



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

June 12, 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. Presentation on the new City of Alamogordo brand. (James Glover, One a Day Marketing contractor)

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.

2. Approve the minutes for the May 22, 2018 Regular meeting and the May 14, 2018 Special Meeting. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, final publication of Ordinance 1569 updating Chapter 13 of the Alamogordo Code of Ordinances to comply with Federal requirements. *(Nancy Beshaler, Project Manager)* **(Roll Call Vote Required)**
4. Consider, and act upon, final publication of Ordinance 1570 updating portions of Chapter 17 of the Alamogordo Code of Ordinances regarding Pawnbrokers and Secondhand Dealers to add reporting procedures. *(Petria Schreiber, City Attorney and Brian Peete, Chief of Police)* **(Roll Call Vote Required)**
5. Consider, and act upon, the award of RFP 2018-001 Financial Advisory Services for the City of Alamogordo, to the overall highest rated proposal, George K. Baum & Company. *(Julianne Hall, Finance Director)*
6. Consider, and act upon, the approval of Resolution No. 2018-27 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of New Mexico, for the revised budget figures computed as of June 12, 2018. *(Julianne Hall, Finance Director)*
7. Consider, and approve, Alamogordo Police Department grant application to AED Grant Program for the purchase of 5 AED units. *(Debbie Osborne, Grant Coordinator)*
8. Consider, and act upon, Alamogordo Police Department grant application to American Police and Sheriffs Association Equipment Donation Program. *(Debbie Osborne, Grant Coordinator)*

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

9. Consider, and act upon, granting the Flickinger Center for Performing Arts, Application No. 1086576 a Non-Profit Club Liquor License With on the Premises Consumption Only, located on 1106 and 1110 New York Ave. *(Rachel Hughs, City Clerk)*

UNFINISHED BUSINESS

10. Discussion, and possible action regarding the Sahara Apartments asbestos abatement and demolition. *(City Manager Maggie Paluch, Assistant City Manager Brian Cesar, City Attorney Petria Schreiber, and Engineering Manager Bob Johnson)*

NEW BUSINESS

11. Consider, and act upon, granting a waiver of the permit fee for a Special Fireworks Display permit for the July 4th Fireworks Display at the New Mexico Museum of Space History property. *(Rachel Hughs, City Clerk)*

12. Consider, and act upon, editing the Event Sponsorship Policy & Procedures to include a Permanent City Partner category. *(Maggie Paluch, City Manager)*

13. Consider, and act upon, fee waiver for the Chamber of Commerce 4th of July concert event. *(GB Oliver, Executive Director Alamogordo Chamber of Commerce)*

14. Consider, and act upon, funding of overtime-holiday pay for Alamogordo Police Department to staff the Chamber of Commerce 4th of July event. *(Maggie Paluch, City Manager)*

15. Consider, and act upon, award of Public Works Bid. No. 2018-003 to General Hydronics Concrete, LLC, related to the Griggs Reservoir Outfall Structure Modifications and Storm Drain Improvements project, in an amount not to exceed \$1,389,214.13, including NMGR. *(Bob Johnson, Engineering Manager)*

16. Consider, and act upon, first publication of Ordinance 1571 amending sections of Chapter 2, Section 15 of the Alamogordo Code of Ordinances regarding the Gross Receipts Investment Program in regards to the way that payments are processed and paid. *(Petria Schreiber, City Attorney)* **(Roll Call Required)**

17. Consider, and act upon, first publication of Ordinance 1572 adding Section 14-01-015 to the Alamogordo Code of Ordinances clarifying the requirements for refuse collection. *(Petria Schreiber, City Attorney)* **(Roll Call Required)**

18. Consider, and act upon, first publication of Ordinance 1573 approving the project participation agreement for a LEDA project proposed by Big Wave Express, Inc for funding to complete paving and construction of the tunnel car wash at 909 S. White Sands Blvd. *(Petria Schreiber, City Attorney)* **(Roll Call Required)**

19. Consider, and act upon instituting stage 1 water rationing per ordinance 28-03-035. *(Larry Garner, Director of Public Works)*

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

EXECUTIVE SESSION (Roll Call Vote Required)

21. Recess into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss the possible disposal (requested donation) of real property located at Fairgrounds and White Sands Blvd to Otero County.

RECONVENE INTO OPEN SESSION

22. Consider, and act upon, the possible donation of real property located at Fairgrounds and White Sands Blvd to Otero County.

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/04/2018

Report No: 1.

Submitted By: Rachel Hughs

Subject: Presentation on the new City of Alamogordo brand. (*James Glover, One a Day Marketing contractor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background: Mr. Glover from One a Day Marketing will give a presentation about the new Alamogordo brand and its mindset with the Alamogordo City Commissioners and ensure they are apprised of the activities underway in Alamogordo to enhance the reputation of the community, especially in the eyes of military personnel.



City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: May 14, 2018

**Request Date
of Meeting:**

June 12, 2108

Name:

James Glover - Once a Day Marketing

Address:

4 Blue Wing Place

Santa Fe, NM

ZIP 87508

Phone Number:

505.501.1330

E-Mail Address:

glover@onceadaymarketing.com

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

Once a Day Marketing and HK Advertising are the contractors hired by the OCDEC PR Committee to create a new brand for Alamogordo, integrate that brand across the City and use the brand to advertise for talent to fill jobs related to the Holloman AFB F-16 Squadrons.

We would like to share a 15-20 minute overview presentation about the new Alamogordo brand and its mindset with the Alamogordo City Commissioners and ensure they are apprised of the activities underway in Alamogordo to enhance the reputation of the community, especially in the eyes of military personnel.

Signature: James Glover

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

INSTRUCTIONS FOR AGENDA REQUEST FORMS

The Alamogordo City Commission normally meets on the second and fourth Tuesdays of each month at 6:30 p.m. in the City Commission Chambers in City Hall. All meetings are open to the public. Public comment is allowed on most scheduled agenda items at the time each item is scheduled on the agenda. An agenda of City Commission Meetings will be posted at City Hall and on the City website <http://ci.alamogordo.nm.us> at least three days before each scheduled meeting, and the yearly schedule of meetings for the City Commission may be found on the City website.

Members of the public desiring to present matters to the Commission on the public agenda must submit a request in writing along with all attachments/presentations to the office of the City Clerk by Tuesday at twelve noon, one week prior to the desired City Commission meeting. Staff will determine which Commission meeting item(s) will be placed on the Agenda. This can be done in person, regular mail, fax or e-mail. The request forms are located in the City Clerk's office and on the City website <http://ci.alamogordo.nm.us/coa/cityclerk/agendasandnotices.htm>. The City Clerk will confirm with the individual that the request was received and notify them of the date when their request will be scheduled on the City Commission agenda.

Unscheduled Communications

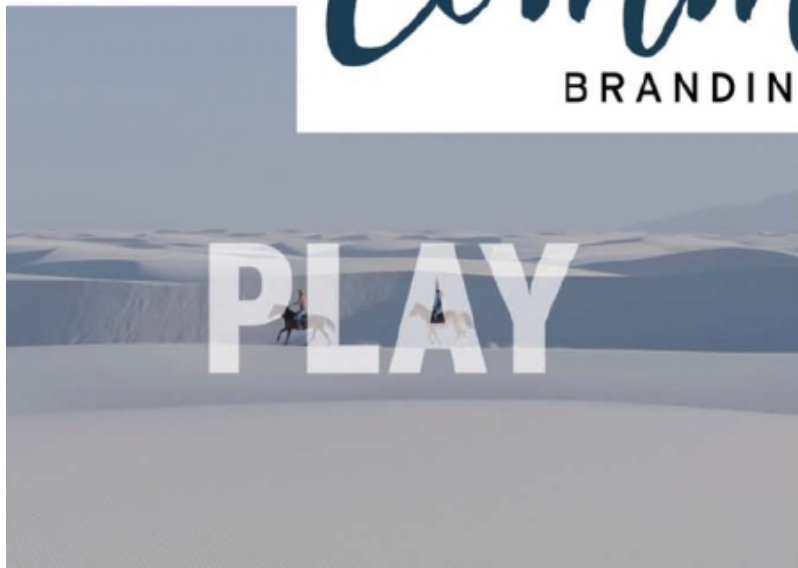
No action will be taken relative to items on the Public Comment Section other than referral for information.

Other Agenda Information

- Requests to appear will be placed on a "first-come, first-served" basis.
- The Mayor may set a time limit on comments.
- Members of the public desiring to present matters to the City Commission on the agenda must submit a request in writing to the office of the City Clerk prior to Tuesday at twelve noon one week prior to the City Commission meeting. The request should state the name of the individual(s) desiring to be heard and the matter to be presented.
- This request must be submitted with any documents you plan to present to the Commission. Please submit only one copy, which is one sided and with no staples. We will scan the document for the Agenda Book.
- Item requests may be referred to appropriate staff for mediation prior to being placed on the agenda.
- Matters pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda.
- Decorum is mandatory.



ALAMOGORDO
Community
BRANDING INITIATIVE





**What is a
brand?**
Our reputation



What is branding?

Reputation management



Ozzy Osbourne joins Alamogordo Chamber of Commerce

Jacqueline Devine, Alamogordo Daily News

Published 7:00 a.m. MT March 29, 2018 | Updated 7:22 a.m. MT March 29, 2018



Marchers of Bataan: The inspiration behind their participation

Ali Linan, Las Cruces Sun-News

Published 5:58 p.m. MT March 25, 2018 | Updated 9:41 p.m. MT March 25, 2018



Tularosa Basin Downwinders to host Carrizozo town hall

Tara Melton, Alamogordo Daily News

Published 6:34 p.m. MT March 27, 2018





inspire2aspire

Top 10 Whys

- 1) Create desired identity
- 2) Unite community
- 3) Elevate place making
- 4) Improve community experience
- 5) Deliver on brand promise
- 6) Increase community pride
- 7) Attract like-minded people
- 8) Enhance place marketing
- 9) Leverage resources
- 10) Unexpected positive outcomes

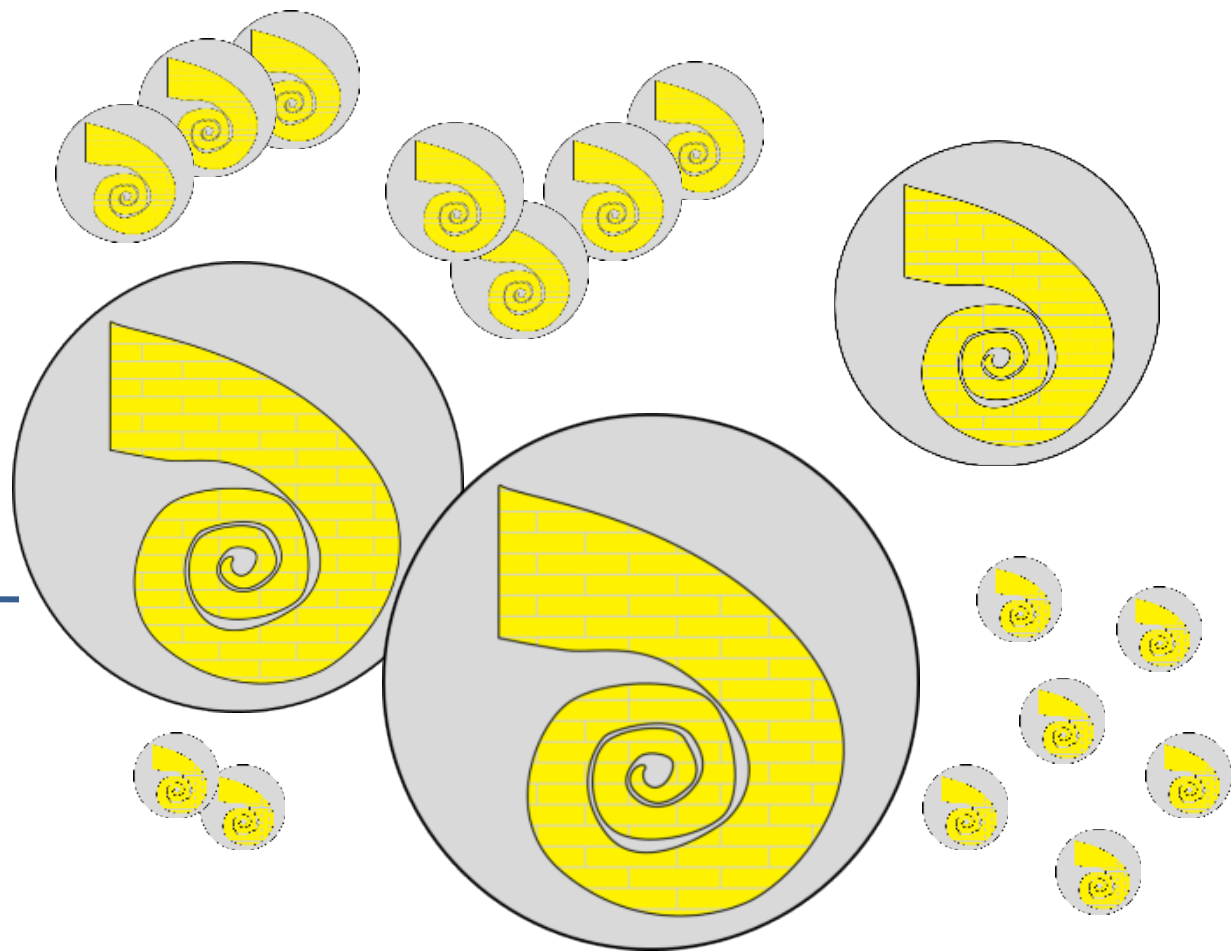
**Place Branding =
Place Making +
Place Marketing**





Components
of a
successful
community
brand

Ensure a
great
Alamogordo
experience



Place Branding Goal

Entire community working
together to create
experiences that exceed
expectations

Brand Types

Disruptive Innovation

Service Value Luxury

Experience Conscious

Performance Style

Brand Types

~~Disruptive~~ ~~Innovation~~

~~Service~~ ~~Value~~ ~~Luxury~~

Experience Conscious

~~Performance~~ ~~Style~~

Brand Essence

Inspiring people to seek everyday
life adventures while enjoying a
quality of life second to none

Alamogordo Brandline

Adventures for Life



Everyday Life Adventures

Live

- Buying a home
- Attending exemplary schools
- Finding quality daycare

Work

- Securing employment
- Starting new business
- Hiring qualified employees

Play

- Enjoying outdoor activities
- Participating in team sports
- Attending fairs & events

Stay

- Finding desirable accommodations
- Having restaurant choices
- Delighting in visitor experience

NEW MEXICO *True*

Adventure that Feeds the Soul. newmexico.org

Brand Action Plan



Community
Engagement



Business
Development
& Talent
Attraction



Tourist &
Visitor
Attraction



Alamogordo Branding Alliance

- Place Making – enhancing the customer experience
- Place Marketing - communicating the experience

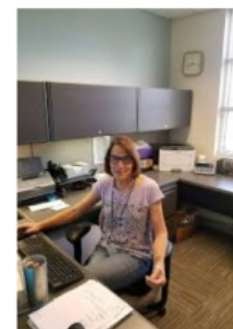
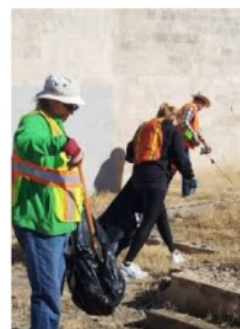


Journey A2D

Community ambassador training & network

Official Alamogordo Hashtags

- #adventuresforlife
- #livealamogordo
- #workalamogordo
- #playalamogordo
- #stayalamogordo
- #learnalamogordo
- #givealamogordo
- #readalamogordo
- #safealamogordo
- #filmalamogordo



#liveAlamogordo

Community Participation

- Embrace “adventures” mindset
- Enhance “everyday life adventures”
- Use unified hashtags
- Join Alamogordo Branding Alliance
- Host branding overview



Contact

Jim Glover

505.501.1330

glover@

onceadaymarketing.com

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date:

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the May 22, 2018 Regular meeting and the May 14, 2018 Special 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
May 22, 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 6:31 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Judge Ryan Suggs and the Pledge of Allegiance was led by Mayor Pro-Tem Baldwin.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Proclamation for Military Spouse Appreciation Month. *(Mayor Richard Boss)*

Mayor Boss presented the proclamation to Ms. Rabe in appreciation of Military Spouse Appreciation Month.

PUBLIC COMMENT

Gene Downer commented on the following:

Mr. Downer spoke about cutting the grass less often, and the trees needing water in the park. He talked about buying trees locally. He mentioned dead trees along Indian Wells and stated it is embarrassing. He congratulated Community Services Ortega for being the only employee who has taken initiative to get experts from the Department of Agriculture to come over and give several presentations to Park employees. He did not agree with her use of money, from Union Pacific, which was originally scheduled to be used for trees.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She said Public Works just finished boarding up the doors and windows at the Sahara complex and there were several solar LED nightlights installed on the property. She said we received a \$12,000 quote for a chain link fence. She said we are working on a service contract for securing the property with the fence. She said the fence will secure the entire perimeter of the property outside of all the buildings. She said staff is hopeful to have some preliminary budgetary numbers from the abatement company by the end of this week.
2. She said the Parks department recently completed the installation of the disc golf course at Alameda Park. She said the project is ongoing and improvements are going to be made throughout the year. She talked about what the course consists of now, and what will be added throughout the next year.
3. She announced Communication/Marketing Manager Brideaux won the New Mexico Tourism Departments Travel Tank Pitch contest. Communication/Marketing Manager Brideaux gave a pitch about the unknown oddities of White Sands. She won for the City, a booth at the Travel Media Showcase in Gallup, New Mexico, and there will be an opportunity for her to travel to Austin, Texas, to represent the City of Alamogordo at another tourism conference.

4. She said the White Sands Beautification Committee is going to be holding another volunteer cleanup day in connection with the 49th Contracting Squadron on June 2, 2018. She said the clean-up day is going to focus on the area between First and Tenth Street on the west side. She said all volunteers are welcome to come help and clean up and the event is going to run from 10 a.m. to 1 p.m. She asked volunteers to bring gloves and wear closed toed shoes. She said everyone will meet at the empty lot next to Taiwan Kitchen.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Boss made the following comments:

He wanted to recognize Ms. Melton with the Alamogordo Daily News. He said he is sad to say that Ms. Melton will be leaving us to join Girls, Inc. in Santa Fe. He said our community will miss her and thanked her all the work she has done in the past.

Commissioner Rardin made the following comments:

He wanted staff to look at if the City can organize a community wide clean-up effort. He said if we start showing an effort up here in cleaning up the community and pushing for it, then everybody in the community will start. He said something he has been thinking about since he got back on the Commission is setting up a cleanup corridor. He would like the City to look at starting on White Sands Boulevard, and just pick a section and really focus on that area to try and clean White Sands up. He didn't know if that is something the City could look at, to see what is legal and what is not. He said the last thing is he wants to look at putting that on the ICIP list and potentially asking for funding from the State to do some landscaping along White Sand Boulevard. He said when he drives to Las Cruces or some of these other towns and you look at their town versus ours, theirs is clean and it is nice. He said we could talk with the State and see if they will allow us to landscape the State's right of way and that is where the ICIP money would come in and that is how we would pay for it. He said if it is successful and it looks good, we could just carry that on as we come into town.

Mayor Boss said he thinks White Sands Beautification looked into some of those buildings there on Tenth Street.

City Manager Paluch said White Sands Beautification has created separate corridors along White Sands, and they have already set up sub-committees of community leaders within those separate corridors that have a vested interest in where their business is, or where their homes are. She said she is pleased to let Commissioner Rardin know that White Sands Beautification is really moving forward with that project.

Commissioner Rardin asked if it is strictly on White Sands Boulevard. City Manager Paluch said right now the White Sands Beautification Committee is concentrating on White Sands Boulevard, so if we want to extend that to some other areas then we need to look at some different avenues to extend that. Commissioner Rardin said he thinks we need to start on White Sands and once we get that rolling, then hit First Street, Tenth Street and Indian Wells. He said the City is one of the biggest culprits, we have a lot of property within the City and we need to start looking at that. He said we can't just point fingers and say guys clean up your community. We need to take it by the reins, start it and show them that we are serious about it and they'll start following in behind us.

Commissioner Hernandez made the following comments:

He said they talked about the building ordinance, the use of metal buildings. He said they probably need to get back at looking at that, especially on White Sands, First Street, Tenth Street and those where we talked about the three sides of the building being something other than metal. City Manager Paluch said right and she met with the Planning department about that and we need to probably put it on a future agenda so that we can really hammer out what details the Commission is looking for. She said we need a direction on exactly what the Commission is looking for; if the Commission just wants three sides or if they want four sides, if they want it on specific corridors, where you would be looking for that. She said City Planner Williams has already drafted some different ideas.

CONSENT AGENDA

- 2. Approve the minutes for the May 8, 2018 Regular meeting and the May 14 & 15, 2018 Budget Hearings. (*Rachel Hughs, City Clerk*)**
- 3. Consider, and act upon, final publication of Ordinance 1567, incorporating the New Mexico Uniform Traffic Ordinance into the Alamogordo Code of Ordinances. (*Petria Schreiber, City Attorney*) (Roll Call Vote Required)**
- 4. Consider, and act upon, final publication of Ordinance Number 1568 to amend the official zoning map of the City of Alamogordo and rezoning the property commonly known as 481 Michel Street with legal description of Fambrough Subdivision 2, Replat B, Lot 1-B, Case # Z20180001 (A) from MH-2 Manufactured Housing Park District to R-4 Multiple Family Dwelling District (*City Planner, City Planner Williams*). (Roll Call Vote Required)**
- 5. Consider an act upon full leak abatement for 1118 Paradise Ave. (*Mark Threadgill, Customers Service Manager*)**
- 6. Consider, and act upon, Resolution No. 2018-25 removing uncollectible and unsecured Utility, Library, Recreation Center, Public Housing Authority and other miscellaneous accounts from the City's accounts receivable and returned checks. (*Julianne Hall, Finance Director*) (Roll Call Vote Required)**
- 7. Approve Resolution No. 2018-26 requesting interim approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico, to adopt the Preliminary 2018-2019 Budget as of May 22, 2018. (*Julianne Hall, Finance Director*) (Roll Call vote required)**
- 8. Approve grant funding from Thrive for Alamo Senior Center Transportation and Home Delivered Meals programs for FY19. (*Peter McKown, ASC Manager*)**
- 9. Approve the New Mexico Tourism Department (NMTD) Cooperative Marketing Grant Agreement Number 19-418-3002-M01, between the NMTD and City of Alamogordo, for the purpose of tourism advertising. (*Michelle Brideaux, Communications & Marketing Administrator*)**

Commissioner Hernandez asked to remove Items 5 and 6 from the Consent Calendar.

Commissioner Hernandez moved to approve items 2, 3, 4, 7, 8, 9 of the consent calendar.
Mayor Pro-Tem Baldwin seconded the motion.

Roll call vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

- 5. Consider an act upon full leak abatement for 1118 Paradise Ave. (*Mark Threadgill, Customers Service Manager*)**

Customer Service Manager Threadgill said this is an unusual leak abatement in that this is location had continuous consumption that we were aware of since 2014. He said we made numerous efforts to correct it and failed numerous times. He said when we got around to billing it, it came out to \$8,000. He said in the interim between 2014 and 2018, the property owner called us twice to tell us that the water should not have been on. He said we did not correct the action. He said it was not a leak, but it is something we did not address when we knew about it. He said it is only right for the City to take corrective action and update the entire amount that was there since 2014.

Commissioner Hernandez said he has no issue with the abatement, but he does have an issue with writing off \$8,100. He asked if we are doing something to go back and double check. Customer Service Manager Threadgill said yes. He explained the old process and the new process that has been implemented. Commissioner Hernandez asked if disciplinary action was taken and was there something done so that we make sure that this does not happen again. Customer Service Manager Threadgill said there was no disciplinary action, he would have to discipline most of the department that was here back in 2014. Commissioner Hernandez said what he is saying is that there was an email sent out from your department to another department, but it was lost in the track. Customer Service Manager Threadgill said we have changed the process so that once that notification goes away from our department to another department, we have a tracking copy that we can go back to.

Mayor Boss said we definitely need to strengthen our control policies on that. He said as far as the abatement, we have no other choice but to abate.

Commissioner Rardin asked how they went three years without someone noticing and why did we wait till 2018 to bill it. Customer Service Manager Threadgill answered in the past, inactive accounts were not billed. He said as long as it stayed vacant it could sit there for five years and nobody would go by. He said under the Ordinance, once you leave, then the property owner account should be created and that is what we started in 2016. He said every once and a while we find one that is still out there. He said this one was particularly hard because it had never got a radio read meter. He said we did not see it and when it finally came to our attention we took care of it. He said it is not going to be lost again or if it does go offline we are going to notice it because there is going to be a missing read.

Commissioner Payne asked if the residence was vacant. Customer Service Manager Threadgill answered yes, the property owner did call us twice to let us know that there should not be any water there. He said we failed both times to do anything about it.

Commissioner Rardin said the homeowner did call twice in 2014, but for the next three years they didn't notice that the water was still on. Customer Service Manager Threadgill said neither did we. Commissioner Payne said she thinks it is the City's responsibility to know if there is service there, it is not the homeowners. Customer Service Manager Threadgill said this is one of those instances where we had the documentation; we put notes in the system, we had work orders, we had emails, but nothing happened.

Mayor Boss said he thinks right now this is kind of water down the drain and we need to write this off, and we need to consider improving our procedures. Customer Service Manager Threadgill said it is one of those things where it seemed to be working and then you have an instance like this pop up.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

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

6. Consider, and act upon, Resolution No. 2018-25 removing uncollectible and unsecured Utility, Library, Recreation Center, Public Housing Authority and other miscellaneous accounts from the City's accounts receivable and returned checks. (Julianne Hall, Finance Director) (Roll Call Vote Required)

Finance Director Hall said by State Statue they are allowed to write-off certain uncollectible accounts receivable annually. She said they look back to four years past, so anything that has been sitting out there uncollectible for over four years, we do write those off. She said the only one that has a different standard is the Public Housing Authority, they are allowed to write off uncollectible accounts after one year.

Commissioner Hernandez was concerned with the math and the memorandum for the utilities write-offs. He said the memorandum says there was approval of \$33,472, as of June 30th. He said if you

add the other years it adds up to more than the \$33,000. He asked if it was \$33,000 for 2018 or was it a combined amount. Finance Director Hall said it does look like that is an error. Commissioner Hernandez said we're able to collect for four years, so why do we have 2015, 2016 and 2017 on here. He said a lot of the customers are still on our books. Finance Director Hall said she believes that this is a comparison as to what was written off from prior years. She said if you look at each of the individual tables, for example the write-off total, this is through June 2014, you can see the actual termination dates, so that would be in FY 18 we are writing off the \$33,000. She said that initial table is a comparison table for what has been written off over the past five years. Commissioner Hernandez asked if the \$33,000 is for bills that are four years or older. Finance Director Hall said yes, so in 2017 we would have written off items that would have been through June 30th of 2013.

Commissioner Hernandez said the other question he had was on the miscellaneous write-offs, the \$72,000 for OCEDC (Otero County Economic Development Council) for the Premier Pellets. Finance Director Hall said she did not have that specific information with her. Commissioner Hernandez said usually those, the Commission would talk about separately in Executive Session, and he did not think they talked about releasing that one.

City Manager Paluch suggested to table that portion, and they can bring this back. She suggested not approving it this evening.

Commissioner Hernandez asked just that one item. City Manager Paluch said exactly. Commissioner Hernandez said he did not have a problem with the rest of them, other than a lot of these are repetitive. He said you look at all the amounts of money, it is quite a bit, especially on the repetitive ones. He asked why we are allowing them to continue to use the service if they are not going to pay.

Commissioner Rardin asked about the Service Masters Restore item for almost \$16,000 to Solid Waste Authority. Finance Director Hall asked if he wanted her to pull the Solid Waste Authority items. Commissioner Rardin said that one is from 2013, so it is something that we can't go after, but why are we not collecting those, and why are we not utilizing staff to try and collect. Finance Director Hall said they are short-staffed in the Accounts Receivables department. She said we do have a collection agency that we use. We continue to leave these items in collections, even though they are being written off on our end. She said if we are able to collect upon it, we will take the payment. She said there are a lot of accounts and it is difficult for us with the staff that we have to be able to really do much to go after these people. Commissioner Rardin said in the miscellaneous AR we are writing off almost \$130,000. Finance Director Hall said that is correct.

Mayor Boss asked if there are any statistics available where we can look at other cities to see what they are writing off as a percentage to see if we are out of line. Finance Director Hall said she can check on that.

Mayor Pro-Tem Baldwin said in reference to the OCEDC money being written off, the reason we talked about it is because we are in litigation with them, in executive session. He said we are not currently, to his knowledge, in litigation with the Pellet Company.

Commissioner Hernandez said there was a gentleman that came to talk about his water bill. He said this gentleman was frustrated because his tenant wouldn't pay, which made him responsible for it. He said this gentleman went after, looked for and found the lady that owed the bill, the same way we could have. He said if you look at all this money that we are writing off it is over a hundred of thousands of dollars. He asked how many employees that would put in place. He answered one or two that could actually do this. He said that is something to look at.

Mayor Boss stated that is a great point, and he thinks to do that in conjunction with finding out what Cities of similar size is the standard of percentage of write offs. He said it would give us an indication of where we should be, and it may be very worthwhile to hire two people for that department just for collections.

Commissioner Sikes said she does not think it is fair to second guess the procedures of the City. She knows they have a process to go through. When you look at the dates on these they are 2013 and 2014. She is assuming that all of these have been attempted to be contacted. She wanted the people to know that there is a process they go through for trying to collect these bills. She said these are lost bills and now we just need to write them off and then after a certain percentage of time you turn them over to a collection agency. The collection agency is charged with attempting to retrieve the dead, if that does not happen they stay on the books, but after four years we write them off just to clean up the accounting. She asked if somebody moves and they have a bill, are they able to somehow get utilities in the new place that they live. She asked if we don't do name comparison. Finance Director Hall answered she did not think so, she thinks it stays within this area, unless the new utility is going to go back and check references from where they came from and specifically ask that. She said it may hit their credit record. City Manager Paluch said it would probably hit their credit record. Commissioner Sikes said and then we would have access. Finance Director Hall said it would depend on the policies of where ever they moved to as to how they would analyze that and determine whether they would be a good creditor to open an account for them.

Mayor Boss said it wouldn't be practical to go back and look what other City they were in and get that information.

Commissioner Sikes commented that everyone has access to the same information the Commission is looking at. She said when you realize somebody owed the City upwards of \$2,000 or \$3,000 for water, she hopes that we've established and followed the process to get to where we are four years later.

Commissioner Rardin said the Commission should look at the policy and start getting a little tougher on this. He said nothing against your department, but he does not think staff really tries that hard because it sounds like you are a little understaff. He said maybe we ought to look at hiring at least one staff member that is full time to collect these.

Commissioner Payne asked once we write these off, they could come back and get water service again. Finance Director Hall said if they pay the bill. Commissioner Payne said so there is a mechanism for tracking that if they come in and try to get water service again, even if we write these off. Finance Director Hall said yes.

City Manager Paluch at the Housing Authority they have a lot of tenants that live with us multiple times. She said all the people that have balances at the Housing Authority, we track all of that and if they want to move back in, they are not allowed to lease until they pay off the debt to the Housing Authority.

Commissioner Hernandez said he did see someone on water billing that the people still live at that address. He said with telephone, if they didn't pay their telephone bill, the next time they call they'll put it in their kid's name. He said that is something that is happening here too, because he sees a lot of names and addresses where people have water service and they still live there and they owe money. Commissioner Payne said she recognized a few names too. Commissioner Hernandez said that is where a collector would possibly save us, basically cover their salary plus.

Commissioner Payne asked how that is possible, that they owe us money, but they still live at this address. Finance Director Hall said they most likely got it under someone else's name. Commissioner Payne said she thought they had to show a rental contract or something. Finance Director Hall said they do if they are renting. Commissioner Payne said so it's a fake rental contract. Commissioner Hernandez said it is easy to do.

City Manager Paluch said she highly recommends tabling the economic development portion this evening.

Commissioner Hernandez asked to remove item 3659, the economic development for the amount of \$72,178.60 and approve everything else on item number six.

**Commissioner Hernandez moved to approve as amended.
Commission Rardin seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 7-0-0.**

UNFINISHED BUSINESS

10. Consider, and act upon, 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 and Brian Cesar, Assistant City Manager)

City Attorney Schreiber said this is what we saw on the agenda several meetings ago. She said both appraised at \$32,000 exactly. She said per the Commission's request, they did send out letters, waited four weeks and received no correspondence back. She said they also did a traffic count. She said this is a standard land swap agreement between the City and the Alamogordo Public School System.

Assistant City Manager Cesar stated the average annual daily traffic count is 50 vehicles. He said in that area there is a parking lot right beside this roadway, so more than likely a majority of that traffic was from the parking lot.

Commissioner Hernandez asked where the traffic counters were placed at. Assistant City Manager Cesar answered on 13th Street, one in the east bound lane and one in the west bound lane. He said roughly mid-point so that we were catching the traffic that was using that segment of roadway.

Mayor Boss said another thing that we need to consider is that we need Playa Azul so that our streets, on City property, do not end and then start again.

Assistant City Manager Cesar said right now if the school system elected to do it, they could close that segment of roadway. Mayor Boss said that is the point he is trying to make.

Commissioner Hernandez said the only concern he has, and it really is not our problem, is that if that street becomes a permanent closure, they are going to be using that parking lot as a three-way on 13th Street.

Assistant City Manager Cesar said they could. He said if they are going to extend that parking lot, he would expect they would block one side, so people wouldn't try to shortcut through the parking lot, but he has not seen any plans on it.

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

NEW BUSINESS

11. Consider, and act upon, NMSU-A painting University logos on Scenic Drive. (Becky Ross, NMSUA)

City Manager Paluch said Public Works Director Garner had a conversation with Ms. Ross, and she and the University had liked the paw prints that the high school had painted on 1st Street and was tossing around the idea of painting NMSU-A logos on Scenic Drive. City Manager Paluch said there was discussion in the past about those paw prints wearing off 1st Street and some people having some concerns about that, and since this is very visible she wanted to bring this to the Commission to see if it something you would like on Scenic Drive.

Mayor Boss asked if there was any discussion on any maintenance.

Public Works Director Garner said the indication that NMSU-A had asked for, was logos that would be painted on in front of the college to promote the college, it is their 60th year Anniversary. He said they have money for their paint, they have art students that would be painting the logos, so they are not requesting anything from the City monetarily other than if we could provide them with some traffic control to keep their students safe while they are doing this. He said other than that it would be solely up to NMSU-A.

Mayor Boss said this wouldn't be something that wouldn't be continuing, they just want to use it for their anniversary.

Public Works Director Garner said if they want it to continue it on, it would still be their responsibility. It would not lend the City of any kind of responsibility at all.

Mayor Pro-Tem Baldwin stated his only concern was safety of the people putting the paint down. He said when they did the tiger paws there was a substantial amount of coordination between the City and the people being out there. He said as long as we have traffic control managed for them he really has no objection to this.

Mayor Boss said it starts looking tacky as it wears down. He said based on the amount of traffic it will probably last longer up there than it did on 1st Street. He asked Public Works Director Garner if he had any idea how long it will be there. He answered they did not give any indication of how long they wanted to promote that, but they thought if it does promote them in some way that they would want to keep it there, so he would assume their maintenance would be kept up on it by their own staff.

Commissioner Rardin asked Facility Manager Garner asked if they are going to be using traffic marking paint or are they going to go out to Home Depot and grab some paint. He answered they have to buy the material and they have to run that through their president to get the right type of paint, but they have not bought anything yet because they wanted to make sure that the City was on board and allow it to be place on the street.

Commissioner Hernandez commented about New Mexico State's colors being put on the blacktop would not be very noticeable. He said maybe they will outline a lot in white. He said it's great that the City helps, but traffic control is usually about an eight to a tenth of a project cost. He said so we are paying for most of it.

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Hernandez seconded the motion.

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

12. Consider, and act upon, second amended Memorandum of Understanding between CAPPED and the City of Alamogordo. (Petria Schreiber, City Attorney)

City Attorney Schreiber said CAPPED had originally entered into a Memorandum of Understanding (MOU) with the City to build a labyrinth at Washington Park and it was to be 150 feet by 150 feet in size. She said they now also wish to build smaller labyrinth which will be a 36 by 36 labyrinth on a 50 by 50-foot concrete pad. This will be located to the east of the larger labyrinth. She said the MOU did allow for phases, so what we changed here is phase 1 would be the Children's labyrinth and phase 2 will be all the work on the larger labyrinth, and we also agreed to do a little bit more in maintenance. She said the MOU calls for proof of sufficient funding to be provided before phase 1 starts. She said if we look at their scope of work they want to start immediately, and have it done by Christmas Eve. She said her only concern is that while she has a spreadsheet showing what we think the estimated cost will be, we do not have any hard commitments for funding, we just have people that said they will help and so she cannot say with all certainty to the City Commission this evening that she knows for a fact and

she has seen the estimates and she's seen the funding commitments that all the funding is there. She knows Ms. Van Winkle will talk more about that and her processes and her donors and the faith she has there, which is information that she will provide to you. She said she can only tell the Commission what she has seen with her own eyes and that is a made spreadsheet, a bank account balance, not any estimates or the exact donor commitments.

City Manager Paluch wanted to let the Commission know when the conceptual drawings came to the City several years ago, the stage at Washington Park was not constructed at that time. She showed aerial photographs and explained where this labyrinth would sit next to the stage at Washington Park. She said they have had multiple conversations with Community Services Director Ortega and Special Events Manager Uribe about the vision for Washington Park moving forward now that the City has constructed this stage. She has a list of all the events, and there are about a dozen different events in the next year that the Community Services Department and the Special Events Manager are planning to use Washington Park, now that the stage is there. She said as staff we are recommending a couple of different options. She said we are not recommending that the labyrinth be placed at Washington Park. She showed pictures of some areas staff is recommending. She showed an area, owned by CAPPED, on Florida and Canal. She said this would be their primary recommendation for the labyrinth. She said if the Commission would like for this labyrinth to be on City owned property, she showed them an area at the Senior Center. She said we also have a metal bridge that is at the Public Works yard that we could use to put over the ditch that is there, so the people that are using the walking path on Indian Wells will be able to cross over to the Senior Center property and use the labyrinth. She said the Senior Center clients could also come down and use the labyrinth there. She said those are two recommendations from City staff. She said the third and final option is we do have some land at Hoosier Field. She said we already have effluent water out there, so we would be able to grow grass around the labyrinth.

Teresa Van Winkle commented on the following:

She stated they have been blindsided by talk of moving the labyrinth. She said the piece of property on Canal will not build a 180 by 180-foot labyrinth. She said they would have to think about the other properties. She said this is their third contract, and they now have three sets of blueprints trying to meet the needs of the City. She said they have spent over \$8,000 in trying to raise money, and they moved a transformer off that park at a cost to CAPPED of \$4,000. She said with all the additional verbiage that has been put into the contract, it makes it easier for the City to tear it down on a whim. She thinks what they need to do at this point is ask the City if they would consider reimbursing some of the money that they have spent on all of this, that has benefited the City towards the stage. She said when they received their first contract, there was not a stage that was going to be built there. She said she thinks they need to withdraw the option of the labyrinth, so that it can actually be built in another location.

Commissioner Rardin asked City Manager Paluch when the idea popped up to move the labyrinth. City Manager Paluch said she had a conversation this morning with Mayor Pro-Tem Baldwin about possibilities of moving the labyrinth because of the stage location. She said at that point they wanted to bring the Commission some options, so she and the Assistant City Manager went this afternoon to look at some different locations. Commissioner Rardin asked her if they did not think about calling the Van Winkles and mentioning to them, this is what is coming up. He said they are here tonight, thinking that we are going to do a MOU with them and we are going to allow them to build this and now suddenly, we change our minds and go the other direction. He said kids will probably be using this, and he would not want his kid playing at the corner of Canal and Florida. He said there is too much traffic, it's too busy and in the monsoon season it is going to flood out. He said that corner lot is out. He said the same thing next to the Senior Center, it is kind of a flooding issue and yeah, it is a little bit better, but. He stated it irritates him that staff would do this to the Van Winkles. He told the Van Winkles if they were still interested in this then he would suggest to table this for two weeks. He said for staff to sit down with the Van Winkles and discuss this with them, if they are still even interested. He said then, we conclude what is going to happen. He apologized to the Van Winkles for not getting back with them. Mrs. Van Winkle said three of the Commissioners were kind enough to come down.

Commissioner Rardin said it is kind of a bombshell and we should not do that to our citizens' right at the very last minute.

Commissioner Sikes said she was one of the three that went to see the project. She does not want to sweep this project under the rug. She said it deserves future conversation, and she is glad Commissioner Rardin said what he said. She said to be continued.

Commissioner Payne asked City Manager Paluch if Commissioner Baldwin had asked her to look at some alternative sites. She answered yes ma'am. City Manager Paluch apologized and said Assistant City Manager Cesar has been meeting with CAPPED for several months. She said we wanted to come in with some different options today, for the Commission, so that the Commission can decide if they want to have it at that location or at another location. She said the Commission relies on staff to give our opinions on these items and we have been working very diligently to give you several different options that you could go with.

Mayor Boss said one thing is that utilization of that park has changed.

City Manager Paluch said exactly, but when this project came before us, the stage was not in the plans for the City. She said now that the stage is there, there is a different vision for Washington Park to have more family-oriented events that utilize the stage. She said that is why we brought the alternate locations.

City Attorney Schreiber said Mrs. Van Winkle was prepared this evening to talk a little bit about the funding. Perhaps while we are here and it's on the agenda she can talk about her funding. If we do table this, as Commissioner Rardin has suggested, the next time we come back we'll have all the information.

Commissioner Wright said he also was not aware of relocating. He said he has visited with Mrs. Van Winkle a couple of times on the issue. He said one idea, since we are we are looking at other options, is possibly on one end or the other of the future Kids Kingdom location or even if we re-position it in Washington at a different location. Mrs. Van Winkle said the central park that goes through the City is not wide enough for the labyrinth.

Commissioner Payne said she remembers hearing about this labyrinth many years ago. Mrs. Van Winkle said at one point it was going to be on the site where the old Gerald Champion was on the corner of 10th and Cuba. Commissioner Payne said she thought she remembers hearing that they were going to have one at their building. Mrs. Van Winkle said they've had a labyrinth inside their building since 2005. Commissioner Payne asked who was going to maintain it. Mrs. Van Winkle said it is all in the document City Attorney Schreiber has put together.

City Attorney Schreiber said under terms and conditions, it talks about CAPPED agrees to seal both labyrinths annually or more frequently as needed and determined by the City. With sealant approved by the City for use. They want to make sure that they get local artists to do and maintain and looks good. They agree to monitor it at least monthly, they will remove any graffiti within 48 hours and then we agreed on damage within seven days. She said what we are looking at there is not necessarily the replacement of the artwork, just that if some of the concrete gets hurt and creates a danger, that they at least fix the concrete within a week. She said they could come in and do the artwork at their own time. If we have to remove any concrete to do any plumbing or anything underneath it, we will remove it and replace it, we'll preserve the artwork as much as we can, but they have agreed to come in and replace any artwork that we had to dig up if we had to.

Commissioner Payne asked City Attorney Schreiber if there was a timeframe, on the original MOU. She answered there have been several MOUs that have been extended. She said this is the second amended MOU, we've allowed them to phase the project, so we did not have any particular timeline. She said the City did not put a timeline in the original MOU. Commissioner Payne said that is why we

keep re-doing it and asked if that is correct. City Attorney Schreiber said she wanted to present a complete agreement that would look at the City's interest and maintaining it, the Van Winkles and CAPPED's interest in making sure that it lasts. She knows it is their plan to build a labyrinth to last 100 years, so we needed to address future and ongoing events. Commissioner Payne said if there are events, where the stage is, obviously the labyrinth is not going to be available. Mayor Boss said it will be utilized by whomever is attending the event. Commissioner Payne said we have a dozen events over the next year and asked if we are prepared for that.

Mrs. Van Winkle said no, this is news to them as well. She said they knew there would be events, but we did not realize that so many things had been laid upon our initial project. She said it just looks like this is not going to work. She thanked everyone who tried to work with them on it. She said they will do their best to build it in another location.

Mayor Boss asked if there were any other options as far as location.

Commissioner Payne asked why the Senior Center would not work.

Commissioner Rardin said access and he thinks there are some flooding issues as well. He then asked if they were going to table this and give staff time to sit down with the Van Winkles and try and figure out another location or does the Commission not want to take action on it. Mayor Boss thought probably not take action and not have it brought back. Commissioner Rardin said his issue tonight, is not so much staff wanting to move it, it is the fact that we did not communicate with them. He said if there was an issue and they wanted to move it that is fine. He said we should have been called them and not drop a bomb on them in the meeting tonight.

Commissioner Payne said she thinks they were just presenting options, it does not sound like it was set in stone.

Larry Van Winkle commented on the following:

He said as far as other functions of this location, this is a City park, this is not anyone's private domain. He said this is being built out of the love and generosity of this community. He said this is being built with volunteer hands for this community, to be part of this community. He said nobody is asking for anything special. He said this is going to be the largest labyrinth in the Country. He said people will come from everywhere to see this, this is going to make things happen here. He said there is going to be conventions, there is going to be new businesses open because of this. He said this is special, he just wished you could see it, because you are not. The Van Winkles left the meeting.

Commissioner Wright asked if they got an update on the status of funding.

City Attorney Schreiber said she could speak to that because she had the most conversation. She wished Mrs. Van Winkle would have presented that because that is what she had asked her to bring, but she understands why she didn't. City Attorney Schreiber said she has a spreadsheet that CAPPED has built which shows the total cost of the Park. It shows In-kind donations and it shows the amount of cash they will need. She said the MOU states that proof of sufficient funding is needed. She needs to see invoices, she needs to see what the cost of construction is going to be, what the different contractors have said and then she would like to see the commitment on the in-kind donations. She said it is \$50,000 to \$60,000 of commitments, so that is what we had asked for. She said she knows that Mrs. Van Winkle has great relationships with a lot of her donors and she told me that she was going to explain the process tonight, which is something that she had explained to me, so she cannot share that with the Commission. She said Mrs. Van Winkle has a process that CAPPED uses and she had planned on presenting that to the Commission tonight.

Commissioner Hernandez said if Oregon Park is not wide enough, the Commission should think about how big this thing is going to be and how much green space we are giving up. He said if you talk to Community Services Director Ortega, how many practice fields are available for the kids. He said not that this isn't important, but we offered them some options. He said if you remember the New York

situation with the different functions that they had and why that changed, and that my way or the highway attitude, which is what we saw again here tonight. He said we are not telling them that we don't want to do it, let's go to the table and find out. He said they are the ones that walked out of here saying they'll find something else. He said he agreed with Commissioner Rardin that we should have talked with them a little bit.

Commissioner Payne asked if someone could put 180 feet by 180 feet in perspective for her. She asked how wide City Hall is. Commissioner Rardin said about 100 feet.

Mayor Boss said since we have the stage there now, knowing that we have limited green areas in our Community, he cannot stand to see 180 by 180 area of concrete laid on a Park, when we could have grass there for the kids to play on or to have seating for people that are there for a program for the stage. He said finding an alternate location for it, yes, but putting it there he cannot get his head around it.

Commissioner Wright said he agrees. He said he met with Mrs. Van Winkle and they are very dedicated, but what they need to realize is that the City is going to catch grief over this 50-foot slab, starting in June and running till Christmas. He asked what their timeline for the 180 by 180 project is. He said he thinks there are a lot of conversation that needs to happen, between staff and the Van Winkles as far as timeline, funding and getting this thing done.

Mayor Boss asked if the Commission wanted to table this and have this brought back to them in another form. He said personally, it would be nice to know how the Commissioners feel about taking Washington Park out of the equation and work with them on something else

Commissioner Hernandez said the presenter, the person that is asking for this, said they would find something else and left, so he would leave it up to them if they want to come back to the table.

Commissioner Sikes agreed with Commissioner Hernandez. She believes it behooves them to at least make a phone call, sit down and ask them if they want to continue, and see what their response is and then continue based on their response. As far as tonight, we should just drop it.

No Action was taken.

13. Consider, and act upon, funding for the Alamogordo Community Branding Campaign for the FY19 final budget. (Tom French, PR Task Force)

Mr. French spoke on the on the funding for the Alamogordo Branding Campaign. He said City Manager Paluch and staff have come up with a way, that she presented to the Commission at the budget meeting, on how we can fund this. He said one of the questions that they left at the budget meeting is of the \$450,000 that they requested and of the \$500,000 that the City Manager has identified as a possible funding source, how they divvy that out. He said our recommendation to the Commission is to fund the full amount of \$450,000 in year one. He said they believe strongly that we need to get this going and time is of the essence. He said this is really driven toward drawing and promoting the permanent beddown of the F-16 mission and other industries that we have identified in the strategic plan.

Commissioner Payne asked if they fund the full amount, how they will fund it next year. Mr. French answered, he does not know yet. She said if we fund this, we will start working on a plan for the following year, there has to be some kind of an idea. Mr. French said he thinks the message the PR Task Force has been trying to get out is that this is not a one-time deal, we have to market year after year. She said she would hate for us to get to day 362 and then somebody say by the way we don't know how we are going to pay for it after one year. He said it is work in progress

Mayor Boss asked City Manager Paluch to explain where the funds are from. She said the funds were a rebate from Otero Greentree landfill, so it just so happened that we had the rebate this year. Mayor Boss said otherwise it would have been very difficult to even consider this. He said \$450,000 to the City of Alamogordo is a lot of money. He said next year when you come in, we are not going to have the \$450,000 to do this with and that is why we're going to have to get communities around us that are going to benefit from all of this, just as much as the City of Alamogordo does. He said next year, the businesses of the community may have to dig into their pockets too.

Commissioner Rardin said they miraculously had \$500,000 that just came in kind of unexpectedly. He said in order for the Commission to guarantee you for two years, he made the suggestion that the Commission give the PR task force \$250,000 the first year and \$250,000 the second year and we get you half way to your goal. He said the other issue is that we are setting a precedence. He said you are considered an outside agency and you come to us the first year and say we want \$450,000 and we say okay here you go. He said the next year we may have five or ten outside agencies, or these agencies may bump the money that they want. He said it is nothing against you, but we as a governing body need to be a little bit careful about setting that precedence.

Mayor Boss said he can guarantee you the question is going to be asked. He said we are going to be under the gun for this because there are going to be a lot of people out there that are going to say, you found \$450,000 to fund an advertising campaign, my street has not been touched for 10 years. He said we are going to hear a whole lot of that.

Commissioner Sikes said she supports this for a number of reasons. She said you do not get very many shots to get a deal done. She said if everybody understands the situation that we are in right now, we can either do a half ass job or we could do it right. She said the good news if we do it right, she thinks everybody will be happy. The other good news is if we do it right and the beddown does not happen, we have still changed the perception, we still have done positives for Alamogordo. She said we are not just giving you a check for \$450,000, she said we are looking at invoicing. She said we will pay as we go. Should something happen to put a dent in this whole campaign, the worst case we may not continue or if everything goes right next year maybe it won't cost as much.

Mayor Boss said he thinks everybody up there supports this, but we are pointing out some things and putting you on guard that you can't anticipate you are going to have it again next year. He said spend it wisely and work on some alternate plans to where the City does not have to put in another \$450,000.

Mr. French addressed Commissioner Rardin's comments. He said technically we are an outside agency, we have to have some type of entity to pay the bills. He said the fact is we are a group of volunteers that are working on behalf of the City of Alamogordo. He said we are donating our time and our effort and we believe very strongly that the one thing that Alamogordo has never done is we never attempted to brand ourselves.

Commissioner Hernandez said they are doing this for us, so what are we going to do for next year. He said let's work toward doing the \$450,000 next year. He said if we can't, that is fine, but again they are doing it for us.

Mayor Boss said they are doing it for everybody, they are doing it for themselves too.

Commissioner Hernandez said if we do not do something here and make Alamogordo grow our tax base raises up. He said he was totally against doing the three-eighths percent tax, but we are probably going to have to tap into that at some point, but if this works we won't have to. He said if you look at our base it has gone down from 35,000 last census to 30,000 this census.

Commissioner Payne clarified that it is her nature to ask those questions. She stated she supports this and she does believe this is revolutionary for our City. She said at some point you have to take a risk. She said we have this mentality sometimes that we can't do that because we don't have the money, or

we've tried it in the past and it doesn't work or how are we going to do it. She said in terms of what Commissioner Rardin said, if she is not mistaken we've had businesses that have also put a substantial amount of money. Mr. French said the private sector funded the first \$125,000. She said really this is a great partnership because it is both. She said she does like the Mayor's idea of talking to other cities, because they will benefit from it. She said maybe consider appointing somebody on your board, specifically to focus on that. She said she believes that we need to step out on faith and do something, and not just for the beddown, but for our City. She remembers Mr. Chun saying during a presentation for the family fun center, that our citizens deserve this. She will never forget that line, and the truth is whether our citizens even understand it or not or whether they support it, they deserve it, everybody deserves it because it is only going to help us.

City Manager Paluch thanked the PR Task Force. She said in her time with the City, she has not seen community leaders ban together like this group. She said the countless hours they have put in.

Commissioner Wright made the motion to fund the full \$450,000.

Commissioner Wright moved to approve.

Commissioner Sikes seconded the motion.

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

14. Consider, and act upon, adding the project of the construction of a bathroom at the North end of the Alamogordo Zoo to the FY19 budget. (Maggie Paluch, City Manager)

City Manager Paluch said this came about from a suggestion from Commissioner Rardin at the budget hearings.

Commissioner Rardin said it is a lengthy walk from one end of the zoo to the other. He said we have all these fairly nice facilities around Alamogordo that we need to take a little initiative in improving.

Mayor Pro-Tem Baldwin said this does not need to be funded this entire year, which he is rooting for. He asked if there was any backup documentation or if this was a hard figure for the actual amount that was suggested.

Commissioner Rardin said he mentioned \$50,000. He said he thinks Assistant City Manager Cesar looked at it and guesstimated around \$75,000.

City Attorney Schreiber said that was based on a figure that other bathrooms we built at Bonito Lake. She said we looked at what it cost just to build bathrooms historically in the City and that is where this range came about.

Mayor Boss asked if we are talking about \$75,000.

Assistant City Manager Cesar said for \$75,000 it would be like bathrooms you see close to the Recreation Center. Commissioner Rardin asked like the ones near the tennis courts. Assistant City Manager Cesar answered yes.

Mayor Pro-Tem Baldwin suggested they put a little money away this year, make sure that the bathroom gets into the plan for whoever takes care of the bathrooms. He said it was a lot of money for a bathroom.

Mayor Boss asked if we do put it in, will we have to pull some money from somewhere else in the budget.

Commissioner Rardin asked Assistant City Manager Cesar if we utilized City staff to construct this could we get that cost down to somewhere around \$50,000.

He said we would still need to have this designed by an engineer or architect. The cost would be less, but that would pull workers away from other projects. He said we can look at that.

Commissioner Rardin agreed \$75,000 for a bathroom is a little excessive, especially considering that those are just block buildings with some facilities in there and a metal roof. If we utilize staff like we did for the monkey cages. Assistant City Manager Cesar said we did, but that was a multi-year project to get that complete.

Commissioner Rardin said we are talking a 10 by 20-foot structure with a dividing wall and a couple of commodes.

Assistant City Manager Cesar said once we have it designed, we will have an estimate on what it will cost to build, contracting it out and from there he could come up what it would cost for City staff to construct it.

Commissioner Hernandez asked if because this bathroom is in a secured area, could we get away with using different materials. Assistant City Manager Cesar said we could look at reducing costs, he had a very short time to come up with a number, so he used what we had constructed recently. Commissioner Hernandez said by not having to build it out of block, and not having to have the tamper proof fixtures, you'll probably cut you costs in half

Commissioner Rardin thought \$50,000 would be a close number and if it is not, we could always we could wait till next year.

Commissioner Hernandez suggested if they can do this for \$50,000 then let's do it this year and if it is going to cost more than let's split it and do it in two years.

Commissioner Payne asked if they could table until the next meeting and get a more accurate cost.

Commissioner Rardin said they had to do it for budget.

Commissioner Rardin moved to budget \$50,000.

Commissioner Wright seconded the motion.

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

15. Discussion of Code Enforcement. (Josh Rardin, Commissioner)

Commissioner Rardin said he is all for community clean up. He said in reading the last few digests about where the City is going in and citing people into court, then those people are not showing up and we are issuing bench warrants and arresting people for not cutting their weeds. He said he knows for a fact that it happened, it happened to someone who lives on his street. He said in extreme cases he agrees that we need to go to that extent. He explained how the process was handled in the past. He asked if we need to really be putting people in jail over debris and weeds in their yards.

Mayor Boss asked who actually puts them in jail.

City Attorney Schreiber explained the entire process. She said in the past 365 days, her office has prosecuted 91 Code Enforcement cases and of those 91 cases 6 have had bench warrants. She said all 6 of those warrant have been because the person did not show up when summoned into court. She said her office has never put an individual in jail for weeds. She said she has no issue with the City putting a lien on the property. She said this individual that we are speaking of had issues in their back yard, we cannot enter someone's back yard and abate that problem, so she does not know how we do that. She said her office has a philosophical question for the Commission, is if we are placing a lien would you like for her to foreclose on homes for weed liens. She said how do we handle those liens, or

do we just release them after four years, because every time she files a lien it is \$25 that the City has to pay, and every time she releases a lien it is \$25 more dollars. She said her office will have additional costs that she will have to account for in her budgetary process as well. She said of the 91 cases, 39 of those cases were resolved with plea agreements, 28 of those case was dismissed because of compliance, 18 are pending today and 6 are in that warrant status. She said Judge Lee has a very strict warrant policy that if someone is arrested on one of these warrants for non-appearance, they are booked and released. She said they don't actually enter Otero County Detention Center, now they have had one enter Otero County Detention Center because she fought the officers while being arrested. She said that is where her office is with Code and she will take any direction the Commission would like to give her on this, but unfortunately, she thinks if they are going to be abating and filing liens then she has some budgetary concerns for her office as well.

Commissioner Payne commended Chief LeClair and Code Enforcement because it is better than she has ever seen it. She said people are complaining because our City is not kept up because we have these issues and so we have come up with a way to resolve it and people are not liking the way we resolve it, and you just cannot have it both ways. She likes what is being done now, and she does not think it is fair to those that do come in compliance. She is concerned with just putting a lien on it because a year ago they were releasing tons of old liens, uncollected, nothing was ever done and if it is a renter you are putting a lien on the homeowner's house. She said if they are a renter and we do it this way then they are the ones that are actually cited into court. She said that is the only way to hold the person that actually lives in the house accountable.

Commissioner Rardin thought in digest, there were a couple of properties and one in particular where the roof needed to be repaired. He said there are thousands of homes in this town that have roofs that are in disrepair. He asked why we singled out certain ones. He said roof repairs on a normal house are running about \$7,000 to \$10,000 for a roof to be done on a house. He said we do have a lot of people in our town that live pay check to pay check. He said if we get a complaint, by law we have to go and check it out, but he does not think that they have the authority to tell somebody your roof needs to be fixed. He said there is a guy on Miami that had to get a Home Depot credit card to pay for a new roof on his home which wasn't necessarily needing to be done. He is now going to be paying an absorbent amount of interest on that card so that he could get in compliance with the City because they threatened him by citing him into court. He said he does not typically agree how the City is handling these. He said if you look at our City ordinance we are actually we are on the 2015 IBC Code, the State just adopted it last year, we are enforcing a 2006 Code. He said we are about 3 code cycles behind. He said we need to look at our Ordinance on that, bring it back before the Commission and maybe tweak that a little bit. He said it says that we need a certified building official. He said we do not have one of those.

Commissioner Payne said there are resources to help people rehab their homes. She asked Commissioner Rardin if she wanted to give him those resources to give to people who cannot afford it.

Commissioner Rardin said depending on how much people they tag on this, they are going to tap those resources out, especially in Commissioner Hernandez's district. He asked if they should be looking at setting up a program down there in that area to where we can try to help them or revitalize that area rather than going in there and tagging 3 or 4 blocks of houses that are in disrepair. He said then we are going to tap these programs out because they are going to run out of money because we have an enormous amount of homes in this city that need to be repaired.

City Attorney Schreiber said Commissioner Rardin, you are correct. She said her, and City Planner Williams have spoken at length about our power as a Municipality comes from State Statute on this and talks about on dilapidated or damaged structures. She said something that we as city staff have discussed a lot, if we are going to go into one of these districts and start requiring repairs, especially in a district that is not, it says economically fortunate as other districts, then we don't want displace families. She said we don't want to force people out of homes or force people into debt or ruin because we are trying to enforce a law. She said that is something that she knows our City Planner is looking at

very closely. She said we are trying very hard to look for grants to come up with creative solutions where if people's structures are dilapidated or a problem, how can we as a City, instead of displacing them out of their home, help them, and is that something that we can do. She said her office with the City Manager and Fire Chief LeClair have gone into structures which are seriously in a lot of danger, and we have had a lot of discussion about mental illness and how do we help them, and would it be good if we could get the Big Give down here. She asked would that make a difference, what can we do as a City. She does think that there is an ongoing discussion inside of the City as how we can best do this without tapping our resources out, but also help our citizens. She said the next time we talk about this maybe we can bring you into this, because she does not think there is an easy answer or that we have the easy answer. She said these conversations are ongoing and we are trying to be creative and look at other cities and find out what other solutions are out there.

Commissioner Wright said just for the record, the gentleman on Miami works for him. He said they made an attempt and they visited with Fire Chief LeClair and Code Supervisor Baker. He said they did work with him on it. He said this gentleman did go out on his own and do the Home Depot Card to get shingles, which we instructed him not to at this time. He said this gentleman is an employee that is 70 years old, \$10 an hour type of deal. He said he understands that side of it. He said the other side of it was this gentleman did it on his own. He said he can see where this gentleman, for lack of a better term, was scared of the process and made an attempt to correct all the things that were listed. He said there were multiple items, which a lot of it was some volunteering in cleaning up, but the others are pretty major. He said maybe it was just the way they worded it that got him worried about spending some money on the bill.

Commissioner Hernandez said when the City did the house on Rockwood, there were two houses right across the street from each other, that if you look at the cedar shakes you could see them sticking up, popping off, bare spots everywhere. He said so the concern he has is how we pick and choose, what we look at and what we don't look at and what we turn a blind eye to. He said if we are going to do this, we need to do this across the board or we don't. He said that is where we have to be really careful with because you can get in trouble on how you pick and choose.

Commissioner Rardin said the gentleman on Miami, he thinks it was complaint driven. He said when we've done property maintenance in the past, it was basically enforcing health, safety and welfare. He said we have an over-abundance of structures, if we went into Commissioner Hernandez's district we could probably get almost every other house or every third house on some of those streets that would need some sort of repair. He stated he does not feel it is 100 percent right, he thinks there are other ways around it.

Mayor Boss said it is not 100 percent right but since Fire Chief LeClair has taken over the department it is way better than it was before. He said we are not going to have it perfect, but he thinks we are going in the right direction.

Commissioner Payne asked Fire Chief LeClair what the process was. He said right now, it is complaint driven, those are the only ones that we go after. He talked about the house on Miami.

Commissioner Payne said the majority of her phone calls she gets is for code enforcement. She said she knows there are resources out there but does not know a good way to handle that. She knows what they have done in the past did not work. She does support it. She thought if more people knew there were resources and not just financial resources, but organizations within our community that would be willing to help with a lot of that stuff. She said they need to be better about getting that information out.

Fire Chief LeClair said Code Enforcement goes out of their way to work with people. He said they are not throwing anybody in jail. He said if someone communicates with Code Enforcement, they are going to do what they can do to help them come into compliance.

Mayor Boss said you have done great things, you have also identified the majority of dilapidated houses in Alamogordo and that is something that has not been done.

Commissioner Rardin said in 2010 or 2011, the Commission came up with a list of dilapidated structures. He said he is not sure that list even still exists. Fire Chief LeClair said it does. Commissioner Rardin said that is kind of where his issues are, we are hitting houses on the little side streets that no one ever sees, he knows those are complaint driven, but then we have structures on White Sands Boulevard that has looked the same way for 40 years and we are not doing anything to clean those up.

Mayor Boss asked if those are defined as dilapidated or are they just old buildings.

Commissioner Rardin said the house he spoke to City Manager Paluch about the other day, he would consider dilapidated on Railroad Drive. He said it has been burnt down for years and it is half a City block, there are two or three different structures there. He said some of them are old buildings. He said he thinks we need to make a push to clean that corridor of our City up. He said he thinks we need to focus on some stuff that visitors in our Community see.

Fire Chief LeClair said that structure was involved in a structure fire most recently. He said it was identified and said if he is correct Code Supervisor Baker has sent out a certified letter to the property owners on that structure. Commissioner Rardin said he is not sure how long it has been burnt, but he knows that it has been dilapidated for the better part of 30 years.

No Action required.

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

Mayor Boss read the openings and appointed Beth Crabbe to the Planning and Zoning Committee. No one was opposed.

Commissioner Rardin moved to adjourn at 8:57 p.m.

Commissioner Hernandez seconded the motion.

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 June 12, 2018.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION SPECIAL MEETING MINUTES
6:15 P.M., COMMISSION CHAMBERS
May 14, 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 /

Mayor Boss called the meeting to order at 6:17 p.m. Roll Call was taken by the City Clerk. Commissioner Hernandez and Commissioner Wright were as absent. City Clerk Hughs announced there was a quorum present.

APPROVAL OF AGENDA

Mayor Pro-Tem Baldwin moved to approve the agenda.

Commissioner Sikes seconded the motion. Motion carried with a vote of 5-0-0.

Commissioner Hernandez joined the meeting at 6:18 p.m.

PUBLIC COMMENT

None.

NEW BUSINESS

1. Consider, and act upon, Change Order No. 1, Public Works Bid No. 2018-002, to Classic Builders, Inc. related to the Repaint City Hall and Sign project, in an amount not to exceed \$11,664.00, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said this change order is in two parts. The primary one is to add second coat of primer to the scope of the project and explained the process. He said the second part is there are parts that need to be painted that were not in the original scope of work to finish the look.

Mayor Boss said let the record show we now have Commissioner Wright and Commissioner Hernandez present in the meeting.

Commissioner Rardin asked if we are using elastomeric coating or paint. Engineering Manager Johnson answered it is elastomeric. Commissioner Rardin asked what product is being used. Engineering Manager Johnson answered EnduraLastic tin elastomeric wall coating.

Commissioner Hernandez asked if they are putting one additional coat of primer, Engineering Manager Johnson said, yes sir. Commissioner Hernandez asked if the rest is to paint the handrails and downspouts, he said yes. He asked Engineering Manager Johnson who left the downspouts out, he answered, at the time it was not part of the main structure. Commissioner Hernandez said you just forgot it, he answered we did. Commissioner Hernandez said his biggest concern was that the change order is about the third of the original contract. Engineering Manager Johnson said there is a little more prep work in conjunction with painting metal surfaces. Commissioner Hernandez asked Engineering Manager Johnson if he knew the cost of painting the metal part. He answered it is separated in the contract; for the primer work it is \$6,600 plus tax, and for the metal work or downspout covers, it is \$4,200 plus tax.

Commissioner Rardin asked if it cost \$4,200 to paint eight downspouts. Engineering Manager Johnson said there are 10 downspouts. He then said it's not the downspouts its where the downspouts come down and they dive into the concrete, there are metal diamond shape covers with the frames. He said there are four on the east side and four on the west side, averaging about six feet long, and then on the south side there are two which are about 30 to 35 feet long.

Mayor Boss said he remembers that they were surprised that the bid was so low. He asked if they are still in what their engineering estimate was. Engineering Manager Johnson said there was no engineering estimate because no one knew. Mayor Boss said there was such a big gap between the closest next bidder, correct. He said they had the one and only contractor come in with their bid \$34,286 plus tax, despite the fact that they did have upwards of five bidders show up for the non-mandatory pre-bid conference. He said everyone got the same information from him and the facility maintenance staff.

Commissioner Sikes said this building is 23 years old and has never been painted. She asked what the guarantee on this paint is. Engineering Manager Johnson said he has not looked up the manufacturer's guarantee. He said the standard warranty for construction is one year.

Mayor Boss said the paint that was on there was just paint, it was not elastomeric. Engineering Manager Johnson said he did not know, that was done in 1995.

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

Commissioner Payne moved to adjourn at 6:28 p.m.
Commissioner Sikes seconded the motion.
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 June 12, 2018.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 05/31/2018

Report No: 3.

Submitted By: Nancy Beshaler

Subject: Consider, and act upon, final publication of Ordinance 1569 updating Chapter 13 of the Alamogordo Code of Ordinances to comply with Federal requirements. *(Nancy Beshaler, Project Manager)*
(Roll Call Vote Required)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Ordinance 1569 for final publication

Background:

The city participates in the National Flood Insurance Program (NFIP) which makes federally backed flood insurance and federal disaster assistance available to participating communities. The program is administered through the Federal Emergency Management Agency (FEMA). As part of the NFIP, the city's administration of the floodplain is periodically reviewed by FEMA. In March 2018, FEMA performed this review via a Community Assistance Visit (CAV).

FEMA has directed the city to update Chapter 13 Flood Damage Prevention Ordinance to meet the minimum NFIP regulations. The attached ordinance is updated to meet minimum NFIP regulations. The key changes are:

- Replace Article 13-03-020 with the FEMA model ordinance language to include flood zone AE elevation requirements per 44 CFR 60.3(c)(2), which were missing from the existing ordinance.
- Add an item to Article 13-03-100 requiring development of base flood elevation data in subdivisions that greater than 50 lots or 5 acres in zone A, as required by 44 CFR 60.3(b)(3).

Adoption of the Ordinance will keep the city in compliance with the National Flood Insurance Program.

ORDINANCE NO. 1569

AMENDING SECTIONS OF CHAPTER 13, FLOOD DAMAGE PREVENTION IN ORDER TO MEET FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) MINIMUM REQUIREMENTS AND TO REMAIN COMPLAINT WITH THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, on December 7, 2010, the City Commission approved Ordinance No. 1388 updating Chapter 133; and,

WHEREAS, City staff has been advised by the National Flood Insurance Program and FEMA that updates are necessary to keep the City in compliance,

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo that the following sections of Chapter 13, of the Alamogordo Code of Ordinances, are hereby amended as follows.

ARTICLE 13-01 - IN GENERAL

13-01-005. - Statutory authorization.

The state legislature has in NMSA 1978, § 3-18-7 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses, and it is determined to be in the public interest and in the best interest of the health, welfare and morals of the community to establish the flood control damage prevention regulations in this article.

13-01-010. - Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

13-01-020. - Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

13-01-030. - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Accessory structure, low-cost and small means a building that is four hundred (400) square feet or less, that has two (2) or more exterior rigid walls and a fully secured roof and that is affixed to a permanent site, including modular buildings, and which has a value less than three thousand dollars (\$3,000.00), that are used for parking of no more than two (2) cars, limited storage of low cost items (items with a value of two hundred fifty dollars (\$250.00) or less) or other ancillary use.

Anchored means a series of methods used to secure a structure to its footings or foundation wall so that it will not be displaced by flood or wind forces.

Appeal means a request for a review of the flood plain administrator's interpretation of any provision of this chapter or a request for a variance.

Area of shallow flooding means a designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1—99, VO, V1—V30, VE or V or These areas are designated as Zone A, AO, A1-30, AE, A99, AH or E on the FIRM.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

Base flood depth (BFD) means the depth shown on the flood insurance rate map for zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a one (1) percent chance of equaling or exceeding that level in any given year.

Base flood elevation (BFE) is the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1—A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one (1) percent chance of equaling or exceeding that level in any given year - also called the base flood.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Construction. See *Development*.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Designated floodway. See *Regulatory floodway*.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means a non-basement building which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood elevation determination means a determination of the water surface elevations of the base flood hazards by the floodplain administrator and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway. See *Regulatory floodway*.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation (natural grade) of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Letter of map amendment (LOMA) is an amendment to the currently effective FEMA map which establishes that a property is not located in a special flood hazard area. A LOMA is only issued by FEMA.

Letter of map revision (LOMR) is an official amendment to the currently effective FEMA map which changes flood zones, delineations, and elevations. A LOMR is only issued by FEMA.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of this chapter.

Manufactured home means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle", except that any recreational vehicle placed on a site for a period exceeding one hundred eighty (180) consecutive days shall be considered a manufactured home for the purposes of this chapter.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Modular building is a building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured home.

Natural grade means the grade unaffected by construction techniques such as fill, landscaping or berming.

New construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of this chapter, **and includes any subsequent improvements to such structures.**

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

Non-residential includes, but is not limited to: small businesses, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than six (6) months' duration.

Recreational vehicle is a vehicle which is:

- (1) Built on a single chassis;

- (2) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Residential means "of or pertaining to a place of personal residence or to a location for such places, as compared to non-residential".

Sheet flow area. See *Area of shallow flooding*.

Special flood hazard area (SFHA). See *Area of special flood hazard*.

Start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places provided that the alteration will not preclude the building's continued designation as a historic building.

Variance is a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

Violation means the failure of a structure or other development to be fully compliant with the regulations of this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

Walled and roofed means a building that has two (2) or more exterior rigid walls and a fully secured roof and that is affixed to a permanent site.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Zone is a geographical area shown on a flood hazard boundary map or a flood insurance rate map that reflects the severity or type of flooding in the area.

13-01-040. - Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

13-01-050. - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Otero County, New Mexico, and Incorporated Areas," dated December 17, 2010, with accompanying flood insurance rate maps (FIRM) dated December 17, 2010. The FIS, FIRMs and FBFMs are on file at the Alamogordo City Hall.

13-01-070. - Compliance.

All development of land, construction of residential, commercial or industrial structures, or future development within delineated floodplain areas is subject to the terms of this chapter and other applicable regulations.

13-01-080. - Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

13-01-090. - Interpretation.

In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the city; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

13-01-100. - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

13-01-110. - Declaration of public nuisance.

Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard after October 3, 1983 in violation of this chapter is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

13-01-120. - Abatement of violations.

Within thirty (30) days of discovery of a violation of this chapter, the floodplain administrator shall submit a report to the governing body which shall include all information available to the floodplain administrator which is pertinent to said violation. Within thirty (30) days of receipt of this report, the governing body shall either:

- (1) Take any necessary action to effect the abatement of such violation; or
- (2) Issue a variance to this chapter in accordance with the provisions of section 13-02-040 herein; or
- (3) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the floodplain administrator within thirty (30) days of such order and the floodplain administrator shall submit an amended report to the governing body within twenty (20) days. At the next regularly scheduled public meeting, the governing body shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of section 13-02-050 herein; or
- (4) Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

13-01-130. - Unlawful acts.

- (a) It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the governing body. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the floodplain administrator.
- (b) Any person violating the provisions of this chapter shall be guilty of a misdemeanor.

13-01-140. - Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE 13-02 - ADMINISTRATION

13-02-005. - Establishment of development permit.

A floodplain development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 13-01-050.

Cross reference— Subdivision regulations, ch. 22.

13-02-010. - Designation of the floodplain administrator.

The city engineer, or his/her designated representative, is hereby appointed the floodplain administrator to administer, implement and enforce the provisions of this chapter by granting or denying development permits in accordance with its provisions. Only a person who is certified pursuant to the state-certified flood plain manager program may be designated as a representative of the city engineer.

13-02-020. - Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review floodplain development permit applications to determine that:
 - a. The permit requirements of this chapter have been satisfied;
 - b. All other required state and federal permits have been obtained;
 - c. The site will be reasonably safe from flooding; and

- d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.
- (3) Review all subdivision and other proposed new development, including manufactured home and recreational vehicle parks to determine whether the proposed development site will be reasonably safe from flooding. When the proposed building site is located in the special flood hazard area, all new construction and substantial improvements will meet the applicable standards of ~~section 13-03-010 and Section 13-03-100~~ this Chapter.
- (4) Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- (5) Whenever a watercourse is to be altered or relocated:
- a. Notify adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the state coordinating agency which is the New Mexico Department of Homeland Security and Emergency Management (DHSEM);
 - b. Require that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; and
 - c. when the alteration or relocation of a watercourse causes a rise in the base flood elevation, or inundation of areas not previously in the special flood hazard area, as soon as practicable, but not later than six (6) months after the date such information becomes available, the floodplain administrator shall require those doing the watercourse alteration or relocation to notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- (6) When base flood elevations are not available, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this chapter. This information shall be submitted to the city commission for adoption.
- (7) Take actions on violations of this chapter as required in section 13-01-120 herein.
- (8) Notify the Federal Emergency Management Agency of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

13-02-030. - Permit procedures.

- (a) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of

the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures using the same vertical datum as the effective flood insurance rate map (FIRM) for the community and documented on the current form FEMA 81-31, Elevation Certificate. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
 - (2) Elevation in relation to mean sea level to which any new or substantially improved non-residential structure will be flood-proofed;
 - (3) A certificate from a registered professional engineer or architect, licensed in the state, that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of section 13-03-020(b);
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development; and
 - (5) Certification by a registered professional engineer, licensed in the State of New Mexico, that the cumulative effect of proposed development within zones A1—30 and AE on the community's FIRM, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community, along with the technical data to support the certification.
- (b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Cross reference— Buildings and building regulations, ch. 8; civil defense, ch. 10; health and sanitation, ch. 15; planning, ch. 20; trailers, mobile homes and recreational vehicles, ch. 25; water, sewers and sewage disposal, ch. 28; zoning, ch. 29.

13-02-040. - Variance procedures.

- (a) Board of appeals.
 - (1) The city commission shall hear and render judgment on requests for variances from the requirements of this chapter.
 - (2) The city commission shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
 - (3) Any person or persons aggrieved by the decision of the city commission may appeal such decision in the courts of competent jurisdiction.
 - (4) In passing upon such applications, the city commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger of life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.
- (b) Any applicant to whom a variance is granted shall be given written notice that ~~(i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and (ii) such construction below the base flood level increases risks to life and property commensurate with the increased risks.~~
- ~~(e)~~ The floodplain administrator shall:

- (1)—Maintain a record of all variance actions, including justification for their issuance; and
- (2)—Report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.

13-02-050. - Conditions for variances.

- (a) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the relevant factors in section 13-02-0530(db) have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the repair or rehabilitation of historical structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure
- (c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposed, but only to that elevation which the city commission believes will both provide relief and preserve the integrity of the local chapter.
- (e) Variances shall only be issued upon
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (f) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) The criteria outlined in this section are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (g) Upon consideration of the factors noted above and the intent of this chapter, the city commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

ARTICLE 13-03 - FLOOD HAZARD REDUCTION PROVISIONS

13-03-010. - Standards of construction.

In all areas of special flood hazards the following standards are required:

- (a) Anchoring.
 - (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) All manufactured homes shall meet the anchoring standards of section 13-03-040 070.
- (b) Construction materials and methods.
 - (1) All new construction or substantial improvements shall be constructed using methods and practices that minimize flood damage;
 - (2) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - (3) All new construction and substantial improvements and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (4) Within zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away from proposed structures.
 - (5) When a regulatory floodway has not been designated, construction, substantial improvements, or other development (including fill) shall not be permitted within zones A1—30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

13-03-020. - Elevation and floodproofing.

- (a) ~~Residential construction. Residential construction, new or substantial improvements, shall have the lowest floor (including basement), be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one (1) foot, or elevated at least three (3) feet above the highest adjacent grade if no depth number is specified. Upon completion of the structure, a registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied.~~
- (b) ~~Nonresidential construction. Nonresidential construction, new or substantial improvements shall be elevated to or above the regulatory flood elevation, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified, or together with attendant utility and sanitary facilities, and:~~

- (1) — Be flood-proofed below the elevation recommended under section 13-03-020(a) so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) — Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) — Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the floodplain administrator.
- (c) — Areas of shallow flooding (AO/AH zones):
- (1) — All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
 - (2) — All new construction and substantial improvements of nonresidential structures shall:
 - a. — Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified); or
 - b. — Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 - (3) — A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 13-02-030(a), are satisfied.
 - (4) — Require, within zones AH or AO, adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- (a) Located within the areas of special flood hazards where base flood elevation data has been provided (AE/AH zones), the following provisions apply:
- (1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevation to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in 13-02-030 (a) (1), is satisfied.
 - (2) Nonresidential Construction – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy (floodproofed). A registered professional engineer or architect shall develop and/or review structural design, specification, and plans for the

construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(b) Located within the areas of special flood hazard established in 13-01-050 are areas designated as shallow flooding (AO/AH Zones). These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number in feet on the community's FIRM (at least three (3) feet if no depth number is specified), or

(2) All new construction and substantial improvements of non-residential structures;

(a) Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or

(b) Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy (floodproofed).

(c) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in 13-03-020 (c) are satisfied.

(d) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

13-03-030. - Flood openings.

All new construction and substantial improvements, with fully enclosed areas below the lowest floor (excluding basements), that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

(1) A minimum of two (2) openings, on different sides of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers,

valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or

(2) If it is not feasible or desirable to meet the openings criteria stated above, a registered engineer or architect may design and certify the openings.

13-03-040. - Detached garages and accessory structures.

(a) "Accessory structure" used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in section 13-01-040 ~~030~~, may be constructed such that its floor is below the regulatory flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

- (1) Use of the accessory structure must be limited to parking or limited storage;
- (2) The portions of the accessory structure located below the regulatory flood elevation must be built using flood-resistant materials;
- (3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- (4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the regulatory flood elevation;
- (5) The accessory structure must comply with floodplain encroachment provisions in section 13-03-80 ~~090~~; and

(b) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 13-03-030

(c) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in section 13-03-010.

13-03-050. - Standards for storage of materials and equipment.

(a) The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

(b) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning

13-03-060. - Standards for utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(b) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Waste disposal systems shall not be installed wholly or partially in a regulatory floodway.

13-03-070. - Manufactured homes.

All manufactured homes that are placed on site or substantially improved shall:

- (1) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation;
- (2) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces; and
- (3) Meet the standards in section 13-03-010.

13-03-080. - Standards for recreational vehicles.

All recreational vehicles placed on site shall:

- (1) Be on the site for fewer than one hundred eighty (180) consecutive days; or
- (2) Be fully licensed and ready for highway use; or
- (3) Meet the permit requirements of subsection 13-02-030(a), and the elevation and anchoring requirements for "manufactured homes" in subsection 13-03-010(a) 070 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

13-03-090. - Floodways.

Located within areas of special flood hazard established in section 13-01-050 are areas such as arroyos and other channels which may be designated as floodways. Since the floodway is an extremely hazardous area, due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other developments, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (2) If section 13-03-030(1), above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections (13-03-020 and 13-03-030 provisions for flood hazard reduction).

13-03-100. - Standards for subdivision proposals.

- (a) All new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), shall:
 - (1) Identify the area of the special flood hazard area and the elevation of the base flood
 - (2) Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and

grade elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

(3) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

(d) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which are greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to other sections of this ordinance.

DONE this _____ day of _____, 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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 05/31/2018

Report No: 4.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, final publication of Ordinance 1570 updating portions of Chapter 17 of the Alamogordo Code of Ordinances regarding Pawnbrokers and Secondhand Dealers to add reporting procedures. *(Petria Schreiber, City Attorney and Brian Peete, Chief of Police)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for final publication

Background: The Ordinance will replace most of the current sections of Chapter 17 regarding pawnbrokers and secondhand dealers with new language more clearly encompassing the distinctions between the two and the requirements for reporting and monitoring. Additionally, it adds requirements to the reporting standard which will allow for tracking of stolen property.

ORDINANCE NO. 1570**AMENDING SECTIONS OF CHAPTER 17 REGARDING PAWNBROKERS
AND SECONDHAND DEALERS**

WHEREAS, Alamogordo Code of Ordinances 1960 established sections regarding pawnbrokers and secondhand dealers; and,

WHEREAS, Ordinance 370, adopted on September 14, 1965; Ordinance 485, adopted on November 14, 1972, Ordinance 760, adopted on June 13, 1989, and Ordinance 1003, adopted on March 25, 1997 amended portions of Chapter 17, Article 05; and,

WHEREAS, an update of the ordinance to clarify license and reporting procedures is necessary,

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo that the following sections of Chapter 17, of the Alamogordo Code of Ordinances, are hereby amended as follows.

SECTION ONE:**ARTICLE 17-05. - PAWNBROKERS AND SECONDHAND DEALERS****17-05-010. -~~License required.~~ Short Title.**

~~No pawnbroker, person, firm or corporation whose business it is to trade or receive by way of pledge or pawn, any kind of personal property as security for the repayment of money loaned or advance, shall engage in business within the city without having paid the required occupation license fee and having obtained the license required by the provisions of this article.~~

~~This article shall be known as and may be cited as the "Pawnbrokers and Secondhand Dealers Ordinance".~~

17-05-020. -~~Bond.~~ Purpose.

~~No person shall engage in the business of a pawnbroker without having executed and delivered to the city a bond to be approved by the council in the penal sum of ten thousand dollars (\$10,000.00) with a corporate surety authorized by the laws of the state to write surety bonds therein, and conditioned for the conduct of such pawnbrokers business according to law and for the due and faithful observance of each and every provision of this article. Such bond shall be for the benefit of the city and of each and every person damaged by breach of any condition thereof.~~

~~The purpose of this article is to regulate those businesses which primarily purchase or receive through pawn transaction merchandise from the general public for the purpose of resale.~~

17-05-030. -~~Records.~~ Definitions

~~It shall be the duty of every person engaged in the business of a pawnbroker in the city to provide a well bound book or ledger, to be kept at his place of business, in which a record of all transactions had by such person shall be kept. Such record shall contain an accurate and complete description of each and every article taken in as a pledge, or purchased by him and shall list any identifying serial numbers or other identifying marks or numbers found on each article, together with an accurate and complete description of the parties from whom such goods are received or purchased, together with the name of such person or persons, his or their addresses, giving the house or street number of same, which book shall be open at all times to the inspection of the director of public safety, or any member of the police department, any member of the city commission, or any person who shall be authorized by the director of public safety or the mayor, and there shall also be entered in such book the amount of the loan or purchase price of all such articles or things pawned or bought, the rate of interest to be paid on the loan, if the transaction is a loan; and such other information as may from time to time be required by the director of public safety. The book and record above required to be kept shall be written in the English language in a clear and legible manner.~~

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Firearm as defined in 18 United States Code Section 921.

Item, in addition to meaning an individual item, shall include a coherent unit, such as a tool set with a tool box, for purposes of the reporting requirements of this article, provided that the contents of such units are reasonably described therein.

Pawnbroker shall mean a person who:

- (A) Engages in the business of lending money on the deposit or pledge of personal property;
- (B) Purchases personal property with the expressed or implied agreement or understanding to sell it back at a stipulated price; or
- (C) Engages in the business of purchasing items of gold, silver, platinum or other precious metal or gems and reselling the product.

Secondhand dealer shall mean a person engaged in the business of purchasing, trading, bartering or exchanging secondhand goods.

Secondhand goods shall mean any item of personal property which is not purchased or sold as new. Secondhand goods do not include property purchased by one license holder in the normal course of business from another license holder. Secondhand goods include, but are not limited to the following items:

- (A) Jewelry of any kind and of any metal;
- (B) Gold, silver, and/or other precious metals in whatever form except coins or bullion;

(C) Any precious stone;

(D) Consumer electronics intended for everyday use, most often in the entertainment, communications and office productivity area to include personal computers, telephones, MP3 players, audio equipment, televisions, calculators, GPS automotive electronics, digital cameras and recorders using video media such as DVDs, VCRs or camcorders, and;

(E) Hand tools, power tools and gardening tools.

License holder shall mean a person to whom a license has been issued pursuant to this article including such person's agents and employees.

Person shall mean any individual, partnership, corporation, firm or association.

17-05-040. ~~--Reports.~~ Licenses Required; Revocation; Provisions; Penalty.

It shall be the duty of every person engaged in the business of a pawnbroker to furnish daily, an accurate and complete report, before 12:00 noon of each business day, to the director of public safety, on blanks to be furnished by such director, which report shall show all property of every kind, received or purchased by him, together with the description of such property, including any identifying serial numbers or other identifying marks or numbers found on each article, and the description of the person's address. The report shall give the age, complexion, sex and approximate height of the person delivering such property to such pawnbroker, together with the time at which such property was received and such report shall contain any other information which from time to time may be required by the director.

The business license requirements, revocations, provisions and penalties shall be as set forth in Chapter 17, Article 01, General Provisions and Business Registration and Chapter 17, Article 01A, Businesses to be Licensed.

17-05-050. ~~--Transactions with juveniles, etc.~~ Applicability of other laws.

It shall be unlawful for any person engaged in the business of pawnbroker in the city, to buy, or accept property as a pledge from any juvenile without the written consent of the parent or guardian of such juvenile to so deliver or dispose of such property, or to buy or accept property as a pledge from any person who is at the time intoxicated, or from a habitual drunkard, or from any person known by him to be a thief or an associate of thieves or a receiver of stolen property.

The license provided for in this article does not constitute a waiver of any requirement or provision contained in any other city ordinance or state or federal law.

17-05-060. ~~--Evidence of ownership prerequisite to certain transactions.~~ Bond required

It shall be unlawful for any person engaged in the business of a pawnbroker, to buy any property of any kind, or receive the same as a pledge, which property is distinctly and plainly marked as being the property of any person other than the party offering to sell or pledge the same, unless the party offering to sell or pledge the same shall show satisfactory evidence, in writing,

~~that he is the legal and lawful owner of such property. Failure to require such written evidence shall be prima facie evidence of guilty knowledge on the part of such pawnbroker, his agents or employees, that the party offering to pledge or sell the same is not the rightful owner thereof, and shall be sufficient cause for the revocation of the license of such pawnbroker by the city commission after a public hearing.~~

No person shall engage in the business of being a pawnbroker without having executed and delivered a bond to the City, in the sum of ten thousand dollars (\$10,000), with a corporate surety qualified to do business in the state. The bond shall be in a form approved by the City Attorney's office and shall be conditioned upon the conduct of such pawnbroker's business according to the provisions of this article, and other City ordinances and state and federal law. Such bond shall be for the benefit of each and every person damaged by a breach of any condition set forth in the bond. Every pawnbroker shall provide the City Attorney's office with 30 days written notice of cancellation of bond.

17-05-070. ~~-Compliance required.~~ Reporting requirements; Violation.

~~It shall be unlawful for any person to act as the agent, servant or employee of any person engaged in the business of a pawnbroker who does not keep a record book as required by the provisions of this article, and who does not make reports to the director of public safety as herein required.~~

(A) Every pawnbroker/secondhand dealer shall each day accurately complete a report of all used property of every kind received or purchased during the preceding business day on a form approved by the Alamogordo Police Department. A photo identification card shall be required of each person pawning or selling merchandise to a pawnbroker or secondhand dealer. Each item received shall be listed on a separate report form. The report shall include the following:

(1) Name of item.

(2) Descriptions and photographs of item including make, model number and serial number, if any.

(3) Date, time and type of transaction.

(4) Name and address of person offering form.

(5) Description of the person offering the item including sex, complexion, hair color, approximate height and weight, and date of birth.

(6) Type of identification used by person offering item and identifying number of the identification. If the person presents a driver's license, the report shall also indicate the state of issuance.

- (B) All reports required by this article shall be completed accurately and be made available by 12:00 noon of the day following the day that the property was received or purchased and said reports shall be made available for pickup by the Alamogordo Police Department within three days of the receipt or purchase of the property.
- (C) Used personal property purchased directly from another license holder regulated by this article who has already reported the item pursuant to this section is exempt from the requirements of this section.
- (D) Persistent or frequent erroneous or incomplete entries in or delays in submitting the above required reports shall constitute a violation of this section.
- (E) All persons required to file reports as provided for in this article shall maintain a copy of each report for at least six months from the date the reported transaction occurred.
- (F) All required reports shall be submitted daily by the license holder to LeadsOnline, an online investigative system that links law enforcement agencies and businesses through web based electronic reporting.

17-05-080. - Hours of business. ~~Inspection.~~

~~It shall be unlawful for any person engaged in the business of pawnbroker, to keep such place of business, or to transact any business at such place of business, between the hours of 7:30 p.m. and 6:00 a.m., on the following day, and it shall be the duty of such person so engaged in business to keep such place of business closed between the hours above mentioned.~~

The reports of the license holder required by this article shall be available for inspection by the Chief of Police or any sworn member of the Alamogordo Police Department at all reasonable time.

17-05-090. – Disposition of pawned property and secondhand goods.

- (A) Pawned property shall not be sold or disposed of, except by redemption, by a pawnbroker within 120 days from the date said personal property was pawned with the pawnbroker or within 90 days after the indebtedness becomes due, whichever is later.
- (B) Secondhand goods shall not be sold or disposed of by a secondhand dealer within 15 days from the date said item was received by the license holder.

17-05-100. – Used merchandise tags.

Each item pawned or purchased or received by the license holder for which a report is required shall have attached thereto a tag with an alphabetic and/or numeric identification system matching the item with a corresponding report and record.

17-05-110. – Purchase and receipt limitations.

No license holder shall purchase or receive any item from the following:

(A) Any person under the age of 18; or

(B) Any person under the apparent influence of intoxicating liquor or drugs.

17-05-120. – Exclusions.

This article does not apply to persons who are exclusively involved in the following businesses or transactions:

(A) Junk dealer who deals in old metal, glass, paper, cordage, rags, rubber or other waste which may be treated so as to be used again in some form; vehicles or machines which are worn out and intended for scrapping; or any item considered to be junk for the purpose of trade. Junk does not include secondhand items or parts of secondhand items which are still usable for the purpose for which they were originally intended and are sold with a view to such further original use;

(B) Used motor vehicle dealers;

(C) Antique dealers who deal in paintings, furniture, china or other item painted or made more than fifty years ago and which are valuable primarily by reason of age, scarcity or the skill and craftsmanship of the artists or artisans. Antiques shall not include family heirlooms made of gold and silver or other precious metals;

(D) Coin and bullion collectors and dealers. This exclusion does not exempt such collectors or dealers from compliance with the regulations as herein provided in relation to any gold, silver, platinum or other precious metal or jewelry which they may purchase, trade, barter or exchange in addition to the coin and bullion operations;

(E) Individuals who sell and purchase items at neighborhood garage sales and who are not in the business of reselling these items;

(F) Nonprofit or charitable secondhand goods or thrift shops;

(G) Licensed gun dealers. This exclusion does not exempt such dealers from compliance with the regulations as herein provided in relation to any gold, silver, platinum, or other precious metal or jewelry which they may purchase, sell, trade, barter or exchange in addition to their gun business;

(H) Consignment stores where a consignor transfers possession of personal property but not ownership to a consignee for sale with the understanding that the consignee pays the consignor a portion of the sale proceeds.

17-05-130. – Unlawful transactions.

No license holder shall purchase or receive any item:

- (A) From which the manufacturer's name plate, serial number or distinguishing number or identification mark has been obviously defaced, altered, covered or destroyed; or
- (B) Which the license holder knows or should have known is not lawfully owned by the person offering the same.

*State law reference – Used Merchandise Act, NMSA 1978, §57-9-1 through §57-9-5

SECTION TWO

ARTICLE 17-06. --~~SECONDHAND DEALERS~~^[5] Garage and yard sales~~17-06-010. -- Definition.~~

~~Any person who shall engage in the business of purchase, sale, barter, trade, consignment or exchange of secondhand goods, wares or merchandise, whether in a fixed and established location of business or otherwise shall hereby be defined as a "secondhand dealer;" provided that, transactions involving a trade in of goods, wares or merchandise on the purchase of other goods, wares or merchandise where no cash is paid to the person making such trade in shall not be defined as the business of a secondhand dealer.~~

~~17-06-020. -- Records required.~~

~~Every secondhand dealer shall keep a permanent record on forms provided by the director of public safety providing the following information:~~

- ~~(1) — The date and hour of purchase of all secondhand goods, wares or merchandise.~~
- ~~(2) — The name, age, address and physical description of the vendor.~~
- ~~(3) — The amount of money paid in any such transaction.~~
- ~~(4) — A complete and accurate description of the goods, wares or merchandise purchased.~~

~~17-06-030. -- Inspection permitted.~~

~~The records required by the provisions of this article, as well as all merchandise or articles purchased, shall at all times be open and available to inspection by the director of public safety or any properly designated police officer.~~

~~17-06-040. -- Garage and yard sales.~~

- (a) *Applicability of chapter.* Garage and yard sales, as defined below, need not be licensed or registered under the provisions of this chapter, but shall be subject to the enforcement provisions of section 17-01-100.
- (b) *Definition; conduct of sales.* Garage or yard sales are sales in which personal property and or used merchandise is offered for sale, which are conducted on residential premises by one

or more members of the family or families who live there, and to which the public is invited. Garage and yard sales are permitted within the city provided that:

- (1) Garage and yard sales shall only be held between the hours of 8:00 a.m. and 8:00 p.m. and shall not exceed three consecutive days' duration. No more than three (3) sales shall be held at a given residence in any twelve-month period. No more than two (2) garage or yard sales shall be conducted at the same location within ninety (90) days of another such sale at such location by the same person(s).
 - (2) Garage and yard sales are intended for the sale of items normally accumulated by a household. No items shall be sold at a garage or yard sale which were specifically purchased for the purpose of resale.
 - (3) Signs may be erected no earlier than 6:00 a.m. on the first day of the sale and shall be removed by 9:00 p.m. on the last day upon which the sale is held. Signs may not be placed in the city's right-of-way or attached to utility poles as provided in sections 3-01-15 and 11-06-200 of these ordinances.
 - (4) No garage or yard sale shall be conducted in such a manner as to create a nuisance or hazard.
- (c) *Exemptions.* These provisions shall not apply to or affect the following:
- (1) Persons acting pursuant to an order or process of a court of competent jurisdiction.
 - (2) Persons acting in accordance with their powers and duties as public officials.

DONE this _____ day of _____, 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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/07/2018

Report No: 5.

Submitted By: Julianne Hall

Subject: Consider, and act upon, the award of RFP 2018-001 Financial Advisory Services for the City of Alamogordo, to the overall highest rated proposal, George K. Baum & Company. (*Julianne Hall, Finance Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the award of RFP 2018-001 Financial Advisory Services for the City of Alamogordo to George K. Baum & Company.

Background: The City of Alamogordo requested proposals from qualified firms to serve the City as Financial Advisor, to advise and assist the City in the issuance of various forms of debt, including public offerings of bonds, negotiated sales, and private placements.

RFP was advertised on March 25, 2018. The City received 2 responsive proposals on May 9, 2018, from George K. Baum & Company; and RBC Capital Markets.

A selection committee conducted evaluations, and as a result of the evaluation process, George K. Baum & Company was selected for award. The initial contract will be awarded for a one-year term, with the option of three additional one-year terms, upon approval by the City Commission.

RFP 2018-001 Financial Advisory Services

Total Scores

Factor	Available Points per Vendor	4 Committee Members	George K Baum	RBC Capital Markets
1	125	Technical Competence	114	117
2	100	Capacity & Capability	87	91
3	50	Past Record of Performance	36	44
4	50	Apporach to providing the Services	43	40
5	50	Approach to Communicating with City of Alamogrodo	46	38
6	125	Cost of Services	125	120
7		Preference Points - Veterans, Instate or Local	23	0
Total Available	500	Accumulated Score	474	450
Total Rank			1	2

RFP 2018-001 Financial Advisory Services

Committee Scores

	George K Baum & Company Includes 5% State Resident Preference						RBC Capital Markets					
FACTOR	1	2	3	4	5	6	1	2	3	4	5	6
Evaluator #1	20	15	5	7	9	25	25	20	10	10	8	24
Evaluator #2	23	18	10	10	9	25	22	16	10	5	8	24
Evaluator #3	25	20	4	9	10	25	25	20	6	10	5	24
Evaluator #4	21	16	7	8	9	25	20	15	8	7	7	24
Evaluator #5	25	18	10	9	9	25	25	20	10	8	10	24
Total	114	87	36	43	46	125	117	91	44	40	38	120
	451						450					
Vendor total	474						450					

10. ADDITIONAL PROPOSAL REQUIREMENTS

Licensing and Registration – It shall be the responsibility of the Financial Advisor to obtain and maintain all necessary licenses and registrations required under this agreement, laws of the City of Alamogordo, and the State of New Mexico.

GKB maintain all the necessary licenses and registrations required under this agreement, laws of the City of Alamogordo, and the State of New Mexico.

Conflict of Interest – The Financial Advisor shall warrant that they have no interest and will not acquire any interest, whether direct or indirect, which would conflict with the performance of the required services under the scope of services of this proposal. Any conflict of interest is grounds for proposal rejection. Any conflict developed is grounds for termination of the Agreement.

GKB has no interest and will not acquire any interest, whether direct or indirect, which would conflict with the performance of the required services under the scope of services of this proposal.

Fees – Fees charged for services rendered & Reimbursement of costs.

GKB always aims to be mindful about bond transactional costs. Shown below is GKB's fee schedule for issuance of bonds based on the size of issue for General Obligation and Revenue.

George K. Baum & Company Financial Advisory Fee Proposal		
Transaction Size	Base Fee	Revenue Bond
\$0 - \$2,000,000	\$15,000	\$17,500
\$2,000,001 - \$4,000,000	\$20,000	\$22,500
\$4,000,001 - \$6,000,000	\$25,000	\$27,500
\$6,000,001 - \$8,000,000	\$30,000	\$32,500
\$8,000,001 - \$10,000,000	\$35,000	\$37,500
\$10,000,001 & Above	\$40,000	\$42,500

Base Fee applies to General Obligation Bond Issues & all NMFA Loans (GO or Revenue)

The Revenue Bond fee applies to all revenue bond transactions outside of NMFA Loans.

Hourly rates for other services performed will be based on the following schedule:

Banker: \$150/hour

Quantitative Analyst: \$100/hour

Clerical: \$75/hour

Cost Evaluation Criteria.

To provide context to how this fee structure would apply to the City; we applied GKB's Fee Schedule to the example issuances provided in the RFP.

George K. Baum & Company Financial Advisory Fee Proposal Examples		
Transaction Type	Fees	Reimbursement of Costs (Travel, Lodging and Meals)
\$9,000,000 General Obligation Bond	\$35,000	\$1,025
\$4,000,000 Joint Utility Revenue Bond	\$22,500	\$1,025
\$6,000,000 Gross Receipts Tax Bond	\$27,500	\$1,025
\$3,000,000 NMFA Loan	\$20,000	\$1,025

For a Private Placement of any of the examples, GKB would charge the same fee as listed above.

GKB will cap its reimbursable expenses at \$1,500 per issue.

For Continuing Disclosure Undertaking Services, GKB would charge a fee of \$2,000.

Other Information – The selected Financial Advisor must attend closings and must attend meetings of the City as requested by the City. Fees, transportation, and other cost associated with attending such meetings and closings must be included in the cost proposal.

GKB will attend all the required meetings as requested by the City. GKB will cap its reimbursable expenses at \$1,500 per issue. Additionally, GKB will only charge for travel expenses incurred to the date of the final decision on planned bond issuances that do not materialize.

The selected Financial Advisor must give the City a four (4) year commitment on the rate schedule offered.

GKB will stand committed to rate schedule offered for a four year commitment.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/07/2018

Report No: 6.

Submitted By: Julianne Hall

Subject: Consider, and act upon, the approval of Resolution No. 2018-27 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of New Mexico, for the revised budget figures computed as of June 12, 2018. *(Julianne Hall, Finance Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Beginning Cash Balances \$0

Revenues \$(2,748) Decrease

Expenditures \$(5,632) Decrease

Transfers In/Out \$0

Net Impact \$2,884 Increase

Recommendation: Approve Resolution No. 2018-27

Background: The City Commission adopted the Fiscal Year 2018 Preliminary Budget on May 23, 2017. The Department of Finance and Administration granted written approval of the City of Alamogordo's Fiscal Year 2018 Final Budget on August 30, 2017. Resolution No. 2018-27 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. 2018-27

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 June 12, 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 June 12, 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 12th day of June 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

Bal. Remaining
4,199,472

FY18 BUDGET - RESOLUTION 2018-27 (#9) June 12, 2018

FUND NO.	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	17,363,950	1,046,552	6,990,278	(5,943,726)	14,742,157	5,915,112	1,715,640	4,199,472
	Revision #10	0	7,364	0	0	0	0	7,364		7,364
	Revision #11	0	900	0	0	0	900	0		0
	Total Revised Fund 11	9,237,045	17,372,214	1,046,552	6,990,278	(5,943,726)	14,743,057	5,922,476		4,206,836
12	INTERNAL SERVICE FUND	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
	Revision #1	0	2,777	0	0	0	2,777	0		\$0
	Revision #14	0	1,459	0	0	0	1,459	0		\$0
	Total Revised Fund 32	1,775	742,895	3,880,343	519,875	3,360,468	4,081,967	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
	Revision #3	0	0	0	200,000	(200,000)	0	(200,000)		(\$200,000)
	Total Revised Fund 42	3,461,622	1,716,806	0	4,562,228	(4,562,228)	0	616,200		\$399,027
44	TRANSPORTATION FUND	8,661	3,837,589	1,489,335	160,620	1,328,715	5,174,436	529		\$529
	Revision #2	0	0	(47,654)	0	(47,654)	0	(47,654)		(\$47,654)
	Revision #3	0	0	200,000	0	200,000	0	200,000		\$200,000
	Total Revised Fund 44	8,661	3,837,589	1,641,681	160,620	1,481,061	5,174,436	152,875		\$152,875
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	288,113	\$511,145
	Revision #12	0	0	0	32,800	(32,800)	0	(32,800)		(\$32,800)
	Total Revised Fund 49	9,568,712	1,790,270	0	10,039,579	(10,039,579)	572,945	746,458		\$478,345
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 & T FUND	151,687	3,907	2,666,132	0	2,666,132	2,671,111	150,615		\$150,615
	Revision #12	0	0	34,600	0	34,600	0	34,600		\$34,600
	Total Revised Fund 59	151,687	3,907	2,700,732	0	2,700,732	2,671,111	185,215		\$185,215
61	MUNICIPAL INFRASTRUCTURE .0625%	561,853	415,089	0	806,172	(806,172)	0	170,770		\$170,770
	Revision #2	0	0	0	(47,654)	47,654	0	47,654		\$47,654
	Total Revised Fund 61	561,853	415,089	0	758,518	(758,518)	0	218,424		\$218,424

ALL FUNDS SUMMARY
BUDGET 2017-2018

Bal. Remaining
4,199,472

FY18 BUDGET - RESOLUTION 2018-27 (#9) June 12, 2018

FUND NO.	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
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
	Revision #12	0	0	0	34,600	(34,600)	0	(34,600)		(\$34,600)
	Total Revised Fund 69	2,158,582	1,702,326	0	2,617,650	(2,617,650)	0	1,243,258		\$1,016,850
71	ALAMO SENIOR CENTER	430	785,382	543,637	0	543,637	1,307,721	21,728		\$21,728
	Revision #5	0	(3,786)	0	0	0	(3,786)	0		\$0
	Revision #6	0	2,000	0	0	2,000	0	2,000		\$0
	Revision #7	0	(2,913)	0	0	0	(2,913)	0		\$0
	Revision #8	0	(4,069)	0	0	0	(4,069)	0		\$0
	Total Revised Fund 71	430	776,614	543,637	0	543,637	1,298,953	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
	Revision #9	0	(480)	0	0	0	0	(480)		(\$480)
	Revision #13	0	(6,000)	0	0	0	(6,000)	0		\$0
	Total Revised Fund 75	100	242,913	36,566	19,593	16,973	253,581	6,405		\$6,405
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
	Revision #4	0	0	4,000	0	4,000	4,000	0		\$0
	Total Revised Fund 81	13,980,988	14,481,840	2,869,181	2,041,292	827,889	26,510,590	2,780,127		\$1,791,354
82	98 JT WATER/SEWER BOND P&I	1,199,542	15,283	1,899,677	0	1,899,677	1,881,221	1,233,281		(\$0)
	Revision #12	0	0	32,800	0	32,800	0	32,800		\$32,800
	Total Revised Fund 82	1,199,542	15,283	1,932,477	0	1,932,477	1,881,221	1,266,081		\$32,800
86	SOLID WASTE COLLECTION SYS.	471,060	2,066,033	110,000	126,980	(16,980)	0	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)	4,380,388	1,716,609	1,558,302	\$158,307
	Total Revised Fund 94	4,617,378	1,481,339	0	1,720	(1,720)	4,380,388	1,716,609		\$158,307
96	SELF-INSURED FUND	480,308	65,411	0	15,000	(15,000)	61,413	469,306		\$469,306
	Revision #4	0	0	0	4,000	(4,000)	0	(4,000)		(\$4,000)
	Total Revised Fund 96	480,308	65,411	0	19,000	(19,000)	61,413	465,306		\$465,306
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	3,140,082	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	68,897,556	30,155,368	30,155,368	0	121,046,337	32,805,237	7,601,066	34,360,813

Prior Resolution

32,802,353

121,051,969

29,931,622

29,931,622

68,900,304

84,954,018

68,900,304

29,931,622

32,802,353

Resolution # 2018-27 June 12, 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 Zoo Gift Shop. Funds are requested from fund balance.						
Non-Recurring	32	SPECIAL REVENUE				
		Revenue				
		032-6306-316.15-63	Misc Revenue/Zoo Gift Shop Income	36,000	2,777	38,777
		Expenditures				
		032-6306-452.30-95	Zoo Gift Shop Supplies	15,000	2,777	17,777
<u>REVISION #2</u>						
Budget Revision is requested to reverse the transfer from Fund 61 to Fund 44 for projst EN1602. This project is completed, but will remain active in the system, as the City may receive reimbursement of overpayments of state and federal grants. Funds will revert to fund balance of Fund 61.						
Non-Recurring	44	TRANSPORTATION				
		Transfer In				
	EN1602	044-0000-391.19-61	Trans Fr (61) 1991 GRT Infra	215,253	(47,654)	167,599
	61	CAPITAL PROJECTS FUND				
		Transfer Out				
		061-0000-391.19-61	Trans To (44) Transport	215,253	(47,654)	167,599
<u>REVISION #3</u>						
Budget revision is requested to increase operational transfers from Fund 42 to Fund 44. YE Proj reduced these tranfers in error. Funds requested from Fund Balance of Fund 42.						
Non-Recurring	44	TRANSPORTATION				
		Transfer In				
		044-0000-391.19-42	Trans Fr (42) 1984 GRT	1,274,082	200,000	1,474,082
	42	1984 GROSS RECEIPTS				
		Transfer Out				
		042-0000-391.18-44	Trans To (44) Transprt	1,274,082	200,000	1,474,082
<u>REVISION #4</u>						
Budget Revision is requested to transfer funds from Fund 96-Self Insured-Fleet to Fund 81-Water/Swere Operating to pay for a portion of a new vehicle for the purchasing department.						
Non-Recurring	81	WATER/SEWER				
		Transfer In				
	CERPUR	081-0000-391.19-96	Trans Fr 96	0	4,000	4,000
		Expenditures				
	CERPUR	081-1602-461.61-60	Capital Equipment	22,000	4,000	26,000
	96	SELF-INSURED				
		Transfer Out				
		096-0000-491.18-81	Trans To (81) Water/Sewer	0	4,000	4,000
<u>REVISION #5</u>						
Budget revision is requested to change in revenues per amended contract from NM Area Agency on Aging, dated 5/3/2018. Adjustment to expenses to match reduction in revenue.						
Non-Recurring	71	SENIOR CENTER				
		Revenue				
		071-8026-317.16-32	Grants/HB2-State (SA1)	18,578	(3,786)	14,792
		Expenditures				
		071-8026-445.20-03	Salaries & Benefits/Temp/Part-time	15,956	(2,986)	12,970
		071-8026-445.30-55	Supplies/Fuels	650	(300)	350
		071-8026-445.44-21	Maint/Fleet Commercial Parts	500	(500)	0
		Total Expenditure		17,106	(3,786)	

Resolution # 2018-27 June 12, 2018

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #6						
Budget revision is requested to change in revenues per amended contract from NM Area Agency on Aging, dated 5/3/2018. Adjustment to expenses to match reduction in revenue.						
Non-Recurring	71	SENIOR CENTER				
		Revenue				
	SCGL18	071-0000-317.16-37	Grants/Cash in Lieu-NSIP	60,426	2,000	62,426
		071-8024-317.16-30	Grants/Federal (SA1)	20,477	(8,165)	12,312
		071-8024-317.16-32	Grants/HB2-State (SA1)	89,557	8,165	97,722
			Total Revenue	170,460	2,000	172,460
		Expenditures				
	SCGL18	071-8024-445.32-65	Supplies/Commodities (NSIP)	30,213	2,000	32,213

REVISION #7

Budget revision is requested to change in revenues per amended contract from NM Area Agency on Aging, dated 5/3/2018. Adjustment to expenses to match reduction in revenue.

Non-Recurring	71	SENIOR CENTER				
		Revenue				
		071-8023-317.16-30	Grants/Federal (SA1)	55,428	(23,146)	32,282
		071-8023-317.16-32	Grants/HB2-State (SA1)	77,216	20,233	97,449
			Total Revenue	132,644	(2,913)	129,731
		Expenditures				
		071-8023-445.32-60	Supplies/Food Purchases	55,000	(2,913)	52,087

REVISION #8

Budget revision is requested to change in revenues per amended contract from NM Area Agency on Aging, dated 5/3/2018. Adjustment to expenses to match reduction in revenue.

Non-Recurring	71	SENIOR CENTER				
		Revenue				
		071-8025-317.16-30	Grants/Federal (SA1)	38,820	(14,716)	24,104
		071-8025-317.16-32	Grants/HB2-State (SA1)	20,465	10,647	31,112
			Total Revenue	59,285	(4,069)	55,216
		Expenditures				
	SCCO18	071-8025-445.44-21	Maint/Fleet Comm Parts	6,500	(4,069)	2,431

REVISION #9

Budget revision is requested to correct budgeted revenue amounts to match the actual grant awards from the NM Aging and Long-Term Services Department (NMALTS).D).

Non-Recurring	75	RETIRED & SENIOR VOLUNTEER PROGRAM				
		Revenue				
		075-0000-317.16-41	Grants/State Co-op SCP	68,000	(250)	67,750
		075-0000-317.16-42	Grants/Foster Grandparent	67,730	(230)	67,500
			Total Revenue	135,730	(480)	135,250

REVISION #10

Budget revision is to close out the remaining budget and close project FG1401.

Non-Recurring	11	GENERAL FUND				
		Revenue				
		011-0000-317.16-73	Federal Grant	(7,364)	7,364	0
		Expenditure				
	FG1401	011-4204-421.50-50	Equipment	7,364	(7,364)	0
		011-4204-421.50-50	Equipment	21,000	7,364	28,364
			Total Expenditure	28,364	0	28,364

REVISION #11

Budget Revision is requested to increase revenue and expenditures for donations received for Animal Control pet adoptions.

Non-Recurring	11	GENERAL FUND				
		Revenue				
	PSACO2	011-3804-314.13-36	Donations (Pet adoptions)	2450	900	3350
		Expenditure				
	PSACO2	011-3804-429.33-26	Supplies/Designated Materials	2450	900	3350

Resolution # 2018-27 June 12, 2018

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
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REVISION #12

Budget Revision is requested to increase budget on transfers for Debt Service for NMFA Loan #17 and #19 for remainder of fiscal. Funds requested from fund balance of Fund 69 and Fund 49.

<i>Transfer In</i>						
Non-Recurring	59	1994 Gross Receipt Tax				
		059-0000-391.19-69	Trans Fr (69) '94 GRT	1095961	34600	1130561
	82	Jt Water/Sewer P & I				
		082-0000-391.18-49	Trans Fr (49) 1986 GRT	503434	32800	536234
<i>Transfer Out</i>						
	69	Gross Receipt P & I				
		069-0000-491.18-59	Trans To (59) GRT P & I	1095961	34600	1130561
	49	1996 Gross Receipt Tax				
		049-0000-491.18-82	Trans To (82) Jt W/S P & I	503434	32800	536234

REVISION #13

Budget Revision is requested for reduction in grant revenue for Foster Grandparent Program and adjustments to expenditures line to account for that loss.

Non-Recurring	75	RETIRED & SENIOR VOLUNTEER PROGRAM				
		<i>Revenue</i>				
		075-0000-317.16-42	Grants/Foster Grandparent	67,730	(6,000)	61,730
		<i>Expenditure</i>				
		075-8801-445.56-98	Other Srv/Volunteer Srv	28,574	(5,992)	22,582
		075-8801-445.57-89	Other Srv/M meal Reimburse	5,500	(8)	5,492
			Total Expenditure	34,074	(6,000)	28,074

REVISION #14

Budget Revision is requested to increase expenditure line for Project LI1703. Funds will be moved from User Fees/Donations.

Non-Recurring	32	COMMUNITY SERVICES				
		<i>Revenue</i>				
	LI1703	032-7101-314.13-36	User Fee/Donations	8000	1459	9459
		<i>Expenditure</i>				
	LI1703	032-7101-455.33-28	Misc Donation Materials	25162	1459	26621

REVENUES ON RESOLUTION

ITEM #	AMOUNT	TYPE
1	\$ 2,777	Zoo Gift Shop Income
5	\$ (3,786)	Reduction in contract
6	\$ 2,000	Reduction in contract
7	\$ (2,913)	Reduction in contract
8	\$ (4,069)	Reduction in contract
9	\$ (480)	Reduction in contract
10	\$ 7,364	Close out project
11	\$ 900	Donations (Pet adoption)
13	\$ (6,000)	Reduction in grant
14	\$ 1,459	Increase project

\$ (2,748) Total

EXPENDITURES ON RESOLUTION

ITEM #	AMOUNT	TYPE
1	\$ 2,777	Zoo Gift Shop supplies
4	\$ 4,000	Portion of new vehicle for purchasing
5	\$ (3,786)	Reduction in contract
6	\$ 2,000	Reduction in contract
7	\$ (2,913)	Reduction in contract
8	\$ (4,069)	Reduction in contract
11	\$ 900	Donations (Pet adoptions)
13	\$ (6,000)	Reduction in grant
14	\$ 1,459	Increase project

\$ (5,632) Total

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/04/2018

Report No: 7.

Submitted By: Debbie Osborne

Subject: Consider, and approve, Alamogordo Police Department grant application to AED Grant Program for the purchase of 5 AED units. (*Debbie Osborne, Grant Coordinator*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: There is a potential savings of \$5,000.

Recommendation: Approve grant application.

Background:

Alamogordo Police Department (APD) seeks to obtain Lifepack CR Plus AEDs, which are the type of units used by Alamogordo Medical Response (AMR). APD currently uses different AEDs. When AMR arrives at a scene that APD has responded to first, if AED treatment has begun it is interrupted while AEDs are switched. APD wants to purchase the Lifepack CR Plus AEDs to avoid this interruption in treatment, thus providing optimal care to the patient. If awarded a grant by AED Grant Program, APD would receive \$1,000 off the purchase price of each AED.

By approving this grant application the Commission will support APD's request to purchase 5 units through the AED Grant Program which will provide a \$5,000 budget savings.

**AEDGrant.com**

AED Grant Application

I am a: ☐ Public or Private Entity ☐ Organization ☐ Individual (only fill out appropriate fields)Grant Application Contact Name (admin, staff, etc.): Deborah Osborne Phone: 5754394257Email: dosborne@ci.alamogordo.nm.us Fax: _____Street Address: 1376 E. Ninth Street Apt / Suite: _____City: Alamogordo State: NM Zip Code: 88310Proposed # of AEDs: 5 Preferred AED Brand: Lifepack CR Plus

How did you hear about AEDGrant.com? (check one, and then write which agency, safety instructor, etc. referred you)

☐ Government Agency ☐ Safety Instructor ☐ AED Manufacturer ☒ Search Engine Please be specific: Google**Agency / Institution Information** — (answer only if applicable)Entity Name: Alamogordo Police Department Affiliation: ☒ City ☐ County ☐ State ☐ NoneSafety Manager Name: Melody Sparks Phone: 5754394325 ext 109Email: mspark@ci.alamogordo.nm.us # of Staff: 83 Year Established: 1898**Estimate the total number of...**People your organization serves daily: 200 Buildings / Offices of your business: 2 Employees: 83

- Does your agency/institution currently own an Automated External Defibrillator? ☒ Yes ☐ No If yes, how many: 8
- Does your agency/institution currently have an Emergency Medical System activation protocol for Sudden Cardiac Arrest (SCA) emergencies occurring at your locations? ☒ Yes ☐ No If no, will you add AEDs to the protocol? ☐ Yes ☐ No
- Would your agency be interested in CPR & AED training that could be performed at your facility? ☒ Yes ☐ No
- Will your agency/institution obtain a physician's prescription for use of any/all AEDs purchased? ☒ Yes ☐ No
- Will your agency/institution provide for medical oversight of its EMS/AED program/protocol? ☒ Yes ☐ No
- Will your agency notify local EMS of AED(s) placement? ☒ Yes ☐ No
- Will your agency/institution provide local EMS with all save / save attempt data? ☒ Yes ☐ No

I agree to the AEDGrant.com online terms and conditions. Submitting this application in no way obligates me to participate. I have read the "About the Program" page @ www.AEDGrant.com**Application Submission**Mail: 565 Westlake Street
Building 100
Encinitas, CA 92024

Fax: (760) 944-2959

Email: Review@AEDGrant.com

Questions? Call 888.228.6694

Agency / Institution Contact SignatureJune 13, 2018

Date

Medical Director Signature (optional)

Date

**PHYSIO
CONTROL****ZOLL** **defibtech** **PHILIPS** **HeartSine****ABOUT THE GRANT...**

The Grant AED Packages change periodically. Currently we have several Special Grant Packages with the Corporate Grant Buy Down...

Individuals, Organizations, Public and Private Institutions can all obtain these entire AED Packages for a fraction of the normal retail price! Grant offers subject to change at any time...

See more @ www.AEDGrant.com

The AEDGrant.com program is constantly changing & improving ...

See current offers online, or simply submit your Application, you will receive all current AED Funding options for which you qualify upon your Grant Approval!

Remember:

- Applying for the www.AEDGrant.com Corporate Buy Down Grant Funding in **NO WAY** obligates you to participate.
- Individuals, as well as Public & Private Organizations/Groups, may **ALL** qualify for this Manufacturer Sponsored Corporate Buy Down Grant Program.
- FREE** Prescriptions are now Available with your Grant Approval!

ATTACH ANY ADDITIONAL INFORMATION YOU WOULD LIKE US TO CONSIDER ON A SECOND PAGE

AED Grant Application
City of Alamogordo Police Department
June 13, 2018

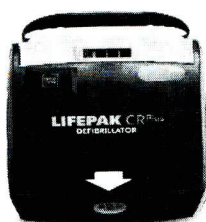
The Alamogordo Police Department (APD) seeks to obtain Lifepack CR Plus AEDs, which are the type of units used by Alamogordo Medical Response (AMR). APD currently uses different AEDs. When AMR arrives at a scene that APD has responded to first, if AED treatment has begun it is interrupted while AEDs are switched. APD wants to purchase the Lifepack CR Plus AEDs to avoid this interruption in treatment, thus providing optimal care to the patient.

ALL these Medtronic / Physio-Control AEDs are available through the AED Grant Program:

- LIFEPAK CR PLUS FULLY AUTOMATIC
- LIFEPAK CR PLUS SEMI-AUTOMATIC
- LIFEPAK EXPRESS
- LIFEPAK 1000

The Popular Choice: This is what you will receive in this Medtronic CR+ AED grant package:

Medtronic LIFEPAK CR Plus Defibrillator AED Grant Package



NOTE: LifePak CR Plus Defibrillator kits include: Semi-automatic operation (check for breathing). Includes 2 pairs quick-pak pacing/defibrillation/ECG electrodes with Redi-Pak preconnect system, one charge pad, carrying case AED Program implementation starter kit and accessories catalog. Compatible with infant/child reduced energy defibrillation electrodes.

Five Year Manufacturer's Warranty

LIFEPAK CR Plus Defibrillator

LIFESAVING MADE SIMPLE

If you ever encounter someone in sudden cardiac arrest, you'll want to help. CPR is not enough—defibrillation is the only treatment for sudden cardiac arrest.

Medtronic, the world leader in medical technology, created the LIFEPAK CR Plus defibrillator specifically for the first person at the scene of a sudden cardiac arrest. Designed for the minimally trained and infrequent rescuer, it's easy to understand and use in a cardiac emergency, when every second counts. It's just plain simple.

The CR Plus offers the quality and performance preferred by the vast majority of emergency medical teams around the world. Sleek and lightweight, the CR Plus uses the latest ADAPTIV™ biphasic technology and upholds the standards of excellence found in all LIFEPAK products.

The CR Plus is available in a semiautomatic and fully automatic model. With the semiautomatic CR Plus you assess the person in sudden cardiac arrest, then open the device and apply the electrodes. The device analyzes the heart's rhythm and tells you to push a button if the heart needs a shock. The fully automatic CR Plus requires just the first two steps, and the device does the rest.

Retail cost for this Semi-Automatic AED is approximately \$2,495.

With the AED Grant Program, you can take as much as \$1000 off each Medtronic / Physio-Control AED unit.

AEDGrant.com gives you a FREE Prescription with every AED!!!

You may also receive information about the Medtronic LifePak 500 AED and Medtronic CR+ Fully Automatic AED when you receive your Automated External Defibrillator Grant Approval Package.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/04/2018

Report No: 8.

Submitted By: Debbie Osborne

Subject: Consider, and act upon, Alamogordo Police Department grant application to American Police and Sheriffs Association Equipment Donation Program. (*Debbie Osborne, Grant Coordinator*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Obtaining equipment through donation provides a savings of \$449.99 for each helmet, \$3,000 for each Motorola APX radio and \$1,800 for each PVP wireless system.

Recommendation: Approve grant application.

Background: Alamogordo Police Department is working to establish a motorcycle traffic enforcement unit to help combat the increased narcotics trafficking and recent public demand to address traffic issues within our community. Equipment needed for a motorcycle traffic enforcement unit include motorcycle helmets to protect officers, Motorola APX radios to provide communication between dispatchers and officers and PVP wireless systems to allow hands-free communication.

By approving this equipment grant application the Commission allows APD to apply for donation of this equipment which results in a significant budget savings.

**American Police and Sheriffs Association (APSA)
Equipment Donation Request Form**

RETURN THE COMPLETED FORM TO: APSA, PO Box 52, Ste. Genevieve,
MO 63670

What will happen after you mail this application in:

- You can assume that we received it
- We will keep it on file for a year, you may reapply after that time
- We will contact you if your application is selected for funding

Section I - Requesting Agency

Date of Application: May 23, 2018

1. Agency Name: Alamogordo Police Department
2. Name of Agency Head (Chief, Sheriff, etc.): Chief Brian Peete
3. Agency Mailing Address: 700 Virginia Ave., Alamogordo, NM, 88310
3. Agency Phone number: (575) 439-4300

Section II - Contact Information

1. Contact Name: Deborah Osborne
2. E-mail address: dosborne@ci.alamogordo.nm.us

(We communicate by email and require a working and regularly checked email address)

3. Phone with area code: (575) 439-4257

Best hours to call: 8:00AM-5:00PM

Time zone: MST

Section III - Agency Profile

1. Number of sworn law enforcement officers in agency: 61
2. Number of full-time officers: 61

3. Number of part-time officers (include auxiliary officers with arrest powers): 0
4. Size of population served by agency (number): ~32,000

Section IV - Equipment Request

1. List the requested items.

- Item 1/Qty/price: Shoei RJ Platinum Police Motorcycle Helmet/4/\$449.99 each: Total \$1,799.96
- Item 2/Qty/price: Motorola APX 5000 Radio /4/\$3000 each: Total \$12,000
- Item 3/Qty/price: PVP Communications Wireless System Motor 1 Auto Switching Wireless/4/\$1800: Total \$7,200

2. On a separate page:

- Describe the agency's need for these items
- Explain how the requested equipment will increase officer safety
- Discuss why the items are not available through federal or state grants.

PLEASE NOTE

Should APSA fulfill your grant application, we will email you an agreement to sign in which you agree to:

- Use the funds granted to us by APSA for the purpose described above within 90 days of receipt of them.
- Provide us with copies of the receipts for the purchased items
- Send us a digital picture of the items, preferably with officers using them
- Give us permission to post the grant information and picture on our website.

RETURN THE COMPLETED FORM TO:

APSA, PO Box 52, Ste. Genevieve, MO 63670

Describe the agency's need for these items

The City of Alamogordo (New Mexico) is nestled within a drug corridor where methamphetamine, heroin, and cocaine are flowing from Juarez Mexico to all points in the United States. Additionally, our City has a disproportionate (in comparison with jurisdictions similar to area and population size) amount of traffic accidents and DUI-related calls for service. Due to a noticeable increase in narcotics trafficking and recent public demand to address traffic issues within our community, our department is working to establish a motorcycle traffic enforcement unit. Motorcycles are nearly one-third of the price of a patrol vehicle or SUV (of which we already have a significantly aged fleet) and therefore are more cost effective for us. Any funding you can provide for communications and safety items for the officers in this new unit would help us significantly as we would be able to immediately purchase the necessary equipment without having to wait several months for funds to become available through the City.

Explain how the requested equipment will increase officer safety

The motorcycle helmets will protect officers in the event of a traffic accident involving the motorcycle. The Motorola APX radios will allow for traffic officers to communicate with dispatchers and patrol officers while conducting traffic stops or calling for emergency assistance. The PVP wireless systems allow officers to communicate to dispatch/other officers through the motorcycle-mounted radio hands free which allows them to interact with drivers or members of the public without having to hold a radio. This would increase their tactical response time in the event they have to quickly get out of traffic or draw their weapon or use less-than-lethal tools. It also allows them to quickly call for help or in the event they are involved in a physical altercation during their stop or are involved in an accident where they are thrown from the motorcycle.

Discuss why the items are not available through federal or state grants

The majority of available federal grants are earmarked for crime-reduction, community policing, and statistical-based policing strategies. Grant opportunities from our state are limited in that New Mexico is a state with a lower-tax base meaning money is not often available. A majority of NM state grants are also attached to HIDTA and federal funding which are also based on crime-prevention and community-based policing strategies rather than the purchasing of equipment. We have not been successful in our attempts to find any opportunities to help us purchase equipment for this traffic unit.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/04/2018

Report No: 9.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, granting the Flickinger Center for Performing Arts, Application No. 1086576 a Non-Profit Club Liquor License With on the Premises Consumption Only, located on 1106 and 1110 New York Ave. (*Rachel Hughs, City Clerk*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Application No.1086576.

Background: The Alcohol and Gaming Division of the NM Regulation and Licensing Department has given this application preliminary approval. In accordance with Section 60-6B-4 NMSA of the Liquor Control Act, the Division must refer the application to the Governing Body for approval or disapproval. This public hearing is for the purpose of considering the application. A Notice of Public Hearing was published in the Alamogordo Daily News on Sunday, May 13, 2018 and June3, 2018. These publications meet the State regulations of publishing a notice twice prior to the hearing.

The applicant, the Flickinger Center for Performing Arts, Application No. 1086576 is seeking a Non-Profit Club Liquor License With on the Premises Consumption Only, located on 1106 and 1110 New York Ave, Alamogordo, NM 88310.



Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

Pat McMurray
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Debra A. Lopez
Acting Director

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4641

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

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

May 2, 2018

Certified Mail No.: 9171 9690 0935 0155 1934 94

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

RECEIVED

MAY 11 2018

CITY CLERK

Re: Lic. No. /Appl. No.: Application No. 1086576
Name of Applicant: Flickinger Center for Performing Arts
Doing Business As: Flickinger Center for Performing Arts
Proposed Location: 1106 and 1110 New York Avenue,
Alamogordo, New Mexico 88310

Greetings:

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

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

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

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

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

THE APPLICANT IS SEEKING A NON-PROFIT CLUB LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY.

Rachel Hughs

From: Koroneos-Martinez, Charmaine, RLD <Charmaine.Martinez2@state.nm.us>
Sent: Friday, May 11, 2018 9:15 AM
To: Rachel Hughs
Subject: FW: Scan from a Xerox WorkCentre
Attachments: Scan from a Xerox WorkCentre.PDF

Good Morning!

Please disregard page 1 of the Application that was submitted and substitute the attached amended page 1 showing the correct Application number. Also, below are some of the definitions for the non-profit club. I am glad you were able to speak with Debra to explain the quota question and club questions. Please contact us if you have any other questions. Thank you and have a great weekend!

NMSA §60-3A-3 Definitions. E. "Club" Means:

(1) any nonprofit group, including an auxiliary or subsidiary group, organized and operated under the laws of this state, with a membership of not less than fifty members who pay membership dues at the rate of not less than five dollars (\$5.00) per year and who, under the constitution and bylaws of the club, have all voting rights and full membership privileges, and which group is the owner, lessee or occupant of premises used exclusively for club purposes and which group the director finds:

(a) is operated solely for recreation, social, patriotic, political, benevolent or athletic purposes; and

(b) has been granted an exemption by the United States from the payment of the federal income tax as a club under the provisions of Section 501(a) of the Internal Revenue Code of 1986, as amended, or, if the applicant has not operated as a club for a sufficient time to be eligible for the income tax exemption, it must execute and file with the director a sworn letter of intent declaring that it will, in good faith, apply for an income tax exemption as soon as it is eligible; or

(2) an airline passenger membership club operated by an air common carrier that maintains or operates a clubroom at an international airport terminal. As used in this paragraph, "air common carrier" means a person engaged in regularly scheduled air transportation between fixed termini under a certificate of public convenience and necessity issued by the federal aviation administration;

NMAC 15.10.54.8 SALES LIMITED TO MEMBERS AND GUESTS:

A. Whenever a member invites one or more bona fide guests to use the club's alcoholic beverage facilities, the club shall be responsible for identifying each bona fide guest and the club member responsible for such guest.

B. A member who has invited bona fide guests to use club facilities shall be present at all times while the guests are on the club premises. Except as otherwise permitted by law, no person other than the club members, bona fide guests, and club employees shall be allowed on any part of the licensed premises where alcoholic beverages are being sold, served, or consumed under the club license.



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

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

May 2, 2018

Certified Mail No.: 9171 9690 0935 0155 1934 94

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

Pat McMurray
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Debra A. Lopez
Acting Director

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

RECEIVED

MAY 07 2018

CITY CLERK

Re: Lic. No. /Appl. No.: Application No. *2086576 wrong number*
Name of Applicant: Flickinger Center for Performing Arts
Doing Business As: Flickinger Center for Performing Arts
Proposed Location: 1106 and 1110 New York Avenue.
Alamogordo, New Mexico 88310

Greetings:

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

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

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

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

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

THE APPLICANT IS SEEKING A NON-PROFIT CLUB LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

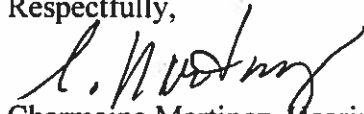
Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

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

Respectfully,



Charmaine Martinez, Hearing Officer

New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division

Phone: (505) 476-4804 Fax: (505) 476-4595

Email: charmaine.martinez2@state.nm.us

Enclosures:

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



New Mexico Regulation and Licensing Department | Alcohol and Gaming Division | Page
PO Box 25101 Santa Fe, NM 87504-5101 | Phone: (505) 476-4875 Fax: (505) 476-4595

PAID
\$300.00 K# 2058177
AK# 1546



AGD USE ONLY: Payment| Application Fee \$ 200.00 Received on: 3/9/2018 Receipt No. 2058177
License Fee \$ _____ Received on: _____ Receipt No. _____
Application # 1086576 Local Option District: _____

CLUB LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Applicant is a Non-Profit Organization, Corporation No.: 85-0326369 Formed on: 3 Mar 1987

NAME OF APPLICANT: Flickinger Center for Performing Arts

D/B/A Name to be used: Flickinger Center for Performing Arts Business Phone #: 575-437-2202

Mailing Address: 1110 New York Ave, Alamogordo, NM 88310

Email Address (required): flickinger@flickingercenter.com

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

1106 & 1110 New York Ave, Alamogordo, NM 88310

County: Otero

Contact/Agent: James W Mack Jr Phone#: 575-437-2202 Email: flickinger@flickingercenter.com

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

NON-PROFIT INFORMATION:

Name of club and chapter, lodge number, etc.: Flickinger Center for Performing Arts

Is Club Affiliated with National or International Organization? ☐ Yes ☒ No

Name of parent organization: Same Phone: 575-437-2202

Address: 1110 New York Ave, Alamogordo, NM 88310

Club has been in existence for: 31 yrs (List # of years), and was Chartered on: 3 Mar 1993

Club is to be operated for non-profit to members: ☒ Yes ☐ No

Club has two hundred fifty (250) or fewer current members: ☒ Yes, with Membership List attached ☐ No

Club is tax exempt from payment of income tax to IRS, per Section 501-A IRS CODE ☒ Yes ☐ No

(Attach current copy of Certificate or Letter of Exemption, issued within last two (2) years)

List Organization which this club supports or donates to: Flickinger Theater

CORPORATE INFORMATION:

New Mexico Non-Profit Corporations must be in good standing with the Office of the Secretary of State Business Services Division (SOSBSD), and should have the names of the principal Officers/Directors as listed below. Principal Officers are the positions equivalent to the President, Vice President, Secretary and Treasurer, of your organization. List the names of *any Directors listed at SOSBSD, and identify the Resident Agent. Include a signed copy of the Meeting Minutes* reflecting the Officers/Directors elected. List Name and Title of the Officers and Directors below:

OFFICERS: Name| Title

Chisum, Clayton - Preseident

Rardin, Linda - Treasurer

Roberts, Becky - Vice President

Ham, Teresa - Secretary

DIRECTORS: Name| Title

VanWormer, Minnie - Director

Wood, Gloria - Director

Coburn, Robert - Director

Marshall, Hillary - Director

RECEIVED

MAR - 9 2018

ALCOHOL & GAMING DIVISION

Officer List continued:

Anaya, Melanie - Director

Stong, Cynthia - Director

James W. Mack, Jr - Ex. Dir.

Has Corporation ever had a liquor license in which it held any interest in any State suspended or revoked? ☒ No ☐ Yes, if so, provide details: _____

List every liquor license in which the Corporation holds any interest, direct or indirect: ☒ None ☐ See Attached ☐ As follows: _____

Has any principal Officer, Director of this Corporation ever been convicted of a felony? ☒ No ☐ Yes, detailed as follows: _____

Note: All managing members must also be Server Certified and for each Officer/Director of Corporation, complete the Personal Data Affidavit -Page 5

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

You must sign and date this form before a Notary Public.

Signature of Applicant:

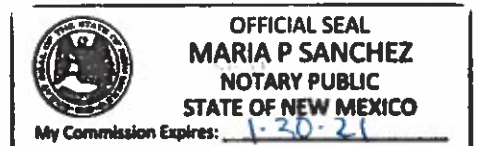
Date: ^{sum} 20 ~~19~~ Feb, 2018

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

SUBSCRIBED AND SWORN TO before me this 20th day of February, 20 18

By: James W. Mack Jr. Notary Public: Ulrich

My Commission Expires: 1-30-21



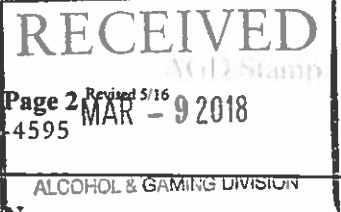
FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20 ____ Check one: ☐ Approved ☐ Disapproved

Signature and Title of City/County Official: _____

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

Signed by Director: _____ Date: _____



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSA §60-6B-10

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

- ☐ Owned by Applicant, copy of deed/document attached ☒ Leased by Applicant, copy of lease/document attached
☐ Other (provide details): _____

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

A. Owner(s): **Patron's Hall & Heritage Gallery, Inc**

B. Date and Term of Lease: **1 September, 2017, annual auto renewal**

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

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

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

Name of Church: **First Baptist Church** Miles/feet: **450'**

Address/location of Church: **1100 Michigan Ave, Alamogordo, NM**

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

Name of School: **Imago dei Academy** Miles/feet: **450'**

Address/location of School: **1100 Michigan Ave, Alamogordo, NM**

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

Name of Military Installation, circle one: **Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),**
Miles: **9.9** **Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)**

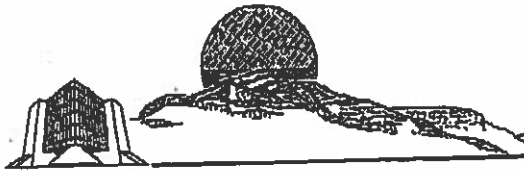
7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight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

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

☐ Small Brewer ☐ Craft Distiller ☐ Winery ☐ Wholesaler

☒ Other (specify): **Event Center, coffee shop, ice cream shop / Club license**

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.

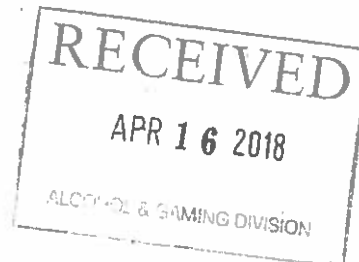


City of Alamogordo

Community Development 1376 E. Ninth Street Alamogordo, NCD-020ew Mexico 88310-5938 (575)439-4220 FAX (575)439-4343

CD-006-2018

April 9, 2018



Jim Mack
Flickinger Center for Performing Arts
1106 New York Ave.
Alamogordo, NM 88310

RE: Zoning of: 1110 New York Ave
Legal Description: Alamo Blocks, Blk. 60, Lot 7A, Replat A
Map Code 01N-4-055-094-136-121 & PC 01-01524

Mr. Mack:

At your request, we have researched our records and determined the zoning classification of that certain real property, which has the street address 1110 New York Ave. within the corporate boundaries of the City of Alamogordo, New Mexico. This is written, in accordance with the provisions of Section 2-01-030(j) and Section 29-01-010 of the Code of Ordinances of the City of Alamogordo, New Mexico, to provide a Certificate of Zoning Classification regarding the property.

The property at 1110 New York Ave. is within the C-3, Business District as per the City of Alamogordo Zoning Map, which does not prohibit the sale of alcoholic beverages. Alamogordo Municipal Code Chapter 29, Zoning, allows event centers within this district.

Please contact me if you need more information. Note that for a full understanding of what is permitted or prohibited by the Alamogordo Code of Ordinances please refer to the Code in its entirety. The City's website at <http://ci.alamogordo.nm.us> provides access to the entire Municipal Code. On the City's Home page click on GOVERNMENT- COA Code of Ordinances-Chapter 29 Zoning.

Sincerely,

Ms. Stella Rael CZO
Planning and Zoning Administrator
City of Alamogordo
1376 E. 9th St.
Alamogordo, NM 88310
(575)439-4208; Fax (575)439-4343
srael@ci.alamogordo.nm.us



City of Alamogordo

OFFICE OF THE CITY CLERK

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

May 29, 2018

VIA CERTIFIED MAIL

Flickinger Center of Performing Arts
1110 New York Ave.
Alamogordo, NM 88310

Re: Application No. 1086576 a Non-Profit Club Liquor License With on the Premises Consumption Only, located on 1106 and 1110 New York Ave, Alamogordo, NM 88310.

Mr. Mack,

The City of Alamogordo will hold a Public Hearing on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant the Flickinger Center for Performing Arts, **Application No. 1086576 a Non-Profit Club Liquor License With on the Premises Consumption Only, located on 1106 and 1110 New York Ave, Alamogordo, NM 88310.**

The Public Hearing will be on June 12, 2018, 2018 at 6:30 pm at the Commission Chambers located at City Hall, 1376 E. Ninth Street in Alamogordo, New Mexico, 88310.

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

Sincerely,

Rachel Hughs,
City Clerk



7006 3450 0001 8876 6168



City Clerk

City of Alamogordo

1376 E. NINTH STREET
ALAMOGORDO, NEW MEXICO 88310-5938

Haster
05/30/2018
FIRST-CLASS MAIL
US POSTAGE \$003.92
ZIP 88310
011E11672725

Flickinger Center of Performing Arts
1110 New York Ave.
Alamogordo, NM 88310

7006 3450 0001 8876 6168

U.S. Postal Service TM	
CERTIFIED MAIL TM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 3.92
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.92
Postmark Here	
Sent To: Flickinger Center of Performing Arts	
Street, Apt. No., or PO Box No. 1110 New York Ave	
City, State, ZIP+4 Alamogordo NM 88310	
PS Form 3800, August 2006	
See Reverse for Instructions	

**NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a PUBLIC HEARING on Tuesday, June 12, 2018 at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant the Flickinger Center for Performing Arts, Application No. 1086576 a Non-Profit Club Liquor License With on the Premises Consumption Only, located on 1106 and 1110 New York Ave, Alamogordo, NM 88310.

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

Date: 5/11/2018

City of Alamogordo,
New Mexico

By: Rachel Hughs,
City Clerk

Legal#1247059

Run Date:

Legal Notices 152

**NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that the Alamogordo City Commission will hold a PUBLIC HEARING on Tuesday, June 12, 2018 at 6:30 p.m. in the Commission Chambers of the Alamogordo City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico, on the question of whether or not the Alcohol and Gaming Division of the State of New Mexico should grant the Flickinger Center for Performing Arts, Application No. 1086576 a Non-Profit Club Liquor License With on the Premises Consumption Only, located on 1106 and 1110 New York Ave, Alamogordo, NM 88310.

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

Date: 5/11/2018

City of Alamogordo,
New Mexico

By: Rachel Hughs,
City Clerk

Legal#1247059

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/05/2018

Report No: 10.

Submitted By:

Subject: Discussion, and possible action regarding the Sahara Apartments asbestos abatement and demolition. (*City Manager Maggie Paluch, Assistant City Manager Brian Cesar, City Attorney Petria Schreiber, and Engineering Manager Bob Johnson*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Provide direction to Staff regarding procurement methodology and appropriate funding mechanism.

Background: How we got here.

Funding mechanisms.

Procurement mechanisms.

The background is a gradient of green and blue, transitioning from a lighter green at the top to a darker blue at the bottom. It features several abstract circular elements: a large scale on the left with numbers from 140 to 260, and several smaller circles with arrows indicating clockwise or counter-clockwise movement. The overall aesthetic is modern and technical.

SAHARA APARTMENTS



HISTORY

- July 11, 2010 the Sahara Apartments were flooded during a heavy rainstorm and the residents had to be evacuated.
- Code then entered the building shortly thereafter (July 13, 2010) to assess damage utilizing the provisions of the International Property Maintenance Code.
- Nine violations were found and the property was declared unfit for human occupancy as defined in IPMC.
- On August 2, 2010 a 10 day notice was sent to the property owner, who responded asking for a 30-day extension, which was granted.
- During those 30 days, no work was performed and the City had no contact from the owner. A second 10 day notice was then sent and returned as unclaimed.
- After the notice period expired, the property was declared uninhabitable and posted along with an order to close the vacant structures.
- On November 18, 2010 the property owner told the City he would be receiving a settlement in 4-6 weeks and would then begin repairs, and if it was not enough then the structures would be demolished.

HISTORY CONTINUED

- On September 22, 2011 the City Attorney's office received a Notice of Intent to file suit.
- In December of 2013 the neighbors started complaining about odors, infestations, vagrant problems, and a deterioration of the entire neighborhood due to the condition of the apartments.
- On January 2, 2014 photos were taken of the property and another case was started based on violations of the IPMC.
- Notices were again sent, extensions were granted, and the City met with the property owners to discuss what was going to happen with the structures.
- Ongoing communication with property owner who said he was attempting to secure loans but then would stop communicating.
- Two fires happened – December 2014 and July 2015.
- July of 2015, Code Enforcement Manager Lora Nelson calls Karen Krieger, owner of Sahara Apartments and asks for permission to enter and inspect the structures. Ms. Krieger denies the request for entry.
- Lora Nelson then applies for, and is granted an Administrative Search Warrant to go into Sahara Apartments and assess the condition.

HISTORY CONTINUED

- On August 11, 2015, Resolution 2015-35 passed the City Commission, declaring the structures to be dilapidated and in need of repair.
- Ms. Krieger appealed that determination and a public hearing was held on September 22, 2015 where the Commission upheld the Resolution.
- Ms. Krieger filed her appeal in District Court on October 10, 2015. The City answered on November 20, 2015.
- The case was dismissed with prejudice on March 9, 2018 due to a failure to prosecute.

PROCUREMENT METHODOLOGY

- Current updated quote and concerns.
- Formal Advertisement for Competitive Bidding -
 - Process and guidelines will require an average of 90 days to develop technical scope and specifications, advertising, bidding, and award. Abatement and demolition would likely not commence until early October 2018.
- CES (Cooperative Education Services) –
 - An intragovernmental instrument used successfully by the City of Alamogordo on approximately two dozen projects in FY18.
 - Process and guidelines would allow for abatement and demolition to commence in 30 days or less, after proposal submission and acceptance.

FUNDING

- Project EN1809 Sahara Apartments
 - Current Balance Available: \$230,540
 - Additional Funds Available in the line item (not attached to a project): \$84,202
 - Total Funds available for Project EN1809: \$314,742
 - Additional Funding could be obtained from the FY18 Fund 49 Rededication to the General Fund if necessary
 - To date, the City has not used any portion of this rededication.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 05/24/2018

Report No: 11.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, granting a waiver of the permit fee for a Special Fireworks Display permit for the July 4th Fireworks Display at the New Mexico Museum of Space History property. *(Rachel Hughs, City Clerk)*

Fiscal Impact: \$25.00

Amount Budgeted: \$0.00

Fund:

Additional Fiscal Impact:

Recommendation: Approve the waiver of permit fee.

Background: The New Mexico Museum of Space History will again sponsor the July 4th Fireworks Display and requests that the \$25.00 permit fee be waived. The City Commission has waived the fee for over twenty years.

The Fireworks Display will be on Wednesday, July 4, 2018 at the NM Museum of Space History property.

RECEIVED

MAY 17 2018

CITY CLERK

City of Alamogordo

APPLICATION FOR PERMIT TO SELL OR DISPLAY FIREWORKS

FEE: \$25.00

Applicant's full name: Cathy J. Harper

Applicant's name of business: New Mexico Museum of Space History

Applicant's business address: POB 5430, Alamogordo, NM 88311

Applicant's business telephone number: 575-437-2840

Applicant's Social Security No.: 431-13-2080 Date of Birth: 4.25.57

Describe Applicant's qualifications to sell fireworks or to display fireworks: Pyroshows of Texas will handle the fireworks show.

Location (street address or legal description of property) where Applicant wishes to sell or display fireworks: Top of Hwy 2001, Alamogordo

Identify the type of structure at the location where Applicant wishes to sell fireworks or to display fireworks, i.e. permanent structure or portable stand: Fireworks show will be shown/displayed from the new firing site on museum property just to the southeast of Hwy 2001.

Dates and times when Applicant wishes to sell fireworks or to display fireworks (Permits are issued for one year beginning on February 1 of each year and no application is processed from May 10 through July 10 of each year): July 4, 2018, dusk to midnight or July 5 if weather is inclement

Describe the type of fireworks to be sold or to be displayed by Applicant: maximum 10" shells, other sizes smaller than that

Identify the supplier of the fireworks to be sold or to be displayed by Applicant: Pyroshows of Texas, 6601 Nine Mile Azle Road, Fort Worth, TX 76135

Does supplier of fireworks to be sold or to be displayed by Applicant possess a valid license from the State of New Mexico for the handling and sale of fireworks? ☒ YES ☐ NO If YES, provide the following information:

Number and type of license(s) Class B Distributor License #18-4-001

Address of supplier: Pyroshows of Texas, 6601 Nine Mile Azle Road, Fort Worth, TX 76135

Is Applicant qualified to do business in the State of New Mexico? ☒ YES ☐ NO If YES, provide Applicant's New Mexico Tax Identification Number _____

Does Applicant possess a license from the State of New Mexico for the handling and sale of fireworks? ☐ YES ☐ NO If YES, provide number and type of license: _____

Does Applicant possess a valid business registration issued by the City of Alamogordo, New Mexico? ☒ YES ☐ NO If YES, provide number of the business registration: _____

Applicant hereby agrees to observe and obey all laws, Ordinances, rules and regulations of the governments of the United States, the State of New Mexico and the City of Alamogordo, New Mexico, as may be amended from time to time, which are applicable to the sale or display of fireworks. Applicant acknowledges receipt of the City of Alamogordo's Ordinance governing sale/display of fireworks, which was effective at the time this application was submitted.

APPLICANT

Cathy J. Harper

(Full name of Applicant)

New Mexico Museum of Space History

(Name of Business)

By: _____



(Signature of Authorized Representative)

Cathy J. Harper

(Full name of Authorized Representative)

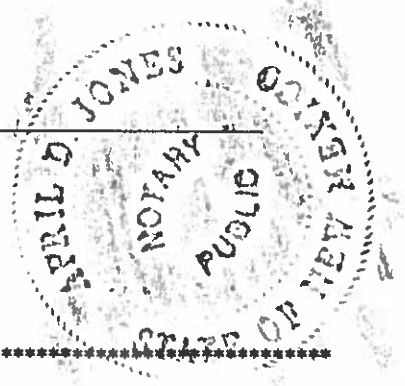
ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF OTERO)

The foregoing Application for Permit to Sell or Display Fireworks was acknowledged before me this 17 day of May, 2018, by (name) Cathy J. Harper, (title) Marketing Director, of (name of business) NM Museum of Space History, a (corporation, a limited partnership or partnership) NM Sp Am Museum Space History, on behalf of the (corporation, a limited partnership or partnership) NM Museum Space History.

My Commission Expires: 11-21-2021

April D Jones
Notary Public



A non-refundable fee in the amount of Twenty-five Dollars (\$25.00) shall accompany this application.

CITY CLERK'S OFFICE USE ONLY

LICENSING YEAR: February 1, 20 through January 31, 20

City License No. Date \$25.00 fee Paid: Renewal Initial

[REVISED 2008]

**NEW MEXICO
PIRACY PREVENTION
STATE FIRE MARSHAL'S OFFICE FIREWORKS LIC**

*In accordance with the Fireworks Licensing & Safety Act 60-2C-1 Through 60-2C-11
Effective February 1990, and subsequent amendment (1997 & 1999)*

**Pyro Shows of Texas, Inc.
6601 Nine Mile Azle Rd.
Fort Worth, TX 76135**

This license is issued to the person, firm, or corporation setting DISPLAY FIREWORKS.

THIS LICENSE IS NON-TRANSFERABLE AND MUST BE DISPLAYED AT ALL TIMES

NOTICE: This license may be revoked or suspended by the State Fire Marshal, his Deputy, or Designee for violating any of the provisions of Chapter #60 Article #2C NMSA 1978 "FIREWORKS LICENSING & SAFETY ACT"



David White

ISSUED BY THE STATE FIRE MARSHAL'S DIVISION

DATE OF ISSUE: 1/11/2018

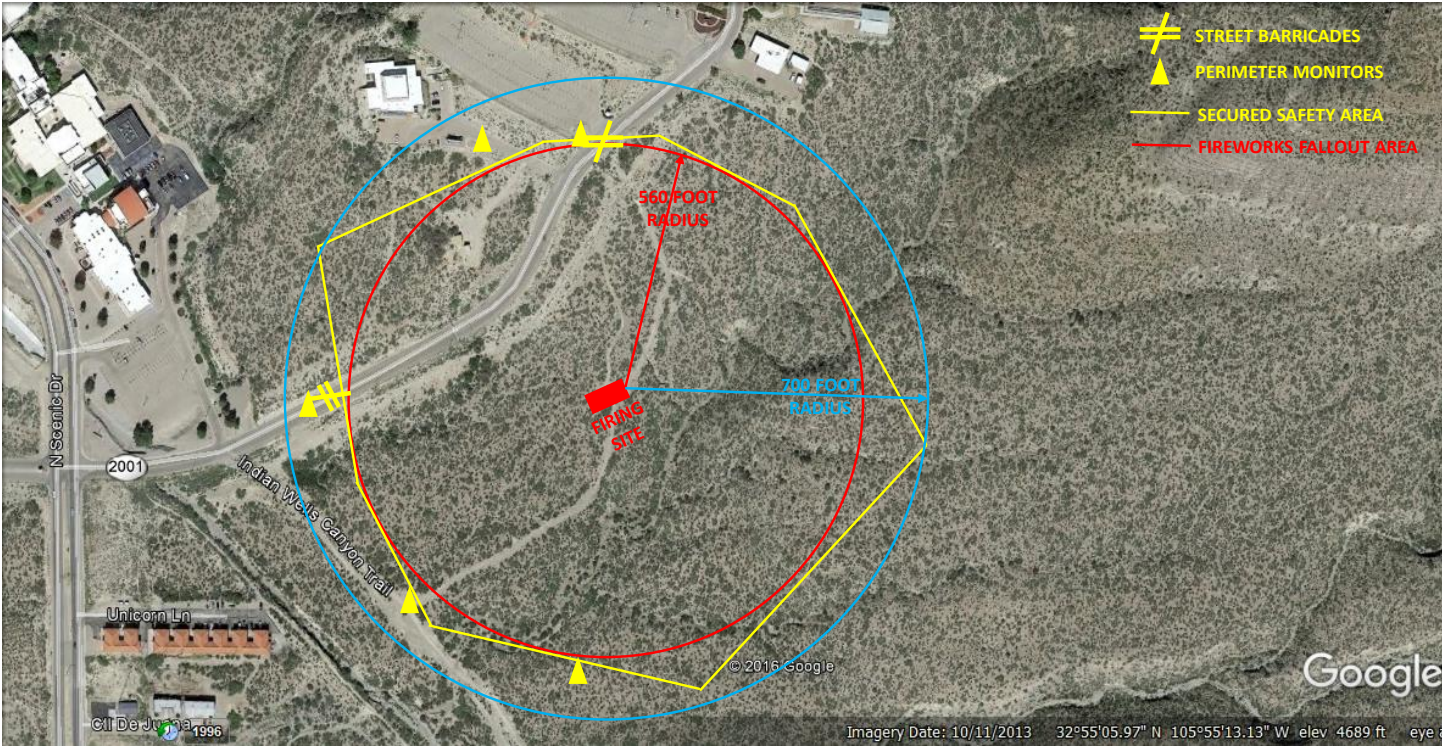
2018

Expires on 01/31/2019

**CLASS B
DISTRIBUTOR
LICENSE**

#18-4-001

NEW MEXICO MUSEUM OF SPACE HISTORY
FIREWORKS SITE MAP
JULY 4, 2017



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/07/2018

Report No: 12.

Submitted By:

Subject: Consider, and act upon, editing the Event Sponsorship Policy & Procedures to include a Permanent City Partner category. (*Maggie Paluch, City Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the changes to the City's Event Sponsorship Policy.

Background: Attached are the changes to the City's Event Sponsorship Policies and Procedures that adds in a Permanent City Partner as well as the mechanisms for how to become a Permanent City Partner.

CITY OF ALAMOGORDO, COMMUNITY SERVICES DEPARTMENT

EVENT SPONSORSHIP POLICY & PROCEDURES

- 1.0 Policy
- 2.0 Definitions
- 3.0 Philosophy and Purpose
- 4.0 Guidelines for COA Sponsorship
- 5.0 Guidelines for COA Partnership
- 6.0 Procedures

1.0 Policy

It is the policy of City of Alamogordo (COA) Community Services to actively support the efforts of non-profit organizations, outside organizations and other governmental agencies whose events, held in COA parks or facilities, further COA core program goals and services. All requests are to be submitted to the COA Community Services Department and are subject to the approval of the Community Services Director. All permit fee waivers and reductions, reduced facility rentals and sponsorship agreements must comply with the guidelines and procedures set forth below.

Policy Exclusions - Non-Qualifying Organizations:

There are some organizations that do not qualify for consideration in the sponsorship, or partnership, or permanent partnership status of an event with the City. The exclusion does not preclude such organizations from utilizing City parks and facilities, it only disallows their consideration for an event sponsorship, or partnership, or permanent partnership status. Below are two such exceptions.

- 1.1 In order to maintain an impartial, bipartisan city government – political organizations do not qualify for consideration of event sponsorship or partnership by COA.
- 1.2 In order to maintain an impartial separation of government and religion – religious organizations do not qualify for consideration of event sponsorship or partnership by COA.

2.0 Definitions

2.1 Facility Rental Fees

COA Community Services charges the public a rental fee for priority and/or exclusive use of any park or recreation facility (e.g., Washington Park pavilion, AFRC pool, Griggs Sports Complex fields...) to conduct an event or activity. Fees collected assist in offsetting associated facility set-up, maintenance and/or replacement costs.

2.2 Equipment Use Fees

COA Community Services charges the public a use fee for the use of city-owned equipment (e.g., portable stage) to conduct an event or activity. Fees collected assist in offsetting associated equipment maintenance and/or replacement costs.

2.3 Sponsorship

COA Community Services may elect to sponsor qualifying organizations. If sponsored, qualifying organizations would receive a 25% reduction of fees for an event/activity on city property that:

- 2.3.1 aligns closely with the department's core program goals and services, **and**
- 2.3.2 provides COA an appropriate level of marketing exposure (COA must approve all marketing materials).

2.4 **Partnership**

COA Community Services may elect to partner with qualifying organizations. If partnering, qualifying organizations would receive either a 50% reduction of fees – OR – a waiver of all fees if providing COA a 25% event revenue share for an event/activity on city property that:

- 2.4.1 aligns closely with the department's core program goals and services,
- 2.4.2 allows designated COA staff to actively take part in planning, organizing and conducting the event/activity, ***and***
- 2.4.3 provides COA an appropriate level of marketing exposure (COA must approve all marketing materials).

2.5 **Permanent City Partner**

COA City Commission may elect to make certain groups a permanent City partner for as long as they contract with the City and/or provide services. This does not obligate the City to provide other services or waive other costs other than rental fees. Examples of permanent City partners are the Chamber of Commerce and the City's contracted economic development group. In order for a group to be considered a Permanent City Partner, a group should:

- 2.5.1 Submit a letter of interest and come before the City Commission at a meeting to inform the Commission of the reasons why the request is being made and the value that is added to the City as a permanent City partner.

3.0 **Philosophy and Purpose**

It is the purpose of the City of Alamogordo (COA) to establish a process for permitting members of the public and private sector to use City Streets, facilities or services. It is recognized that these special events enhance the City of Alamogordo lifestyle and provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services.

By recognizing special event venues, it is further intended to supplement land use regulations, to provide a coordinated process for the regulation of special event activities, to ensure the health and safety of patrons of special events, to prohibit illegal activity from occurring within special event venues, and to protect the rights and interests granted to special event permit holders. It is further intended to create a mechanism for cost recovery for the special events using City resources.

4.0 **Guidelines for COA Sponsorship**

Qualifying organizations may receive a 25% reduction of rental and use fees for an event/activity on city property that aligns closely with the department's core goals ***and*** provides COA with an appropriate level of marketing exposure. When evaluating proposals from organizations, the following criteria are used:

- 4.1 The event/activity should promote beneficial use of the park and/or recreation facility.
- 4.2 The event/activity should be free and open to the public. There should be no fund-raising activities or aspects to the event/activity. Any exceptions must be approved by the Community Services Director.
- 4.3 The event/activity should promote community pride and involvement.
- 4.4 The event/activity must comply with all state, federal and local laws.
- 4.5 The event/activity should not have a religious or political purpose.
- 4.6 The non-profit organization must carry general liability insurance of at least \$1,050,000 for the event/activity with the COA named as additionally insured.

- 4.7 The organization must be the primary organizer of the event/activity and is responsible for all other costs associated with the event/activity (e.g., general liability insurance, light fees, police coverage, overnight security, concessions, toilet/trash service agreements, damage repair...).
- 4.8 The sponsoring organization should clearly recognize COA as a sponsor (including logo) on all marketing materials and announcements associated with the event/activity. And, if appropriate, a department banner should be displayed at the event/activity. COA must approve all marketing materials.

5.0 Guidelines for COA Partnership

COA Community Services may elect to partner with qualifying organizations. Partnered events/activities must align closely with the department's core program goals and services, actively involve COA staff in planning and conducting event and provide COA with an appropriate level of marketing exposure. If partnering, qualifying organizations would receive either a 50% reduction of fees – OR – a waiver of all fees if providing COA a 25% event revenue share. When evaluating proposals from organizations, the following criteria are used:

- 5.1 The event/activity should promote beneficial use of the park and/or recreation facility.
- 5.2 The event/activity should promote community pride and involvement.
- 5.3 The event/activity must comply with all state, federal and local laws.
- 5.4 The event/activity does not have a religious or political purpose.
- 5.5 The organization must be the primary organizer of the event/activity and is responsible for all outside permits and costs associated with the event/activity (e.g., general liability insurance, damage repair, contracted services - security, toilets, trash...).
- 5.6 The non-profit organization must carry general liability insurance of at least \$1,050,000 for the event/activity with the COA named as additionally insured.
 - 5.6.1 Other COA departments (including City Commission offices) are exempt from the general liability insurance requirement.
- 5.7 Designated COA staff must actively take part in planning, organizing and conducting the event/activity,
- 5.8 The organization should clearly recognize COA as a sponsor (including logo) on all marketing materials and announcements associated with the event/activity. And, if appropriate, a department banner should be displayed at the event/activity. COA must approve all marketing materials.

6.0 Procedures

All applications for a Non-Profit Discount, COA Sponsorship and COA Co-Sponsorship must be submitted at:

Sgt Willie Estrada Memorial Civic Center
ATTN: Special Events Manager
800 East 1st Street
Alamogordo, NM 88310

6.1 Requesting a COA Sponsorship

- 6.1.1 Submit a completed Special Event Application with a cover letter that officially requests COA Sponsorship and indicates how the organization meets the criteria in Section 5.0 above a minimum of 60 days before the event/activity.

6.2 Requesting a COA Partnership

- 6.2.1 Submit a completed Special Event Application with a cover letter that officially requests COA Partnership and indicates how the organization meets the criteria in Section 6.0 a minimum of 6 months before the event/activity. The number of COA partnerships per year are limited. Therefore, early request submission is highly recommended.

- 6.3 Requests will be reviewed by staff, providing a recommendation to the Community Services Director.
- 6.4 Requests will be considered on a case by case basis, dependent on the availability of department staff and resources.
- 6.5 The Community Services Director must approve any request for COA Sponsorship or COA Partnership.
- 6.6 Requests for COA Sponsorship or COA Partnership for events/activities held annually must be resubmitted each year.
- 6.7 COA Sponsorship or COA Partnership in a given year does not signify or guarantee future or on-going sponsorship.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/07/2018

Report No: 13.

Submitted By: Maggie Paluch

Subject: Consider, and act upon, fee waiver for the Chamber of Commerce 4th of July concert event. (*GB Oliver, Executive Director Alamogordo Chamber of Commerce*)

Fiscal Impact: \$2,970.00

Amount Budgeted: \$0.00

Fund:

Additional Fiscal Impact:

Recommendation:

Background: The Chamber of Commerce is holding a concert event at Handglider Park on July 4, 2018. The Chamber is requesting a full waiver of all fees including regular fees or any policies related to a partnership option in the fee schedule.

The regular fees would be in the amount of: Paid Event (1000+) - \$1920.00, Temporary Stage Rental - \$1000.00, Vehicle Fee (over 5 vehicles on park property) - \$50.00 = Total Regular Fees - **\$2,970.00**.

The partnership fees consist of: If partnering, qualifying organizations would receive either a 50% reduction of fees - or - a waiver of all fees if providing COA a 25% event revenue share for an event/activity on city property that:

1. Aligns closely with the department's core program goals and services;
2. Allows designated COA staff to actively take part in planning, organizing and conducting the event/activity, and
3. Provides COA appropriate level of marketing exposure (COA must approve all marketing material.)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/07/2018

Report No: 14.

Submitted By: Maggie Paluch

Subject: Consider, and act upon, funding of overtime-holiday pay for Alamogordo Police Department to staff the Chamber of Commerce 4th of July event. (*Maggie Paluch, City Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: The Chamber of Commerce is holding a large 4th of July concert event at Hand Glider Park. The event is expected to draw thousands of people. Security is required at the event to ensure the safety of the participants. The City did not anticipate the overtime to pay Police Officers to work the event.

The projected cost for the 4th of July for OT is 12,820.443. Listed below is the breakdown.

1-Sgt and 2 officers 0700-1400

1- Sgt and 2 officers, 1000-1800

2 Sgt, 5 officers, 1 K-9 and 1 Capt 1600-0100

1 DC 1000-0100

This gives us 9 people working from 1800-0100. This puts us 7 short of the recommended minimum. The total cost with the projected additional 7 officers (outside agencies figured at our highest officers pay) is the 12,820.443

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/06/2018

Report No: 15.

Submitted By: Bob Johnson

Subject: Consider, and act upon, award of Public Works Bid. No. 2018-003 to General Hydronics Concrete, LLC, related to the Griggs Reservoir Outfall Structure Modifications and Storm Drain Improvements project, in an amount not to exceed \$1,389,214.13, including NMGR. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$1,389,214.13

Amount Budgeted: \$2,224,130.00

Fund: 044-9799-990.68-99 PW1702 and PW1810

Additional Fiscal Impact:

Recommendation: Approve the award.

Background: The work will consist of earthwork, construction of a new storm drain system, and construction of a new spillway and riser outlet.

The project was advertised on April 29, 2018. Bids were opened at 2:00 p.m. on June 6, 2018 with six (6) bids received:

Please refer to the attached bid tabulation.

The project is funded by two (2) federal grants -

1. Economic Development Administration: \$800,000 plus City match of \$200,000
2. U.S. Army Corps of Engineers: \$975,000 plus City match of \$325,000

BID TABULATION
GRIGGS RESERVOIR OUTFALL STRUCTURE MODIFICATIONS AND STORM DRAIN IMPROVEMENTS
PUBLIC WORKS BID NO. 2018-003
EDA AWARD NO. 08-79-05104
June 6, 2018

ITEM NO.	QTY	UNIT	DESCRIPTION	Engineer's Opinion of Probable Construction Cost		General Hydronics Concrete LLC 388890		Hank Williams, Inc. 359591		J&H Service, Inc. 87957	
				UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	1	LS	Mobilization	\$65,000.00	\$65,000.00	\$105,500.00	\$105,500.00	\$60,500.00	\$60,500.00	\$45,000.00	\$45,000.00
2	1	SF	Clearing and Grubbing	\$5,000.00	\$5,000.00	\$29,500.00	\$29,500.00	\$31,020.00	\$31,020.00	\$45,000.00	\$45,000.00
3	1	SF	Project Removals	\$30,000.00	\$30,000.00	\$25,000.00	\$25,000.00	\$49,324.00	\$49,324.00	\$18,598.00	\$18,598.00
4	1	LS	Stormwater Pollution Prevention Plan (SWPPP)	\$8,000.00	\$8,000.00	\$4,400.00	\$4,400.00	\$9,240.00	\$9,240.00	\$5,500.00	\$5,500.00
5	1	CY	Traffic Control Management	\$5,000.00	\$5,000.00	\$7,300.00	\$7,300.00	\$13,915.00	\$13,915.00	\$15,000.00	\$15,000.00
6	1	CY	Construction Staking and Surveying	\$30,000.00	\$30,000.00	\$34,000.00	\$34,000.00	\$16,390.00	\$16,390.00	\$25,000.00	\$25,000.00
7	1	AL	Utility Allowance	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
8	1	AL	Diversion and Care of Storm Water	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00
9	35000	CY	Unclassified Excavation	\$7.50	\$262,500.00	\$4.88	\$170,800.00	\$3.90	\$136,500.00	\$3.20	\$112,000.00
10	4200	CY	Engineered Fill/Owner Provided Borrow	\$15.00	\$63,000.00	\$5.12	\$21,504.00	\$4.28	\$17,976.00	\$4.50	\$18,900.00
11	390	SY	4" HMA SP-IV PG 64-22 Complete (Includes Sugrade Prep, Base Course, and Prime Coat, CIP)	\$46.50	\$18,135.00	\$64.30	\$25,077.00	\$45.73	\$17,834.70	\$53.70	\$20,943.00
12	20	LF	Standard Curb and Gutter - Type II	\$21.50	\$430.00	\$40.00	\$800.00	\$67.17	\$1,343.40	\$35.70	\$714.00
13	20	SY	Concrete Sidewalk, 4" Thick	\$50.00	\$1,000.00	\$60.00	\$1,200.00	\$214.50	\$4,290.00	\$59.00	\$1,180.00
14	7	EA	Manhole, 8-Foot Diameter	\$10,000.00	\$70,000.00	\$14,739.00	\$103,173.00	\$25,311.77	\$177,182.39	\$10,500.00	\$73,500.00
15	662	LF	48" Ultraflow Storm Drain Pipe, Including Trenching, Backfill, and Compaction	\$150.00	\$99,300.00	\$95.60	\$63,287.20	\$100.21	\$66,339.02	\$140.00	\$92,680.00
16	1,110	LF	54" Ultraflow Storm Drain Pipe, Including Trenching, Backfill, and Compaction	\$175.00	\$194,250.00	\$125.65	\$139,471.50	\$104.73	\$116,250.30	\$190.00	\$210,900.00
17	1,104	LF	60" Ultraflow Storm Drain Pipe, Including Trenching, Backfill, and Compaction	\$225.00	\$248,400.00	\$128.80	\$142,195.20	\$136.43	\$150,618.72	\$200.00	\$220,800.00
18	1	EA	60" Culvert Headwall	\$12,000.00	\$12,000.00	\$9,917.00	\$9,917.00	\$22,712.25	\$22,712.25	\$11,764.00	\$11,764.00
19	0	EA	Not Used	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20	81	CY	1' Thick Wire Enclosed Riprap	\$250.00	\$20,250.00	\$250.00	\$20,250.00	\$156.18	\$12,650.58	\$230.40	\$18,662.40
21	1	EA	6' X 6' Junction Box, Precast Concrete Structures	\$15,000.00	\$15,000.00	\$21,578.00	\$21,578.00	\$28,929.33	\$28,929.33	\$17,815.00	\$17,815.00
22	1	LS	Channel Outlet (Bleeder Pipe with Flap Gate, and Concrete Weir)	\$20,000.00	\$20,000.00	\$23,366.00	\$23,366.00	\$49,316.08	\$49,316.08	\$27,436.00	\$27,436.00
23	1	LS	Griggs Concrete Intake Riser (Including Foundation, Soil Cement Slab, Complete)	\$25,000.00	\$25,000.00	\$72,904.00	\$72,904.00	\$24,508.55	\$24,508.55	\$60,964.00	\$60,964.00
24	152	LF	30" X 30" Concrete Box Culvert (Including Excavation and Backfill)	\$600.00	\$91,200.00	\$598.99	\$91,046.48	\$440.28	\$66,922.56	\$1,125.00	\$171,000.00
25	200	CY	Griggs Emergency Spillway, 6" Thick Reinforced Concrete (Including Cutoff Wall, CIP)	\$400.00	\$80,000.00	\$344.28	\$68,856.00	\$760.90	\$152,180.00	\$470.00	\$94,000.00
26	1,206	SY	Remove and replace Existing Asphalt Per City of Alamogordo Pavement Patch Detail	\$26.00	\$31,356.00	\$64.00	\$77,184.00	\$48.31	\$58,261.86	\$53.60	\$64,641.60
NMGRT (8%)					\$1,422,821.00		\$1,286,309.38		\$1,312,204.74		\$1,399,998.00
					\$113,825.68		\$102,904.75		\$104,976.38		\$111,999.84
					\$1,536,646.68		\$1,389,214.13		\$1,417,181.12		\$1,511,997.84

BID TABULATION
GRIGGS RESERVOIR OUTFALL STRUCTURE MODIFICATIONS AND STORM DRAIN IMPROVEMENTS
PUBLIC WORKS BID NO. 2018-003
EDA AWARD NO. 08-79-05104
June 6, 2018

ITEM NO.	QTY	UNIT	DESCRIPTION	Smithco Construction, Inc. 56580		Vital Consulting Group, LLC 376040		Meridian Contracting, Inc. 365469	
				UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	1	LS	Mobilization	\$75,000.00	\$75,000.00	\$190,000.00	\$190,000.00	\$200,403.00	\$200,403.00
2	1	SF	Clearing and Grubbing	\$25,000.00	\$25,000.00	\$49,500.00	\$49,500.00	\$21,000.00	\$21,000.00
3	1	SF	Project Removals	\$50,000.00	\$50,000.00	\$36,900.00	\$36,900.00	\$35,053.00	\$35,053.00
4	1	LS	Stormwater Pollution Prevention Plan (SWPPP)	\$15,000.00	\$15,000.00	\$8,600.00	\$8,600.00	\$50,000.00	\$50,000.00
5	1	CY	Traffic Control Management	\$25,000.00	\$25,000.00	\$83,500.00	\$83,500.00	\$31,000.00	\$31,000.00
6	1	CY	Construction Staking and Surveying	\$20,000.00	\$20,000.00	\$50,000.00	\$50,000.00	\$30,000.00	\$30,000.00
7	1	AL	Utility Allowance	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
8	1	AL	Diversion and Care of Storm Water	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00	\$8,000.00
9	35000	CY	Unclassified Excavation	\$2.00	\$70,000.00	\$6.50	\$227,500.00	\$11.50	\$402,500.00
10	4200	CY	Engineered Fill/Owner Provided Borrow	\$4.00	\$16,800.00	\$6.75	\$28,350.00	\$14.50	\$60,900.00
11	390	SY	4" HMA SP-IV PG 64-22 Complete (Includes Sugrade Prep, Base Course, and Prime Coat, CIP)	\$70.00	\$27,300.00	\$85.00	\$33,150.00	\$120.00	\$46,800.00
12	20	LF	Standard Curb and Gutter - Type II	\$125.00	\$2,500.00	\$41.00	\$820.00	\$100.00	\$2,000.00
13	20	SY	Concrete Sidewalk, 4" Thick	\$200.00	\$4,000.00	\$110.00	\$2,200.00	\$240.00	\$4,800.00
14	7	EA	Manhole, 8-Foot Diameter	\$18,500.00	\$129,500.00	\$13,000.00	\$91,000.00	\$16,500.00	\$115,500.00
15	662	LF	48" Ultraflow Storm Drain Pipe, Including Trenching, Backfill, and Compaction	\$120.00	\$79,440.00	\$139.00	\$92,018.00	\$195.00	\$129,090.00
16	1,110	LF	54" Ultraflow Storm Drain Pipe, Including Trenching, Backfill, and Compaction	\$150.00	\$166,500.00	\$150.00	\$166,500.00	\$230.00	\$255,300.00
17	1,104	LF	60" Ultraflow Storm Drain Pipe, Including Trenching, Backfill, and Compaction	\$230.00	\$253,920.00	\$195.00	\$215,280.00	\$235.00	\$259,440.00
18	1	EA	60" Culvert Headwall	\$105,000.00	\$105,000.00	\$6,900.00	\$6,900.00	\$21,000.00	\$21,000.00
19	0	EA	Not Used	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20	81	CY	1' Thick Wire Enclosed Riprap	\$185.00	\$14,985.00	\$300.00	\$24,300.00	\$510.00	\$41,310.00
21	1	EA	6' X 6' Junction Box, Precast Concrete Structures	\$40,000.00	\$40,000.00	\$34,700.00	\$34,700.00	\$38,000.00	\$38,000.00
22	1	LS	Channel Outlet (Bleeder Pipe with Flap Gate, and Concrete Weir)	\$65,000.00	\$65,000.00	\$14,000.00	\$14,000.00	\$48,000.00	\$48,000.00
23	1	LS	Griggs Concrete Intake Riser (Including Foundation, Soil Cement Slab, Complete)	\$140,000.00	\$140,000.00	\$90,000.00	\$90,000.00	\$95,000.00	\$95,000.00
24	152	LF	30" X 30" Concrete Box Culvert (Including Excavation and Backfill)	\$1,100.00	\$167,200.00	\$1,205.00	\$183,160.00	\$1,500.00	\$228,000.00
25	200	CY	Griggs Emergency Spillway, 6" Thick Reinforced Concrete (Including Cutoff Wall, CIP)	\$1,000.00	\$200,000.00	\$660.00	\$132,000.00	\$700.00	\$140,000.00
26	1,206	SY	Remove and replace Existing Asphalt Per City of Alamogordo Pavement Patch Detail	\$50.00	\$60,300.00	\$96.50	\$116,379.00	\$65.00	\$78,390.00
NMGRT (8%)					\$1,780,445.00		\$1,904,757.00		\$2,361,486.00
					\$142,435.60		\$152,380.56		\$188,918.88
					\$1,922,880.60		\$2,057,137.56		\$2,550,404.88

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/05/2018

Report No: 16.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, first publication of Ordinance 1571 amending sections of Chapter 2, Section 15 of the Alamogordo Code of Ordinances regarding the Gross Receipts Investment Program in regards to the way that payments are processed and paid. *(Petria Schreiber, City Attorney)* **(Roll Call Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication

Background: The current ordinance reads that a special fund should be set up for each GRIP project. However, this is not practical, as the State does not provide a detailed list of each submission to the City and therefore the Finance Department is not able to ascertain when we receive the funds for a certain project. By amending to make calculations from paid invoices, the Finance Department will be able to account for the funds paid out for each project. Additional corrections were made to fix typographical errors.

ORDINANCE NO. 1571**AMENDING SECTIONS OF CHAPTER 2, SECTION 15 REGARDING GROSS RECEIPTS INVESTMENT PROGRAM APPLICATIONS AND PAYMENTS**

WHEREAS, Article 2-15 of the Alamogordo Code of Ordinances was adopted October 12, 2010 establishing the Gross Receipts Investment Program; and,

WHEREAS, Ordinance 1379, adopted October 12, 2010 and Ordinance 1561, adopted January 30, 2018 amended portions of Chapter 2 Section 15; and,

WHEREAS, it is necessary to clarify the procedures through which successful applicants are paid,

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo that the following sections of Chapter 2, Section 15, of the Alamogordo Code of Ordinances, are hereby amended as follows.

SECTION ONE:

2-15-050. - Application procedure.

(aA) All GRIP reimbursement requests shall be made in writing on a form prescribed by the city. The applicant must show that the reimbursement is a deciding factor in the decision to establish or expand the eligible entity in the city.

(bB) Prior to entering into a GRIP agreement, the city commission shall receive and consider a recommendation from the city manager, or designee, said recommendation being based on the factors listed in section 2-15-060.

(cC) If the GRIP application is approved, the commission shall: (1) ~~Approve the agreement with the developer providing for the GRIP reimbursement payments by resolution; and~~

(2) ~~Create and establish a special fund of the city in which the allocated gross receipts tax revenues from the development shall be deposited and available for reimbursement to the applicant.~~

SECTION TWO

2-15-070. - GRIP agreement.

Upon a finding that the development qualifies as a eligible project under the GRIP and is in the public interest, the city and the applicant shall enter into an agreement wherein the city will pay to the applicant up to one hundred (100) percent of the city's share of total gross receipts taxes directly attributable to the eligible project, less any amount dedicated to other special purposes, received by the city during the term of the agreement. The GRIP agreement shall include at least the following terms:

(1A) The applicant must report and pay gross receipts taxes on all receipts associated with the development that are subject to the gross receipts tax;

(2B) The applicant shall agree that its only recourse for payment of the GRIP reimbursement payments is the special fund created by the resolution approving the GRIP application are those invoices submitted by the applicant which prove gross receipts taxes have been paid to the State of New Mexico for payment to the City of Alamogordo and that the city has no other liability of whatever kind, whether in law or equity, to the applicant;

(3C) A provision requiring the applicant, on at least a quarterly basis, and at applicant's cost, to allow the full examination by city or its designated representative(s) of all documents necessary for City to assure that best efforts have been used by applicant to utilize local labor, subcontractors, vendors and suppliers. The city will also require that such contracts contain provisions binding the engineering/construction firms utilized as general contractors on the project to the terms of the GRIP agreement; and

(4D) The applicant shall agree to an acceptable means by which the city can administer compliance with the agreement, including any necessary audits of the applicant's books, accounts and financial transactions associated with the development.

SECTION THREE

2-15-080. - Special fund Payment.

All allocated revenues derived from the collection of local option gross receipts tax directly attributable to the development shall be deposited into a special fund of the city. Said special fund shall be a contingent liability and shall be the sole and only source of revenue pledged or otherwise available for reimbursement to the applicant.

All invoices associated with the project shall be submitted to the city finance department, who will evaluate the invoices and create a calculation form to be delivered to the applicant for review. Funds determined to be due to applicant shall be paid as follows:

(A) For projects in which the expected reimbursement is anticipated to be in excess of ten thousand (\$10,000), following approval of the GRIP agreement, applicant shall submit invoices paid in full on a monthly or quarterly basis, along with an invoice from applicant. The city shall have 30 days to present a calculation to applicant for review. Following approval of the calculation, by both parties, the city shall have ten business days to pay each submission.

(B) For projects in which the expected reimbursement is anticipated to be less than \$10,000 the applicant may either submit on a monthly or quarterly basis as above, or submit all invoices at the completion of the project. The timeline shall be the same as in 2-15-080(A).

DONE this _____ day of _____, 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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/07/2018

Report No: 17.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, first publication of Ordinance 1572 adding Section 14-01-015 to the Alamogordo Code of Ordinances clarifying the requirements for refuse collection. (*Petria Schreiber, City Attorney*) **(Roll Call Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication.

Background: Adding section to clarify requirements for refuse removal within City limits.

ORDINANCE NO. 1572**ADDING A SUB-SECTION TO CHAPTER 14 OF THE ALAMOGORDO CODE OF ORDINANCES**

WHEREAS, Chapter 14 of the Alamogordo Code of Ordinances addresses the required handling of garbage, trash and refuse within the City of Alamogordo, and

WHEREAS, it is necessary to clarify the requirements for refuse collection,

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo that the following sections of Chapter 14, Section 1, of the Alamogordo Code of Ordinances, are hereby amended to the amend a new subsection as follows.

SECTION ONE:**14-01-015: Refuse Collection**

1. All residential accounts, as defined in this chapter, shall have city provided refuse collection services activated and invoiced monthly whenever city water services are provided to the location.
 - a. Excluded from this section are locations in which the customer type for the municipal utility is "AT", "BR", "MB" or "V".
 - i. AT are transfer accounts.
 - ii. BR are accounts on base rates.
 - iii. MB are municipal base rates.
 - iv. V are vacation accounts.
2. All commercial accounts, as defined in this chapter, shall engage a hauler, as defined in this section, for the removal and disposal of refuse generated by the commercial enterprise.
 - a. Excluded from this section is any commercial location in which the customer type for the municipal utility is "MB".
 - b. Obtaining or renewing a City of Alamogordo business registration shall be understood to be certification from the applicant of compliance with this section.

DONE this _____ day of _____, 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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/07/2018

Report No: 18.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, first publication of Ordinance 1573 approving the project participation agreement for a LEDA project proposed by Big Wave Express, Inc for funding to complete paving and construction of the tunnel car wash at 909 S. White Sands Blvd. (*Petria Schreiber, City Attorney*) **(Roll Call Required)**

Fiscal Impact: \$493,560

Amount Budgeted: \$0.00

Fund: Local Economic Development Act

Additional Fiscal Impact:

Recommendation: Approve for first publication

Background: The application was made by Big Wave Car Wash for approximately \$490,000 in LEDA funds for additions to the tunnel car wash currently under construction, to include paving and additional buildings.

ORDINANCE NO. 1573

APPROVING A LOCAL ECONOMIC DEVELOPMENT PROJECT FOR SECURED FINANCIAL ASSISTANCE PROPOSED BY BIG WAVE EXPRESS, INC.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF
ALAMOGORDO, NEW MEXICO that the following is added to the municipal code:

Pursuant to the City of Alamogordo Economic Development Plan, Ordinance No. 983 and NMSA 1978 Section 5-10-1, et seq. (Local Economic Development Act – “the Act”), the proposed economic development project of Big Wave Express, Inc. (“the Company”) which is on file with the City Clerk and available for public inspection, is approved for the purposes set forth in NMSA 1978 Section 5-10-1, et seq. and the City of Alamogordo is authorized to enter into a Project Participation Agreement (“The Agreement”) with the Company as required by Section 10 of the Act, and in substantially the same form as attached hereto, the terms of which are incorporation herein.

The City Commission finds as follows:

1. The Company is an entity as defined in NMSA 1978, Section 5-10-3G;
2. Under the Agreement, the Company will provide a substantive contribution for the proposed project as described in NMSA 1978, Section 5-10-10B in the form of employment and improved tax base;
3. The Agreement complies with the requirements of the Act and Ordinance No. 983;
4. The benefit of the proposed project to the City of Alamogordo is repayment of financial assistance and other benefits arising from employment

and economic activity under the project which exceeds the cost to the City of providing to the Company the assistance specified in the agreement, and

5. The Agreement complies with the requirements of Section 10 of the Act and is hereby adopted and approved.

BE IT FURTHER ORDAINED, that the Mayor of the City of Alamogordo, New Mexico is authorized and directed to do all things necessary to implement this ordinance that is lawfully adopted.

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

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney



LEDA PROJECT APPLICATION

The purpose of the Application is to identify the project area and to present a detailed plan on how the proceeds of the LEDA funds will be put to use. This Plan is presented to demonstrate to the City, what the public benefits of this project are and to help the City evaluate the application's merit in comparison to other projects submitted, as well as assist the review committee in determining eligibility according to the City's LEDA Act. The applicant and its agent will endeavor to provide the City any additional information reasonably requested.

APPLICANT INFORMATION

Legal Name	Big Wave Xpress Inc.
Trade Name (dba)	Big Wave Car Wash
Project Name if different from above	
Address	905 S. White Sands Blvd.
City, State, Zip	Alamogordo, 88310
Phone	575-544-1796
Fax	
Primary Contact Person	Jim Worthan
Federal Tax ID #	82-4072341
NM State Tax and Rev. #	03-399679-00-02
City/County Business License #	In process
NAICS Code	811192
This business is organized as a:	☐ C-Corporation ☒ S-Corporation ☐ LLC ☐ Partnership ☐ Proprietorship ☐ NPO

Please attach copies of (exhibit 1, 2, etc.):

☒ Incorporation Papers

☒ By-laws

☒ Resumes of all principals (owners, partners, directors or officers)

A) Project Information:

a. Description of Proposed Development, its product and its timeline.
See Business Plan.

b. Provide a detailed scope of work that is specific to the funding request/award

The request for funding from the City of Alamogordo is for the hard operating equipment for the car wash. See business plan for detailed breakdown.

c. Business Plan or detailed information such as:

i. Executive Summary; Business description and history
See business plan.

ii. Infrastructure Development/Needs
Standard utilities, parking lot, building construction, equipment and equipment installation.

iii. Market analysis and strategy
See business plan.

iv. Summary of competition
See business plan.

v. Tax Reporting Status
Monthly gross receipts tax reporting.

vi. Effect on Existing Industry and Commerce during and after Construction
No effect.

vii. Land Acquisition
See business plan.

viii. Local Purchasing
Services and construction materials for startup and day-to-day operating supply requirements.

ix. Water Conservation
A water reclamation is part of the purchased car wash equipment. Water is reclaimed, filtered and reused on initial part of car wash process.

x. Relocation of Individuals or Businesses
All employees will be local.

xi. Construction Schedule
See business plan.

1. Target Close Date
2. General Contract Signed
3. Construction Start
4. Construction End

5. New Facility Operational Date

xii. Operations plan; Organizational chart
See business plan.

xiii. Any document or record that the local governing body, in its sole discretion, deems necessary.

B) Financial Information

a. Detailed assumptions for business and proposed projects; pro--forma cash flow analysis; three year projected income statements, whichever is applicable
See business plan.

b. Financial statements with independent audits, if available, or Tax returns, for the past three years.
N/A

c. City/County business license number/proof or statement that registration will pursued or secured.
Big Wave Xpress will obtain City Business License closer to opening date.

d. Does the amount requested reasonably represent the money needed to complete the project?
The amount requested is for improvements and additional equipment.

e. If a gap exists, please define/explain options being pursued or solution to fund that gap.

f. Provide schedule of funding commitments. Provide copies of any term/commitment letters

a. Equipment Loan of \$1,133,692, commitment papers will be available upon close of long-term financing.

b. Construction Loan of \$3.4 million is under Worthan Properties, LLC.

g. What is the equity investment from the applicant?
10% of cost of total project.

h. What is the collateral/security to be pledged to the funds awarded?
Unencumbered properties or bond can be used as security in the amount of City LEDA funds obtained.

- i. What is the method of appraisal for stated security?
To be discussed.

Funding Type	Source	Amount
Equity Investment		
City funding		
Bank Loans		
Cash down and % it represents of the total project costs		
Other Loans		
Other Sources		
	TOTAL	

C) History and Background

- a. Track record with projects of this type?
Jim Worthan has extensive experience in business management and building construction.
- b. Explain the commitment to build, operate, and manage the project?
Project is currently under construction and 10% capital injection has been put into project.
- c. Any officers ever filed for bankruptcy?
No
- d. List Current officers and directors
James S. and Patricia A. Worthan (President and Secretary/Treasurer)
- e. Applicant or any of its officers ever defaulted on any loans or financial obligation?
No
- f. Does the applicant have any loans or other financial obligations on which payments are not current?
No

D) Community Aspects

- a. What are the infrastructure needs at the community level, not yet in place or in process that will affect this project's application?
None.
- b. What specific incentives are being REQUESTED from the COMMUNITY (e.g. parcel of land, building lease, waiver of fees, utility access/extension)?
None

Property Tax Abatements _____
Infrastructure Improvement _____
Tax Increment Financing _____
Grey Water _____
Other _____

Industrial Revenue Bonds _____
Access to Loan Funds _____
Public Improvement Districts _____
Other Customized Incentives _____

-
- c. What specific incentives are being PROVIDED from the COMMUNITY (e.g. parcel of land, building lease, waiver of fees, utility access/extension)?
LEDA funding.

E) Job Creation/Performance

See business plan.

- a. Outline the number and types of jobs to be created.
- b. Outline the proposed pay scale and payroll proposed by the entity
- c. Outline the benefits offered to the employees, including but not limited to health care and retirement?
- d. Outline any efforts being made or proposed by the applicant to employment opportunities to people within the local employment pool

SAMPLE See attached schedule.			Number of Jobs Created	
Job Title or Type	Estimated Pay Scale	At Start-up	Beginning of Year 2	Beginning of Year 3
Total No. of Jobs Created				
Total Estimated Payroll				

Please indicate in the above chart which jobs will be:

- Fill locally (L)
- Fill by transfer from other facilities (T) or recruited from outside the COMMUNITY (R)

	Thursday		Friday		Saturday		Sunday		Monday		Tuesday		Wednesday		Total Hours	Hourly Rate	Total Weekly Payroll	Payroll Burden	Total Payroll Cost
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out					
Store Mgr.	7.00	15.00	11.00	19.00	11.00	19.00	0.00	0.00	0.00	0.00	7.00	15.00	7.00	15.00	40.00	\$ 25.00	\$ 1,000.00		
Asst. Mgr. 1	0.00	0.00	0.00	0.00	7.00	15.00	7.00	15.00	11.00	19.00	11.00	19.00	11.00	19.00	40.00	\$ 15.00	\$ 600.00		
Asst. Mgr. 2	0.00	0.00	7.00	15.00	11.00	19.00	11.00	19.00	7.00	15.00	11.00	19.00	0.00	0.00	40.00	\$ 15.00	\$ 600.00		
Asst. Mgr. 3	11.00	19.00	11.00	19.00	0.00	0.00	11.00	19.00	11.00	19.00	0.00	0.00	11.00	19.00	40.00	\$ 15.00	\$ 600.00		
Attend. 1	7.00	14.00	7.00	14.00	7.00	14.00	7.00	14.00	7.00	14.00	0.00	0.00	0.00	0.00	35.00	\$ 12.00	\$ 420.00		
Attend. 2	0.00	0.00	0.00	0.00	7.00	14.00	7.00	14.00	7.00	14.00	7.00	14.00	7.00	14.00	35.00	\$ 12.00	\$ 420.00		
Attend. 3	7.00	14.00	7.00	14.00	0.00	0.00	0.00	0.00	13.00	20.00	7.00	14.00	7.00	14.00	35.00	\$ 12.00	\$ 420.00		
Attend. 4	13.00	20.00	13.00	20.00	13.00	20.00	0.00	0.00	0.00	0.00	13.00	20.00	13.00	20.00	35.00	\$ 12.00	\$ 420.00		
Attend. 5	13.00	20.00	0.00	0.00	0.00	0.00	13.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00	14.00	\$ 10.00	\$ 140.00		
Attend. 6	0.00	0.00	10.00	16.00	10.00	16.00	10.00	16.00	0.00	0.00	0.00	0.00	0.00	0.00	18.00	\$ 10.00	\$ 180.00		
Attend. 7	10.00	16.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00	16.00	10.00	16.00	10.00	16.00	24.00	\$ 10.00	\$ 240.00		
Attend. 8	0.00	0.00	8.00	16.00	8.00	16.00	8.00	16.00	0.00	0.00	0.00	0.00	0.00	0.00	24.00	\$ 10.00	\$ 240.00		
Attend. 9	0.00	0.00	8.00	16.00	8.00	16.00	8.00	16.00	0.00	0.00	0.00	0.00	0.00	0.00	24.00	\$ 10.00	\$ 240.00		
Totals:															404.00	\$ 168.00	\$ 5,520.00	\$ 1,104.00	\$ 6,624.00

\$ 344,448.00

JOB RETENTION INFORMATION (IF APPLICABLE) – N/A

Job Title or Type	Estimated Pay Scale	At Start-up	Number of Retained/Impacted	
			Beginning of Year 2	Beginning of Year 3
Total No. of Jobs Created				
Total Estimated Payroll				

F) Impacts (environmental, fiscal, economic, etc.)

- a. Outline any impacts to the environment
None.
- b. Status of permitting/regulatory matters needed for project
Building permit is in process and expect within in the next week.
- c. By request, NMEDD can provide the Economic Impact Analysis to address the impact to the local tax base, the school system, etc.)
☐ Yes ☒ X No

Any supplemental documents that are submitted to support the application are to be included with this application and noted as "exhibit 1, 2" etc.

A review of the application and its contents will be done by a committee put together for the express purpose of accomplishing due diligence in review of all applicable information, accomplish any validation needed as to qualifying entities eligibility, and provide a recommendation to City Staff and the City Commission; applicant will be advised of any missing or supplemental information needed. This process may take upwards of 60 to 90 day to complete. Applicant's patience and accommodation towards any additional items asked for is greatly appreciated.

CITY OF ALAMOGORDO
Individual AUTHORIZATION FOR EXAMINATION AND RELEASE OF
INFORMATION

(if corporation, a different document will be provided)

I, James Worthan, hereby grant permission to the City of Alamogordo to conduct a review, full disclosure, and release of any and all information authorized pursuant to federal and state law. The purpose for obtaining and examining the information is to construct a record of my personal and professional history to ensure I meet the requirements the New Mexico Economic Development Department has established for recipients of State funds. I understand the investigation will be conducted by the New Mexico Economic Development Department, the New Mexico Department of Public Safety, or their contractors, and the results of the investigation will only be supplied to the New Mexico Economic Development Department.

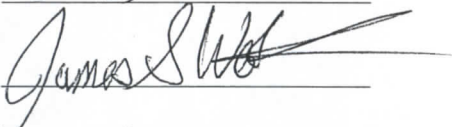
I hereby grant the New Mexico Economic Development Department permission to obtain any information in my background pertaining to any credit (to include obtaining a copy of my credit report), education, investigation, arrest and/or conviction of myself in any criminal or civil matter. I also authorize an employee of the New Mexico Economic Development Department, as my authorized representative, to obtain from the New Mexico Taxation and Revenue Department any tax information that is in any way related to me or a company I own or have invested in. I hereby direct you to release such information upon the request of this bearer. I hereby release you as custodian of such records for any criminal justice, law enforcement or court agency, including its officers and employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, that may at any time result to the New Mexico Economic Development Department or the State of New Mexico because of compliance with this authorization and request to release information; or any attempt to comply with it.

1. The information reviewed, disclosed, and/or released may be used by the New Mexico Economic Development Department for any lawful purpose and/or to determine my or my company's suitability to receive funds from the State of New Mexico.
2. I hereby release the providers and users of the information collected pursuant to this authorization from any liability under state or federal privacy laws and further release the New Mexico Economic Development

Department, its contractors, agents, and/or employees from any liability which may be incurred as a result of the collection and use of information.

3. I understand I may revoke this authorization in writing at any time.
4. This authorization will automatically expire in 60 days from the date it is signed.

FULL NAME: James S. Worthen

SIGNATURE: 

SSN: 524-88-4553

DOB: 05-12-60

DATE: 04-03-18

* PLEASE INCLUDE A PHOTO COPY OF THE INDIVIDUAL'S PHOTO ID.

Scribed and sworn to me on this 3rd day of April, 2017, Otero County, New Mexico

Signed
Notary Public



My Commission

expires: 12-11-21





NEW MEXICO



DRIVER'S LICENSE



License # [REDACTED]

Date of Birth [REDACTED] 1960

ISSUED 03/13/2018

EXPIRES 03/13/2026

WORTHAN

JAMES STEPHEN

1000 COX CY
CLOUDCROFT, NM 88317

James Worthan

WEIGHT 200 SEX M

CLASS D

HEIGHT 6'01" EYES HAZ

ENDORSEMENTS NONE

DONOR ♥

RESTRICTIONS NONE

PROJECT PARTICIPATION AGREEMENT

This Project Participation Agreement is entered into the ___ day of June, 2018, between the City of Alamogordo, a New Mexico municipal corporation (the "City") and Big Wave Express, Inc., a for profit corporation registered with the New Mexico Public Regulation Commission, whose business address is 905 S. White Sands Blvd., Alamogordo, New Mexico, 88310 (hereinafter referred to as the "Qualifying Entity").

I. Recitals

- A. The purpose of this Agreement is to allow the Qualifying Entity to complete portions of the infrastructure construction of a conveyor tunnel car wash facility. Completion of the Project as is in the best interests of the City and the health, safety, and welfare of the residents and the taxpayers of the City of Alamogordo, and is in accord with the public purposes and provisions of applicable state and local laws.
- B. By Ordinance No. 983, adopted August 13, 1996, the City has adopted an ordinance pursuant to the statutory authority conferred upon municipalities to allow public support of economic projects to foster, promote and enhance local economic development efforts (N.M. Stat. Ann. Section 5-10-1 through Section 5-10-13-1978). The Ordinance was adopted as part of the City's Economic Development Plan.
- C. By **Ordinance No. _____, adopted _____, 2018** ("Approval Date"), the City has adopted an Ordinance which establishes that the Qualifying Entity meets the requirements of the Local Economic Development Act and that Qualifying Entity has provided information pertaining to its intent to make infrastructure improvements and purchase equipment needed to operate a tunnel car wash located at 905 S. White Sands Blvd., Alamogordo, New Mexico, 88310. This operation and management will create a minimum of twelve (12) new jobs with an hourly wage of at least nine (\$9.00) dollars per hour, and will thereafter maintain the twelve (12) jobs and create sufficient additional new jobs necessary to fulfill its obligation to repay the Economic Development Incentive during the term of this Agreement (the "Project"), all of which qualifies for assistance under the City's Economic Development Ordinance.
- D. Material inducements for the City's to participation in this Agreement with the Qualifying Entity are:
 - 1. Creating and maintaining jobs in accordance with the provisions of this Agreement by -
 - a. producing no fewer than twelve (12) new full-time jobs at an hourly wage of at least nine (\$9.00) dollars;
 - b. maintaining the jobs created in D(1)(a) for a period not less than three years from opening;
 - 2. Begin serving the citizens of Alamogordo during Calendar year 2018.
- E. Location of the Qualifying Entity's business operations in Otero County will provide additional jobs and substantially improve economic conditions in accordance with the purposes and goals of the City's Economic Development Plan.
- F. As a condition precedent to its receipt of public assistance the Qualifying Entity is required to execute this Project Participation Agreement and secure a performance

bond equal to the full amount of the incentive to be maintained until the obligation of the Qualifying Entity is fulfilled.

II. Agreements

The Parties agree as follows:

- A. Authority. The City's execution of this Agreement is authorized by
 - 1. The Local Economic Development Act, NMSA 1978 §5-10-1 through §5-10-13 (2007) (LEDA), Ordinance No. 983, which established the Alamogordo Economic Development Strategic Plan that promotes economic development projects in the City of Alamogordo; and
 - 2. Ordinance No. [REDACTED], which approved the Project.
- B. Qualifying Entity's execution and performance of this Agreement constitutes a valid and binding obligation of the Qualifying Entity in the event the Qualifying Entity proceeds with the Project. The Qualifying Entity has full power and authority to execute, deliver and perform, as applicable, this Project Agreement, to make the obligations hereunder, to execute and deliver the Promissory Note and to grant to the City the security as hereinafter described.

III. Definitions

For all purposes of this Agreement, except as otherwise expressly provided or unless the context clearly requires otherwise, the following terms have the meanings assigned to them:

- A. "Approval Date" means [REDACTED].
- B. "Eligible Project Costs" means the costs and expenditures directly related to the various infrastructure upgrades that need to be accomplished in order to open and operate the 'family entertainment center'. Examples of eligible infrastructure upgrade costs include various construction change orders, purchases of systems and equipment to operate the fun center, and installation costs.
- C. "Facility" shall mean the Qualified Entity's tunnel car wash located at 909 S. White Sands Blvd., Alamogordo, New Mexico, and legally described on the attached Exhibit "A".
- D. "Job Credit" is a performance measurement figure. A job credit is annually,
 - 1. Eighteen thousand, seven hundred twenty dollars (\$18,720), yearly, for each non-executive fulltime equivalent job created (\$9 per hour x 2080 yearly hours);
- E. "Job Period" means every twelve (12) month period from the Approval Date through the Term of Agreement during which the Qualified Entity is obligated to create and maintain New Jobs. [or does this need to be fiscal year?]
- F. "New Job" shall mean 2,080 hours of paid employment over 365 days.

Example

2 people, each working 1,040 hours, over 365 days, is one New Job.

1 person working 2,600 hours over 365 days is 1.25 New Jobs.

- G. "New Jobs Payroll" shall mean all monies paid annually to all persons holding New Jobs, whether paid by the hour, day, week, semi-monthly, monthly, or yearly, and includes, but is not limited to, overtime, bonuses, and piecework.

IV. Qualifying Entity's Job Creation Obligations

Per the purpose of the Agreement recited in paragraph I(A), above, the Qualifying Entity will meet the City's job creation expectation in paragraph I(D) by the following means:

- A. Employment Opportunities - The Qualifying Entity shall create and thereafter maintain during each Job Period those jobs as defined in paragraph I(D)(1)(a), for the period defined in I(D)(1)(b).
- B. In Otero County - The Qualifying Entity shall only be credited for the creation of jobs performed within Otero County, New Mexico.
- C. Local Preferences - Though not required, the Qualifying Entity shall use its best efforts to contract with local contractors in order for the City to receive gross receipts tax revenue. During the term of this Agreement, the Qualifying Entity shall make available to the City records verifying the use of local contractors and the making of local purchases. For purposes of this Agreement, a local contractor is a contractor meeting the requirements of section 2-13-180 of the Alamogordo City Code.

V. The City's Obligations

The City agrees to provide up to Four Hundred Ninty-Three Thousand, Five Hundred Sixty Dollars (\$493,560) of Economic Development Incentives to the Qualifying Entity to construct and operate a tunnel carwash in Otero County, New Mexico. The Qualifying Entity will be responsible for any additional costs or expenses related to the Project.

VI. The City's Limitations

- A. This Agreement shall not be construed as a commitment, issue or obligation of any specific funds other than those funds to be received by the City from its Municipal Infrastructure Gross Receipts Tax.
- B. The functions and duties assumed by the City include only those described in this Agreement, and the City is not obligated to act except in accordance with the terms and conditions of this Agreement.
- C. The Qualifying Entity acknowledges that the City does not warrant any equipment, materials, or services purchased with the funds.
- D. The Qualifying Entity shall be obligated hereunder even if the equipment, materials, or services are defective or fail to conform to the warranties extended by the supplier.
- E. The obligations of the Qualifying Entity shall not be affected by any dispute the Qualifying Entity may have with any manufacturer, distributor, contractor or supplier.
- F. The Qualifying Entity will not assert any claim or defense which it may have against any manufacturer, distributor, supplier or contractor against the City.
- G. The City is under no duty to supervise or inspect the installation or construction contemplated by this Agreement.
- H. Any inspection or examination by the City is for the sole purpose of protecting the City's security interest and preserving the City's rights under this Agreement.
- I. No default of the Qualifying Entity will be waived by any inspection by the City.

- J. In no event will any inspection by the City be a representation that the installation or construction is free from defective materials or workmanship.

VII. Disbursement of Economic Development Incentive

- A. Disbursement of the economic development incentive shall not begin until the City receives a properly endorsed performance bond for the full amount of the incentive.
- B. Disbursement of the Economic Development Incentive shall be made upon the City's receipt and approval of a request for the disbursement and supporting documents.
- C. The supporting documents shall include itemized invoices from contractors and suppliers, and a report detailing the dollar amount and purpose of the Eligible Project Cost.
- D. The Qualifying Entity and the City shall establish a joint account into which the disbursement shall be deposited by the City.
- E. City anticipates the Qualifying Entity will use the disbursement for the following, (see list attached hereto as Exhibit "B") to include, but not limited to:
 - 1. Installation of necessary additional fire hydrant
 - 2. 40x50 metal building and pad
 - 3. Extension of water and sewer lines
 - 4. Paving
 - 5. Structural engineered canopy, attached to the main building, to protect customers and equipment
 - 6. Millwork
 - 7. Sonny's RFQ Suncoast motor control system
 - 8. Sonny's 20 position vacuum system
- F. The City anticipates the above items are required and variation to this list necessitates discussion and agreement between the parties.
- G. In its sole discretion, the City may withhold disbursement if it determines that the Qualifying Entity has failed to comply with and/or is in default under the terms and conditions of this Agreement, or has failed to provide adequate documentation of the eligible project cost.

VIII. Obligation to Repay the Economic Development Incentive

- A. The Qualifying Entity understands and agrees that the failure of the Qualifying Entity to perform its obligations will result in a forfeiture of the economic development incentive. In the event of a forfeiture, or upon termination of this Agreement, the Qualifying Entity agrees to pay to the City the balance of the incentive not otherwise repaid through the creation of jobs.
- B. Security Interest. The Qualifying Entity agrees to secure a performance bond in the full amount of the economic development incentive payable to the City of Alamogordo and will maintain said bond until such time as the obligation under this agreement is fulfilled.

IX. Insurance.

- A. The Qualifying Entity, at its sole cost and expense, shall procure and maintain, with financially sound and reputable insurers authorized to do business in the State of New Mexico:
 - 1. Insurance on the value of the improvements on a replacement basis with no limiting modification including the City as named insured party;
- B. The Qualifying Entity will furnish to the City, upon its written request, the insurance certificates with respect to such insurance.
- C. Should the Facility at any time become located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, the Qualifying Entity agrees to obtain and maintain Federal Flood insurance for the full unpaid principal balance of the Promissory Note and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Programs, and to maintain such insurance for the term of this Agreement.

X. Evidence of Job Creation

- A. **Job Audit.** Annually, 60 days after the start of the Fiscal Year, a Job Audit to determine Job Credit shall be performed by the City to validate the Qualifying Entity follows this Agreement. The Qualifying Entity shall produce the necessary records to allow the City to perform its Job Audit.
- B. **Job Credit.** Qualifying Entity shall receive a credit against the principal balance of the promissory note for each new job that the Qualifying Entity creates/maintains during the job period.
- C. **Pro-rated Credit.** In the event the Qualifying Entity falls short of meeting annual creation/maintenance obligation for any Period, the Qualifying Entity receives a partial credit. The amount of the partial credit shall be calculated using the above described formula.
- D. **Term.** The parties anticipate it will take three years to fulfill the goal of obtaining sufficient job credits to repay the economic development incentive. In the event, at the end of the four year term, the EDI has not been fully repaid, the repayment term automatically extends until repayment is achieved.

XI. Termination and Recovery of Incentive

- A. **Events of Default.** The following events shall constitute events of default under this Agreement:
 - 1. Failure of the Qualifying Entity to fulfill, in whole or in part, any obligation required by this Agreement.
 - 2. Cessation by the Qualifying Entity of its Otero County operations, or reduction of those operations to a level below the performance measures set forth of this Agreement.
 - 3. Filing by the Qualifying Entity of a petition, case, proceeding, or other action against the City as a debtor under any debtor relief law or seeking appointment of a receiver, trustee, custodian, or liquidator of the Qualifying Entity.

4. The abandonment by the Qualifying Entity of all or a portion of the Facility.
5. The discovery by the City that any representation, warranty, or covenant made by the Qualifying Entity in connection with this Agreement was or has become false, materially misleading, erroneous, or breached in any material respect.
6. The Qualifying Entity assigns, sells, or transfers a majority interest in its business entity, whether in a single transaction or a series of transactions. If the Qualifying Entity desires to assign, sell, or transfer a majority interest in its business entity, whether in a single transaction or a series of transactions, before expiration of this Agreement, the City retains the right to reject any and all assignments, sales, or transfers of any interest in the Qualifying Entity's business entity until, in the sole discretion of the City, adequate assurances are given that the assignee, buyer, or transferee is a qualifying entity under the Alamogordo Economic Development Plan and that terms of this Agreement will be satisfied by the assignee, buyer, or transferee.

B. Qualifying Entity's Response to Default. Upon the occurrence of an event of default by the Qualifying Entity specified in this Agreement, the City shall notify the Qualifying Entity in writing that an event of default has occurred under this Agreement. Within thirty (30) days of the receipt of such notice, the Qualifying Entity shall:

1. Cause the default to be cured; or
2. Furnish a written response indicating:
 - a. The factors which caused or contributed, in whole or in part, to the occurrence of default;
 - b. The measures the Qualifying Entity has undertaken to avoid the reoccurrence of default in the future;
 - c. Whether any performance measure not achieved can still be achieved in a timeframe acceptable to the City; and
 - d. What further action the Qualifying Entity plans to take to achieve the performance measure in a timeframe acceptable to the City.

C. City's Response to Default. The City staff shall review the response furnished by the Qualifying Entity and within thirty (30) days from the receipt of such response, recommend to the City Commission whether to modify or terminate this Participation Agreement. The Qualifying Entity shall have an opportunity to make a presentation to the City Commission at any meeting where such recommendation will be acted upon. The decision of the City Commission will be final and binding. Other than the opportunity for the Qualifying Entity to make a presentation to the City Commission, in the event of default nothing herein shall be construed to limit in any way the power and authority of the City Commission to terminate this Agreement and to demand immediate repayment of the economic incentive, including all interest both accrued and deferred; and to act upon the performance bond for all amounts remaining owed if repayment is not made;

XII. Effect of Termination.

Except for any obligations that accrue prior to such termination or except as otherwise provided in this Agreement, which obligations shall survive the termination of this Agreement, other rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the applicable date of termination of this Project Agreement.

XIII. Facility Closure Clawback.

Should the Qualifying Entity cease operation of the Project before completely satisfying the economic development incentive, the Qualifying Entity shall, within ninety (90) days of the cessation of operations, pay to the City, in cash, an amount equal to 1/48th of the City Contributions for each month that the Qualifying Entity prematurely ceased operations of the Project as the City's exclusive remedy under this Agreement for such premature cessation. Any clawbacks not paid when due shall bear interest at the rate of prime plus 2% per annum from the due date until paid.

XIV. No Joint Venture.

It is acknowledged and agreed by the parties that the terms of this Agreement are not intended to and shall not be deemed to create a partnership or joint venture among the parties. Neither party shall have any authority to act on behalf of the other party under any circumstances of this Agreement.

XV. Appropriations.

The performance by the City of any of the terms, covenants, or conditions in this Agreement that the City is obligated to perform shall be subject to the availability of appropriated funds that may be lawfully used for such purpose.

XVI. Miscellaneous Provisions.

- A. If any legal action should be necessary for the enforcement of this Project Participation Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provision of this Agreement, the City shall be entitled to recover reasonable attorney fees and/or other costs incurred in that action or proceeding in addition to any other relief which the City may be entitled to under the law.
- B. The parties agree that in the event of any dispute, venue for such dispute shall be laid and established in the District court of Otero County, New Mexico and no other.
- C. City and the Qualifying Entity will do all things reasonably necessary or appropriate to carry out the terms and provisions of this Agreement, and to aid and assist each other in carrying out such terms and provisions.

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement as of the day and year first written.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

Maggie Paluch, City Manager

James Worthan
Big Wave Express, Inc.

Affirmed:

Rachel Hughs, City Clerk

Approved as to form:

Petria Schreiber, City Attorney



National Construction, Inc.
P.O. Box 1479
Alamogordo, NM 88311
(575) 437-2913 Fax (575) 434-8821
National@gwestoffice.net

Additional Items for Big Wave Xpress Car Wash

Fire Hydrant	\$10,500
40 x 50 Metal Building	\$76,000
Building pad	\$ 8,000
Extend water and sewer lines to east lot	\$ 2,000
Paving lane west of your property (frontage road) & landscaping improvements to planter located on White Sands Blvd.	\$35,000
Canopy (Engineered structural addition to the building to protect customers and equipment	\$36,000
Paving Back Lot	\$95,500
Millwork	\$ 3,500
TOTAL	\$266,500

Additional Items not by National Construction

Sonny's RFQ Suncoast (Motor control center)	\$76,500
Sonny's Vacuum System w/20 positions	\$114,000
TOTAL	\$190,500

GRAND TOTAL	\$457,000
8% NMGR	\$ 36,560
TOTAL w/tax	\$493,560

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/07/2018

Report No: 19.

Submitted By: Larry Garner

Subject: Consider, and act upon instituting stage 1 water rationing per ordinance 28-03-035. *(Larry Garner, Director of Public Works)*

Fiscal Impact:

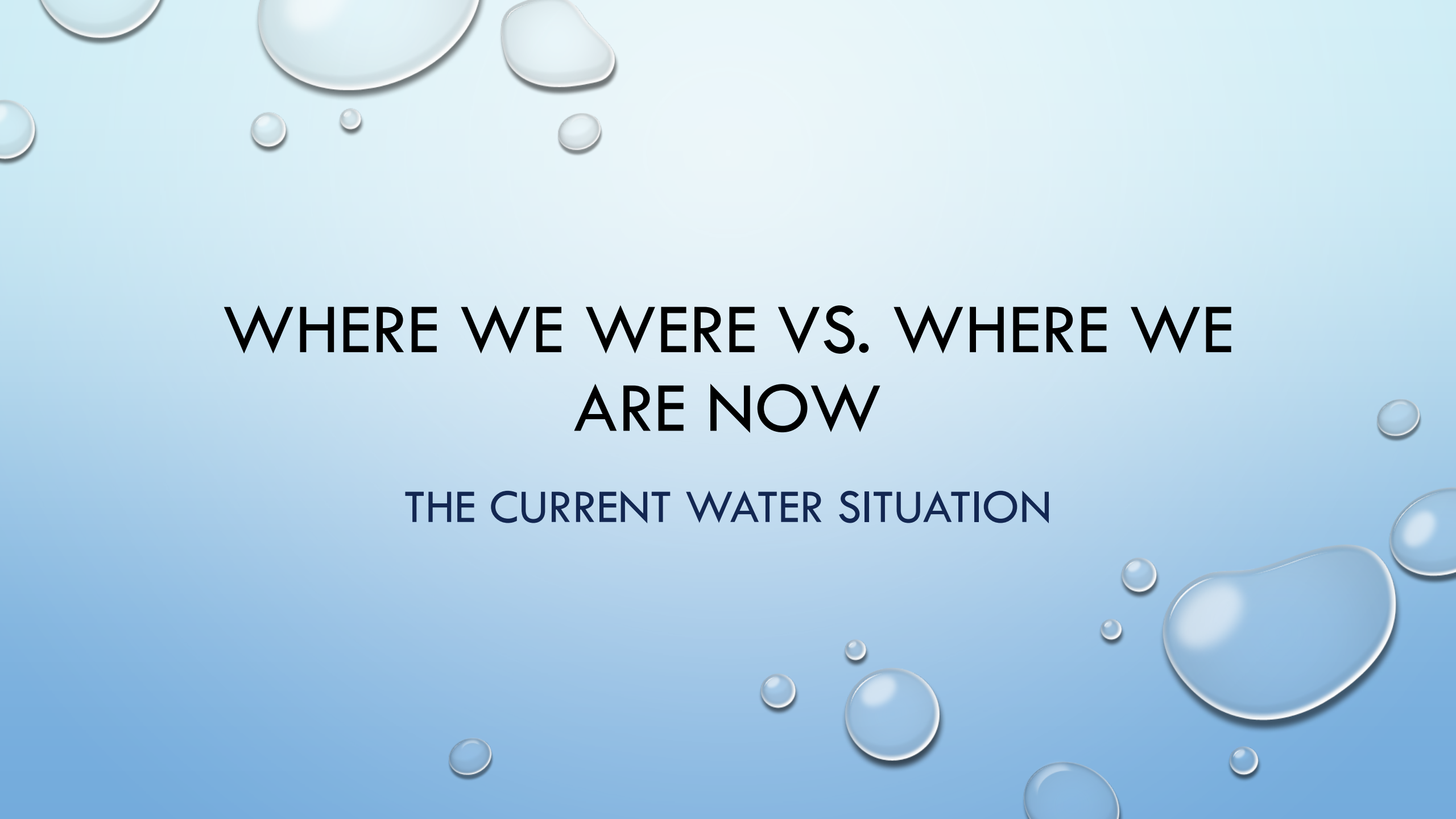
Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Staff will give an overview on the current status of the City of Alamogordo's water system and current water levels.

The background is a light blue gradient with several realistic water droplets of various sizes scattered across it. Some droplets are at the top, some at the bottom, and some in the middle. They have highlights and shadows, giving them a 3D appearance.

WHERE WE WERE VS. WHERE WE ARE NOW

THE CURRENT WATER SITUATION

WATER REPORT BEFORE THE LOSS OF BONITO LAKE AND GREEN VS. RECENT NUMBERS IN THE REPORT

Daily Water Update June 3, 2010						
Levels	(ft)	Today Inventory(MG)	% Capacity	(ft)	Yesterday Inventory(MG)	% Capacity
East Reservoir:	25.04	84.16	84.16	25.09	84.61	84.61
South Reservoir:	26.23	40.06	100.15	26.05	39.78	99.45
North Reservoir:	26.37	40.26	100.65	26.23	40.06	100.15
Total Storage: (MG)		164.48			164.45	
Total Capacity %			90.0			89.9

Flow into reservoirs: TOTAL MGD

	Today	Yesterday	
Well 5	13111	12220	0.891
Bonito	529183	527692	1.491
Flume	209376900	2090933900	2.833
LLWTP Production:	7980927	7975487	4.896

Net Total: 0.319

Well Status:	Today	Yesterday	MGD
Well 2	OFF	90999	0.00
Well 3	OFF	53730	0.00
Well 4	ON	222282	0.65
Well 6	OFF	165467	0.00
Well 7	OFF	188255	0.00
Well 8	OFF	17627	0.00
Prather BP's	OFF	376.331	0.00
Golf Course	On	84674616	0.38
Recharge Well	OFF	493715	0.00
			1.03

ALAMO WTP Average gpm 900 Average MGD 1.30

HAFB Meter	Today	Yesterday
	56725	56565

COA + HAFB Average Daily Consumption 7.22 MGD
HAFB Flow: 0.14 MGD
COA Average Daily Consumption 7.08 MGD

Comments:

Daily Water Update for Wednesday, May 30, 2018

The 7 day average usage is 6.19 MGD which represents 23.9 days of raw water storage

La Luz Reservoirs

	(ft)	5/30/18 Inventory(MG)	% Capacity	(ft)	5/29/18 Inventory(MG)	% Capacity	Gain/Loss (ft)
East Reservoir:	21.38	68.86	64.64	22.04	71.65	67.26	- 0.66
South Reservoir:	25.35	38.28	94.91	25.34	38.26	94.87	0.01
North Reservoir:	26.88	41.02	101.70	26.89	41.04	101.74	- 0.01
Total Storage: (MG)		148.16			150.95		- 2.79
Total Capacity %			79.1			80.6	

Flow into La Luz Reservoirs

	Status	5/30/18	5/29/18	MGD
Well 5	ON	566248	555507	10.74
Bonito	OFF	101202	101202	0.00
La Luz / Fresno	ON	2250267900	2248857400	1.41
Net Total:				+ 5.99

Filter Plant Production

	Status	5/30/18	5/29/18	MGD
LLWTP Production:	ON	90808	90192	6.16
AWTP Production:	ON	12851	12446	0.41
Filter Plant Production Total:				6.57

Well Production

	Status	5/30/18	5/29/18	MGD
Well 2	OFF	129447	129447	0.00
Well 3	OFF	13743	13743	0.00
Well 4	OFF	16490	16490	0.00
Well 6	OFF	809650	809650	0.00
Well 7	OFF	329624	329624	0.00
Well 8	ON	149566	149371	0.20
Prather	ON	328320	327671	0.65
Golf Course	ON	28897580	28360390	0.54
Well Production Total:				1.38

HAFB Diversion

	Status	5/30/18	5/29/18	MGD
HAFB Meter	O.O.S.	329859	329859	0.00

Total Consumption

COA + HAFB Daily Consumption	MGD
HAFB Daily Consumption:	7.95
COA Daily Consumption For Wednesday, May 30, 2018	0.00
COA Daily Consumption For Wednesday, May 31, 2017	7.95
	4.96
COA Daily Consumption is UP from this day last year	↑ + 2.99

Weather

Total Precipitation for Wednesday, May 30, 2018	0.00 in
Temperatures:	
	High temperature: 95 °F
	Low temperature: 59 °F
	Average high temperature: 89 °F
	Average low temperature: 59 °F

O.G.S. - Out Of Service

MGD - Million Gallons per Day

Average usage is based on a 7 day running average

O.O.S. - Out Of Service MGD - Million Gallons per Day Average usage is based on a 7 day running average

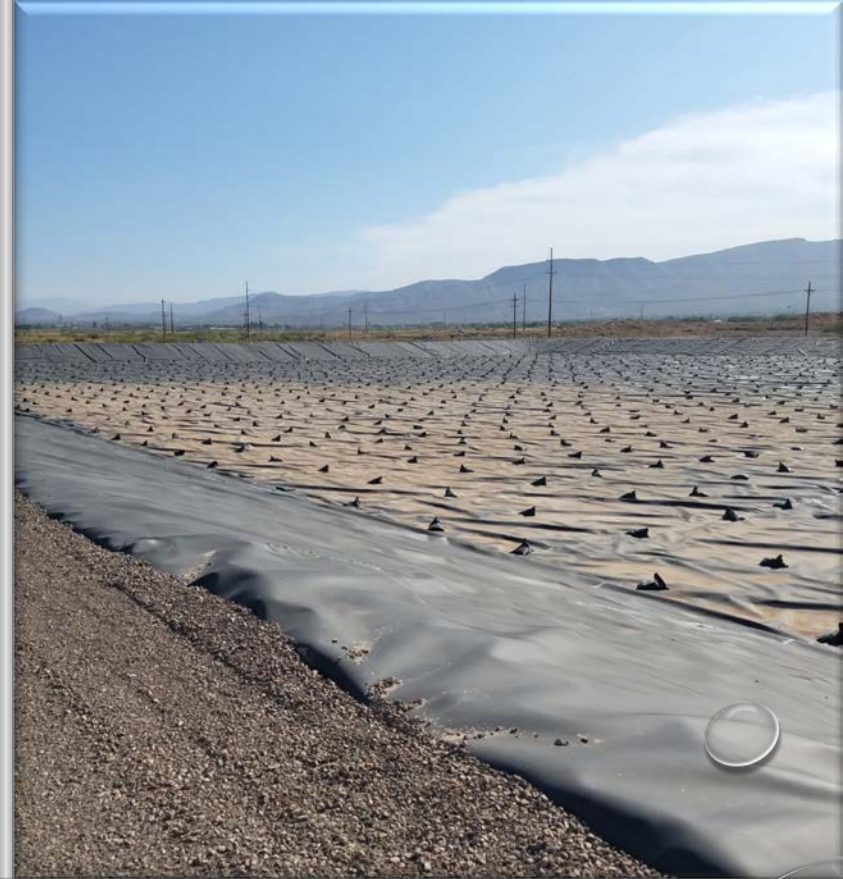
WATER SOURCES IN THE PAST AND OUR CURRENT SOURCES

- THE CITY OF ALAMOGORDO HAS ALWAYS RELIED ON SEVERAL DIFFERENT WATER SOURCES, THOSE BEING SURFACE AND UNDERGROUND.
- HISTORICALLY THE SURFACE WATER WE HAVE CONSISTS OF: BONITO LAKE, SYSTEM OF SPRING COMPOUNDS DIVERTED INTO 3 LARGE GROUND STORAGE RESERVOIRS OUT AT THE LLWTP WHICH CAN HOLD UP TO 188 MILLION GALLONS OF RAW STORAGE WATER. FROM THERE IT IS TREATED AND SENT OUT TO OUR GROUND STORAGE TANKS (GST)
- WE HAVE 12 OF THESE GST LOCATED THROUGHOUT THE CITY RANGING FROM 178 THOUSAND TO 5 MILLION GALLON CAPACITY AND ONE ELEVATED TANK.
- WE ALSO RELY ON APPROXIMATELY 10 WELLS THAT ARE TAPED INTO THE AQUAFER BELOW THE BASIN.



DESALINATION PLANT

- IN THE NEAR FUTURE WE WILL BE BRINGING THE DESALINATION PLANT ON LINE TO HELP SUPPLEMENT OUR WATER SUPPLY.
 - HOWEVER THIS PROJECT IS NOT SCHEDULED TO BE COMPLETED UNTIL LATE OCTOBER. CONSTRUCTION OF THE PLANT IS APPROXIMATELY 70% AT THIS TIME.
 - THIS IS DESIGNED TO BRING IN 1MGD OF POTABLE WATER INTO THE SYSTEM.
- 



DESALINATION PLANT CURRENTLY

GREEN GST (GROUND STORAGE TANK)

- WE ARE IN THE MIDDLE OF REHABBING THE GREEN GST WHICH IS A VITAL PART OF OUR SYSTEM. IT IS A 5 MILLION GALLON CAPACITY STORAGE TANK IN WHICH MOST OF OUR WELLS FEED INTO. THE TANKS SHOULD BE INSPECTED EVERY 5 YEARS (BY THE AWWA STANDARD) AND REHABILITATED EVERY 15 YEARS. DUE TO FUNDING CONSTRAINTS, THIS HAS NOT BEEN DONE FOR 32 YEARS ON THIS AND MANY MORE GST'S.
- SINCE MOST OF OUR WELLS ARE PIPED DIRECTLY INTO THIS TANK WE CANNOT TAKE ADVANTAGE OF THESE WELLS AT THIS TIME. THE GREEN GST IS SCHEDULED TO BE BACK ON LINE IN ABOUT 6 WEEKS, WHICH WILL BE TOWARD THE END OF OUR SUMMER SEASON.

GREEN GST REHAB



BONITO LAKE RESTORATION PROJECT

- AS YOU KNOW DUE TO THE 2012 LITTLE BEAR FIRE AROUND BONITO LAKE, TREES, VEGETATION AND EVEN HOMES WERE LOST. THEN IN JUNE AND JULY OF THAT SAME YEAR WE HAD A MAJOR RAIN EVENT AND ALL THE DEBRIS WAS WASHED INTO THE LAKE BECAUSE THERE WAS NO VEGETATION TO RESTRICT IT.
- RESULT: ONE OF OUR BIGGEST SUPPLIES OF WATER WAS LOST DUE TO THE SILTING IN OF THE LAKE RENDERING IT UN-USABLE. A PROJECT TO DRAIN AND DREG THE LAKE TO REMOVE THE MATERIAL (THAT DRAINED INTO THE LAKE) DURING THAT FIRE HAS BEGUN. CURRENTLY WE ARE AT APPROXIMATELY 15% COMPLETION OF THAT PROJECT. THE LAKE IS NOW EMPTIED AND THE REMOVAL OF MATERIAL WILL NOW BEGIN. THIS PROJECT IS SCHEDULED APPROXIMATELY 2 YEARS.



BONITO LAKE RESTORATION PROJECT

WHAT DOES THIS MEAN FOR ALAMOGORDO'S WATER SYSTEM

- AS A RESULT OF THE LOSS OF 2 MAJOR WATER CONTRIBUTORS (THE AFORE MENTIONED BONITO LAKE AND GREEN GST) AND UNUSUALLY EARLY HIGH TEMPERATURES FOR THIS EARLY IN THE SEASON WE ARE SEEING A STRAIN ON THE SYSTEM. THIS MAY RESULT IN HAVING TO EVENTUALLY MOVE TO STAGE 1 WATER RATIONING.

WHAT WE ARE CURRENTLY DOING NOW.

- THE CITY'S WATER FILTRATION DIVISION OF PUBLIC WORKS IS WORKING HARD TO OVERCOME THESE SHORTAGES AND HAVE DONE FANTASTIC WORK ON IMPROVING OUR SPRING AREAS WHICH WERE OVER GROWN WITH SHRUBBERY WHICH WOULD ROB WATER FROM OUR SYSTEM. THEY HAVE CORRECTED DITCHES, REPAIRED LINES THAT WERE IN VERY BAD SHAPE.
- THE CITY'S UTILITY AND CONSTRUCTION MAINTENANCE DIVISION OF PUBLIC WORKS IS ALSO WORKING VERY HARD ON REPAIRING AND MAINTAINING WATER LINES TO PROTECT OUR PRECIOUS RESOURCES.
- WE HAVE BEEN WORKING WITH THE LEGAL DEPARTMENT TO SECURE ADDITIONAL WATER RIGHTS FOR THE FUTURE OF THE CITY.



UNFORTUNATELY IT IS TIME FOR STAGE 1

- CITY STAFF HAS RECOMMENDED TO MOVE TO STAGE 1 RATIONING DUE TO CURRENT SITUATION.



STAGE 1 RATIONING

- AS WRITTEN IN THE CITY OF ALAMOGORDO'S WATER RATIONING ORDINANCE SECTION : 28-03-035, IT REFERS TO THE CONDITIONS OF THIS STAGE.
- WHENEVER THE ESTIMATED DEMANDS ON THE SYSTEM EXCEED THE ESTIMATED SUPPLY SUCH THAT IT APPEARS THAT THERE WILL BE A SUBSTANTIAL SHORTAGE OF WATER OVER THE NEXT 6 MONTH PERIOD , A "WATER EMERGENCY" WILL BE DECLARED.

HIGHLIGHTS OF STAGE 1 RATIONING

- GOING TO 2 DAY A WEEK WATERING INSTEAD OF 3 . ODD NUMBER ADDRESSES WILL BE ALLOWED TO WATER ON WEDNESDAY AND SUNDAY, EVEN ON TUESDAY AND SATURDAY. ONLY BETWEEN THE HOURS OF 8 A.M. AND 8 P.M.
- TREATED WATER MAY BE USED TO FILL A SWIMMING POOL DURING THE HOME OWNERS TIME TO WATER THEIR LAWN.
- NO WATER SHALL BE USED FOR FUND-RAISING CAR WASHES.
- WASHING BUILDINGS, DECKS, SIDEWALKS, DRIVEWAYS, ETC. IS NOT PERMITTED UNLESS IS FOR AN EMERGENCY SPILL OF HAZARDOUS MATERIAL THAT THREATENS PUBLIC HEALTH, SAFETY, OR WELFARE.

GOING FORWARD

- WE ARE KEEPING A VERY CLOSE EYE ON THIS AND WILL BE KEEPING THE CITY MANAGEMENT AND COMMISSION UP TO DATE ON RECOMMENDATIONS REGARDING WATER ISSUES.
- STEP 1 OF THIS EFFORT WILL BE TO SEND OUT A PSA TO ASK CITIZENS TO CONSERVE WATER WHENEVER POSSIBLE TO AVOID THE STAGE 1 RATIONING.

**Dude, you are wasting
our precious water!**



This Photo by Unknown Author is licensed under [CC BY-SA](#)

QUESTIONS ?

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/07/2018

Report No: 20.

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 Airport Zoning Board, the Airport Advisory Board, the Parks and Recreation Board, and the White Sands Beautification Committee.

Background: Airport Advisory Board . Two (2) vacancies. Staff Liaison - Cheryl Otero-Baker.
Vacancies due to expiring terms of Manuel Gonzales and Erich Wuerschling.

Two (2) nominations received:

Manuel Gonzales, Jr. - If appointed this will be his third term.

Erich Wuerschling - If appointed this will be his third term.

Airport Zoning Board. Three (3) vacancies. Staff Liaison - Cheryl Otero-Baker

One (1) nomination received:

Philip Tashash - If appointed, this will be his first term.

Alamogordo Disability Council. Three (3) vacancies. Staff Liaison - **No Staff Liaison appointed**
No nominations received.

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.

One (1) nomination received.

Thomas L. Knox - If appointed this will be his first term.

Planning and Zoning Committee. No vacancies. Staff Liaison Stella Rael.

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.

White Sands Beautification Committee. Three (3) vacancies. Staff Liaison Darron Williams. Two (2) nominations received.
Jeremy York - If appointed this will be his first term.
Christine M Davis - If appointed this will be her first term.

RECEIVED

MAY 07 2018

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Manuel Gonzales, Jr. (Manny)
Home Phone: _____ Work Phone: 575-443-1760
Cell Phone: 575-430-7219 Fax No: 575-437-8187
e-mail address: mgonzalesjr@gmail.com
Physical Address: 5 Briarwood Court, Alamogordo NM 88310
Is the above address within City limits? Yes _____ No ✓ (*)
Mailing Address: 5 Briarwood Court, Alamogordo NM 88310
Present Employer: Charles, Garland & Harris Insurance Agency Job Title: AGENT/GENERAL MANAGER
Board/Committee you wish to serve on:
First choice: AIRPORT ADVISORY BOARD
Second choice: N-A

Are you related to anyone who is presently employed by the City of Alamogordo:

Yes ✓ No _____ If so, what is their relation to you? Nephew

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No ✓ If so, what is their relation to you? _____

Experience and education relating to the Board/Committee:

- (A) Current Member of Airport Advisory Board; 2nd Term of Service ends July 2018
(B) Earned Private Pilots License - Single Engine Land with Sail Plane (Glider) Rating

Please indicate your interest in serving on a City Board/ Committee: I have a strong Interest in General Aviation. Our Airport has significant potential for economic activity and growth. I offer a seasoned background in business, management and Public Service, to this Board.

Please return completed application to:

{ City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396 }

{ Hand-Delivered
@ 5/7/2018

MP

(*) I own Property in City Limits at: 420 Ninth Street
ALAMOGORDO, NM
88310

CITY CLERK

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396

RECEIVED

MAY 21 2018

CITY CLERK

City of Alamogordo

APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE



Name: Phillip Tashash

Home Phone: _____ Work Phone: _____

Cell Phone: 806-418-0315 Fax No: _____

Email Address: Phillip1620@gmail.com

Is the above Address within City limits? Yes _____ No ☒

Mailing Address: P.O. BOX 2178 Holloman AFB, NM 88330

Present Employer: United States Air Force

Board/Committee you wish to serve on:

1st Choice: Airport Advisory Board

2nd Choice: Airport Zoning Board

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

Yes _____ No ☒ If so, what is their relation to you: _____

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No ☒ If so, what is their relation to you: _____

Experience and education relating to the Board/Committee:

No experience but willing to learn the required information to participate.

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

I have extensive interest in the airport. I volunteer my time with the Civil Air Patrol, Experimental Aircraft Association, and

White Sands Soaring Association. I also wish to gain more experience with local government.

Please return completed application to:

City Clerk's Office
1376 E Ninth Street
Alamogordo, NM 88310
Phone: (575) 439-4205 Fax: (575) 439-4396
Email: adjones@ci.alamogordo.nm.us

RECEIVED

MAY 29 2018

CITY CLERK

City of Alamogordo

APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE



Name: Jeremy York

Home Phone: 240-515-8293 Work Phone: 575-572-1693

Cell Phone: 240-515-8293 Fax No: _____

Email Address: jeremyandjessica2@gmail.com

Is the above Address within City limits? Yes ☒ No ☐

Mailing Address: 403 Wildwood Drive, Alamogordo, NM

Present Employer: USAF

Board/Committee you wish to serve on:

1st Choice: White Sands Beautification Committee

2nd Choice: Parks and Recreation Board

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

Yes _____ No ☒ If so, what is their relation to you: _____

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No ☒ If so, what is their relation to you: _____

Experience and education relating to the Board/Committee:

I've served on planning and advisory boards for various functions in the USAF

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

As a military member and resident, I'm interested in taking part of functions aimed at improving my community both within my neighborhood and city as a whole

Please return completed application to:

City Clerk's Office
1376 E Ninth Street
Alamogordo, NM 88310
Phone: (575) 439-4205 Fax: (575) 439-4396
Email: adjones@ci.alamogordo.nm.us

City of Alamogordo

APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE



RECEIVED

MAY 25 2018

CITY CLERK

Name: Thomas L Knox

Home Phone: 575-585-2134

Work Phone: 575-572-5263

Cell Phone: 575-415-1055

Fax No: _____

Email Address: knoxt1@yahoo.com

Is the above Address within City limits? Yes _____ No ☒

Mailing Address: 52 Beecher Rd Alamogordo, NM 88310

Present Employer: Civilian, USAF - Retired Military USAF

Board/Committee you wish to serve on:

1st Choice: White Sands Beautification Committee

2nd Choice: Parks and Recreation Board

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

Yes _____ No ☒ If so, what is their relation to you: _____

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No ☒ If so, what is their relation to you: _____

Experience and education relating to the Board/Committee:

Currently Project Manager, construction, HAFB. Construction management. Construction Inspection experience. Leadership exp.

Retired military, Senior NCO.

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

I would like to benefit my community and contribute to its successful growth and positive image.

A beautiful community creates a psychology of well-being in an area, which helps in so many aspects of growth overall.

Please return completed application to:

City Clerk's Office
1376 E Ninth Street
Alamogordo, NM 88310
Phone: (575) 439-4205 Fax: (575) 439-4396
Email: adjones@ci.alamogordo.nm.us

RECEIVED
JUN 04 2018
CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Christine M. Davis
Home Phone: N/A Work Phone: 575-585-2413
Cell Phone: 575-921-1645 Fax No: _____
e-mail address: christine@nmlandandhome.com
Physical Address: 2286 Cherry Hills Loop
Is the above address within City limits? Yes X No _____
Mailing Address: Same as physical address
Present Employer: United Country- Properties Job Title: Associate Broker

Board/Committee you wish to serve on:

First choice: White Sands Beautification Committee
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: Longtime resident of Alamogordo and a military spouse. I have worked in the real estate/property management profession on and off for 4 years. I am currently working as a licensed Real Estate Broker. I have also served as a treasurer and committee member on a local event committee, Take Back the Night Alamogordo.

Please indicate your interest in serving on a City Board/ Committee: When I worked with Soaring Heights, moving in new military members and their families their biggest and most often complaint was how "ugly" White Sands BLVD. I want people to be excited to be a part of this community, not scared. I think helping the way the community works is the way to make that happen. First impressions matter and many people won't get past it to really give Alamogordo a chance.

Please return completed application to: City Clerk's Office

1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (505)439-4205
FAX: (505)439-4396

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/05/2018

Report No: 21.

Submitted By: Petria Schreiber

Subject: Recess into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss the possible disposal (requested donation) of real property located at Fairgrounds and White Sands Blvd to Otero County.

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 06/12/2018

Report Date: 06/05/2018

Report No: 22.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, the possible donation of real property located at Fairgrounds and White Sands Blvd to Otero County.

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: The County Attorney sent an email April 13, 2018 requesting that the City of Alamogordo donate the 7.81 acre tract of land located at Fairgrounds and White Sands to the county. The County previously had leased the parking lot from the City, but the current lease expired. The City obtained an appraisal on the property in March of 2016, which valued the property at \$561,000. The City Commission voted nay on May 8, 2018.

Petria Schreiber

From: Michael Eshleman <meshleman@co.otero.nm.us>
Sent: Friday, April 13, 2018 9:03 AM
To: Petria Schreiber
Subject: Request to donate the Fairgrounds parking lot

Dear Petria,

I appreciate the information you've given me about the parking lot at the county fairgrounds. After reviewing it with the Otero County Manager, I have been directed to formally request that the City Commission of the City of Alamogordo donate to the Board of County Commissioners of Otero County the seven-acre parcel adjacent to the county fairgrounds presently used as a parking lot. Would you please pass this request along to your city manager and commission?

I'd be happy to talk with you about request. My direct number is 575-439-2604.

As always, thank you, counselor.

Ave,
Michael

Michael Eshleman,
Otero County Attorney
Otero County Building
1101 North New York Avenue
Alamogordo, New Mexico 88310
575-437-7427 (phone)
575-443-2928 (fax)

C260101B

APPRAISAL OF A PARCEL OF 7.81± ACRES

SITUATED on WHITE SANDS BLVD AND FAIRGROUNDS STREETS in

ALAMOGORDO, OTERO COUNTY, NEW MEXICO

PREPARED FOR the CITY OF ALAMOGORDO.

BY

KEN ODENHEIM, IFAS, NM 380-G

RIO BRAVO APPRAISERS DIVISION

HOUSING SUPPORT, INC.

MARCH 2016

INTRODUCTION

rio bravo appraisers @ housing support, inc.

715 Sundown Ct. Las Cruces, NM 88011 * 575-522-4474 * Fax 775-361-0895

Ken Odenheim * State Certified General Appraiser* New Mexico

March 15, 2016

Stephen Thies
City of Alamogordo
1376 E. 9th St.
Alamogordo, NM 88310

Ref: Water Storage Tank Site A, City Fair Parking Lot B, Mobile Home Park Acreage C

Dear Mr. Thies:

In the contents of this report you will find our opinions of market value for the parcels as identified in the above-caption.

If you have questions, please give me a call at the number on the letterhead or by email to riobravoappraisers@gmail.com. I will be away from 3/20 through 3/29 but available in email.

We appreciate the selection of our appraisal division to undertake this assignment.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ken Odenheim', with a long horizontal flourish extending to the right.

Ken Odenheim, NM #380-G

SUMMARY OF DATA AND CONCLUSIONS C260101B

PURPOSE OF THE APPRAISAL: Give an opinion of market value of a city-owned 7.81± acre parking lot situated on White Sands Blvd. in the City of Alamogordo, NM

PROPERTY RIGHTS APPRAISED: Fee simple ownership

CITY: Alamogordo, Otero County, New Mexico (Northeastern quadrant)

NEIGHBORHOOD: Scenic Dr.(N), Cuba Ave.(E), 10th St.(S) and RR Tracks(W).

SUBJECT SITE SIZE: 7.81± Acres (340,204 sf)

FLOOD ZONE: X – Panel 0937D-12/10, Areas of 500 year flood and 100 year flood w/depth of less than 1' and drainage areas of less than 1 square mile and areas protected by levee from 100 year flood

ASSESSMENTS: None

TAXES: **Tax Exempt**

AGE OF IMPROVEMENTS: None. Appraised as unimproved land parcel ready for development to its highest & best use although site has street lights and is paved with worn asphalt

EFFECTIVE AGE: N/A

VALUE ESTIMATE:

* SALES COMPARISON APPROACH:

Value of Land \$561,000 or \$1.65 SF

* INCOME APPROACH: Not applied; dearth of information on rented or leased vacant small acreage parcels in the Alamogordo market.

FINAL OPINION OF VALUE: \$561,000

DATE OF VALUE OPINION: January 20, 2016

C260101B Certificate of Appraisal

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

1. I/We have personally inspected the subject property as indicated by my/our signature(s) below;
2. I/We have neither any present nor contemplated future interest in the real estate that is the subject of this appraisal report;
3. We have neither any personal interest nor bias with respect to the subject property nor those who may be affected by its conclusions;
4. To the best of my/our knowledge and belief, the statements of fact expressed in this report which serve as the foundation for its analyses, opinions, and conclusions are true and correct;
5. The reported analyses, opinions, and conclusions are limited by the reported assumptions and limiting conditions, and are my/our personal, impartial, and unbiased professional analyses, opinions, and conclusions;
6. My/our analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and Code of Ethics of the Natl. Asso. of Independent Fee Appraisers. Ron Smith, NM Certified Residential Appraiser and John Lazaruk, PhD mathematician, performed research, Statistical analyses and data gathering in the performance of the report.
7. Neither my/our selection nor compensation is contingent upon the valuation determined nor was the assignment based on a requested minimum valuation, a specific valuation, the reporting of a predetermined value direction 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 use of this report;
8. No one other than the undersigned appraiser(s) rendered the analyses, conclusions and/or opinions concerning the subject real estate that are set forth in this **appraisal report**;
9. The State of New Mexico conducts a MANDATORY program of continuing education for certified appraisers. I have successfully completed this program for the cycle ending April 30, 2017.
10. The appraisal report to which this certification is attached is prepared for the sole and exclusive use of the appraiser's original client, who is identified in the report cover and cover letter, and is for the intended use and users as described heretofore. No second, third or later parties are authorized to rely upon this report and such reliance is specifically disclaimed by the appraiser without his express written consent. Any such use will be at the user's sole risk.

We are of the opinion that the market value of the property that is the subject of this appraisal report, is

Value Land	\$561,000 or \$1.65 SF
------------	------------------------



Ken Odenheim, IFAS, NM Certified General #380G
Date: March 18, 2016

Ronald Smith. NM Certified #03084R

ASSUMPTIONS AND LIMITING CONDITIONS

The Certificate of Appraisal appearing in this report is subject to the following conditions and to such other specific and limiting conditions as are set forth by the appraisers in this report.

- 1.) The appraisers assume no responsibility for matters of a legal character affecting the property appraised or the title thereto, **nor do the appraisers render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.**
- 2.) The various maps, plats and/or other exhibits used in this report are for illustration purposes to aid the reader; and should not be construed to be precise. The appraisers have made no survey of the property.
- 3.) The appraisers, by reason of this report, are not required to give testimony or appear in court unless prior arrangements for such testimony or appearance have been made.
- 4.) Any distribution of the value in this report between land and improvements applies only to the existing program of use. The valuation for either, if used independently, may not be correct and is consequently invalid if so used.
- 5.) The appraisers assume that there are no hidden or unapparent conditions of the property, subsoil, infrastructure, or structures which would render it more or less valuable. The appraisers assume no responsibility for such conditions or for engineering or other technical assistance which might be required to discover such factors.
- 6.) Information, estimates, and opinions furnished to the appraisers and included in this report were obtained from sources considered reliable and believed to be true and correct. No responsibility for the accuracy of such items can be assumed by the appraisers, however.
- 7.) Flood hazard data for the subject was obtained from FEMA Map panel 518F dated 9/95 and showing the subject located in Zone X, areas outside 500 year flood plain.
- 8.) Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute.
- 9.) The appraisers reserve the unlimited right to alter, amend, revise or rescind any statement, finding or conclusion herein, when in possession of data impacting on the appraisal which becomes subsequently known.
- 10.) The possession of this report does not carry with it the right of publication.
- 11.) Neither all nor any of the contents of this report shall be disseminated to the public by any means, without prior written consent of the appraisers.
- 12.) The appraisers assume no responsibility for the operability of any mechanical or electrical equipment or component, sewage disposal system, or any other system or component.
- 13.) The existence of hazardous materials which may or may not be present on the property appraised was not observed by the appraiser. The appraisers have no knowledge of the existence of such materials and are not qualified to detect them. No responsibility is assumed for any such conditions or hazards or for any expertise required to discover or dispose of them.
- 14.) The acceptance and/or use of this report constitutes full acceptance of the above conditions by the client.

Appraisal Methods & Procedures

An appraisal is an opinion of value as of a specific date.

The appraisal process¹ is spelled out in the Uniform Standards of Professional Appraisal Practice (USPAP). The process consists of:

Identifying the appraisal problem to be solved;

Conducting both general and specific *surveys* designed to identify community-wide as well as site specific attributes of the subject property(ies);

Analysis of collected general and specific data;

Application of the three approaches to value i.e. cost, market comparison, and income except if one or more is not applicable, or limited at the client's request as permitted;

Correlation or reconciliation of the approaches to value into an opinion of value as of a specific date.

In this report, **only the Sales Comparison Approach is employed** because the subject is a vacant, unimproved land parcel that is not typically held for income production in the Alamogordo market. The appraisers were not able to gather land/lease data because it is not publically available and also because the numerous real estate and leasing agents contacted were unwilling to share data in their possession or even return phone calls or emails. Properties competing with the subject are predominantly small acreage sites suitable for development. There are a small number of such sites that have sold and they are included in this report. A larger acreage C-3 sale to Walmart was included when it was found. The small number of sites precluded authoritative regression analysis from which adjustments in the Sales Comparison Grid are obtained when there are larger samples.

1

A systematic procedure employed to provide the answer to a client's question about the value of real property. The Dictionary of Real Estate Appraisal, 3rd Edition, Appraisal Institute, Chicago, IL. 1993. Page 384

C260101B SCOPE OF APPRAISAL

The scope of this assignment is to estimate the market value of a vacant land parcel situated in the Northeast quadrant of the City of Alamogordo, New Mexico in an **Appraisal Report**. It is identified as a vacant land tract improved with a number of street lights and worn pavement. The Appraisal Report is prepared under Standard 2-2(b) of the Uniform Standards of Professional Appraisal Practice (USPAP). Properties competing with the subject are small acreage sites predominantly on City arterials within the City of Alamogordo. This required an in-depth research of the site's market area, especially to the few commercially-zoned acreage sales "competing" with the subject. In performance of the appraisal, FEMA Maps, City planning & development staff, GIS, and Assessor's staff and data as well as realtors, and other appraisers were consulted.

Vacant Land Property

Land valuation efforts consist of estimating the value by the sales comparison approach². Sales comparisons are applied using sales as similar, recent, and proximate as the appraiser could locate and adjusting sales for dissimilarities when compared to the subject. A dearth of centrally-situated, commercially-zoned acreage properties approximating the size of the subject required the inclusion of smaller acreage parcels. Sales were confirmed with parties to the transactions and/or public records.

Land value is estimated by comparison with sales of vacant properties with comparable City locations offering the same zoning, and as many of the subject's site characteristics as data could support for traffic, access, utilities, and flood hazard. Sales data were obtained from appraiser files, courthouse, other appraisers, realtors, city, county and other public records.

Adjustments in sf values of comparable sales were based upon consultation with knowledgeable real estate professionals, including appraisers, as well as analyses of specific groupings of vacant land sales tempered with regression analysis and appraiser data and experience. One **paired sale*** was found and applied to develop a time adjustment.

Maps are included to provide visual aids to the reader in understanding matters of location, topography, access, easements, zoning, and water drainage. Some comparables, while vacant sites when sold, have been developed and/or improved since.

**paired sales are...*"a quantitative technique used to identify and measure adjustments to the sales prices or rents of comparable properties; to apply this technique, sales or rental data on nearly identical properties are analyzed to isolate a single characteristic's effect on value or rent."

2 *A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, applying appropriate units of comparison, and making adjustments to the sales prices of the comparables based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when comparable sales data are available. The Dictionary of Real Estate Appraisal, 3rd addition, Appraisal Institute, Chicago, IL. Page 318.*

AREA ANALYSIS

OTERO COUNTY, NEW MEXICO

GENERAL DESCRIPTION:

South central New Mexico is an area experiencing steady growth and development. Rich in agriculture (Pistachios, Apples, Cherries, Pecans, Cotton, Alfalfa, and Livestock), it is also the home of White Sands National Monument, White Sands Missile Range, Holloman Air Force base, Sunspot Solar Laboratory and the Space Museum. Recognized as one of the best Astronomy Zones in the Continental United States, its clear skies, clean air, and consistent sunny weather have encouraged its selection as the site of space, missile, solar & thermal energy, and other scientific experimentation.

Otero County was established in 1899 and carved from the adjacent counties of Lincoln and Doña Ana. It is bordered by Lincoln County (N), Chavez, Lincoln, and Eddy Counties (E), Doña Ana and Sierra Counties (W), and the state of Texas (S). It comprises three incorporated municipalities – Alamogordo, Tularosa, and Cloudcroft – as well as the communities of Bent, High Rolls- Mountain Park, Holloman Air Force Base, La Luz, Mayhill, Mescalero, Oro Grande, Piñon, Sacramento, Sunspot, Timberon, and Weed. The County encompasses approximately 4.3 million acres 78% owned by federal and state governments and only 11% owned by non-governmental entities. The 2006 Census Bureau estimates for Otero County show 62,744 residents with a median household income of \$32,400. This is below the UNM Bureau of Business and Economic Research projections for the county which state that the county should reach a population of 67,018 by 2010 and have a growth rate of .73% per year.

U.S. Routes 54, 70, 82, and NM 24 are the principal roadways that serve the county and the main public airport is in Alamogordo although Timberon has a small airstrip owned by the county. The nearest metropolitan areas are Las Cruces, 68 miles SE and El Paso, 85 miles south.

CITY DATA:

Alamogordo, the Otero county seat, had a 2012 Census population figure estimate of 31,500. The U.S. Census Bureau estimates the 2010 population at 30,400, a 1.2% increase. Assuming the City is growing at that same rate, the 2016 population would be approximately 32,650.

DEFINITION OF MARKET VALUE

13-711 Fair market value; definition.

Fair market value is considered to be the highest amount of cash a willing seller would take, and a willing buyer would offer, for the property if it were offered for sale in the open market for a reasonable time to find a purchaser, buying with knowledge of all the uses to which the property is suitable or adaptable; the seller not being required to sell nor the purchaser being required to purchase.

INTENDED USE AND USERS

It is anticipated that this appraisal will be used by the City of Alamogordo as the basis for ensuring that it can establish a fair market rent value for the site. There are no other intended users anticipated by the appraiser.

HISTORY OF SUBJECT PROPERTY C260101B

The subject property was acquired by its present owner, the City of Alamogordo on September 18, 1940 and is described in Book 113 Page 298. There have been no sales of the subject since that time. This property is commonly referred to as the City Property @ Fairgrounds Parking Lot as it has been leased to the county as a parking lot for its annual County Fair and occasionally to private businesses.

MARKETING TIME

Gauged from all closed sales observed, vacant commercial land of small acreage, with sufficiency of access, and utilities taken from our comparable sales, a range of 148-847 days with an average of 450 days were required to sell the vacant land. Four small site sales skewed the average, but the remaining sites sold on average in **227 days**. **Exposure time** is projected to be 270-300 days.

SITE DESCRIPTION – C260101B

Site Characteristics

The subject of this section of this report is a 7.81± acre(340,204sf) vacant, level land parcel, triangular in shape, situated in the Northeast quadrant of Alamogordo on the east side of White Sands Blvd. North of where it intersects with Fairgrounds Rd. **It is zoned C-3, Business District.** This zoning facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market, whose use generally serves a population of over 15,000. It is surrounded by a restaurant and retirement nursing facility (N), the Otero County fairgrounds (E) a church (S) across Fairgrounds Rd and vacant land, a bank and a restaurant (W) across White Sands Blvd.

White Sands Blvd. is the major North-South artery of Alamogordo and Fairgrounds Rd. is a major East-West artery running from White Sands Blvd. East to Scenic Dr. Banks, equipment rentals, restaurants, car dealers, professional offices, convenience store(s), White Sands Mall, Doughnut shops, retail stores, and parks are among those types of properties accessed from White Sands Blvd.

Neighborhood Boundaries are US 82 (N), Florida Ave.(E), 10th St.(S) and RR tracks (W).

HIGHEST AND BEST USE

Highest & best use is defined as the reasonably 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 four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.

Highest & best use of the land ***as vacant***, is its present use as a parking lot for the current county fairgrounds during that season and as a venue for small fairs, carnivals, and or car sales as it has been used in the past. This is undoubtedly the most probable, economically feasible, profitable, and legal use of the site as vacant.

Highest & Best Use Improved would be those uses stipulated in the Zoning Addenda attached to the report. Zoning is C-3 **Business District** and includes uses such as multiple housing, retail shops, offices, repair shops, restaurants, motels, etc. (33 uses are detailed in the zoning addenda attached. Given its location and site size, the subject is a likely candidate for a shopping center, hotel with stand-alone restaurant and convenience store, or another intensive use that can amortize its strong location and large site.

C260101B PROPERTY DATA

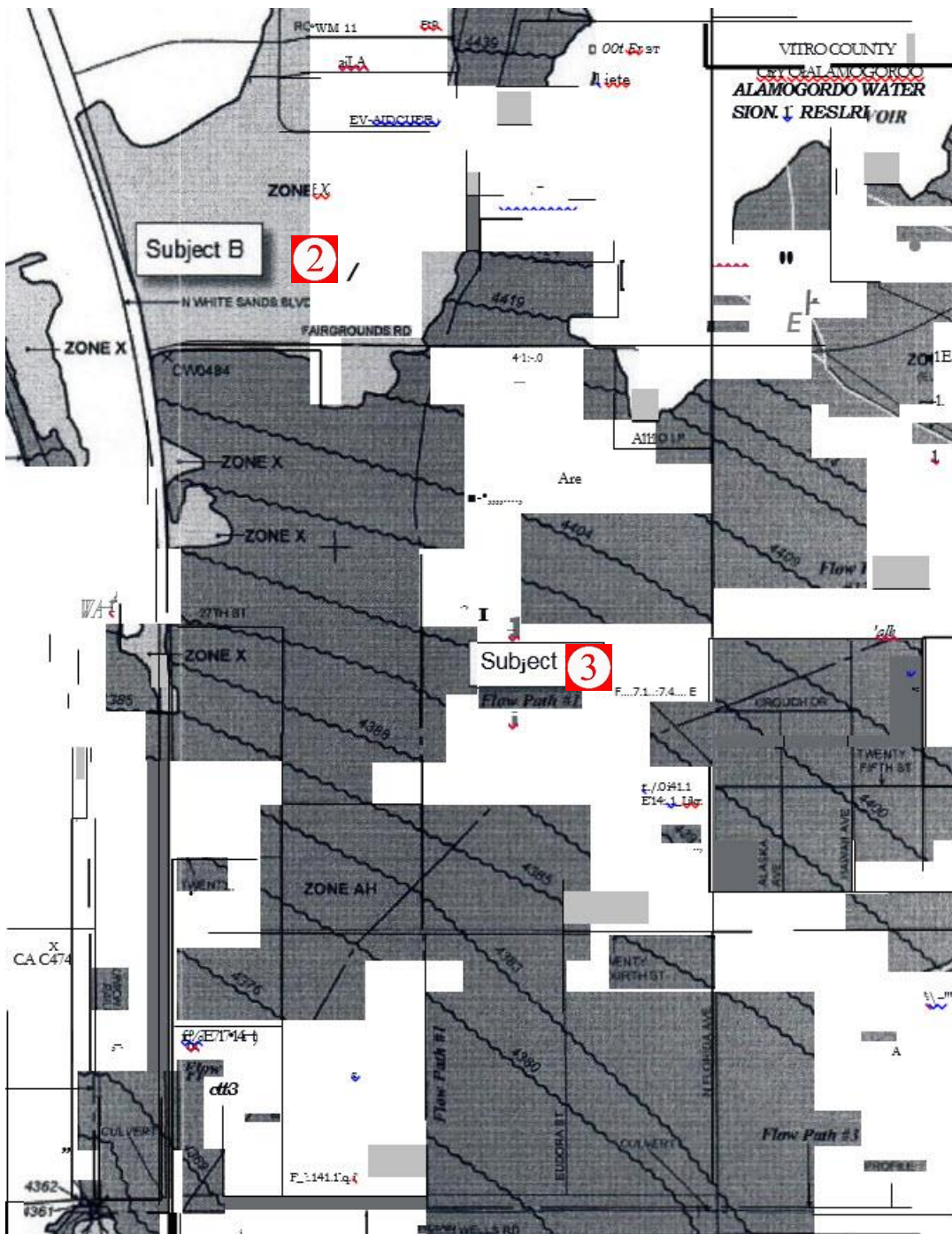
LEGAL DESCRIPTION: Section 7, T 16S, R 10E; a Tract in SW 1/4 NE 1/ 4 NMPM

LAND SIZE: 7.81± acres or 340,204 sf±. Subject is shown in the County Clerk's files as a 9.8 acre site (from its old warranty deed) which probably includes rights of way on both White Sands Blvd. and Fairgrounds Rd. Both roads have been widened since the deed was filed. The 7.81± acre size is used in this appraisal as it is the City's best estimate (City Attorney) of the actual land area that could be rented, developed or sold.

LAND PHYSICAL DESCRIPTION AND LOCATION: The subject of this report is a 7.81± acre, vacant, level land parcel, triangular in shape, situated in the Northeast quadrant of Alamogordo on the East side of White Sands Blvd. at its intersection with Fairgrounds Rd with all city utilities nearby.

FLOOD ZONE: Zone X, Areas of 500 year flood; Panel 937D-12/10.

PRESENT USE: Vacant land parcel being used as a parking lot for the county fair and for other short-term uses such as circuses and temporary car sales lot.



Flood Hazard Map - City Parking Lot - Panel 937D 12/17/10

DATA ANALYSIS

Sales Comparison Approach

Land valuation efforts consist of estimating the value by the sales comparison approach³. Sales comparisons were applied using sales as similar, recent, and proximate as the appraiser could locate and adjusting sales for dissimilarities when compared to the subject, if supported. A scarcity of similar, centrally-situated, commercially zoned lots required the use of some smaller acreage vacant lots with arterial locations.

Land value is estimated by comparison with sales of vacant properties with comparable City locations offering, where possible, similar zoning, and when supported by data, traffic, access, size, utilities, and flood hazard. Sales data were obtained from appraiser files, assessor data, other appraisers, realtors, City, and public records.

Adjustments in sf values of comparable sales were based upon consultation with knowledgeable real estate professionals, as well as other appraisers, collected data and experience. One paired sale was found. Specific adjustment(s) were made to comparable sales to allow for the date of sale.

Maps are included to provide visual aids to the reader in understanding matters of location, topography, access, easements, zoning, and water drainage. Some comparable sales, which were vacant sites when sold, have since been developed and improved.

SUBJECT B	COMP 1	COMP 2	COMP 3	COMP 4	COMP 5
LOCATION	2002 Cuba Ave	1810 Indian Wells Rd	810 S White Sands Blvd	1810 Indian Wells Rd	2401 Indian Wells Rd
SALES PRICE	\$160,000	\$130,000	\$112,000	\$200,000	\$372,000
\$/ACRES	\$73,059	\$89,655	\$85,496	\$71,942	\$55,539
\$/SF	\$1.6772	\$2.0582	\$1.9627	\$1.6516	\$2.1470
Adj for Time	\$0.34	\$0.34	\$0.08	\$0.42	\$0.08
Adj Value	\$2.01	\$2.39	\$2.05	\$2.07	\$1.27
Sales Date	Aug-12	Nov-12	Mar-15	Feb-11	Oct-15
Deeded Acres	2.19	1.45	1.31	2.78	6.69
Total SF	95,396	63,162	57,064	121,097	291,765
Improvements	None	None	None	None	None
Hwy Frontage	Indian Wells	Indian Wells	S White Sands Blvd	Indian Wells	Indian Wells
Zoning	C-3	C-3	C-3	C-3	C-3
Parcel ID	01-01036	01-07104/&5	01-15017	01-07104&5	
	01-15724				
Account Number	R024094	R016532	R023409	R016532/3/43	R016532

Year of Sale	\$/SF	Adjusted Value	Weighted Average (3@10%,15%,55%)	
2012	\$1.68	\$2.01	\$0.20	
2012	\$2.06	\$2.39	\$0.24	
2015	\$1.96	\$2.05	\$0.21	
2011	\$1.65	\$2.07	\$0.31	
2013	<u>\$1.27</u>	<u>\$1.27</u>	<u>\$0.70</u>	
Average	\$1.72	\$1.96	Sum \$1.65	Per square foot

Total Adjusted Value 340,204 sf	\$561,335	\$561,000	Rounded
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Land Sale No. 1

Property Identification

Record ID	530
Property Type	Commercial
Property Name	Cuba
Address	2002 Cuba Ave. , Alamogordo, Otero County, New Mexico 88310
Location	08 States N of 8 th
Tax ID	01-15724/01-07104

Sale Data

Grantor	Robert Malooly
Grantee	Allsup's Convenience Store Inc.
Sale Date	September 21, 2012
Deed Book/Page	MLS 144104
Property Rights	Fee Simple
Marketing Time	204
Conditions of Sale	Arm's Length
Verification	MLS; February 02, 2016

Sale Price	\$160,000
Cash Equivalent	\$160,000

Land Data

Zoning	Alamogordo, C-3 Commercial
Shape	Irregular

Land Size Information

Gross Land Size	2.190 Acres or 95,396 SF
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Indicators

Sale Price/Gross Acre	\$73,059
Sale Price/Gross SF	\$1.68

Remarks

Used to be a mobile home park on well and septic. Seller makes no warranties or guarantees. Can be turned into Townhouses/multi-family/duplex.

Land Sale No. 2

Property Identification

Record ID	531
Property Type	Commercial
Property Name	Indian Wells
Address	1810 Indian Wells, Alamogordo, Otero County, New Mexico 88310
Location	12 25th Pecan
Tax ID	01-07105/01-4444

Sale Data

Grantor	Manuel Renteria
Grantee	Alamogordo DNMP, VII, LLC
Sale Date	November 15, 2012
Deed Book/Page	MLS 144268
Property Rights	Fee Simple
Marketing Time	261
Conditions of Sale	Arm's Length
Verification	MLS; February 02, 2016

Sale Price	\$130,000
Cash Equivalent	\$130,000

Land Data

Zoning	Alamogordo, C-3 Business District
Topography	Level
Utilities	All City Utilities
Shape	Rectangular
Flood Info	X & AE/ 35035C0937D

Land Size Information

Gross Land Size	1.450 Acres or 63,162 SF
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Indicators

Sale Price/Gross Acre	\$89,655
Sale Price/Gross SF	\$2.06

Remarks

Great commercial location, high volume traffic. It is located on the main arterial in Alamogordo going to the hospital and medical offices.

Land Sale No. 3

Property Identification

Record ID	538
Property Type	Commercial
Property Name	White Sands
Address	810 S White Sands Blvd, Alamogordo, Otero County, New Mexico 88310
Location	22 Planets
Tax ID	01-15017

Sale Data

Grantor	Huband Trust
Grantee	Red Shamrock 10, LLC
Sale Date	March 17, 2015
Deed Book/Page	MLS 151106
Property Rights	Fee Simple
Marketing Time	127
Conditions of Sale	Arm's length
Verification	MLS ; February 02, 2016

Sale Price	\$112,000
Cash Equivalent	\$112,000

Land Data

Zoning	Alamogordo, C-3 Commercial
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Land Size Information

Gross Land Size	1.310 Acres or 57,064 SF
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Indicators

Sale Price/Gross Acre	\$85,496
Sale Price/Gross SF	\$1.96

Land Sale No. 4

Property Identification

Record ID	549
Property Type	Commercial
Property Name	Indian Wells Road Lot 4,5,6, and 7
Address	1810 Indian Wells Rd. Lot 4,5,6, and 7, Alamogordo, Otero County, New Mexico
Location	#2 Replat
Tax ID	01-07104, 01-07105, 01-07106, 01-07107

Sale Data

Grantor	Cookson, Jones, and H&M, LLC
Grantee	Manuel Renteria
Sale Date	February 25, 2011
Deed Book/Page	201103147
Property Rights	Fee Simple
Conditions of Sale	Real Estate Contract

Sale Price	\$200,000
Cash Equivalent	\$200,000

Land Data

Zoning	Alamogordo, C-3 Business District
Topography	Level
Utilities	All City Utilities
Dimensions	400 X 303
Shape	Rectangular
Flood Info	X & AE 35035C0937D

Land Size Information

Gross Land Size	2.780 Acres or 121,097 SF
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Indicators

Sale Price/Gross Acre	\$71,942
Sale Price/Gross SF	\$1.65

Remarks

Lots 4, 5, 6, and 7 on the property were purchased between 2/2011 and 4/2011. Lots were purchased for speculative purpose.

Land Sale No. 5

Property Identification

Record ID	561
Property Type	Commercial District
Property Name	Walmart
Address	2401 Indian Wells, Alamogordo, Otero County, New Mexico 88310
Location	Indian Wells & Scenicat Crescent
Tax ID	R01-8100

Sale Data

Grantor	Patillo & Sofia, LLc
Grantee	Wal Mart Stores
Sale Date	October 09, 2015
Verification	Public Records; March 17, 2016; Other sources: Assessors Office , Confirmed by Database Administrator

Sale Price	\$372,000
Cash Equivalent	\$372,000
Adjusted Price	\$372,000

Land Data

Zoning	City Alamogordo, C-3 Business District
Topography	Gentle slope to SW
Utilities	All public
Dimensions	475.3 X 566.71
Shape	Rectangular
Landscaping	Raw desert Land
Flood Info	Panel 941D 12/17/10
Depth	567

Land Size Information

Gross Land Size	6.698 Acres or 291,765 SF
Front Footage	475 ft Total Frontage: 475 ft Indian Wells

Indicators

Sale Price/Gross Acre	\$55,539
Sale Price/Gross SF	\$1.27
Sale Price/Front Foot	\$783

Remarks

This was tract was sold in two parcels; one by Patillo and the second by Sofia, LLc., Reported date is 10/03/2015. Both incorporated into new Plat of 10/29/15

ADJUSTMENTS TO COMPARABLE SALES

Readers' note: *The number of small acreage sales in the Alamogordo market during the last five years precluded statistical analyses such as regression analyses from which adjustments for date of sale, location, site size, zoning, access, traffic, etc. can be made when there is a sample sufficiency of about 30 sales. In this report, other mathematical techniques have been employed where the appraiser could formulate an alternative but appropriate method. Sales were researched back to 1997.*

Date of sale: adjustment(s) for sales date are isolated by mathematical modeling of the available comparable C-3 properties. . A paired sale* was available to give a base for this adjustment.

Location: no adjustments for location were made because all comparable sales used were situated on two of the City's principal arterials.

Site size: no adjustment for site size is made due to the dearth of similar large- sized tracts.

Functional inutility: *is reflected* in an on-site characteristic which negatively impacts the utility of the site. No adjustments are necessary for the comparables used.

Zoning: adjustments for zoning are not necessary as the subject and all comparables are zoned C-3.

Access: comparable sales are all situated on Alamogordo's arterials and are considered similar enough to need no adjustment for this amenity.

**paired sales are..."a quantitative technique used to identify and measure adjustments to the sales prices or rents of comparable properties; to apply this technique, sales or rental data on nearly identical properties are analyzed to isolate a single characteristic's effect on value or rent."*

Reconciliation

The subject valuation is \$1.65/sf by sales comparison. Five sales, as recent and comparable as the appraisers could find are used out of a total of 18 (the rest of which were rejected for very small site sizes as well as off-arterial locations; All comparables used have C-3 zoning and have frontage on either White Sands Blvd. or Indian Wells Rd.

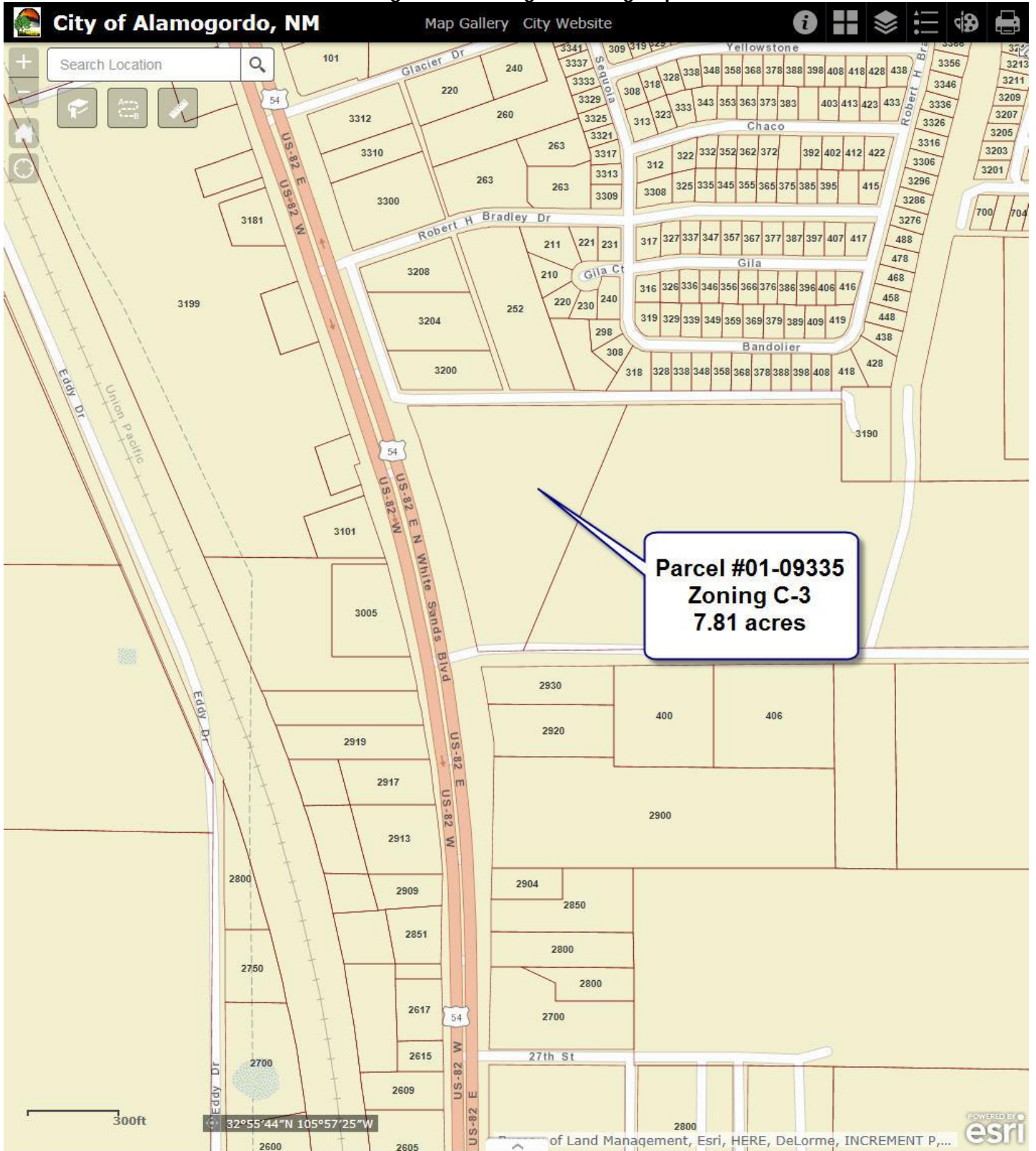
Value of 7.81± acres of Land on White Sands Blvd. is \$561,000 or \$1.65 SF.

ADDENDA



Fairgrounds Parking Lot Aerial View

Fairgrounds Parking Lot Zoning Map



Fairgrounds Parking Lot Zoning Details

Parcels_ETJ: ALAMOGORDO CITY OF

Property Address	
PC Number	01-09335
Map Code	01N4055092083228
Owner Name	ALAMOGORDO CITY OF
Owner ID	C010192
Owner Number	276
Owner Address	1376 E 9TH ST
Owner Address 2	
Owner City	ALAMOGORDO
Owner State	NM
Owner Zip	88310
Legal Desc	S: 7 T: 16 R: 10 7-16-10 TR IN SW1/4NE1/4
Neighborhood	C32
Land Value	645,656.00
Improvements Value	0.00
Total Property Value	645,656.00
Sec-Town-Range	16-10-7
Subdivision No	
Subdivision Name	
Lot	
Block	
Flood Zone	0.2 PCT ANNUAL CHANCE FLOOD HAZARD
Flood Zone Date	December 16, 2010
Zoning Use	C-3
Acres	7.81
Other Use	
Comments	

ZONING REQUIREMENTS

(Code 1960, §11-4-1; Ord. No. 719, §1, 4-14-87; Ord. No. 980, §4, 7-23-96)

29-03-250. Yards-- District R-4.

The yard regulations shall be the same as in the single-family dwelling district (sections 29-03-020 through 29-03-040).

(Code 1960, §11-4-2; Ord. No. 980, §5, 7-23-96)

29-03-260. Interior courts-- District R-4.

All interior courts shall have a width at least equal to the height of the highest part of the building forming the court, said court being defined as an open space that is more than one-half surrounded by a single building.

(Code 1960, §11-4-3)

29-03-270. Lot width and areas-- District R-4.

Every lot shall have a width of at least sixty (60) feet at the building setback line and shall contain an area of not less than six thousand (6,000) square feet or two thousand (2,000) square feet per dwelling unit, whichever amount is greater.

(Code 1960, §11-4-4; Ord. No. 457, 4-27-71; Ord. No. 802, §5, 10-23-90; Ord. No. 865 §2)

29-03-280. Heights; fences-- District R-4.

The regulations pertaining to height of buildings and of fences and other solid enclosures shall be the same as those pertaining to the single-family dwelling district (sections 29-03-060 through 29-03-080); provided, however, that the height of a dwelling or other building may exceed two and one-half (2 1/2) stories if the building is of fireproof construction and further provided that any building exceeding such height regulations shall be set back from all street lines and required yard lines one foot for each foot of its height exceeding such limit.

(Code 1960, §11-4-5; Ord. No. 980, §6, 7-23-96)

29-03-290. Use regulations-- District C-3.

(a) In District "C-3," Business District, a building or premises shall be used only for the following purposes:

1. Multiple dwellings, row dwellings, apartment houses, boarding and lodging houses, dwelling units attached to a commercial building.
2. Amusement places or theaters.
3. Bakery employing not more than twenty-five (25) persons.
4. Bank.
5. Barber shop or beauty parlor.
6. Dyeing and cleaning works employing not more than twenty-five (25) persons.
7. Electric repair shop.
8. Filling station.
9. Florist shop.
10. Hotel.
11. Laundry employing not more than twenty-five (25) persons on the premises.
12. Lodge or fraternal organization hall or meeting place.
13. Messenger or telegraph service station.
14. Newspaper and job printing establishments employing not more than twenty-five (25) persons.
15. Offices.
16. Parking lot.
17. Plumbing shop.

18. Public garage and automobile sales room.
19. Restaurant.
20. Sales and show room.
21. Store and shop for the conduct of any retail business.
22. Jewelry shop.
23. Tailor shop.
24. Tinsmith shop.
25. Tire repair shop.
26. Tourist courts.
27. Undertaking establishment, to include the placement of columbarium within the main building.
28. Used car sales or storage lot.
29. Self-service laundry.
30. Wholesale sales office or sample room.
31. Ice delivery station.
32. Any retail business that is ordinarily conducted in the section of a town or city commonly referred to as the business district; provided, however, that such use is not noxious or offensive by reason of the emission of odors, dust, fumes, noise or vibrations, and further provided that such business is not in any way a menace to the health and safety of the adjacent and surrounding buildings and structures.
33. Accessory buildings for uses customarily incident to the above uses when located on the same lot.

(Code 1960, §11-5-1; Ord. No. 980, §7, 7-23-96; Ord. No. 981, §3, 8-26-96)

29-03-300. Lot areas-- District C-3.

For any two-family, or multiple-family dwelling located within the business district, the same requirements as to lot area shall apply as that governing the respective two-family, and multiple-family areas. (Code 1960, §11-5-2)

29-03-310. Yards-- District C-3.

The rear yard and side yard regulations for dwellings within this district are the same as in the single-family district. In the case of business buildings, the yard requirements shall not apply except:

- (a) On the side of a lot adjoining a dwelling district; in which case, there shall be a side yard of not less than five (5) feet; and
- (b) On any street sides of a corner lot, there shall be a setback of not less than five (5) feet in width; and
- (c) On the boundary of a lot adjoining an alley, there shall be a yard setback of not less than eight (8) feet if electric lines exist on the side of the alley abutting the property. No application for variance from the requirement set forth in this subsection (c) shall be accepted or considered without written concurrence of every public utility company providing electrical service within the corporate limits of the city.
- (d) If electric lines do not exist on either side of the alley abutting the property, written concurrence on the proposed plans shall be required from every public utility company providing electrical service within the corporate limits of the city prior to the issuance of any building permit by the city.

Except as otherwise specified, there are no other yard regulations for business buildings. However, no building shall be built on White Sands Boulevard within ten (10) feet of the front lot line. The city manager shall not issue a permit for the construction of any permanent structure within the ten-foot setback.

(Code 1960 §11-5-3; Ord. No. 783, §5, 2-13-90; Ord. No. 804, §1, 12-11-90)

29-03-320. Living facilities above stores-- District C-3.

In the case of the existence of living facilities above stores or other commercial uses, every lot shall provide an area of not less than one thousand (1,000) square feet per family.
(Code 1960, §11-5-4)

29-03-330. Off-street parking-- District C-3.

(a) Off-street parking for automobiles shall be provided within a distance of five hundred (500) feet for all business buildings erected in the business district, in a proportion of not less than three (3) square feet for each square foot of area inside any such business building. Plans showing the proposed off-street parking shall be submitted to the building inspector, together with the application for the building permit; and no building permit shall be issued by the building inspector until such plans for off-street parking have been submitted and approved by the building inspector.

(b) Where property has been zoned Class "C-3" and improved before the effective date of Ordinance No. 661, adopted September 13, 1983, then that property is exempt from the off-street parking provisions of this section so long as the existing improvements remain on the premises and there is no addition to, or expansion of, such improvements so as to occupy a greater portion of the premises. In all other cases, parking must be provided as set forth in subsection (a) of this section.

(c) For motels and hotels there shall be a minimum of one off-street parking space of at least nine (9) feet by twenty (20) feet for each guest room or apartment, plus one for each one and one-fourth employees. Areas devoted to accessory uses (including but not limited to restaurants, lounges, and meeting rooms) shall comply with the requirements of subsection (a). Parking spaces shall not be directly accessible from a public right-of-way, nor require backing across a sidewalk for egress.
(Code 1960, §11-5-5; Ord. No. 518, 10-22-74; Ord. No. 661, 9-13-83; Ord. No. 717, 1-13-87)

29-03-340. Area; height-- District C-1.

There is hereby created a zoning district to be known as "C-1," or "Neighborhood Retail Business," which shall have the same area and height regulations as provided for in sections 29-03-300 through 29-03-320.
(Code 1960, §11-6-1; Ord. No. 980, §8, 7-23-96)

29-03-350. Restrictions-- District C-1.

Buildings and premises in the neighborhood retail business district shall be subject to the following restrictions:

- (a) Reserved.
- (b) Commercial uses restricted to closed buildings, except automobile service stations and parking lots.
- (c) Outdoor listings and displays prohibited in any yard.
- (d) Noise broadcasting beyond building prohibited.
- (e) Wholesaling prohibited.
- (f) Outside storage of materials or supplies prohibited.
- (g) Any lighting must be so placed to reflect the light away from lots in residential districts.
- (h) Signs shall not be intermittent, flashing or scintillating and shall be non-animated.

(Code 1960, §11-6-2; Ord. No. 636-81, §1, 10-16-81)

29-03-360. Off-street parking-- District C-1.

Off-street parking for automobiles shall be provided within a distance of five hundred (500) feet for all business buildings erected in the neighborhood retail business district, in a proportion of not less than three (3) square feet for each square foot of area inside any such business building. Plans showing the proposed off-street parking shall be submitted to the building inspector, together with the application for building permit;

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* M.S.W., WAYNE STATE UNIVERSITY, 1967

POST MASTERS COURSEWORK: PRINCIPLES REAL ESTATE APPRAISAL; RESIDENTIAL CASE STUDIES; IS THE COMPARABLE COMPARABLE; CAPITALIZATION THEORY & TECHNIQUES; REPORT WRITING & VALUATION ANALYSIS; CONSTRUCTION & DEVELOPMENT VALUATION; LITIGATION VALUATION; CONDEMNATION VALUATION; MANUFACTURED HOUSING APPRAISAL; SMALL INCOME PROPERTY APPRAISAL; N.M. WATER RIGHTS; FARM & RANCH APPRAISAL; ENVIRONMENTAL HAZARDS; SOLAR IMPROVEMENTS VALUATION; APPRAISAL OFFICE MANAGEMENT; CONDOMINIUM APPRAISAL; OFFICE BLDG. APPRAISAL; APPRAISING SPECIAL PURPOSE PROPERTIES; STANDARDS OF PROFESSIONAL PRACTICE; GIS APPLICATIONS; APPRAISAL CONCEPTS, TERMINOLOGY & METHODS; SUBDIVISION APPRAISAL; DETRIMENTAL CONDITIONS; APPRAISAL CONSULTING; RESIDENTIAL DESIGN; OFFICE BLDG. DESIGN; SMALL HOTEL/MOTEL APPRAISAL; HIGHEST & BEST USE; APPRAISAL OF CONSERVATION EASEMENTS; DEFENDING AND ATTACKING AN APPRAISAL IN LITIGATION.

PROFESSIONAL EXPERIENCE:

- * PRESIDENT, HOUSING SUPPORT, INC.(RIO BRAVO APPRAISERS DIVISION)
- * FORMER ASSISTANT PROFESSOR, NEW MEXICO STATE UNIVERSITY (1979-2005)
- * FORMER DOÑA ANA COUNTY TAX PROTEST BOARD (PROFESSIONAL MEMBER)
- * FORMER INSTRUCTOR, ANDERSON GRADUATE SCHOOL UNIVERSITY OF PUERTO RICO
- * FORMER CERTIFIED APPRAISAL INSTRUCTOR, NATL. ASSO. INDEPENDENT FEE APPRAISERS (1985-2002)
- * FORMER EXECUTIVE DIRECTOR, AFL-CIO HOUSING DEVELOPMENT INSTITUTE
- * FORMER VICE PRESIDENT & REGIONAL DIRECTOR, CHF & MULTI FAMILY HOUSING SERVICES, INC.
- * FORMER CONSUMER AFFAIRS COMMISSIONER, CITY OF ALEXANDRIA, VA
- * FORMER COMPREHENSIVE PLAN COMMISSIONER, CITY OF LAS CRUCES, NM

PROFESSIONAL MEMBERSHIPS & AFFILIATIONS:

- * CERTIFIED GENERAL REAL ESTATE APPRAISER #380G; STATE OF NEW MEXICO
- * FORMER CERTIFIED GENERAL REAL ESTATE APPRAISER #TX-1327610-G; STATE OF TEXAS
- * NATIONAL ASSO. OF INDEPENDENT FEE APPRAISERS; IFAS DESIGNATION (1994), IFA DESIGNATION (1979)
- * APPRAISAL INSTITUTE; FORMER ASSOCIATE MEMBER (1988-2012)
- * HABITAT FOR HUMANITY, FORMER MEMBER BOARD OF DIRECTORS
- * NATIONAL ASSOCIATION OF HOUSING COOPERATIVES, FORMER MEMBER BOARD OF DIRECTORS

CROSS SECTION OF CLIENTS SERVED:

- * SUNWEST BANK, ALBUQUERQUE & LAS CRUCES, NM
- * 1ST NATIONAL BANK OF DONA ANA COUNTY, LAS CRUCES, NM (Wells Fargo Bank)
- * CITIZENS BANK, LAS CRUCES, NM
- * FIRST FEDERAL SAVINGS BANK, LAS CRUCES, NM
- * SIERRA BANK, LAS CRUCES, NM (State National Bank/Compass Bank)
- * WHITE SANDS FEDERAL CREDIT UNION, LAS CRUCES, NM
- * BANK OF THE RIO GRANDE
- * WEXLER, BISHOP & LEES CPA'S, ALBUQUERQUE, NM
- * KELEHER & McLEOD, ATTORNEYS, ALBUQUERQUE, NM
- * DIAMOND RASH GORDON & JACKSON, ATTORNEYS, EL PASO, TX
- * WOODROW BEAN ATTORNEYS, EL PASO, TX
- * RANDY BURROUGHS ATTORNEY, ALAMOGORDO, NM
- * DONALD T. CHEATHAM ATTORNEY, ALEXANDRIA, VA
- * HOUSING AUTHORITY OF LAS CRUCES, NM
- * CITY OF DALLAS, TX
- * CITY OF LAS CRUCES, NM
- * DOÑA ANA COUNTY, NM
- * STATE OF NEW MEXICO DOT
- * AMERICAN MEDICAL INTERNATIONAL, HOUSTON, TX
- * CENTURY DEVELOPMENT CORPORATION, HOUSTON, TX
- * URBAN INSTITUTE, WASHINGTON, D.C.
- * RURAL HOUSING SERVICES, WASHINGTON, D.C.
- * HOUSING ASSISTANCE COUNCIL, WASHINGTON, D.C.
- * PHH HOMEEQUITY, CONCORD, CA
- * US MORTGAGE, CHERRY HILL, NJ
- * NEW MEXICO TECH UNIVERSITY
- * U.S. MARSHALL SERVICE
- * ASSOCIATES RELOCATION MANAGEMENT, WASH., D.C. & DALLAS, TX