



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

September 22, 2015 - 7:00 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Susie Galea Mayor
Robert Rentschler Mayor Pro-Tem, District 3
Jason Baldwin District 1
Nadia Sikes District 2
Jenny Turnbull District 4
Al Hernandez District 5
Dr. George Straface District 6

Jim Stahle City Manager
Stephen Thies City Attorney
Renee Cantin 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 related to awards for those who helped with Atari sales and give recommendations to the Commission on how to spend the money they made from the sales. (Joe Lewandowski, Operational Consultants)

2. Presentation related to the imposition of a Gross Receipts Tax for Public Safety. (*Eliza Fernandez, Presenter*) **WITHDRAWN**

3. Presentation of Proclamation to the family of Sgt. Willie N. Estrada in his memory. (*Susie Galea, Mayor*)

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.

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

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

4. Approve the Minutes for September 8, 2015 Regular City Commission Meeting. (*Renee Cantin, City Clerk*)

5. Approve the statement related to the Executive Session held on September 8, 2015. (*Renee Cantin, City Clerk*)

6. Approve Resolution No. 2015-40 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of September 22, 2015. (**Roll call vote required**) (*Kathy Gilsdorf, Budget Analyst*)

7. Approve Change Order No. 3, Public Works Bid No. 2015-001 to General Hydronics, Inc. related to Water Service Line Replacement White Sands Blvd. 1st Street to 10th Street (UC1401) in an amount not to exceed \$6,611.01, including NMGR and close out the Project. (*Edward Balderrama, Project Manager*)

8. Consider, and act upon, approval of a Memorandum of Agreement with the New Mexico Energy, Minerals, and Natural Resources Department for the Alamo Canyon area. (*Brian Cesar, Public Works Director*)

9. Consider, and act upon, the placement of a new Resident Parking Only sign for home located at 413 Oregon Ave. (*Nancy Jacobs, Deputy Clerk*)

10. Approve the incorporation into the minutes of the Governing Body the final approval by the NM Department of Finance and Administration of the City's final budget for the 2015-2016 Fiscal Year. (*Renee Cantin, City Clerk*)

11. Approve the final publication of Ordinance No. 1500 to amend Section 16-02-090 of the City Code to define a quorum for the conduction of business for the Alamogordo Public Library Advisory board. (**Roll Call vote required**) (*Stephen Thies, City Attorney*)

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

12. Consider and act upon the first publication of Ordinance No. 1502 - Zoning Request Case Number Z-2015-0002(A) to amend the official zoning map of the City of Alamogordo to rezone the property located at 2212 Eudora Street from R-1 Single Family Dwelling to C-3 Business. (*Ruben Segura, City Planner/Grants Coordinator*)

UNFINISHED BUSINESS

13. Hearing, and possible action related to Resolution 2015-35 declaring the structures located at 2405 Cuba Ave., Alamogordo, NM, to be ruined, damaged and dilapidated, to be a menace to the public comfort, health, peace or safety, and ordering its abatement. (*Cristella Valdez, Asst. City Attorney and Lora Nelson, Code Enforcement Manager*)

NEW BUSINESS

14. Consider, and act upon, a request by Edna Lebeaux for a payment plan for utility liens filed on 1217 N. Florida Avenue. (*Stephen Thies, City Attorney*)

15. Consider, and act upon, Resolution 2015-44 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority. (**Roll Call vote required**) (*Ruben Segura, City Planner/Grants Coordinator*)

16. Consider, and act upon, Resolution No. 2015-43 Supporting the Abandonment Plan of Public Service Company of New Mexico (PNM) for the San Juan Generating Station. (**Roll Call vote required.**) (*Susie Galea, Mayor*)

17. Appointments to Boards and Committees. (*Susie Galea, Mayor*)

PUBLIC COMMENT (Continued if needed)...

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

EXECUTIVE SESSION (Roll Call Vote Required)

Recess into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement) to discuss Limited Personnel Matters (Interim City Manager recruitment) and Collective Bargaining Negotiations (AFSCME). (**Roll Call vote required**)

RECONVENE INTO OPEN SESSION

19. Action, if any, related to Limited Personnel Matters (Interim City Manager recruitment).

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 1.

Submitted By: Renee Cantin, City Clerk

Subject: Presentation related to awards for those who helped with Atari sales and give recommendations to the Commission on how to spend the money they made from the sales. (*Joe Lewandowski, Operational Consultants*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: None

Background: Joe Lewandowski will present recommendations for the Commission to consider as to how the money made by the City will be distributed.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 2.

Submitted By: Renee Cantin, City Clerk

Subject: Presentation related to the imposition of a Gross Receipts Tax for Public Safety. (*Eliza Fernandez, Presenter*) **WITHDRAWN**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: None

Background: Eliza Fernandez will present an idea concerning a Gross Receipts Tax for Public Safety.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 3.

Submitted By: Nancy Jacobs, Deputy
Clerk

Subject: Presentation of Proclamation to the family of Sgt. Willie N. Estrada in his memory. (*Susie Galea, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Sgt. Willie N. Estrada was killed in the line of duty in Korea on September 22, 1952. He was awarded the Distinguished Service Cross for his bravery and sacrifice.

Proclamation

The City Of Alamogordo Executive Offices

Whereas, Sgt. Willie N. Estrada was born in Alamogordo, New Mexico on June 8, 1929, was inducted into the U.S. Army in January of 1951, and was killed in action on the 22nd of September, 1952 near Bongowal, Korea; and

Whereas, Sgt. Willie N. Estrada is the only recipient of the Distinguished Service Cross from Otero County and is one of only 27 Distinguished Service Cross recipients from the entire State of New Mexico; and

Whereas, Our nation has historically been home to men and women who are willing to protect, defend and preserve our liberties, as well as those of other peoples around the world by laying down their very lives; and

Whereas, the citizens of Alamogordo should never forget Sgt. Willie N. Estrada's service and the sacrifice he made for us and for many.

Now, therefore, I, Susie Galea, Mayor of the City of Alamogordo, New Mexico, do hereby proclaim September 22, 2015, as:

Sgt. Willie N. Estrada Day

in Alamogordo and urge all citizens to recognize and celebrate the memory of this New Mexican Hero who gave his all so we might remain free.



Susie A Galea

Susie Galea, Mayor

Attest:

for

Renée L. Cantin

Renée L. Cantin, City Clerk

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 4.

Submitted By: Renee Cantin, City Clerk

Subject: Approve the Minutes for September 8, 2015 Regular City Commission Meeting. *(Renee Cantin, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required per the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
SEPTEMBER 8, 2015**

SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
AL HERNANDEZ, COMMISSIONER

ROBERT RENTSCHLER, MAYOR PRO-TEM
DR. GEORGE STRAFACE, COMMISSIONER
ROBERT DUNCAN, ACTING CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK

CALL TO ORDER, ROLL CALL, INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Mayor Pro-Tem Rentschler was absent. Clerk Cantin announced there was a quorum present. Invocation by Reverend Dwight Harp and the Pledge of Allegiance led by Commissioner Turnbull.

APPROVAL OF AGENDA

Commissioner Hernandez moved to approve the final agenda. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

PRESENTATIONS

Mayor Pro-Tem Rentschler joined the meeting at 7:03 p.m.

1. Presentation of Proclamation to Raini O'Connor, Miss Alamogordo and Brandi Blair, Miss Otero County for Miss Alamogordo/Miss Otero County Day; and another Proclamation to Samantha Madigan, Miss Alamogordo's Outstanding Teen and Jessica Hatfield, Miss Otero County's Outstanding Teen for Miss Alamogordo/Miss Otero County's Outstanding Teen Day. *(Susie Galea, Mayor)*

Mayor Galea presented the proclamations to the pageant winners.

PUBLIC COMMENT

A. Harv Hamilton commented on the following:

1) Mr. Hamilton spoke about the recent Alamogordo Public School Facilities Master Plan Steering Committee Meeting that he had attended (attachments are in Agenda Book from that meeting). He said none of the monies would cover the sidewalks the City had asked for. He said there would be a follow-up meeting at Buena Vista School tomorrow evening.

CONSENT AGENDA

2. Approve the Minutes for the August 25, 2015 Regular City Commission Meeting and the August 24, 2015 Special City Commission Meeting. *(Renee Cantin, City Clerk)*

3. Approve the statement related to the Executive Session held on August 24, 2015 and August 25, 2015. *(Renee Cantin, City Clerk)*

4. Approve the final publication of Ordinance No. 1501 Amending Article 19-04 of the City Code to Provide for the Adoption of Park Rules. (Roll call vote required) *(Stephen Thies, City Attorney)*

5. Approve a Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Johnny Carino's for the Holloman Air Force Ball on September 25, 2015 at the NM Museum of Space History. *(Renee Cantin, City Clerk)*

6. Approve a Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Johnny Carino's for the NM Museum of Space History/International Space Hall of Fame event on October 3, 2015 at the Tays Special Events Center. *(Renee Cantin, City Clerk)*

7. Approve a Public Celebration Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Heart of the Desert Winery for the Republican Women of Otero County fundraiser on October 24, 2015 at Creative Designs located at 917 New York Ave. *(Renee Cantin, City Clerk)*

9. Approve the award of RFP No. 2015-003 to Unifirst Corporation, related to the Uniform and Linen Rental and Laundry Services for various department for the City of Alamogordo. *(Barbara Pyeatt, Central Purchasing Officer and Veronica Ortega, Community Services Director/Assistant City Manager)*

Item # 8 was removed by Commissioner Hernandez from the consent calendar.

Commissioner Hernandez moved to approve items # 2, 3, 4, 5, 6, 7, & 9 of the consent calendar. Mayor Pro-Tem Rentschler seconded the motion. Roll call was taken for item # 4. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

8. Approve the purchase of property located at 801 First Street for the First Street/Florida Avenue Re-Alignment Project in the amount of \$290,000.00. *(Stephen Thies, City Attorney)*

Commissioner Hernandez explained this was one of the properties being purchased by the city in order to re-align First Street/Florida Avenue – the red brick building.

Commissioner Hernandez moved to approve the purchase of property located at 801 First Street for the First Street/Florida Avenue Re-Alignment Project in the amount of \$290,000.00. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 7-0-0.

PUBLIC HEARINGS

10. Consider, and act upon, a Variance Request Case Number V-2015-0004(A) to reduce the side yard setback line from fifteen (15) feet to ten (10) feet in the SILVERADO SUBDIVISION, BLK A, LT 5, Tax Parcel Number 01-15739 with an address of 848 Sky Ranch. *(Ruben Segura, City Planner)*

City Planner Segura gave the background information on this item, using a Power Point presentation (found in the Agenda Book).

Mayor Pro-Tem Rentschler moved to approve a Variance Request Case Number V-2015-0004(A) to reduce the side yard setback line from fifteen (15) feet to ten (10) feet in the SILVERADO SUBDIVISION, BLK A, LT 5, Tax Parcel Number 01-15739 with an address of 848 Sky Ranch. Commissioner Turnbull seconded the motion. Motion carried with a vote of 7-0-0.

UNFINISHED BUSINESS

11. Discussion, and possible action concerning Resolution 2015-35 declaring 2405 Cuba Avenue (Sahara Apartments) ruined, damaged and dilapidated and ordering its abatement. (Stephen Thies, City Attorney & Lora Nelson, Code Enforcement Manager)

Code Enforcement Manager Nelson reminded the Commission they had approved Resolution 2015-35 at the August 11, 2015 Commission meeting. Since that time, the property owner's attorney submitted in writing an appeal of the decision. She recommended there be a hearing of that appeal at the September 22, 2015 meeting.

Mayor Pro-Tem Rentschler moved to approve a Hearing to be held on September 22nd, 2015 related to Resolution 2015-35 declaring 2405 Cuba Avenue (Sahara apartments) ruined, damaged and dilapidated and ordering its abatement. Commissioner Sikes seconded the motion. Motion carried with a vote of 7-0-0.

NEW BUSINESS

12. Consider, and act upon, Resolution No. 2015-42 supporting the Pecos League in continuing the White Sands Pupfish Baseball Team in Alamogordo in honor of Matt McNeile. (Roll call vote required) (Renee Cantin, City Clerk) **WITHDRAWN**

Item was withdrawn from the agenda and will be included on the September 22nd Agenda.

13. Consider, and act upon, Resolution No. 2015-43 Supporting the Application of the Public Service Company of New Mexico (PNM) for Revision of its Retail Electric Rates. (Roll call vote required)

Mayor Galea requested to withdraw this resolution and bring it back with a revision to the language.

14. Consider, and act upon a Gross Receipts Investment Program (GRIP) Application for HJBM, LLC. (Stephen Thies, City Attorney)

Mayor Galea asked to see the GRIP Ordinance come back to the Commission before it sunsets in October.

City Attorney Thies explained this application for HJBM, LLC, a business at the 1400 Ninth Street building that had been redone into business offices. This company had met all three requirements for this program and he recommended approval of the application. He would prepare a resolution and reimbursement agreement that would be brought back to the commission at the September 22, 2015 meeting or the October 13, 2015 meeting.

Mayor Pro-Tem Rentschler moved to approve the Gross Receipts Investment Program (GRIP) Application for HJBM, LLC. Commissioner Straface seconded the motion. Motion carried with a vote of 7-0-0.

15. Consider, and act upon, the complaints submitted related to the Code of Conduct Ordinance No. 1478. (Stephen Thies, City Attorney)

Commissioner Hernandez asked if the Mayor Pro-Tem could take over for this item since it concerned the Mayor, and the Commission agreed.

City Attorney Thies explained that when a complaint is received, it is reviewed by the three most senior members of the commission, unless one of those is the subject of the complaint; Mayor Galea was disqualified because she was the subject of this complaint. The Preliminary Review Committee

reviewed four complaints received from Richard Merrick, Lori Bies, Margaret Scanlon and Michael Jones, all involving the event held this past May called the Otero County Law Enforcement Appreciation Banquet. The Mayor wrote a letter to the Alamogordo Daily News after the event and the above named individuals took offense to this letter. The Preliminary Review Committee has two options after receiving complaints: 1) to find cause that a violation occurred, or 2) to find no cause. If three individuals find cause, it is presented to the full commission for their consideration; if three find no cause, it would take a motion by the commission to bring it back for consideration. In this case, two members of the Preliminary Review Committee found cause so as a result these complaints have been brought before the commission for action. City Attorney Thies explained what the options were for the commission to consider if the majority of the commission found cause and move forward in deciding the sanction or discipline to be imposed. The less severe sanction would be a warning issued at this time and the matter would be considered resolved, unless the subject of the complaint elected for a full hearing. If the subject of the complaint requests a full hearing, we would schedule that hearing and the people who filed complaints would be able to address the commission; the Mayor would also be able to present her position. He noted copies of the complaints were in their agenda reports as well as the Mayor's response to those complaints. Mr. Thies told the commission they could decide at this time whether to entertain a motion and a second to find cause or no cause.

Mayor Pro-Tem Rentschler stated he was one of the Committee members who did find cause. He felt the letter written by the Mayor was fine, but she needed to have a majority of the commission behind her when she signed as mayor. He felt there were times when she used that title, and she needed to have the majority of the commission behind her.

Commissioner Straface asked for clarification of tonight's action, and was told by the city attorney to find cause or to find no cause and then have the ability to issue a warning or entertain a more severe sanction. In that case, they would have to schedule a hearing at a future date.

Commissioner Turnbull wanted to say for the record that she felt the part of the ordinance stating "representing an official city position" was the one that had been violated, simply because Mayor Galea did not state it was her opinion alone. Commissioner Turnbull felt she said that this was the entire Commission's opinion.

The following individuals spoke to this issue:

Mr. Rich Merrick thanked Mayor Pro-Tem Rentschler for being open and transparent by stating how he had voted on this issue. He asked who the three members of the Preliminary Review Committee were and how they voted. Commissioner Hernandez stated he did not vote. Mr. Merrick asked if he abstained and Commissioner Hernandez said he simply did not vote. He related he looked at it both ways and went off what his wife read in the newspaper article. She found Mayor Galea's comments were her own comments and from what she read from the article and what Mayor Galea wrote was true to the fact of what she put in there. So, he based his judgment on that. Commissioner Baldwin said he was the other member of the Committee, and he found finding that this was a legitimate complaint that breached our Code of Conduct. He said where he would respectfully disagree with Commissioner Hernandez' decision, was there was no private comment from the mayor. Any comment made, if you are the mayor, is pretty much as the mayor, so he thought it was a really difficult situation for her to be in. We've had discussions like this before, openly, about our roles as public officials and this is where he thought there's a serious breach. That is why he voted yes. Mr. Merrick agreed, but said the ordinance said every one of you commissioners is free to your own opinion. The way to do that is to preface your opinion with the statement, "I am not speaking in behalf of my official capacity". That is the plain and simple of it. He thanked them for the openness displayed by all three of the commissioners on the Committee.

Mr. Paul Sanchez said if you read the sections involved in the Code of Conduct passed by this Commission, it is clear you may speak as a commissioner as a reference to who you are, maybe for a sense of expertise on a particular subject. He said you can't say this is an opinion of the commissioner unless you are extremely clear that you are speaking on your own. He said he differed with Commissioner Baldwin on what he said earlier. Mr. Sanchez said he would not have had any

issue with the Mayor's article if she started it with, "My name is Susie Galea, a citizen of Alamogordo, speaking for myself". He agreed that because she is the mayor and famous in our city it is a very difficult position for her or anyone else to be in, but if she is going to speak of her opinion she needs an out to do that. He did not support her voicing her opinion as the Mayor of Alamogordo. Mr. Sanchez felt some of the things written in the article were big misstatements, and he gave his corrections for some of them. He then asked Commissioner Hernandez to clarify his vote or non-vote.

Commissioner Hernandez said he did not vote; Paul Sanchez stated that he abstained in his vote; Commissioner Hernandez restated that he did not vote. Commissioner Hernandez continued by saying he did not understand the process and the time frame. Mr. Sanchez clarified the vote was 2-0 with there being three members on the Commission, and Mayor Pro-Tem Rentschler agreed. Commissioner Hernandez said he looked at the whole thing and he didn't know which way he would vote. He had talked to the Mayor prior to this about how the newspaper said it was a guest column by Mayor Susie Galea, and stated she was serving her first term as Mayor At-Large. So, either way, she was going to be discussed as the mayor. He had issues with the fact she went to the Law Enforcement Banquet as a city representative, and it was both ways because her comments were based on why she was there and her problems with only the guest speaker; he did not read that she did not support the Law Enforcement Banquet.

Paul Sanchez remarked she can't speak as the mayor because it says the commission does not like the guest speaker. Commissioner Hernandez said he had an issue with the Ruidoso Police Department, and as a member of this Commission, he supported our law enforcement working with them, but after his incident with them he wouldn't support them for dog catchers. He noted he was saying this as a commissioner of the City of Alamogordo because of his personal interaction with them. He said that as a commissioner he is stating these facts.

Mr. Sanchez said that in the situation of the letter the Mayor wrote, there wasn't anything to complain about except for the name of the speaker and some Google references. He said the speaker did not make a political speech or speak with the Mayor. He said it would be an incorrect statement to say Commissioner Hernandez's statement about the Ruidoso PD was saying he did not support law enforcement, and Commissioner Hernandez agreed. Mr. Sanchez felt the Mayor was stating that because of one interview given by the speaker, he did not support all law enforcement. He strongly hoped that if the Commission found cause tonight, that they use the lowest level and resolve the issue here and now.

City Attorney Thies said this ordinance does not prevent any of the commissioners/mayor from speaking their official position on any particular item. If it isn't the position of the entire Commission, all you have to do is qualify your statement by saying, "This is my position. It does not reflect the position of the majority of the Commission". It is not intended to stifle free speech; it is just to qualify your position.

Commissioner Hernandez said that is what he did when he spoke about the Ruidoso PD. He had a conversation with Mayor Galea that night telling her to leave it alone and he thought it had been. He agreed with Mr. Sanchez that the Commission should do the lowest at this point, a warning, and see where it goes.

Commissioner Straface said there were two questions: 1) is there cause or no cause, 2) what is the punishment.

Mayor Pro-Tem Rentschler asked Mayor Galea if she had any comments.

Mayor Galea remarked that if there was formal action, she wanted to request a formal hearing process.

Commissioner Straface moved to approve finding cause to the complaints submitted. Commissioner Hernandez seconded the motion.

Commissioner Hernandez added he seconded only because of the Mayor's request.

Motion carried with a vote of 6-0-0.

Mayor Pro-Tem Rentschler stated they needed to look at the remedies available. Commissioner Straface clarified with the city attorney that if the Commission took the lowest warning, there would not be a hearing required. City Attorney Thies agreed, unless the subject of the complaint requested a formal hearing.

Commissioner Straface moved to approve issuing a warning to the Mayor for her actions in respect to our Code of Conduct. Commissioner Turnbull seconded the motion. Motion carried by a vote of 6-0-0.

The Mayor said she appreciated they had gone through the formal process and understood the process and action taken were a warning. She accepted the warning, understanding what it means to the Commission, the people of Alamogordo and the City Staff.

Commissioner Straface stated we needed some direction as to whether it needed to be in writing to the Mayor. City Attorney Thies said the verbal warning would be on the record and was all that was needed.

16. Discussion related to the cost of the In-House Engineering Services to date. (Robert Rentschler, Mayor Pro-Tem)

Mayor Pro-Tem Rentschler said it looked like we have spent about \$108,000 since January, and at that rate we could certainly afford an engineer. He felt there should be some direction on this since there were areas without any report coming back to the Commission. He didn't expect any action on this, but wanted everyone to pay attention to what we are paying an engineering firm. He asked the city attorney how much the City contracted to an engineering firm when we had an engineer on staff.

City Attorney Thies explained the structure of the agreement with the engineering firm, and pointed out the differences on the spreadsheet and what they meant.

Commissioner Straface asked for the length of the agreement and was told by City Attorney Thies it was a one year agreement with the ability to extend to another year. It would expire sometime next year, but there was always an out since either of us can cancel at anytime without penalty. The penalty we might incur would be to pay an engineer for work in progress.

Commissioner Straface recalled that when the City posted for applicants, there weren't any. Mayor Galea said there was one applicant who chose not to accept the position after interviewing.

Acting City Manager Duncan said he is concerned about this. He'd been assessing this position and had directed Human Resources Director Josselyn to do a comprehensive survey as to what other cities were paying their engineers. He felt we needed to pay enough in order to attract qualified candidates, perhaps with a tiered salary system. He wanted to see the City hire an engineer.

Mayor Galea said she had met with a representative from Wilson & Co. Engineering Firm and they wanted to make a presentation of the work that has been done. They thought the Commission was aware of all the projects they were tasked to do. She said we had a list of projects identified in our Master Plan, but no plan for funding and completing those projects. She asked if the Commission would like to have Wilson & Co. make a presentation.

Mayor Pro-Tem Rentschler said this was from February 27th to July 22nd; the total encumbered was \$135,000 in five months. He listed some of the projects he was not aware of, and felt we needed to re-evaluate our position with Wilson, and our position on looking for a City Engineer.

Nancy Beshaler, Project Manager, came forward to explain some of the projects and why some were on hold, and the city attorney added further information as to why one of the projects was on hold. He noted we currently have a grant application pending with NMDOT to get some funding for the design work of one of the projects. Mrs. Beshaler stated that was done earlier by resolution, whereby the State's share would be \$58,000 and we would have a match of \$19,000.

Commissioner Straface felt this contract with Wilson & Co. should be more closely supervised by the city manager or whoever is acting in that position, and not by the commission. This person could move forward to post the position and look at an appropriate salary. He didn't think we could afford to hold up our current engineering projects.

Mayor Galea said many of these are for earlier projects such as the Public Works Yard Drainage Basin that we held a Public Hearing for in August in 2014. She wanted to see the findings of that report, and hoped the Commission would have Wilson and Co. come to present at the next commission meeting. Commissioner Straface felt an update would be appropriate.

Mayor Pro-Tem Rentschler said we did need to know what was happening and what was complete. He felt a report from the city manager would be enough so that we wouldn't need to go through it at another commission meeting.

Commissioner Hernandez noticed one subdivision paving project and noted some of the paving projects that had failed but the City still paid to have them paved again. He wanted someone on staff who was keeping track of this information.

Ms. Beshaler responded on some of the items marked as completed and noted they had something in writing from Wilson stating their conclusion. She said she could provide all this to the Commission if they wished.

Acting City Manager Duncan said he had met with the engineering departments, and the reputation of the City of Alamogordo was his main concern. He noted he wanted to hire a good City Engineer, and he would keep the Commission apprised of what was going on with projects.

17. Discussion related to an update on the NMED Grant for the Water Reuse System awarded in 2012. (Robert Rentschler, Mayor Pro-Tem)

Mayor Pro-Tem Rentschler said this item was in the last Legislative Bulletin on the front page. We were named along with five other cities for being remiss because monies had not been used since 2012. He felt we needed to use this money since we were asking them for another million dollars this year, and he was afraid they might not be willing to give it to us. He reminded everyone how uncommitted dollars were clawed back by the State in Past Governor Richardson's tenure because they had not been spent. The City had North Scenic ready to go, but lost the money to that.

Mayor Galea reminded everyone that NM Environmental Department had thrown it back and then the Commission put priorities in front of this project.

Nancy Beshaler noted the packet she had provided to each commissioner, saying the main message was that we are on schedule to spend the money by the end of June 2016. The City had the money since 2012 and there have been issues along the way. The project had been set aside more than once because Fund 118 Projects were priority at that time. She said we've always known the timeline and expiration of the grant, and always knew we could deliver the project by the end of June 2016, and get the monies spent. She re-stated she was confident they would get the money spent. Mayor Pro-Tem Rentschler asked if she was sure we would not lose this, and was sure the money would be spent, and Mrs. Beshaler said yes. She listed some of the items they were waiting for.

18. Appointments to Boards and Committees. (Susie Galea, Mayor)

Mayor Galea announced the Boards and Committees with current vacancies. She appointed Kim Lopez Gallagher to the Public Library Advisory Board.

PUBLIC COMMENT

A. Mr. Papai Mills commented on the following:

1) Mr. Mills asked Mayor Pro-Tem Rentschler about the final tally of those who voted on Item 15, and asked why the Acting City Manager had not voted. Mayor Pro-Tem Rentschler explained the acting city manager does not have a vote.

2) He then said Acting City Manager Duncan was part of the problem. Mr. Mills remarked he had met with Mr. Duncan on occasion, as well as the former city manager. He said he knew at least a third of the police officers now employed by APD were on drugs; he knew this for a fact. He would guarantee they could go to drug testing and.....

Mayor Galea interrupted to say the city drug-tested all the staff.....

Mr. Mills interrupted her to say he would stop her right there to tell her.....

Mayor Galea interrupted him to say that he was out of order. She appreciated his public comments but felt his allegations were out of line, and he needed to state they were his opinion only. She said the city did random drug testing through the Human Resource Department and assured him we have the best of the best working for the City of Alamogordo.

Mr. Mills asked Mayor Pro-Tem Rentschler to ask Mayor Galea to not make any comments to him, because she should be thankful she had the job she had. If it was up to him, she would be impeached. He felt Ms. Galea was nothing more than eye-candy to this Commission and he had not seen one thing she had done for this Commission.

Mayor Galea gaveled Mr. Mills down and asked for order. She asked him to please sit down.

Mr. Mills said he had his rights to speak, but she said his conduct was disorderly. He asked if the Police Department had the right to disobey the law and she said no. He said they have the right to look at men as superior, sub-superior to women.

She interrupted him and he said he would take this to the DA and make sure she would be there.

B. Rich Merrick commented on the following:

1) Mr. Merrick asked the mayor to clarify if she had accepted what the Commission did on Item 15 or if she requested a formal hearing. She said she accepted what the Commission did – give her a warning – and a formal hearing in this case would not be required.

2) He noticed we had been buying properties and inquired if the purchase prices were part of the entire budget for the First/Florida project. The Commission indicated they were.

C. Lori Bies commented on the following:

1) She thanked the Commissioners for their time in reviewing the complaints put before them and taking the process to its completion. She said there were several people in the community who would appreciate an apology from the Mayor.

Mayor Galea said she apologized she did not state in the editorial that it was her opinion, and she did not mean to use her position to create any ill will.

Ms. Bies appreciated that and was surprised at her editorial comments because what happened at the event was very uplifting.

D. Paul Sanchez commented on the following:

1) Mr. Sanchez told the Mayor he believed that she believed in her heart she was doing the right thing for this city, and he complimented her for holding her temper while Mr. Mills was speaking. He also said Mr. Mills comments to her were very offensive, and he couldn't believe anyone would make the comment to her. He hoped she would know everyone was offended by these remarks. Mr. Sanchez remarked to the acting city manager that he didn't believe any of the City's police officers were on any illegal drug. He expressed his support for all the law enforcement and fire officers in the

City of Alamogordo.

CITY MANAGER'S REPORT

- 1) Acting City Manager Duncan thanked Paul Sanchez for his remarks.
- 2) He said the Desert Star Elementary parking issues were being addressed, and said they would be meeting with Alamogordo Public School officials to find the best possible solution.
- 3) Mr. Duncan said there will be a Town Hall Meeting to address the water meter issues around the week of October 12th. He hoped any questions the public had would be answered

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Pro-Tem Rentschler commented on the following:

- 1) Mr. Rentschler said he would not be here for that meeting, and commented he was experiencing high readings – more than doubled - with his own meter. He urged the staff to look at the calibrations on the meters, because he had heard from others that they also were having high readings.
- 2) He hoped progress on the 27th Street bridge was moving right along.
- 3) Mayor Pro-Tem Rentschler said he went to the Municipal League Conference, had a good time and learned a lot.

Mayor Galea commented on the following:

- 1) Mayor Galea thanked the City Manager for putting binders in their boxes about findings that would refine our ordinances, policies and processes with the Utility Billing Department, and especially thanked Customer Service Manager Mark Threadgill and Finance Director Nichols for their work on this.

2) Mayor Galea made the following statement: "The Alamogordo Commission has a task to hire an interim city manager that may be in place six months to a year while we go through the process to hire someone on a permanent basis: The city manager shall be chosen solely on the basis of executive and administrative training, experience, and ability, and without regard to political consideration. The interim position is just as crucial as a future permanent hire as much needs to be accomplished in their tenure.

I believe that this Commission will choose an interim city manager that has the relevant career history, honorable character, specialized educational background in public administration, and specific expertise in key policy areas (Such as: economic development, land use, public safety, and financial management)

Job Duties of a city manager, in general:

Regardless of the size of the city, managers are generally responsible for budget management, department oversight, internal affairs and external relations.

City managers monitor, report on and make recommendations regarding the city budget. They typically work with the mayor, commission, and heads of each department to make sure that city finances remain balanced. Managers prepare budget reports and deliver information to city leaders and the public regarding the fiscal state of the municipality.

The leader of each city department reports to the city manager. The oversight of these department heads allows for continuity of standards and policies across all city departments. Departments include Parks and Recreation, Fire, Police, Water and Transportation. In many cases, city managers appoint the head of each department.

City managers direct internal city operations and external relations. Externally, city managers are responsible for hearing the concerns and requests of their community and bringing them to the government. City managers must anticipate municipality needs and create programs to address them.

It is my recommendation, that given the recent professional and political scandals which have unfolded in New Mexico in the recent months, that the Commission hire an interim manager that agrees to a criminal background check and credit history report. We should be working together to place someone in this key position that can truly lead with integrity, be trusted by the community, and especially by the city staff they will be leading. I know that with great collaboration, we will make the best choice possible."

She stated the Commission would be considering at least three contenders for the interim position.

EXECUTIVE SESSION

19. Recess into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement) to discuss Limited Personnel Matters (Interim City Manager recruitment) and Collective Bargaining Negotiations (APSOA). (Roll call vote required)

Mayor Pro-Tem Rentschler moved to recess into Executive Session to discuss Limited Personnel Matters (Interim City Manager recruitment) and Collective Bargaining Negotiations (APSOA) at 8:39 p.m. Commissioner Hernandez seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

RECONVENE INTO OPEN SESSION

Mayor Pro-Tem Rentschler moved to reconvene at 11:36 p.m. Commissioner Turnbull seconded the motion. Motion carried by a vote of 6-0-0. Commissioner Straface was absent.

20. Action, if any, related to Limited Personnel Matters (Interim City Manager).

Mayor Galea said the Commission will take action concerning the Interim City Manager at the September 22nd meeting. They will consider three candidates for the Interim City Manager position - Robert Duncan, Dr. George Straface, and Michael Segrest.

ADJOURNMENT

Mayor Pro-Tem Rentschler moved to approve to adjourn at 11:38 p.m. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

Mayor Susie Galea

ATTEST:

City Clerk Reneé L. Cantin

(Prepared by Nancy Jacobs, Deputy Clerk)

Approved at the Regular Meeting held on September 22, 2015.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 5.

Submitted By: Renee Cantin, City Clerk

Subject: Approve the statement related to the Executive Session held on September 8, 2015. (*Renee Cantin, City Clerk*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the following statements and authorize them to be included in the minutes of September 22, 2015: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that on September 8th, 2015 a Closed Executive Session was held during the Regular Meeting and the matters discussed in the closed meeting were limited only to: Limited Personnel Matters (Interim City Manager Recruitment) and Collective Bargaining Negotiations (APSOA) as posted on the meeting notice."

Background: This statement is required per the Open Meetings Act.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 6.

Submitted By: Kathy Gilsdorf, Budget Analyst

Subject: Approve Resolution No. 2015-40 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of September 22, 2015. **(Roll call vote required)** *(Kathy Gilsdorf, Budget Analyst)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Beginning Cash Balances \$0

Revenues \$1084,985 Increase

Expenditures \$1,085,836 Increase

Transfers In/Out \$0

Net Impact (\$851) Decrease

Recommendation: Approve the resolution. **(Roll call vote required)**

Background: The City Commission adopted the Fiscal Year budget on May 12, 2015. The Department of Finance & Administration granted written approval of the City of Alamogordo's Fiscal Year 2015-2016 Final Budget on September 2, 2015. Resolution 2015-40 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. 2015-40

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 2015-2016.

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 September 2, 2015, for fiscal year 2015-2016; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2015-2016.

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 2015-2016 be and hereby is revised as of September 22, 2015 to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2015-2016 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 September 22, 2015 as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2015-2016.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 22nd day of September 2015.

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

By: _____
Susie Galea, Mayor

ATTEST:

Renee Cantin, City Clerk

APPROVED AS TO FORM:

Stephen Thies, City Attorney

1/12TH REQ RSRV
1,075,665
Fund Reserve Policy
248,091
Bal. Remaining
4,000,958

ALL FUNDS SUMMARY
PRELIMARY 2015-2016

FY16 PRELIMINARY RESOLUTION 2015-40

FUND NO.	FY 2015-2016 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	7,501,909	16,001,365	600,000	6,215,885	(5,615,885)	12,680,339	5,207,050	1,323,756	4,000,958
	Revision #1	0	0	0	(67,927)	67,927	0	67,927		
	Revision #2	0	0	0	0	0	15,000	(15,000)		
	Revision #3	0	84,093	0	0	0	0	84,093		
	Revision #4	0	(20,795)	0	0	0	(37,357)	16,562		
	Revision #10	0	250,000	0	0	0	250,000	0		
	Revision #11	0	0	0	28,642	(28,642)	0	(28,642)		
	Revision #15	0	0	0	1,276	(1,276)	0	(1,276)		
	Revision #18	0	0	0	6,000	(6,000)	0	(6,000)		
	Total Revised Fund 11	7,501,909	16,314,663	600,000	6,183,876	(5,583,876)	12,907,982	5,324,714	1,323,756	4,000,958
12	INTERNAL SERVICE FUND	409,741	421,378	2,983,869	0	2,983,869	3,666,495	148,493		\$148,493
	Revision #1	0	(3,532)	(104,991)	0	(104,991)	0	(108,523)		
	Total Revised Fund 15	409,741	417,846	2,878,878	0	2,878,878	3,666,495	39,970		39,970
15	CORRECTIONS-JAIL	21,663	108,642	51,660	1,895	49,765	175,070	5,000		\$5,000
	Revision #1	0	0	(172)	(172)	0	0	0		
	Total Revised Fund 15	21,663	108,642	51,488	1,723	49,765	175,070	5,000		5,000
16	LODGER'S TAX-PROMOTIONAL FUND	143,846	233,537	0	3,148	(3,148)	357,436	16,799		\$16,799
	Revision #1	0	0	0	35	(35)	0	(35)		
	Total Revised Fund 16	143,846	233,537	0	3,183	(3,183)	357,436	16,764		16,764
17	POLICE COURT BOND	8,538	0	0	0	0	0	8,538		\$8,538
19	COURT AUTOMATION FUND	55,207	78,593	0	22,163	(22,163)	60,597	51,040		\$51,040
	Revision #1	0	0	0	(1,524)	1,524	0	1,524		
	Total Revised Fund 19	55,207	78,593	0	20,639	(20,639)	60,597	52,564		52,564
20	LODGER'S TAX-CITY	178,954	434,495	0	36,224	(36,224)	449,013	128,212		\$128,212
	Revision #1	0	0	0	(254)	254	0	254		
	Revision #18	0	0	0	0	0	1,000	(1,000)		
	Total Revised Fund 20	178,954	434,495	0	35,970	(35,970)	450,013	127,466		127,466
21	D.A.R.E. DONATIONS FUND	13,644	3,620	0	0	0	8,281	8,983		\$8,983
22	DESIGNATED GIFT FUND	36,188	1,082	0	0	0	15,601	21,669		\$21,669
24	GRANT CAPITAL IMPROVEMENT	22,551	144,865	0	0	0	115,046	52,370		\$52,370
	Revision #19	0	50,000	0	0	0	50,000	0		
	Total Revised Fund 24	22,551	194,865	0	0	0	165,046	52,370		52,370
27	MUNICIPAL COURT OPERATIONS	5,000	8,000	406,096	6,246	399,850	407,850	5,000		\$5,000
	Revision #1	0	0	77	77	0	0	0		
	Total Revised Fund 27	5,000	8,000	406,173	6,323	399,850	407,850	5,000		5,000
28	POLICE CONTINGENCY	48,059	8,473	0	0	0	14,684	41,848		\$41,848
31	CEMETERY-PERPETUAL CARE	756,079	19,809	0	0	0	0	775,888		\$775,888
32	COMMUNITY SERVICES	6,675	628,976	3,334,492	459,763	2,874,729	3,505,380	5,000		\$5,000
	Revision #1	0	0	(11,256)	(11,256)	0	0	0		
	Revision #11	0	0	28,642	0	28,642	28,642	0		
	Revision #15	0	0	175	0	175	0	0		
	Revision #18	0	0	6,000	0	6,000	6,000	0		
	Total Revised Fund 32	6,675	628,976	3,358,053	448,507	2,909,546	3,540,197	5,000		5,000
33	FIRE PROTECTION	573,162	602,923	0	0	0	912,382	263,703	49,721	\$213,982
36	LAW ENFORCEMENT FUND	2,837	114,400	0	0	0	112,983	4,254		\$4,254
	Revision #5	0	(600)	0	0	0	0	(600)		
	Total Revised Fund 36	2,837	113,800	0	0	0	112,983	3,654		3,654

FUND NO.	FY 2015-2016 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
37	STATE HIGHWAY FUND	95,365	35,847	0	1,111	(1,111)	42,796	87,305		\$87,305
	Revision #1	0	0	0	13	(13)	0	(13)		
	Revision #14	0	11,500	0	0	0	(5,701)	17,201		
	Total Revised Fund 37	95,365	47,347	0	1,124	(1,124)	37,095	104,493		104,493
38	TRAFFIC SAFETY FUND	54,398	30,496	0	0	0	38,000	46,894		\$46,894
39	STATE JUDICIAL	3,284	75,500	0	0	0	75,500	3,284		\$3,284
40	AIRPORT IMPROVEMENT PROJECTS	15,431	7,947,429	201,724	0	201,724	8,077,286	87,298		\$87,298
	Revision #6	0	7,218	0	0	0	14,436	(7,218)		
	Total Revised Fund 40	15,431	7,954,647	201,724	0	201,724	8,091,722	80,080		80,080
42	1984 GROSS RECEIPTS TAX	2,398,093	1,553,412	0	3,630,292	(3,630,292)	0	321,213	267,173	\$54,040
44	TRANSPORTATION FUND	588,481	1,028,799	1,934,564	172,638	1,761,926	3,343,409	35,797		\$35,797
	Revision #1	0	0	0	(5,322)	5,322	0	5,322		
	Revision #7	0	622,239	0	0	0	622,239	0		
	Revision #13	0	58,112	0	0	0	58,112	0		
	Total Revised Fund 44	588,481	1,709,150	1,934,564	167,316	1,767,248	4,023,760	41,119		41,119
48	NEW MEXICO C.D.B.G.	104,343	1,107,625	0	0	0	1,211,968	0		\$0
49	1986 GROSS RECEIPTS TAX	8,408,689	1,592,894	0	1,894,878	(1,894,878)	1,332,933	6,773,772	268,113	\$6,505,659
50	PROPERTY ACQUISITION	177,503	1,956	298,830	0	298,830	401,132	77,157		\$77,157
	Revision #17	0	0	15,000	0	15,000	15,000	0		
	Total Revised Fund 50	177,503	1,956	313,830	0	313,830	416,132	77,157		77,157
53	GENERAL OBLIGATION	922,718	1,013,791	0	0	0	1,184,259	752,250		\$752,250
54	REVERSE OSMOSIS PROJECT RSV	166,001	5,791,133	0	0	0	5,931,452	25,682		\$25,682
	Revision #8	0	0	0	0	0	6,536	(6,536)		
	Total Revised Fund 54	166,001	5,791,133	0	0	0	5,937,988	19,146		19,146
56	99 GRT FLOOD CONTROL BOND PROJ	581,421	3,003,804	2,302,903	74,258	2,228,645	3,318,971	2,494,899		\$2,494,899
59	REVENUE BOND P & I FUND	7,708	1	2,791,665	0	2,791,665	2,791,665	7,709		\$7,709
61	MUNICIPAL INFRASTRUCTURE .0625%	558,127	386,385	0	657,593	(657,593)	0	286,919		\$286,919
	Revision #1	0	0	0	2,573	(2,573)	0	(2,573)		
	Total Revised Fund 61	558,127	386,385	0	660,166	(660,166)	0	284,346		284,346
63	COMMUNITY DEVELOPMENT	81,664	121,525	333,157	40,646	292,511	492,045	3,655		\$3,655
	Revision #1	0	0	5,145	5,145	0	0	0		
	Total Revised Fund 63	81,664	121,525	338,302	45,791	292,511	492,045	3,655		3,655
65	INSPECTIONS	169	0	0	169	(169)	0	(0)		(\$0)
69	1994 GROSS RECEIPTS	1,569,147	1,542,430	0	2,380,119	(2,380,119)	0	731,458	567,550	\$163,908
71	ALAMO SENIOR CENTER	(93,958)	1,138,973	350,503	0	350,503	1,390,518	5,000		\$5,000
	Revision #1	0	0	(6,254)	0	(6,254)	(6,254)	0		
	Revision #15	0	0	1,101	0	1,101	1,101	0		
	Total Revised Fund 71	(93,958)	1,138,973	345,350	0	345,350	1,385,365	5,000		5,000
74	ALAMO SENIOR CENTER GIFT	112,314	20,747	0	90	(90)	77,337	55,634		\$55,634
	Revision #1	0	0	0	2	(2)	0	(2)		
	Revision #16	0	0	0	0	0	55,632	(55,632)		
	Total Revised Fund 74	112,314	20,747	0	92	(92)	132,969	0		0
75	RETIRED & SENIOR VOL. PROGRAM	(27,833)	234,827	59,770	14,451	45,319	247,313	5,000		\$5,000
	Revision #1	0	0	(489)	(489)	0	0	0		
	Revision #9	0	3,000	0	0	0	3,000	0		
	Revision #12	0	23,750	0	0	0	23,750	0		
	Total Revised Fund 75	(27,833)	261,577	59,281	13,962	45,319	274,063	5,000		5,000
81	WATER/SEWER OPERATING	11,098,825	9,959,908	98,413	4,209,436	(4,111,023)	12,937,129	4,010,581	252,850	\$3,757,731
	Revision #1	0	0	0	(31,639)	31,639	0	31,639		
	Total Revised Fund 81	11,098,825	9,959,908	98,413	4,177,797	(4,079,384)	12,937,129	4,042,220		4,042,220
82	98 JT WATER/SEWER BOND P&I	1,587,292	15,116	2,027,114	0	2,027,114	2,027,114	1,602,408		\$1,602,408
86	SOLID WASTE COLLECTION SYS.	283,177	2,016,674	0	131,804	(131,804)	1,855,297	312,750	308,908	\$3,842
	Revision #1	0	0	0	(2,635)	2,635	0	2,635		
	Total Revised Fund 86	283,177	2,016,674	0	129,169	(129,169)	1,855,297	315,385		315,385
88	BONITO CAMPGROUND	3,796,024	3,590,423	1,416,768	0	1,416,768	8,495,746	307,469		\$307,469

FUND NO.	FY 2015-2016 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
89	ESGRT .0625%	2,173,974	1,049,141	0	800,000	(800,000)	622,628	1,800,487		\$1,800,487
	Revision #17	0	0	0	15,000	(15,000)	(15,000)	0		
	Total Revised Fund 89	2,173,974	1,049,141	0	815,000	(815,000)	607,628	1,800,487		1,800,487
90	GOLF COURSE	172,343	1,899,018	143,834	57,935	85,899	2,062,188	95,072		\$95,072
	Revision #1	0	0	0	(2,869)	2,869	0	2,869		
	Total Revised Fund 90	172,343	1,899,018	143,834	55,066	88,768	2,062,188	97,941		97,941
91	AIRPORT	238,009	250,060	0	33,169	(33,169)	360,648	94,252	38,371	\$55,881
	Revision #1	0	0	0	(1,698)	1,698	0	1,698		
	Total Revised Fund 91	238,009	250,060	0	31,471	(31,471)	360,648	95,950		95,950
94	OTERO GREENTREE REG LANDFILL	3,658,863	1,004,091	0	1,720	(1,720)	2,237,941	2,423,293	1,558,302	\$864,991
96	SELF-INSURED FUND	741,610	67,426	0	300,000	(300,000)	42,544	466,492		\$466,492
98	PAYROLL CLEARING	204,261	0	0	0	0	0	204,261		\$204,261
104	UTILITY DEPOSITS	699,256	0	0	0	0	0	699,256		\$699,256
105	ECONOMIC DEVELOPMENT	5,407,926	1,029,770	0	0	0	1,615,606	4,822,090		\$4,822,090
107	SELF INSURED/LIABILITY	468,422	4,651	140,640	0	140,640	202,000	411,713		\$411,713
109	2004 GRT CAPITAL OUTLAY	9,012,661	3,130,734	197,473	1,118,721	(921,248)	6,138,563	5,083,584	559,361	\$4,524,223
113	2009 G.O. BOND ACQ FUND	486,186	0	2,571,040	0	2,571,040	3,050,463	6,763		\$6,763
114	SIDEWALKS REVOLVING LOANS	131,446	1,728	0	0	0	100,360	32,814		\$32,814
115	CORP ESCROW ACCOUNT RESV	0	0	0	0	0	0	0		\$0
116	REG WATER SUPPLY TRANS LN	26,917	1,311,623	217,312	0	217,312	1,504,675	51,177		\$51,177
117	2011 JT W/S REF/IMP REVBD	638,381	0	0	0	0	635,228	3,153		\$3,153
118	2011 NMFA ST GRT STREET #15	197,473	0	0	197,473	(197,473)	0	(0)		(\$0)
119	2012 GRT REF/IMP REVBD	1,522,795	0	0	0	0	1,422,676	100,119		\$100,119
121	2015 GO BONDS-FUN CENTER	5,960,219	10,000	0	0	0	5,929,500	40,719		\$40,719
122	2015 GO BONDS-STREETS	4,389,889	10,000	0	0	0	4,340,827	59,062		\$59,062
901	HOUSING LOW RENT OPERATING	1,091,702	871,281	0	0	0	1,241,960	721,023		\$721,023
	Revision #1	0	0	0	0	0	(761)	761		
	Total Revised Fund 901	1,091,702	871,281	0	0	0	1,241,199	721,784		721,784
903	HOUSING HOMEOWNERSHIP OPER	699,284	3,120	0	0	0	29,506	672,898		\$672,898
	Revision #1	0	0	0	0	0	286	(286)		
	Total Revised Fund 903	699,284	3,120	0	0	0	29,792	672,612		672,612
904	HOUSING CAPITAL FUND PROJECTS	0	957,832	0	0	0	957,832	0		\$0
TOTALS FY2016		80,194,054	73,705,313	22,394,805	22,394,805	0	111,334,008	42,565,359	5,194,105	37,371,254

Prior Resolution	80,194,054	72,620,328	22,461,827	22,461,827	0	110,248,172	42,566,210
2 Adjustments Resolution 2015-40	0	1,084,985	(67,022)	(67,022)	0	1,085,836	(851)

Resolution # 2015-40 September 22, 2015

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #1					
Budget revision is to adjust Internal Services Allocations for the Salary & Benefit differences and end of year adjustments. This adjustment could not be completed at the time of the final budget. This adjustment reconciles the Internal Service Fees to various funds that utilizes those services.					
11	GENERAL FUND				
	<i>Transfers Out</i>				
	011-0000-491.18-12	Transfer to Fund 12	1,836,530	(49,833)	1,786,697
	011-0000-491.18-15	Transfer to Fund 15	51,660	(172)	51,488
	011-0000-491.18-27	Transfer to Fund 27	406,076	77	406,153
	011-0000-491.18-32	Transfer to Fund 32	3,334,492	(11,256)	3,323,236
	011-0000-491.18-71	Transfer to Fund 71	350,503	(6,254)	344,249
	011-0000-491.18-75	Transfer to Fund 75	59,770	(489)	59,281
		Total Transfers Out	6,039,031	(67,927)	5,971,104
12	INTERNAL SERVICES				
	<i>Revenues</i>				
	012-1602-316.15-37	Purchasing Fees	24,321	300	24,621
	012-1701-316.15-43	Personnel Service Fees	37,344	312	37,656
	012-3303-316.15-39	Facility Maintenance Fees	49,782	98	49,880
	012-3402-316.15-38	MIS Services	63,972	(2,496)	61,476
	012-3503-316.15-32	Fleet Maintenance Fees	23,191	(1,746)	21,445
		Total Revenues	198,610	(3,532)	195,078
	<i>Transfers In</i>				
	012-0000-391.19-11	Transfer Fr (11)	1,836,530	(49,833)	1,786,697
	012-0000-391.19-15	Transfer Fr (15)	1,895	(172)	1,723
	012-0000-391.19-16	Transfer Fr (16)	3,148	35	3,183
	012-0000-391.19-19	Transfer Fr (19)	22,163	(1,524)	20,639
	012-0000-391.19-20	Transfer Fr (20)	34,504	(254)	34,250
	012-0000-391.19-27	Transfer Fr (27)	6,246	77	6,323
	012-0000-391.19-32	Transfer Fr (32)	444,283	(11,256)	433,027
	012-0000-391.19-37	Transfer Fr (37)	1,111	13	1,124
	012-0000-391.19-44	Transfer Fr (44)	144,813	(5,322)	139,491
	012-0000-391.19-63	Transfer Fr (63)	40,646	5,145	45,791
	012-0000-391.19-74	Transfer Fr (74)	90	2	92
	012-0000-391.19-75	Transfer Fr (75)	14,451	(489)	13,962
	012-0000-391.19-81	Transfer Fr (81)	312,214	(34,211)	278,003
	012-0000-391.19-86	Transfer Fr (86)	32,391	(2,635)	29,756
	012-0000-391.19-90	Transfer Fr (90)	56,215	(2,869)	53,346
	012-0000-391.19-91	Transfer Fr (91)	33,169	(1,698)	31,471
		Total Transfers In	2,983,869	(104,991)	2,878,878
15	CORRECTIONS-JAIL				
	<i>Transfers In</i>				
	015-0000-391.19-11	Transfer from Fund 11	51,660	(172)	51,488
	<i>Transfers Out</i>				
	015-0000-491.18-12	Transfer to Fund 12	1,895	(172)	1,723
16	PROMOTIONS-LODGERS TAX				
	<i>Transfers Out</i>				
	016-0000-491.18-12	Transfer to Fund 12	3,148	35	3,183
19	COURT AUTOMATION				
	<i>Transfers Out</i>				
	019-0000-491.18-12	Transfer to Fund 12	22,163	(1,524)	20,639
20	LODGER'S TAX-CITY SHARE				
	<i>Transfers Out</i>				
	020-0000-491.18-12	Transfer to Fund 12	34,504	(254)	34,250

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
27	MUNICIPAL COURT				
	<i>Transfers In</i>				
	027-0000-391.19-11	Transfer from Fund 11	409,096	77	409,173
	<i>Transfers Out</i>				
	027-0000-491.18-12	Transfer to Fund 12	6,246	77	6,323
32	COMMUNITY SERVICES				
	<i>Transfers In</i>				
	032-0000-391.19-11	Transfer from Fund 11	3,334,492	(11,256)	3,323,236
	<i>Transfers Out</i>				
	032-0000-491.18-12	Transfer to Fund 12	444,283	(11,256)	433,027
37	STATE HIGHWAY FUND				
	<i>Transfers Out</i>				
	037-0000-491.18-12	Transfer to Fund 12	1,111	13	1,124
44	TRANSPORTATION				
	<i>Transfers Out</i>				
	044-0000-491.18-12	Transfer to Fund 12	144,813	(5,322)	139,491
61	MUNICIPAL INFRASTRUCTURE 0.0625				
	<i>Transfers Out</i>				
	061-0000-491.18-63	Transfer to Fund 63	155,869	2,573	158,442
63	ENGINEERING				
	<i>Transfers In</i>				
	063-0000-391.19-61	Transfer from Fund 61	155,869	2,573	158,442
	063-0000-391.19-81	Transfer from Fund 81	166,494	2,572	169,066
		Total Transfers In	322,363	5,145	327,508
	<i>Transfers Out</i>				
	063-0000-491.18-12	Transfer to Fund 12	40,646	5,145	45,791
71	SENIOR CENTER				
	<i>Transfers In</i>				
	071-0000-391.19-11	Transfer from Fund 11	350,503	(6,254)	344,249
	<i>Expenditures</i>				
	071-8023-445.44-24	Facility Maintenance	11,737	1,206	12,943
	071-8023-445.57-21	MIS Services	11,194	(506)	10,688
	071-8023-445.57-23	Personnel Services	5,206	585	5,791
	071-8023-445.57-41	Purchasing Services	1,780	25	1,805
	071-8024-445.44-20	Fleet Maintenance	2,689	(349)	2,340
	071-8024-445.44-24	Facility Maintenance	11,727	1,206	12,933
	071-8024-445.57-21	MIS Services	11,194	(506)	10,688
	071-8024-445.57-23	Personnel Services	3,471	39	3,510
	071-8024-445.57-41	Purchasing Services	1,780	25	1,805
	071-8025-445.44-20	Fleet Maintenance	9,412	(1,222)	8,190
	071-8025-445.44-24	Facility Maintenance	3,912	10	3,922
	071-8025-445.57-21	MIS Services	3,731	(169)	3,562
	071-8025-445.57-23	Personnel Services	4,339	49	4,388
	071-8025-445.57-41	Purchasing Services	890	12	902
	071-8026-445.44-20	Fleet Maintenance	1,345	(175)	1,170
	071-8026-445.57-21	MIS Services	1,866	(84)	1,782
	071-8026-445.57-23	Personnel Services	868	10	878
	071-8026-445.57-41	Purchasing Services	297	(56)	241
	071-8030-445.44-24	Facility Maintenance	3,912	(2,540)	1,372
	071-8030-445.57-21	MIS Services	1,866	(1,866)	0
	071-8030-445.57-23	Personnel Services	868	(517)	351
	071-8030-445.57-41	Purchasing Services	297	64	361
	071-8115-445.44-24	Facility Maintenance	7,824	20	7,844

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
	071-8115-445.57-21	MIS Services	7,462	1,444	8,906
	071-8115-445.57-23	Personnel Services	5,603	(2,971)	2,632
	071-8115-445.57-41	Purchasing Services	890	12	902
		Total Expenditures	116,160	(6,254)	109,906
74	SENIOR CENTER GIFT FUND				
	<i>Transfers Out</i>				
	074-0000-491.18-12	Transfer to Fund 12	90	2	92
75	RETIRED SENIOR VOLUNTEER PROGRAM				
	<i>Transfers In</i>				
	075-0000-391.19-11	Transfer from Fund 11	59,770	(489)	59,281
	<i>Transfers Out</i>				
	075-0000-491.18-12	Transfer to Fund 12	14,451	(489)	13,962
81	WATER/SEWER OPERATING				
	<i>Transfers Out</i>				
	081-0000-491.18-12	Transfer to Fund 12	312,214	(34,211)	278,003
	081-0000-491.18-63	Transfer to Fund 63	166,494	2,572	169,066
		Total Transfers Out	478,708	(31,639)	447,069
86	SOLID WASTE COLLECTION				
	<i>Transfers Out</i>				
	086-0000-491.18-12	Transfer to Fund 12	32,391	(2,635)	29,756
90	GOLF COURSE				
	<i>Transfers Out</i>				
	090-0000-491.18-12	Transfer to Fund 12	56,215	(2,869)	53,346
91	AIRPORT				
	<i>Transfers Out</i>				
	091-0000-491.18-12	Transfer to Fund 12	33,169	(1,698)	31,471
901	HOUSING LOW RENT OPR				
	<i>Expenditures</i>				
	901-0007-463.57-21	MIS Services	19,538	(752)	18,786
	901-0007-463.57-23	Personnel Services	9,686	109	9,795
	901-0007-463.57-41	Purchasing Services	6,458	(118)	6,340
		Total Expenditures	35,682	(761)	34,921
903	HOUSING HOMEOWNERSHIP OPR				
	<i>Expenditures</i>				
	903-0007-463.57-21	MIS Services	1,471	(57)	1,414
	903-0007-463.57-23	Personnel Services	730	8	738
	903-0007-463.57-41	Purchasing Services	142	335	477
		Total Expenditures	2,343	286	2,629

REVISION #2

Budget revision is requested to increase expenditures and assign a project to the Main Street Program. This was budgeted in FY2015 and was missed in the carry-over request. Funds are requested from fund balance.

11	GENERAL FUND				
	<i>Expenditures</i>				
GC1601	011-3705-419.57-34	Contract Services	0	15,000	15,000

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #3					
Budget revision is to increase revenues for the FEMA Grant that was carried over. The Grant was not included in the total for the General Fund Revenues on the resolution due to a calculation error. The revision is to re-budget the Grant Carry-over that was listed on 2015-30, July 28, 2015.					
11	GENERAL FUND				
	Revenues				
FG1401	011-0000-317.16-73	Federal Grant	0	84,093	84,093

REVISION #4

Budget revision is requested to adjust the APS Resource Program to the new FY16 Agreement with the Alamogordo Schools for \$119,074. The Schools pay for half of the costs of this program and the City pays the remainder. Previous contract was for four officers, this year the contract is for three officers. Due to the contract change we are requesting that the remaining part-time funds for the fourth officer be moved to Police (11-4104). The part-time funds that were reimbursed will be moved to fund balance.

11	GENERAL FUND				
	Revenues				
	011-0000-317.16-73	A.P.S. Reimbursement	139,869	(20,795)	119,074
	Expenditures				
	011-4104-420.20-02	Operational	1,760,603	23,631	1,784,234
	011-4104-420.20-04	Overtime	110,000	1,250	111,250
	011-4104-420.20-10	Retirement	807,962	7,302	815,264
	011-4104-420.20-12	Retiree Health Care	67,790	591	68,381
	011-4104-420.20-15	Social Security	74,804	780	75,584
	011-4104-420.20-20	PTO Conversion	33,000	440	33,440
	011-4104-420.20-25	Group Health Ins	410,264	1,985	412,249
	011-4104-420.20-30	Workman's Compensation	157,030	785	157,815
	011-4104-420.20-31	Worker's Comp Admin Fee	607	5	612
	011-4104-420.30-55	Fuels	132,000	408	132,408
	011-4104-420.44-21	Fleet Commercial Parts	46,410	125	46,535
					0
	011-4704-420.20-02	Operational	185,728	(47,261)	138,467
	011-4704-420.20-04	Overtime	10,000	(2,500)	7,500
	011-4704-420.20-10	Retirement	57,390	(14,603)	42,787
	011-4704-420.20-12	Retiree Health Care	4,643	(1,181)	3,462
	011-4704-420.20-15	Social Security	3,543	(1,560)	1,983
	011-4704-420.20-20	PTO Conversion	4,505	(939)	3,566
	011-4704-420.20-25	Group Health Ins	28,943	(3,970)	24,973
	011-4704-420.20-30	Workman's Compensation	12,781	(1,570)	11,211
	011-4704-420.20-31	Worker's Comp Admin Fee	37	(9)	28
	011-4704-420.30-55	Fuels	3,264	(816)	2,448
	011-4704-420.44-21	Fleet Commercial Parts	1,000	(250)	750
		Total Expenditures	3,912,304	(37,357)	3,874,947

REVISION #5

Budget revision is requested within the Law Enforcement Fund to correct the beginning budget. The amount received was less than the amount originally estimated.

36	LAW ENFORCEMENT FUND				
	Revenues				
	036-0000-317.16-08	Law Enforcement Grant	64,800	(600)	64,200

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #6					
Budget revision is requested to increase revenue and expenditures for the New Mexico Department of Transportation (NMDOT) Grant funding for the Storm Water Pollution Prevention Plan Update (SWPPP). This grant is to provide contract services from Gordon Environmental Inc. for development of the SWPPP. The NMDOT will fund 50% and the City match will be expensed from fund 40 (Airport Improvement Capital Fund).					
40	AIRPORT IMPROVEMENT				
	<i>Revenues</i>				
AP1602	040-0000-317.16-81	State Grant	0	7,218	7,218
	<i>Expenditures</i>				
AP1602	040-0099-990.57-34	Contract Services	0	14,436	14,436

REVISION #7

Budget revision is requested to increase revenue and expenditures for the FEMA Grant for debris and drainage cleanup. The City match is 12.5% (88,892) of the total project cost. Funds are requested from the Drainage Project line, (Abbot Ditch Project) to cover the match.

44	TRANSPORTATION				
	<i>Revenues</i>				
EN1602	044-0000-317.16-13	State Grant	0	88,892	88,892
EN1602	044-0000-317.16-73	Federal Grant	0	533,347	533,347
		Total Revenues	0	622,239	622,239
	<i>Expenditures</i>				
EN1602	044-9799-990.68-99	ICIP	0	711,131	711,131
	044-9499-990.65-52	Drainage Project	905,000	(88,892)	816,108
		Total Expenditures	905,000	622,239	1,527,239

REVISION #8

Budget revision is requested to increase revenue and expenditures for loan and grant expenses necessary for the Desal Plant for FY16. The loan is a draw-down loan meaning that expenses incurred are submitted for reimbursement. NMFA charges an administrative fee for the process. This was not understood at the time of the preliminary budget.

54	REVERSE OSMOSIS PROJECT RSV				
	<i>Expenditures</i>				
PW1401	054-0000-461.74-01	Federal Grant Expense	0	1,634	1,634
PW1401	054-0000-461.74-02	Loan Expense	0	4,902	4,902
		Total Expenditures	0	6,536	6,536

REVISION #9

Budget revision is requested to increase revenue and expenditures for the additional grant funding received from the Corporation for National and Community Service (CNCS) for FY16 for the Retired Senior Volunteer Program (RSVP).

75	RETIRED SENIOR VOLUNTEER PROGRAM				
	<i>Revenues</i>				
	075-0000-317.16-39	RSVP Fed Grant NCSS	42,914	3,000	45,914
	<i>Expenditures</i>				
	075-8201-445.56-05	Travel & Training	2,018	1,500	3,518
	075-8201-445.60-23	Computer Software	0	1,500	1,500
		Total Expenditures	2,018	3,000	5,018

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
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REVISION #10

Budget revision is requested to increase revenue and expenditures for the Legislative Grant for Police Vehicle Technology.

11	GENERAL FUND				
	<i>Revenues</i>				
PD1601	011-0000-317.16-13	State Grant	0	250,000	250,000
	<i>Expenditures</i>				
PD1601	011-4104-420.61-85	CER Equipment Replacement/Legis	0	250,000	250,000

REVISION #11

Budget revision is requested to increase expenditures for the additional funds needed to cover a leak deep enough underground at the Zoo that it was undetectable from the surface and staff was not aware of the leak until Water Billing noticed increased consumption in FY15. The funds were moved from fund balance, Resolution 2015-13, in FY15 but the invoice was never paid and the funds were not carried over, so they are being requested again. The City Manager at the time did not approve a leak abatement adjustment.

11	GENERAL FUND				
	<i>Transfers Out</i>				
	011-0000-491.18-32	Transfer To (32) Comm Serv	3,334,492	28,642	3,363,134
32	COMMUNITY SERVICES				
	<i>Transfers In</i>				
	032-0000-391.19-11	Transfers Fr (11) General Fund	3,334,492	28,642	3,363,134
	<i>Expenditures</i>				
	032-6203-452.47-60	Water/Sewer/Garbage	22,831	28,642	51,473

REVISION #12

Budget revision is requested to increase revenue and expenditures for the additional funds received from New Mexico Aging & Long Term Services for the RSVP State Grant and FGP State Grant for FY16. The revision also is removing the projected United Way funding that was not received for FY16.

75	RETIRED SENIOR VOLUNTEER PROGRAM				
	<i>Revenues</i>				
	075-0000-316.15-55	United Way	1,250	(1,250)	0
	075-0000-317.16-40	State Grant RSVP	26,000	15,000	41,000
	075-0000-317-16-42	State Grant FGP	57,730	10,000	67,730
		Total Revenues	84,980	23,750	108,730
	<i>Expenditures</i>				
	075-8201-445.32-80	Volunteer Supplies	2,955	5,000	7,955
	075-8201-445.57-53	Volunteer Travel	30,466	8,750	39,216
	075-8801-445.32-80	Volunteer Supplies	2,972	5,000	7,972
	075-8801-445.57-53	Volunteer Travel	4,000	2,500	6,500
	075-8801-445.57-89	Volunteer Meals	4,597	2,500	7,097
		Total Expenditures	44,990	23,750	68,740

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #13					
Budget revision is requested to increase revenue and expenditures for the NMDOT for Special Local Government Road Project. This was approved by Commission on August 11, 2015.					
44	TRANSPORTATION				
	<i>Revenues</i>				
EN1601	044-0000-317.16-13	State Grant	0	58,112	58,112
	<i>Expenditures</i>				
EN1601	044-9499-990.57-34	Contract Services	0	58,112	58,112

REVISION #14					
Budget revision is requested to adjust revenue and expenditures for the FY16 Keep Alamogordo Beautiful State Grant. The payroll lines were decreased for FY16 as there will only be funds available for supplies and travel included in the grant.					
37	STATE HIGHWAY FUND				
	<i>Revenues</i>				
SP1603	037-0000-317.16-09	KAB Grant	12,000	11,500	23,500
	<i>Expenditures</i>				
SP1603	037-0006-431.20-03	Part-time/Temporary	16,219	(16,219)	0
	037-0006-431.20-03	Part-time/Temporary	119	(119)	0
	037-0006-431.20-10	Retirement	1,179	(1,179)	0
	037-0006-431.20-12	Retiree Health Care	167	(167)	0
SP1603	037-0006-431.20-15	Social Security	1,279	(1,279)	0
	037-0006-431.20-15	Social Security	10	(10)	0
SP1603	037-0006-431.20-30	Worker's Comp Insurance	481	(481)	0
	037-0006-431.20-30	Worker's Comp Insurance	1	(1)	0
SP1603	037-0006-431.20-31	Worker's Comp Admin Fee	46	(46)	0
SP1603	037-0006-431.30-65	KAB Supplies	7,000	13,800	20,800
	Total Expenditures		26,501	(5,701)	20,800

REVISION #15					
Budget revision is requested to adjust expenditures for Internet Support Fees due to the increase after budget at Griggs Field to increase the bandwidth for broadcasting, as well as, Internet Support Fees for the Senior Center that was missed during budget entry.					
11	GENERAL FUND				
	<i>Transfers Out</i>				
	011-0000-491.18-32	Transfer fr (11) Gen Fund	3,334,492	175	3,334,667
	011-0000-491.18-71	Transfer fr (11) Gen Fund	350,503	1,101	351,604
	Total Transfers Out		3,684,995	1,276	3,686,271
32	COMMUNITY SERVICES				
	<i>Transfers In</i>				
	032-0000-391.19-11	Transfer to (32) Comm Serv	3,334,492	175	3,334,667
	<i>Expenditures</i>				
	032-6106-450.44-07	Internet Support Fees	1,845	175	2,020

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
71	ALAMO SENIOR CENTER				
	<i>Transfers In</i>				
	071-0000-391.19-11	Transfer to (32) Comm Serv	350,503	1,101	351,604
	<i>Expenditures</i>				
	071-8116-445.44-07	Internet Support Fees	0	1,101	1,101

REVISION #16

Budget revision is requested to increase expenditures to budget the donations from ACS patrons that has been sitting in the Fund 74 Cash Fund Balance. The funds will be used for repairs that are needed.

74	ALAMO SENIOR CENTER GIFT FUND				
	<i>Expenditures</i>				
	074-0006-445.44-45	Building & Structures	14,388	38,975	53,363
ASCFIT	074-0006-445.44-45	Building & Structures	14,342	16,703	31,045
SCGF09	074-0006-445.44-45	Building & Structures	46	(46)	0
		Total Expenditures	28,776	55,632	84,408

REVISION #17

Budget revision is requested to adjust expenditures to purchase an easement for the Reclaimed Water Looping Project.

50	PROPERTY ACQUISITION				
	<i>Transfers In</i>				
EN1305	050-0000-391.19-89	Transfer fr (89) ESGRT .0625%	0	15,000	15,000
	<i>Expenditures</i>				
EN1305	050-0000-419.61-20	Property Acquisition	20,000	15,000	35,000
89	ESGRT .0625%				
	<i>Transfers Out</i>				
	089-0000-491.18-50	Trans to (50) Property Acq	0	15,000	15,000
	<i>Expenditures</i>				
EN1305	089-9399-990.68-99	ICIP	538,750	(15,000)	523,750

REVISION #18

Budget revision is requested to increase expenditures in Transaction Fees for the new Active Network Class software installed at the Recreation Center and Civic Center that the department missed during budgeting. The software for the departments went live in April 2015 and both departments needed to cover the Transaction Fees causing a deficit in June. If the patron pays for Recreation or Civic Center Fees by credit card on line, the patron pays the fee. If the patron walks into the Recreation Center or Civic Center to pay with a credit card or cash, the City Pays the Transaction Fee. FY16 currently has transaction fees charged to the line without a budget.

11	GENERAL FUND				
	<i>Transfers Out</i>				
	011-0000-491.18-32	Transfer fr (11) Gen Fund	3,334,667	6,000	3,340,667
20	LODGER'S TAX-CITY SHARE				
	<i>Expenditures</i>				
	020-0006-454.56-49	Transaction Fees	0	1,000	1,000

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
32	COMMUNITY SERVICES				
	<i>Transfers In</i>				
	032-0000-391.19-11	Transfer to (32) Comm Serv	3,334,667	6,000	3,340,667
	<i>Expenditures</i>				
	032-6106-450.56-49	Transaction Fees	0	6,000	6,000

REVISION #19

Budget revision is requested to increase revenue and expenditures for a Local Government Planning Grant with the New Mexico Finance Authority that this City is applying for to update its Local Economic Development Act (LEDA) plan. The plan is currently infused in Section 2-14 "Economic Development" of the City of Alamogordo Municipal Code. The City of Alamogordo adopted its LEDA plan August 13, 1996 in Ordinance No 983 and has far outlived its usefulness.

24	GRANT CAPITAL IMPROVEMENT				
	<i>Revenues</i>				
ED1601	024-0000-317.16-13	State Grant	0	50,000	50,000
	<i>Expenditures</i>				
ED1601	024-0000-419.57-34	Contract Services	0	50,000	50,000

Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

REVISED 12/08/06

ENTITY NAME: City of Alamogordo
FISCAL YEAR: 2015/2016
DFA Resolution Number: _____

For Local Government Division use only:

(A) ENTITY RESOLUTION NUMBER	(B) FUND	(C) REVENUE EXPENDITURE TRANSFER (TO or FROM)	(D) APPROVED BUDGET	(E) ADJUSTMENT	(F) ADJUSTED BUDGET	(G) PURPOSE
2015-40 #1	101	TRANSFER TO	(\$6,215,885)	\$67,927	(\$6,147,958)	Adjusting Internal Services
2015-40 #2	"	EXPENDITURE	\$12,680,339	\$15,000	\$12,695,339	Main Street Program
2015-40 #3	"	REVENUE	\$16,001,365	\$84,093	\$16,085,458	FEMA Grant
2015-40 #4	"	REVENUE	\$16,085,458	(\$20,795)	\$16,064,663	Reduction in APS Resource Program
2015-40 #4	"	EXPENDITURE	\$12,695,339	(\$37,357)	\$12,657,982	Reduction in APS Resource Program
2015-40 #10	"	REVENUE	\$16,064,663	\$250,000	\$16,314,663	Legislative Grant
2015-40 #10	"	EXPENDITURE	\$12,657,982	\$250,000	\$12,907,982	Legislative Grant
2015-40 #11	"	TRANSFER TO	(\$6,147,958)	(\$28,642)	(\$6,176,600)	Zoo Water Leak
2015-40 #15	"	TRANSFER TO	(\$6,176,600)	(\$1,276)	(\$6,177,876)	Internet Support Fees
2015-40 #18	"	TRANSFER TO	(\$6,177,876)	(\$6,000)	(\$6,183,876)	Transaction Fees
2015-40 #1	201	TRANSFER FROM	\$457,756	(\$95)	\$457,661	Adjusting Internal Services
2015-40 #1	"	TRANSFER TO	(\$30,304)	\$1,619	(\$28,685)	Adjusting Internal Services
2015-40 #17	202	TRANSFER TO	(\$800,000)	(\$15,000)	(\$815,000)	Property Easement
2015-40 #17	"	EXPENDITURE	\$622,628	(\$15,000)	\$607,628	Property Easement
2015-40 #5	211	REVENUE	\$114,400	(\$600)	\$113,800	Adjust Law Enforcement Grant
2015-40 #1	214	TRANSFER TO	(\$39,372)	\$219	(\$39,153)	Adjusting Internal Services
2015-40 #18	"	EXPENDITURE	\$806,449	\$1,000	\$807,449	Transaction Fees
2015-40 #1	216	TRANSFER TO	(\$3,804,041)	\$5,309	(\$3,798,732)	Adjusting Internal Services
2015-40 #7	"	REVENUE	\$2,618,058	\$622,239	\$3,240,297	FEMA Grant
2015-40 #7	"	EXPENDITURE	\$3,386,205	\$622,239	\$4,008,444	FEMA Grant
2015-40 #13	"	REVENUE	\$3,240,297	\$58,112	\$3,298,409	State Grant
2015-40 #13	"	EXPENDITURE	\$4,008,444	\$58,112	\$4,066,556	State Grant
2015-40 #14	"	REVENUE	\$3,298,409	\$11,500	\$3,309,909	Adjust KAB Grant
2015-40 #14	"	EXPENDITURE	\$4,066,556	(\$5,701)	\$4,060,855	Adjust KAB Grant
2015-40 #1	217	TRANSFER FROM	\$3,334,492	(\$11,256)	\$3,323,236	Adjusting Internal Services
2015-40 #1	"	TRANSFER TO	(\$459,763)	\$11,256	(\$448,507)	Adjusting Internal Services
2015-40 #11	"	TRANSFER FROM	\$3,323,236	\$28,642	\$3,351,878	Zoo Water Leak
2015-40 #15	"	TRANSFER FROM	\$3,351,878	\$175	\$3,352,053	Internet Support Fees
2015-40 #11	"	EXPENDITURE	\$3,505,380	\$28,642	\$3,534,022	Zoo Water Leak
2015-40 #15	"	EXPENDITURE	\$3,534,022	\$175	\$3,534,197	Internet Support Fees
2015-40 #18	"	TRANSFER FROM	\$3,352,053	\$6,000	\$3,358,053	Transaction Fees
2015-40 #18	"	EXPENDITURE	\$3,534,197	\$6,000	\$3,540,197	Transaction Fees
2015-40 #1	219	TRANSFER FROM	\$410,273	(\$6,743)	\$403,530	Adjusting Internal Services
2015-40 #1	"	EXPENDITURE	\$1,637,831	(\$6,254)	\$1,631,577	Adjusting Internal Services
2015-40 #1	"	TRANSFER TO	(\$14,451)	\$489	(\$13,962)	Adjusting Internal Services
2015-40 #9	"	REVENUE	\$1,373,800	\$3,000	\$1,376,800	Additional Grant Funds
2015-40 #9	"	EXPENDITURE	\$1,631,577	\$3,000	\$1,634,577	Additional Grant Funds
2015-40 #12	"	REVENUE	\$1,376,800	\$23,750	\$1,400,550	Additional Grant Funds
2015-40 #12	"	EXPENDITURE	\$1,634,577	\$23,750	\$1,658,327	Additional Grant Funds
2015-40 #15	"	TRANSFER FROM	\$403,530	\$1,101	\$404,631	Internet Support Fees
2015-40 #15	"	EXPENDITURE	\$1,658,327	\$1,101	\$1,659,428	Internet Support Fees

Department of Finance and Administration
Local Government Division
Financial Management Bureau
SCHEDULE OF BUDGET ADJUSTMENTS

2015-40 #1	299	TRANSFER FROM	\$473,797	\$5,145	\$478,942	Adjusting Internal Services
2015-40 #1	"	TRANSFER TO	(\$2,720,934)	(\$5,145)	(\$2,726,079)	Adjusting Internal Services
2015-40 #1	300	TRANSFER TO	(\$3,942,923)	(\$2,573)	(\$3,945,496)	Adjusting Internal Services
2015-40 #6	"	REVENUE	\$25,469,946	\$7,218	\$25,477,164	NMDOT Grant
2015-40 #6	"	EXPENDITURE	\$45,126,686	\$14,436	\$45,141,122	NMDOT Grant
2015-40 #8	"	EXPENDITURE	\$45,141,122	\$6,536	\$45,147,658	Loan & Grant Expenses
2015-40 #17	"	TRANSFER FROM	\$5,789,282	\$15,000	\$5,804,282	Property Easement
2015-40 #17	"	EXPENDITURE	\$45,147,658	\$15,000	\$45,162,658	Property Easement
2015-40 #19	"	REVENUE	\$25,477,164	\$50,000	\$25,527,164	LEDA Grant
2015-40 #19	"	EXPENDITURE	\$45,162,658	\$50,000	\$45,212,658	LEDA Grant
2015-40 #1	500 - Water	TRANSFER TO	(\$4,209,436)	\$31,639	(\$4,177,797)	Adjusting Internal Services
2015-40 #1	500 - Solid Waste	TRANSFER TO	(\$131,804)	\$2,635	(\$129,169)	Adjusting Internal Services
2015-40 #1	500 - Airport	TRANSFER TO	(\$33,169)	\$1,698	(\$31,471)	Adjusting Internal Services
2015-40 #1	500 - Golf Course	TRANSFER TO	(\$57,935)	\$2,869	(\$55,066)	Adjusting Internal Services
2015-40 #1	600	REVENUE	\$421,378	(\$3,532)	\$417,846	Adjusting Internal Services
2015-40 #1	"	TRANSFER FROM	\$2,983,869	(\$104,991)	\$2,878,878	Adjusting Internal Services
2015-40 #1	700	TRANSFER TO	(\$1,810)	(\$2)	(\$1,812)	Adjusting Internal Services
2015-40 #1	"	EXPENDITURE	\$4,635,677	(\$475)	\$4,635,202	Adjusting Internal Services
2015-40 #16	"	EXPENDITURE	\$4,635,202	\$55,632	\$4,690,834	Use Gift Funds
Total Adjustments				\$2,170,821		

ATTEST:

Title

(Date)

Mayor/Board Chairman

(Date)

Revised 2015-40 Revised 09/22/15

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 7.

Submitted By: Edward Balderrama,
Project Manager

Subject: Approve Change Order No. 3, Public Works Bid No. 2015-001 to General Hydronics, Inc. related to Water Service Line Replacement White Sands Blvd. 1st Street to 10th Street (UC1401) in an amount not to exceed \$6,611.01, including NMGR and close out the Project. *(Edward Balderrama, Project Manager)*

Fiscal Impact: \$6,611.01, including NMGR
Amount Budgeted: \$383,000.00
Fund: 81-9303-465.67-70 \$114,161.56 available UC1401

Additional Fiscal Impact:

Recommendation: Approve the final adjusting change order, Change Order No. 3, Public Works Bid No. 2015-001 to General Hydronics, Inc. related to Water Service Line Replacement White Sands Blvd. 1st Street to 10th Street (UC1401) in an amount not to exceed \$6,611.01, including NMGR and close out the Project.

Background: The work will consist of: direction boring new water service lines, excavation and backfilling of boring and receiving pits, abandonment of existing water service lines, adjustment of water valve boxes and installing concrete collars, removal and replacement of concrete flat work, concrete paving patch work and asphalt paving patch work and providing Manual of Uniform Traffic Control (MUTCD) compliant traffic control during the project, all within the city limits of Alamogordo, New Mexico.

CHANGE ORDER No. 3 - ADJUSTING BID TAB
WATER SERVICE LINE REPLACEMENT
WHITE SANDS BLVD. 1st STREET TO 10th STREET
Public Works Bid No. 2015-001

[illegible]

CONTRACT CHANGE ORDER
CHANGE ORDER NO. 3

WATER SERVICE LINE REPLACEMENT
WHITE SANDS BLVD. 1ST STREET TO 10TH STREET
Public Works Bid No. 2015-001

DATE: September 9, 2015

CONTRACTOR: General Hydronics, Inc.
1001 Zuni Drive, Suite C
Alamogordo, NM 88310-9044

OWNER: City of Alamogordo
1376 E. Ninth Street
Alamogordo, NM 88310

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

1. To adjust the final quantities, Code 1C: Change Order No. 3 will adjust the final in-place quantities. Item 417000 Pavement Patch had an overrun due to the fact that the addition pavement patch was not incorporated into Change Order No. 1, (Change Order No 1 was to over-excavate damaged sub-grade and curb/gutter which was cause by a leak on the old water service line to 511 White Sands Blvd.). Item No. 618000 Traffic Control Management has an overrun due to the fact that as part of Change Order No. 1 additional traffic control was required. See attached Bid Tab for bid item over/under runs. The amount for Change Order No. 3 is \$6,128.40 (13.8%), excludes, NMGRT.

REVISED CONTRACT AMOUNT

1. Original Contract Amount\$ 200,336.00*
2. Total Contract Amount Including Previously
Approved Change Orders\$ 222,024.00*
3. Amount of this Change Order (Increase).....\$ 6,128.40*
4. Total Revised Contract Amount To Date.....\$ 228,152.40*
5. Original Contract Completion Date May 26, 2015
6. New Completion Date Due to this Change Order..... June 19, 2015

* excludes New Mexico Gross Receipts Tax.

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

CHANGE ORDER ACCEPTED AND APPROVED:

BY: _____
Contractor

_____ Date

CHANGE ORDER RECOMMENDED:

BY: _____
Project Manager

_____ Date

CHANGE ORDER APPROVED BY MAYOR:

BY: _____
Mayor

_____ Date

BY: _____
City Attorney

_____ Date

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 8.

Submitted By: Brian Cesar, Public Works
Director

Subject: Consider, and act upon, approval of a Memorandum of Agreement with the New Mexico Energy, Minerals, and Natural Resources Department for the Alamo Canyon area. *(Brian Cesar, Public Works Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: None

Recommendation: Approve the MOA.

Background: Memorandum of Agreement supersedes an existing Joint Powers Agreement between the City of Alamogordo and the NMEMNRD.

**MEMORANDUM OF AGREEMENT
BETWEEN THE
NEW MEXICO ENERGY, MINERALS AND
NATURAL RESOURCES DEPARTMENT
AND
CITY OF ALAMOGORDO**

THIS MEMORANDUM OF AGREEMENT (MOA) is made and entered into by the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) and City of Alamogordo (Contractor). This MOA supersedes and terminates SHARE JPA 000...12277 (EMNRD No. 11-521-2301-0054).

WHEREAS, EMNRD from time to time receives funds from the State of New Mexico (State) and United States Department of Agriculture (USDA) to mitigate the threat of wildland fire and improve forest and watershed health; and

WHEREAS, EMNRD and the Contractor desire to enter into this Agreement for administrative efficiency so that the projects detailed in individual approved Project Work Plans can be carried out through a single program,

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE METHOD BY WHICH THIS PURPOSE SHALL BE ACCOMPLISHED IS AS FOLLOWS:

1. Both parties agree as follows:

A. Wildland Urban Interface (WUI) and Hazardous Fuels Reduction (HAZ) Grant Programs projects or other fuels reduction projects conducted under this Agreement shall involve work that emphasizes improving watershed areas on public and private land, the development of defensible space for individual homeowners, development of fuel breaks along common boundaries between private and public land, and assisting with thinning of individual lots and subdivision groups. There may be multiple projects conducted as part of this Agreement. Each project to be conducted under this Agreement shall follow the attached Project Work Plan (Exhibit A), as may be amended from time to time.

B. Contractor shall perform no work until the Project Work Plan is in place and EMNRD, acting through its Forestry Division, issues in writing a Notice to Proceed.

2. Contractor shall:

A. Consult with EMNRD and request the work to be performed based upon the needs of Contractor to improve natural resources on Contractor's lands through the performance of natural resource restoration. Such work shall be performed in those areas that have the greatest impact on mitigating the threat of wildfires and

improving forest and watershed health. Contractor shall coordinate its projects with activities being conducted by other entities where feasible.

B. Prepare a Proposed Project Work Plan (Exhibit A) for each individual project for consideration and approval by EMNRD.

C. Provide a written activity report of work completed as set forth in the Project Work Plan.

D. Provide EMNRD with invoices for payment supported by detailed certified statements of account documenting the services rendered for each payment as necessary but no more frequently than on a weekly basis.

3. EMNRD shall:

A. Either:

1) reimburse Contractor out of federal grant or state funds for all reimbursable costs incurred under this Agreement for materials and labor in an amount not to exceed the limit set in each approved Project Work Plan;

2) transfer to Contractor grant funds for materials and labor in an amount not to exceed the limit set forth in each approved Project Work Plan for the purpose(s) described in Section 1 above;

3) pay directly to a subcontractor, under contract to EMNRD and approved by Contractor for all costs incurred under this MOA for materials and labor in an amount not to exceed the limit set in each approved Project Work Plan; or

4) perform the work itself using inmate work crews and retain funds.

If EMNRD chooses option 3 or 4, it shall obtain Contractor's prior written approval to conduct the project, either by letter from Contractor or by securing Contractor's approval signature on the Project Work Plan.

EMNRD shall indicate the financial mechanism chosen for project (i.e. reimbursement, transfer of funds, or direct payment) in an approved Project Work Plan. Additionally, reimbursement is contingent upon Contractor expending matching funds, as set forth in each Project Work Plan. The matching amount shall be determined by EMNRD and documented in the Project Work Plan.

B. Make all disbursements for costs by voucher supported by approved purchase order or equivalent document and invoice from Contractor evidencing the propriety of each payment. Amounts charged for personal services will be based on payrolls maintained by Contractor and supported by time and attendance

sheets.

C. Provide overall guidance on goals and objectives for forest insect and disease and forest health program activities on state and private lands in New Mexico.

D. Inspect project implementation and certify work as being in compliance with each Project Work Plan.

4. **Term**: This Agreement becomes effective on EMNRD's signature and shall continue indefinitely unless earlier terminated pursuant to Section 5, Termination, or Section 6, Appropriations, below.

5. **Termination**: Either party may terminate this Agreement upon written notice delivered to the other at least 10 days prior to the intended termination date. By such termination, neither party may nullify or avoid any obligation required to have been performed prior to termination.

6. **Appropriations**: The terms of this Agreement are contingent upon the New Mexico State Legislature and USDA granting sufficient appropriation and authorization for the performance of this Agreement. If sufficient appropriation or authorization is not granted, either party may terminate this Agreement, or suspend performance pending approval of sufficient appropriation or authorization, upon written notice from one to the other. Either party's decision as to whether sufficient appropriations are available shall be final, binding and accepted by the other.

7. **Subcontracting**: Contractor shall not subcontract any portion of the services it performs under this Agreement or obligate itself in any manner to any third party, with respect to any rights or responsibilities under this Agreement, without EMNRD's prior written approval.

A. Contractor is required to provide EMNRD with evidence of competitive procurement for any subcontract, including records of advertisement of bid, proposals received and methods to select each subcontractor

B. Any subcontract shall include provisions necessary to allow Contractor to meet its obligations and requirements under this Agreement.

8. **Strict Accountability for Receipts and Disbursements**:

A. Contractor shall be strictly accountable for receipts and disbursements relating hereto and shall make all relevant financial records available to EMNRD, the Department of Finance and Administration, the New Mexico State Auditor, and USDA upon request, and shall maintain all such records for three years after the funding for each individual approved Project Work Plan has expired or has been terminated.

B. If Contractor receives \$500,000 or more in federal funding from all sources in the aggregate in a fiscal year, Contractor financial records involving services and procurement under this Agreement shall be audited annually pursuant to all federal, state, and local government audit requirements 2 C.F.R. Part 225 and OMB Circular and A-133, as prescribed by the Single Audit Act of 1984, or any subsequent OMB Circular. Contractor shall provide EMNRD with a copy of the independent financial audit, either in hard copy format or on disk, no more than 45 days after the audit's completion for each fiscal year this Agreement is in effect.

9. **Disposition, Division, or Distribution of Property; Return of Surplus Funds:** Upon expiration or termination of this Agreement, if either party has property or funds in its possession belonging to the other, it shall return the property or funds in proportion to the parties' original contribution.

10. **Equal Opportunity Compliance:** Contractor agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation, or gender identity be excluded from employment with or participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

11. **Compliance with Funding Source Conditions:** Contractor shall comply with all applicable state and federal statutes and rules and regulations the funding source imposes.

12. **Insurance Coverage:** By signing this Agreement, Contractor certifies that activities described in Section 1 above are covered by insurance as specified within this Section, secured in accordance with any method allowed by applicable law, including self-insurance, pooling of self-insured reserves, or insurance provided by a third party. Contractor shall maintain continuous insurance coverage as specified below of the activities described in Section 1 above so long as this Agreement is in effect. Failure to maintain such coverage is reason for this Agreement's immediate termination. Contractor shall notify EMNRD prior to cancellation or expiration of any insurance required under this Agreement.

A. Worker's Compensation protection that complies with the requirements of the New Mexico Workers' Compensation Act, NMSA 1978, § 52-1-1, *et seq.*, if applicable. If Contractor fails to comply with the Workers' Compensation Act and applicable rules when required to do so, EMNRD may terminate this Agreement.

B. Comprehensive public liability protection covering property damage and personal injury liability that may arise under this Agreement and any amendments hereto, in amounts equal or greater than liability limits set forth in NMSA 1978, § 41-4-19, as it may be amended from time to time.

13. **Amendment:** This Agreement shall not be altered, changed, or amended except by instrument in writing executed by the parties hereto.

14. **Existing Project Work Plans and Superseding of Existing Agreement:** Any Project Work Plans approved under Joint Powers Agreement (Agreement) No. 11-521-2301-0054 and not yet completed shall remain in full force and effect and shall be approved under this MOA as of the effective date of this MOA. The existing Agreement shall terminate upon the completion of the last existing Work Plan issued under that Agreement.

IN WITNESS WHEREOF, the parties have herein set their hand.

**STATE OF NEW MEXICO, ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT**

By: _____ Date: _____
Cabinet Secretary or Designee

CITY OF ALAMOGORDO

By: _____ Date: _____
Authorized Representative Signature

Printed Name and Title

Exhibit A

Wildland/Urban Interface and Hazardous Fuels Reduction

Grant Programs Project Work Plan for: _____

Project Number: _____

Project I.D. Funding: _____

Entity Determination: _____

Forestry Division Project Manager: _____

Project Title: _____

Project Coordinator: _____

Address: _____

Telephone Number: _____ **email:** _____

NOTE: All projects shall comply with 19.20.4.9 NMAC and 2 C.F.R. Part 200, if federal funds are used.

The Energy, Minerals and Natural Resources Department (EMNRD), Forestry Division (Forestry Division) may extend task due dates by written notice to the Contractor as long as the Forestry Division is satisfied that sufficient progress is being made. Any other changes shall require a written amendment to the work plan, approved by the Forestry Division Director or designee, following EMNRD contract review.

I. PROJECT DESCRIPTION: Explain the type of project(s) to be implemented, location(s) of areas to be treated, what is being threatened, and how threat to areas will be mitigated, etc.

II. PROJECT OBJECTIVES: Identify activities to be conducted under the scope of this project.

III. CONTRIBUTORS: List the private, local, tribal, state, or federal organizations that are contributing or participating in project implementation.

IV. BUDGET:

PROJECT REVENUE

(Insert additional columns to table if needed. Delete this instruction prior to submitting work plan for review.)

NOTE: If you are requiring the Contractor to thin a mandatory number of acres in Sections I or II, make sure that the number of acres required multiplied by the highest thinning rate does not exceed the total amount available for Contractual Services for Thinning.

Match is not required for projects funded with state funds; however EMNRD reserves the right to apply funding from this Work Plan as match for other federal funded programs. The Contractor must disclose if funds from this Work Plan will be used as match for other federal funds to prevent Contractor and the Forestry Division from claiming match on mutual or similar projects. When federal funds are used, Contractor shall provide **insert percentage of match required; if no match is required, insert N/A** % of match, unless the Forestry Division authorizes otherwise in writing. If the Forestry Division requires match for projects where federal funds are used, Contractor cannot use other federal funds for match. (See Exhibit 1, In-Kind Match or Landowner Reimbursement, for acceptable types of match.) Use extreme care in calculating the number of acres to be thinned. EMNRD can only reimburse for the amount specified in the rates for which EMNRD will reimburse per acre and the total amount reimbursed for this project cannot exceed the amount in the Grant Column for Contractual Services for Thinning.

CONTRIBUTORS	GRANT	CONTRACTOR	TOTAL
Dollars	\$	\$	\$
In-Kind Match	\$	\$	\$
Total	\$	\$	\$

PROJECT COSTS

CONTRIBUTORS	GRANT	CONTRACTOR	TOTAL
Administrative Costs not to exceed 5%, 10% or 15%) (Delete other percentages that do not apply.)			
Contractual Services	\$	Landowner labor: \$	\$

for Thinning*		Thinning Contractor payment: \$	
		Total: \$	
Total	\$	\$	\$

* Contractual Services/Contractor column should be used only if the landowner is doing the work or the landowner is paying (hard dollar) a portion of the subcontractor's service. If the landowner is completing the work, indicate in the Contractor portion of the Contractual/Thinning Services section what amount is thinning Contractor payment and what amount is landowner labor.

Total grant amount for the project awarded to the Contractor is \$XXXXX. EMNRD shall pay Contractor XX% of the total grant amount for administrative costs. Contractor shall use the remaining funding (\$XXXXXX) for contractual services to implement hazardous fuel reduction practices on a minimum of XXX acres using the following breakdown.

(Insert treatment type) (i.e. mechanical and chemical cut stump treatments):

XX acres x \$XXXX per acre (including New Mexico Gross Receipts Taxes) = \$XXXXX

(Insert treatment type) (i.e. chemical treatment of woody invasive re-sprouts):

XXX acres x \$XXX per acre (including New Mexico Gross Receipts Taxes) = \$XXXXX

Matching dollars (\$XXXXXX) will come from a combination of Contributor contributions and documented volunteer time.

V. PROJECT TIMELINE: Provide a timeline for major milestones, accomplishments, and completion date for project activities. The Forestry Division may extend task due dates by written notice to the Contractor as long as the Forestry Division is satisfied that sufficient progress is being made. Any other changes shall require a written amendment to the work plan, approved by the Forestry Division Director or designee, following EMNRD contract review.
Project Completion Date: _____.

Project Timeframe:

Month/Year Major Task (See examples below. Delete this instruction prior to submitting work plan for review.)

_____	Program Manager (Forestry Division) issues Contractor a Notice to Proceed.
_____	Contractor advertises and collects landowner applications.
_____	Contractor processes landowner applications and enters into landowner agreements. (Landowner agreements are required any time work is performed on property not owned by the contractor, regardless of whether the landowner is public or private.)
_____	Contractor (or Forestry Division) completes landowner practice plan.
_____	Landowner(s) begins thinning.
_____	Landowner(s) completes thinning.

Forestry Division and Contractor conduct final inspection.
Contractor submits invoices to Forestry Division for reimbursement.
Contractor submits final written report to Forestry Division.

VI. SITE SELECTION: What are the overall project boundaries, how were they selected, when, and by whom? Within the project boundary, how will specific projects be prioritized?

(Provide description of boundaries, selection, prioritization, etc. Delete this instruction before providing work plan for review.)

VII. ENVIRONMENTAL OR CULTURAL CLEARANCES: Who will obtain any necessary environmental or cultural clearances for the project area and how will this be done?

If federal funds are involved, Contractor shall assist the Forestry Division in obtaining any environmental or archeological information that the USFS may require pursuant to EMNRD's Cooperative Agreement with the USFS.

If the project occurs on non-federal or non-tribal land, the Contractor shall also ensure that landowners assist the Forestry Division in complying with the New Mexico Cultural Properties Act, NMSA, 1978, § 18-6-8.1 if there are any sites that are registered cultural properties and will be affected.

If the project occurs on non-federal or non-tribal land, the Contractor shall notify the Forestry Division prior to beginning treatment on selected property, so that the Forestry Division may verify through the Archeological Records Management Section (ARMS) if there are any sites that may require protection.

If the project occurs on non-federal or non-tribal land, and if the treatment may affect a registered cultural property, the Forestry Division shall afford the State Historic Preservation Officer a reasonable and timely opportunity in planning such undertaking as required by NMSA 1978, § 18-6-8.1.

VIII. PROJECT PROCEDURES: Identify the steps and activities to achieve the objectives. As an example, the steps should include, at a minimum, the assessment of the property, landowner's submittal of request for assistance, field inspections and priority ranking, completion of work on property, and final inspection and payments and reimbursement steps.

(You may use these or replace with your own; if replacing, be sure to state who is responsible for what actions. Delete this instruction before submitting work plan for review.)

- A. Contractor and Forestry Division staff prioritize project areas of concern.
- B. (If applicable) If work plan involves applications from individual landowners, Contractor selects applications based on prioritized areas of concern and enters into agreement(s) with the landowner(s).
- C. Contractor maps and marks trees within project area.
- D. Contractor completes or subcontracts required work elements.
- E. Forestry Division and Contractor conduct field inspection. Forestry Division approves project.

F. Contractor submits reimbursement as needed.

IX. LANDOWNER REQUEST FOR ASSISTANCE: Contractor shall use the attached form **Landowner Request for Assistance (Exhibit 2)**, to document a landowner's request for assistance from the Contractor. **(Mandatory: District must have documentation that landowner has requested assistance and must be attached)**

X. LANDOWNER AGREEMENTS: Contractor shall develop a landowner agreement that defines the relationship and responsibilities between Contractor and landowner during the project. The agreement should include a description of the property to be treated, landowner responsibilities, and permission to enter the property to conduct and inspect the project. This agreement shall be included in the project file and available to EMNRD for review.

XI. LANDOWNER PRACTICE PLAN: Contractor shall use the attached form **Landowner Practice Plan (Exhibit 3)**, or a close proximity thereof, to document the landowner's objectives and responsibilities, the property condition, and recommended treatments. If the Contractor deviates from this form, it shall first get EMNRD's written approval. **(Mandatory: There must be documentation of proposed treatment.)**

XII. PURCHASING METHODOLOGY FOR PROJECT: This project shall follow all procedures outlined in the New Mexico State Procurement Code.

XIII. PRIOR APPROVAL FOR ALL SUBCONTRACTS: Contractor shall provide EMNRD all necessary information in a timely fashion for prior approval of all subcontracting to occur with this project.

XIV. BILLING INSTRUCTIONS: Contractor shall invoice EMNRD for this project at a minimum of once a quarter, but no more frequently than monthly. Contractor must bill Administrative Costs at _____ (insert percentage amount from Budget Section here) of the amount billed for Contractual Services.

(Insert language covering how you want the Contractor to bill you if it is different than what's above. Make sure it matches any payment language you have inserted elsewhere in the work plan. Delete this instruction before submitting work plan for review.)

XV. PAYMENT TRACKING: Contractor shall maintain a budget in a spreadsheet format and provide updated copies to EMNRD on a monthly basis. At a minimum, the spreadsheet shall list the following:

- Landowner name
- Date applied
- Date approved
- Grant funds obligated
- Subcontractor
- Notice to proceed date
- Inspection request date
- Work approved date
- Invoice date
- Subcontractor paid date

- Amount paid
- In-kind
- Acres treated

XVI. REPORTING: Contractor shall submit progress reports to ENMRD with each billing. Progress reports shall include the number of acres thinned.

XVII. CLOSE OUT: Contractor shall submit a final project file package to ENMRD when all work is finished, all financial transactions are completed, and the Forestry Division accepts the work.

XVIII. INSPECTIONS AND CERTIFICATION: Contractor shall use the attached form Wildfire Mitigation Inspection (Exhibit 4) to document project completion. If the Contractor deviates from this form, it shall first get EMNRD's written approval of the changes. **(Mandatory: Contractor shall use the attached form.)**

XIX. DOCUMENTATION OF MATCH: If applicable, include a statement of how this will be performed. Contractor shall use the attached form Volunteer Sign-Up Sheet (Exhibit 5), or a close proximity thereof, to document in-kind contributions. The value of Volunteer time is **\$22.50 per hour**. (This value is established by Independent Sector, a nonpartisan leadership network for nonprofits, foundations, based on the average hourly earnings of all production and nonsupervisory workers on private nonfarm payrolls as determined by the U.S. Bureau of Labor Statistics. Independent Sector takes this figure and increases it by 12% to estimate for fringe benefits).

XX. CERTIFICATE OF PAYMENT: Contractor shall also use the attached form Certificate for Payment (Exhibit 6) when requesting reimbursement from EMNRD and shall include certified invoices and volunteer match forms. **(Mandatory: Contractor shall use the attached form.)**

XXI. INVOICE PACKAGE: Contractor must submit the following documentation with each invoice: invoices from subcontractors or landowners, inspection report, certificate of payment, documentation of match (see **Exhibit 1** for acceptable documentation), and a written narrative progress report (can be the narrative provided on the inspection report).

(If the Contractor is determined to be a Subrecipient, the following must be included in this work plan. Delete the following section in its entirety if the entity is not determined to be a Subrecipient. Delete this instruction before submitting work plan for review.)

XXII. SUBRECIPIENT INFORMATION AND REQUIREMENTS:

[Insert Entity Name], [insert DUNS # _____] has been determined to be a subrecipient and is hereby notified of the identifying federal award information as follows:

Catalog of Federal Domestic Assistance (CFDA) Number: 10.664

CFDA Project Title: Cooperative Forestry Assistance

Federal Awarding Agency: U.S. Department of Agriculture-Forest Service

Pass-Through Entity: EMNRD-Forestry Division

Federal Award Identification Number (:): DG# _____

Federal Award Date: [Insert the date when the federal award is signed by the authorized official of the federal awarding agency]

Subaward Period of Performance: Begins on the date of the signed Notice to Proceed and expires on the Project Completion Date in Section V., Project Timeline.

Subrecipient's award is not for research and development.

Subrecipient shall comply with all applicable state and federal statutes and rules or regulations imposed as a consequence of funding pursuant to this Agreement.

Suprecipient shall permit the Forestry Division, U.S. Forest Service, and auditors to have access to the records and financial statements as necessary for the Forestry Division to comply with OMB Circular A-133, Subpart D (d) (7).

If any part of this Agreement is federally-funded in an amount equal to or greater than \$25,000, to an entity determined to be a subrecipient, EMNRD-Forestry Division will disclose subaward information pursuant to the Federal Funding Accountability and Transparency Act (FFATA) using FFATA Subaward Reporting System (FSRS). The FFATA or Transparency Act-P.L. 109-282, as amended by section 6202(a) of P.L. 110-252 requires the Office of Management and Budget (OMB) to maintain a single, searchable website that contains information on all federal spending awards. The site is www.USAspending.gov.

A subrecipient that expends \$750,000 or more of federal awards (in the aggregate from any source) in a fiscal year is required to obtain an annual audit in accordance with 2 C.F.R Part 200, Audit Requirements §200.501 through §200.512 and Appendix XI to Part 200 - Compliance Supplement. A subrecipient that does not meet the \$750,000 audit threshold (Tier 7), must complete the Certification (Tiers 1 or 2) or Agreed Upon Procedures (Tiers 3 - 6) in accordance with the Audit Act, NMSA 1978, §§ 12-6-1 through 12-6-14. Compliance with state audit requirements requires one of the above mentioned tiers to be on file with the New Mexico Office of the State Auditor (OSA).

A subrecipient that qualifies for Tiers 1 or 2 must submit a copy of the certification electronically to the Forestry Division federal grant coordinator or designee annually. The Forestry Division will download Tiers 3-7 requirements directly from the OSA website for review annually. Please note: If a subrecipient has a Single Audit (Tier 7) conducted, please ensure the Forestry Division is identified as the pass-through entity and the subaward number assigned is listed on the subrecipient's Schedule of Expenditures of Federal Awards report as the pass-through entity. Non-compliance with the Single Audit Act or the State Audit Act, as cited above, may result in a loss of federal funds awarded to the subrecipient.

Subrecipient is subject to the terms and conditions herein, except with respect to the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements under 2 C.F.R. Part 200, Subparts A – F. The terms and conditions of federal awards flow down to subawards and subrecipients unless a particular section of 2 C.F.R. Part 200, Subparts A – F, or the terms and conditions of the federal award specifically indicate otherwise.

INSERT CONTRACTOR NAME HERE

Authorized Representative (Please print name)

Signature: _____ Date

EMNRD FORESTRY DIVISION

Approved by:

State Forester or Designee Date

Exhibit 1

In-kind match or landowner reimbursement

Exhibit A – Costs that can be used as in-kind match or landowner reimbursement	
Federal grant funds are governed by the cost principles of the Office of Management and Budget (OMB). Allowable costs are those costs identified in the relevant OMB circulars and in the grant program's authorizing legislation. To be allowable under Federal awards, costs must be reasonable, allocable, and necessary to the project, and they must also comply with the funding statute requirements.	
Category	Documentation Required
Salaries and Wages	
Volunteer Time - landowner Rate includes 10% for benefits.	Volunteer Sign-up sheet or a close proximity thereof.
Equipment & Maintenance	
Dozer	Equipment Shift ticket or similar
Tractor/loader	Equipment Shift ticket or similar
Trailer	Equipment Shift ticket or similar
4-wheeler	Equipment Shift ticket or similar
Chipper	Equipment Shift ticket or similar
Skidder	Equipment Shift ticket or similar
Masticator	Equipment Shift ticket or similar
Feller Buncher	Equipment Shift ticket or similar
Personal Chainsaw	Equipment Shift ticket or similar
Fuel tank rental	Charged at their actual costs, receipts must be provided
Oil changes and filters	Charged at their actual costs, receipts must be provided
Supplies	
Chainsaw Fuel	Receipt for the fuel charges, and hours that chainsaw was used
Herbicide	Charged at their actual costs, receipts must be provided
Sprayers	Charged at their actual costs, receipts must be provided
Chainsaw parts	Charged at their actual costs, receipts must be provided
Field supplies	Charged at their actual costs, receipts must be provided
Consulting/Contractual	
Aerial Application	Charged at their actual costs, receipts, invoices or accounting entries must be provided
Mapping	Charged at their actual costs, receipts, invoices or accounting entries must be provided
Vehicle Costs	
Mileage	Can charge the current State's mileage reimbursement amount
Advertising	
Notices/Legals	Charged at their actual costs, receipts must be provided

Exhibit 2

LANDOWNER REQUEST FOR ASSISTANCE

Project Title: _____

Name: _____

Address: _____ Zip: _____

Phone: _____ e-mail: _____

Legal Description: T_____ R_____ SEC_____

Geographic Location (subdivision): _____

Property Owner: YES___ NO___ Proof of Insurance: YES___ NO___

Total Acres: _____

Interested in Thinning ___ Defensible Space___

FOREST TYPE: Piñon/Juniper _____
Ponderosa Pine _____
Mixed Conifer _____

Prior Activity (*Please describe any forestry, erosion control, or wildlife enhancements performed in the last five years*): _____

I understand that the defensible space and fuel reduction work will need to be maintained and agree to complete the maintenance work as long as I own this land.

Signature: _____ Date: _____

OFFICE USE: Approved _____ For_____

Rejected _____ Reason_____

Priority_____ Contractor_____

Exhibit 3

LANDOWNER PRACTICE PLAN

PROJECT TITLE : _____

NAME: _____

ADDRESS: _____ ZIP: _____

PHONE: _____ e-mail: _____

LEGAL DESCRIPTION: T _____ R _____ SEC _____ COUNTY: _____

GEOGRAPHIC LOCATION: (subdivision) _____

TOTAL ACRES: _____ INSURANCE CO./POLICY #: _____

.....
LANDOWNER SHORT TERM OBJECTIVES: (CHECK ALL THAT APPLY)

- _____ To create defensible space and reduce the wildfire hazard in a highly vulnerable Wildland/Urban Interface or Hazardous Fuels Reduction area.
- _____ To thin ____ acres of forested land to improve overall forest health and control disease and insect pests.
- _____ To increase the vigor and growth rate of residual trees while removing excess, poor quality, dead, and dying trees.
- _____ To improve the diversity of grasses, forbs, and wildflowers for wildlife forage production in the treated area.
- _____ Other: _____

.....
LANDOWNER LONG TERM OBJECTIVES: (CHECK ALL THAT APPLY)

- _____ To reduce the long-term wildfire hazard on the property in the wildland/urban interface or hazardous fuels reduction area.
- _____ To improve and maintain the overall health and vigor of the forest by periodic thinning of overstocked stands.
- _____ To improve the productivity and health of the watershed.
- _____ To protect and improve wildlife habitat, and enhance the aesthetic value of the forest.
- _____ To serve as an example to other residents of how active forest management can improve property values.
- _____ Other _____

TREATMENT PLAN: (*Narrative*)

DEFENSIBLE SPACE:

THINNING:

LANDOWNER RESPONSIBILITIES: (Define or describe landowner responsibilities. Examples for defensible space might include moving woodpile, raking needles and litter around structures, cleaning brush/debris around LP tank, installing spark arrestors on chimneys (required), etc. Examples for WUI or Hazardous Reduction thinning might include maintaining fences, maintaining access (roads), re-seeding where applicable, controlling erosion, maintaining defensible space and fuel loading with periodic cutting, clearing, etc.)

SITE DESCRIPTION

TREATED ACREAGE:

FOREST TYPE:

AVERAGE SLOPE CLASS:

Def. Space: ____

____ Piñon/Juniper

____ Less than 10%

Thinning: ____

____ Ponderosa Pine

____ 10-20%

____ Mixed Conifer

____ 20-30%

Aspect: _____

____ Other

____ Greater than 30%

BASAL AREA:

Before Treatment: _____

Sq. Ft./Acre

Estimated # of trees per acre

After Treatment: _____

Sq. Ft./Acre

Removed: _____

Method of Slash Disposal: _____

Treatments Completed: _____

DATE: _____

CONTRACTOR: _____

CERTIFIED BY: _____



Exhibit 4
PROJECT INSPECTION FORM

Landowner Information (please print)

Landowner's Name _____
Address _____
City _____ State _____ Zip _____
Phone _____ E-mail _____
Latitude _____ Longitude _____
Inspector name: _____

Completed Wildfire Mitigation Activities (Attach Completed Landowner Request for Assistance Form.)

Basal Area Check (if applicable): _____

GPS confirmation of completed acres (Must provide spatial data to the Division): _____

1. (*Treatment Type, Defensible Space, Heavy Thin, Riparian, etc.*) _____

Acres treated @ rate: _____

Inspection and treatment narrative (required): _____

Approved: _____ Date _____
Authorized representative

EMNRD Forestry Division Review (if applicable): _____ Date _____

Exhibit 5
VOLUNTEER SIGN-UP SHEET

PROJECT TITLE: _____

Name: _____ Phone: _____

Address: _____ Zip: _____

Name: _____ Phone: _____

Address: _____ Zip: _____

Name: _____ Phone: _____

Address: _____ Zip: _____

Name: _____ Phone: _____

Address: _____ Zip: _____

Name: _____ Phone: _____

Address: _____ Zip: _____

Name: _____ Phone: _____

Address: _____ Zip: _____

FOR OFFICE USE ONLY:

Date: _____

Location: _____

Volunteers: _____ Hours: _____ Signature: _____

Time: _____

Staff Present: _____

PROJECT TITLE: _____

PROJECT NUMBER: _____

PROJECT NAME: _____

PROJECT DATE: _____

1. A. SITE LOCATION: _____

B. SITE COUNTY: _____

2. TYPE OF PROJECT:

☐ Thinning

☐ Chipping

☐ Lumber

3. CONTACT PERSON: _____ PHONE: _____

Address: _____

4. COOPERATING ORGANIZATIONS: _____

5. AGENCY PERSONNEL: _____

6. VOLUNTEERS: # Vol. _____ X Hours _____ X \$ _____ * = \$ _____

7. TECHNICAL SUPPORT: Hours _____ X \$ _____ * = \$ _____

8. COST: _____ No. _____ X _____ = \$ _____

_____ No. _____ X _____ = \$ _____

_____ No. _____ X _____ = \$ _____

9. COMMENTS:

PREPARED BY: _____ DATE: _____

*Rate set annually by EMNRD Forestry Division.

PROJECT TITLE: _____

VOLUNTEER TIME SHEET

DATE: _____

NAME OF PERSON/GROUP: _____

NO. OF VOLUNTEERS: _____

CONTACT PERSON: _____ TELEPHONE: _____

ADDRESS: _____

NO. OF HOURS WORKED: _____

TYPE OF PROJECT: _____

ADDITIONAL INFORMATION: _____

Exhibit 6

**[INSERT VENDOR REMIT TO NAME/ADDRESS]
CERTIFICATE FOR PAYMENT**

Project Title: _____

Project Number: ____-____-____

[Remit to address]

Contract No.: _____ Billing No.: _____ Billing Date _____ Terminate: _____

Accomplishment: _____ No. Acres: _____ No. Projects: _____

Billing represents work completed beginning (date) _____ through (date): _____

ITEM	MATERIAL OR WORK PERFORMED	GRANT AMOUNT	\$ DUE THIS BILLING	PREVIOUS BILLINGS	BALANCE REMAINING
1	Contractual Services				
2					
3					
4					
	Subtotal				
	TOTAL CONTRACT				

CERTIFICATION

I hereby certify that the work described herein has been performed and that no previous payment for the Total Amount Due this Statement, as shown above, has been received.

By: _____
EMNRD Forestry Division Project Manager

By: _____
Authorized Project Representative

Date: _____

Date: _____

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 9.

Submitted By: Nancy Jacobs, Deputy Clerk

Subject: Consider, and act upon, the placement of a new Resident Parking Only sign for home located at 413 Oregon Ave. *(Nancy Jacobs, Deputy Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the placement of one sign at the above-listed property upon the applicant's payment of \$100.00.

Background: Pursuant to Section 24-01-080 of the Alamogordo Code of Ordinances, no residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.

Alicia Carabajal is requesting one (1) Resident Parking Only sign for her home at 413 Oregon Ave. This property is within 500' of Washington Park. The application and a location map are attached.

RECEIVED
AUG 28 2015
CITY CLERK

APPLICATION FOR "RESIDENT PARKING ONLY" SIGN

Name: Alicia Carabajal

Phone: 575-443-3040

Address Where Sign is Requested: 413 Oregon Ave
Alamogordo, NM 88310

Pursuant to Section 24-01-080 of the Alamogordo Code of Ordinances, no residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.

List the reason(s) for your request (please PRINT and be as detailed as possible):

Our house is across from the park, when the little leagues practice for foot ball, soccer the parents end up parking in front of our house, so where we can not park our own vehicles or our company can not park in front of house.

I understand that if approved, I will have to pay a \$100 fee (per sign) to cover the cost of the sign and installation.

Alicia Carabajal
Applicant's Signature

8/28/15
Date

For Office Use Only:

City Commission Meeting Date: _____

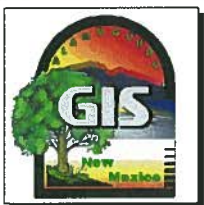
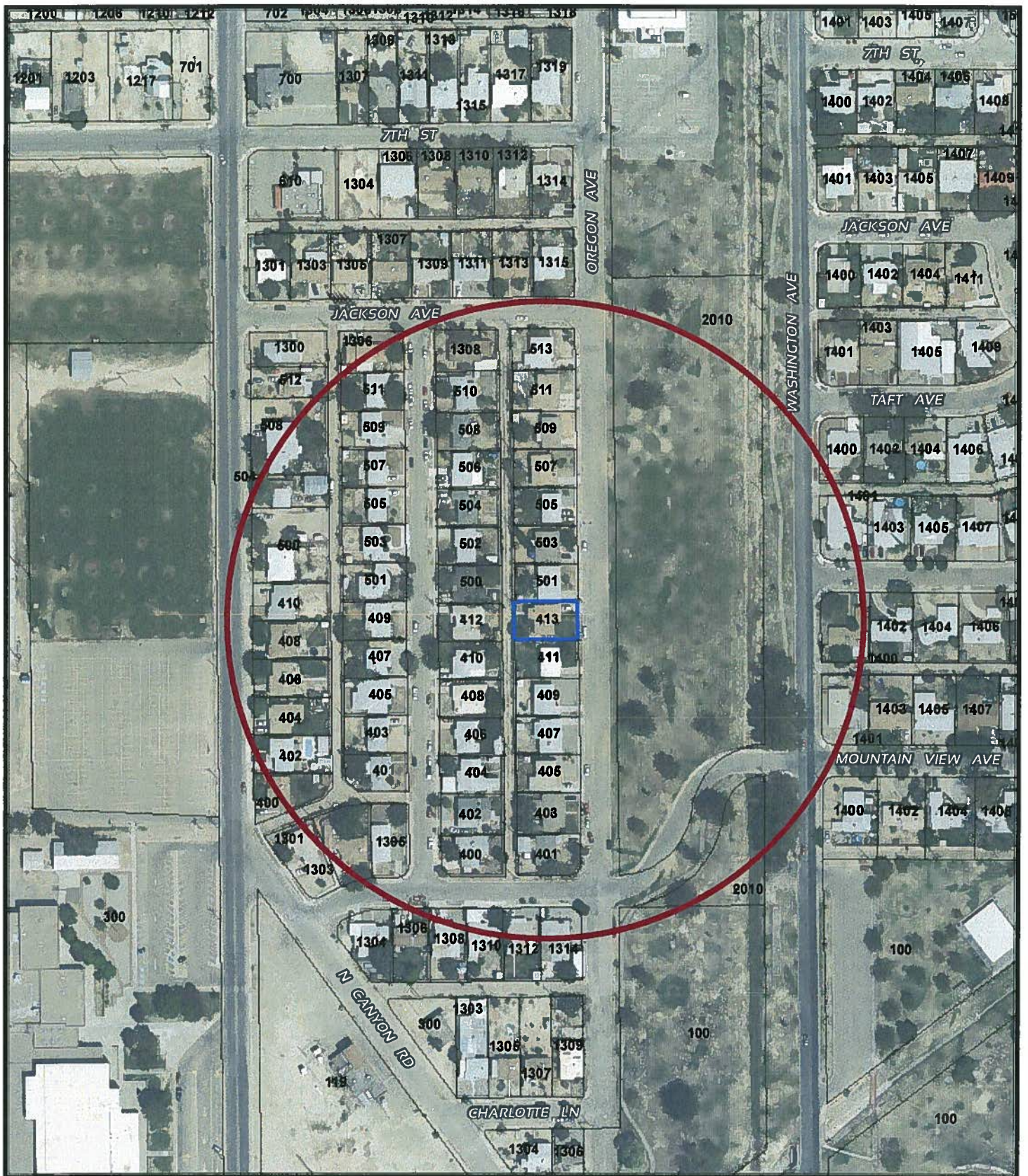
Action: _____ APPROVED _____ DENIED

Vote: _____

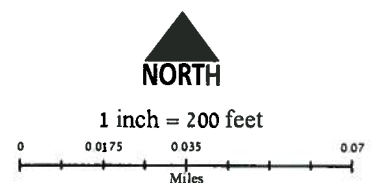
Date Applicant Notified: _____

Payment Date & Receipt No.: _____

Date Work Order Requested: _____



413 Oregon Avenue
500' Radius



The City of Alamogordo makes no representation as to the validity of accuracy of the information given herein and the user is responsible for making such further investigation and inquiries as necessary in order to properly consider such permanent and temporary appearances.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 10.

Submitted By: Nancy Jacobs, Deputy
Clerk

Subject: Approve the incorporation into the minutes of the Governing Body the final approval by the NM Department of Finance and Administration of the City's final budget for the 2015-2016 Fiscal Year. (*Renee Cantin, City Clerk*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the incorporation into the minutes.

Background: As shown on the attached letter, the Department of Finance and Administration has granted approval of the City of Alamogordo Municipal Budget for Fiscal Year 2015-2016. This action is required to comply with Section 6-6-5, New Mexico Statutes Annotated, 2010 Compilation.

SUSANA MARTINEZ
GOVERNOR



THOMAS E. CLIFFORD, PH.D.
CABINET SECRETARY

RICK LOPEZ
DIRECTOR

BILL R. GARCIA
Deputy Director

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION

Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

September 2, 2015

The Honorable Susie Galea
City of Alamogordo
1376 East Ninth Street
Alamogordo, NM 88310

Dear Mayor Galea:

The final budget for your local government entity ("entity") for Fiscal Year 2016, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit for Fiscal Year 2014 should have been submitted to the Office of the State Auditor as of this time. The LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with NMSA 1978, Section 6-6-2 (E) (2011), the LGD certifies your entity's final Fiscal Year 2016 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to NMSA 1978, Section 6-6-5 (1957). In addition, NMSA 1978, Section 6-6-6 (2001) provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

Due to estimated expenditures and transfers exceeding estimated revenue, the General Fund cash balance is being depleted. Careful monitoring and aggressive revenue collections is recommended to avoid financial problems in the future.

Finally, as required by NMSA 1978, Section 6-6-2 (H) (2011), LGD is required to approve all transfers between line items and revised budgets for expenditures not included in the final approved budget.

If you have questions regarding this matter, please call Paula Flores of my staff at 505-827-8065.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Lopez".

Rick Lopez, Director
Local Government

xc: file

MUNICIPALITY:
City of Alamogordo

New Mexico Department of Finance and Administration
Local Government Division
Budget Request Recapitulation
APPROVED FOR BUDGETING TO
SECTION 6-6-2 NMSA 1978
LOCAL GOVERNMENT DIVISION

ROUNDED TO NEAREST DOLLAR

BY

Silvia M. Rodriguez

DATE *9/21/15* Fiscal Year 2015-2016

FUND TITLE	FUND NUMBER	UNAUDITED BEGINNING CASH BALANCE @ JULY 1	INVESTMENTS	BUDGETED REVENUES	BUDGETED TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
GENERAL FUND - Operating (GF)	101	\$1,914,968	\$5,791,203	16,001,365	(5,615,885)	12,680,339	\$5,411,312	1,056,695	\$4,354,617
CORRECTION	201	\$36,770	\$45,100	195,235	427,452	643,517	\$61,040		\$61,040
ENVIRONMENTAL GRT	202	\$125,129	\$2,048,845	1,049,141	(800,000)	622,628	\$1,800,487		\$1,800,487
EMS	206	\$0	\$0	0	0	0	\$0		\$0
ENHANCED 911	207	\$0	\$0	0	0	0	\$0		\$0
FIRE PROTECTION FUND	209	\$28,311	\$544,851	602,923	0	912,382	\$263,703		\$263,703
LEPF	211	\$2,837	\$0	114,400	0	112,983	\$4,254		\$4,254
LODGERS' TAX	214	\$78,750	\$244,051	668,032	(39,372)	806,449	\$145,012		\$145,012
MUNICIPAL STREET	216	\$298,207	\$2,783,731	2,618,058	(1,869,477)	3,386,205	\$444,315		\$444,315
RECREATION	217	\$6,675	\$0	628,976	2,874,729	3,505,380	\$5,000		\$5,000
INTERGOVERNMENTAL GRANTS	218	\$0	\$0	0	0	0	\$0		\$0
SENIOR CITIZEN	219	(\$121,791)	\$0	1,373,800	395,822	1,637,831	\$10,000		\$10,000
DWI PROGRAM	223	\$0	\$0	0	0	0	\$0		\$0
OTHER	299	\$279,811	\$2,697,301	1,778,621	(2,247,137)	797,555	\$1,711,041		\$1,711,041
CAPITAL PROJECT FUNDS	300	\$2,703,354	\$35,104,605	25,469,946	1,846,359	45,126,686	\$19,997,579		\$19,997,579
G. O. BONDS	401	\$0	\$922,718	1,013,791	0	1,184,259	\$752,250		\$752,250
REVENUE BONDS	402	\$503	\$453,018	15,117	839,838	839,838	\$468,638		\$468,638
DEBT SERVICE OTHER	403	\$0	\$1,141,478	0	3,978,941	3,978,941	\$1,141,478		\$1,141,478
ENTERPRISE FUNDS	500								
Water Fund		\$402,756	\$10,696,069	9,959,908	(4,111,023)	12,937,129	\$4,010,581		\$4,010,581
Solid Waste		\$78,871	\$204,307	2,016,674	(131,804)	1,855,297	\$312,750		\$312,750
Waste Water		\$0	\$0	0	0	0	\$0		\$0
Airport		\$93,210	\$144,799	250,060	(33,169)	360,648	\$94,252		\$94,252
Ambulance		\$0	\$0	0	0	0	\$0		\$0
Cemetery		\$0	\$0	0	0	0	\$0		\$0
Housing		\$0	\$0	0	0	0	\$0		\$0
Parking		\$0	\$0	0	0	0	\$0		\$0
Bonito Lake		\$3,796,024	\$0	3,590,423	1,416,768	8,495,746	\$307,469		\$307,469
Golf Course		\$137,026	\$35,316	1,899,018	85,899	2,062,188	\$95,072		\$95,072
Other Enterprise (enter fund name)		\$0	\$0	0	0	0	\$0		\$0
Other Enterprise (enter fund name)		\$0	\$0	0	0	0	\$0		\$0
INTERNAL SERVICE FUNDS	600	\$20,000	\$389,741	421,378	2,983,869	3,666,495	\$148,493		\$148,493
TRUST / AGENCY FUNDS	700	\$1,733,179	\$5,332,330	2,953,462	(1,810)	4,635,677	\$5,381,484		\$5,381,484
Grand Total		\$11,614,592	\$68,579,463	620,328	\$0	\$110,248,172	\$42,566,210	\$1,056	\$41,509,515

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 11.

Submitted By: Stephen Thies, City Attorney

Subject: Approve the final publication of Ordinance No. 1500 to amend Section 16-02-090 of the City Code to define a quorum for the conduction of business for the Alamogordo Public Library Advisory board. **(Roll Call vote required)** *(Stephen Thies, City Attorney)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval.

Background: The Library Board has requested the City Commission revise the ordinance which creates this particular advisory board in light of the recent action of the County Commission to discontinue its financial support of the library. The change requested by the Library Board is a modification to the number of members required to be present for a quorum. The proposed change provides that a quorum will consist of a simple majority of the existing membership.

Commission is requested to approve the ordinance for final publication.

ORDINANCE NO. 1500

**AN ORDINANCE AMENDING SECTION 16-02-090
OF THE CITY CODE TO DEFINE A QUORUM FOR THE
CONDUCT OF BOARD BUSINESS**

Section 1

BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Section 16-02-090 of the *Code of Ordinances of the City of Alamogordo, New Mexico, Advisory Board*, is hereby amended to read as follows:

16-02-090. - Meetings.

- (a) A simple majority of the filled board positions shall constitute a quorum for the purpose conducting board business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting. The board may adopt additional rules to govern its proceedings.
- (b) All meetings shall be open to the public and insofar as possible shall be held at public-owned facilities. The board shall meet at least monthly, and may hold additional meetings at its discretion. Notice of the time, place and agenda meetings must be published as prescribed by the library's public meetings resolution.
- (c) The librarian is an ex officio member of the board, being responsible for administration of library facilities.
- (d) Board minutes shall be brief and include date and place of meeting, attendance, items discussed, and action recommended. Minutes shall be filed with the city clerk and county clerk and sufficient copies forwarded to the mayor and chairman for distribution as prescribed.
- (e) Minutes of the last monthly meeting each term year (July first through June thirtieth) shall contain a summary of recommendations and record of attendance of members for the term year.

Article 2

This ordinance shall take effect upon its adoption and publication.

DONE this _____ day of _____, 2015

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

Nancy Jacobs, Deputy City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 12.

Submitted By: Ruben Segura, City Planner

Subject: Consider and act upon the first publication of Ordinance No. 1502 - Zoning Request Case Number Z-2015-0002(A) to amend the official zoning map of the City of Alamogordo to rezone the property located at 2212 Eudora Street from R-1 Single Family Dwelling to C-3 Business. *(Ruben Segura, City Planner/Grants Coordinator)*

Fiscal Impact: None

Amount Budgeted: \$0.00

Fund: N/A

Additional Fiscal Impact:

Recommendation: The Planning and Zoning Commission recommended approval for first publication of Ordinance 1502 to amend the official zoning map to rezone the property by a vote of 4-0-0, at their September 3, 2015 regular meeting. Staff makes the same recommendation.

Background: Property owners are requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 2212 Eudora Street from R-1 Single Family Dwelling to C-3 Business, per Section 29-01-020 of the City Municipal Code.

Staff recommendation for approval is based on the following Findings of Fact (please see attached staff report):

1. The property is located at 2212 Eudora Street within the R-1 Single Family Dwelling District; more specifically identified as Tax Parcel #01-06361
2. The request is for a map amendment to rezone the property to C-3.
3. The application was filed on July 7, 2015.
4. The legal notice was run on August 16, 2015.
5. The adjoining property owners were notified on August 14, 2015.
6. Twelve (12) letters were mailed by certified/return receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the rezoning is sought.
7. As of September 3, 2015 one letters was received as undeliverable
8. One (1) property owner met with the Planning and Zoning Administrator for clarification of the case.
9. The Planning and Zoning Commission in its September 3, 2015 Planning and Zoning Commission meeting recommended to the City Commission approval to amend the official zoning map of the City of Alamogordo to rezone the property located at 2212 Eudora Street from R-1 Single Family Dwelling to C-3

Business.



City of Alamogordo

Planning and Zoning Commission



REZONING REQUEST CASE:
Z-2015-0002(A)

Ruben Segura, City Planner
September 22, 2015

Zoning Request Case: Z-2015-0002(A)

Request:

The applicant is requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 2212 Eudora St. from R1 – Single Family to C-3 Business.

Owner(s)/Applicant:

J. Blair Rhodes (Trustee: John B. Rhodes Estate)
P.O. Box 31412
Amarillo TX. 79121-1412



Zoning Request Case: Z-2015-0002(A)

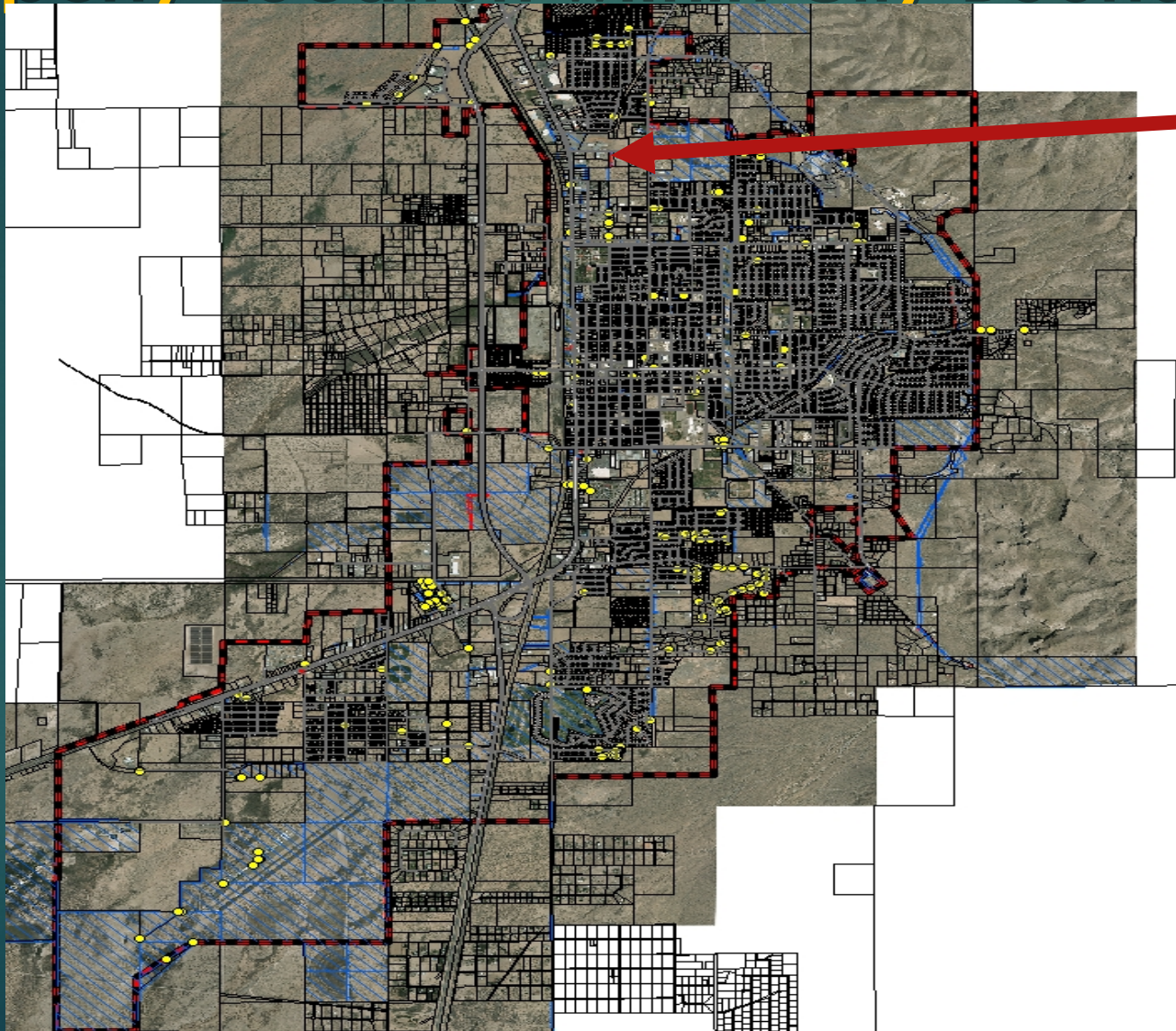
Section 29-01-020 – Amendments and Changes

Petition for amendment. From time to time, the city, after public notice and hearing, may amend the zoning regulations and established districts. Amendment may be initiated by motion of the city commission; by petition of the owners of the property to be affected; or by petition of one (1) or more agents, designated in an acknowledged power of attorney, or owner or owners of the property affected. Every such proposed amendment shall be considered by the planning and zoning commission before being considered by the city commission.



Zoning Request Case: Z-2015-0002(A)

Property Location within City Boundaries



2212 Eudora St.

Zoning Request Case: Z-2015-0002(A)

Areal
Photo

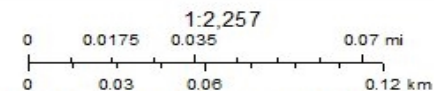
Alamogordo Web Map



September 1, 2015

Parcels

☐ S_USA.Section



The Forest Service uses the most current and complete data available. GIS data and product accuracy may vary. They may be developed from sources

COA GIS



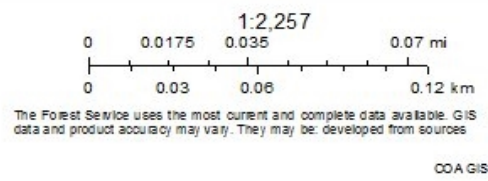
Zoning Request Case: Z-2015-0002(A)

Alamogordo Web Map



September 1, 2015

- Parcels
- Zoning Districts
- R-1 Single-Family Dwelling
 - MH-1 Manufactured Housing Subdivision
 - MH-2 Manufactured Housing Park
 - C-3 Business
 - M-1 Light Industrial
 - S_USA.Section



Zoning Request Case: Z-2015-0002(A)



Existing Building Structures on 2212 Eudora Street



Zoning Request Case: Z-2015-0002(A)



Adjacent Lot on **North** Section of Property –
Heating & Cooling Business – C-3 (Business)

Adjacent Lot on **South** Section of Property –
Storage Units Facility – M1- (Light Industrial)



Zoning Request Case: Z-2015-0002(A)



Adjacent Lot on **West** Section of Property – T
Shaw Construction – M-1 (Light Industrial)

Adjacent Lot on **East** Section of Property –
Overflow Parking Lot to ASC – C3- (Business)



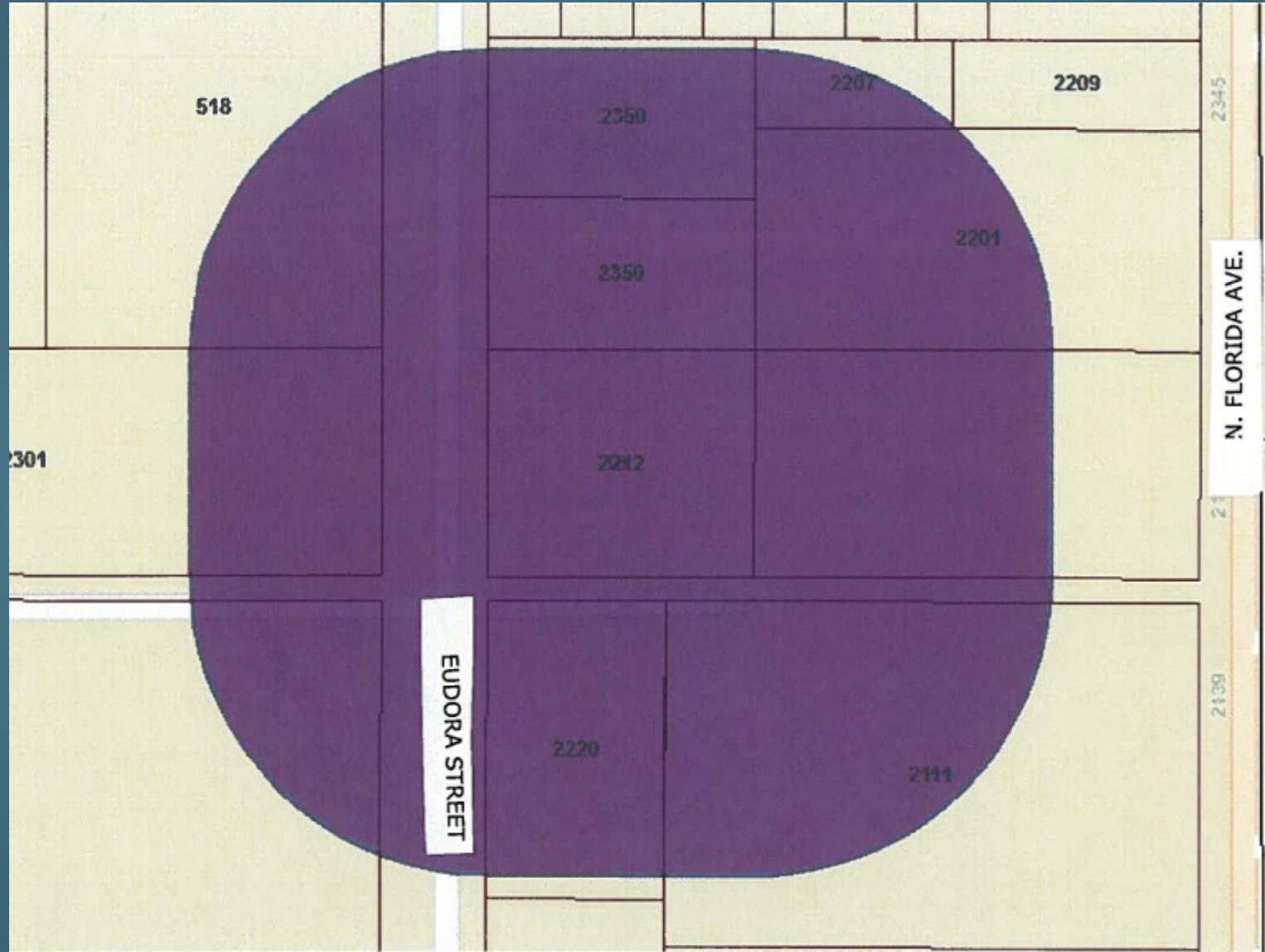
Zoning Request Case: Z-2015-0002(A)

Findings of Fact

- ▶ 1. The property is located at 2212 Eudora Street within the R-1 Single Family Dwelling District; more specifically identified as Tax Parcel #01-06361
- ▶ 2. The request is for a map amendment to rezone the property to C-3.
- ▶ 3. The application was filed on July 7, 2015.
- ▶ 4. The legal notice was run on August 16, 2015.
- ▶ 5. The adjoining property owners were notified on August 14, 2015.
- ▶ 6. Twelve (12) letters were mailed by certified/return receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the rezoning is sought.
- ▶ 7. As of September 3, 2015 only one (1) letter was returned as undeliverable.
- ▶ 8. One (1) property owner met with the Planning and Zoning Administrator for clarification of the case.
- ▶ 9. The Planning and Zoning Commission in its September 3, 2015 Planning and Zoning Commission meeting recommended to the City Commission approval to amend the official zoning map of the City of Alamogordo to rezone the property located at 2212 Eudora Street from R-1 Single Family Dwelling to C-3 Business.

Re-Zoning Request Case: Z-2015-0002(A)

**200 Ft.
Radius**



2212 Eudora St.



Zoning Request Case: Z-2015-0002(A)

Evaluation Criteria

Does the proposed map amendment:

- ▶ Promote the public safety, health, convenience, comfort, morals, prosperity, and general welfare; (Section 29-01-010)
- ▶ Interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued; (Section 29-01-010)
- ▶ Is it in conflict with any of the provisions of the zoning regulations; and (Section 29-01-010)
- ▶ Is it consistent with the City's Comprehensive Plan. (Section 20-02-030)

Zoning Request Case: Z-2015-0002(A)

Staff Recommends:

To accept the finding of facts as presented and approve Zone Request Case: Z-2015-0002(A).





City of Alamogordo

New Mexico

Community Development Department

1376 E. Ninth Street

Alamogordo, NM 88310

Phone: (575) 439-4208

Zoning Staff Report

Case: Z-2015-0002 (A) -2212 Eudora Street			
Reference Name	2212 Eudora Street		
Request	Proposed Zoning	C-3-Business	
	Proposed Uses	Undefined- Possible RV Storage	
Existing Site Characteristics	Existing Zoning	R-1 Single Family Dwelling	
	Existing Use		
	Site Acreage	Approximately 0.98 Acres	
Applicant(s)	J. Blair Rhodes (Trustee: John B. Rhodes Estate), Property Owners		
Submittal Date	July 7, 2015		
PNZ Hearing Date	September 8, 2015		
Location	2212 Eudora Street		
Tax Map Number(s)	PC: 01-06361		
Plan Consistency	Comprehensive Plan	Designation	LAWRENCE ADDITION BLK 6 LT 3 W 225' OF W 1/2
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of Zone Change	

A. Owner/Applicant

Owner(s): J. Blair Rhodes (Trustee: John B. Rhodes Estate)
PO Box 31412
Amarillo, TX. 79121-1412

Applicant: J. Blair Rhodes (Trustee: John B. Rhodes Estate)
PO Box 31412
Amarillo, TX 79121-1412

B. Zoning Request

The applicant is requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 2212 Eudora St. from R-1 Single Family Dwelling to C-3 Business, per Section 29-01-020 of the City Municipal Code. The subject property is located in the north section of the City, east of White Sands Blvd. and north of Indian Wells Blvd.

C. Applicant's Responses to Map Amendment Requirements

1. What effect does your proposal have on lessening congestion?

The proposed change has no effect on congestion. The subject property currently resides in a predominantly commercial location. The need to rezone the property to C-3 is to achieve the property's full value and the potential for a pending sale. The property's future use may include RV storage which does not add to city traffic congestion.

2. What effect does your proposal have on securing the community's safety from fire, flood waters, panic and other dangers?

The proposed zoning change has no increased effect on community safety. The property's future use may include RV storage which does not increase the consequences for fire, flood, panic and other noted dangers.

3. What effect does your proposal have on promoting health and the general welfare?

The proposed rezoning change promotes a better health and general welfare condition by allowing the property to achieve its full value and potential in a pending sale that would add value to this property and adjacent properties surrounding this predominantly commercial location.

4. What effect does your proposal have on providing adequate light and air? The proposed zoning change has no effect on providing enough light nor makes changes to air quality.

5. What effect does your proposal have on avoiding undue concentration of population?

The property's potential future use may include RV storage which does not increase any concern for population concentration. The property is also adequately sized for its intended future use.

6. What effect does your proposal have on providing for adequate transportation, water, sewerage, schools, parks and other public requirements?

Public requirements increase may come from the possible increased in tax receipts generated from the proposed rezoning and sale. Also, the property's proposed future use may include RV storage which would abide by applicable city building codes and requirements.

7. What effect does your proposal have on controlling and abating the unsightly use of buildings or land?

The proposed rezoning change promotes a better health and general welfare condition in allowing the property to achieve its full value and potential in a pending sale that would add value to the property and improve the present building structure and general use of the land.

8. What effect does your proposal have on the character of the zoning district considering adjacent and adjoining properties within the subject property's current zoning district and the proposed zoning district?

The subject property already resides in a predominantly commercial location, and the proposed rezoning change would increase the character of the surrounding properties, and fulfill a need within the zoning district.

9. What effect does your proposal have on the character of the properties throughout the City that are in the property's current zoning district and the proposed zoning district?

The subject property already resides in a predominantly commercial location and the proposed rezoning change would increase the character of the surrounding properties.

10. What effect does your proposal have on the value of buildings and land on adjacent and adjoining properties to the subject property and within the community as a whole?

The subject property resides in a predominantly commercial location, and this change would add value to adjacent properties.

11. What effect does your proposal have on encouraging the most appropriate use of land on adjacent and adjoining properties to the subject property and within the community as a whole?

The possible use of this property for RV storage is complimentary to the neighborhood, since there are storage facilities adjacent to this property, and an RV park close to this property.

12. What effect does the subject property's suitability for particular uses have on the appropriateness of granting your request?

The property's future use may include RV storage that is an ideal fit for this property being adequately sized, and optimally laid out for this intended use. The expected future use also fulfills a unique community need for RV storage.

13. What effect does conserving the value of buildings and land on the subject property have on the appropriateness of granting your request?

The result of rezoning the property to C-3 will realize the property's full value and potential in the land and current building structure.

14. What effect does conserving the value of buildings and land on the subject property have on the appropriateness of granting your request?

The effect of rezoning the property to C-3 will realize the property's full value and potential. The property's future use may include RV storage which is an ideal fit for this property being adequately sized optimally laid out for this intended use. The intended future use also fulfills a unique community need for RV storage.

D. Analysis

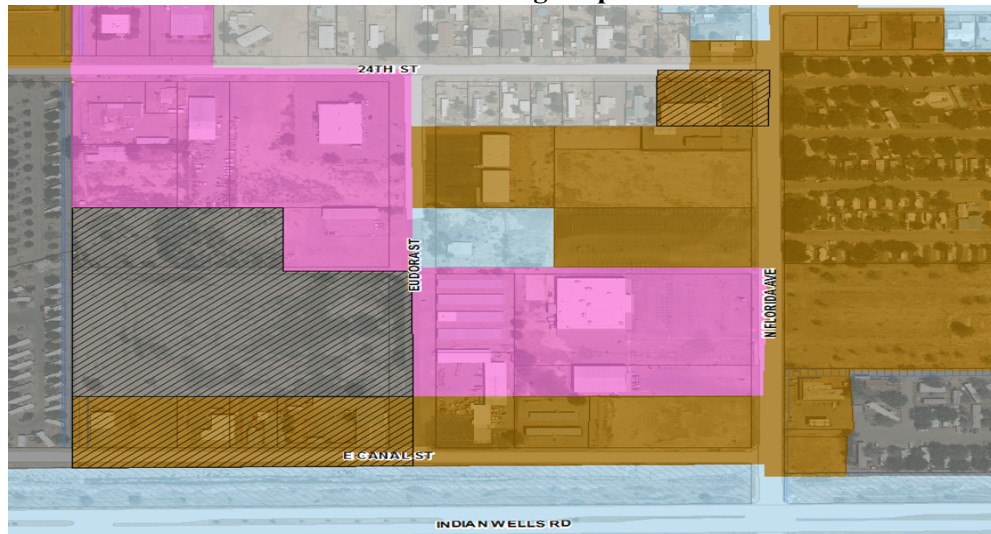
1. Existing Conditions

The official zoning map shows the property lot having a zone use of R-1 Single Family Dwelling. The lot is comprised of an area totaling 0.98 acres and holds a dilapidated dwelling unit on the south front section with several fully developed trees.

The lot is surrounded by lots with four (4) zone types: MH-1 (Manufactured Housing Subdivision) MH-2 (Manufactured Housing Park), C-3 (Business), and M-1 (Light Industrial). The north and east section of the lot is bordered by a couple of lots having a C-3 (Business) zone; the lot on the north, contains a metal building housing a heating and cooling business, while the one to the east serves as an overflow parking lot for the ACS Call Center. On the other hand, the lots abutting the south and west sections of the lot are zoned M-1 (Light Industrial). The adjacent lot to the south, serves as a storage unit facility known as "The Storage Center", while the lot across the street on the west section of 2212 Eudora St. has a metal building used by T Shaw Construction as a mechanic shop/storage.

The remaining lots that are catty-corner to lot 2212 Eudora St. are as follows: in a southwestern direction is a vacant lot zoned MH-2 (Manufactured Housing Park), at a northwestern direction is a lot zoned M-1 (Light Industrial) where the Alamogordo Daily Newspaper operates, on the northeast section is another vacant lot zoned C-3 (Business), while the lot on the southeast is the ACS Call Center.

Zoning Map



2212 Eudora St. R-1 (Single Family Dwelling)



North - heating and cooling business - C-3 (Business)



East – Overflow Parking Lot to ACS Call Center- C-3 (Business)



South - Storage Unit Facility – The Storage Center - M-1 (Light Industrial)



West - T Shaw Construction Building - M-1 (Light Industrial)



2. Criteria Review

- i. (Section 29-01-010) Public safety, health, convenience, comfort, morals, prosperity and general welfare;
- ii. (Section 29-01-010) Does not interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued;
- iii. (Section 29-01-010) Is not in conflict with any of the provisions of the zoning regulations; and
- iv. (Section 20-02-030) Consistency with Comprehensive Plan.

Public Safety, Health, Convenience, Comfort, Morals, Prosperity and General Welfare

The proposed official map amendment furthers the public safety, health, convenience, comfort, morals, prosperity and general welfare of the City by providing uniformity and consistency in the City's zoning designation for all private properties, including that of the applicant. The lot at 2212 Eudora Street for the most part, sits surrounded by commercial businesses and manufactured homes. A zoning change at 2212 Eudora Street will not have an adverse impact to the public safety, health, convenience, comfort, morals, prosperity and general welfare of the City because for the most part the adjoining properties have compatible zoning.

Does not interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued

The proposed rezoning will result in the uniform application of zone district (building form, use and design) regulations and will not interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued.

Is Not in Conflict with Any of the Provisions of the Zoning Regulations

This case, where the applicant is requesting an amendment to the zoning map to rezone the property located at 2212 Eudora St. from R-1 Single Family Dwelling to C-3 Business, is consistent with the provision of the zoning regulations set in the City's Municipal Code.

Consistency with Comprehensive Plan

The proposed map amendment change to the official zoning map is consistent with Comprehensive Plan given that there are no proposed improvements or plan activities that will operate in contradiction to this plan.

E. Staff Recommendation

Based on the analysis set forth above, staff recommends the approval of Z-2015-0002(A) to allow an amendment to the official zoning map of the City of Alamogordo to rezone the property located at 2212 Eudora Street from R-1 Single Family

Dwelling to C-3 Business. Staff concurs with the applicant that the rezoning request is owing to conditions peculiar to the property since the parcel meets requirements within section 29-03-540.

F. Findings of Fact

1. The property is located at 2212 Eudora Street within the R-1 Single Family Dwelling District; more specifically identified as Tax Parcel #01-06361
2. The request is for a map amendment to rezone the property to C-3.
3. The application was filed on July 7, 2015.
4. The legal notice was run on August 16, 2015.
5. The adjoining property owners were notified on August 14, 2015.
6. Twelve (12) letters were mailed by certified/return receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the rezoning is sought.
7. As of September 3, 2015 one letters was received as undeliverable
8. One (1) property owner met with the Planning and Zoning Administrator for clarification of the case.
9. The Planning and Zoning Commission in its September 3, 2015 Planning and Zoning Commission meeting recommended to the City Commission approval to amend the official zoning map of the City of Alamogordo to rezone the property located at 2212 Eudora Street from R-1 Single Family Dwelling to C-3 Business.

G. Motions

MOTION TO APPROVE THE ZONING REQUEST:

I move to approve the request for change of map amendment to the official zoning map of the City of Alamogordo to allow the rezoning of the property located at 2212 Eudora Street; Lawrence Addition, block 6, Lot 3, W 225' of W ½, Case # Z-2015-0002(A) from R-1 Single Family Dwelling to C-3 Business. The testimony presented in this public hearing has shown that the granting of the rezoning furthers the public safety, health, convenience, comfort, morals, prosperity and general welfare of the City; will not interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued; is not in conflict with any of the provisions of the zoning regulations; and, is consistent with Comprehensive Plan.

OR

MOTION TO DENY THE ZONING REQUEST:

I move to deny the request for change of map amendment to the official zoning map of the City of Alamogordo to allow the rezoning of the property located at 2212 Eudora Street from R-1 Single Family Dwelling to C-3 Business.

Sufficient testimony has **not** been presented in this public hearing that the requested map amendment meets the criteria in Section 29-01-020 entitled "Amendment and Changes" of the City of Alamogordo Municipal Code as:

(Choose one or more appropriate finding(s) and specific items)

1. Such action will not further the public safety, health, convenience, comfort, morals, prosperity and general welfare of the City;
2. Such action will interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued;
3. Such action is in conflict with any of the provisions of the zoning regulations; or
4. Such action is consistent with Comprehensive Plan.

H. Exhibits

- | | |
|------------|---|
| Exhibit 1. | Map Amendment Application |
| Exhibit 2. | Property Ownership Data/Affidavit |
| Exhibit 3. | Chapter 29-03-290-District “C-3”- Business District |
| Exhibit 4. | Adjoining Owners and Zone Map |
| Exhibit 5. | 2012 Aerial Map |
| Exhibit 6 | Plat- Lawrence Addition |
| Exhibit 7 | Section 29-01-010 |
| Exhibit 8 | Section 20-02-030 |
| Exhibit 9 | Section 29-03-290 |
| Exhibit 10 | Pictures |

APPLICATION FOR A MAP AMENDMENT

CITY OF ALAMOGORDO
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR MAP AMENDMENT
1376 E. NINTH STREET ALAMOGORDO, NEW MEXICO 88310
575/439-4220 FAX: 575/439-4343

SRAEL@CI.ALAMOGORDO.NM.US
RSEGURA@CI.ALAMOGORDO.NM.US



Fee: \$ 415.00 + 15.00 = 430.00 Deposit: \$200.00
Case #: Z - PF-011-3705-312.11-06 CZ-011-0000-229.04-69

Date Received: JUL 07 2015

Receipt #: 14570

A. Property address (or location if no address): 2212 EUDORA ST

B. Applicant's name: J. Blair Rhodes (Trustee: John B Rhodes Estate)

C. Area of property to be rezoned: All of the property (100%)

D. Complete the following table indicating the property location, the current zoning district in which the property is located, and the proposed zoning district.

Location (if different from "A"). Please, provide legal description of property for which you request rezoning. Use addition sheets if needed.	Current district	Proposed district:
THE WEST ONE-HALF (W1/2) OF LOT 3, BLOCK 6, LAWRENCE'S ADDITION, ALAMOGORDO, OTERO COUNTY, NEW MEXICO, recorded in Plat Book 9, Page 10, records of Otero County, New Mexico. SAVE AND EXCEPT: THE EAST SEVENTY-FIVE (E 75') OF THE WEST ONE-HALF (W1/2) OF LOT 3, BLOCK 6, LAWRENCE'S ADDITION, ALAMOGORDO, OTERO COUNTY, NEW MEXICO	<u>R-1</u>	<u>C-3</u>

D. New Mexico State Statute and the Alamogordo Municipal Code require the City Commission to consider an amendment request relative to certain objectives and standards. Please, discuss the bearing your request may have on the following. Be as brief as you feel sufficient, or supply a statement on an additional sheet.

1. What effect does your proposal have on lessening congestion? The proposed change has no effect on congestion. The subject property currently resides in a predominantly commercial location. The need to rezone the property to "C-3" is to achieve the property's full value and the potential for a pending sale. The property's future use may include RV storage which does not add to city traffic congestion.

2. What effect does your proposal have on securing the community's safety from fire, flood waters, panic and other dangers? The proposed zoning change has no increased effect on community safety. The property's future use may include RV storage which does not increase the consequences for fire, flood, panic and other noted dangers.

3. What effect does your proposal have on promoting health and the general welfare? The proposed rezoning change promotes a better health and general welfare condition by allowing the property to achieve its full value and potential in a pending sale that would add value to the this property and adjacent properties surrounding this predominantly commercial location.

4. What effect does your proposal have on providing adequate light and air? The proposed zoning change has no effect on providing enough light nor makes changes to air quality.

5. What effect does your proposal have on avoiding undue concentration of population? The property's potential future use may include RV storage which does not increase any concern for population concentration. The property is also adequately sized for its intended future use.

APPLICATION FOR A MAP AMENDMENT

6. What effect does your proposal have on providing for adequate transportation, water, sewerage, schools, parks and other public requirements? Public requirements increase may come from the possible increased in tax receipts generated from the proposed rezoning and sale. Also, the property's proposed future use may include RV storage which would abide by applicable city building codes and requirements.

7. What effect does your proposal have on controlling and abating the unsightly use of buildings or land? The proposed rezoning change promotes a better health and general welfare condition in allowing the property to achieve its full value and potential in a pending sale that would add value to the property and improve the present building structure and general use of the land.

8. What effect does your proposal have on the character of the zoning district considering adjacent and adjoining properties within the subject property's current zoning district and the proposed zoning district? The subject property already resides in a predominantly commercial location, and the proposed rezoning change would increase the character of the surrounding properties, and fulfill a need within the zoning district.

9. What effect does your proposal have on the character of the properties throughout the City that are in the property's current zoning district and the proposed zoning district? The subject property already resides in a predominantly commercial location and the proposed rezoning change would increase the character of the surrounding properties.

10. What effect does your proposal have on the value of buildings and land on adjacent and adjoining properties to the subject property and within the community as a whole? The subject property resides in a predominantly commercial location, and this change would add value to adjacent properties.

11. What effect does your proposal have on encouraging the most appropriate use of land on adjacent and adjoining properties to the subject property and within the community as a whole? The possible use of this property for RV storage is complimentary to the neighborhood, since there are storage facilities adjacent to this property, and an RV park close to this property.

12. What effect does the subject property's suitability for particular uses have on the appropriateness of granting your request? The property's future use may include RV storage that is an ideal fit for this property being adequately sized, and optimally laid out for this intended use. The expected future use also fulfills a unique community need for RV storage.

13. What effect does conserving the value of buildings and land on the subject property have on the appropriateness of granting your request? The result of rezoning the property to "MH-1" will realize the property's full value and potential in the land and current building structure. b
C-3

14. What effect does encouraging the most appropriate use of the subject property have on the appropriateness of granting your request? The effect of rezoning the property to "MH-1" will realize the property's full value and potential. The property's future use may include RV storage which is an ideal fit for this property being adequately sized optimally laid out for this intended use. The intended future use also fulfills a unique community need for RV storage. C-3
b

I certify that all of the above statements and all statements, information, and exhibits that I am submitting in conjunction with this application for a zoning map amendment are true to the best of my knowledge.

J. Blair White
Applicant's signature

8/1/2015
Date

PROPERTY OWNERSHIP DATA/ AFFIDAVIT

CITY OF ALAMOGORDO
COMMUNITY DEVELOPMENT DEPARTMENT
PROPERTY OWNERSHIP DATA

1376 E. NINTH STREET ALAMOGORDO, NEW MEXICO 88310
575/439-4220 FAX: 575/439-4343

RDOMINGUEZ@CI.ALAMOGORDO.NM.US

MSOUTH@CI.ALAMOGORDO.NM.US

AALTERSON@CI.ALAMOGORDO.NM.US

WWW.CI.ALAMOGORDO.NM.US



Case #: 2 - 2015 - 002(A)

Date Received: 7-7-2015

The Alamogordo Municipal Code allows real property owners or their agents to apply for authorization for certain activities that require an extraordinary approval. This form is a self-certification that the applicant has standing to apply for the following specific applications. Please, reference the Municipal Code section numbers indicated for further information regarding the type of extraordinary approval.

1. **Zoning Amendment (§29-01-020)** - The owners of a tract of land or the agent of the owners may petition for an amendment to the zoning map or text.
2. **Variances (§29-01-070)** - The owners of a majority of a tract of land or the agent of these owners may petition for a variance to the requirements of Municipal Code, Chapter 29, Zoning.
3. **Special event permit (§29-01-090)** - All owners of a subject property must sign an application for the temporary location of a land use at a location otherwise prohibited by Municipal Code, Chapter 29, Zoning.
4. **Special land use permit (§29-05-040)** - The owners of a tract of land or the agent of the owners may petition for authorization to locate any of the buildings or uses listed in §29-05-040 in a district from which they are otherwise prohibited.
5. **Annexation (§2-07-010)** - The owners of the majority of an area considered for annexation must sign an annexation petition.
6. **Special permit for temporary structures (§8-01-170)** - The owners of a tract of land or the agent of the owners may petition for a special permit for certain temporary structures.

Please, check the boxes that apply.

☐ Title is held in one person's name.	☐ Title is held by one or more persons.	☐ Title is held by a married person as a separate property.	☐ Title is held by married persons in common or jointly.
☐ Title is held by a corporation.	☐ Title is held by a partnership.	☒ Title is held by some other type of business entity, described as follows <u>John B Rhodes Trust</u>	
☐ Title is held by another party. I am the agent of that party. I have provided an acknowledged power of attorney from the owner.			

Property address (or location if no address): 2212 EUDORA ST

Property ID or Property Code from real estate tax bill: R015824 / 01-06361

PROPERTY OWNERSHIP DATA/ AFFIDAVIT

Map Code or Universal Property Code from real estate tax bill: 01N4055093269058

CERTIFICATION

Legal description of property: (Use an attached sheet if needed and check, ☐ See Attachment.)

THE WEST ONE-HALF (W1/2) OF LOT 3, BLOCK 6, LAWRENCE'S ADDITION, ALAMOGORDO, OTERO COUNTY, NEW MEXICO, recorded in plat Book 9, Page 10, records of Otero County, New Mexico.
SAVE AND EXCEPT: THE EAST SEVENTY-FIVE (E 75') OF THE WEST ONE-HALF (W1/2) OF LOT 3, BLOCK 6, LAWRENCE'S ADDITION, ALAMOGORDO, OTERO COUNTY, NEW MEXICO

LAWRENCE ADDITION Lot: 3 W 225' OF W1/2 Block:6

I certify that I am the owner of the above legally described property.

Owner's Signature:	<u>John B. Rhodes Trust</u> <u>Trustee: J. Blair Rhodes</u>	<u>J. Blair Rhodes</u>	
Owner's Name (print):	<u>John B. Rhodes Trust</u> <u>Trustee: J. Blair Rhodes</u>	<u>John B. Rhodes Trust</u> <u>Trustee: J. Blair Rhodes</u>	
Date:	<u>8/1/2015</u>	<u>8/1/2015</u>	

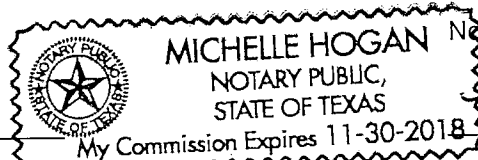
OWNERSHIP BY INDIVIDUAL(S)

State of ~~New Mexico~~ Texas)
 County of ~~Otero~~ Randall) ss.

The foregoing document was subscribed and sworn to before me this 1st day of August 2015, by (Owner/s) John Blair Rhodes,

who stated that the information contained therein is true and correct to the best of the Owner's knowledge.

My commission Expires:



Notary Public:

Nov. 30, 2018

Michelle Hogan

OWNERSHIP BY BUSINESS

State of ~~New Mexico~~)
 County of ~~Otero~~) ss.

The foregoing document was subscribed and sworn to before me this _____ day of _____ 20____, by (Name) _____, who stated that s/he is the (Title) _____ of the (Owner) _____ and that s/he is authorized to sign this document on Owner's behalf and who further states that the information contained in the foregoing document is true and correct to the best of the Owner's knowledge.

My commission Expires:

Notary Public:

- You will need to provide proof of ownership and standing, such as a title insurance policy or deed or lease, linking the applicant to the owner and the owner to the property.
- If the applicant is not the property owner, we require a consent statement from the property owner.

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. Detached single family dwellings, two-family dwellings, 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.
- (b) Light assembly. An establishment engaged in the production of products by the assembly of existing components, and excluding the use of equipment such as drop hammers, automatic screw machines, punch presses which exceed five (5) tons' capacity and excluding the use of motors exceeding twenty (20) horse power, provided all activities are conducted within an enclosed building architectural similar to the surrounding properties, which use does not utilize or produce in significant quantities as a part of the assembly process, toxic or hazardous materials, which use does not utilize or produce explosive materials in any quantity, and because of the nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore results in a minimal impact on surrounding properties.

(Code 1960, § 11-5-1; Ord. No. 980, § 7, 7-23-96; Ord. No. 981, § 3, 8-26-96; Ord. No. 1234, § 1, 3-22-05; Ord. No. 1368, 1-12-10; Ord. No. 1401, 7-26-11; Ord. No. 1406, § 1, 11-15-11)

PROTEST LIST

J. BLAIR RHODES
TRUSTEE: JOHN B. RHODES ESTATE
PO BOX 31412
AMARILLO, TX 79121-1412

GUARDED REALTY HOLDING, LLC
1 OLD COUNTRY RD.
CARLE PLACE, NY 11514-1847
Z-2015-0002(A)

TEXAS-NEW MEXICO NEWSPAPER
518 24TH STREET
ALAMOGORDO, NM 88310
Z-2015-0002(A)

SCOTT A. & KIMBERLY J. MOORE
3101 STONECLIFF
ALAMOGORDO, NM 88310
Z-2015-0002(A)

JOHN B. TRUST
PO BOX 82221
ALBUQUERQUE, NM 87918
Z-2015-0002(A)

DOUGLAS C. & MELISSA M. SHOEMAKER
6 CAMINO DEL SUR
ALAMOGORDO, NM 88310
Z-2015-0002(A)

TERRY & JUDITH ANN SHAW
PO BOX 419
ALAMOGORDO, NM 88310
Z-2015-0002(A)

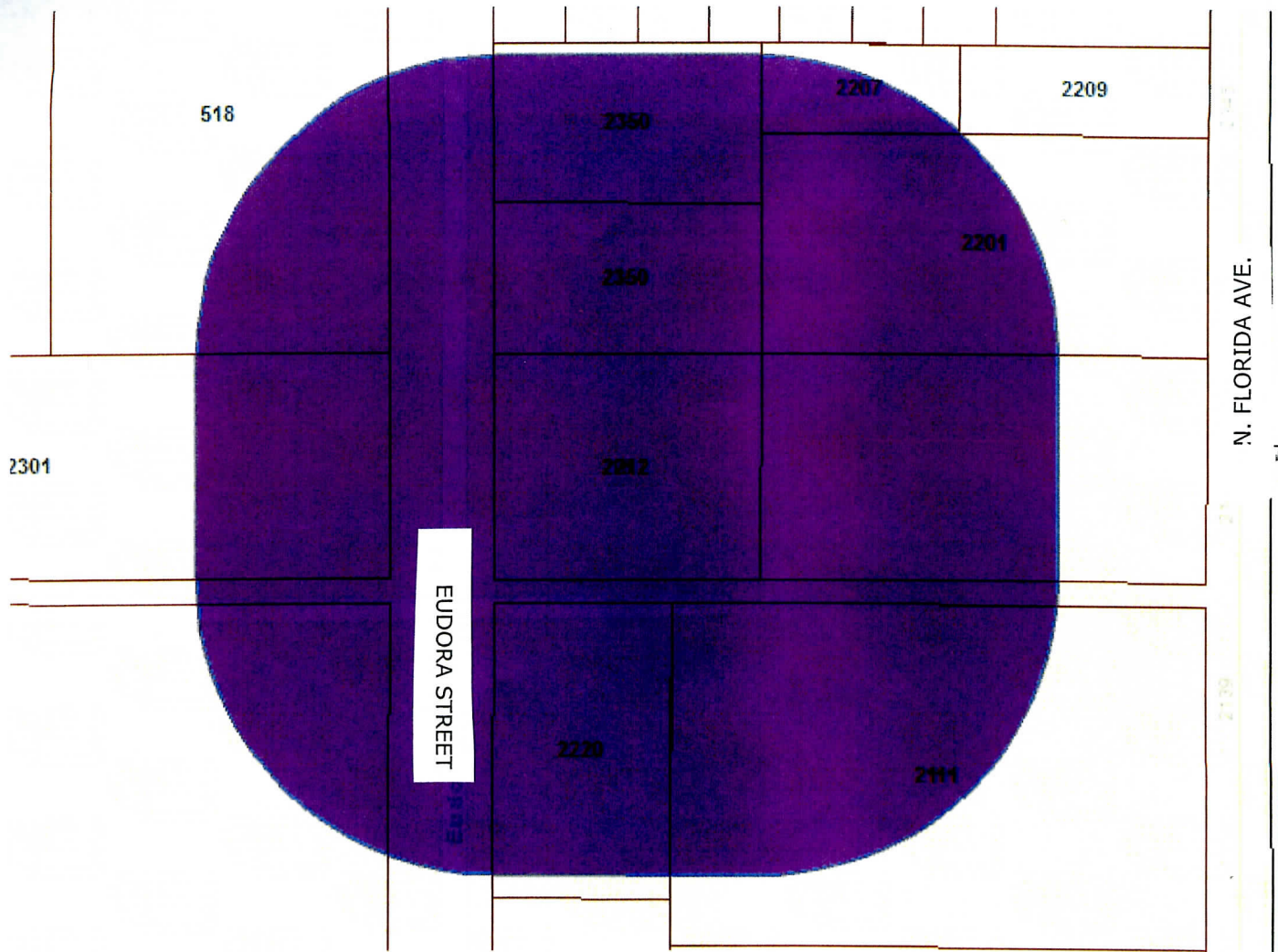
MILLER, DEREK A.
9525 GUTIERREZ RD. NE
ALBUQUERQUE, NM 87111-2571
Z-2015-0002(A)

BEREAN INDEPENDENT BAPTIST CHURCH
PO BOX 2075
ALAMOGORDO, NM 88310
Z-2015-0002(A)

CP&T LLC CO
PO BOX 386
ALAMOGORDO, NM 88311
Z-2015-0002(A)

HENDERSON, BARCLAY C. JR.
PO BOX 2798
ALAMOGORDO, NM 88311
Z-2015-0002(A)

BETH CRABBE
3410 N. WHITE SANDS BLVD
ALAMOGORDO, NM 88310
Z-2015-0002(A)



PROTEST MAP
Z-2015-0002(A)

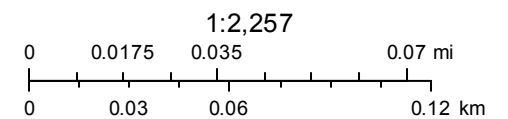
Alamogordo Web Map



September 1, 2015

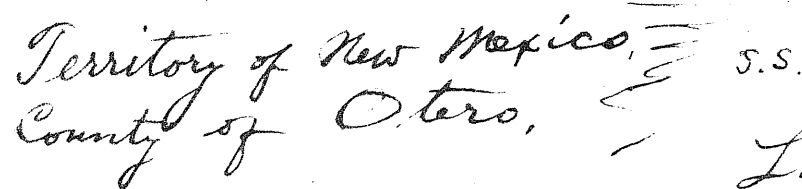
Parcels

☐ S_USA.Section



The Forest Service uses the most current and complete data available. GIS data and product accuracy may vary. They may be developed from sources

Scale 1"=200'



S.S. Wk 367-224

Lon L. Lawrence and Julie J. Lawrence, being duly sworn, declare that they are
the said county of Otero, New Mexico, to wit:

Section 18 to 16 South, range 10 east of N.M.P.M.

County of Santa Fe, New Mexico, now c.

Lon L. Lawrence and Lulie S.

the owners and proprietors of the following real estate situate in the said county of Santa Fe, New Mexico, now c.

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section seven (7) and the NW $\frac{1}{2}$ of the NE $\frac{1}{4}$ of section eighteen (18) T_p. 16 South, range 10 east of N.M.P.M.

And the said owners further declare that they have caused the said described lands to be subdivided into lots, blocks, streets and a boulevard as shown on the above and foregoing plat - the said platted lands to be henceforth known as Lawrence's Addition to Alamogordo New Mexico.

And the said Lon L. Lawrence and Lulie S. Lawrence do hereby acknowledge that they, by this instrument, dedicate all of the streets and boulevard shown on the above plat to the use of the public forever.

Lon L. Lawrence
Lulie S. Lawrence

San L Lawrence
Luis L Lawrence

Territory of New Mexico }
County of Otero }

Secretary of New Mexico }
County of Ctero } On this 30th day of September 1906, before me personally appeared
San L. Lawrence and Lucie S. Lawrence his wife who being by me first duly sworn
say that the statements contained in the foregoing Certificate of Dedication are true
and that they executed the same as their free act and deed
Witness my hand and official seal on day and date last above written.
W. K. Halcup

M. K. Halsey
Notary Public

(Tax Co. No. 7)

29-01-010. - Interpretation, purpose and conflict.

In interpreting and applying the provisions of this chapter they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by these provisions to interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of the zoning regulations, or which shall be adopted or issued pursuant to law relating to the uses of buildings or premises, and likewise not in conflict with the zoning regulations; nor is it intended by these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if the zoning regulations impose a greater restriction, the zoning regulations shall control.

(Code 1960, § 11-15-1; Ord. No. 306, 11-8-60; Ord. No. 1234, § 1, 3-22-05)

Cross reference— Administration, ch. 2; airport zoning regulations, § 4-07-010 et seq.; building and building regulations, ch. 8; fire prevention and protection, ch. 12; flood damage prevention regulations, ch. 13; licenses and miscellaneous business regulations, ch. 17; parks, playgrounds and recreation, ch. 19; planning, ch. 20; streets, sidewalks and public places, ch. 21; subdivision regulations, ch. 22; traffic, ch. 24; trailers, mobile homes and recreational vehicles, ch. 25; water, sewers and sewage disposal, ch. 28.

29-02-030. - Boundaries.

The boundaries of the above-mentioned districts, as set out on the zoning district map, are hereby described as follows:

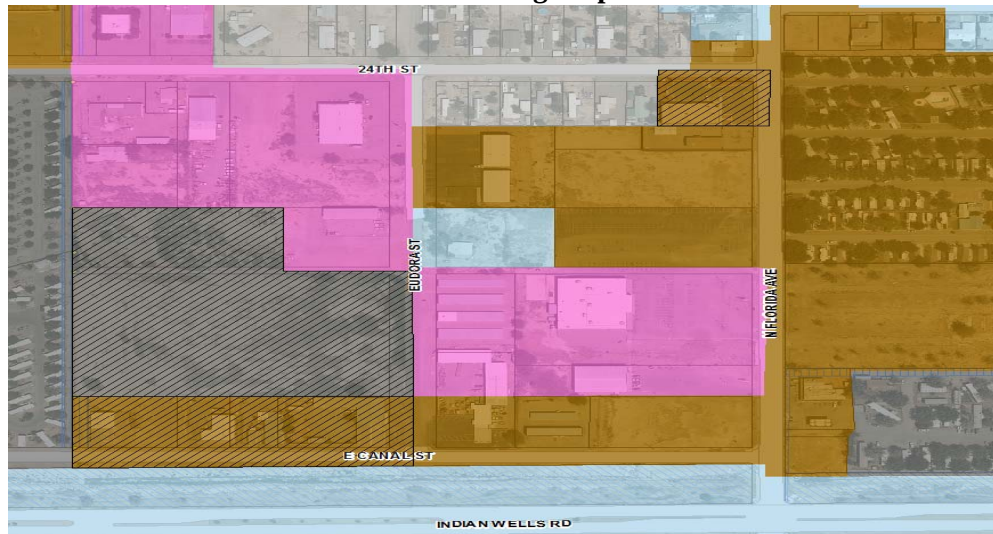
- (1) Class R-1. All of that area within the following described boundaries: Beginning at the intersection of White Sands Boulevard and the south line of the north half of the north half of Section 18, Township 16 South, Range 10 East, N.M.P.M., thence south along White Sands Boulevard to Catalina Lane, thence east to the northwest corner of Lot 6, Block 201 (this being a distance of two hundred seventy-two (272) feet, more or less), thence south to 16th Street, thence east to Florida Avenue, thence south to 12th Street, thence east to the southeast corner of Block 229, thence north along the east line of Block 299 to the intersection with the west extension of the north line of Block 1 of the college addition to the city, thence east to the corporate limits of the city, thence north along the corporate limits line to the intersection with the north corporate limits line of the city, thence west to the point of beginning.
- (2) Class R-3. All of that area within the following described boundaries: Beginning at the intersection of Florida Avenue and 12th Street, thence west to the alley between New York Avenue and White Sands Boulevard, thence north to 16th Street, thence east to Florida Avenue, thence south to the point of beginning. And also the area within the following described boundaries: Beginning at the intersection of the north line of Block 4 in the College Addition to the city, with the east corporate limits of the said city, thence south along the said corporate limits to the south corporate limits of the said city, thence west along the said corporate limits to the intersection of the said corporate limits with the south extension of the alley between White Sands Boulevard and New York Avenue, thence north along said line and along said alley to 7th Street, thence east to the alley between New York and Delaware Avenues, thence north to 8th Street, thence east to Maryland Avenue, thence north to 9th Street, thence east to Florida Avenue; thence north to the alley between 9th and 10th Streets; thence east to Cuba Avenue, thence north to 12th Street, thence east to the southeast corner of Block 229, thence north along the east line of Block 229 to the intersection of such line with the west extension of the north line of Block 1 in the College Addition to the city, thence east along said line to the point of beginning. Provided, however, that the following blocks within the above boundaries shall not be considered a part of this district: Blocks I, J, K, L, M, N, of the Chihuahua Addition to the city, which said blocks are hereinafter included in the "Class R-4" area.
- (3) Class R-4. All of that area within the following described boundaries: Beginning at the intersection of Cuba Avenue and 12th Street, thence south to the northeast corner of Lot 21, Block 105, thence west to Vermont Avenue, thence south to 10th Street, thence west to Michigan Avenue, thence north to 11th Street; thence west to the alley between Michigan and New York Avenues, thence north to 12th Street, thence east to the point of beginning. And also that area within the following described boundaries: Beginning at the intersection of 1st Street and Florida Avenue, thence west to Maryland Avenue, thence north to 3rd Street, thence east to Florida Avenue, thence south to the point of beginning.
- (4) Class C-3. All of that area within the following described boundaries: Beginning at the intersection of White Sands Boulevard and Catalina Lane, thence east to the northeast corner of Lot 5, Block 201 (being a distance of two hundred seventy-two (272) feet, more or less), thence south to 16th Street, thence west to the alley between New York Avenue and White Sands Boulevard, thence south to 12th Street, thence east to the alley between New York and Michigan Avenues, thence south to 11th Street, thence east to Michigan Avenue, thence south to 10th Street, thence east to Vermont Avenue, thence north to the northwest corner of Lot 26, Block 84, thence east to Cuba Avenue, thence south to the alley between 9th and 10th Streets, thence west to Florida Avenue, thence south to 9th Street, thence west to Maryland Avenue, thence south to 8th Street, thence west to the alley between New York and Delaware Avenues, thence south to 7th Street, thence west to the alley between White Sands Boulevard and New York Avenue, thence south to the south corporate limits of the city, thence west along said corporate limits to the south extension of the alley between White Sands Boulevard and Railroad Avenue; thence north along said line and said alley to 10th Street, thence west to the

Union Pacific Company right-of-way, thence north along said right-of-way to the south line of the north half of the north half of Section 18, Township 16 South, Range 10 East, N.M.P.M., thence east along said line to White Sands Boulevard, thence south to the point of beginning. And also Blocks 2 and 3 of the Lawrence Addition to the city.

- (5) Class M-1. All of that area within the following described boundaries: Beginning at the intersection of 10th Street and the alley between White Sands Boulevard and Railroad Avenue, thence south to the south corporate limits of the city, thence west to the right-of-way of the Union Pacific Company, thence north along said right-of-way to 10th Street, thence east to the point of beginning.
- (6) Class M-2. All of that area within the corporate limits of the city lying west of the east boundary of the right-of-way of the Union Pacific Company.

(Code 1960, § 11-1-3; Ord. No. 1234, § 1, 3-22-05)

Zoning Map



2212 Eudora St. R-1 (Single Family Dwelling)



North - heating and cooling business - C-3 (Business)



East – Overflow Parking Lot to ACS Call Center- C-3 (Business)



South - Storage Unit Facility – The Storage Center - M-1 (Light Industrial)



West - T Shaw Construction Building - M-1 (Light Industrial)



Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2015-0002(A)**

For the Subject Property as follows:

Commonly Known As: **2212 Eudora Street**

Uniform Property Code & Parcel Code: **01N-4-055-093-269-058**

Legal Description: **LAWRENCE ADDITION BLK 6 LT 3 W 225' OF W 1/2**

The Alamogordo Planning & Zoning Commission considered this item on **September 3, 2015** and recommended the following action to the Alamogordo City Commission by a vote of 4-0-0

Approve the rezoning of the property detailed above for Case # **Z-2015-0002(A)**.

.....
The Alamogordo City Commission issued the following decision on **September 22, 2015** , by a vote of _____

Approve as recommended for first publication Ordinance # 1502

.....
The Alamogordo City Commission issued the following decision on **September 22, 2015**, by a vote of _____

Approve as recommended for final publication Ordinance # 1502 .

Attest:

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

Reneé L. Cantin, City Clerk

Susie Galea, Mayor

ORDINANCE No. 1502

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 2212 EUDORA STREET FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT OF R-1 SINGLE FAMILY DWELLING TO C-3 BUSINESS, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, J. Blair Rhodes, Trustee: John B. Rhodes Estate (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 2212 Eudora Street and legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

WHEREAS, an application has been filed in the Owner's names under Case No. **Z-2015-0002(A)** to change the zoning of the Property, and

WHEREAS, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the present designation and zoning district of R-1, Single Family Dwelling District to C-3, Business District; and

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

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

Lawrence Addition, Blk 6, Lt 3 W 225' of W 1/2

is hereby changed from R-1, Single Family Dwelling District to C-3, Business District;

and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2015

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

By: _____
Susie Galea, Mayor

ATTEST:

Nancy Jacobs, Deputy City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 13.

Submitted By: Stephen Thies, City Attorney

Subject: Hearing, and possible action related to Resolution 2015-35 declaring the structures located at 2405 Cuba Ave., Alamogordo, NM, to be ruined, damaged and dilapidated, to be a menace to the public comfort, health, peace or safety, and ordering its abatement. (*Cristella Valdez, Asst. City Attorney and Lora Nelson, Code Enforcement Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends Resolution No. 2015-35 be enforced.

Background:

The property owners have filed a written objection to Resolution No. 2015-35.

The City Commission is required to consider all evidence for and against the removal resolution and determine if the resolution should be enforced or rescinded.

THE LAW OFFICES OF
JOHN R. HAKANSON, P.C.

307 EAST 11TH STREET
ALAMOGORDO, NEW MEXICO 88310

TELEPHONE (575)437-2874
FACSIMILE (575)434-9794

JOHN R. HAKANSON
MIGUEL GARCIA

LICENSED IN NEW MEXICO & KANSAS
LICENSED IN NEW MEXICO

August 18, 2015

Via Facsimile & U.S. Mail (575) 439-4396
Stephen P. Thies
1376 9th Street
Alamogordo, N.M. 88310

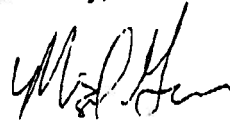
Renec Cantin
1376 9th Street
Alamogordo, N.M. 88310

Re: Karen Krieger;
2405 Cuba Avenue.

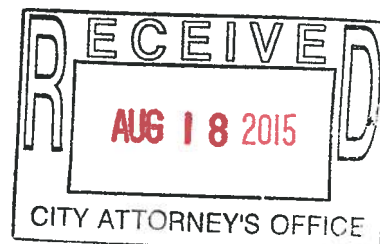
Dear Mr. Thies and Ms. Cantin:

Please accept this letter as a formal objection to the Commission's Resolution Number 2015-035. Pursuant to this objection, Ms. Krieger requests a hearing as provided for in section 3-18-15 NMSA.

Sincerely,



Miguel Garcia



RESOLUTION NO. 2015-35

A RESOLUTION DECLARING ALL THE BUILDINGS OR STRUCTURES, OR THE PREMISES LOCATED AT 2405 CUBA AVENUE ALAMOGORDO, NEW MEXICO, TO BE RUINED, DAMAGED AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City certain buildings, structures or premises at 2405 Cuba Avenue, as more particularly described as on the attached Exhibit 1 (the "Property"); and,

WHEREAS, the governing body does further find that the Code Enforcement Manager has investigated the condition of the Property and has found the same to be so ruined, damaged and dilapidated, or covered with ruins, rubbish, wreckage or debris, that it constitutes a menace to the public comfort, health, peace or safety so as to warrant abatement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

Section 1. That the findings of said Code Enforcement Manager, in regard to the Property, attached hereto as Exhibit 2, are hereby approved and adopted, and that the Property is found to be ruined, damaged and dilapidated, so as to constitute a menace to the public comfort, health, peace or safety pursuant to Section 3-18-5, NMSA, 1978.

Section 2. That Karen Monica Kreiger, record owner of the Property is hereby ordered to commence removal of the building or structure from the Property within ten (10) days after service of a copy of this Resolution, or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Alamogordo, asking for a hearing before the City Commission.

Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property, and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien against the building or structure so removed, and against the Property, as allowed by law.

Section 4. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence, clause, word or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Commission hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

PASSED, APPROVED AND ADOPTED, this 11th day of August, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____

Susie Galea, Mayor

ATTEST:

Renee L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

**Sahara Apartments
2405 Cuba Avenue
Case # 14-01**

Report and Reasoning

**Lora Nelson, Code Enforcement Manager
August 5, 2015**

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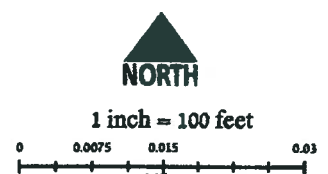
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*Sahara Apartments
2405 Cuba Avenue*



Report Narrative

Sahara Apartments is located on Cuba Avenue between 23rd and 25th Street. The property consists of five full lots and 2 partial lots beginning on the southwest corner of Cuba and 25th Street and running south along the west side of the Cuba, less the small southern parcel at the turn in the street. On it are four two-story wood framed structures housing four apartments each, and a small accessory structure in the rear utilized for storage. The property is currently zoned R-1 (Single Family Dwelling) and has been vacant since July 11, 2010. The city currently has five liens for both weed abatement utility service on the property totaling approximately \$15,300.00.

Background:

On July 11, 2010 the Sahara Apartments were flooded during a heavy rainstorm where emergency personnel on site had to evacuate the residents. On July 13, 2010 the apartment manager submitted photos of the damaged apartments to the city and requested an inspection of the structures to determine if the flooding had rendered the apartments unsafe to occupy. On July 14, 2010 an inspection of the apartments was performed utilizing the provisions of the 2006 International Property Maintenance Code. The manager, Mr. Richard Ross, accompanied me on the inspection of apartments A, B, C and D of each of the four buildings (2405, 2403, 2401 and 2309 Cuba) and gave permission for photographs to be taken.

The property was found to be in violation of nine (9) sections of the 2006 International Property Maintenance Code as listed in this report. Based upon the findings from the inspection the structures have been declared unfit for human occupancy as defined in Section 108.1.3 of the 2006 International Property Maintenance Code (IPMC). Section 107.1 of the IPMC requires the code official to give notice to the property owner of the violations, including a correction order allowing a reasonable time to make repairs. On August 2, 2010 a 10-day notice was sent to the property owner. The property owner responded requesting a 30-day extension that was subsequently granted. The 30-day period passed with no contact from the owner or work performed to abate the violations. Attempts to contact the owner by telephone and e-mail were unsuccessful. A second 10-day notice was sent to the owner ordering the vacant structures secured. The property was declared uninhabitable and posted along with an order to close the vacant structures. On October 26, 2010 the second notice letter was returned as unclaimed. On November 1, 2010 documentation was filed by the mortgage holder to foreclose on the property.

On November 18, 2010 the property owner called indicating he was in Alamogordo and would like to meet in person. During the meeting he indicated that he will be receiving a settlement from the insurance company in the next 4-6 weeks and at that point would begin repairs to the structures. If the settlement was not enough to cover the repairs, his intention was to demolish the structures. By the following day the structures were secured and the second case on the property closed. No further response was received from the owner until September 22, 2011 when the attorney's office received a Notice of Intent to file suit claiming the City was responsible for the flood damage and loss of

income from the property. At this point all contact with the owner was to go through the City Attorneys office.

In December of 2013 complaints began coming in from neighbors concerning the condition of the property including, odors, roach and rodent infestation, vagrant population and a deterioration of the entire neighborhood due the condition of the apartments. On January 2, 2014 photographs were taken of the property and another case was started on the property for violations of the IMPC. A 10-day notice was sent to the owner of record both certified and first class. The notice was returned with a new forwarding address and notices to the new address were mailed four days later on January 13, 2014. On February 5, 2014 I received a call from the property owner requesting a 14-day extension as he had been hospitalized for the last week. He indicated in conversation that he may be interested in selling the property, yet repeatedly mentioned that he still wants to pursue litigation for the flood damage and income loss. His extension was granted.

On February 19, 2014 the property owner was on site to secure the structures. I inquired of his intent for the property and discussed several options with him. He indicated that he was attempting to obtain a construction loan to reopen the apartments and would be meeting with his banker on February 28th and would be in touch with me by March 3 with the details. I reached out again to the owner on March 7th with no success. On March 10th I received a request for another 30-45 day extension to prepare cost estimates for his construction loan. His request for extension was granted and he was gently reminded that the property needs to remain in compliance as far as weeds and structure security during this period. I attempted contact again on May 2, 2014 with no success.

Since this time contact has continued with the property owner by mail regarding the maintenance of the weeds and growth on the property and the need to continue maintain the security of the structures as vandalism continues.

Recent Issues:

In December 2014 and again in July 2015, the structure at 2401 Cuba has caught fire causing further damage to the property. The December 2014 fire was found to be caused by transients squatting in the structure and the July 2015 fire was caused by vandalism. On August 4, 2015 a search warrant was executed and the premises were reinspected. The inspection shows the violations cited back in 2010 still exist and the structures continue to deteriorate with the passage of time and lack of maintenance. The structures continue to show evidence of transient occupation as windows and doors continue to be broken into and left unsecured. Graffiti now marks the interior of several units. Surrounding property owners feel a mounting and continued threat posed by the condition of the structures.

The structures remain declared unfit for human occupancy as defined in Section 108.1.3. The structures and condition of the property continue to decline with little to no indication that the owner will address these issues responsibly. The City has attempted

for five years to assist the property owner with compliance at every opportunity. It is my recommendation that the City Commission move forward with approval of the resolution.

Reasoning

Unless specifically cited, all sections are of the 2006 International Property Maintenance Code.

Section 8-03-080 of the Code of Ordinances adopts the 2006 International Property Maintenance Code. (IPMC)

Section 104.1 compels the Code Official to enforce the provisions of the Code.

Section 104.3 compels the Code Official to make the necessary inspections to determine compliance with the Code.

Section 104.4 grants authority to enter property.

Section 106.1 states that it is unlawful to violate the Code.

Section 108.1.3 Conditions of a structure unfit for human occupancy.

Section 108.2 grants authority to placard vacant structure unfit for human occupancy

Section 108.3 Notice of condemnation.

Section 108.2 Closing of vacant structures. If property is vacant, unfit and not in danger of structural collapse, the Code Official shall placard and order structure to be closed up so not to be an attractive nuisance. If no compliance, Code Official may close up property and lien.

Sections 301.2 , 501.2 and 701.2 state that unless otherwise provided in the Code, the property owner is responsible for compliance.

Section 110.1 compels the Code Official to order the owner to repair and make safe and sanitary the structure. At the owner's option, the structure may be demolished in lieu of the repairs.

Section 110.2 states that all notices and orders shall comply with Section 107 of the Code.

Section 107.1 Notice to person responsible for violations, in this case the owner.

Section 107.2 Form. Shall be in writing, include description of real estate, statement of violation, correction order, reasonable amount of time to make repairs, right of appeal, and a statement of the right to file a lien in accordance with 106.3.

Section 107.3 Method of service. Shall be delivered personally, certified or first-class mail. If returned, posted on the property.

Section 107.4 and 106.4 cover violation penalties. Persons shall be prosecuted within the limits provided by state or local laws.

Violations - 2010

It has been determined that the property is in violation of the following sections of the 2006 IPMC:

301.3 Vacant structures and land. *All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.*

Photos 1-12 show the dilapidated, vacant structures and condition of the property are blight to the neighborhood and to the community.

304.1 Exterior Structure-General. *The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.* The structure shall perform four primary functions: be in good repair, structurally sound, sanitary condition and capable of preventing the elements and rodents from entering the interior areas.

- **Photo 6** shows the deteriorated condition of the fascia, drip edge, shingles.
- **Photo 2 and 4** show the gable vent in disrepair and open to elements and birds.
- **Photo 28** shows the stairway, swamp cooler, windows, screens and fascia all in disrepair along with pigeon feces accumulating on the second story window.
- **Photos 9, 11 and 7** shows the deteriorated condition of the stairway, hand rails and roof decking on the porch.
- **Photos 3, 5 and 7** show broken windows, open swamp coolers and deteriorated stairways.

302.5 Rodent Harborage. *All structures and exterior shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.*

- **Photo 28** shows the accumulation of pigeon feces on the building and window from the nesting birds above.
- **Photos 18 and 24** show the interior of the storage/utility room with holes in the walls and ceiling allow free travel of rodents throughout the structures.

302.7 Accessory Structures. *All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.*

- **Photo 10** shows the exterior of the accessory structure with deteriorated shingles, deteriorated stucco and trim. Windows are broken.

304.2 Protective Treatment. *All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.*

As shown in photos 3, 4, 6, 7, 8, 9, 11 and 12 the exterior of the structures, especially the decks and stairs have peeling paint, decayed members and unprotected and rotting decks. The wood trim and stucco have not been maintained and are damaged by the elements.

304.7 Roofs and Drainage. *The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.*

Several units show stains from roof leakage while others have considerable damage where the wall and ceiling sheetrock has collapsed from water leaking from the roof when it rains. The shingles on the roof are well past their useful or expected life and have curled and deteriorated in the sun.

- **Photos 25 and 27** show interior damage from roof leaks.
- **Photos 6 and 12** show deteriorated shingles, rotted decking, ruined and missing drip edge and no gutter system.

304.10 Stairways, decks, porches and balconies. *Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.*

- **Photos 8, 9, 11 and 12** shows evidence that the porches are in serious disrepair with failing structural members. The deck surfaces of the porches are exposed and rotting from moisture

305.1 Interior Structure-General *The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition...*

- **Photos 13-23 and 25-27** show the condition of disrepair of the interior of the structures from a lack of maintenance, including dangerous structural issues after the fires.

305.3 Interior Surfaces. *All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.*

- **Photos 13, 19 and 30** are representative of all lower unit floors. The photos show the interior of the units were found in an unsanitary condition due to flood waters and debris. With the temperatures experienced since the floods, this is a breeding ground for mold both in the carpet and the walls. Units were also found littered with animal feces and urine where animals were kept in vacant units.
- **Photo 13 and 22** are an examples of the majority of units containing foodstuff on the kitchen and appliance surfaces.
- **Photos 25, 27, 29 and 31** show damage to the sheetrock on both the wall and ceiling surfaces caused by tenants or damage from the leaking roof.

502.1 Dwelling units. *Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.*

- **Photo 32** is an example of units found lacking the proper plumbing fixtures.

505.4 Water heating facilities. *Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.*

- **Photos 17 and 20** show the gas fired water heaters were flooded well above the burners and thermostat and respectively the improper and unsupported ventilation of the water heaters. Until the heaters have been tested by a licensed plumber, it cannot be determined if they are operable or safe.

506.1 General. *All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.*

- **Photo 21** is an example of units where the sinks are not connected to the plumbing, tail pieces or traps are missing.

506.2 Maintenance. *Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.*

- **Photos 24** shows the sewer cleanouts have been damaged and left open. This not only causes an odor issue but is a means for the sewage to flow on the ground if there is an obstruction in the plumbing. This can also be a hazard for the small children in the area.

703.1 Fire-resistance-rated assemblies. *The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.*

- **Photos 17, 18, 20 and 26** show years of repair and maintenance on the plumbing and electrical systems of the building have left the sheetrock riddled with large penetrations and entire sections of sheetrock missing. The sheetrock is intended to serve as the fire/smoke barrier between the laundry/furnace room and the apartments. This is a safety issue as there is no protection of the concealed areas (walls, second story floor assembly and roof/attic areas) from fire. If a fire would start in the laundry/furnace room, it could spread undetected into the floors and walls of the apartments leaving tenants unaware and severely limiting escape and rescue times.

Violations Observed – 2015

301.3 Vacant structures and land. *All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.*

2309, 2401, 2403 and 2405 remain vacant and unsecured. The blighting conditions noted in 2010 still remain today.

304.1 Exterior Structure-General. *The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. The structure shall perform four primary functions: be in good repair, structurally sound, sanitary condition and capable of preventing the elements and rodents from entering the interior areas.*

There has been no repair or maintenance performed to the exterior of 2309, 2401, 2403 or 2405 Cuba since the initial 2010 violations. The fires in 2401 Cuba have caused further damage to the exterior of the structure. The remaining structures continue to decline with continued exposure to the elements.

302.5 Rodent Harborage. *All structures and exterior shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.*

The evidence of infestation is apparent with accumulations of bird nests, accumulation of feces on the exteriors and wasp nests both inside and out of all four structures. I have witnessed cats coming in and out of the structures and paw prints can be seen throughout the structures.

302.7 Accessory Structures. *All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.*

The accessory structure remains secure, and the exterior continues to deteriorate from exposure to the elements.

304.2 Protective Treatment. *All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.*

2309, 2401, 2403 and 2405 Cuba have had no repair or maintenance performed to the exterior surfaces. The exterior stairways continue to rot from exposure and structural members in the porches are deteriorating. Window frames in all the structures are peeling, rotting and failing from exposure and lack of maintenance. The vegetation

around the structures has broken through the unprotected window frames and is now growing inside the structures.

304.7 Roofs and Drainage. *The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.*

2309, 2403 and 2405 still show the same indicators of roof leaks that have with time and lack of repair have become worse, increasing the damage caused. 2401 Cuba is difficult to determine evidence of any new roof leaks since the fires. All four structures continue to have deteriorating shingles and roof decking. Pieces of trim, fascia and decking have rotted and fallen off several areas on each structure.

304.10 Stairways, decks, porches and balconies. *Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.*

The exterior wooden stairway and porches have continued to deteriorate on all four structures. The wood is unprotected and structural members are rotting and compromised. No visible maintenance has been performed on the stairs on decks on any of the structures since 2010.

305.1 Interior Structure-General. *The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition...*

The interior of the structure at 2401 Cuba has been substantially damaged by the fires. 2309, 2403 and 2405 continue to deteriorate from vandalism, theft and lack of maintenance. The structures have been broken into and tagged with graffiti and damage has been done to the walls where they have been kicked in breaking the sheetrock. The copper piping and wiring has been stolen. Lack of repair to the water and mud soaked carpet after the flooding has caused the first story floors to decay to the point of collapse and separation from the exterior walls. Coupled with the exposure to the elements, water has continued to make its way under the structures causing damage to the foundations evidenced by large cracks in the walls and ceiling of the structures.

305.3 Interior Surfaces. *All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.*

The interior surfaces in 2401 Cuba have been significantly damaged by the fires. 2309, 2403 and 2405 continue to deteriorate without repair and maintenance. Roof

leaks continue to damage ceilings and walls. Continued exposure to the elements through unsecured windows and vandalism has furthered the deterioration of all surfaces in the units. Food and dirty dishes remain in the apartments since 2010.

502.1 Dwelling units. *Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.*

The theft of the copper piping has rendered the plumbing in all four structures inoperable. Showers, tubs and lavatories have been ripped from the walls to obtain the copper. All four units have been vandalized in this way.

505.4 Water heating facilities. *Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.*

Since 2010 all four buildings have been vandalized for copper and the water heaters have been damaged or removed. Tempered water can no longer be provided to any to of the plumbing fixtures.

506.1 General. *All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.*

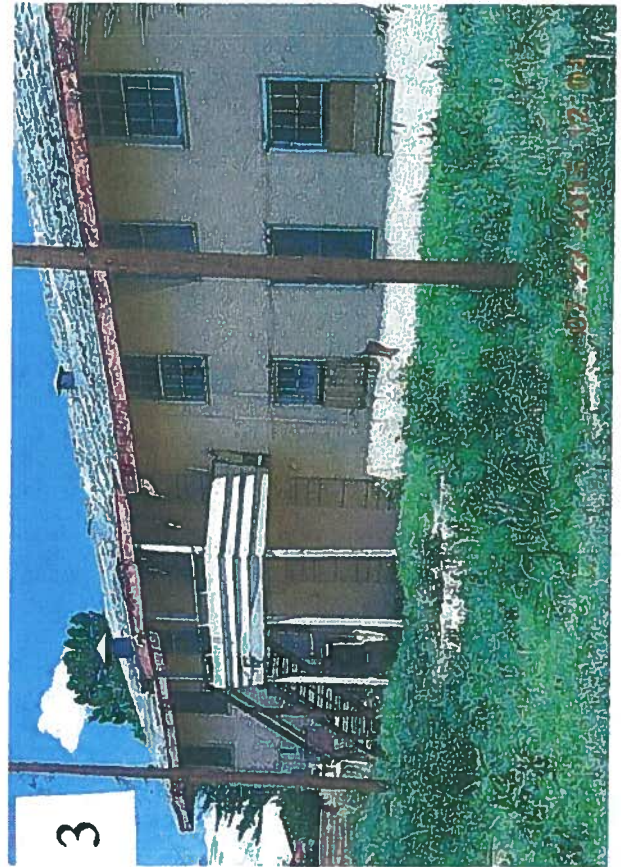
No further work has been performed on the plumbing system since 2010, the same lack of connection exists and has increased with the vandalism and theft of the copper piping.

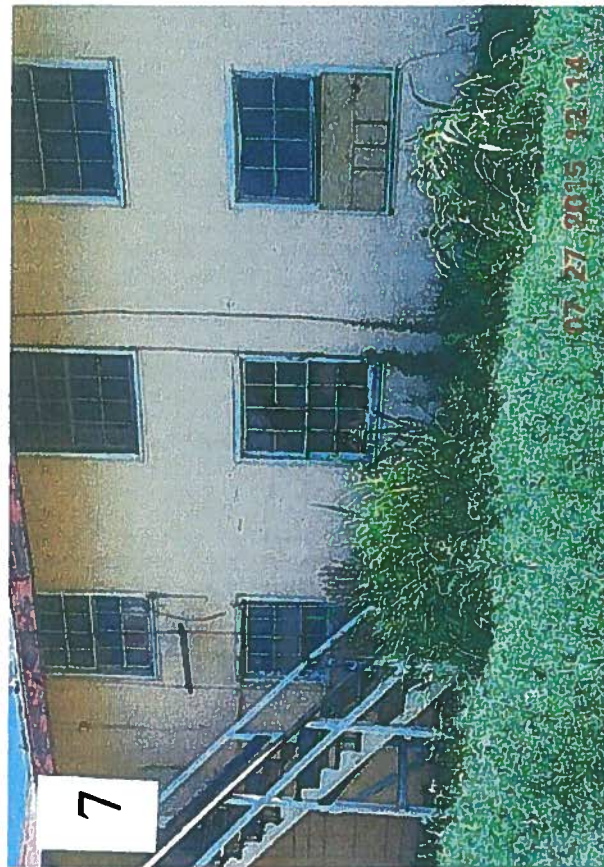
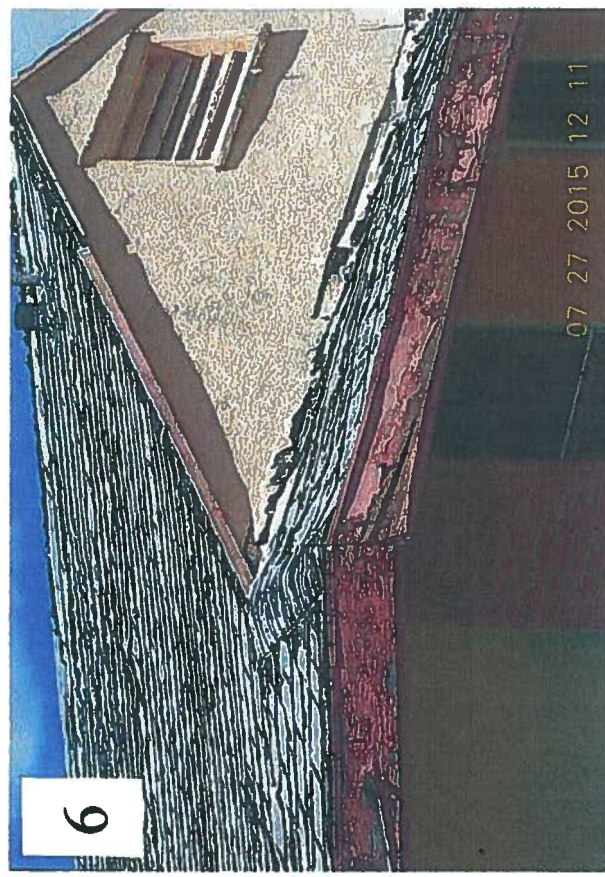
506.2 Maintenance. *Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.*

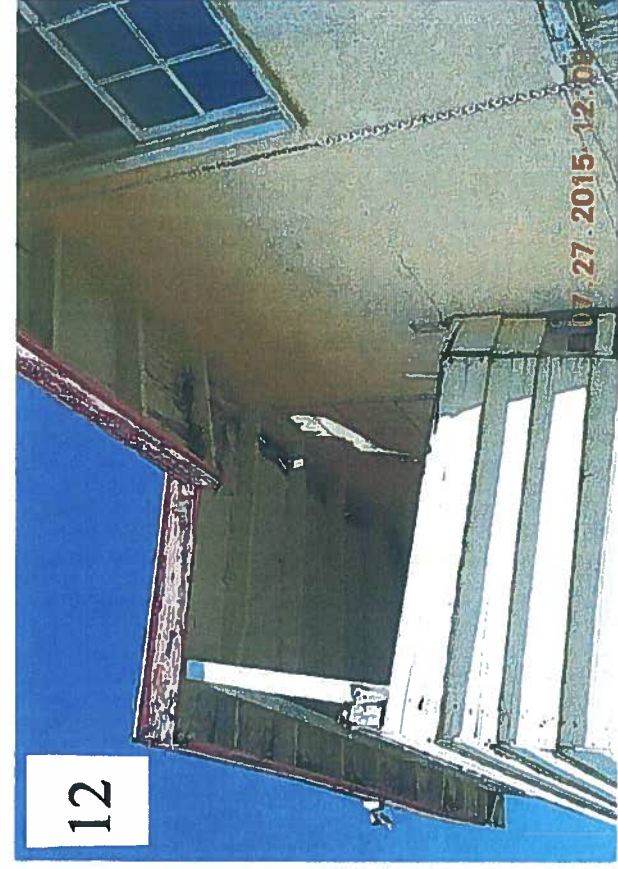
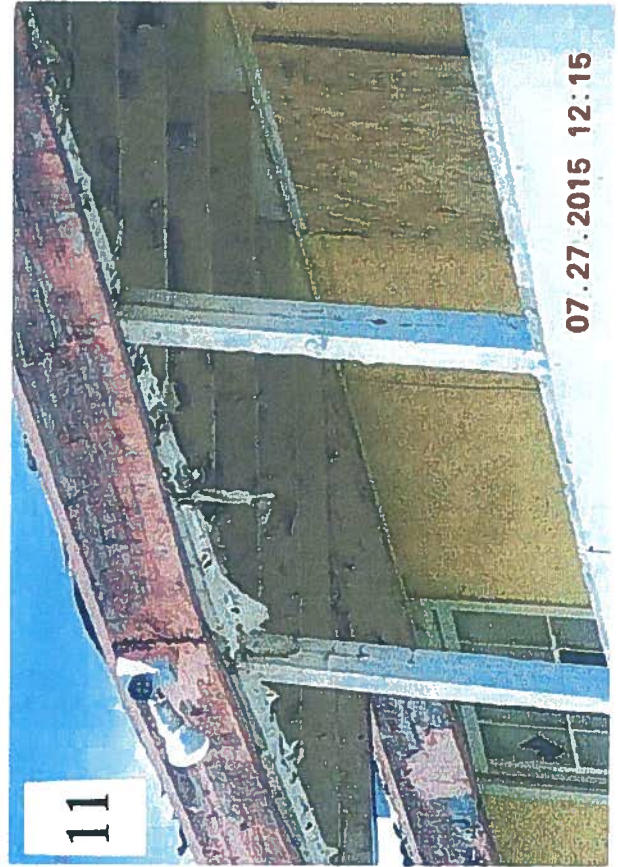
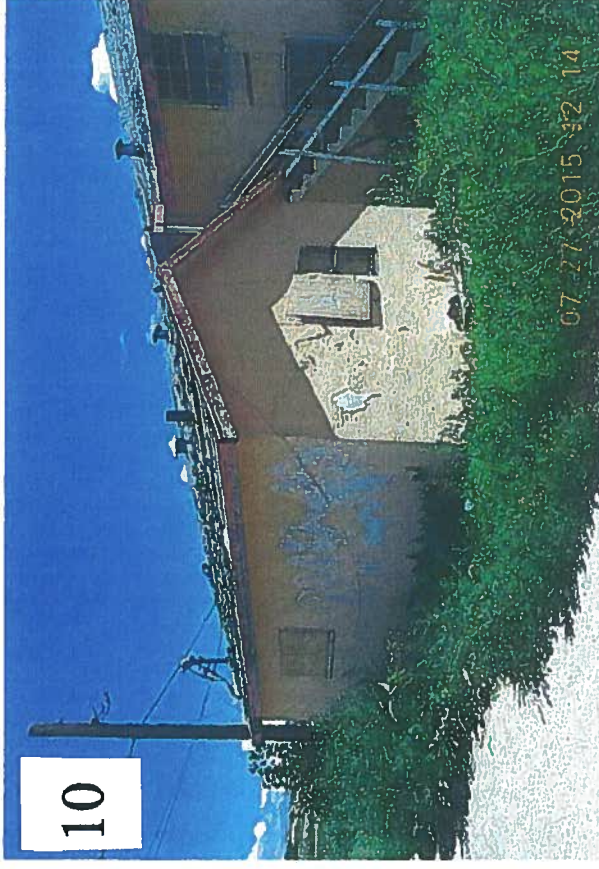
No further repair or maintenance has been performed on the sewer cleanouts to the structures.

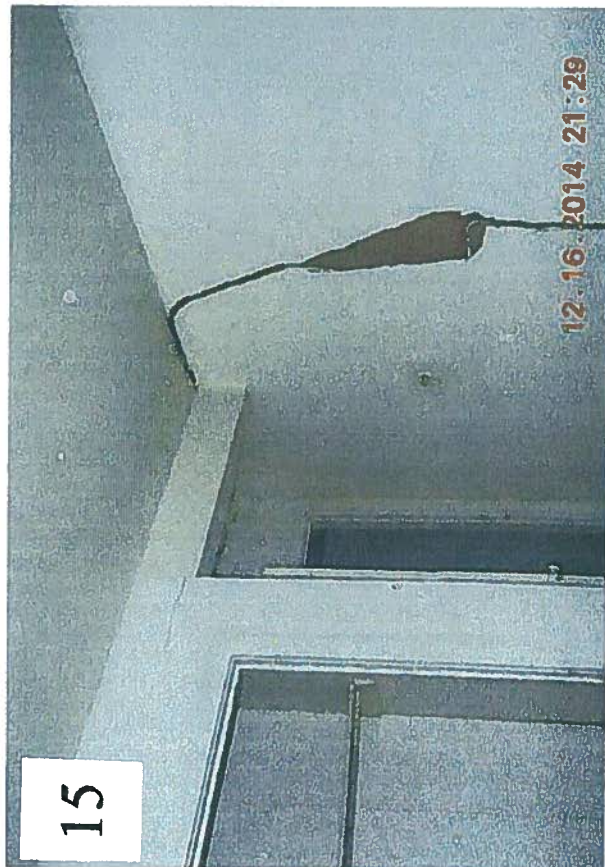
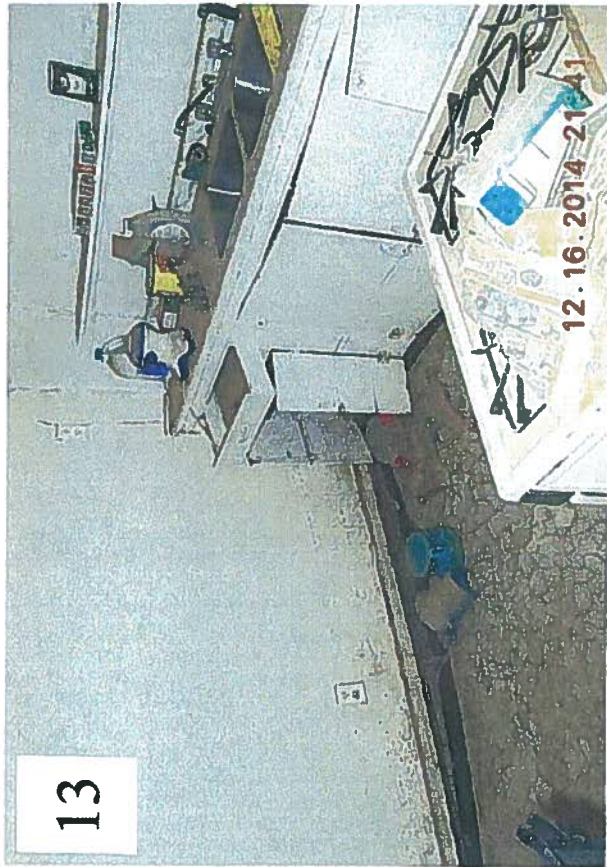
703.1 Fire-resistance-rated assemblies. *The required fire resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.*

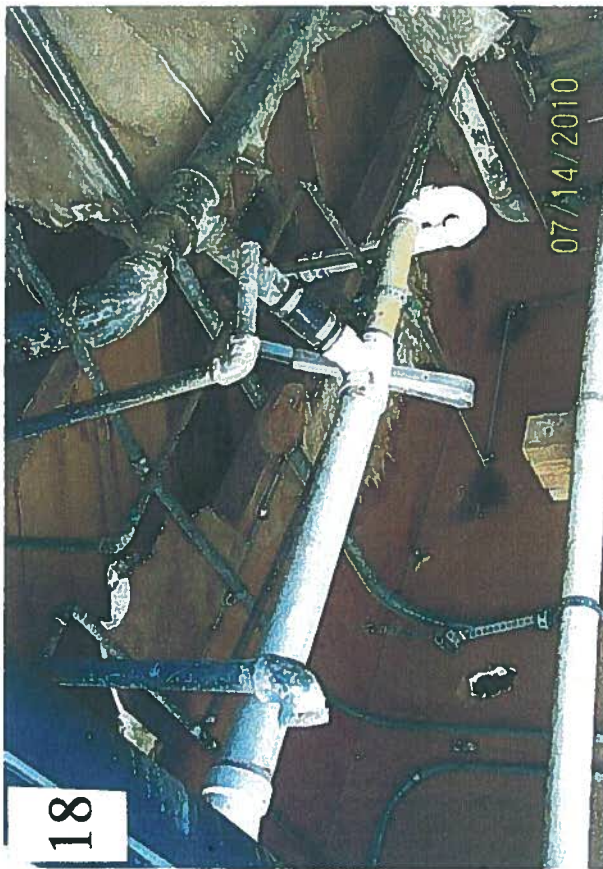
Due to the fires in 2401 Cuba, the fire resistant assemblies and means to contain a fire to allow for rescue and egress is gone. The structures at 2309, 2403 and 2405 have seen deterioration of fire safety measures with the sheetrock damage by vandals, plumbing walls and floor-ceiling assemblies exposed by the theft of the copper and the structures remaining unsecured posing an attractive nuisance attracting further vandalism that may result in fire. With no power to the structures, any means of detection or alarm of fire are not present. The rotting floors and walls that have separated from the floors and ceilings allow fire to spread faster undetected and pose considerable risk to emergency personnel responding to the call.

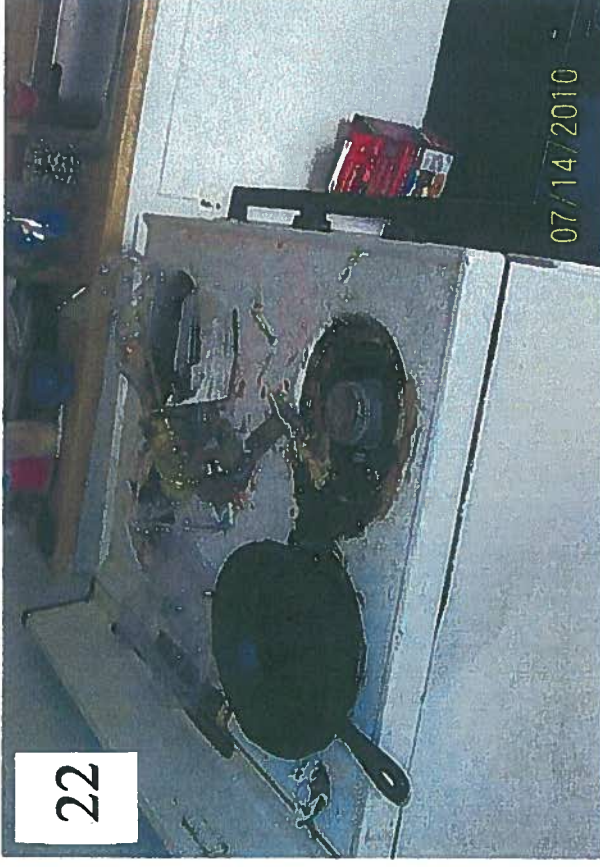


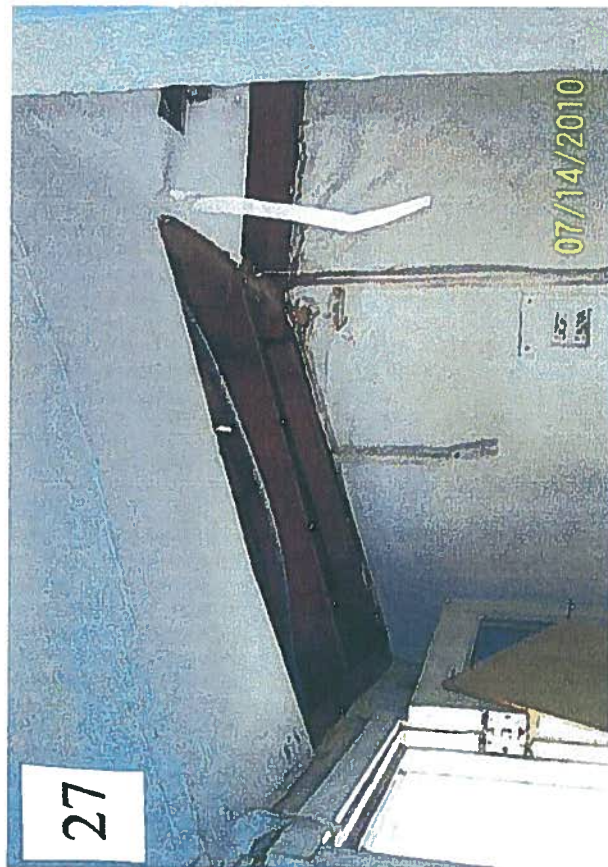
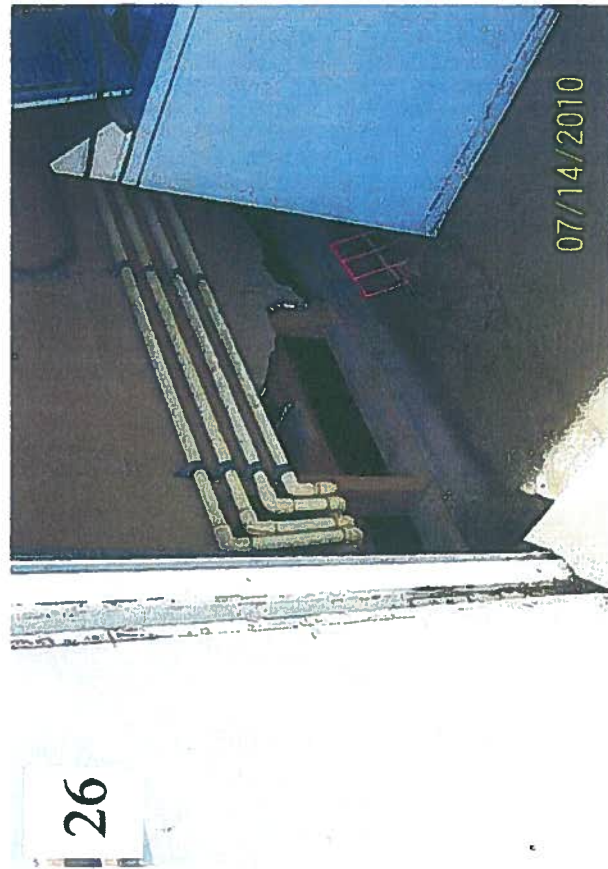
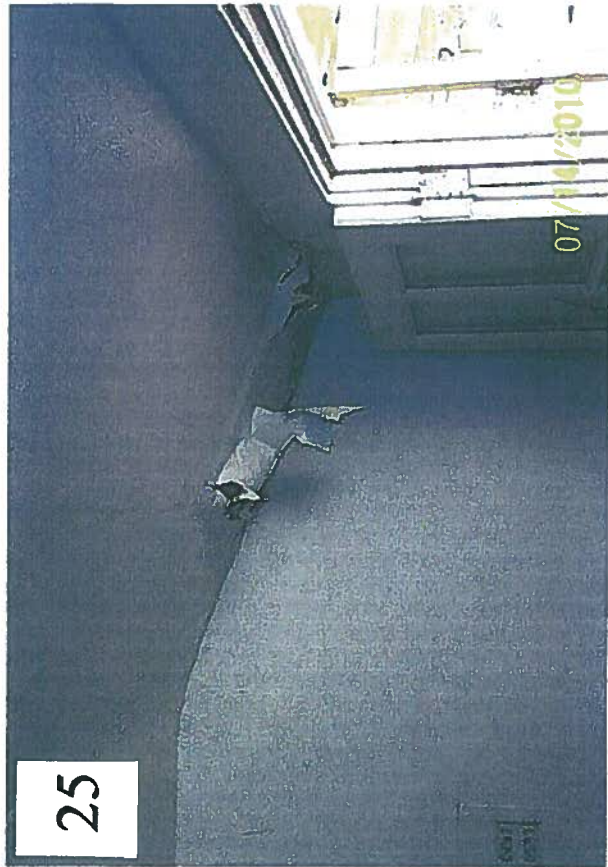


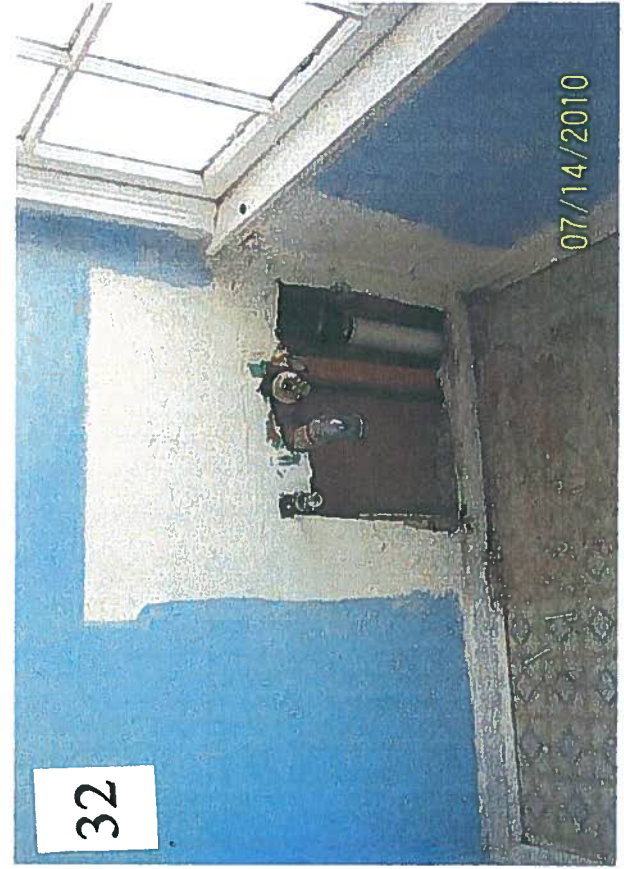
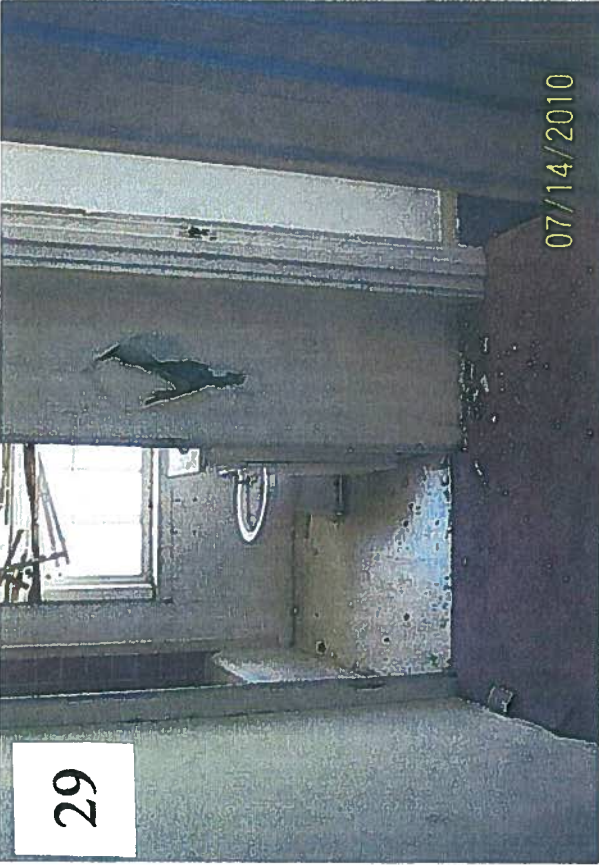




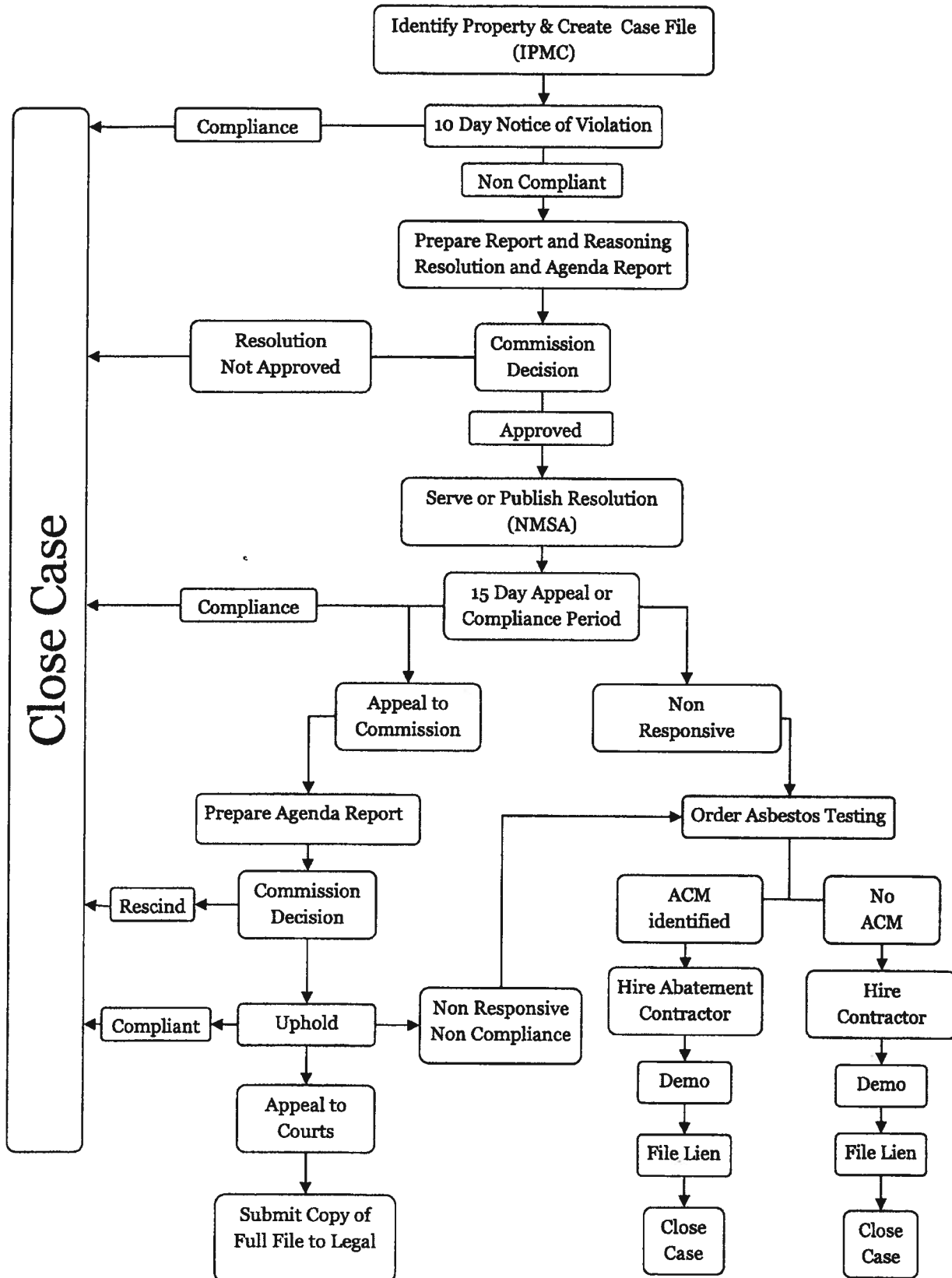








Dilapidated Structure Abatement Process



SAHARA APARTMENTS

2405 Cuba Avenue

Haynes Addition, Block 14, Lot 1, 2, 3, 4, 5, Pt of Lot 6, Pt of Lot 7

Lien #	Lien Type	Account #	Date Filed	Service Date	Amount	Admin Fee	Lien Total	Interest	Filing Fee	TOTAL
1074	Weed	10-9552	11/29/2010	11/11/2010	\$ 4,500.00	\$ 200.00	\$ 4,700.00	\$1,693.55	\$ 34.00	\$ 6,393.55
1116	Weed	11-7702	11/30/2011	10/26/2011	\$ 2,400.00	\$ 200.00	\$ 2,600.00	\$ 728.28	\$ 34.00	\$ 3,328.28
1204	Weed	12-8561	12/19/2012	11/11/2012	\$ 1,921.11	\$ 200.00	\$ 2,121.11	\$ 415.16	\$ 50.00	\$ 2,536.27
1350	Utility	72269-31130	10/23/2014	4/22/10 - 8/25/10	\$ 1,555.41	\$ 200.00	\$ 1,755.41	\$ 126.97	\$ 50.00	\$ 1,882.38
1443	Weed	14-4641	2/11/2015	10/29/2014	\$ 949.71	\$ 200.00	\$ 1,149.71	\$ 27.47	\$ 50.00	\$ 1,177.18

TOTAL AMOUNT DUE: **\$ 15,317.66**

Payoff amounts as of 5/14/2015

8/6/2015

Property Tax Inquiry

Accounts		Properties	
Account #	Parcel ID	Owner Name	Owner Address
R014632	01-05134	KRIEGER, KAREN MONICA	1440 E ANDY DEVINE AVE KINGMAN, AZ 86401
Limit to 50 Results Click for Instructions 2405 cuba KRIEGER, KAREN MONICA		Property Address	Legal Description
		2405 CUBA AVE	Subd: HAYNES ADDITION Lot: 1, 2, 3, 4, 5, LT 6 PT OF, LT 7 PT OF Block: 14

Tax Summary (yearly doesn't include P&I)			
Year	Charged	Paid	Due
2005	\$1,769.33	\$1,769.33	\$0.00
2006	\$1,859.34	\$1,859.34	\$0.00
2007	\$1,913.80	\$1,913.80	\$0.00
2008	\$1,875.17	\$1,875.17	\$0.00
2009	\$1,870.48	\$1,870.48	\$0.00
2010	\$1,905.86	\$1,905.86	\$0.00
2011	\$1,927.13	\$1,927.13	\$0.00
2012	\$1,973.56	\$1,973.56	\$0.00
2013	\$2,019.73	\$2,019.73	\$0.00
2014	\$2,045.40	\$2,024.94	\$20.46
Total:	\$19,159.80	\$19,139.34	\$20.46
P&I Total:	\$261.76	\$261.76	\$0.00
Grand Total:	\$19,421.55	\$19,401.10	\$20.46

Transactions			
Year	Amount	Type	Due
2014-09-23	\$4.44	TC	
2014-09-23	\$2,040.96	TC	
2015-02-04	\$20.45	PC	
2015-02-04	\$0.04	IC	
2015-02-04	\$20.41	IC	
2015-02-04	\$1,020.48	TCP	
2015-02-04	\$2.22	TCP	
2015-02-04	\$20.41	ICP	
2015-02-04	\$0.04	ICP	
2015-02-04	\$20.45	PCP	
2015-07-27	\$30.68	PC	
2015-07-27	\$0.07	IC	
2015-07-27	\$30.61	IC	
2015-07-27	\$0.07	ICP	
2015-07-27	\$2.22	TCP	
2015-07-27	\$30.61	ICP	
2015-02-27	\$20.68	PCP	

Owner Information

Owner Name KRIEGER, KAREN
Mailing Address1 MONICA
Mailing Address2 1440 E ANDY DEVINE AVE
City KINGMAN
State AZ
Zip 86401
Owner ID C013920
Owner Number 86650
Account Number R014632

Property Description

Property Address 2405 CUBA AVE
 Subd: HAYNES ADDITION
 Lot: 1, 2, 3, 4, 5, LT 6 PT OF,
 LT 7 PT OF Block: 14
Legal Descript
Neighborhood A5
Account Number R014632
Previous ID 01-05134

Deeds

Description
BK 394 PG 848 - CLENDENEN
BK 690 PG 981- CLENDENEN & MELT
BK 394 PG 848- CLENDENEN
BK 762 PG 571-COOK
BK 977 PG 476-COOPER
BK 1049 PG 0905-SAHARA
BK 1049 PG 0908-CONTR
BK 1214 PG 0055-COVARRUBIAS
201012087-KELLEY
201202380-SSAG

Parcel Summary

Land Value \$56,463.00
Impr Value \$192,828.00
Full Value \$249,291.00
Taxable Value \$83,097.00

Mobile Summary

PropValue \$0.00
Mobile Taxable \$0.00

Exemptions

ExemptionType	Amount
---------------	--------

Total Full Value

Taxable
 Total Exemptions \$0.00
 Net Taxable Value \$83,097.00

Taxes

Bill # 13029161
Year 13
Original Amount \$2,019.73
Total Due \$2,019.73

Land Segments

SegNo	Description	Size	TaxYear
0	Multi-Family Res Lot	1.973 Acres	2015

Residential Buildings

Build No	Description	Year Built	Stories	Gross Living Area	Baths	Beds	Construction	Roof Cover	Heating	Cooling	Quality	TotalRooms
1	Multi-Family Apartment	1954	2	4800	4.00	8	Wood Frame	GABLE TAR & GRAVEL	HOT AIR PIPELESS	Evaporative Cooling	Low Quality	16.0
2	Multi-Family Apartment	1954	2	4800	4.00	8	Wood Frame	GABLE TAR & GRAVEL	HOT AIR PIPELESS	Evaporative Cooling	Low Quality	16.0
3	Multi-Family Apartment	1954	2	4800	4.00	8	Wood Frame	GABLE TAR & GRAVEL	HOT AIR PIPELESS	Evaporative Cooling	Low Quality	16.0
4	Multi-Family Apartment	1954	2	4800	4.00	8	Wood Frame	GABLE TAR & GRAVEL	HOT AIR PIPELESS	Evaporative Cooling	Low Quality	16.0

Other Improvements

Item No	Description	Length	Width	Area Units	Impr Value
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Commercial Buildings

Build No	Description	Year Built	Stories	Gross Area	Class	Quality	Story Height	HVAC	Extr Walls	DBA	Tax year
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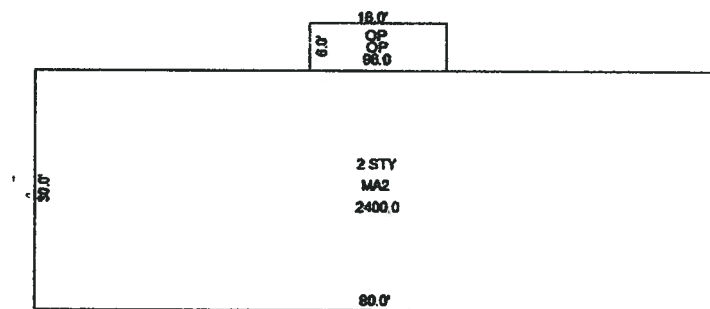
Mobile Homes

Licence Plate	Serial No	Make	Year Built	Length	Width	Area	Size
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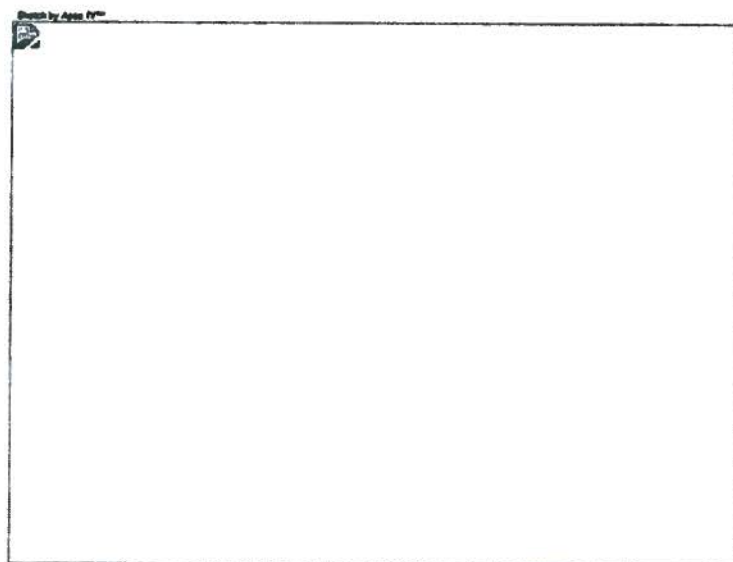
Photograph:



Sketch:



Maps:



**Estimated Demolition Costs
Sahara Apts
2405 Cuba Ave
July 2015**

Cost Breakdown:

Asbestos Survey (Terracon)		\$	7,000.00
Asbestos Abatement (Estimated)*			
Linoleum and mastic (400sf/bldg x 4bldgs)	\$	6,400.00	
Roofing Material (2400sf/bldg x 4 bldg)	\$	48,000.00	\$ 54,400.00
Demolition			
Outside firm (\$6,500 per bldg)	\$	45,000.00	
Disposal (Mesa Verde Landfill)	\$	72,500.00	
In-house equipment and labor	\$	12,500.00	\$ 130,000.00
Total Estimated Cost			\$ 191,400.00

Alternative Outcomes:

No asbestos identified, no in-house charges	\$	124,500.00
Asbestos identified, no in-house charges	\$	178,900.00

***Asbestos abatement cost/sf:**

Stucco/Exterior material	\$5.00/sf
Carpet Glue	\$1.00/sf
Linoloum	\$4.00/sf
Sheet rock/texture walls	\$3.50/sf
ceiling	\$4.00/sf

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 14.

Submitted By: Stephen Thies, City Attorney

Subject: Consider, and act upon, a request by Edna Lebeaux for a payment plan for utility liens filed on 1217 N. Florida Avenue. (*Stephen Thies, City Attorney*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: The legal department recommends Ms. Lebeaux's request be denied.

Background:

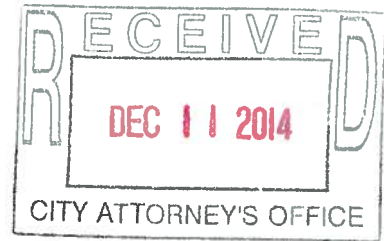
Ms. Edna Lebeaux has requested the Commission allow a payment plan for two utility liens that were placed on her property at 1217 N. Florida Avenue. Ms. Lebeaux was notified by letter of the past due amount due from her tenant on October 30, 2014. On March 30, 2015 a letter was sent to Ms. Lebeaux for her past due amount. Attached is a breakdown of both liens.

Ms. Lebeaux entered into a payment plan on April 20, 2015 for the amount left by her tenant, Ikiva Hills. The terms of this payment plan were to be \$50 per month beginning on May 4, 2015. As of this date, Ms. Lebeaux has not made any payments on this payment plan.

The Legal Department recommends Ms. Lebeaux's request be denied.

To: Stephen Thies, City Attorney
From: Stephanie Reyes, Utility Billing Collections Clerk
Date: December 10, 2014
Thru: Armando Ortega, Customer Service Manager
Re: Delinquent account; 1217 N Florida Ave

SR
Ar



PLEASE PLACE A LIEN AGAINST THE PROPERTY LISTED BELOW:

PROPERTY OWNER INFORMATION

Edna & Bernard Jr Lebaux
1217 N Florida Ave
Alamogordo, NM 88310

PROPERTY ADDRESS

1217 N Florida Ave

LEGAL DESCRIPTION

Subd: Alamo Blocks Lot: Lt 13 Block: 83

TENANT OCCUPIED HOME WHEN DEBT WAS INCURRED

Account Name: Ikiva Hills
Account Number: 93671-15510
Start Date: 11/29/2011 Term Date: 3/13/2014

BREAKDOWN OF CHARGES

TIME PERIOD

Bill:	04/16/12	Service:	03/06/12	to	04/03/12	\$	73.13
Late Charge:	05/15/12					\$	10.00
Bill:	05/21/12	Service:	04/04/12	to	05/03/12	\$	88.57
Payment:	06/14/12					\$	(25.00)
Bill:	06/18/12	Service:	05/04/12	to	06/05/12	\$	178.92
Late Charge:	06/19/12					\$	10.00
Payment:	06/20/12					\$	(26.70)
Payment:	06/20/12					\$	(120.70)
Bill:	07/16/12	Service:	06/06/12	to	07/05/12	\$	95.18
Late Charge:	07/17/12					\$	10.00
Payment:	07/31/12					\$	(150.00)
Payment:	08/03/12					\$	(48.22)
Late Charge:	08/14/12					\$	10.00

BREAKDOWN OF CHARGES

Continued

TIME PERIOD

Bill:	08/20/12	Service:	07/06/12	to	08/03/12	\$ 69.04
Payment:	09/11/12					\$ (110.00)
Bill:	09/17/12	Service:	08/04/12	to	09/05/12	\$ 70.40
Late Charge:	09/18/12					\$ 10.00
Payment:	09/25/12					\$ (70.00)
Late Charge:	10/16/12					\$ 10.00
Bill:	10/22/12	Service:	09/06/12	to	10/03/12	\$ 63.58
Payment:	11/07/12					\$ (90.00)
Bill:	11/19/12	Service:	10/04/12	to	11/05/12	\$ 71.77
Late Charge:	11/20/12					\$ 10.00
Payment:	12/06/12					\$ (60.25)
Bill:	12/17/12	Service:	11/06/12	to	12/05/12	\$ 70.40
Late Charge:	12/18/12					\$ 10.00
Payment:	01/09/13					\$ (80.00)
Late Charge:	01/15/13					\$ 10.00
Bill:	01/22/13	Service:	12/06/12	to	01/04/13	\$ 66.31
Payment:	02/11/13					\$ (70.00)
Payment:	02/14/13					\$ (20.12)
Bill:	02/19/13	Service:	01/05/13	to	02/05/13	\$ 363.40
Late Charge:	02/20/13					\$ 10.00
Payment:	03/12/13					\$ (140.00)
Bill:	03/18/13	Service:	02/06/13	to	03/05/13	\$ 68.34
Late Charge:	03/19/13					\$ 10.00
Late Charge:	04/16/13					\$ 10.00
Bill:	04/22/13	Service:	03/06/13	to	04/03/13	\$ 86.13
Bill:	05/20/13	Service:	04/04/13	to	05/03/13	\$ 90.65
Late Charge:	05/21/13					\$ 10.00
Payment:	06/12/13					\$ (100.00)
Bill:	06/17/13	Service:	05/04/13	to	06/04/13	\$ 114.17
Late Charge:	06/18/13					\$ 10.00
Leak Adjustment-T	06/27/13					\$ (7.69)
Leak Adjustment-V	06/27/13					\$ (153.70)
Late Charge:	07/16/13					\$ 10.00
Bill:	07/22/13	Service:	06/05/13	to	07/03/13	\$ 83.87

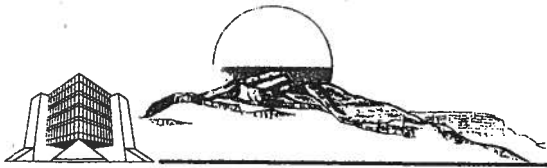
BREAKDOWN OF CHARGES**Continued****TIME PERIOD**

Bill:	08/19/13	Service:	07/04/13	to	08/05/13	\$	127.71
Late Charge:	08/20/13					\$	10.00
Bill:	09/16/13	Service:	08/06/13	to	09/04/13	\$	90.65
Late Charge:	09/17/13					\$	10.00
Late Charge:	10/15/13					\$	10.00
Bill:	10/21/13	Service:	09/05/13	to	10/03/13	\$	120.94
Bill:	11/18/13	Service:	10/04/13	to	11/04/13	\$	95.16
Late Charge:	11/19/13					\$	10.00
Bill:	12/16/13	Service:	11/05/13	to	12/04/13	\$	90.65
Late Charge:	12/17/13					\$	10.00
Payment:	01/08/14					\$	(350.00)
Late Charge:	01/14/14					\$	10.00
Bill:	01/21/14	Service:	12/05/13	to	01/06/14	\$	129.97
Bill:	02/18/14	Service:	01/07/14	to	02/04/14	\$	132.23
Late Charge:	02/19/14					\$	10.00
Final Bill:	03/17/14	Service:	02/05/14	to	03/13/14	\$	-
Deposit Refund:	03/17/14					\$	(140.00)
Payment:	05/29/14					\$	(200.00)
Payment:	06/27/14					\$	(185.00)

Subtotal \$ 513.79

Admin Fee \$ 200.00

Total \$ 713.79



City of Alamogordo



October 30, 2014

Edna & Vernard Jr Lebaux
1217 N Florida Ave
Alamogordo, NM 88310

RE: *Tenant(s): Ikiva Hills*
Account Address: 1217 Florida
Account Number: 93671 - 15510
Service Dates: 11/29/11 - 3/13/14

Dear Property Owner:

The Utility Billing Department sent notices informing your tenant of the past due amount of \$513.79. The city has made every effort to collect from the tenant. However, the tenant has failed to pay the past due amount. Under §3-23-6 NMSA 1978, the property owner is responsible for any debt incurred by them or their tenant.

The City desires to give you every opportunity to make payment. Please remit payment of \$513.79 or make payment arrangements with the Utility Billing Department within ten (10) days from the date of this letter. If you do not comply with this request, the account will be turned over to the City Attorney's Office and a lien will be placed against your property for the amount owed plus \$200.00 administration fee.

Please contact me at (575) 439-4370 or (575) 439-4260 as soon as possible to discuss this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Stephanie Reyes'.

Stephanie Reyes
Utility Billing Collections Clerk

Certified mail, return receipt requested
7014 1200 0000 1434 2780

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Edna & Vernard Jr Lebaux
1217 N Florida Ave
Alamogordo, NM 88310

NOV 06 2014

2. Article Number
(Transfer from service label)

7014 1200 0000 1434 2780

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

Signature <i>Edna Lebaux</i>		☐ Agent
B. Received by (Printed Name) <i>Edna Lebaux</i>		☐ Address
C. Date of Delivery <i>11/5/14</i>		☐ Date of Delivery
D. Is delivery address different from item 1?		☐ Yes ☐ No
If YES, enter delivery address below:		

3. Service Type	
☐ Certified Mail [®]	☐ Priority Mail Express [™]
☐ Registered	☐ Return Receipt for Merchandise
☐ Insured Mail	☐ Collect on Delivery
4. Restricted Delivery? (Extra Fee)	
☐ Yes	☐ No

Owner Information

Owner Name LEBEAUX & LEBEAUX
Mailing Address1 1217 FLORIDA AVE
Mailing Address2
City ALAMOGORDO
State NM
Zip 88310
Owner ID WN49S36
Owner Number 000002
Account Number R012445

Property Description

Property Address 1217 N FLORIDA AVE
 Subd: ALAMO BLOCKS Lot:
Legal Descript LT 13 Block: 83
Neighborhood A2
Account Number R012445
Previous ID 01-02826

Deeds

Description
BK 235 PG 17
BK 703 PG 389-CONT
BK 921 PG 677-ORTEGA
BK 933 PG 883-LOWE
BK 933 PG 884-BROHIMER
BK 978 PG 205-CONTR
BK 1004 PG 206-JARZOMKOWSKE
BK 1029 PG 0359-CONTR
BK 1055 PG 0010-JARZOMKOWSKE
BK 1187 PG 0052-CONT
BK 1212 PG 0952-FRONTIER
BK 1237 PG 0371-CONT
201207965-LEBEAUX, EDNA to LEBEAUX & LEBEAUX

Parcel Summary

Land Value \$7,320.00
Impr Value \$53,133.00
Full Value \$60,453.00
Taxable Value \$20,151.00
PropValue \$0.00
Mobile Taxable \$0.00

Mobile Summary

PropValue \$0.00
Mobile Taxable \$0.00

Total Full Value

Taxable
 Total Exemptions (\$6,000.00)
 Net Taxable Value \$14,151.00
Taxes
 Bill # 11029361
 Year 11
 Original Amount \$352.67
 Total Due \$272.26

Exemptions

ExemptionType	Amount
Head Of Household	(\$2,000.00)
Low Income Value Freeze	\$0.00
Veteran	(\$4,000.00)

Land Segments

SegNo	Description	Size	TaxYear
0	S-Family Res Lot	50 x 150	2014

Residential Buildings

Build No	Description	Year Built	Stories	Gross Living Area	Baths	Beds	Construction	Roof Cover	Heating	Cooling	Quality	TotalRooms
1	Single Family Residence	1950	1	1524	2.00	3	Wood Frame	HIP SHINGLE	HOT AIR PIPELESS	Evaporative Cooling	Average Quality	6.00

Other Improvements

Item No	Description	Length	Width	Area Units	Impr Value
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Commercial Buildings

Build No	Description	Year Built	Stories	Gross Area	Class	Quality	Story Height	HVAC	Extr Walls	DBA	Tax year
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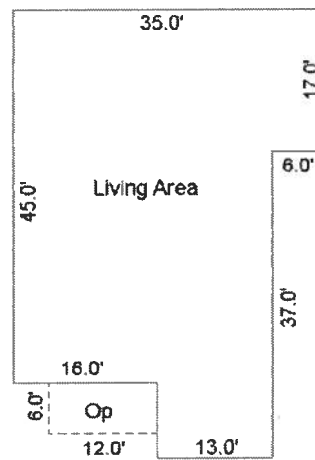
Mobile Homes

Licence Plate	Serial No	Make	Year Built	Length	Width	Area	Size
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Photograph:



Sketch:



Sketch by Apex P/Landmark

Maps:



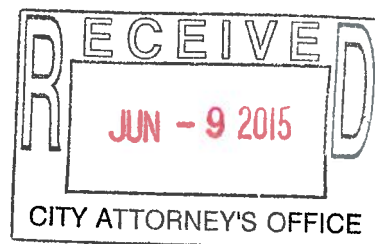
1480

To: Stephen Thies, City Attorney
From: Stephanie Reyes, Utility Billing Collections Clerk *SR*
Date: June 9, 2015
Thru: Nichole Sierra, Acting Customer Service Manager *sn*
Re: Delinquent account; 1217 N Florida Ave

PLEASE PLACE A LIEN AGAINST THE PROPERTY LISTED BELOW:

PROPERTY OWNER INFORMATION

Edna & Vernard Jr Lebeaux
1217 N Florida Ave
Alamogordo, NM 88310



PROPERTY ADDRESS

1217 N Florida Ave

LEGAL DESCRIPTION

Subd: ALAMO BLOCKS Lot: LT 13 Block: 83

OWNER OCCUPIED HOME WHEN DEBT WAS INCURRED

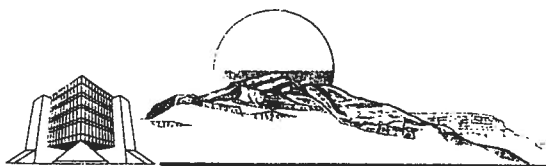
Account Name: Edna Lebeaux
Account Number: 74251 - 15510
Start Date: 12/31/14 Term Date: 02/23/15

BREAKDOWN OF CHARGES

TIME PERIOD

Balance prior to sign up					\$ 1,540.99	
Payment:	01/02/15				\$ (30.00)	
Leak Abatement-Tax:	01/07/15				\$ (48.56)	
Leak Abatement-Water	01/07/15				\$ (971.10)	
Late Charge:	01/21/15				\$ 10.00	
Final Bill:	02/24/15	Service:	12/31/14	to	02/23/15	\$ 146.60
Deposit Refund:	02/24/15					\$ (70.00)

Subtotal	\$ 577.93
Admin Fee	\$ 200.00
Total	\$ 777.93 ✓



City of Alamogordo



March 30, 2015

Edna & Vernard Jr Lebeaux
1217 N Florida Ave
Alamogordo, NM 88310

RE: *Name on Account: Edna Lebeaux*
Account Address: 1217 Florida
Account Number: 74251 - 15510

Dear Property Owner:

On 2/23/2015 water service was terminated at 1217 Florida. Our records indicate that you still owe the final bill on this account. The total amount due is \$577.93. Please remit payment to the Utility Billing Department within ten (10) days from the date of this letter.

The City desires to give you every opportunity to make payment. However, if you do not comply with this request within the allocated time, this account will be turned over to the City Attorney's Office and a lien will be filed against your property for the amount owed plus \$200.00 administration fee.

Please contact me at (575) 439-4372 or (575) 439-4260 as soon as possible to discuss this matter.

Sincerely,

Stephanie Reyes
Utility Billing Collections Clerk

Certified mail, return receipt requested
7014 1200 0000 1434 3749

FIRST-CLASS MAIL

Hasler

03/30/2015

US POSTAGE

\$06.48⁰

ZIP 88310

011D11633948



MAY 07 2015



7014 1200 0000 1434 3749

27

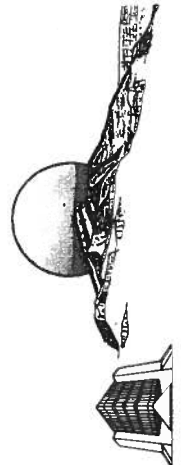
Edna & Vernard Jr Lebeaux
1217 N Florida Ave
Alamogordo, NM 88310

1ST NOTICE
2ND NOTICE
3RD NOTICE

NIXIE 799 CE 1009 2205/06/15
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 88310585576 *1710-06699-31-43

88310585576



City of Alamogordo

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

Utility Billing Collections Dept

Edna Lebeaux
1217 N. Florida Avenue

Lien #	Type	Acct. #	Filed	Amount	Filing Fee	Admin Fee	Interest	Total
1453	Utility	93671-15510	3/24/2015	\$ 513.79	\$ 50.00	\$ 200.00	\$ 44.59	\$ 808.38
1480	Utility	72451-15510	7/21/2015	\$ 577.93	\$ 50.00	\$ 200.00	\$ 18.16	\$ 846.09

Total \$ 1,654.47



RECEIVED
SEP 01 2015
CITY CLERK

City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 8-31-15

Date of Meeting:

Name:

Address:

Phone Number:

E-Mail Address:

Ina Lebeaux
1217 North Florida Ave
Alamogordo, NM ZIP 88310
575-491-7549

Item requested will be for: (Please check one)

☐ Information only

☐ Action Item

☐ Discussion/Action

☐ Public Hearing

☐ Report

☐ Other: _____

Brief description of topic to be discussed:

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

We do not allow handouts at the meeting

old water bill tenant left
I Leans against property
I want to live in my house &
make arrangements to pay bill

Signature: Ina Lebeaux

Please return to:

Renee Cantin, CMC, City Clerk
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

Phone: (575) 439-4205

Fax: (575) 439-4396

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

Revised 5/7/2014

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 15.

Submitted By: Ruben Segura, City Planner

Subject: Consider, and act upon, Resolution 2015-44 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority. **(Roll Call vote required)** *(Ruben Segura, City Planner/Grants Coordinator)*

Fiscal Impact: 0

Amount Budgeted: \$50,000.00

Fund: N/A

Additional Fiscal Impact:

Recommendation: Approve the resolution.

Background: On August 13, 2015 the City Commission approved Ordinance 983, which established an economic development plan for the City of Alamogordo. Such plan, which is now part of Section 2-14, "Economic Development of the City Municipal Code, was created as part of RFP #96-02 when Covell Consultants were hired to assess the current economic conditions and needs of the City, and develop an economic development strategic plan that met the New Mexico Local Economic Development Act (LEDA) requirements.

As practical purpose, the economic development plan provides the basis for approval of future economic development projects that would otherwise be unconstitutional under the Anti-donation Clause of the New Mexico State Constitution. Unfortunately, the last economic development plan outlived its usefulness and staff is seeking authorization from the City Commission to apply to the New Mexico Finance Authority's Local Government Planning Fund Grant for the full grant amount of \$50,000.00. This amount would allow the City to hire a professional consultant through the City's RFP process and update set plan.

The approval of this resolution will allow management to be fully authorized to sign the grant agreement and submit all the required documents to the New Mexico Finance Authority for grant funding consideration.

NEW MEXICO FINANCE AUTHORITY
LOCAL GOVERNMENT PLANNING FUND APPLICATION

I. GENERAL INFORMATION

A. APPLICANT /ENTITY

Application Date:

September 22, 2015

Applicant/Entity:	City of Alamogordo				
Address:	1376 E. Ninth Street, Alamogordo, NM 88063				
County	Otero County	Census Tract:	30,403 (2010)		
Federal Employer Identification Number (EIN) as issued by the IRS:					85-6000099
Legislative District:	Senate:	NM-02	House:	NM-02	
Phone:	575-439-4205	Fax:	575-439-4396	Email Address:	websters@ci.alamogordo.mn.us
Individual Completing Application:		Ruben Segura, City Planner			
Address:	1376 E. Ninth Street, Alamogordo, NM 88063				
Phone:	575-439-4231	Fax:	575-439-4343	Email Address:	rsegura@ci.alamogordo.nm.us

B. CONSULTING PROFESSIONALS (Legal Counsel, Architect, Engineer, Planner etc.), if available:

Firm:	N/A				
Contact:					
Address:					
Phone:		Fax:		Email Address:	

C. PRIMARY CONTACT PERSON:

Name:	Robert Duncan				
Contact:	Acting City Manager				
Address:	1376 E. Ninth Street, Alamogordo, NM 88063				
Phone:	575-439-4303	Fax:	575-439-4396	Email Address:	rduncan@ci.alamogordo.nm.us

D. Organizational Readiness-to-proceed (Municipalities & Counties Skip to II)

1. Are you formally organized? Yes ☒ No ☐

2. Do you have formally adopted by-laws? Yes ☒ No ☐

If yes, please provide a copy.

3. Are you incorporated? Yes ☒ No ☐

If yes, please provide a copy of your Articles of Incorporation.

4. Do you have regular board meetings? Yes ☒ No ☐

If yes, please identify when and how often.

5. Do you keep formalized records of your Board meetings? Yes ☒ No ☐

6. Do you have written Board rules and regulations? Yes ☒ No ☐

If yes, please provide a copy.

II. PROJECT SUMMARY

A. Project Description. Complete the following information, use additional paper if necessary. Include any additional documents that may be useful in reviewing this project, i.e. architectural designs, feasibility studies, business plan, etc.

1. Type of Project

- ☐ Preliminary Engineering Report (PER)
- ☐ Environmental Information Document
- ☒ Local Economic Development Act plan & Comprehensive Economic Development plan
- ☐ Water Conservation Plan
- ☐ Comprehensive Plan
- ☐ Infrastructure Plan for project identified on the ICIP
- ☐ Economic Development Feasibility Study
- ☐ Asset Management Plan
- ☐ Water Master Plan
- ☐ Wastewater Master Plan
- ☐ Energy Audit

2. Please include a detailed description of the scope of the proposed plan to be funded. Attach additional pages as needed.

Please see "Exhibit A"

B. Sources of Funding

NMFA Planning Funds Requested \$50,000

Non-NMFA Funds (specify source & terms) N/A

III. Water & Wastewater System Rates & Information (if applicable)

A. 1. List the current residential water or wastewater;

	Wastewater Rate per 6000 Gallons	Water Rate per 6,000 Gallons	Last Adjusted
Residential	\$8.30 (6,000 gallons)+ base rate (\$13.90) = \$22.20	\$11.63 (6,000 gallons) + base rate (\$13.60) = \$25.23	7/01/2015

. Is the water system metered? Yes ☒ No ☐

If yes, what percentage? 100% per ordinance all users must have a meter.

3. Is the wastewater system metered? Yes ☒ No ☐

Water water system is not metered - usage/rates based on metered water

If yes, what percentage? usage.

4. How many connections? 13,342

5. How many certified operators? 25 certified operators

IV. READINESS TO PROCEED ITEMS

A. The following items must accompany this application in order for this application to be considered complete:

- ☒ Map of service area, including census tract information
- ☒ 3 years of most recently completed fiscal year audit reports or unaudited financials
- ☒ Current unaudited financials
- ☒ Current fiscal year budget
- ☒ NMFA Application Resolution
- ☐ By-laws (if applicable)

- ☒ Articles of incorporation (if applicable)
- ☐ Board rules and regulations (if applicable)
- ☒ Open Meetings Act Resolution
- ☐ Documentation that each non-NMFA project funding source has been approved, or is in the process of being approved (if applicable)
- ☐ Joint Powers Agreement (if applicable)
- ☐ Administrative Order (if applicable)

Please Note: All water and wastewater planning documents must conform to Rural Utilities Services (RUS) Guidelines which is available from NMFA upon request. The scope and writer of any economic development feasibility study must be approved in advance by the Economic Development Department. A copy of any final report must be submitted to and accepted by the NMFA prior to disbursement of NMFA funds. NMFA may consult with the Departments of Environment, Economic Development or Finance & Administration in determining acceptability of any report.

V. CERTIFICATION

I certify that:

We will comply with all applicable state and federal regulations and requirements.

To the best of my knowledge all information contained in this application is valid and accurate and the submission of this application has been authorized by the governing body of the undersigned jurisdiction.

Signature:

Title: Mayor

(highest elected official)

Jurisdiction:

Print Name:

Date:

Signature:

Date:

Finance Officer/Director:

LeeAnn Nichols, Finance Director

Exhibit "A"

The City of Alamogordo is requesting funding assistance to update its Local Economic Development Act (LEDA) plan, which is currently infused in Section 2-14 "Economic Development" of the City of Alamogordo Municipal Code. The City of Alamogordo adopted its LEDA plan in August 13, 1996 in Ordinance No. 983 and has far outlived its usefulness. The proposed LEDA plan will allow the City to meet the requirements of the New Mexico Local Economic Development Act and provide for a municipal ordinance, providing the basis for approval of future economic development projects that would otherwise be unconstitutional under the Anti-donation Clause of the New Mexico State Constitution. As specified in Section 5-10-2 of the New Mexico Economic Development Act, the LEDA plan will help the City of Alamogordo "foster, promote, and enhance local economic development efforts while continuing to protect against unauthorized use of public money and other resources" by setting certain required criteria, which a proposed project must meet, and outlining the tasks required.

RESOLUTION NO. 2015-44

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY

WHEREAS, City of Alamogordo (the "Governmental Unit") is a duly organized municipality created and formed pursuant to Section 3-1-1 NMSA 1978 and is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"); and

WHEREAS, the New Mexico Finance Authority ("Finance Authority") is authorized pursuant to the Act, particularly Section 6-21-6.4 of the Act, to make grants from the local government planning fund (the "Fund") to qualified entities to evaluate and estimate the costs of implementing feasible alternatives for meeting water and wastewater public project needs or to develop water conservation plans, long-term master plans or economic development plans; and

WHEREAS, pursuant to the Act the Finance Authority has developed an application procedure whereby the Governing Body may submit an application ("Application") to the Finance Authority for planning grant financial assistance from the Fund; and

WHEREAS, the City of Alamogordo of the Governmental Unit (the "Governing Body") desires to submit an Application for financial assistance from the Fund for a Planning Document, as defined in the Rules Governing the Local Government Planning Fund currently in effect and as specifically identified below, for the benefit of the Governmental Unit; and

WHEREAS, the Governing Body intends to submit the Planning Document to develop an economic development plan of City of Alamogordo for the benefit of the Governmental Unit and its citizens; and

WHEREAS, the application prescribed by the Finance Authority to finance the Planning Document [in whole/in part] with financial assistance from the Fund has been completed, submitted to, and reviewed by the Governing Body, and this Resolution approving submission of the completed Application to the Finance Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY:

Section 1. That all lawful actions previously taken by the Governing Body and the Governmental Unit and their respective officers and employees in connection with the Application and the Project are hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Governing Body is hereby approved and confirmed.

Section 3. That the officers and employees of the Governmental Unit are hereby directed and requested to submit the completed Application to the Finance Authority, and are further authorized to take such other action as may be requested by the Finance Authority in connection with the Application and to proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this Resolution are hereby rescinded, annulled and repealed.

Section 5. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 22nd day of September, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

By _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 16.

Submitted By: Stephen Thies, City Attorney

Subject: Consider, and act upon, Resolution No. 2015-43 Supporting the Abandonment Plan of Public Service Company of New Mexico (PNM) for the San Juan Generating Station. **(Roll Call vote required.)** (*Susie Galea, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Resolution No. 2015-43

Background: In August, 2015, Public Service Co. of New Mexico (PNM), filed with the New Mexico Public Regulation Commission (NMPRC) a settlement agreement (Agreement) regarding the plan to retire two units at San Juan Generating Station (SJGS). The San Juan plant must comply with a federal rule aimed at improving visibility in national parks and wilderness areas. Following an EPA directive to implement a federal plan that would cost nearly \$1 billion and have limited environmental benefits, N.M. Gov. Susana Martinez requested that all parties try to find a better solution. PNM worked with the state and the EPA to craft an alternative that addresses the visibility rule and also provides significant additional environmental benefits at a lower cost than the federal plan. Following discussions, PNM and several key parties agreed on modifications to the original Stipulation filed in October 2014. The August Agreement requires approval by the NMPRC. The NMPRC will be considering the August agreement later this month.

RESOLUTION NO. 2015-43

**SUPPORTING THE ABANDONMENT PLAN OF PUBLIC SERVICE COMPANY OF
NEW MEXICO FOR THE SAN JUAN GENERATING STATION**

WHEREAS, Public Service Company of New Mexico (PNM) plans to retire two of the four units at their San Juan Generating Station by the end of 2017 and the installation of nitrogen oxide-reducing technology on the remaining two units by early 2016; and

WHEREAS, this plan is the result of an agreement with the United States Environmental Protection Agency and the New Mexico Environment Department for the reduction of regional haze in the Four Corners area; and

WHEREAS, the abandonment of two units and planned environmental improvement projects by PNM will result in the San Juan Generating Station being among the best controlled coal-fired plants in the United States and will result in significantly reduced emissions; and

WHEREAS, the retail customer will benefit from the overall lower cost of implementation and lower increases related to future environmental mandates associated with coal as a result of PNM's plan; and

WHEREAS, PNM's plan will require the contribution of an additional \$250,000 in 2015 to the company's Good Neighbor Fund, which helps low income customers cover electric bills in emergency financial situations.

NOW, THEREFORE, BE IT RESOLVED that the City Commission for the City of Alamogordo, New Mexico, supports the PNM abandonment plan for the San Juan County Generating Station and urges the Public Regulation Commission to approve the stipulation filed with the Public Regulation Commission on October 1, 2014, as modified by the Supplemental Stipulation filed August 13, 2015.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Alamogordo, New Mexico, this 22nd day of September, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

APPROVED AS TO FORM

Nancy Jacobs, Deputy City Clerk

Stephen P. Thies, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 17.

Submitted By: Rachel Hughs, Admin.
Assistant

Subject: Appointments to Boards and Committees. (*Susie Galea, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Appoint Doris V. Neasham to the Parks and Recreation Board.

Background: Airport Zoning Board. Three (3) vacancies. Staff Liaison - Jan Wafful
(Opening due to the expiring term of Darron Williams and the resignation of Frank Nelson and Paul Vigneault.)
No nominations received.

Alamogordo Disability Council. Two (2) vacancies. Staff Liaison - Edward Balderrama
(Openings due to the expiring terms of Rita Martinez and Suzanne Bertrand)
No nominations received.

Cemetery Board. One (1) vacancy. Staff Liaison - Jan Wafful
(Opening due to the expiring term Larry T. Rachel)
No nominations received.

Community Development Advisory Committee. Five (5) vacancies. Staff Liaison - Ruben Segura
(Opening due to the expiring term of Bruce Knee, Susan Payne, Tony Alger and Melanie Hall
and the resignation of Arthur Alterson)
No nominations received.

Housing Authority Advisory Board. One (1) vacancy. Staff Liaison - Maggie Paluch
One of the members appointed on December 3rd has not returned his acceptance letter;
therefore another person needs to be appointed.
No nominations received.

Parks and Recreation Board, One (1) vacancy Staff Liaison - Jan Wafful
(Opening due to the expiring term of Doris Neasham)

The following existing board member is interested in being reappointed:
Doris Neasham - if appointed this will be her second term.

Promotion Board. One (1) vacancy Staff Liaison - Jan Wafful
(Opening due to the resignation of Kathleen Beall)

No nominations received.

Public Library Board. One (1) vacancy. Staff Liaison – Melissa Garcia
(Opening due to the expiring term of Joann Reynolds)

Senior Volunteer Programs Advisory Council. Three (3) vacancies. Staff Liaison - Maria Roque
(Openings due to the expiring term of, Angela Axtolis and the resignations of William Whitley)

PARKS AND RECREATION BOARD

RECEIVED

AUG 31 2015

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Doris V. Neasham
Home Phone: 415-3730 Work Phone: N/A
Cell Phone: 551-8333 Fax No: N/A
e-mail address: DORIEN3730@GMAIL.COM
Physical Address: 301 PANORAMA BLVD APT 605
Is the above address within City limits? Yes ☒ No ☐
Mailing Address: Same
Present Employer: Retired Job Title: N/A

Board/Committee you wish to serve on:

First choice: Parks and Recreation

Second choice: _____

Are you related to anyone who is presently employed by the City of Alamogordo:

Yes ☐ No ☒ If so, what is their relation to you? N/A

Are you related to any Elected Official of the City of Alamogordo?

Yes ☐ No ☒ If so, what is their relation to you? N/A

Experience and education relating to the Board/Committee:

I have been on the board of parks and recreation since Jan 2014. I have never missed a meeting.

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

I enjoy being able to help with information whenever I'm able. My deceased husband was District Ranger for the state of Nevada. I've lived in parks for years.

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 18.

Submitted By: Nancy Jacobs, Deputy
Clerk

Subject: Recess into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement) to discuss Limited Personnel Matters (Interim City Manager recruitment) and Collective Bargaining Negotiations (AFSCME). **(Roll Call vote required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve to recess into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement) to discuss Limited Personnel Matters (Interim City Manager recruitment) and Collective Bargaining Negotiations (AFSCME).

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 09/22/2015

Report Date: 9/18/2015

Report No: 19.

Submitted By:

Subject: Action, if any, related to Limited Personnel Matters (Interim City Manager recruitment).

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: