under the supervision of a licensed plumber.

28-02-060. - Inspection; fee—Connections.

(a) The Public Works inspector must be notified when the work of a sewer connection is completed and ready for his inspection. All work must be left uncovered and convenient for examination until inspected and approved by the Public Works inspector. Photographs will not be accepted in lieu of physical inspection.

(b) For each such inspection made by the Public Works inspector, ~~he~~ the City shall be entitled to charge a fee as allowed by resolution. The Public Works inspector shall be the judge of the total number of inspections necessary to be made.

28-02-070. - Charges—Connections.

The sewer connection charges shall be set by city commission ~~from time to time~~ by resolution and shall be payable to the city before such connection is granted.

28-02-080. - Public buildings—Connections.

(a) All public service buildings, hotel, school, public school, laundry or other kind of public/commercial service establishment with a service line of six-inches or larger shall connect with the public sewer system at a manhole. If no standard manhole is available the applicant shall be responsible for design, construction, and costs associated there with for a manhole at location designated by the City.

(b) The City Manager shall take notice of the provisions of this section and the same shall be strictly enforced, unless the City Manager shall certify that some other method of making such connection will satisfy all public requirements.

28-02-090. Maintenance and repair of service lines—Connections.

A property owner is responsible for the maintenance and repair of service lines connecting the building to the sewage collection system including taps, saddles and wys. A property owner is also responsible for any damage to public property resulting from the failure of such service lines, such failure including, but not limited to, leaks or collapses. Upon failure of a property owner to comply with the provisions hereof, written notice by the building inspector shall be given demanding that maintenance or repair be made within thirty (30) days from the date of such notice. Upon failure to comply with such notice, then and in that event, the city shall have the power and the authority to maintain or repair, the cost and expense of which shall be liened against any such property.

28-02-100. Service charge—Charges.

The city shall charge and collect from all users of the sanitary sewage system, for the use thereof, a monthly service charge. The service charges shall be adopted by resolution

- (1) In the absence of a formal study recommendation or schedule of adopted rates or action by the City Commission, the monthly service charges for sewer service adopted by resolution shall be automatically increased effective July 1st of each fiscal year. The percentage increase shall be the greater of i) three percent (3%); and ii) the percentage increase, if any, in the national Consumer Price Index (CPI-U), all items, U.S. city average, all urban consumers, not seasonally adjusted (Series ID: CUUR0000SA0 accessed via <https://data.bls.gov/cgi-bin/srgate>) from January of the preceding calendar year to January of the current calendar year as published by the Bureau of Labor Statistics of the United States Department of Labor. The calculated rates, fees, or charges shall be rounded up to the nearest cent. The utility may compound indexing. For example, if the utility fails to index in year one, it may index in year two for years one and two.

28-02-105. Reclaimed water—Charges.

- (1) Any party wishing to receive reclaimed water from the city shall establish an account and apply for a meter as required by the water billing division.
- (2) The city shall charge and collect from all users of the reclaimed water system, for the use thereof, monthly service charges. The service charges shall be adopted by resolution.
- (3) In the absence of a formal study recommendation or schedule of adopted rates or action by the City Commission, the monthly service charges for reclaimed water service adopted by resolution shall be automatically increased effective July 1st of each fiscal year. The percentage increase shall be the greater of i) three percent (3%); and ii) the percentage increase, if any, in the national Consumer Price Index (CPI-U), all items, U.S. city average, all urban consumers, not seasonally adjusted (Series ID: CUUR0000SA0 accessed via <https://data.bls.gov/cgi-bin/srgate>) from January of the preceding calendar year to January of the current calendar year as published by the Bureau of Labor Statistics of the United States Department of Labor. The calculated rates, fees, or charges shall be rounded up to the nearest cent. The utility may compound indexing. For example, if the utility fails to index in year one, it may index in year two for years one and two.
- (4) Users of ancillary services for reclaimed water shall pay the fees adopted by resolution.

28-02-110. Billing—Charges.

Billing for sewer service and reclaimed water charges shall be done in conjunction with billing for water charges. Methods of billing and collection for delinquent accounts shall be as provided in section 28-03-060.

28-02-120. Lien provided—Charges.

The city shall have a lien on each lot or parcel of land to which the city has provided water and sewer utility service for charges made for services furnished by such system. Notices of such lien shall be filed and such liens shall be enforced as provided by law.

28-02-130. Purpose and policy.

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Alamogordo, New Mexico, and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.). The objectives of this ordinance are:

- a. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- b. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

- c. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- d. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- e. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

This ordinance shall apply to all users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

28-02-140. Reserved.

28-02-150. Prohibited discharges to sanitary sewer.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer, unless authorized by the city.

28-02-160. Discharges to storm sewers.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city commission. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city commission, to a storm sewer or natural outlet.

28-02-170. General sewer use requirements.

a. *General prohibitions.*

No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

b. *Specific prohibitions.*

No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- 2. Wastewater having a pH less than 6.0 or more than 9.0 or otherwise causing corrosive structural damage to the POTW or equipment;

3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half (½) inch in any dimension;
4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

28-02-180. Discharge of certain harmful wastes restricted—Industrial wastes.

No person shall discharge following described substances, materials, waters or wastes if it appears likely in the opinion of the City Manager, that such wastes can harm the wastewater facility, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the City Manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature and capacity of the wastewater facility, degree of treatability of wastes in the wastewater treatment works and other pertinent factors. The substances which must be considered include, but are not limited to, the following:

- (a) Any liquid or vapor having a temperature higher than one hundred twenty-two (122) degrees Fahrenheit or fifty (50) degrees Celsius.
- (b) Any water or waste containing fats, grease, wax or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit or zero (0) Celsius to sixty-five (65) degrees Celsius.
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder larger than those normally manufactured and sold for residential and noncommercial use will not be installed without specific review and approval by the city commission.
- (d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, unless completely neutralized and approved by the city commission for discharge.
- (e) Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or nontoxic, which exert an immediate chlorine demand, if discharge of such agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment works.
- (f) Any waters or wastes containing phenols or other taste or odor producing substances, in concentrations exceeding limits established by the city commission, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the city commission, in compliance with applicable state and federal regulations.

- (h) Any waters or waste having a pH exceeding 9.0.
- (i) Any waters or waste having an ammonia concentration exceeding 35 mg/L.
- (j) Any waters or waste having a TSS concentration exceeding 340 mg/L.
- (k) Any waters or waste having a BOD concentration exceeding 310 mg/L.
- (l) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime residues) or of dissolved solids (such as, but not limited to, sodium chlorine and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual chemical oxygen demand, or biochemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - (4) Slugs or shocks constituting an unusual volume of flow or concentration of wastes which will disturb the normal functioning of the wastewater facility.
- (j m) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment works employed, or amenable to treatment only to such degree that the effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

28-02-190. Discharge of harmful wastes—Industrial wastes.

- (a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain substances or possess the characteristics enumerated in section 28-02-180 of this article, and which, in the judgment of the City Manager, may have a deleterious effect upon the wastewater facilities, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city commission may:
 - (1) Reject the wastes,
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers, or
 - (3) Require control over the quantities and rates of discharge.
- (b) If the city commission permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Manager and the state and subject to the requirements of all applicable codes, ordinances and laws.

28-02-200. Testing—Industrial wastes.

Testing of an industrial waste will be performed at least twice a year or whenever found necessary by the City Manager. The person discharging the waste shall be liable for payment of all costs arising from the testing of the industrial waste.

28-02-210. Traps—Industrial wastes.

Grease, oil and sand traps shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the City Manager, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil traps shall be installed in all new filling stations, garages, restaurants and other new facilities wherein heavy discharge of grease and oil is to be expected.

28-02-220. Maintenance of preliminary treatment facilities—Industrial wastes.

Where preliminary treatment or flow-equalizing facilities are provided for any industrial liquid wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his their own expense.

28-02-230. Control manholes—Industrial wastes.

- (a) When required by the City Manager, the owner of any property serviced by a building sewer carrying industrial liquid wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.
- (b) Such manhole, when required, shall be accessibly and safely located, constructed in such a manner as to prevent infiltration of ground and surface waters, and should be constructed in accordance with plans approved by the City Manager. The manhole shall be installed by the owner at his their expense, and shall be maintained by them so as to be safe and accessible at all times.

28-02-240. Compliance with standards—Industrial wastes.

All measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association and American Water Works Association and the Water Pollution Control Federation American Water Works Association, American Public Works Association, and Water Environment, and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. The control manhole provided shall be located so that sampling of the industrial waste will be performed before discharge into the public sewer system. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater treatment works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, COD, BOD and settleable solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

28-02-250. Cost recovery—Rate schedule—Industrial wastes.

The City Manager shall take necessary steps to establish a rate schedule for sewer service that assures an equitable system of cost recovery. The purpose hereof is that the industrial users shall pay for the costs incurred by the city commission in the construction, operation and maintenance of that portion of the wastewater facilities related to industrial wastes.

28-02-260. Same—System conditions—Industrial wastes.

The cost recovery system shall satisfy the following conditions:

- (a) The apportionment of costs must take into consideration the individual industrial user's contribution as related to the total waste load, taking into account the volume and strength of all discharges.
- (b) The costs to be considered should include, but are not limited to:
 - (1) Amortization of the applicant's indebtedness for the cost of the treatment facilities (plant and interceptors).
 - (2) Operation and maintenance of the treatment facilities.
 - (3) Any additional costs which are necessary to assure adequate treatment on a continuous basis.
- (c) Substantial prepayment of the capital investment or other financial commitments will be required from each industry that contributes thirty (30) percent or more of the total volume or strength of the waste load to be treated by the project.

28-02-270. Same—Assessment of charges—Industrial wastes.

Customers discharging industrial liquid wastes which are of a greater strength and volume than normal, untreated domestic wastewater shall be subject to additional sewer service charges. Service charges for such users shall be adopted by resolution.

DIVISION II. FATS, OILS, GREASE (FOG) PREVENTION PROGRAM

28-02-290. Purpose.

The purpose of this article is to protect the health, safety and welfare of the citizens of Alamogordo through setting forth uniform requirements for users of the publicly owned waste water treatment system to capture and dispose of (FOG) and enables the city to comply with all applicable state and federal laws, including the Clean Water Act, 33 U.S.C. & 1251, et seq.; and General Pretreatment Regulations, Title 40 C.F.R. Part 403. By:

- (1) Prevention of introduction of FOG into the publicly owned wastewater treatment system that will interfere with its' operation;
- (2) To prevent the introduction of FOG that could pass through the publicly owned wastewater treatment system, inadequately treated, into reclaimed water systems;
- (3) To prevent sanitary sewer overflow (SSO). These overflows can then contaminate the ground, local water bodies, and any property that the sewage comes into contact with;

- (4) To promote reuse and recycling of waste grease (FOG) from the publicly owned wastewater treatment system;
- (5) To enable the city to meet federal, state and local pollutant discharge limits;
- (6) Judicial enforcement remedies.

28-02-300. Applicability.

The provision of this article shall apply to all commercial businesses in the City of Alamogordo, whose business involves preparation and sale of any Product that has potential to introduce (FOG) into the City's Publicly owned Wastewater Treatment System or furthermore referred to (POWTS).

- (1) This article shall apply to all non-domestic users of the POWTS, as defined in section 8-90-030 of this article.
- (2) Grease interceptors shall not be required for residential users.
- (3) The article shall apply to both new and existing facilities generating fats, oils, and grease as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease interceptors as required in section 8-90-030 of this article. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, nursing homes, and any other facility preparing, serving, or otherwise making any food available for consumption.
- (4) No user may intentionally or unintentionally allow the direct or indirect discharge of fats, oils, or greases of animal or vegetable origin into the POWT system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

28-02-310. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article. Definitions put in alphabetical order for simplification.

Act refers to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

AHJ means the authority having jurisdiction.

BOD means the value of the 5-day test for biochemical oxygen demand, as described in the latest edition of "Standards Methods for the Examination of Water and Wastewater."

COD means the value of the test for chemical oxygen demand, as described in the latest edition of "Standard Methods of the Examination of Water and Wastewater."

EPA means the United States Environmental Protection Agency.

Fats, oils, and grease (FOG) means all organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as

may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

FOG disposal system means a grease interceptor that reduces nonpetroleum fats, oils, and grease (FOG) in effluent by separation, and mass and volume reduction.

Generator means any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

Grease interceptor means an appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oil, and grease (FOG) from a wastewater. These two (2) types of grease interceptors, gravity grease interceptors and hydro mechanical grease interceptors.

Gravity grease interceptors means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils and greases (FOG) from a wastewater discharge and is identified by volume, 30-minute retention time, baffle(s), a minimum of two (2) compartments, a minimum total volume of three hundred (300) gallons, and gravity separation. These interceptors are designed by a registered professional engineer. Gravity grease interceptors are generally installed outside.

Hydro mechanical grease interceptor means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and grease (FOG) from a wastewater discharge and is identified by flow rate, and separation and retention efficiency. The design incorporates air entrainment, hydro mechanical separation, interior baffling, and/or barriers in combination or separately, and an external flow control, with air intake (vent).

Grease removal device (GRD) means any hydro mechanical grease interceptor that automatically, mechanically removes non-petroleum fats, oil, and grease (FOG) from the interceptor, the control of which are either automatic or manually initiated.

Grease waste means material collected in and from a grease interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering process.

Indirect discharge or discharge means the introduction of pollutants into a POWTS from any non-domestic source.

Industrial liquid wastewater. "Industrial liquid wastes" shall mean all waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing of food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage. Industrial manufacturing of process shall include, but are not limited to: ordinance and accessories, food and allied products; tobacco manufacturers, textile mill products; apparel and other finished products made from fabrics and similar materials; lumber and wood products, except furniture; furniture and fixtures; printing, publishing and allied industries; chemicals and allied products; petroleum refining and related industries; rubber and miscellaneous plastic products; leather and leather products; stone, clay, glass, and concrete products; primary metal industries; fabricated metal products, except excepted ordinance, machinery transportation equipment; machinery, except electrical; electrical machinery, equipment and supplies; transportation equipment; photographic and optical goods; watches and clocks; miscellaneous manufacturing industries.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POWTS, its treatment processes or operations or its sludge processes, use or disposal, or is a cause of violation of the city's TPDES permit.

Interference with any wastewater facility. "Interference with any wastewater treatment process" shall mean any condition or combinations which cause the degradation of the operational efficiency of a wastewater facility.

pH means the measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

POWTS or publicly owned wastewater treatment system means a treatment system which is owned by a state or municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of public sewage or industrial wastes of a liquid nature. It also includes all sewer, pipes and other conveyances that convey wastewater to a POWT plant. The term also means the public or municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment system. For purposes of this article, the terms "sanitary sewer system" and POWTS may be used interchangeably.

Sanitary sewer shall mean the public sewer portion of a wastewater facility which transports wastewater and to which storm, surface and ground water are not intentionally admitted.

Settleable solids means those solids which settle during a preselected period of time as expressed in millimeters per liter of sample.

Standard methods shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater," as prepared, approved and published jointly by the "American Public Health Association" and "American Water Works Association" and the "Water Pollution Control Federation."

Storm sewer shall mean a sewer which carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes.

Transporter means a person who is registered with and authorized by the AHJ or POWTS to transport sewer sludge, water treatment sludge, domestic waste, chemical toilet waste, grit trap waste, or grease trap waste in accordance with current regulations.

Trap is a device for retaining sand, silt, grit mineral material, petroleum solvent, grease or oil by gravity—differential separation from wastewater and of a design and capacity approved by the City of Alamogordo, New Mexico.

TSS means the value of the test of total suspended solids, as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

Unpolluted process water shall mean water or waste containing none of the following: Free or emulsified grease or oil; acid or alkali, phenols, or other substances imparting taste and odor to receiving water; toxic substances in suspension, colloidal state or solution; and noxious or odorous gases.

User means any person, including those located outside the jurisdictional limits of the City, who contributes, causes or permits the contribution of discharge of wastewater into the POWTS, including persons who contribute such wastewater from mobile sources.

Wastewater shall mean the used water of a community. Such used water may be a combination of the liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.

28-02-320. Installation and maintenance requirements.

- (A) *Installations.* Grease, oil and sand traps shall be provided by the owner when the city deem it necessary for proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil traps shall be installed in all new filling stations, garages, restaurants, and other new facilities wherein heavy discharge of grease and oil is to be expected. In new businesses that will have minimum impact on the city's sewer infrastructure a minimum grease of a 50-gallon grease interceptor shall be required. Where preliminary treatment of flow equalizing facilities are provided for any industrial liquid wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at their own expense.
- (1) *New facilities.* Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors shall be installed and inspected prior to issuance of a certificate of occupancy.
 - (2) *Existing facilities.* Existing grease interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with these model standards, unless specified in writing and approved by the POWTS.
 - (3) *All grease interceptors shall be properly sized.* Hydro mechanical grease interceptors shall be sized in accordance with PDI G101 standard. Gravity interceptors shall be sized by a professional engineer to allow for a minimum retention time of thirty (30) minutes.
 - (4) *Bioremediation.* Bioremediation media shall only be used with approved FOG disposal systems ASME A112.14.6. The BOD, COD, and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD, and TSS. The pH levels must be between six (6) and nine (9).
 - (5) All grease bearing fixtures shall discharge to a grease interceptor.
 - (6) All users with a grease interceptor must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application, to ensure compliance with this article. A maintenance log shall be kept that indicates, at a minimum, the following information:
 - (a) Date the grease interceptor was serviced;
 - (b) Name of the person or company servicing the grease interceptor;
 - (c) Waste disposal method used;

- (d) Gallons of grease removed and disposed of;
 - (e) Signature of the operator after each cleaning that certifies that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all parts were replaced and in operable condition.
- (7) *Cleaning schedules:*
- (A) Grease interceptors shall be cleaned as often as necessary to ensure that the sediment and floating materials do not accumulate to impair the efficiency of the grease interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.
 - (B) Grease interceptors shall be completely evacuated a minimum of every thirty (30) days, or more frequently when:
 - (a) Twenty-five (25) percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or
 - (b) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POWTS; or
 - (c) If there is a history of non-compliance.
 - (C) Any person who owns or operates a grease interceptor may submit to the POWTS a request in writing for an exception to the thirty (30) day cleaning frequency of their grease interceptor. The POWTS may grant an extension for required cleaning frequency on a case-by-case basis when:
 - (a) The grease interceptor owner/operator has demonstrated the specific interceptor will produce an effluent, based on defensible analytic results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG, or other parameters as determined by the POWTS; or
 - (b) Less than twenty-five (25) percent of the wetted height of the grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating material, sediments, oils and greases.
- (8) *User cleaning.* Hydro-mechanical grease interceptors only. Grease interceptor cleaning by the user must receive approval from the POWTS to remove grease from their own grease hydro-mechanical grease interceptors. The following conditions shall apply:
- (A) The grease interceptor is no more than one hundred (100) GPM size.
 - (B) The proper on-site material disposal methods are implemented (e.g. absorbed liquid into solid form and disposed into trash;
 - (C) The local solid waste authority allows such practices;
 - (D) Grease waste is placed in a leak proof, sealable container(s) located on the premises and in an area for the transporter to remove or pump-out; and
 - (E) Detailed records on these activities are maintained.
- (9) *Manifest requirements.* Gravity grease interceptors only.

- (A) Each pump-out of a grease interceptor must be accompanied by a manifest to be used for record keeping purposes.
- (B) Persons who generate, collect and transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
 - (a) Name, address, telephone, and commission registration number of transporter;
 - (b) Name, signature, address and phone number of the person who generated the waste and the data collected;
 - (c) Type and amount(s) of waste collected or transported;
 - (d) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
 - (e) Date and place where the waste was deposited;
 - (f) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
 - (g) Name and signature of facility on-site representative acknowledgement receipt of the waste and the amount of waste received;
 - (h) The volume of the grease waste received; and
 - (i) A consecutive numerical tracking number to assist transporters, waste generators, and regulating authorities in tracking and volume of grease transported.
- (C) *Manifest*. The manifest shall be divided into five (5) parts and records shall be maintained as follows.
 - (a) One (1) part of the manifest shall have the generator and transport information completely filled out and given to the generator at the time of waste pickup.
 - (b) The remaining four (4) parts of the manifest shall have all required information correctly filled out and signed by the appropriate party before distribution of the manifest.
 - (c) One (1) part of the manifest shall go to the receiving facility.
 - (d) One (1) part shall go to the transporter, who shall retain a copy of all manifests showing collection and disposition of waste.
 - (e) One (1) copy of the manifest shall be returned by the transporter to the person who generated the wastes within fifteen (15) days after the waste was received at the disposal or processing facility.
 - (f) One (1) part of the manifest shall go to the local authority.
 - (g) Copies of manifests returned to the waste generator shall be retained for five (5) years and be readily available for review by the POWTS.

(10) *Prohibited practices:*

- (A) No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from grease interceptors into collection system, and include but are not limited to enzymes, soap, diesel, kerosene, terrene, and other solvents.
- (B) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (C) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the governing body of the City of Alamogordo. Industrial cooling water or unpolluted process water may be discharged on approval of the governing body of the city, to a storm sewer or natural outlet.
- (D) No person shall discharge or cause to be discharged any of the following described liquids or wastes to any public sewers:
 - (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid or gas.
 - (b) Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater facility, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment works, including, but not limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - (c) Any herbicides and pesticides.
 - (d) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facility,
 - (e) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the waste water facility such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - (f) Any amount of the following heavy metals: Antimony, Arsenic, Barium, Beryllium, Bismuth, Boron, Cadmium, Chromium (Hexa), Chromium (Tri), Cobalt, Copper, Iron, Lead, Manganese, Mercury, Molybdenum, Nickel, Rhenium, Selenium, Silver, Strontium, Tellurium, Tin, Uranyl ion, Zinc. Dilution of toxic materials and heavy metals in lieu of removal is not acceptable.

- (E) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the governing body of the city that such wastes can harm wastewater facility, or equivalent, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the governing body of the city will give consideration to such factors such as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature and capacity of the wastewater facility, degree of treatability of wastes in the wastewater treatment works and other pertinent factors. The substances which must be considered include but are not limited to the following.
- (a) Any liquid or vapor having a temperature higher than one-hundred fifty (150°F) or (65°C).
 - (b) Any water or waste containing fats, grease, wax, or oils, whether emulsified or not, in excess of one-hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°F) and one-twenty-five (125°F) or (0° to 50°C).
 - (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder larger than those normally manufactured and sold for residential and noncommercial use will not be installed without specific review and approval by the city.
 - (d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions cannot be discharged to the wastewater facility unless completely neutralized and approved by the city for discharge.
 - (e) Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or non-toxic, which exert an immediate chlorine demand not to be discharged into the wastewater facility if discharge of such agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatments works.
 - (f) Any waters or wastes containing phenols or other taste odor-producing substances, in concentrations exceeding limits established by the city after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (g) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the governing body of the city in compliance with applicable state and federal regulations.
 - (h) Any waters or wastes having a pH exceeding 9.0.
 - (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime residues) or of dissolved solids (such as, but not limited to, sodium chlorine and sodium sulfate).

- (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetables tanning solutions).
 - (3) Unusual chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - (4) Slugs or shocks constituting an unusual volume of flow or concentration of wastes which will disturb the normal functioning of the wastewater facility.
- (j) Waters and wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment works employed, or amendable to treatment only to such degree that the effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- (F) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which water contain the substances or possess the characteristics enumerated in section 5 of this ordinance, and which in the judgement of the governing body of the city, may have a deleterious effect upon the waste water facilities, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
 - (a) Reject the wastes;
 - (b) Require the pretreatment to an acceptable condition for discharge to the public sewers; or
 - (c) Require control over the quantities and rates of discharge.

28-02-330. Compliance and penalties.

All testing designed to satisfy the criteria set forth in this section shall be scientifically sound and statistically valid. All tests to determine oil and grease, TSS, BOD, COD, pH, and other pollutant levels shall use appropriate tests which have been approved by the Environmental Protection Agency which are defined in Title 40, Code of Federal Regulations, Part 136. Testing shall be open to inspection by the POWTS and shall meet the AHJ or POWTS approval.

28-02-340. Compliance monitoring.

- A) *Right of entry.* The POWTS or AHJ shall have the right to enter a premises of any user or potential user to determine whether the user is complying with all requirements of this section and any wastewater discharge permit or order issued hereunder. Users shall allow the POWTS or AHJ ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
 - a) Where a user has a security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentations of suitable identification, the POWTS will be permitted to enter without delay for the purposes of performing specific responsibilities.

- b) The POWTS shall have the right to set up user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 - c) The POWTS may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense.
 - d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the POWTS and shall not be replaced. The cost of clearing such access shall be borne by the user.
 - e) Unreasonable delays in allowing the POWTS access to the user's premises shall be a violation of this article.
- B) *Search warrants.* If the POWTS has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, then the POWTS may seek issuance of a search warrant.
- C) *Schedule of penalties.*
- (a) If the POWTS determines that a generator is responsible for a blockage of a collection system line the generator shall owe a civil penalty of one thousand dollars (\$1,000.00) for the first violation, one thousand five hundred dollars (\$1,500.00) for a second violation and two thousand dollars (\$2,000.00) for a third violation within a two (2) year period. Continuous violations shall result in an increase in penalty by five hundred dollars (\$500.00) and may also result in termination of services.
 - (b) Any person violating any of the provisions of this article shall be subject to a written warning for the first (1st) violation, a one thousand dollar (\$1,000.00) civil penalty for the (2nd) second violation, a one thousand five hundred dollar (\$1,500.00) civil penalty for the third (3rd) violation, and a two thousand dollar (\$2,000.00) civil penalty for the fourth (4th) violation within a two-year period, consistent violations will result in a five hundred dollar (\$500.00) increase in civil penalty and may result in termination of services.
- D) *Judicial enforcement remedies.*
- (a) *Injunctive relief.* When the POWTS or AHJ finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit, or issued hereunder, or any other pretreatment standard or requirement, they may petition the district court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. They may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.

ARTICLE 28-03. WATER

28-03-005. Availability of water and sewer service

- (a) Every property within the municipal boundaries shall be deemed to have water and sewer utility service available if service lines exist from the city water and sewer mains to the property.

28-03-010. Water supply protection.

The City Manager shall make such rules and regulations in furtherance of the purposes of this article and not inconsistent with the specific provisions of this article, for the installation, repair or alteration of air conditioning systems, water treatment equipment and water operated devices may be deemed necessary to properly protect the water supply system.

28-03-020. Application for water use.

No water shall be taken or used from the city water system, except by permission of the city commission through its duly authorized officers and agents.

28-03-030. Rules and regulations.

The City Commission shall from time to time make reasonable rules and regulations governing the distribution and use of the waters belonging to the city for either irrigation or domestic purposes. Any person taking or using such waters, for either irrigation or domestic purposes, in violation of any of the rules so made and established by the City Commission shall be deemed guilty of a misdemeanor.

28-03-033. Water conservation.

The flow of treated water from property into streets, alleys, gutters, and other public rights-of-way, ditches, or into a storm water drainage system or facility is contrary to the public health, safety and welfare of the citizens of the city and is therefore declared to be a nuisance. "Treated water" shall have the same meaning as set forth in section 28-01-010 of the City Code. The city attorney is authorized to take legal action to abate such a nuisance, including but not limited to injunctive relief. This authorization to seek injunctive relief or other legal action to abate such a nuisance shall not preclude prosecution for a violation of this chapter.

The following water conservation measures shall be in effect at the times specified. No person, firm or corporation shall use any water in violation of any provision of this section.

- (a) The following water conservation measures shall be in effect for all users on the city water works system during the period of 12:00 midnight, May 1 through 12:00 midnight November 1.
 - (1) Outdoor use of water through a sprinkler system or use of water through a hose to water any grass, trees, plants or other vegetation shall be determined as follows.
 - a. Users with odd numbered addresses shall be permitted to use water in the above manner on each Wednesday, Friday and Sunday.

- b. Users with even numbered addresses shall be permitted to use water in the above manner on each Tuesday, Thursday and Saturday.
 - c. Watering in the above manner shall be prohibited on each Monday.
 - d. In case of corner buildings having both odd and even numbers, the number carried on the books of the city's utilities department shall control.
- (2) The conservation measures detailed in paragraph (1) above shall be in effect during the period of 12:00 midnight, May 1 through 12:00 midnight, November 1 and shall apply to all residences and to all businesses and institutions having grass, trees, plants or other vegetation and shall be followed at all parks and public buildings which are watered with treated water. Areas watered using reclaimed water or private wells are exempted from these restrictions. These conservation measures shall not apply to any person, firm or corporation engaged in the business of growing or selling plants of any kind.
 - (3) Beginning with the implementation of conservation measures on 12:00 midnight, May 1 through 12:00 midnight, November 1, outdoor watering of grass, trees, plants or other vegetation shall be prohibited between the hours of 9 a.m. and 6 p.m.
 - (4) Treated water may only be used for cleaning buildings, decks, sidewalks, driveways or other impervious surface areas during the days and times that outdoor watering of grass, trees, plants and other vegetation is allowed. However, treated water may be used to clean sidewalks, driveways or other paved areas should it be necessary to clean nonrecurring spills that could pose a hazard to the health and safety of the citizens of the city. A special permit may be issued by the City Manager for washing down of impervious surfaces outside of normal watering hours.
 - (5) The provisions of this section taking place between 12:00 midnight, May 1 through 12:00 midnight, November 1 may be implemented at other times of the year by the City Manager upon determination that conditions surrounding the city's water supply warrant the imposition of such conservation measures. Should the City Manager implement conservation measures at a time other than between 12:00 midnight, May 1 through 12:00 midnight, November 1 when conservation measures are not in effect, the commission will consider such implementation at its next regular meeting and either ratify the City Manager's actions or remove the conservation measures.
- (b) New homes shall have a grassed area not greater than fifteen (15) percent of the lot size. The square footage of any swimming pool installed on the lot is included in the fifteen percent to determine the maximum grassed area.
 - (c) No new decorative outdoor fountains that use treated water will be permitted to be constructed or utilized.
 - (d) Effective immediately hotels or motels or other establishments providing accommodations to overnight guests shall not change linens and towels daily for guests staying for more than one night unless specifically requested to do so by the guest.
 - (e) Restaurants shall provide drinking water to customers only upon request.
 - (f) All swimming pools, which are constructed after the effective date of Ordinance No. 948 must be equipped with filtration, pumping and recirculation systems.

- (g) Impervious pool covers are required on all pools and must be in place when the swimming pool is not in use. No water shall be drained from pools into the streets or alleys of the city.
- (h) Turf grass is prohibited in all parkways, narrow strips of land and sloped areas within the new residential or commercial sites for which a building permit is issued, unless irrigated with subsurface irrigation or non-treated water. For purposes of this section, "sloped areas" means an area with a slope ration of one (1) to three (3) or greater from the horizontal. "Subsurface irrigation" means a low pressure irrigation system installed below the surface of the ground or mulch, consisting of a water distribution system equipped with pre-installed water emitters that are rated by gallons per hour, and that is suitable for turf grass irrigation.

28-03-034. Nonessential water use restrictions.

- (a) The following restrictions shall apply to all customers of or persons who use or receive treated water from the city: The use of a free-flowing hose to wash any vehicle is prohibited. Vehicles may be washed only from a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. This prohibition also includes the operation of vehicle washes such as fund-raisers held at commercial businesses. Mechanical commercial car washes are permitted.
- (b) "Wasting water" is prohibited. The following practices are wasting water:
 - (1) Using treated water for any purpose in such a way that it flows, sprays, or is otherwise excessively discharged upon any street, alley or other public right-of-way, ditch or drain;
 - (2) Failure to repair a leak, break, or malfunction within the water customer's plumbing or distribution system which results in excess use, loss or escape of water through the leak, break, or malfunction for any period of time beyond which such a leak, break, or malfunction should reasonably have been repaired or corrected.
 - (3) The City Manager may issue a written warning to anyone who violates sections (b)(1) or (b)(2). If a customer or person who uses or receives treated water from the city does not correct the violation within seven (7) calendar days of notification, or such other time as specified by the director, the city may disconnect water service. Any customer or person whose service is disconnected may appeal the decision in writing to the city commission. The written appeal request shall set forth in detail (1) the specific relief requested, and (2) the reason(s) that the customer or other person believes that the determination to disconnect made by the City Manager was arbitrary or capricious. The city commission shall consider such appeal at its next regularly scheduled commission meeting.
- (c) New or replacement bleeder lines from evaporative coolers shall not be larger than one-eighth-inch inside diameter. Bleeder lines shall not be routed into the sewer system when the discharge can be used to water landscaping or other outdoor vegetation, except where an exception has been granted by the City Manager.

28-03-035. Water rationing.

The following water conservation stages shall be in effect at the times specified. When Stage 1, Stage 2, or Stage 3 water rationing is in effect, no person, firm or corporation shall use any water in violation of any provision of this ordinance. Restrictions contained in each stage will be effective in all subsequent stages unless explicitly or implicitly repealed.

- (1) *Stage 1: Water rationing.* Whenever the estimated demands on the system exceed the estimated supply (storage, well capacity and surface flows) such that it appears that there will be a substantial shortage of water over the next six-month period, a "Water Emergency" will be declared. The City Manager shall have the authority to impose Stage 1 water rationing. The city commission shall consider the actions of the City Manager at its next meeting at which time the city commission shall approve or disapprove the action taken by the City Manager. The following requirements shall be in effect.
 - a. The City Manager shall make public announcements, through the print and broadcast media concerning the Stage 1 water rationing, whenever Stage 1 is in effect. The announcement will include a description of the rationing restrictions.
 - b. Use of water through a sprinkler system or use of water through a hose to water any grass, trees, plants or other vegetation shall be determined as follows:
 1. Users with odd numbered addresses shall be permitted to use water in the above manner on each Wednesday and Sunday.
 2. Users with even numbered addresses shall be permitted to use water in the above manner on each Tuesday and Saturday.
 3. Watering in the above manner shall be prohibited between the hours of 8 a.m. and 8 p.m.
 4. Owners of newly seeded or sodded lawns or newly planted trees and shrubs allowed under section 28-03-033(2) shall be required to comply with this section
 - c. These restrictions shall apply to all residences and to all businesses and institutions having lawns, gardens, trees, or shrubs, and shall be followed at all parks and public buildings which are watered with treated water. Areas watered with reclaimed or private well water are exempted from these restrictions. These restrictions shall not apply to any person, firm or corporation engaged in the business of growing or selling plants of any kind.
 - d. Treated water may be used to fill a swimming pool during the time that the homeowner is entitled to water his/her lawn.
 - e. Newly seeded or sodded lawns or newly planted trees or shrubs shall be exempted from Stage 1 water rationing for the time needed to establish the lawn, tree or shrub, provided the vegetation was planted before Stage 1 was imposed and the time needed to establish the lawn, tree or shrub does not exceed thirty (30) days. Said lawns, plants or shrubs must still comply with the Water conservation provisions of section 28-03-033. No lawns shall be newly seeded or sodded or trees or shrubs newly planted.

1. Anyone who has seeded or sodded a lawn or planted trees or shrubs prior to Stage 1 water rationing shall obtain a permit from the City of Alamogordo for this exemption.
 2. Newly seeded or sodded shall mean an area that visibly lacks vegetation. Watering shall be restricted to an area that covers newly seeded or sodded portions of a lawn without extending unnecessarily to areas with established vegetation.
- f. No water shall be used for fund-raising car washes.
- g. Washing building, decks, sidewalks, driveways, parking areas, tennis courts, patios or other impervious surface areas with a hose except in emergencies to remove spills of hazardous materials or to eliminate dangerous conditions which threaten the public health, safety, or welfare, is prohibited.
- (2) *Stage 2 water rationing.* Whenever the estimated demands on the system exceed the estimated supply (storage, well capacity and surface flows) such that it appears that there will be a substantial shortage of water during the next two (2) month period, the City Manager shall have the authority to impose Stage 2 water rationing. The following requirements will be in effect:
- a. The City Manager will make public announcements through the print and broadcast media that Stage 2 is in effect. The announcements will include a description of the rationing restrictions.
 - b. The city commission shall be called into emergency session in accordance with the current open meetings resolution after the imposition of Stage 2 to consider ratifying the City Manager ~~city manager~~ action or to amend or lift the Stage 2 water rationing as circumstances warrant.
 - c. Use of water through a sprinkler system or use of water through a hose to water any grass, trees, plants or other vegetation shall be determined as follows:
 1. Users with odd numbered addresses shall be permitted to use water in the above manner on each Friday.
 2. Users with even numbered addresses shall be permitted to use water in the above manner on each Tuesday.
 3. Watering in the above manner shall be prohibited between the hours of 8 a.m. and 8 p.m.
 - d. These restrictions shall apply to all residences and to all businesses and institutions having lawns, gardens, trees, or shrubs and shall be followed at all parks and public buildings which are watered with treated water. Areas watered with reclaimed or private well water are exempt from these restrictions.
 - e. No water shall be used to wash any vehicle except at places of business where autos are washed on every business day either with attendants, with automatic equipment or by self service.

- (3) *Stage 3 water rationing.* Whenever the estimated demands on the system exceed the estimated supply (storage, well capacity and surface flows) such that it appears that there will be a substantial shortage of water during the next twenty-day period, the city commission finds that the city is in a state of emergency and the following measures are necessary to protect the health and welfare of the citizens. The City Manager ~~city manager~~ shall have the authority to impose Stage 3 water rationing. The following requirements will be in effect:
- a. The City Manager will make public announcements in the print and broadcast media that Stage 3 water rationing is in effect. The announcements will include a description of the provisions in effect.
 - b. The city commission shall be called into emergency session in accordance with the current open meetings resolution after the imposition of Stage 3 to consider ratifying the City Manager action or amend or lift the Stage 3 water rationing as circumstances warrant.
 - c. Use of treated water through a sprinkler system or use of treated water through a hose to water any grass, trees, plants or other vegetation shall be prohibited.
 - d. All watering of grass, trees, plants or other vegetation at all parks and public buildings owned by the city which are watered using treated water shall be prohibited. Areas watered with reclaimed or private well water are exempt from these restrictions.
 - e. No treated water shall be used to wash any vehicle except at places of business where autos are washed on every business day either with attendants, with automatic equipment or by self service. Such operations shall be limited to ten (10) hours per day, with the owner/operator to publicly post operating hours where visible to the general public.
 - f. No swimming pools will be filled with treated water and no treated water shall be added to any swimming pool. Indoor pools used for medical or rehabilitative purposes shall be exempt from this section. The public pool at the family recreation center shall be exempt from this section.
 - g. It shall be the policy of the city of Alamogordo to keep Stage 3 in effect for no longer than absolutely necessary. The City Manager and the city commission shall take steps to lift the Stage 3 restrictions as soon as lifting the restrictions will not endanger the water supply by reducing amounts of water in storage.
- (4) The City Manager will make written reports to the city commission at every regular city commission meeting (including emergency sessions called under this section) while water rationing is in effect. The City Manager will make weekly written reports to the city commission while Stage 3 water rationing is in effect.

28-03-036. Exceptions to enforcement.

The following shall constitute exceptions from compliance with the provisions of this chapter:

- 1. The water is the result of natural events such as rain or snow:

2. The flow is a result of temporary failures or malfunctions of the water supply system;
3. The flow is a result of water used for firefighting purposes including the inspection and pressure testing of fire hydrants or the use of water for firefighting training activities;
4. The use of water is required for the control of dust or the compaction of soil as may be required by the City Code.
5. The water is used to wash down areas where flammable or otherwise hazardous material has been spilled and creates a dangerous condition;
6. The water is used to prevent or abate public health, safety or accident hazards when alternate methods are not available;
7. The water is used for routine inspection or maintenance of the water supply system;
8. The water is used to facilitate construction within public right-of-way in accordance with the requirements of the city and good construction practices;
9. The use of water is permitted under the terms of a permit granted by the City Manager;
10. The water is used for street sweeping, sewer maintenance or other established utility and public works practice;
11. Watering contrary to the even/odd watering requirements under this chapter and from the time of day watering requirements of this chapter may be permissible for one (1) day only where application of chemicals requires immediate watering to preserve an existing lawn. In cases of commercial application, a receipt from a commercial lawn treatment company indicating the date of treatment, the address of the property treated, the name and address of the commercial contractor, and the chemical treatment required shall constitute evidence that the owner or person responsible for the property is entitled to this exception. Where treatment with a noncommercial application of chemicals requires immediate watering to preserve an existing lawn, the owner or person responsible for the property must contact the City Manager prior to the application of chemicals and provide evidence satisfactory to the manager for approval of this exception.

28-03-037. City manager's authority to restrict water use.

During periods of unusual circumstances, such as, but not limited to drought or other interruptions to the supply of available water. The City Manager may establish restrictions on the outdoor use of water that are more restrictive than established in this article. If the City Manager takes such action, the action shall be placed upon the agenda of the city commission not later than the next regularly scheduled meeting of the city commission for approval, amendment, or disapproval. If approved or approved as modified, such approval shall be made by commission resolution specifically setting forth the provisions of the restriction in full and published in a newspaper of general circulation in the city after adoption. The City Manager shall take such other steps as seems to him most effective to inform the public.

28-03-038. Fees and penalties for noncompliance.

- (a) Each account holder is responsible for the control and use of water received through the city water meter. Each and every transgression of use of water from this article shall result in a surcharge as approved by resolution of:
- (b) Any account holder receiving a surcharge under this section must pay any and all outstanding current charges on the account and then may request a review of the surcharge. The city manager shall establish a procedure for the review, which will include review by multiple individuals. If the review shows that the transgression was clearly caused by events or circumstances beyond or uncontrollable by the account holder, then the City Manager may credit the account for the amount of the surcharge.
- (c) Any code enforcement officer, animal control officer, meter reader or public safety officer who witnesses a transgression of this ordinance will leave notice of the observed transgression at the business or residence where the violation takes place. A duplicate of the notice will be given to the utility billing division which will send notice of the transgression to the account holder, should the account holder have a different address than the address where the violation is observed.
- (d) Any person, firm, or corporation violating any provision of this section shall be fined not more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues in accordance with the general violation provisions of the Code of Ordinances.

No person shall bathe in or willfully cast any filth in, or wash any clothes or undergarments, towels or linen in any reservoir or reservoirs, streams, trenches, pipes or drains used in and necessary for the construction, transmission, maintenance or operation of the waterworks system of the city, or in the stream or source from which the water is taken. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

28-03-050. Meter installation required.

No water shall be used from any mains or pipes owned or controlled by the city, without a meter having been previously installed by the city. It shall be unlawful for any person to connect onto any city mains or pipes, or use water from such mains or pipes without having notified the City Manager of such intention, and requesting the installation of a meter.

28-03-060. Billing procedure.

- (a) Water bills shall be prepared and posted on a cycle billing system, whereby each water user is billed each thirty (30) days for water provided such user in the preceding thirty-day period.
 - (1) The City Manager is authorized to develop and promulgate such policies and procedures to allow for a "budget billing" cycle whereby qualified owner occupied residential water users are billed a fixed monthly charge for customer charge and consumption charge for a defined period.

- (b) Payment is due and payable fifteen (15) calendar days from the billing date, and is considered delinquent if not paid within ten (10) calendar days from the due date. A final cut off notice will be mailed on the twenty-fifth calendar day from the billing date stating services will be disconnected in five (5) calendar days if the past due bill is not paid in full.
 - (1) For purposes of this section due dates, notice dates and cut off dates falling on a weekend or city observed holiday will automatically be extended to the next city business day.
- (c) If the payment for water, sewer or residential garbage collection fees, or any combined billing, is not made within thirty (30) calendar days from the billing date ~~due date~~, the water service shall be cut off. Water service shall not be supplied to the customer until the past due bill with all applicable additional fees associated with the delinquency, has been paid in full.
- (d) If an account has been in cutoff status for a minimum of three (3) calendar days without paying the past due bill with all applicable additional fees associated with the delinquency, the account shall be placed in termination status. If an account has been in termination status for one (1) calendar day, the account will be finalized on the following day if not paid in full. Once an account has been finalized, a customer must pay all outstanding balances, any applicable deposits and the application fee to re-initiate service.
- (e) Any unpaid charge for water, sewer or garbage collection services ~~is~~ will result in a lien upon the property served by such services and is superior to all other liens except general property taxes and those liens given priority equal to that of general property taxes, unless the owner has filed a city notarized form releasing owner of responsibility. This document must be on file with the city utility billing department at the time the tenant applies for utility services. This form cannot be retroactive. If a property owner files this form, the deposit for the tenant shall be as provided by resolution.

28-03-070. Sales outside city limits.

- (a) *Contracts:* The City Manager is hereby authorized on behalf of the city, to enter into such contracts for the sale of surplus water with property owners whose lands are located outside the city limits, and which property owners desire to receive city water for domestic purposes only; provided, however, that, such sale of surplus waters shall be limited to the area within 100 feet of a potable or non-potable water main. In the event of a water shortage, the water users outside of the city limits shall be the first to have city water services adjusted or terminated as the situation requires, and any contract for the sale of surplus waters shall contain an express provision therefor.
- (b) *Rates:* The landowners who shall enter into the above contract with the city shall be required to pay twice the rates and/or charges of water users for commensurate services when furnished within the city limits, for all necessary labor, materials, appurtenances, water meters, water usage, water tap and any permits which are necessary under the above contract and laws of the city. The payments which may be due hereunder shall be made to the City Manager, prior to the time of installation for the commencing of such work. Notwithstanding the foregoing, the city shall have the right to enter into such contracts as may be approved by the city commission for the sale of surplus water to military users and

to nonprofit educational, scientific, charitable, civic and similar organizations who desire water for domestic purposes and whose lands are located outside the city limits, at the same rates and/or charges made for such water services to lands located within the city limits.

- (c) *Availability:* It shall be the duty of the City Manager, to confer with property owners whose lands are located outside the city limits and who wish to make application for usage of surplus water under the terms of contracts herein provided for, and the City Manager shall determine if it is feasible to furnish such persons with surplus water, and if so, the City Manager shall receive the application for water and convey such applications to the city commission along with ~~their~~ recommendations as to the availability of surplus water and as to the feasibility of furnishing such surplus water, if any be available, to the person making application.

28-03-080. Rates.

The water rates for users of the municipal water supply of the city shall be adopted by resolution.

(1) In the absence of a formal study recommendation or schedule of adopted rates or action by the City Commission, the monthly service charges for water service adopted by resolution shall be automatically increased effective July 1st of each fiscal year. The percentage increase shall be the greater of i) three percent (3%); and ii) the percentage increase, if any, in the national Consumer Price Index (CPI-U), all items, U.S. city average, all urban consumers, not seasonally adjusted (Series ID: CUUR0000SA0 accessed via <https://data.bls.gov/cgi-bin/srgate>) from January of the preceding calendar year to January of the current calendar year as published by the Bureau of Labor Statistics of the United States Department of Labor. The calculated rates, fees, or charges shall be rounded up to the nearest cent. The utility may compound indexing. For example, if the utility fails to index in year one, it may index in year two for years one and two.

28-03-085. Ancillary charges for nonroutine services.

The following ancillary charges are intended to defray costs of special, non-routine services provided to users of the city water system. Governmental Gross Receipts tax will be added to all applicable charges. All Charges will be approved by resolution.

28-03-087. Abatement of penalties and late fees.

- (a) The City Manager will establish a policy to determine the abatement of penalties and late fees.

28-03-090. Line tapping and meter setting fees.

Fees for tapping the main water line of the city, extending the line from the main line to the water meter, installing the water meter cover and water meter, and any other materials that are incidental to complete the installation of a water meter shall be adopted by resolution. Fees and

charges for cutting and replacing pavement shall be paid in advance of installation. Line tapping and meter setting shall be performed in accordance with current technical and safety standards:

28-03-100. Deposit.

- (a) The following deposits shall be paid by the ~~applicant~~ renter at the time of application for water and sewer service at the time of application for service, for the purpose of a guarantee of payment.
 - (1) Residential accounts deposit will be three (3) times the average bill based on the meter size
- (b) All renter's deposit will be held until the account is terminated.

28-03-110. No free service.

No free service shall be allowed, and, to the extent that the city or any of its agencies or instrumentalities avail themselves of the service and facilities provided by the water system, they shall pay therefor the rates and charges herein prescribed.

28-03-120. Testing of meters.

- (a) Any utility customer who feels that a water meter is not registering accurately may request to have their water meter tested. The written request must be submitted to the city's utility billing department and must be accompanied by a testing fee. The testing fee will be established by resolution
- (b) Upon request, a water meter will be tested by a certified laboratory. If the meter registers more than five (5) percent high, the city will replace the meter, refund the meter testing fee, and adjust the contested monthly water bill if appropriate. If the meter is found to be accurate within five (5) percent, or if the meter is slow, the city shall reinstall a meter and no refund of the meter testing fee will be made.

28-03-130. Water Service with Master Meters

With regard to any private residential property where a master meter is in place and functioning, the city shall have the right and option to read said master meter and assess the full charge to the owner or agent of said master meter. The city shall have the right and option to refuse to read individual meters connected to said master meter, and to separately assess and/or collect utility fees which may be pertinent to said master meter.

From and after the effective date of this Section, all new private residential properties, and any existing private residential properties that change ownership, including but not limited to trailer parks and apartment complexes, shall have a master meter in place and functioning.

28-03-140. Water Service Assigned to One Premises.

No person shall supply or furnish water in any way for use outside of the premises to which the service is assigned or appurtenant.

28-03-150. Maintenance and repair of service lines.

City is responsible for the maintenance and repair of the service lines from the city's water main to the meter box or property line, whichever is closest. A property owner is responsible for the maintenance and repair of service lines connecting his building to the city water system at the outlet of the meter yoke. A property owner is also responsible for any water damage to public property, such as damage resulting from causes including, but not limited to, leaks or collapses of service lines and run-off or discharge of water.

28-03-160. Unauthorized Water Service: Theft of Services.

(1) Prohibited.

(a) It shall be unlawful to provide oneself or others with or make use of water service from the city water system without authorization from the city.

(b) When the City has discontinued water service for nonpayment of water charges, noncompliance with city water ordinances, or for any other reason, it shall be unlawful to restore or receive water service by any means without authorization by the city.

(c) The presence at any time on or about any meter, water line, or water main of the city, whether such meter is owned or operated by the city or others, of a pipe or any other device which diverts water or results in taking of any water except through an authorized meter shall constitute prima facie evidence on the part of the person owning or having custody or control of the premises where such a device or pipe is located of the knowledge of the existence thereof.

(d) The knowledge of such existence by the person who would benefit from the failure of the water to be accurately metered shall further constitute prima facie evidence of intention on the part of such person to violate this section.

(2) Meter removal. If the City has discontinued water service due to nonpayment or for any other reason, and the customer turns the service back on or otherwise restores service without approval, the City may remove the meter and plug the service.

(3) Unauthorized water use charges. In addition to any criminal penalties, the city may assess charges and fees established by resolution or ordinance for meter tampering, removal, or unauthorized use of the city water service. Such charges may be collected as provided by this chapter.

28-03-170. Maintenance and Control of Public Fire Hydrants.

Public fire hydrants are the property of the City and are under the control of and shall be kept in repair by the Utilities Department. Private fire hydrants on private property shall be kept in repair by the private property owner.

28-03-180 Extensions of Water System.

An applicant may propose an extension, replacement or relocation of public water mains to serve new or rehabilitated buildings. All proposed extensions, replacements or relocations, including any tests, studies, investigations and inspections required for design, shall be designed and constructed in accordance with the current Technical Standards, and subject to the approval of the City Manager. All expenses, including all engineering, legal, permitting, construction, and inspection expenses, involved in applying for and constructing an extension, replacement or relocation shall be borne by the applicant.

ARTICLE 28-04. RESERVOIRS

28-04-010. Application.

This article shall apply to all reservoirs owned by the City of Alamogordo, and all property owned by the city adjacent to such reservoirs.

28-04-020. Enforcement.

This article may be enforced by any peace officer employed by the city, Otero or Lincoln County, or the State of New Mexico. The city commission is authorized to grant such peace officer commissions or special commissions as may be necessary to enforce this article and related ordinances, in the vicinity of Bonito Lake.

28-04-030. Trespass on city reservoirs.

No person shall enter upon any fenced or otherwise enclosed property adjacent to a city reservoir, or climb upon or into any tank reservoir, or place or deposit anything into any city reservoir, except where specifically authorized by the City Manager. This section shall not apply to activities specifically permitted on the Bonito Lake reservoir.

28-04-040. Bonito Lake.

- (a) The city reservoir known as Bonito Lake may be used for the public recreational activities of camping, picnicking, fishing, sightseeing and hiking. The City Manager ~~city manager~~ is hereby authorized to set admission fees for public users of the Bonito Lake Facilities and shall be adopted by resolution.
- (b) The following are prohibited on Bonito Lake and the city owned property adjacent to it:
 - (1) Picnicking and camping outside areas specifically designated for those purposes;
 - (2) Fishing from other than the banks of the lake and other specifically designated areas;
 - (3) Wading, swimming, bathing or washing in Bonito Lake;
 - (4) Littering;
 - (5) The use of any boat or other watercraft on the lake;
 - (6) Hunting or discharge of any firearms;
 - (7) Permitting the trespass of any livestock into the lake;

- (8) Driving of any vehicle in any area other than regularly maintained roads and access ways to camp sites, except where specifically authorized by the City Manager.
- (9) Any other act which tends to pollute, contaminate or render impure or unwholesome any of the waters of Bonito Lake.

ARTICLE 28-05. CROSS CONNECTION, PREVENTION AND CONTROL

28-05-010. Purpose.

The purpose of this article is to protect the health, safety and welfare of the citizens of the city through the prevention and control of cross connections by:

- (1) Protecting the municipal water system, owned and operated by the city, hereinafter referred to as the "public water system," from contamination or pollution due to cross connections by containing hazards at the service connection;
- (2) Requiring the elimination or control of existing cross connections, actual or potential, between the customer's potable water system(s) and non-potable water system(s), plumbing fixtures, and industrial piping systems; and
- (3) Providing for the maintenance of a continuing program of cross connection control that will systematically and effectively reduce the risk of the contamination of the public water system.

28-05-020. Applicability.

The provisions of this article shall apply to all new nonresidential and residential water services. For all other services, unless otherwise specified within individual sections of this article, existing services shall not be required to comply with the requirements of this article. Compliance with this article shall be a precondition of receiving or, in instances where existing installations are covered under this article, continuing to receive water service from the public water system.

28-05-030. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article. Definitions put in alphabetic order for simplification.

Air-gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor and the flood level rim of the receptacle.

Approved assembly. The term approved assembly refers to a specific (by size, model and make) backflow prevention assembly listed by an approved listing agency as follows:

- (1) *Containment backflow prevention assembly.* An assembly listed by the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California or other listing agency, acceptable to the New Mexico Environment

Department and approved by the city planning and zoning division, hereinafter referred to as the "planning and zoning division."

- (2) *Isolation backflow prevention assembly.* An assembly listed by the International Association of Plumbing and Mechanical Officials or the International Code Council and approved by the planning and zoning division.

Atmospheric vacuum breaker assembly. An assembly consisting of a float check, a check seat and an air inlet port. The assembly shall include a tightly closing, full ported, resilient seated shut-off valve immediately upstream of the valve body.

Auxiliary water supply. A water supply on or available to the premises other than the municipal water system supply.

Back pressure. An increased pressure in a customer's water system caused by a pump, elevated tank, boiler, or any other means that may result in backflow.

Back siphonage. A backflow condition wherein water is being drawn or pulled backwards as a result of a negative or decreased pressure in the water supply.

Backflow. The reversal of water flow into a potable water system.

Backflow prevention assembly. An assembly or means to prevent backflow.

Certified backflow prevention assembly repair person. A person who is a certified backflow prevention assembly tester, is cognizant of all applicable federal, state and local laws, rules and regulations and is licensed by the New Mexico Regulation and Licensing Department, Construction Industries Division and has provided the city planning and zoning division with their credentials and has been added to the list of qualified people to perform the necessary repair work.

Certified backflow prevention assembly tester. A person who has demonstrated competence in the testing of backflow prevention assemblies by attending and passing the written and performance examinations administered as part of a training course approved by the New Mexico Regulation and Licensing Division and who has a current certificate issued by the New Mexico Regulation and Licensing Division and who has provided the city planning and zoning division a copy of said certifications(s) and added to the list of certified people able to work on such devices.

C.I.D. Construction Industries Division. A division of the regulation and licensing department charged with governing contracted work in the State of New Mexico. NMSA 60-13-01 through 60-13-59.

Contamination. An actual or potential impairment of a potable water system by the introduction, of any substance that could cause the water to be a hazard.

Cross connection. An actual or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances, would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the taste, color or odor of the water.

Cross connection control by containment. The use of an air-gap or an approved backflow prevention assembly at each service connection to a customer's water system.

Cross connection control by isolation. The use of an air-gap or an approved backflow prevention assembly within the customer's water system at the point of each and every cross connection to effectively isolate the customer's potable water system from the remainder of the customer's water system.

Cross connections, controlled. A connection between a potable water system and a nonpotable water system with an approved backflow prevention assembly or air-gap properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Customer. The account holder responsible for payment of fees set forth in article 28-03 of the Alamogordo Code of Ordinances.

Customer's water system. The water system on the customer's premises beginning at the service connection.

Double check valve assembly. An assembly consisting of two (2) internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two (2) tightly closing, full ported, resilient seated shut-off valves and equipped with properly located resilient seated test cocks.

Enforcement authority. The planning and zoning division of the city, authorized to administer and enforce the provisions of the cross connection, backflow prevention and control ordinance as adopted and amended. Enforcement authority may also refer to the authorized agent of the planning and zoning division.

Hazard, degree of. Degree of hazard is determined by the enforcement authority based on evaluation of conditions within the customer's premises. Hazards are classified as follows:

- (1) *Health hazard.* An actual or potential threat of contamination of a physical or toxic nature to the municipal water system or the customer's water system that could be a danger to the public health.
- (2) *Non-health hazard.* An actual or potential threat of pollution of a physical nature to the municipal water system but which would not constitute a health hazard. The maximum degree of intensity of pollution to which the potable water system could be degraded would be that which would cause a nuisance or be aesthetically objectionable.
- (3) *System hazard.* An actual or imminent threat of contamination to the municipal water system which presents an imminent danger to public health.

Industrial fluids. Fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a hazard if introduced into a potable water system. This may include, but is not limited to: polluted or contaminated waters; all types of process waters and used waters originating from the municipal potable water system that may have deteriorated in sanitary quality; chemicals in fluid form, plating acids and alkalis; circulating cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, irrigation canals or systems, and so forth; oils, gasses, glycerin, paraffin, caustic and acid

solutions, and other liquid and gaseous fluids used in industrial areas for the purposes of suppressing fires.

Nonresidential service. Any service connected to the municipal water system that supplies water for a premises intended for uses other than those defined as single-family residential within the current adopted building codes.

Pollution. An actual or potential impairment of a potable water system by the introduction or admission of any substance that does or tends to degrade the taste, color, odor or aesthetic quality of the water system but does not constitute a health hazard.

Pressure vacuum breaker assembly. An assembly consisting of one (1) independently operating spring loaded check valve and an independently operating spring loaded air inlet valve located on the discharge side of the check valve, installed as a unit between two (2) tightly fitting, full ported, resilient seated shut-off valves and equipped with properly located resilient seated test cocks.

Public water system. The potable water system owned and operated by the city to supply residential and nonresidential water users within and beyond the corporate city limits of the city.

Reduced pressure principle backflow prevention assembly. An assembly consisting of two (2) independently acting approved check valves together with hydraulically operating, mechanically independent pressure differential relief valves located between the check valves and below the first check valve. These units are located between two (2) tightly closing, full ported, resilient seated shut-off valves as an assembly and equipped with properly located resilient seated test cocks.

Residential service. Any service connected to the municipal water system that supplies water for a premises intended for uses defined as any dwelling that has four (4) residential units or less.

Service connection. The terminal end of a water service from a municipal water system.

- (1) The terminal end of the water service from a public water system.
- (2) For metered water services, the terminal end is the customer's side of the city's water meter to a customer's water system.
- (3) For unmetered water services and fire lines which serve private fire protection systems the terminal end, is located at the property boundary or at the water utility easement boundary to a customer's premises.
- (4) For the use of a fire hydrant and all other temporary or emergency water services, the terminal end is located at the point of connection to the public water system.

Thermal expansion. The resulting effect when water is heated in a closed system. In effect the heat causes the water to expand but since the system is closed, the pressure increases.

Water, fire sprinkler. Water contained in a fire protection system intended for extinguishing fires and begins at the point of connection to the public water mains for unmetered fire line services and for metered fire line services, the fire sprinkler water begins at the customer's side of the city water meter.

Water, nonpotable. Water that is not safe for human consumption or that has questionable quality.

Water, potable. Water delivered by the public water system or water located within the customer's non-public owned plumbing intended for human consumption.

Water, used. Any water delivered by the public water system to a customer's water system after it has passed the service connection.

28-05-040. Regulations and technical specifications.

The utilities department shall be responsible for development of rules and regulations necessary to carry out the intent of this article. Said rules and regulations are subject to reasonable compliance with the standards set forth within this article and are subject to the review of the City Manager. Said rules and regulations shall include specifications to define back flow prevention assembly standard installation, details, and criteria. Initial and subsequent changes to the rules and regulations, and technical specifications shall be published by the utilities department.

28-05-050. Responsibilities and enforcement.

It shall be the responsibility of the planning and zoning division, the utilities department and to the utility billing division to administer and enforce the provisions of this article. Customers, certified backflow prevention assembly testers and repair persons are responsible for compliance as described in the following sections:

- (1) *Utilities department.* The utilities department shall be responsible for the protection of the public water system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connections. The utilities department shall work in close concert with the planning and zoning division in locating possible violations and providing assistance as may be needed in the successful enforcement of this article. The utilities department shall not knowingly install or maintain a water service connection unless the public water system is protected as required by this article.

The utilities department shall where possible ensure that a double check backflow prevention assembly is provided when any meter is being replaced by the city on any existing connection to the public water system, including all existing residential services. Reconnections are subject to inspections and must comply with the ordinance prior to being turned on. The utilities department shall be responsible for the maintenance of all double check backflow prevention assemblies installed at the connection to the municipal water system except where responsibility for maintenance is otherwise specified within this article.

- (2) *Planning and zoning division.* The planning and zoning division shall be responsible for reviewing and approving plans (through the technical review committee), issuing permits, and referring inspectors from contractors on the city's list of qualified inspectors to conduct inspections of backflow prevention assembly(s) information for new and remodeled structures within the jurisdiction limits of the division. The utilities

department's responsibilities begin at each service connections from the public water system and end at the water meter for all customer's water system.

The planning and zoning division shall enforce the provisions of this article that relate to cross connection control by containment and shall administer a continuing cross connection control program through the public works department.

- (3) *Utility billing division.* After the effective date of this article the utility billing division shall not connect any new service without establishing, at a minimum, that a double check valve assembly is installed at the service connection.

In the event that the utility billing division personnel become aware of any cross connection creating an actual or potential health hazard the utility billing division shall immediately notify the public works inspector of the location and hazard noted.

- (4) *Customer.* All customers shall be responsible for the prevention of contaminants, items of potential health hazard, system hazard as defined within this article or water from auxiliary water supplies from entering the customer's water system within the premises and the public water system. Customers shall provide backflow prevention assembly(s) or air-gap(s) as required by the plumbing codes. The customer's responsibility begins at the service connection and extends throughout the entire length of the water system within the premises. Customers shall install, have tested, and maintain, at their own expense, backflow prevention assembly(s) and/or air-gap(s) as directed by the enforcement authority. Accurate records of all inspections, tests, repairs, overhauls and replacements of backflow prevention assembly(s) or air-gap(s) shall be maintained by the customer for a period of at least two (2) years.
- (5) *Certified backflow prevention assembly tester.* Certified backflow prevention assembly testers shall inspect and test backflow prevention assemblies in accordance with city approved methods and procedures; shall be equipped with and be competent in the use of all the necessary tools and gauges required to properly conduct testing of backflow prevention assemblies; complete and submit accurate and timely reports to the planning and zoning division; and report to the customer and the enforcement authority any discovered discrepancies associated with an existing backflow prevention assembly or existing cross connection within a customer's water system.
- (6) *Certified backflow prevention assembly repair person.* Certified backflow prevention assembly repair persons shall: make competent repairs on backflow prevention assemblies; not change the design, material or operation characteristics of a backflow prevention assembly without prior approval from the enforcement authority; complete and submit accurate and timely reports to the planning and zoning division; and report to the customer any discovered discrepancies associated with an existing backflow prevention assembly or existing cross connections within the customer's water system.

28-05-060. Specific requirements.

Specific requirements for cross connection control and backflow prevention assemblies are as follows:

- (1) *Mandatory cross-connection control by containment.* Premises where any of the following conditions or activities exist or occur are deemed to present a sufficient

backflow contamination hazard such that cross connection control by containment is required: hospitals and clinics; nursing and convalescent homes; dental offices; laboratories; mortuaries and cemeteries; sewage and stormwater pumping and treatment plants; radiator facilities; metal plating industries; veterinary and animal grooming clinics; taxidermists; food and beverage processing plants; chemical plants; electric and electronic component manufacturer; vehicle car washes; hydraulic testing facilities; premises where inspection is restricted; ready mix concrete, sand and gravel plants; schools and colleges with laboratories; water services dedicated solely to landscape irrigation systems; greenhouses; premises with auxiliary water supplies; water tank trucks or water tanks filled from fire hydrants; buildings with a height greater than thirty (30) feet; and other conditions and or activities as may be deemed by the public works department.

- (2) *Containment backflow prevention assembly requirements.* The type of backflow prevention assembly used for containment shall be required commensurate with the hazard in the premises as follows:
- a. In cases of premises having an auxiliary water supply, the public water system shall be protected against back flow from the premises by installing an approved air-gap or an approved reduced pressure principal backflow prevention assembly.
 - b. In cases of premises on which any individual fluids or any other contaminants are handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected against backflow from the premises by installing an approved air-gap or an approved reduced pressure backflow prevention assembly. This shall include the handling of process waters and waters originating from the customer's water system that have been subjected to deterioration in quality. Examples of premises where these conditions or activities exist include, but are not limited to, hospitals and clinics, dental office, laboratories, mortuaries and cemeteries, radiator shops, car washes, plating industries, photographic film processing facilities, commercial laundries, food and beverage processing plants, ready-mix concrete, sand and gravel plants, sewage and stormwater treatment plants, veterinary and animal grooming clinics, schools and colleges with laboratories and greenhouses.
 - c. In cases of premises having internal cross connection or water piping systems that are impractical or impossible to ascertain whether or not cross connections exist on such systems, the public water system shall be protected against backflow from the premises by installing an approved air-gap or an approved reduced pressure backflow prevention assembly. The premises owner is also required to install an expansion tank on their system to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow prevention assembly. Any damage accruing to the customer's water system due to thermal expansion will be solely the responsibility of the owner of the customer's water system. The public water system shall be held harmless if the owner of the customer's water system fails to install such devices.
 - d. In the case of a premises having multiple water services connected at more than one (1) point to the public water system and where the services create a looped

water system with the customer's water system, the public water system shall be protected against backflow from these premises by installing an approved backflow prevention assembly (type of backflow prevention assembly to be determined by the city) at each service connection to the public water system.

- e. In the case of water services to landscape irrigation systems connected to the public water system, the public water system shall be protected against backflow by installing an approved pressure vacuum breaker or an approved reduced pressure principle backflow prevention assembly.
- f. In the case of any premises where there is water or a pollutant that would be objectionable but not hazardous to health if introduced into the public water system, the public water system shall be protected against backflow by an approved double check valve assembly. In cases of nursing homes and buildings taller than thirty (30) feet not having a contamination hazard, the public water system shall be protected against backflow by an approved double check valve assembly.
- g. In the case of any premises where there are uncontrolled cross connections, either actual or potential, the public water system shall be protected against backflow by an approved air-gap or an approved reduced pressure principle backflow prevention assembly.
- h. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete premises cross connection survey, the public water system shall be protected against backflow from the premises by an approved air-gap or an approved reduced pressure principle backflow prevention assembly.
- i. In the case of any premises where an undue health hazard is posed because of the presence of extremely toxic substances, the utilities department may require an air-gap at the service connection to protect the public water system.
- j. In the case of public fire hydrants approved for drawing water for filling tanks and tank trucks and for temporary irrigation systems, the public water system shall be protected against backflow by an approved air-gap or an approved reduced pressure backflow prevention assembly.
- k. In the case of any premises having existing private wells and the owner desires to connect to the public water system, the options are as follows:
 - 1. Customers shall agree to permanently abandon wells by plugging the wells in accordance with the city technical standards section of water supply item 6.0 Well Abandonment and with AWWA standards, prior to connection to the public water system; or
 - 2. Customers who choose to maintain their private wells active plumbing system, the property owner will install an approved dual check valve at the water meter. The owner of the premises shall also sign a covenant that runs with the land that the private well shall not be reconnected to the premises plumbing without complying with item 3 of this subsection.

3. If the customer chooses to maintain the well as a dual application use for the premises and maintain both connections, the public water system shall be protected against backflow by an approved air-gap or approved reduced pressure principle backflow prevention device.
- l. Atmospheric vacuum breakers shall not be used for containment applications. Atmospheric vacuum breakers may be used on isolation applications only.
- (3) *Fire protection systems.* Fire protection systems begin at the service connection and include sprinklers, hose connections, hydrants, reservoirs, tanks, stand pipes, pumps, distribution pipes and other appurtenances within a premises that are owned, operated and maintained by the customer for the purposes of fire suppression. For all fire protection systems, except those described in paragraphs a. and b. below, an approved backflow prevention assembly is required to be installed at the service connection.
 - a. Fire protection systems with no reservoirs, no fire pumper connections, no connections from auxiliary water systems, no antifreeze or other additives, and with all sprinkler drains discharging to atmosphere, constructed with acceptable potable water piping materials (approved listed products certified for conformance with ANSI/NSF standard 60 or 61) except as otherwise required by this article will not require an approved backflow protection assembly other than a double check valve assembly at the service connection.
 - b. Fire protection systems with pumps, fire pumper connections, and no antifreeze or other additives, and with all sprinkler drains discharging into the atmosphere, constructed prior to this article with nonpotable water piping materials shall either retrofit with an approved backflow prevention assembly or have the fire protection system sampled annually at the customer's expense. Annual water sampling procedures shall be conducted by collecting first draw water samples and having them analyzed by a laboratory certified by the New Mexico Environment Department or the United States Environmental Protection Agency (EPA). The requirement shall be established from the implementation date of this article or from the date in which the system described by this subsection was placed in service. If water sample analysis is acceptable, no further action is necessary until the next annual inspection. If the annual water sample analyses are unacceptable, then the customer shall have an approved backflow prevention assembly installed at the service connection. The first draw of water shall be collected before any water runs through the fire protection system and shall be taken from the downstream side of the single check valve. The water samples shall be collected by a compliance water sampler who is certified by the New Mexico Environment Department Certification Office. Laboratory results shall be sent directly to the public works department, water filter division as soon as the laboratory results are available. The water samples shall be analyzed for concentrations of iron, lead, copper, cadmium, and chromium and for the presence/absence of total coliform bacteria and for density of heterotopic bacteria. Water sample analysis results are acceptable if no total coliform are present, the number of colonies per milliliter is less than five hundred (500) in the heterotopic plate count analysis and concentrations of iron, lead, copper, cadmium and chromium do not exceed the maximum containment levels as established by the

New Mexico Drinking Water Regulations. The laboratory shall use approved methods for testing water samples in accordance with one (1) of the methods cited in the 16th or most current edition of the standard methods for the examination of water and wastewater. The planning and zoning division shall maintain an inventory of customers opting to have fire protection systems sampled annually and shall notify customers that are out of compliance.

- c. Where backflow protection is required on an industrial domestic service that is located on the same premises, backflow protection shall be provided on the fire service connection. The industrial domestic system and the fire protection systems shall both require an approved backflow prevention assembly at the service connections.
- d. Fire protection systems that are connected at more than one (1) point to the public water system shall contain approved backflow prevention assemblies at each service connection.

28-05-070. Inspections.

- (a) *Right of entry.* Whenever necessary to make an inspection to enforce the provisions of this article, or wherever the City or its authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe as defined in this article, the City or its authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the enforcement authority by this article. If such building is occupied, the inspector shall present proper credentials and demand entry. If such building or premises are not occupied, the inspector shall first make reasonable effort to locate the owner or other person having charge or control of the building or premises, and demand entry. If entry is refused, the enforcement authority shall proceed to obtain a search warrant from the district court.

No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the enforcement authority or an authorized agent thereof for the purpose of inspection and examination pursuant to this article. Any person violation this subsection shall be subject to the same penalties as provided for violation of other city ordinances.

- (b) *Containment inspection of premises.* Premises considered to pose an actual or potential contamination, health hazard or system hazard threat to the public water system shall be subject to an inspection by the planning and zoning division and utilities department or authorized agent of the either division. Inspections shall be scheduled at a reasonable time by the division. The planning and zoning division or utilities department shall give the customer written notice prior to a containment inspection. The purpose and authority to conduct such an inspection shall be disclosed in the notice. If actual or potential cross connections, which could result in backflow of contaminants, any product of a potential health hazard, system hazard, or water from auxiliary water supplies through the water service connection and into the public water system, are determined to exist during the premises inspection, the planning and zoning division or utilities department shall evaluate the degree of hazard and proceed in accordance with one (1) of the following criteria.

- (1) In the event a system hazard is determined to exist, the utilities department shall immediately instruct the utility billing division to terminate water service to the premises and the customer's water will be cut off at that time. The utility billing division shall restore services to the premises once the utilities department has determined that the system hazard has been controlled or eliminated.
- (2) In the event an actual or potential cross connection presents a substantial endangerment to the public water system, the utilities department shall enlist the assistance of the customer to immediately control or eliminate the hazard. If the immediate hazard is not resolved within one (1) day, water service to the premises shall be terminated until the hazard has been eliminated.
- (3) In the event no system hazard or substantial dangers are determined to exist, but actual or potential cross connections require control or containment, the utilities department shall give the customer written notice to comply with the following requirements:
 - a. Submit a design and plan of implementation to the planning and zoning division within sixty (60) days; and
 - b. Have an approved backflow prevention assembly(s) installed, inspected and tested within an additional sixty (60) days.

For good cause, the planning and zoning division may extend the time to comply with the requirements of this article. The customer shall install such backflow prevention assembly(ies) as directed by the planning and zoning division at the customer's own expense; and failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(ies) shall constitute grounds for disconnecting water services to the premises until such requirements have been satisfactorily met.

- (c) *Isolation inspections on premises served by the municipal water system.* The customer shall be responsible, without further notice, for the prevention of contaminants or pollutants or water from auxiliary water supplies from entering the potable water system within the premises. The customer's responsibility begins at the service connection and carries throughout the entire length of the water system within the premises. To accomplish this mandate, customers are required to comply with the most current adopted plumbing code (2006) and all related amendments as may be adopted by the state and the city.
- (1) The planning and zoning division is authorized to conduct inspections or audits of premises within the city limits to determine compliance with the provision of cross connection isolation requirements in order to protect the public health, safety and welfare. Approved backflow prevention assembly(s) or air-gap(s), commensurate with the degree of hazard shall be installed, as required by the planning and zoning division, within the customer's water system for the safety and protection of the customer's water system for the safety and protection of the customer's potable water system. Premises considered to pose an actual or potential contamination to the customer's water system may be subject to audit by the building code division. The planning and zoning division may direct the customer to upgrade its water plumbing system in accordance with the Uniform Plumbing Codes in the "Regulation of Backflow Prevention and Cross Connection Control." If the actual or potential unprotected cross connections, which could result in backflow of contaminants, pollutants, or water from

auxiliary water supplies into the customer's water system are discovered during the audit or inspection of the premises, the utilities department shall evaluate the degree of hazard.

- (2) In the event a system hazard is determined to exist, the planning and zoning division shall notify the utility billing division to immediately discontinue service to the premises. The utility billing division shall restore water service to the premises once the system hazard has been controlled or eliminated and the planning and zoning division has approved restoration of service.
 - (3) In the event an actual or potential cross connection presents a substantial endangerment to the customer's water system, the planning and zoning division shall enlist the assistance of the customer to immediately control or eliminate the hazard. If the immediate hazard is not resolved within one (1) day, water service to the premises shall be terminated until the hazard has been eliminated.
 - (4) In the event no system hazards or substantial danger is determined to exist, but actual or potential cross connections require control by isolation, the planning and zoning division shall direct the customer to have approved backflow prevention assemblies or air-gaps, commensurate with the degree of hazard, installed at specific location(s) within the customer's water system. Such approved backflow prevention assemblies or air-gaps must be installed, inspected and tested, within a reasonable time period as determined by the planning and zoning division, not to exceed thirty (30) days of such notification.
- (d) *Isolation inspections on premises not served by the public water system.* In order to protect the public health, safety and welfare at premises not served by the public water system, the City may conduct inspections and require the elimination or control of existing cross connections, actual or potential, between the potable water system and nonpotable water systems, plumbing fixtures and industrial piping systems contained within premises located within the city limits or otherwise connected to the public water system.
- (e) *Isolation control in lieu of containment.* At specific residential or commercial premises where specific cross connection hazards can be controlled by isolation without compromise to the safety of the public water system, the utilities department may allow cross connection control for containment purposes with a backflow prevention assembly located at the point of cross connection rather than at the service connection.
- (1) *Applicability.* Isolation in lieu of containment shall be applicable only to make-up water connections to commercial space heating boilers rated at less than two hundred thousand (200,000) BTU/H input where no water treatment is provided to the circulating heating water, landscape irrigation systems, or automated photo-processing unit with a single water connection.
 - (2) *Assemblies considered to be contaminant devices.* A backflow prevention assembly installed to provide isolation control of a cross connection in lieu of containment shall be considered a containment device rather than an isolation device and shall be subject to all containment device requirements.

- (f) *Reinspection.* Reinspection of premises shall be conducted by the public works inspector to verify corrective action as required by this article within one hundred twenty (120) days of correction notification.

28-05-080. Plan review, permits, and plumbing inspections on premises within the city limits.

The planning and zoning division through the TRC (technical review committee) shall be responsible for checking plans and issuing building and plumbing permits for new and remodel construction to ensure compliance with this article. The public works inspector shall conduct a survey of all installations of backflow prevention assemblies.

- (1) The customer shall submit plans for review and approval by the planning and zoning division for installation of backflow prevention assemblies. Where actual or potential cross connections are called for by the plans, the plans shall include the make, model, size and type of any backflow prevention assembly(s) to be installed.
- (2) The customer's licensed contractor shall obtain a permit from the planning and zoning division for such installations. All new installations or air-gaps and backflow prevention assemblies shall be inspected and approved by the planning and zoning division shall notify the utility billing division when installations are completed. Customers shall correct any faults within thirty (30) days of notification. Failure to correct faulty backflow prevention systems(s) or air-gap systems(s) will result in suspension of public water system services to the customer.
- (3) In instances of failure, refusal or inability on the part of the customer to install and have tested said assembly(s) or air-gap(s), the planning and zoning division shall suspend or revoke a permit issued under the administrative provisions of the plumbing code as adopted by the city.

28-05-090. Inspection of premises outside the city limits served by the municipal water system.

Customer services located outside the inspection jurisdiction of the city, which are connected to the public water system, shall be subject to this article and all rules and regulations adopted in accordance with these provisions with the exception of permitting requirements. The customer's contractor, when outside of the city jurisdiction, shall obtain a plumbing permit from the construction industries division of the state regulation and licensing department for the installation of air-gaps and backflow prevention assemblies. Installations must comply with the city specifications. It shall be the responsibility of the customer's contractor to arrange for required inspection by the inspection jurisdiction and provide proof of inspection to the city planning and zoning division. As a condition of continued service, the customer shall be required to provide access for inspection by the public works inspector or authorized agent at reasonable times to inspect the air-gaps and backflow prevention assemblies, and to make all required corrections arising out of said inspection(s). The customer must meet all applicable specifications in the AWWA/ANSI C511-97. These specifications are always kept current.

28-05-100. Installation of backflow assemblies.

With the exception of backflow assemblies installed by city employees under the direction of certified city staff, all backflow prevention assemblies shall be installed by a contractor licensed by the state construction industries division and certified in accordance with the provisions of this article to install backflow prevention assemblies. The contractor shall be responsible for obtaining all required approvals, such as approved plans, permits and inspections. The planning and zoning division has a list of qualified contractors that meet the required criteria. If a contractor desires to be included on the cities list, they must produce the required documentation to prove they are qualified and at that time that contractor may be added to (in alphabetic order) the cities list of qualified contractors.

28-05-110. Test and maintenance of backflow prevention assemblies.

All approved containment and isolation backflow prevention assemblies which are classified as testable devices shall be tested at least once per year. The utilities department may require tests at more frequent intervals, if the utilities department deems the hazard in the premises to be great enough or if previous tests have failed. Tests shall be performed by certified backflow prevention assembly testers. Assemblies that fail a test shall be repaired, overhauled and re-tested within one (1) week, or in accordance with a time period established by the utilities department. Said test shall be performed by a certified backflow prevention assembly repair person. The certified testers shall submit all test results to the planning and zoning division. Tests and repairs shall be at the expense of the customer. Backflow prevention assemblies must be tested in accordance with the test procedures set forth in the planning and zoning division. The customer for minimum of two (2) years must maintain all records of inspections, tests, repairs, overhauls, and replacements.

(1) *Testing of backflow prevention assemblies.* With the exception of assemblies which are owned by the city, the testing of containment backflow prevention assemblies shall be performed by a licensed contractor who is a certified tester. City-owned assemblies may be tested by city staff or by a licensed contractor who is a certified tester. The initial test of any containment backflow prevention assembly shall be performed by a licensed contractor who is a certified tester and witnessed by the public works inspector or authorized agent.

- a. All new installation of air-gaps and backflow prevention assemblies at the service connection shall be tested immediately upon installation and before water service is turned on or restored to the premises. The customer's certified tester shall then notify the planning and zoning division that the backflow prevention assembly is ready for inspection and for the initial acceptance test.
- b. The customer shall make the necessary arrangements for subsequent annual testing and containment backflow prevention assemblies with a licensed contractor who is a certified tester. The tester shall notify the planning and zoning division in advance when the tests are to be undertaken so that the public works inspector may witness the testing if so desired. Testers shall submit test reports to the planning and zoning division within one (1) week from the time that the contractor has provided the results to the customer.

- c. If a test discloses that the backflow prevention assembly(s) is not operating satisfactorily, the customer shall arrange for a certified repair person to immediately make the necessary repairs. The repair person shall prepare a detailed report on each test requiring repairs of each backflow prevention assembly and submit the report to the planning and zoning division within one (1) week from the time that the repairs were completed. Failure to do so will result in the customer's service to the public water system to be suspended and disconnected until such time as the backflow prevention assembly(s) are brought into compliance.
- (2) *Testing isolation backflow prevention assemblies.* New installations of backflow prevention assemblies within the customer's water system shall be tested immediately upon installation and before water service is turned on or restored to the unit requiring the backflow prevention assemblies. The testing of backflow isolation prevention assemblies shall be conducted by a licensed contractor and certified tester that is on the required listing with planning and zoning division that have shown proof of their credentials and are certified to conduct such tests. If a test discloses that the backflow prevention assemblies are not operating satisfactorily, the customer shall arrange for a certified repair person to immediately make the necessary repairs. The repair person shall prepare a detailed report and submit that report to the customer within one (1) week from the time the repairs were done which must then be presented to the planning and zoning division in order to have services restored.

28-05-120. Existing backflow prevention assemblies.

Any existing backflow prevention assemblies are to be approved to continue service unless a higher degree of protection is required. In premises where the hazard has increased, as in the case of a change of occupancy, any existing backflow prevention assembly(s) shall be upgraded to comply with this article, or in the event that no assemblies are present, any premises where the planning and zoning division has determined that a real or potential health hazard or system hazard exists shall be brought into compliance with this article. Any existing backflow prevention assemblies that are not on the current list of approved backflow prevention assemblies may be approved to continue in service provided that the assemblies can be maintained, tested and that repair parts are available through the manufacturer. Whenever obsolete assemblies are replaced, they shall be replaced with current approved backflow prevention assemblies.

28-05-130. Requirements for certification.

- (a) *Certification.* No person shall engage in any activity listed in this section unless he or she is a certified backflow repairman or tester and holds a current city business license and certificate issued by the city and is on the list of certified contractors to perform such acts. Certified backflow repairmen must also be licensed in accordance with the New Mexico Construction Industries Licensing Act and produce proof to the city's planning and zoning division in order to be added to the list.
- (1) *Initial certification.* To initially certify as a backflow prevention assembly tester, a person shall attend a forty-hour training course that has been approved by the planning

and zoning division and the person must successfully complete the written and performance examinations administered as part of the approved training course. A person who is employed by the appropriate licensed contractor in accordance with the New Mexico Construction Licensing Act, attends, and successfully completes the approved training course may be certified as a backflow prevention assembly repairman. The planning and zoning division will issue a certificate and add to the city's list of qualified contractors any person who meets the above requirements.

28-05-140. Revocation of certification.

- (a) *Recertification of testers and repairmen.* A certified tester or repairman who wishes to remain an active backflow prevention assembly tester must renew their certification every three (3) years. To re-certify, testers and repairmen must either:
- (1) Complete an approved forty-hour backflow prevention training course; or
 - (2) Complete an approved eight-hour backflow prevention refresher training course and accrue sixteen (16) hours of approved continuing education credits related to backflow prevention.

Testers or repairmen shall provide proof of training credits earned and training courses attended to the planning and zoning division. The planning and zoning division will re-certify any person who meets the above requirements.

- (b) *Approved training courses and examinations.* The planning and zoning division shall be responsible for approval of backflow prevention training courses. The approved training course shall meet the following minimum criteria:
- (1) Instructor shall be a certified backflow prevention tester and repairman;
 - (2) The material covered shall be equivalent to the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research training course.

The planning and zoning division shall advise the certified backflow prevention tester or certified backflow prevention repair person in writing of the revocation of certification and include the cause thereof. The certificate holder may appeal the decision and request a hearing before the planning and zoning division. Said request must be filed in writing with the planning and zoning division within ten (10) days of the mailing of notification of revocation. Said hearing shall be scheduled within three (3) working days of the receipt of the request for hearing by the planning and zoning division. Planning and zoning division may enforce the original decision or overturn the decision. Any action to overturn may include probationary periods in which no further issues of violations may take place. If the planning and zoning division reaffirms the original decision to revoke certification, the planning and zoning division shall notify the certificate holder through certified mail service. Said letter to be mailed within three (3) working days of the date of the hearing. The certificate holder may further appeal the revocation before the City Manager. Within ten (10) days of the receipt of notification of final determination from the planning and zoning division, the certificate holder may file a written request for hearing before the City Manager. The decision rendered by the City Manager shall be considered final.

28-05-150. Fees.

The planning and zoning division shall assess fees associated with the implementation of this article. The fees imposed by this article are as follows:

- (1) *Containment inspection fees.* An inspection fee of fifty dollars (\$50.00) shall be assessed to all customers required to have premises inspections to cover the costs incurred by the planning and zoning division during the initial inspection of the premises. The inspection fee will only be assessed to those customers whose premises are not in compliance with this article at the time of inspection.
- (2) *Backflow prevention assembly administrative charge.* All customers required to provide cross connection control containment and/or isolation shall be assessed an annual administrative fee of thirty dollars (\$30.00) (fee is not to be prorated in case of change of ownership) for each testable backflow prevention assembly(s) located at the premises. This fee incorporates expenses incurred by the planning and zoning division to maintain records, to process required testing notices and to enter data as required. Proof and records of testing must be submitted at the time of business registration with the city.
- (3) *Initial installation registration fee.* New testable backflow prevention assemblies shall be subject to an initial registration fee by the planning and zoning division. A fee of fifty-five dollars (\$55.00) shall be assessed to cover the initial registration and cost of first year notifications expenses as incurred by the planning and zoning division.
- (4) *Work schedule.* Inspections which are required to be witnessed by the public works inspector shall be scheduled between the hours of 8:00 a.m. and 2:30 p.m., Monday through Friday, no weekends.
- (5) *Backflow tester and repairman certification.* An administrative fee of thirty dollars (\$30.00) shall be assessed by the city for each application for backflow prevention certification and certification renewal. Replacement cards shall be made available through the city for a fee of fifteen dollars (\$15.00) for each replacement card issued. Cost of course curriculum shall be the responsibility of the applicant.
- (6) *Filing fee.* An administrative fee of ten dollars (\$10.00) shall be assessed and paid to the planning and zoning division for a filing fee per inspection by the contractor.

The fees listed in subsections (1), (2) and (3) of this section do not apply to non-testable containment devices installed on residential services by the city to protect the public water supply.

28-05-160. Other fees and charges.

Other fees and charges may include, but are not necessarily limited to, the type shown within this section. Items not covered within this section will be charged for based on reasonable charges and existing charges for similar items as may be charged by the city. All fees in the ordinance may increase according to CPI annually.

- (1) *Regulation documents.* All persons may obtain a copy of the regulations from the city for a fee not less than actual costs to reproduce the document.

- (2) *Technical specifications document.* All persons may obtain copies of the technical specifications from the city for a fee of not less than the actual cost to reproduce the document.
- (3) *Application for alternative methods and materials.* All persons filing an application for alternative methods and materials under section 28-05-170, shall include with said application a nonrefundable fee of one hundred dollars (\$100.00) to cover costs incurred by the city in review of the alternate methods and materials proposed.

28-05-170. Alternate materials and methods.

Alternate methods for compliance to achieve the objectives of this article may be submitted for review to the planning and zoning division. Approval requires that the customer show that compliance with the requirements would pose an unreasonable burden and that the proposed alternate would provide equivalent backflow prevention.

- (1) *Procedures for requesting an alternate method for compliance to achieve the objectives of this article.* A written application requesting an alternative method for complying with this article shall be addressed to the utilities department through planning and zoning division. In order to be considered, the application shall describe the specific requirement(s) for which an alternate installation is requested, justify the request by explaining the site specific circumstances that make compliance with the requirements of this article and associated rule, regulations and specifications is unreasonably difficult or impossible, and propose specific alternate specifications that will provide equivalent cross connection protection. The utilities official shall provide a written decision to the applicant within thirty (30) days of receipt of a complete application.

28-05-180. Remote installation of containment backflow prevention assemblies.

In instances where containment backflow prevention assemblies cannot be installed at the service connection, the customer may install the approved backflow prevention assembly at a remote location from the service connection.

- (1) On retrofit containment backflow prevention assembly installations, the customer must prove to the satisfaction of the public works department through planning and zoning division that the water service line between the city meter and the location of the containment backflow prevention assembly is completely protected from actual or potential cross connections. The customer shall implement steps satisfactory to the public works department to assure that no future connections will be made to this portion of the service line.
- (2) On new construction, the customer shall protect the service line between the meter and the containment backflow prevention assembly(s) by encasing it in concrete as per standard details and specifications, which are included in the technical specifications. The customer shall implement steps satisfactory to the planning and zoning division and the TRC committee to assure that no future connections will be made to the service line between the city meter and the containment backflow prevention assembly(s).

28-05-190. Grounds for termination of water service.

- (a) Notwithstanding any other provisions of this article, in the event a system hazard is determined to exist; the utilities department shall immediately terminate water service to the premises. The city shall attempt to notify the customer of the water service termination to the premises and of the system hazard in the premises. The city shall restore water service to the premises once the customer has controlled or eliminated the system hazard.
- (b) Failure to install required backflow prevention assembly(s) as directed by the planning and zoning division, failure to conduct required tests, failure to submit accurate and timely reports, failure to perform testing and maintenance of backflow prevention assemblies, or failure to allow the public works inspector entry into a premises shall constitute grounds for termination of water service to the premises. Service shall not be restored until such conditions or defects are corrected. If water service is terminated for any of these reasons, a turn off and turn on water service fee will be assessed to the customer as per the requirements of city ordinance governing water, sewer rates.
- (c) The city may terminate water service for nonpayment of the fees included in this article in accordance with the provisions of the city ordinance governing water, sewer rates within thirty (30) days of notification.

28-05-200. Effective date of this article.

The effective date of this article is July 1, 2020. In the event that the planning and zoning division determines that a system hazard presents the potential of immediate hazard, the planning and zoning division may direct immediate correction within existing facilities in accordance with the provisions of this article.

PASSED, APPROVED AND ADOPTED this 25th day of June, 2024.

CITY OF ALAMOGORDO, NEW MEXICO

a New Mexico municipal corporation

By: Susan L. Payne

Susan L. Payne, Mayor



ATTEST:

Rachel Hughs
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith
Ashley Smith, City Attorney

First publication approval: 5/28/2024 First publication: 6/2/2024

Final publication approval: 6/25/2024 Final publication: 6/30/2024 Effective date: 7/5/2024



Texas/New Mexico

GANNETT

PO Box 631667 Cincinnati, OH 45263-1667

AFFIDAVIT OF PUBLICATION

City Of Alamogordo
City of Alamogordo – City Clerk
1376 9Th ST
Alamogordo NM 88310-5855

STATE OF WISCONSIN, COUNTY OF BROWN

The Alamogordo Daily News, a newspaper printed and published in the city of Alamogordo, Otero County, State of New Mexico, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

06/02/2024

and that the fees charged are legal.
Sworn to and subscribed before on 06/02/2024

Notice of First Publication of Ordinance No. 1700
Repealing Chapter 8 Article 8-08 Cross Connection,
Prevention and Control And Amending Chapter 28 Water,
Sewers, and Sewage Disposal

The City Commission of the City of Alamogordo, New Mexico, has approved for first publication Ordinance No. 1700 and will consider adopting the ordinance at its regular meeting on the 25th day of June 2024.

The ordinance is to update the water and sewer ordinance to ensure the continued provision of high-quality water services to all customers.

A copy of the full ordinance may be obtained from the City Clerk's Office upon request.

Date: 5-29-2024
City of Alamogordo, New Mexico
By: Rachel Hughs, City Clerk
#10231759, Daily News, June 2, 2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$44.56

Tax Amount: \$3.65

Payment Cost: \$48.21

Order No: 10231759

of Copies:

Customer No: 1361073

1

PO #: PO 22400647

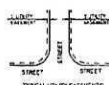
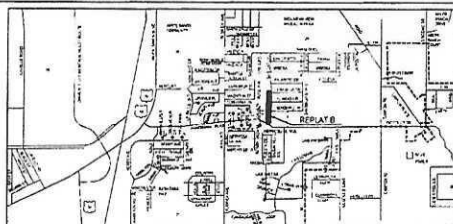
THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KATHLEEN ALLEN
Notary Public
State of Wisconsin

REPLAT B
QUAIL HOLLOW 2
ALAMOGORDO

NOTE: THE GUIDANCE ON WHAT TO REPORT A GUN - HELICOPTER FIRE - IS USUALLY SKIPPED DUE TO THE GUN IN 1 - ON 2557 BEING NO LONGER CONTAINING THE BULLETS IN IT. INSTEAD, LAW ENFORCEMENT OFFICIALS LIST NUMBERS WITH PLATES. IF THIS IS INFORMATION IS OBTAINED AS BEING IN GUN, HELICOPTER AND NOT IN PLATE, THE GUIDANCE OF BULLETS IS.



NOTE:
BUILDING SUPPLY REPLACEMENTS ARE FOR THE
CITY OF ALBUQUERQUE, NM. ON CREW-OWNERS.

NO	DEKRETE	DATE
11	8.27.2009	14.06
12	8.28.2009	14.06
13	8.29.2009	14.06
14	8.30.2009	14.06
15	8.31.2009	14.06
16	8.32.2009	14.06
17	8.33.2009	14.06
18	8.34.2009	14.06
19	8.35.2009	14.06

Cubic Data						
Age	Age ²	Age ³	Gender (1 = male)	Height (cm)	Weight (kg)	Height ² (cm ²)
1	1	1	1	170	65	29000
2	4	8	1	175	70	30625
3	9	27	1	180	75	32400
4	16	64	1	185	80	34225
5	25	125	1	190	85	36100
6	36	216	1	195	90	38025
7	49	343	1	200	95	40000
8	64	512	1	205	100	42025
9	81	729	1	210	105	44100
10	100	1000	1	215	110	46225
11	121	1331	1	220	115	48400
12	144	1728	1	225	120	50625
13	169	2197	1	230	125	52900
14	196	2744	1	235	130	55225
15	225	3375	1	240	135	57600
16	256	4096	1	245	140	60025
17	289	4913	1	250	145	62500
18	324	5832	1	255	150	65025
19	361	6859	1	260	155	67600
20	400	8000	1	265	160	70225
21	441	9261	1	270	165	72900
22	484	10648	1	275	170	75625
23	529	12167	1	280	175	78400
24	576	13824	1	285	180	81225
25	625	15625	1	290	185	84100
26	676	17716	1	295	190	87025
27	729	19683	1	300	195	90000
28	784	21952	1	305	200	93025
29	841	24389	1	310	205	96100
30	900	27000	1	315	210	99225
31	961	29791	1	320	215	102400
32	1024	32768	1	325	220	105625
33	1089	35937	1	330	225	108900
34	1156	39400	1	335	230	112225
35	1225	43165	1	340	235	115600
36	1296	47232	1	345	240	119025
37	1369	51601	1	350	245	122500
38	1444	56272	1	355	250	126025
39	1521	61251	1	360	255	129600
40	1600	66560	1	365	260	133225
41	1681	72191	1	370	265	136900
42	1764	78144	1	375	270	140625
43	1849	84421	1	380	275	144400
44	1936	91024	1	385	280	148225
45	2025	97955	1	390	285	152100
46	2116	105208	1	395	290	156025
47	2209	112787	1	400	295	160000
48	2304	120696	1	405	300	164025
49	2401	128931	1	410	305	168100
50	2500	137500	1	415	310	172225
51	2601	146401	1	420	315	176400
52	2704	155632	1	425	320	180625
53	2809	165191	1	430	325	184900
54	2916	175080	1	435	330	189225
55	3025	185295	1	440	335	193600
56	3136	195832	1	445	340	198025

NOTE:
BIRTH AND DEATH NUMBERS LISTED FOR
ARE OF THE RECORDS OF STEPHEN COUNTY
NEWSPAPER OBTAINED FROM THE FILES
OF THE COUNTY CLERK AS MAINTAINED THERE.

ALAMOTERO
LAND
SURVEYS, P.C.

PROFESSIONAL LAND SURVEYORS
1121 N. 2ND ST., SUITE 100
ALAMOGORDO, NEW MEXICO
PHONE 575-457-7744 FAX 575-457-7795
(Copyright © 1994 by Alamotero Land Surveys, P.C.)

[illegible][illegible][illegible]

BY ECONOMIC ZONES 3/20/10 Bradi Zimault 07 ART PUBLIC
APPROVAL OF THE ALABAMA ZONING AND ECONOMIC COMMISSION
STATE OF ALABAMA

THE STATE OF TEXAS, COUNTY OF DALLAS, ss. I, the undersigned, Clerk of said County, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of said County.

ATTEST: [Signature] RECORDING SECRETARY

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Commission at the City of Washington, this 14th day of July, 1964.

THE PLAT OF MAPS IS QUALIFIED AND APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF ALAMOGORDO, NEW MEXICO, ON THIS 25th DAY OF June, 1960. BY THE CLERK OF THE BOARD OF SUPERVISORS, I HEREBY CERTIFY THAT THE SAME HAS BEEN FILED FOR RECORD IN THE CITY OF ALAMOGORDO, NEW MEXICO, AND IS A VALIDITY OF THE RECORDS.

Robert B. Pontabla

DATE: _____
 BY: Bruce J. East _____
 TITLE: _____
 NAME: _____

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD
THE SUBJECTS SET FORTH WITHIN THE PLATINUM PLAIN AND JURISDICTION OF THE CITY OF ALBUQUERQUE, NEW MEXICO

COURT DATE AND DAY: TO BE PRINTED ON THIS 24th DAY OF July, 2014
 MY COMMISSION EXPIRES 3/20/16 Bradi Simola 47447 P.000

STATE OF NEWARK DOH
CITY OF NEWARK

BRUNNEN
NEW BRUNNEN

STATE OF NEW YORK
COUNTY OF _____
RECORDED IN THE OFFICE OF THE COUNTY CLERK AND IN THE OFFICE OF THE COUNTY CLERK

RECEIVED BY: 2150 TOLSON P. # 118 DATE: August 1961
Exercise Cinema
Deana M. M. M.

INSTRUMENT NO. 2014054610

RESOLUTION NO. 2024-31

A RESOLUTION ADOPTING RATES AND FEES FOR WATER, SEWER AND RECLAIMED WATER SERVICE .

WHEREAS, the City Commission of the City of Alamogordo acknowledges that they have a responsibility to ensure the provision of safe, reliable, and sustainable water services to all users in the City of Alamogordo;

WHEREAS, the City of Alamogordo owns and operates a utility system that provides essential water and sewer services to residences and businesses, and that operates 24 hours per day and 365 days per year; and,

WHEREAS, the operational and financial sustainability of the utility system is vital to the public health and safety of the City's residents; and,

WHEREAS, because of its important link to public health and safety, the City's utility system is highly regulated, and the City could face fines or consent orders from regulatory agencies as a result of infrastructure failures or if current regulatory requirements are not met; and,

WHEREAS, as a desert community, the City heavily relies on its water system infrastructure to safely transport water several miles to utility customers; and,

WHEREAS, the current rate structure, established by ordinance 1506, has been in effect since July 2015 and no longer adequately reflects the cost of providing water services, maintaining infrastructure and ensuring regulatory compliance; and,

WHEREAS, the utility system has experienced tremendous inflation in operating costs since the last rate adjustments, such as the costs of PVC pipe increasing over 200%; and,

WHEREAS, many of the City's roads cannot be repaired until line break issues under the roads are addressed, but utility revenues have been insufficient to systematically fund the water and sewer portion of the City's Street Maintenance Program (SMP); and,

WHEREAS, the City has identified critical utility infrastructure capital needs for the next several years which must be funded through the rate and financial plan to ensure the operational and financial sustainability of the utility systems; and,

WHEREAS, there are nationwide issues with filling positions and keeping employees, and the City implemented the results of a pay study to help ensure that the utility has a well-trained, experienced, and sufficient utility staff to effectively operate the utility 24 hours per day and 365 days per year; to maintain the level of service; and to be prepared for emergencies; and,

WHEREAS, the City recently conducted a rate study to determine the rate adjustments needed to fund the critical capital needs and address certain operating deficiencies over the next ten years; and,

WHEREAS, rate adjustments are needed to provide access to capital markets for financing the critical capital needs, and funding the critical needs on a pay-as-you-go basis would require much higher rate adjustments; and,

WHEREAS, securing debt financing requires the City to demonstrate to lenders, bondholders, and credit rating agencies that the City has adopted a multi-year schedule of rates to support the debt; and,

WHEREAS, without rate adjustments, the utility may have issues meeting its existing debt obligations, which could lead to rate covenant default remedies available to lenders (e.g., accelerated payments); and,

WHEREAS, the City staff needs to know the revenue stream to implement the multi-year capital program since projects usually take more than one year to complete and funding must be in place to enable bidding for projects; and,

WHEREAS, the proposed rates are considered affordable by utility industry standards; and,

WHEREAS, the proposed rates are competitive with those charged by neighboring New Mexico local governments; and,

WHEREAS, the proposed rates provide a less complicated rate structure and eliminate mandatory account transfers (decrease in future liens); and,

WHEREAS, the City Commission finds that it is in the best interest of the public to adopt the multi-year schedule of water and sewer service charges as recommended by the rate consultant and as provided for in this Resolution;

THEREFORE BE IT RESOLVED, THAT upon final adoption of ordinance 1700 the rates and fees listed below shall be adopted by resolution:

ANCILLARY CHARGE FOR NONROUTINE SERVICES

The following ancillary charges are intended to defray costs of special, non-routine services provided to users of the city water system: All charges include tax where applicable.

- 1) Late fee per account if payment for water, sewer or residential garbage collection fees, or any combined billing is more than ten (10) calendar days past due:

10% of the bill amount. Late fee percentage does not compound or apply to any subsequent late fees or delinquency charges on the account.

- | | |
|--|------------|
| 2) Same day Service calls (Monday—Friday, 8:00 a.m.—5:00 p.m.) | \$55.00 |
| 3) Non Business Hour Service calls during all other times | \$110.00 |
| 4) Accounting Processing Fee | \$35.00 |
| 5) Property owners who submit statement of property ownership form(s) shall not be charged a transfer fee for the properties listed on the form unless terminated for non-payment. | |
| 6) Meter installation varies based on actual cost which includes parts mark-up. | |
| a. ¾ inch | \$300.00 |
| b. 1 inch | \$350.00 |
| c. 1 ½ inch | \$500.00 |
| d. 2 inch | \$1,400.00 |
| e. 4 inch | \$1,600.00 |
| 7) Administrative fee for all liens filed | \$200.00 |
| 8) Processing fee (active delinquent accounts) | \$35.00 |
| 9) Water Tapping Fees. Tap includes saddle, corporation stop or gate valve | |
| a. 1" Water Tap | \$1,054* |
| b. 1-1/4" Water Tap | \$1,377* |
| c. 1-1/2" Water Tap | \$1,359* |
| d. 2" Water Tap | \$1,525* |
| e. 4" Water Tap | \$7,863* |
| f. 6" Water Tap | \$8,826* |
| g. 8" Water Tap | \$10,393* |
| h. 10" Water Tap | \$13,266* |
| i. 12" Water Tap | \$15,392* |

*or Cost Recovery, whichever is higher

WATER SERVICE

Description	Fiscal Year Ending June 30,				
	2025	2026	2027	2028	2029
<u>Household Customers - Inside City</u>					
	<i>Monthly Base Charge</i>				
3/4" Meter	19.37	24.21	29.05	34.86	37.30
1" Meter	27.59	34.49	41.39	49.67	53.15
1-1/2" Meter	41.25	51.56	61.87	74.24	79.44
Multi-Family Unit	19.37	24.21	29.05	34.86	37.30
<i>Usage</i>	<i>Usage Charge (Per Hundred Cubic Feet [CCF])</i>				
All Usage Except for Irrigation Accounts	2.88	3.60	4.32	5.18	5.54
Irrigation Account Usage	5.76	7.20	8.64	10.36	11.08
<u>Household Customers - Outside City</u>					
	<i>Monthly Base Charge</i>				
3/4" Meter	38.74	48.42	58.10	69.72	74.60
1" Meter	55.18	68.98	82.78	99.34	106.30
1-1/2" Meter	82.50	103.12	123.74	148.48	158.88
Multi-Family Unit	38.74	48.42	58.10	69.72	74.60
<i>Usage</i>	<i>Usage Charge (Per Hundred Cubic Feet [CCF])</i>				
All Usage Except for Irrigation Accounts	5.76	7.20	8.64	10.36	11.08
Irrigation Account Usage	11.52	14.40	17.28	20.72	22.16
<u>Non-Household Customers - Inside City</u>					
	<i>Monthly Base Charge</i>				
3/4" Meter	24.18	30.22	36.26	43.51	46.56
1" Meter	66.82	83.52	100.22	120.26	128.68
1-1/2" Meter	109.39	136.74	164.09	196.91	210.69
2" Meter	140.96	176.19	211.43	253.72	271.48
3" Meter	294.24	367.80	441.36	529.63	566.70
4" Meter	409.98	512.47	614.96	737.95	789.61
6" Meter	716.83	896.04	1,075.25	1,290.30	1,380.62
<i>Usage</i>	<i>Usage Charge (Per Hundred Cubic Feet [CCF])</i>				
All Usage Except for Irrigation Accounts	2.88	3.60	4.32	5.18	5.54
Irrigation Account Usage	5.76	7.20	8.64	10.36	11.08
<u>Non-Household Customers - Outside City</u>					
	<i>Monthly Base Charge</i>				
3/4" Meter	48.36	60.44	72.52	87.02	93.12
1" Meter	133.64	167.04	200.44	240.52	257.36
1-1/2" Meter	218.78	273.48	328.18	393.82	421.38
2" Meter	281.92	352.38	422.86	507.44	542.96
3" Meter	588.48	735.60	882.72	1,059.26	1,133.40
4" Meter	819.96	1,024.94	1,229.92	1,475.90	1,579.22
6" Meter	1,433.66	1,792.08	2,150.50	2,580.60	2,761.24
<i>Usage</i>	<i>Usage Charge (Per Hundred Cubic Feet [CCF])</i>				
All Usage Except for Irrigation Accounts	5.76	7.20	8.64	10.36	11.08
Irrigation Account Usage	11.52	14.40	17.28	20.72	22.16

SEWER SERVICE

Description	Fiscal Year Ending June 30,				
	2025	2026	2027	2028	2029
<u>Household Customers - Inside City</u>	<u>Monthly Base Charge</u>				
3/4" Meter	\$ 17.68	\$ 22.10	\$ 26.52	\$ 31.82	\$ 34.05
1" Meter	24.90	31.12	37.34	44.81	47.95
1-1/2" Meter	33.15	41.44	49.73	59.68	63.86
Multi-Family Unit	17.68	22.10	26.52	31.82	34.05
	<u>Usage Charge (Per Hundred Cubic Feet [CCF])</u>				
Commodity Rate Per CCF - Applied to 90% of Water Used [2]	\$ 1.50	\$ 1.88	\$ 2.26	\$ 2.71	\$ 2.90
<u>Household Customers - Outside City</u>	<u>Monthly Base Charge</u>				
3/4" Meter	\$ 35.36	\$ 44.20	\$ 53.04	\$ 63.64	\$ 68.10
1" Meter	49.80	62.24	74.68	89.62	95.90
1-1/2" Meter	66.30	82.88	99.46	119.36	127.72
Multi-Family Unit	35.36	44.20	53.04	63.64	68.10
	<u>Usage Charge (Per Hundred Cubic Feet [CCF])</u>				
Commodity Rate Per CCF - Applied to 90% of Water Used [2]	\$ 3.00	\$ 3.76	\$ 4.52	\$ 5.42	\$ 5.80
<u>Non-Household Customers - Inside City</u>	<u>Monthly Base Charge</u>				
3/4" Meter	\$ 17.68	\$ 22.10	\$ 26.52	\$ 31.82	\$ 34.05
1" Meter	24.90	31.12	37.34	44.81	47.95
1-1/2" Meter	33.15	41.44	49.73	59.68	63.86
2" Meter	61.36	76.70	92.04	110.45	118.18
3" Meter	210.21	262.76	315.31	378.37	404.86
4" Meter	272.35	340.44	408.53	490.24	524.56
6" Meter	416.33	520.41	624.49	749.39	801.85
	<u>Usage Charge (Per Hundred Cubic Feet [CCF])</u>				
Commodity Rate Per CCF - Applied to 90% of Water Used	\$ 1.50	\$ 1.88	\$ 2.26	\$ 2.71	\$ 2.90
<u>Non-Household Customers - Outside City</u>	<u>Monthly Base Charge</u>				
3/4" Meter	\$ 35.36	\$ 44.20	\$ 53.04	\$ 63.64	\$ 68.10
1" Meter	49.80	62.24	74.68	89.62	95.90
1-1/2" Meter	66.30	82.88	99.46	119.36	127.72
2" Meter	122.72	153.40	184.08	220.90	236.36
3" Meter	420.42	525.53	630.62	756.74	809.72
4" Meter	544.70	680.88	817.06	980.48	1,049.12
6" Meter	832.66	1,040.82	1,248.98	1,498.78	1,603.70
	<u>Usage Charge (Per Hundred Cubic Feet [CCF])</u>				
Commodity Rate Per CCF - Applied to 90% of Water Used	\$ 3.00	\$ 3.76	\$ 4.52	\$ 5.42	\$ 5.80

RECLAIMED WATER SERVICE

Description	Fiscal Year Ending June 30,				
	2025	2026	2027	2028	2029
<u>All Customers</u>					
Commodity Charge Per CCF - Inside City	\$ 2.88	\$ 3.60	\$ 4.32	\$ 5.18	\$ 5.54
Commodity Charge Per CCF - Outside City	5.76	7.20	8.64	10.36	11.08

Footnotes:

- [1] For all users which are located outside city limits, the rates are two (2) times the monthly customer and commodity charges.
- [2] The existing sewer commodity charge for all household customers is currently billed based on a winter quarterly rate. Under the proposed rates, 90% of all metered water usage shall be billed for sewer usage.

PASSED, APPROVED AND ADOPTED this 25th day of June, 2024.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By:

Susan L. Payne
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs
Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith
Ashley Smith, City Attorney

Chapter 22 SUBDIVISION REGULATIONS¹

ARTICLE 22-01. SUBDIVISION REGULATIONS²

PHILOSOPHY

The city is interested in the economic growth and development of the city. This development must be balanced with the preservation of the quality of life that makes the city a unique and attractive place to live and work. There are numerous costs and benefits associated with development and some may benefit only a few while others may benefit the entire community. Economic benefits may initially go only to a few, but in the long term, the entire community benefits from growth. While the need for an increase in public safety may be initiated by increased development, an increase in overall service benefits everyone. The same is true with the costs associated with the increase in infrastructure as a result of development. Some, such as residential streets and other neighborhood utilities may only benefit those who live in the development and the developer should incur the associated costs of development. Other development costs, such as the extension of major thoroughfares and water and sewer lines, ultimately benefits the city as a whole and to some degree should be paid by everyone. Again, as in the balance between the quality of life and the impact of increased development, there must be a common understanding of the needs of the developer and the existing needs of the city. This article is a procedure to address and resolve these sometimes-conflicting needs.

(Ord. No. 1197, § 2, 3-23-04)

22-01-010. Definitions.

For the purpose of these regulations, which shall be known as and may be cited as "City of Alamogordo Subdivision Regulations," certain words used herein are defined as follows:

Access or access way. The public or private street by which pedestrians and vehicles shall have lawful and usable ingress and egress to a property line.

¹Adoption and amendment of subdivision regulations, N.M.S.A. § 3-19-6.

²Editor's note(s)—Ord. No. 1197, §§ 1—20, adopted March 23, 2004, amended the Code by repealing former art. 22-01, and adding a new art. 22-01. Former art. 22-01 pertained to similar subject mater, and derived from the Code of 1960, §§ 11-16-1, 11-16-2, 11-16-4—11-16-16; Ord. No. 327, adopted January 22, 1963; Ord. No. 343, adopted December 10, 1963; Ord. No. 349, adopted March 24, 1964; Ord. No. 501, adopted June 12, 1973; Ord. No. 545, adopted July 13, 1976; Ord. No. 572, adopted June 27, 1978; Ord. No. 604, adopted April 8, 1980; the Code of 1981, § 22-5; Ord. No. 618-81, adopted April 14, 1981; Ord. No. 678, adopted June 12, 1984; Ord. No. 733, adopted August 9, 1988; Ord. No. 738, adopted October 25, 1988; Ord. No. 802, adopted October 23, 1990; Ord. No. 811, adopted March 26, 1991; Ord. No. 836, adopted October 22, 1991; Ord. No. 920, adopted August 8, 1994; Ord. No. 966, adopted December 21, 1995; Ord. No. 976, adopted June 25, 1996; Ord. No. 998, adopted November 12, 1996; Ord. No. 1071, adopted July 13, 1999; Ord. No. 1085, adopted February 22, 2000; and Ord. No. 1115, adopted May 8, 2001.

Cross reference(s)—Administrative fee for application for subdivision, § 2-3(f); Water system development fee, § 28-101; streets, sidewalks and public places, Ch. 21; zoning regulations, Ch. 29.

Alamogordo comprehensive plan. The current planning documents and related materials officially adopted by the city, containing the goals, objectives and policies pertaining to urban growth, community facilities, infrastructure, circulation, housing and other subjects related to the development of the city.

Alley. A public way, other than a street, intended for secondary access and service to the rear or side of the property.

Association, owner's. An association that is organized in a development in which individual owner's share common interests and responsibilities for cost and upkeep of common open space or facilities.

Block. A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways, or any other barrier to the continuity of development.

Buildable area. The portion on a lot remaining after required setbacks and open spaces have been provided.

Building permit zone. That area within the extra-territorial jurisdiction of the city that is subject to inspection for building and related matters by city staff, as adopted by the city commission.

Building setback line. An imaginary line on private property established by ordinance or plat, which regulates the location of buildings or structures as they relate to the site property lines.

Building site. The ground area for a building or structure, together with all yards and open spaces.

Commercial unit development. A platted lot, zoned for commercial, manufacturing or industrial uses, which is further divided into more than one (1) lot and where all additional lots are provided access to a public or private street through a private easement. The access shall be a parcel of land over which a private easement for road purposes, having a minimum paved width of twenty (20) feet, is granted to all owners of property within the commercial unit development. In each instance the instrument creating such private easement, including the original agreement and any changes thereto resulting from the sale, lease or creation of additional lots, shall be held in perpetuity between all signatories, owners or lessees, to the agreement or their successors in interest, shall run with the land and be unseverable, and shall be duly recorded and filed with the office of the county clerk. A copy of the private easement instrument shall be provided with all building permit applications where a property is developed as a commercial unit development.

Commission, city. The governing body of the city. Final approval of all subdivisions in the planning and platting jurisdiction of the city rests with this body or the person or persons designated such authority by the governing body of the city.

Commission, county. The county commission of the County of Otero, which is responsible for the maintenance of any offered dedications, indicated on a plat outside the city, by the entry, use or improvement within the extraterritorial jurisdiction.

Commission, planning and zoning. The commission appointed by the mayor, which is responsible for making recommendations to the city commission regarding municipal planning, zoning and development within the area of the master plan.

Common open space. The private land in a planned development in which the owners have an undivided interest.

Concept plan or master plan. A plan for implementing an integrated development scheme for all phases of a proposed development, and is intended to provide a general consensus regarding compliance with this article.

Current. That which is in effect at the time of approval.

Cul-de-sac. A local street with only one (1) outlet having an appropriate terminus for the safe and convenient reversal of traffic movement.

Dedication. The offer and acceptance of an interest in property to the public for public use.

Development agreement. An agreement between the city and a property owner through which the city agrees to vest development use and intensity or refrain from interfering with subsequent phases of development through new city legislation in exchange for the provision of public facilities or amenities by the property owner in excess of those required under the current ordinance.

Driveway, private. A vehicular way, not serving more than one (1) lot or parcel of land.

Driveway, common. A vehicular way serving more than one (1) lot or parcel of land, where a maintenance agreement exists between the owners of the lots or parcels of land which utilize the common driveway.

Easement, private. A right-of-use granted for the limited use of private land owners and where general use and maintenance of such area is governed by an agreement which runs with the land and is recorded with the office of the county clerk. This easement is severable only by mutual consent of all of the parties that benefit from this easement.

Easement, public. An easement dedicated by subdivision plat or metes and bounds to and for use by the public, which is included within the dimensions or areas of lots or parcels.

Exempted subdivision. A division of land in the planning and platting jurisdiction of the city and qualifies to be exempt based on the seven (7) exemptions listed under the definition of a subdivision. This division is approved administratively similar to the summary procedure

Existing property. Any piece of land that has been platted or described by metes and bounds.

Extra-territorial jurisdiction (ETJ). The area within five (5) miles outside of the corporate limits of the city.

Filing. The process by which a person desiring approval of a subdivision makes application to the planning coordinator, which application meets all of the plat submission requirements.

Frontage. The line where a parcel of land, lot or site is adjacent to and contiguous to an easement or right-of-way either private or public.

Grade. The slope of any surface specified in percentage terms or in terms of elevation.

Grading. Any disturbance of the surface of the land with earth moving equipment.

Immediate family member. The husband, wife, father, step-father, mother, step-mother, brother, step-brother, sister, step-sister, son, step-son, daughter, step-daughter, grandson, step-grandson, granddaughter, step-granddaughter, nephew, and niece, whether related by natural birth or adoption.

Improvement. Any man-made, fixed item that becomes a part of or placed upon real property.

Intersection. The location where two (2) or more streets cross at grade.

Lot. A parcel of land occupied or intended to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot areas, as are required by this article and having frontage upon an easement or right-of-way either public or private and either shown on a plat of record or described by metes and bounds.

Lot area. The total area, measured in a horizontal plane, within the lot lines of a lot, expressed in either acres or square feet.

Lot, corner. A lot located at the intersection of two (2) or more streets.

Lot depth. The horizontal distance between the front and rear lot lines, measured as follows:

- (1) Where the lot lines are straight, from the midpoints thereof;
- (2) Where the lot line curves in (concave), from the midpoint of the chord;
- (3) Where the lot line curves out (convex), from the midpoint of the curve between the side property lines.

Lot, double frontage. Any lot having frontage on two (2) public streets which are nonintersecting.

Lot, interior. Any lot having frontage on one (1) street only.

Lot line. Any line that is a legal boundary of a lot as herein defined.

Lot line zero. The property line where the outside wall of a structure may be located.

Lot, panhandle. A lot, because of inherent limitations, lacks frontage except for access provided by way of a narrow projection of the lot to the street.

Lot, substandard. A lot that has less than the minimum area or minimum dimensions required in this article or for the zoning district in which the lot is located.

Lot width, average. The lot area divided by the lot depth.

Median. A strip of land that separates the opposing flows of traffic on a street.

Metes and bounds. A method of describing the boundaries of land by bearings and distances from a known point of reference.

Park zone. An area surrounding a proposed or existing park that can reasonably derive benefit from that park. Factors to be considered in determining a park zone shall include, but are not limited to, the following: the current city parks and recreation development zones map, the size of the park, the size and number of residential units in the surrounding neighborhoods, the amount of remaining open space in the area, and the benefit to the residential units in the area.

Pedestrian way. A specifically designated place, means, or way by which pedestrians shall be provided safe, adequate and usable circulation; normally provides access through the interior of a property or development. Does not include street or vehicular easement or right-of-way or required sidewalk along a street or vehicular way.

Phased development. A designated portion of a subdivision concept plan that has been approved for development.

Plans, street, utility and grading (SUG). The plan(s) required by the city for construction and installation of public improvements necessary to provide required services for proper development; including but not limited to, plans for grading, drainage facilities, water and sewer, open space, parks and other recreational space, streets, and illumination of streets.

Planned development. A development on property which is planned and built to achieve a cohesive relationship between uses and facilities; which has been platted in accordance with this article; and which either has received designation from the planning authority as a planned residential development or which is otherwise appropriately zoned.

Planning authority. The governing body of the City of Alamogordo, Otero County, New Mexico or the person or persons designated such authority by the governing body of the City of Alamogordo, Otero County, New Mexico.

Plat. The map, chart, survey, plan or replat certified by a licensed land surveyor containing a description of the subdivided land with ties to permanent monuments.

Plat, certificate of survey. A replat complying with section 3-20-2, NMSA 1978, as amended or superceded from time to time, provided that all applicable requirements are met. The resubdivision of platted tracts, which are less than one (1) acre and which are contiguous with each other, for the purpose of increasing or reducing the size of such contiguous tracts, but not less than the minimum standard size required by the political subdivision. A certificate of survey setting forth the legal description of tracts resulting from such resubdivision shall be filed with the proper planning authority, the county clerk and the county assessor.

Plat, correction. A plat, which may be administratively processed without city commission review, when the planning authority determines that the plat is correcting an error in the original plat. Affidavits prepared by the original surveyor and recorded with the county clerk, with city approval, are also acceptable methods of correcting minor plat errors.

Plat, final (FP). The plat that may be formally processed for final consideration by the planning authority and subsequently filed.

Plat, (conditional) preliminary. The map or plan tentatively describing the parcel of land, submitted for city staff review to permit incorporation of changes of design, street alignment and widths, lot arrangement, size and other design considerations.

Plat, preliminary/final. a plat, which may be formally processed without preliminary plat review when the planning authority determines the preliminary processing is unnecessary because of the uncomplicated nature of the plat.

Plat, summary. A plat that meets the criteria established for administrative final approval.

Plat, vacated. A subdivision, which is vacated through procedures described in this article, and is thereby made legally void.

Procedural determination conference. A conference between the subdivider or the subdivider's representative and city staff for the purpose of allowing city staff to determine specific procedural submission requirements for a given proposed subdivision and to insure that the subdivider and the subdivider's representatives are aware of and understand those requirements.

Public right-of-way. The property dedicated to and accepted by the governing body of the city, for use by the city. This transfer is in fee simple.

Recording. The act of processing a subdivision plat, which has been approved by the city as required by this article, as an official record in the office of the county clerk.

Replat. To re-subdivide all or part of a recorded subdivision and which does not require the vacation of an entire preceding plat.

Reserve strip. A parcel or tract of land that the city feels may be necessary in the future to continue and to preserve access for future developments in the area. Should development occur and this tract not be utilized it shall revert to the subdivider (also see street stub).

Re-subdivision. See "replat."

Sewage disposal system, on-site. One (1) or more systems of treatment devices and disposal facilities that are used only for disposal of sewage produced on the site where the system is located.

Sewerage facilities. The devices and systems which transport domestic wastewater from residential or commercial property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards.

Street, arterial. Streets that are used primarily for fast or heavy traffic.

Street, collector. Streets that carry traffic from local streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Street, local. Streets used to carry traffic to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Street, marginal access. A frontage road which limits the access of traffic to an arterial.

Street, public. The land dedicated to the use of the public and which has been accepted for maintenance and control by the city, county or state.

Street centerline. The line midway between the sidelines of the street right-of-way.

Street, stub. A street that has been designed to allow for the future extension of the street through subsequent subdivisions (see reserve strip).

Subdivider. Any property owner(s), or representative(s) thereof, who is/are dividing or proposing to divide land so as to create a subdivision.

Subdivision. For the purpose of approval by the city is:

- (1) For the area of land within the corporate boundaries of the city, the division of land into two (2) or more parts by platting or by metes and bounds description into tracts for the purpose of:
 - a. Sales for building purposes;
 - b. Laying out a municipality or any part thereof;
 - c. Adding to a municipality;
 - d. Laying out suburban lots; or
 - e. Resubdivision.
- (2) For the area of land within the extraterritorial subdivision and platting jurisdiction of the city (as defined in section 3-20-5, NMSA, 1978), the division of land into two (2) or more parts by platting or by metes and bounds description into tracts of less than five (5) acres in any one (1) calendar year for the purposes of:
 - a. Sale for building purposes;
 - b. Laying out a municipality or any part thereof;
 - c. Adding to a municipality;
 - d. Laying out suburban lots; or
 - e. Re-subdivision.
- (3) However, subdivision does not include:
 - a. The sale or lease of apartments, offices, stores, or similar space within a building.
 - b. The division of land created by court order where the order creates no more than one (1) parcel per party.
 - c. The division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased.
 - d. The division of land to create burial plots in a cemetery.
 - e. The division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this shall be limited to allow the seller or donor to sell or give no more than one (1) parcel per tract of land per immediate family member and shall be further limited to those divisions which do not result in any parcel being smaller than two (2) acres or lacking legal access, and provided further that no new parcel created may be sold or transferred, other than to an immediate family member, for a period of three (3) years after such creation.

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- f. The division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division of land is not the result of a seller-financed transaction.
 - g. The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in section 501(c)(3) of the U.S. IRS Code of 1986, as amended; school, college, or other institution with a defined curriculum and a student body and faculty which conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching, or other specifically religious activity.

Technical standards, City of Alamogordo. The current detailed design standards developed in consultation with industry representatives and city staff. Said design standards and any amendments thereto are enforceable only after approval of the standards by the city commission and shall have the force of ordinance, and shall be in addition to this article and may from time to time supercede the requirements of this article.

(Ord. No. 1197, § 3, 3-23-04; Ord. No. 1228, § 1, 1-11-05)

22-01-020. Reserved.

Editor's note(s)—Ord. No. 1228, § 2, adopted January 11, 2005, amended the Code by repealing former § 22-01-020 in its entirety. Former § 22-01-020 pertained to applicability of chapter; and derived from Ord. No. 1197, adopted March 23, 2004.

22-01-030. Procedure for conditional approval.

- (a) Conditional approval procedure (not mandatory). Previous to the filing of an application for street, utility and grading (SUG) approval, the subdivider may submit a general subdivision plan. The subdivider may submit to the planning authority an application and four (4) prints of the following plans and data: (No fee is required.)
 - (1) General subdivision information should describe or outline the existing conditions of the site and the proposed development. This information should include land characteristics and available community facilities and utilities; and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, and proposed utilities and street improvements.
 - (2) Location map should show the relationship of the proposed subdivision to existing community facilities, which serve or influence the subdivision. Include development name and location, main traffic arteries, public transportation lines, shopping centers, elementary and high schools, parks and playgrounds, other community features such as railroad stations, airports, hospitals and churches, title, scale, north arrow and date.
 - (3) Sketch plan on topographic survey if publicly available should show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a free hand pencil sketch made directly on a print of the topographic survey. The sketch plan may also include the existing topographic data listed under this chapter, plats and data for conditional approval, if the subdivider wishes to present such detail at this stage.
- (b) Within fifteen (15) working days the planning authority shall inform the subdivider that the plans and data as submitted or as modified do or do not comply with the city comprehensive plan, zoning regulations, or meet the objectives of these regulations. When the planning authority finds the plans and data do not meet the objectives of these regulations it shall express the reasons therefor.

(Ord. No. 1197, § 5, 3-23-04)

22-01-040. Procedure for approval of street, utility, grading plans and the final plat (SUG and FP).

Plans and data for SUG and FP approval:

- (1) Topographic data required as a basis for the SUG plans shall include existing conditions as follows:
 - a. Boundary lines: bearings and distances;
 - b. Easements: location, width and purpose;
 - c. Streets on and adjacent to the tract: name and right-of-way width and location, type, width and elevation of surfacing, any legally established center line elevations, walks, curbs, gutters, culverts;
 - d. Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm and combined sewers, location and size of water mains, location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers;
 - e. Ground elevations on the tract based on a U.S. Coast and Geodetic Survey datum plane, also all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions. For land that slopes less than three (3) percent contours shall be at one-foot intervals, three (3) percent to eleven (11) percent contour interval of two-foot, more than eleven (11) percent the contour interval shall be five-foot.
 - f. Soil percolation tests if individual sewage disposal systems are proposed;
 - g. Other conditions on the tract: watercourse, rock out-crop, and other significant features;
 - h. Other conditions on adjacent land within fifty (50) feet: approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences, owners of adjacent un-platted land; for adjacent platted land refer to the subdivision plat by name, recordation date and number, and show approximate percent built-up and typical lot size.
 - i. Zoning on and adjacent to the tract.
 - j. Proposed public improvements per the comprehensive plan.
 - k. Location map showing location of the tract.
 - l. Title and certificate: present tract designation according to official records in office of appropriate recorder, title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, the appropriate certification of either a professional engineer or land surveyor and date of survey.
- (2) Street, utility and grading plans shall be at a scale of one hundred (100) feet to one (1) inch or larger. It shall show:
 - a. Streets: names, right-of-way and roadway widths, approximate grades and gradients, similar data for alleys, if any;
 - b. Other rights-of-way or easements: location, width and purpose;
 - c. Location of utilities, if not shown on other exhibits;
 - d. Lot lines, lot numbers, and block numbers;

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- e. Sites, if any, to be dedicated for parks, playgrounds or other public uses;
 - f. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;
 - g. Front building setback lines and site data, including number of residential lots, typical lot size and acres in parks;
 - h. Scale, north arrow and date;
 - i. Proposed subdivision name.
 - 1. The name of the subdivision shall not conflict with that of any other subdivision in the county.
 - 2. If several plats of a subdivision are to be filed as the development of a large area progresses, the first plat shall bear the name of the subdivision and the words "Unit One." The second and following plats shall bear the name of the subdivision and shall be numbered in consecutive order as "Unit Two" and so forth.
 - 3. If the subdivision is to be identified as a re-plat of a subdivision and the same subdivision name is to be maintained, the re-plats shall be labeled consecutively, "A," "B," "C," and so forth.
 - 4. Once a subdivision name and unit number have been submitted and accepted for processing, the name or number shall not be changed without the concurrence of the city.
- (3) The SUG plans shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, typical cross sections of the proposed grading, roadway and sidewalk, and the proposed sanitary and storm water sewers, sewers with grades and sizes indicated. Profiles of streets and utilities shall be drawn to a scale no smaller than one (1) inch to fifty (50) feet horizontally, and a vertical scale of one (1) inch equals five (5) feet for slopes up to three (3) percent and one (1) inch equals ten (10) feet for slopes greater than three (3) percent. Cross sections of streets and utilities shall be drawn to a scale no larger than one (1) inch to five (5) feet horizontally one (1) inch to five (5) feet vertically.
- (4) Drainage requirements for existing properties:
- a. Existing properties less than three (3) acres:
 - 1. Provide plot plan with existing ground elevations, and/or contours. Proposed finish grade elevations and finish floor elevations, flow line and top of curb elevations on adjacent streets.
 - 2. Show proposed improvements and disposition of surface runoff.
 - 3. Provide drainage report based on the ten-year storm, showing pre-developed and developed runoff conditions.
 - b. Existing properties larger than three (3) acres:
 - 1. Provide plot plan with existing ground elevations, and/or contours. Proposed finish grade elevations and finish floor elevations, flow line and top of curb elevations on adjacent streets.
 - 2. Show proposed improvements and the disposition of surface runoff.
 - 3. Provide drainage report based on the ten-year storm, showing pre-developed and developed runoff conditions.

-
4. On-site storm water detention or retention required if impervious surfaces will exceed sixty (60) percent of developed lot area. Developed runoff rate (cfs) not to exceed pre-development runoff rate.
- (5) Drainage requirements for new subdivisions and street construction or street re-construction:
- a. Provide grading and drainage plan with:
 1. Existing ground elevations, and/or contours.
 2. Proposed finish grade elevations, including house pads, street grades, top of curb and flow line elevations.
 - b. Provide drainage report for the subdivision based on the ten-year and fifty-year storm.
 - c. Street design capacity, within the subdivision, shall accommodate ten-year storm runoff within the curbs at full subdivision development.
 - d. Street design capacity, within the subdivision, shall accommodate fifty-year storm runoff within curbs overtopped not more than six (6) inches at full subdivision development.
 - e. Building pads shall be elevated no less than six (6) inches above the fifty-year storm runoff elevation, or not less than one (1) foot above the curb line, whichever is greater.
 - f. Inverted-crown street sections may be used to accommodate these requirements, when approved by the city engineer.
- (6) Seven (7) copies of the SUG plans and supplementary material, as specified, shall be submitted to the city with the application and the required fee.
- a. City staff has ten (10) working days to review the SUG plans and other material submitted for conformity thereof to these regulations. On or before the tenth day, a meeting will be held with the subdivider, the subdivider's engineer, and city staff authorized as decision making staff to address staff comments. The subdivider and the subdivider's engineer will have five (5) working days to address staff comments and make changes to the SUG plans and turn the corrected information into the planning authority. Application and plans shall then be reviewed by the planning and zoning commission within five (5) working days. After review by the planning and zoning commission, the application and plans will be submitted to the city commission for consideration at the next available regular commission meeting.
 - b. Upon approval by the city commission of the SUG and FP, the subdivider shall file and record the original final plat with the county clerk and recorder of the county, within ninety (90) days after approval. The subdivider shall further return one (1) electronic file and one (1) mylar reproducible, which clearly shows the recording data, to the city within thirty (30) days of filing the plat. If the final subdivision plat is not filed and recorded with the clerk of the county, and the required copies are not returned to the city, within ninety (90) days after receiving final approval, the subdivision shall revert to preliminary plat status without further notice or action by the city. After reversion to preliminary plat status, any subdivider who wishes to obtain final plat approval shall comply with the procedures set forth in chapter 22 for final plat approval and shall pay all applicable fees for final plat approval.
 - c. No land shall be offered for sale by reference to such final plat until such has been approved by the city commission and recorded with the county clerk and recorder.
 - d. The final plat shall be submitted for approval concurrently or within six (6) months after approval of the SUG, otherwise such approval shall become null and void unless an extension of time is applied for and granted by the city.

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- e. Within thirty (30) days of completion of the construction of required subdivision improvements, one (1) set of stable base reproductions and one (1) set of prints of the record documents for all utility improvements, within the subject subdivision, shall be filed with the public works department.

(Ord. No. 1197, § 6, 3-23-04)

22-01-050. Final plat.

- (a) The final plat shall be drawn in ink on stable base material on sheets twenty-four (24) inches by thirty-six (36) inches and shall be at a scale of one hundred (100) feet to one (1) inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following:
 - (1) Primary control points approved by the city engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referenced.
 - (2) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
 - (3) Name and right-of-way width of each street or other rights-of-way on or adjacent to the tract.
 - (4) Location, dimensions and purpose of any easements.
 - (5) Number to identify each lot and block or tract.
 - (6) Purpose for which sites, other than lots, are dedicated or reserved.
 - (7) Minimum front building setback line on all lots.
 - (8) Location and description of monuments.
 - (9) Names of record owners of adjoining unplatted land.
 - (10) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
 - (11) Certification by a registered licensed surveyor certifying to the accuracy of the survey and plat.
 - (12) Certification of title showing that applicant is the landowner.
 - (13) Statement by owner establishing to whom public dedication is being made (i.e., City of Alamogordo, Otero County, etc.) and the specific purpose(s) for the dedication.
 - (14) Scale, north arrow and date of survey.
 - (15) Approved subdivision name.
 - (16) Assigned address of each lot.
 - (17) Acreage or square footage for each lot.
 - (18) Proof of current tax status with the county assessor.
- (b) The subdivider shall be required to enter into a contract with the city, agreeing to abide by and to comply with the layout and drawings, as finally approved, and also, all plans and specifications as approved. The contract shall be a covenant running with the land, shall constitute a lien on the land, and shall serve for five (5) years. The contract may be renewed at the end of the five (5) years, provided that the final plat complies with the current technical standards. This lien shall not arise until the petitioner is in default and the city has incurred costs or other obligations toward the construction of required improvements. This lien may be

enforced by a sale of the land to reimburse the city for the costs of installing water and sewer lines, paving streets, installing curbing, sidewalks, alley aprons and gutters, acquiring easements for streets, alleys and other utilities, and otherwise conforming to all the requirements of the subdivision regulations as provided for herein. A final inspection may be requested by either the city or a subdivider. Upon acceptance, the city inspector shall issue a "certificate of acceptance."

- (c) The contract shall contain, among other provisions, the following:
- (1) For a period ending one (1) year after the city accepts the subdivision improvements for maintenance, the subdivider shall agree to make all repairs to the construction work and replace all defective material or workmanship which may become apparent before or after the subdivision is accepted by the city; and no acceptance or approval by the city, its engineer or other agent or employee shall relieve the subdivider from these obligations. Nor shall the city be deemed to waive any of the requirements of this chapter by virtue of its acceptance of any easement or right-of-way from the subdivider.
 - (2) The subdivider shall agree to supply and install at the subdivider's own expense all water lines and sewer lines of approved size, materials and quality within the subdivision in accordance with the current technical standards, and the comprehensive plan, and also outside the subdivision a sufficient distance to connect with the city's sewer and water system, and to furnish and install approved size, materials and quality valves, fire hydrants, manhole rings and covers, with stub-outs for each property, and all appurtenances to such water and sewer system as required to service and support the subdivision.
 - (3) The subdivider shall agree to protect drainage structures, to build bridges, culverts and such other drainage facilities in the area as may be necessary to protect the subdivision, the city, and other lands in the area from floods by reason of such development.
 - (4) The subdivider shall agree to compact all backfill to ninety-five (95) percent of density as determined by the modified procter method. At six (6) months and at twelve (12) months after completion, the contractor shall re-grade and repair all backfill, if required or directed by the city.
 - (5) Such contract shall include an agreement with the city to lay and construct all paving, curbs and gutters, and sidewalks, using the current technical standards, and to connect such improvements with the existing paving, curbs, gutters and sidewalks as may be required by the city engineer.
 - (6) The subdivider shall likewise agree to repair all damages to water lines, sewer lines and manholes at the subdivider's expense.
 - (7) Materials used in performing the work and developing and completing such subdivision shall be of good quality and laboratory tests and reports of such materials shall be submitted to the city engineer as required. Tests and samples shall be taken and analyzed by methods prescribed by the American Society for Testing Materials, or the American Association of State Highway Officials. The subdivider shall agree to pay for such tests.
 - (8) The subdivider or owner shall also agree that all subdivision work and/or utilities improvements to be constructed and/or installed by the subdivider or owner in accordance with this chapter shall be subject to inspection and approval by the city and its duly designated agents and/or employees during the progress of the work. The subdivider or owner shall, upon approval of the final subdivision plat and/or plans and specifications for utility installations to be done hereunder, pay to the city the sum of one and one-half (1.5) percent of the estimated cost of constructing all such subdivision work and/or utilities improvements, such costs to be estimated by the city, for the city's expense in connection with such checking and inspection.

(Ord. No. 1197, § 7, 3-23-04)

22-01-060. Streets.

- (a) The arrangement, character, extent, width, grade and location of all streets shall conform to the general community or comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - (b) Where such is not shown in the comprehensive plan, the arrangement of streets in a subdivision shall either:
 - (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (2) Conform to a plan for the neighborhood approved or adopted by the city commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
 - (c) Local streets shall be so laid out that their use by through traffic will be discouraged.
 - (d) Where a subdivision abuts or contains an existing or proposed arterial street, the city may require marginal access streets, deep lots with rear alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - (e) Where a subdivision borders on or contains a railroad right-of-way, the city may require a street approximately parallel to such right-of-way, and on the side of right-of-way adjacent to the subdivision, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 - (f) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the city. Should these reserve strips become unnecessary due to adjacent development they shall revert to the subdivider or the subdivider's assigns.
 - (g) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 - (h) When connecting street lines deflect from each other at any one (1) point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a slight distance of not less than one hundred (100) feet for local and collector streets and of such greater radii as the city staff shall determine for special cases.
 - (i) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
 - (j) Street right-of-way widths shall be as shown in the city technical standards, hereafter referred to as the "technical standards."
 - (k) Wherever a one-half (½) street is adjacent to a tract to be subdivided, the other one-half (½) of the street shall be platted within such tract.
 - (l) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the city commission.
 - (m) Street grades shall comply with the comprehensive plan with due allowances for reasonable vertical curves.
- (Ord. No. 1197, § 8, 3-23-04)

22-01-070. Alleys.

- (a) Through alleys shall be provided in each block, unless a variance is granted and the current technical standard requirements are met.
- (b) Alley intersections and sharp curves in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

(Ord. No. 1197, § 9, 3-23-04)

22-01-080. Easements.

- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary.
- (b) Where a subdivision is traversed by a designated FEMA flow path, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate, to handle the volume of flood water which is based on FEMA's fifty-year storm event.
- (c) Parallel streets or alleys may be required in connection with such watercourses or drainage ways.
- (d) Existing detention ponds or drainage channels may be used for flood control.

(Ord. No. 1197, § 10, 3-23-04)

22-01-090. Blocks.

- (a) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Needs for convenient access, circulation, control and safety of street traffic.
- (b) Block lengths longer than one thousand eight hundred (1,800) feet shall provide emergency vehicle turnarounds with a fifty-foot radius at property line.
- (c) Pedestrian crosswalks, meeting the current Manual on Uniform Traffic Control Device (MUTCD) standards, shall be installed at required intersections as directed by the city engineer.

(Ord. No. 1197, § 11, 3-23-04)

22-01-100. Lots.

- (a) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the zoning of the subdivision and for the type of development and use contemplated.
- (b) Lot dimensions shall conform to the requirements of the zoning regulations and the comprehensive plan.
 - (1) When a lot cannot be served by a public sewer but requires an approved and registered septic tank system, the minimum lot area shall conform with the appropriate state regulations and shall be approved by the environmental improvement department of the state.
 - (2) Depth and width of properties reserved or laid out for commercial and industrial purposes shall comply with the current property zoning.

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- (c) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
 - (d) The subdividing of the land shall be such as to provide, by means of a street or easement, each lot with satisfactory access to any existing public streets.
 - (e) Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
 - (f) Side lot lines shall be substantially at right angles or radial to street lines.

(Ord. No. 1197, § 12, 3-23-04)

22-01-110. Public sites and open spaces.

- (a) Any subdivision, re-subdivision or phased development, where the subdivider is installing public infrastructure, i.e., water lines, sewer lines and curb, gutter and paving, the subdivider shall pay three (3) percent of the subdivider's own engineer's estimate of the installed cost of infrastructure. These funds shall be deposited in a fund specifically used for the acquisition and development of parks, playgrounds and/or other public recreation uses within the park zone established by the comprehensive plan in which the new development is located, or for other necessary public infrastructure. These funds must be paid at the time the subdivision is approved. For a phased development the subdivider will pay into the park zone fund five (5) percent of the estimated infrastructure costs of that phase. Should the subdivider choose, and the city agrees, the subdivider may dedicate five (5) percent of the total land area of the entire proposed subdivision to the city for use as a park, public facility, or fire station. The minimum size for this dedication shall be one (1) acre. Development by the city shall begin within two (2) years after the subdivision reaches seventy-five (75) percent occupancy of the phase in which public land dedication is located; or, the land will revert back to the subdivider.
- (b) If locations for schools are set aside by the comprehensive plan in any proposed subdivision, the school board may purchase such lands from the subdivider for school purposes.
- (c) When additional right-of-way is required by the city for streets or easements and is not shown on the comprehensive plan or designated in its floodplain management ordinance, the city shall pay the subdivider for the current appraised value of that portion of the land, as determined by an independent certified appraiser.

(Ord. No. 1197, § 13, 3-23-04)

22-01-120. Monuments.

Monuments shall be placed at all block corners, angle points, points of curves in streets, and at all property corners. Such monuments shall be made of metal at least one-half (½) inch in diameter and sixteen (16) inches long with the surveyor's license number on a cap affixed to the top of the rebar.

(Ord. No. 1197, § 14, 3-23-04)

22-01-130. Utility and street improvements.

- (a) Utility and street improvements shall be provided in each new subdivision in accordance with the current technical standards, and in accordance with the comprehensive plan, and all amendments, modifications and/or additions thereto as may be approved and adopted by the city commission in official session. In any

instance in which there is any conflict between the technical standards and the comprehensive plan, the more stringent requirement shall apply.

- (c) All handicapped curb returns, alley aprons, asphaltic pavement, curbs and gutters, street improvements, water and sewer lines, and other work to be performed and/or constructed by the subdivider pursuant to this chapter shall be completed on each approved phase of development of the subdivision before the occupancy of any homes or other structures on that approved phase of development. The city may, however, issue a temporary certificate of occupancy until this work is completed.
- (d) In any development in which lots have not been built-out within five (5) years of final acceptance, the subdivider shall complete the sidewalks on all vacant lots.

(Ord. No. 1197, § 15, 3-23-04)

22-01-140. Hardships.

- (a) *Generally.* Where the city commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided, that such variation will not have the effect of nullifying the intent and purpose of the comprehensive plan or these regulations.
- (b) *Large scale developments.* The standards and requirements of these regulations may be modified by the city commission in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which in the judgment of the city commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

(Ord. No. 1197, § 16, 3-23-04)

22-01-150. Conditions.

In granting variances and modifications, the city commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. No. 1197, § 17, 3-23-04)

22-01-160. Municipal liens.

Parcels of land which have been assessed for street, water, sewer or other improvements may be subdivided under the following conditions:

- (1) Payments on the assessment lien must be current.
- (2) The submission of documents to the planning authority must include a division of the outstanding assessment among the lots proposed to be created by the subdivision.
- (3) Upon the transfer of any lot in the newly created subdivision by any method, the assessment against the lot to be transferred must be paid in full.

(Ord. No. 1197, § 3, 3-23-04)

22-01-170. Summary subdivisions.

- (a) *Eligibility.* The summary subdivision procedure may be used to add, move or remove lot lines provided that:
- (1) The number of total lots does not increase by more than two (2);
 - (2) All resulting lots meet minimum lot size requirements;
 - (3) The payments on all outstanding municipal liens are current.
 - (4) Upon the transfer of any newly created lot by any method, the outstanding assessment on that lot must be paid in full.
 - (5) No provisions are required by the city for utilities, easements, right-of-way or drainage;
 - (6) All owners of the subject property sign the plat and application;
 - (7) The summary procedure is available for original plats and re-plats, either within the city or within the extra-territorial platting jurisdiction.
- (b) *Submission requirements.* The applicant is required to submit to the city the following:
- (1) Completed application form, including waiver of public hearing;
 - (2) Applicable fees in accordance with Appendix I of this Code;
 - (3) The original mylar and ten (10) copies of a final plat meeting all the requirements of subsection 22-01-050.
 - (4) The submission to the planning authority includes a division of any remaining assessment lien among any lots created by the summary subdivision.
 - (5) For subdivisions located within the city's extra-territorial jurisdiction, one (1) copy of the disclosure statement.
- (c) *Procedure.*
- (1) Within ten (10) working days of receiving the application and all required submissions, the city will make an initial determination of eligibility for summary approval. If the proposal is ineligible, the city will promptly notify the applicant that the full subdivision procedure is required. If the proposal is facially eligible for summary procedure, the planning authority will forward the proposal to the city manager with staff comments and recommendations.
 - (2) Within ten (10) working days of receiving the application, the city manager will determine whether the subdivision is approved or should be diverted to the city commission for review.
 - (3) If the city manager approves the summary subdivision, the city manager shall sign the plat signifying approval by the city and shall return it to the applicant for filing.
 - (4) The city manager may, with sole discretion, divert the subdivision application to the city commission for consideration. In that event, the city manager shall notify the applicant in writing and place the item on the next available city commission agenda. The applicant will then be required to reimburse the city for five (5) additional copies of the plat.
- (d) *Reservations.* By providing for the summary subdivision procedure, the city does not waive its rights to require the applicant to satisfy the city's usual requirements for subdivision approval including, but not limited to, the following:
- (1) Public infrastructure, such as streets, alleys, utilities and suitable access;
 - (2) Public land dedication or cash contributions in lieu thereof if cash contributions are otherwise required;

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- (3) Provisions for adequately addressing anticipated drainage problems or unstable soil conditions; and
 - (4) Requirements for waiver of protest agreements and avigation easements.

Such requirements may be addressed as a condition of summary subdivision approval, if practicable. If agreement is not reached, either the city manager or the applicant may require that the application be placed on the next available city commission agenda.

- (e) *Certificate of survey procedure.* Nothing in this section is intended to limit the availability of the certificate-of-survey procedure contained in section 3-20-2, N.M.S.A. 1978, as amended or superseded from time to time, provided that all applicable requirements are met.
- (f) *Extra-territorial platting jurisdiction.* Approval by the city of a summary subdivision application will not relieve the applicant of the requirement of approval by the county for subdivisions within the city's extra-territorial platting jurisdiction.

(Ord. No. 1197, § 19, 3-23-04)

22-01-180. Exempted subdivisions.

- (a) *Eligibility.* The exempted subdivision procedure may be used provided that:
 - (1) The division qualifies under one (1) of the seven (7) exemptions listed in the definition of subdivision.
 - (2) All resulting lots meet the current applicable minimum lot size requirements. Any resulting lots cannot create a violation of the current technical standards or zoning regulations, without an approved variance.
 - (3) The payments on all outstanding liens are current.
 - (4) Upon the transfer of any newly created lot by any method, the outstanding assessment on that lot must be paid in full.
 - (5) All owners of the subject property sign the plat and application;
 - (6) The exempted subdivision procedure is available for original plats and replats, either within the city or within the extra-territorial platting jurisdiction.
- (b) *Submission requirements.* The applicant is required to submit to the city the following:
 - (1) Completed application form, including waiver of public hearing;
 - (2) Applicable fees;
 - (3) An original mylar and two (2) copies of the final plat meeting all the requirements of subsection 22-01-140(a)
 - (4) The submission to the planning authority includes a division of any remaining assessment lien among any lots created by the exempted subdivision.
 - (5) Exemption 2 must be accompanied by an official copy of the court order.
 - (6) Exemption 5 must be accompanied by the proposed conveyancing document and birth certificate, adoption certificate or marriage license.
 - (7) Exemption 6 must be accompanied by the financing documents.
 - (8) Exemption 7 must be accompanied by copies of the IRS exemption letter and/or other documents demonstrating entitlement to exemption.

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- (e) *Procedure.* Within ten (10) working days of receiving the application and all required submissions, the planning authority will make a determination of eligibility for exempted approval. If the proposal is ineligible, the planning authority will promptly notify the applicant that the full subdivision procedure is required. If the proposal is eligible for the exempted procedure the planning authority will forward the subdivision to the city manager for signature. Within five (5) working days, the city manager will sign the plat and return it to the owner for recording with the county clerk.

(Ord. No. 1197, § 20, 3-23-04)

From: [Stephanie J. Hernandez, Ph.D](#)
To: sarah@generalhydronics.com; [Shelbe Abbott](#); dusty@generalhydronics.com
Cc: [David Nunnelley](#); [Susan L. Payne](#); [Justen Boyle](#); ["Troy Wright"](#); [Darrell Mori](#); [Evelyn Huff](#)
Subject: RE: Arrowhead Investment Group Invoices
Date: Sunday, October 26, 2025 7:42:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Good Evening,

I apologize for the delay in responding. We have two options to address your concerns:

1. We can remove the meters, cancel the associated accounts, and refund the cost of the meters. This option would terminate service entirely, and any future reconnection would require new applications and fees.
2. We can close the accounts at your request. You would remain responsible for the current balance due, but there would be no further billing or base charges moving forward. Should service be restored at a later date, a reconnection fee would apply. These procedures are in accordance with City Code Chapter 28.

Please let us know which option you prefer so we can move forward accordingly.

From: sarah@generalhydronics.com <sarah@generalhydronics.com>
Sent: Wednesday, October 22, 2025 10:54 AM
To: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>; Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; dusty@generalhydronics.com
Cc: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jpboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalhydronics.com>; Darrell Mori <dmori@ci.alamogordo.nm.us>
Subject: Arrowhead Investment Group Invoices
Importance: High

Good afternoon,

We have received the attached invoices from the Utility Department for the Water meters that AIG applied for in July and Early August prior to the City denying our ability to proceed with construction on these properties. I would like to see what you can do to place these accounts on hold for billing. We do not feel as though we should be paying base rates fees on any lots that the City is actively denying us the ability to build on. Please let me know ASAP, as we will not be paying these until we come to an agreement on this.

Thank you,

Sarah Wright

General Hydronics Plumbing

Polson & Grady, Ltd.

sarah@generalhydronics.com

ghpl@generalhydronics.com

Controller/Administrator

575-437-6512 x100



From: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>

Sent: Thursday, October 16, 2025 4:27 PM

To: sarah@generalhydronics.com; Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; dusty@generalhydronics.com

Cc: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalhydronics.com>; Darrell Mori <dmori@ci.alamogordo.nm.us>

Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Sarah,

I can address the Subdivider's Contract, if you are speaking about the recent one Mr. Drunzer signed, you will have to do an IPRA request through the City Clerk's office to obtain a copy.

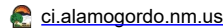
Shelbe D. Abbott
City of Alamogordo
Assistant City Planner
(575)439-4220 ex 1
sabbott@ci.alamogordo.nm.us



Shelbe Abbott
Assistant City Planner

T: (575) 439-4220 / Ext 4204

E: sabbott@ci.alamogordo.nm.us



From: sarah@generalhydronics.com <sarah@generalhydronics.com>

Sent: Thursday, October 16, 2025 4:08 PM

To: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; dusty@generalhydronics.com; Shelbe Abbott <sabbott@ci.alamogordo.nm.us>

Cc: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalhydronics.com>; Darrell Mori <dmori@ci.alamogordo.nm.us>

Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Importance: High

Good afternoon,

Thank you for the response and update. However, respectfully, that does not help or answer the questions that Mr. Wright had submitted to your office. If you could please review and provide us with some answers and more information.

Also, could you please provide us with a copy of the April subdivider agreement, as the latest version that we can access online is from April of 2023.

Thank you,

Sarah Wright

General Hydronics Plumbing

Polson & Grady, Ltd.

sarah@generalhydronics.com

ghpl@generalhydronics.com

Controller/Administrator
575-437-6512 x100



From: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>
Sent: Thursday, October 16, 2025 3:31 PM
To: dusty@generalhydronics.com; Shelbe Abbott <sabbott@ci.alamogordo.nm.us>
Cc: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalhydronics.com>; 'Sarah Wright' <sarah@generalhydronics.com>; Darrell Mori <dmori@ci.alamogordo.nm.us>
Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Dusty,

We met with Mr. Drunzer, Mr. Jackson, and Mr. Whiteside on Friday. It was a productive discussion, and they acknowledged their obligations under the April Subdivider's Agreement. Each was given a copy of the deficiency list, and Mr. Drunzer received his agreement at the time it was executed.



Stephanie J. Hernandez, Ph.D

Acting City Manager

T: (575) 430-4855 / Ext 4245

E: shernandez@ci.alamogordo.nm.us

ci.alamogordo.nm.us

From: dusty@generalhydronics.com <dusty@generalhydronics.com>
Sent: Tuesday, October 14, 2025 2:54 PM
To: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; Shelbe Abbott <sabbott@ci.alamogordo.nm.us>
Cc: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalhydronics.com>; 'Sarah Wright' <sarah@generalhydronics.com>
Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Good Morning Stephanie,

Thank you for your detailed message. While we appreciate the City's broader concerns regarding drainage, infrastructure, and subdivision acceptance, I must respectfully oppose the continued delay impacting our project at Quail Hollow #2.

It is important to distinguish between the City's intent to enforce subdivider obligations and the practical consequences of withholding approvals from builders/landowners who have fulfilled their scope of work. The current approach—penalizing downstream participants for upstream noncompliance—creates undue hardship for contractors and buyers alike. Builders are being held accountable for obligations that are not theirs to resolve, despite having met all requirements within their control.

While I understand the legal pressures and public complaints, it is neither equitable nor efficient to retroactively enforce standards in a way that stalls progress and jeopardizes private investment. The City's past leniency should not now be corrected at the expense of contractors who acted in good faith under the framework previously allowed.

We urge the City to reconsider its position and allow builders/landowners within the subdivision to proceed. This would demonstrate a balanced commitment to both accountability and economic progress—especially in light of the housing shortage you referenced. To date, we have one residence completed (2021), one nearing completion by December 2025, and

three additional lots in Quail Hollow #2. Our investment in this subdivision is approaching \$750k–\$800k, and we now face the prospect of sitting on vacant lots with no path to recoup our costs. This not only results in lost revenue but also leaves us responsible for ongoing property taxes while being prohibited from building.

Can the City of Alamogordo please clarify how it has permitted the sale and development of 40 out of 44 lots in Quail Hollow #2—allowing builders to construct homes, collect utility payments, and assess property taxes—while simultaneously maintaining that the subdivision has never been formally accepted? This position appears inconsistent with the City's own actions and raises serious concerns about transparency, fairness, and the standing of our investments.

Additionally, we are reluctant to pay water meter fees in this subdivision while the City continues to delay progress. It is difficult to justify paying into a system that is actively obstructing our ability to move forward.

We remain committed to further discussion with you, Dave, Shelbe, and Mr. Drunzer. However, we respectfully request that the City take immediate steps to separate enforcement actions related to the developer's outstanding obligations from the approvals needed by builders who have no control over those issues. The City previously allowed property sales and construction to proceed, and it is only fair that builders not be penalized retroactively.

We will continue to seek guidance on how best to proceed with our properties in Quail Hollow #2 and any other subdivisions within Alamogordo that may be similarly affected.

We have also reached out to Paul Jackson, Mike Drunzer, & Steve Whiteside regarding these lots—specifically, two vacant parcels that were sold to us after the April agreement (**None of the 3 Gentlemen that the City met with had seen a copy of the April Agreement that they supposedly signed**) they reportedly signed. At the time of sale, they should have been fully aware that construction on these lots would not be feasible without first completing the required punch list items for their development. This lack of disclosure has placed us in a difficult position, and we believe it warrants further review.

****Also the City of Alamogordo repaired a Water Leak on Sendero in Quail Hollow #2 area on Monday 10/6/2025? We are curious as to why the City would make the repair if they have never accepted this Subdivision or Utilities within its boundaries?**

Thanks,

Dustin K Wright

General Hydronics Plumbing, LLC.

Polson & Grady, Ltd.

(P)575-437-6512 ext.116

(F)575-434-6721

(C)575-430-3395

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From: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>

Sent: Thursday, October 2, 2025 1:04 PM

To: dusty@generalhydronics.com; Shelbe Abbott <sabbott@ci.alamogordo.nm.us>

Cc: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jpb Boyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalhydronics.com>; 'Sarah Wright' <sarah@generalhydronics.com>

Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

I understand the frustration this situation is causing; however, due to ongoing lawsuits mostly related to drainage, roads, infrastructure, and subdivision acceptance, the NMML and the attorneys handling these cases were very explicit that the City *must* begin holding subdividers to their contractual obligations.

In April of this year, Mr. Drunzer signed a new subdivider's agreement committing to bring Quail Hollow #2 into compliance. Portions of the approved drainage plan remain incomplete, and those obligations must be fulfilled. Along with the lawsuits, we are receiving an overwhelming number of complaints from homeowners about flooding between lots and on roadways leading to their homes. Ironically. One was from Shannon, who said there is growing public frustration with the City's past approach. He expressed disappointment that the City has allowed subdivisions to move forward without ensuring drainage responsibilities were met, asking how it could be acceptable for neighbors to be flooded with no protections in place.

It is not that your specific project is being unfairly held up—it is that the subdivider still has outstanding obligations that must be completed. What the City is doing is protecting your investment, your subsequent product, and equally as important, our citizens. The goal is to ensure this subdivision is brought into compliance so that future homeowners are not burdened with unexpected costs, liabilities, or damages caused by flooding. As you know, the significant rainfall we received this year has only made these issues more evident and more urgent to address.

Unfortunately, lots should not have been sold prior to final acceptance, and I recognize how significantly this impacts you. Because of the obstacles you've faced, we are working to expedite the process. Rather than waiting for the subdivider to request an inspection, staff have taken the initiative to inspect the area and prepare a punch list of items that must be completed for compliance. This is not our standard practice, we typically conduct this step only after a subdivision is complete and the developer formally contacts us.

I realize that I am probably the least popular person with contractors right now, but in the broader picture, what we are doing is meant to make things better for everyone, the developer, the contractor, City staff, and our citizens. No one enjoys making the hard decisions, but these steps are necessary for the long-term betterment and growth of Alamogordo. As housing conversations continue, I intend to request permission from the Commission to set aside some funding as an incentive to help longstanding subdivisions move forward. Unfortunately, as you know from your own experience as a commissioner, our funding is limited. Still, we are trying to lessen some of these burdens because we all recognize there is a housing shortage, and I am committed to pushing progress where possible. That said, it must be done fairly and consistently across all current developments. We are also reviewing the legalities of such an approach, but please know that we are trying.

I know, time is money, and I am moving as fast as all the wheels and cogs can go. I will meet with staff this afternoon, and Dave, Shelbe and I would like to speak with Mr. Drunzer shortly after.



Stephanie J. Hernandez, Ph.D
Acting City Manager
T: (575) 430-4855 / Ext 4245
E: shernandez@ci.alamogordo.nm.us

ci.alamogordo.nm.us

From: dusty@generalhydronics.com <dusty@generalhydronics.com>
Sent: Thursday, October 2, 2025 10:51 AM
To: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>; Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>
Cc: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalhydronics.com>; 'Sarah Wright' <sarah@generalhydronics.com>
Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION
Importance: High

Good Afternoon All,

We're reaching out again regarding our property at 1358 La Codorniz. It's been one to two weeks without a response and is becoming a serious obstacle. Our subcontractors are standing by, expecting to begin work—especially given that a site-built home in the same subdivision has already been permitted and is actively under construction.

We need clarity on how, if the subdivision has not been accepted by the City of Alamogordo, 37 other homes were permitted and built, water meter fees were paid and installed, and the City is actively receiving water bill payments. We've even been allowed to set up water meter service on three additional lots. These inconsistencies raise red flags and make it difficult to understand why our project is being held up.

We are committed to moving forward and will remain persistent until we receive the necessary approvals to continue investing

in this development. This message is not intended to be disrespectful—but it should be clear that our patience is wearing thin. After seeing 37 of 42 lots permitted and built in Quail Hollow #2, it's hard not to feel that our situation is being unfairly delayed.

We would like a response as soon as possible so that we can decide how proceed.

Thanks,

Dustin K Wright

General Hydronics Plumbing, LLC.

Polson & Grady, Ltd.

(P)575-437-6512 ext.116

(F)575-434-6721

(C)575-430-3395

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From: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>

Sent: Monday, September 22, 2025 2:44 PM

To: dusty@generalhydronics.com; Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>

Cc: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalhydronics.com>; 'Sarah Wright' <sarah@generalhydronics.com>

Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Good afternoon,

Dusty, Justen, the Inspectors, and I walked Quail Hollow #2 last Thursday and I am working on a punch-list as we speak so that we can confer with Stephanie on this. I should be able to give you an update in the next couple of days. Thank you for your patience.

Shelbe D. Abbott
City of Alamogordo
Assistant City Planner
(575)439-4220 ex 1
sabbott@ci.alamogordo.nm.us



Shelbe Abbott
Planning and Zoning Administrative Assistant

T: (575) 439-4220 / Ext 4204

E: sabbott@ci.alamogordo.nm.us



 ci.alamogordo.nm.us

From: dusty@generalhydronics.com <dusty@generalhydronics.com>

Sent: Monday, September 22, 2025 2:24 PM

To: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>

Cc: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>; David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalhydronics.com>; 'Sarah Wright' <sarah@generalhydronics.com>

Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Importance: High

Good Morning Stephanie,

Thank you all for looking into this. We have done some research on our side as well and noticed that Quail Hollow #2 contains

approximately 42 lots on which 37 have been built on to date, many of which were after the letter addressed to the Developer in 2022. We have one of those and are building a 2nd home within that 37 count. French Brothers and Scenic Homes have built multiple homes in the Quail Hollow #2 Subdivision within the last 3 years and have been able to complete all of their builds.

We would like to request, at least an Answer, or an Approved Permit from the City of Alamogordo by Friday September 26, 2025, so that we may consult legal counsel and decide the direction we need to proceed with our (3) Remaining Properties in Quail Hollow #2, we are currently not going to be able to build on until further notice.

This will unfortunately cause delays and setbacks as we have contractors lined up to move over to this Property (1358 La Codorniz) after we complete 1315 Santiago (on the next block over in Quail Hollow #2), that the City issued us a permit for earlier this year (2025) and is currently under construction.

Thanks,

Dustin K Wright

General Hydronics Plumbing, LLC.

Polson & Grady, Ltd.

(P)575-437-6512 ext.116

(F)575-434-6721

(C)575-430-3395

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From: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>

Sent: Friday, September 19, 2025 8:59 AM

To: dusty@generalhydronics.com

Cc: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>; David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Susan L. Payne <spayne@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; Troy Wright <troy@generalhydronics.com>; Sarah Wright <sarah@generalhydronics.com>; Sarah Wright <sarah@generalhydronics.com>

Subject: Re: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Dusty. Staff is looking into this and will get back to shortly



Stephanie J. Hernandez, Ph.D

Acting City Manager

T: (575) 430-4855 / Ext 4245

E: shernandez@ci.alamogordo.nm.us

ci.alamogordo.nm.us

On Sep 19, 2025, at 8:39 AM, dusty@generalhydronics.com wrote:

You don't often get email from dusty@generalhydronics.com. [Learn why this is important](#)

Stephanie/Dave/Justin,

We understand this letter was sent to Mike Drunzer in 2022, but there have been multiple homes built in Quail Hollow #2 since then. Not sure why only our Permit at 1358 La Codorniz is not being released. In Fact, you all signed off and gave us a Permit for 1315 Santiago that started just this year and is currently in construction. The City of Alamogordo also has allowed us, and Accepted our Money for the Water Meter Services on 1358 La Codorniz, 1336 San Carlos, and 1340 San Carlos within the last couple months. These should not have been able to be processed along with the several other house permits if they were after the Letter sent to Mr. Drunzer in 2022.

We need answer as to why we cannot proceed, we own (3) of the Remaining (5) lots in Quail Hollow #2. The City should have not allowed the Developer to even pave Streets if the Proper Inspections were not Completed before covering up Utilities. We have had this discussion before when APC Contractors lost a customer and a sale of a Custom-

Built Home due to this same issue a couple years ago. And Since that Issue there have still been other houses built.

Please review our Concerns and get back to us asap, as this does not seem correct to only hold our Permit knowing others have been accepted and Homes Built since.

Thanks,

Dustin K Wright

General Hydronics Plumbing, LLC.

Polson & Grady, Ltd.

(P)575-437-6512 ext.116

(F)575-434-6721

(C)575-430-3395

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From: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>

Sent: Thursday, September 18, 2025 8:24 AM

To: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; dusty@generalhydronics.com

Cc: Justen Boyle <jboyle@ci.alamogordo.nm.us>; Troy Wright <troy@generalhydronics.com>

Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

I have attached a copy of the letter sent to Mr. Drunzer addressing the issues.

Shelbe D. Abbott
City of Alamogordo
Planning & Zoning Administrative Assistant
(575)439-4220 ex 1
sabbott@ci.alamogordo.nm.us



Shelbe Abbott
Planning and Zoning Administrative Assistant

T: (575) 439-4220 / Ext 4204

E: sabbott@ci.alamogordo.nm.us



ci.alamogordo.nm.us

From: David Nunnelley <dnunnelley@ci.alamogordo.nm.us>

Sent: Thursday, September 18, 2025 8:17 AM

To: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; dusty@generalhydronics.com

Cc: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; Troy Wright <troy@generalhydronics.com>

Subject: Re: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Good morning,

I am still out of the office and expect to return tomorrow. In the meantime I will have staff begin reviewing this matter further. From my recollection the primary punch list items included a hydrant that needed to be lowered or

relocated, sewer connections that required removal from the manhole and connected to the main, and incomplete drainage infrastructure, most notably the Ocotillo Road crossing.

Sent via Smart Device



David Nunnelley
Utilities Director

T: (575) 489-2274 / Ext 4349

E: dnunnelley@ci.alamogordo.nm.us

[<image002.png>](#) [<image003.png>](#) [<image004.png>](#)



From: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>

Sent: Thursday, September 18, 2025 7:12:27 AM

To: dusty@generalhydronics.com <dusty@generalhydronics.com>

Cc: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>; David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; Troy Wright <troy@generalhydronics.com>

Subject: Re: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Good morning,

@justen @dave

If we can get a listing of what needs to get done, and I will ask @shelbe to reach out to Mr Drunzer also.



Stephanie J. Hernandez, Ph.D
Acting City Manager

T: (575) 430-4855 / Ext 4245

E: shernandez@ci.alamogordo.nm.us

ci.alamogordo.nm.us

On Sep 17, 2025, at 9:38 AM, dusty@generalhydronics.com wrote:

You don't often get email from dusty@generalhydronics.com. [Learn why this is important](#)

Sounds good thank you for your help!

I'm not sure if its possible, but would we be able to see the list of what the developer is lacking to get through this and let us proceed?

Thanks,

Dustin K Wright

General Hydronics Plumbing, LLC.

Polson & Grady, Ltd.

(P)575-437-6512 ext.116

(F)575-434-6721

(C)575-430-3395

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From: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>

Sent: Wednesday, September 17, 2025 9:33 AM

To: dusty@generalthydrionics.com

Cc: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalthydrionics.com>

Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Thank you Dusty, just give me some time to do some research, 100% transparency, this may take a couple of days.

Shelbe D. Abbott
City of Alamogordo
Planning & Zoning Administrative Assistant
(575)439-4220 ex 1
sabbott@ci.alamogordo.nm.us

<[image001.png](#)>

Shelbe Abbott
Planning and Zoning Administrative Assistant
T: (575) 439-4220 / Ext 4204
E: sabbott@ci.alamogordo.nm.us

<[image002.png](#)> <[image003.png](#)> <[image004.png](#)> <[image005.png](#)> ci.alamogordo.nm.us

From: dusty@generalthydrionics.com <dusty@generalthydrionics.com>

Sent: Wednesday, September 17, 2025 8:52 AM

To: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>

Cc: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Justen Boyle <jboyle@ci.alamogordo.nm.us>; 'Troy Wright' <troy@generalthydrionics.com>

Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Ok, No Worries and I know this isn't your fault. Just want some clarification. Thank you for what you do!

Thanks,

Dustin K Wright

General Hydronics Plumbing, LLC.

Polson & Grady, Ltd.

(P)575-437-6512 ext.116

(F)575-434-6721

(C)575-430-3395

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From: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>
Sent: Wednesday, September 17, 2025 8:02 AM
To: Dusty Wright <dusty@generalhydronics.com>
Cc: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Justen Boyle <jpboyle@ci.alamogordo.nm.us>; Troy Wright <troy@generalhydronics.com>
Subject: RE: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Let me do some research on the homes built recently, I was able to find that a few are in Quail Hollow #1 which has been accepted. Please allow me time to look into this aspect of your questions. Thank you.

Shelbe D. Abbott
City of Alamogordo
Planning & Zoning Administrative Assistant
(575)439-4220 ex 1
sabbott@ci.alamogordo.nm.us

<[image001.png](#)>

Shelbe Abbott
Planning and Zoning Administrative Assistant
T: (575) 439-4220 / Ext 4204
E: sabbott@ci.alamogordo.nm.us

<[image002.png](#)> <[image003.png](#)> <[image004.png](#)> <[image005.png](#)> ci.alamogordo.nm.us

From: Dusty Wright <dusty@generalhydronics.com>
Sent: Tuesday, September 16, 2025 7:18 PM
To: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>
Cc: Stephanie J. Hernandez, Ph.D <shernandez@ci.alamogordo.nm.us>; David Nunnelley <dnunnelley@ci.alamogordo.nm.us>; Justen Boyle <jpboyle@ci.alamogordo.nm.us>; Troy Wright <troy@generalhydronics.com>
Subject: Re: 1358 LA CODORNIZ - NEW RESIDENTIAL CONSTRUCTION

Shelbe,
I didn't realize everyone was attached, but now see that, we do need answers on this. Troy and I have built a house across the street on the corner and was not held up, we are building one about 75% complete on the next street over on Santiago, and this is one of the only vacant lots left in this subdivision. We will need answers as to why everyone else has been able to build and we will be held up. Have someone contact me at 575-430-3395 with questions.

Thanks,
Dusty Wright
575-439-3395

Sent from my iPhone

On Sep 16, 2025, at 5:42 PM, Dusty Wright <dusty@generalhydronics.com> wrote:

Shelbe,
Thank you for the response, is there any way we can discuss this with the CM or anyone

to try and figure out a way to move forward? I know Mr. Drunzer has had some health issues lately and not sure how long it may be to get any response. Let me know if there are any options.

Thanks,
Dusty Wright
575-430-3395

Sent from my iPhone

On Sep 16, 2025, at 4:48 PM, Shelbe Abbott
<sabbott@ci.alamogordo.nm.us> wrote:

Good afternoon,

Dusty, I have reviewed your submittal for the above address, however, I am unable to sign-off on them currently. The lot that the home is to be built on is in Quail Hollow #2 which has not been accepted by the city. The Developer entered into another Subdivider's Contract in April of this year, but none of the requirements have been met to date. Planning and Zoning is aware that the Developer is of an advanced age, and I have been trying to contact him to facilitate some sort of resolve, I have not been successful so far. I am asking for patience in this matter so that all the issues are resolved and construction can continue in this subdivision. Please do not hesitate to contact me with questions or concerns. Thank you and I apologize for the inconvenience this may cause.

Shelbe D. Abbott
City of Alamogordo
Planning & Zoning Administrative Assistant
(575)439-4220 ex 1
sabbott@ci.alamogordo.nm.us

<[Planning_Zoning_logo.png](#)>

Shelbe Abbott
Planning and Zoning Administrative Assistant
T: (575) 439-4220 / Ext 4204
E: sabbott@ci.alamogordo.nm.us

<[facebook.png](#)> <[instagram.png](#)> <[linkedin.png](#)> <[CityofAlamogordo_icon.png](#)> ci.alamogordo.nm.us

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From: [Shelbe Abbott](#)
To: sarah@generalhydronics.com
Cc: troy@generalhydronics.com; dusty@generalhydronics.com; [Stephanie J. Hernandez, Ph.D](#); [David Nunnelley](#); [Justen Boyle](#)
Subject: RE: Quail Hollow #2 Permit Issue
Date: Friday, November 7, 2025 8:20:15 AM
Attachments: [Planning_Zoning_logo.png](#)
[facebook.png](#)
[instagram.png](#)
[linkedin.png](#)
[CityofAlamogordo_icon.png](#)

Good morning,

I believe that you are referencing Bella Vista Subdivision, as there is not a Tierra Bella Subdivision. The subdivision that you are referencing has satisfied the City's requirements for that phase pertaining to drainage, that is why the 1 home that has been submitted for review has been allowed to do so. Thank you.

Shelbe D. Abbott
City of Alamogordo
Assistant City Planner
(575)439-4220 ex 1
sabbott@ci.alamogordo.nm.us



Shelbe Abbott
Assistant City Planner
T: (575) 439-4220 / Ext 4204
E: sabbott@ci.alamogordo.nm.us



 ci.alamogordo.nm.us

From: sarah@generalhydronics.com <sarah@generalhydronics.com>
Sent: Thursday, November 6, 2025 9:57 AM
To: Shelbe Abbott <sabbott@ci.alamogordo.nm.us>
Cc: troy@generalhydronics.com; dusty@generalhydronics.com
Subject: Quail Hollow #2 Permit Issue
Importance: High

Good morning,

It has come to our attention that following a recent meeting with the developer of the Tierra Bella subdivision, the City has reversed its prior position and is now allowing lot owners in that subdivision to move forward with building permit approvals.

Arrowhead Investment Group is likewise a vested lot owner, currently being denied permits in the Quail Hollow #2 subdivision. In light of the City's decision regarding Tierra Bella, we respectfully request that the same consideration be extended to our lot(s) so that plans and permits may proceed for construction.

If approval cannot be granted at this time, we formally request an in-person meeting with Planning and Zoning—as well as any other relevant departments—to ensure alignment and transparency regarding the basis for our permit denials. It remains unclear why our lots are restricted from development when 40 of the 44 lots within Quail Hollow #2 have already been built upon.

We look forward to an open discussion and a quick resolution to this matter.

Thank you,

Sarah Wright

General Hydronics Plumbing

Polson & Grady, Ltd.

sarah@generalhydronics.com

ghpl@generalhydronics.com

Controller/Administrator

575-437-6512 x100



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AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/12/2025

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the Regular Commission meetings on October 28, 2025, and November 5, 2025. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING DRAFT MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
October 28, 2025**

**SUSAN PAYNE, MAYOR
SHARON MCDONALD, MAYOR PRO-TEM
CRYSTAL GUTHRIE, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**JOSHUA RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING CITY
MANAGER
DARRELL MORI, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER & ROLL CALL

Mayor Payne called the meeting to order at 6:30 PM. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Mayor Susan Payne, and the Pledge of Allegiance was led by Commissioner Robinson.

APPROVAL OF AGENDA

Mayor Payne said we will not be adjourning to the Executive Session.

**Mayor Pro-Tem McDonald moved to approve as amended.
Commissioner Guthrie seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.**

PRESENTATIONS

1. *Presentation of the Extra Mile Day Proclamation. (Susan Payne, Mayor)*

Mayor Payne proclaimed November 1, 2025, as "Extra Mile Day" in Alamogordo and urged each individual of the community to take time on this day to not only "Go the Extra Mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

2. *Swearing in of Police Officers Aaron Lopez, Travis Anderson, Kevin De La Fuente, and Katie Pulliam. (David Overstreet, Municipal Judge)*

Judge Overstreet swore in Police Officers Aaron Lopez, Travis Anderson, Kevin De La Fuente, and Katie Pulliam.

PUBLIC COMMENT

1. Rhiannon Farley said Xtreme Amplitude gives a place where people can feel strong, free, and seen. They deserve LEDA funding.
2. Adele Hughes said she was the mother of a gymnast at Xtreme Amplitude, and her family was stationed at Holloman Air Force Base. I watched my daughter flourish at that gym, and I have seen more than her life being impacted. The gym is a fundamental and pivotal part of this community and deserves LEDA funds.
3. Alec Multari said she would speak in support of Xtreme Amplitude. They gave me a place to go when I did not have anywhere else to be. As a coach and director, they have given me an environment where my strengths and passions thrive. Helping those who went through the struggles I went through makes this a rewarding job. We are running out of space, and there is so much more we want to provide than we are able to. Our programs are growing. Please help Xtreme Amplitude provide a space and help it grow so it can provide for more families.
4. Alissa Drain said she loved Xtreme Amplitude. If we had a bigger space, we could host competitions for the athletes and have fun competing in our own gym.
5. Carlen Graham said she was military and a coach at Xtreme Amplitude. We are running out of space, and we want more classes but cannot have them without the space. I am seventeen and a half hours from my family and

everyone I know, but when I go to the gym, I see family.

6. Catherine Schmidt said she was an ex-veteran, and Xtreme Amplitude is one of the best gyms I have ever been to. I have been coaching in Alamogordo for four and a half years. According to the Census Bureau, we have about 32,000 people in Alamogordo. A facility dedicated to gymnastics, dance, and cheer provides structure and high-energy activity that builds strength, agility, coordination, and discipline. Families in Alamogordo may not have immediate access to elite athletic programs, and a local gym means shorter drives, less expense, and a stronger connection to the community. A thriving local gym brings foot traffic, families spending time in the city, and potential jobs. Small communities often miss out on the dedicated facilities that big cities have. We respectfully request that the Commission support this grant.

7. Michelle Craig said she was a proud military wife and mom of a gymnast who goes to Xtreme Amplitude. When we went to Xtreme Amplitude they teach kids how to thrive.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following comments:

1. Last week, we had a New Mexico Municipal League Conference held here. Thank you all for showing up. They were grateful for the hospitality and welcome from the City of Alamogordo.
2. November 29th is the scheduled opening for the downtown project. They are paving next week, and all is looking good.
3. The Oregon project was extended through March 26th because of a change order, but they will start paving next week from 16th Street to 18th Street.
4. The contractor for the golf course sent the substantial completion letter to Senior Project Manager Boyle. They did not do the walkthrough because some things were not functional. They will do the walkthrough next week.
5. This Friday is Community Services Director Ortega's last day after forty-three years. Former Tourism Specialist Eileen Flint has been selected as the new Community Services Director.
6. Dispatch is steadily moving forward. All positions have been posted; we are looking at twelve dispatchers and two supervisors. Interviews for the specialists are happening this week.
7. To update you on Zoo projects, the Zoo Wall will be done in November, the ICIP-funded Bear Enclosure is in the design phase, the Duck Pond's design is completed and scheduled to be put out on November 1st, and the Storm Drain will also be advertised on November 1st.
8. Dr. Moezzi is helping out downtown and donating pomegranate trees

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin said he received a complaint about the RV station in front of the Chambers. Do we anticipate bringing that back, or will it stay permanently closed? Acting City Manager Hernandez said we are looking to permanently close that. There are a lot of issues. We need to do a sewer assessment because the sewer line is pretty bad. The grease built up in that. He asked if it could be repaired because it had received a lot of use. She said we receive other complaints about it. The Chamber of Commerce hosts generals and colonels and other VIP's, and when they go there, people are dumping sewage there. He asked if it could potentially be moved. She said that is probably what we are thinking. Susan Payne asked if the Fairgrounds had that. He said yes, but theirs was not working the other day. Acting City Manager Hernandez said the truck stop also has one. He said yes, plus the Maverick, too.

Commissioner Burnett asked about the progress of the audit for Ultra Health. Acting City Manager Hernandez said they have not met it and cannot pay it. We will have to foreclose or get the money back. Mayor Payne asked if that was the Presto building. Acting City Manager Hernandez said yes, the Cookie Factory. Mayor Payne asked if that went back to us. Acting City Manager Hernandez said that if they do not pay us back the money.

Commissioner Burnett said he wanted to congratulate the Boys and Girls Golf Team, who were in Hobbs this weekend. Also, Mr. Dalpes hosted the Alamo Invite this weekend, which was an amazing tournament. Commissioner Tapley said golf course maintenance did a really good job. I have received a lot of good comments about that. We have seen a lot of good changes in very little time.

Commissioner Burnett said when we have an agenda and are voting on something, I would like to remind the constituents to please not call the business owners and harass them. Call us the Commissioners. Let us deal with

the issue. Commissioner Burnett said someone called Mrs. Johnson's gym and harassed her over LEDA funds.

Mayor Payne said there appears to be a back-and-forth between myself and the Chamber of Commerce that I did not intend for. There was an opinion piece in the Daily News that a friend was upset about. It had to do with something I said at the last Commission meeting, where I asked the Chamber of Commerce to come here in person for an update on economic development. We pay them for economic development services. They chose to submit a report instead. In my opinion, the report was subjective. I could not ask them questions about it, and I was left to form opinions, which they did not like. Some things in the opinion piece did not really pertain to me, but rather Danielle. The Chamber took credit for it, and Danielle is upset and out of the country. She sent me things and asked me to mention them. Project Rise and the Gateway Freedom Monument were originally a concept, but it has evolved into a 501(c)3 for the purpose of the F-4 Project, so they could take money as a non-profit, and so the people who donated money could get a tax write-off. Danielle formed the 501(c)3, and this has been her baby since the inception of the non-profit. She has raised hundreds of thousands of dollars for this project. She kept this going. Regarding the Five and Thrive Guide, of which I was adamant that was hers, the Chamber of Commerce has suggested it is not. I have the minutes from the Chamber of Commerce meeting on 11/20/2004 under New Business. I guess a report was sent by the Chamber to all Commissioners, but my name was left off that. Acting City Manager Hernandez sent me a copy of it. In that, there were embedded emails about the Uline. They are all dated from the first of the year. So when I said they have not spoken since May, I still do not believe that is incorrect. I double-checked that with PNM. The Chamber claimed they brought a military spouse there, and they go the Five and Thrive Guide going. I have the minutes from 11/20/2024, where under New Business, it says Danielle and one other person. Danielle shared a book called Five and Thrive from SAFB, which we want to look at having the Chamber put into our community with the Alamogordo information at Holloman Air Force Base. She worked incredibly hard on that. I find it disingenuous that someone would try to take credit for her work. I asked the Chamber to provide an update on economic development because we give them \$50,000 in taxpayer money to do that. I felt the report they gave us was full of a lot of fluff because nothing addressed true economic development.

Mayor Payne said there was a candidate forum last night. I am not running again. During that forum, a candidate said he had no conflicts of interest and no nepotism, and that we had a terrible relationship with the military. After the forum was over, I introduced myself, shook his hand, and questioned him. How can you say you do not have a conflict of interest when your wife works for the City of Alamogordo in the City Clerk's Office? The City Clerk's Office is the Commission Liaison. How can you say there would be no conflict of interest and that is not nepotism? He did not like my question and became quiet and looked down. I tried to explain that we have a great relationship with the military. I wanted to make it clear that you cannot lie to the citizens. If you are doing that as a candidate, that scares me. It got loud because there was a crowd. I have a medically documented hearing problem and broken hearing aids. I thought I needed to speak louder, and yes, I got upset. He questioned my integrity and that of the Acting City Manager. I apologize for being loud, but not for speaking with him.

Mayor Payne said she also wanted to mention the Dispatch Center. She asked Acting City Manager Hernandez to explain where the money from the Dispatch Center was coming from. Acting City Manager Hernandez said it is funded. We moved some of the cannabis money in. We already have money budgeted for Dispatch because we were giving money to TBRDA. The money is coming from the General Fund. It does not need to be found. We have the money, it is funded, and everything is moving forward. Mayor Payne said there was around \$600,000 from the cannabis money. We budgeted \$1,200,000 to give to TBRDA before we took it back. So we have \$1,800,000. We only had to find \$700,000, which is not a lot in the government world. So we have the money for the Dispatch Center.

CONSENT AGENDA

3. Approve the minutes for the Regular Commission meeting on October 14, 2025. (Rachel Hughs, City Clerk)

4. Consider and approve Change Order 1, Annual Fee Increase from \$30,000 to \$100,000, to G&L Golf, for extension of contract and loss of revenue due to the current condition of the golf course and transition to new management contract per commission direction. (Belinda Bass, Parks & Recreation Director, Stephanie Hernandez, Acting City Manager)

5. Consider, and act upon, Resolution 2025-33, declaring 1703 Dewey Ln., 311 Virginia Ave., and 310 N. White Sands Blvd. no longer being ruined, damaged, and dilapidated, or a menace to public comfort, health, peace, or safety. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

6. Consider, and act upon, a funds appropriation of \$30,347.00 through the Capital Outlay Bureau with the Aging & Long-Term Services Department to repair and replace the exterior and interior walls of the Alamo Senior Center. (Magdalena Morales, Senior Center Manager)

7. Consider, and act upon, Resolution 2025-34 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 October 28, 2025. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Commissioner Burnett said he wished to pull Item 4.

Mayor Pro-Tem McDonald moved to approve as amended.

Commissioner Robinson seconded the motion.

Motion Passed with a vote of 7 - 0 - 0.

ITEMS REMOVED FROM CONSENT AGENDA

4. Consider and approve Change Order 1, Annual Fee Increase from \$30,000 to \$100,000, to G&L Golf, for extension of contract and loss of revenue due to the current condition of the golf course and transition to new management contract per commission direction. (Belinda Bass, Parks & Recreation Director, Stephanie Hernandez, Acting City Manager)

Commissioner Burnett said the previous discussion about this indicated we were going to add additional funds to take care of issues. The way I read the letter that Mr. Dalpes sent, it says an additional amount of \$100,000, but this says a total of \$100,000. Is he not getting his yearly salary as well on top of that? Acting City Manager Hernandez said the terms of the contract stay the same, except for the fee. We paid \$30,000, we are paying \$100,000. All terms of the original contract stay the same. Mayor Payne asked if it was an additional \$70,000. Acting City Manager Hernandez said it was an additional \$100,000. We are extending the contract to nine months. We are in a new contract year because of a new year. So instead of \$30,000, he is getting \$100,000. Mayor Payne said that is \$70,000 more. Acting City Manager Hernandez said yes, the \$100,000 will be spread over nine months. Commissioner Burnett said it reads that he would be getting an additional \$100,000 on top of the \$30,000 that he already gets. Acting City Manager Hernandez said she did not believe that is how it was discussed. Commissioner Guthrie asked if we needed to adjust how it was written. Commissioner Robinson said please do. Commissioner Guthrie asked Commissioner Burnett to read the section he was stating. Commissioner Burnett said it says the contract extension additional amount of \$100,000. Acting City Manager Hernandez asked which letter he was speaking of. Commissioner Burnett said the 2526 contract extension financial justification. Commissioner Guthrie said addendum number four states that as well. Commissioner Rardin said it does read that way. Mayor Payne said the letter is dated 10/15/2025, and it is a letter from Acting City Manager Hernandez to Mr. Dalpes. Commissioner Rardin said so are we doing \$100,000 or \$130,000? Mr. Dalpes said when he spoke to Acting City Manager Hernandez and Commissioner Tapley in March, it was \$100,000 additional to make things work. When I signed the contract, it said additional. I am fine with the way it is written here as long as I get paid for what has already happened from July 1st to September 30th. That was billed on September 1st, and we still do not have it. I am fine with the way it is written as long as the first three months of the original contract are honored and paid. It was \$100,000 with us absorbing the gross receipts tax. Acting City Manager Hernandez said the actual contract does say additional. So, the way I have it written on there is wrong. Mayor Payne asked if we were doing \$130,000. Acting City Manager Hernandez said according to the contract, yes. Commissioner Guthrie said in the addendum that it is stated correctly as additional.

Commissioner Burnett moved to approve and increase from \$30,000 to \$130,000.

Commissioner Rardin seconded the motion.

Motion Passed with a vote of 7 - 0 - 0.

PUBLIC HEARINGS

8. Consider, and act upon, the question of whether or not the Alcoholic Beverage Control Division of the State of New Mexico should grant the applicant, New Mexico Pomegranate, LLC DBA PYMO Bistro and Hotels, App. No. BLA-10154, a Small Brewer Liquor License with On-Premises consumption and patio service located at 923 New York Ave. (Rachel Hughes, City Clerk)

Commissioner Robinson asked when this would open. Dr. Moezzi said he was here to seek the approval of his application for the liquor license. We have been working on the building for more than a year and a half. We had to first make it stable, and we have passed that stage. We are now working on the interior design. The whole floor is concrete, and the elevator shaft is done. The framing on the second floor is being done now. The rough plumbing is done, and we are working on the rough electricity and HVAC. We are doing our best, and we have a great contractor who is staying on top of it. Mayor Payne asked if the beam was fixed. Dr. Moezzi said it was fixed.

Commissioner Guthrie moved to approve.

Commissioner Robinson seconded the motion.

Motion Passed with a vote of 7 - 0 - 0.

NEW BUSINESS

9. Reconsider the utilization of LEDA funding for Sendero Apartments (Susan Payne, Mayor and Brenner Campbell MHA President),

Mayor Payne said after the last meeting, Mr. Campbell asked to meet, and he also sent out an email to all the Commissioners. I chose to meet with him and give him the opportunity. I chose to sponsor this, but I have not made up my mind. I have an obligation to bring this forward.

Mr. Campbell said he owns the Military Housing Authority, and we produced the very first off-base dorm for the United States Air Force in Clovis, New Mexico. We house 212 airmen at that facility. We want to bring something similar to Alamogordo. I have met with leaders at Holloman Air Force Base, and they have seen what we provided in Clovis. We are trying to bring affordable housing to Alamogordo for our junior-ranking service members. The base had previously put out the message about how short they were on housing, and announced they were roughly 700 beds short on the local economy for junior service members. I received a text message from Dan Cass today, that they are now short by 950 beds for single airmen, and 950 houses short for military families on the local economy. The last multi-family project in Alamogordo was built thirty years ago. Construction rates are up, but rent rates are depressed, which makes it difficult to match up and have projects work. The project we have been working on here for two years is estimated at roughly \$19,900,000 for phase one, which is roughly 160 bedrooms. We were awarded a New Mexico Finance Authority loan of \$15,000,000. We are still short of making this thing work. There is a \$4,900,000 deficit, which I can cover a huge chunk of. I request \$1,500,000 in LEDA funds to bring this project to fruition.

Commissioner Guthrie said if you do not receive any LEDA funds, will the project continue? Mr. Campbell said we do not have a way to continue right now without it. We do not have the \$1,500,000. I am bringing in additional cash, but we are still short. We have tried to get loans, but lenders are not interested in providing loans in Alamogordo because rent rates are suppressed. Commissioner Rardin said regarding borrowing from a lender, what was the reasoning if you already had \$15,000,000? Mr. Campbell said the NMFA loan is a first lien. Getting a second lender under NMFA is not going to happen. Commissioner Rardin said LEDA money is typically paid back in job creation. How would the City get paid back? Mr. Campbell said phase one will have two full-time jobs at \$125,000 - \$150,000 a year in salaries. Once we are done with the project, there will be roughly four on-site. Every bed we provide and market for the military is a job, \$32,000 - \$33,000 starting for junior service members who live in the community next to the base where they work. That is how NMFA looked at this.

Commissioner Robinson asked what the timeline looked like. Mr. Campbell said we are ready to close. We are ready to start construction in January. Commissioner Robinson asked if he could wait two weeks or three weeks. Mr. Campbell said yes, absolutely. I am not saying I need the money today. Commissioner Robinson said housing has been behind in this community for a long time, and I do not hear about the military or government agencies helping

with housing. Mr. Campbell said the New Mexico Finance Authority has put up a \$15,000,000 loan at 15% interest. The loan is ready to close, and they want to close it before the end of the year. I will not commit to a \$15,000,000 note if we do not have all the resources to build. We need to build X number of units to pay for the note. The NMFA requires me to put a ten-year deed restriction on the property for workforce housing, which the military falls under.

Commissioner Rardin said that when the deal in Clovis was done, did they give any money to help? Mr. Campbell said no, rent rates in Clovis are significantly higher. Commissioner Burnett asked how the Clovis deal was financed. Mr. Campbell said cash and West Texas National Bank.

Commissioner Burnett said the issue he had with this was that a local business had already applied, and we decided to put this ahead of that one. Acting City Manager Hernandez said this is not for approval; it is for reconsideration of allowing later funds. Mayor Payne said she did not put this ahead of it. I wanted everyone to have the opportunity to listen to it. Commissioner Rardin said in the last election, voters reallocated the LEDA fund tax to quality of life. Acting City Manager Hernandez said for debt service for the pool. He asked if all the money would be going back to that. She said the majority of the money would go to debt service. If anything was left over, it was for the maintenance of City-owned facilities. Commissioner Rardin said he agreed with Commissioner Burnett. The other application has been waiting, and this one is getting pushed ahead. At the last meeting, the consensus of the Commission was that we did not want to use LEDA funding for either of the housing projects. In the event we do something similar to what we did with Patriot Pointe, would that be something on the table? Mr. Campbell asked if he was referring to an MRA. Commissioner Rardin said it was us declaring the area blighted so you could get the property tax abatement. Mr. Campbell said that would help seven years down the road, but there is no immediate effect. I will say that as soon as we heard about the opportunity to apply, we applied. We had the conversation about six weeks ago. At this point, we do not have the funds to move out on this project, which is why I am asking for your support.

Commissioner Guthrie asked how many units were in the Clovis building. Mr. Campbell said 104 doors, 248 beds, and baths. Commissioner Guthrie asked if the one projecting for here would be 80. Mr. Campbell said no, 160 beds and baths, where every bed will have its own bathroom, and each unit is 1000 square feet. We can get up to seven buildings on the site for 540 total bedrooms and bathrooms. Commissioner Guthrie asked if it was possible to begin without \$1,500,000, and you can later come back and apply for needed funds for additional units? Or could you adjust the size you are considering? Mr. Campbell said the cost to launch the site is the initial infrastructure, which then piggybacks on future phases. Future phases will not be as expensive per door. We are trying to cut costs, but we cannot raise our rates because of the NMFA loan. Commissioner Guthrie said she understood the need but was trying to think outside the box. There are needs for the community and for our military. You need \$1,500,000, but what would it be to minimize by one house to adjust the project and get it going? Why can't we just go smaller? Mr. Campbell said the NMFA is underwritten for a number of beds, and that dictates total rent coming in each month. So, if we remove beds and buildings, the NMFA loan will have major issues.

Commissioner Rardin asked if this was the new phase by Mesa Village. Mr. Campbell said yes, this abuts City limits. Commissioner Rardin asked if they had put in the infrastructure six months ago. I saw them putting water lines and sewer mains in the new section. Mr. Campbell said maybe on the east side with the new houses. We are north of the lift station on Mesa Verde Ranch Road. That was the only land zoned multi-family on that side of town. Commissioner Rardin said the issue is that we have \$1,900,000 left. If we fund you, we kill the other project, and vice versa. In what they originally requested it kills their project. The dilemma is that it will be one or the other. Mayor Payne said she did not necessarily agree. How much is in LEDA? Acting City Manager Hernandez said \$1,933,000. Commissioner Burnett said they are asking for \$1,500,000, but Mrs. Johnson needs \$1,800,000 no matter what. Without that, she cannot move to a new building. \$475,000 will do her no good. Mr. Campbell asked if there were loans behind that as well. Commissioner Burnett said no. Mayor Payne asked if that was possible. Commissioner Burnett said she has already spoken to the bank to get additional funding for other things. Commissioner Guthrie said the \$1,800,000 does not cover everything Mrs. Johnson needs. Commissioner Burnett said she has to go to the bank to get more money. Mayor Payne said it would be irresponsible not to at least listen to Mr. Campbell.

Commissioner Burnett asked if the prints were ready to go, stamped, and approved. Mr. Campbell said the site plan is 95% done. SMA is a civil engineering firm out of Las Cruces. We can start construction in January 2026. We plan to move people in starting in November 2026. Commissioner Burnett asked if they had contractors ready. Mr. Campbell said they had contractors lined up. Mayor Payne asked if they were local. Mr. Campbell said HVAC is

local, but to move this fast, we are bringing in crews from Texas to get stuff framed quickly. I do want mechanicals, electric, and plumbing to be local. You have to have those local because they are fill points. That is job creation.

Mayor Pro-Tem McDonald said hundreds of millions of dollars have been utilized in the northern part of New Mexico. NMFA giving \$15,000,000 in southern New Mexico is pretty big.

Commissioner Burnett asked how long it would take, if we put LEDA back on the ballot, for it to be voted on. Acting City Manager Hernandez said it would have to be a special election. Mayor Payne said that really is not an option. Commissioner Burnett LEDA can be utilized broadly, and it is something to consider bringing back.

Commissioner Tapley said to clarify, you said when you originally build these, it is going to be an open market. So anyone in Alamogordo could rent at this place. Mr. Campbell said as long as they can pay about \$900 a month.

10. Consider, and act upon, Ordinance 1719 for first publication to approve a Local Economic Development Project for up to \$475,000 Secured Assistance Proposed by Xtreme Amplitude. (Echo Johnson, Owner) (Roll Call Vote Required)

Commissioner Guthrie said in full transparency, when Xtreme Amplitude was established and began, I was an owner. Mrs. Johnson, two other owners, and myself all had a share in the business. I was a coach for Xtreme Amplitude. I do not want it to come across as me being biased. I am very unbiased and all about what is best for the community. I have not been an owner since 2019. I do not have a vested interest. I am not a coach, and I have no ties to Xtreme Amplitude since that point in time.

Mrs. Johnson said she was the sole owner of Xtreme Amplitude. She proceeded to give her presentation.

Commissioner Guthrie said she was proud of and inspired by Mrs. Johnson. The pictures in the presentation brought back a lot of memories to when we began. Seeing you continue on your own makes me proud and impressed.

Mayor Payne said the payback and job creation says \$15 an hour. What is a part-time job? Is it twenty hours a week? Mrs. Johnson said it varies from person to person, but on average, most employees work about twenty hours a week. Mayor Payne said the hourly wage was there, but not the hours worked.

Commissioner Robinson asked if there were deadlines with the United Moving building. Mrs. Johnson said we submitted an intent to purchase, so the sooner the better. It keeps getting delayed because of the LEDA process itself. They have been patient with us, but I understand that if a business were to come in with an amount or higher, they would take it.

Mayor Pro-Tem McDonald said you said you were adding ten additional jobs. At the current time, did you say thirty or twenty? Mrs. Johnson said thirty, and we are adding additional. Mayor Pro-Tem McDonald asked if those were all part-time jobs. Mrs. Johnson said yes. I hope to get my Gym and REC Directors to full-time. Mayor Pro-Tem McDonald asked if that would be at a higher rate. Mrs. Johnson said yes. Mayor Pro-Tem McDonald said the requirement for the LEDA funds is that it had to be full-time. Is that correct? Mrs. Johnson said it was not. Per conversations I had with Acting City Manager Hernandez, you can use part-time employees to create your percentages that way. They used to have to be full-time. Mayor Pro-Tem McDonald asked why we had the old requirement form. Acting City Manager Hernandez said it did not have to be full-time.

Commissioner Tapley said he kept hearing and reading about grants. Is this a grant? Acting City Manager Hernandez said it could be considered a grant. They do not pay back money unless they meet their job obligation. It is considered a grant. The State calls them grants. If they do not meet their job obligations within the time specified, we will have to go and collect the money or lien the building. Commissioner Tapley asked if that was similar to what was being done with Ultra Health now. Acting City Manager Hernandez said yes, we are in that process with them.

Mayor Payne said in looking at the numbers, we cannot come close to justifying the money. My fear is State-level concern. My concern is that somebody is not going to like this. I am gunshy when it comes to LEDA because I was here back with the Family Fun Center. I am forever named in a State Auditor report. I have been turned in for doing

what we thought was the right thing. This is much less than that, but I am concerned this will end up in the Office of the State Auditor if we do not proceed properly. Can you get a loan for any of this? Mrs. Johnson said not enough to cover whatever is remaining. A previous owner handled the books, and all our income was written off. Commissioner Guthrie said that was not her. Mrs. Johnson said it has just been the last couple of years since I have been the sole owner, where it looks like we have any sort of substantial income. Mayor Payne said so you do not have the history. Mrs. Johnson said correct.

Commissioner Guthrie said the White Sands Theater, which we gave \$1,000,000 in LEDA funds to, is only producing one or two jobs at a low rate. Acting City Manager Hernandez said of some are part-time and others are full-time. Commissioner Guthrie asked how many employees. Acting City Manager Hernandez said nine to twelve with salaries in the \$25 - \$30 range. Commissioner Guthrie said that seems equivalent. Mayor Payne said no, their hourly rate is double what Mrs. Johnson's is. Commissioner Rardin said Mrs. Johnson has double the employees, around thirty to forty. Mayor Payne said this is based on new job creation. We cannot consider the current jobs. Mrs. Johnson said she has hired people since she applied. Other businesses have started from ground zero, but I did not stop growing my business because I submitted this application. Mayor Payne asked if the State's LEDA funds had been considered. Mrs. Johnson said they had not. I did not know if I would even qualify for the City's LEDA funds. The last time I went to Small Business Development, they told me I did not qualify because it was manufacturing-based. Acting City Manager Hernandez said they would not have qualified for the State's LEDA funds. Those are focused on industry and very specific. When they switched the LEDA rules, they allowed more flexibility for communities, and that is why they are allowed to do retail and other services.

Commissioner Rardin asked what the current annual payroll is. Mrs. Johnson said she did not know off the top of her head. Acting City Manager Hernandez said based off the last financial statements I had, for 2023, it was around \$98,000 a year. Commissioner Rardin asked if the estimated \$475,000 was based on the new jobs to be created. Acting City Manager Hernandez said it was only based on new jobs at the \$13 - \$15 hourly rate for sixteen hours a week. When I asked how many hours per week, I was told it was sixteen. Commissioner Guthrie said to be clear, that is just a suggested value. Acting City Manager Hernandez said that is what I am recommending. That is the job creation amount. I calculated not ten but twelve jobs. Mayor Payne said we need to tread lightly because we need to be able to justify this. I have a hard time justifying \$1,900,000 just to buy the building. I do not know if our taxpayers would agree with that. There needs to be buy-in somewhere. Mrs. Johnson said her buy-in is that they have been open for seven years and have been investing in the community. Some businesses that you have given LEDA funds to are not even in the state of New Mexico or open in Alamogordo. Mayor Payne said it is based on new job creation and the statute is clear. These numbers do not legally justify \$1,900,000. I am comfortable with a little more than the estimated \$475,000 amount.

Commissioner Rardin said in the past, when job creation was iffy, to protect the taxpayer's money, we would place a lien against the property. Is there a way for us to look at that, where we take the building as collateral until such time as it is paid off. Mayor Payne said we do that already. Acting City Manager Hernandez said we hold the first loan on all three of the LEDAs we stock, regardless. Commissioner Rardin asked what the issue was. In the event they default, we get our money back. They would lose their whole investment in their business. Acting City Manager Hernandez said it is based on job creation, but the Commission can do what it wants. I gave you my recommendation here, the same as I did for Inkwell, RAD Retrocade, and the White Sands Theater. The White Sands Theater and RAD Retrocade asked for over \$2,000,000, and I told them I could not justify that amount. Payroll came out to \$1,300,000 on one and \$1,200,000 on the other, so I recommended \$1,000,000. I am not doing anything different here than what I did for those two. Commissioner Rardin asked what we did for Medlin Ramps. How much did we loan them? Acting City Manager Hernandez said \$2,500,000. Their jobs were high-paying, and they met their LEDA obligation. Mayor Payne said no matter how much we award, we would still have a lien on Mrs. Johnson's building. The lien is not based on the amount. Mrs. Johnson said that getting only \$500,000 means she would not be able to purchase the building. Mayor Payne said no matter what the amount is, we still have a lien on the building. Commissioner Rardin said that the investment is essentially protected. If someone called the State Auditor on us, we could say the investment is protected.

Commissioner Guthrie asked what would happen if we approved something greater than what is recommended. If we grant the full \$1,800,000, and they do not agree, what happens? City Attorney Mori said he would have to look into the specifics of the punishment. Typically, with the Attorney General's Office and Ethics Commission, it could

range from an investigation with no findings up to criminal charges on the extreme end if the Governmental Conduct Act or the procurement process was in any way implicated. For specifically going over the recommended LEDA amount, I would have to look into it. I can just speak on generalities. Commissioner Burnett said that when the previous Commission was audited for the Fun Center, what was the outcome? Mayor Payne said that it was political and not an audit finding. Acting City Manager Hernandez said Finance Director Huff could speak to that. We dealt with it for well afterwards. Finance Director Huff said if a complaint is made to the State Auditor, they will review the complaint and determine if an audit needs to be done. If it needs to be done, they have two options. They can contact your independent auditor and have them do a special audit on top of the regular financial audit. That is what they did with us. The other option is that the State Auditor's Office can send out special auditors to do a State-run special audit. They usually do not choose that unless there is a massive amount of fraud. Going back to the first option, the auditor would produce a report. They do not necessarily give an opinion; the opinion would be developed by the State Auditor. With the Fun Center, we had two special audits because a complaint was received in each of the fiscal years. Neither was considered a full audit, and we were not fined. We did receive multiple audit findings from the second one about processes having to do with procurement and how LEDA funds were awarded, but they did not rise to the occasion. They can also refer the special audit to the Attorney General's Office, which can then do an investigation for malfeasance, fraud, or something like that based on the special audit.

Commissioner Rardin said our LEDA ordinance says that the City will provide adequate safeguards to ensure its rights and financial commitments are adequately protected and recoverable in the event of a default. We are essentially covering our bases by taking a first in the event that the taxpayer's money is protected. If something happens and they cannot keep going, the taxpayer's money is protected. City Attorney Mori said yes. To be clear, as the Commission, you get to decide how LEDA funds are allocated. The Attorney General's Office will look to things such as, whether the LEDA funds are actually available, which, in this case, they are. The staff amount of \$475,000 is a recommendation, not binding. If the Commission feels that Xtreme Amplitude is the way to promote the betterment of the community based on the purpose of LEDA, then that is your prerogative as long as we can stand by that, and it would withstand a third party's scrutiny. Complaints can always be made, but as long as it is noted that the funds are being used for promoting the purpose of LEDA itself, and the funds are available. A recommendation is just that, but as the elected body, you can decide to exceed that or go lower. Commissioner Rardin said it also states that the minimum benefit to the community to qualify for assistance is the creation of new jobs that pay an hourly rate at least equal to the federal minimum wage or other standards that may be adopted. The federal minimum wage is \$7.50. Acting City Manager Hernandez said this qualifies, which is why it is in front of you. I am not sure what you are asking of me. Commissioner Rardin said his personal belief is that we just get rid of the LEDA money so we do not get asked again. LEDA is always contentious every time it is used.

Commissioner Tapley said from a business standpoint, we require financials to approve this, correct? How many years do we need? Acting City Manager Hernandez said three to five years. Whatever is needed to prove solvency. Commissioner Tapley said that Mrs. Johnson said she had been in business for seven years, but the presentation had just one year of financials. Acting City Manager Hernandez said she has 2022 and 2023. Commissioner Tapley said he was only seeing 2024. Is that the year Mrs. Johnson took over it as sole owner? Mrs. Johnson said yes, it would have been the November-December timeframe of 2023 going into 2024. That is where I was the sole owner. Acting City Manager Hernandez submitted her recommendation prior to receiving my tax returns. Acting City Manager Hernandez said that is true, but I always do that. Each is looked at independently of each other. I do not compare this to the ones before. Before I bring it forward for a recommendation, I will not have the company give me all their financial statements. I am going to first look at the job creation. Then, if I feel it does qualify, and I can come up with a job creation number, and I feel comfortable bringing it before the Commission, then I will check for solvency and look at the statements. That is how I have done all of them. Mrs. Johnson said that makes sense for a brand-new business, but as an existing business, you want to see my financials because I have been contributing to GRT. I understand that part of LEDA is job creation, but part of the payback is GRT, which I have already paid into. People that we bring in will contribute to both payroll tax and GRT. Commissioner Tapley asked if the GRT collected in the next seven years will pay back the \$2,000,000. Acting City Manager Hernandez said no. Mrs. Johnson said it will not, I mathered incorrectly on that. Commissioner Rardin said you expect your revenue to double with the new facility, from roughly \$300,000 to \$600,000 worth of annual revenue. Mrs. Johnson said yes. We are almost at \$300,000 currently. We have eighty on a waitlist. We are limited to the number of classes we can offer because of space, not instructors. Commissioner Tapley asked what the anticipated expenses would be. If your revenue goes up, do you feel your expenses would go up as well? Mrs. Johnson said they like would to some degree. I will have insurance on

the building, but I was not able to get a quote for that. There will also be HVAC expenses. The building we have now is not well insulated, and I have very old swamp coolers attempting to cool the space. It may be a wash. Commissioner Tapley asked if building a metal building had been considered. Mrs. Johnson said yes. Commissioner Tapley said it will just be a shell, then you will have a build-out. You are telling me the build-out would only be \$100,000. I think there could be something cheaper. Mrs. Johnson said she wished that was true. The \$100,000 will be used for the build-out. There is some build-out on the current building. I spoke to White Sands Construction to get a quote, and it would be \$4,000,000 for the same size of building, not including land. Mayor Payne asked if White Sands Construction would be the contractor. Mrs. Johnson said potentially. I know them and felt I could have a good conversation, but I know to shop around.

Commissioner Robinson said the staff recommendation was \$475,000. Would that help Mrs. Johnson at all? Mrs. Johnson said not really. Commissioner Robinson said if awarded, what would you do with it? Mrs. Johnson said that if awarded \$475,000, if appropriate, I would invest it so it could grow and accrue money for a building. I do not know if that is allowed. It looks like it isn't. So I do not know what I would do with it. We are renting now, and the building is old, it would not be a good investment of the money. We could potentially purchase land to use as collateral for a loan.

Commissioner Rardin said this LEDA application was originally for \$3,000,000. Mayor Payne said RAD Retrocade and the White Sands Theater asked for \$2,000,000 each, and we only gave them \$1,000,000. Mayor Payne said we are in a no-win situation here. Commissioner Guthrie said when she was appointed to her seat, she had said she wanted our community to be a place that our kids want to stay, because my kids just want to leave. I want a place they could be proud of. If you look at the options our children and airmen have, many have no choice but to travel outside the City for extracurricular activities. Here, have a business that is committed to their community, that serves our military, puts effort in, provides a space for youth, and wants to grow to provide more opportunities for more youths. If we hinder that growth, what are we saying to the children of the community? What else do they have to do here? There is nothing else for our kids to do in the community. We have one other dance place that is fairly new, and there is no other gymnastics place. There is one other cheer place. So we have two options for a population of 32,000 with children. That is insane. Mayor Payne said a month ago that people were fighting to get apartments built. Commissioner Guthrie said we now have an apartment complex being built. Mayor Payne said yes, one at 900 units, come on. I am suggesting we look at all of this. Now, are we saying we do not want the apartments? Commissioner Guthrie said we want the apartments. Commissioner Rardin said we did not say we did not want them. We said we do not want to utilize LEDA money to support them. Commissioner Guthrie said there are different options to support the apartments, but this is the only option it seems Xtreme Amplitude has. We would be taking away their one option to another company that may have more options.

Commissioner Rardin said if we only provided \$1,500,000, would you be able to bridge the gap to get this done? Mrs. Johnson said she felt confident she could secure the rest of the funds. It may delay the addition of some programs, but it would get us into a building without a leaky roof or shifting foundations. We have structural issues with our current building. We could move into a new building in different phases, like as was mentioned for the apartment complexes before. Acting City Manager Hernandez said we are going to be the ones auditing and asking about payroll. What if, after five years, they do not meet the criteria? Are we going to lien the building? They would not meet the job creation requirements of \$1,500,000. Commissioner Rardin said we would already have a lien on the building. Acting City Manager Hernandez asked if we would foreclose on it if they do not meet the job creation. Commissioner Rardin asked if we are doing five or seven. Acting City Manager Hernandez said we have always done five, which is best practice throughout the State. They would have to meet it in five, but we could give them seven if the economy goes. Commissioner Rardin said the Cookie Factory was done around twenty years ago, and we have not foreclosed on that. Acting City Manager Hernandez said she was not around for that. This is a different administration and staff. Staff will have to audit this. What is the Commission's direction if they do not meet the \$1,500,000 for the job creation? Will it be a foreclosure? Commissioner Rardin said they could either pay off the difference of what they still owe, or, if possible, could the Commission of that time give them an extension? This money is utilized to grow businesses in the community. I am torn on this. I feel they will perform on this and do what they say they will, but you never know what tomorrow brings. Commissioner Guthrie said it could be more than just ten jobs if they continue to grow and expand with new programs. It may not just be what we are projecting. It could be completely different, and I suspect it will be. Commissioner Tapley said if we gave them \$1,500,000, how would they come up with the rest? Mrs. Johnson said she knew what she qualified for at the bank would get her close, but

it would mean I would not be able to purchase additional equipment. I also believe members of the community would step up to fill gaps. My hands are tied as far as banks and traditional loans go. Commissioner Tapley asked what she would use as collateral. Mrs. Johnson said the business itself, including equipment, would qualify. Commissioner Tapley said so it would be a personal loan.

Mayor Payne said let's say we award \$700,000. Wouldn't the bank look at that for equity? Commissioner Guthrie said she only has one year. Commissioner Rardin said if we gave you \$600,000, what would the debt service be for \$1,300,000? Does anyone know or can guess? Commissioner Tapley said if she took a \$2,000,000 loan out at thirty years for six percent, it would not happen as a business loan. You would be paying \$12,000 a month at six percent. Mrs. Johnson said correct, that is not feasible. Mrs. Coble said she does Mrs. Johnson's bookkeeping and knows her finances. If Mrs. Johnson received \$1,500,000, the Commission would put a lien on her building. How do you get a mortgage on a building that you have a lien on? Commissioner Rardin said she would have to get a second. Mrs. Coble said that was a whole different thing. Mayor Payne asked if other people had done that. Commissioner Rardin said yes. Mrs. Coble said they had looked at this with a small projection of ten jobs, but with a space open all day, you could be looking at four to five full-time jobs at \$50,000 a year. You would still need your ten or more part-time people, too. Moving into a building this size makes it hard to guess what the actual growth potential is. Five new people were hired just last month. In five years, she will hire more than ten people. She will hire more than one full-time person. The projected number is low, and that number is what Mrs. Johnson gave to Acting City Manager Hernandez to work with.

Mayor Payne said we have \$1,900,000. I am more in favor of splitting this. I am not in favor of giving the whole thing because there has to be buy-in as the cost of doing business. I am thinking more like \$900,000, which is more than the recommended amount that Acting City Manager Hernandez gave. We have opportunities with the apartments. If the other deal is killed, we will not have the apartments. I do not understand why apartments were such a big deal last month, but not this month. Commissioner Robinson said he was torn on this. We do not have enough money to spread. I do not want to vote for this tonight. I want to give this until the next meeting, so we can look at the viability of fundraising or similar things. This is a lose-lose situation. Mayor Payne said the next meeting is next week on Wednesday. Commissioner Robinson said he wanted to explore other possibilities. Commissioner Guthrie said the conversation would be the same. I do not want to hash up the same business for two hours next week. I would like to see the remaining LEDA funds of \$1,900,000 given to Xtreme Amplitude. That is what is being asked for, correct? Mrs. Johnson said she was asking for \$1,900,000, which is enough to purchase the building and do the build-out.

Commissioner Guthrie moved to adopt.
Commissioner Robinson seconded the motion.

Commissioner Rardin said if we vote on this tonight, and it does not pass, it's dead. If we wait until next week and let staff gather facts, we can get more information. Commissioner Guthrie asked what additional information could be gathered. Mayor Payne said there will only be six of us voting. If it's a tie, it's dead. Commissioner Rardin said it would give Mrs. Johnson time to make sure she can borrow additional money. I do not want to hold this up for another week, but if we vote and it's a tie, I don't think we can bring it back. Acting City Manager Hernandez said Commissioner Rardin is correct. If it fails, we cannot bring it back. You can amend the amount to something you all can live with and then pass it. Remember that if you approve it tonight, there still needs to be a second reading on November 18th, and it won't go into effect for ten days. We will have forty-five days after that to get the PPA. Mayor Payne referred to City Attorney Mori regarding the motion. City Attorney Mori said Commissioner Guthrie could withdraw her motion if there were no objections.

Commissioner Guthrie withdrew her motion. There were no objections.

Acting City Manager Hernandez said staff do not need more time. I do not know what other information would come forward. I think we have all the information, and it was all presented. Commissioner Burnett said the only thing Mrs. Johnson can do is go to the bank to see what she qualifies for. Commissioner Guthrie said she has already done that. The discussion is between us, as Commissioners, as to what we are willing to do. I think we are all on the side of giving her something, but what can we agree on? Commissioner Rardin asked if we could agree on enough to move the project forward. Mrs. Johnson said she had a question. At the last meeting, did the Commission pass a resolution that it would not go to housing? Commissioner Rardin said no, it wasn't a resolution. Acting City Manager

Hernandez said it was not voted upon; it was just a direction to staff.

Mayor Pro-Tem McDonald asked Mrs. Johnson how much she could get. Mrs. Johnson said around \$350,000. That means no new equipment. I am unsure of the process of going to the bank, asking what if I get this building, and then how much they would be willing to do. In my experience with banks, that is not how it works. Mayor Pro-Tem McDonald said if you take \$1,500,000, would you be able to finance? If the City gave you a certain amount of LEDA funds, what could you work with? Mayor Payne said like what if we said \$900,000? Mrs. Johnson said she did not know how much that would help. I would go to the bank and say I am getting awarded this amount, so what does that look like? Then I would reach out to individual investors to see if this is a cause worth investing into, and what they would be willing to do. Acting City Manager Hernandez said once you approve at the second reading, the five-year timer does not start until Mrs. Johnson is in the building. That would give her time to go and get money. Mrs. Johnson said kind of. We have to be able to make the deal. If I am not awarded the full amount, I will have to come up with that as soon as possible.

Commissioner Rardin said the general consensus is that we want to help, but it's now just deciding what the dollar amount is. Commissioner Tapley said we have a recommendation by Acting City Manager Hernandez, who has already looked at the numbers already. We have a Commissioner who wants to give it all away. Everyone else is in the middle. We can sit here all night long and not get anything out of this. Mayor Payne said she agreed. Commissioner Guthrie said this has to be resolved. Where do we go from here? Acting City Manager Hernandez said she could feel comfortable with a \$1,000,000 amount on our side. I think that could work and be justified. We could extend the timeframe. We don't typically do that, but I could. Commissioner Guthrie said \$1,000,000 is not enough for Mrs. Johnson to do anything; that's the problem. Acting City Manager Hernandez said it's just not the value on staff-side. We have to audit it. Commissioner Rardin said if we table this until the next meeting, does that give Mrs. Johnson time, based on some of the numbers said here, to figure out how she could make the extra work. If we go with the motion now and it fails or is a tie, then it is dead and done. We cannot bring it back. I do not know if Commissioner Tapley is comfortable with the full amount, and I am torn in the middle. Does that give you time for Plan B to figure out how to make this work? Mrs. Johnson said she would not say no if given the opportunity for money to move forward. At the end of the day, Xtreme Amplitude will go on regardless of what the Commission chooses. You are in a position to choose to be a part of that or not. I understand that it has to sit well with you, and you represent the people in your districts.

Mayor Payne asked if the loan that Mrs. Johnson checked into was a regular loan or SBA loan. Mrs. Johnson said the SBA has not been helpful. Mayor Payne said that was surprising. It has been a minute? Mrs. Johnson said it had been, and it may be worth another trip up there. Mayor Payne said she did not know what happened, but it is worth another visit because your business is what SBA is designed for. Do banks do SBA loans? Mrs. Johnson said that goes back to financials. All our income was written off by the previous business owner. I worked with Daro at First American Bank to look at every option available. That was in the last year, and that is what I qualified for. Commissioner Guthrie said Daro is one of the only commercial lenders in our area that would do something like that. Mrs. Johnson does not have many options for lenders in the area. Mayor Payne said they were looking at a loan not backed by SBA. I am saying to go look at an SBA loan.

Commissioner Rardin moved to table until the next Regular Meeting.

Commissioner Tapley seconded the motion.

Motion Passed with a vote of 5 - 1 - 1. Commissioner Crystal Guthrie voted nay. Commissioner Stephen Burnett abstained.

EXECUTIVE SESSION

11. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss: Limited Personnel Matters (City Manager). (Roll Call Vote Required)

Item removed from Consent Agenda.

ADJOURNMENT

Commissioner Rardin moved to adjourn.

**Mayor Pro-Tem McDonald seconded the motion.
Moation passed with a vote of 7 – 0 - 0**

ATTEST:

Mayor Susan Payne

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on 11/18/2025.

DRAFT

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING DRAFT MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
November 5, 2025**

**SUSAN PAYNE, MAYOR
SHARON MCDONALD, MAYOR PRO-TEM
CRYSTAL GUTHRIE, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**JOSHUA RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING CITY
MANAGER
DARRELL MORI, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER & ROLL CALL

Mayor Payne called the meeting to order at 6:31 PM. Roll Call was taken by the City Clerk. City Clerk Hughes announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Commissioner Robinson, and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

Commissioner Guthrie moved to approve.

Mayor Pro-Tem McDonald seconded the motion.

Motion Passed with a vote of 7 - 0 - 0.

PUBLIC COMMENT

1. Craig Johnson said he brought a letter from Pastor Torres of Mountain View Church to read. Our community is slowly losing our children to violence. Xtreme Amplitude has given children joy, and I believe that is what this city needs. I ask the Commission to vote to give the funds to Xtreme Amplitude.
2. Janey Neal said she was a director at Xtreme Amplitude, and her children have done activities there. We have built a community that also comes together outside of XA. I know that \$2,000,000 is a lot to give to a gym, but XA is so much more than that. We are helping shape the community.
3. Jordan Turner said she was a veteran military spouse and a stay-at-home mom. XA has given my daughter and hundreds of other students the skills, confidence, and life lessons in a healthy, positive, inclusive environment. Please consider Mrs. Johnson's request and invest in stronger kids, families, and communities.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following remarks.

1. There are many projects out right now. I will send the Commission a comprehensive list as we start to wrap up some. Some of the projects include Fire Station 2, the Duck Pond, the Tanks at South Reservoir, and we are working on the COPE building.
2. We did a walkthrough at the Golf Course. There was a punch list. There are still items they need to complete.
3. I will not be here for the November 18th Regular Commission Meeting, but I will have a staff member standing in.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne congratulated Mayor Pro-Tem McDonald as Mayor-elect and Commissioner Burnett for winning District 2 in the Regular Election.

Commissioner Rardin said that an elderly lady with a home on Tres Lagos reported that they hit her fence and damaged it. The contractor never repaired it. Can you look into that? Acting City Manager Hernandez said I spoke to someone yesterday who said they would get on it. Congratulations to you as well, Commissioner Rardin, for winning District 4. Commissioner Rardin said Mr. Pattillo, who won District 1, is also here in the audience. Commissioner Rardin said throwing your hat in the election and running is rough. I want to thank everyone who ran.

Commissioner Burnett said he had previously spoken to Acting City Manager Hernandez about the RFP for the golf course bid, and they discussed possibly adding a "with maintenance" option. Acting City Manager Hernandez said we spoke after the last meeting about the RFP for the 19th Hole and Golf Pro. Upon reviewing it, he raised a valid point. Some people would like to take over maintenance, while others do not. I believe we could consider an alternative bid. Put them in as if you want to do it. What is your price? If you do not want to do it, here is your price. We might look at putting that in. We will discuss this with Purchasing to obtain more details on what that would entail.

Commissioner Burnett said the water billing is closed during the day. Could we waive the \$2 online fee when they must pay online? We are forcing them to pay online. Acting City Manager Hernandez said that brings up another question I should have asked earlier. Someone asked if, due to the furlough, we would be willing to put off payments until they can be made. Something like that would have to come before the Commission in a resolution. I can also look into the question regarding the \$2 online fee. Mayor Payne asked how that would work if it were lifted by then. Commissioner Rardin said we could waive late fees. Mayor Payne said her concern was them being disconnected because of it. Commissioner Rardin said it could be similar to what we did during COVID. Staff did not do shutoffs during COVID. Acting City Manager Hernandez said that it would have to still come before the Commission. Mayor Payne said that would not really do us any good. Acting City Manager Hernandez said not for the cutoffs. Mayor Payne said the government may be opening back up after the elections. Acting City Manager Hernandez said if they don't, we will still bring something forward. If they got disconnected and we charged a disconnect fee, we could refund that.

Commissioner Burnett thanked the Space Hall for lighting their building purple in recognition of Epilepsy Month.

Commissioner Rardin said there was a speed bump on Florida Avenue between 16th Street and Catalina. Is that on our list to address? Acting City Manager Hernandez said yes. Commissioner Rardin said that on 14th Street, next to the basketball courts and Oregon School, it would be possible to overlay that area while all the work is going on. That road is really bad. Could they resurface that while they are there working? Acting City Manager Hernandez said that it may be a change order, but I can look to see if Streets can do it. Commissioner Rardin said he did not know if there were utilities in that. Acting City Manager Hernandez said that it is a couple of years down the road. I can ask to see if that is in the plan. If not, maybe it's something we can add or have Streets do.

Mayor Payne said she attended the Air Force Ball and spoke with Colonel Ethridge and Chief Ford there. They wanted to convey that they were excited about the things going on in Alamogordo.

Mayor Pro-Tem McDonald said she wanted to thank her church community and others for helping her in the election. I felt like a winner even before I was elected. It takes a village to raise a child, and a whole city to elect a Mayor. I am grateful. The goodness I saw during the campaign was overwhelming.

CONSENT AGENDA

- 1. Approve the minutes for the Special Commission meeting on October 28, 2025. (Rachel Hughs, City Clerk)**
- 2. Approve the statements related to the Executive Closed Session of the Special Meeting held on October 28, 2025. (Rachel Hughs, City Clerk)**
- 3. Approve and accept a \$10,000 award from the NM State Library for State Grants In Aid Funding for FY26. (Kim Underwood, Library Manager)**
- 4. Consider, and act upon, adopting and final publication of Ordinance 1718, creating the Gross Receipts Investment Program. (Stephanie Hernandez, Acting City Manager) (Roll Call Vote Required)**

Mayor Pro-Tem McDonald moved to approve.
Commissioner Burnett seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.

ITEMS REMOVED FROM CONSENT AGENDA

None.

UNFINISHED BUSINESS

5. Consider, and act upon, Ordinance 1719 for first publication to approve a Local Economic Development Project for up to \$475,000 Secured Assistance Proposed by Xtreme Amplitude. (Echo Johnson, Owner) (Roll Call Vote Required)

Commissioner Burnett asked the Commission if they had an issue with him sitting up there during the discussion. Mayor Payne said she did not have an issue with him sitting there, but preferred that he not be part of the discussion. Commissioner Guthrie asked if any of the Commissioners had an issue with her sitting up here or voting. Acting City Manager Hernandez said Commissioner Guthrie has no financial interest in this and already disclosed that she was an owner. There is nothing legally. Mayor Payne stated that she had received phone calls and emails from the public regarding this matter. Commissioner Guthrie said she did not want to cause any issues. City Attorney Mori said you disclosed previous financial dealings with them, but it has been years since, and you have no current dealings in that state. From my legal opinion, there is no reason why you could not participate and vote. I do applaud that you brought it before the Commission to let them speak on it or give them that option. Commissioner Guthrie asked if anyone on the Commission had an issue with her discussing and/or voting. Mayor Payne said no.

City Attorney Mori said he wished to provide a brief statement to the public and the Commission on the record regarding the legal framework of what we are examining. The Commission and the public have raised concerns. Before the Commission proceeds to a discussion or vote on the matter of LEDA fund allocation, I will briefly outline the legal framework and considerations relevant to the decision on the record. LEDA allows the City of Alamogordo to give publicly funded support to private groups and entities for qualifying economic development projects. That support must comply with relevant state and local law. The Anti-Donation Clause prohibits cities from donating funds to private groups unless some public benefits and safeguards ensure those benefits come forth. The City has evaluated the application and used the metrics of job creation, wages, and economic impact to recommend a funding level consistent with those numerical findings. The Commission has full authority and discretion to approve an amount different than from what has been presented as a recommendation. I advise that if there is a difference in allocations, that such approval be tied to a documented and quantifiable public benefit. If the decision of the Commission is challenged, meaning the amount allocated, the reviewing court or agency would look at whether the City has documented a rational basis for its decision and whether adequate security measures for the public's funds were made. Commissioners acting in good faith and within the scope of their authority, using information that has been presented to them, are generally protected from being found personally liable, should a violation be found. However, if the City is found by a court or state agency to have violated a provision of the Anti-Donation Clause, the City could be required to recover the funds, and the agreement would be subject to scrutiny by the factfinder. It is not my place to try and suggest or advocate for or against how the elected body decides how to utilize public funds. It is my job to ensure that the Commission understands the legal framework, so you as individuals, can vote on how to better promote and protect the interests of the citizens. The decision to fund ultimately rests with the Commission. I strongly recommend that any motion approving funding includes findings on the record identifying the public benefits expected and how those benefits are weighed in determining an award amount.

Mrs. Johnson said she was not stealing or taking money from military housing. Articles have been written that portray the situation in a certain way, but that is not the case. The Commission initially supported LEDA funding for Xtreme Amplitude, but I am unsure what happened after that at the next meeting. I have adjusted some of my projections to show potential growth over five years, rather than just one year. LEDA is for local economic development and allows cities to support their local businesses, specifically manufacturing call centers, and was established in 1996. This ordinance was adopted in 2017 to provide cities more flexibility in allocating funds to meet the needs of their communities and the businesses within them. Xtreme Amplitude qualifies because we are a business that supplies a general service to the public. I have previously shared the benefits that Xtreme Amplitude brought to Alamogordo, as well as the benefits of the expansion. Xtreme Amplitude will not only be able to repay LEDA funds through job creation, but also by increasing GRT and providing a service not currently available in Alamogordo, specifically gymnastics. On average, we add about six new jobs per year. Regarding the building, it is not just a shell. It is insulated with functional electricity, plumbing, and a fire suppression system. The build-out I referred to at a previous meeting would be to make the space more functional for the programs we want to add. This includes classroom spaces, an additional bathroom in the back, and an office area. In the new space, we have approximately sixteen new classroom spaces, which could lead to a potential enrollment growth of over 400%. That is an estimated GRT of over \$12,000 a month, and an estimated annual GRT of nearly \$150,000. Within five years, the twelve program

directors would be full-time at \$25 an hour, or \$40,000 a year. We would additionally have twenty-four part-time jobs. We could also host competitions, and the impact on Holloman is that we would ease the transition of relocation. I didn't previously mention the smaller building or other space on the property, but within five years, we would be utilizing those spaces. In the smaller building, we are looking to add a coffee shop, a hangout area, a maker space, or an adult daycare. Potential uses for the remaining property include a food truck court with dedicated space, a playground, and a splash pad. I have personally invested \$85,000 and been able to purchase all the necessary equipment to start, as well as additional equipment to support the business's growth. We have been in business for seven years and have contributed to the community. I am the last of the four original owners, and my business has never had to take out a loan. I was previously asked what I would do if I were not granted the full \$1,900,000. My answer has not changed. I will not be ungrateful for any funds I receive. I will continue to figure out how to grow my business. There is some uncertainty as the landlord of our location has passed away, and I am unsure how this impacts us. I reached out regarding additional finances. I do not qualify for State LEDA. I reached out to First American Bank, but more information was needed. I reached out to the Small Business Association, but more business was needed, and one of the loan options would be two loan payments, which would not be a good business decision. The Sacramento Mountain Foundation typically assists nonprofits. Regarding how XA will pay LEDA funds, we will create jobs that justify the \$1,900,000 requested. We will be increasing GRT. I am asking that the City of Alamogordo partner with Xtreme Amplitude and do what LEDA was created to do and invest in our community, kids, and future.

Mayor Payne said she had said from the beginning that she was uncomfortable with \$1,900,000. I have not changed my mind. We are not talking about the apartments right now. You phrased it as if we do not give it to you, we will give it to them. Those are two separate issues. Acting City Manager Hernandez said the direction to her was not to use LEDA funds for housing. I told Mr. Campbell I could not bring this back to the Commission because it would be insubordination on my part. However, any of the Commissioners have the authority to bring anything in front of the Commission. Mayor Payne said he asked if he could come back, and I sponsored it because someone had to. \$1,900,000 is twice as much as we have given to anyone else, except Medlin Ramps, who paid it back. You said you provided five years of tax returns? Mrs. Johnson said I was asked to provide tax returns for every year I was an owner. Acting City Manager Hernandez said yes, I asked that between the last meeting and this one. Mayor Payne asked why this was asked for. Acting City Manager Hernandez said it was due to conversations I had with some commissioners and some of the comments I had made. Mayor Payne said not me. Acting City Manager Hernandez said no, not you. To be clear, the City has the right to request any information necessary to make a financially sound decision. This was requested for Rad Retrocade, Troy, and Michelle Perry, who was also under great scrutiny. They have all been treated equally. Mayor Payne said so everyone was asked for tax returns. Mrs. Johnson said the application asks for three, but I was asked for seven. Acting City Manager Hernandez said again, the ordinance says anything to make a sound financial decision. This is taxpayer money. Mayor Payne said her own feelings and professional responsibilities were two different things. Rad Retrocade, the White Sands Theatre, and the Inkwell building all invested their own money. That is why I said you should have skin in the game. If you are ready for an expansion, you should have that money to help rather than expecting us to take care of everything. Acting City Manager Hernandez clarified that I asked for more financial statements because I was acting in the best interest of Mrs. Johnson and her team. I wanted to try to get the highest three existing salaries and incomes to see if I could justify any more money. It is within my scope to verify her financial stability, but this was to review her salaries. I can go over the three-year average I took or the income. I wasn't doing it as a punishment to get you to give me more information. Mayor Payne said she heard Mrs. Johnson's projections, but at the end of the day, it has to be based on what we know. Mrs. Johnson asked how her projections were different than Rad Retrocade or the White Sands Theatre. Mayor Payne said they took their tax returns and averaged them out based on that, correct? Acting City Manager Hernandez said they listed their jobs, and I took their job creations by year. I backed that up by what they have done in like stores. Exactly the same way here. I took the projections I was given, which included twelve jobs at \$13-\$15 an hour, and compared them to the salaries to see if they track. I have denied applications that increased revenue by 500%, but really, the numbers did not justify that. In looking at Xtreme Amplitude, just doing the past three years, the salaries are \$92,000, \$91,000, and \$145,000, with an average of \$109,000. That is what I presume at twenty-five to thirty jobs. \$100,000 over five years equals \$500,000, which is a doubling of what is currently on the books. It is informational and serves as a justification to see what projection tracks with what was done and what was on paper. Mayor Payne said that when she mentioned projection earlier, she did not mean job projection; she meant income.

Commissioner Rardin said that if we provide more than what the staff recommends, factors such as benefits to the community and Holloman could be taken into account when justifying the amount. How do we word that in a motion? City Attorney Mori said that this is taken into account when justifying an amount higher than what is recommended. The recommendation is just based on job creation. So a motion would have to be very specific. For example, if a person moved, they would move to approve LEDA funding at X amount, subject to the execution of the LEDA PPA, the project participation agreement, which includes enforceable job creation, wage, and operational reporting requirements. In doing so, the Commission finds that this projection finds a valid measurable public benefit by employment opportunities. In this specific case, it would be like expanding youth athletic programs, contributing to Alamogordo's quality of life. We would have to list those and be specific in why we are exceeding the formula. Acting City Manager Hernandez asked how they get audited. City Attorney Mori said as an example with easy math, the City's recommendation is \$100,000, and the Commission makes a motion listing things like community benefit, cultural increase, and cooperation with Holloman weighing its decision. If that were to get challenged, that is when the State Auditor or the Economic Development Department would typically come in and look at the record and the history. They would want to know the Commission's reason for exceeding this, and we would have to be able to justify it because we are dealing with taxpayer funds. LEDA is typically paid back dollar for dollar in job creation, but that is not always the case. When scrutiny is on the Commission, they will be looking to see if there was a rational basis or something to make up for the difference in dollar amount. Here, the recommendation is roughly \$500,000, and the request is \$1,900,000. We would have to prove how tripling that amount proves a public benefit, improves relationships with Holloman, all those reasons that are in our code as to what LEDA is there for. It would probably be a lengthy motion, but that way, it is on the record. The record will be what they look at as to why the decisions were made here in these meetings. It would be up to the fact finder to see if those reasons are rational enough to explain the difference.

Commissioner Rardin asked if this was set up for five or seven years. Acting City Manager Hernandez said everything is five years, but we extended the contract to seven to give flexibility in the job creation. Commissioner Rardin said in the event they do not have the money paid back by the end of the five years, how far can we extend it out? Acting City Manager Hernandez said she has never gone past seven years. City Attorney Mori said he would have to review state guidelines to see how far LEDA can be extended. Acting City Manager Hernandez said our PPA is from the State's PPA. We took it and modified it. It is five years, and as the City, we extended it to seven years.

Mayor Pro-Tem McDonald said she was confused as to why Xtreme Amplitude wanted to go past the recommended amount of \$475,000. Did they know that was the recommended amount at the beginning of all this? Mrs. Johnson said no ma'am. Acting City Manager Hernandez said she sent a letter. Mrs. Johnson asked if that was prior to the 14th. Acting City Manager Hernandez said yes. I emailed it out to Mrs. Johnson on September 26th. That is when I asked her if she wanted to be in the meeting on the 14th, and she had said yes, but the agenda had closed by that time, so we put it on the 28th. The email said that you qualify for an award of \$460,000, which I would more than likely recommend rounding up to \$475,000. Commissioner Rardin asked what Mrs. Johnson's original asking amount was. Mrs. Johnson said \$3,000,000 because that is what Acting City Manager Hernandez said what was left in it. I knew that a new build of this same size would cost \$4,000,000.

Mayor Pro-Tem McDonald asked if the new annual income would change from \$600,000 with everything else you had done? Mrs. Johnson said that would be her new income. Mayor Pro-Tem McDonald said the other report said that you would not have any full-time jobs, and that all the jobs would be part-time. You were going to add ten more jobs, so from thirty to forty. Mrs. Johnson said yes, I misunderstood the requirement for the presentation and information to be given to the City. I basically gave a year-one of moving into that building, not a five-year projection. After the last meeting, I adjusted my numbers to show that. That is where the twelve full-time and twenty-four part-time jobs would come from. The presentation I had for today did not send for whatever reason. I provided it to the staff to provide to you. Mayor Pro-Tem McDonald asked when we got that. Acting City Manager Hernandez said I just got it at 6:50 PM, like now. Mrs. Johnson said it did not go through earlier today when I sent it. Mayor Pro-Tem McDonald said so the salaries would go from \$100,000 to what? Mrs. Johnson said if we average the full time employees making \$40,000, and multiply by twelve, that takes us to \$480,000 for the full-time employees. Twenty-four part-time employees multiplied by \$11,000 gives \$264,000. That puts us at \$744,000 together. Commissioner Rardin said that is over five years, correct? Mrs. Johnson said yes. Commissioner Rardin asked if the Commission could be provided with Mrs. Johnson's print out now. Mayor Pro-Tem McDonald said this is confusing because just looking at salaries is eating up what you would project in revenue, even if you are not paying benefits. I do not want

to mess with this money without us having it on paper, especially since we are saying we would rather go over the \$475,000, which has been calculated. I have a problem going over the dollar amount, which is based on facts, until we can get the new facts. I don't think we should be talking about \$1,900,000 in taxpayer money without all the information.

Commissioner Robinson said he agreed with Mayor Pro-Tem McDonald. Can we have this written so we can look at it and vote on it? Acting City Manager Hernandez said to be fair, I met with Mrs. Johnson and Mrs. Coble before, and told them what the job payback was in five years. I calculated using the information I had. Now it is changing, and I cannot give you any opinion on what is changing. Commissioner Robinson asked if this could be put off until we have the correct figures. We have to answer why we made this decision to the taxpayers. Right now, it is not clear.

Commissioner Rardin asked if the job creation numbers were in the presentation sent tonight. Mrs. Johnson said they were, yes. Mayor Payne asked what changed, how, and why. Mrs. Johnson said they went from twelve to ten part-time jobs, to twelve full-time jobs, and twenty-four part-time jobs with projections over five years. Mayor Payne asked why that changed. Mrs. Johnson said because she was unaware or unsure that it was for five years. The last meeting made it clear that projections were for over five years. I was looking at what we would be able to do within year one.

Mayor Payne asked Commissioner Tapley what he thought as a businessman. Commissioner Tapley said he just did not see it. I have no issue with \$475,000. The numbers are not there for \$1,900,000. You are projecting \$600,000 but eating it up with salaries of \$700,000. Mrs. Johnson said the monthly income with our increase would be \$153,000 monthly. Commissioner Tapley said that was if you fill the doors every day. They were not filled last night when I went by there.

Mayor Payne said she could not do this. You have to stick to the numbers. I appreciate what Mrs. Johnson is doing, but the facts are the numbers and projections. I am particular when it comes to LEDA and ensuring we can justify every dollar. I am not comfortable with \$1,900,000, but I may be comfortable with a little more than \$475,000.

Mr. Johnson said he was the husband of Mrs. Johnson. What she is giving for income numbers is monthly, and what she is giving you for payroll is yearly. Her payroll is not eating up her income. Commissioner Rardin said her income is \$153,000 a month. Mr. Johnson said yes, and the \$744,000 is her yearly payroll. So she is paying \$744,000 out of the roughly \$1,300,000 she will bring in on the yearly account. As far as everyone in the doors, the place is packed all the time. She is over capacity now with a wait list. Can she get the new numbers before we do this? She is projecting five years now instead of year one. Commissioner Robinson said that was his point, too. We do not have anything that is correct.

Commissioner Rardin said the LEDA tax was rededicated to the Natatorium. At the end of this year, if this money is not spent, where does it go? Acting City Manager Hernandez said it stays in the LEDA. Commissioner Rardin asked if it sunset with the tax. Acting City Manager Hernandez said no. City Attorney Mori said there are just no new funds coming into it. Commissioner Rardin said so even if it sunsets, we still have to spend it as if it were LEDA? City Attorney Mori said correct. Commissioner Rardin said we should have had the information but it did not send, so we do not have the information tonight. Acting City Manager Hernandez said you wouldn't have had it anyway, really. Commissioner Rardin said yes, it did not get published. Acting City Manager Hernandez said I would not have been able to do anything on it. Averaging the past three years, Mrs. Johnson had salaries at about \$109,000 currently. How many jobs is that? Mrs. Johnson said thirty. Acting City Manager Hernandez said if you are doubling that, only the new jobs, that would be \$109,000 over five years. Are you adding thirty jobs a year? Mrs. Johnson said over the five years, it would be thirty-six new jobs added. Acting City Manager Hernandez said even on year one, if you add thirty new jobs at \$109,000 it still only comes out to \$548,000. Looking at past income shows modest increases from 215 to 268 to 300, and last year was 289. Payroll has increased 84, 92, 91, 145. I am just trying to summarize it. There are valid concerns. I have denied people in the past who projected a crazy amount of revenue income, like from \$200,000 going to \$1,000,000. How is that laid out?

Commissioner Rardin asked how the Commission felt about tabling this item until they could see the presentation in the next meeting.

**Commissioner Robinson moved to table the item.
Commissioner Rardin seconded the motion.**

Motion Passed with a vote of 3 - 2 - 2. Mayor Payne and Mayor Pro-Tem McDonald voted nay. Commissioner Burnett and Commissioner Guthrie abstained.

EXECUTIVE SESSION

6. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss: Limited Personnel Matters (City Manager). (Roll Call Vote Required)

**Commissioner Rardin moved to Adjourn to Executive Session at 7:54 PM.
Commissioner Tapley seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.**

ADJOURNMENT

ATTEST:

Mayor Susan Payne

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on November 18, 2025.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/07/2025

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the statements related to the Executive Closed Session held on November 5, 2025.
(Rachel Hughs, City Clerk)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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

Background:

Approve the following statements authorizing them to be included in the minutes of November 18, 2025:

“The Governing Body of the City of Alamogordo, New Mexico, hereby states that on November 5, 2025, an Executive Closed Session was held, and the matters discussed in the closed meeting were limited only to discuss Limited Personnel Matters (City Manager).”

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/07/2025

Report No: 4.

Submitted By: Britney Ybarra

Subject: Consider, and act upon, a funds appropriation of \$151,000 through the Capital Outlay Bureau with the Aging & Long-Term Services Department to renovate the Senior Center parking lot, adding a designated area for the City of Alamogordo Senior Center fleet. (*Magdalena Morales, ASC Manager, and Eileen Flint, Community Services Director*).

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

The total amount budgeted is \$151,000.

Recommendation: Approve the funds appropriation.

Background: The current Senior Center parking lot does not protect the City of Alamogordo Senior Center fleet. Senior Center vehicles have been vandalized on multiple occasions, and catalytic converters have been stolen from Senior Center buses. A separate fenced parking lot would provide the necessary protection for our City fleet.



Michelle Lujan Grisham, Governor
Emily Kaltenbach, Cabinet Secretary
Antoinette Vigil, Deputy Cabinet Secretary
Angelina Flores-Montoya, Deputy Cabinet Secretary

New Mexico Aging & Long-Term Services Department

October 30, 2025

Dr. Stephanie Hernandez
Acting City Manager
City of Alamogordo
1376 East Ninth Street
Alamogordo, NM 88310

Re: HB 308 Appropriations

Grant #: I24-5349
Grant Amount: \$151,000
AIPP Amount: \$1,510
Reversion Date: 6/30/2028

Dear Grantee

In the Laws of 2024, Chapter 64, Section 10, Paragraph 50, for the City of Alamogordo, for renovations to the Alamo senior center in Alamogordo in Otero county. Grantee's must follow:

Executive Order 2013-006

Enacted in 2013 by the New Mexico Governor, such order establishes uniform funding criteria, grant management, and oversight requirements for grants appropriated through the state capital outlay process. The Executive Order provides that:

1. The grantee must have otherwise demonstrated to the satisfaction of the State agency making the grant that it has adequate accounting methods and procedures to expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired by grant funds [E.O. ¶ 2(A)(3)(a)].
2. In the event a state agency has identified deficiencies in the grantee's accounting methods and procedures that raise concerns about the grantee's ability to expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired by grant funds:
 - a. The state agency must determine that it can impose and has the resources to implement special grant conditions that will adequately address the deficiencies in the grantee's accounting methods and procedures [E.O. ¶ 2(A)(3)(b)]; or
 - b. The state agency must have determined that another appropriate entity is able and willing to act as a fiscal agent for the grant [E.O. ¶ 2(A)(3)(c)].

This project has been identified as "project ready" and no special grant conditions have been identified.

Please submit the Scope of Work (attached) for the above-referenced project by **November 30, 2025** so the Capital Outlay Grant Agreement can be initiated.

For questions, please contact us at capital.outlay@altsd.nm.gov or refer to our website at <https://aging.nm.gov/for-our-partners/capital-outlay> for additional information.

Sincerely,

Tasha Martinez

Tasha Martinez, Capital Outlay Bureau Chief

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/10/2025

Report No: 5.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the award of RFP 2025-011 Water & Wastewater Analytical Testing Services to Aqua Environmental Testing Laboratory. *(Dave Nunnelley, Utilities Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the award and authorize staff to proceed with agreement

Background: RFP 2025-011 Scope of Work is to seek qualified firms for full-time professional analytical laboratory and testing services of the various components of its water and wastewater operations. RFP was advertised on September 20, 2025. The City received one proposal for the deadline date of October 23, 2025. The proposal was reviewed by the Purchasing Department and deemed responsive.

The proposal is available for review from the Purchasing Department.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/12/2025

Report No: 6.

Submitted By: Justen Boyle

Subject: Consider, and act upon, the award of Public Works Bid No. 2025-009, Lower Alamo, Callahan, and Ocotillo Water Tank Rehabilitation Project No.UP2602, to DNR Tank, related to the Lower Alamo, Callahan, and Ocotillo Water Tank Project for an amount not to exceed \$7,609,529.01, including NMGR. *(Justen Boyle, Senior Project Manager)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the award

Background: The work designated as Lower Alamo, Callahan, and Ocotillo Water Tank Rehabilitation consists of the rehabilitation of the three water tanks listed. In the order approved by the city, in accordance with the drawings, specifications, and other Contract Documents.

Bid Comparison

Public Works Bid Number 2025-009

Project Title LOWER ALAMO,OCOTILLO AND CALLAAN

Bid Opening Date NOVEMBER 12,2025

ITEM NO.	DESCRIPTION OF WORK	Unit	Bid Quantity	RILEY INDUSTRIAL		DNR TANK		KE&G		VIKING		TMI	
				Bid Item Cost	Extended	Bid Item Cost	Extended	Bid Item Cost	Extended	Bid Item Cost	Extended	Bid Item Cost	Extended
1	CALLAHAN WATER TANK												
2	TANK STRUCTURAL INVESTIGATION	LS	1	\$118,290.00	\$118,290.00	\$25,024.00	\$25,024.00	\$180,734.00	\$180,734.00	\$56,900.00	\$56,900.00	\$35,000.00	\$35,000.00
3	REHAB	LS	1	\$1,298,830.00	\$1,298,830.00	\$974,200.00	\$974,200.00	\$1,373,158.00	\$1,373,158.00	\$1,174,000.00	\$1,174,000.00	\$1,364,000.00	\$1,364,000.00
4	ADD- VACCUUM TEST FLOOR WELDS	SF	6000	\$207.50	\$1,245,000.00	\$28.00	\$168,000.00	\$85.00	\$510,000.00	\$75.00	\$450,000.00	\$65.00	\$390,000.00
5	ADD-FLOOR SHEET TEST	LS	1	\$1,244,800.00	\$1,244,800.00	\$279,975.00	\$279,975.00	\$323,981.00	\$323,981.00	\$289,100.00	\$289,100.00	\$556,000.00	\$556,000.00
6	ADD- REMOVE AND REPLACE UP 3" SUBGRADE	CF	4597	\$42.50	\$195,372.50	\$14.00	\$64,358.00	\$14.00	\$64,358.00	\$25.00	\$114,925.00	\$18.00	\$82,746.00
7	ADD- REMOVE AND REPLACE UNSUITABLE FLOOR PLAT	SF	6000	\$207.50	\$1,245,000.00	\$28.00	\$168,000.00	\$85.00	\$510,000.00	\$75.00	\$450,000.00	\$62.00	\$372,000.00
8	ADD- REMOVE AND REPLACE ROOF SUPPORT RAFTERS	SF	1000	\$235.00	\$235,000.00	\$89.00	\$89,000.00	\$359.00	\$359,000.00	\$320.00	\$320,000.00	\$190.00	\$190,000.00
9	ADD- ROOF SHEETS	LS	1	\$4,981,310.00	\$4,981,310.00	\$430,366.00	\$430,366.00	\$530,199.00	\$530,199.00	\$471,700.00	\$471,700.00	\$757,000.00	\$757,000.00
10	ADD- SHELL WALL PLATES	SF	1000	\$485.00	\$485,000.00	\$60.00	\$60,000.00	\$294.00	\$294,000.00	\$261.00	\$261,000.00	\$300.00	\$300,000.00
11	ADD- BAY POLES, COLUMNS	SF	200	\$531.00	\$106,200.00	\$89.00	\$17,800.00	\$356.00	\$71,200.00	\$320.00	\$64,000.00	\$920.00	\$184,000.00
12	LOWER ALAMO WATER TANK				\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
13	TANK STRUCTURAL INVESTIGATION	LS	1	\$118,290.00	\$118,290.00	\$25,024.00	\$25,024.00	\$180,734.00	\$180,734.00	\$56,900.00	\$56,900.00	\$35,000.00	\$35,000.00
14	REHAB	LS	1	\$1,298,830.00	\$1,298,830.00	\$974,200.00	\$974,200.00	\$1,522,024.00	\$1,522,024.00	\$1,299,300.00	\$1,299,300.00	\$1,424,000.00	\$1,424,000.00
15	ADD- VACCUUM TEST FLOOR WELDS	SF	4000	\$207.50	\$830,000.00	\$28.00	\$112,000.00	\$85.00	\$340,000.00	\$75.00	\$300,000.00	\$65.00	\$260,000.00
16	ADD-FLOOR SHEET TEST	LS	1	\$1,244,800.00	\$1,244,800.00	\$279,975.00	\$279,975.00	\$391,951.00	\$391,951.00	\$347,600.00	\$347,600.00	\$556,000.00	\$556,000.00
17	ADD- REMOVE AND REPLACE UP 3" SUBGRADE	CF	2207	\$42.50	\$93,797.50	\$14.00	\$30,898.00	\$17.00	\$37,519.00	\$30.00	\$66,210.00	\$20.00	\$44,140.00
18	ADD- REMOVE AND REPLACE UNSUITABLE FLOOR PLAT	SF	4000	\$207.50	\$830,000.00	\$28.00	\$112,000.00	\$85.00	\$340,000.00	\$75.00	\$300,000.00	\$63.00	\$252,000.00
19	ADD- REMOVE AND REPLACE ROOF SUPPORT RAFTERS	SF	1000	\$235.00	\$235,000.00	\$89.00	\$89,000.00	\$360.00	\$360,000.00	\$320.00	\$320,000.00	\$190.00	\$190,000.00
20	ADD- ROOF SHEETS	LS	1	\$4,981,310.00	\$4,981,310.00	\$430,366.00	\$430,366.00	\$530,199.00	\$530,199.00	\$469,000.00	\$469,000.00	\$757,000.00	\$757,000.00
21	ADD- SHELL WALL PLATES	SF	1000	\$485.00	\$485,000.00	\$60.00	\$60,000.00	\$295.00	\$295,000.00	\$260.00	\$260,000.00	\$300.00	\$300,000.00
22	ADD- BAY POLES, COLUMNS	SF	160	\$531.00	\$84,960.00	\$89.00	\$14,240.00	\$360.00	\$57,600.00	\$320.00	\$51,200.00	\$950.00	\$152,000.00
23	ADD-CONCRETE RETAIN WALL	LS	1	\$112,137.00	\$112,137.00	\$173,625.00	\$173,625.00	\$465,641.00	\$465,641.00	\$111,800.00	\$111,800.00	\$112,000.00	\$112,000.00
24	LOWER OCOTILLO WATER TANK				\$0.00		\$0.00		\$0.00		\$0.00		\$0.00
	REHAB	LS	1	\$118,290.00	\$118,290.00	\$25,024.00	\$25,024.00	\$22,359.00	\$22,359.00	\$56,900.00	\$56,900.00	\$38,000.00	\$38,000.00
	ADD- VACCUUM TEST FLOOR WELDS	LS	1	\$1,454,950.00	\$1,454,950.00	\$1,016,966.00	\$1,016,966.00	\$1,591,897.00	\$1,591,897.00	\$1,363,200.00	\$1,363,200.00	\$1,574,000.00	\$1,574,000.00
	ADD-FLOOR SHEET TEST	SF	6000	\$207.50	\$1,245,000.00	\$28.00	\$168,000.00	\$85.00	\$510,000.00	\$95.00	\$570,000.00	\$65.00	\$390,000.00
	ADD- REMOVE AND REPLACE UP 3" SUBGRADE	LS	1	\$124,810.00	\$124,810.00	\$365,402.00	\$365,402.00	\$323,980.00	\$323,980.00	\$360,400.00	\$360,400.00	\$721.00	\$721.00
	ADD- REMOVE AND REPLACE UNSUITABLE FLOOR PLAT	CF	459	\$42.50	\$19,507.50	\$14.00	\$6,426.00	\$14.00	\$6,426.00	\$27.00	\$12,393.00	\$18.00	\$8,262.00
	ADD- REMOVE AND REPLACE ROOF SUPPORT RAFTERS	SF	6000	\$207.50	\$1,245,000.00	\$28.00	\$168,000.00	\$85.00	\$510,000.00	\$95.00	\$570,000.00	\$62.00	\$372,000.00
	ADD- ROOF SHEETS	SF	1000	\$135.00	\$135,000.00	\$89.00	\$89,000.00	\$360.00	\$360,000.00	\$400.00	\$400,000.00	\$190.00	\$190,000.00
	ADD- SHELL WALL PLATES	LS	1	\$4,981,310.00	\$4,981,310.00	\$538,980.00	\$538,980.00	\$625,882.00	\$625,882.00	\$694,000.00	\$694,000.00	\$986,000.00	\$986,000.00
	ADD- BAY POLES, COLUMNS	SF	1000	\$485.00	\$485,000.00	\$60.00	\$60,000.00	\$294.00	\$294,000.00	\$325.00	\$325,000.00	\$300.00	\$300,000.00
25	ADD- ROOF SHEETS	SF	200	\$531.25	\$106,250.00	\$89.00	\$17,800.00	\$360.00	\$72,000.00	\$400.00	\$80,000.00	\$920.00	\$184,000.00
				Sub-Totals	\$31,384,044.50	Sub-Totals	\$7,033,649.00	Sub-Totals	\$13,053,842.00	Sub-Totals	\$11,665,528.00	Sub-Totals	\$12,355,869.00
				NMGRT (8.1875%	\$2,569,568.64	NMGRT (8.1875%	\$575,880.01	NMGRT (8.1875%	\$1,068,783.31	NMGRT (8.1875%	\$955,115.11	NMGRT (8.1875%	\$1,011,636.77
				TOTALS	\$33,953,613.14	TOTALS	\$7,609,529.01	TOTALS	\$14,122,625.31	TOTALS	\$12,620,643.11	TOTALS	\$13,367,505.77
				RILEY INDUSTRIAL		DNR TANK		KE&G		VIKING		TMI	

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/12/2025

Report No: 7.

Submitted By: Justen Boyle

Subject: Consider, and act upon, the award of Public Works Bid No. 2025-008, White Sands and Fairgrounds Intersection Project No.CM2601, to Rock Canyon Construction, related to the White Sands and Fairgrounds Intersection Project for an amount not to exceed \$2,203,069.62, including NMGRT. (*Justen Boyle, Senior Project Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the award

Background: The Work designated as White Sands Blvd - Fairgrounds Road Traffic Signal consists of removing and replacing the existing intersection with all new infrastructure, waterlines, electrical, and roadway, in accordance with the drawings, specifications, and other Contract Documents.



November 12, 2025

Justen Boyle
City of Alamogordo
Senior Project Manager
1376 East Ninth Street
Alamogordo, NM 88310

RE: Bid Tab Review – White Sands Blvd – Fairgrounds Road Traffic Signal
Public Works Bid No. 2025-008

Mr. Boyle,

Pillar Engineering, LLC has reviewed the bids submitted by Rock Canyon Construction, LLC and KE&G Construction, Inc. No errors were found in the bid item numbers for either bid submitted.

Pillar Engineering, LLC recommends award of the White Sands Blvd – Fairgrounds Road Traffic Signal Public Works Bid 2025-008 to Rock Canyon Construction, LLC in the amount of \$2,036,343.96 plus NMGR of \$166,725.66 for a total amount of \$2,203,069.62

If you have any questions or require additional information, please contact me via e-mail or telephone.

Sincerely
Pillar Engineering, LLC

A handwritten signature in black ink that reads 'Martin J. Pillar'. The signature is written in a cursive, flowing style.

Martin J. Pillar P.E.

Bid Comparison

Public Works Bid Number 2025-008

Project Title White Sands and Fairgrounds intersection

Bid Opening Date October 29,2025

				Engineer's Estimate		KE&G		Rock Canyon	
ITEM NO.	DESCRIPTION OF WORK	Unit	Bid Quantity	Bid Item Cost	Extended	Bid Item Cost	Extended	Bid Item Cost	Extended
1	UNCLASSIFIED EXCAVATION	C.Y.	30	\$21.50	\$645.00	\$74.00	\$2,220.00	\$29.44	\$883.20
2	SUBGRADE PREPARATION	S.Y.	1864	\$3.50	\$6,524.00	\$14.50	\$27,028.00	\$17.07	\$31,818.48
3	BASE COURSE 6"	S.Y.	1560	\$31.50	\$49,140.00	\$21.00	\$32,760.00	\$25.25	\$39,390.00
4	BASE COURSE 8"	S.Y.	303	\$22.00	\$6,666.00	\$56.00	\$16,968.00	\$40.25	\$12,195.75
5	ASPHALT MATERIAL FOR TACK COAT	S.Y.	303	\$5.25	\$1,590.75	\$2.50	\$757.50	\$6.25	\$1,893.75
6	PRIME COAT MATERIAL	S.Y.	303	\$5.25	\$1,590.75	\$3.00	\$909.00	\$8.25	\$2,499.75
7	MINOR PAVING TYPE I, HMA SP-IV	S.Y.	303	\$170.00	\$51,510.00	\$108.50	\$32,875.50	\$64.00	\$19,392.00
8	CONCRETE PAVEMENT 9"	S.Y.	1560	\$375.00	\$585,000.00	\$190.00	\$296,400.00	\$192.50	\$300,300.00
9	DRILLED SHAFT FOUNDATION 24" DIAMETER	LIN. FT.	15	\$392.00	\$5,880.00	\$526.00	\$7,890.00	\$496.00	\$7,440.00
10	DRILLED SHAFT FOUNDATION 36" DIAMETER	LIN. FT.	32	\$1,975.00	\$63,200.00	\$561.00	\$17,952.00	\$528.75	\$16,920.00
11	DRILLED SHAFT FOUNDATION 42" DIAMETER	LIN. FT.	32	\$1,432.00	\$45,824.00	\$695.00	\$22,240.00	\$654.80	\$20,953.60
12	STRUCTURAL CONCRETE, CLASS A	C.Y.	21	\$400.00	\$8,400.00	\$1,191.00	\$25,011.00	\$1,121.48	\$23,551.08
13	REINFORCING BARS GRADE 60(Electric)	LBS	3537	\$3.10	\$10,964.70	\$4.00	\$14,148.00	\$3.80	\$13,440.60
14	REINFORCING BARS GRADE 60(Road)	LBS	11365	\$3.10	\$35,231.50	\$7.50	\$85,237.50	\$3.75	\$42,618.75
15	REMOVAL OF STRUCTURES AND OBSTRUCT	LS	1	\$33,000.00	\$33,000.00	\$42,316.00	\$42,316.00	\$28,807.72	\$28,807.72
16	REMOVAL OF STRUCTURES AND OBSTRUCT	LS	1	\$11,670.00	\$11,670.00	\$13,175.00	\$13,175.00	\$91,294.00	\$91,294.00
17	REMOVAL OF SURFACING	S.Y.	1560	\$9.50	\$14,820.00	\$15.00	\$23,400.00	\$11.50	\$17,940.00
18	SWPPP PLAN PREPARATION AND MAINTEN	LS	1	\$1,500.00	\$1,500.00	\$721.00	\$721.00	\$15,000.00	\$15,000.00
19	CONCRETE SIDEWALK 4"	SF	1058	\$18.50	\$19,573.00	\$64.00	\$67,712.00	\$38.25	\$40,468.50
20	CONCRETE VERTICAL CURB AND GUTTER T	LF	257	\$53.00	\$13,621.00	\$220.00	\$56,540.00	\$178.88	\$45,972.16
21	CONCRETE VERTICAL CURB AND GUTTER T	LF	390	\$50.00	\$19,500.00	\$133.00	\$51,870.00	\$160.13	\$62,450.70
22	FIRE HYDRANT	EACH	2	\$10,500.00	\$21,000.00	\$20,707.00	\$41,414.00	\$21,314.06	\$42,628.12
23	CAST IRON OR DUCTILE IRON FITTINGS	LBS	2148	\$17.25	\$37,053.00	\$8.00	\$17,184.00	\$20.65	\$44,356.20
24	8" WATERLINE 0' TO 6' DEPTH	LF	743	\$79.00	\$58,697.00	\$250.00	\$185,750.00	\$124.00	\$92,132.00
25	12" WATERLINE 0' TO 6' DEPTH	LF	185	\$139.00	\$25,715.00	\$250.00	\$46,250.00	\$153.75	\$28,443.75
26	TIE TO EXISTING 6" WATERLINE	EACH	1	\$1,500.00	\$1,500.00	\$4,290.00	\$4,290.00	\$1,370.50	\$1,370.50
27	TIE TO EXISTING WATERLINE, 12"	EACH	1	\$1,250.00	\$1,250.00	\$5,857.00	\$5,857.00	\$2,659.88	\$2,659.88
28	TIE TO EXISTING 8" WATERLINE	EACH	3	\$1,375.00	\$4,125.00	\$5,500.00	\$16,500.00	\$3,500.00	\$10,500.00
29	WATER VALVE ADJUSTMENT	EACH	8	\$1,750.00	\$14,000.00	\$131.00	\$1,048.00	\$750.00	\$6,000.00
30	ADJUST VALVE BOX TO GRADE	EACH	8	\$750.00	\$6,000.00	\$882.00	\$7,056.00	\$500.00	\$4,000.00
31	VALVE BOX AND COVER	EACH	8	\$2,250.00	\$18,000.00	\$215.00	\$1,720.00	\$1,322.50	\$10,580.00
32	GATE VALVE 12"	EACH	2	\$15,000.00	\$30,000.00	\$4,571.00	\$9,142.00	\$5,969.43	\$11,938.86
33	GATE VALVE 8"	EACH	6	\$7,750.00	\$46,500.00	\$2,770.00	\$16,620.00	\$3,207.06	\$19,242.36
34	PANEL SIGNS(Electric)	SF	27	\$28.00	\$756.00	\$21.00	\$567.00	\$56.25	\$1,518.75
35	PANEL SIGNS(Road)	SF	30	\$28.00	\$840.00	\$46.00	\$1,380.00	\$35.62	\$1,068.60
36	STEEL POSTS AND BASE POSTS FOR ALUMIN	LF	88	\$20.00	\$1,760.00	\$20.00	\$1,760.00	\$28.12	\$2,474.56
37	TRAFFRIC CONTROL DEVICES FOR CONSTRU	LS	1	\$47,500.00	\$47,500.00	\$126,070.00	\$126,070.00	\$64,000.00	\$64,000.00
38	HOT THERMOPLASTIC WHITE PAVEMENT M	LIN. FT.	1996	\$0.75	\$1,497.00	\$2.50	\$4,990.00	\$2.50	\$4,990.00

39	HOT THERMOPLASTIC WHITE PAVEMENT MARKING	LIN. FT.	127	\$17.00	\$2,159.00	\$18.00	\$2,286.00	\$14.50	\$1,841.50
40	HOT THERMOPLASTIC WHITE PAVEMENT MARKING	LIN. FT.	352	\$4.00	\$1,408.00	\$8.00	\$2,816.00	\$10.50	\$3,696.00
41	HOT THERMOPLASTIC WHITE PAVEMENT MARKING	EACH	3	\$270.00	\$810.00	\$356.00	\$1,068.00	\$429.00	\$1,287.00
42	HOT THERMOPLASTIC WHITE PAVEMENT MARKING	EACH	8	\$240.00	\$1,920.00	\$184.00	\$1,472.00	\$225.00	\$1,800.00
43	HOT THERMOPLASTIC WHITE PAVEMENT MARKING	EACH	5	\$340.00	\$1,700.00	\$205.00	\$1,025.00	\$350.00	\$1,750.00
44	TYPE I STANDARD, 10'	EACH	4	\$1,400.00	\$5,600.00	\$2,094.00	\$8,376.00	\$1,973.00	\$7,892.00
45	TYPE III STANDARD, 30' ARM	EACH	2	\$32,450.00	\$64,900.00	\$37,445.00	\$74,890.00	\$35,271.00	\$70,542.00
46	TYPE III STANDARD, 45' ARM	EACH	2	\$37,875.00	\$75,750.00	\$46,137.00	\$92,274.00	\$43,458.44	\$86,916.88
47	RIGID ELECTRICAL CONDUIT 2" (DIA.)	L.F.	425	\$22.00	\$9,350.00	\$22.00	\$9,350.00	\$20.30	\$8,627.50
48	RIGID ELECTRICAL CONDUIT 3" (DIA.)	L.F.	52	\$55.00	\$2,860.00	\$23.00	\$1,196.00	\$21.94	\$1,140.88
49	RIGID ELECTRICAL CONDUIT 4" (DIA.)	L.F.	1448	\$28.00	\$40,544.00	\$25.00	\$36,200.00	\$23.58	\$34,143.84
50	ELECTRICAL PULL BOX (STANDARD)	EACH	4	\$1,390.00	\$5,560.00	\$1,060.00	\$4,240.00	\$998.67	\$3,994.68
51	ELECTRICAL PULL BOX (LARGE)	EACH	8	\$1,400.00	\$11,200.00	\$1,138.00	\$9,104.00	\$1,072.36	\$8,578.88
52	TRAFFIC SIGNAL MANHOLE	EACH	1	\$3,550.00	\$3,550.00	\$11,004.00	\$11,004.00	\$10,364.76	\$10,364.76
53	MULTI-CONDUCTOR CABLE - 5	LIN. FT.	624	\$3.00	\$1,872.00	\$4.50	\$2,808.00	\$4.16	\$2,595.84
54	MULTI-CONDUCTOR CABLE - 7	LIN. FT.	198	\$3.50	\$693.00	\$5.25	\$1,039.50	\$5.00	\$990.00
55	MULTI-CONDUCTOR BABLE - 20	LIN. FT.	1564	\$8.00	\$12,512.00	\$10.00	\$15,640.00	\$9.07	\$14,185.48
56	SINGLE CONDUCTOR 2	LIN. FT.	78	\$4.00	\$312.00	\$5.25	\$409.50	\$4.97	\$387.66
57	SINGLE CONDUCTOR 6	LIN. FT.	2114	\$2.75	\$5,813.50	\$3.50	\$7,399.00	\$3.34	\$7,060.76
58	3 SECTION TRAFFIC SIGNAL ASSEMBLY (LED)	EACH	8	\$1,200.00	\$9,600.00	\$1,163.00	\$9,304.00	\$1,095.40	\$8,763.20
59	5 SECTION TRAFFIC SIGNAL ASSEMBLY (LED)	EACH	8	\$1,400.00	\$11,200.00	\$1,693.00	\$13,544.00	\$1,594.84	\$12,758.72
60	PEDESTRIAN COUNTDOWN SIGNAL (LED)	EACH	8	\$825.00	\$6,600.00	\$1,110.00	\$8,880.00	\$1,046.28	\$8,370.24
61	3 SECTION BACKPLATE	EACH	4	\$275.00	\$1,100.00	\$308.00	\$1,232.00	\$289.80	\$1,159.20
62	5 SECTION PACKPLATE	EACH	4	\$300.00	\$1,200.00	\$438.00	\$1,752.00	\$412.61	\$1,650.44
63	ACCESSIBLE PEDESTRIAN SIGNAL PUSH BUTTON	EACH	8	\$2,500.00	\$20,000.00	\$1,571.00	\$12,568.00	\$1,480.21	\$11,841.68
64	PHASE SELECTOR MODULE	EACH	1	\$6,000.00	\$6,000.00	\$5,743.00	\$5,743.00	\$5,410.21	\$5,410.21
65	OPTICAL DETECTOR, 1 DIRECTION, 1 CHANNEL	EACH	4	\$1,400.00	\$5,600.00	\$1,040.00	\$4,160.00	\$1,316.46	\$5,265.84
66	OPTICAL DETECTOR CABLE	L.F.	1500	\$5.00	\$7,500.00	\$4.50	\$6,750.00	\$4.16	\$6,240.00
67	RADAR PRESENCE DETECTOR - ITERIS SENSORS	LS	1	\$45,000.00	\$45,000.00	\$28,176.00	\$28,176.00	\$26,540.44	\$26,540.44
68	RADAR DETECTION CABLE SIX CONDUCTOR	L.F.	1500	\$10.00	\$15,000.00	\$3.50	\$5,250.00	\$3.34	\$5,010.00
69	RADAR DETECTION CABINET INTERFACE UNIT	EACH	1	\$7,500.00	\$7,500.00	\$24,282.00	\$24,282.00	\$22,872.24	\$22,872.24
70	TRAFFIC ACTUATED CONTROLLER	EACH	1	\$12,000.00	\$12,000.00	\$9,582.00	\$9,582.00	\$9,025.65	\$9,025.65
71	8 PHASE DOUBLE RING CONTROLLER CABINET	EACH	1	\$35,000.00	\$35,000.00	\$42,283.00	\$42,283.00	\$39,790.22	\$39,790.22
72	LED ROADWAY LUMINAIRE	EACH	4	\$1,450.00	\$5,800.00	\$1,050.00	\$4,200.00	\$988.96	\$3,955.84
73	REMOVAL OF PAVEMENT MARKING	LF	1528	\$0.75	\$1,146.00	\$7.00	\$10,696.00	\$2.81	\$4,293.68
74	REMOVAL OF PAVEMENT MARKING SYMBOLS	EACH	8	\$200.00	\$1,600.00	\$162.00	\$1,296.00	\$150.00	\$1,200.00
75	CONSTRUCTION STAKING BY THE CONTRACTOR	LS	1	\$27,500.00	\$27,500.00	\$19,906.00	\$19,906.00	\$27,900.00	\$27,900.00
76	POST CONSTRUCTION PLANS	LS	1	\$5,000.00	\$5,000.00	\$2,310.00	\$2,310.00	\$3,125.00	\$3,125.00
77	Temporary Traffic control	LS	1		\$0.00	\$76,258.00	\$76,258.00	\$80,000.00	\$80,000.00
78	GPS Detector	LS	1		\$0.00	\$10.00	\$10.00	\$4,375.00	\$4,375.00
79	GPS Detector Cable	LF	100		\$0.00	\$4.00	\$400.00	\$6.25	\$625.00
80	illumanated signs	EACH	4		\$0.00	\$7,328.00	\$29,312.00	\$6,903.38	\$27,613.52
81	meter pedestal	LS	1		\$0.00	\$32,376.00	\$32,376.00	\$30,496.31	\$30,496.31
82	mobilization	LS	1		\$0.00	\$199,288.64	\$199,288.64	\$190,676.25	\$190,676.25
83	traffic control managment	LS	1		\$0.00	\$83,965.00	\$83,965.00	\$46,456.00	\$46,456.00

		Sub-Totals	\$1,774,903.20	Sub-Totals	\$2,241,849.14	Sub-Totals	\$2,036,343.96
		NMGRT (8.1875%)	\$145,320.20	NMGRT (8.1875%)	\$183,551.40	NMGRT (8.1875%)	\$166,725.66
		TOTALS	\$1,920,223.40	TOTALS	\$2,425,400.54	TOTALS	\$2,203,069.62
		Engineer's Estimate		KE&G		Rock Canyon	

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/12/2025

Report No: 8.

Submitted By: Justen Boyle

Subject: Consider, and act upon, the award of Public Works Bid No. 2025-003, La Luz South Reservoir Cover, Tower, and Catwalk Replacement Project No.UC2209, to KE&G, related to the La Luz South Reservoir Cover, Tower, and Catwalk Replacement Project for an amount not to exceed \$4,586,180.64, including NMGRT. (*Justen Boyle, Senior Project Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the award

Background: The Work designated as La Luz South Reservoir Cover, Tower, and Catwalk Replacement consists of, removal and replacement of the floating HDPE cover, portions of the HDPE liner, removal and replacement of the concrete outlet tower and steel catwalk., in accordance with the drawings, specifications, and other Contract Documents.



LIVINGSTON ASSOCIATES, P.C.
CONSULTING ENGINEERS

November 12, 2025

Mr. Justen Boyle, Project Manager
City of Alamogordo Utilities Dept.
1376 E. Ninth St.
Alamogordo, NM 88310

**LA LUZ SOUTH RESERVOIR COVER, TOWER AND CATWALK REPLACEMENT UC2209 -
RECOMMENDATION OF AWARD**

The Bid Opening for the LA LUZ SOUTH RESERVOIR COVER, TOWER AND CATWALK REPLACEMENT (Public Works Re-Bid No. 2025-003) project was held on October 15, 2025. Two bid were received. The Bid from the apparent low bidder, Lone Mountain Contracting, Inc., was determined to be non-responsive, and rejected from consideration for contract award for the following reason: The project specification qualifications require the installer of the floating cover to be a "Layfield approved CSPE Floating Cover Installer." (Section 33 17 00, Paragraph 3.1.1). Lone Mountain Contracting, Inc. is not an approved installer, and they did not list a subcontractor on its Bid. Subsequent to the Bid Opening, Lone Mountain Contracting, Inc. disclosed by telephone conversation that they had obtained a subcontractor. The subcontractor (NW Linings) is also not a Layfield approved CSPE installer.

Because an approved installer was not identified at the time of bid opening, the Bid from Lone Mountain Contracting, Inc. did not contain a qualified means of performing the specified work. The specification's requirement for a Layfield approved installer protects the City by ensuring that the floating cover system is installed by technicians trained and certified by the product manufacturer. This qualification is essential for maintaining warranty coverage and long-term performance of the floating cover system.

The Bid from KE&G Construction, Inc. is considered responsive, and has listed Layfield as the subcontractor for the cover and liner installations.

A Bid Tabulation is attached. The responsive Bidders Total Base Bid along with Bid Alternates and Total Bid plus Alternate is shown below (excluding NMGR):

<u>Bidder</u>	<u>Total Base Bid</u>	<u>Bid Alternates</u>	<u>Total Bid plus Alternates</u>
KE&G Construction, Inc.	\$4,122,276.00	\$116,828.00	\$4,239,104.00
Engineer's Opinion of Cost	\$4,029,450.00		

Therefore, it is recommended that the LA LUZ SOUTH RESERVOIR COVER, TOWER AND CATWALK REPLACEMENT (Public Works Re-Bid No. 2025-003) project award be made to the responsive Bidder, KE&G Construction, Inc., for the Total Base Bid plus Alternatives amount of \$4,239,104.00 (excluding NMGRT).

Regards,

LIVINGSTON ASSOCIATES, P.C.



Eddie C. Livingston, MSCE, P.E.
President/Principal Engineer

coa-001-01.02/el

Attachments: Bid Tab, telcon memo 11-4-25

LA LUZ SOUTH RESERVOIR FLOATING COVER, TOWER AND CATWALK REPLACEMENT RE-BID October 15, 2025				Engineer's Opinion of Probable Construction Cost		KE&G	
ITEM NO.	DESCRIPTION	Unit	Bid Quantity	Bid Item Cost	Extended	Bid Item Cost	Extended
1	MOBILIZATION	LS	1	\$ 250,000.00	\$ 250,000.00	\$ 212,933.00	\$ 212,933.00
2	DEMO OF FLOATING COVER	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 22,626.00	\$ 22,626.00
3	DEMO LINER	SY	4,000	\$ 45.00	\$ 180,000.00	\$ 40.00	\$ 160,000.00
4	REPAIR SOIL CEMENT BOTTOM	SY	1,000	\$ 50.00	\$ 50,000.00	\$ 29.00	\$ 29,000.00
5	REPAIR CONCRETE LINER	SY	3,000	\$ 60.00	\$ 180,000.00	\$ 29.00	\$ 87,000.00
6	DEMO OF TOWER/CATWALK	LS	1	\$ 50,000.00	\$ 50,000.00	\$ 24,817.00	\$ 24,817.00
7	45-MIL FLOATING COVER	LS	1	\$ 2,500,000.00	\$ 2,500,000.00	\$ 2,660,506.00	\$ 2,660,506.00
8	EARTHWORK	CY	165	\$ 330.00	\$ 54,450.00	\$ 287.00	\$ 47,355.00
9	TOWER FOUNDATION	CY	20	\$ 1,500.00	\$ 30,000.00	\$ 1,037.00	\$ 20,740.00
10	OUTLET TOWER	CY	15	\$ 6,000.00	\$ 90,000.00	\$ 15,382.00	\$ 230,730.00
11	CATWALK	LS	1	\$ 70,000.00	\$ 70,000.00	\$ 89,106.00	\$ 89,106.00
12	TOWER GATES	LS	1	\$ 250,000.00	\$ 250,000.00	\$ 237,463.00	\$ 237,463.00
13	GEOTECH ENGINEER REPORT	ALLOW	1	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
14	NMPE ENGINEER	ALLOW	1	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
15	FLOATING COVER	ALLOW	1	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
	Sub-Total Base Bid				\$ 4,029,450.00		\$ 4,122,276.00
	Bid Alternates						
16	BID ALT 253 LF AC PIPE	LS	1	\$ -	\$ -	\$ 15,433.00	\$ 15,433.00
17	BID ALT 447 LF CONCRETE PIPE	LS	1	\$ -	\$ -	\$ 80,013.00	\$ 80,013.00
18	BID ALT 14 IN PIPE	LS	1	\$ -	\$ -	\$ 21,382.00	\$ 21,382.00
	Sub-Total Alternates				\$ -		\$ 116,828.00
				Sub-Totals	\$ 4,029,450.00	Sub-Totals	\$ 4,239,104.00
				NMGRT (8.1875%)	\$ 329,911.22	NMGRT (8.1875%)	\$ 347,076.64
				TOTALS	\$ 4,359,361.22	TOTALS	\$ 4,586,180.64
				Engineer's Estimate		KE&G	



TELEPHONE CONVERSATION LOG

Call To: JJ Blea, Lone Mountain Const.

Call From: Eddie C. Livingston, P.E.

CC: File

Date: November 4, 2025, 9:20 AM

Subject: La Luz Res. Bid – Question Regarding Subcontractor

I asked Mr. Blea if they were going to install the floating cover and liner work themselves. He said no, they will use a subcontractor.

I then asked who the subcontractor was, he said Northwest Linings and Geotextile Products, Inc.

I said thank you. No further discussion.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/12/2025

Report No: 9.

Submitted By: Beau Dylan Aleshire

Subject: Consider, and act upon, the question of whether the Alcoholic Beverage Control Division of the State of New Mexico should approve or disapprove the transfer of ownership and location of Dispenser Liquor License No. DIS-000637 with no premises consumption with no patio service to the the applicant Murphy Oil USA, Inc., dba Murphy Express #3576 at 2919 White Sands Blvd., with the transfer from BW Gas and Convenience Retail, LLC, dba Allsup's #102177 at 2201 N. White Sands Blvd. *(Dylan Aleshire, Deputy City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

The Alcohol Beverage Control Division of the NM Regulation and Licensing Department 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.

The Notice of Public Hearing was published in the Alamogordo Daily News on Saturday, October 18, 2025, and Saturday, November 8, 2025. The publications met the State regulations of publishing a notice twice prior to the hearing.

October 6, 2025

Certified Mail No.: 7021 2720 0001 2204 5029

City of Alamogordo
Rachel Hughs
1376 East Ninth Street
Alamogordo, NM 88310
Phone: (575) 439-4205
rhughs@ci.alamogordo.nm.us

Lic. No. /Appl. No.: DIS-000673/PAR-0000325918
Name of Applicant: Murphy Oil USA, Inc.
Doing Business As: Murphy Express #6576
Proposed Location: 2919 White Sand 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 TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LIQUOR LICENSE NO. DIS-000673 WITH NO PREMISES CONSUMPTION WITH NO PATIO SERVICE.

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,

Trinidad

Alderete

Digitally signed by Trinidad
Alderete
Date: 2025.10.06 10:35:57
-06'00'

Trinidad Alderete

Hearing Officer

NM Regulation & Licensing Department

Alcoholic Beverage Control Division

Phone: (505) 469-3172

Email: trinidad.alderete@rld.nm.gov

Enclosures:

1. Application (Page 1) (*must be signed and returned w/notices of publication*)
2. Premises Information (Page 2)
3. Copy of Floor Plan





Alcoholic Beverage Control Division
Dispenser Intake Application
Application Number: BLA-0000011959



Business Information

Business Information

Business Name: MURPHY OIL USA, INC.	Type of Business: Alcohol;Tobacco
Business Structure: Corporation	FEIN: XX-XXX7492
State Tax ID Number: XX-XXXXX0-00-7	
Business Email: permits_licensing@murphyusa.com	Business Phone: 8708816679

Contact Person Information

Contact Person Name: Jerry Hamm	Contact Person Phone: 5052648316
Contact Person Email: jhammlbc@aol.com	

Business Mailing Address

Mailing Street: P.O. Box 7300	Mailing City: El Dorado
Mailing State: AR	Mailing Zip Code: 71731
Mailing Country: US	

Ownership Transfer Type

Specify the appropriate reason for filing this ownership transfer application?

- ☒ Applicant Business is buying/acquiring licenses from other business
☐ Applicant Business has a Change in Ownership

If there are new shareholders holding 10% or more ownership interest OR If stock is transferred among existing shareholders and there is a person/business who previously held less than 10% and is now holding 10% or more ownership interest, select "Applicant Business has a Change in Ownership."

Once you navigate to the next screen, you will not be able to change response of this question.

Local Option District Use Only: Local Governing Body of _____ City, County, Village

Public Hearing held on _____ 20____ Please check one: ☐ Approved ☐ Disapproved

Signature of City/County Official: _____ Title: _____

Alcoholic Beverage Control Division Use Only: ☐ Approved ☐ Disapproved _____

Signed by Director: _____ Date: _____



Alcoholic Beverage Control Division
Dispenser Intake Application
Application Number: BLA-0000011959



Premises Information

License Information

Specify the type of transfer you are applying for?

- ☒ Transfer of Ownership and Location
☐ Transfer of Ownership

License Number: DIS-000673

License Expiration Date: 6/30/26

Current DBA Name: ALLSUP'S #102177

Dispenser Type: Full Dispenser

License Type: Dispenser

Current License Owner: BW GAS & CONVENIENCE RETAIL, LLC

Current Lessee:

Current Premises Address

Physical Street: 2201 N. WHITE SANDS BLVD.

Physical State: NM

Physical County: Otero

Physical City: ALAMOGORDO

Physical Zip Code: 88310

Local Option District: Alamogordo

Proposed DBA Name

Do you want to change the license DBA Name? Yes

Requested DBA Name: Murphy Express #6576

Proposed Premises Physical Address

Is the license moving out of current Local Option District (LOD)? No

Physical Street: 2919 White Sands Blvd.

Physical Zip Code: 88310

Physical County: Otero

Physical City: Alamogordo

Physical State: New Mexico

Ownership

The land and building which is proposed to be the licensed premises is: Leased by Applicant

The following information is required to ensure the issuance of a license to this location will not result in the violation of a county or municipal ordinance.

Specify Owner(s) of the land and building: Via Real Estate, LLC

Specify Date and Terms of Lease/Operating Agreement: 09/09/2024 - 20 year primary term + 4-r year renewal option periods

Zoning

Is the proposed premises location zoned? Yes

You will be required to upload "Copy of Zoning Statement" issued by the local municipality or county. If not applicable, you will be required to upload "Copy of Zoning Statement" or Letter from local government to indicate that there is no zoning for the proposed location.

Specify the zone for proposed premises location (example C-1): C-3 Business District



City of Alamogordo

CD-026-2025

June 25, 2025

Murphy Oil USA, Inc. (c/o Jerry Hamm dba Liquor Licensing Brokerage & Consulting)
200 Peach Street
El Dorado, Arkansas 71730

RE: 2919 N. White Sands Blvd.
Murphy Express #6576

To Whom It May Concern,

At your request, we have researched our records and determined the zoning classification of that certain real property, which has the street address of **2919 N. 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 **2919 N. White Sands Blvd**, is within the **C-3 Business District** as per the City of Alamogordo Zoning Map, which does not prohibit tobacco sales, alcohol sales or convenience stores.

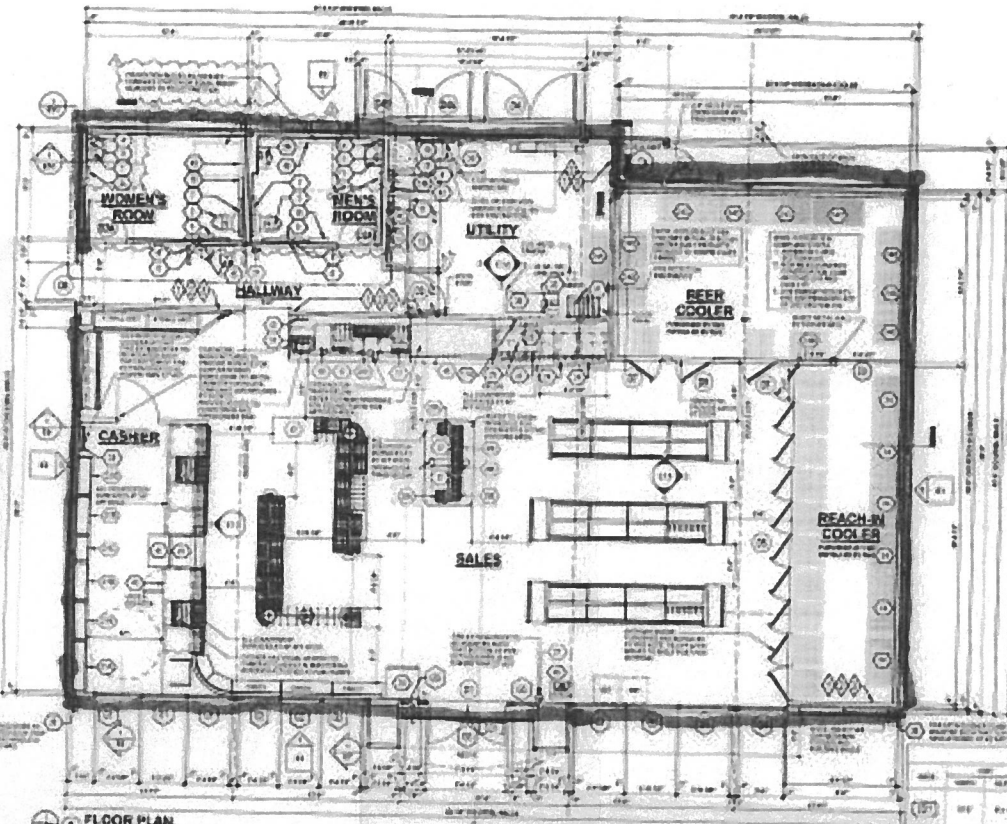
Please contact me if you need more information. Note for a full understanding of what is permitted or prohibited by the Alamogordo Code of Ordinances please refer to the Code in its entirety. The City's website at www.ci.alamogordo.nm.us provides access to the entire Municipal Code. On the City's Home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

Sincerely,

Shelbe Abbott-Leyva
Planning & Zoning Administrative Assistant
1376 E. 9th Street
Alamogordo, NM 88310
575-439-4220 x1
sabbott@ci.alamogordo.nm.us

2,800 Sq. Ft.

NORTH



1 FLOOR PLAN

White Sands Blvd.

NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE SPECIFICATIONS.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY BONDS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SURETY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY GUARANTEE.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RELEASE.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY DISCHARGE.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EXEMPTION.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EXEMPTION.

DOOR SCHEDULE

NO.	LOCATION	TYPE	FINISH	GLASS	GLASS SCHEDULE
1	ENTRANCE	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
2	SALES	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
3	CASHIER	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
4	WOMEN'S ROOM	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
5	MEN'S ROOM	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
6	UTILITY	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
7	BEER COOLER	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
8	REACH-IN COOLER	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
9	HALLWAY	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
10	STORAGE	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
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80	STORAGE	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
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96	STORAGE	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
97	STORAGE	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
98	STORAGE	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
99	STORAGE	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1
100	STORAGE	SLIDING GLASS	ALUMINUM	1/2" CLEAR	1

GF

GENERAL CONTRACTOR

1000 S. WHITE SANDS BLVD.

ALAMOGORDO, NM 88501

TEL: 505/439-1000

FAX: 505/439-1001

MURPHY OIL CONVENIENCE STORE

1000 S. WHITE SANDS BLVD.

ALAMOGORDO, NM 88501

TEL: 505/439-1000

FAX: 505/439-1001

FLOOR PLAN

E3

PROJ: 1000 S. WHITE SANDS BLVD.

DATE: 10/1/99

BY: J. MURPHY

CHECKED: J. MURPHY

APPROVED: J. MURPHY

**NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a PUBLIC HEARING on Tuesday, November 18, 2025, at 6:30 p.m. in the Donald E. Carroll Commission Chambers in City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether the Alcoholic Beverage Control Division of the State of New Mexico should approve or disapprove the transfer of ownership and location of Dispenser Liquor

License No. DIS-000673 with no premises consumption with no patio service to the applicant Murphy Oil USA, Inc., dba Murphy Express #3576 at 2919 White Sands Blvd., Alamogordo, NM 88310, with the transfer from BW Gas and Convenience Retail, LLC, dba Allsup's #102177 at 2201 N White Sands Blvd., Alamogordo, NM 88310. The contact person is Jerry Hamm.

Inquiries regarding this Public Hearing should be directed to City Clerk Hughs at City Hall or at (575) 439-4100.

Date: 10-18-2025
City of Alamogordo, New Mexico
By: Rachel Hughs, City Clerk

Published in the Alamogordo Daily News October 18, November 8, 2025
67130

**NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a PUBLIC HEARING on Tuesday, November 18, 2025, at 6:30 p.m. in the Donald E. Carroll Commission Chambers in City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether the Alcoholic Beverage Control Division of the State of New Mexico should approve or disapprove the transfer of ownership and location of Dispenser Liquor License No. DIS-000673 with no premises consumption with

no patio service to the applicant Murphy Oil USA, Inc., dba Murphy Express #3576 at 2919 White Sands Blvd., Alamogordo, NM 88310, with the transfer from BW Gas and Convenience Retail, LLC, dba Allsup's #102177 at 2201 N White Sands Blvd., Alamogordo, NM 88310. The contact person is Jerry Hamm.

Inquiries regarding this Public Hearing should be directed to City Clerk Hughs at City Hall or at (575) 439-4100.

Date: 10-18-2025
City of Alamogordo, New Mexico
By: Rachel Hughs, City Clerk

Published in the Alamogordo Daily News October 18, November 8, 2025
67130



NOTICE OF PUBLIC HEARING

The Alamogordo City Commission
will hold a PUBLIC HEARING on:

**Tuesday, November 18, 2025,
at 6:30 pm
during their regular Commission Meeting
at the Donald E. Carroll Commission Chambers
in City Hall located at 1376 E. Ninth Street
Alamogordo, New Mexico**

The purpose of this Hearing is on the question of whether the Alcoholic Beverage Control Division of the State of New Mexico should approve or disapprove the transfer of ownership and location of Dispenser Liquor License No. DIS-000673 with no premises consumption with no patio service to the applicant Murphy Oil USA, Inc., dba Murphy Express #3576 at 2919 White Sands Blvd., Alamogordo, NM 88310, with the transfer from BW Gas and Convenience Retail, LLC, dba Allsup's #102177 at 2201 N White Sands Blvd., Alamogordo, NM 88310.

The public may speak and submit comments during said Public Hearing. Inquiries regarding this Public Hearing should be directed to City Clerk Hughs at City Hall or at (575) 439-4100.

Date: 10-10-2025
City of Alamogordo, New Mexico
By: Rachel Hughs, City Clerk

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/12/2025

Report No: 10.

Submitted By:

Subject: Consider, and act upon, Ordinance 1719 for first publication to approve a Local Economic Development Project not to exceed \$475,000 Secured Assistance Proposed by Xtreme Amplitude. (*Echo Johnson, Owner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Update Information. The Building Purchase will be the American Moving Building, 1102 US HWY 70 (Main Building is 18,000 sqft +/-; Smaller building is 7,000 sqft +/-).

Considering the applicant's historical performance, market saturation risks, the cost-sensitivity of the local household income base, the limited available LEDA funding balance, and the speculative nature of the proposed growth, staff finds the \$1.9 million request to be a high-risk venture that is disproportionate to demonstrated capacity and performance trends. Recommendation that the project be approved in the amount of \$475,000, with a maximum allocation not to exceed \$500,000. SJH.

To best protect the City from third-party scrutiny and foreseeable legal challenges to the allocation of LEDA funds and allegations of Anti-Donation Clause violation, should the commission award LEDA funds to XA, it should not greatly exceed the \$475,000. DM.

Background:



City of ALAMOGORDO

CITY OF ALAMOGORDO ANALYSIS

The City of Alamogordo Received the LEDA application on July 22nd 2025.

THE CITY'S FINDINGS:

- ❖ The Business is qualified based on ordinance to receive consideration for LEDA.
- ❖ There is community wide support for the business.
- ❖ The business has existed for at least 8 years.
- ❖ The business has seen modest to moderate increases from 2019-2024 in Total income, with a decrease in income for 2024.

Tax Line Item	2018	2019	2020	2021	2022	2023	2024
Total Income (Sales, COGS, Other Income)	\$87,560	\$213,342	\$ 86,460	\$215,642	\$280,993	\$ 309,423	\$285,774
Total % Increase (decrease) from Previous Year		144%	-59%	149%	30%	10%	-8%

- ❖ The business has seen modest to moderate increases in payroll (job creation) from 2019-2024, with the highest increase in 2024.

Tax Line Item	2018	2019	2020	2021	2022	2023	2024
Salaries	\$26,554	\$ 79,848	\$ 42,432	\$ 84,582	\$ 92,465	\$ 91,263	\$145,511
Total % Increase (decrease) from Previous Year		201%	-47%	99%	9%	-1%	59%

- ❖ The Business has seen moderate ordinary business income from 2019-2024, with two years showing moderate losses.

Tax Line Item	2018	2019	2020	2021	2022	2023	2024
Ordinary Business Income (loss)	\$322	(\$8,394)	(\$63,590)	\$13,453	\$27,940	\$77,128	\$18,848

- ❖ The original application outlined realistic job creation estimates for part-time positions supporting an after-school program operating 20–30 hours per week. Job creation was projected at 12 hours per week, with an hourly wage range of \$13–\$15.
- ❖ The recommended funding amount based on this analysis is \$461,000.
- ❖ This original analysis provide below was provided to Ms. Johnson on September 26 and included in the Commission packets for the October 28 and November 5 meetings.

Row Labels	2026	2027	2028	2029	2030	Grand Total
Cheer	4,056.00	8,112.00	8,112.00	8,112.00	8,112.00	36,504.00
Community Partner Coordinator	4,680.00	9,360.00	9,360.00	9,360.00	9,360.00	42,120.00
Dance	4,056.00	8,112.00	8,112.00	8,112.00	8,112.00	36,504.00
Daytime Kinder	4,056.00	8,112.00	8,112.00	8,112.00	8,112.00	36,504.00
Gymnastics	4,056.00	8,112.00	8,112.00	8,112.00	8,112.00	36,504.00
Ninja Director	4,680.00	9,360.00	9,360.00	9,360.00	9,360.00	42,120.00
Ninja Instructor	8,112.00	16,224.00	16,224.00	16,224.00	16,224.00	73,008.00
Special Events Staff	8,112.00	16,224.00	16,224.00	16,224.00	16,224.00	73,008.00
Yoga	4,680.00	9,360.00	9,360.00	9,360.00	9,360.00	42,120.00
Zumba	4,680.00	9,360.00	9,360.00	9,360.00	9,360.00	42,120.00
Grand Total	51,168.00	102,336.00	102,336.00	102,336.00	102,336.00	460,512.00

- ❖ Using tax return data and information from the 10/28/2025 and 11/5/2025 meetings, the analysis indicates a recommended amount of \$548,730, based on the creation of 30 jobs in 2026 and maintaining them for five years with no vacancies. However, accounting for a 5% turnover rate, the adjusted amount would be approximately \$500,000.

Job Creation Projections Based on High 3 Yr Avg 2019-2024

Only New Job Creation Counts. According to the owner, the last payroll was approximately 30 jobs in FY CY 2024. This projection is based on creating 30 jobs in year 1 (2026) and staying fully staffed for all 5 years.

Tax Line Item	2026	2027	2028	2029	2030	Total
Salaries (30) Jobs	109,746	109,746	109,746	109,746	109,746	548,730

Job Creation Projections (High 3 Yr Avg 2019-2024 \$109,746)

Only New Job Creation Counts. The last payroll, according to owner is approximately 30 jobs in FY CY 2024. This creates 6 jobs per year (as stated by the owner in a meeting) at the high 3 avg.

Tax Line Item	2026	2027	2028	2029	2030	Total
Salaries (6) Jobs per year	18,291	18,291	18,291	18,291	18,291	91,455
Salaries (6) Jobs per year		18,291	18,291	18,291	18,291	73,164
Salaries (6) Jobs per year			18,291	18,291	18,291	54,873
Salaries (6) Jobs per year				18,291	18,291	36,582
Salaries (6) Jobs per year					18,291	18,291
	18,291	36,582	54,873	73,164	91,455	274,365 x

Job Creation Projections (Highest PR Yr 2024 \$145,511)

Only New Job Creation Counts. The last payroll, according to owner is approximately 30 jobs in FY CY 2024. This creates 6 jobs per year (as stated by the owner in a meeting) at the highest payroll.

Tax Line Item	2026	2027	2028	2029	2030	Total
Salaries (6) Jobs per year	24,252	24,252	24,252	24,252	24,252	121,259
Salaries (6) Jobs per year		24,252	24,252	24,252	24,252	97,007
Salaries (6) Jobs per year			24,252	24,252	24,252	72,756
Salaries (6) Jobs per year				24,252	24,252	48,504
Salaries (6) Jobs per year					24,252	24,252
	24,252	48,504	72,756	97,007	121,259	363,778 x

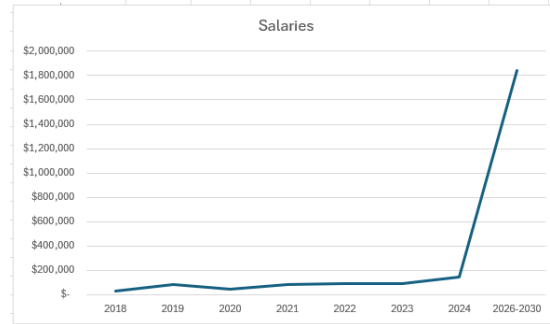
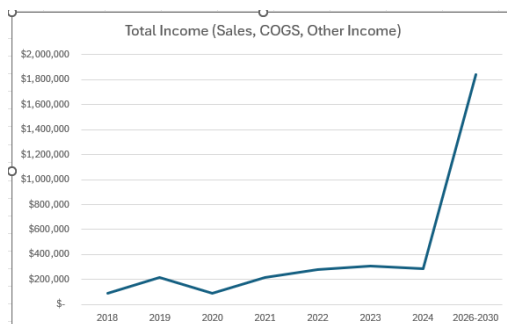
- ❖ Based on adjusted data received during the 11/5/2025 meeting I requested additional information from the owner, and had not heard back as of publishing date of the agenda. Below are assumptions based on listening to the business owners explanation. She anticipates 12 managers at 40,000 and 24 staff at 11,250. Here a best estimated of job creation.

Job Creation Projections based on <i>NEW</i> Data						
Tax Line Item	2026	2027	2028	2029	2030	Total
Total managerial Staff (12)	-	80,000	200,000	280,000	480,000	1,040,000
Total non-managerial staff (24)	33,750	90,000	168,750	236,250	270,000	798,750
	33,750	170,000	368,750	516,250	750,000	1,838,750 x

CITY MANAGER RECOMMENDATION:

Although the applicant has submitted revised projections reflecting significant anticipated growth, staff believes the financial assumptions are overly ambitious and not consistent with historical performance trends.

Between 2018 and 2024, the company's revenues have grown at an average annual rate of approximately 21.8%, while payroll has increased by about 32.8% per year. The new projections, however, estimate a 545% increase in revenues and a 1,164% increase in payroll over the next five years. These figures represent a sharp and unsupported deviation from past performance patterns.



According to the owner, there is currently a waiting list of 250 children. If the business adds 250 new enrollees each year, total enrollment would reach only about 1,000 within four years, well below the projected 1,500. This suggests potential market oversaturation given Alamogordo's population size, household growth, and competing sports. The cost for families to attend may also limit growth, as the city's median household income is approximately \$52,515. Considering these factors and other household budget constraints, achieving the projected enrollment appears unlikely to materialize without clear evidence of new market demand or expansion partnerships.

Staff also notes that the projected payroll(\$1,838,750)-to-revenue (\$1,843,200) ratio approaches 1:1, which is financially unrealistic under standard operating conditions, and excludes all other cost of business. Historically, the company's payroll expenditures have ranged between 35–45% of revenues, reflecting a more sustainable proportion for small business.

Considering the applicant's historical performance, market saturation risks, the cost-sensitivity of the local household income base, the limited available LEDA funding balance, and the speculative nature of the proposed growth, staff finds the \$1.9 million request to be a high-risk venture that is disproportionate to demonstrated capacity and performance trends.

Recommended that the project be approved in the amount of \$475,000, with a maximum allocation not to exceed \$500,000.

Stephanie I. Hernandez

Stephanie Hernandez
Acting City Manager

11/12/2025

Date

CITY ATTORNEY RECOMMENDATION:

To best protect the City from third-party scrutiny and foreseeable legal challenges to the allocation of LEDA funds and allegations of Anti-Donation Clause violation, I advise that, should the commission award LEDA funds to XA, it should not greatly exceed the \$475,000 as originally proposed by staff. The further the award exceeds the recommendation, the greater the risk to the City becomes. Specifically, the larger the award, the higher the difficulty will be in demonstrating a public benefit that is measurable and proportionate. I recommend that the Commission stay as near as is practicable to the originally calculated Staff recommendation, as it is more defensible to the City should this be challenged.

D. Mori

Darrell Mori
City Attorney

11/12/2025

Date

OTHER ITEMS FOR CONSIDERATION:

- ❖ The cost to renovate the building and bringing it up to code, including installation of a fire suppression system and compliance with all CID Standards. The building will be classified as a City facility and must meet all requirements as if it were City-owned.
- ❖ Annual insurance costs.
- ❖ Utility costs of larger facility
- ❖ Annual property tax costs on 1.9M facility.
- ❖ The City will require at a minimum annual payroll documentation to verify that the company remains on track with job creation and repayment obligations.
- ❖ The State has increased its focus on clawbacks, raising concerns that enforcing one could require the City to foreclose on an operating business, potentially causing more harm than good.
- ❖ The Leda award could be considered taxable income.
- ❖ Any change in the designated building will require Commission review and approval.
- ❖ The City can to retain the allocated funds for up to 12 months to accommodate owner seeking other funding opportunities.

COA Analysis XA

Final Audit Report

2025-11-13

Created:	2025-11-12
By:	Stephanie Hernandez (shernandez@ci.alamogordo.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGHvGwnv40x7aEYSymk4yrC1jRyQnGktB

"COA Analysis XA" History

-  Document created by Stephanie Hernandez (shernandez@ci.alamogordo.nm.us)
2025-11-12 - 9:49:47 PM GMT
-  Document emailed to Darrell Mori (dmori@ci.alamogordo.nm.us) for signature
2025-11-12 - 9:49:51 PM GMT
-  Document e-signed by Darrell Mori (dmori@ci.alamogordo.nm.us)
Signature Date: 2025-11-13 - 0:32:57 AM GMT - Time Source: server
-  Document emailed to Stephanie Hernandez (shernandez@ci.alamogordo.nm.us) for signature
2025-11-13 - 0:32:59 AM GMT
-  Email viewed by Stephanie Hernandez (shernandez@ci.alamogordo.nm.us)
2025-11-13 - 0:40:25 AM GMT
-  Document e-signed by Stephanie Hernandez (shernandez@ci.alamogordo.nm.us)
Signature Date: 2025-11-13 - 0:40:46 AM GMT - Time Source: server
-  Agreement completed.
2025-11-13 - 0:40:46 AM GMT

ORDINANCE NO. 1719

**AN ORDINANCE APPROVING A LOCAL ECONOMIC DEVELOPMENT PROJECT FOR
SECURED FINANCIAL ASSISTANCE**

PROPOSED BY ECHO JOHNSON FOR XTREME AMPLITUDE, LLC

WHEREAS, the City Commission of the City of Alamogordo, New Mexico acknowledges local government has an important role in economic development and should provide leadership whenever it has the opportunity.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico recognize that Chapter 02 article 14 sets the standards for economic development in Alamogordo New Mexico.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico approve the following:

Pursuant to the City of Alamogordo Economic Development Plan, Ordinance No. 983 and NMSA 1978 Section 5-10-1, et seq. (Local Economic Development Act, the "Act"), the proposed economic development project of Xtreme Amplitude, LLC ("the Company") is approved for the purposes set forth in NMSA 1978 Section 5-10-1, et seq., and the City of Alamogordo is authorized to enter into a Project Participation Agreement ("the Agreement") with the Company as required by Section 10 of the Act, and in substantially the same form as attached hereto, the terms of which are incorporated herein.

The City Commission finds as follows:

1. The Company is an entity as defined in NMSA 1978, Section 5-10-3(G);
2. Under the Agreement, the Company will provide a substantive contribution for the proposed project as described in NMSA 1978 Section 5-10-10(B)
3. The Agreement complies with the requirements of the Act and Ordinance No. 983;
4. The benefit of the proposed project to the City of Alamogordo is repayment of the financial assistance through the creation of jobs and other benefits arising from

employment and economic activity under the project which exceeds the cost to the City of providing to the Company the assistance specified in the agreement, and,

5. The Agreement complies with the requirement of Section 10 of the Act

BE IT FURTHER ORDAINED, that the Mayor of the City of Alamogordo, New Mexico is authorized and directed to do all things necessary to implement this ordinance that is lawfully adopted.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2025.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

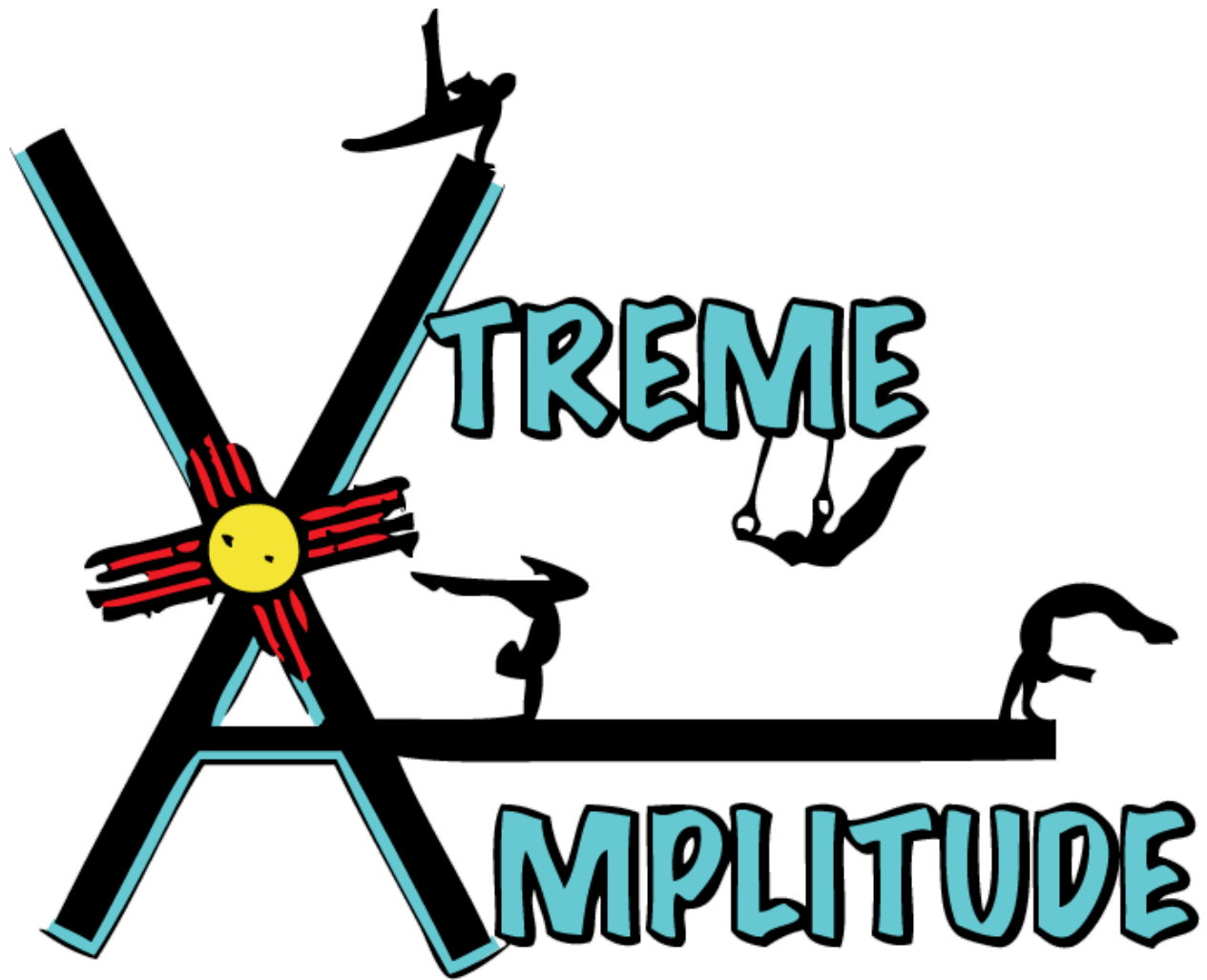
By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Darrell Mori, City Attorney



Our mission is to ignite the spark within every person who steps into Xtreme Amplitude, empowering them to soar to their greatest potential. With passionate coaching, a vibrant community, and an unwavering dedication to excellence, we inspire every athlete—regardless of age or skill—to embrace resilience, chase their dreams, and become the best version of themselves.

Check List:

I have read the information page, and my business qualifies as a: (check all that apply)

- Industry for manufacturing, processing or assembling of agricultural or manufactured products
- Commercial business for storing, warehousing, distributing, or selling productions of agriculture, mining or industry
- A business (including restaurants or lodging) in which all or part includes the supplying of services to the general public
- An Indian nation, tribe, Pueblo or tribal corporation
- Telecommunication sales making most of it sales outside New Mexico
- Farmer's market
- A developer of a metropolitan redevelopment project cultural facility
- Cultural facility
- None of the above apply. (You do not qualify for LEDA funding.)

Leader awards are for new or expanding operations.

New business X-Expanding operations

Have you applied for state LEDA? Yes. No.

If so, what is the status? Not applicable.

Who is your contact at the state? Not applicable.

May the city contact this individual? Not applicable.

Please provide the contact information. Not applicable.

Applicant Information

- a) Echo Johnson
P.O. Box 2637
Alamogordo NM 88311

echoxa13@gmail.com
970-381-5972 (personal cell-best way to reach me)
575-488-9267 Business phone number
- b) Xtreme Amplitude LLC
- c) 700 1st Street Suite 700
Alamogordo, NM 88310
- d) 575-488-9267
- e) info@xtremeamplitude.com
- f) EIN 82-5029283
- g) NM Tax ID: 5642680
- h) Current Business License #: 23930
- i) LLC

History and Background Information

- a) **Executive summary. Include the business description, how long it has existed, and how many employees it currently has.**

Xtreme Amplitude was founded in 2018, our facility has become a cornerstone of the community, demonstrating resilience by thriving through the challenges of the Covid-19 pandemic. We are dedicated to fostering physical and mental well-being, offering a diverse range of programs including recreational and competitive gymnastics, recreational and competitive cheer, tumbling, boys' fitness classes, dance, kinder classes, Open Gym for kids and adults, as well as specialized camps and clinics.

Our facility employs 27 part-time staff members and collaborates with local school district cheer teams to enhance their tumbling skills while also sponsoring other community teams. We provide a vital, healthy outlet for males of all ages and have made a significant social impact, notably preventing at least four youth suicides through our supportive environment. Over 1,000 people have participated in our programs since we have opened our doors, reflecting our broad reach and commitment to youth and community development.

By offering inclusive, high-quality programs, we continue to promote physical fitness, teamwork, and personal growth, solidifying our role as a trusted community partner committed to enriching lives.

b) If this is a new business please describe any experience with this type of industry.

Not applicable as Xtreme Amplitude is an existing business.

c) Have the owners filed for bankruptcy in the past ten years?

No bankruptcy has been filed.

d) Does the applicant have any loans in default? If so please describe.

No there are no loans in default

e) Does this company have an advisory or governing board?

No there is no governing or advisory board

f) If so please list current officers

Not applicable

Project Request Amount

a) Describe the proposed request and amount requested.

Xtreme Amplitude seeks \$3 million to acquire and renovate an existing building or to purchase land to construct a new facility to expand our gymnastics center. This investment will allow us to enhance current programs and introduce innovative offerings to better serve our community.

Key expansions include:

- A ninja course to engage diverse age groups, particularly teenage boys and young men.
- Daytime fitness classes tailored for all ages from walking to our retired community
- Enhanced partnerships with homeschool groups to provide specialized programs.

- Collaboration with therapy centers to offer unique, fun therapeutic activities.
- Physical education classes for small local schools and childcare facilities.

This expansion will strengthen our role as a community hub, fostering fitness, skill development, and inclusivity; while addressing critical limitations in our current facility, which lacks sufficient height and structural integrity, compromising the safety of our athletes. The new building will provide a safe, modern training environment, ensuring we can continue to promote physical fitness, mental well-being, and community engagement through innovative and inclusive programs.

b) Describe a timeline for completion of the project. Include target close date, construction begin and end dates, and new facility operational date:

Refurbish-84 Lumber Building

- Preparation and Planning Phase: by January 2026, we anticipate to have purchased a building to refurbish with build out designs completed.
- Construction commencement: anticipate starting construction January 2026.
- Construction completion by June 2026, we anticipate the completion of all construction activities.
- Operation launch: immediately following completion and approval construction in June 2026 Xtreme Amplitude to open its new doors to the public.

New Build

- Preparation and planning Phase: by January 2026, anticipate to have purchased a building to refurbish or land to build a new structure. In addition designs will be completed.
- Construction commencement: anticipate breaking ground January 2026.
- Construction completion by January 2027, we anticipate the completion of all construction activities.
- Operation launch: immediately following completion and approval construction in January 2027 Xtreme Amplitude Alamogordo open its new doors to the public.

This funding request will support the acquisition and refurbishment of an existing building or the construction of a new 20,000-square-foot facility, estimated at \$4 million based on an average cost of \$200 per square foot, as provided by White Sands Construction. This budget reflects the scope and scale of the facility, ensuring it meets the community's needs while adhering to high-quality construction standards. While the exact location and building selection are still under evaluation to ensure optimal community impact, this flexibility allows us to prioritize cost-effectiveness and alignment with project goals. A detailed timeline will be developed once the site is confirmed, ensuring efficient and strategic implementation.

c) Describe the payback period.

The \$3 million investment for purchasing and refurbishing a new building for Xtreme Amplitude or building a new building is projected to have a payback period of approximately 7-10 years, beginning as soon as the funds are issued since Xtreme Amplitude is an established and profitable business. This estimate is based on anticipated revenue growth from expanded programs, including the addition of a ninja course, day time classes for all ages, increased enrollment, coupled with enhanced community partnerships.

d) Describe infrastructure needs and detailed scope for specific to the funding requested above include such items such as building the building renovations, permanent fixtures, etc.

Refurbish-84 Lumber Building

- Building renovations to include HVAC and fire suppression system installation
- Updating electrical and plumbing to current building code
- Build out of kinder, dance, and cheer rooms. As well as office area, coaches lounge, & parent viewing area
- Repair any roof leaks
- Ensure the building is safe, inviting, clean and adheres to all local ordinances.

Building a new building:

- Purchase Land
- Prepare land for building to include establishing appropriate utilities
- Build the building

Detailed Information

- a. Describe how this project is beneficial to the city of Alamogordo

•**Economic growth:** A larger facility will enable us to host sanctioned gymnastics competitions, significantly boosting local tourism. Currently, our Spring Showcase/ Gym Dandy attracts approximately 60 families from Ruidoso Mountaintop Gymnastics. Hosting sanctioned events, specifically gymnastics meets, could at least double this to 120 families, with attendance growing annually as we enhance our hosting expertise. This influx will drive revenue for local hotels, restaurants, and retail, stimulating the regional economy. Increased revenue will also positively impact the GRT of Otero County as well.

-In New Mexico, gymnastics families often travel hours to attend competitions. Hosting local events will create more opportunities for gyms statewide, especially Southern New Mexico. Our most local visitors would be the three gymnastics facilities from Las Cruces, two from Roswell, one from Ruidoso, and one from Clovis. Xtreme Amplitude has a great working relationship with all of these facilities and they are excited for the opportunity to compete in Alamogordo at Xtreme Amplitude.

-A number of these gyms have also shared that they would like for their recreational gymnasts to be able to participate in our Spring Showcase/ Gym Dandy because of the flow, fun, memories made at these events. However, we do not have the space to host these additional athletes.

•**Employment opportunities:** The expansion will create diverse jobs, including coaches, fitness instructors, administrative staff, maintenance crew, and special events personnel, fostering local employment and supporting community growth.

•**Community engagement:** We aim to strengthen ties with community partners, including homeschool groups, Holloman Air Force Base, therapy centers, and local schools. The expansion will also enable us to host more community events, such as Parents' Night Out, birthday parties, and special events for partner organizations, fostering greater community engagement.

•**Youth development and mental health:** Xtreme Amplitude has assisted in the prevention of at least four youth suicides by fostering a sense of self-worth, community, and purpose. Expanding our facility will amplify our impact, especially on children, empowering them to recognize their value, unlock their potential, and become their best selves

•**Youth Development and Crime Prevention:** Xtreme Amplitude's programs offer structured, positive activities that reduce youth delinquency while promoting discipline, teamwork, and leadership. Our expansion will introduce and grow specialized classes for boys and young men, celebrating their unique strengths and providing a dynamic space to channel their energy and "train the beast." These initiatives will empower Alamogordo's youth to develop essential life skills, contributing to a safer, stronger community.

•**Public Health and Wellness:** Xtreme Amplitude's expansion will address Alamogordo's public health challenges, including obesity and mental health, by offering accessible, inclusive fitness and therapeutic programs for all ages. These initiatives will promote physical and mental well-being, strengthening our community's overall health.

•**Long-Term Community Hub:** For seven years, Xtreme Amplitude has been a cornerstone of Alamogordo, offering programs for all ages, from walkers to adults, allowing individuals to grow with us throughout their lives. Our expanded facility will serve as a lasting community hub, hosting events like Parents' Night Out, as well as workshops, camps, and mentorship programs, strengthening social bonds and fostering lifelong community unity.

•**Inclusivity and Accessibility:** Xtreme Amplitude's expansion will ensure programs are accessible to underserved populations, including low-income families and children with disabilities, through scholarships and subsidized classes. This commitment to inclusivity will foster equitable opportunities, strengthening Alamogordo's community.

- b. Provide a market analysis summarizing the competition and effect on existing industry commerce before and after completion

•While the afterschool activities market is rather broad in Alamogordo, Xtreme Amplitude is the only facility in Otero county that offers gymnastics. Because of this, we have been deeply fortunate as a small business to be able to focus on delivering maximum value to our local population over the past several years and intend on magnifying this effect on the community into the future. A larger facility will exponentially increase our ability to offer more class slots to more kids and families as we grow. We have also been able to integrate with families of various circumstances as their children age. We may offer our Toddler Time class to a young and new parent and then see them years later as a 9 or 10 year old who wants to take gymnastics.

- One of the greatest joys we witness is a child's journey from their first steps in our Kinder Kaleidoscope program, through the skill-building Recreational Gymnastics Program or Xtreme Spirit Recreational Cheer Program, to the thrilling moment they join the Competitive gymnastics program and shine as a member of the Xtreme Team or join the Xtreme Valkyries Competitive Cheer Team. This progression nurtures not only their athletic abilities but also their confidence, dedication, and passion for gymnastics or cheer, creating memories and achievements that last a lifetime.

c. Operational plan

- Xtreme Amplitude proudly offers eight dynamic programs—Competitive Gymnastics, Recreational Gymnastics, Competitive Cheer, Recreational Cheer, Kinder Kaleidoscope, Wild Boyz, Tumbling, and Dance—delivering over 45 weekly classes to more than 250 children in our community. Our diverse offerings cater to youth of all ages and skill levels, fostering physical fitness, teamwork, and confidence through expert instruction and a supportive environment. With a commitment to empowering young athletes, we provide accessible, high-quality training that promotes lifelong skills and community engagement.

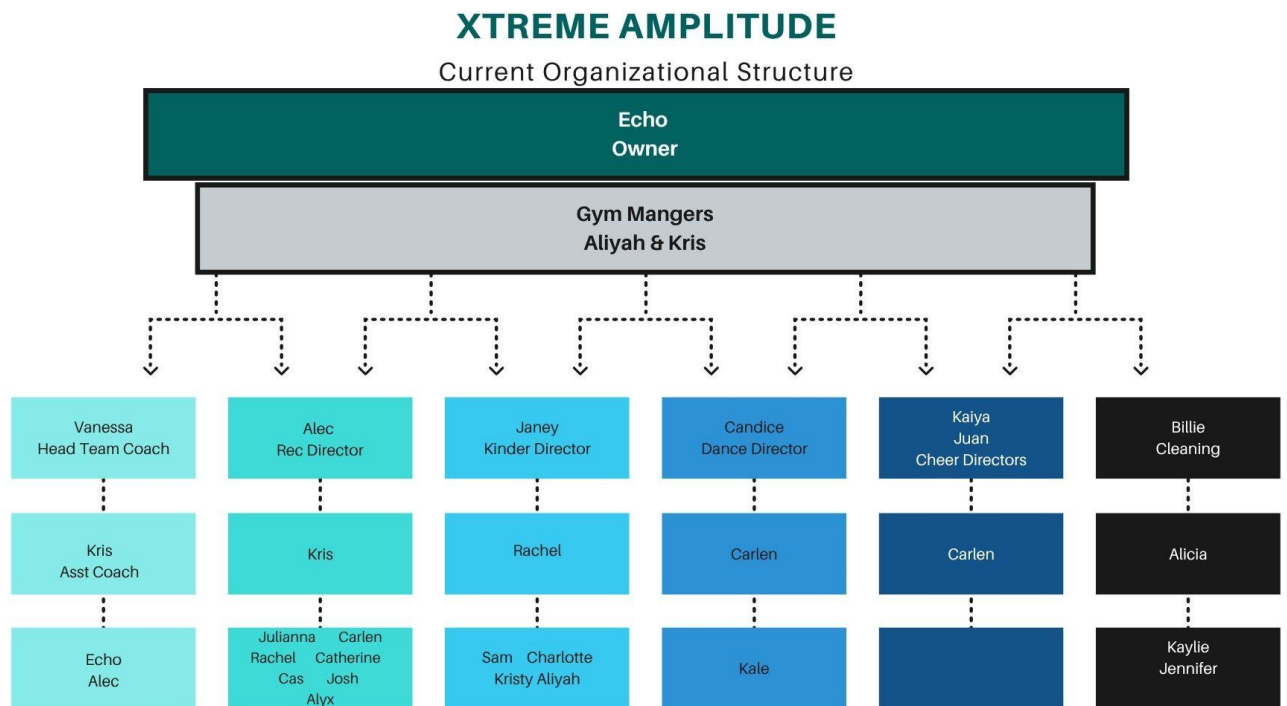
- We aim to nearly double our enrollment within one year at our current location, adding 200 students to reach a total of 450. This breaks down to a target of 50 new students per quarter, approximately 12–13 students monthly or 3–4 weekly, demonstrating our capacity to repay LEDA funds through increased revenue. We plan to achieve this by expanding class offerings across our eight programs and introducing special events, such as Parents Night Out and Camps, as well as participating in community events such as the Back to School Bash, Zoo Boo and the like as well as parades. These events will attract new families and enhance community engagement, further solidifying our role as a vital local resource.

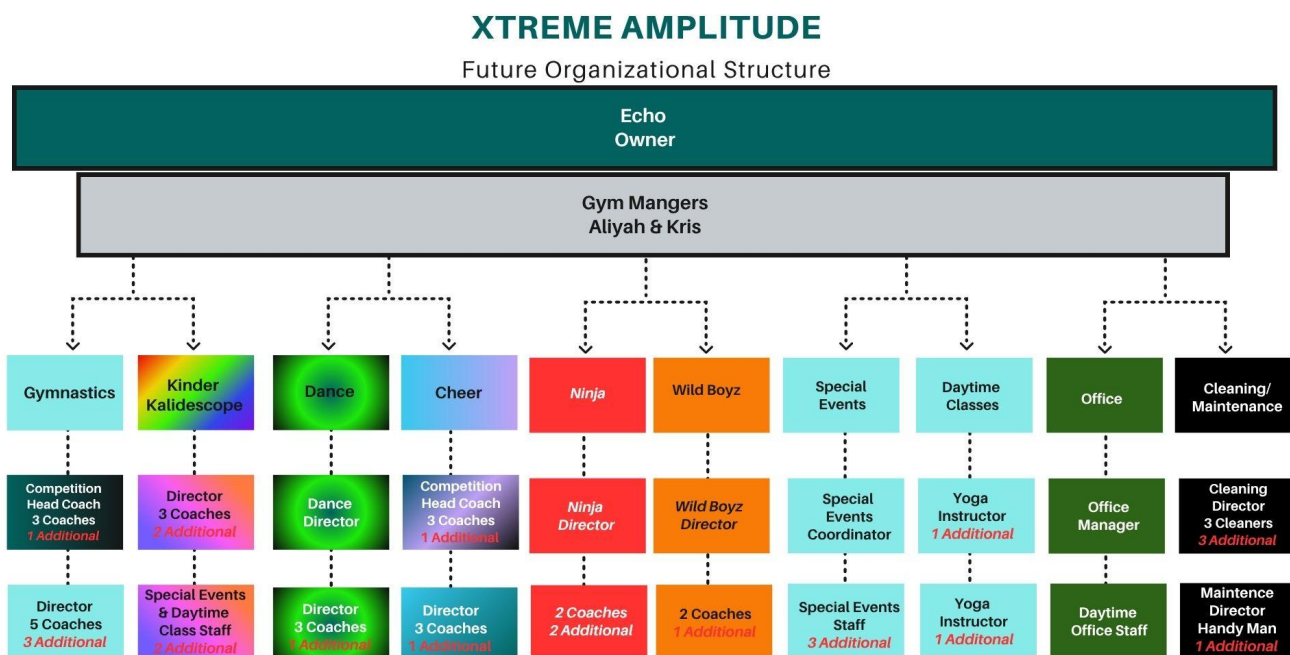
- Building on our goal to nearly double enrollment, a larger facility will significantly enhance Xtreme Amplitude's capacity to reach more people, impact more lives, and expand our offerings. With additional space, we can increase our weekly classes serving a broader segment of our community. This expansion will enable us to host larger special events, such as competitions, Parents Night Out and community workshops, fostering greater family engagement and promoting physical fitness and confidence among youth. By amplifying our reach and programming, the new facility will strengthen our economic impact, ensuring robust revenue growth to repay LEDA funds while creating a lasting positive influence on our community.

d. Marketing strategy

- To drive this growth, Xtreme Amplitude will enhance its marketing by building on current word-of-mouth and social media efforts. A refurbished or new facility will spark community interest, amplified through an expanded social media presence with targeted paid ads and a revamped website showcasing new classes and events like Parents Night Out. A monthly newsletter will engage current and prospective families, while strategic partnerships with local therapy centers, homeschool groups, and Holloman Air Force Base will foster mutual promotion and broaden our reach. These efforts will ensure we meet our enrollment goals, strengthen community ties, and sustain economic viability to repay LEDA funds.

e. Organizational chart, current and proposed-





Company Financial Information

The city of Alamogordo ***must*** prove financial solvency. The applicant must provide or make available the following.

- a) Three years of tax documents, audited financial statements, if requested to have them audited, or other means of verifying solvency.

•**Debt Management:** Xtreme Amplitude currently has no debt, loans, or financial liabilities.

•**Revenue Streams:** Xtreme Amplitude generates income through a variety of classes, open gym sessions, and birthday parties. We intend to further this with the expand of our programs.

- b) Cash flow, income and expense projections for the duration of the “ payback” period.

•This expansion will enable us to offer additional classes, increasing our impact by accommodating potentially 80 students per hour during evening sessions, totaling 240 students daily. Daytime enrollment will vary based on class schedules, with flexible offerings to meet community demand.

- c) Provide a schedule of funding commitments. Upon request, the applicant will make available term and commitment letters.

- Xtreme Amplitude will leverage grant funding as the cornerstone of our expansion to enhance community impact. Any supplemental expenses will be covered through external funding sources, such as private donations, local sponsorships, or loans, ensuring the project's completion while maintaining our strong financial position.

- d) How will this award be secured? Please provide collateral/security to be pledged. The company may have to purchase a financial guarantee bond

- Xtreme Amplitude LLC is committed to the success of our proposed expansion in Alamogordo, NM, and ensures the responsible use of grant funds. We are prepared to discuss collateral options or provide appropriate guarantees, demonstrating our dedication to financial accountability and the project's impactful execution.

Payback and Job Creation

- a) Outline the number and types of jobs to be created, including titles and wage rate.

Below is a list of new, part time jobs that we anticipate being able to create with the expansion of Xtreme Amplitude.

- Ninja Instructors
 - Director-\$15/ hour
 - Instructor-\$13/hour
 - Instructor-\$13/hour
- Special Events Staff
 - Staff Member-\$13/hour
 - Staff Member-\$13/hour
- Day time instructors
 - Yoga instructor-\$15/hour
 - Zumba Instructor-\$15/hour
- Day Time Kinder Instructors
 - Instructor- \$13/hour
- Community Partner Coordinator-\$15/hour

- Gymnastics Instructors-\$13/hour
- Cheer Instructor-\$13/hour
- Dance Instructor-\$13/hour

b) Include any benefits?

- No employees are full time and thus there are no traditional benefits
- Tuition is free for the employees children
- There are Christmas bonuses and staff appreciation gifts that happen throughout the year

c) Payback should be in the form of job creation. However, a project could qualify if it can prove other benefits to the city of Alamogordo. The applicant must quantify and describe such benefits.

a. To help develop the best possible vocational and skill training within the communities resources to prepare the local populist to enter the workforce

- Xtreme Amplitude serves as a transformative platform for employees to build essential skills and pursue their aspirations. Through working with youth, fellow employees, and the community; employees develop perseverance, discipline, and adaptability, fostering the confidence and courage needed to achieve their goals. Our program provides a structured yet flexible environment, offering robust support for personal and professional growth while encouraging creativity and innovation.

b. Increase the tax base

- The expansion of Xtreme Amplitude will significantly boost Alamogordo's tax base by enabling a robust calendar of special events, including competitions and specialized gatherings like ninja camps. These events will draw families from beyond Alamogordo, driving increased spending at local businesses, hotels, and restaurants. By fostering tourism and economic activity, Xtreme Amplitude's growth will generate substantial tax revenue, invigorating the local economy while empowering employees and youth through transformative programs.

c. Increase in GRT

- Xtreme Amplitude LLC's proposed expansion will significantly enhance Otero County's Gross Receipts Tax (GRT) revenue by expanding our offerings, including new gymnastics, tumbling, cheer, dance, & ninja classes. In 2024, our gross revenue of \$289,336 generated \$24,412.70. By 2027, with the new facility,

we project annual revenue of \$600,000, increasing our GRT contribution to \$50,625—a \$26,212.30 annual boost for Otero County’s economy..

d. Provide a gap or service that is not available in Alamogordo

- In Alamogordo, Xtreme Amplitude provides affordable, high-energy athletic programs for children, from pre-walkers to teens, filling a gap in after-school activities for 31,384 residents, including over 1,000 military dependents and 60% economically disadvantaged students. Our specialized training builds confidence and skills in a safe environment, particularly for underserved and military families.

- As a community hub, Xtreme Amplitude offers skill-focused athletic programs, open gym sessions, and events like birthday parties, fostering resilience, self-esteem, and connection among families, including those from Holloman Air Force Base, while addressing post-COVID wellness needs.

- Our unique programs in gymnastics, tumbling, cheer, boys’ fitness, and kinder classes emphasize strength, body control, confidence, and teamwork, with tailored classes for young walkers and advanced pathways for competitive teens, distinguishing us from competitors lacking specialized facilities or coaching.

e. Under circumstances, for the benefit to the community is not clear and economic impact analysis may be requested by the city

Review & City Management Recommendation

The project will be evaluated on factors that include, but not limited to financial stability, commitment to the community cost benefit analysis and local needs. Upon completion of the application city staff will make recommendations to the city commission the applicant will be required to present before commissioning.

An ordinance will need to be approved by the city commission. This will occur at the same time as the item above.

A project participation agreement will be required upon approval.

Contact

Any questions please email shernandez@ci.alamogordo.nm.us or call 575-439-4203

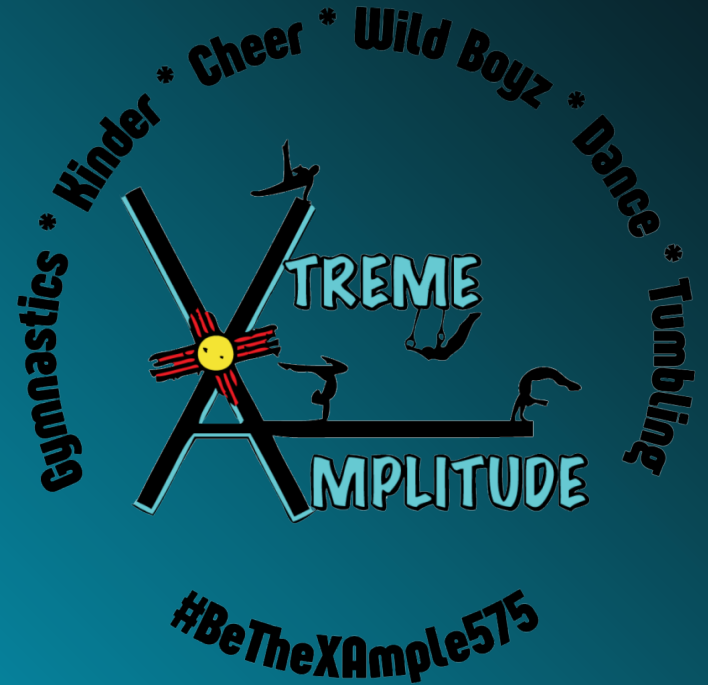
If you would like to submit a proposal, you may email as shernandez@ci.alamogordo.nm.us

Or send to:

City Managers Office
1376 E. 9th St.
Alamogordo, NM 88310

Xtreme Amplitude

Be The XAmple



LEDA

Alamogordo's City Code of Ordinances, Article 2-14 (adopted via Ord. No. 983 in 1996), implements the New Mexico Local Economic Development Act (N.M. Stat. Ann. §§ 5-10-1 et seq., 1993) to enable constitutional public support for economic projects. It requires projects to: (1) qualify as a "qualifying entity" under state LEDA; (2) align with city economic goals; and (3) meet preferred business criteria for assistance. Funding must promote diversification from federal defense reliance (which dominates ~50% of the local economy per 1996 data), create jobs, and protect public resources.

https://library.municode.com/nm/alamogordo/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ART2-14ECDE_2-14-010IN

How Xtreme Amplitude Qualifies

INFORMATION

WILL MY BUSINESS QUALIFY

Under local rules, only certain businesses qualify to apply for funding. A qualifying entity is a corporation, LLC, partnership, or other business entity located in City limits, which falls into one of the following categories;

- Industry for the manufacturing, processing, or assembling of agricultural or manufactured products
- Commercial business for storing, warehousing, distributing, or selling productions of agriculture, mining, or industry
- ★ • A business (including restaurants or lodging) in which all or part includes the supplying of services to the general public
- An Indian nation, tribe, pueblo, or tribal corporation
- Telecommunications sales making most of its sales outside New Mexico
- Farmer's market
- A Developer of a metropolitan redevelopment project Cultural facility.
- Cultural facility

Preference will be given to the following:

- An industry that meets all environmental standards
- An industry that does not use a large amount of water
- An industry that pays a living wage
- An industry that can take advantage of the highly skilled former military personnel
- Office or service industries such as telemarketing or data processing
- An industry that will diversify the local labor market
- Research and development
- Light assembly or manufacturing industries that are labor intensive

Payback Opportunities

PAYBACK AND JOB CREATION

- a) Outline the number and types of jobs to be created, including titles and wage rate.
- b) Include any benefits.
- c) Payback should be in the form of job creation. However, a project could qualify if it can prove other benefits to the City of Alamogordo. The applicant must quantify and describe such benefits. These benefits may include
 - a. To help develop the best possible vocational and skill training within the community's resources to prepare the local populace to enter the workforce.
 - b. Increase in the tax base
 - c. Increase in GRT
 - d. Provide a gap or service that is not available in Alamogordo.
 - e. Under circumstances where the benefit to the community is not clear, an economic impact analysis may be requested by the city

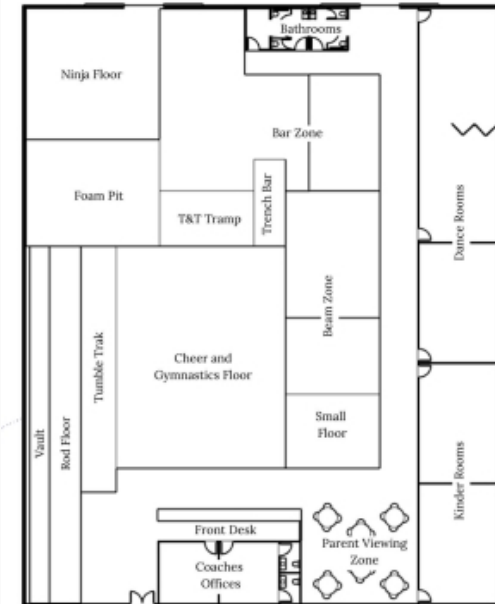
Additional Info About 1102 US HWY 70

- Not just a shell
- Insulated
- Fire suppression system in place
- Plumbing in Place & functional
- Electrical in Place & functional



Potential classes- 5 Year Estimates

- Potential Class Areas- Ninja, Comp Bars, Star Bar, Comp Beam, Rec Beam, Purple, Vault, Rod-TT, Cheer Floor 3x, Dance 2x, Cheer Room, Kinder Room 2x= 16 class area
- Average students per hours- 128 (16 class spaces x 8 kids per class)
- Number of kids per night- 384 (128 students per hour x 3 hours per night)
- Number of kids per week- 1,536 (384 kids per week x 4 nights a week)
- Percent higher than current enrollments- Potential growth of 429%
- Average Monthly Income- \$153,600 (1,536 x \$100 per month)
- Estimated GRT Monthly - \$12,288 (153,600 x 8%)
- Estimated Annual GRT- \$147, 456 (\$12,288 x 12 months)



Anticipated Job Growth

Within 5 years- Each program director (12) would be full time, this is 32 hours at \$25 an hour-\$40, 000 per year.

- Ninja
- Comp Gymnastics
- Recreational Gymnastics
- Competition Cheer
- Recreational Cheer
- Kinder
- Competition Dance
- Recreational Dance
- Special Events
- Office Manager
- Gym Manager
- Cleaning Crew

Projected Part Time Jobs- 24

Within 5 years- Projected part time employees, 15 hours a week at \$15-\$20 an hour. That is \$11,250 - \$15,000 per year

- Office
 - 2 new office
- Recreational Gymnastics
 - 5 new coaches
- Competition Gymnastics
 - 2 new coaches
- Recreational Cheer
 - 1 new coach
- Competition Cheer
 - 1 new comp coach
- Rec Dance
 - 2 new coaches
- Competition Dance
 - 2 new instructors
- Tumbling
 - 2 new coaches
- Wild Boyz
 - 1 New Coach
- Cleaning Crew
 - 3 new cleaners
- Maintenance
 - 1 worker
- Special Events
 - 2 workers

Further Growth

- Daytime Opportunities
 - Yoga for all ages from tots to retired
 - Partner with therapy centers
 - Maximize therapeutic benefits by utilizing our space and tools
 - Field trips & PE classes
 - Homeschool groups
 - Daycare group
- Host Competitions
 - Competitive Gymnastics
 - Breaking Jams
- Work With Zia Trans to provide transportation and/or invest in our own



Holloman Impact

- Ease the transition of relocation
 - Allows their athletes to continue in their sport from base to base.
- Provide consistency for our families
 - During TDY's and Deployments
- Flexible job opportunity for military spouses
- Safe place for our airmen and women to connect with like minded individuals

Potential Uses for Small Building

- Dance or Kinder Space
 - Reduces build out in large facility
 - Give dedicated space to our Kinder Kaleidoscope program
- Coffee Shop and Parent Hangout/ Work Area
- Makerspace
 - Place for artisans, crafters, or folks with skills to share their skills set with the community.
 - Taught by community members at a low cost to spread knowledge and empower our community to be the best version of themselves
- Adult Daycare
 - Local home health company has reached out to share this need of our community & a way we can meet it.

Potential uses for the remaining property

- Food Truck Court
 - Performance space
 - Dedicated set up space for local food trucks
 - Areas for families to enjoy food and entertainment
- Playground
 - Space for families to play while family member is in class
 - Additional place for kids in camps
 - Place to play while family is at food truck court
- Splash Pad
 - A fun, safe place to cool off from the desert heat



My “Skin in the Game”

- Invested \$85,000 personally
- Able to purchase all equipment to start
- Able to purchase additional equipment to aid in business growth
- Survived despite COVID
- 7 Years in business contributing to the community
- Last of the 4 original owners
- Business has never had a loan

Additional Funding Options

It was difficult to ask for guidance without knowing if I was receiving funds, and of so how much.

- State LEDA
 - XA does not qualify
- First American Bank
 - More information needed
- Small Business Association
 - More information needed
 - Loan options are 50/35/15 which means I would have 2 loan payments
- Sacramento Foundation
 - Typically assist non-profits

How XA will payback

PAYBACK AND JOB CREATION

- ★ a) Outline the number and types of jobs to be created, including titles and wage rate.
- b) Include any benefits.
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 - a. To help develop the best possible vocational and skill training within the community's resources to prepare the local populace to enter the workforce.
 - b. Increase in the tax base
 - ★ c. Increase in GRT
 - ★ d. Provide a gap or service that is not available in Alamogordo.
 - e. Under circumstances where the benefit to the community is not clear, an economic impact analysis may be requested by the city

Questions



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date:

Report No: 11.

Submitted By:

Subject: Consider, and act upon, the first publication of Ordinance 1720 Declaring The Need For Designation By Otero County, New Mexico By And Through The County's Board Of County Commissioners Of Certain Real Property Within The County's Area Of Operation Overlapping The Municipal Boundaries Of The City Of Alamogordo As A Metropolitan Redevelopment Area. (*Chris Muirhead, Modrall Sperling*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

CITY OF ALAMOGORDO, NEW MEXICO
ORDINANCE NO.1720

DECLARING THE NEED FOR DESIGNATION BY OTERO COUNTY, NEW MEXICO BY AND THROUGH THE COUNTY'S BOARD OF COUNTY COMMISSIONERS OF CERTAIN REAL PROPERTY WITHIN THE COUNTY'S AREA OF OPERATION OVERLAPPING THE MUNICIPAL BOUNDARIES OF THE CITY OF ALAMOGORDO AS A METROPOLITAN REDEVELOPMENT AREA.

WHEREAS, the City of Alamogordo, New Mexico (the "City") is a legally and regularly created, established, organized and existing municipality under the general laws of the State of New Mexico; and

WHEREAS, the New Mexico legislature has passed the "Metropolitan Redevelopment Code" (the "Code"), Sections 3-60A-1 to 3-60A-49 inclusive, NMSA 1978, as amended, which authorizes local governments, including Otero County, New Mexico (the "County"), to designate blighted areas that constitute a serious and growing concern, injurious to the public health, safety, morals and welfare of the residents of the state, as Metropolitan Redevelopment Areas (as defined in the Code) and prepare a Metropolitan Redevelopment Plan (as defined in the Code) for the rehabilitation or redevelopment of such areas; and

WHEREAS, the Code authorizes the local government forming the district to afford maximum opportunity for the rehabilitation or redevelopment of Metropolitan Redevelopment Areas to private enterprise; and

WHEREAS, the City is in need of additional housing opportunities for its residents and the County has received from a private enterprise (the "Developer") a proposal for the construction of housing in an area of the County, within the City, that the County believes is blighted (the "Proposed Redevelopment Area"); and

WHEREAS, the Proposed Redevelopment Area is all or a portion, as determined by the County, of the property described below:

Starting at the intersection of South White Sands Boulevard and Panorama Boulevard, and continuing east on Panorama Boulevard to the alley way west of Uranus Drive; then south along that alley way to the north section line of Section 30, Township 16 South, Range 10 East; thence continuing east along said section line which becomes the north section line of Section 32 and 33 of Township 16 South, Range 10 East to South Scenic Drive; thence north on South Scenic Drive to the alley way south of Abbott Drive; thence west, along the alignment of that alley way, which aligns with Fourth Street, to White Sands Boulevard. Thence south on White Sands Boulevard to the point of beginning of the tract herein described.

WHEREAS, a local government may undertake the powers granted by the Code within the local government's area of operation (as defined in the Code) which shall not include an area that lies within the jurisdiction of another local government unless an ordinance has been adopted by the other local government declaring a need therefor (a "Necessity Ordinance"); and

WHEREAS, the County's Proposed Redevelopment Area overlaps the City's jurisdiction, so the County may not designate the Proposed Redevelopment Area unless the City adopts a Necessity Ordinance for the Proposed Redevelopment Area; and

WHEREAS, the City desires to cooperate with the County in order to pursue the designation of the Proposed Redevelopment Area as a Metropolitan Redevelopment Area in order to afford the maximum opportunity for the rehabilitation or redevelopment of Metropolitan Redevelopment Areas to private enterprise; and

WHEREAS, the City is a necessary party related to the Metropolitan Redevelopment Plan and oversight of the Proposed Metropolitan Redevelopment Area and shall be involved in preparation of the Metropolitan Redevelopment Plan and any proposed amendments; and

WHEREAS, the County has indicated its intent, upon adoption by the City of this Necessity Ordinance, to hold a public hearing on December 9, 2025, beginning at 9:00 am at the County Commission Chambers, 1101 New York Ave, Alamogordo, New Mexico 88310, with respect to the consideration of a resolution designating of the Proposed Redevelopment Area as a Metropolitan Redevelopment Area, as contemplated in the Code, and the City intends to cooperate with the County to accomplish the same.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO THAT:

Section 1. Necessity of Designation by County of Proposed Redevelopment Area. The City Commission hereby declares the need for the County's proposed designation of the Proposed Redevelopment Area as a Metropolitan Redevelopment Area in order to afford the maximum opportunity for the rehabilitation or redevelopment of Metropolitan Redevelopment Areas to private enterprise. This declaration is intended to meet the requirements of Section 3-60A-4(P) of the Code.

Section 2. City Involvement with Metropolitan Redevelopment Area and Plan. The City is a necessary party related to the development of the Metropolitan Redevelopment Plan and oversight of the Metropolitan Redevelopment Area and shall work with the County, and be consulted, in regards to both.

Section 3. Ordinance Irrepealable. After the designation of the Proposed Metropolitan Redevelopment Area as a Metropolitan Redevelopment Area, this Necessity Ordinance shall be and remain irrepealable until such Metropolitan Redevelopment Area is no longer treated as such under the Code.

Section 4. Severability Clause. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or

unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5. Repealer Clause. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

Section 6. Effective Date. Upon due adoption of this Ordinance, it shall be recorded in the book of the Governmental Unit kept for that purpose, authenticated by the signatures of the Mayor and the City Clerk of the Governmental Unit, and the title and general summary of the subject matter contained in this Ordinance (set out in Section 17 below) shall be published in a newspaper which is of general circulation in the Governmental Unit, or posted in accordance with law, and such Ordinance shall be in full force and effect thereafter, in accordance with law.

Section 7. General Summary for Publication. Pursuant to the general laws of the State, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

City of Alamogordo, New Mexico
Notice of Adoption of Ordinance

Notice is hereby given of the title and of a general summary of the subject matter contained in Ordinance No. _____ duly adopted and approved by the City Commission of the City of Alamogordo, New Mexico, on December 2, 2025. A complete copy of the Ordinance is available for public inspection during the normal and regular business hours of the City Clerk, 1376 East Ninth Street, Alamogordo, New Mexico.

CITY OF ALAMOGORDO, NEW MEXICO
ORDINANCE NO. 1706

DECLARING THE NEED FOR DESIGNATION BY OTERO COUNTY, NEW MEXICO BY AND THROUGH THE COUNTY'S BOARD OF COUNTY COMMISSIONERS OF REAL PROPERTY WITHIN THE COUNTY'S AREA OF OPERATION WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF ALAMOGORDO AS A METROPOLITAN REDEVELOPMENT AREA.

(End of Form of Summary for Publication)

(Signature Page Follows)

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2025.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Darrell Mori, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date:

Report No: 12.

Submitted By:

Subject: Consider, and approve, Resolution 2025-35, Authorizing and Approving Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority. *(Chris Muirhead, Modrall Sperling)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

CITY OF ALAMOGORDO, NEW MEXICO
RESOLUTION NO. 2025-35

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED
APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT
APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY

WHEREAS, the City of Alamogordo, New Mexico (“Governmental Unit”) is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 (“Act”), and the City Commission (“Governing Body”) is authorized to borrow funds and/or issue bonds for financing of public projects or for refinancing of outstanding bonds for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority (“Finance Authority”) has instituted a program for financing of projects from the public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application (“Application”) for financial assistance from the Finance Authority for public projects; and

WHEREAS, the Governing Body has undertaken a plan for acquiring, constructing and equipping a natatorium for the benefit of the Governmental Unit and its residents (“Project”); and

WHEREAS, the application prescribed by the Finance Authority has been completed and this resolution ratifying and approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application; and

WHEREAS, the Governing Body desires to consider for adoption an ordinance authorizing the incurrence of debt with the New Mexico Finance Authority to provide funds for the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION, THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO:

Section 1. All action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. The completed Application submitted to the Finance Authority, be and the same is hereby ratified, approved and confirmed.

Section 3. The submittal of the completed Application to the Finance Authority for its review is hereby ratified and approved. Officers and employees of the Governmental Unit are further authorized to take such other action as may be requested by the Finance Authority in its consideration and review of the Application and to further proceed with arrangements for financing and undertaking the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2025.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Darrell Mori, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 11/18/2025

Report Date: 11/12/2025

Report No: 13.

Submitted By: Beau Dylan Aleshire

Subject: Appointments to Boards and Committees. (*Susan L. Payne, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends one appointment to the Alamogordo Public Library Board.

Background:

Airport Zoning Board

- One current vacancy for an applicant who lives within City limits.

Alamogordo Public Library Board

- One current vacancy for an applicant who lives within City limits, and two current vacancies for County-appointed representatives. An application by Pamela Vesey was received. If appointed, this would be her first term.

Senior Volunteer Programs Advisory Council

- Six current vacancies for applicants who live within City limits.

[Print](#)**Application to Serve on a Board/Committee - Submission #8996****Date Submitted: 11/5/2025****City of
ALAMOGORDO****City of Alamogordo Application to Serve on a City
Board/Committee****First Name:***

pamela

Last Name:*

vesey

Phone Number:*

5754152676

Email Address:*

p.lewis.vesey@gmail.com

Physical Address:*

2200 N. Florida Ave #64

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*☒ Yes☐ No**Mailing Address:***

2200 N. Florida Ave #64

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:***Job Title:**

retired

Board/Committee you would like to serve on:*

Public Library Board



You can only serve on one Board/Committee at a time. If you want to apply for multiple Boards/Committees, you can by submitting multiple forms. If submitting multiple forms, be sure to let us know which Board/Committee you would prefer.

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:***

Previous Volunteer for 5 years, until they closed, for Books Revisited (non-profit) that raised funds for the Public Library. And former Board Member for Lion's Evening Club, another nonprofit that raised funds to donate to worthy causes that help increase quality of life for people, causes and services in our community.

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

Ive been volunteering for non-profits for past 6 years as i enjoy serving my community. I am an avid Reader and book collector so once a learned the Library has an opening on the board i wanted to be a part of that.