



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

October 25, 2016 - 6:30 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Richard Boss Mayor
Al Hernandez Mayor Pro-Tem, District 5
Jason Baldwin District 1
Nadia Sikes District 2
Susan Payne District 3
Jenny Turnbull District 4
Erica Martin District 6

Maggie Paluch Acting City Manager
Canon P. Stevens Interim City Attorney
Rachel Hughs City Clerk

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

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

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

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside 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 575-439-4205.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Commission. Comments are limited to 3 Minutes, and there will be a maximum of 21 Minutes allowed for Public Comment.

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

PUBLIC HEARINGS

1. Consider, and act upon, Application No. 1010628 to grant a Winegrower License with On Premises Consumption and Package Sales, Application No. 1010628 for St. Clair Winery & Bistro VI, LLC, located at 261 Panorama Blvd., Alamogordo, NM. *(Rachel Hughs, City Clerk)*

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2016

Report Date: 10/14/2016

Report No: 1.

Submitted By: Nancy Jacobs, Rachel
Hughs

Subject: Consider, and act upon, Application No. 1010628 to grant a Winegrower License with On Premises Consumption and Package Sales, Application No. 1010628 for St. Clair Winery & Bistro VI, LLC, located at 261 Panorama Blvd., Alamogordo, NM. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Approve the Winegrower License with On Premises Consumption and Package Sales, Application No. 1010628 for St. Clair Winery & Bistro VI, LLC, located at 261 Panorama Blvd., Alamogordo, NM.

Background: The Alcohol and Gaming 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. A Notice of Public Hearing was published in the Alamogordo Daily News on Sunday, September 25, 2016 and October 16, 2016. These publications meet the State regulations of publishing two consecutive weeks prior to the public hearing.



Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

David Jablonski
DEPUTY
SUPERINTENDENT

Claudia Armijo
DEPUTY GENERAL
COUNSEL

Mary Kay Root
DIRECTOR

New Mexico Regulation and Licensing Department ALCOHOL AND GAMING DIVISION

Toney Anaya Building • 2550 Cerrillos Road • Santa Fe, New Mexico 87504
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

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SEP 22 2016

CITY CLERK

September 20, 2016

Certified Mail No.: 9171 9690 0935 0078 2651 24

City of Alamogordo
Nancy Jacobs, Clerk
1376 East Ninth Street
Alamogordo, NM 88310

Re: Lic. No. /Appl. No.: Application No. 1010628
Name of Applicant: St. Clair Winery & Bistro VI, LLC
Doing Business As: St. Clair Winery & Bistro VI, LLC
Proposed Location: 261 Panorama Blvd.
Alamogordo, NM 88310

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

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 by the Alcohol & Gaming Division;
- (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. *gave to Laurie to post 9/26*

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

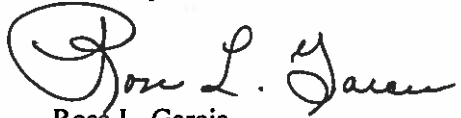
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made of the hearing.**

THE APPLICANT IS SEEKING A WINEGROWER LICENSE WITH ON PREMISE CONSUMPTION AND PACKAGE SALES.

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division 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 the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Sincerely,



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

Enclosures:

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



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Rev. 08/13

JUL 07 2016

LIQUOR LICENSE APPLICATION

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

ALCOHOL & GAMING DIVISION

State Liquor License # _____
Application Number 1010628
Local option (AGD use) _____

Record Owner of Existing License _____
Current D/B/A Name _____
Current Premises Address _____

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Other _____
Issue New License X Type of License being applied for Winegrower

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

NAME OF APPLICANT (company or individual)

ADDRESS (including city, state, zip)

TELEPHONE NUMBER

St Clair Winery + Bistro VI, LLC 261 Panorama Blvd, Alamogordo, NM 575-546-9324

D/B/A name to be used: St Clair Winery + Bistro VI LLC

Phone number for licensed premises: 575-546-9324

Physical location where license is to be used: 261 Panorama Blvd, Alamogordo, NM 88310 (Otero County)

(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: Same P.O. Box 1180, Deming, NM 88031

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

I, (print name) Florent Lescombes, as (title) V.P. managing member, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

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

Signature of Applicant _____

Date 5/13/16

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 13th day of May, 2016 by Florent Lescombes

Notary Public [Signature] My Commission Expires June 13, 2018

Local Governing Body of: City of Alamogordo (City or County). Hearing held on Oct. 25 2016

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

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____

Date _____



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10

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

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) X Other (provide details) _____

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

A. Owner(s) New Mexico Wineries, Inc.

B. Date and term of lease June 1, 2016 to May 31, 2017

3. Premises location is zoned (example C-1) C-3 Commercial See attachment #2

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

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

Miles feet 1.8 miles Name of church Alamogordo Seventh Day Adventist Address/location of church 1000 Canyon Pl, Alamogordo, NM 88310 See attachment #3

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

Miles feet 1.7 miles Name of school Mountain View Middle School Address/location of school 500 S. Canyon Rd, Alamogordo, NM 88310 See attachment #4

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

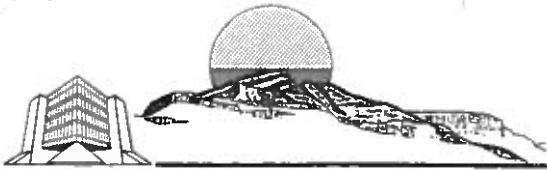
Miles feet 8.3 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis). See attachment #5

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

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



City of Alamogordo

Community Development • 1376 E. Ninth Street • Alamogordo, New Mexico 88310-5938 • (575)439-4220 FAX (575)439-4343

CD-011-2016

May 4, 2016

Florent Lescombes
1325 De Baca Rd. S.E.
Deming, NM 88030

RE: Zoning of **261 Panorama Blvd.**
Legal Description: **MOTEL 6 REPLAT C LT 1C**
Map Code **01N-4-055-095-090-485 & PC 01-12009**

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 **261 Panorama Blvd.**, within the corporate boundaries of the City of Alamogordo, New Mexico. This is written, in accordance with the provisions of Section 2-01-030(j) and Section 29-01-010 of the Code of Ordinances of the City of Alamogordo, New Mexico, to provide a Certificate of Zoning Classification regarding the Property.

The property at **261 Panorama Blvd.** is within the **C3, Business District** as per the City of Alamogordo Zoning Map, which does not prohibit the sale of alcoholic beverages. Alamogordo Municipal Code Chapter 29, Zoning, allows restaurants and commercial business within this district

Please contact me if you need more information. Note that 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 <http://ci.alamogordo.nm.us> provides access to the entire Municipal Code. On the City's Home page click on GOVERNMENT – COA Code of Ordinances – Chapter 29 Zoning.

Sincerely,

Ms. Stella Rael
Planning and Zoning Administrator CZO
City of Alamogordo
1376 E Ninth St.
Alamogordo, NM 88310-5938
(575) 439-4208; Fax: (575)439-4343
srael@ci.alamogordo.nm.us

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JUL 07 2016

ALCOHOL & GAMING DIVISION



City of Alamogordo



OFFICE OF THE CITY CLERK

1376 E. NINTH STREET • ALAMOGORDO, NEW MEXICO 88310-5838 • (575) 439-4205 FAX (575) 439-4396

September 26, 2016

VIA CERTIFIED MAIL

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

Re: **Application for Winegrower License with On Premises Consumption and Package Sales - Application #1010628** for St. Clair Winery & Bistro VI, LLC, 261 Panorama Blvd, Alamogordo, NM, d/b/a St. Clair Winery & Bistro VI, LLC, 261 Panorama Blvd, Alamogordo, NM.

Dear Ms. Lescombes:

The Alcohol and Gaming Division of the State of New Mexico has given your application preliminary approval. The application will be referred to our Governing Body for approval or disapproval.

A Public Hearing on the question of whether or not the proposed License should be granted will be held by the Alamogordo City Commission at its Regular Meeting of Tuesday, October 25, 2016, at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street. A "Notice of Public Hearing" has been and will be published in the Alamogordo Daily News on Sunday, September 25, 2016 and Sunday, October 16, 2016.

Attached is the city application that you will need to complete and return with the \$250 fee for the city license to the City Clerk's office at the address listed above. Under separate cover, you will be receiving our billing for \$50, which covers the processing and investigation fees for the City.

If you have any questions, please contact my office at (575) 439-4205.

Sincerely,

Nancy E. Jacobs, CMC
City Clerk

ENCLOSURE

cc: file
NM Alcohol and Gaming Division

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	
Sent To	
Street, or PO Box	
City, State, ZIP+4	
Postmark Here	
St. Clair Winery & Bistro VI, LLC ATTN: Florent Lescombes PO Box 1180 Deming, NM 88013	

City of Alamogordo*City Clerk's Office / 1376 E. Ninth Street / Alamogordo, NM 88310 / (575) 439-4205 / (575) 439-4396 FAX***APPLICATION FOR BUSINESS LICENSE
(BUSINESSES SELLING ALCOHOLIC BEVERAGES)**

NAME OF BUSINESS: _____

BUSINESS ADDRESS: _____

BUSINESS TELEPHONE NUMBER: _____ EMAIL: _____

APPLICANT'S FULL NAME: _____
(IF PARTNERSHIP OR CORPORATION, ATTACH A LIST CONTAINING NAMES, ADDRESSES, SOCIAL SECURITY NUMBERS AND DATES OF BIRTH FOR EACH PARTNER/OFFICER)

APPLICANT'S SOCIAL SECURITY NO.: _____ DATE OF BIRTH: _____

APPLICANT'S TELEPHONE NUMBER: _____

SPECIFIC NATURE OF BUSINESS CONDUCTED: _____

ENTER STATE LIQUOR LICENSE NUMBER(S) :

DISPENSER'S LICENSE NO. _____ RETAILER'S LICENSE NO. _____

SMALL BREWER'S LICENSE NO. _____ BEER/ WINE LICENSE NO. _____

CLUB LICENSE NO. _____ WHOLESALE'S LICENSE NO. _____

WINERY LICENSE NO. _____

BUSINESS LICENSE FEES:

DISPENSER'S LICENSE	\$250.00
RETAILER'S LICENSE	\$250.00
*SMALL BREWER'S LICENSE	\$150.00
BEER AND WINE LICENSE	\$100.00
CLUB LICENSE	\$100.00
WHOLESALE'S	-----
WINERY	-----

*IF A LOCATION IS SERVED BY A CITY DISPENSER'S LICENSE OR RETAILER'S LICENSE, AND OBTAINS A SMALL BREWER'S LICENSE FROM THE STATE OF NEW MEXICO, THE CITY'S SMALL BREWER'S LICENSE FEE WILL BE WAIVED.

DATE: _____ APPLICANT'S SIGNATURE: _____

ALL BUSINESS LICENSES ARE ISSUED FOR THE PERIOD NOVEMBER 1 TO THE FOLLOWING OCTOBER 31. THE LICENSE FEE SHALL NOT BE REFUNDED OR PRORATED.

FOR CITY CLERK'S USE ONLY**

LICENSING YEAR: NOVEMBER 1, _____ THROUGH OCTOBER 31, _____

CITY LICENSE NO. _____ FEE PAID: _____ DATE PAID: _____ RENEWAL _____ INITIAL _____

DATE STATE LICENSE VERIFIED WITH ALCOHOL & GAMING: _____

**NOTICE OF PUBLIC
HEARING**

**NOTICE IS HEREBY
GIVEN** that the
Alamogordo City
Commission will hold
a **PUBLIC HEARING** on
**Tuesday, October 25,
2016 at 6:30 p.m.** in
the Commission
Chambers of the
Alamogordo City Hall
located at 1376 E.
Ninth Street, Alamo-
gordo, New Mexico,
on the question of
whether or not the
Alcohol and Gaming
Division of the State
of New Mexico should
grant a **Winegrower
License with On
Premises Consump-
tion and Package
Sales, Application No.
1010628 for St. Clair
Winery & Bistro VI,
LLC, located at 261
Panorama Blvd., Ala-
mogordo, NM.**

Inquiries regarding
this Public Hearing
should be directed to
the City Clerk's Office
at City Hall.

Date: 09/23/2016
City of Alamogordo,
New Mexico
By: Nancy E. Jacobs,
CMC, City Clerk
Legal #1144349
Run Dates: 9/25 &
10/16/2016

**Please Publish in the Legal Section of the Alamogordo
Daily News on:
Sunday, September 25, 2016 & Sunday, October 16, 2016.**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a **PUBLIC HEARING** on **Tuesday, October 25, 2016** at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant a **Winegrower License with On Premises Consumption and Package Sales, Application No. 1010628** for **St. Clair Winery & Bistro VI, LLC**, located at **261 Panorama Blvd., Alamogordo, NM.**

Inquiries regarding this Public Hearing should be directed to the City Clerk's Office at City Hall.

Date: 09/23/2016
City of Alamogordo, New Mexico
By: Nancy E. Jacobs, CMC, City Clerk

Nancy Jacobs

From: Nancy Jacobs
Sent: Thursday, September 22, 2016 5:41 PM
To: 'Moore, Kimberly'
Cc: Rachel Hughs
Subject: Publication
Attachments: St. Clairs ADN Publication.doc

Kim-
I hope I'm not too late.....I just received this notice in today's mail.
I need this publication in the legal section of the paper on **Sunday, Sept. 25, 2016** in order to meet the State's guideline for publication notice. This publication will also need to be in the Legal Section on **October 16, 2016**.
Please send me an affidavit of publication and use PO# 086644.
Let me know if you can get it in.
Thanks-
nj

Nancy E. Jacobs, CMC
City Clerk
City of Alamogordo
1376 E. Ninth St.
Alamogordo, NM 88310
(575) 439-4205
njacobs@ci.alamogordo.nm.us