



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

April 10, 2018 - 6:30 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Richard Boss Mayor
Jason Baldwin Mayor Pro-Tem, District 1
Nadia Sikes District 2
Susan Payne District 3
Josh Rardin District 4
Al Hernandez District 5
Dusty Wright District 6

Maggie Paluch City Manager
Petria Schreiber 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

APPROVAL OF AGENDA

PRESENTATIONS

1. Purple Up for Military Kids Day Proclamation. (Richard Boss, Mayor)
2. Community First Lego League Team presentation. (The Glitches)

3. White Sands National Park Establishment Act presentation. (*Dara Parker, Field Representative for the Office of Senator Martin Heinrich*)

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

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.

4. Approve the minutes for the March 27, 2018 Regular meeting. (*Rachel Hughs, City Clerk*)
5. Consider, and act upon, Resolution No. 2018-20 supporting the New Mexico Department of Tourism Litter Control and Beautification grant application for Keep Alamogordo Beautiful (KAB). (*Kerry Uribe, Special Events Manager*) **(Roll Call Vote Required)**
6. Consider, and act upon, Resolution 2018-14 requesting approval of the Housing Authority Advisory Board Open Meetings Act. (*Evelyn Huff, Housing Authority Manager*) **(Roll Call Vote Required)**
7. Consider, and act upon, Resolution 2018-15 requesting approval of HUD Form 50077-CR, Civil Rights Certification. (*Evelyn Huff, Housing Authority Manager*) **(Roll Call Vote Required)**
8. Approve Resolution No. 2018-19 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of April 10, 2018. (*Kathy Gilsdorf, Budget Analyst*) **(Roll Call Vote required)**

ITEMS REMOVED FROM CONSENT AGENDA

OLD BUSINESS

9. Discussion on Kids Kingdom Rebuild Plan - Timeline and Final Design. (*Veronica Ortega, Community Services Director and Nate Tierney, Parks, Playgrounds and Athletic Facilities Design Consultant, with ExerPlay, Inc.*)

NEW BUSINESS

10. Consider, and act upon, the award of Public Works Bid No. 2017-010 to General Hydronics Utilities, LLC, related to Street Maintenance Program FY2017 in an amount not to exceed \$6,017,449.98, including NMGR. (*Edward Balderrama, Project Manager*)
11. Consider, and act upon, approval of amendment 3 to the Engineering and Professional Services Agreement to Smith Engineering Company related to the McKinley Channel Phase 8 Utility Relocation design. (*Nancy Beshaler, Project Manager*)
12. Consider and act upon first publication of Ordinance 1565 regarding changes to the registration and cost of keeping bees within City limits. (*Petria Schreiber, City Attorney*) **(Roll Call Vote Required)**
13. Approve Land Exchange Agreement between the City of Alamogordo and Alamogordo Public Schools for the exchange of 13th Street owned by the City for a portion of Playa Azul currently owned by Alamogordo Public Schools (*Petria Schreiber, City Attorney*)

14. Consider and act upon the approval of Resolution 2018-10 approving a GRIP agreement between the City of Alamogordo and Solid Cap Properties, LLC regarding tax abatement for the project to build the Hobby Lobby building. (*Petria Schreiber, City Attorney*) **(Roll Call Vote Required)**

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

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 03/20/2018

Report No: 1.

Submitted By:

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

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: April is the nation's Month of the Military Child.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 03/19/2018

Report No: 2.

Submitted By: Rachel Hughs

Subject: Community First Lego League Team presentation. (*The Glitches*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: The presentation will be given by the Glitches, a community first LEGO League team from Alamogordo. They represent four local schools and one home school. They have won innovative awards for developing a project to help our community reduce water waste. They would like to share ideas with the community to encourage reducing water waste when watering grass covered areas.

RECEIVED
MAR 12 2018
CITY CLERK



City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM

Date: 03/12/18

Date of Meeting: Apr. 10, 2018

Name: Sarah Cerra (The Glitches FLL)

Address: 2357 Apache Lane
Alamogordo ZIP 88310

Phone Number: 575-650-3596

E-Mail Address: scerra@nmsu.edu

Item requested will be for: (Please check one)

- ☒ Information only ☐ Action Item ☐ Discussion/Action
☐ Public Hearing ☐ Report ☐ Other: _____

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

The Glitches are a community FIRST LEGO League (FLL) team from Alamogordo, representing 4 local schools + 1 home school co-op. They have developed a project to help our community reduce water waste, which has won innovative solution awards. They are invited to Arkansas, to represent our state at a world invitationals. continued...

Signature: Sarah Cerra

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

Phone: (575) 439-4205

Fax: (575) 439-4396

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

continued...

We would like to share our ideas with members of our community to encourage our community to reduce water waste when watering grass covered areas. We hope to gain encouragement from our Commissioners to pursue furthering this project for our schools, parks and community lawns.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 04/03/2018

Report No: 3.

Submitted By:

Subject: White Sands National Park Establishment Act presentation. (*Dara Parker, Field Representative for the Office of Senator Martin Heinrich*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

Dara Parker will be presenting the White Sands National Park Establishment Act. The Act would redesignate White Sands National Monument as a National Park and complete a land exchange between the monument and White Sands Missile Range.



RECEIVED
APR 03 2018
CITY CLERK

City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 2 April 2018

Request Date
of Meeting:

10 April 2018

Name:

Dara Parker

Address:

Office of U.S. Senator Martin Heinrich
505 South Main St., Suite 148
Las Cruces, NM ZIP 88001

Phone Number:

575-523-6561

E-Mail Address:

dara-parker@heinrich.senate.gov

Item requested will be for: (Please check one)

☐ Information only

☒ Presentation

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

The White Sands National Park Establishment Act would redesignate
White Sands National Monument as a national park and complete
a land exchange between the monument and WSMR. The presentation
will provide an overview of provisions and related opportunities for Alamogordo.

Signature: Dara Parker

Please return to:

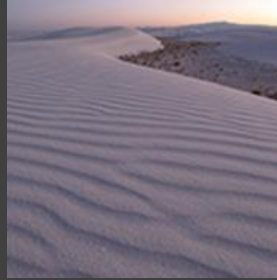
Rachel Hughs, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4205

Fax: (575) 439-4396

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

Revised 10/13/2017



White Sands National Park Establishment Act

Dara Parker

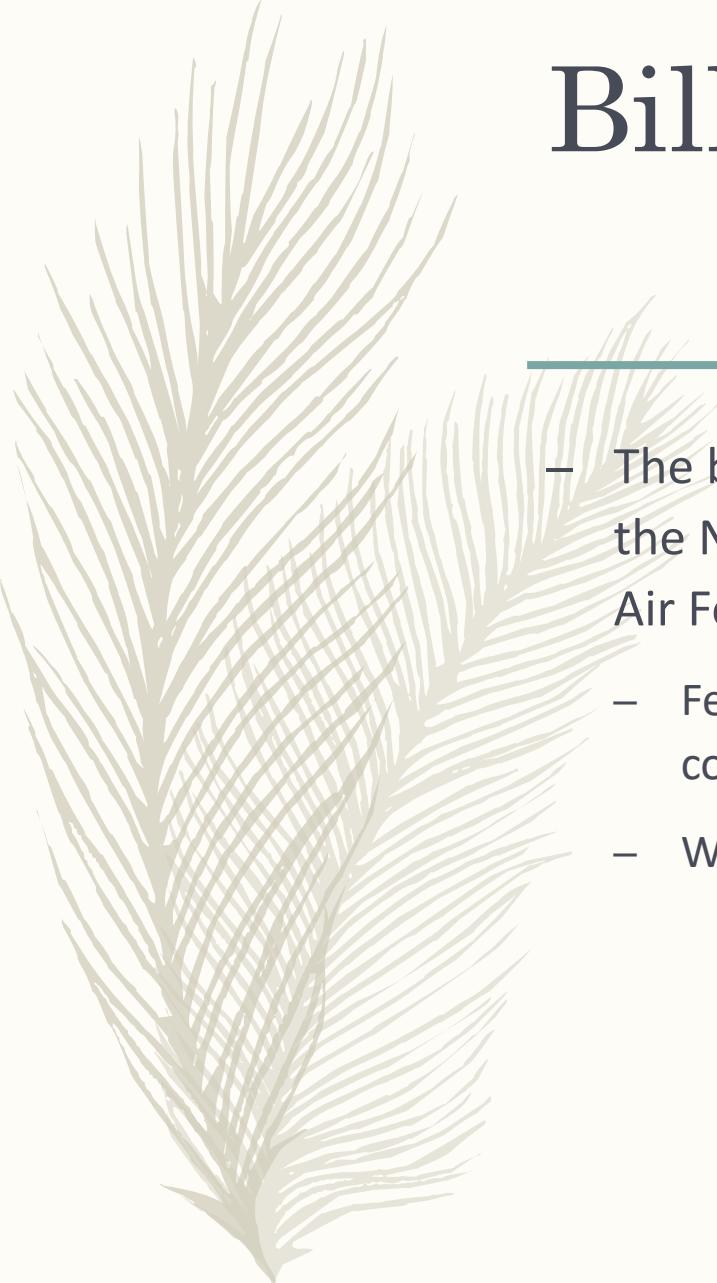
Office of U.S. Senator Martin Heinrich

10 April 2018



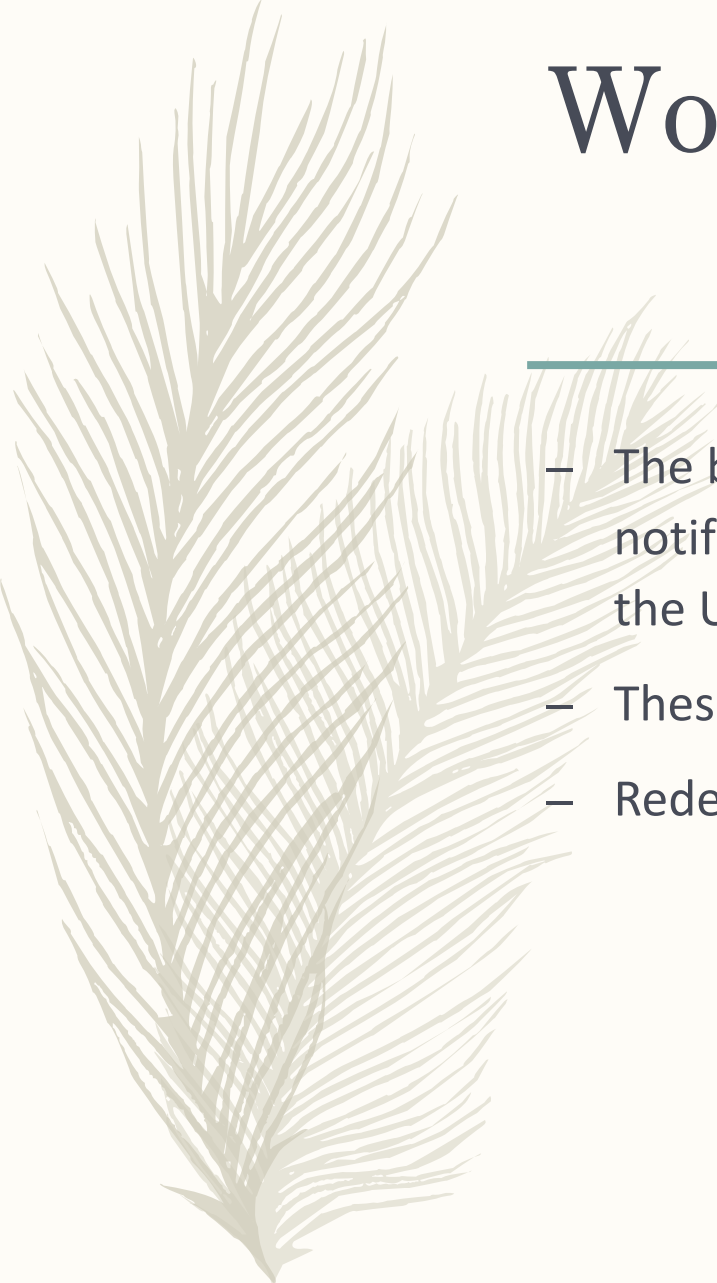
Overview

- White Sands National Park Establishment Act:
 - Designates White Sands National Monument as a national park because of its new qualification and associated economic opportunity
 - Exchanges land between White Sands National Monument and White Sands Missile Range (WSMR) per their long-running effort
- Benefits:
 - Provides new opportunity to grow the tourism economy in Southern New Mexico and enhances recognition of newly discovered resources
 - Provides new opportunities for and simplifies management of White Sands National Monument and WSMR while protecting the military mission and use of the restricted airspace



Bill Development

- The bill was developed in close consultation with White Sands National Park, the National Park Service, White Sands Missile Range, the Army, and Holloman Air Force Base (Air Force) with feedback locally and at higher levels.
- Federal agencies and departments cannot take a formal position publicly until a committee hearing, which occurs after introduction.
- Work with the Pentagon occurred through the Army's informal views process.



World Heritage List Nomination

- The bill requires county concurrence from Otero and Doña Ana Counties and notification of the Army before the park could be nominated for inclusion on the United Nations' World Heritage List.
- These requirements follow the current nominations process.
- Redesignation to a national park is unrelated to the potential for nomination.



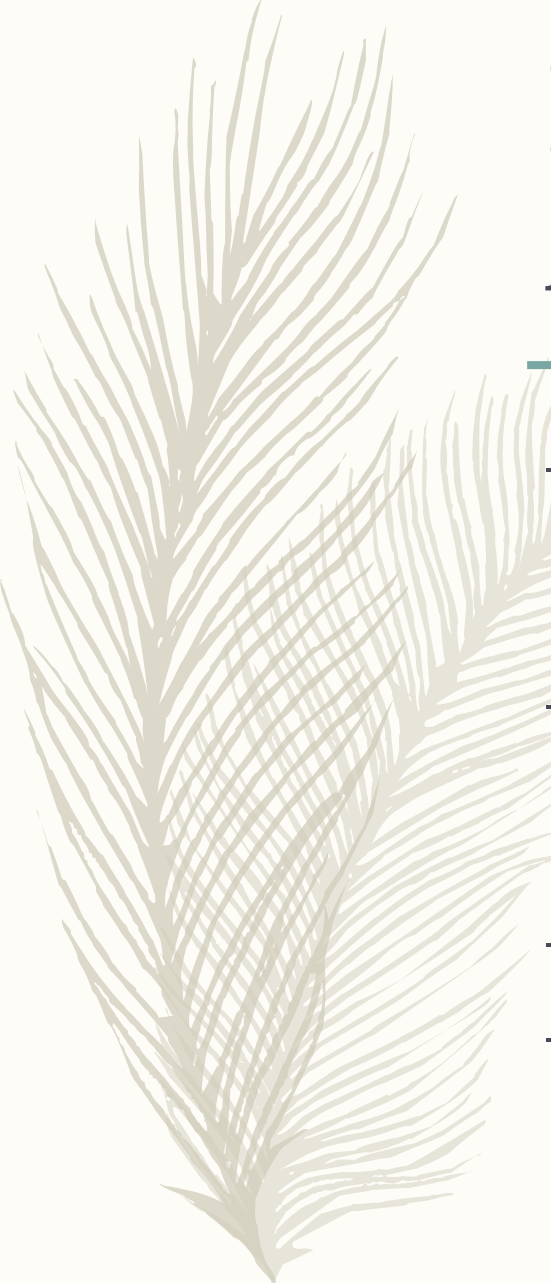
National Monument vs. National Park

- *National monuments* can protect as few as one resource, can be small or large, be managed by one of several agencies and can be created by congress or the president.
- *National parks* protect a variety of nationally significant resources, are usually large, are always managed by the National Park Service, and can only be created by congress.
- National parks are perceived to be more prestigious than monuments. Monuments that became parks have been found to experience increases in visitation due to redesignation, driving local economies.
- There are no differences in management or legal requirements between monuments and parks except under the Clean Air Act, which is addressed specifically in the bill to avoid any change due to redesignation.
- Visitor fees do not increase due to redesignation.

History of White Sands National Monument



- Established in 1933 for “the white sands,” the largest gypsum dunefield in the world
- New, significant discoveries have been made including prehistoric hearths, Ice Age mammal tracks, new and endemic species, hydrology, etc.
- White Sands already demonstrates significant economic potential, on which redesignation could capitalize. White Sands has been the most visited National Park Service Unit in New Mexico since 1995 and has a considerable economic impact on the local region, most of which is derived from non-local visitors.
- Effort to explore redesignation began seven years ago in collaboration with State Senator Ron Griggs.



Protections Under the Proposed Act Related to Redesignation

- Jurisdiction of the military over airspace above the park and related rules remain the same. Evacuations and roadblocks for military testing would continue.
- All White Sands National Monument documents, contracts, permits, agreements, etc. apply to the new park without any action required, including agreements with DOD entities.
- No changes to air quality standards will occur due to redesignation.
- Valid, existing rights are honored.

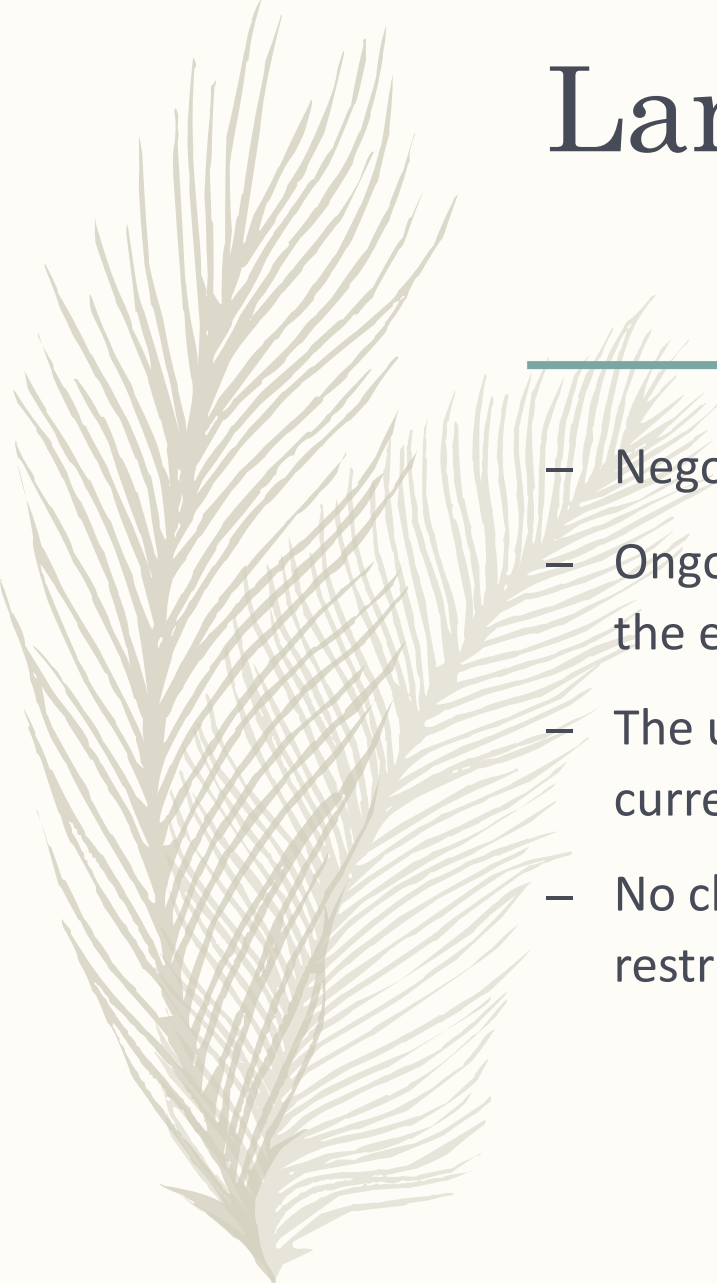


Supporting Language – No Effects Protections

(c) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “White Sands National Monument” shall be considered to be a reference to the “White Sands National Park”.

(g) Effect.—Nothing in this section affects—

- (1) valid existing rights (including water rights);*
- (2) permits or contracts issued by the monument;*
- (3) existing agreements, including agreements with the Department of Defense;*
- (4) the jurisdiction of the Department of Defense regarding the restricted airspace above the park; or*
- (5) the airshed classification of the park under the Clean Air Act (42 U.S.C. 7401 et seq.).*



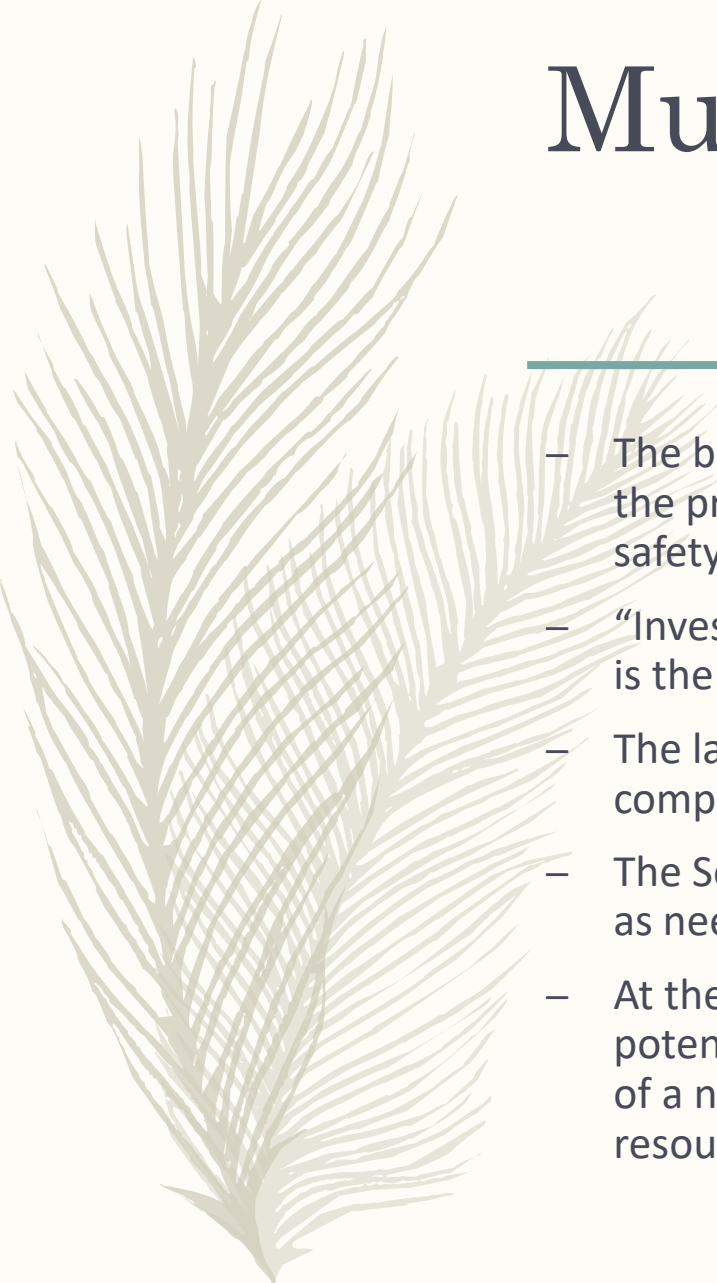
Land Exchange

- Negotiations were between the monument and WSMR.
- Ongoing since at least 1973, previous legislation (1978, 1996) did not complete the exchange(s), causing jurisdiction questions this bill resolves.
- The updated exchange modifies previously authorized exchanges to better meet current and future needs.
- No change will occur to the military's jurisdiction over or ability to use the restricted airspace or conducting evacuations during testing.



Cooperative Use Research Area and Oryx Fence

- Recognizes the intent of WSMR and the monument to establish the Cooperative Use Research Area (CURA) on WSMR.
- The CURA will facilitate research of interest to both parties.
- Details on whether and how to craft an agreement is left up to WSMR and the monument.
- The monument can continue maintaining the oryx exclusion fence where it remains on WSMR property after the exchange.
- The fence was built according to the 1996 exchange boundaries which have changed.



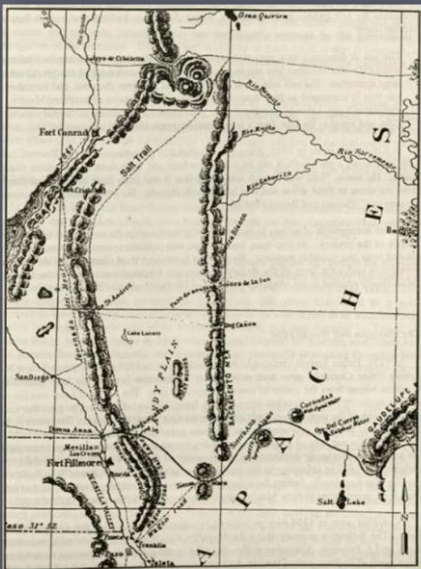
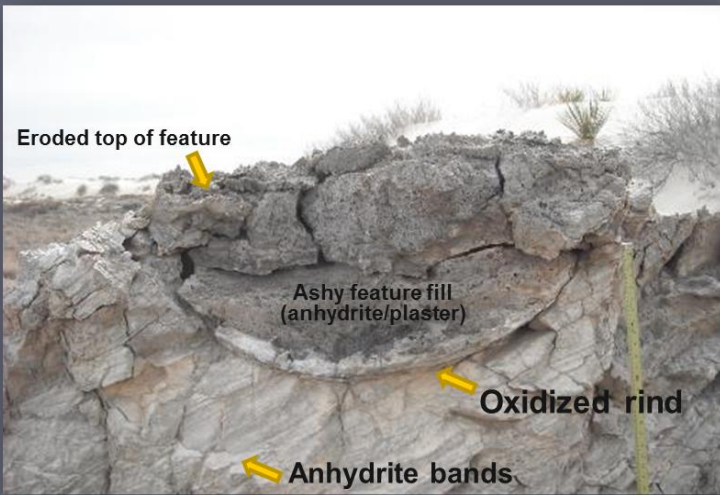
Munitions Survey and Cleanup

- The bill's approach prevents unnecessary expenditure, spreads out costs over time, and makes the process more responsive to needs and more realistic to achieve while preserving visitor safety.
- “Investigation” is a survey for munitions like unexploded ordnance (UXO). “Response Action” is the remediation of items identified during a survey.
- The land exchange is completed without needing an investigation first, avoiding the complications caused by the previous authorizations.
- The Secretary of Interior may request investigations on parcels acquired from the Army on an as needed basis. Investigations and response actions are subject to available appropriations.
- At the request of both NPS and the Army, requires that the CERCLA process be used to identify potential cleanup needs and options. CERCLA requires a public process and the consideration of a no action alternative, which may help reduce costs and impacts to important park resources.



Summary

- Economic opportunity
- Proper recognition for existing resources
- Benefits the military and the national monument
- No change in management
- County concurrence required for nomination to World Heritage list
- Contact: Dara Parker, Field Representative, Las Cruces Office of Senator Heinrich
575-523-6561, dara_parker@Heinrich.senate.gov





Backup Slides

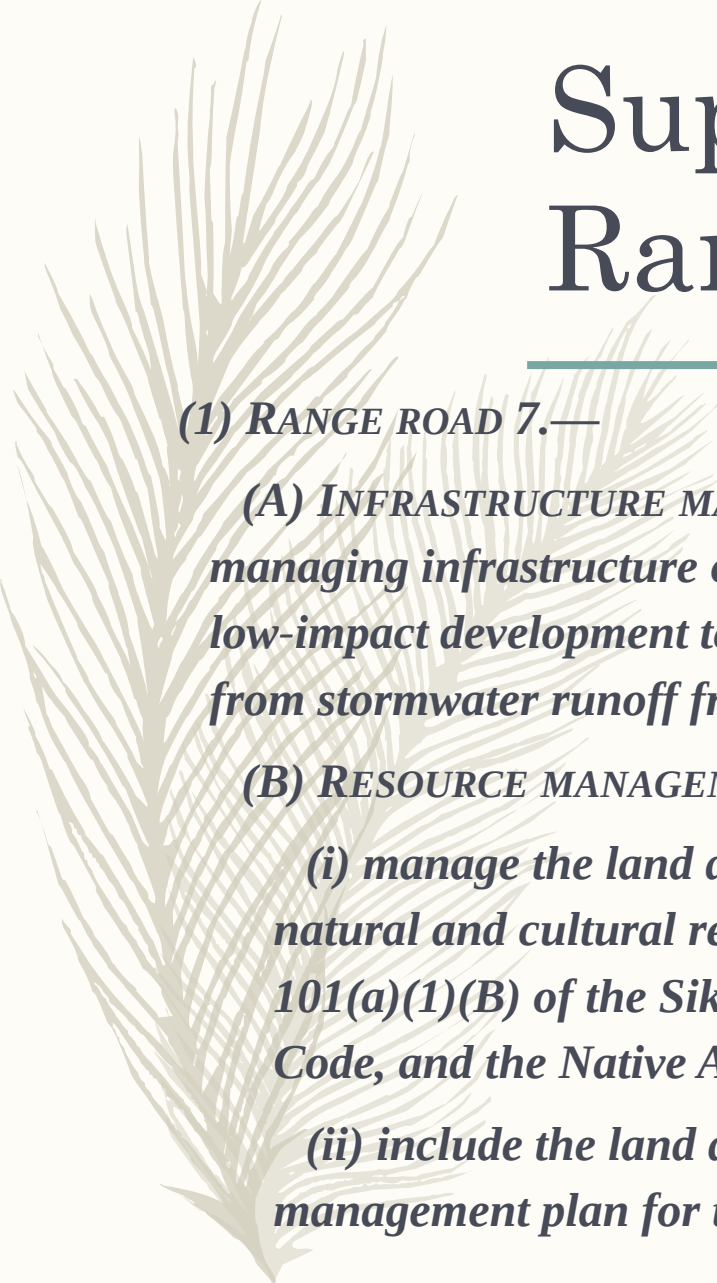


Supporting Language – World Heritage List

(f) World Heritage List Nomination.—

(1) COUNTY CONCURRENCE.—The Secretary shall not submit a nomination for the park to be included on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization unless each county in which the park is located concurs in the nomination.

(2) ARMY NOTIFICATION.—Before submitting a nomination for the park to be included on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization, the Secretary shall notify the Secretary of the Army of the intent of the Secretary to nominate the park.



Supporting Language – Range Road 7 Corridor

(1) RANGE ROAD 7.—

(A) INFRASTRUCTURE MANAGEMENT.—To the maximum extent practicable, in planning, constructing, and managing infrastructure on the land described in subparagraph (C), the Secretary of the Army shall apply low-impact development techniques and strategies to prevent impacts within the missile range or the park from stormwater runoff from the land described in that subparagraph.

(B) RESOURCE MANAGEMENT.—The Secretary of the Army shall—

- (i) manage the land described in subparagraph (C) in a manner consistent with the protection of natural and cultural resources within the missile range or the park and in accordance with section 101(a)(1)(B) of the Sikes Act (16 U.S.C. 670a(a)(1)(B)), division A of subtitle III of title 54, United States Code, and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and*
- (ii) include the land described in subparagraph (C) in the integrated natural and cultural resource management plan for the missile range.*



Supporting Language – Range Road 7 Corridor (cont.)

(C) DESCRIPTION OF LAND.—The land referred to in subparagraphs (A) and (B) is the land that is transferred to the administrative jurisdiction of the Secretary of the Army under section 201(b) and located in the area east of Range Road 7 in—

(i) T. 17 S., R. 5 E., sec. 31;

(ii) T. 18 S., R. 5 E.; and

(iii) T. 19 S., R. 5 E., sec. 5.



Supporting Language - Fence

(2) FENCE.—

(A) IN GENERAL.—The Secretary of the Army shall continue to allow the Secretary to maintain the fence shown on the map described in section 201(a)(2) until such time as the Secretary determines that the fence is unnecessary for the management of the park.

(B) REMOVAL.—If the Secretary determines that the fence is unnecessary for the management of the park under subparagraph (A), the Secretary shall promptly remove the fence at the expense of the Department of the Interior.



Supporting Language - CURA

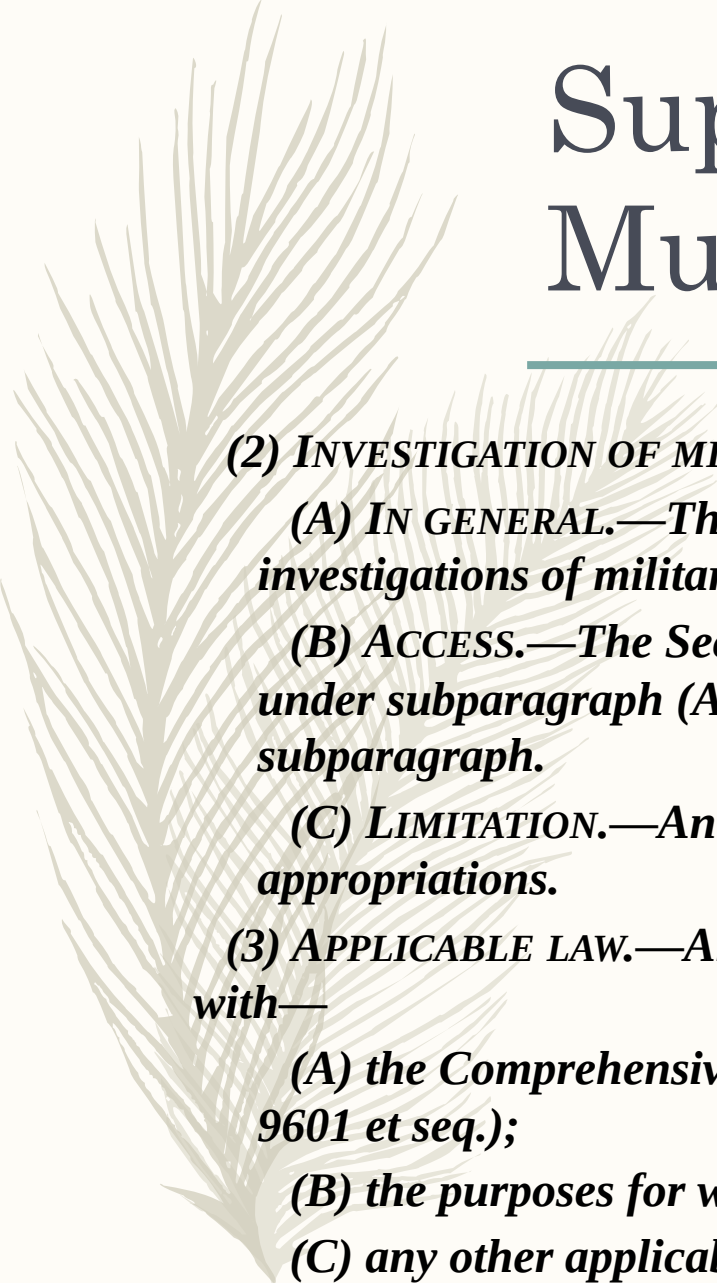
(d) Research.—The Secretary of the Army and the Secretary may enter into an agreement to allow the Secretary to conduct certain research in the area identified as “Cooperative Use Research Area” on the map described in section 201(a)(2).



Supporting Language – Munitions Liability

(e) Military Munitions and Munitions Debris.—

(1) RESPONSE ACTION.—With respect to any Federal liability, the Secretary of the Army shall remain responsible for any response action addressing military munitions or munitions debris on the land transferred under section 201(a) to the same extent as on the day before the date of enactment of this Act.



Supporting Language – Munitions Survey and Cleanup

(2) INVESTIGATION OF MILITARY MUNITIONS AND MUNITIONS DEBRIS.—

(A) IN GENERAL.—The Secretary may request that the Secretary of the Army conduct 1 or more investigations of military munitions or munitions debris on any land transferred under section 201(a).

(B) ACCESS.—The Secretary shall give access to the Secretary of the Army to the land covered by a request under subparagraph (A) for the purposes of conducting the 1 or more investigations under that subparagraph.

(C) LIMITATION.—An investigation conducted under this paragraph shall be subject to available appropriations.

(3) APPLICABLE LAW.—Any activities undertaken under this subsection shall be carried out in accordance with—

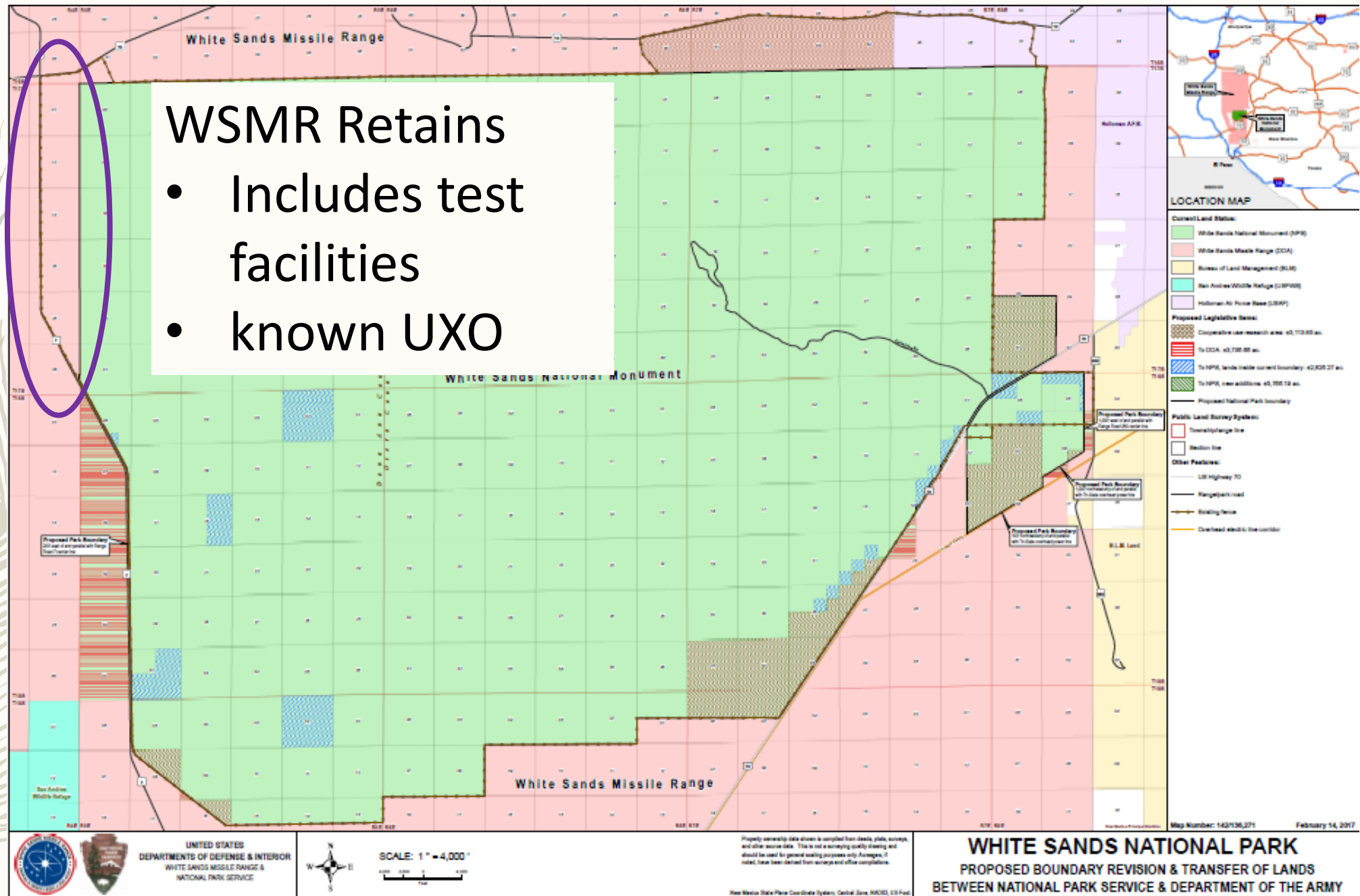
(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the purposes for which the Park was established; and

(C) any other applicable law.

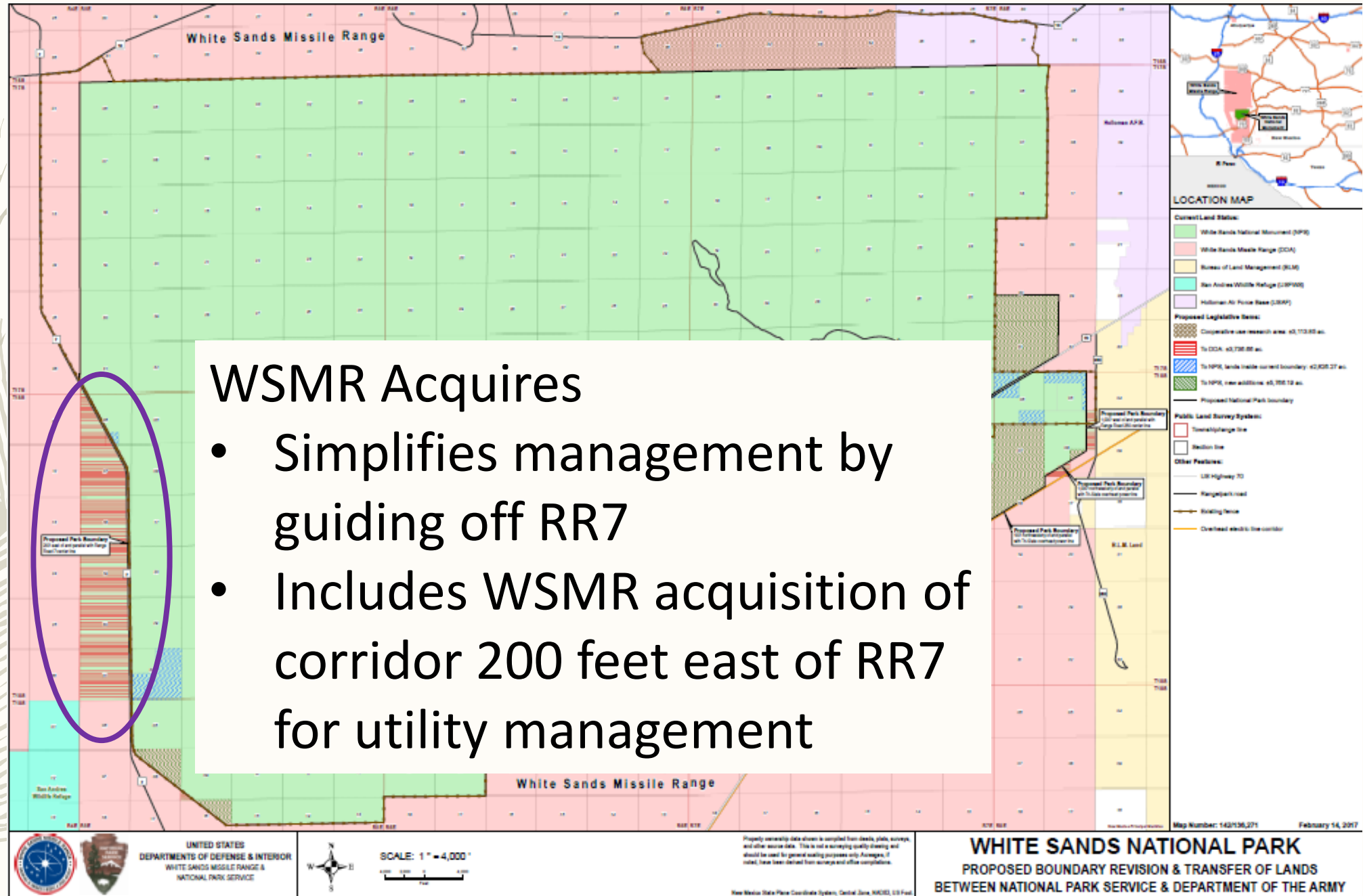
WSMR Retains

- Includes test facilities
- known UXO



WSMR Acquires

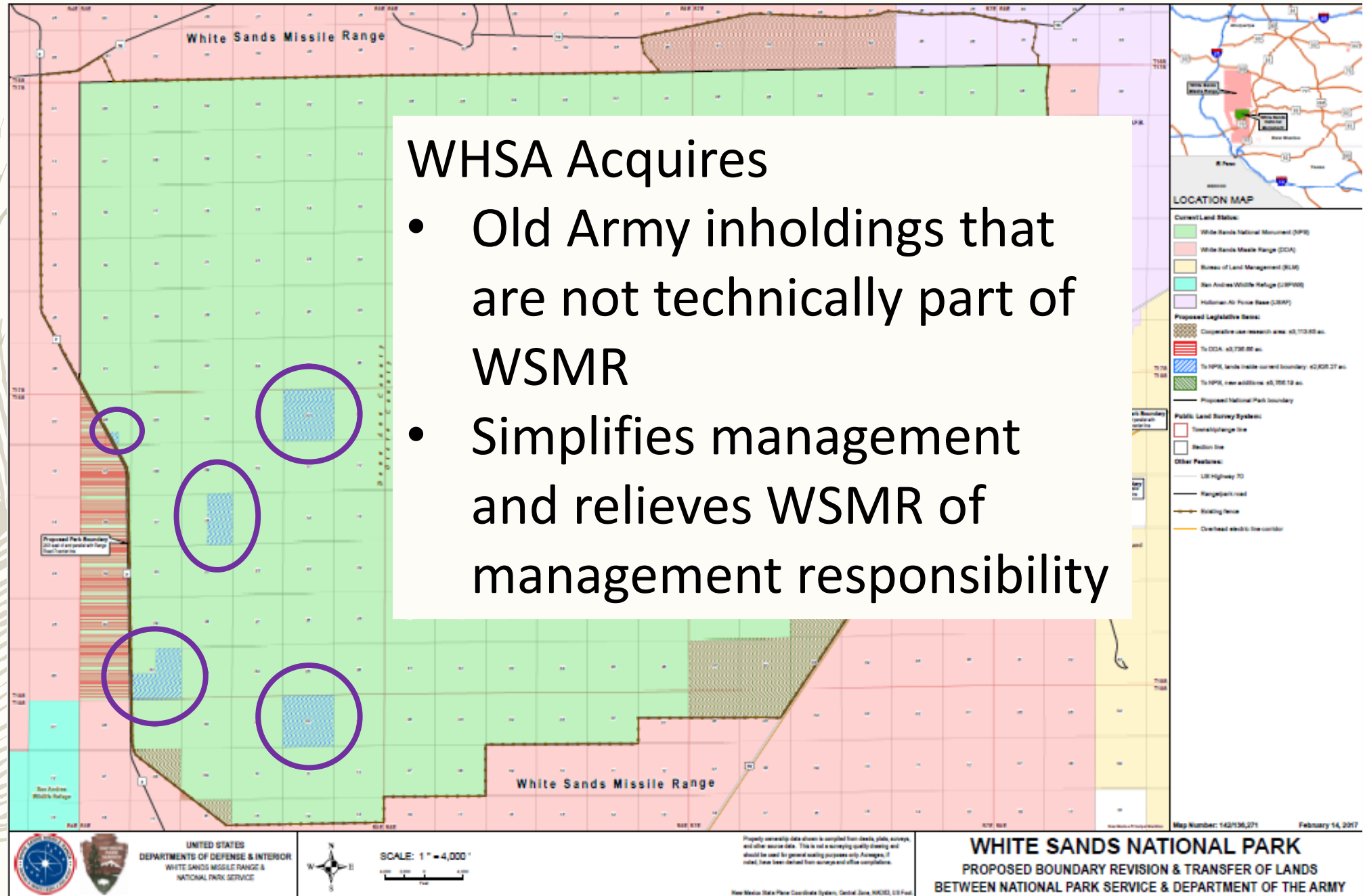
- Simplifies management by guiding off RR7
- Includes WSMR acquisition of corridor 200 feet east of RR7 for utility management





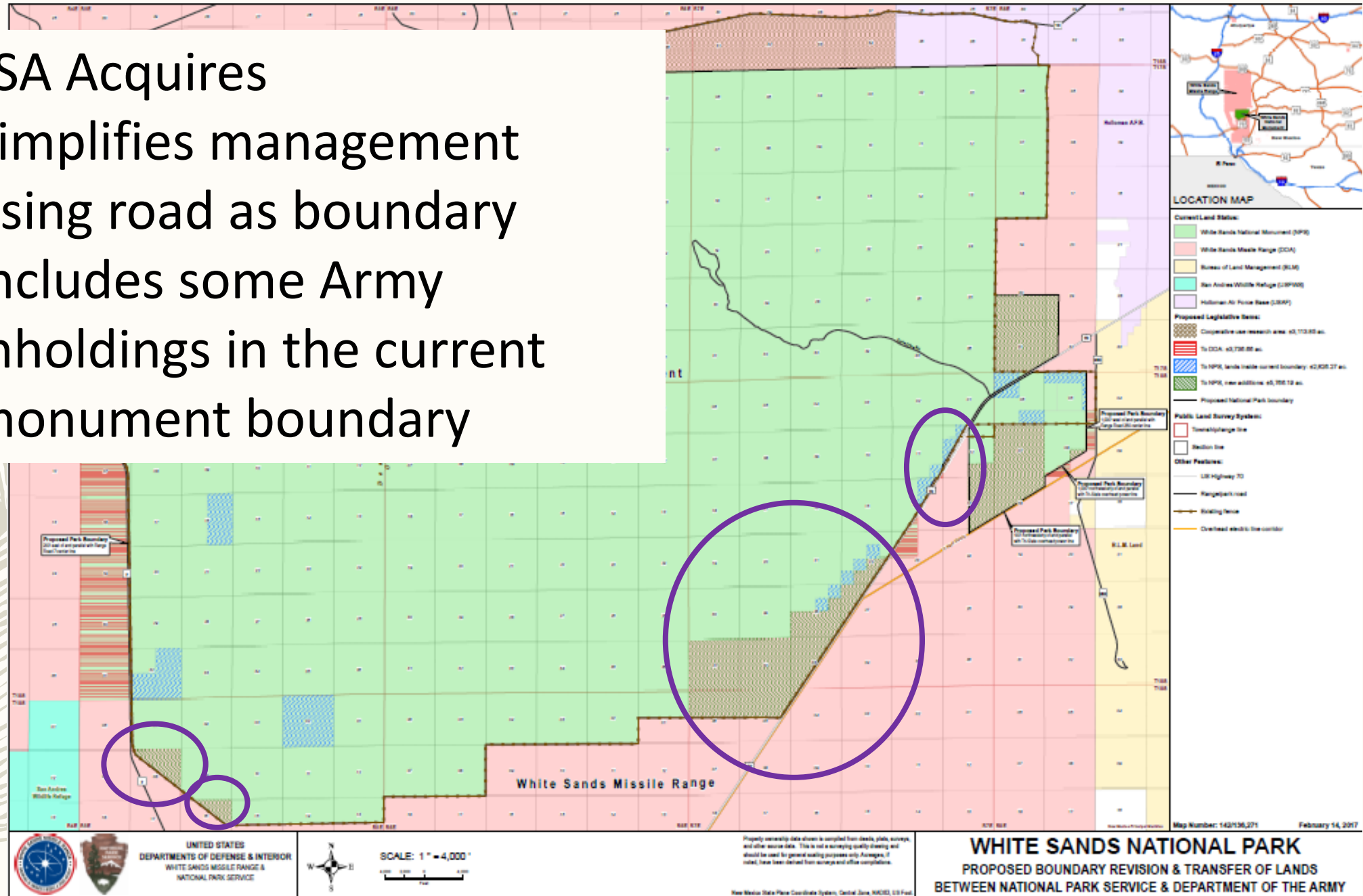
WHSA Acquires

- Old Army inholdings that are not technically part of WSMR
- Simplifies management and relieves WSMR of management responsibility



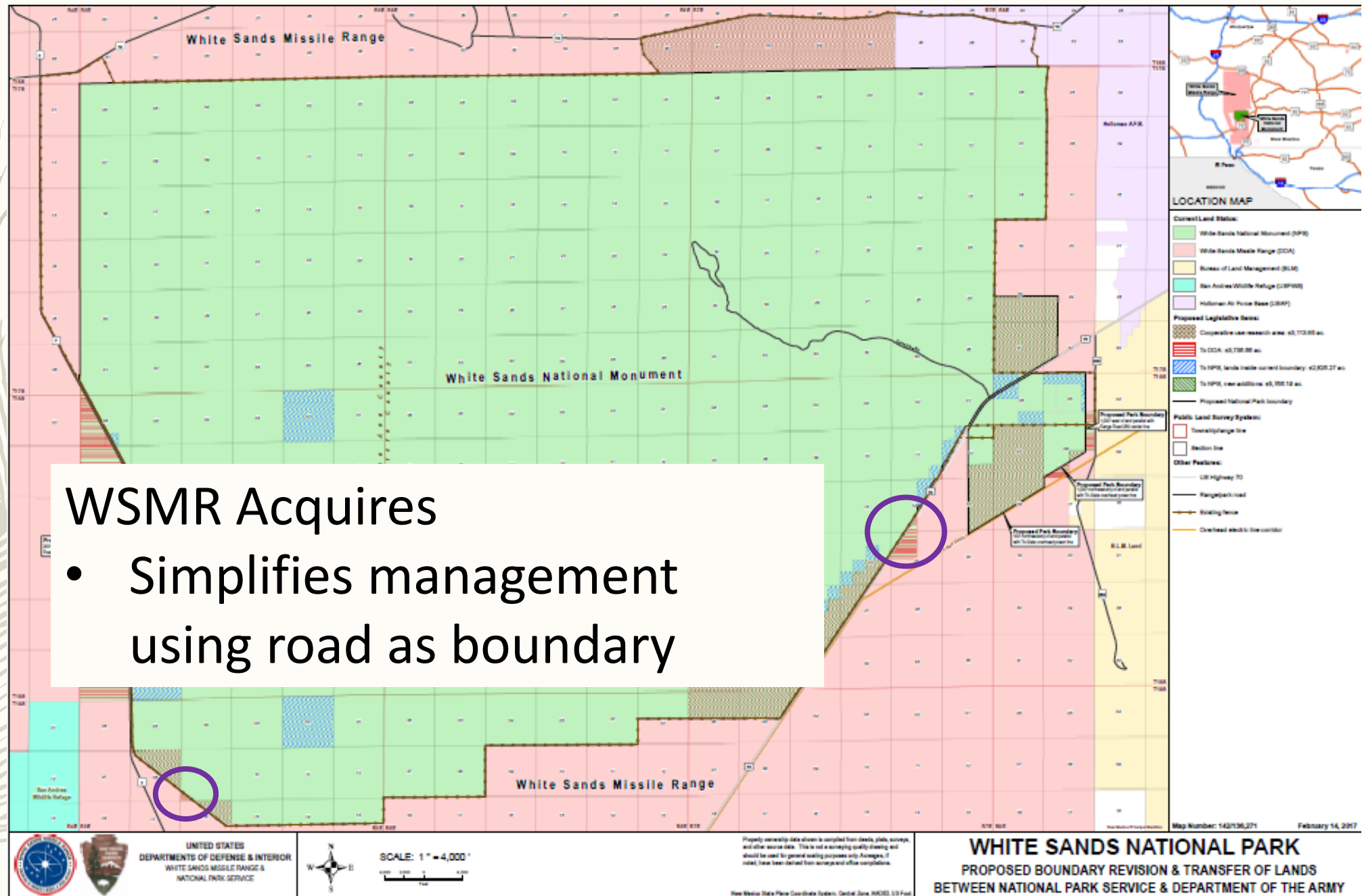
WHSA Acquires

- Simplifies management using road as boundary
- Includes some Army inholdings in the current monument boundary



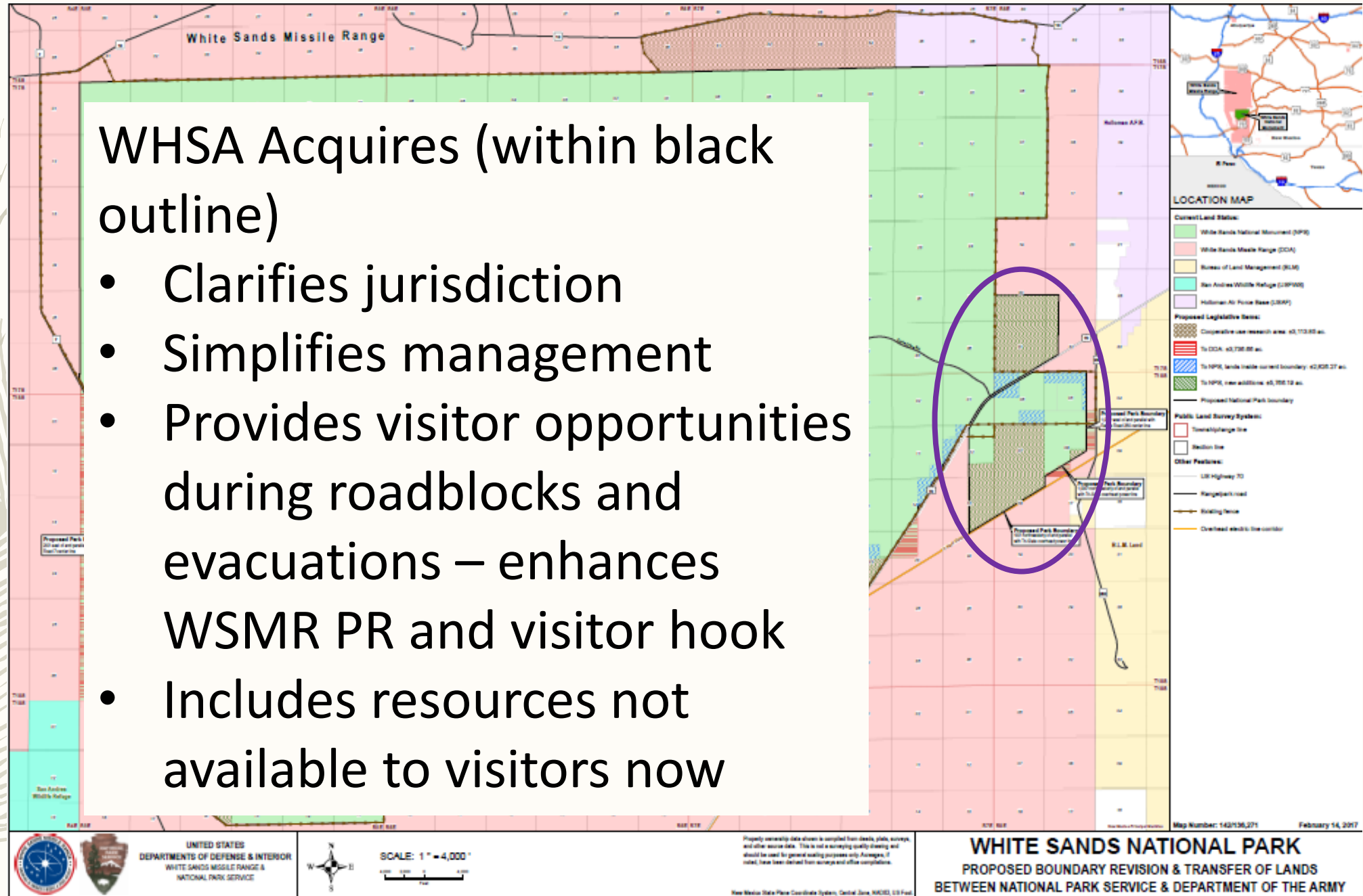
WSMR Acquires

- Simplifies management using road as boundary



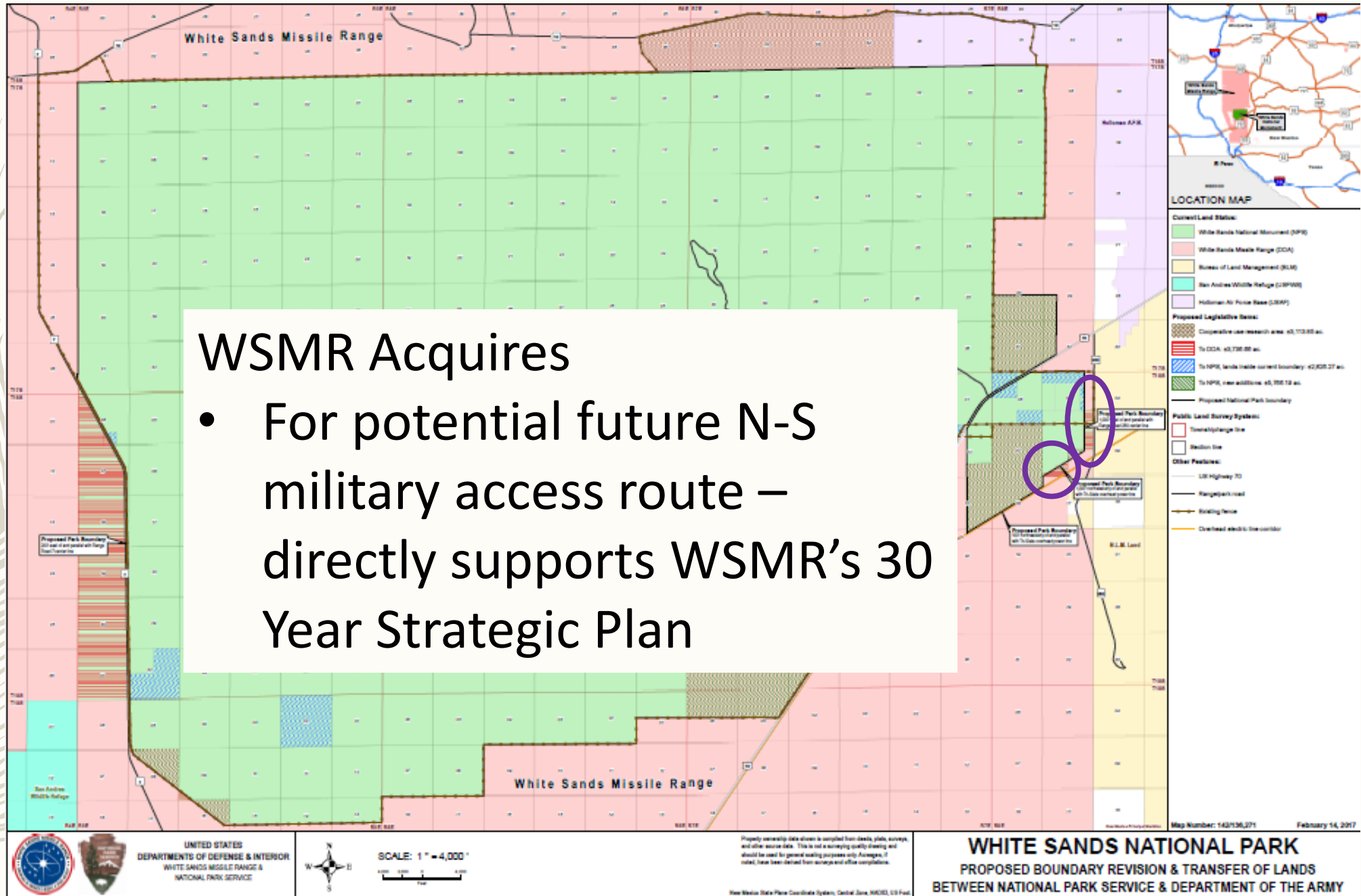
WHSA Acquires (within black outline)

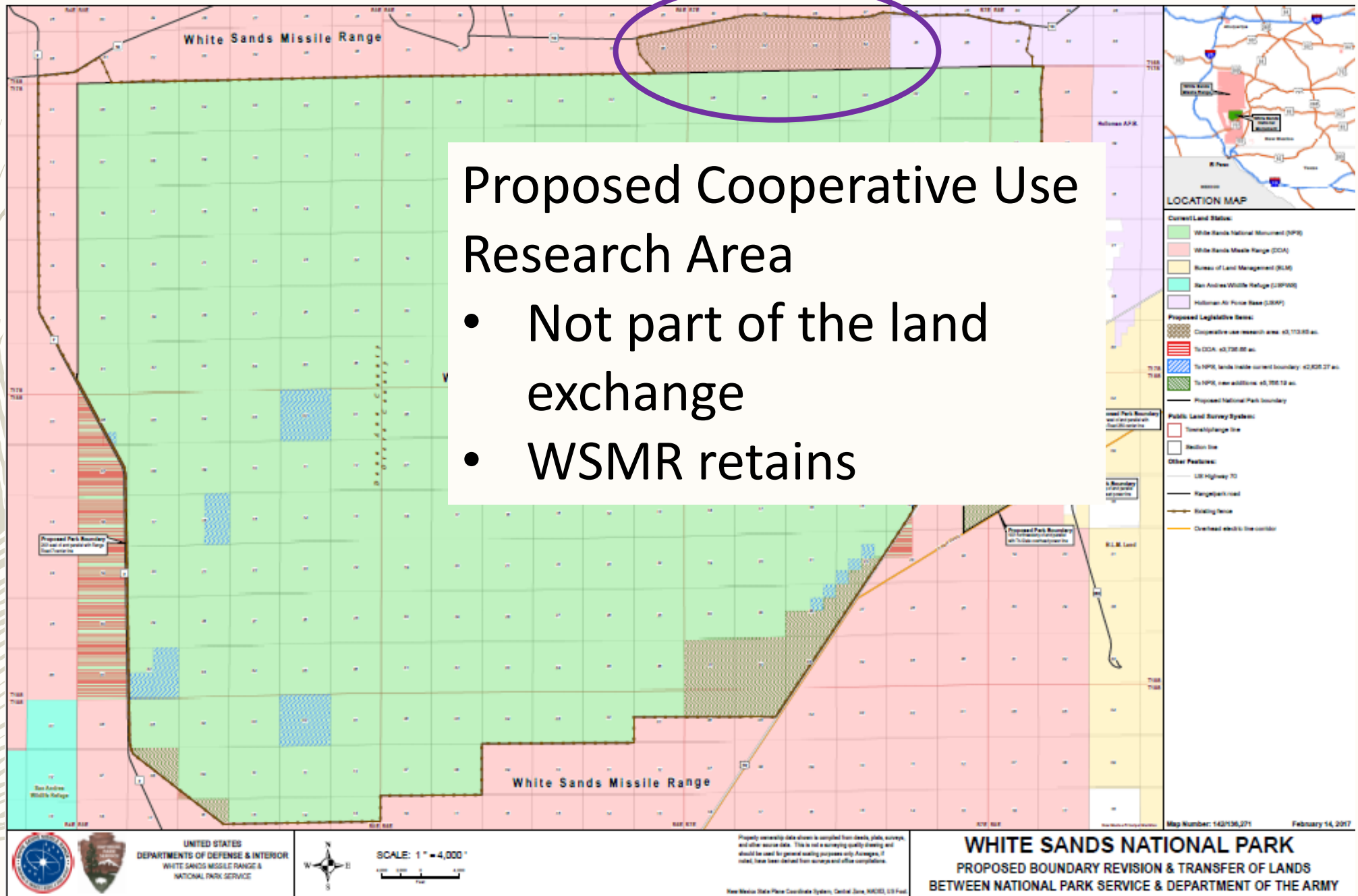
- Clarifies jurisdiction
- Simplifies management
- Provides visitor opportunities during roadblocks and evacuations – enhances WSMR PR and visitor hook
- Includes resources not available to visitors now



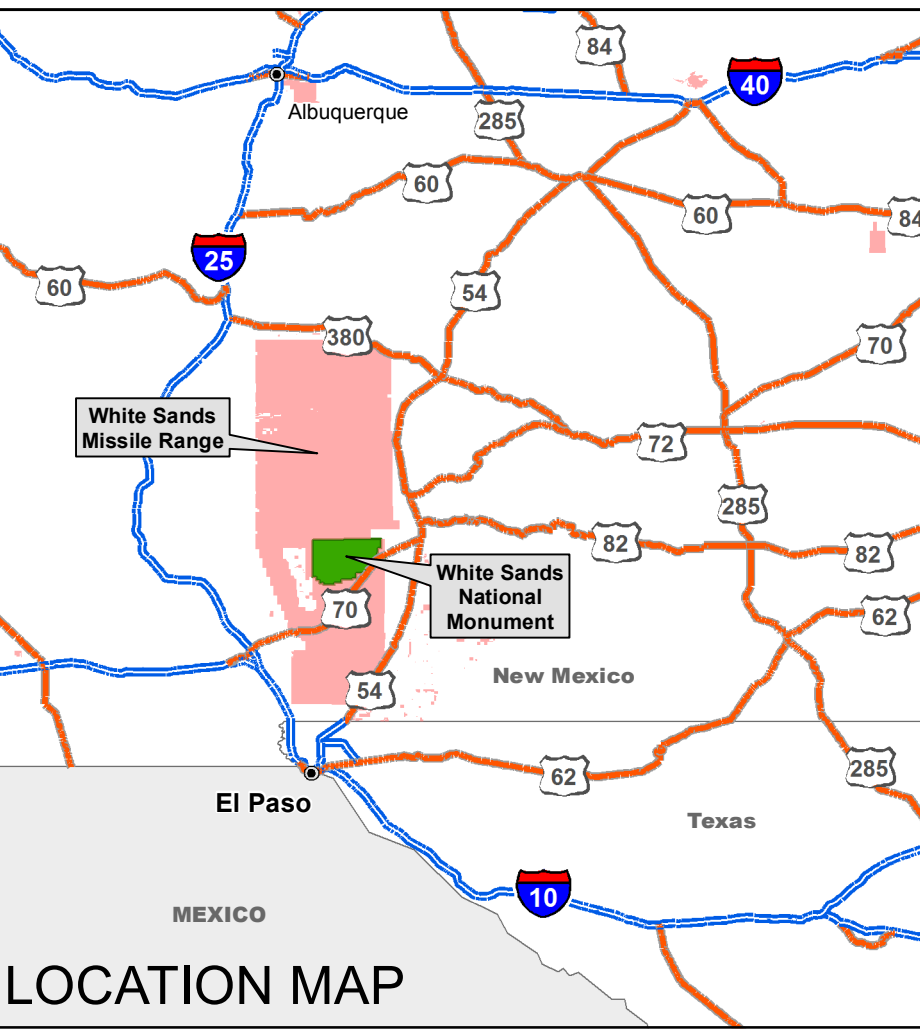
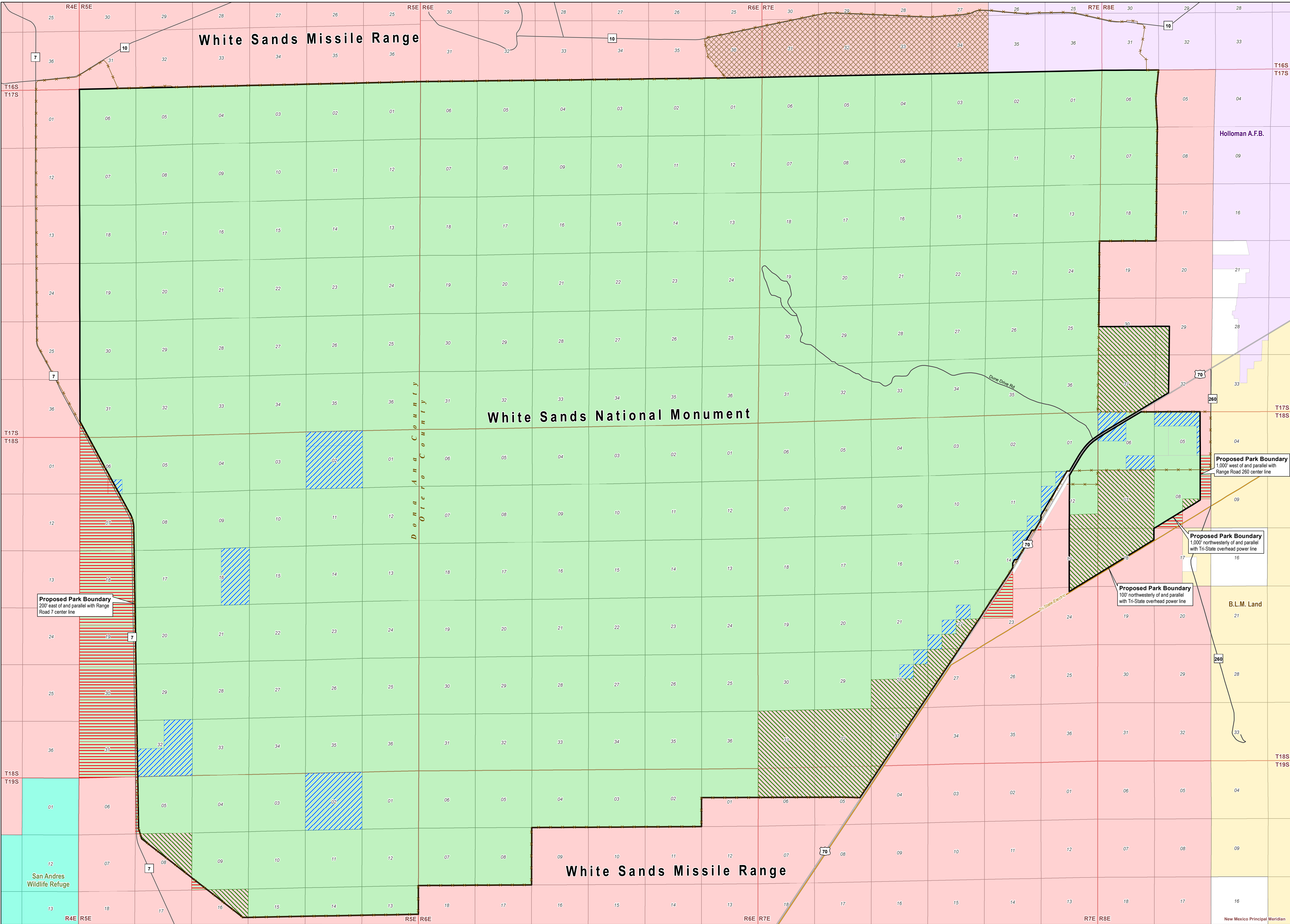
WSMR Acquires

- For potential future N-S military access route – directly supports WSMR's 30 Year Strategic Plan





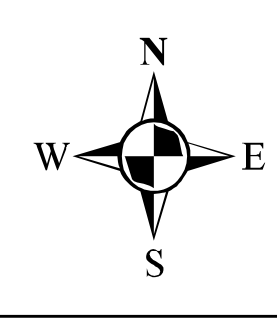




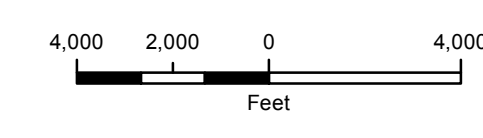
- Current Land Status:**
- White Sands National Monument (NPS)
 - White Sands Missile Range (DOA)
 - Bureau of Land Management (BLM)
 - San Andres Wildlife Refuge (USFWS)
 - Holloman Air Force Base (USAF)
- Proposed Legislative Items:**
- Cooperative use research area: ±3,113.85 ac.
 - To DOA: ±3,736.66 ac.
 - To NPS, lands inside current boundary: ±2,826.27 ac.
 - To NPS, new additions: ±5,766.19 ac.
- Proposed National Park boundary**
- Public Land Survey System:**
- Township/range line
 - Section line
- Other Features:**
- US Highway 70
 - Range/park road
 - Existing fence
 - Overhead electric line corridor



UNITED STATES
DEPARTMENTS OF DEFENSE & INTERIOR
WHITE SANDS MISSILE RANGE &
NATIONAL PARK SERVICE



SCALE: 1" = 4,000'



Property ownership data shown is compiled from deeds, plats, surveys, and other source data. This is not a surveying quality drawing and should be used for general scaling purposes only. Acreages, if noted, have been derived from surveys and office compilations.

New Mexico State Plane Coordinate System, Central Zone, NAD83, US Foot.

WHITE SANDS NATIONAL PARK

PROPOSED BOUNDARY REVISION & TRANSFER OF LANDS BETWEEN NATIONAL PARK SERVICE & DEPARTMENT OF THE ARMY

U.S. Senator Martin Heinrich

White Sands National Park Establishment Act



CREDIT: National Park Service

U.S. Senator Martin Heinrich (D-N.M.) is proposing legislation to designate White Sands National Monument as a national park – the most prestigious National Park Service designation – to support the Tularosa Basin’s and nearby local economies. The legislation would also highlight significant new discoveries and resolve long-standing boundary challenges for the monument and White Sands Missile Range (WSMR). Senator Heinrich is a member of the Senate Committee on Armed Services and the Senate Committee on Energy and Natural Resources (ENR). He is also Ranking Member of the Joint Economic Committee and of ENR’s Subcommittee on National Parks.

“I am proud to work with leaders in Otero County and southern New Mexico to help enhance the missions of the military and White Sands National Monument, and ensure the monument receives the recognition it deserves. Researchers have discovered nationally significant resources within the last decade at White Sands that have reshaped our understanding of the wildlife and human history in and around the dunefield, creating new opportunities for scientists and visitors. Everyone who has been to White Sands National Monument knows that its remarkable geology, spectacular scenery, and outstanding recreation are worthy of national park designation.”

– U.S. Senator Martin Heinrich

History and economic impact

White Sands National Monument was established in 1933 by President Herbert Hoover to preserve “the white sands” - the largest gypsum dunefield in the world. The bright white dunes are so distinctive that they are used by astronauts as a geographic reference point when looking down at Earth. Travelers continue to recognize the unique recreation opportunities at White Sands. The monument attracts visitors from around the world, making it one of the most photographed places in the United States.

White Sands has seen more visitors than any other National Park Service site in New Mexico in every year since 1995. White Sands received an average of almost 505,000 people each year during that time period, and saw almost a third of all visitation to New Mexico’s National Park Service sites in recent years. In 2016, these visitors spent \$29.3 million in the local economy and supported over 430 jobs, \$10.6 million in labor income, and \$33.6 million in economic output. Similar to previous years, non-local visitors contributed 98.8% of that economic output, directly growing the economy in Otero County and the surrounding region.

Working with the military

Senator Heinrich’s bill supports the close relationship of the National Park Service with the U.S. Department of Defense installations in southern New Mexico. Neither airspace management nor military operations are affected by re-designation of White Sands National Monument. In fiscal year 2017, the monument supported approximately 80 military tests, and this would continue. Senator Heinrich’s bill simplifies management of both White Sands National Park and White Sands Missile Range and provides new opportunities for both the park and the military. The bill would also complete a land exchange in progress since before 1985 and resolve jurisdiction questions dating to the 1970s. The legislation protects existing authorities and important ways in which the two agencies work together

by continuing interagency agreements, including provisions related to restricted airspace and evacuations during military tests to keep visitors separated from potential hazards.

Recent discoveries

People have been studying White Sands National Monument for the better part of a century, but a diversity of nationally significant resources and new insights into the dunefield itself have been discovered in just the last decade. These have sparked both vigorous interest from scientists, historians, and archaeologists and efforts to share new information with visitors. According to monument scientists and publications such as the 2016 White Sands National Monument Foundation Document:

- For many years we have known that White Sands contains pueblo structures, tools, and other archaeological riches. New evidence of human habitation in the dunefield over the past 10,000 years or longer has been found, including thousands of hearth sites preserved in ways found nowhere else. Hearth fires hardened the gypsum that encapsulated charcoal, food, and cultural material, making these hearth sites excellent time capsules.
- White Sands was recently designated as a Mega-Track site for all the Pleistocene (Ice Age) mammal tracks unearthed and documented there. The monument has largest collection fossilized tracks in gypsum in the world and the largest concentration of tracks in North America from that period. Tracks have been found from dire wolves, giant ground sloths, saber-toothed cats, woolly mammoths, and ancient camels.
- New species and subspecies of insects, reptiles, mammals, and others groups are being discovered in White Sands every year. These animals rapidly adapted to the unique dunefield conditions within less than 10,000 years, as did many of the plants found in the monument. Many species in the monument are found nowhere else in the world.
- Scientists in many disciplines continue to conduct groundbreaking research in White Sands, and have made new advances in understanding – from the hydrological processes that help maintain the dunefield to microorganisms in the soil to techniques for space exploration.

Elevating the monument to a national park

National parks are established to protect and enjoy a variety of nationally significant resources, as opposed to national monuments that may protect as few as one resource such as the dunefield originally cited in 1933. Only Congress has the authority to create national parks. White Sands would be the second national park in New Mexico, along with Carlsbad Caverns.

A Federal Reserve study of eight monument to park re-designations through 2000 found that within one year of re-designation, visitation increased by an average of approximately 13,000 visitors annually. For some parks this number is significantly higher. The Federal Reserve study also found that park re-designation does not “divert visitation from other sites but rather adds new visitors to the NPS system.”

While visitors will experience no change in management (including in entrance fees) due to the designation, becoming a national park means immediate and more prominent inclusion in global and domestic travel materials. National park designation is important in the effort to attract more visitors, especially international and out-of-state travelers. With increased visitation, the park will collect additional revenue allowing for even better resource protection, interpretation, and visitor opportunities. And the surrounding community will experience more economic growth.

Becoming a national park does not affect the unrelated nomination process for the United Nations’ World Heritage List. However, Senator Heinrich’s legislation references the existing nomination process preventing the U.S. Department of Interior from nominating White Sands National Park to become a World Heritage site without the concurrence of Otero and Dona Ana Counties.

The 100th anniversary of the National Park Service drove record numbers of Americans and tourists from around the globe to “Find Your Park” in 2016. Now is the perfect time to tell the story of White Sands to a new generation as our next national park.

U.S. Senator Martin Heinrich

FAQ: White Sands National Park Establishment Act and Southern New Mexico's Military Installations

The White Sands National Park Establishment Act, sponsored by U.S. Senator Martin Heinrich (D-N.M.), supports the close relationship between the National Park Service (NPS) and the U.S. Department of Defense (DOD) installations in southern New Mexico: White Sands Missile Range (WSMR), Holloman Air Force Base, and Fort Bliss.

Were the military installations consulted in the development of this bill?

Yes. Conversations between congressional staff, DOD, and NPS began in 2010, when the Army requested assistance completing the land exchange between White Sands National Monument (WSNM) and WSMR. Since then, many discussions – including with the Pentagon - have taken place and a number of provisions were specifically developed by Senator Heinrich to reflect DOD needs and installations' agreements with WSNM.

Will the use of White Sands Missile Range's restricted airspace be affected?

No. WSMR controls the airspace above the monument from ground to infinity, and changing from a monument to a park does not alter DOD's jurisdiction. Even if the airspace was not restricted, there is no difference between how airspace is managed by FAA over a national monument versus a national park. This has been confirmed multiple times by WSMR, Holloman, and the NPS.

Will existing interagency agreements be nullified?

No. The bill specifies that existing documents, including interagency agreements, are to remain valid after the re-designation of WSNM to a national park. This includes existing provisions related to WSMR's restricted airspace and evacuations during military tests to keep visitors separated from potential hazards. In fiscal year 2017, the monument supported approximately 80 military tests. Further, DOD and NPS will still be able to enter into new agreements as necessary.

Are the process or standards for cleanup of a military aircraft crash different in a park than a monument?

No. Laws, authorities, processes, and standards are the same for national parks and monuments.

Are there changes being made to the monument and military installations?

Yes. The bill simplifies management of both the monument and WSMR and provides new opportunities for the monument and the military through the completion of a land exchange which has been in progress since 1985. The land exchange, in which both parties give and receive acreage, is a result of direct negotiations between WSMR and WSNM and takes into account needs of the Army, Air Force, Navy, and others. The bill also clarifies jurisdiction questions that arose in the 1970s.

Are there any other provisions included in the bill protecting the region's military missions?

Yes. Air quality classification is the only difference between a monument and a park as far as law, regulations, and management are concerned. Senator Heinrich's bill specifies that re-designation to national park does not affect the kind of air quality standards the NPS must follow at White Sands. The dunes themselves are the major contributor to airborne particulate matter in the Tularosa Basin. The bill language ensures that the re-designation will not lead to restrictions on activities that might affect air quality in the region by the NPS, DOD, or other parties.

Why is this legislation necessary to execute the land exchange if an exchange was authorized by Congress in 1996?

First, the 1996 law authorized the exchange but did not execute it. For various reasons including the difficulty of completing an unexploded ordnance (UXO) survey on all of the land involved, the partners have been unable to complete the exchange. Second, this bill reflects a new agreement, reached between WSMR and WSNM in February 2017, which optimizes boundaries to address current needs better than the 1996 authorization did. In addition to changes like those mentioned below, the Army will be able to retain approximately 2,500 acres to the northwest of the monument that the 1996 legislation would have transferred from WSMR to the monument. Keeping this land allows for better management of various military facilities in the parcel.

Will the land exchange affect roadblocks in support of military tests?

No. As referenced above, testing can continue as it does today. However, since White Sands National Park would acquire some additional resources outside the test evacuation area in the exchange, visitors would have opportunities to learn and explore outside during roadblocks. This is not possible today. This should improve perceptions of WSMR as well as keep visitors in the area longer, potentially leading to increased economic impact.

Does the bill address management of WSMR utilities currently on NPS property?

Yes. The bill improves the ability of WSMR to manage its utilities. Right now WSMR manages utility infrastructure located to the east of Range Road 7 inside the monument under an agreement with the monument. While the agreement is working well, this bill gives jurisdiction of the land involved to WSMR. This facilitates investment by the military in the maintenance and upgrades of the utilities and road, while preventing further damage to the watershed.

Does the bill address transportation between the northern and southern portions of WSMR, as identified in WSMR's new 30-year strategic plan?

Yes. Senator Heinrich's legislation also provides WSMR jurisdiction over certain land on the east side of the monument in this land exchange. This property will provide flexibility for the military if it should decide to pursue the creation of a north-south access route for use during testing and training exercises. Currently, there is no decision or plan to construct such an access route.

Will the Army complete an unexploded ordnance (UXO) survey ("investigation") and remediation ("response action") on land transferred to White Sands National Park?

The Army will remain responsible for any of its UXO and other munitions and will survey or remove those only as needed by the NPS to expand opportunities for visitors or improve safety in specific areas. This approach reduces costs. Survey and remediation will be dependent on appropriations to the Army and the ability to conduct cleanup without significant damage to important park resources. The Army and NPS will work together using the process outlined in Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to identify appropriate options for cleanup. CERCLA includes opportunities for public review and input. Areas will not be open to the public until remediation required for safety is completed.

What is the Cooperative Use Research Area (CURA)?

White Sands Missile Range contains rare dune formations just north of the monument, and the CURA reflects an agreement between WSMR and WSNM to allow NPS and related scientists to conduct research more easily in that area. Much of that research will benefit both the natural resource management and military research, development, test, and evaluation communities. The bill does not direct specific terms of the agreement, but leaves that to WSMR and WSNM to work out. The land will remain under WSMR's jurisdiction.

115TH CONGRESS
2D SESSION

S. _____

To establish the White Sands National Park in the State of New Mexico
as a unit of the National Park System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To establish the White Sands National Park in the State
of New Mexico as a unit of the National Park System,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “White Sands National Park Establishment Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—WHITE SANDS NATIONAL PARK

Sec. 101. Findings.

Sec. 102. Establishment of White Sands National Park.

TITLE II—MODIFICATION OF BOUNDARIES OF WHITE SANDS
NATIONAL PARK AND WHITE SANDS MISSILE RANGE

Sec. 201. Transfers of administrative jurisdiction.

Sec. 202. Boundary modifications.

Sec. 203. Administration.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) MAP.—The term “Map” means the map en-
4 titled “White Sands National Park Proposed Bound-
5 ary Revision & Transfer of Lands Between National
6 Park Service & Department of the Army”, numbered
7 142/136,271, and dated February 14, 2017.

8 (2) MILITARY MUNITIONS.—The term “military
9 munitions” has the meaning given the term in sec-
10 tion 101(e) of title 10, United States Code.

11 (3) MISSILE RANGE.—The term “missile
12 range” means the White Sands Missile Range, New
13 Mexico, administered by the Secretary of the Army.

14 (4) MONUMENT.—The term “Monument”
15 means the White Sands National Monument, New
16 Mexico, established by Presidential Proclamation
17 No. 2025 (54 U.S.C. 320301 note), dated January
18 18, 1933, and administered by the Secretary.

19 (5) MUNITIONS DEBRIS.—The term “munitions
20 debris” has the meaning given the term in volume
21 8 of the Department of Defense Manual Number
22 6055.09-M entitled “DoD Ammunitions and Explo-

1 sives Safety Standards” and dated February 29,
2 2008 (as in effect on the date of enactment of this
3 Act).

4 (6) PARK.—The term “Park” means the White
5 Sands National Park established by section 102(a).

6 (7) PUBLIC LAND ORDER.—The term “Public
7 Land Order” means Public Land Order 833, dated
8 May 21, 1952 (17 Fed. Reg. 4822).

9 (8) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (9) STATE.—The term “State” means the State
12 of New Mexico.

13 **TITLE I—WHITE SANDS** 14 **NATIONAL PARK**

15 **SEC. 101. FINDINGS.**

16 Congress finds that—

17 (1) White Sands National Monument was es-
18 tablished on January 18, 1933, by President Her-
19 bert Hoover under chapter 3203 of title 54, United
20 States Code (commonly known as the “Antiquities
21 Act of 1906”);

22 (2) President Hoover proclaimed that the
23 Monument was established “for the preservation of
24 the white sands and additional features of scenic,
25 scientific, and educational interest”;

1 (3) the Monument was expanded by Presidents
2 Roosevelt, Eisenhower, Carter, and Clinton in 1934,
3 1942, 1953, 1978, and 1996, respectively;

4 (4) the Monument contains a substantially
5 more diverse set of nationally significant historical,
6 archaeological, scientific, and natural resources than
7 were known of at the time the Monument was estab-
8 lished, including a number of recent discoveries;

9 (5) the Monument is recognized as a major unit
10 of the National Park System with extraordinary val-
11 ues enjoyed by more visitors each year since 1995
12 than any other unit in the State;

13 (6) the Monument contributes significantly to
14 the local economy by attracting tourists; and

15 (7) designation of the Monument as a national
16 park would increase public recognition of the diverse
17 array of nationally significant resources at the
18 Monument and visitation to the unit.

19 **SEC. 102. ESTABLISHMENT OF WHITE SANDS NATIONAL**
20 **PARK.**

21 (a) ESTABLISHMENT.—To protect, preserve, and re-
22 store its scenic, scientific, educational, natural, geological,
23 historical, cultural, archaeological, paleontological,
24 hydrological, fish, wildlife, and recreational values and to
25 enhance visitor experiences, there is established in the

1 State the White Sands National Park as a unit of the Na-
2 tional Park System.

3 (b) ABOLISHMENT OF WHITE SANDS NATIONAL
4 MONUMENT.—

5 (1) ABOLISHMENT.—Due to the establishment
6 of the Park, the Monument is abolished.

7 (2) INCORPORATION.—The land and interests
8 in land that comprise the Monument are incor-
9 porated in, and shall be considered to be part of, the
10 Park.

11 (c) REFERENCES.—Any reference in a law, map, reg-
12 ulation, document, paper, or other record of the United
13 States to the “White Sands National Monument” shall be
14 considered to be a reference to the “White Sands National
15 Park”.

16 (d) AVAILABILITY OF FUNDS.—Any funds available
17 for the Monument shall be available for the Park.

18 (e) ADMINISTRATION.—The Secretary shall admin-
19 ister the Park in accordance with—

20 (1) this title; and

21 (2) the laws generally applicable to units of the
22 National Park System, including section 100101(a),
23 chapter 1003, sections 100751(a), 100752, 100753,
24 and 102101, and chapter 3201 of title 54, United
25 States Code.

1 (f) WORLD HERITAGE LIST NOMINATION.—

2 (1) COUNTY CONCURRENCE.—The Secretary
3 shall not submit a nomination for the Park to be in-
4 cluded on the World Heritage List of the United
5 Nations Educational, Scientific and Cultural Organi-
6 zation unless each county in which the Park is lo-
7 cated concurs in the nomination.

8 (2) ARMY NOTIFICATION.—Before submitting a
9 nomination for the Park to be included on the World
10 Heritage List of the United Nations Educational,
11 Scientific and Cultural Organization, the Secretary
12 shall notify the Secretary of the Army of the intent
13 of the Secretary to nominate the Park.

14 (g) EFFECT.—Nothing in this section affects—

15 (1) valid existing rights (including water
16 rights);

17 (2) permits or contracts issued by the Monu-
18 ment;

19 (3) existing agreements, including agreements
20 with the Department of Defense;

21 (4) the jurisdiction of the Department of De-
22 fense regarding the restricted airspace above the
23 Park; or

24 (5) the airshed classification of the Park under
25 the Clean Air Act (42 U.S.C. 7401 et seq.).

1 **TITLE II—MODIFICATION OF**
2 **BOUNDARIES OF WHITE**
3 **SANDS NATIONAL PARK AND**
4 **WHITE SANDS MISSILE**
5 **RANGE**

6 **SEC. 201. TRANSFERS OF ADMINISTRATIVE JURISDICTION.**

7 (a) TRANSFER OF ADMINISTRATIVE JURISDICTION
8 TO THE SECRETARY.—

9 (1) IN GENERAL.—Administrative jurisdiction
10 over the land described in paragraph (2) is trans-
11 ferred from the Secretary of the Army to the Sec-
12 retary.

13 (2) DESCRIPTION OF LAND.—The land referred
14 to in paragraph (1) is—

15 (A) the approximately 2,826 acres of land
16 identified as “To NPS, lands inside current
17 boundary” on the Map; and

18 (B) the approximately 5,766 acres of land
19 identified as “To NPS, new additions” on the
20 Map.

21 (b) TRANSFER OF ADMINISTRATIVE JURISDICTION
22 TO THE SECRETARY OF THE ARMY.—

23 (1) IN GENERAL.—Administrative jurisdiction
24 over the land described in paragraph (2) is trans-

1 ferred from the Secretary to the Secretary of the
2 Army.

3 (2) DESCRIPTION OF LAND.—The land referred
4 to in paragraph (1) is the approximately 3,737 acres
5 of land identified as “To DOA” on the Map.

6 **SEC. 202. BOUNDARY MODIFICATIONS.**

7 (a) PARK.—

8 (1) IN GENERAL.—The boundary of the Park is
9 revised to reflect the boundary depicted on the Map.

10 (2) MAP.—

11 (A) IN GENERAL.—The Secretary, in co-
12 ordination with the Secretary of the Army, shall
13 prepare and keep on file for public inspection in
14 the appropriate office of the Secretary a map
15 and a legal description of the revised boundary
16 of the Park.

17 (B) EFFECT.—The map and legal descrip-
18 tion under subparagraph (A) shall have the
19 same force and effect as if included in this Act,
20 except that the Secretary may correct clerical
21 and typographical errors in the map and legal
22 description.

23 (3) BOUNDARY SURVEY.—As soon as prac-
24 ticable after the date of the establishment of the
25 Park and subject to the availability of funds, the

1 Secretary shall complete an official boundary survey
2 of the Park.

3 (b) MISSILE RANGE.—

4 (1) IN GENERAL.—The boundary of the missile
5 range and the Public Land Order are modified to
6 exclude the land transferred to the Secretary under
7 section 201(a) and to include the land transferred to
8 the Secretary of the Army under section 201(b).

9 (2) MAP.—The Secretary shall prepare a map
10 and legal description depicting the revised boundary
11 of the missile range.

12 (c) CONFORMING AMENDMENT.—Section 2854 of
13 Public Law 104–201 (54 U.S.C. 320301 note) is repealed.

14 **SEC. 203. ADMINISTRATION.**

15 (a) PARK.—The Secretary shall administer the land
16 transferred under section 201(a) in accordance with laws
17 (including regulations) applicable to the Park.

18 (b) MISSILE RANGE.—Subject to subsection (c), the
19 Secretary of the Army shall administer the land trans-
20 ferred to the Secretary of the Army under section 201(b)
21 as part of the missile range.

22 (c) INFRASTRUCTURE; RESOURCE MANAGEMENT.—

23 (1) RANGE ROAD 7.—

24 (A) INFRASTRUCTURE MANAGEMENT.—To
25 the maximum extent practicable, in planning,

1 constructing, and managing infrastructure on
2 the land described in subparagraph (C), the
3 Secretary of the Army shall apply low-impact
4 development techniques and strategies to pre-
5 vent impacts within the missile range and the
6 Park from stormwater runoff from the land de-
7 scribed in that subparagraph.

8 (B) RESOURCE MANAGEMENT.—The Sec-
9 retary of the Army shall—

10 (i) manage the land described in sub-
11 paragraph (C) in a manner consistent with
12 the protection of natural and cultural re-
13 sources within the missile range and the
14 Park and in accordance with section
15 101(a)(1)(B) of the Sikes Act (16 U.S.C.
16 670a(a)(1)(B)), division A of subtitle III of
17 title 54, United States Code, and the Na-
18 tive American Graves Protection and Re-
19 patriation Act (25 U.S.C. 3001 et seq.);
20 and

21 (ii) include the land described in sub-
22 paragraph (C) in the integrated natural
23 and cultural resource management plan for
24 the missile range.

1 (C) DESCRIPTION OF LAND.—The land re-
2 ferred to in subparagraphs (A) and (B) is the
3 land that is transferred to the administrative
4 jurisdiction of the Secretary of the Army under
5 section 201(b) and located in the area east of
6 Range Road 7 in—

- 7 (i) T. 17 S., R. 5 E., sec. 31;
8 (ii) T. 18 S., R. 5 E.; and
9 (iii) T. 19 S., R. 5 E., sec. 5.

10 (2) FENCE.—

11 (A) IN GENERAL.—The Secretary of the
12 Army shall continue to allow the Secretary to
13 maintain the fence shown on the Map until
14 such time as the Secretary determines that the
15 fence is unnecessary for the management of the
16 Park.

17 (B) REMOVAL.—If the Secretary deter-
18 mines that the fence is unnecessary for the
19 management of the Park under subparagraph
20 (A), the Secretary shall promptly remove the
21 fence at the expense of the Department of the
22 Interior.

23 (d) RESEARCH.—The Secretary of the Army and the
24 Secretary may enter into an agreement to allow the Sec-

1 retary to conduct certain research in the area identified
2 as “Cooperative Use Research Area” on the Map.

3 (e) MILITARY MUNITIONS AND MUNITIONS DE-
4 BRIS.—

5 (1) RESPONSE ACTION.—With respect to any
6 Federal liability, the Secretary of the Army shall re-
7 main responsible for any response action addressing
8 military munitions or munitions debris on the land
9 transferred under section 201(a) to the same extent
10 as on the day before the date of enactment of this
11 Act.

12 (2) INVESTIGATION OF MILITARY MUNITIONS
13 AND MUNITIONS DEBRIS.—

14 (A) IN GENERAL.—The Secretary may re-
15 quest that the Secretary of the Army conduct
16 1 or more investigations of military munitions
17 or munitions debris on any land transferred
18 under section 201(a).

19 (B) ACCESS.—The Secretary shall give ac-
20 cess to the Secretary of the Army to the land
21 covered by a request under subparagraph (A)
22 for the purposes of conducting the 1 or more
23 investigations under that subparagraph.

1 (C) LIMITATION.—An investigation con-
2 ducted under this paragraph shall be subject to
3 available appropriations.

4 (3) APPLICABLE LAW.—Any activities under-
5 taken under this subsection shall be carried out in
6 accordance with—

7 (A) the Comprehensive Environmental Re-
8 sponse, Compensation, and Liability Act of
9 1980 (42 U.S.C. 9601 et seq.);

10 (B) the purposes for which the Park was
11 established; and

12 (C) any other applicable law.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date:

Report No: 4.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the March 27, 2018 Regular meeting. *(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 MINUTES
6:30 P.M., COMMISSION CHAMBERS
March 27, 2018**

**RICHARD BOSS, MAYOR
AL HERNANDEZ, COMMISSIONER
NADIA SIKES, COMMISSIONER
JOSH RARDIN, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**JASON BALDWIN, MAYOR PRO-TEM
DUSTY WRIGHT, COMMISSIONER
MAGGIE PALUCH, CITY MANAGER
PETRIA SCHREIBER, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Reverend Dwight Harp and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Comprehensive Plan update. (*Jackie Fishman, Consensus Planning*)

City Planner Williams introduced Jackie Fishman from Consensus Planning. Ms. Fishman showed a Power Point presentation and talked about the process they went through to come up with the final plan. She showed the plan elements in the Comprehensive Plan including a summary with goals, objectives and strategies. She gave a brief description of each of the elements of the plan. (See Power Point in Blue Book)

PUBLIC COMMENT

Bill Dennis commented on the following:

Mr. Dennis said he is the Chairman of the Alamogordo Library Public Advisory Board. He notified the Commission that Library Board Member Gloria Vaughn has not attended a Public Advisory Board meeting since January 11, 2017. He said Ms. Vaughn has Alzheimer's disease. He asked the Mayor and Commission to vacate Ms. Vaughn's seat on the board. Mayor Boss apologized and said he does recall Mr. Dennis's letter. He said Mr. Dennis also brought this up at a meeting in public speaking one other time. He said at that point he thought it was taken care of and obviously, nothing has been done. He said they will wait till they get to Boards and Committees, on the agenda, to remove Ms. Vaughn from her seat.

Frank Medeiros commented on the following:

He passed on his comment.

Eugene Downer commented on the following:

He gave a pat on the back to anybody associated with Youth Programs. He also gave a pat on the back to Commissioner Rardin for scheduling a meeting with the County. He thanked Mayor Boss for showing up and welcoming the owner of Spaghetti Western. He talked about Mr. Griffith investing millions in the mall and Holloman Air Force Base being an important market for the mall. He continued to talk about the blight removal program and making the entrance, into the City, inviting. He talked about increasing the salaries of all police officers and firefighters. He said to have City employees participate on firefighting activities really exposes this city to too much liability, so he would appreciate that not being done again.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She said Monday April 2, 2018 is Brian Peete's first day as Chief of Police for the Alamogordo Police Department. There will be a swearing in at 8:15 a.m. in the Commission Chambers.
2. She spoke about the progress of the Sahara Apartments. She said Terracon has been issued a task order to perform the asbestos and lead based paint sampling survey. The survey is scheduled for March 27th and 28th and the facility maintenance team is coordinating access with the structures and the City should have the survey results back around mid-April.
3. She said the Street maintenance program bids were open on March 20 at 2:00 p.m. She said two bids were received and General Hydronics Utilities is the apparent low bidder and the Commission should see that award on April 10, 2018. The cost for the base bid and all four bid alternates is approximately \$6 million. She staff is going to have to move approximately \$250,000 from fund 81 from the future 2018 Street Maintenance Program to facilitate award of the complete scope in lieu of moving some of the streets into the 2018 Project.
4. She said there has been quite some debate on Facebook regarding the equipment at Kid's Kingdom. In response to the outcry, we released a public service announcement that said the project was on hold. She clarified that the project is currently moving forward. She said please understand that the Commission did act and supported option 2a in September 2017. This option that was presented to the Commission did include a cost breakdown of the playground equipment and other park amenities. Since the Commission already took action on the item, the design is currently moving forward. She said she will have more information on the design which will be included for the Commission meeting on April 10, 2018. The public will be able to see more detailed renderings from Exerplay of the park. During that meeting the Commission can discuss and insure that the City wants to move forward with what the Commission already voted on.
5. She said the Zoo has been looking for a new river otter for over a year. She is pleased to announce that Zoo Manager Wisner has found a male otter from a rehab facility in Utah. Hopefully we will see that otter in mid-April.
6. She said Easter in the Park was held on March 24, 2018 at 10:00 a.m. until 1:00 p.m. She said the event was co-sponsored by Bert Broadcasting and there was an estimated 4,000 people in attendance. She said 26 local businesses and organizers set up booths with an Easter game or activity for the children to play. The Annual Easter parade was led by the Easter Bunny himself and there were 42 participants dressed up and decorated in efforts to win a new bike. She gave a big shout out to First National Bank for purchasing four age appropriate bicycles for the winners of the Easter parade. They had different age groups for the Easter egg hunt; there were 32 full rounds of Easter egg hunting fun and the children were able to collect five eggs each. She again gave a major shout out to First National Bank for donating 32 Easter baskets for the winners of all of the rounds of the Easter egg hunt. She said 94 Key hosted their annual adult Easter egg scramble. She said 100 adults won prizes from local businesses and one lucky participant won a \$300 grill. There was plenty of parking for handicap individuals with a whole designated lot near the large stage. She said for another year we had a great event at Easter in the Park.
7. She said this evening the Commission will be reviewing the LEDA project for TLC for the call center at the White Sands Mall and in the case the Commission does approve that project there will be a PR ceremony at the mall in front of the old Sears/Hallmark location. She thanked Laurie Anderson and OCEDC for organizing that. The ceremony will be tomorrow at 10:30 a.m. She said the public and the Commission are invited and again there is a possible quorum posted.
8. She said the City of Alamogordo will be conducting a ceremonial key exchange for the family fun center to our operating contractor Mr. Jay Chun from Downtown Venture Corp. The ceremony will be on Monday April 2, 2018 at 11:30 a.m. in front of the Family Fun Center and Mr. Chun will be able to share his vision and his plan for the facility. She said the public and the Commission are welcome to attend.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He asked where they were on the meeting he requested with the County. He said we could include Mr. Downer's comments about the County's Blight Ordinances that they were working on, so that we could

discuss that with County Commissioners. City Manager Paluch said she has been having an email exchange with County Manager Heltner. She said County Manager Heltner has only spoke to one County Commissioner and needs to get with the other two. They are more than willing to meet so we will setup a time. She said they want to talk about annexation, peace app, the steel pellet mill, so there are various items, so she will add this to the list. She recommended to do something like they did last time over at the Civic Center or at a larger location that has enough room for the public to attend. Commissioner Rardin said we have a newer Commission here and some of them do have day time jobs. He said in the past the Clerk would call all seven of them with multiple times of when the meeting could be held and see what works best for majority of the Commission.

Commissioner Hernandez made the following comments:

He said during the election he commented that this is one of the most thankless jobs available. He said as far as he knows nothing was put out that they were not going to talk about the park tonight and everybody expected that the Commission was going to do something, and you can see what they have here. He said it is easy to put your comments online but when it comes time to come in here and letting us know what you really think, because he does not get those posts, he does not see them. He said he does not do that social media stuff like that. He said staff did a lot of work on Kid's Kingdom, the Commission had several meetings on Kid's Kingdom, they spoke about it several times. Staff made their recommendations, the Commission made theirs, they did their due diligence. He said he appreciates City Manager Paluch bringing forth that they are still moving forward with the plans and they would discuss it further. He said the citizens have every opportunity every second and fourth Tuesday of the month to be here. He said if they have concerns, the Commission is more than willing to listen to them. He said his phone is always on and he will always return calls, but it just does not happen. He said social media is not a way to run the Commission and he just wanted to bring that forward. He said again he appreciates his fellow Commissioners, the staff and all the crap that everybody catches for the job that they do. He said it is open to the public, it has always been open to the public. He said for someone to accuse them of taking money, he said he is sorry, but that just pisses him off. He said again there was nothing posted that they were not going to talk about Kid's Kingdom tonight and look at what we have. He said it is a shame and they are blaming him for doing his job with the information that he has. He said that is all that he can use. He said so please if you have something to say, call him or come to the meetings, call city staff and talk to them. He said running behind social media, it doesn't do anything for him. He said he was very disappointed in how they are related as far as they don't do what they are supposed to. He said they do with what they have and that is it.

Mayor Boss made the following comments:

He said he is going to add a little bit to that and he is aware of some of the stuff going on with social media. He said they are expected to know everything about everything. They sit up there, they have staff that are Engineers, they are City Managers, they are Attorneys, they are Accountants, we have all these people out there and the Commission is expected to know everything that these employees know we rely on that. He said people don't understand, we have to rely on staff. We have a fantastic staff to rely upon, in his opinion. He said he is not an Attorney, an Accountant or a City Manager, he is the Mayor of Alamogordo. He said they have to rely upon their staff and they do, and he does it in confidence. He said we are not bobble heads, he can assure you. They know what is going on, they do their due diligence, they have an agenda report that comes to them every Friday, before a meeting, and they review it. When they come to the Commission meeting they know what is going on to the best of their ability. He said they have not gone out and looked at every little project that's going on in the community, he hasn't gone down and looked at every financial statement. He said that is not practical, but there are people out there on social media that think they should do it. He thanked Commissioner Hernandez for his comments.

Commissioner Hernandez said if these people that worked on social media and just put out their comments, if they would actually be productive and come and talk to us, it would be a whole lot different. He said he does not use social media for that exact reason. We do have a very young staff, but he can tell you, from his point, when he first started this it wasn't working very well with the current staff, and since then a lot of things have changed. He said we don't always see eye to eye, but we communicate,

and we learn from each other and that is what this is about. He said nobody here knows everything. He said we have probably one of the best staff, if not today, tomorrow because they do listen.

Commissioner Payne made the following comments:

She said she wanted to piggy back off what Mr. Downer said about our Code Enforcement. She said those of you who think that they are not doing enough, you are so incredibly mistaken, because they are working incredibly hard. She said for example there was a video put on social media about a particular home and just like Commission Hernandez said there must have been 40 or 50 ugly comments about the City doesn't care and the City doesn't do anything. She said that is very unfortunate and so she sent an email and within twenty minutes she got an email back saying where that this was on the list, this is where it's at and she was able to get back on there and say this is what is going on and she has yet to have a time in the last year that she has not been able to get an exact answer on a piece of property that they think that we are not working on, but people have to understand that we have laws, we have a process that we have to go through, we can't just tear down a home, unfortunately, that is how you get sued. She said we cannot do those kinds of things we have to go through the process. She gave a shout out to Code Enforcement because they are so on it. She said she would love to give them a raise, it probably not practical but it is a great idea, but she has not had a time where she has not been able to call them and get an answer and know that they are on it. She said we really appreciate that very much.

CONSENT AGENDA

2. Approve the minutes for the March 13, 2018 Regular meeting. (Rachel Hughs, City Clerk)

3. Consider, and act upon, request by PNM related to a leak adjustment request for 650 Fairgrounds Rd. (Mark Threadgill, Customer Service Manager)

4. Consider, and act upon, an application for participation in the 2019 Law Enforcement Protection Funds. (Mike Lawrence, Deputy Police Chief)

5. Approve Resolution No. 2018-11 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of March 27, 2018. (Kathy Gilsdorf, Budget Analyst) (Roll Call Vote required)

6. Consider, and act upon, final publication of Ordinance No. 1559 amending sections 29-01-100 and 29-01-110, Chapter 29 of the CODE pertaining to White Sands Beautification District. (City Planner, City Planner Williams Williams) (Roll Call Vote Required)

7. Consider, and act upon, final publication of Ordinance 1564 approving a Local Economic Development Project for secured financial assistance proposed by Thomas L. Cardella & Associates, Inc. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

City Attorney Schreiber asked to remove Item #7 from the Consent Calendar.

Commissioner Hernandez moved to approve items 2, 3, 4, 5, 6 of the consent calendar.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

7. Consider, and act upon, final publication of Ordinance 1564 approving a Local Economic Development Project for secured financial assistance proposed by Thomas L. Cardella & Associates, Inc. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

City Attorney Schreiber said there are a few changes that need to be made before they pass this. The first change they need to make is on the Ordinance itself, it references Drought Adaptation Industries. She said that needs to be stricken and should read Thomas L. Cardella & Associates on that first page. Furthermore, in the Project Participation Agreement, you will see on page two there is a yellow highlighted area. She said if this is approved tonight it just needs to have the correct approval date in there. Furthermore, the State of New Mexico came down and we met with Secretary Geisel from the State Economic Development Department. After some conversations with them, we did go ahead, on page four in Section seven, strike three and four from the disbursement, call center technology i.e.: computers, wireless hardware, software security and furniture and fixtures. She said although we may see these as eligible expenses as far as equipment, the State has taken a different view for various reasons. She said we spoke at length with Mr. Cardella and OCEDC, and instead we will replace this with lease abatement. This does not change the award of the LEDA funds, it is absolutely allowable under the LEDA statute as well. The amount will not change, but the purpose in use of the funds will change.

Mayor Pro-Tem Baldwin said he had a meeting with City Manager Paluch on Monday and this falls in the purvey of those conversations. He asked City Manager Paluch if she was okay with this and if all parties agree. She nodded yes.

City Attorney Schreiber said she has that in writing from the State and is happy to provide that to him or any members of the Commission that would like to see that.

Mayor Boss asked if the Commission could approve the item subject to the changes. City Attorney Schreiber answered absolutely.

Commissioner Rardin moved to approve as amended.

Mayor Pro-Tem Baldwin seconded the motion.

Roll call vote was taken.

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

NEW BUSINESS

8. Consider, and act upon, Resolution No. 2018-13, to adopt the update to the City of Alamogordo Comprehensive Plan final draft. (*Darron Williams, City Planner*) (Roll Call Vote Required)

City Planner Williams said we now have the finished and final draft. He said he does want to Segway into a little more explanation based on some additional feedback from the public and that is in regard to annexation. He talked about the planned use map that is part of the plan. He said essentially, it's purpose is, as we go forward as a City and as we work through petitions from land owners to be annexed into the City, if we don't already have a plan established as to what kind of zoning that property should become as it becomes part of the City, it automatically defaults to single family of R1 use. He said we could have a piece of property in the middle of an industrial zone that when it annexes, if it is not adapted properly, would automatically revert to R1, that is incompatible zoning. Part of this preferred used plan is to help guide us as we go forward to these annexation cases brought to us by individuals. He said City Ordinances Articles 2-07-010 through 2-07-040 defines annexation procedures within the City. This refers to how an individual petitions the City to be annexed and become part of the City of Alamogordo. He said normally City policy is that it does not annex property, meaning that the City does not go after property annex. Normally it is the owner or group of owners of property who create the petition to the City to be annexed. The City to his knowledge is not currently planning, is not envisioning nor otherwise active consideration to annex any property outside the City limits. Furthermore, the City itself does not normally pursue annexation of property. The routine method of choice is to negotiate purchase at a fair market value, if annexation was the method of choice, then the City would have to follow and comply with State Statutes outlined in Articles 3-7-5 through 3-7-18. He said if you look in our Code of Ordinances when it talks about if the City is going to annex property it immediately refers to the State Statutes; meaning we do not have a process within City Ordinance for the City to do any annexation, we have to comply with State Statutes. He said for the record, the City is not actively attempting to, planning to or

otherwise actively working annexation beyond those cases the owners petition to the City to be annexed into.

Commissioner Rardin said about 15 years ago when the City still had the permitting Department, he thinks the City had jurisdiction of a five-mile radius outside City Limits. When the State took our Department away, they shrunk that down to like one mile. He said if he remembers right the City is allowed some input with the County on any subdivisions the County approves, is that correct. City Planner Williams said it did change when the City lost its Building Permit process, and at the time and up through currently it is referred to as extraterritorial jurisdiction. He said that is an incorrect term and in the next Ordinance update you will see that change to what is equivalent with State Statute and now County Ordinance as concurrent jurisdiction and it is still 5 miles adjacent to the border of the City of Alamogordo. He said in that area, what is says is we have to coordinate with each other on zoning of subdivisions. He said in individual annexation cases, the petitioner has to coordinate with the County through that process and my understanding is the County does not actively prohibit annexation, but it is a coordination process so that the County is aware of you are transitioning out of the County into the City.

Commissioner Rardin said he just remembers that the City had some say in the subdivisions that the County approves, and it was close enough to City limits that we had a little bit of say in it to see if it met our Master Plan.

City Planner Williams said correct and that is so that we do not have incompatible business adjacent to. He said for example north of Scenic as we transition into the County, since the County does not have any active zoning, there is technically nothing to prohibit a coal stoking plant to go in right there, however, because it is within five miles we would have coordination on it and obviously it is not compatible with the residential area right to it. He said that is the purpose and reason behind it.

Commissioner Hernandez said one of the other parts to this also is actually just a plan. He said it is something that we could drive off of, if needed at some point, we can make changes if necessary. We can see the City going one way and it actually can take off another way, so we adjust our plan to meet that. He said we have to have something to go off of and that is all this is. It is not something that is set in stone, this is not what is going to happen exactly, but it gives us a direction that we can work off of as we start to grow.

Mayor Pro-Tem Baldwin said to echo Commissioner Hernandez's comments, would it be prudent to put in to re-visit our Comp plan every two years or four years as opposed to let it go to the Commission to just decide to bring it back. He said if there is a mechanism that is fine. He said his six years being on the Commission he is very excited to finally see this come to fruition. In 2012, that was one of the things the Commission talked about readily. He said the Commission and staff made a feeble attempt in 2014, it wasn't really the greatest Comp Plan. We had a lot of change in staff at the time, so one of his first meetings with the City Manager when she was first hired on, this was one of the topics of conversation, and three months in she already had gears turning and this mechanism was moving forward. He said this is extremely important so that we do not lose focus of where we are going in the future. He said as Commissioner Hernandez stated this is just a plan, not an actual blueprint. He thanked staff for finally bringing this to the Commission in the form that it is in now.

City Planner Williams said it is preferred every five years that we re-do the Comp Plan in an update and part of that is to give us an opportunity in the intervening years, not only to accomplish some work, but also update other plans which are also in cue now to include a new water master plan, wastewater master plan, transportation plan, economic development plan and about six other plans that we will be working on the next five years to catch us up and get us current and then we will run a continuous cycle so that we always have a good set of tools. He said he likes to call it blueprints in pencil, because they do change, but those blueprints are what we start the foundation and build on.

Mayor Boss thanked City Planner Williams, Ms. Fishman and all the staff. He said he knows there has been a lot of times spent on this. He can tell there has been a lot of effort put into this.

Commissioner Hernandez said one of the meetings and one of the reasons City Planner Williams is being very specific about the annexation is because people showed up to tell him what they didn't want, correct. Mayor Boss said they did. Commissioner Hernandez said that is how it works, if City Planner Williams would have done it on social media we would have just went on with it because City Planner Williams may not have seen it.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

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

9. Consider, and act upon, award of Public Works Bid No. 2018001 to Hank Williams, Inc. dba Williams Construction Contractors, related to the Otero/Greentree Regional Landfill Cell #5 project, in an amount not to exceed \$1,044,833.70, including NMGRT. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson explained what the project will consist of for Cell #5 at the Otero Greentree Regional Landfill. He said they advertised the project on February 4, 2018 and opened bids on March 8, 2018 with four responsive bids. He said this is a project that has been funded over a couple of fiscal years through the Otero/Greentree Landfill Board and we did have somewhat of a delay in getting this project finalized through the twenty-year permit renewal, but we are there now.

Mayor Boss said he is excited it turns out that the bid is about half of what we estimated for the project and budgeted for the project. He said the only thing that he can question is how we missed by a million dollars on the engineering. Engineering Manager Johnson said it scared him too. Mayor Boss said we doubled the cost of the project, how did that happen. Engineering Manager Johnson said from what I can understand and talking with the engineering staff from Souder Miller is that they based their estimate on the average of bids they received for other solid waste projects around the State. Mayor Boss said it seems like a really big mess, but he is excited about it, it is half of what we had budgeted. Engineering Manager Johnson said he was a little afraid of it himself considering the estimate and knowing the budget we had. He was gratified to see that we had some pretty consistent numbers come through considering that this contractor is from the lower portion of Colorado. He said the Engineering Firm, Souder Miller, did their due diligence and a pretty significant background check and the contractor is well experienced and well qualified.

Commissioner Payne asked what six-inch subgrade compacted to 95 percent mean. Engineering Manager Johnson said six-inch subgrade will be a buildup of the cell, consisting of subgrade six inches thick compacted to 95 percent. Commissioner Payne said it looks like that is where it is way off, if I am reading this correctly. She said that is where the problem is, right. Commissioner Payne asked if that will come back and bite us later, right. Engineering Manager Johnson said no. Commissioner Payne said it's a little terrifying to her, how much that is off. Engineering Manager Johnson said if there are any change orders it will be based on estimated quantities because we are out there in the middle of nowhere. He said there are no hidden utilities to speak of, we don't anticipate any issues. Commissioner Payne asked about the \$1.05-unit price. Engineering Manager Johnson said it is pretty consistent across the board. He said it is existing material, there is almost no import of material in this project.

Commissioner Rardin said Engineering Manager Johnson kind of answered it, but were the Engineers maybe figuring on importing material and that is why their cost is so much higher, because you can't buy that for \$1.05. Engineering Manager Johnson said I know.

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

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

10. Consider, and act upon, award of Public Works Bid No. 2018-002 to Classic Builders, Inc., related to the Repaint Alamogordo City Hall and Sign project, in an amount not to exceed \$37,028.88, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson explained what the project will consist of. He said they advertised the project on February 4, 2018 and opened the bids on March 8, 2018 and only one bid was received by Classic Builders, Inc. He pointed out that they had five bidders attend the pre-bid conference. He said there was a fair amount of interest expressed, he has no explanation why only one bidder chose to bid on this project. He said it is a 45-calendar day project. He explained what the prep work was going to involve.

Commissioner Sikes asked if we are changing the color. Engineering Manager Johnson said he was told that they are, but that decision will be made at a level much higher than his.

City Manager Paluch said she was thinking something that looks nice in the desert, something that is typical around town possibly a two-tone. She said they were thinking something that blends nicely with other buildings of this size in the community.

Mayor Boss asked if this building has ever been re-painted. Engineering Manager Johnson answered no, not that he is aware of. He said bidders were informed to expect up to two color selections for the building itself and then possibly a third and fourth color for the down spouts on the side of the building and the four hollow metal doors and frames on the southside. The window and door frames are not to be repainted, that is a factory finish, any attempt to re-paint will make it worse than it already is.

City Manager Paluch asked the Commission if there is any building that they like specifically.

Commissioner Rardin asked if they are doing a latex or elastomeric paint. Engineering Manager Johnson answered elastomeric. He said the requirement is for primer and two coats of elastomeric paint on the EFIS system. Commissioner Rardin said if they will be going in and caulking the cracks and repairing, sometimes when you do that the elastomeric doesn't cover a lot of times, and you will be able to see all the pop joints and stuff. Engineering Manager Johnson said the Contractor indicated they plan on using Sherwin Williams products, and is aware that Sherwin Williams has an elastomeric caulking product you can get with or without texture. Commissioner Rardin asked which product will be used. Engineering Manager Johnson said that submittal has not been provided yet and will not be until after an award.

Commissioner Hernandez said he has a project where they are going to bid, and they started out with five bidders and now there are just two. He said it is just kind of the standard right now of what's happening.

Commissioner Hernandez moved to approve.

Commissioner Wright seconded the motion.

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

11. Consider, and act upon, application for GRIP reimbursement submitted by Solid Cap Properties, LLC. for the remodel of the location for Melrose Family Fashions at the White Sands Mall. (Petria Schreiber, City Attorney)

Paralegal Williams said this is the initial presentation of the application for GRIP reimbursement. She said this is coming at the end of the project, because the reimbursement is expected to be less than \$10,000. She has not seen the full invoices, but his estimation was \$500,000 which puts our reimbursement at about \$8,600. When he submits the invoices, we will know for certain because we will not pay anything that the gross receipts taxes were not paid on. She said we are seeking the Commission's approval of this application and then we'll move forward with looking at the agreement.

Commissioner Hernandez moved to approve.

**Mayor Pro-Tem Baldwin seconded the motion.
Motion carried with a vote of 7-0-0.**

12. Consider, and act upon, first publication of Ordinance 1565 amending Section 7-01-020 of the Alamogordo Code of Ordinances regarding the keeping of bees. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

Item was removed by City Attorney Schreiber.

13. Consider, and act upon, first publication of Ordinance 1563 amending Chapter 12 of the Alamogordo Code of Ordinances regarding the Alamogordo Fire Department. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

City Attorney Schreiber said this is regarding Chapter 12 which is where all of our fire codes are contained. She said there are a couple of changes to this. The first major change is that Chapter 12 originally had our old department of Public Safety language in there, so it was very confusing for citizens. If you needed a burn permit, you were directed to see the Director of Public Safety, no one is quite sure who that is anymore, so we went ahead and updated that to the Alamogordo Fire Department and the Fire Chief to make it easier for citizens to obtain help. She said we then moved the Hazmat section out of Chapter 24 and in to Chapter 12 since that is under the purview of the Alamogordo Fire Department. She said we did not update anything in the Hazmat section except for wording. She said we took out Department of Public Safety language and added Alamogordo Fire Department language there. She said the last change is going to be updating our fire inspection. She said there are a couple updates that involve fees and a new fee schedule and Chief LeClair is briefly going to talk to you about his fire inspection program and what is going on with that and then we can discuss the need for this.

Fire Chief LeClair said the Alamogordo Fire Department conducts approximately 1,764 business inspections a year. He said out those inspections somewhere around 350 to 400 of them they are doing re-inspections for those businesses. He said they are averaging about 1,200 to 1,400 more inspections on top of the 1,764. He said what they would like to do is apply a fine which would apply to the second re-inspection, and then a fine for the third and fourth re-inspection. He said the reason for that is they are probably one of the only departments that do not have a fine or a fee schedule for inspections. He said basically what it would do is get the attention of those business owners to come into compliance. He said those who are going on the fourth, fifth, or sixth re-inspection, it is pushing the other initial inspections back, in order for us to get those business owners to come into compliance.

Mayor Boss asked if you come into my business and my fire extinguisher is expired and you have inspected it and tell me what needs to be done, if I do that there is no fine and if I don't and you come back and find that out, there will be a fine, correct. Fire Chief LeClair said they do the initial inspection, give them 30 days, then the first re-inspection is free of charge. He said if they go back in and they haven't come into compliance, then that is where the fine comes in.

City Attorney Schreiber said one of her concerns that the Fire Department has sort of talked to her about is that if your business, if it is a fire extinguisher issue, they let you know, they come back for re-inspection and the only thing they will look at is that fire extinguisher. The only things that are checked on a re-inspection are the things that were noted during the first inspection. Fire Chief LeClair said that is absolutely correct, we are not going to be adding to, as we do re-inspections.

Commissioner Hernandez said that kind of touched on what he was going to talk on. He said he has about twenty to twenty-five buildings and that's what was happening. He said he would get one crew to come out and inspect and give them whatever write ups they found, and a lot of times another crew would come back and add to that list and it would never end, because you can put twenty eyes on it and continue to find things if you wanted to. The other problems that we have is we only get inspections when we call for them, so if we do this they will have to be yearly. He said you can't hit them and then miss them.

City Attorney Schreiber said that is part of the concern with this, is that the Fire Department hasn't been able to get to everyone because the firefighters are doing four, five or six inspections on some buildings. She said hopefully giving this some teeth will bring the business owners into compliance so that those firefighters are free to make sure that all businesses are inspected, and it is a safety issue for the public at large, going into businesses.

Commissioner Hernandez said absolutely, he totally understands that because he probably has ten different agencies that they have to go through.

Fire Chief LeClair said Commissioner Hernandez's concern has been addressed. He said what they have done to correct that problem, is the fire inspector that initiated that inspection stays with that inspection till it is completed. Commissioner Hernandez said that helps and if you do find something, point it out but do not tag me on it so you guys can keep coming. He said we'll fix everything that we have to on our side. He said we deal with that on your side too because we also have lease properties that we have to get the landlords to do repairs through the fire inspections and sometimes that is tough.

Commissioner Rardin said if he is reading this right, this says the fee for initial fire inspection is \$15. Chief LeClair said this is reading is for a new business, and that fee will be attached to their initial application. He said the fine portion of it, would follow. Commissioner Rardin said he knows that they need to have those fees a little higher in order to have some teeth, but \$500 and \$250 seems a little excessive. He said it seems unfriendly towards business.

City Attorney Schreiber said she said the same thing and what Fire Chief LeClair pointed out to her is that all businesses are different. She said you may have a smaller Mom and Pop store on New York that might take one firefighter, but if you are talking about something like Wal-Mart it is going to take a significant crew to go through there several times. If there is a big store where we are sending four or five guys in, and they have to go in four or five times, the cost to the City is enormous. She said she hears Commissioner Rardin's concerns, the fees can absolutely be changed if the Commission wants them changed. When we looked at this we initially tried to do this; if your business is this many square feet it will be this much and the conclusion that we came to is that it became very confusing.

Commissioner Rardin said his theory on that is that to the little Mom and Pop small business down there on New York Avenue; \$250, \$375 or \$500 is a significant amount of money to them and to Wal-Mart they don't care. He said \$500 to Wal-Mart, they flush that down the toilet every minute, so it just seems a little excessive on the fees. Fire Chief LeClair said we are definitely not opposed to re-visiting those fees.

Commissioner Payne asked Fire Chief LeClair if they know when you are coming to do the first follow up. He said we always schedule the appointments. Commissioner Payne said so they know when you are coming to do the second and the third. Fire Chief LeClair said yes. Commissioner Payne asked if it is typically things like fire extinguishers or does it vary. Fire Chief LeClair said it can be various items. Commissioner Payne asked how long before you do the first follow up. Fire Chief LeClair answered 30 days. Commissioner Payne asked and how long for the second follow up. Fire Chief LeClair answered 30 more days. Commissioner Payne said they have 60 days to comply and they don't. She said she understands what Commissioner Rardin is saying, but at the same time she thinks there needs to be a deterrent and she thinks what they've had in the past is that people don't think they have had any deterrents and people don't think they are serious. She said it is the same thing with Code Enforcement, people don't think it is serious because it hasn't been serious in the past. She said we do need to find some kind of happy median. She said the word is safety and so it is not that the City wants more money, but it is a safety issue.

Fire Chief LeClair said it allows us to get to other businesses that the Fire Department has to do. He said we have fire prevention, we have to test our equipment yearly and it goes on and on. He said my guys are very busy. Commissioner Payne said she is not opposed at looking at the fees, but she does think that the fee needs to be high enough that it is a deterrent for people to understand that we are serious; that you've got to get these issues fixed. She said because it is not fair just because Wal-Mart can afford

it doesn't mean that it should be different. That is why we have laws, that's why we have Ordinances, that's why we have rules. Fire Chief LeClair said if I could add, in the past we've actually dealt with businesses for almost a half a year trying to get them to come into compliance. Commissioner Payne said because there hasn't been a deterrent. She said I wonder if you would still have that same problem if they were slapped with a fine, maybe they would get the message that it is a safety issue.

Commissioner Wright said he is assuming that firefighters have to be trained and certified to what to look for on inspections, so that is something that we need to justify. Fire Chief LeClair said we are creating a company inspection program, we have been working on it for a while. He said out of the 20 firefighters that we have right now, 13 of them are fire inspection one certified.

Commissioner Sikes said should someone require something serious, maybe a new smoke alarm system or something, you would probably give them more than 30 days if it is something that they can't get to within 30 days. Fire Chief LeClair said that is true, we do our best to work with businesses. He said we definitely go out of our way to work with them. He said regardless of the size of the business, business is what makes things happen in Alamogordo. Commissioner Sikes said she agrees with Commissioner Payne, it is a matter of safety. She said when you hear about something like recently happened overseas where a four-story mall complex caught on fire and 64 people died. She said she does not envision something like that happening here, but should that happen, even a \$500 follow up fee doesn't even equal a cost of a life.

Commissioner Rardin asked Fire Chief LeClair how much money he thinks they will be generating off these fees, based off past experiences of doing these inspections. He answered that he is not positive, but he could put those numbers together and get back to the Commission. Commissioner Rardin said we are not in the business to make money and charging some of these fees, we are just here to try and break even and provide these services to the Community.

Fire Chief LeClair said our major goal in this, is just to get compliance.

Mayor Pro-Tem Baldwin said he has extensive experience at his place of work, being a City facility. He said they have dealt with these inspections quite often. He said he was always under the impression that there was a fine when they came back. He said his two cents is ditch the \$15 incorporated business fees. He said he does not see that generating any money for the City that is worth anything. He asked how many license fees a year do you get, we are talking a couple of hundreds of dollars and it goes against what he believes is a little anti-business as it was kind of stated. He said \$100, \$200 and \$500 would be his two cents as far as the fee goes. He said very small initially, but if they have to come back that last and fourth follow up they need to get hit and he would even consider higher than that if you ever get to that point.

Commissioner Rardin said he concurred with Mayor Pro-Tem Baldwin. He said if they did away with the \$15 fee and did \$100, \$200, \$500 or \$1000 for that fourth one, he would be okay with that. He said maybe bump that fourth follow up to something where you are going to get their attention, if they get to that.

Commissioner Sikes asked Fire Chief LeClair when someone is really out of compliance and you are having to go back and inspect and reinspect, how does that affect their insurance. He answered it doesn't. Generally, the way it works is, they don't want to come into compliance, that is when the Command Staff gets involved and then they have to go and have a heart to heart with that business owner. He said most of the time that works, but sometimes people just blatantly refuse to fix anything.

Commissioner Rardin asked if they won't come into compliance, couldn't we pull their business registration and shut them down. Fire Chief LeClair said we can according to the International Fire Code. He said visiting with the City Attorney we have tossed around some ideas as to how to kind of handle that and the other option is that we treat it like we would a Code Enforcement issue and then we summons them into Court. Commissioner Rardin said instead of doing that \$500 or \$1000 fee on that fourth follow

up, we pull your business registration and we shut you down until you comply. He said that will get their attention because they are not going to make any money if they are shut down.

Commissioner Hernandez talked about some past experiences with inspections. He pointed out that there used to be a violation in the Commission Chambers, with a table by the entrance/exit.

Mayor Boss said he thinks what we have here is we want a deterrent. He said we want people to comply so that our firemen don't have to spend time after time. He said if we went with the \$100, \$200, \$500, to me that sounds reasonable.

City Manager Paluch said you can certainly pass this and then upon second reading we can have those numbers changed for you.

Commissioner Hernandez clarified the motion to adjust the fees to \$100, \$200 and \$500 and waive the \$15 initial business registration fee.

Commissioner Hernandez moved to approve as amended.

Commissioner Payne seconded the motion.

Roll call vote was taken.

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

14. Consider, and act upon, Resolution 201812 extending the moratorium on new off-premises billboards for a period of six months. (Darron Williams, City Planner) (Roll Call Vote Required)

City Planner Williams said in October we passed a six-month moratorium on new billboards off-premise advertising. He asked the Commission for a six-month extension. He then talked about putting together a team that will help draft not only that language but really a total and comprehensive sign Ordinance. He said what the Commission can expect from this team is a draft plan somewhere between June and July that outlines the Sign Ordinance. He said in that intervening time we will also be collecting a consensus from business owners on White Sands Boulevard and MainStreet to gather some input from active businesses on what there are willing to live with and can't live with. He said what we present to the Commission will be of a voice larger than just the team putting it together. He said at that point we will look for some additional input from the Commission and then hope to bring back to you then the final draft for action sometime in the August/September time frame. He said that will encompass this next six-month moratorium with the plan of action outlined.

Mayor Boss said one of the first things he looks at, is whether or not staff makes a recommendation for the Commission to approve an item. He said on this there was no recommendation and that makes me uncomfortable.

City Planner Williams apologized and said the recommendation is to pass it.

Commissioner Rardin asked City Planner Williams if he will be looking to re-write the whole sign Ordinance. He answered because we do not have one, yes. Commissioner Rardin said they looked at this in the past and it was very cumbersome. He said they had an Ordinance from another community that they were looking at and tweaking and changing a little bit. He said it was hard to come to an agreement on what everybody thought was right.

City Planner Williams said they have actually reached out and received examples from Texas, the east coast, the west coast and even some mid-west States. He said they also have some recommendations from the American Institute of Planning and strong recommendations based current litigation where communities, municipalities and States have won against the big sign consortiums. He said we are bouncing all of that together as well as going to our business community and gaining a consensus. He said he thinks that's where this attempt maybe a little bit different than times in the past.

Commissioner Payne said this sign Ordinance is going to include what we are going to do about these billboards. She said she is really interested in this sign Ordinance because she thinks White Sands Boulevard would look a whole lot different if just did something as simple as had a real sign Ordinance and got rid of painted signs. She said she would really like to see something more uniform.

Commissioner Rardin asked if they could take a look at political signs. He said our Ordinance right now, does not have a time limit. Your signs must take them down within seven days past the election, but there is no time limit on when you can put those signs up prior to the election.

Commissioner Sikes said she likes the idea of putting the Committee together. She asked if public comment would be included. City Planner Williams said absolutely, and that is the intent behind the consensus of the businesses themselves since they are the ones that employ most of the advertising signs.

Commissioner Rardin moved to approve.
Commissioner Wright seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 7-0-0.

15. Appoint new Board member and alternate to the Southeastern New Mexico Economic Development District/Council of Governments. (*Rachel Hughs, City Clerk*)

City Clerk Hughs said this Board is asking for appointments, this is a two-year appointment. Currently, Commissioner Sikes is on the Board and Commissioner Hernandez is the Alternate.

Commissioner Sikes said this has been a really interesting Board to be on. She said whatever the project is, it seems like Assistant City Manager Cesar or someone from the City staff knows about it and when she comes back with a report they are usually well aware of what they talked about. She said she goes so that she can vote on the policy and technical committees. She said she would be more than willing to step back and let somebody else do it.

City Manager Paluch said just in full disclosure, these meetings are during the daytime.

Commissioner Wright volunteered as an alternate. Mayor Boss said we have appointed Commissioner Wright and Commissioner Sikes.

Mayor Pro-Tem Baldwin moved to approve.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.

16. Appoint Committee members to the Southeast Regional Transportation Planning Organization. (*Rachel Hughs, City Clerk*)

City Clerk Hughs said the Board is asking the Commission to review and designate someone as the Policy Committee and on the Technical Committee. Currently, Commissioner Hernandez is on the Policy Committee and the Technical Committee is vacant.

Commissioner Hernandez said in the past a staff member was on one of the committees. City Clerk Hughs said currently, it is vacant, but in the past, it has been the City Planner. Commissioner Hernandez asked if they were going to continue doing that. City Clerk Hughs said that is up to the Commission.

City Manager Paluch said it is up to the Commission and as you know until City Planner Williams joined our team, we were without a City Planner for some period of time.

Commissioner Hernandez said on the Technical Committee, he would recommend that the Commission chose City Planner Williams and probably Assistant City Manager Cesar as an alternate if necessary.

Mayor Boss asked Commissioner Hernandez if he was making a motion. He said let's talk about the rest of it. He said he will serve again if no one else wants to or can, but it is getting difficult for him to make the meetings at this time.

Commissioner Sikes said she thinks this position is served well by having a City staff person on it. She asked if they could appoint a department in the event that the City Planner himself can't go. She said if we could appoint a department to attend that it would keep it open. Mayor Boss asked City Clerk Hughs if the Commission could do that. She said she would have to check on that, but she did not think the Committee would have a problem with it, they just want somebody appointed especially since it has been vacant.

Mayor Boss asked how they should proceed tonight. Commissioner Hernandez said let's just make the appointments and if they have to change it then they could bring it back. Mayor Boss asked departments or individuals. Commissioner Hernandez said either or.

City Attorney Schreiber said you could make the appointment and if it needs to be changed in the future it can be brought back. It is really going to be up to this organization if they will accept it or not.

Mayor Pro-Tem Baldwin motioned to appoint City Planner Williams and if he is unable to attend he will appoint somebody to represent on the Committee.

Commissioner Rardin asked if Commissioner Hernandez is going to remain on the Policy Committee and City Planner Williams do the Technical Committee, or is he going to do both.

Mayor Pro-Tem Baldwin said both. Commissioner Rardin clarified that the Commission is appointing City Planner Williams or his designee to do both committees.

Mayor Boss asked City Clerk Hughs to read back the motion. City Clerk Hughs said you are appointing City Planner Williams and his department to the Technical Committee. Members of the Commission replied for both Committees.

**Mayor Pro-Tem Baldwin moved to approve.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.**

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

Mayor Boss read the openings and appointed Nate Mandalia to the Alamogordo Promotion Board and Eddie Kemp II to the Planning and Zoning Committee. He also directed City Clerk Hughs to write a letter to Gloria Vaughn thanking her for her service on the Alamogordo Public Library Board, but also dismissing her from the Board. No one was opposed.

Commissioner Sikes said she has known Gloria Vaughn for a number of years. She recognized Ms. Vaughn for her years of service as a State Representative, her involvement with the Boy's Scouts, and as a Pink Lady with Gerald Champion Memorial Hospital. Commissioner Sikes said Ms. Vaughn was also a certified and licensed clown and used her services for the betterment of the community. Commissioner Sikes said I understand that people go through transitions in life, and the transition Ms. Vaughn has gone through is well out of her control and had she the ability to attend every single meeting that she ever wanted to go to she probably would have. Commissioner Sikes said she keeps Ms. Vaughn in her thoughts and prayers and she served the City well. Commissioner Sikes said she understands that we need to have a quorum when we convene these meetings at the Library, so that would be the only reason that Ms. Vaughn is being dismissed from the Board, nothing that Ms. Vaughn had control over.

EXECUTIVE SESSION

18. Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss Threatened or Pending Litigation; specifically a case update on all cases being handled by the Self Insurers Fund. (Roll Call Required)

Commissioner Hernandez moved to adjourn into Executive Session at 8:24 p.m.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

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

ADJOURNMENT

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on April 10, 2018.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 03/30/2018

Report No: 5.

Submitted By: Kerry Uribe

Subject: Consider, and act upon, Resolution No. 2018-20 supporting the New Mexico Department of Tourism Litter Control and Beautification grant application for Keep Alamogordo Beautiful (KAB). (*Kerry Uribe, Special Events Manager*) **(Roll Call Vote Required)**

Fiscal Impact: 0.00

Amount Budgeted: \$0.00

Fund: 037

Additional Fiscal Impact:

Recommendation: Approve Resolution 2018-20.

Background: By approving this resolution, the City Commission will voice support for the annual beautification grant proposal. Each year, the New Mexico Department of Tourism assists local and tribal governments by awarding grant funding to reduce litter by involving the public during local community and statewide events, programs and projects.

The objective of the grant proposal as written is not only to reduce litter, but offer youth groups and individual youth to receive financial incentives and experience for employment. In addition, business owners and patrons benefit from having a litter free environment in which to do business. Finally, visitors and tourists to Alamogordo receive an enhanced impression of the City of Alamogordo due to cleaner public spaces and roadways.

RESOLUTION NO. 2018-20

**A RESOLUTION SUPPORTING THE NEW MEXICO DEPARTMENT OF TOURISM
LITTER CONTROL AND BEAUTIFICATION GRANT**

WHEREAS, the City Commission of the City of Alamogordo of Otero County, State of New Mexico recognizes the need for litter control through elimination, prevention, reduction, beautification, education and recycling;

WHEREAS, the New Mexico Department of Tourism, received legislative authority through the Litter Control and Beautification Act of 1985 to create the *New Mexico Clean and Beautiful* Grant Program, to prevent litter in our state from becoming a public nuisance and damage the economy by making it less attractive to tourists and newcomers,

WHEREAS, the New Mexico Department of Tourism, through the *New Mexico Clean and Beautiful* Grant Program, is soliciting proposals for community involvement for FY2019 grant, which objective is to prevent, control and eliminate litter, reduce waste and recycle materials, beautify and eliminate graffiti and weeds from public spaces; educate citizens on solid waste handling and raise overall awareness; involve more New Mexicans by enlisting them as volunteers in program and community sponsored activities and build and/or continue partnerships especially with the Tourism Industry,

WHEREAS, the governing body of the City of Alamogordo seeks to receive grant funding from the New Mexico Department of Tourism for education, litter eradication projects and beautification/ improvement programs.

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Alamogordo that the litter control and beautification/ community grant application is hereby supported and endorsed,

BE IT FURTHER RESOLVED that Veronica Ortega, Community Services Director is the GRANTEE REPRESENTATIVE and shall be authorized to submit any documents pertaining to the project and act as the single point of contact; and,

BE IT FURTHER RESOLVED that the City Commission hereby requests the New Mexico Department of Tourism, Litter Control and Beautification Section, to consider and approve the City of Alamogordo's grant application.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2018.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber , City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 04/02/2018

Report No: 6.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2018-14 requesting approval of the Housing Authority Advisory Board Open Meetings Act. *(Evelyn Huff, Housing Authority Manager)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution

Background: The Open Meetings Act requires each public body to establish its notice provisions annually. This resolution accomplishes that requirement.

RESOLUTION NO. 2018-14

RESOLUTION DETERMINING REASONABLE NOTICE OF MEETINGS OF THE HOUSING AUTHORITY BOARD (OPEN MEETINGS ACT)

WHEREAS, the State of New Mexico has determined that the formation of public policy and the conduct of business by vote shall be conducted in meetings which are open to the public, as set forth in Section 10-15-1 NMSA 1978 (As Amended); and

WHEREAS, reasonable notice of the time and place of any meeting of a public body is necessary to carry out the policy set forth above; and

WHEREAS, in those limited instances in which meetings of this Housing Authority Board may be closed to the public, the law and the public business also require reasonable notice to the public of the time and place of such meeting; and

WHEREAS, Section 10-15-1 NMSA 1978 (As Amended) requires each public body to determine at least annually what notice shall be reasonable when applied to the public body.

NOW, THEREFORE, BE IT RESOLVED by the Housing Authority Board of the City of Alamogordo, New Mexico, that reasonable time for giving notice of meetings is:

REGULAR MEETINGS: Notice shall be given at least five (5) days in advance of any regular meeting.

SPECIAL MEETINGS: Notice shall be given at least twenty-four (24) hours in advance of any special meeting.

EMERGENCY MEETINGS: Notice shall be given at least three (3) hours in advance of any meeting considering emergency matters involving a clear and present danger to the health, welfare, or safety of the citizens of the City of Alamogordo.

NOW, THEREFORE, BE IT FURTHER RESOLVED that reasonable manner for giving notice of meetings shall be:

REGULAR MEETINGS: Notices of the date, time, and place of such meeting shall be posted in at least two conspicuous places in or about the City Hall Building, Alamogordo, New Mexico, at least five (5) days prior to the meeting, or by publication [as that term is defined in Section 3-1-2(J) NMSA 1978 (As Amended) of notice of date, time, and place of meeting at least five (5) days prior to the meeting. An agenda containing a list of specific items of business to be discussed or transacted at the meeting, or information about how an agenda may be obtained, shall be posted in at least two conspicuous places in or about the City Hall Building, Alamogordo, New Mexico, at least seventy-two (72) hours prior to the meeting. Proof of notice shall be accomplished by executing and filing in the official minutes of the Board, a certificate by the Secretary attesting to posting in compliance herewith or by the publisher of the publishing newspaper attesting to publication in compliance herewith. Notice shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that submit a written request for such notice.

SPECIAL AND EMERGENCY MEETINGS: Notices of the date, time, and place of the meeting shall be posted in at least two conspicuous places in or about the City Hall Building, Alamogordo, New Mexico, at least thirty six (36) hours prior to the meeting for a Special Meeting, and at least three (3) hours prior to the meeting for an Emergency Meeting. Proof of notice shall be accomplished by executing and filing in the official minutes of the Commission, a certificate by the Secretary attesting to posting in compliance herewith. Notice shall be provided to broadcast stations licensed by the

Federal Communications Commission and newspapers of general circulation that submit a written request for such notice.

It is expressly allowed by rule of the Housing Authority Board that a member or members may participate in a meeting of the Board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend in person. Each member participating by conference telephone must be identifiable when speaking, all Board members must be able to hear each other and members of the public attending the meeting must be able to hear any Board member who speaks.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2018.

ALAMOGORDO CITY COMMISSION

By _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 04/02/2018

Report No: 7.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2018-15 requesting approval of HUD Form 50077-CR, Civil Rights Certification. *(Evelyn Huff, Housing Authority Manager)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the resolution.

Background: The HA is required to submit HUD form 50077-CR, Civil Rights Certification, annually to the HUD field office at least 75 days prior to the start of the HA's fiscal year. The Housing Authority Advisory Board recommends approving this resolution

HA RESOLUTION NO. 2018-15

**A RESOLUTION REQUESTING APPROVAL OF HUD FORM 50077-CR CIVIL RIGHTS
CERTIFICATION**

WHEREAS; HUD requires submission of HUD Form 50077-CR annually: and,

WHEREAS; the HUD Form 50077-CR, for Calendar Year 2018 has been prepared in
accordance with HUD guidelines; and,

WHEREAS; and a copy HUD Form 50077-CR is attached and incorporated herein,

WHEREAS; and the Housing Authority Advisory Board has recommended the adoption of HUD
Form 50077-CR;

BE IT THEREFORE RESOLVED by the City Commission of the City of Alamogordo, New
Mexico; that the Housing Authority's HUD Form 50077-CR is approved and the Mayor is given
authorization to sign HUD form 50077-CR.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Alamogordo this
4th day of April 2018.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

Civil Rights Certification
(Qualified PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB Approval No. 2577-0226
Expires 02/29/2016

Civil Rights Certification

Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official, I approve the submission of the 5-Year PHA Plan for the PHA of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the public housing program of the agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those program, addressing those impediments in a reasonable fashion in view of the resources available and working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.

PHA Name

PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Title

Signature

Date

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 04/03/2018

Report No: 8.

Submitted By: Kathy Gilsdorf

Subject: Approve Resolution No. 2018-19 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of April 10, 2018. *(Kathy Gilsdorf, Budget Analyst)* **(Roll Call Vote required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Beginning Cash Balances \$0
Revenues \$1,250 Increase
Expenditures \$1,024,321 Increase
Transfers In/Out \$0
Net Impact (\$1,023,071) Decrease

Recommendation: Approve Resolution 2018-19

Background: The City Commission adopted the Fiscal Year budget on May 23, 2017. The Department of Finance & Administration granted approval of the City of Alamogordo's Fiscal Year 2017-2018 Final Budget on August 30, 2017. Resolution 2018-19 amends the Budget to reflect a more true and accurate projection of the actual revenues and expenditures. A summary and explanation of revisions are attached for your review.

RESOLUTION NO. 2018-19

A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE REVISED BUDGET FIGURES FOR CERTAIN LINE ITEMS IN THE CITY'S BUDGET FOR FISCAL YEAR 2017-2018.

WHEREAS, the City of Alamogordo, New Mexico wishes approval to change some of the budget line item figures of various funds; and

WHEREAS, the Department of Finance and Administration, State of New Mexico, gave its written approval to the City of Alamogordo, New Mexico's annual budget on August 30, 2017, for fiscal year 2017-2018; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2017-2018.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the City's annual budget for fiscal year 2017-2018 be and hereby is revised as of April 10, 2018 to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2017-2018 as shown on the following pages.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on April 10, 2018 as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2017-2018.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 10th day of April 2018.

CITY OF ALAMOGORDO, NEW MEXICO,
A NEW MEXICO MUNICIPAL CORPORATION

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

**ALL FUNDS SUMMARY
BUDGET 2017-2018**

1/12TH REQ RSRV
1,228,513
Fund Reserve Policy
487,127
Bal. Remaining

4,199,472

FY18 BUDGET - RESOLUTION 2018-19 (#8) APRIL 10, 2018

FUND NO.	FY 2017-2018 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	9,237,045	17,362,700	1,046,552	6,990,278	(5,943,726)	14,729,457	5,926,562	1,715,640	4,210,922
	Revision #1	0	0	0	0	0	12,000	(12,000)		(\$12,000)
	Revision #2	0	1,250	0	0	0	700	550		\$550
	Total Revised Fund 11	9,237,045	17,363,950	1,046,552	6,990,278	(5,943,726)	14,742,157	5,915,112	1,715,640	4,199,472
12	INTERNAL SERVICE FUND	0	491,845	2,915,860	0	2,915,860	3,303,445	104,260		\$104,260
	Revision #3	0	0	0	0	0	20,000	(20,000)		(\$20,000)
	Total Revised Fund 12	0	491,845	2,915,860	0	2,915,860	3,323,445	84,260		84,260
15	CORRECTIONS-JAIL	20,023	93,428	84,054	1,530	82,524	190,975	5,000		\$5,000
16	LODGER'S TAX-PROMOTIONAL FUND	151,135	231,102	0	4,584	(4,584)	301,671	75,982		\$75,982
17	POLICE COURT BOND	10,738	0	0	0	0	0	10,738		\$10,738
19	COURT AUTOMATION FUND	24,415	81,592	0	29,303	(29,303)	65,467	11,237		\$11,237
20	LODGER'S TAX-CITY	203,807	409,049	208,987	45,445	163,542	674,473	101,925		\$101,925
21	D.A.R.E. DONATIONS FUND	21,698	5,117	0	0	0	13,309	13,506		\$13,506
22	DESIGNATED GIFT FUND	25,432	0	0	25,432	(25,432)	0	0		\$0
24	GRANT CAPITAL IMPROVEMENT	0	267,249	0	0	0	172,765	94,484		\$94,484
27	MUNICIPAL COURT OPERATIONS	0	10,000	414,230	6,977	407,253	412,171	5,082		\$5,082
28	POLICE CONTINGENCY	49,810	11,367	0	0	0	7,500	53,677		\$53,677
31	CEMETERY-PERPETUAL CARE	808,115	22,128	0	0	0	0	830,243		\$830,243
32	COMMUNITY SERVICES	1,775	738,659	3,880,343	519,875	3,360,468	4,077,731	23,171		\$23,171
33	FIRE PROTECTION	558,188	824,905	0	0	0	1,335,577	47,516	45,056	\$2,460
36	LAW ENFORCEMENT FUND	0	109,528	0	0	0	109,528	0		\$0
37	STATE HIGHWAY FUND	120,241	37,754	0	752	(752)	28,200	129,043		\$129,043
38	TRAFFIC SAFETY FUND	56,481	23,483	0	0	0	28,000	51,964		\$51,964
39	STATE JUDICIAL	21,037	75,500	0	0	0	75,500	21,037		\$21,037
40	AIRPORT IMPROVEMENT PROJECTS	12,763	0	0	0	0	0	12,763		\$12,763
42	1984 GROSS RECEIPTS TAX	3,461,622	1,716,806	0	4,362,228	(4,362,228)	0	816,200	217,173	\$599,027
44	TRANSPORTATION FUND	8,661	3,837,589	1,489,335	160,620	1,328,715	5,174,436	529		\$529
48	NEW MEXICO C.D.B.G.	0	170,512	0	170,512	(170,512)	0	0		\$0
49	1986 GROSS RECEIPTS TAX	9,568,712	1,790,270	0	10,006,779	(10,006,779)	572,945	779,258	268,113	\$511,145
50	PROPERTY ACQUISITION	76,821	0	0	0	0	0	76,821		\$76,821
53	GENERAL OBLIGATION	770,189	6,714,897	0	0	0	6,610,833	874,253		\$874,253
54	REVERSE OSMOSIS PROJECT RSV	0	3,906,891	6,339,072	0	6,339,072	9,578,351	667,612		\$667,612
56	99 GRT FLOOD CONTROL BOND PROJ	230,842	228	3,812,666	0	3,812,666	4,043,207	529		\$529
59	REVENUE BOND P & I FUND	151,687	3,907	2,666,132	0	2,666,132	2,671,111	150,615		\$150,615
61	MUNICIPAL INFRASTRUCTURE .0625%	561,853	415,089	0	806,172	(806,172)	0	170,770		\$170,770
63	COMMUNITY DEVELOPMENT	0	85,490	456,781	52,897	403,884	405,685	83,689		\$83,689
69	1994 GROSS RECEIPTS	2,158,582	1,702,326	0	2,583,050	(2,583,050)	0	1,277,858	226,408	\$1,051,450
71	ALAMO SENIOR CENTER	430	785,382	543,637	0	543,637	1,307,721	21,728		\$21,728
74	ALAMO SENIOR CENTER GIFT	86,101	29,245	0	754	(754)	48,778	65,814		\$65,814
75	RETIRED & SENIOR VOL. PROGRAM	100	249,393	36,566	19,593	16,973	259,581	6,885		\$6,885
81	WATER/SEWER OPERATING	13,980,988	14,481,840	2,865,181	2,041,292	823,889	26,506,590	2,780,127	988,773	\$1,791,354

**ALL FUNDS SUMMARY
BUDGET 2017-2018**

1/12TH REQ RSRV
1,228,513
Fund Reserve Policy
487,127
Bal. Remaining

4,199,472

FY18 BUDGET - RESOLUTION 2018-19 (#8) APRIL 10, 2018

FUND NO.	FY 2017-2018 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
82	98 JT WATER/SEWER BOND P&I	1,199,542	15,283	1,899,677	0	1,899,677	1,868,561	1,245,941	1,233,281	\$12,660
	Revision #4	0	0	0	0	0	12,660	(12,660)		(\$12,660)
	Total Revised Fund 82	1,199,542	15,283	1,899,677	0	1,899,677	1,881,221	1,233,281	1,233,281	(0)
86	SOLID WASTE COLLECTION SYS.	471,060	2,066,033	110,000	126,980	(16,980)	2,065,342	454,771	320,293	\$134,478
88	BONITO CAMPGROUND	311,255	67,103	0	0	0	0	378,358		\$378,358
89	ESGRT .0625%	2,062,446	428,728	0	360,000	(360,000)	275,087	1,856,087	230,180	\$1,625,907
90	GOLF COURSE	0	1,418,502	260,093	51,151	208,942	1,605,445	21,999		\$21,999
91	AIRPORT	113,788	759,926	313,332	33,625	279,707	1,116,967	36,454	35,858	\$596
94	OTERO GREENTREE REG LANDFILL	4,617,378	1,481,339	0	1,720	(1,720)	3,380,388	2,716,609	1,558,302	\$1,158,307
	Revision #5	0	0	0	0	0	1,000,000	(1,000,000)		(\$1,000,000)
	Total Revised Fund 94	4,617,378	1,481,339	0	1,720	(1,720)	4,380,388	1,716,609	1,558,302	158,307
96	SELF-INSURED FUND	480,308	65,411	0	15,000	(15,000)	61,413	469,306		\$469,306
98	PAYROLL CLEARING	207,283	0	0	0	0	0	207,283		\$207,283
104	UTILITY DEPOSITS	729,273	0	0	0	0	0	729,273		\$729,273
105	ECONOMIC DEVELOPMENT	6,956,909	1,067,206	0	0	0	4,272,525	3,751,590		\$3,751,590
107	SELF INSURED/LIABILITY	1,057,436	7,053	140,640	448,484	(307,844)	505,000	251,645		\$251,645
109	2004 GRT CAPITAL OUTLAY	11,924,451	3,496,183	0	1,066,589	(1,066,589)	12,107,379	2,246,666	559,361	\$1,687,305
113	2009 G.O. BOND ACQ FUND	7,704	0	0	0	0	0	7,704		\$7,704
114	SIDEWALKS REVOLVING LOANS	134,786	1,683	0	0	0	32,360	104,109		\$104,109
115	CORP ESCROW ACCOUNT RESERVE	2,000,000	0	0	0	0	0	2,000,000		\$2,000,000
116	REG WATER SUPPLY TRANS LN	2,886	0	0	0	0	0	2,886		\$2,886
117	2011 JT W/S REF/IMP REVBD	7,053	0	0	0	0	0	7,053		\$7,053
119	2012 GRT REF/IMP REVBD	3,239,079	35,127	448,484	0	448,484	3,540,787	181,903		\$181,903
121	2015 GO BONDS-FUN CENTER	3,214,127	22,077	0	0	0	3,161,121	75,083		\$75,083
	Revision #6	0	0	0	0	0	(21,039)	21,039		\$21,039
	Total Revised Fund 121	3,214,127	22,077	0	0	0	3,140,082	96,122		96,122
122	2015 GO BONDS-STREETS	2,098,043	20,407	0	0	0	1,964,484	153,966		\$153,966
901	HOUSING LOW RENT OPERATING	976,110	887,961	0	0	0	983,951	880,120	197,289	\$682,831
903	HOUSING HOMEOWNERSHIP OPER	763,810	17,172	0	0	0	25,242	755,740	5,339	\$750,401
904	HOUSING CAPITAL FUND PROJECTS	0	356,589	0	0	0	356,589	0		\$0
TOTALS FY2018		84,954,018	68,900,304	29,931,622	29,931,622	0	121,051,969	32,802,353	12,108,289	29,739,447

Prior Resolution

84,954,018 68,899,054 29,931,622 29,931,622 0 120,027,648 33,825,424

8 Preliminary FY18 Budget 2018-19

(0) 1,250 0 0 0 1,024,321 (1,023,071)

Resolution # 2018-19 April 10, 2018

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
<u>REVISION #1</u>						
Budget revision is requested to increase expenditures for the actual expenditures expected for FY18. New website cost was higher than expected. Funds are requested from fund balance.						
	11	GENERAL FUND				
		<i>Expenditures</i>				
Non-Recurring		011-2400-419.57-34	Contract Services	101,816	12,000	113,816

REVISION #2

Budget Revision is requested to increase revenue and expenditures for donation funds received for pet adoptions.

	11	GENERAL FUND				
		<i>Revenue</i>				
	PSACO2	011-3804-314.13-36	Donations/Pet Adoptions	1,200	1,250	2,450
		<i>Expenditures</i>				
	PSACO2	011-3804-429.33-26	Designated Materials	1,750	700	2,450

REVISION #3

Budget revision is requested to increase expenditures for software support. Line item was decreased before all the software was invoiced and paid out. Funds are requested from fund balance.

	12	INTERNAL SERVICE				
		<i>Expenditures</i>				
Non-Recurring		012-3402-419.44-06	Computer Software Support	263,657	20,000	283,657

REVISION #4

Budget Revision is requested to increase expenditures on Debt Service for NMFA Loan #18 for payments already made by invoice before new Debt Service schedule was received.

Non-Recurring	82	98 JT WATER/SEWER BOND P&I				
		<i>Expenditures</i>				
		082-0000-472.72-49	Interest-NMFA #18	5,023	11,077	16,100
		082-0000-472.73-49	Fees-NMFA #18	718	1,583	2,301
		Total Expenditures		5,741	12,660	18,401

REVISION #5

Budget revision is requested to set up the expense to pay the \$1,000,000 rebate back to the member agencies of the Otero/Greentree Reginal Landfill. The rebate was approved by the landfill board at their annual meeting on March 29, 2018. Funds are requested from fund balance.

	94	OTERO GREENTREE REG LANDFILL				
		<i>Expenditures</i>				
Non-Recurring		094-0903-434.50-15	Credit/Refund	0	1,000,000	1,000,000

REVISION #6

Budget Revision is requested to decrease expenditures to close project PW1513 (Family Ent. Center). Funds will return to fund balance.

	121	2015 GO BONDS-FUN CENTER				
		<i>Expenditures</i>				
	PW1513	121-6199-990.60-01	Capital Outlay	3,161,121	(21,039)	3,140,082

REVENUES ON RESOLUTION

ITEM #	AMOUNT	TYPE
2	<u>1,250</u>	Donations for Pet Adoptions
	1,250	

EXPENDITURES ON RESOLUTION

ITEM #	AMOUNT	TYPE
1	12,000	Webcite costs
2	700	Donations for Pet Adoptions
3	20,000	Software Support
4	12,660	NMFA #18 payments
5	1,000,000	Landfill Rebate
6	<u>(21,039)</u>	Close project
	1,024,321	

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date:

Report No: 9.

Submitted By: Veronica Ortega,
Community Services Director

Subject: Discussion on Kids Kingdom Rebuild Plan - Timeline and Final Design. *(Veronica Ortega, Community Services Director and Nate Tierney, Parks, Playgrounds and Athletic Facilities Design Consultant, with ExerPlay, Inc.)*

Fiscal Impact: 00.00

Amount Budgeted: \$519,200.00

Fund: 119-

Additional Fiscal Impact:

Recommendation: Review and Discuss the Amended and Approved Kids Kingdom Rebuild timeline and final design.

Background: The City Commission approved Option 2A on September 12th, 2017, which included playground equipment, shade structures, wall seating, and amenities for \$519,200. A Kids Kingdom PowerPoint presentation of the timeline and the final design will be given to the the City Commission for their review and discussion.

Kid's Kingdom Rebuild Review

April 10, 2018

Presented by Veronica Ortega, CS Director

September 12, 2017

City Commission Agenda Report

AGENDA REPORT CITY OF ALAMOGORDO CITY COMMISSION

Meeting Date: 09/12/2017

Report Date: 09/06/2017

Report No: 8.

Submitted By: Jan Wafful

Subject: Consider, and act upon, the Kids Kingdom Re-build Proposals, (*Veronica Ortega, Community Services*)

Fiscal Impact: \$0.00 (Determined by Option)
Amount Budgeted: \$0.00
Fund: 119

Additional Fiscal Impact:

Recommendation: Approve one of three recommended expenditure plans for the Kids Kingdom Play Area.

Background: The following recommended expenditure plans are presented to the City Commission. Please choose the most desired recommendation and approve. The 2A, 2B and 2C Options are attached for your review.

September 12, 2017 Agenda Attachment

showing the 3 Options to Consider

Option 2A was Selected

Agenda Item 8 (Kid's Kingdom rebuild) options

Option 2A	
Bond Fund :	\$ 2,014,639.00
Insurance:	\$ 448,484.00
Total:	\$ 2,463,123.00

Playground Equip:	\$ 225,000.00
Site Improvements	\$ 247,000.00
Total:	\$ 472,000.00
10% Contingency	\$ 47,200.00
Final total:	\$ 519,200.00

Remaining Balance: \$ 1,943,923.00

Zoo Fence	\$ 132,000.00
Zoo Path	\$ 100,000.00
AFRC Retaining wall	\$ 58,000.00
Washington Bball Court	\$ 180,000.00
AFRC Gym - HVAC/ceiling	\$ 350,000.00
Security Cameras	\$ 28,000.00
Security lighting	\$ 65,000.00
Zoo aviary netting	\$ 25,000.00
AFRC Amenities	\$ 100,000.00
Parks Amenities	\$ 100,000.00
Playground shade	\$ 450,000.00
Picnic pavilions	\$ 199,700.00
Zoo Parking lot	\$ 175,000.00
New Dog Park	\$ 65,000.00
AFRC Locker room shortage	\$ 167,000.00

Total \$ 1,926,700.00
Balance available \$ 1,943,923.00
Remaining \$ 17,223.00

Option 2B	
Bond Fund :	\$ 2,014,639.00
Insurance:	\$ 448,484.00
Total:	\$ 2,463,123.00

Playground Equip:	\$ 448,484.00
Site Improvements	\$ 247,000.00
Total:	\$ 695,484.00
10% Contingency	\$ 69,548.00
Final total:	\$ 765,032.00

Remaining Balance: \$ 1,698,091.00

Zoo Fence	\$ 132,000.00
Zoo Path	\$ 100,000.00
AFRC Retaining wall	\$ 58,000.00
Washington Bball Court	\$ 180,000.00
AFRC Gym - HVAC/ceiling	\$ 350,000.00
Security Cameras	\$ 28,000.00
Security lighting	\$ 65,000.00
Zoo aviary netting	\$ 25,000.00
AFRC Amenities	\$ 100,000.00
Parks Amenities	\$ 100,000.00
Playground shade	\$ 388,350.00
Picnic pavilions	\$ 199,700.00
Zoo Parking lot	\$ 175,000.00
New Dog Park	\$ 65,000.00

Total: \$ 1,698,050.00
Balance available: \$ 1,698,091.00
Remaining \$ 41.00

Option 2C	
Bond Fund :	\$ 2,014,639.00
Insurance:	\$ 448,484.00
Total:	\$ 2,463,123.00

Playground Equip:	\$ 448,484.00
Site Improvements	\$ 247,000.00
Total:	\$ 695,484.00
10% Contingency	\$ 69,548.00
Final total:	\$ 765,032.00

Remaining Balance: \$ 1,698,091.00

Zoo Fence	\$ 132,000.00
Zoo Path	\$ 100,000.00
AFRC Retaining wall	\$ 58,000.00
Washington Bball Court	\$ 180,000.00
AFRC Gym - HVAC/ceiling	\$ 350,000.00
Security Cameras	\$ 28,000.00
Security lighting	\$ 65,000.00
Zoo aviary netting	\$ 25,000.00
AFRC Amenities	\$ 100,000.00
Parks Amenities	\$ 73,300.00
Playground shade	\$ 221,390.00
Picnic pavilions	\$ 226,400.00
Zoo Parking lot	\$ 175,000.00
New Dog Park	\$ 65,000.00
AFRC Locker room shortage	\$ 167,000.00

Total: \$ 1,698,090.00
Balance available: \$ 1,698,091.00
Remaining \$ 1.00

Timeline of Events for Kid's Kingdom Rebuild

September, 2016

- September 23- Kid's Kingdom was destroyed by fire.
- September 23- State Fire Marshall's office began the fire investigation.
- September 23- HR Director submitted insurance claim to NM Municipal League.
- September 23&24- Demolition took place by the P/W Department to remove remaining burnt structures.
- September 26- NM State Fire Marshall's deemed the fire to have been human caused.

October, 2016-December, 2016

- HR Director worked with NM Municipal League and providing information on Kid's Kingdom such as site plans, report from our fire department and several telephonic communication requests on the status of the amount of the insurance recovery.

January, 2017

- January 20- Staff began identifying projects for consideration within Parks & Recreation for the rededication of the Natatorium Bond funds including funding for Kid's Kingdom.

February, 2017

- February 23- Projects for consideration submitted to Interim City Manager.
- February 28- Receipt of insurance recovery check from NM Municipal League \$448,484.21.

March, 2017

- March 2- Staff met with ExerPlay representative to discuss rebuild options.
- March 11&12- Final demolition and leveling of Kid's Kingdom.
- March 24th- Kick off meeting with ExerPlay to discuss playground equipment where the Evos and Weevos equipment was selected.

April, 2017-June, 2017

- Project manager working closely with ExerPlay on pre-design and cost.

June, 2017

- June 6- Met with Ray Green, Mayor and Maggie Paluch about tile replacement proposal brought forth through Otero County Leadership.
- June 27th- Presented Splash Park/Playground Rebuild options to City Commission.

July, 2017-

- Finance Director worked with bond counsel on application and presentation of Natatorium Bond proposal to (New Mexico Finance Authority) for rededication of funds for Parks and Recreation projects.

August, 2017

- August 22- City Commission acted upon amending the Kid's Kingdom rebuild proposal until the next meeting.
- August 31- Special Meeting was held with the Parks and Recreation Board to discuss the Splash Park/Playground Options. Board recommended to provide another option to the City Manager- Option 2D. This option was provided to the City Attorney in the absence of the City Manager.

September, 2017

- September 12- City Commission approved Kid's Kingdom Rebuild to include playground equipment, shade structures, wall seating, deterrent security system, etc....for \$519,200 including a 10% contingency. Option selected was 2A as recommended by staff.
- September 13- Letter sent to New Mexico Finance Authority requesting approval to rededicate funds from the Natatorium Bond. (See Attachment 1)
- September 27- Waiting to hear from NM Finance Authority on approval of Natatorium Bond projects.

November, 2017

- November 1- NM Finance Authority approval based on Natatorium Bond project descriptions (including \$70,716 for Kid's Kingdom re-build)

** Insurance Recovery Funds	\$ 448,484
Natatorium Bond Fund	\$ 70,716
	<u>\$ 519,200</u>
- November 16- ExerPlay contractor was sent site survey data.

December, 2017

- December 5- Received concept drawings of Kid Kingdom Rebuild.
- December 13- Met with Parks and Recreation staff on conceptual drawing.
- December 14- The conceptual drawing was approved by City Manager's office.

January, 2018-April, 2018

- Project Manager worked with ExerPlay on the cost proposal to verify that all costs were in order.
- March 14- Staff was in the process of selecting colors for playground equipment.
- March 17- A very limited photo rendering of the rebuild was posted on the City's Facebook page.
- March 19- PSA went out placing the project on hold as a new plan was going to be developed to be presented to the city commission for their approval.
- March 20- Meeting was held with staff to discuss ways forward.
- April 10 - City Commission to discuss the project design.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 03/26/2018

Report No: 10.

Submitted By: Edward Balderrama

Subject: Consider, and act upon, the award of Public Works Bid No. 2017-010 to General Hydronics Utilities, LLC , related to Street Maintenance Program FY2017 in an amount not to exceed \$6,017,449.98, including NMGRT. (*Edward Balderrama, Project Manager*)

Fiscal Impact: \$6,017,449.98

Amount Budgeted: \$7,641,351.00

Fund: 081-9303-465.67-70 (\$3,062,468.00), 109-9003-430.65-02 (\$4,027,194.00), and 109-9003-430.65-29 (\$551,689.00) EN1701

Additional Fiscal Impact:

Recommendation: Approve the award of the Base Bid and Additive Alternative No 1, Additive Alternative No 2, Additive Alternative No 3, and Additive Alternative No 4.

Background: The work will consist of installing 6-inch, 8-inch and 10-inch water line, valves, water connections, new water services and fire hydrants, remove and replace concrete sidewalk, driveway aprons, curb/gutter, and concrete paving, construct accessible (ADA) curb ramps, earthwork, asphalt milling, asphalt paving, asphalt paving patch work, pavement marking and traffic control and appurtenances, as specified and/or shown on the construction documents, complete, in place, all within the city limits of Alamogordo, New Mexico.

The Project scope of work shall affect the following streets:

Base Bid: Texas Avenue - 1st Street to 10th Street

Michigan Avenue - 10th Street to 16th Street

Aspen Drive - Washington Avenue to Cul-De-Sac

Spruce Avenue - 10th Street to Aspen Drive

McKinley Avenue - 10th Street to Scenic Drive

Hendrix Avenue - 10th Street to McKinley Avenue

Ridgecrest Drive - McKinley Avenue to Scenic Drive

Additive Alternative No 1: 10th Street - Scenic Drive to Paiute Trail

Additive Alternative No 2: Sunshine Avenue - Abbott Avenue to 10th Street

Additive Alternative No 3: Sunbeam Avenue - Abbott Avenue to 10th Street

Additive Alternative No 4: Sundown Avenue - Abbott Avenue to 10th Street

The city received two (2) bids on March 20, 2018. Please see attached Bid Tab.

Street Maintenance Program FY2017 Public Works Bid No. 2017-010, EN107 Base and Additives Alternatives Tabulation		Contractor License No. 388888 GA02, GA03, GF09, MM98, LP05, LP06 MHDMM98	Contractor License No. 87957 GA01, GB98, GF09, GS08, MS03
Description		General Hydronics Utilities, LLC	J&H Services, Inc.
Base Bid		\$ 4,043,109.10	\$ 4,481,497.40
Additive Alternative No. 1		\$ 938,873.84	\$ 1,034,125.50
Additive Alternative No. 2		\$ 191,796.55	\$ 204,193.00
Additive Alternative No. 3		\$ 207,495.45	\$ 218,501.50
Additive Alternative No. 4		\$ 190,438.00	\$ 201,168.00
Bid Sub-Total		\$ 5,571,712.94	\$ 6,139,485.40
NMGRT (8.00%)		\$ 445,737.04	\$ 491,158.83
Bid Total		\$ 6,017,449.98	\$ 6,630,644.23

Street Maintenance Program FY2017							Contractor License No. 388888		Contractor License No. 87957	
Public Works Bid No. 2017-010, EN107							GA02, GA03, GF09, MM98, LP05, LP06 MHDMM98		GA01, GB98, GF09, GS08, MS03	
Base Bid (Texas Ave., Michigan Ave., Aspen Dr., Spruce Ave., McKinley Ave., Hendrix Ave., Ridgcrest Dr., Tenth St. Crossing)										
	BASE BID ITEM NO.			DESCRIPTION	Engineer's Opinion of Probable Construction Cost		General Hydronics Utilities, LLC		J&H Services, Inc.	
		QTY	UNIT		UNIT PRICE	BID AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT
GA-1, GA-3 or GA-98	203000	3,385	C.Y.	UNCLASSIFIED EXCAVATION	\$ 24.00	\$ 81,240.00	\$ 14.85	\$ 50,267.25	\$ 20.00	\$ 67,700.00
GA-1, GA-3 or GA-98	207000	10,900	S.Y.	8" SUBGRADE PREPARATION	\$ 9.00	\$ 98,100.00	\$ 2.91	\$ 31,719.00	\$ 3.95	\$ 43,055.00
GA-1, GA-3 or GA-98	303010	10,900	S.Y.	8" BASE COURSE	\$ 12.25	\$ 133,525.00	\$ 14.31	\$ 155,979.00	\$ 18.00	\$ 196,200.00
GA-1, GA-3 or GA-98	414120	59,680	S.Y.	2" THICK HMA COLD MILLING	\$ 2.40	\$ 143,232.00	\$ 1.85	\$ 110,408.00	\$ 2.25	\$ 134,280.00
GA-1, GA-3 or GA-98	417000	1,370	S.Y.	PAVEMENT PATCH	\$ 70.00	\$ 95,900.00	\$ 45.45	\$ 62,266.50	\$ 38.60	\$ 52,882.00
GA-1, GA-3 or GA-98	423270	265	S.Y.	HMA SP-IV 1 1/2-INCHES THICK (CHANNEL)	\$ 36.25	\$ 9,606.25	\$ 35.63	\$ 9,441.95	\$ 48.00	\$ 12,720.00
GA-1, GA-3 or GA-98	423270	59,680	S.Y.	HMA SP-IV 2-INCHES THICK	\$ 15.00	\$ 895,200.00	\$ 13.68	\$ 816,422.40	\$ 16.00	\$ 954,880.00
GA-1, GA-3 or GA-98	423270	10,900	S.Y.	HMA SP-IV 3-INCHES THICK	\$ 30.00	\$ 327,000.00	\$ 18.24	\$ 198,816.00	\$ 22.15	\$ 241,435.00
N/A	608000	1,166	S.F.	TACTILE WARNING SURFACE	\$ 48.00	\$ 55,968.00	\$ 39.00	\$ 45,474.00	\$ 29.35	\$ 34,222.10
GA-1, GA-3 or GA-98	608104	1,645	S.Y.	4-INCH THICK CONCRETE	\$ 67.00	\$ 110,215.00	\$ 57.64	\$ 94,817.80	\$ 76.00	\$ 125,020.00
GA-1, GA-3 or GA-98	608106	1,514	S.Y.	6-INCH THICK CONCRETE WITH REINFORCEMENT	\$ 110.00	\$ 166,540.00	\$ 77.77	\$ 117,743.78	\$ 95.00	\$ 143,830.00
GA-1, GA-3 or GA-98	609424	6,085	L.F.	TYPE II CURB/GUTTER	\$ 44.00	\$ 267,740.00	\$ 32.00	\$ 194,720.00	\$ 33.50	\$ 203,847.50
GA-1, GA-3 or GA-98	614006	220	L.F.	CONCRETE PIPE ENCASEMENT	\$ 58.00	\$ 12,760.00	\$ 50.50	\$ 11,110.00	\$ 65.00	\$ 14,300.00
N/A	618000	1	L.S.	FURNISH & PROVIDE MUTCD PLAN	\$ 98,077.18	\$ 98,077.18	\$ 58,984.00	\$ 58,984.00	\$ 200,000.00	\$ 200,000.00
N/A	621000	1	L.S.	MOBILIZATION	\$ 490,385.93	\$ 490,385.93	\$ 60,600.00	\$ 60,600.00	\$ 225,000.00	\$ 225,000.00
GF-9 or GF-98	662400	36	EA	ADJUST EXISTING MANHOLE TO FINAL GRADE	\$ 1,160.00	\$ 41,760.00	\$ 858.50	\$ 30,906.00	\$ 603.00	\$ 21,708.00
GF-9 or GF-98	663100	54	EA	NEW FIRE HYDRANT	\$ 6,700.00	\$ 361,800.00	\$ 4,797.50	\$ 259,065.00	\$ 4,120.00	\$ 222,480.00
GF-9 or GF-98	663101	19	EA	REMOVE & DISPOSE FIRE HYDRANT	\$ 1,180.00	\$ 22,420.00	\$ 757.50	\$ 14,392.50	\$ 502.00	\$ 9,538.00
GF-9 or GF-98	663206	3	EA	SAMPLING STATION	\$ 3,500.00	\$ 10,500.00	\$ 1,919.00	\$ 5,757.00	\$ 2,310.00	\$ 6,930.00
GF-9 or GF-98	663206	54	EA	TRACER WIRE STATION	\$ 2,575.00	\$ 139,050.00	\$ 101.00	\$ 5,454.00	\$ 446.00	\$ 24,084.00
GF-9 or GF-98	663710	440	EA	3/4-INCH SERVICE LINE REPLACEMENT	\$ 1,500.00	\$ 660,000.00	\$ 1,313.00	\$ 577,720.00	\$ 1,020.00	\$ 448,800.00
GF-9 or GF-98	663711	10	EA	1-INCH SERVICE LINE REPLACEMENT	\$ 1,800.00	\$ 18,000.00	\$ 1,616.00	\$ 16,160.00	\$ 1,172.50	\$ 11,725.00
GF-9 or GF-98	663712	5	EA	2-INCH SERVICE LINE REPLACEMENT	\$ 4,050.00	\$ 20,250.00	\$ 3,232.00	\$ 16,160.00	\$ 3,065.00	\$ 15,325.00
GF-9 or GF-98	663724	40	L.F.	4-INCH PVC WATERLINE	\$ 34.00	\$ 1,360.00	\$ 37.37	\$ 1,494.80	\$ 48.00	\$ 1,920.00
GF-9 or GF-98	663726	12,750	L.F.	6-INCH PVC WATERLINE	\$ 51.00	\$ 650,250.00	\$ 39.39	\$ 502,222.50	\$ 34.60	\$ 441,150.00
GF-9 or GF-98	663728	4,265	L.F.	8-INCH PVC WATERLINE	\$ 71.00	\$ 302,815.00	\$ 44.24	\$ 188,683.60	\$ 39.25	\$ 167,401.25
GF-9 or GF-98	663730	2,810	L.F.	10-INCH PVC WATERLINE	\$ 93.00	\$ 261,330.00	\$ 46.21	\$ 129,850.10	\$ 43.35	\$ 121,813.50
GF-9 or GF-98	663772	22	EA	DRY LATERAL WATERLINE CONNECTION	\$ 1,175.00	\$ 25,850.00	\$ 1,010.00	\$ 22,220.00	\$ 793.50	\$ 17,457.00
GF-9 or GF-98	663815	1	LS	10-INCH STEEL, GRADE 80. WATERLING CROSSING	\$ 20,000.00	\$ 20,000.00	\$ 13,382.50	\$ 13,382.50	\$ 34,305.00	\$ 34,305.00
GF-9 or GF-98	663855	13	EA	ADJUST EXISTING VALVE BOX TO GRADE	\$ 660.00	\$ 8,580.00	\$ 404.00	\$ 5,252.00	\$ 465.00	\$ 6,045.00
GF-9 or GF-98	663856	50	EA	REMOVE & DISPOSE EXISTING VALVE BOX	\$ 830.00	\$ 41,500.00	\$ 202.00	\$ 10,100.00	\$ 653.00	\$ 32,650.00
GF-9 or GF-98	663887	18	EA	WET LATERAL WATERLINE CONNECTION	\$ 4,200.00	\$ 75,600.00	\$ 3,737.00	\$ 67,266.00	\$ 3,925.00	\$ 70,650.00
GF-9 or GF-98	663894	1	EA	4-INCH MAINLINE GATE VALVE	\$ 1,100.00	\$ 1,100.00	\$ 858.50	\$ 858.50	\$ 960.00	\$ 960.00
GF-9 or GF-98	663896	53	EA	6-INCH MAINLINE GATE VALVE	\$ 1,780.00	\$ 94,340.00	\$ 1,262.50	\$ 66,912.50	\$ 1,151.50	\$ 61,029.50
GF-9 or GF-98	663898	24	EA	8-INCH MAINLINE GATE VALVE	\$ 2,650.00	\$ 63,600.00	\$ 1,717.00	\$ 41,208.00	\$ 1,569.00	\$ 37,656.00
GF-9 or GF-98	663899	7	EA	10-INCH MAINLINE GATE VALVE	\$ 3,275.00	\$ 22,925.00	\$ 2,373.50	\$ 16,614.50	\$ 2,200.00	\$ 15,400.00
GF-9 or GF-98	664995	1	L.S.	2" IRRIGATION SERVICE LINE	\$ 1,500.00	\$ 1,500.00	\$ 5,050.00	\$ 5,050.00	\$ 2,815.00	\$ 2,815.00
GA-4 or GA-98	704224	691	L.F.	RETROREFLECTORIZED PLASTIC PAVEMENT STRIPE 24-INCHES WIDE	\$ 9.00	\$ 6,219.00	\$ 16.16	\$ 11,166.56	\$ 10.15	\$ 7,013.65
GA-4 or GA-98	704700	1,721	L.F.	HOT THERMOPLASTIC PAVEMENT STRIPE 4-INCHES WIDE	\$ 0.65	\$ 1,118.65	\$ 2.16	\$ 3,717.36	\$ 1.90	\$ 3,269.90
N/A	801000	1	L.S.	CONSTRUCTION STAKING & SURVEYING	\$ 49,038.59	\$ 49,038.59	\$ 12,726.00	\$ 12,726.00	\$ 50,000.00	\$ 50,000.00
Base Bid (Texas Ave., Michigan Ave., Aspen Dr., Spruce Ave., McKinley Ave., Hendrix Ave., Ridgcrest Dr., Tenth St. Crossing) SUB-TOTAL					\$ 5,886,395.60		\$ 4,043,109.10		\$ 4,481,497.40	

Street Maintenance Program FY2017

Public Works Bid No. 2017-010, EN107

Additive Alternative No.1 - Tenth Street

Contractor License No. 388888

GA02, GA03, GF09, MM98, LP05, LP06
MHDMM98

Contractor License No. 87957

GA01, GB98, GF09, GS08, MS03

	BASE BID ITEM NO.	QTY	UNIT	DESCRIPTION	Engineer's Opinion of Probable Construction Cost		General Hydronics Utilities, LLC		J&H Services, Inc.	
					UNIT PRICE	BID AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT
GA-1, GA-3 or GA-98	203000	35	C.Y.	UNCLASSIFIED EXCAVATION	\$ 24.00	\$ 840.00	\$ 24.39	\$ 853.65	\$ 33.00	\$ 1,155.00
GA-1, GA-3 or GA-98	414120	17,250	S.Y.	2" THICK HMA COLD MILLING	\$ 2.40	\$ 41,400.00	\$ 1.86	\$ 32,085.00	\$ 2.25	\$ 38,812.50
GA-1, GA-3 or GA-98	417000	20	S.Y.	PAVEMENT PATCH	\$ 70.00	\$ 1,400.00	\$ 45.45	\$ 909.00	\$ 38.60	\$ 772.00
GA-1, GA-3 or GA-98	423270	17,250	S.Y.	HMA SP-IV 2-INCHES THICK	\$ 15.00	\$ 258,750.00	\$ 13.68	\$ 235,980.00	\$ 16.00	\$ 276,000.00
GA-1, GA-3 or GA-99	450090	235	S.Y.	CONCRETE PAVEMENT 9-INCHES THICK	\$ 140.00	\$ 32,900.00	\$ 145.44	\$ 34,178.40	\$ 73.00	\$ 17,155.00
N/A	608000	320	S.F.	TACTILE WARNING SURFACE	\$ 48.00	\$ 15,360.00	\$ 39.00	\$ 12,480.00	\$ 29.35	\$ 9,392.00
GA-1, GA-3 or GA-98	608104	265	S.Y.	4-INCH THICK CONCRETE	\$ 67.00	\$ 17,755.00	\$ 57.64	\$ 15,274.60	\$ 76.00	\$ 20,140.00
GA-1, GA-3 or GA-98	608106	1,100	S.Y.	6-INCH THICK CONCRETE WITH REINFORCEMENT	\$ 110.00	\$ 121,000.00	\$ 77.77	\$ 85,547.00	\$ 95.00	\$ 104,500.00
GA-1, GA-3 or GA-98	609424	1,885	L.F.	TYPE II CURB/GUTTER	\$ 44.00	\$ 82,940.00	\$ 32.00	\$ 60,320.00	\$ 33.50	\$ 63,147.50
GA-1, GA-3 or GA-98	614006	20	L.F.	CONCRETE PIPE ENCASEMENT	\$ 58.00	\$ 1,160.00	\$ 50.50	\$ 1,010.00	\$ 65.00	\$ 1,300.00
N/A	618000	1	L.S.	FURNISH & PROVIDE MUTCD PLAN	\$ 24,864.64	\$ 24,864.64	\$ 13,736.00	\$ 13,736.00	\$ 42,000.00	\$ 42,000.00
N/A	621000	1	L.S.	MOBILIZATION	\$ 124,323.19	\$ 124,323.19	\$ 22,220.00	\$ 22,220.00	\$ 44,000.00	\$ 44,000.00
GF-9 or GF-98	662400	5	EA	ADJUST EXISTING MANHOLE TO FINAL GRADE	\$ 1,160.00	\$ 5,800.00	\$ 858.50	\$ 4,292.50	\$ 603.00	\$ 3,015.00
GF-9 or GF-98	663100	9	EA	NEW FIRE HYDRANT	\$ 6,700.00	\$ 60,300.00	\$ 4,797.50	\$ 43,177.50	\$ 4,120.00	\$ 37,080.00
GF-9 or GF-98	663101	7	EA	REMOVE & DISPOSE FIRE HYDRANT	\$ 1,180.00	\$ 8,260.00	\$ 757.50	\$ 5,302.50	\$ 502.00	\$ 3,514.00
GF-9 or GF-98	663206	9	EA	TRACER WIRE STATION	\$ 2,575.00	\$ 23,175.00	\$ 101.00	\$ 909.00	\$ 446.00	\$ 4,014.00
GF-9 or GF-98	663710	25	EA	3/4-INCH SERVICE LINE REPLACEMENT	\$ 1,500.00	\$ 37,500.00	\$ 1,363.50	\$ 34,087.50	\$ 1,020.00	\$ 25,500.00
GF-9 or GF-98	663711	1	EA	1-INCH SERVICE LINE REPLACEMENT	\$ 1,800.00	\$ 1,800.00	\$ 1,666.50	\$ 1,666.50	\$ 1,172.50	\$ 1,172.50
GF-9 or GF-98	663712	1	EA	2-INCH SERVICE LINE REPLACEMENT	\$ 4,050.00	\$ 4,050.00	\$ 3,232.00	\$ 3,232.00	\$ 3,065.00	\$ 3,065.00
GF-9 or GF-98	663726	700	L.F.	6-INCH PVC WATERLINE	\$ 51.00	\$ 35,700.00	\$ 42.42	\$ 29,694.00	\$ 34.60	\$ 24,220.00
GF-9 or GF-98	663730	3,800	L.F.	10-INCH PVC WATERLINE	\$ 93.00	\$ 353,400.00	\$ 46.21	\$ 175,598.00	\$ 43.35	\$ 164,730.00
GF-9 or GF-98	663772	4	EA	DRY LATERAL WATERLINE CONNECTION	\$ 1,175.00	\$ 4,700.00	\$ 1,010.00	\$ 4,040.00	\$ 793.50	\$ 3,174.00
GF-9 or GF-98	663856	36	EA	REMOVE & DISPOSE EXISTING VALVE BOX	\$ 830.00	\$ 29,880.00	\$ 202.00	\$ 7,272.00	\$ 653.00	\$ 23,508.00
GF-9 or GF-98	663887	10	EA	WET LATERAL WATERLINE CONNECTION	\$ 4,200.00	\$ 42,000.00	\$ 3,737.00	\$ 37,370.00	\$ 3,925.00	\$ 39,250.00
GF-9 or GF-98	663896	13	EA	6-INCH MAINLINE GATE VALVE	\$ 1,780.00	\$ 23,140.00	\$ 1,262.50	\$ 16,412.50	\$ 1,151.50	\$ 14,969.50
GF-9 or GF-98	663899	22	EA	10-INCH MAINLINE GATE VALVE	\$ 3,275.00	\$ 72,050.00	\$ 2,373.50	\$ 52,217.00	\$ 2,140.00	\$ 47,080.00
GF-9 or GF-98	704224	70	L.F.	RETROREFLECTORIZED PLASTIC PAVEMENT STRIPE 24-INCHES WIDE	\$ 9.00	\$ 630.00	\$ 16.16	\$ 1,131.20	\$ 10.15	\$ 710.50
GA-4 or GA-102	704715	1	EA	HOT THERMOPLASTIC PAVEMENT MARKING COMBINATION (THRU & RIGHT) ARROW	\$ 235.00	\$ 235.00	\$ 525.20	\$ 525.20	\$ 300.00	\$ 300.00
GA-4 or GA-99	704330	1	EA	RETROREFLECTORIZED PLASTIC LEFT ARROW	\$ 180.00	\$ 180.00	\$ 323.20	\$ 323.20	\$ 250.00	\$ 250.00
GA-4 or GA-100	704440	1	EA	RETROREFLECTORIZED PLASTIC WORD (ONLY)	\$ 275.00	\$ 275.00	\$ 520.14	\$ 520.14	\$ 350.00	\$ 350.00
GA-4 or GA-101	704700	5,710	L.F.	HOT THERMOPLASTIC PAVEMENT STRIPE 4-INCHES WIDE	\$ 0.65	\$ 3,711.50	\$ 1.01	\$ 5,767.10	\$ 1.90	\$ 10,849.00
N/A	801000	1	L.S.	CONSTRUCTION STAKING & SURVEYING	\$ 12,432.32	\$ 12,432.32	\$ 742.35	\$ 742.35	\$ 9,000.00	\$ 9,000.00
Additive Alternative No.1 (Tenth Street) SUB-TOTAL					\$ 1,441,911.65		\$ 938,873.84		\$ 1,034,125.50	

Street Maintenance Program FY2017

Public Works Bid No. 2017-010, EN107

Additive Alternative No.2 - Sundown Avenue

Contractor License No. 388888

Contractor License No. 87957

GA02, GA03, GF09, MM98, LP05, LP06
MHDMM98

GA01, GB98, GF09, GS08, MS03

	BASE BID ITEM NO.	QTY	UNIT	DESCRIPTION	Engineer's Opinion of Probable Construction Cost		General Hydronics Utilities, LLC		J&H Services, Inc.	
					UNIT PRICE	BID AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT
GA-1, GA-3 or GA-98	414120	3,850	S.Y.	2" THICK HMA COLD MILLING	\$ 2.40	\$ 9,240.00	\$ 2.27	\$ 8,739.50	\$ 2.80	\$ 10,780.00
GA-1, GA-3 or GA-98	417000	80	S.Y.	PAVEMENT PATCH	\$ 70.00	\$ 5,600.00	\$ 45.45	\$ 3,636.00	\$ 38.60	\$ 3,088.00
GA-1, GA-3 or GA-98	423270	3,850	S.Y.	HMA SP-IV 2-INCHES THICK	\$ 15.00	\$ 57,750.00	\$ 13.68	\$ 52,668.00	\$ 16.00	\$ 61,600.00
N/A	608000	20	S.F.	TACTILE WARNING SURFACE	\$ 48.00	\$ 960.00	\$ 39.00	\$ 780.00	\$ 29.35	\$ 587.00
GA-1, GA-3 or GA-98	608104	75	S.Y.	4-INCH THICK CONCRETE	\$ 67.00	\$ 5,025.00	\$ 57.64	\$ 4,323.00	\$ 76.00	\$ 5,700.00
GA-1, GA-3 or GA-98	608106	65	S.Y.	6-INCH THICK CONCRETE WITH REINFORCEMENT	\$ 110.00	\$ 7,150.00	\$ 77.77	\$ 5,055.05	\$ 95.00	\$ 6,175.00
GA-1, GA-3 or GA-98	609424	75	L.F.	TYPE II CURB/GUTTER	\$ 44.00	\$ 3,300.00	\$ 32.00	\$ 2,400.00	\$ 33.50	\$ 2,512.50
GA-1, GA-3 or GA-98	614006	20	L.F.	CONCRETE PIPE ENCASEMENT	\$ 58.00	\$ 1,160.00	\$ 50.50	\$ 1,010.00	\$ 65.00	\$ 1,300.00
N/A	618000	1	L.S.	FURNISH & PROVIDE MUTCD PLAN	\$ 4,144.11	\$ 4,144.11	\$ 2,424.00	\$ 2,424.00	\$ 8,000.00	\$ 8,000.00
N/A	621000	1	L.S.	MOBILIZATION	\$ 20,720.53	\$ 20,720.53	\$ 5,050.00	\$ 5,050.00	\$ 1,000.00	\$ 10,000.00
GF-9 or GF-98	663100	3	EA	NEW FIRE HYDRANT	\$ 6,700.00	\$ 20,100.00	\$ 4,797.50	\$ 14,392.50	\$ 4,120.00	\$ 12,360.00
GF-9 or GF-98	663101	2	EA	REMOVE & DISPOSE FIRE HYDRANT	\$ 1,180.00	\$ 2,360.00	\$ 757.50	\$ 1,515.00	\$ 502.00	\$ 1,004.00
GF-9 or GF-98	663206	1	EA	SAMPLING STATION	\$ 3,500.00	\$ 3,500.00	\$ 1,919.00	\$ 1,919.00	\$ 2,310.00	\$ 2,310.00
GF-9 or GF-98	663206	3	EA	TRACER WIRE STATION	\$ 2,575.00	\$ 7,725.00	\$ 101.00	\$ 303.00	\$ 446.00	\$ 1,338.00
GF-9 or GF-98	663710	27	EA	3/4-INCH SERVICE LINE REPLACEMENT	\$ 1,500.00	\$ 40,500.00	\$ 1,338.25	\$ 36,132.75	\$ 1,020.00	\$ 27,540.00
GF-9 or GF-98	663726	1,100	L.F.	6-INCH PVC WATERLINE	\$ 51.00	\$ 56,100.00	\$ 38.99	\$ 42,889.00	\$ 34.60	\$ 38,060.00
GF-9 or GF-98	663856	3	EA	REMOVE & DISPOSE EXISTING VALVE BOX	\$ 830.00	\$ 2,490.00	\$ 202.00	\$ 606.00	\$ 653.00	\$ 1,959.00
GF-9 or GF-98	663887	1	EA	WET LATERAL WATERLINE CONNECTION	\$ 4,200.00	\$ 4,200.00	\$ 3,661.25	\$ 3,661.25	\$ 3,925.00	\$ 3,925.00
GF-9 or GF-98	663896	3	EA	6-INCH MAINLINE GATE VALVE	\$ 1,780.00	\$ 5,340.00	\$ 1,262.50	\$ 3,787.50	\$ 1,151.50	\$ 3,454.50
N/A	801000	1	L.S.	CONSTRUCTION STAKING & SURVEYING	\$ 2,072.05	\$ 2,072.05	\$ 505.00	\$ 505.00	\$ 2,500.00	\$ 2,500.00
Additive Alternative No.2 (Sundown Avenue) Sub-Total					\$	259,436.69		\$ 191,796.55		\$ 204,193.00

Street Maintenance Program FY2017

Public Works Bid No. 2017-010, EN107

Additive Alternative No.3 - Sunbeam Avenue

Contractor License No. 388888

Contractor License No. 87957

GA02, GA03, GF09, MM98, LP05, LP06
MHDMM98

GA01, GB98, GF09, GS08, MS03

	BASE BID ITEM NO.				Engineer's Opinion of Probable Construction Cost		General Hydronics Utilities, LLC		J&H Services, Inc.	
		QTY	UNIT	DESCRIPTION	UNIT PRICE	BID AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT
GA-1, GA-3 or GA-98	414120	3,960	S.Y.	2" THICK HMA COLD MILLING	\$ 2.40	\$ 9,504.00	\$ 2.27	\$ 8,989.20	\$ 2.80	\$ 11,088.00
GA-1, GA-3 or GA-98	417000	80	S.Y.	PAVEMENT PATCH	\$ 70.00	\$ 5,600.00	\$ 45.45	\$ 3,636.00	\$ 38.60	\$ 3,088.00
GA-1, GA-3 or GA-98	423270	3,960	S.Y.	HMA SP-IV 2-INCHES THICK	\$ 15.00	\$ 59,400.00	\$ 13.68	\$ 54,172.80	\$ 16.00	\$ 63,360.00
N/A	608000	20	S.F.	TACTILE WARNING SURFACE	\$ 48.00	\$ 960.00	\$ 39.00	\$ 780.00	\$ 29.35	\$ 587.00
GA-1, GA-3 or GA-98	608104	85	S.Y.	4-INCH THICK CONCRETE	\$ 67.00	\$ 5,695.00	\$ 57.64	\$ 4,899.40	\$ 76.00	\$ 6,460.00
GA-1, GA-3 or GA-98	608106	65	S.Y.	6-INCH THICK CONCRETE WITH REINFORCEMENT	\$ 110.00	\$ 7,150.00	\$ 77.77	\$ 5,055.05	\$ 95.00	\$ 6,175.00
GA-1, GA-3 or GA-98	609424	75	L.F.	TYPE II CURB/GUTTER	\$ 44.00	\$ 3,300.00	\$ 32.00	\$ 2,400.00	\$ 33.50	\$ 2,512.50
GA-1, GA-3 or GA-98	614006	20	L.F.	CONCRETE PIPE ENCASEMENT	\$ 58.00	\$ 1,160.00	\$ 50.50	\$ 1,010.00	\$ 65.00	\$ 1,300.00
N/A	618000	1	L.S.	FURNISH & PROVIDE MUTCD PLAN	\$ 5,525.48	\$ 5,525.48	\$ 3,232.00	\$ 3,232.00	\$ 8,000.00	\$ 8,000.00
N/A	621000	1	L.S.	MOBILIZATION	\$ 27,627.38	\$ 27,627.38	\$ 7,070.00	\$ 7,070.00	\$ 10,000.00	\$ 10,000.00
GF-9 or GF-98	663100	3	EA	NEW FIRE HYDRANT	\$ 6,700.00	\$ 20,100.00	\$ 4,797.50	\$ 14,392.50	\$ 4,120.00	\$ 12,360.00
GF-9 or GF-98	663101	2	EA	REMOVE & DISPOSE FIRE HYDRANT	\$ 1,180.00	\$ 2,360.00	\$ 757.50	\$ 1,515.00	\$ 502.00	\$ 1,004.00
GF-9 or GF-98	663206	3	EA	TRACER WIRE STATION	\$ 2,575.00	\$ 7,725.00	\$ 101.00	\$ 303.00	\$ 446.00	\$ 1,338.00
GF-9 or GF-98	663710	28	EA	3/4-INCH SERVICE LINE REPLACEMENT	\$ 1,500.00	\$ 42,000.00	\$ 1,363.50	\$ 38,178.00	\$ 1,020.00	\$ 28,560.00
GF-9 or GF-98	663730	1,100	L.F.	10-INCH PVC WATERLINE	\$ 93.00	\$ 102,300.00	\$ 45.45	\$ 49,995.00	\$ 43.35	\$ 47,685.00
GF-9 or GF-98	663856	3	EA	REMOVE & DISPOSE EXISTING VALVE BOX	\$ 830.00	\$ 2,490.00	\$ 202.00	\$ 606.00	\$ 653.00	\$ 1,959.00
GF-9 or GF-98	663887	1	EA	WET LATERAL WATERLINE CONNECTION	\$ 4,200.00	\$ 4,200.00	\$ 3,636.00	\$ 3,636.00	\$ 3,925.00	\$ 3,925.00
GF-9 or GF-98	663899	3	EA	10-INCH MAINLINE GATE VALVE	\$ 3,275.00	\$ 9,825.00	\$ 2,373.50	\$ 7,120.50	\$ 2,200.00	\$ 6,600.00
N/A	801000	1	L.S.	CONSTRUCTION STAKING & SURVEYING	\$ 2,762.74	\$ 2,762.74	\$ 505.00	\$ 505.00	\$ 2,500.00	\$ 2,500.00
Additive Alternative No.3 (Sunbeam Avenue) Sub-Total					\$	319,684.60		\$ 207,495.45		\$ 218,501.50

Street Maintenance Program FY2017 Public Works Bid No. 2017-010, EN107 Additive Alternative No.4 - Sunshine Avenue							Contractor License No. 388888		Contractor License No. 87957	
							GA02, GA03, GF09, MM98, LP05, LP06 MHDMM98		GA01, GB98, GF09, GS08, MS03	
	BASE BID ITEM NO.	QTY	UNIT	DESCRIPTION	Engineer's Opinion of Probable Construction Cost		General Hydronics Utilities, LLC		J&H Services, Inc.	
					UNIT PRICE	BID AMOUNT	PRICE	AMOUNT	PRICE	AMOUNT
GA-1, GA-3 or GA-98	414120	4,000	S.Y.	2" THICK HMA COLD MILLING	\$ 2.40	\$ 9,600.00	\$ 2.27	\$ 9,080.00	\$ 2.80	\$ 11,200.00
GA-1, GA-3 or GA-98	417000	80	S.Y.	PAVEMENT PATCH	\$ 70.00	\$ 5,600.00	\$ 45.45	\$ 3,636.00	\$ 38.60	\$ 3,088.00
GA-1, GA-3 or GA-98	423270	4,000	S.Y.	HMA SP-IV 2-INCHES THICK	\$ 15.00	\$ 60,000.00	\$ 13.68	\$ 54,720.00	\$ 16.00	\$ 64,000.00
N/A	608000	20	S.F.	TACTILE WARNING SURFACE	\$ 48.00	\$ 960.00	\$ 39.00	\$ 780.00	\$ 29.35	\$ 587.00
GA-1, GA-3 or GA-98	608104	75	S.Y.	4-INCH THICK CONCRETE	\$ 67.00	\$ 5,025.00	\$ 57.64	\$ 4,323.00	\$ 76.00	\$ 5,700.00
GA-1, GA-3 or GA-98	608106	60	S.Y.	6-INCH THICK CONCRETE WITH REINFORCEMENT	\$ 110.00	\$ 6,600.00	\$ 77.77	\$ 4,666.20	\$ 95.00	\$ 5,700.00 *
GA-1, GA-3 or GA-98	609424	75	L.F.	TYPE II CURB/GUTTER	\$ 44.00	\$ 3,300.00	\$ 32.00	\$ 2,400.00	\$ 33.50	\$ 2,512.50
GA-1, GA-3 or GA-98	614006	20	L.F.	CONCRETE PIPE ENCASEMENT	\$ 58.00	\$ 1,160.00	\$ 50.50	\$ 1,010.00	\$ 65.00	\$ 1,300.00
N/A	618000	1	L.S.	FURNISH & PROVIDE MUTCD PLAN	\$ 4,144.11	\$ 4,144.11	\$ 3,232.00	\$ 3,232.00	\$ 8,000.00	\$ 8,000.00
N/A	621000	1	L.S.	MOBILIZATION	\$ 20,720.53	\$ 20,720.53	\$ 7,070.00	\$ 7,070.00	\$ 10,000.00	\$ 10,000.00
GF-9 or GF-98	663100	3	EA	NEW FIRE HYDRANT	\$ 6,700.00	\$ 20,100.00	\$ 4,747.00	\$ 14,241.00	\$ 4,120.00	\$ 12,360.00
GF-9 or GF-98	663101	2	EA	REMOVE & DISPOSE FIRE HYDRANT	\$ 1,180.00	\$ 2,360.00	\$ 757.50	\$ 1,515.00	\$ 502.00	\$ 1,004.00
GF-9 or GF-98	663206	3	EA	TRACER WIRE STATION	\$ 2,575.00	\$ 7,725.00	\$ 101.00	\$ 303.00	\$ 446.00	\$ 1,338.00
GF-9 or GF-98	663710	24	EA	3/4-INCH SERVICE LINE REPLACEMENT	\$ 1,500.00	\$ 36,000.00	\$ 1,353.40	\$ 32,481.60	\$ 1,020.00	\$ 24,480.00
GF-9 or GF-98	663726	1,100	L.F.	6-INCH PVC WATERLINE	\$ 51.00	\$ 56,100.00	\$ 38.89	\$ 42,779.00	\$ 34.60	\$ 38,060.00
GF-9 or GF-98	663856	3	EA	REMOVE & DISPOSE EXISTING VALVE BOX	\$ 830.00	\$ 2,490.00	\$ 202.00	\$ 606.00	\$ 653.00	\$ 1,959.00
GF-9 or GF-98	663887	1	EA	WET LATERAL WATERLINE CONNECTION	\$ 4,200.00	\$ 4,200.00	\$ 3,484.50	\$ 3,484.50	\$ 3,925.00	\$ 3,925.00
GF-9 or GF-98	663896	3	EA	6-INCH MAINLINE GATE VALVE	\$ 1,780.00	\$ 5,340.00	\$ 1,201.90	\$ 3,605.70	\$ 1,151.50	\$ 3,454.50
N/A	801000	1	L.S.	CONSTRUCTION STAKING & SURVEYING	\$ 2,072.05	\$ 2,072.05	\$ 505.00	\$ 505.00	\$ 2,500.00	\$ 2,500.00
Additive Alternative No. 4 (Sunshine Avenue) Sub-Total					\$	253,496.69		\$ 190,438.00		\$ 201,168.00

*THERE WAS A MATHAMATICAL ERROR THAT HAS BEEN CORRECTED

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 04/03/2018

Report No: 11.

Submitted By:

Subject: Consider, and act upon, approval of amendment 3 to the Engineering and Professional Services Agreement to Smith Engineering Company related to the McKinley Channel Phase 8 Utility Relocation design. (*Nancy Beshaler, Project Manager*)

Fiscal Impact: \$66,100.00

Amount Budgeted: \$92,639.00

Fund: 056-9403-465.62-35 (EN1609)

Additional Fiscal Impact:

Recommendation: Approve amendment 3 to the Engineering and Professional Services Agreement to Smith Engineering Company related to the McKinley Channel Phase 8 Utility Relocation design.

Background: This project is the design of utility relocation work for the Corps of Engineers McKinley Channel Phase 8 project which will construct a concrete lined channel from First Avenue upstream to a large basin near Thunder Road. The Corps of Engineers has changed the channel design from rectangular to trapezoidal, which requires a re-design of the utility relocation.

**THIRD AMENDMENT
TO AGREEMENT FOR
ENGINEERING PROFESSIONAL SERVICES**

THIS AGREEMENT is by and between THE CITY OF ALAMOGORDO ("OWNER") and SMITH ENGINEERING COMPANY ("CONSULTANT").

It is expressly agreed by the parties that this Amendment of _____, 2018 is supplemental to the Agreement of May 9, 2016, to which it is attached, which is made a part by reference, and all terms, conditions, and provisions of the original Agreement, unless specifically modified, are to apply to this Amendment and are made a part of this Amendment as though expressly rewritten, incorporated, and included herein. In the event of any conflict, inconsistency, or incongruity between the provisions of the Amendment and any of the provisions of the original Agreement, the provisions of the Amendment shall in all respects govern and control.

The Agreement shall be modified, altered, and changed only as follows:
Revise design documents based upon Corps of Engineers June 2018 update to the
McKinley Channel Design = \$61,000.00

IN WITNESS WHEREOF, the parties hereto have made and executed this AGREEMENT AMENDMENT #3.

CONSULTANT: SMITH ENGINEERING COMPANY

Signature: _____

Title: _____

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Margaret Paluch, City Manager

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Petria Schreiber, City Attorney

Scope of Services:

The Army Corp of Engineers is in the process of re-designing the McKinley Channel cross section from vertical walls to trapezoidal walls in an effort to save money. As a result, Smith Engineering Company (Smith) has been tasked with providing a fee for re-design of the Utility Relocation Construction Plans. The original Project Scope included Utility Relocation along McKinley Channel from McKinley Basin (upstream if Scenic Drive) to Cuba Avenue.

The Corp is currently at approximately 60% Design Drawings. The 60% Design Layout was provided in Microstation DGN Format (2/22/2018). Smith will use the surface information (contour and cross sections) to generate a surface file so that we can re-design the utility crossings along the McKinley Channel. During our meeting with Nancy Beshaler (2/20/2018) it was determined the McKinley Channel section between Cuba Avenue and 1st Street (approximately 700 linear feet of Channel Improvements) will be added into this Construction planset as well; therefore Utility Relocation will be required in this area. After review of the Corps design files it also appears improvements along the Washington Ditch Channel have shifted slightly north for a smooth transition of the merging of the two respective channel sections.

Per City of Alamogordo direction, the Utility Relocation Construction Plans will be incorporated into the Complete Channel Reconstruction Plans issued by the Corps for bidding and construction. Smith will provide necessary Utility Relocation Construction Plans, Summary of Quantities, and Supplemental Specifications for incorporation by the Corp. Based on the original survey we compiled with the previous utility relocation; we have rim elevations on manholes in the added project areas but will require invert depths. We assume that the City has the equipment and manpower to measure invert depths as needed.

We anticipate coordination meetings to occur at the same intervals as with the initial design. The Utility Relocation Plans (Smith Set) shall be completed by August 10, 2018. In order to meet this deadline we will revise our Construction Plans based on the provided 60% Design, but request the 95% Design File no later the end of June 2018 (as well as a PDF of the Entire Planset) to complete the Utility Relocation Construction Plans. The Fee Proposal is provided at the end of the Agreement.

Exclusions:

Based on the information above Smith will not be responsible for providing Stand Alone Bid Ready Documents. The Construction Plans under this Scope of Services shall become part of the Construction Plans Issued and Bid by the Army Corps of Engineers.

SMITH ENGINEERING COMPANY

PROJECT FEE SCHEDULE

McKINLEY CHAN. PH. VIII UTIL. RELOCATION RE-DESIGN

PROPOSED RE-DESIGN FEE SCHEDULE

	Hourly rate x multiplier	Prin. Eng. 210.00	Eng. II 150.00	Des. II 115.00	CAD Tech II 70.00	Administrative 55.00	Hours	Labor
	McKINLEY CHANNEL RE-DESIGN							
COORD.	MEETINGS & COORDINATION		30	30			60	\$7,950
GEN. NOTES	GENERAL NOTES SHEET (1 SHEET)	1	1	1			3	\$475
QUANTITY	SUMMARY OF QUANTITIES SHEET (1 SHEET)	1	10	10			21	\$2,860
CONTROL	HORIZONTAL CONTROL SHEETS (3 SHEETS)	1	2	10			13	\$1,660
DEMO	UTILITY DEMOLITION SHEETS (3 SHEETS)	1	2	10			13	\$1,660
RELOCATION	UTILITY RELOCATION PLAN SHEETS (6 SHEETS)	2	10	40			52	\$6,520
UTIL P&P	UTILITY PLAN & PROFILE SHEETS (16 SHEETS)	8	40	160			208	\$26,080
NEW UTIL P&P	ADDITIONAL UTILITY SHEETS FOR ADDED AREA (4 SHEETS)	2	10	40			52	\$6,520
DETAILS	DETAIL SHEETS (3 SHEETS)	1	1	1			3	\$475
TC	TRAFFIC CONTROL SHEET (1 SHEET)	1	1	1			3	\$475
BYPASS	BYPASS PUMPING PLANS (3 SHEETS)	2	6	30			38	\$4,770
EXPENSES	MILEAGE, PRINTING, COPYING, ETC						-	\$1,500
		20	113	333	0	0	466	\$60,945
	SubTotal Hours / Units:	20	113	333	0	0	466	
	SubTotal Labor Amounts:	\$ 4,200	\$ 16,950	\$ 38,295	\$ -	\$ -		\$60,945
							SubTotal Direct Costs:	\$ -
							Total Project Fee:	\$60,945

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 04/03/2018

Report No: 12.

Submitted By: Kitty Williams

Subject: Consider and act upon first publication of Ordinance 1565 regarding changes to the registration and cost of keeping bees within City limits. (*Petria Schreiber, City Attorney*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication.

Background: Consider and act upon first publication of Ordinance 1565 regarding changes to the registration and cost of keeping bees within City limits.

ORDINANCE NO. 1565

TO AMEND §7-01-020 OF THE ALAMOGORDO CODE OF ORDINANCES REGARDING THE KEEPING OF BEES

WHEREAS, Section 7-01-202(d) of the Alamogordo Code of Ordinances regarding the keeping of bees was adopted on October 22, 2013; and

WHEREAS, it is necessary to clarify fees for registration to own or maintain an apiary within City limits and department responsible for registration;

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico that the Code of Ordinances of the City of Alamogordo, New Mexico is hereby amended as follows:

7-01-020. - Keeping restrictions.

- (a) Except as otherwise provided in this section, it is unlawful to keep any livestock, poultry, or exotic animals in the city.
- (b) Subsection (a) shall not apply to:
 - (1) The keeping of Vietnamese miniature potbelly pigs or pygmy goats weighing fifty (50) pounds or less or poultry, or the operation of pet stores, veterinary offices or hospitals, commercial kennels, or livestock in zoning districts where the use or keeping is specifically permitted.
 - (2) Public zoos, or carnivals and circuses licensed as such.
 - (3) Fairs, petting zoos or other special events lasting less than two (2) weeks.
 - (4) The keeping of any animal at an approved research institution.
- (c) *Vicious animals.* It is unlawful for any person to keep or harbor any vicious animal. Any person attacked by a vicious animal may use reasonable force to repel the attack. After a judicial determination that an animal is vicious, the owner or keeper of such vicious animal shall destroy it humanely or release such animal to the animal control center for destruction.
- (d) *Restrictions on the keeping of bees.* Except as otherwise provided in this article, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep bees on any lot or parcel of land keep within the city. The authorized keeping of bees, and associated beehives, shall be governed by the following regulations.
 - (1) *General regulations.*
 - a. *Apiary registration.* No person may own or maintain an apiary within the city without first registering all apiaries with the city. Registration shall be made in writing and upon such form or in such format as established by the city, and shall be accompanied by the prescribed registration fee of fifty dollars (\$50.00). ~~in the amount established from time to time by resolution of the city commission.~~ Non-property owners that wish to own or maintain an apiary on property that the non-property owner is renting, or otherwise occupying with the permission of the

property owner, must include written permission from the property owner or landlord that explicitly indicates that the non-property owner has permission to own or maintain an apiary on the subject property. Such written permission shall be supplied to the city as part of the apiary registration.

- b. *Hive type.* No beekeeper shall keep or maintain bees in any hive other than a modern movable frame hive which permits thorough examination of every comb.
 - c. *Fencing of flyways.* In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.
 - d. *Water.* Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, bird baths or other water sources where they may cause human, bird or domestic pet contact.
 - e. *General maintenance.* Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
 - f. *Queens.* All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and nonswarming characteristics.
 - g. *Prohibitions.* No Africanized bees may be kept on a property under the regulations of this section unless kept for the purpose of propagating beneficial bees.
 - h. *Marking hives.* The beekeeper shall conspicuously post a sign setting forth his name and telephone number.
 - i. *Application to ~~code enforcement~~ planning and zoning.* Anyone proposing to keep bees on a property in the city or to expand such use shall apply for approval from the ~~code enforcement~~ planning and zoning department, which shall determine if the application is in compliance with regulations regarding permitted placement of beehives, flyway barriers, and other structures used in the keeping of bees and whether the property is occupied by a condemned building.
- (2) *In residential districts.* In residential districts, the following regulations shall apply.
- a. *Notification required.* Any person proposing to keep an apiary on any property located in the city, or to expand any such use, shall first provide, by mail or personal delivery, written notice to the owner of all adjoining lots or parcels of land

prior to registering the apiary as required by section 7-01-020(c)(1)A of this article and shall certify the same to the city at the time of registration.

- b. *Colony densities.* It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:
 - 1. Less than two thousand four hundred (2,400) square feet in area—no colonies.
 - 2. One-quarter ($\frac{1}{4}$) acre or less tract size—two (2) colonies.
 - 3. More than one-quarter ($\frac{1}{4}$) acre but less than one-half ($\frac{1}{2}$) acre tract size—four (4) colonies.
 - 4. More than one-half ($\frac{1}{2}$) acre but less than one (1) acre tract size—six (6) colonies.
 - 5. One (1) acre or larger tract size—eight (8) colonies.
 - 6. Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.

For each two (2) colonies authorized under this section, colony densities there may be maintained upon the same tract one (1) nucleus colony in a hive structure not exceeding one (1) ten-frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date is acquired.

- c. *Location and setbacks.* No beehive shall be kept closer than five (5) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the residential property closest to the beehive.
- d. *Lots without a primary residence.* Notwithstanding the provisions of chapter 29 of the Alamogordo Code of Ordinances regarding accessory uses, bee keeping is a permitted accessory use and may be kept on a lot that is vacant or has no occupied residence.
- e. *Written permission; revocation.*
 - 1. Written permission required by section 7-01-020(c)(1)a is revoked under any of the following circumstances:
 - i. The occupant who has given written permission gives up legal possession of the residence or property.
 - ii. The owner of property who has given written permission transfers or is otherwise divested of all interest in the property.
 - iii. The owner or occupant of property who has given written permission files a signed revocation of written permission with the code enforcement department.

- (3) *In non-residential districts.* In zoning districts other than residential districts, all regulations applicable in residential districts shall apply except that the number of beehives shall be limited to one (1) for each one thousand (1,000) square feet of lot area unless the non-residentially zoned lot is located within two hundred (200) feet from any residentially zoned lot in which case the density restrictions for residential districts shall apply.
- (e) *Variances.* The board of appeals may vary the regulations of this section as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this section.

DONE this _____ day of _____, 2018

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 04/03/2018

Report No: 13.

Submitted By: Kitty Williams

Subject: Approve Land Exchange Agreement between the City of Alamogordo and Alamogordo Public Schools for the exchange of 13th Street owned by the City for a portion of Playa Azul currently owned by Alamogordo Public Schools (*Petria Schreiber, City Attorney*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve agreement for review by the School Board and the NM Board of Finance

Background: This is an agreement between the City of Alamogordo and the Alamogordo Public Schools for an exchange of land. In exchange for a portion of land on Playa Azul that completes the thoroughfare to Washington, the City will give APS a portion of 13th street at Florida that is currently closed daily to help control traffic ensure the safety of students. Both parcels of land were appraised at exactly \$32,000.

LAND TRADE AGREEMENT
CITY OF ALAMOGORDO AND THE ALAMOGORDO PUBLIC SCHOOL DISTRICT

This Land Trade Agreement (the "Agreement") is made and entered into by and between the City of Alamogordo, a Municipal Corporation (the "City") and the Alamogordo Public School District (the "District") (collectively, "the Parties"). The Effective Date of this Agreement is the date specified below in Paragraph 14.

Whereas, the City and the District each owns real property located in Alamogordo, Otero County, New Mexico;

Whereas, the City owns a 13,400 square foot, more or less, tract of land currently designated as 13th Street between North Florida Avenue and Alaska Avenue, Alamogordo, Otero County, New Mexico as more fully described in **Exhibit A-1** hereto (the "City-owned Land"), which is found to be well-suited for the District's planned use;

Whereas, the District owns a 8,354 square foot, more or less, tract of land designated as Lot 162, Mission Hills, Unit 2, Alamogordo, Otero County, New Mexico as more fully described in **Exhibit B-1** hereto (collectively, the "District-owned Land"), and which are found to be no longer needed for school or related purposes and are found by the City to be well-suited for the City's anticipated use;

Whereas, the Parties entered into negotiations for and desire to exchange the above-described tracts of land on an "as is" basis;

Whereas, there is a written determination that each Party is receiving fair and proper value for property that it is deeding to the other;

Whereas Section 22-5-4 NMSA 1978 confers upon the District's Board of Education the right to acquire and dispose of real property;

Whereas, Sections 13-6-2(A) and (B)(2) NMSA 1978 provide, in pertinent part, that a local public body or a school district may dispose of real property "by negotiated sale or donation to other state agencies, local public bodies, school districts or state educational institutions;"

Whereas, Section 13-6-2.1(A) NMSA 1978 provides, in pertinent part, that real property belonging to a local public body or school district or any trade of such real property for a consideration of more than twenty-five thousand dollars (\$25,000) shall not be valid unless it is approved prior to its effective date by the State Board of Finance; and,

Whereas, 1.5.23.3(A) NMAC requires that trades of real property belonging to a school district or local public body have State Board of Finance approval prior to the effective date of such trade.

NOW, THEREFORE, IT IS AGREED by the Parties that:

1. Upon approval by the New Mexico State Board of Finance, the Parties will exchange the above-described tracts of land.
2. The value of the City-owned Land is Thirty-Two Thousand Dollars (\$32,000.00) for approximately 13,400 square feet as determined by NM Appraisal Company in its report dated December 21, 2017.
3. The value of the District-owned Land is Thirty-Two Thousand Dollars (\$32,000.00) for approximately 8,354 square feet as determined by Mesilla Valley Appraisal Services in its report dated October 30, 2014.
4. The City Mayor-At-Large is authorized to sign a deed conveying to the District the City-owned Land and the District's Board of Education is authorized to sign a deed conveying to the City the District-owned Land.
5. All terms of this Agreement shall be binding upon, inure to the benefit of, and be enforceable by the Parties hereto and their respective heirs, legal representatives, successors, and assigns.
6. Each Party shall record its deed(s) of conveyance within ten working days after the date of approval granted by the New Mexico State Board of Finance.
7. This Agreement is to be governed and interpreted by the laws of the State of New Mexico.
8. Nothing in this Agreement waives or alters any immunities or protections provided to the District or the City, and their respective employees, agents, board members, council members or officers, under New Mexico or federal law.
9. Should any part of this Agreement be rendered or declared invalid by a court of competent jurisdiction of the State of New Mexico, such invalidation of such part or portion of this Agreement should not invalidate the remaining portions thereof, which shall remain in full force and effect.
10. The District and the City are the only parties to this Agreement. Nothing in this Agreement provides any benefit or right, directly or indirectly, to third parties. This Agreement was not intended to and does not create any rights in any persons or entities not a party to this Agreement. The parties shall cooperate fully in opposing any attempt by any third person or entity to claim any benefit, right, protection, release or other consideration under this Agreement.
11. Each party shall be solely responsible for fiscal or other sanctions caused by or resulting from its own violation or alleged violation of requirements and law applicable to the performance of the Agreement. Neither of the parties shall be considered liable for the acts or omissions of the other party, nor for those of the other party's employees. Neither party shall be

responsible for any liability whatsoever incurred as a result of the other party's negligence, acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, § 41-4-1, et seq., NMSA 1978.

12. This Agreement contains the entire understanding of the Parties. There are no representations, covenants or warranties other than those expressly stated herein. No waiver or modification of any of the terms shall be valid unless in writing and signed by both Parties.

13. This Agreement shall not be valid unless it is approved prior to its Effective Date by the New Mexico State Board of Finance.

14. The Effective Date of this Agreement shall be the date upon which approval has been granted by the New Mexico State Board of Finance.

CITY OF ALAMOGORDO

Honorable Richard A. Boss
Mayor-At-Large, City of Alamogordo

Attest:

Rachel Hughs, City Clerk

APPROVED AS TO FORM

Petria Schreiber, City Attorney

[Signatures continued on following page]

ALAMOGORDO PUBLIC SCHOOL DISTRICT

David W. Weaver, President
Board of Education
Alamogordo Public Schools

Attest:

Timothy C. Wolfe, Secretary
Board of Education
Alamogordo Public School District

Attachments: **Exhibits A-1 and B-1**

APPRAISAL REPORT

PROPERTY:

*A ±335 LF Section of 13th Street between N. Florida & Alaska Avenues
In Alamogordo, New Mexico*



PREPARED FOR:

*City of Alamogordo
1376 E. Ninth Street
Alamogordo, New Mexico*

EFFECTIVE DATE OF VALUE:

December 7, 2017

PREPARED BY:

*C. Marc Beatty, MAI
NM Appraisal Company
508 Mechem Drive, Suite E
Ruidoso, NM 88345*



Job File #17049

December 21, 2017

City of Alamogordo
ATTN: Mr. Darron Williams, City Planner
1376 E. Ninth Street
Alamogordo, New Mexico 88310

RE: A real estate appraisal of the ±335 LF section of 13th Street between N. Florida and Alaska Avenues in Alamogordo, New Mexico

Job File #17049

Dear Mr. Williams:

I have personally inspected and completed an appraisal of the above referenced property. I am pleased to submit the accompanying report of my findings and conclusions.

The property being appraised is a ±335 linear foot section of 13th Street between N. Florida and Alaska Avenues. It is a section of the street between North Elementary School and the Academy del Sol Alternative School that is gated off and used by the Alamogordo Public Schools. The purpose of the appraisal is to develop an opinion of the market value of the property in the fee simple interest. I certify that I have no present or contemplated future interest in the real property beyond this appraisal. The expressed opinions and this appraisal assignment are not based on a requested minimum valuation, a specific valuation, or approval of a loan. The intended use of the appraisal is to assist the City of Alamogordo with asset management of the real estate. Intended users of the appraisal are the duly assigned representatives of the City of Alamogordo. The effective date of value is December 7, 2017, the date of my property inspection.

The Appraisal Report is presented in a narrative format. The opinion of value is qualified by certain assumptions, limiting conditions, certification and definitions which are set forth in the appraisal report. The report is intended to comply with the requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. It presents discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the opinion of value. The depth of discussion presented in the report is specific to the needs of the client and the intended use of the appraisal. Supporting information is retained in the job file. The NM Appraisal Company is not responsible for unauthorized use of the report.



Based on the research and analysis, my opinion of market value of the Subject property in the fee simple interest effective December 7, 2017 is:

\$32,000

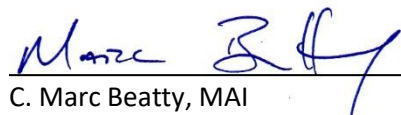
Thirty Two Thousand Dollars

This market value is allocated as:

Market Value of the 13,400 SF Subject Site:	\$19,400
Contributory Value of the Street Improvements:	\$12,600
Total Market Value:	\$32,000

I appreciate this opportunity to provide appraisal services to the City of Alamogordo and welcome comments or questions from authorized users.

Respectfully submitted,


C. Marc Beatty, MAI
NM General Certified Appraiser #3085-G
NM Appraisal Company

Summary of Salient Facts & Conclusions

Property Type:	A ±335 linear foot section of 13 th Street between N. Florida and Alaska Avenues
Location:	The property on within the 1300 Block of N. Florida Avenue on the east side of the street between North Elementary School and the Academy del Sol Alternative School in Alamogordo, New Mexico
Legal Description:	The property is part of the 13 th Street right-of-way and has no defined legal description shown by Otero County records
Effective Date of Value:	December 7, 2017
Property Rights Appraised:	Fee Simple Interest
Land Area:	±13,400 SF (40' wide by 335' long), based on County records and as agreed upon with the client
Improvements:	None, other than the asphalt paving and curbs of the street
Intended Use:	To assist the City of Alamogordo with asset management of the real estate
Intended Users:	The duly assigned representatives of the City of Alamogordo
Zoning:	R-1 Single-Family Residential
Highest & Best Use – As Vacant:	Assemblage
Final Value Opinion – Fee Simple Interest, Market Value:	\$30,000

Introduction

The Subject property is a portion of 13th Street between N. Florida and Alaska Avenues in Alamogordo, New Mexico. The property is a paved section of the street that is gated off and used by the Alamogordo Public Schools. It is between North Elementary and the Academy del Sol Alternative School and is used only by pedestrian traffic between the two campuses. The west section of the street off of N. Florida Avenue provides access to parking lots at each campus.

Thirteen Street is a 40' wide right-of-way that runs in an east to west direction. It is an asphalt paved, two-lane street with curb and gutters. It is primarily residential in nature with some commercial development at the major cross streets. Around the Subject land, it is bound by North Elementary to the north and the Academy del Sol Alternative School to the south. There are modest single-family residential properties to the east and west of the Subject.

Based on my discussions with the client and information from online records, the Subject property has a land area of approximately 13,400 SF. It is an elongated parcel that measures 40' wide by approximately 335' long. Per the city maps and despite being a part of the right-of-way, the land is zoned for R-1 Single-Family Residential use. Site improvements include the asphalt paving and concrete curbs that are generally in below average condition. The neighborhood is mostly developed with residential properties along 13th Street and mixed uses along N. Florida Avenue.

Photographs of the Subject Property

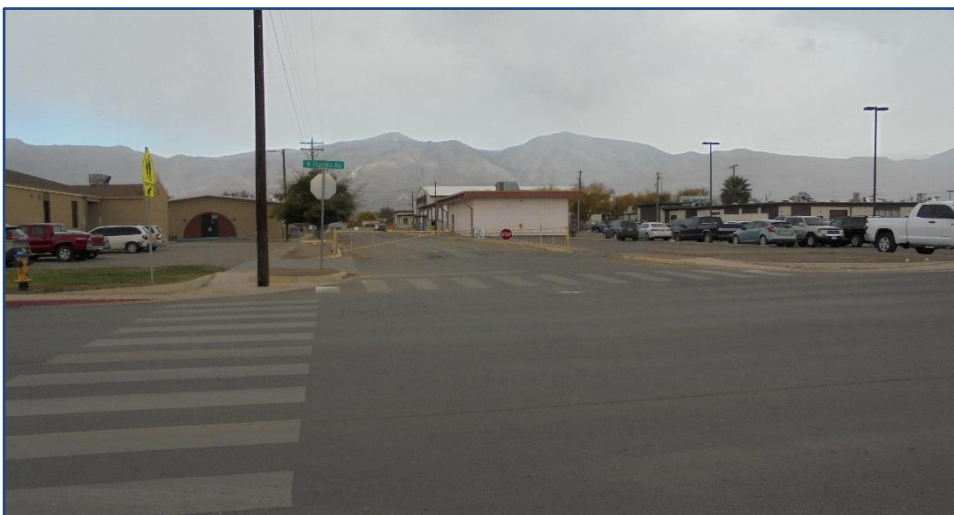
All photographs were taken by the appraiser, Marc Beatty, on December 7, 2017



Street scene of the Subject neighborhood viewing southerly along N. Florida Avenue – the Subject is the section of 13th Street to the left in the photo



Street scene of the Subject neighborhood viewing northerly along N. Florida Avenue – the Subject property is to the right in the photo



Subject property seen from N. Florida Avenue



Subject property seen viewing in an easterly direction from near its west property boundary



Subject property seen viewing in a westerly direction from near its east property boundary at the intersection of 13th Street and Alaska Avenue



Subject property seen viewing in an easterly direction from the mid-portion of the property

Scope of Work

This report is intended to comply with the Uniform Standards of Professional Appraisal Practice 2016 – 2017 Edition (USPAP) and has been prepared in accordance with the Appraisal Standard Board's Advisory Opinions 28 and 29. As described by the Scope of Work Rule set forth in USPAP, it is the appraiser's responsibility to determine and perform the scope of work necessary to develop credible assignment results.

In preparing this appraisal, I inspected the Subject property on December 7, 2017. The extent of the inspection included visual examination and assessment of the property. I was able to gain full access to the property and the physical characteristics described in this report are based on my observations. The land area used in this appraisal is based on information obtained from Otero County records and my discussions with Mr. Darron Williams, City Planner for the City of Alamogordo. I have discussed the property and this assignment with Mr. Williams on multiple occasions.

I have visually inspected the surrounding properties and Subject neighborhood and have analyzed the market area for the environs that affect value. I have researched the market for comparable data. My research included discussions with real estate agents and market participants as well as analysis of public records from the Otero County Administrative offices. I have researched the Otero County Association of Realtors Multiple Listing Service and the appraiser's files for comparable data and trends in the market place. The focus of my research for comparable land sales was for recent transactions involving similar residential lots in the Subject market area. From the available market data, the most applicable was selected and used for this appraisal.

To develop an opinion of value, a comprehensive analysis using the Sales Comparison Approach has been completed. A cost analysis was made to determine the contributory value of the street improvements. This is the most applicable approach to value for this assignment. The premise of the approach will be described in the valuation section of this report.

This appraisal has been developed in accordance with the current edition of USPAP as well as the Standards of Professional Practice and Code of Ethics of the Appraisal Institute. I am a New Mexico General Certified Appraiser (License #3085-G) and designated member of the Appraisal Institute (Member #487710) with over eleven years of experience in the market. I am familiar with the type of property being appraised and with the market area in which it is located. I am competent to perform this appraisal as described by the Competency Rule of USPAP and no further steps to achieve competency were necessary.

This report is presented in a narrative Appraisal Report format as described in USPAP Standard 2, Rule 2-2(a). The report sets forth the data considered, the appraisal procedures followed, and the reasoning employed in the appraisal. Each item is addressed in the depth and detail required to provide sufficient information so that the client and the intended users will understand the appraisal and not be misled or confused.

Identification of the Appraisal Problem

Purpose of the Appraisal & Definition of Market Value: The purpose of this appraisal is to provide an opinion of the market value of the Subject property. Market Value is defined as “The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and each acting in what he or she considers his or her own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.”

FIRREA Title XI-12 CFR Part 34.42 (f)

Intended Use of the Appraisal: The intended use of this appraisal is to assist the client, the City of Alamogordo, with asset management of the Subject real estate.

Intended Users of the Appraisal: The intended users of this appraisal are the duly assigned representatives of the City of Alamogordo.

Property Rights Appraised: The Subject property is owned in and has been appraised in the *fee simple interest*. The fee simple interest is defined as “Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”¹

Effective Date of Value: The effective date of value is December 7, 2017, the date of my property inspection.

Date of the Report: The transmittal date of this report is December 21, 2017.

Exposure Time: Exposure Time is defined as “The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at a market value on the effective date of the appraisal; a retrospective estimate based on an analysis of past events assuming a competitive and open market.”² In other words, how long would the property have to have been exposed on the market for it to sell at the appraised value as of the effective date? Based on

¹ The Dictionary of Real Estate Appraisal, 5th Edition (Chicago, Illinois: Appraisal Institute, 2010), p. 78

² The Dictionary of Real Estate Appraisal, 5th Edition (Chicago, Illinois: Appraisal Institute, 2010), p. 73

the market research, it is my opinion that an exposure time of up to twelve months is reasonable for the Subject property at the appraised market value.

Identification of the Property: Per Otero County records, the Subject property is identified as:

- Physical Address:
There is no cited physical address for the Subject property. The property is part of 13th Street between N. Florida and Alaska Avenues.
- Legal Address:
The Subject is part of the 13th Street right-of-way and has no separate legal description.
- Assessor's Identification:
As a part of the right-of-way, the property has no separate Assessor's identification.

Extraordinary Assumptions: No extraordinary assumptions were relied upon for this appraisal.

Hypothetical Conditions: No hypothetical conditions were relied upon for this appraisal.

History of the Subject Property

Standard Rule 1-5 of the Uniform Standards of Professional Appraisal Practice, published by the Appraisal Foundation, states that in developing a real property appraisal, “when the value opinion to be developed is market value, an appraiser must, if such information is available to the appraiser in the normal course of business: a) analyze all agreements of sale, options or listings of the subject property current as of the effective date of the appraisal; and b) analyze all sales of the subject property that occurred within the three (3) years prior to the effective date of the appraisal.”

Per my discussions with Mr. Darron Williams, City Planner, the property is owned by the City of Alamogordo whose mailing address is 1376 E. Ninth Street, Alamogordo, New Mexico 88310. The property is part of 13th Street which was built many years ago. However, the section comprising the Subject is gated off and used solely by the Alamogordo Public Schools. There have been no known transactions involving the Subject property over the past three years. The property is not currently listed or pending any agreement to sale or transfer.

Description of the Subject Property

Aerial Image:



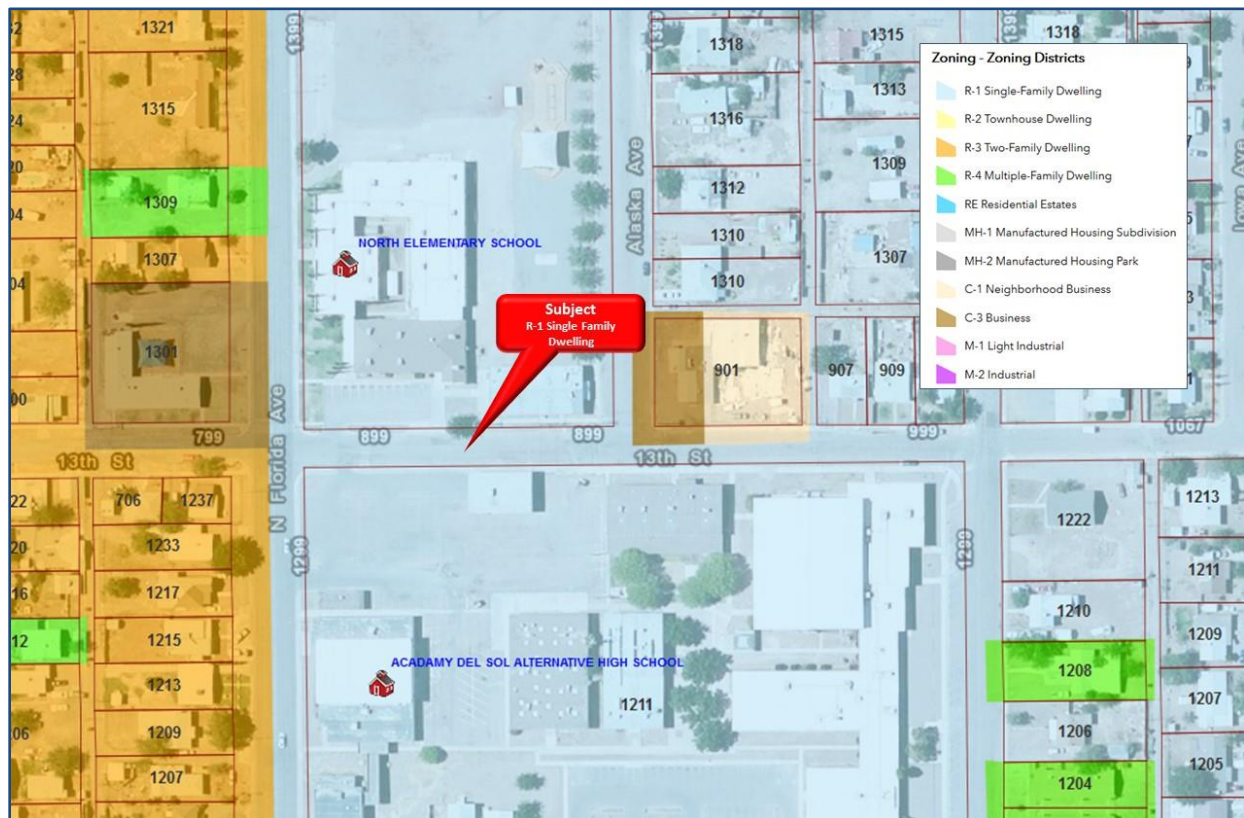
Assessor's Plat:



Flood Map:



Zoning Map:



Details of the Subject Land:

- Location:** The Subject property does not have a known physical address. It is a section of 13th Street between N. Florida Avenue to the west and Alaska Avenue to the east.
- Size, Shape, Frontage & Access:** Based on County records and my discussions with Mr. Williams, the Subject site is rectangular in shape measuring 40' wide by 335' deep for a total land area of 13,400 SF. It is bound by N. Florida Avenue to the west and Alaska Avenue to the east. The property has direct access from the two bounding streets. Access and visibility of the site is good.
- Topography & Terrain:** The land is level and at street grade. The topography and terrain are typical of the area.
- Soils:** The property appears to consist of native soils. Soils are typical and assumed to be adequate for reasonable development.
- Environmental:** I am unaware of any environmental assessments of the Subject land. No obvious environmental contamination or potential hazards for contamination were noted during the appraisal inspection. The property is assumed to be free and clear of environmental contamination and the concluded market value is predicated on this assumption. Please refer to the Assumptions & Limiting Conditions included in this report for further information regarding this matter.

Easements & Encumbrances:	No easements, encumbrances or encroachments were noted during the property inspection, but without the benefit of a survey. It is an assumption of this assignment that there are no encumbrances or restrictions that would adversely affect the Subject land.
Utilities & Services:	The Subject site is within the City of Alamogordo and has access to all standard services and utilities. These services include city water/sewer/garbage, natural gas, electricity and telecommunications. Police protection is provided by the Alamogordo Police Department and the Otero County Sherriff's Department. Fire protection is provided by the Alamogordo Fire Department. The public infrastructure is maintained by the City of Alamogordo.
Flood Hazard:	The Subject property is shown on FEMA Flood Insurance Rate Maps #3035C0939D effective December 17, 2010. Per this map, the property is in Zone AH. This is an area subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone. Mandatory flood insurance purchase requirements and floodplain management standards apply. A flood map identifying the Subject property was presented on the previous pages.
Zoning & Restrictions:	The Subject property is located inside the City of Alamogordo and is zoned for R-1 Single-Family Dwelling use. The R-1 Single-family Dwelling zone requires a minimum lot area of 6,000 SF with a 60-foot minimum lot width. It requires a front yard building setback of 25 feet and 5-foot side yard setback and a rear yard setback of 30 feet. The maximum structure height is 2½ stories or 35 feet. Note that the Subject does not meet the minimum width requirement for an R-1 lot. A variance may be required for development of the land.
Analysis & Conclusions:	The Subject is a 13,400 SF section of 13 th Street that is gated off and used solely by the Alamogordo Public Schools. Thirteen Street is a 40' wide dedicated street that runs in an east to west direction. The Subject land lies between North Elementary and the Academy del Sol Alternative School. The land is improved with asphalt paving and concrete curbing which, in my opinion, contribute to value based on its current use. It is zoned for R-1 Single-Family Dwelling which allows for typical residential development. However, the Subject is an elongated parcel with a width of only 40' and depth of 335'.

Property Taxes & Assessments:

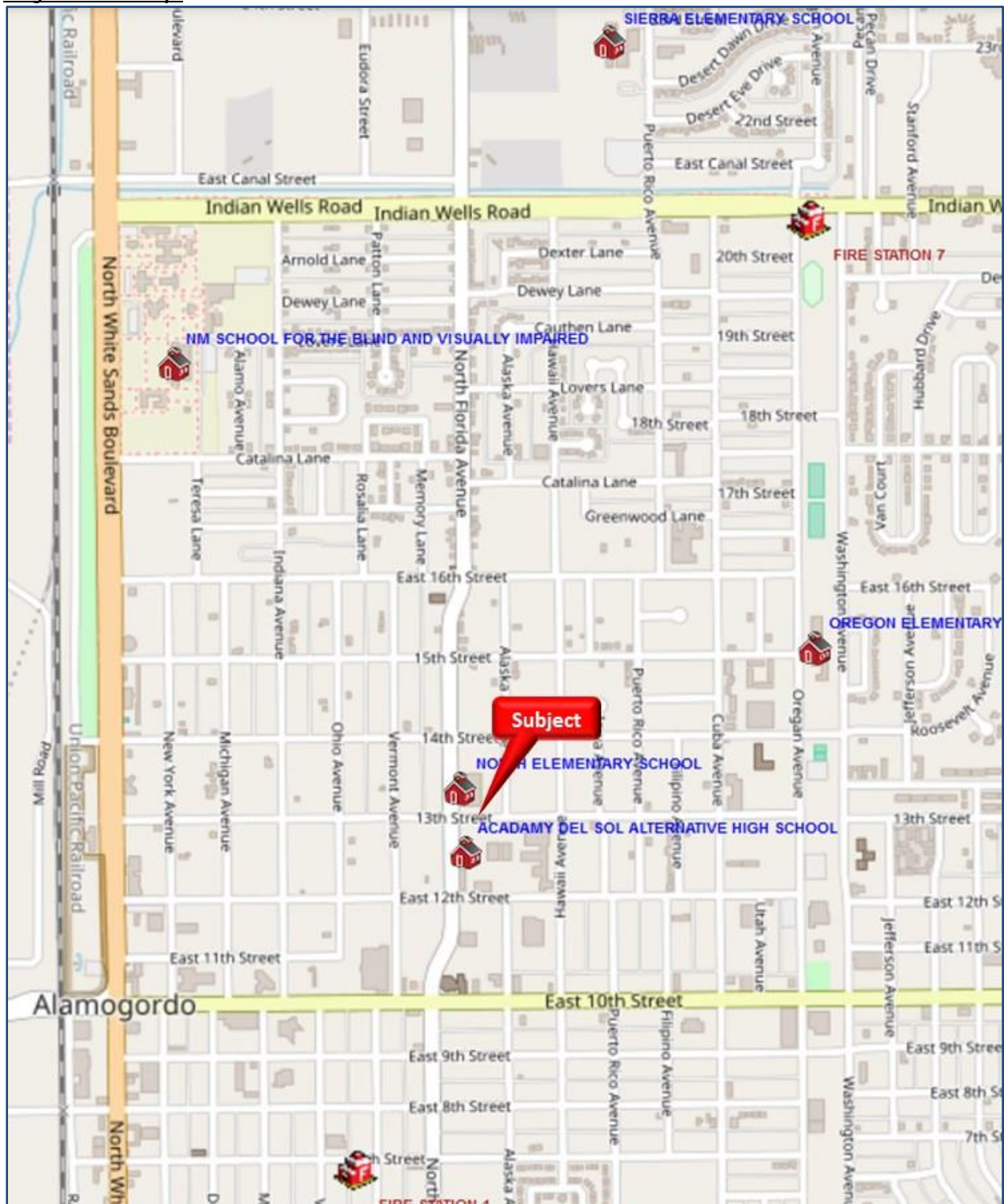
Real estate property taxes are administered and levied by Otero County on behalf of itself and other public entities. Taxes are based on a taxable value, which is one-third of a property's assessed value. The mill levy, established in September at the state capitol, is released in early November of each year. Property taxes can be paid in two installments, which are due in December and the following May. Please note

that an ad valorem tax is based on the assessed value of the property, which is not necessarily equivalent to its market value.

The Subject is part of 13th Street which is a dedicated right-of-way owned by the City of Alamogordo. As it is owned by the City, the property is exempt from taxation.

Market Area & Neighborhood Description

Neighborhood Map:



The Subject Neighborhood

By definition, a neighborhood is “a group of complementary land uses; a congruous grouping of inhabitants, buildings, or business enterprises.”³ Neighborhood analysis focuses on social, economic, governmental, and environmental forces that influence property values in the vicinity of a Subject property. Although physical boundaries may be drawn, the most important boundaries are those that identify factors influencing property values.

The Subject property is a closed section of 13th Street in the east-central section of the city. It is along N. Florida Avenue just north of Tenth Street. The neighborhood boundaries are generally defined as Tenth Street to the south, White Sands Boulevard to the west, Indian Wells Road to the north and Oregon Avenue to the east. It is an established, mixed-use neighborhood that is centrally located within the city.

Florida Avenue is one of the primary north-south corridors through the city. Through the Subject neighborhood, it is a two- and four-lane corridor with mixed development. The frontage is moderately developed with commercial and residential uses. Most are older properties including modest single-family dwellings. The most notable properties along the street are the Alamogordo Public Schools Administrative Building, North Elementary School and the Academy del Sol Alternative School.

A few blocks south of the Subject is Tenth Street, one of three major east – west commercial arterials in the city. The other two are First Street to the south and Indian Wells Road to the north. Of these three corridors, Tenth Street is the most developed and most heavily traveled passage. It is a five-lane roadway with two driving lanes in each direction, a center turn lane, curb, gutter, sidewalks and street lights. It is mixed-use in nature with a variety of office properties, financial institutions, retail stores, grocery stores, restaurants and service outlets. Tenth Street has experienced some new development in recent years. At the southwest corner of Tenth Street and Cuba Avenue is a new two-story office and bank complex for Otero Federal Credit Union. The reported cost of development including landscaping and furnishings was approximately \$6.8 million. Next to this, a long-time vacant grocery store was razed a couple years ago and a new Albertson’s Market was built in its place. At about the same time, the older Lowe’s Grocery near the Subject was renovated into a higher end Lowe’s Signature Market. The new construction and remodels of existing properties have improved the Tenth Street corridor in recent years.

To the west is White Sands Boulevard, the primary north-south passage through the city. Also US Highways 54/70, it is a heavily developed commercial corridor home to variety of chain entities including limited-service hotels, fast food restaurants, Lowe’s and Home Depot. Most of the new commercial development in Alamogordo over the past decade has taken place on White Sands Boulevard.

Indian Wells Road is another east-west commercial corridor, but is much lesser developed than Tenth Street. It is a four-lane, median divided street. Most of its new development has taken place along the east section of the corridor, outside of the Subject neighborhood. This includes a Dollar General, Walmart

³ The Dictionary of Real Estate Appraisal, 5th Edition (Chicago, Illinois: Appraisal Institute, 2010), p. 133

Neighborhood Market and several new offices catering to the medical industry. The medical offices have been built in the area because of its proximity to the hospital.

Oregon Avenue is a two-lane north south corridor east of the Subject property. The street is known for its green space and Washington Park which is on the east side of the street between Tenth Street and Indian Wells Road. The park has playgrounds, tennis courts, basketball courts and the city pool.

Streets through the neighborhood are set on a grid with the numbered streets running east-west and the named avenues running north-south. The neighborhood is an older and established section of the city, though there are vacant lots scattered throughout. Commercial development exists along Florida Avenue and the boundary streets as described. The infill streets are primarily home to single-family residential uses; many of which are older, modest dwellings. Overall, the Subject neighborhood is centrally located in the city with good linkages to all necessary trades and services. It is judged to be in a stable lifecycle with property values anticipated to remain steady over the foreseeable future.

Highest & Best Use

Highest and best use is “The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity. Alternatively, the probable use of land or improved property – specific with respect to user and timing of the use – that is adequately supported and results in the highest present value.”⁴

The highest and best use analysis builds on the conclusions of the marketability analysis. It is two-step process whereby the highest and best use of the land as vacant is first determined and then the highest and best use of the property as it is improved is concluded. The analysis of the land as though vacant focuses on alternative uses, with the appraiser testing each reasonably probable use for legal permissibility, physical possibility, financial feasibility, and maximum productivity. Then the appraiser applies the four tests in the analysis of the property as improved, but focuses not on alternative uses but on three possibilities: continuation of the existing use, modification of the existing use, or demolition and redevelopment of the land.

Highest & Best Use as Vacant:

The Subject property is a short section of 13th Street that is closed off and used by the Alamogordo Public Schools. The site is ±40' wide by ±335' long for a total land area of 13,400 SF. Following is a discussion of the four tests of highest and best use as they pertain to the Subject land:

- **Legally Permissible:** The Subject is in the city limits and zoned for R-1 Single-Family Dwelling development. This allows for typical residential development. However, the ordinance requires a 60' minimum lot width while the Subject is only 40' wide. A variance would be required to develop the land. There are no known deed restrictions or covenants that further bind the property.
- **Physically Possible:** Again, the Subject is a section of 13th Street that spans from N. Florida to Alaska Avenue. It is an elongated parcel with a land area of 13,400 SF. The site is level, at street grade and entirely usable. Other than its narrow width, there are no physical characteristics of the property that limit its use.
- **Financially Feasible:** Financial feasibility focuses on the income and cost aspects of the uses that meet the above criteria. As long as a potential use has value commensurate with its costs and conforms to the tests of legal permissibility and physical possibility, the use is financially feasible. Again, the Subject is well-located along N. Florida Avenue just north of Tenth Street. The neighborhood is mixed-use with modest single-family dwellings and commercial properties. The land is zoned for residential use which is a financially feasible use of the property.

⁴ The Dictionary of Real Estate Appraisal, 5th Edition (Chicago, Illinois: Appraisal Institute, 2010), p. 93

- Maximally Productive: The Subject is the small residential parcel in the mixed-use neighborhood. Residential development compatible with the neighborhood is the maximally productive use of the land as vacant.

Final Conclusion: The Subject is a 13,400 SF section of 13th Street that is closed off and used by the Alamogordo Public Schools. Though it is part of the right-of-way, the land is zoned for R-1 Single-Family Dwelling use similar to the adjacent properties. While single-family residential use passes the four tests of highest and best use, it is unlikely that the property would be developed in this manner. The Subject is only 40' wide and is between North Elementary School and the Academy del Sol Alternative School. Given the surrounding properties and narrow width of the Subject, highest and best use of the land is for assemblage to the adjacent properties.

The Sales Comparison Approach

The Subject property is vacant land and the only applicable approach to value is the Sales Comparison Approach. The Sales Comparison Approach develops an indication of value through analysis of prices paid in transactions involving similar properties. The premise is that an opinion of market value can be supported by studying the market's reaction to comparable and competitive properties. The Sales Comparison Approach draws from the *principle of substitution* which holds that the value of a property tends to be set by the price that would be paid to acquire a substitute property of similar utility and desirability within a reasonable time frame.

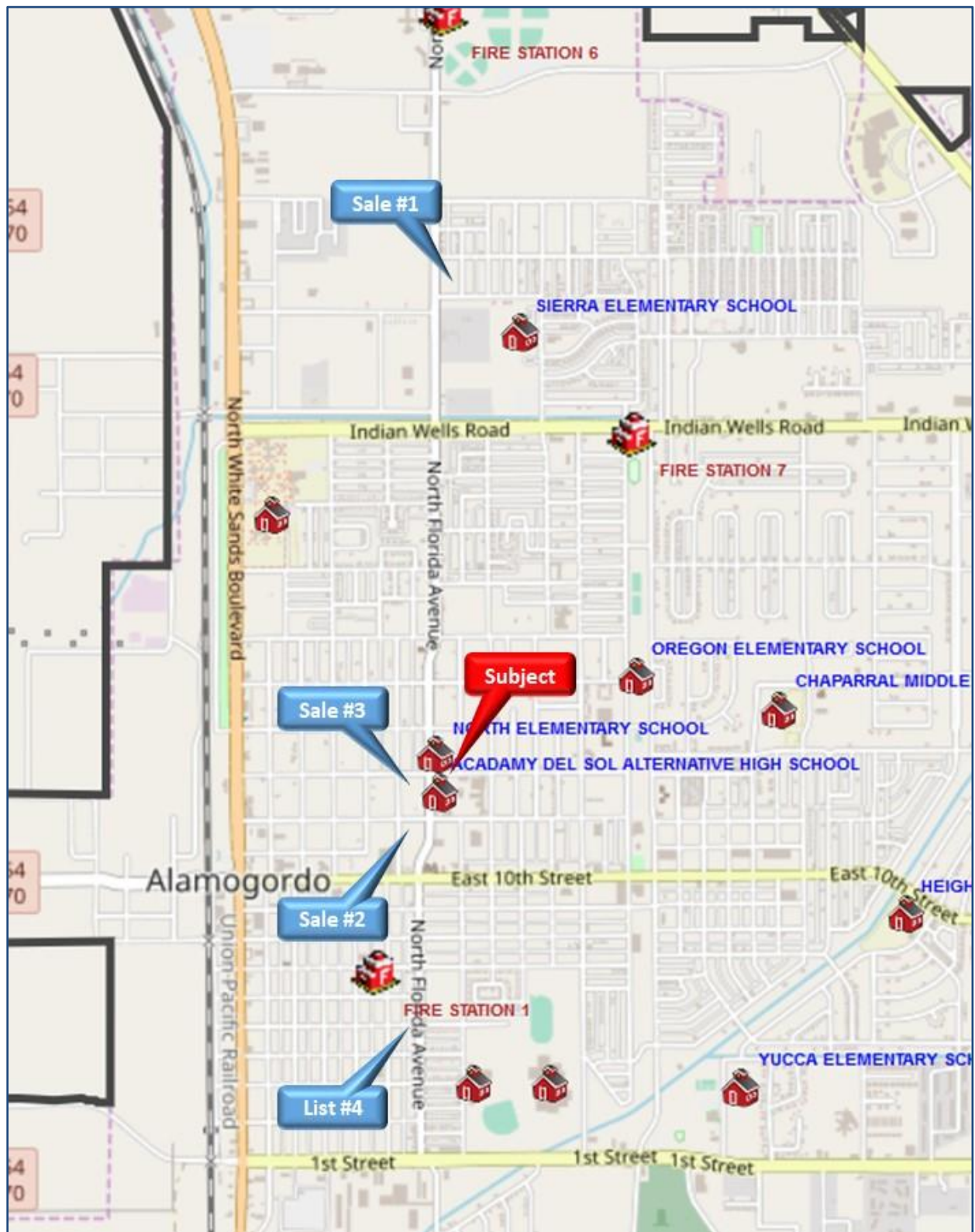
The Sales Comparison Approach is a systematic process in which the appraiser:

1. Researches the competitive market for comparable sales, listings for sale or contracts to sale.
2. Verifies the information by confirming that the data obtained is factually accurate and that the transactions reflect arm's length market considerations.
3. Selects the most relevant units of comparison for the market and develops a comparative analysis for those units of comparison.
4. Identifies differences between the comparable sales and the Subject property using the appropriate elements of comparison and makes the necessary adjustments to the comparables.
5. Reconciles the various value indications into a final value opinion for the Subject property.

The following table presents three comparable land sales and a current listing for sale that will be used in this appraisal. All are residential lots in the Subject neighborhood. The sales have been analyzed based on a price per square foot (sale price divided by gross land area), as this is the typical unit of comparison for small lots in the market. On the following pages is a location map and data sheets providing further detail on each property and the transaction. Significant effort has been made to obtain the most recent and reliable information.

Summary of Comparable Land Sales				
	Sale #1	Sale #2	Sale #3	Listing #4
Address:	2407 Alaska Avenue	1120 Vermont Avenue	1222 Vermont Avenue	501 N. Florida Avenue
Sale Date:	3/25/2016	1/9/2017	8/29/2017	Current Listing for Sale
Sale Price:	\$15,500	\$6,000	\$8,000	\$15,000 – asking
Land Area:	7,680 SF	7,500 SF	6,752 SF	7,500 SF
Sale Price / SF:	\$2.02	\$0.80	\$1.18	\$2.00 – asking
Comments:	Midblock lot north of the Subject in a new residential area	Small multifamily lot near the Subject property	Residential lot at the southeast corner of Vermont Avenue and 13 th Street near the Subject property	Multifamily lot at the corner of N. Florida Avenue and 5 th Street south of the Subject

Map of Comparable Land Sales:



COMPARABLE LAND SALE #1



Physical Characteristics:

Address:	2407 Alaska Avenue, Alamogordo, New Mexico
	This is a midblock lot on the west side of the street between 24 th & 25 th Streets
Legal Address:	Lot 11, Block 18, Haynes Addition, Alamogordo, Otero County, NM
Land Area:	7,680 SF
Shape:	Rectangular
Topography:	Level and at street grade
Access:	Alaska Avenue
Zoning:	C-3 Business
Utilities:	All available

Sale Data:

Grantor:	Kenneth N. & Cynthia J. Rogers
Grantee:	Roland K. & Debbie L. King
Recording Data:	WD; Reception #201602226
Sale Date:	March 25, 2016
Sale Price:	\$15,500
Sale Price per SF:	\$2.02
Terms:	Cash to seller
Property Rights Conveyed:	Fee Simple Interest
Intended Use:	Residential development

Comments:

This is a midblock lot on the west side of the street between 24th and 25th Streets. It is zoned for commercial use, but part of a residential subdivision being developed.

Confirmation:

MLS #152123
By: Marc Beatty, MAI (12/2017)

COMPARABLE LAND SALE #2



Physical Characteristics:

Address: 1120 Vermont Avenue, Alamogordo, New Mexico
This is the east side of the street one lot south of E. 12th Street.

Legal Address: Lot 9, Block 84, Alamo Blocks, Alamogordo, Otero County, NM

Land Area: 7,500 SF

Shape: Rectangular

Topography: Level and at street grade

Access: Vermont Avenue

Zoning: R-4 Multifamily Dwelling

Utilities: All available

Sale Data:

Grantor: Estate of Anne Austin Rhodes

Grantee: White Sands Habitat for Humanity

Recording Data: Deed; Reception #201700150

Sale Date: January 9, 2017

Sale Price: \$6,000

Sale Price per SF: \$0.80

Terms: Cash to seller

Property Rights Conveyed: Fee Simple Interest

Intended Use: Residential development

Comments:

This is a small multifamily lot on Vermont Avenue just north of Tenth Street. The seller was an estate and the buyer was the local Habitat for Humanity group. It is surrounded by several vacant lots.

Confirmation:

MLS #152920
By: Marc Beatty, MAI (12/2017)

COMPARABLE LAND SALE #3



Physical Characteristics:

Address:	1222 Vermont Avenue, Alamogordo, New Mexico
	This is the southeast corner of Vermont Avenue and 13 th Street, a non-signalized intersection.
Legal Address:	Lot 10 N45', Block 83, Alamo Blocks, Alamogordo, Otero County, NM
Land Area:	6,752 SF
Shape:	Rectangular
Topography:	Level and at street grade
Access:	Vermont Avenue & 13 th Street
Zoning:	R-3 Two Family Dwelling
Utilities:	All available

Sale Data:

Grantor:	George H. & Rosalie E. Leatherman
Grantee:	Christopher & Darlene Dyka
Recording Data:	WD; Reception #201706929
Sale Date:	August 29, 2017
Sale Price:	\$8,000
Sale Price per SF:	\$1.18
Terms:	Cash to seller
Property Rights Conveyed:	Fee Simple Interest
Intended Use:	Unknown

Comments:	
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This is a small multifamily lot at the southeast corner of Vermont Avenue and 13th Street. It is one block west of the Subject property. The land had been improved with a single-family residence which was relocated prior to the property being listed.

Confirmation: MLS #156159

By: Marc Beatty, MAI (12/2017)

COMPARABLE LAND REFERENCE #4 – CURRENT LISTING FOR SALE



Physical Characteristics:

Address: 501 N. Florida Avenue, Alamogordo, New Mexico
 This is the northwest corner of N. Florida Avenue and 5th Street, a non-signalized intersection.

Legal Address: Lot 12, Block 47, Alamo Blocks, Alamogordo, Otero County, NM

Land Area: 7,500 SF

Shape: Rectangular

Topography: Level and at street grade

Access: N. Florida Avenue & 5th Street

Zoning: R-3 Two Family Dwelling

Utilities: All available

Sale Data:

Grantor: DSPS, Inc.

Grantee:

Recording Data:

Sale Date: Current listing as of 12/2017

Asking Price: \$15,000 – asking

Asking Price PSF: \$2.00 – asking

Terms:

Property Rights Conveyed: Fee Simple Interest

Intended Use:

Comments:

This is a vacant multifamily residential lot at the northwest corner of N. Florida Avenue and 5th Street. The property has been on the market for just over one month.

Confirmation:

MLS #157601
 By: Marc Beatty, MAI (12/2017)

The comparables are three recent sales and a current listing for sale of similar lots in the Subject neighborhood. The past sales indicate unit prices ranging from \$0.80 PSF up to \$2.02 PSF and span a timeframe from March 2016 to August of this year. The current listing for sale has an asking price of \$2.00 PSF and it has been on the market for just over a month.

Discussion of Adjustments

In this study, both quantitative adjustments and qualitative analysis will be used. The typical elements of comparison in the preferred sequence of adjustments are property rights conveyed, financing terms, conditions of sale, expenditures made immediately after purchase, market conditions, location, physical characteristics, economic characteristics, use, and non-realty components of value. The first five elements are “transactional” while the second five are “physical”.

In the quantitative analysis, percentage adjustments are made to the comparable sales to make them more similar to the Subject property. If the Subject is superior to the comparable sale, then a positive adjustment will be made to the sale. If the Subject is inferior to the comparable, a negative adjustment will be made to the sale. In all cases, the comparables are adjusted to be more similar to the Subject property. Following is a discussion of the adjustments that will be made to the comparable sales:

- Property Rights Conveyed: The Subject property is being appraised in the fee simple interest. All of the comparable land sales used in this study transferred the fee simple interest of the property. No adjustment for property rights conveyed is necessary.
- Financing Terms: All of the comparable sales involved typical bank financing, equivalent financing or were cash transactions. No adjustment for financing terms is necessary.
- Conditions of Sale: Sales #1 - #3 were arm's length transactions with no known atypical circumstances influencing the transaction. No adjustments will be made for conditions of sale to these comparables. The property in Listing #4 represents an offer to sale and not a closed transaction. Typically, the final sale price of a property is less than its initial asking price. The sale-to-list price of the three comparables used in this study were -22%, -14% and -20%; inferring a 14% to 22% discount off of the asking price. In this analysis, a negative 20% will be made to Listing #4 in consideration of the lack of a final sale of the property.
- Expenditures Made Immediately After Purchase: None of the transactions required expenditures after the sale that were known to influence the sale price. No adjustment is necessary.
- Market Conditions: The sales are recent transactions having taken place over the past 20 or so months. No adjustment for market conditions is necessary.
- Location: The Subject is along N. Florida Avenue surrounded by the schools and older residential development. The property in Sale #1 is north of the Subject just off of N. Florida Avenue. It is in an older area of the city, but in a neighborhood that has been developed in the past few years and has several new

homes. This property is superior in location when compared to the Subject and a negative 10% will be made.

The property in Sale #3 is along Vermont Avenue in close proximity to the Subject. The property in Listing #4 is on N. Florida south of the Subject. Both of these lots have corner locations which is considered to be superior to that of an interior location because of better access and visibility of the land. A negative 5% will be made to these two comparables in consideration of their superior corner locations.

- Size: The Subject has a land area of approximately 13,400 SF and is larger than any of the comparables used in this study. The comparables range in size from 6,752 SF to 7,680 SF. Size will affect the sale price of a property based on economies of scale. Typically, the smaller the land area the higher the unit price paid, assuming that all other variables are reasonably similar. A negative 5% will be applied to each comparable in consideration of their smaller land areas.

No other percentage adjustments will be made. The following grid shows the necessary adjustments and the adjusted unit prices of the comparable sales:

Adjustment Grid				
	Sale #1	Sale #2	Sale #3	Listing #4
Property:	2407 Alaska Avenue	1120 Vermont Avenue	1222 Vermont Avenue	501 N. Florida Avenue
Sale Date :	3/25/2016	1/9/2017	8/29/2017	Current Listing for Sale
Sale Price PSF:	\$ 2.02	\$ 0.80	\$ 1.18	\$ 2.00
Transactional Adjustments				
Property Rights Conveyed	Fee Simple	Fee Simple	Fee Simple	Fee Simple
% Adjustment	0%	0%	0%	0%
Financing Terms	Conventional	Conventional	Conventional	Conventional
% Adjustment	0%	0%	0%	0%
Conditions of Sale	Typical	Typical	Typical	Listing
% Adjustment	0%	0%	0%	-20%
Expenditures Made Immediately After Purchase	None	None	None	None
% Adjustment	0%	0%	0%	0%
Market Conditions	Similar	Similar	Similar	Similar
% Adjustment	0%	0%	0%	0%
Price PSF After Transactional Adjustments	\$ 2.02	\$ 0.80	\$ 1.18	\$ 1.60
Adjustments for Physical Conditions				
Location	Similar	Similar	Superior	Superior
% Adjustment	-10%	0%	-5%	-5%
Size	Superior	Superior	Superior	Superior
% Adjustment	-5%	-5%	-5%	-5%
Topography / Terrain / Other	Similar	Similar	Similar	Similar
% Adjustment	0%	0%	0%	0%
Net Adjustment for Physical Conditions	-15%	-5%	-10%	-10%
Adjusted Sale Price PSF	\$ 1.72	\$ 0.76	\$ 1.06	\$ 1.44
Economic Indicators:				
High:				
				\$ 1.72
Low:				
				\$ 0.76
Mean:				
				\$ 1.24

After the necessary adjustments, the comparables indicate a wide range of unit prices from \$0.76 PSF to \$1.72 PSF. Listing #4 has an adjusted unit price of \$1.44 PSF. This property must be considered as it represents a substitute lot in the market. Any potential buyer of the Subject would likely consider this property as well. As such, a listing will offer represent the upper end of market parameters; assuming it is comparable to the Subject. Based on the comparable listing, I conclude a unit value of \$1.45 PSF (rounded) is reasonable for the Subject land as vacant. This unit value is bracketed by Sales #1 - #3. The indicated market value of the Subject land is then:

$$13,400 \text{ SF} \times \$1.45 \text{ PSF} = \$19,430 \text{ rounded to } \$19,400$$

This concluded value is for the Subject land as though it is vacant and unimproved, like the comparable sales used in this study. It does not consider the contributory value of the street improvements that benefit the land. To determine the contributory value of the improvements, I have discussed construction costs with Mr. Manny Guardiola of Sedona Contracting, Inc., who specializes in heavy construction, and used Marshall Valuation Service, a leading cost publication. Costs cited in Marshall are the final costs to the owner and include:

1. Average architects' and engineers' fees including plans, plan check and nominal building permits, and surveying to establish building lines and grades.
2. Normal interest on only the actual building funds during period of construction and processing fees or service charges.
3. All material and labor costs including appropriate local, state and federal sales or GST taxes, etc.
4. Normal site preparation including finish, grading and excavation for foundation and backfill for the structure.
5. Contractor's overhead and profit including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, equipment, temporary facilities, security, etc.

Costs for residential street improvements vary greatly due to local code requirements for different materials, street types and layouts, and utilities. For this study, I have only included the basic costs for the paved street based on my discussions with Mr. Guardiola. The following are average costs per linear foot for a 40' wide street cited by Marshall including ordinary charges for engineering, plans and inspection:

Grading & Surplus Disposal:.....	\$18.00
4" Rock Base:	\$28.40
Paving, 4" Asphaltic Concrete:.....	\$84.80
<u>Concrete Curb, 6", No Gutter</u>	<u>\$19.20</u>
Total Cost PLF:.....	\$150.40

Again, the Subject street improvements are 40' wide by 335' long. Per Marshall Valuation Service, the average cost new per linear foot for a basic 40' wide residential street is \$150.40 PLF. The street was built many years ago and the section over the Subject parcel is in below average condition with cracks, potholes and areas that have been filled. The actual age of the street and its economic life are unknown. As such,

a lump sum estimate of the depreciation to the improvements will be made. Based on my visual inspection, a depreciation ratio of 75% will be made to the cost new of the street improvements to reflect the current condition and contributory value to the Subject property. Following is the calculation of the cost new and contributory value of the Subject improvements:

	Units	RCN PLF	Cost New	Reference
Cost New of Street Improvements:	335 LF	\$ 150.40	\$ 50,384	MVS Section 66, Pg. 1
Less Physical Depreciation	75%		\$ 37,788	
Contributory Value of the Street Improvements:			\$ 12,596	
Rounded to:			\$ 12,600	

Based on this analysis, the contributory value of the street improvements on the Subject land is \$12,600. The concluded market value of the Subject land as vacant is \$19,400. The total market value of the Subject property is:

Market Value of the 13,400 SF Parcel of Land as Vacant:	\$19,400
Contributory Value of the Street Improvements:	\$12,600
Total Market Value:	\$32,000

Final Reconciliation & Opinion of Value

The Subject property is a closed off section of 13th Street that runs east to west between N. Florida Avenue and Alaska Avenue. Thirteen Street is a 40' wide roadway and the Subject section is 335' long. Three recent sales and one current listing for sale of vacant lots in the market were used to determine the market value of the land as vacant. Cost estimates from Marshall Valuation Service, a leading cost publication, were used to determine the contributory value of the street improvements overlying the land. Overall, there was good quality and quantity of data from which to determine the market value of the property.

Based on the research and analysis, my opinion of market value of the Subject property in the fee simple interest effective December 7, 2017:

\$32,000

Thirty Two Thousand Dollars

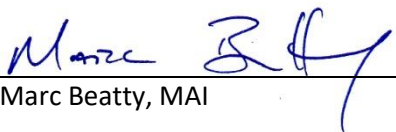
This market value is allocated as:

Market Value of the 13,400 SF Parcel of Land as Vacant:	\$19,400
Contributory Value of the Street Improvements:	\$12,600
Total Market Value:	\$32,000

Certification

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I (Marc Beatty) have completed the continuing education program for Designated Members of the Appraisal Institute.


Marc Beatty, MAI

December 21, 2017
Date

General Assumptions & Limiting Conditions

This appraisal has been made with the following general assumptions:

1. No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. The legal description is assumed to be correct. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any and all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.
5. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.
6. It is assumed that there are no hidden or unapparent conditions at the property, subsoil structures or building materials that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state and local environmental regulations and laws unless the lack of compliance is stated, described and considered in this appraisal report.
8. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a nonconformity has been identified, described and considered in this appraisal report.
9. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the opinion of value contained in this report is based.
10. It is assumed that the use of the land and the improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report
11. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation and other potentially hazardous materials may affect the value of the property. The value estimated is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions or

for any expertise or engineering knowledge required to discover them. The intended user is urged to retain an expert in this field, if desired.

This appraisal report has been made with the following general limiting conditions:

1. Any allocation of the total value estimated in this report between the Subject tracts of land applies only under the stated program of utilization. Separate values allocated to the Subject tracts of land must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication.
3. The appraiser, by reason of this appraisal, is not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless such arrangements have been previously made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales or other media without the prior written consent of the appraiser.

Qualifications of the Appraiser

C. Marc Beatty, MAI



Summary of Qualifications:

Extensive experience in real estate appraisal. The typical appraisal process consists of on-site inspection, data collection and verification, comparable analysis, market analysis, derivation of rates and multipliers, reconciliation, final opinion of value and the preparation and composition of narrative reports. Properties appraised include complex retail, office, industrial, multitenant neighborhood centers, hotels/motels, medical office buildings, subdivisions, large land tracts and proposed developments.

Work Experience:

Owner / President, MB Appraisal Company, Ruidoso, NM, April 2010 to present

Associate Appraiser, Denton Colvin & Associates, Ruidoso, NM, June 2006 – February 2014

- Completion of the appraisal process to result in a final opinion of value for a variety of complex commercial properties, land tracts and subdivisions
- Extensive analysis and application of the three traditional approaches to value
- Application of the subdivision analysis and discounted cash flows
- Reporting of findings in a narrative format adhering to the Uniform Standards of Professional Appraisal Practice and/or the Uniform Appraisal Standards for Federal Land Acquisitions (Yellowbook)

Licenses & Affiliations:

State of New Mexico General Certified Appraiser No. 03085-G

Appraisal Institute, MAI Member # 487710

Ruidoso/Lincoln County Association of REALTORS

Rotary Club of Ruidoso

Summary of Appraisal Clients Served:

Governmental Agencies: United States Department of Agriculture Forest Service, United States Department of Housing and Urban Development, County of Lincoln, County of Otero, Village of Ruidoso, Mescalero Apache Housing Authority, Department of Interior/Office of Special Trustee for American Indians, New Mexico Department of Transportation, Bureau of Land Management

Financial Institutions: Wells Fargo NA, BBVA Compass Bank, Bank of the Southwest, City Bank New Mexico, First National Bank, First American Bank, Bank 34, Western Bank, First Saving Bank, Southwest Securities FSB, Washington Federal, Bank of the Rio Grande, Carlsbad National, Western Commerce Bank, National Bank of Arizona, State Bank & Trust of Dallas, Commercial State Bank, First Capital Bank of Texas and many others

Education:

New Mexico State University, Las Cruces, New Mexico

Bachelor of Business Administration, December 1996

Major: Finance

Appraisal Institute (courses completed):

Course 100GR, Basic Appraisal Principles, May 2006

Course 101GR, Basic Appraisal Procedures, June 2006

Course 310I, Basic Income Capitalization, September 2006

Course 400G, General Market Analysis and Highest & Best Use, September 2007

Course 402G, General Appraiser Site Valuation & Cost Approach, September 2007

Course 401G, General Appraiser Sales Comparison Approach, May 2009

Online Business Practices & Ethics, September 2009 Course

Course 501GD, Advanced Income Capitalization, July 2010 (exam October 2010)

Course II530, Advanced Sales Comparison & Cost Approaches, September 2010

Course II550, Advanced Applications, March 2011

**Education
(continued):**

Course 405G. General Appraiser Report Writing, June 2011
Course I400, 7-Hour National USPAP Update, January 2012
Course 833 – Fundamentals of Separating Real Property, Personal Property, & Intangible Business Assets, June 2013
Business Practices & Ethics, January 2014
7-Hour National USPAP Update, January 2014
Litigation Appraising: Specialized Topics and Applications, October 2014
Advanced Spreadsheet Modeling for Valuation Applications, September 2015
7-Hour National USPAP Update, January 2016

Norris School of Real Estate (courses completed):

National Uniform Standards of Professional Appraisal Practice (15 hr.), September 2006
Statistics, Modeling & Finance, October 2007

Appraisal Institute (seminars completed):

Uniform Appraisal Standards for Federal Land Acquisitions (Yellowbook) March 2007
Forecasting Revenue, September 2007
Appraisal Challenges in Declining Markets, January 2009
Stats & Graphs, July 2009
Appraisal Tools Tune-Up, October 2009
Appraising in 2009, October 2009
General Demonstration Report Writing (Online) September 2012
Evaluating Commercial Construction, September 2012
Online Comparative Analysis, April 2017

Other Courses & Seminars (completed):

7 Hour National USPAP Course A114 ASFMRA, March 2010
NM Real Estate Appraisers Board, Mandatory Renewal Class, March 2011
NM Real Estate Appraisers Board, Mandatory Renewal Class, February 2013
NM Real Estate Appraisers Board, Mandatory Renewal Class, April 2015



AN APPRAISAL REPORT

**PREPARED BY:
MESILLA VALLEY APPRAISAL SERVICES
W. SCOTT ESCHENBRENNER, MAI
GONZALO ESTRADA, ASSOCIATE
545 S. MELENDRES ST. STE D
LAS CRUCES, NEW MEXICO 88005**

**APPRAISER'S REFERENCE FILE #7746
ADDRESS: 1163, 1173 & 1203 SAN MIGUEL STREET
ALAMOGORDO, NEW MEXICO
LEGAL DESCRIPTION: LOT 161, 162 & 163, MISSION HILLS, UNIT 2
ALAMOGORDO, OTERO COUNTY, NEW MEXICO**

**PREPARED FOR:
MR. VANCE LEE
EXECUTIVE DIRECTOR - SUPPORT DIVISION
ALAMOGORDO PUBLIC SCHOOLS
1211 HAWAII AVENUE
ALAMOGORDO, NM 88310**

EFFECTIVE DATE OF VALUE:

OCTOBER 15, 2014

MESILLA VALLEY APPRAISAL SERVICES

REAL ESTATE APPRAISALS & COUNSELING

W. SCOTT ESCHENBRENNER, MAI
GONZALO ESTRADA, ASSOCIATE

545 SOUTH MELENDRES ST., SUITE D
LAS CRUCES, NEW MEXICO 88005
(575) / 523-2812

October 30, 2014

Mr. Vance Lee
Executive Director - Support Services Division
Alamogordo Public Schools
1211 Hawaii Avenue
Alamogordo, NM 88310

Reference: MVAS File No. 7746
1163, 1173 & 1203 San Miguel Street
Alamogordo, NM 88310

Dear Mr. Lee:

In accordance with your request, Mesilla Valley Appraisal Services has prepared an appraisal in a summary report as to the market value of the fee simple estate in the above-referenced real property. The purpose of the appraisal is to estimate market value for internal decisions. It is intended only for use by your internal management, your auditor, and appropriate regulatory authorities. The effective date of the appraisal is October 15, 2014 with the estimate of value reflecting market conditions as of that date.

Based on research and analysis contained in this report, we have concluded that the market value of the fee simple interest in the subject property, as of October 15, 2014 was:

1163 San Miguel Street	Thirty Two Thousand Dollars	\$32,000.
1173 San Miguel Street	Thirty Two Thousand Dollars	\$32,000.
1203 San Miguel Street	Thirty Two Thousand Dollars	\$32,000.

The table presented on page 5 provides a summary of the appraisal performed by Mesilla Valley Appraisal Services on the subject property. The table indicates our final opinion of value, as of the date specified, and based on the approaches identified. Additional details appear elsewhere in this report, and its inclusive Addendum. Data that supports the valuation opinion are taken from sources deemed reliable, but we make no representation as to the accuracy of third party data.

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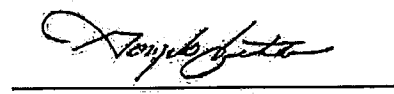
Appraiser's Certification

We certify that to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and is our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- We have performed no services, as appraisers or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding acceptance of this assignment.
- We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
- Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- The appraisal was made and the appraisal report prepared in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- We have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the persons signing this certification.
- As of the date of this report, W. Scott Eschenbrenner, MAI has completed the continuing education program of the Appraisal Institute.
- We have formed the opinion that, as of October 15, 2014 the estimated market value of the subject property as defined in the report is as follows.

1163 San Miguel Street	Thirty Two Thousand Dollars	\$32,000.
1173 San Miguel Street	Thirty Two Thousand Dollars	\$32,000.
1203 San Miguel Street	Thirty Two Thousand Dollars	\$32,000.


W. Scott Eschenbrenner, MAI
State Certified
NM-001180-G


Gonzalo Estrada
Apprentice Appraiser
NM-303-A

SUMMARY OF SALIENT FACTS AND CONCLUSIONS	
<i>Appraisal File:</i>	#7746
<i>Property Name:</i>	N/A
<i>Address:</i>	1163, 1173 & 1203 San Miguel Street
<i>City, State, Zip</i>	Alamogordo, New Mexico, 88310
<i>Legal Description:</i>	Lot 161, 162 and 163, Mission Hills, Unit 2, Alamogordo, Otero County, New Mexico
<i>Assessor's Parcel ID:</i>	PC# 01-13089, 01-13090 & 01-13091
<i>Annual Property Taxes:</i>	\$0.00 - Governmental Exempt Status
<i>Effective Date:</i>	October 15, 2014
<i>Date of Inspection:</i>	October 15, 2014
<i>Date of Report:</i>	October 30, 2014
<i>Property Rights:</i>	Fee Simple Estate
<i>Purpose of the Appraisal:</i>	Estimate Market Value
<i>Intended Use of Appraisal:</i>	Internal decisions
<i>Client:</i>	Mr. Vance Lee, Executive Director - Support Division, Alamogordo Public Schools
<i>Current Owner:</i>	Alamogordo Municipal School District 1
<i>Property Type:</i>	Vacant Lots
<i>Zoning Category:</i>	"R-1", Single-Family Dwelling
<i>Flood Zone and Map:</i>	Zone X, 35035C0939D, December 2010
<i>Land Size:</i>	Lot 161, 8,364 SF or 0.20 acres Lot 162, 8,354 SF or 0.19 acres Lot 163, 8,355 SF or 0.19 acres
<i>Improvements:</i>	N/A
<i>Highest & Best:</i>	Single-Family Dwelling, Residential Use
<i>Approach(s) to Value:</i>	
<i>Cost Approach:</i>	Not Developed
<i>Sales Comparison Approach:</i>	\$32,000 per lot
<i>Income Approach:</i>	Not Developed
<i>Final Opinion of Value:</i>	\$32,000 per lot

Statement of Assumptions and Limiting Conditions

This appraisal is subject to the following assumptions and limiting conditions when applicable.

The legal description is assumed to be correct.

The map exhibits in this report are included to assist the reader in visualizing the property. We have made no survey of the property and assume no responsibility in connection with such matters.

There is no assumption of responsibility for matters legal in character nor any rendition of opinion as to title, which is assumed to be good. The property is appraised as though free and clear under responsible ownership.

We believe to be reliable, the information identified in this report as being furnished to us by others, but we assume no responsibility for its accuracy.

Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for any purpose by anyone but the applicant without the previous written consent of the appraisers or the applicant and in any event, only with proper identification.

We are not required to give testimony or attendance in court by reason of this appraisal without prior agreement mutually agreeable to both the appraisers and the client.

Allocations between land and improvements, where applicable in the report, apply only under the program of development stated. Such allocations may not be used in connection with any other appraisal and are invalid if so used.

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl's, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to our attention nor did we become aware of such during our inspection. We have no knowledge of the existence of such materials on or in the property unless otherwise stated. However, we are not qualified to test such substances or conditions. The presence of such hazardous substances may affect the value of the property. The value estimated is predicated on the assumption that no such hazardous substances exist on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales or other media, without the written consent and approval of the authors, particularly as to valuation conclusions, the identity of the appraisers or firm with which he is connected, or any reference to the Appraisal Institute or to the MAI designation.

We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA (The Americans with Disabilities Act), which became effective January 26, 1992. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

Market data as used in this appraisal was obtained from sources believed to be reliable; however, we assume no responsibility for their accuracy.

Our appraisal is made subject to any Extraordinary Assumptions and Limiting Conditions that may become evident subsequent to engagement.

Extraordinary Assumptions and Hypothetical Conditions

This appraisal is subject to the following extraordinary assumptions and hypothetical conditions.

An Extraordinary Assumption is defined as:

¹"an assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions".

We have not been provided with a current environmental report for the subject property. We are not experts in such matters and the reader is advised to obtain professional assistance in such matters. Our appraisal assumes and is made subject to the land and improvements not being contaminated by any hazardous substances.

A Hypothetical Condition is defined as:

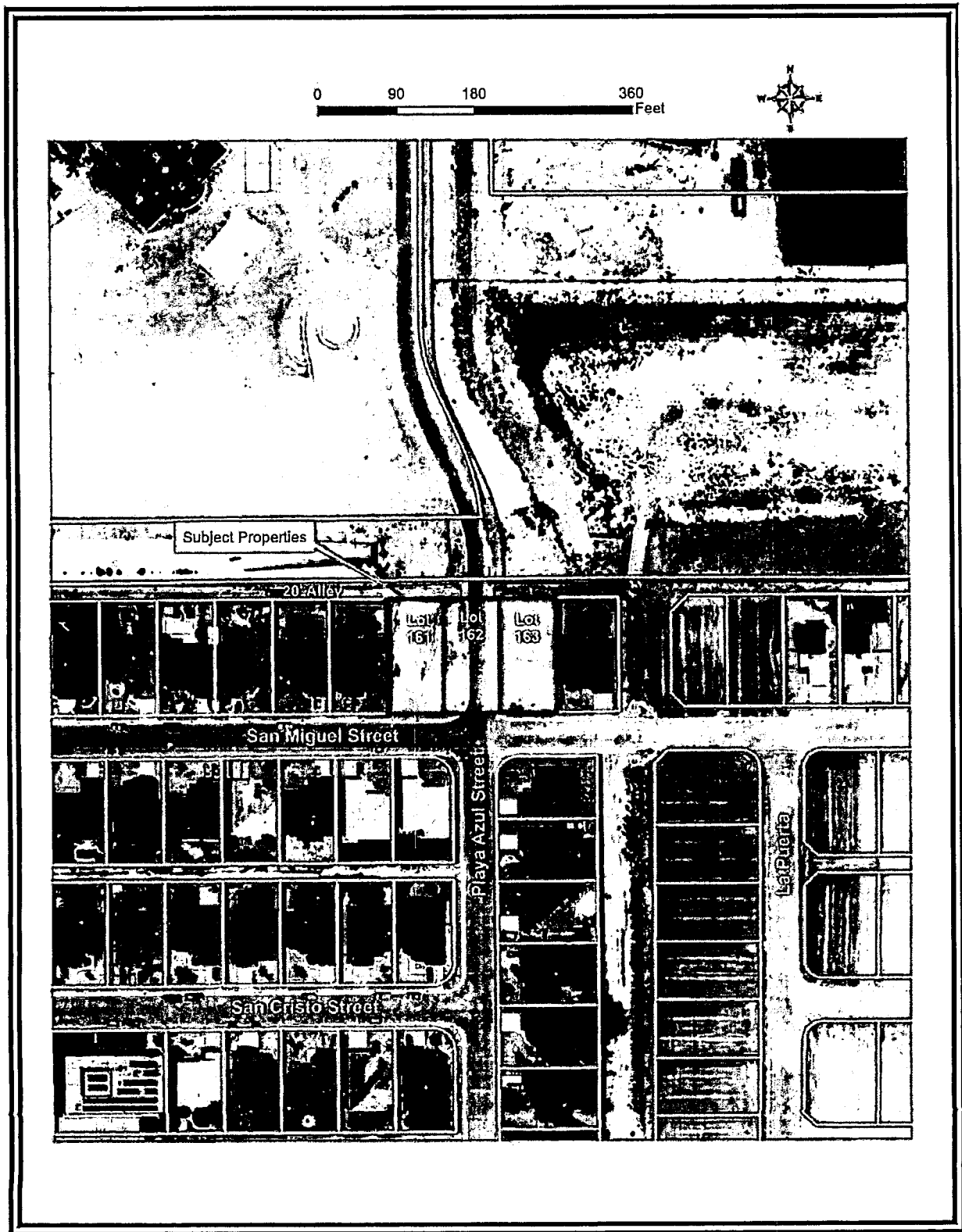
²"that which is contrary to what exists but is supposed for the purpose of analysis".

Lot 162, or 1173 San Miguel Street is bisected by a developed two lane asphalt paved street running north to south of the lot. The street in place is contrary to the existing subdivision plat map which shows no street or encroachments to the lot. This appraisal report will value the lot as though no right of way is in place.

¹ "USPAP" 2008-2009 Edition, P-62

² "USPAP" 2008-2009 Edition, P-63

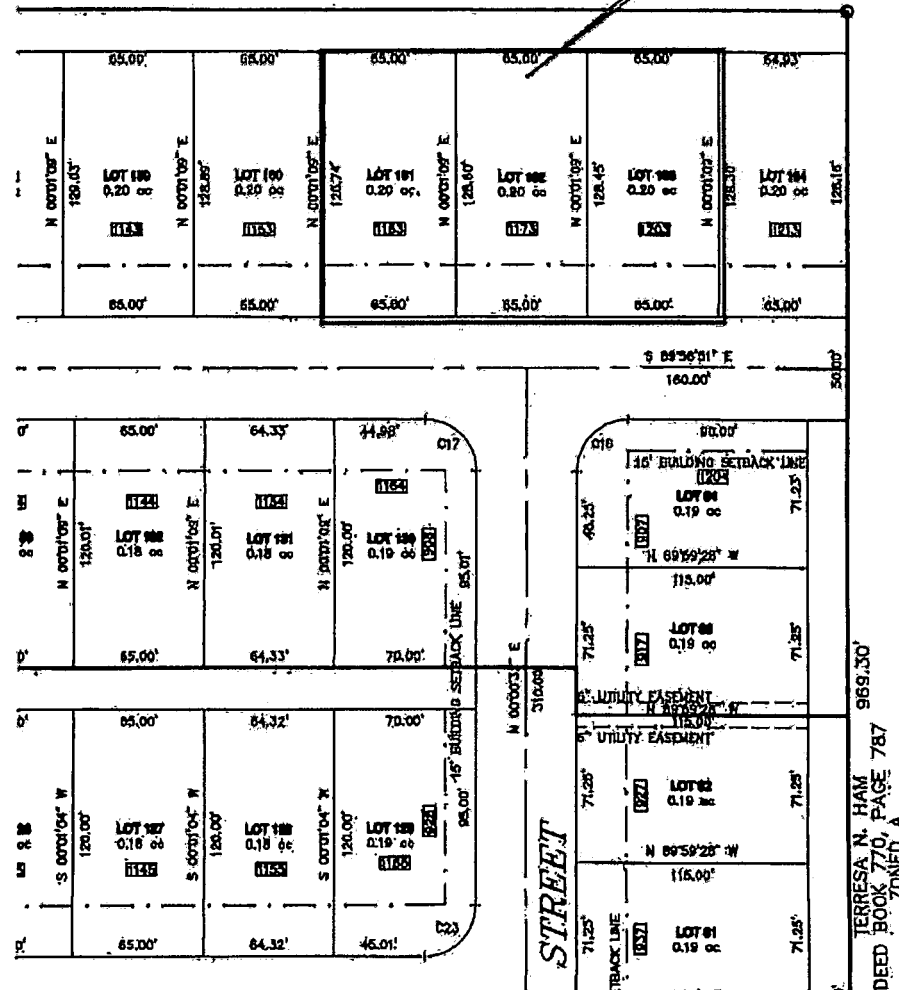
Aerial Photograph



UNIT 2
R 10 E,
NEW MEXICO

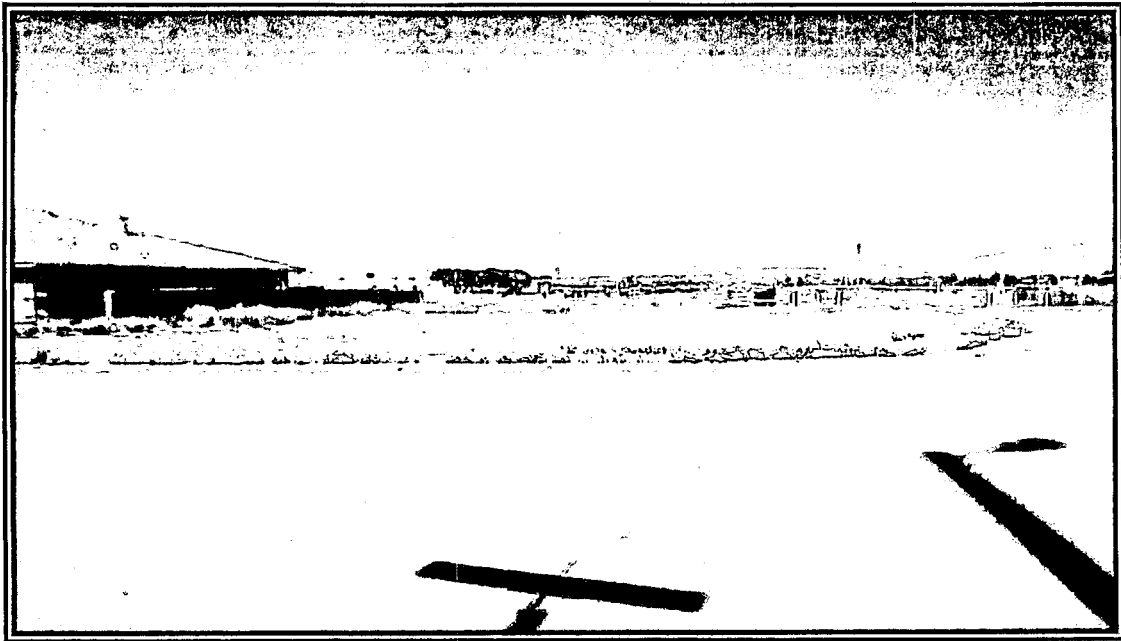


SET
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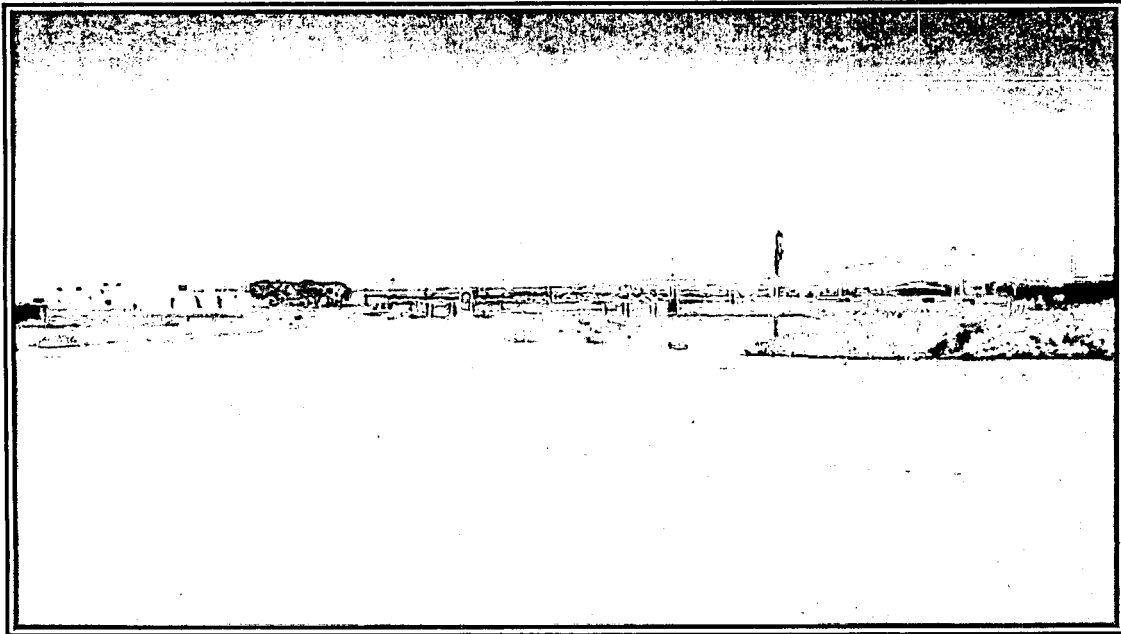
TERRESA N. HAM
DEED BOOK 770, PAGE 787
ZONED A

Subject Photographs
Taken October 15, 2014 by G. Estrada



View #1 - 1163 San Miguel Street (Lot 161)

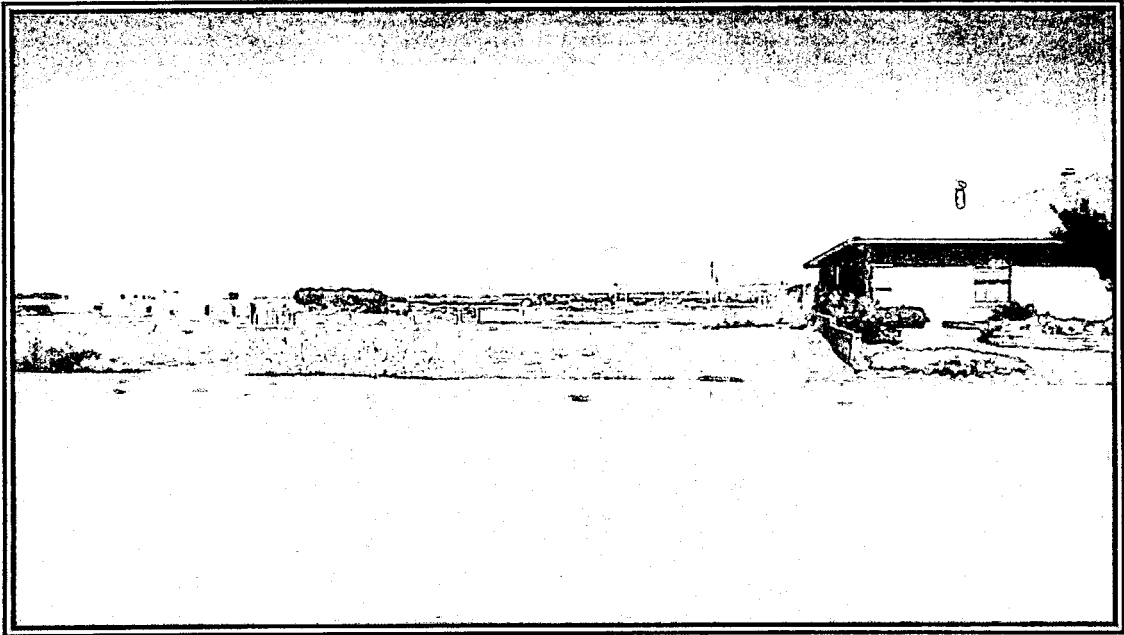
Front view of the subject property facing northwest taken from the southeast corner of the subject property on San Miguel Street.



View #2 - 1173 San Miguel Street (Lot 162)

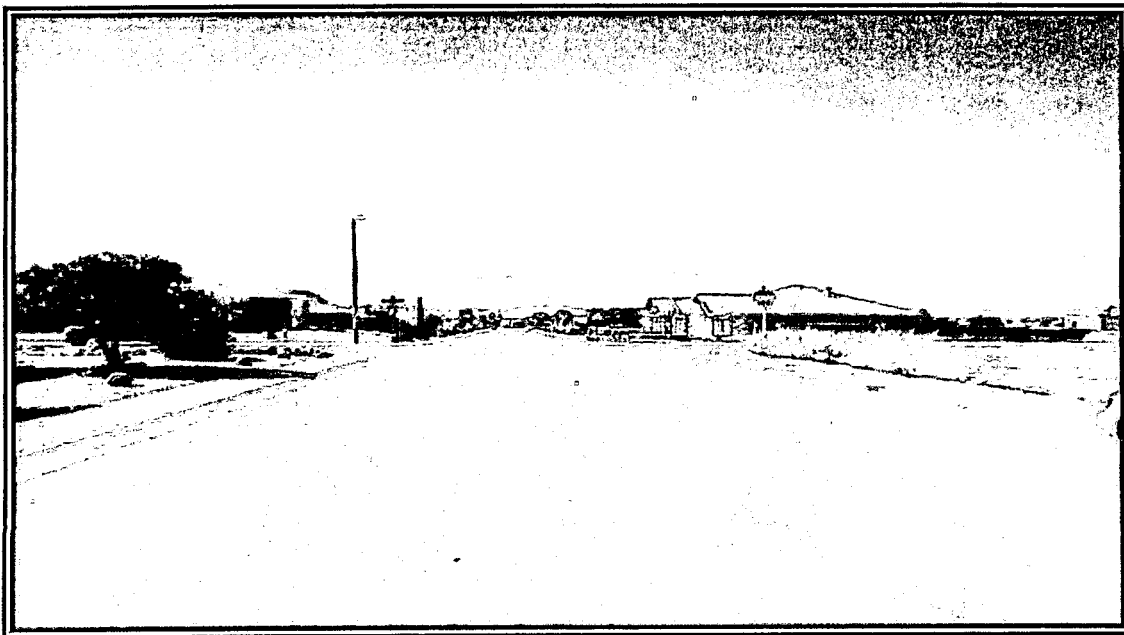
Front view of the subject property facing northwest taken from the southeast corner of the subject property on San Miguel Street.

Subject Photographs – (continued)



View #3 - 1203 San Miguel Street (Lot 163)

Front view of the subject property facing northwest taken from the southeast corner of the subject property on San Miguel Street.



View #4 - Street Scene

Street scene of San Miguel Street, facing west taken from the center of San Miguel Street, with the subject properties on the right hand side.

Appraisal Presented in Summary Report Format

This is an Appraisal Report, which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report. As such, it presents only summary discussions of the data, reasoning, and analyses that were used in the appraisal process to develop our opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in our file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. We are not responsible for unauthorized use of the report.

Effective Date of Appraisal

The subject has been appraised as of October 15, 2014, the effective date of the appraisal, which, coincides with the date of our physical inspection. The date of the appraisal report is as of October 30, 2014.

Property Rights Appraised

The property rights valued in this report are defined as fee simple estate. The Dictionary of Real Estate Appraisal, Third Edition, published by the Appraisal Institute, defines fee simple estate as:

"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat".

Definition of Market Value

Market Value, as used in this report, is defined as:

Market Value, as used in this report, is defined as being the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) buyer and seller are typically motivated;
- (2) both parties are well informed or well advised, and acting in what they consider they're own best interest;
- (3) a reasonable time is allowed for exposure in the open market;
- (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto and;
- (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Scope of the Appraisal

The scope of an appraisal report is a description of the process and extent of collecting, confirming, and reporting of data in relation to the appraisal problem. We collected data from a number of sources, including property owners, public officials, brokers, and managers, as well as secondary sources such as data services.

On October 15, 2014, we physically inspected and photographed the subject properties. For comparable sales, attempts were made to contact a principal involved in the transaction, which was not always successful. In the case where a principal was not contacted, another person familiar with the transaction (broker, appraiser, lawyer, property manager, etc.) was contacted. Finally, public information (deeds, tax assessor's records, etc.) was reviewed to further confirm sales. Data was confirmed to the extent possible given the time constraints of the assignment.

This appraisal was conducted and prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) as formulated by the Appraisal Foundation, and conforms to the Code of Professional Ethics of the Appraisal Institute.

The data collected and used in this report was compiled from in-house records, the client, public records, data provided from peers within the appraisal field, realtors and brokers.

Purpose of the Appraisal and Intended Use of the Appraisal

The purpose of this appraisal is to estimate market value of the subject property for internal decisions. Market value, as used in this report, is defined on the previous page. The intended use of the appraisal is to assist the client in internal decisions. The intended user of this appraisal is the client.

Summary of Appraisal Problems

The purpose of this section is to discuss specific appraisal problems, if any, which were encountered by the appraisers that will be discussed in the body of the appraisal report. There were no unusual problems encountered in this appraisal report.

Legal Description

The subject property is legally described as Lot 161, 162, and 163, Mission Hills, Unit 2, Alamogordo, Otero County, New Mexico.

Summary of the Market Area and Neighborhood Discussion

According to *The Appraisal of Real Estate, Thirteenth Edition*, social, economic, governmental and environmental forces influence property values in the vicinity of a subject property. As a result, they affect the value of that property. Market Area is defined in terms of the market for a specific category of real estate and thus is the area in which alternative, similar properties effectively compete with the subject property in the minds of probable, potential purchasers and users. Although physical boundaries may be drawn, the most important boundaries are those that identify factors influencing property values. The area of influence, commonly called a neighborhood, can be defined as a group of complementary land uses.

Alamogordo is a city in the south-central portion of New Mexico, and is the county seat of Otero County. A desert community lying in the Tularosa Basin, it is bordered on the east by the Sacramento Mountains. As the economic center of Otero County, Alamogordo has a primarily service and retail economy that draws its customers from tourists and from active-duty and retired military personnel. The city is accessible through three U.S. Highways and scheduled commercial air services at the Alamogordo-White Sands Regional Airport, Holloman Air Force Base, (including a German Air Force Tactical Training Center), and White Sands Missile Range, two nearby major military bases. Alamogordo is the nearest city to Holloman Air Force Base. Holloman Air Force Base, the area's largest employer is the home of the F-22 Raptor, the German Air Force in the U.S., and the High Speed Test Track. The U.S. Army installation near Alamogordo is the second largest overland testing range in the world. As the birthplace of the U.S. rocket program in the 1940's, today White Sands Missile Range is the testing site for the reusable rocket and numerous Department of Defense research and evaluation programs. The City of Alamogordo is closely linked to both Holloman and White Sands, both of whom represent a combined impact of military and civilian annual payroll of more than \$200 million and an economic impact of more than \$450 million to the local economy. By some estimates, Holloman accounts for half the economy of Alamogordo.

According to the 2010 census, the population in Otero County was 63,797, of which 30,403 resided in the City Limits of Alamogordo. There were 30,992 housing units in Otero County of which 24,464 were occupied. In Alamogordo, there were 14,052 housing units of which 12,763 were occupied. The median income for a household in Otero County was \$38,470 as compared to a statewide median household income of \$44,591.

The subject property is located on the north side of San Miguel Street, east of S. Florida Avenue and south of E. First Street, in the south-central portion of Alamogordo. The market area boundaries that delineate the subject's neighborhood are outlined below.

North:	E. First Street
South:	Panorama Boulevard
East:	S. Scenic Drive
West:	S. Florida Avenue

The subject's neighborhood is provided with all major utilities and also offers fire and police protection services. Schools, houses of worship, medical centers and recreational facilities are all located in close vicinity to the subject neighborhood. The majority of commercial development in Alamogordo is located along north and south White Sands Boulevard, First Street, Indian Wells Road, Tenth Street corridors, US Highway 54/70 and US Highway 82.

The subject neighborhood is approximately 50% built-out. Homes range in age from newly constructed to 40 years old. The subject neighborhood's residential area is considered to be in the "growth" portion of its life cycle. The land uses in close proximity to the subject property are residential uses, light industrial uses, and commercial development required for support services ancillary to the residential development.

There has been a moderate amount of residential construction in the subject neighborhood. Active residential subdivisions of newly constructed homes within the general area includes Hermoso El Sol, Bristol Park, Rath Tara Subdivision, Palo Duro, Quail Hollow, Canyon Parque, Plan View Acres, Silverado, and Valencia Subdivision. The price range for homes in the subject's immediate neighborhood is a low of \$125,000 to a high of \$203,500, with an average price of \$162,000.

Recent new commercial developments in Alamogordo include a Tractor Supply retail store, a 58 room Suburban Suite Extended Stay Motel, a 80 room Fairfield Motel, Anytime Gym, International House of Pancakes, Pizza Hut, Otero Federal Credit Union, Alamogordo Physical Therapy and Wellness Center, Alamogordo Internal Medical Center, and substantial expansions to the Gerald Champion Regional Medial Center. New construction also includes a new Johnny Carino's Italian restaurant, a Carl's Jr. fast food restaurant, a Buffalo Wild Wings Grill and Bar, a Taco Bell, two new dollar General Stores and a new Toyota Dealership. In addition, Albertson's grocery store is currently under construction.

Access throughout and to the subject neighborhood is considered to be good with the necessary infrastructure in place to support further growth. Based on the above, property values within the subject neighborhood should continue to remain stable and any increase or decrease in value into the foreseeable future are highly dependent on a increase or decrease in population, the overall conditions of the US economy, and any increase or decrease in defense spending.

Identification of Property

Site Description

All three of lots are contiguous and located on the north side of San Miguel Street in the south-central portion of Alamogordo, Otero County, New Mexico. The City of Alamogordo is located approximately 4,350 feet above sea level. The views from the subject property are typical for the area with the Sacramento Mountains to the east, San Andres Mountains and the White Sands National Monument to the west, White Mountain Ski Resort on the Apache Reservation to the northeast, and desert views in between. The subject properties consist of three lots approximately 0.20 acres of land each. These lots are interior lots with typical access. Each lot has 65 front feet along San Miguel Street, a two lane asphalt paved street. The lots are prepared sites, rectangular in shape with level topography, and above street grade. The lots

have access to all utilities to include city water, sewer, public electricity, natural gas, and telephone services.

According to the subdivision plat map, there is a 20' alley easement that runs east and west along the northern boundaries lines of the lots. The lots are vacant with no improvements. The lots are not located in a designated flood hazard area as described as Zone "X" as indicated by the map presented in the addendum portion of this report.

We have not been provided with a soil report or environmental survey and as such we do not express an opinion as to the quality of the soil. Our appraisal assumes and is made subject to the land and improvements not being contaminated by any hazardous substances. Based on the development of the surrounding parcels, soil conditions appear to be adequate for all forms of development. There are no identifiable mineral deposits having commercial value existing on the subject site.

Our comments are based on our inspection of the site and surrounding properties, and are provided to help the reader visualize the property. We are not, nor are we qualified to offer an opinion regarding the stability or suitability of the soil for construction. No obvious problems were noticed within the subject site and the property owner did not report any infrastructure problems.

The table on the following page provides a summary description of the site.

Summary Table - Site Description			
LOCATION			
<i>Property Name:</i>	N/A		<i>Assessor's Parcel ID#:</i>
<i>Street Address:</i>	1163 San Miguel Street (Lot 161) 1173 San Miguel Street (Lot 162) 1203 San Miguel Street (Lot 163)		01-13089 01-13090 01-13091
<i>Legal Description:</i>	Lot 161, 162, and 163, Mission Hills #2, Phase #3, Otero County, New Mexico		
SITE CHARACTERISTIC			
<i>Site Dimensions:</i>	Lot 161 - 65' x 128.74' x 65' x 128.60' Lot 162 - 65' x 128.60' x 65' x 128.45' Lot 163 - 65' x 128.45' x 65' x 128.30'	<i>Site Shape:</i>	Each lot is rectangular is shape
<i>Site Size (SF):</i>	Lot 161 - 8,364 SF Lot 162 - 8,354 SF Lot 163 - 8,355 SF	<i>Topography:</i>	Each lot is level and above street grade
<i>Site Size (AC):</i>	Lot 161 - 0.20 AC Lot 162 - 0.19 AC Lot 163 - 0.19 AC	<i>On Site Ponding:</i>	None / not required
<i>Location:</i>	Average	<i>View:</i>	Typical views
<i>Corner Influence:</i>	Interior Lots	<i>Zoning:</i>	R-1, Single-Family
<i>Access:</i>	Typical	<i>Conforming:</i>	Yes
<i>Other Improvements:</i>	None		
OFF SITE IMPROVEMENTS			
<i>Streets, curb, gutters, sidewalks and lighting:</i>	Two lane asphalt paved street with concrete curb, gutters, sidewalks, and city provided night lighting.		
UTILITIES			
<i>Water, sewer, electricity, telephone:</i>	Water and sewer is provided by the City of Alamogordo. Electricity is provided by PNM and natural gas is provided by the Gas Company of NM. Telephone service is provided by CenturyLink.		
<i>Easements or Adverse Encroachments:</i>	There are no adverse easement of encroachments. As previously indicated, Lot 162 is bisected by a developed two lane asphalt street, which will not be considered in this report.		
ENVIRONMENTAL			
<i>Designated Flood Zone:</i>	No		
<i>Flood Zone Code:</i>	"X"		
<i>Map No.:</i>	35035C0939D		
<i>Panel Date:</i>	December 17, 2010		
<i>Hazardous Materials:</i>	None noted.		

History of the Property

According to the records filed within the Otero County Clerk's Office, the subject properties are under the ownership of Alamogordo Municipal School District 1, described by a Warranty Deed and identified by Book 915, Page 956, filed on 2/23/1999. The property is not listed for sale nor is the property under contract to sell as of the effective date of the appraisal.

Assessed Values and Annual Tax Load

State law in New Mexico mandates that real estate be taxed on 33.33% of assessed value. The subject properties are all exempt from property taxes based on governmental status. There are no past due taxes and the account is considered current. The Otero County Assessor's Office identifies the Parcel Identification Numbers as follows;

Lot Number	Parcel ID Number	Annual Taxes
Lot 161	01-13089	\$0.00
Lot 162	01-13090	\$0.00
Lot 163	01-13091	\$0.00

Zoning and Other Land Use Regulations

The subject parcel is zoned "R-1", Single-Family Dwelling District and governed by the City of Alamogordo. In general, building or premises may be used designed for occupancy by one (1) family. Other uses includes but not limited to are churches, municipal parks, fire stations, schools, golf courses, and accessory buildings customarily incident to the above uses not involving the conduct of a business.

Set backs:	Front yard:	A depth of not less than twenty (20) Feet
	Side yard:	One (1) story – five (5) feet, two (2) story seven and one half (7½) feet. The side yard on the street side of a corner lot shall not be less than fifteen (15) feet in width.
	Rear yard:	Not less than thirty (30) feet or twenty percent (20%) of the depth of the entire lot, which ever is smaller.
	Lot width and area:	Every lot shall have a width of at least sixty (60) feet at the building setback line and shall have an area of not less than six thousand (6,000) square feet per family (exceptions if prior to effective date of chapter).
	Height:	No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

Highest and Best Use (Premise of Value)

The highest and best use of land is defined as "The reasonable probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value". (The Appraisal of Real Estate, Tenth Edition, 1992.) In order to estimate highest and best use, there are essentially four stages of analysis. These are as follows:

1) Possible Uses of the Site -- what uses are physically possible, given the size, shape and topography of the site.

2) Permissible Uses of the Site -- among the physically possible uses, what uses are legally allowed given the zoning, easements, and/or deed restrictions.

3) Financially Feasible Uses of the Site -- among the uses, which are physically possible, and legally permissible, what uses would provide a reasonable residual net return to the land.

4) Most Productive Use of the Site -- among the financially feasible uses, which use would result in the greatest net return to the land.

Two tests of highest and best use must be considered. These include the highest and best use of the site as if vacant and the highest and best use of the site as improved. Since the subject parcel is vacant, only the first test of highest and best use is appropriate.

Highest and Best Use as Vacant

Possible Uses

The three lots are all typical in size for a residential lot, each approximately 0.20 acres of land more or less. Their shape is rectangular and the topography is level. Access is typical with each lot containing 65 feet of frontage along San Miguel Street. The subject properties have access to all city utilities to include city water and sewer. Electricity, natural gas, and telephone services are also available. Due to their size, the only possible use is for residential use as a single-family dwelling lot.

Legally Permissible Uses

The legal use of the property is governed by the City of Alamogordo. The property is currently zoned Class "R-1", Single-Family Dwelling, which in general, limits the use of improvements designed for occupancy by one (1) family. To the best of our knowledge, there are no deed restrictions that negatively impact the potential development of the site.

Financially Feasible Uses

Present economic and environmental conditions are the next considerations. Economic conditions refer mostly to the market in which the subject competes such as absorption of the different possible uses for the site within the subject market area. Physical and legal development of the subject site allows for commercial development.

It is our opinion that the most financially feasible use for the subject site as vacant would be for residential development based on the existing zoning and its location in a homogeneous residential neighborhood.

Most Productive Use

The last consideration would be the most profitable use that a potential buyer would give if they were to purchase the site. Residential development is considered as a financially feasible use of the subject site. The principle of conformity holds that "real property value is created and sustained when the characteristics of a property conform to the demands of its market". Based on land sales activity, the prices being paid per square foot for sites suitable for residential development have been stable in value, in recent years. It is our opinion the highest and best use of the subject properties is for residential development in accordance with the zoning.

Appraisal Methodology

The appraisal methodology is the orderly process used to arrive at an opinion of value. The first step is identification of the real estate, date of value, property rights appraised, and type of value. Second, analyses of the area, site, improvements, and highest and best use are conducted. Finally, one or more of the three basic approaches used in concluding a market value are applied. This appraisal relies on one approach to value in arriving at an estimate of market value. In the subject property's case we have utilized the Sales Comparison Approach. This appraisal report is a presentation of the information considered.

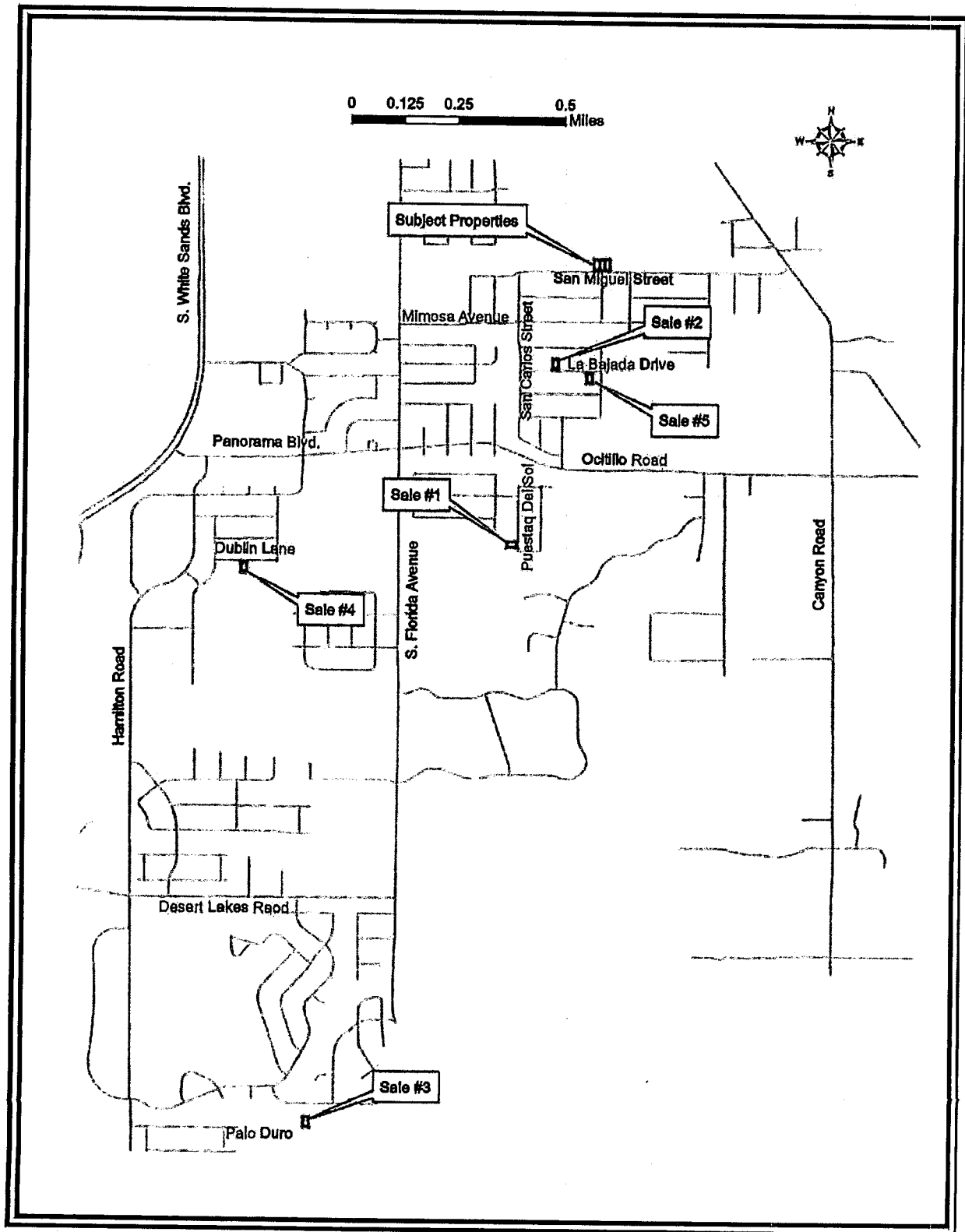
Site Value Estimate

In this report, the Sales Comparison Approach is deemed to be applicable in valuing a site and is the most common technique for valuing land when comparable sales are available. To apply this technique, sales, listings, or pending contracts of similar parcels of land are analyzed, compared, and adjusted to provide a value indication for the subject site being appraised.

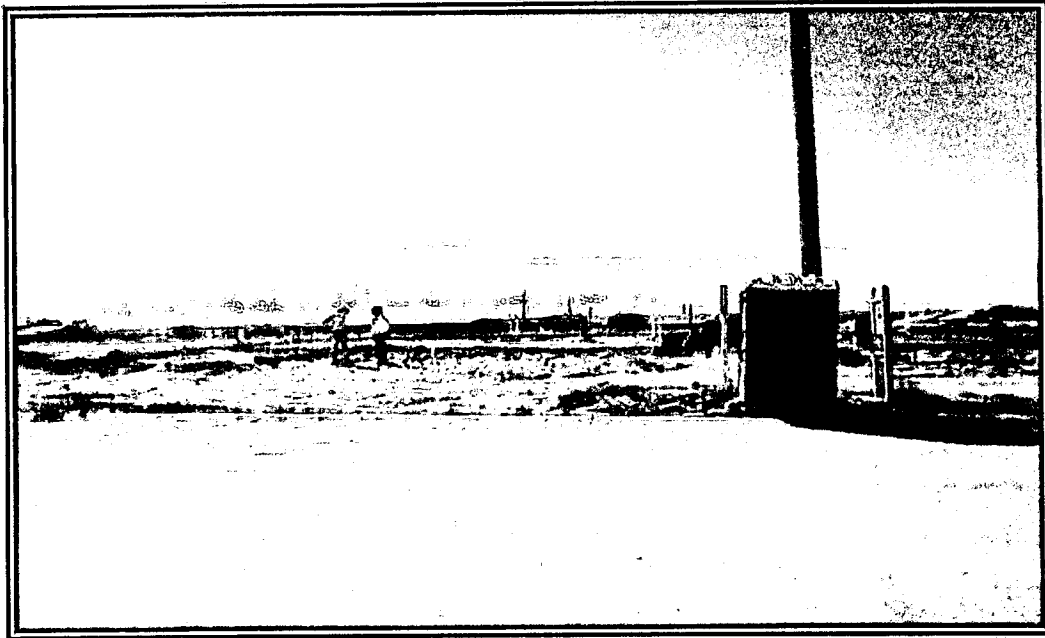
The following table is a summary of the vacant land sales deemed pertinent to the appraisal report. The five sales range from \$3.81 to \$4.13 per square foot or a range from \$31,000 to \$33,000 per buildable site and are summarized in the following table, followed by a location map, a table detailing each sale, a brief discussion of the adjustments to the sales, the adjustment grid, and an analysis of our estimate of value.

Summary Description of Land Sales - Price Square Foot Analysis								
Sale #	Location	Parcel ID#	Sale Date	Sale Price	Acreage	Square Footage	Sale Price / SF	Zoning
1	1532 Puesta Del Sol	01-14781	9/8/2014	\$31,000	0.177	7,710	\$4.02	R-1
2	1065 La Bajada Drive	01-14893	6/24/2014	\$32,000	0.193	8,407	\$3.81	R-1
3	401 Palo Duro	01-15668	5/19/2014	\$33,000	0.193	8,407	\$3.93	R-1
4	254 Dublin Lane	01-14049	12/16/2013	\$32,000	0.178	7,754	\$4.13	R-1
5	1146 La Bajada Drive	01-14876	10/16/2013	\$32,500	0.193	8,407	\$3.87	R-1

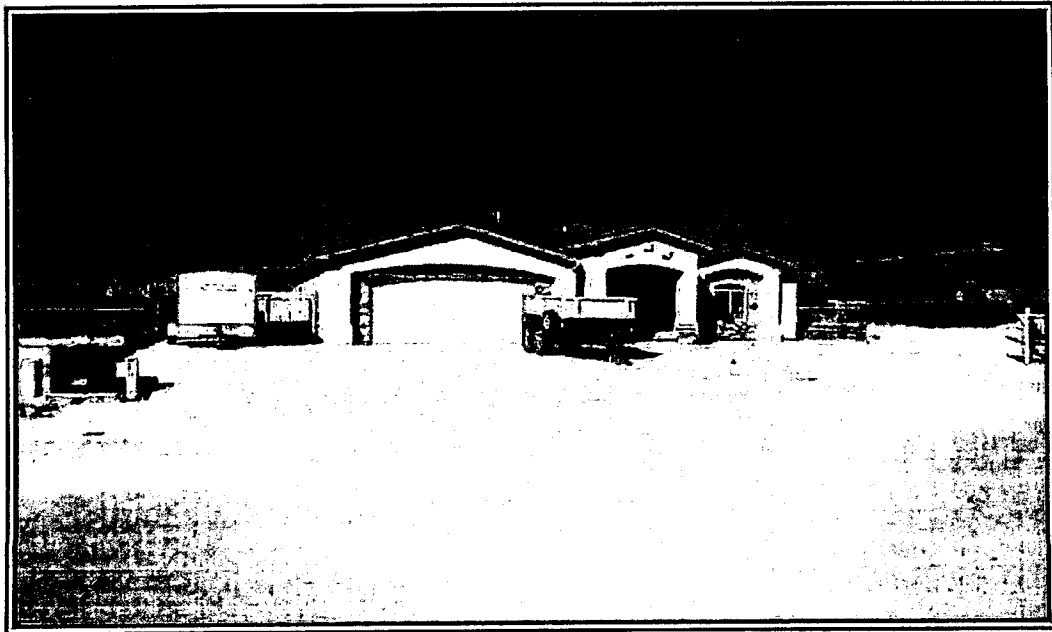
Map of Comparable Land Sales



Photographs of Comparable Land Sales

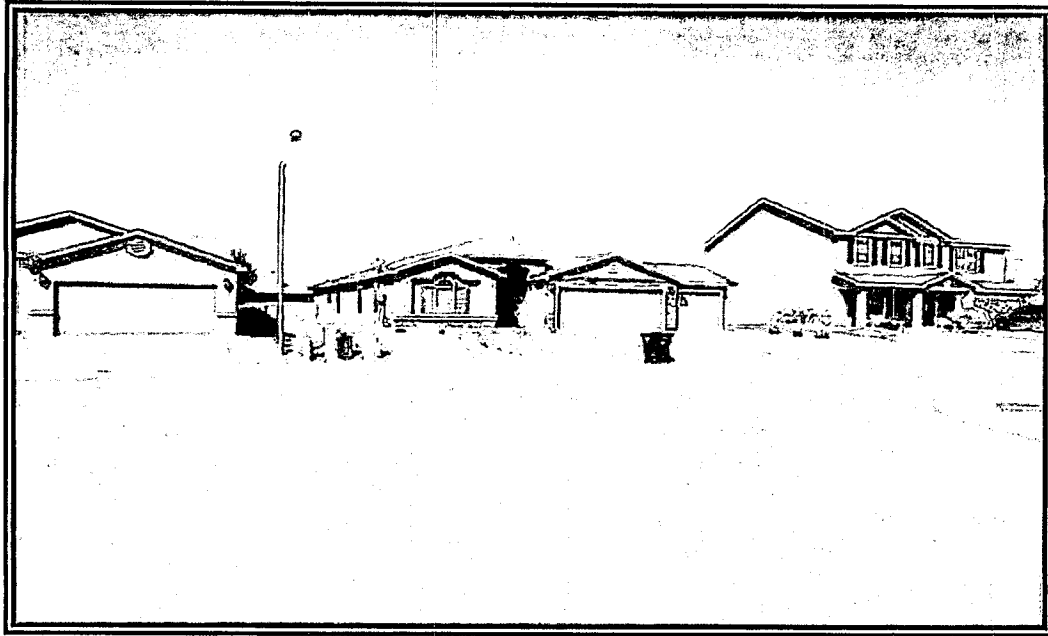


Land Sale #1 - 1532 Puesta Del Sol

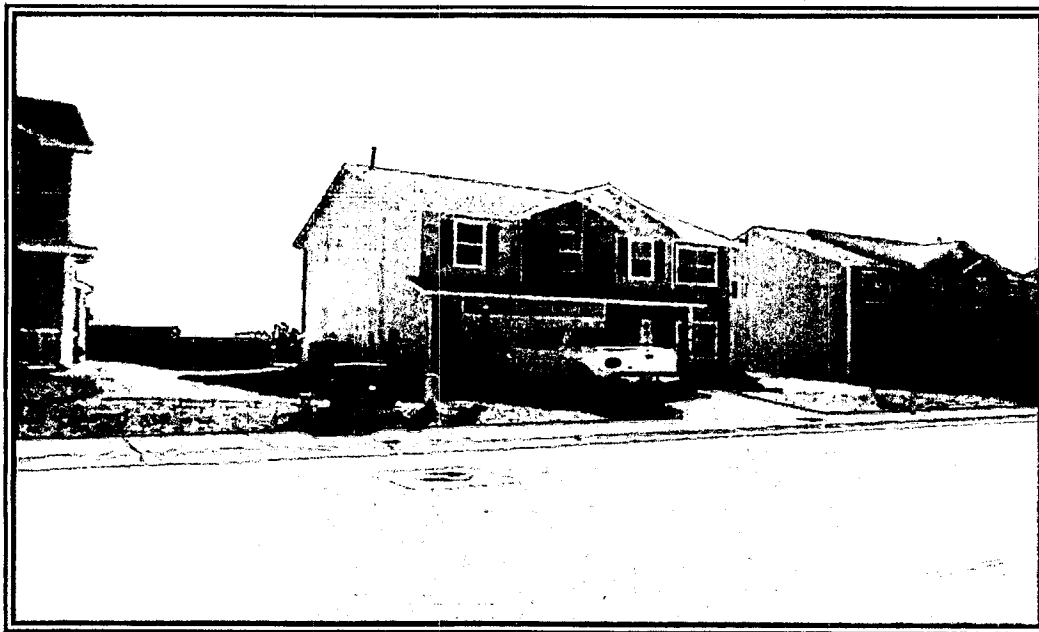


Land Sale #2 - 1065 La Bajada Drive

Photographs of Comparable Land Sales (continued)

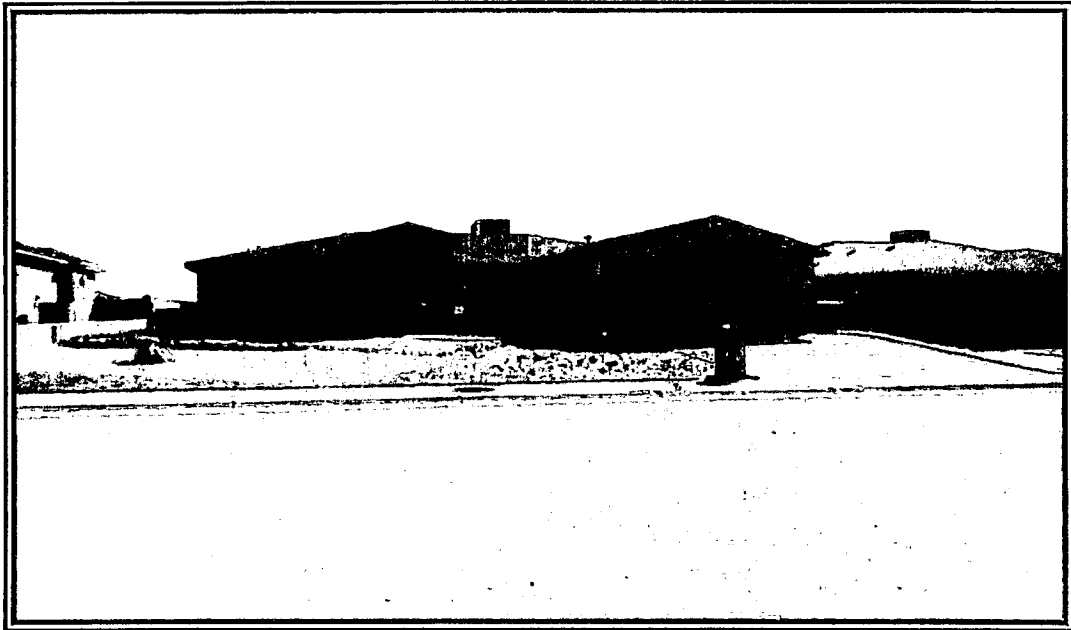


Land Sale #3 - 401 Palo Duro



Land Sale #4 - 254 Dublin Lane

Photographs of Comparable Land Sales (continued)



Land Sale #5 - La Bajada Drive

Detailed Table Description of Land Sales

PROPERTY IDENTIFICATION					
	Sale 1	Sale 2	Sale 3	Sale 4	Sale 5
Address	1532 Puesta Del Sol	1065 La Bajada Drive	401 Palo Duro	254 Dublin Lane	1146 La Bajada Drive
City, State	Alamogordo, NM	Alamogordo, NM	Alamogordo, NM	Alamogordo, NM	Alamogordo, NM
Legal Description	Lot 28, Hermoso El Sol #2	Lot 82, Quail Hollow	Lot 80, Palo Duro #2	Lot 5, Block 8, Rath Tara Estates Phase #5	Lot 65, Quail Hollow
Tax Id#	01-14781	01-14893	01-15668	01-14049	01-14876
SALES TRANSACTION DATA					
Grantor	Tool Box LLC	Quail Hollow LLC	Tool Box LLC	French Holdings	Quail Hollow LLC
Grantee	French Brothers Inc	Nicholas Paul	French Brothers Inc	French Brothers Inc	Joram Melendez
Recording / Instrument	Reception# 201406351 / Warranty Deed	Reception# 201404479 / Warranty Deed	Reception# 201403596 / Warranty Deed	Reception# 201310442 / Special Warranty Deed	Reception# 201308926 / Warranty Deed
Condition of Sale	Arms Length	Arms Length	Arms Length	Arms Length	Arms Length
Terms of Sale	Cash	Cash	Cash	Cash	Cash
Motivation	Normal	Normal	Normal	Normal	Normal
Confirmation	T. French	County Records	T. French	T. French	County Records
Sale Date	9/8/2014	6/24/2014	5/19/2014	12/16/2013	10/16/2013
Sale Price	\$31,000	\$32,000	\$33,000	\$32,000	\$32,500
Price/SF	\$4.02	\$3.81	\$3.93	\$4.13	\$3.87
Land Size (SF)	7,710	8,407	8,407	7,754	8,407
CHARACTERISTICS					
Location	Average	Average	Average	Average	Average
Corner Features	Interior Lot	Interior Lot	Interior Lot	Interior Lot	Interior Lot
Access	Average	Average	Average	Average	Average
Shape / Frontage	Rectangular / Average	Rectangular / Average	Rectangular / Average	Rectangular / Average	Rectangular / Average
Topography / Flood Zone	Level / X	Level / X	Level / X	Level / AE	Level / X
Vegetation	N/A	N/A	N/A	N/A	N/A
View	Typical	Typical	Typical	Typical	Typical
Utilities	All city utilities	All city utilities	All city utilities	All city utilities	All city utilities
Zoning	R-1 Single-Family Dwelling	R-1 Single-Family Dwelling	R-1 Single-Family Dwelling	R-1 Single-Family Dwelling	R-1 Single-Family Dwelling
Flood Zone / Panel	X / 35035C1180D	X / 35035C0939D	X / 35035C1180D	AE / 35035C1180D	X / 35035C0939D
Street Improvements	Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting	Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting	Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting	Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting	Two lane asphalt paved street, concrete curb, gutters, sidewalks and night lighting
Other Improvements	None	None	None	None	None

Discussion of Adjustment to the Comparable Land Sales

Property Rights Conveyed – All of the comparable sales conveyed fee simple rights of ownership and therefore, no adjustments were required for this category.

Financing Terms – The site is being valued on a cash-equivalent basis. As a result, the comparables may require adjustments for favorable or creative financing. Downward adjustments for financing terms are generally indicated whenever there is seller financing at below-market interest rates. All of the comparables sold for cash or on cash equivalent terms. Therefore, no adjustments were required for this category.

Buyer or Seller Motivation - These adjustments are made whenever discussions with the parties involved (or other evidence) reveal that there may have been a particularly strong motivation to buy or sell. Examples of strong purchase motivation may include assemblage purchases and purchases by adjacent property owners. Examples of strong sale motivation may include foreclosure sales, partnership dissolution, etc. In addition, this category is also used to adjust a listing to more appropriately reflect a possible selling price. We have analyzed the comparable sales and spoke with individuals familiar with each transaction. No adjustments were required for this category.

Market Conditions - These adjustments are necessary to allow for the change in market conditions brought about by inflation, deflation, fluctuations in supply and demand, or other factors. All of the comparable sales occurred within the past year of the effective date of the appraisal, and therefore no adjustments for market conditions were required for this category.

Location & Neighborhood of Comparables - Location differences primarily relate to variations with respect to the proximity of major arterials, site access and exposure, traffic count, and surrounding improvements. If the comparable is judged to have a superior location to the subject, the comparable is adjusted downward. If the comparable is inferior, it is adjusted upward. No adjustments were required for this category.

Corner Influence – Corner influence is most relevant when valuing commercial properties which benefit from higher traffic flow, visibility, and accessibility. No adjustments were required for this category.

Accessibility – All of the sales have typical developed access similar to the subject property, therefore no adjustments were required for this category.

Relative Overall Size - Generally, smaller sites tend to sell for more per square foot than otherwise comparable, but larger sites. These differences can be explained by the principle of economies of scale and the larger market for small parcels than *larger parcels*. We have applied a 90% learning curve, which applies to the principal of a parcel twice the size of another parcel, all other things being equal, should sell for about 90% of the unit price of the smaller parcel.

$$\text{Area of the Comparable}^{.152} / \text{Area of Subject Parcel}^{.152}$$

Shape Features - This adjustment is based on comparisons of the differences between the actual perimeters of the subject and the comparable, and what the perimeters would be if both sites were perfectly square. It also considers the difference between the amounts of the most important frontage, in relationship to the overall perimeters of the comparable and subject. No adjustments were required for this category.

Topography – Sites may vary in value due to topographical physical characteristics such as contour, grading, natural drainage, and soil conditions. Steep slopes often impede development. Natural drainage can be advantageous, or, if a site is downstream of other properties or is a natural drainage basin for the area, it may have severely limited usefulness. All of the sales are level similar to the subject, with no adjustment required for this category.

View – All of the sales have typical mountain views of the Sacramento Mountains to the east and desert basin views to the west similar to the subject. No adjustments were required for this category.

Utilities - The presence of utilities to each sale was also considered. The subject property and all of the comparable sales have similar access to city water, electricity, and natural gas. No adjustments were required for this category.

Other Improvements – No adjustments were required for this category.

A summary of the comparables and the adjustments made in comparison to the subject parcel is presented on the following page in the Land Sales Adjustment Grid.

Adjustment Grid

ITEM	Subject	Sale #1	Sale #2	Sale #3	Sale #4	Sale #5
Address	San Miguel Street	1532 Puesta Del Sol	1065 La Bajada Drive	401 Palo Duro	254 Dublin Lane	1148 La Bajada Drive
Date of Transaction:		9/8/2014	6/24/2014	5/19/2014	12/16/2013	10/16/2013
Sale Price		\$31,000	\$32,000	\$33,000	\$32,000	\$32,500
Square Footage	8,456	7,710	8,407	8,407	7,754	8,407
Price SqFt		\$4.02	\$3.81	\$3.93	\$4.13	\$3.87
Condition Of Sale		Arms Length	Arms Length	Arms Length	Arms Length	Arms Length
Rights Conveyed		Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
	% Adj.	0%	0%	0%	0%	0%
Financing Terms		Cash	Cash	Cash	Cash	Cash
	% Adj.	0%	0%	0%	0%	0%
Conditions of Sale: Motivation		Normal	Normal	Normal	Normal	Normal
	% Adj.	0%	0%	0%	0%	0%
Market Adjustments: Time - 0% per year						
	% Adj.	0.00%	0.00%	0.00%	0.00%	0.00%
TIME ADJUSTED PRICE SQFT		\$4.02	\$3.81	\$3.93	\$4.13	\$3.87
	Subject	Comparisons To Subject Property:				
Location	Average	Average	Average	Average	Average	Average
	(+,-)	Similar	Similar	Similar	Similar	Similar
	% Adj.	0%	0%	0%	0%	0%
Corner Influence	Interior Lot	Interior Lot	Interior Lot	Interior Lot	Interior Lot	Interior Lot
	(+,-)	Similar	Similar	Similar	Similar	Similar
	% Adj.	0%	0%	0%	0%	0%
Access	Average	Average	Average	Average	Average	Average
	(+,-)	Similar	Similar	Similar	Similar	Similar
	% Adj.	0%	0%	0%	0%	0%
Size / SqFt	8,456	7,710	8,407	8,407	7,754	8,407
	% Adj.	0%	0%	0%	0%	0%
Shape / Frontage	Rectangular / Average	Rectangular / Average	Rectangular / Average	Rectangular / Average	Rectangular / Average	Rectangular / Average
	(+,-)	Similar	Similar	Similar	Similar	Similar
	% Adj.	0%	0%	0%	0%	0%
Topography / Flood Zone	Level / X	Level / X	Level / X	Level / X	Level / AE	Level / X
	(+,-)	Similar	Similar	Similar	Similar	Similar
	% Adj.	0%	0%	0%	0%	0%
View	Typical	Typical	Typical	Typical	Typical	Typical
	(+,-)	Similar	Similar	Similar	Similar	Similar
	% Adj.	0%	0%	0%	0%	0%
Utilities	All city utilities	All city utilities	All city utilities	All city utilities	All city utilities	All city utilities
	(+,-)	Similar	Similar	Similar	Similar	Similar
	% Adj.	0%	0%	0%	0%	0%
Other Improvements	None	None	None	None	None	None
	(+,-)	Similar	Similar	Similar	Similar	Similar
	% Adj.	0%	0%	0%	0%	0%
Gross Adjustment:		0%	0%	0%	0%	0%
Net Adjustments		0%	0%	0%	0%	0%
INDICATED VALUE / SQFT		\$4.02	\$3.81	\$3.93	\$4.13	\$3.87
INDICATED VALUE / SITE		\$31,000	\$32,000	\$33,000	\$32,000	\$32,500

Summary Review					
Sale #	Square Footage	Updated Sale Price SF	Gross Adjustments	Net Adjustments	Indication of Value - Price SF
1	7,710	\$4.02	0%	0%	\$4.02
2	8,407	\$3.81	0%	0%	\$3.81
3	8,407	\$3.93	0%	0%	\$3.93
4	7,754	\$4.13	0%	0%	\$4.13
5	8,407	\$3.87	0%	0%	\$3.87
Statistical Review of the Adjusted Land Price Per Square Foot					
Minimum			\$3.81		
Maximum			\$4.13		
Mean			\$3.95		
Median			\$3.93		
Standard Deviation			\$0.13		
One deviation from the mean equals			3.19%		

Summary Review					
Sale #	Square Footage	Updated Sale Price SF	Gross Adjustments	Net Adjustments	Indication of Value - Price SF
1	7,710	\$31,000	0%	0%	\$31,000
2	8,407	\$32,000	0%	0%	\$32,000
3	8,407	\$33,000	0%	0%	\$33,000
4	7,754	\$32,000	0%	0%	\$32,000
5	8,407	\$32,500	0%	0%	\$32,500
Statistical Review of the Adjusted Land Price Per Buildable Site					
Minimum			\$31,000		
Maximum			\$33,000		
Mean			\$32,100		
Median			\$32,000		
Standard Deviation			\$741.62		
One deviation from the mean equals			2.31%		

RECONCILIATION AND FINAL ESTIMATE OF LAND VALUE

The five comparable sales provide a narrow range of adjusted value indicators from a low of \$3.81 per square foot to a high of \$4.13 per square foot, or a range of value from a low of \$31,000 to a high of \$33,000 per buildable site. No adjustments were required to the comparable sales and therefore each sale was given equal consideration. After analyzing the comparable sale by their price per square foot and by their price per buildable site, we have concluded the price per buildable site is more appropriate which gives a lower standard deviation, resulting in one deviation from the mean at 2.31% as compared to 3.19% on a price per square foot basis. We have concluded a market value of \$32,000 per lot.

Thirty Two Thousand Dollars

\$32,000.

Reasonable Exposure Time

Exposure time is the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market. Exposure time is different for various types of real estate and under various market conditions. The estimate of the time period for reasonable exposure time is not intended to be a predication of a date of sale.

We have analyzed several comparable sales in order to determine the reasonable exposure time. Further, we have conducted interviews with knowledgeable market participants. We are of the opinion an exposure time of 12 months or less appears appropriate for the subject based on the final market value estimate.

Estimate of Marketing Time

The comparables selected in the Sales Comparison Approach all occurred within the past year of the effective date of the appraisal. Our in-house statistics indicate there has been an average of 10 residential building permits issued per month for new construction of single-family dwellings. Lastly, the comparable sales presented in this analysis represent a limited amount of comparable sales considered for the appraisal. There is a stable market for single-family dwelling lots for the area. At our appraised value, we are of the opinion that the three lots would sell within 12 months.

Qualifications of Appraisers

APPRAISER QUALIFICATIONS W. SCOTT ESCHENBRENNER, MAI

PROFESSIONAL EXPERIENCE:

MAI, Designated Member of the Appraisal Institute - #11,814
State Certified General Real Estate Appraiser, New Mexico-1180

EDUCATION BACKGROUND AND SPECIAL TRAINING:

Graduate from Southwest Texas State University, 1986, with Bachelor of Science Degree in Business Administration with major in Finance - Real Estate.

Successfully completed the following real estate courses from the Appraisal Institute:

- Real Estate Appraisal Principles
- Residential Valuation
- Basic Valuation Procedures
- Capitalization Theory and Techniques - Part A & B
- Report Writing and Valuation Analysis
- Standard of Professional Practice, Parts A, B & C
- Advanced Applications
- Demonstration Appraisal Report
- General Comprehensive Exam

EMPLOYMENT:

May 1995 to Present; Owner, Mesilla Valley Appraisal Services in Las Cruces, New Mexico
January 1994 to May 1995: Appraiser, William Scott Burns & Wilkinson, Inc., in El Paso, TX.
October 1986 to December 1993: Appraiser, William Scott Burns & Company in El Paso, TX.
May 1985 to August 1985: Construction, JR Thurman Construction, El Paso, TX.
May 1981 to December 1984: Assist. Golf Professional, El Paso Country Club, El Paso, TX.

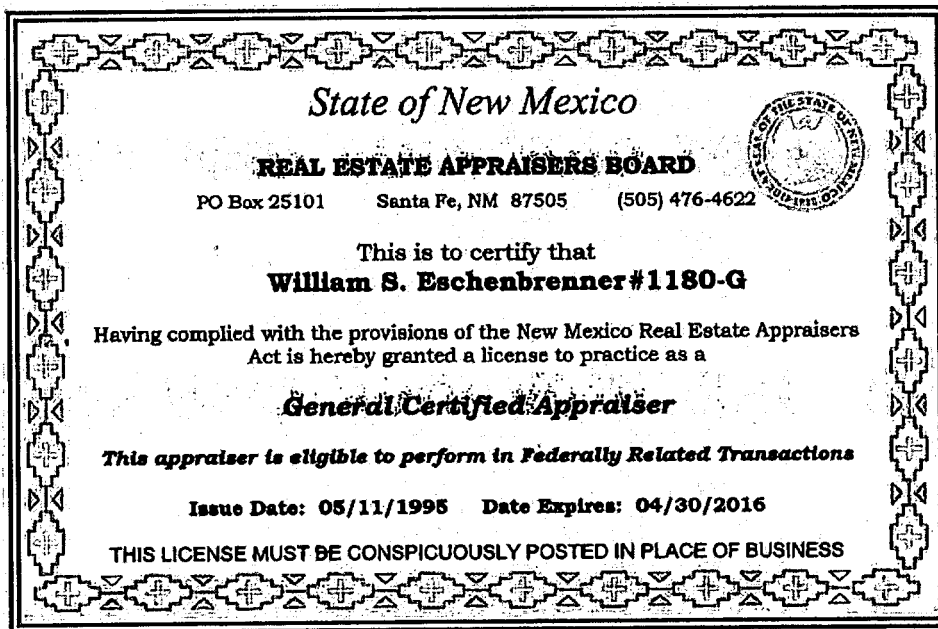
REPRESENTATIVE CLIENTS:

Community First National Bank, First Federal Savings, First National Bank in Alamogordo, Citizens Bank of Las Cruces, First National Bank in Las Cruces, Western Farm Bureau Mutual Insurance Company, First Interstate Bank of Denver, Alamogordo Federal Savings and Loan, Bank of the Rio Grande, Mesilla Valley Bank, and other Regional Lending Institutions, Gerald Champion Memorial Hospital, City of Las Cruces, City of Alamogordo, Allstate Insurance Company, Texas Highway Department, United States Corps of Engineers, El Paso Water Utilities, Southern Pacific Railroad, City of El Paso, Gencon Corporation.

REPRESENTATIVE ASSIGNMENTS: (Texas, & New Mexico)

- Single and Multifamily Complexes
- Professional Office Complexes
- Industrial Parks, Warehouses, Mini-Warehouse Facilities
- Vacant Land, Subdivision Analysis and Mobile Home Parks
- Farm & Ranch
- Shopping Centers
- Special Purpose: Post Office, Hotel, Automobile Dealership, Banking Facility, Restaurant, Convenience Stations, Medical Clinic, Church, and Easements.

Qualifications of Appraisers (continued)



Qualifications of Appraisers (continued)



ADDENDUM

Title Evidence

SHORT FORM WARRANTY DEED—New Mexico Statutory Form
Approved by State Comptroller as Standard Form, Oct. 6, 1947
Revised September, 1954

Printed and For Sale by
Hall-Poorbaugh Press, Roswell, New Mexico
Form 312

Bk 915 Pg 956
WARRANTY DEED

Mission Hills Venture

Alamogordo Municiple School District 1, for consideration paid, grant to

whose address is 1211 Hawaii Ave.
Alamogordo, NM 88310

The following described real estate in Otero County, New Mexico:

Lots One Hundred Sixty One (161), One Hundred Sixty Two (162) and One Hundred Sixty Three (163), Mission Hills, Unit 2, Alamogordo, Otero County, New Mexico.

SUBJECT TO: Restrictions, reservations and easements of record.

SUBJECT TO: Any set of facts which a physical inspection or accurate survey of the premises may reveal.

with warranty covenants.

WITNESS my hand and seal this 9th day of February 1999

Michael Drunzer (Seal)
Michael Drunzer, President of Drunzer Construction (Seal)

STATE OF NEW MEXICO,
County of Otero ss.

The foregoing instrument was acknowledged before me this 9th day of February

1999 by Michael Drunzer, President of Drunzer Construction, a New Mexico Corporation and General Partner of Mission Hills Venture, a partnership, on behalf of said partnership



April 28, 1999

Notary Public

STATE OF NEW MEXICO,
County of Otero ss.

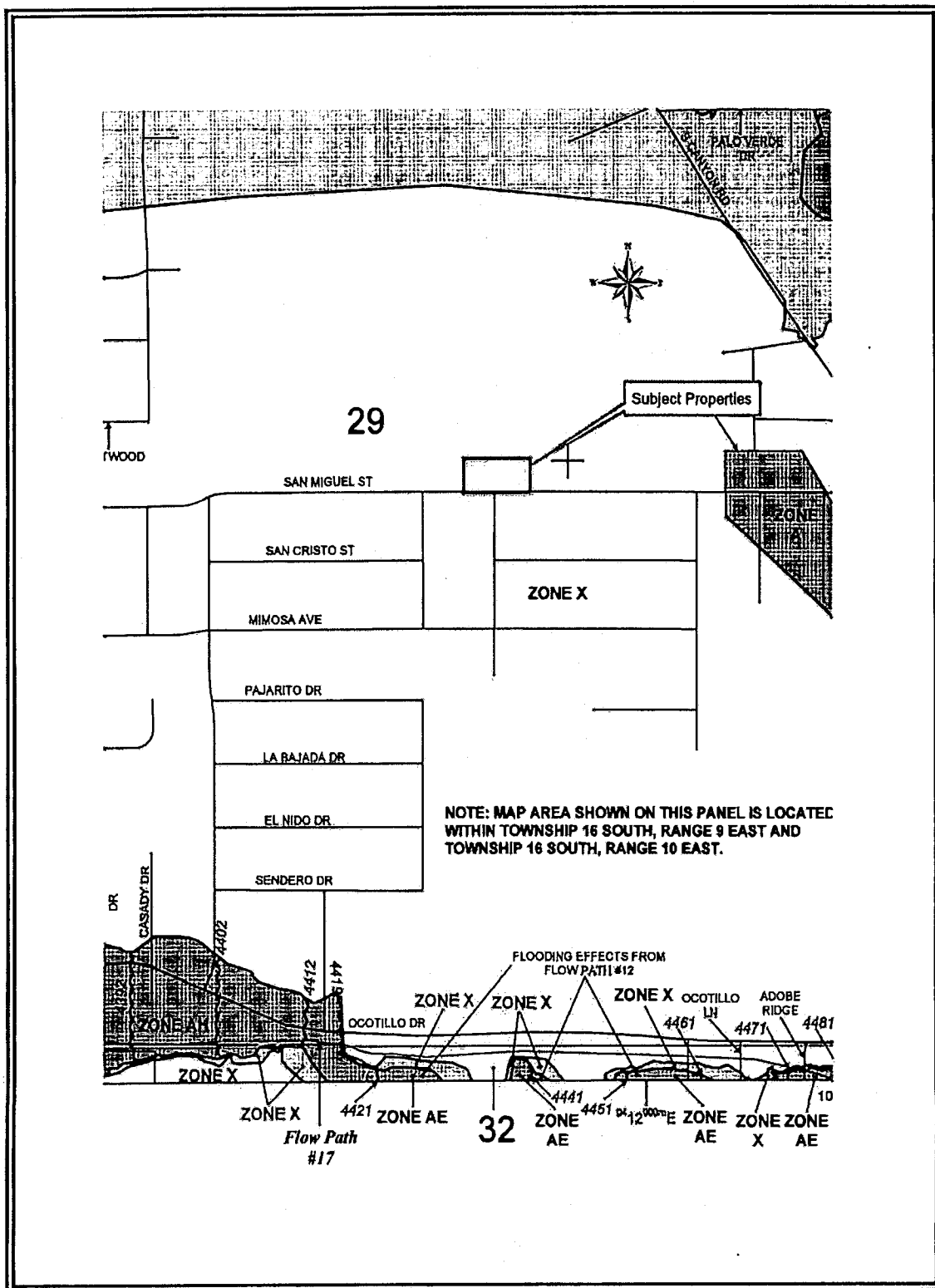
Records of Deeds of said County.

Mary D. [Signature] County Clerk
By [Signature] Deputy
Rec. 02005 Fees, \$ 7.00

I hereby certify that this instrument was filed for record on the 23rd day of Feb A. D., 1999 at 2:55 P. M., and duly recorded in Book 915 Page 956 of

Return to

Flood Map



Engagement Letter

MESILLA VALLEY APPRAISAL SERVICES

W. SCOTT ESCHENBRENNER, MAI
State Certified - New Mexico
Certificate #1180

REAL ESTATE APPRAISALS & COUNSELING

543 S. MELENORES ST., SUITE D
LAS CRUCES, NEW MEXICO 88005
(505) 732-2812

October 2, 2014

CLIENT: Mr. Vance Lee
Executive Director - Support Services Division
Alamogordo Public Schools
PO Box 617
Alamogordo, NM 88311

PURPOSE: Estimate the fee simple market value of Lots 161, 162 and 163 in Mission Hills Subdivision #2, Phase 3, City of Alamogordo, Otero County, New Mexico. The purpose of the appraisal is for possible trade with the City of Alamogordo and Alamogordo Public Schools.

ESTIMATED FEE (not including NM tax @ .079375%)

Appraisal Report Fee

3 Residential Lot Appraisals	\$1,200.00
Sales Tax @ 7.9375%	\$92.50
Total Appraisal Fee	\$1,292.50

ESTIMATED COMPLETION DATE: Four weeks from the date of authorization

PAYMENT: Payment shall be made by the client requesting the appraisal. All fees for appraisal reports and services are due and payable upon receipt of said appraisal. A carrying charge of 21% per annum will be added to all statements not paid in full within 10 days of delivery.

Fee arrangement is subject to revision upon change of the basic client request. Data regarding findings and conclusions to be reported only to the client unless otherwise authorized, however, disclosure of the assignment might be revealed to others in the investigative process. The agreed fee for this appraisal or study is for the services rendered and not necessarily for the time spent on the physical report and does not include court preparation or post appraisal consultation.

The client should note that the fee quoted is for an appraisal report that will conform to the Uniform Standards of Appraisal Practice. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives and the attached assumptions and limiting conditions. The fee quoted reflects the complexity of such a report.

6-MIL 602-12-12

31100-4000, 37111-0000, 044000, 0000, 0000, 0000

Engagement Letter (continued)

Purchase Order		Alamogordo Public Schools Operations Department PO Box 650 Alamogordo NM 88311-0650		No. 14152303 1 PO REVISED												
PO Number must be included on all documents and packages related to this order.		Unauthorized charges and/or shipments subject package(s) to rejection and return at vendor's expense.		All orders not filled within 60 days will be canceled. Material safety data sheets must accompany applicable items.												
P.O. Date: 10/03/2014 P.O. Issued To: MESILLA VALLEY APPRAISAL SERVICE 545 S. MELENDRES ST SUITE D LAS CRUCES NM 88005		Questions ? Kell Martinez (576) 812-6014 Location: Capital Outlay Funds Project: Bond Projects Date Required: 10/10/2014		Est: Account: Ship To: APS SUPPORT SERVICES Attn: MARTINEZ, KELLI 1211 HAWAII AVE. PO BOX 650 ALAMOGORDO NM 88310-0000 (575) 812-6014												
Contact: Phone: (575) 523-2812 Reference: 6 MIL GOB-15-12		Fax: (575) 526-1872 Award Number:		Req# 1502541												
Line	Qty	Unit	Part#	Description	Unit Price	Extended	Tax	Freight								
1	1	EA		ESTIMATE FEE SIMPLE MARKET VALUE OF LOTS 101, 102 AND 103 IN MISSION HILLS SUB #2 PHASE 3 CITY OF ALAMOGORDO, OTERO COUNTY NM. FOR POSSIBLE TRADE WITH THE CITY.	1,200.00	1,200.00	92.50	0.00								
APPROVAL SIGNATURES: <i>Carol A. Ernst</i> <i>Wendy Romero</i>					<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">Sub-Total:</td> <td style="text-align: right;">1,200.00</td> </tr> <tr> <td style="text-align: right;">Freight:</td> <td style="text-align: right;">0.00</td> </tr> <tr> <td style="text-align: right;">Tax:</td> <td style="text-align: right;">92.50</td> </tr> <tr> <td style="text-align: right;">Total Amount:</td> <td style="text-align: right;">1,292.50</td> </tr> </table>				Sub-Total:	1,200.00	Freight:	0.00	Tax:	92.50	Total Amount:	1,292.50
Sub-Total:	1,200.00															
Freight:	0.00															
Tax:	92.50															
Total Amount:	1,292.50															
NOTES: Mail Invoice to: Alamogordo Public Schools/Operations PO Box 650 Alamogordo, NM 88311-0650 AS PER PRICE PROPOSAL DATED OCTOBER 2, 2014 REQUESTED AND APPROVED BY VANCE LEE					Order Via: Mail VENDOR COPY Page 1 of 1											
Monday, October 06, 2014																

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 04/03/2018

Report No: 14.

Submitted By: Kitty Williams

Subject: Consider and act upon the approval of Resolution 2018-10 approving a GRIP agreement between the City of Alamogordo and Solid Cap Properties, LLC regarding tax abatement for the project to build the Hobby Lobby building. (*Petria Schreiber, City Attorney*) **(Roll Call Vote Required)**

Fiscal Impact: \$67,275

Amount Budgeted: \$100,000.00

Fund: 011-2400-419.57-18 Incentives

Additional Fiscal Impact:

Recommendation: Approve Resolution 2018-10.

Background: Consider and act upon the approval of Resolution 2018-10 approving a GRIP agreement between the City of Alamogordo and Solid Cap Properties, LLC regarding tax abatement for the project to build the Hobby Lobby building.

RESOLUTION NO. 2018-10

A RESOLUTION AUTHORIZING EXECUTION OF A GROSS RECEIPTS INVESTMENT PROGRAM ("GRIP") AGREEMENT BETWEEN THE CITY OF ALAMOGORDO AND SOLID CAP PROPERTIES, LLC FOR THE CONSTRUCTION OF HOBBY LOBBY

BE IT RESOLVED by the City Commission of the City of Alamogordo, New Mexico as follows:

1. That the form and substance of a certain Gross Receipts Investment Program Agreement (the "Agreement"), between the City of Alamogordo (the "City") and Solid Cap Properties, LLC (the "Developer"), as set forth in the form of the Agreement submitted to this meeting, is hereby approved.
2. That the City Manager is hereby authorized and directed for and on behalf of the City to execute the Agreement substantially in the form approved in the foregoing paragraph of this Resolution.
3. That Solid Cap Properties shall be refunded the portion of gross receipts tax and municipal gross receipts tax paid to the City of Alamogordo for construction and remodeling of the location at 3195 North White Sands Blvd., Alamogordo, New Mexico in an amount to be determined by submission of invoices on which gross receipts taxes were paid to the State of New Mexico to the credited to the City of Alamogordo.
4. That the proper officials, agents and employees of the City are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the City in accordance with the provisions of the Agreement.

DONE this _____ day of April, 2018.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Petria Schreiber, City Attorney

GROSS RECEIPTS INVESTMENT PROGRAM (“GRIP”) AGREEMENT

THIS AGREEMENT made on this _____ day of April, 2018, between the City of Alamogordo, a New Mexico municipal corporation (“City”), and Solid CAP Properties, LLC, a New Mexico corporation, whose address is 3199 N. White Sands Blvd., Alamogordo, New Mexico 88310 (“Developer”).

WHEREAS, pursuant to Ordinance No. 1379, effective on October 12, 2010, and extended by Ordinance No. 1505, effective on December 11, 2015, the City is authorized to enter into “Gross Receipts Investment Program” (“GRIP”) Agreements with qualified applicants for eligible projects, as defined in said Ordinance, in order to provide new job opportunities within the City, promote the economic growth and welfare of the City, and to improve the City through new construction and or the rehabilitation of existing commercial or industrial property; and,

WHEREAS, Developer owns certain real property within the City located at 3195 North White Sands Boulevard, and legally described in Exhibit “A” attached hereto, City of Alamogordo, Otero County, New Mexico; and,

WHEREAS, Developer has made application (attached hereto as Exhibit “B”) for reimbursement of certain gross receipts taxes directly attributable to construction activities associated with the project as described in the application; and,

WHEREAS, in said application, the Developer makes the good faith projection that the total cost of the Project will be approximately \$3,900,000; and

WHEREAS, after having considered the application, the City Commission has concluded that the economic and other benefits of the Project to the City will be substantial, that it is desirable and necessary at this time to authorize the City to enter into the Agreement, and that the City’s provision of the assistance contemplated by the Agreement will foster, promote and enhance the economic growth and welfare of the City, and improve the City through new construction and or the rehabilitation of existing commercial or industrial property; and,

WHEREAS, by Resolution 2018-10, the City Commission has authorized the City Manager to execute this GRIP Agreement with the Developer.

NOW THEREFORE the parties hereto do mutually agree as follows:

1. General Terms.

- (a) The Project consists of the construction of a 55,000 square foot building at 3195 N. White Sands Blvd., Alamogordo, NM which will be leased to retailer Hobby Lobby. Developer, after receipt of the promises and inducements contained herein, agrees to develop the Project in accordance with plans and specifications approved by the Construction Industries Division of the New Mexico Regulation and Licensing Department. The estimated cost of the improvements is \$3,900,000.00 exclusive of gross receipts tax.

- (b) The parties hereto acknowledge, and the Developer represents and warrants, that: (i) the Project involves the building of a structure, or the expansion of an existing structure, for use by a commercial activity whose services are partially subject to gross receipts tax, said structure to have a value in excess of \$50,000; (ii) the Developer has, or will establish, and maintain a physical presence in the City sufficient to subject the Project to Local Option Gross Receipts Tax; and (iii) the Developer will give preference and priority to local manufacturers, suppliers, vendors, contractors and labor, except where not reasonably possible to do so without significant added expense, substantial inconvenience, or sacrifice in operating efficiency.
- (c) For purposes of this Agreement, the use of the terms “gross receipts tax” and “gross receipts tax revenue” shall be construed to refer to that net portion of the tax imposed by the State of New Mexico for distribution to the City pursuant to the Gross Receipts and Compensating Tax Act and which are collected by the State of New Mexico and distributed to the City (current rate = 1.225%), and all revenue derived from such taxes, and that portion of the tax imposed by the City pursuant to the Municipal Gross Receipts Tax Act (current rate = 0.5%), and all revenue derived from such taxes. It is expressly understood that if a governmental or legislative body other than the City enacts any law or statute which results or which may result in any material changes or amendments to the foregoing provisions, which changes or amendments prohibit the City from complying with this Agreement or which adversely affect the City’s ability to comply herewith, then the City and the Developer shall reevaluate this Agreement and the incentives provided hereunder and may mutually agree to restructure the Agreement. If a restructured agreement cannot be agreed to by both parties within a reasonable period of time not more than sixty (60) days from the effective date of the law or statute which has materially affected the City’s compliance herewith, then this Agreement shall automatically terminate releasing both parties from their obligations hereunder.

2. Municipal Gross Receipts Tax Payment. The City agrees to set aside and thereafter rebate to the Developer the municipal gross receipts tax revenues directly attributable to construction of the Project. It is estimated that approximately \$67,275 in gross receipt tax revenues will be abated pursuant to this Agreement ($\$3,900,000$ estimated construction costs $\times$ 1.7250%). The City and the Developer hereby acknowledge that this estimate is only an approximation, and that the actual abatement may be for a greater or lesser amount depending upon the actual amount of such taxes levied. Payment shall be made to the Developer within ninety (90) days after the City is presented with copies of each invoice associated with the Project. In the event that any invoices that have been submitted to the City are amended, the Developer shall promptly forward a photocopy of such amended invoice to the City, clearly identifying them as an amendment of an amendment previously submitted to the City.

3. No General Obligation/Special Fund. It is an overriding consideration and determination of the City that existing sources of its gross receipts tax revenues shall not be used, impaired or otherwise affected by this Agreement. The amount due pursuant to this Agreement shall not be a general obligation of the City. The City shall not have an obligation to pay any amounts to Developer except an amount equal to the City's share of the tax imposed by the State of New Mexico for distribution to the City pursuant to the Gross Receipts and Compensating Tax Act (current rate = 1.225%), and that portion of the tax imposed by the City pursuant to the Municipal Gross Receipts Tax Act (current rate = 0.5%).

4. Term. The term of this Agreement shall be thirty-six (36) months from the date of issuance of a building permit for the Project. Upon receipt of the maximum rebate amount by Developer in accordance with this Agreement, the City's obligation to rebate gross receipts tax revenue to Developer shall terminate, but all other provisions of this Agreement shall remain in full force and effect through the end of the thirty-six (36) month term. Upon expiration of the term of this Agreement, the parties' obligations hereunder shall terminate, whether or not the maximum amount of gross receipts tax revenue rebate has been reached.

5. Escrow. The parties agree that in the event of any legal challenge to this Agreement, the City shall place any and all funds to which the Developer would have a claim under the terms of this Agreement in an interest bearing account, capable of separate identification, during the pendency of the legal challenge. Upon any final decision upholding the enforceability of this Agreement, all amounts in such account, including principal and accrued interest, shall be paid forthwith to the Developer. If this Agreement is determined to be invalid or unenforceable, all amounts in such account, including principal and accrued interest, shall be deposited by the City into its general fund and the Developer shall have no further claim thereto. The parties covenant that neither will initiate any legal challenge to the validity or enforceability of this Agreement, and the parties will cooperate in defending the validity or enforceability of this Agreement against any challenge by any third party.

6. Approval and Modification. This Agreement shall take effect only upon approval by the Alamogordo City Commission at a regular or special City Commission meeting. No modification of this Agreement shall be valid or binding unless the same is in writing and approved by the City Commission at a regular or special meeting.

7. Assignment. This Agreement shall be binding upon and inure to the benefit of the Developer and the City. The City's commitment to make the payments hereunder are made for the benefit of the Developer, and shall be enforceable by the Developer or any affiliate of the Developer or other party who is a successor-in-title to Developer's interest in the Project and has assumed in writing the duties and obligations of the Developer, provided that nothing shall require the Developer to assign the benefits of this Agreement to any successor-in-title to Developer's interest in the Project and the City agrees that the Developer may transfer title to the Project while retaining the benefits of this Agreement. The Developer shall also have the right to assign this Agreement, and the City's obligation to make payment of the gross receipts tax revenues, to a third party independent of a transfer of title to the Project, including, but not limited to, any assignment, pledge or encumbrance of the Developer's rights under this Agreement in favor of any lender or other person providing financing for construction and development of the Project. The term "affiliate" shall mean an entity or individual which

directly or indirectly controls, is controlled by, or is under common control with any identified person and, as to natural persons, shall also include the immediate family of such persons. Except as authorized in this Paragraph, this Agreement is personal to the Developer. This Agreement shall not run with the land.

8. Controlling Law and Venue. This Agreement shall be construed pursuant to the laws of the State of New Mexico. Exclusive jurisdiction for the resolution of any dispute relating to this Agreement is hereby vested in the Otero County District Court or the United States District Court of New Mexico.

9. Contingency; No Debt. The City's financial obligations under this Agreement are specifically contingent upon annual appropriation of funds sufficient to perform such obligation. This Agreement shall never constitute a debt or obligation of the City within any statutory or constitutional provision. Each year, the City shall include in the budget presented to the City Council a proposed appropriation for the rebate of the gross receipts tax revenues to which Developer is entitled under this Agreement, if any. The decision of the City Council not to appropriate funds in any given year shall not affect, impair or invalidate any of the remaining provisions of this Agreement in future years, and the failure of the City in any year to appropriate the gross receipts tax revenues otherwise due Developer shall cause the term of this Agreement to be extended by one year. Without contradiction of the preceding sentence, the City does hereby state that it is the present intent and expectation of the parties that the City will make all of the payments contemplated by this Agreement.

10. No Joint Venture. Notwithstanding any provision hereof, the City shall never be a joint venture in any private entity or activity which participates in this Agreement, and the City shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

11. No Third-Party Beneficiaries. Except as may be expressly provided herein, there are no intended third-party beneficiaries to this Agreement.

12. Force Majeure. The time of performance of any duty or obligation of Developer or the City hereunder shall be extended for the period during which performance was delayed or impeded by reason of riots, insurrections, war, fire, casualty, earthquake, acts of God, or other reasons of a like nature not the fault of the party performing such duty or obligation.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Maggie Paluch, Acting City Manager

Solid CAP Properties, LLC

By: _____
Fred Griffith

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Petria Schreiber, City Attorney

**APPLICATION FOR GROSS RECEIPTS TAX ABATEMENT
CITY OF ALAMOGORDO, NEW MEXICO**

FILING INSTRUCTIONS:

This filing acknowledges familiarity and assumed conformance with "Ordinance No. 1379, and Ordinance No. 1505, Gross Receipts Investment Program" ("GRIP"). This application will become part of any later agreement or contract and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract.

ORIGINAL COPY OF THIS APPLICATION AND ATTACHMENTS SHOULD BE SUBMITTED TO:

CITY ATTORNEY
CITY OF ALAMOGORDO
1376 EAST 9TH STREET
ALAMOGORDO, NM 88310

PART 1 - APPLICANT INFORMATION

Business Name: Solid Cap Properties, LLC
Submittal Date: Amended application 1.22.18
Address/City: 3199 N. White Sands Blvd., Alamogordo, NM 88310
Name/Address/Phone of Business Contact on this Project: Hobby Lobby,
3195 N. White Sands Blvd., Alamogordo; Fred Griffith 707.834.0666

Business Owner ☐ Developer ☒
Type of Business: Corporation ☐ Partnership ☐
Proprietorship ☐ Limited Liability Company ☒

PART II - PROJECT INFORMATION

This application is for a: New Business ☒ Expanding Existing Business ☐
Type of Activity: Commercial ☐ Retail ☒
Attach a brief company overview, including a brief description of the product(s) and/or services, years in respective industry, and major clients/buyers of company's products and/or services.
Attachment Yes ☒ craft store

Attach a brief description of the product(s) and/or services that will be produced or sold in Alamogordo? Attachment Yes ☒
Type of Construction: New Construction ☒ Rehabilitation of Existing Structure ☐

Proposed Facility Address and Legal Description: (See Exhibit A)
3195 N. White Sands Blvd., Alamogordo, NM
Attach a map showing site: (See Exhibit B)

PART III - PROJECT DESCRIPTION

PLEASE COMPLETE AND SUBMIT THE FOLLOWING FOR THE PROJECT:

Brief description of work: Prepare site and construct 55,000 sq. ft building

Please attach a statement:

- 1) describing the contractor's physical presence in the City sufficient to subject the project to Local Option Gross Receipts Tax;
- 2) describing preference and priority the contractor gave to local manufacturers, suppliers, vendors, contractors and labor, or if local preference and priority not reasonably possible to do so without significant added expense, substantial inconvenience, or sacrifice in operating efficiency, describing added expense, substantial inconvenience, or sacrifice in operating efficiency;
- 3) providing a list of local manufacturers, suppliers, vendors, contractors and labor used or to be used in this project; and
- 4) providing a list of personal property for which abatement is requested.

Total estimated cost of the expansion or new construction: \$ 3.5 million

Include documentation to support cost of improvements. Acceptable examples are:

- 1) A notarized list identifying the general categories of the work completed, the date the work was completed, and each category's expense.
- 2) Estimate/contract with contractor completing the project.
- 3) The Affidavit of the draw payments of the construction contract. (Please ensure that the affidavit includes a description of the work completed.)
- 4) Settlement Statement of the bank loan taken out for the construction costs.

You must document that the value of the expansion or new construction exceeds \$50,000.00.

PART IV - ECONOMIC IMPACT INFORMATION

A. Estimated cost of improvements: \$3.5 million

B. Permanent employment estimates:

If existing facility, the current employment level: _____

Estimated number of new jobs created: 60 fulltime, 20 part time

C. Construction employment estimates:

Construction to start: Month: June Year: 2017

Construction to be completed: Month: May Year: 2018

Number of construction jobs anticipated:

At start: 6-12 Peak: 6-12 Finish: 6-12

D. Estimated property tax base value increase:

Valuation of existing property as of January 1, preceding this application:

LAND IMPROVEMENTS

\$ 0 \$ 0

Estimated value of property upon completion of the project subject.

LAND

IMPROVEMENTS

\$ _____

\$ _____

unable to estimate

Estimated Gross Receipt Taxes generated by the business prior to the expansion or construction. \$ 0

Estimated Gross Receipt Taxes to be generated by the business after the expansion or construction. \$ 5 million

I declare under the penalties of falsification that this application, including all enclosed documents and statements, has been examined by me, and to the best of my knowledge and belief is true, correct, and complete.

1/26/18
Date


Signature of Applicant

RECEIVED

APR 20 2017

CITY CLERK

APPLICATION FOR GROSS RECEIPTS TAX ABATEMENT
CITY OF ALAMOGORDO, NEW MEXICO

FILING INSTRUCTIONS:

This filing acknowledges familiarity and assumed conformance with "Ordinance No. 1579, Gross Receipts Investment Program" ("GRIP"). (Copy attached). NOTE: This application will become part of any later agreement or contract and knowingly false representations thereon will be grounds for the voiding of any later agreement or contract.

ORIGINAL COPY OF THIS APPLICATION AND ATTACHMENTS SHOULD BE
SUBMITTED TO:

CITY MANAGER
CITY OF ALAMOGORDO
1376 EAST 9TH STREET
ALAMOGORDO, NM 88310

PART I - APPLICANT INFORMATION

- A. Business Name: SOLID CAP PROPERTIES, LLC
B. Submittal Date: 4/20/17
C. Address/City: Alamogordo, NM 88310
D. Name/Address/Phone of Business Contact on this Project:
HOBBY LOBBY • 3195 White Sands Blvd, Foothills
E. Business Owner ☒; Developer ☒ and Owner ☒; Tenant ()
F. Type of Business: Corporation () ; Partnership () ; Proprietorship () ;
Limited Liability Company ☒ ; Other Legal Entity ()

(707) 834-0666

PART II - PROJECT INFORMATION

- A. This application is for a: New Business ☒; Expanding Existing Business ()
B. Type of Activity: Commercial () ; Retail ☒
C. Attach a brief company overview, including a brief description of the product(s) and/or services, years in respective industry, and major clients/buyers of company's products and/or services. Attachment Yes or No (circle one) See Hobby Lobby WEB SITE
D. Attach a brief description of the product(s) and/or services that will be produced or sold in Alamogordo? Attachment ☒ Yes (circle one) See Hobby Lobby WEB SITE
E. Type of Construction: New Construction ☒; Rehabilitation of Existing Structure ()
F. Proposed Facility Address and Legal Description: (See Exhibit A) 3195 White Sands Blvd
G. Attach a map showing site: (See Exhibit B) Alamogordo, NM 88310

PART III - PROJECT DESCRIPTION

PLEASE COMPLETE AND SUBMIT THE FOLLOWING FOR THE PROJECT:

A. Brief description of Work: Prepase Site Const. 55,000+ Bldg.

B. Please attach a statement: (1) describing the contractor's physical presence in the City sufficient to subject the project to Local Option Gross Receipts Tax; (2) describing preference and priority the contractor gave to local manufacturers, suppliers, vendors, contractors and labor, or if local preference and priority not reasonably possible to do so without significant added expense, substantial inconvenience, or sacrifice in operating efficiency, describing added expense, substantial inconvenience, or sacrifice in operating efficiency; (3) providing a list of local manufacturers, suppliers, vendors, contractors and labor used or to be used in this project; and (4) providing a list of personal property for which abatement is requested.

SEE National Construction Co

- * Total cost of the expansion or new construction: \$ See Appraisal Harris Blankinship
Include documentation to support cost of improvements. Acceptable examples are:
1) A notarized list identifying the general categories of the work completed, the date the work was completed, and each category's expense. SEE National Const.
2) The Affidavit of the draw payments of the construction contract. (Please ensure that the affidavit includes a description of the work completed.) 1st National Bank of Alamogordo
3) Settlement Statement of the bank loan taken out for the construction costs. Deborah Romero

NOTE: You must document that the value of the expansion or new construction exceeds \$50,000.00.

505-652-9848

PART IV - ECONOMIC IMPACT INFORMATION

A. Estimated cost of improvements: ± \$6MM ??

B. Permanent employment estimates:

If existing facility, the current employment level:

Estimated number of new jobs created: (60) Full-Time: (20) Part-Time

C. Construction employment estimates:

Construction to start: Month: 6/1/17 Year: 2017

Construction to be completed: Month: JAN Year: 2018

Number of construction jobs anticipated: () Full-Time: () Part-Time

At start: Peak: Finish: SEE Nat. Const.

* D. Estimated property tax base value increase:

(1) Valuation of existing property as of January 1, preceding this application:

LAND IMPROVEMENTS See Appraisal
\$ \$

(2) Estimated value of property upon completion of the project subject.

LAND IMPROVEMENTS See Appraisal
\$ \$

(3) Estimated Gross Receipt Taxes generated by the business prior to the expansion or construction. \$?

(4) Estimated Gross Receipt Taxes to be generated by the business after the expansion or construction. \$?

I declare under the penalties of falsification that this application, including all enclosed documents and statements, has been examined by me, and to the best of my knowledge and belief is true, correct, and complete.

4/20/17
Date


Signature of Applicant

OTERO COUNTY ASSESSOR'S OFFICE

Property Profile

Account: R057515 Tax Year: 2018 Account Type: B Active
 Mill Levy 32.385000 Version: 01/01/2018 Area ID: 01_NR
 Estimated Tax: \$3,612.88 Parcel: 01N4055092015206 Previous ID: N/A

Owners Name and Mailing Address

SOLID CAP PROPERTIES LLC
 C/O ANITA ARTALEJO
 1500 WEST MALONEY

Property Location

Situs: 3195 N WHITE SANDS BLVD
 City, State, Zip: ALAMOGORDO, NM 88310
 Neighborhood: C32

Legal Description

Subd: WHITE SANDS MALL REPLAT #1 Lot: 2 - 4.802 ACRES MORE OR LESS

Assessment Information

2018 Tax Year	Full Value	Assessed Value	Gross Sq Ft	Acres	Taxable
Land:	334,680	111,560		4.802	
Improvements:					
Exemptions:		0			
Total:	334,680	111,560		4.802	111,560
2017 Tax Year	Full Value	Assessed Value	Gross Sq Ft	Acres	Taxable
Land:	0	0			
Improvements:					
Exemptions:					
Total:	0	0			0

Public Remarks

Photograph

Building Sketch

Book - Page	Reception #	Grantor	Grantee	Date
	201701552	WHITE SANDS MALL LLC	SOLID CAP PROPERTIES LLC	02/28/2017
	201702736			04/06/2017
	201704612			06/09/2017
	201702678			04/05/2017
B: 0393 P: 0946	03930946	LEASE		
B: 0394 P: 0593	03940593			
B: 0396 P: 0202	03960202			
B: 0398 P: 0421	03980421			
B: 0398 P: 0542	03980542			
B: 0404 P: 0349	04040349			
B: 00PG P: 0000	00PG0000			
B: 0409 P: 0841	04090841			
B: 0409 P: 0852	04090852			
B: 0409 P: 0855	04090855			
B: 0410 P: 0300	04100300			
B: 0413 P: 0096	04130096			
B: 0432 P: 0418	04320418			
B: 0436 P: 0584	04360584			
B: 0466 P: 0363	04660363			
B: 0484 P: 0144	04840144			
B: 0484 P: 0143	04840143			
B: 0559 P: 0758	05590758			
B: 0566 P: 0257	05660257			
B: 0566 P: 0260	05660260			
B: 0690 P: 0171	06900171			
B: 0792 P: 0937	07920937			
B: 0841 P: 0795	08410795			

- [Account Search](#)
- [My Reports](#)
- [Help](#)
- [Logout Public](#)

Account: R057515

Location

Parcel Number 01N4055092015206
Tax Area 01_NR
Situs Address 3195 N WHITE SANDS BLVD
Legal Summary Subd: WHITE SANDS MALL
 REPLAT #1 Lot: 2 - 4.802 ACRES MORE OR
 LESS

Owner Information

Owner Name SOLID CAP PROPERTIES LLC
In Care Of Name ANITA ARTALEJO
Owner Address 1500 WEST MALONEY
 GALLUP, NM 87301

Assessment History

Actual (2018) \$334,680
Primary Taxable \$111,560
Tax Area: 01_NR **Mill Levy:**
 32.385000

Type	Actual	Assessed	Acres
Non-Residential Land	\$334,680	\$111,560	4.802

Transfers

Sale Date

Sale Price

Doc Description

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

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[Warranty Deed](#)

[AFFIDAVIT](#)

[Plat](#)

[Plat](#)

[02/26/2017](#)

Tax History

Images

Tax Year

Taxes

*2018

\$3,612.88

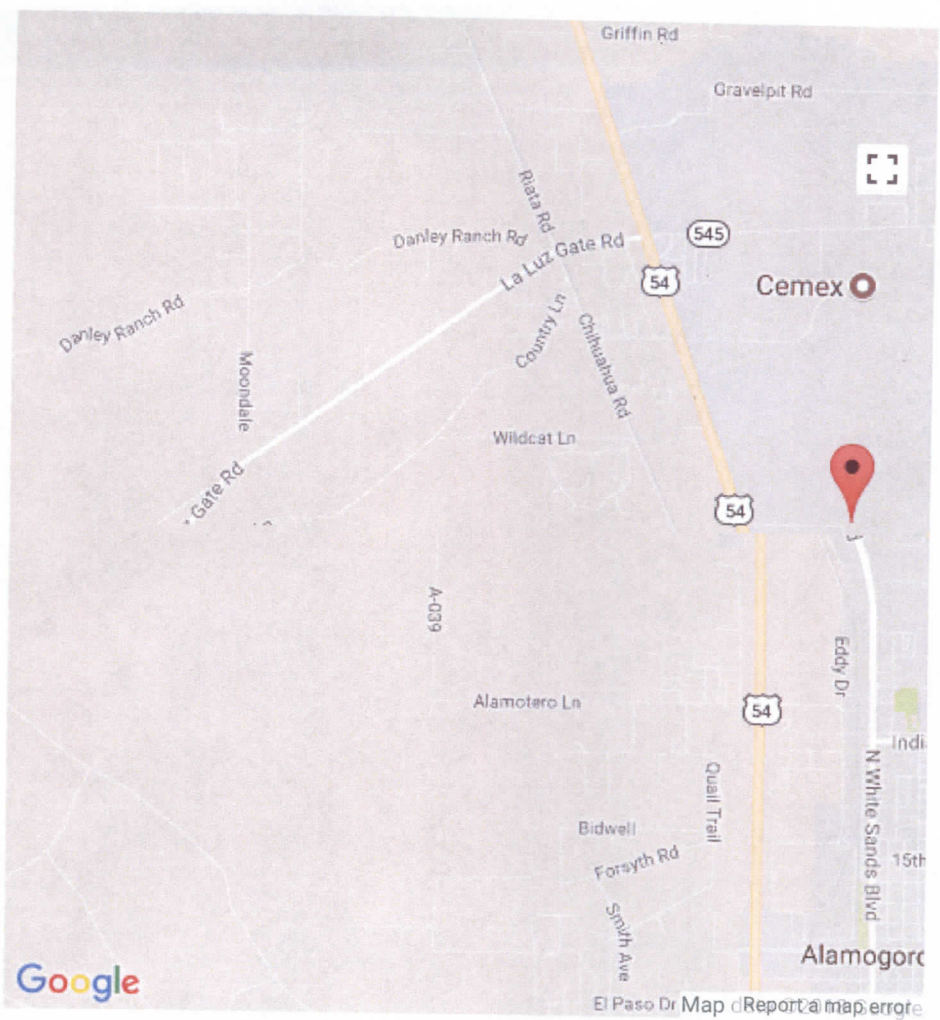
2017

No Tax Values

- [Map](#)
- [GIS](#)

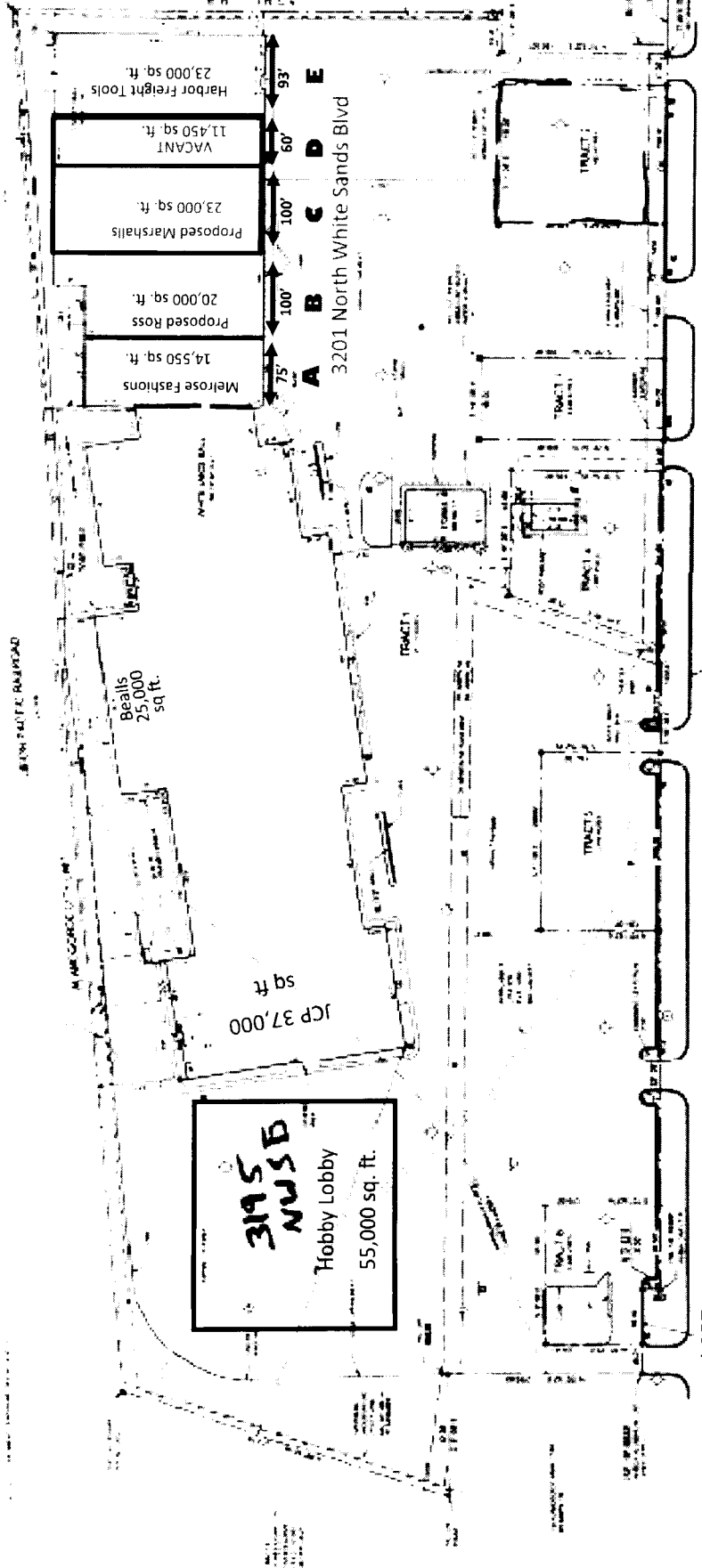
* Estimated

Focusing On: 3195 N WHITE SANDS BLVD ALAMOGORDO 88310

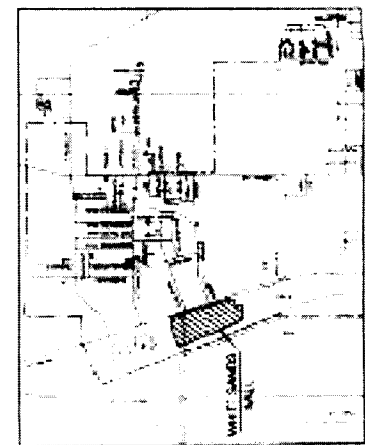


1. ALL RIGHTS RESERVED
 2. NO PART OF THIS SURVEY
 3. MAY BE REPRODUCED OR
 4. TRANSMITTED IN ANY FORM
 5. OR BY ANY MEANS, ELECTRONIC
 6. OR MECHANICAL, INCLUDING
 7. PHOTOCOPYING, RECORDING, OR
 8. BY ANY INFORMATION STORAGE
 9. AND RETRIEVAL SYSTEM, WITHOUT
 10. PERMISSION IN WRITING FROM
 11. THE SURVEYOR.

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U.S. HIGHWAY 54-3312
 1/4 SECTION 16, T1N 36S, R1E 10E
 1/4 SECTION 16, T1N 36S, R1E 10E



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 9. AND RETRIEVAL SYSTEM, WITHOUT
 10. PERMISSION IN WRITING FROM
 11. THE SURVEYOR.



ALTA/ACSM LAND TITLE SURVEY TRACTS 1-6, WHITE SANDS MALL SUBDIVISION, ALAMOGORDO OTERO COUNTY, NEW MEXICO

ALTA/ACSM
 LAND
 SURVEY
 PROFESSIONAL LAND SURVEYOR
 ALAMOGORDO, NEW MEXICO
 1/4 SECTION 16, T1N 36S, R1E 10E
 1/4 SECTION 16, T1N 36S, R1E 10E

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About Us

Our Story

In 1970, David and Barbara Green took out a \$600 loan to begin making miniature picture frames out of their home. Two years later, the fledgling enterprise opened a 300-square-foot store in Oklahoma City, and Hobby Lobby was born. Today, with more than 800 stores, Hobby Lobby is the largest privately owned arts-and-crafts retailer in the world with approximately 32,000 employees and operating in forty-seven states.

Hobby Lobby is primarily an arts-and-crafts store but also includes hobbies, picture framing, jewelry making, fabrics, floral and wedding supplies, cards and party ware, baskets, wearable art, home accents and holiday merchandise.

Corporate headquarters include a 9.2 million-square-foot manufacturing, distribution, and office complex in Oklahoma City.

Affiliated companies include Hemispheres, carrying unique home furnishings and accessories from around the world, and Mardel Christian and Education Supply, offering books, Bibles, gifts, church and education supplies as well as homeschooling curriculum. Hobby Lobby also maintains offices in Hong Kong, Shenzhen, and Yiwu, China.

What began as a \$600 start-up, continues to grow and expand—enabling customers across the nation to live a creative life®.



We are committed to:

- Honoring the Lord in all we do by operating the company in a manner consistent with Biblical principles.
- Offering our customers exceptional selection and value.
- Serving our employees and their families by establishing a work environment and company policies that build character, strengthen individuals, and nurture families.
- Providing a return on the family's investment, sharing the Lord's blessings with our employees, and investing in our community.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 04/10/2018

Report Date: 04/02/2018

Report No: 15.

Submitted By: April Jones

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

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Appoint to the Alamogordo Promotion Board.

Background: Airport Zoning Board. Three (3) vacancies. Staff Liaison - Cheryl Otero-Baker
No nominations received.

Alamogordo Disability Council. Three (3) vacancies. Staff Liaison - **No Staff Liaison appointed**
No nominations received.

Alamogordo Promotion Board. One (1) vacancy- tourism related. Staff Liaison - Michelle Brideaux
The following individual is interested in being appointed:
Joseph Tuttle - if appointed this will be his first term.

Alamogordo Public Library Board. Two (2) vacancies - one (1) city position and one (1) county position.
Staff Liason - Melissa Garcia.
No nominations received.

Community Development Advisory Committee. Six (6) vacancies. Staff Liaison - Cynde Sagenkahn
No nominations received.

Parks and Recreation Board. One (1) vacancy. Staff Liason - Jan Wafful.
No nominations received.

Planning and Zoning Committee. No vacancies. Staff Liaison Stella Rael.
No nominations received.

Senior Volunteer Programs Advisory Council. Three (3) vacancies. Staff Liaison - Neil McFarland. (One vacancy represents the Foster Grandparent program, one represents the Senior Companion program, the remaining seat is an at large member residing within the city)
No nominations received.

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

RECEIVED
OCT 11 2017
CITY CLERK

Name: Joseph Tuttle
Home Phone: 575-442-2650 Work Phone: 575-437-2855
Cell Phone: " " Fax No: N/A
E-mail address: jtut300@gmail.com
Physical Address: 87 Smith Ave, Alamogordo, NM 88310
Is the above address within City limits? Yes No X
Mailing Address: 87 Smith Ave, Alamogordo, NM 88310
Present Employer: Toy Train Depot Job Title: Manager/Curator

Board/Committee you wish to serve on:

First choice: Promotions Board

Second choice:

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

Yes No X If so, what is their relation to you?

Are you related to any Elected Official of the City of Alamogordo?

Yes No X If so, what is their relation to you?

Experience and education relating to the Board/Committee: I have no prior Board/Committee experience. I do posses good communication skills and an open mind during discussion/debate

Please indicate your interest in serving on a City Board/ Committee: I would work intently to better my community. I feel this would be a great opportunity to have a real positive impact in Alamogordo and its bright future

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396