



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

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

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

Maggie Paluch City Manager
Petria Schreiber City Attorney
Rachel Hughs City Clerk

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

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

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

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside the north entrance of the City Hall, distributed to the appropriate news media, and posted on the City website: <http://ci.alamogordo.nm.us> within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Alamogordo website: <http://ci.alamogordo.nm.us>

The Mayor and City Commission request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Commission Chambers to respond to or to conduct a phone conversation. The Alamogordo Commission Chambers is wheelchair accessible. Other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 575-439-4205.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. STEM students update on their trip to Washington D.C., representing New Mexico for STEM, in presenting to Congress and Pentagon (June 22 - 27, 2018). (Debbie Martinez, FIRST Robotics Mentor).

PUBLIC COMMENT

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

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

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

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

2. Approve the minutes for the June 26, 2018 Regular meeting. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, final publication of Ordinance 1571 amending sections of Chapter 2, Section 15 of the Alamogordo Code of Ordinances regarding the Gross Receipts Investment Program in regards to the way that payments are processed and paid. *(Petria Schreiber, City Attorney)* **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

4. Consider, and act upon, reducing or allowing an extension of time for paying water charges incurred at 1105 Mesquite Street. *(Cecilia Perea, Owner; Mark Threadgill, Customer Service Manager)*.
5. Discuss current policy on non-household terminated water accounts. *(Petria Schreiber, City Attorney; Mark Threadgill, Customer Service Manager)*
6. Consider and act upon amending the Commission Meeting Rules of Conduct to include a cell phone usage rule for Commissioners. *(Petria Schreiber, City Attorney)*
7. Consider, and act upon, first publication of Ordinance 1575, amending Chapter 24, Section 12 of the Alamogordo Uniform Traffic Ordinance regarding trailers being parked on City streets. *(Petria Schreiber, City Attorney)* **(Roll Call Vote Required)**
8. Consider, and act upon, the responses received to RFP 2018-005 Economic Development Services. *(Barbara Pyeatt, Chief Procurement Officer)*
9. Consider, and act upon, first publication of Ordinance No. 1574, to change zoning from R-1 Single Family to R-3 Two-Family for the address of 1201 Oregon Ave. only *(Darron Williams, City Planner)*. **(Roll Call Vote Required)**
10. Consider, and act upon the approval of case M-2018-0001 (A), a street vacation located at Hermoso El Sol Subdivision, Unit 2, lots 15 and 16 *(Darron Williams, City Planner)*.
11. Consider, and act upon, approving service agreement between the City of Alamogordo and Otero County Fire Services regarding use of water, testing equipment and training facilities. *(Dustin Johnson, Assistant City Attorney)*
12. Consider, and act upon, a Memorandum of Understanding (MOU) with APSOA regarding firefighters assigned to 24-hour work periods. *(Dustin Johnson, Assistant City Attorney)*
13. Appointments to Boards and Committees. *(Richard Boss, Mayor)*

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/05/2018

Report No: 1.

Submitted By: Eric Barraza

Subject: STEM students update on their trip to Washington D.C., representing New Mexico for STEM, in presenting to Congress and Pentagon (June 22 - 27, 2018). (*Debbie Martinez, FIRST Robotics Mentor*).

Fiscal Impact:

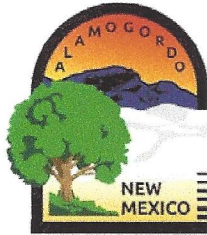
Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Eight high school STEM students to update Commission on their trip to Washington DC to represent New Mexico for STEM, in presenting to Congress and Pentagon (June 22 - 27, 2018).



City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 6/20/18

Request Date
of Meeting:

7-11-18

Name:

FRC Team Outreach Astro. Vikings #6682

Address:

PO Box 1297

La Luz NM ZIP 88837

Phone Number:

575-439-6875 c/575-434-0620 hm

E-Mail Address:

deb88337@gmail.com

Item requested will be for: (Please check one)

☐ Information only

☒ Presentation

Brief description of topic to be discussed:

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

We do not allow handouts at the meeting

Eight high school STEM students to update
Commission on their trip to Washington DC
to represent N.M. for STEM, in presenting
to Congress and Pentagon (June 22-27th)
2018

Signature: Debbie Martinez

Please return to:

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

Phone: (575) 439-4205

Fax: (575) 439-4396

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

Revised 10/13/2017



What is the State of Science, Technology, Engineering, & Mathematics (STEM) in the United States?

Current Statistics on Education and the Workforce

The following are highlights of current STEM statistics on education and the workforce:

U.S. Education and STEM:

- The U.S. is ranked 20th out of 30 in high school graduation rates among industrialized nations.^[1]
- Standardized test scores from 30 nations rank 14-year-olds in the U.S. 25th in math and 21st in science.^[2]
- Only 1 in 17 children from lower income families (earning less than \$35,000 a year) earn a bachelor's degree by the age of 24.^[3]
- Compared to their U.S. counterparts, undergraduate students in other countries select natural science and engineering (NS&E) as their primary field of study at higher rates: 25% of undergraduates in the European Union, 47% in China, and 38% in South Korea chose an NS&E major, compared to only 16% of U.S. undergraduates.^[4]
- While the U.S. is the largest contributor of new doctorates in STEM,^[5] approximately 33% of all doctoral students in STEM attending U.S. universities are foreign students on temporary visas, and 57% of U.S. postdoctoral fellows in STEM fields hold temporary visas.^[6]
- Results from the 2012 Programme for International Student Assessment (PISA) test found that the U.S. performed below average in mathematics in 2012 and is ranked 26th among the 34 OECD countries. U.S. students performed weakly in formulating real world problems into mathematics, establishing mathematical models, interpreting real world aspects of a problem, reasoning in geometric context and in mathematical literacy.^[7]
- In December 2011, the National Governors Association issued a report identifying two goals of a national STEM education agenda: (1) to expand the number of students prepared to enter postsecondary education in STEM, and (2) to increase the proficiency of all students in basic STEM knowledge.^[8]

Summary: The U.S. is losing ground to other nations in providing STEM education for our youth. Generally, U.S. students have lower scores in math and science literacy and are less likely to pursue college degrees and careers in STEM than their international counterparts.

The U.S. STEM Workforce:

- STEM occupations are projected to grow by 17% from 2008-2018; non-STEM occupations are expected to grow by 9.8% during that same period in the U.S. according to the U.S. Dept. of Commerce.^[9]
- By 2018, 92% of traditional STEM jobs will require some post-secondary education and training. 65% will require at least a bachelor's degree or more.^[10]
- 17% of all STEM workers in the U.S. are foreign born (compared to 12% of all workers in the U.S. labor market as a whole.)^[11]
- *"The U.S. defense and homeland security industries face challenges in filling some of the best and most critical technical jobs in our country because the U.S. is not producing enough graduates trained in science, technology, engineering, and mathematics who qualify for security clearances."*^[12]

Summary: Job growth is expected to continue through 2018 in the STEM fields. STEM jobs will require some knowledge of STEM concepts with the majority of STEM jobs requiring a bachelor's degree or more in STEM.



What is STEM in the United States?

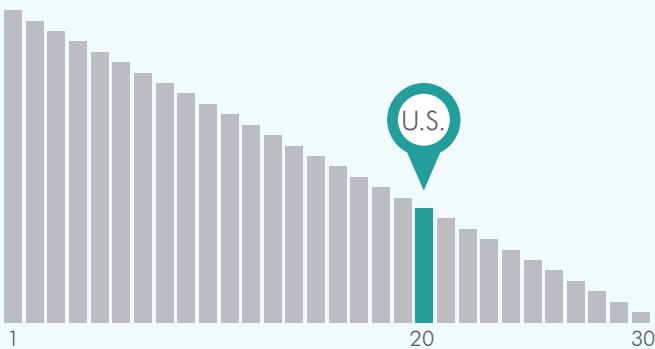
Current Statistics on Education and the Workforce

U.S. Education and STEM



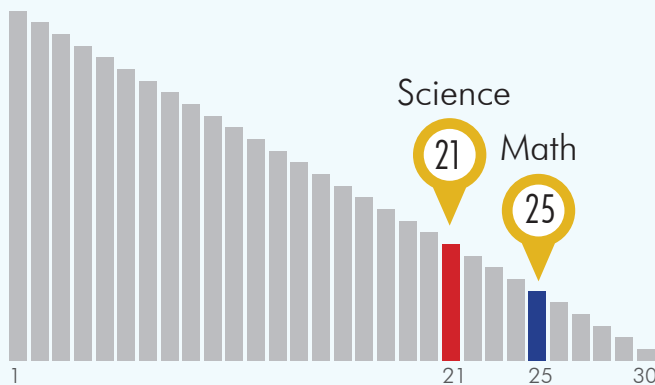
U.S. Ranking

U.S. is ranked 20th out of 30 in high school graduation rates among industrialized nations.



Standardized Test Scores

Standardized test scores from 30 nations rank 14-year-olds in the U.S. 21st in science and 25th in math.



Bachelor's Degrees

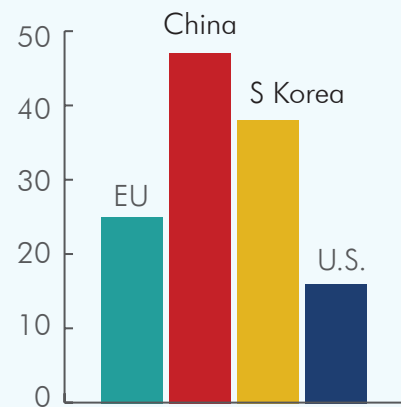
Only 1 in 17 children from lower income families (earning less than \$35,000) earn a bachelor's degree by the age of 24.



Natural Science and Engineering

Compared to their U.S. counterparts, undergraduate students in foreign countries select natural science and engineering (NS&E) as their primary field of study at higher rates:

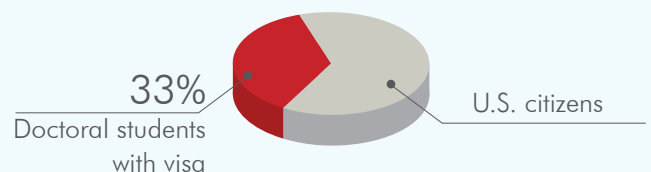
- 25% in the European Union
- 47% in China
- 38% in South Korea
- 16% in U.S.



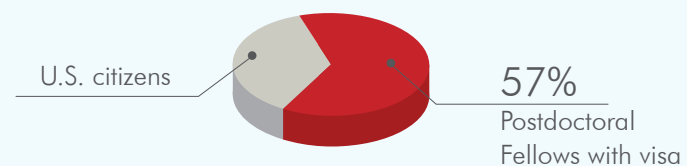
Temporary Visas

While the U.S. is the largest contributor of new doctorates in STEM, approximately 33% of all doctoral students in STEM attending U.S. universities are foreign students on temporary visas. 57% of U.S. postdoctoral fellows in STEM fields hold temporary visas.

Doctoral Students



Postdoctoral Fellows



U.S. STEM Workforce

National Academy of Sciences Statement

"The need to strengthen science and math education in the nation's public schools is not simply to produce more graduates possessing the qualifications needed to pursue degrees and careers in science and engineering. The spectrum of jobs that is available to high school as well as college graduates is increasingly demanding at least rudimentary skills in these fields."

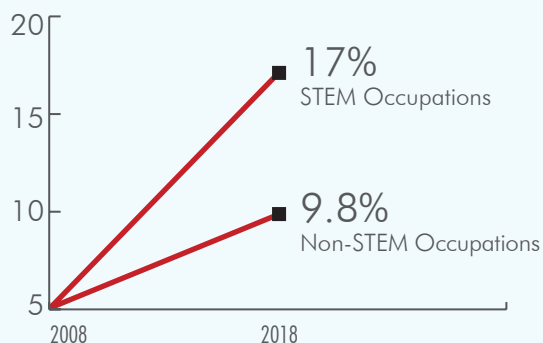
National STEM Education Agenda

In December 2011, the National Governors Association issued a report calling for two goals of a national STEM education agenda: (1) to expand the number of students prepared to enter post-secondary education in STEM, and (2) to increase the proficiency of all students in basic STEM knowledge.



STEM vs. non-STEM Occupations

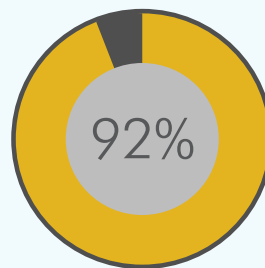
STEM occupations are projected to grow by 17% from 2008-2018; non-STEM occupations are expected to grow by 9.8% during that same period in the U.S., according to the U.S. Dept. of Commerce.



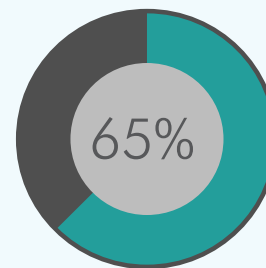
STEM Education for STEM Jobs

By 2018, 92% of traditional STEM jobs will require some post-secondary education and training. 65% will require at least a bachelor degree or more.

STEM Jobs Requiring Post High School Training and Education

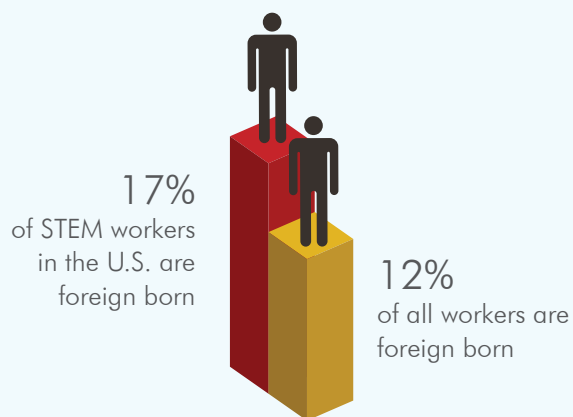


STEM Jobs Requiring Bachelors



Foreign Born STEM Workers

17% of all STEM workers in the U.S. are foreign born (compared to 12% in the labor market as a whole).



Facing Challenges

"The U.S. defense and homeland security industries face challenges in filling some of the best and most critical technical jobs in our country because the U.S. is not producing enough graduates trained in science, technology, engineering, and mathematics who qualify for security clearances."

- National Defense Associate President & CEO

[1] National Science Board (May, 2010). Preparing the Next Generation of STEM Innovators: Identifying and Developing Our Nation's Human Capital. National Science Foundation. Available at <http://www.nsf.gov/nsb/publications/2010/nsb1033.pdf>.

[2] See supra note 1.

[3] National Academy of Science (2010). Rising Above the Gathering Storm, Revisited: Rapidly Approaching Category 5. Report prepared for the Presidents of the National Academy of Sciences, National Academy of Engineering and Institute of Medicine. Available at http://download.nap.edu/cart/download.cgi?&record_id=12999 (free subscription required).

[4] See supra note 1.

[5] Thomasian, J. (Dec. 2011). Building a Science, Technology, Engineering and Math Education Agenda. National Governor's Association. Available at <http://www.nga.org/files/live/sites/NGA/files/pdf/1112STEMGUIDE.PDF>.

[6] See supra note 1.

[7] OECD (2013), Lessons from PISA 2012 for the United States, Strong Performers and Successful Reformers in Education, OECD Publishing. Available at <http://dx.doi.org/10.1787/9789264207585-en>.

[8] See supra note 3.

[9] U.S. Department of Commerce (July, 2011). STEM: Good Jobs Now and For the future. ESA Issue Brief #03-11. Available at <http://files.eric.ed.gov/fulltext/ED522129.pdf>.

[10] Carnevale, Ap., Smith, N., Melton, M. (October, 2011). STEM. Washington DC: Georgetown University, Center on Education and the Workforce. Available at <https://georgetown.app.box.com/s/cyrrqbijirjy64uw91f6>.

[11] See supra note 10.

[12] Farrell, Lawrence P. Jr., (Ret), President & CEO, National Defense Industrial Association, Available at www.ndia.org/divisions/divisions/STEM.

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What Inspires Students to Pursue College Majors in STEM?

A Brief Summary of Scholarly Research

Research has shown that by the time children reach fourth grade, a third of all students have lost interest in science, and by eighth grade nearly 50% of students have deemed science and technology as irrelevant to their future career plans.^[1] To effectively cultivate interest and ability in Science, Technology, Engineering and Mathematics (STEM) related disciplines, interventions must occur early in a student's career and continue throughout high school.^[2]

Researchers have found a number of factors that are important to engaging and maintaining student interest in STEM. Among these are:

- Using teaching strategies that have hands-on activities, are relevant to students, and mirror real-life problems increases interest in STEM.^{[3],[4]} Making science "personal, local and relevant" leads to greater levels of interest in science.^[5] Hands-on activities, relevant topics and cooperative learning strategies increase student engagement and interest in learning.^{[6],[7]}
- Research has shown that interest in careers, including those in STEM, starts in middle school.^[8] Discussion about STEM careers in middle school is likely to increase student interest in STEM.^[9]
- Mentors who model what professionals do increase student interest in the STEM fields.^{[10],[11]} The likelihood of pursuing a STEM degree increases when combining hands-on science experiences with mentorship, particularly for girls.^{[12],[13],[14]}
- Researchers have found that student intention to major in STEM is a stronger predictor of successful earning of STEM degrees than GPA or SAT scores.^{[15],[16],[17]}
- Cooperative learning (learning in groups) provides emotional bonding that can result in greater commitment to group goals; feelings of responsibility; willingness to take on difficult tasks; increased motivation, satisfaction and morale; willingness to listen to group members; and productivity.^[18] Group learning and team work provide a richer learning experience.

FIRST® programs use a combination of strategies that research has demonstrated lead to increased interest in STEM and knowledge about STEM concepts, and result in more students expressing a desire to attend college and have a STEM career. FIRST programs provide a fun and engaging challenge that has a connection to real-life issues, utilizes hands-on learning experiences where students, working on teams, experiment and actively learn while doing, and exposes students to careers through mentorship.

- [1] Stephens, R. Testimony to the House Science and Technology Committee, Subcommittee on Research and Science Education. February 4, 2010. Available at http://science.house.gov/sites/republicans.science.house.gov/files/documents/hearings/020410_Stephens.pdf.
- [2] Cooper M. (2009). Closing the STEM Gap. Available at <http://www.forbes.com/2009/12/21/college-stem-education-leadership.com>.
- [3] Blumenfeld, P.C, Kempler, T.M., & Krajcik, J.S. (2006). Motivation and Cognitive Engagement in Learning Environments. In R.K. Sawyer (ed.), *The Cambridge Handbook of the Learning Sciences* (at 475-488). NY: Cambridge University Press.
- [4] Maltese, A.V. & Tai, R.H. (2011). Pipeline Persistence: Examining the Association of Educational Experiences with Earned Degrees in STEM Among U.S. Students. *Science Education* 95: at 877-907.
- [5] Maltese & Tai, (2011) at 900.
- [6] Myers, R.E., & Fouts, J.T. (1992). A Cluster Analysis of High School Science Classroom Environments and Attitude Toward Science. *Journal of Research in Science Teaching*, 29 (9), at 929-937.
- [7] Piburn, M.D., & Baker, D.R. (1993). If I Were the Teacher: Qualitative Study of Attitude Toward Science. *Science Education*, 77(4), at 393-406.
- [8] Maltese, A., Tai, R. (2010). Eyeballs in the fridge: Sources of Early Interest in Science. *International Journal of Science Education*, 32 (5), at 669-685.
- [9] Maltese & Tai (2011).
- [10] Dee, T.S. (2007). Teachers and the Gender Gaps in Student Achievement. *Journal of Human Resources*, 42 (3), at 528-554.
- [11] Packard, BWL, Nguyen, D. (2003). Science Career-Related Possible Selves of Adolescent Girls: A Longitudinal Study. *Journal of Career Development*, 29 (4), at 251-263. Available at <http://www.mtholyoke.edu/~bpackard/website/papers/LongGirlsSTEM.pdf>.
- [12] Amelink, C. T. (no date). Overview: Mentoring and Women in Engineering. Available at http://www.engr.psu.edu/awe/misc/ARPs/ARP_Mentoring_overview120408.pdf.
- [13] McLaughlin, R. (2005). Girls in Science. *Science Scope*, 28(7), at 14-15.
- [14] McCrea, B. (2011). Making Science Appeal to Girls. *Principal Leadership*, 11(8), at 28-32. Available at http://www.nassp.org/Content/158/-apr11_mccrea.pdf.
- [15] Bonous-Harnmarth, M. (2000). Pathways to Success: Affirming Opportunities for Science, Mathematics, and Engineering Majors. *Journal of Negro Education*, 69 (1/2), at 92-111.
- [16] Tai, R.H., Lui, C., Maltese, A., Fan, X. (2006). Planning Early for Careers in Science. *Science*, 312 (May), at 1143-1144.
- [17] Maltese, A.V. & Tai, R.H. (2011). Pipeline Persistence: Examining the Association of Educational Experiences with Earned Degrees in STEM Among U.S. Students. *Science Education* 95: at 877-907.
- [18] Munro, S., O'Brien, M.U., & Payton, J.W. (2006). Common Ground: Teaching Kids the Benefits of Working Together. Available at <http://www.edutopia.org/common-ground>.
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Does *FIRST*® Make a Difference?

FIRST and STEM Outcomes

The following summary highlights STEM outcomes from recent external evaluations conducted on *FIRST* programs by Brandeis University:

A retrospective study with *FIRST*® Robotics Competition (FRC®) Alumni (2005) compared to students from a national dataset found that FRC Alumni were:

- significantly more likely to attend college on a full-time basis (88% vs. 53%), more likely to major in a science or engineering field (55% vs. 28%), and more than three times as likely to major specifically in engineering (41% vs. 13%) than a comparison of students from a national dataset
- roughly 10 times as likely to have had an apprenticeship, internship, or co-op job in their freshman year (27% vs. 2.7%)
- significantly more likely to expect to achieve a postgraduate degree, i.e., master's degree or higher (77% vs. 69%)
- more likely to expect to pursue a science or technology career (45% vs. 20%) or a career in engineering (31% vs 8%)

Findings from an impact evaluation on *FIRST*® LEGO® League (FLL®) (2013) include:

- 89% of FLL participants have an interest in learning more about science and technology as a result of participating in FLL
- 88% are more interested in going to college as a result of participating in FLL
- 80% of those in the study are more interested in having a job that uses science and technology
- Over 90% of participants in the study increased skills in teamwork, communication, time management, conflict resolution, and problem solving as a result of participating on an FLL team

Findings from a recent evaluation of *FIRST*® Tech Challenge (FTC®) and *FIRST* Robotics Competition (FRC) (2011) include:

- The large majority of FTC and FRC participants have an interest in learning more about science and technology as a result of their participation on a *FIRST* team (95% of FTC and 97% of FRC)
- 87% of FTC participants and 91% of FRC participants are more interested in going to college as a result of being on their *FIRST* team
- 89% of FTC and 90% of FRC participants are more interested in having a career that uses science and technology
- The large majority of both FTC and FRC team members (over 90%) indicate an increase in teamwork skills, problem solving, time management, and communication skills as a result of their experience on their *FIRST* team

Across programs, the vast majority of coaches and students report a strong, positive impact on student knowledge, interests, attitudes, and skills. Furthermore, after completing a *FIRST* program, the majority of students were more interested in pursuing STEM-related careers.



Does *FIRST*® Make A Difference?

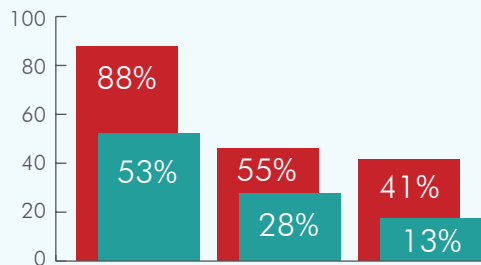
FIRST and STEM Outcomes

FIRST® Robotics Competition (FRC®) Alumni (2005), compared to students from a national dataset.



College

Significantly more likely to attend college on a full-time basis (88% vs. 53%), have majored in a science or engineering field (55% vs. 28%) and are more than three times as likely to have majored specifically in engineering (41% vs. 13%) than a comparison of students from a national dataset.



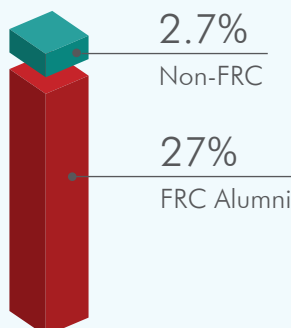
Engineering Majors

More than three times as likely to have majored in engineering (41% vs. 13%).



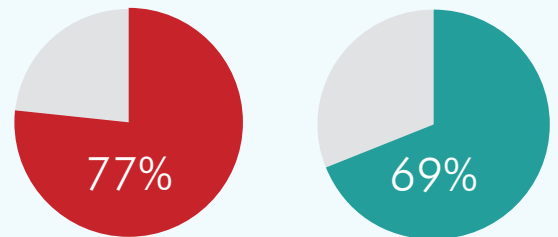
Real World Experience

Roughly 10 times as likely to have had an apprenticeship, internship, or co-op job in their freshman year (27% vs. 2.7%).



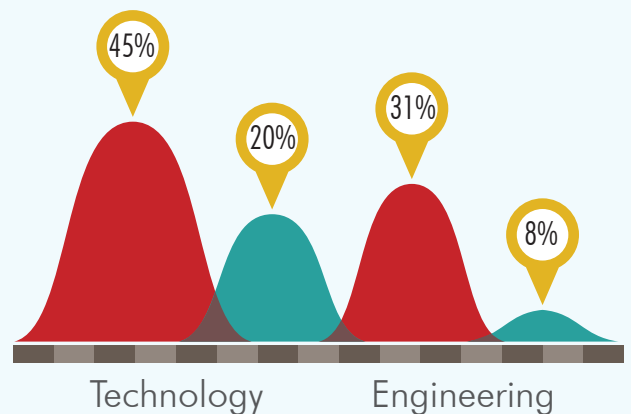
Master's Degree or Higher

Significantly more likely to expect to achieve a postgraduate degree (master's degree or higher: 77% vs. 69%).



Careers

More likely to expect to pursue a science or technology career (45% vs. 20%) or a career in engineering (31% vs. 8%).



■ FRC Alumni
■ Non-FRC Students

Evaluation of FIRST® LEGO® League (FLL®)



FIRST LEGO League Interests

89% of FLL participants have an interest in learning more about science and technology as a result of participating in FLL.

Over 90% of participants in the study increased skills in teamwork, communication, time management, conflict resolution, and problem solving as a result of participating on an FLL team.



88% are more interested in going to college as a result of participating in FLL.

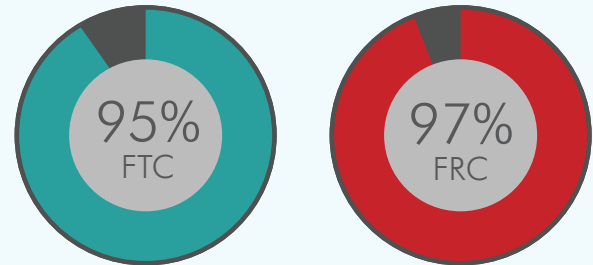
80% of those in the study are more interested in having a job that uses science and technology.

Evaluation of FIRST® Tech Challenge (FTC®) and FIRST Robotics Competition (FRC®)



Science and Technology Interest

The large majority of FTC and FRC participants have an interest in learning more about science and technology as a result of their participation on a FIRST team (95% of FTC and 97% of FRC).



College Interest

87% of FTC participants and 91% of FRC participants are more interested in going to college as a result of being on their FIRST team.



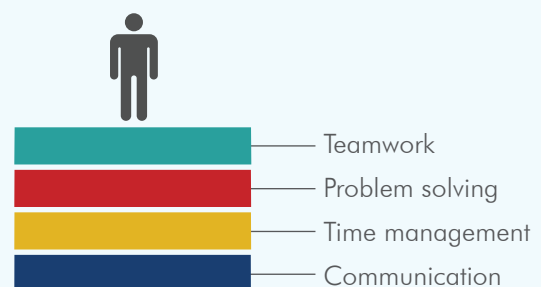
Career Interest

89% of FTC and 90% of FRC participants are more interested in having a career that uses science and technology.



Increase in Skills as a Result of FIRST

The large majority of both FTC and FRC team members (over 90%) indicate an increase in:



[1] National Science Board (May, 2010). Preparing the Next Generation of STEM Innovators: Identifying and Developing Our Nation's Human Capital. National Science Foundation. Available at <http://www.nsf.gov/nsb/publications/2010/nsb1033.pdf>.

[2] See supra note 1.

[3] National Academy of Science (2010). Rising Above the Gathering Storm, Revisited: Rapidly Approaching Category 5. Report prepared for the Presidents of the National Academy of Sciences, National Academy of Engineering and Institute of Medicine. Available at http://download.nap.edu/cart/download.cgi?&record_id=12999 (free subscription required).

[4] See supra note 1.

[5] Thomasian, J. (Dec. 2011). Building a Science, Technology, Engineering and Math Education Agenda. National Governor's Association. Available at <http://www.nga.org/files/live/sites/NGA/files/pdf/1112STEMGUIDE.PDF>.

[6] See supra note 1.

[7] See supra note 3 at 53.

[8] See supra note 3.

[9] US Department of Commerce (July, 2011). STEM: Good Jobs Now and For the future. ESA Issue Brief #03-11. Available at <http://files.eric.ed.gov/fulltext/ED522129.pdf>.

[10] Carnevale, Ap., Smith, N., Melton, M. (October, 2011). STEM. Washington DC: Georgetown University, Center on Education and the Workforce. Available at <https://georgetown.app.box.com/s/cyrrqbjyirjy64uw91f6>.

[11] See supra note 10.

[12] Farrell, Lawrence P. Jr., (Ret), President & CEO, National Defense Industrial Association, Available at www.ndia.org/divisions/divisions/STEM.

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AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date:

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the June 26, 2018 Regular meeting. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
JUNE 26, 2018**

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

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

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

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

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation from the Alamogordo Chamber of Commerce regarding the 4th of July concert event.

Mr. Oliver showed three pictures of the layout for the 4th of July event and explained the different venues.

Mr. Lurtsema explained the second picture. He said Fairgrounds Road will be blocked off between Florida and Pecan, and allow no traffic other than VIP, handicap and motorcycle parking. General admission will be parking at the fairgrounds and at the hospital.

Commissioner Hernandez stated he has been working with staff on this and they will be using some of the hospitals areas for parking. He said one of the things they talked about was allowing employees with badge access to use Fairgrounds Road to get to the hospital in case of any kind of emergency situation, instead of having them loop around because if something was to happen they could get sued. He said he wanted to make sure that it's on the record because we have talked about that and he thinks everybody is in agreement with that. He said the Chamber and Mesa Verde is also going to help us with traffic control on the hospital grounds. He said there is around 500 people that use the fairgrounds parking lot during this time and Griggs field is always full during this time. He said all of those people are going to get displaced and really the only place for them to go is around the hospital, so we are going to try and manage that traffic. He said we are actually closing off a lot of our parking lot so that we don't have any trouble. He said as long as we have emergency access to the hospital, he does not have a problem with it. He said the Urgent care usually closes at 8, and on July the 4th Urgent care will be open until 10, if you guys can help get that word out so that maybe we can send people over there instead of the hospital if they don't need to go.

Mayor Boss said all the barriers are moveable. He asked if there is an emergency vehicle that needs to get through on that street, it won't be a problem will it. Mr. Workman answered that is correct, there will be people stationed at those road closures to allow emergency traffic through.

Commissioner Hernandez said all hospital staff has badges. If they have an emergency and need additional staff at the hospital, that they are allowed through.

Mayor Boss asked Commissioner Hernandez if the hospital traffic is caused more by the people watching the fireworks rather than the event. He said yes, but because we are displacing a lot of people this year, that was a concern of ours. He thought it would all come together.

Commissioner Payne said she is excited to see how this turns out and is excited that people are coming from other Cities to our City instead of the reverse. She said we always want to keep those dollars local.

Mr. Oliver said this could not have happened without the help of the City of Alamogordo. He said he has been humbled on how this community has come together.

Mayor Boss said it all likelihood it will be the biggest event this community has ever put on.

PUBLIC COMMENT

Leonard Miller commented on the following:

He addressed the Commission about the locust bean tree. He believes these trees are dangerous to children and adults. He said he spoke to Parks Supervisor Marion about the abatement of these trees. He thought these trees are a nuisance and hoped the City would do something about them.

Scott Fredrick commented on the following:

He spoke on behalf of his squadron. He said the Commission has never heard their concerns because they are not registered voters in Alamogordo. He said the German Air Force bought hangers that the Air Force either has to buy or demo. He talked about the Scenic Extension and thought it was a great idea but also thinks it is premature. He said that \$5 million could be used elsewhere. He talked about cost of living increases for City employees and Police Officers. He said the goal is not pay them what other communities pay them, we want to recruit good Police Officers and keep them. He said the pool that the Germans paid for will be inaccessible to Alamogordo and Air Force Active duty folks there. It is going to be filled in because it is not paid for. Our high school team currently practices there when we don't have a pool during the winter time. He asked the Commission to please fund this. He said Commissioner Hernandez in the past has focused on people in this room and publicly commented those are the ones that make the decisions. He disagreed with the comment and said if you are not looking at facebook and social media it is like listening to eight-track tapes. We need to keep up with the current concerns. He thanked the Commission and the Chamber of Commerce for defending what he is hoping an awesome Fourth of July.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She said staff is working on a plan for several additional enhancements to the Zoo including; xeriscaping and a sidewalk in front of the perimeter fence and additional lighting. She said they are looking at funding these out of the quality of life funds.
2. She announced no bids were received for the Washington Park basketball courts. She said preparations are underway to re-advertise for that project. Bids will go out on June 24, 2018 and the bid opening will on July 12, 2018.
3. She said Bonito Lake is de-watered. The kickoff meeting was held to discuss the traffic control and excavation. She said excavation and removal well starts tomorrow.
4. She said forms are being set for the two shape pavilions at Kids Kingdom and the sidewalk that bisects the east and west sections of the overall sight.
5. she said the clear water storage tank and booster station are complete for the Desal Plant. The treatment facility building is fully roofed, sheeted and all walk and roll up doors are in place. The electrical systems, HVAC, fire protection and plumbing top out are in progress and most of the insulation of the drywall work is completed.

6. She said the Community Services department announced we are having our second Murder Mystery. Tickets went on sale June 15, 2018 and the dinner will be held at the Civic Center on July 13th at 5:00 p.m. She said it is entitled Hula and the Homicide. She said tickets are \$30 each and \$50 for a pair.

7. She gave an update on the stage one water rationing. She said our reservoirs as of yesterday were at 65.7 percent. The daily consumption on June 25, 2017 was 4.6 million gallons for our community and the daily consumption for June 25, 2018 was 6.43 million gallons. That is an increase of 1.79 million gallons over the last year on the same day. She encouraged everyone to conserve water.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He asked if they are still watering hole number 10 at the Golf Course with fresh water. Mayor Pro-Tem Baldwin nodded no. Commissioner Rardin asked if they switched it back to effluent. Mayor Pro-Tem Baldwin said once they moved all the sprinklers away from the property, they went to effluent. Commissioner Rardin said he remembers they switched that to fresh water to keep a resident happy because of the smell of the water.

CONSENT AGENDA

2. Approve the minutes for the June 12, 2018 Regular meeting. *(Rachel Hughs, City Clerk)*

3. Consider, and act upon, the approval of Resolution No. 2018-29 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of New Mexico, for the revised budget figures computed as of June 26, 2018. *(Julianne Hall, Finance Director)* (Roll Call Vote Required)

4. Consider, and act upon, Resolution No. 2018-30 supporting the PetSafe Bark for Your Park Grant Program application for a new dog park. *(Debbie Osborne, Grant Coordinator)* (Roll Call Vote Required)

5. Consider and act upon the approval of Resolution No. 2018-32, requesting approval of HUD Form 52574 - PHA Board Resolution Approving Operating Budget for Fiscal Year 2019 budget. *(Evelyn Huff, Housing Authority Manager)* (Roll Call Vote Required)

6. Consider, and act upon, the receipt of State contract to fund Retired and Senior Volunteer Program, Senior Companion Program and Foster Grandparent Program for FY19. *(Peter McKown, Senior Center Manager)*

Commissioner Rardin asked to remove Item #3 from the Consent Calendar.

Commissioner Hernandez asked to remove Item #4 from the Consent Calendar.

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

Mayor Pro-Tem Baldwin seconded the motion.

Roll call vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

3. Consider, and act upon, the approval of Resolution No. 2018-29 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of New Mexico, for the revised budget figures computed as of June 26, 2018. *(Julianne Hall, Finance Director)* (Roll Call Vote Required)

Commissioner Rardin said there is a transfer of \$50,922 out of fund 11 into the golf course. He asked what is all that for.

Community Services Director Ortega answered the golf course took in more revenues than expected, so it increased the golf pros fee, so we are taking part of the expense from the additional revenue received after the remainder, and that will come from a transfer from the general fund.

Commissioner Rardin asked so the more revenue they generate, the more we have to pay them. Community Services Director Ortega answered what they originally budgeted for the expenditures was based on the historical from last year, so they brought in more revenue and so the pro is paid off from a percentage of different fees.

Mayor Pro-Tem Baldwin said to expand on that because of the question. He said last year was the worst year they have had because of the lake renovations, everything was down. He said we need to have a year to have everything start ticking back up and you will see those percentages change. He said for example, we sell the green fees and the contractor gets a percentage of the green fees. They sell the carts, or they own the carts, but the City gets a percentage of the carts. He said as they make more money that will go up and it has gone up considerably because of how bad of a year it was last year.

Commissioner Payne asked how long they have been doing that. Mayor Pro-Tem Baldwin answered since the beginning of the contract. Commissioner Payne asked that was when. Mayor Pro-Tem Baldwin said 1992 was when the City hired G&L Golf, Incorporated. He said the percentages have changed over the years, but to his knowledge there is nothing new.

Community Services Director said the contract is negotiated.

Commissioner Rardin asked what the transfers of \$212,000 in fund 44 was for.

Mayor Boss pointed out that Finance Director Hall was not in attendance.

Internal Control Analyst Robinson answered that was due to unexpected expenses. She said they had to refund FEMA on the Bonito project. She said there were some other things, not only Bonito but some other flood controls.

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

4. Consider, and act upon, Resolution No. 2018-30 supporting the PetSafe Bark for Your Park Grant Program application for a new dog park. (Debbie Osborne, Grant Coordinator) (Roll Call Vote Required)

Commissioner Hernandez asked if this is an additional Bark Park at Griggs.

Parks Supervisor Marion answered this is an addition to the existing Bark Park. The advantage being that it will allow us to shut down, close sections and renovate.

Commissioner Hernandez said back when they were talking about the natatorium money, they talked about putting an additional bark park at Walker Road. He said they may want to look at adding a third bark park in the future. He said it does not have to be at Walker Road, but maybe somewhere on the other side of town.

Parks Supervisor Marion said that is the long-range plan. Commissioner Hernandez asked what is long-range. Parks Supervisor Marion answered he is putting it in his five-year plan.

City Manager Paluch said he is working on his five-year plan right now.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

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

NEW BUSINESS

7. Consider, and act upon, Change Order No. 6, Public Works Bid No. 2017-001, to Smithco Construction, Inc., related to the 1-MGD Brackish Water Treatment Facility project, in an amount not to exceed \$17,690.49, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said for the record the amount of \$17,690.49 is a negative amount, it is not an add, it is a deduct. He said there are a number of additions and deductions within this change order, but the net amount is a reduction of \$17,000 and change. He said this change order is comprised of eight items some of which have been in discussion and some in contention for a number of months. He explained the eight additions and deductions within the change order.

Mayor Boss asked him where they are as far as percentage of completion. Engineering Manager Johnson answered they are confident that they are right at 80 percent complete.

Mayor Boss said they still have \$167,000 left in reserve, after this change order. Engineering Manager Johnson said this reduction takes it to about \$184,000 in reserve. He said right now without this change order the substantial completion date is roughly the 10th of October and adding the 49 days into this change order would take it out to around Thanksgiving, however we feel like the contractor is going to stay ahead of schedule. He said the last 20 percent of the project is going to go fairly slow. He said there is some very detail-oriented work, so it will go slow.

Mayor Boss asked what month he expected completion. Engineer Manager Johnson answered they feel like substantial completion will still be achieved in October.

Commissioner Rardin asked him about item 6 on the change order and said \$20,000 for some angle irons sounds a little expensive. Engineering Manager Johnson said if you go out there and see it, it is fairly substantial. He said they are talking about 4x4 angle around the roll up doors.

Commissioner Rardin asked if they are doing a frame all the way around them. Engineering Manager Johnson answered it was an additional buildout of the frame. He said the stem walls were defective, there were a number of attempts by the contractor to correct it, none of which were satisfactory. He said eventually the contractor had to remove and replace those walls. During the course of all this discussion, which went on for many months, both the consultant and the contractor were asked to review when the stem walls were redesigned and rebuilt to ensure that there were no mitigating factors involved. He said the framing around these doors was missed by both parties. He said it did not develop until after the skin was up, the roof was going up and the door frames were attempted to be installed and it was going to leave a gap. He said it could have been installed without the additional angle iron, but it would have left a condition that everything would have been off kilter.

Commissioner Rardin asked if the design professional shouldn't flip part of that bill since they missed it. Engineering Manager Johnson said it was missed by everybody. Commissioner Rardin stated it does not matter, they are the designer. Commissioner Hernandez said we are paying them. Engineering Manager Johnson said staff missed it, the contractor missed it, the design professional missed it. He said they felt like they needed to get it done, they looked at a number of solutions.

Commissioner Rardin said he goes through this every day. He said he sees things that design professionals forget every single day and the General Contractor or the customer ends up flipping the bill for it when technically that design professional should at least share the cost of that. Engineering Manager Johnson said this was a team effort and everybody on the team missed it. Commissioner Rardin asked how much the team is paying to fix it. He then asked if we are the only ones paying to fix it. Engineering Manager Johnson said he could not answer that.

Commissioner Hernandez stated it would be okay if this was the only one, but he sees several more. He said you are paying for something that you are not getting. He is concerned with the team that was hired.

Mayor Boss said he understands the concerns, but they are talking about a \$9 million-dollar project, but they are kind of talking very small amounts and a fairly complicated project. Commissioner Hernandez said it does not make it okay. Mayor Boss said no, it does not make it okay, but it is typical. Commissioner Hernandez said he does not have \$4,000 to give away for somebody's mistake.

Engineering Manager Johnson reminded the Commission that \$4 million of this was paid for with a State grant. Commissioner Hernandez stated it does not matter where the money came from, we cannot just be negligently spending money. He said that is the bottom line.

Mayor Boss asked what alternatives they have. Commissioner Hernandez said he thinks they need to get tighter. Mayor Boss said would be not to approve this. Commissioner Hernandez said no, he thinks in future projects they need to get tighter in what we are doing and what we are looking at. Mayor Boss said he would agree with that. Commissioner Hernandez said if the design professionals aren't doing their job, then go back on them or do something different because this does not work. He said he cannot tell the people it's okay that we spent that money just because we have it. We are still going to have \$166,000, that does not make it okay. If they missed it, they should pay for it. He said if we are getting something out of it, if they are doing something extra for us that the amounts jive, then that is okay, but he does not see that.

Mayor Boss asked if there are any provisions in the contractual agreement we have with the design engineer for situations like this. Engineering Manager Johnson answered we do. Mayor Boss asked what it says. Engineering Manager Johnson said he could not say in this venue.

Commissioner Hernandez said staff needs to go back and look at it and if we can go after them for any of this amount, we need to do that.

Commissioner Rardin said it is a large project, but it is usually the general contractor, the owner or the end customer that ends up paying for it, and in this instance, it happens to be the taxpayers paying for it.

Engineering Manager Johnson said they've had the architect or designer take care of some of these items on other projects, just not this particular project.

Mayor Boss asked him if they approve this change order they can move forward, and Engineering Manager Johnson can check the contractual obligation that the design engineer has. He answered yes sir. Mayor Boss said this is not a lock in paying the money, this is approving it subject to what Engineering Manager Johnson finds in the contract. Mayor Boss added that if there is a way to go back, we should consider that, if not we move forward and consider amending our future contracts.

Commissioner Hernandez said this fiscal impact is minus \$17,000, but if you add all the amounts up, it becomes more than \$17,000.

Mayor Boss said but you are going to have differences like that. He said like \$10,000 on testing on a project like this is not out of the ordinary. Commissioner Hernandez said it is, if it is not tight. He said

they do projects like that all the time. Mayor Boss stated this a \$9 million. Commissioner Hernandez said they are getting ready to do a \$30 million-dollar project and they are nowhere near that on their change orders.

Engineering Manager Johnson corrected Commissioner Hernandez that the net amount of \$17,690, that is the net result of all 8 items combined. Commissioner Hernandez said he understands that, but what he is saying is that \$4,000, he thinks they should not be paying for that. The \$20,000 he thinks that we shouldn't be paying for it, so that increase would even add to that \$17,000 because it would not even be in there. He said it should not be in there because that is their mess up, not ours. He said they did not do it right. He said he does not disagree with the change order, but he does think that we do need to be a little bit tighter on that because that is taxpayer's money.

Commissioner Payne said Commissioner Hernandez is right, it would increase the credit back to us. Mayor Boss said he understands.

Commissioner Rardin asked exactly what this is, is this where the doors mount to the jams and where it comes down to the concrete structure. Engineering Manager Johnson answered it is a build out of the jam. Commissioner Rardin said it is to shim the jam out so the doors don't hit the concrete below. Engineering Manager Johnson said that is correct. Commissioner Rardin said something like that, they should have caught. He said basically we have an 8-inch C channel for the door jam and then we probably have a 12-inch-thick concrete wall, is that what we have. Engineering Manager Johnson said he believes the concrete wall are 8 inches thick. Commissioner Rardin asked why they have to build it out then. Engineering Manager Johnson said it is difficult to explain in this venue, you would have to go and physically go see it.

Commissioner Hernandez said unforeseen change orders he has no problem with, but design problems, those are not right. Those are the ones that we need to make sure that we're not paying for something that we shouldn't have to be paying for. He said for seen items that should have been in the plans or should have been done.

Mayor Boss said they probably need to go back and review the contracts that we have with our design engineers and see what recourse we do have. He said we need to get with City Attorney Schreiber and consider amending them, possibly.

City Manager Paluch said as soon as City Attorney Schreiber is back, they will be looking at the contract.

Commissioner Hernandez said that is all he is asking.

Mayor Boss stated it is a very good point. He agreed with Commissioner Hernandez that they need to look at them to see if they can get anything back, if not they consider adjusting to the extent possible, sometimes some of these adjustments are not in there because you'll never find an engineer to do the work if you put them in there. He thinks City Attorney Schreiber is the one to evaluate that.

Commissioner Hernandez said exactly, you have three professionals on the Commission, he thinks all three of them are on the same page as far as, if they miss something they pay for it. Mayor Boss said he thinks that they are all on the same page.

Commissioner Wright stated the labor burden is almost at 50 percent and to him that seems to be very high. Engineering Manager Johnson said that has been their burden rate since day one. Commissioner Wright asked him what they use a 420 backhoe for on framing overhead doors. Engineering Manager Johnson said honestly, he does not know. Commissioner Wright stated okay, there is just a couple of other items that we should pay attention to, not typical.

Commissioner Rardin said they have 80 hours' worth of welding on there and asked Engineering Manager Johnson how many doors are there. He answered there are six roll up doors and six to eight walk doors. Commissioner Rardin asked what they need to build up on the walk doors for. Engineering Manager Johnson said the same condition that came into play. Commissioner Rardin stated it does not make any sense to him, but he can go out there and take a look.

Commissioner Payne told Engineering Manager Johnson that she appreciates him for being put on the spot. She asked for clarification if they were going to go back and look at the contract and then figure out what they can do to correct this.

City Manager Paluch said yes, City Attorney Schreiber will analyze the contract when she gets back.

Mayor Boss added that they will also consider contracts moving forward.

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

8. Consider, and act upon, Change Order No. 9, RFQ No. 2013-05, to CDM Smith, Inc. related to the engineering and design services for the 1MGD Brackish Water Treatment Facility project, in an amount not to exceed \$63,390.60, including NMGR. (Bob Johnson, Engineering Manager)

Commissioner Rardin said on this one he likes the way it says, "Cost to be deducted from the contractor". He said it sounds like someone missed something and they are being charged for it.

Engineering Manager Johnson said that is correct. He said item two of the previous item that related to the work involving the contractor having to re-do the floor and the walls. He explained what the change order was comprised of.

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

9. Consider, and act upon, a request to the State for out-of-cycle budget funds to conduct anti-terrorism/lone wolf shooter training. (Brian Peete, Police Chief)

Police Chief Peete explained the request. He said there may be a very good opportunity for us to secure our out-of-cycle funding from the State to help us offset the costs for terrorism training that we are bringing in house to the Alamogordo Police Department. He said the opportunity for something has not historically been available to our area. He said with bringing in this trainer we can train as many of our officers as possible in one swoop without spending hundreds of dollars to send an individual officer to another location to do training like this. He said there are also opening this up to AMR, Alamogordo Fire Department, to the Sheriff's Office, Tularosa, the FBI all throughout the area. This type of training gives us a good idea in regard to how we devise our threat assessments, how we look into training for our officers to keep the community safe. He said this is also an opportunity if the Commissioners want to come to this as well to hear what is going on. He said it is July 25th from 8:00 a.m. to noon at the Civic Center. He said if they are allowed to apply for this funding they will use it to offset some of the costs and additionally we are trying to recruit some of these costs by asking of a nominal fee from these agencies to help us incur.

Commissioner Hernandez asked City Manager Paluch where this would money would come from. She answered APD is requesting \$3,000 of matching funds from the State, and then we are going to be charging people, so it is supposed to be revenue neutral.

Commissioner Hernandez moved to approve.

**Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.**

10. Waiver of stage fee for the Otero County Fair. (Sheila Coca, Secretary of Otero County Fair Association)

Ms. Coca stated this year there would not be a gate fee to get in to the Fair. She asked if they could use the stage for the Otero County Fair.

Mayor Boss asked City Manager Paluch how much it costs in man hours to put the stage together. She said she does not know the answer, but all the man hours are rolled into that \$1,000 fee for the three days. Mayor Boss said he understands that is what they charge, but he is asking what it is actually costs us. She said she does not know the answer to the question as far as the man hours are to set the stage up, tear it down and to transport it, but that \$1,000 does cover all that. She said it also covers the replacement of the stage and the amount of money for the upkeep and the repair of that stage.

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

11. Consider, and act upon, first publication of Ordinance 1572 adding Section 14-01-015 to the Alamogordo Code of Ordinances clarifying the requirements for refuse collection. (Maggie Paluch, City Manager) (Roll Call Required)

City Manager Paluch said this came about from some questions Commissioner Hernandez had regarding refuse collection. She said all residential accounts within the City of Alamogordo are provided garbage through the water billing system, but this ordinance will expand it so that all commercial accounts as defined in this chapter shall engage in a hauler for the removal and disposal of refuse generated by a commercial enterprise. She said what we are trying to do is avoid people taking trash and putting it into dumpsters that they do not pay for.

Commissioner Hernandez said he thinks it meets the need of what they have. He added that it is illegal to dump trash into someone else's can. He said that was in question, but it has been clarified that it is illegal.

City Manager Paluch asked if Commissioner Hernandez wanted that clarified a little bit more in here. He answered no, it's not in here, it is in another ordinance.

Commissioner Rardin said it says all commercial accounts so he is assuming like water accounts is how they are going to judge this. City Manager Paluch said she believes that is true.

Commissioner Rardin said he does not have trash out there, he just loads it and runs it down to the Convenience Center or hauls it to the landfill when they have large items. He asked if this is going to require him to have a container at his shop. She said she would have to get back to him on that answer. Commissioner Hernandez said no, it requires them to show how they are disposing of their trash.

Commissioner Payne asked if the hauler can be a company of their choice. City Manager Paluch answered yes.

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

12. Consider, and act upon, approving the GRIP application submitted by Worthan Properties, LLC for construction of the Big Wave Express Car Wash on White Sands Blvd. (Kitty Williams, Paralegal)

Paralegal Williams asked the Commission to note that this application came in prior to Mr. Worthan submitting the application for the LEDA funds, which failed. She said the payout for this would be somewhere in the neighborhood of \$54,971, if everything was purchased locally and GRT was paid on it, which under these circumstances is probably not likely. She said we won't know a solid amount until he starts submitting invoices, but it is likely to be less than this.

Mayor Boss asked if it will not be more. Paralegal Williams answered no. She said a lot of the large equipment in projects like this come from out of state and if they pay taxes, what they pay is a compensating tax and we don't actually get any of that. We are not going to give him back something that we don't get. She said they are asking the Commission to approve this application and at that point they would work the contract with Mr. Worthan and bring it back to the Commission.

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

Motion carried with a vote of 6-0-1. Commissioner Wright abstained.

13. Consider, and act upon, approval of Resolution No. 2018-31, updating Admin Fees for 2019 in compliance with section 2-01-030, as amended by Ordinance No. 1539, August 2017, to take effect January 1, 2019. (Darron Williams, City Planner) (Roll Call Vote Required)

City Planner Williams said this is the annual update in the original ordinance that was passed last year. He said they promised they would bring this back to the Commission in the month of June with the anticipated changes if any for the following year. He noted that eight of the fees are being reduced based on new efficiencies. He said the one fee that they are increasing is based on incorporation of the technical review committee and the requirements it has for time for review.

Commissioner Rardin stated that some of the fees are higher than Construction Industries Division (CID) for our actual permit to do our work. He said they need to take a close look at these, when the Commission did this ordinance before, their commercial plan review went from \$100 to \$600. He said residential fees went from \$50 to \$100, and really all the City looks at is your setbacks on that. He said Planning and Zoning looks at those to make sure that everything complies with the zoning and what you are building is correct. He said the Commission needs to take a real close look at this.

Mayor Boss said they did take a really close look at this. He said City Planner Williams and the staff evaluated every one of these fees back when it was presented to the Commission.

Commissioner Rardin asked Mayor Boss if they got any input from the people that it actually affected though.

Mayor Boss recalled they were more concerned about what it was costing the City of Alamogordo, the time to do this. He asked City Planner Williams if he was correct. City Planner Williams nodded yes. Mayor Boss said they don't get the advice of everybody on every decision the Commission makes. He said they have staff to do that.

Commissioner Rardin stated they should include the industries into the conversation when these fees impact them. He thought some of the fees did not need to be included. He said the window replacement fee; the City has no authority over that and he asked why that needs to be in here. He asked what a vacation fee is. He felt that variances should not be \$300. He said variances are kind of one of those rare cases where something got built in the past, or you want to expand past a setback.

Mayor Boss asked City Planner Williams when they were doing this evaluation and making a

determination of what the fees were, if he did not look at the fees that other cities charged for. City Planner Williams said absolutely. Mayor Boss asked if we are out of line with any of the other communities.

City Planner Williams answered no. He said he surveyed 30 different communities in and around five States. He said most of them were from New Mexico, some from Oklahoma and Colorado and same in our size. He said we were in about the middle, depending upon the fee structure. He said the difficulty in comparison, not all municipalities charged for the same activities. He said from those that he could compare, that is what he provided in showing, what they were going to be charging compared to these other communities. He said as far as the fees that Commissioner Rardin is referring to, he would like to point out a correction that the \$100 fee is actually being reduced to \$75 as a result in the reduction in time for processing that issue. He said as far as the windows go, essentially the process is anything that the State requires a permit for, we have to do a review on it. He said they have to do a comparison based on all the City ordinances, not just zoning, but they also the technical standards review as well, especially when they start looking at flood zoning and some of the other technical requirements that we the City impose on development. He said as far as the sub-fees, there was a proposal at one point in time to raise those because we have subdivisions that have been, yet, not fully developed in excess of 10 years and when we collected the original sub-fees, we are still doing inspections on them, so the sub-fees have been used up. He said as far as the Public Works Inspector's time to go out and do the inspections, which is what those are to help them for. He said in looking at an easy way to help collect the additional funds needed to cover for the changes in costs, as well as the duration that the subdivisions seem taking to develop. He said every one of the other fees are all based on a very simple timescale computation, as far as how much time it takes, him and his staff for review time as well as any other coordination within staff and the change in the commercial fee up to the \$600. He said it is a \$150 fee for our staff time which is inclusive of anything they do, as well as other staff in the Engineering department. He said then up to \$450 for the technical review committee, which is an hour's time of the six Directors that they have sitting in on that review, inclusive of the Police Chief, Fire Chief, and the Public Works Director. He said just as Commissioner Rardin experienced in his most recent permit application the fee was actually much less than what could have been the \$600 because they only used the one review person.

Commissioner Rardin stated the problem there is the taxpayers are already paying them for their time and now we are charging them again for the exact same time they are already being paid for when they are doing these reviews. He also has an issue with reroof permits. He said a lot of the builders have come to him on that and commercial and residential reroofs, he feels shouldn't even need to come through the City because the exterior footprint of your building does not change whenever you do that. He said their fee with CID is \$35 to do a reroof, and their fee here at the City is \$30. He said CID is actually the ones that comes out and does the inspections, they are the ones that have the guy on the ground making sure that the work is done correctly. He said the City just basically stamps those and kicks them out, so we are getting \$30 for the little red stamp on there. He prefers that any reroofs just go through CID, if CID is okay with that. He said one of the other big ones that they have had questions with is a violation correction of ten times the fee. He said that could potentially be \$6,000 on a commercial plan review fee. He said he is not sure what a correction violation fee is. He said he has a lot of people ask him these questions because he is in this industry and this impacts his industry a lot and this is the reason he is bringing these questions up. He said some of them just seem a little ridiculous to him. He said it used to with a commercial plan review it was \$100, it was pretty reasonable, on a larger project they could see \$600 because there is a lot to look at, but their fees at the State aren't even that high. He said after they get it from the City, they send it to either Las Cruces, Albuquerque or Santa Fe, and they are the ones that actually do the work, issue the permit and do the inspections. He said they really need to get some input from the builders and the developers on this and maybe set these fees a little lower.

Commissioner Wright asked City Planner Williams if he could explain what is in a violation correction. He answered he is not sure of the origination of that, that was in the original ordinance, they just transferred it over in the update. Commissioner Wright said that could be a violation of any one of

these. City Planner Williams said if they come and get a permit, that is correct. He said that is mostly the intent behind it, is if they did not process correctly or they did so willfully to avoid permitting, which they do currently have a process of. He said in counterpoint to the reroof, part of the reason they charge the fee is to compensate for the 20 minutes it takes for his staff to process into our database. He said when we do get complaints from the citizens about does this person have a permit for reroofing their house, they can validate it instantly instead of doing an Inspection of Public Records Act (IPRA) request through the State to figure out if they have been issued a permit.

Commissioner Rardin stated you can look it up on Kiva. He said it is not Kiva anymore, he is not sure what the actual name is, but you can log in and look at that address to see if they have a permit.

Commissioner Payne stated she does not think they should be giving things away. She understands what Commissioner Rardin is saying, but she does not want to get in that habit. She thinks that everybody need to pay their fair share. She asked where these fees go.

City Planner Williams answered they go into the general fund under their line item for general revenue. Commissioner Payne said it does help to offset the cost for things like payroll and that kind of thing. City Planner Williams said absolutely. Commissioner Payne said from a business standpoint, she can see what Commissioner Rardin is saying, that is what they get paid for. She said yes, that is what they get paid for, there it is right there, and it helps to offset it and she does not think that they cannot pick and choose, this is part of building and your profits and all that kind of stuff. She said she cannot speak to that, what she can speak to is as a City we need to be fiscally responsible, if it is time for the employee then we need to be charging for it, that is part of offsetting the cost of having that department.

Commissioner Rardin said a lot of these fees were probably here when the City had an inspection department, prior to 2008 when the State took our department away from the City. He said the builders are extremely happy with the way that it works. He talked about his concerns for some of the fees. He asked City Planner Williams what exactly a franchise fee is of \$3,000. City Planner Williams said that is for excavation permits, so companies like TDS, Sprint and others will purchase a franchise fee and it covers all of their excavations for the year as opposed to coming in paying for each individual one. He said regardless if they dig 100 new lines or 1,000 they are only paying the franchise fee, so it is more cost effective for them.

Mayor Boss thought it is only fair that the basis for actually determining the rate, with the way he did it, he looked at other cities to see that we were in-line and he analyzed the amount of time that employees spend on it. He does not see what is so unreasonable about that. Commissioner Rardin said they are already paying that employee to be here, regardless of whether they are doing this or doing something else. Mayor Boss said we have to have a way to pay that employee also, and that is one of the sources of revenue to allow us to pay that employee or otherwise it would be taken away from some other fund, correct.

Commissioner Rardin stated you have to start looking at the entire industry. He said their costs are getting higher. He said if you look at it like a triangle, the higher up that triangle you get the fewer customers you have because people can't afford to do those jobs anymore. He said these fees are just pass through fees to that customer, so the higher these fees go the higher our prices go, the fewer customers we are going to have.

Commissioner Hernandez asked City Planner Williams if they have any public works inspectors on staff. City Planner Williams answered yes, they do. Commissioner Hernandez asked for instance on the franchise fees they would be responsible for going out and inspecting those. City Planner Williams answered correct. Commissioner Hernandez stated he brought up a question a while back. He said he thinks it was Kelly Cable that went through his front yard and destroyed his sidewalk. He said they replaced it, but they replaced it with sakcrete and they never even squared it off. He was made to put that sidewalk in when he rezoned his property. He paid \$13,000 or \$14,000 for his sidewalk. He said he does not mind paying a fee as long as you are getting something for it. He said on some of these he

kind of agrees with Commissioner Rardin, that if we are going to charge something we need to make sure that we are providing a service other than just document review because it can come back and get us on some of this stuff like the reroofing and the windows. He thinks Commissioner Rardin is right, that some of these were probably brought from when we actually did the inspections, but he feels that if it is an inspectable item and we are not inspecting it, we probably need to take it off because we can get in trouble on it.

Commissioner Rardin stated we do not have inspectors. He said if he remembers right they have a part-time position funded in budget in May to start doing inspections for setbacks. He said we don't have staff to inspect some of this stuff. He said why have a law if we don't have a way to enforce it. He said right now there is a gentleman's agreement between the City and the State as far as setbacks go, once it comes through to the City, it goes to the State, they build the house or building, and the State is actually checking the setbacks for us as a courtesy for the City. He said if there is ever an issue and the State gets in trouble, that will probably go away. He feels that we should not have a bunch of fees that we cannot enforce.

Mayor Boss asked the Commission what they want to do tonight.

City Planner Williams said it is important to understand that most of these fees are not a permit fee, they are a processing fee. He said the ones that are permit fees like curb cuts, excavation those are inspectable fees and so those are paying for an offset for the Public Works inspector who is doing the inspections, but the remainder of them are processing fees.

Commissioner Payne asked about the windows.

City Planner Williams said that is a processing fee just like the zoning changes.

Commissioner Rardin asked City Planner Williams if we have anybody to enforce. He also asked if he changed the window out in his house, who is going to catch him. He said it is complaint generated and so if they get a complaint they have to go and evaluate it. He said that is part of the benefit of the new zoning enforcement officer. He said this person will be available on a random basis, 80 hours a month to do that very thing. Commissioner Rardin stated replacing a window, it is not technically zoning. He asked if this person will have the authority to enforce that because he is there to inspect the zoning not whether you are changing a window in your house.

City Planner Williams said if you look at the job description that they created for that person, that is the title that they came up with, but their duties include significantly more than just zoning. He said it also goes into building technical standards, includes all of the Chapter 29 Ordinance which includes more than just zoning, then it also includes Chapter 2 with these administrative fees. He said because it is an Ordinance and it is enforceable.

City Manager Paluch made it clear that the fees on the left-hand side on the column, they are the current fees. She said eight of these fees City Planner Williams is requesting them to decrease with the exception of the annexation fee going from \$500 to \$600. She told Commissioner Rardin that she understands where he is coming from and they can certainly bring this topic up again, however, their suggestion would be that they pass this tonight and you can make a change to that annexation fee and instead of having it increase to \$600, have it remain the same at \$500, but then you also have an additional eight fees that are being decreased this evening. She said we might want to go ahead and pass this and decrease those fees and then bring this item back and discuss the structure as a whole.

Mayor Boss said, or they can talk all night, that is an option.

Commissioner Rardin stated he thinks they need to involve the builders in the discussion because this directly impacts that industry.

Mayor Pro-Tem Baldwin stated they did direct staff to have a meeting with the people it does affect. He said they have not raised taxes in the past eight years. He agreed with Commissioner Payne that are certain things, with staff knowledge, that he does not have an issue with charging. He said as it has been implied, we are charging people for the wrong things. He said not only has staff, but our Commission has spoken up and discussed not charging for things that we don't need to be charging for and we have voted against them as recently in the last two or three months. He thinks they are cognizant of the things they need to be charging for and cognizant of the things we shouldn't be charging for, and with that being said, he called the question.

Commissioner Payne moved to approve.

Mayor Pro-Tem Baldwin seconded the motion.

Roll call vote was taken.

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

14. Discussion and direction to staff regarding Section 24-12-6-13.3 of the Alamogordo Uniform Traffic Ordinance. (*Maggie Paluch, City Manager*)

City Manager Paluch stated Commissioner Rardin asked that staff bring forward this Section regarding the unhitched trailer on the street. She read what the section reads and said that Commissioner Rardin has asked that we discuss this for a possible direction to staff, which she assumes, is for changes.

Commissioner Rardin stated the reason he brought this up is because he had a fifth wheel setting in front of his house and he did not realize that it was illegal. He said the City of Alamogordo violates this ordinance on a daily basis. He asked if they can do a 24-hour time limit. He said you can ask Assistant City Manager Cesar, that City employees pull equipment trailer up, unload a backhoe and then go for a water break. Mayor Boss said it is completely different. Commissioner Rardin said no it's not. He said if that trailer is sitting on the City right of way and it is unhitched it is violating this law.

Mayor Boss said then we need to change the ordinance or make an exception. Commissioner Rardin said that is what he is asking. He said if we put a time limit for that trailer to be sitting on the City right of way of maybe 24 hours or 72 hours. He said sometimes we don't have places off of City right of way to park vehicles. The City doesn't, if they have to dump a trailer off so they can take the dump truck back to the City yard and dump the material. He said that trailer is sitting unhitched on City right of way, the City is technically violating their own ordinance.

Mayor Boss said he had been cited for this ordinance. He said he was irritated about that until he seen over the last several years when people stack trailers up in our right of ways. He said one of the big reasons this came about was because you would get a situation on the street where you have a fifth wheel on both sides of the street and you have a one lane road. He said that and the utility trailers, people leaving firewood or trash in them for a long period of time. He said this was a very good ordinance.

Commissioner Rardin asked to have a time frame or a time limit. He said if you read our RV Ordinance, it states 72 hours that it can sit there. He said but utility, equipment trailers or stuff they have on a job site there are many times that he has had to drop a trailer and run somewhere else, sometimes it is not practical, so you leave the trailer sitting on City right of way. He just wanted to see if the Commission could add some language into this ordinance of a time limit.

Commissioner Payne asked how they are going to determine how long the trailer has been there.

Commissioner Rardin stated APD will come out and mark the wheels and come back twenty-four hours later and if it has not moved then they will cite them.

Commissioner Payne said then it would all be complaint driven then. Commissioner Rardin replied to a point. He said the only reason he brought this up was because the City almost violates their own

Ordinance almost on a daily basis. He said City staff is not any different than anyone else.

Mayor Boss said there is way more to it than what they are talking about. He said he lived in a German neighborhood for many years. He said the Germans are different than the Americans in the fact that in the evenings they'll get out with their children and they'll sit in lawn chairs on the sidewalk while their kids literally play in the street. He said he would go 5 miles per hours up that street, at certain times of the day because you never knew when a kid was going to pop out of there. He said that's probably the number one reason that they should leave it as it is, for the sake of our children.

Mayor Pro-Tem Baldwin said he does not disagree with Commissioner Rardin in reference to the double standard. He said his two cents is that he is not willing to change the actual Ordinance. He said he does think that City maintenance vehicles are a completely different issue, especially if they are mobilized for a specific task. He said he has no issue with having them on the streets for a certain period of time. He said this ordinance was for the reasons the Mayor was discussing and the reasons Commissioner Rardin discussed as well. He would be in favor of actually putting it in the Ordinance, excluding the City equipment.

Commissioner Payne asked Police Chief Peete how often they cite or enforce this ordinance. She also asked if it was complaint driven or if he even knew about it. He answered yes, and it is complaint driven.

Commissioner Payne said obviously they are not supposed to have it on the street, but if does not bother the neighbors they are not going to call and if they don't call there is not going to be a problem. She asked if an officer just drives by a trailer that is just sitting there and nobody has complained about it, are they really going to take the time to stop and say something.

Police Chief Peete said personally he thinks it is one of those things that if that officer is aware of it or if they are thinking about it or some officers may be more spun up on other municipal ordinances that they are looking for. He said they may not be too familiar with that, so he thinks it would be on the individual officer.

Commissioner Payne said she is just thinking that they have better things to do. She said she could be wrong and asked Commissioner Rardin if he had ever been cited for having his trailer on the street.

Commissioner Rardin said he had an officer stop at his house, give him a warning and said that he needed to move it. He said he then pulled the RV Ordinance and it said 72 hours that it can sit in front of your house, it does not state anything in the RV Ordinance about whether a truck has to be hooked to it. He asked City Attorney Schreiber and she looked through actual traffic code and that is where this is, pretty cut and dry.

Commissioner Payne said she is in favor of the exception as Mayor Pro-Tem Baldwin suggested. She is also in favor of an initial warning. She is not in favor of leaving it there 24 hours. She said we get a lot of complaints about the appearance of Alamogordo already and if you have a big utility trailer with all this stuff hanging out of it, she is not in favor of that.

Commissioner Hernandez said he kind of understands the Ordinance and why it is there. He said something to think about, if we make exceptions for City crews what about PNM or NM Gas because they are the same kind of corporations we are and so we'll have to make an exception for them.

Mayor Boss said is that not kind of de minimis. Commissioner Hernandez said they do it quite a bit. He doesn't think a 24-hour period, but probably a work day period from 7 am to 7 pm would be exceptional if they were working in the area. He thinks if they are going to do it, they need to do that rule of the time period that they are working there.

City Manager Paluch said they do have a waiver for large dumpsters for construction projects. She

said the suggestion could be if you have a project and you need a trailer in front of your house, you just submit the application for a waiver for that specific project or timeframe.

Commissioner Rardin said that is for dumpsters though not for trailers. She said right, but they could do the same type of waiver for trailers.

Commissioner Rardin said job sites change daily for small jobs. He then said Commissioner Hernandez is right, PNM and NM Gas does bring down whatever equipment they need.

Mayor Boss asked if they didn't put up proper signage. Commissioner Rardin said the Ordinance doesn't say that though, it says it is not allowed.

Commissioner Payne said what if they do something if it is a commercial job site. She said she is still thinking residents.

Commissioner Rardin said it still affects residential, it is still a safety issue.

Commissioner Sikes said when she went through her workbook to prepare for this meeting, she came to this and thought "Really" they are going to talk about this. She said reasonable people would probably agree that an unattended trailer for an extended amount of time might be a problem. If it is a worksite, she thinks people probably understand that it might be there for a little while, but it will be moved. She does believe, like Commissioner Payne stated, that if a neighbor complains about it, then do something about it.

Mayor Pro-Tem Baldwin asked if they want 24 hours or do they want 24 hours where City vehicles are. Commissioner Sikes said how about just unattended.

Commissioner Rardin said if you do City, then you still need to add PNM. Mayor Pro-Tem Baldwin said he does not believe so, but that is his opinion.

Commissioner Rardin said PNM is not going to abide by it, if they need the equipment they are going to drop it, they don't care what we think. He said he thinks 24 hours is reasonable or like Commissioner Hernandez suggested 7 to 7.

Mayor Pro-Tem Baldwin said he has zero issues with 24 hours, now.

Mayor Boss asked Police Chief Peete if they had any statistics on how many trailer citations they have given out. He answered no, he does not have that available.

Commissioner Rardin said he remembers seeing it one of the digests recently and he thinks it was four or five in the last month or so. He said he will call the question on it.

Commissioner Payne stated she likes the idea of a waiver.

Commissioner Rardin said he would make a motion.

City Manager Paluch stated they do not need to have action. She said it seems like they have a couple different options on the table, she just kind of needs guidance on which option to go with. She asked if they want the 24 hours or the waiver.

Commissioner Rardin said he is in favor of the 24 hours.

Commissioner Hernandez recommended if they do the waiver, a lot of people won't know that it is available till they get a ticket. He said maybe give 3 to 5 days to come get the waiver from the time they got the ticket so when they go to court they have something to present to the Judge.

City Manager Paluch said they can put a PSA out to get that information out there, and then it is officer discretion if they are going to write a ticket, so they can educate the police officers in case they do get a call they can let that person know that this waiver is available.

Commissioner Payne said she is not suggesting charging for the waiver.

Commissioner Wright said he does not know how productive the waiver will be. He said he has eight trailers. Who is honestly going to come down fill out a waiver. He said they maybe at one place one week and at another place the next week.

Commissioner Payne asked if the waiver has to be per job.

Commissioner Wright said he just thinks that is going to be a lot of extra paperwork and headache on contractors and personnel.

Mayor Pro-Tem Baldwin suggested 24 hours.

City Manager Paluch said they will bring back 24 hours, they'll write the language and the Commission will be able to vote on that.

15. Consider, and act upon, funding the Hollamo Express bus service. (*Baxter Pattillo, MainGate United*)

Mr. Pattillo said this presentation is to bring the Commission up to speed on a project that MainGate United has been working on. He said they have been in partnership with Holloman Air Force Base, Z-Trans, the Chamber of Commerce and various business around town to bring a much-needed transportation opportunity that basically services exclusively to Holloman Air Force Base, free of charge. He said it brings them into the City from 5 pm to midnight on Friday and Saturday nights. He said this program serves three purposes: it encourages economic development, it shows the Air Force that the City is working actively to ensure the bed down for the initiative with the F-16s and it reduces any drinking and driving to and from the Base. He described the route and the timing. He said if the ridership increases they could run a two-bus system. He showed the budget which broke down the costs. He pointed out that \$33,297.46 was the cost for this program for one year. He said they do not have their funding all the way secure. He said NMDOT, State and Federal will subsidize Z-Trans in the next coming fiscal year when they re-appropriate their budget to include this program. He said after the City of Alamogordo gifts this program to the Air Force Base it will then transfer after the first fiscal year to where it is budgeted and then they will not have to worry about it anymore. He said with the Advent of the beddown and that decision coming up he wanted to make sure that we provide this service this year instead of waiting a year for that to be written back into the budget. He said the \$33,297 only includes operating costs, it does not include the advertisement or any of the planning. He said the total ridership is at 400. He said they will be running an honorary Hollamo express route for the 4th of July, paid for by Hollamo express's budget. He said Z-trans keeps track of where each person gets on and off. He said what they are asking for, as MainGate United, is \$20,000 to fund 2018 and then it will be self-funded after that. He said as of now they have raised a little over \$6000 from different people in the community to start this program off and he said he will have no problem finding the rest of the money.

Mayor Boss asked him if they have made any report to Secretary Wilson about this program and have they heard any response on how she feels about it. Mr. Pattillo said they sent both an article about the mill-levy passing and an article about the Hollamo Express starting. He said she knows and she appreciates it. He said she will be able to see for herself once they have more numbers come in. He said after this 4th of July event, if they can prove successful with getting all the Airmen to and from that event well, then they can show her those numbers when she comes back on the 19th.

Mayor Boss said those numbers should increase too when we have the Family Fun Center in the loop.

Commissioner Hernandez said he supported this but one comment he would like to make is several years ago when they supported the Las Cruces project, they were told that it would be for one year and now it is constantly funded. He said he does not have a problem with that, but he should go back on his statement of it will be self-funded because if you have to come to us next year, he won't have to say that he was wrong. He suggested that if they have to come before the Commission, to try and come before the budget hearings.

Commissioner Sikes said she is a huge proponent of public transportation and she was one of the biggest proponents of Z-Trans being funded thoroughly and always by the City. She said when she first heard about this project it was going to be funded by the businesses. She understands that he has been able to generate \$6,000 and he admitted that he would be able to get the money on your own. She said if the military is so excited about it, and she understands about this gifting thing, why don't they have any skin in the game.

Mr. Pattillo said they don't have to, this was brought to the Air Force itself, just to say we know that you are considering us and also Kelly Air Force Base and other towns that could severely economically impact this region. He said we would like to say that this is a joint effort with the City. We would like to say that the City came up with this money and it is an initiative that will increase gross receipts tax. He said if you can conservatively estimate that each airmen will spend \$20 each time they take that bus into town and in the first few months there have 400 people using the service.

Commissioner Sikes asked how long it has been running now. Mr. Pattillo answered since April 13, 2018. Commissioner Sikes said we are looking at 100 people per month, He said so far. Commissioner Sikes said so 100 people times \$20 estimated. He thinks it will continue to expand.

He said to Commissioner Hernandez he would say that this was an affirmation from Z-Trans that they would be able to put it in their budget if they were able to show a successful story here, so that is confirmation from them and he would be happy to get that in writing.

Commissioner Sikes asked why Z-Trans isn't requesting the gifting of the \$20,000 to increase their route. Mr. Pattillo answered because they did not ask to do this, he asked Z-Trans to do this. He said he is speaking on behalf of MainGate United. He is here to see if they can all pull together. He said he has approached every business on White Sands that would fiscally benefit from this, at least a few times each. He said the problem is that 90 percent of businesses on White Sands are owned by someone that lives in El Paso or Las Cruces.

Commissioner Sikes tagged on to what Commissioner Hernandez said and she supports this, and she would like to find out where they will be able to come up with the money should they decide to support it financially. She asked how it will sustain itself after the first year, does he intend to gather more businesses who will contribute or start charging the airmen. Mr. Pattillo said his plan is to make sure that it makes it into Z-Trans budget for next year to where State and Federal money pays for this and it is part of their service. He said he has been told by their CEO, CFO and department transportation Director that it will be okay after year one. He said the more they can give this time is another option. He said they could do something where the City contributes on a monthly basis.

City Manager Paluch said the funding will be \$20,000 and that will could come from fund 44, which is the transportation fund. She said as Commissioner Hernandez pointed out, this is not a budgeted item, but there is an unencumbered balance in fund 44 of \$150,875, so the fund could support the \$20,000 that Mr. Pattillo is requesting this evening. She said also she wanted on the record, that they talked about what Commissioner Hernandez said this evening. She suggested that Mr. Pattillo might want to retract his statement that this can be self-funded because if he does need to come back next year, he just wants to make sure that he has that ability and not tie himself into saying that.

Mr. Pattillo said absolutely and thanked City Manager Paluch for that.

Commissioner Hernandez asked Mr. Pattillo if this service be available to civilians coming on and off the base at these times. He said no, it is due to the nature of the transportation with the security factor with the Air Force Base. He said because Z-Trans has base access now is able to do this with the airmen and in doing so it has to be exclusive where you show your government ID to get on the bus.

Commissioner Hernandez asked if you have a military ID, can you get on the bus if you are a civilian. He said no, this is for active duty military, he thinks those IDs are different. Commissioner Hernandez said the only reason he is asking that is because they want to make sure that they are not violating any rules or laws because of the money donated by the City. He said City Attorney Schreiber can check it out, and if there is something that maybe they can figure out how somebody with a base ID can get on and off the bus.

Mr. Pattillo said that is the other thing that could potentially happen with this. He said demand could increase over time and find out it is really to use with the app and they have enough interest that they could justify with more businesses contributing the remainder of the funds. He said to touch on his point earlier as far as businesses contribute to this, as he has gone down to all the businesses twice now, is that it is going to be very difficult to get people to just write checks because of how the corporate structure works, they have to go through their managing Regional Directors. He said he is just asking anyone who will stand to benefit from this. He said with everything else it is going to be much more than \$33,000 when you consider all the other additional costs. He said he is just bringing the Commission the bare bone numbers to run the bus to and from. He said as this programs proves itself more and more they will have more people donate.

Commissioner Payne said it is such a great opportunity for them to get out and get in town and get to know people and be safe and get home safely. She said the benefits far outweigh not just the financial aspect of it, but just the safety issue of being able to go out and have a good time. She fully supports it. She said Holloman is a huge contributor to the City of Alamogordo and so they need to be doing what they can, not just taking from them but giving back in some way.

City Manager Paluch told Mr. Pattillo when they spoke before, he indicated that this program wasn't just for the airmen, it was for anyone that had a military ID so that would include anyone who had an active duty or retiree military ID that has access to the base. Mr. Pattillo said that is correct. City Manager Paluch said she wanted to make that clear, that it is just not the airmen going to the barracks.

Commissioner Payne said it is not civilians either. She said when he says civilians, he means like civil service. Mr. Pattillo said right, you need to be family or active duty to enjoy this.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

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

Mayor Pro-Tem Baldwin said which fund because that is important to the process. City Manager Paluch said it is fund 44, which is in the Agenda Report.

Mayor Pro-Tem Baldwin said he has always supported projects like this. He said if anything came to our area it was worth one try. He said what Commissioner Hernandez referred to earlier, when Z-Trans came here that they were willing to fund Z-Trans for one year and they came back and kind of laughed at them and now they are funding Z-Trans to the tune of \$114,000 and we are only a small portion of funding for Z-Trans, they actually get a lot of funding from other places. He said that was a pretty contentious vote which was 4-3, so it was one vote from not being funded. He is very adamant about the one-year funding, not because he doesn't support it but because he believes in giving an opportunity as one of the things the City can do and should do, but again he wanted to say how happy he is for Z-Trans that they are still going but it was very frustrating when they came back the next year and just laughed at them. He said he does not know if laughing is the correct term, but they certainly did chuckle. He said Mr. Hardin has a great sense of humor and he kind of chuckled and said they

knew that they were going to come back anyway. He said he does support this, but he is adamant about it being self-funding after this.

Commissioner Sikes told Mr. Pattillo she would like to see some stops at places that could be promoted as outdoor activities that also inspire people to be outside, but to do some of the fun things that are here.

Mr. Pattillo pointed out that on the flyer, it does state that the route could be open to expansion with increased participation from businesses and airmen. He said if they want to ride we will find the money for it.

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

Mayor Boss read the openings and appointed Windy Franks to the Cemetery Board. No one was opposed.

WORK SESSION

17. Presentation to be given on the Alamogordo Fire Departments "Five Year Plan". (Jim LeClair, Fire Chief)

Fire Chief LeClair presented the Five-Year Plan for the Fire Department going through the power point presentation. (see power point in Blue Book)

He described what the Fire Department currently has, what they will be asking for in the future and what their goals are for each year. He also discussed challenges the department is facing and the fiscal impact of this plan.

Commissioner Hernandez said when they look at this plan and you back out the infrastructure because that is something that needs to be done and that is a one-time cost, it really is not that much. He thinks it is pretty feasible and it is something the Commission needs to figure out how to fund it and how to make it work. He stated that this is the only department within the City that's not a whole.

Fire Chief LeClair added that there are grants out there, that are provided through the federal government that allow Cities that are lacking in staffing and basically what they do is they will pay the salaries, benefits and retirement package based off of a firefighter at their base pay. He said they will pay 75 percent of that salary for two years and at the three year mark they will make the City more responsible and they will only pay for 35 percent of their salaries. He said there are avenues that they can look at. He said these grants are competitive and you really have to fight for them.

Commissioner Payne asked if the administrative costs, payroll, is based on the current pay scale. Fire Chief LeClair answered yes. He said they would look at, if awarded, what the base pay of a firefighter is, they would consider their benefit package and their retirement. She said her goal would be to look at their salary because it could be a lot better at some point.

Commissioner Sikes asked Fire Chief LeClair how does changing the ISO rating affect the homeowners. He answered mainly insurance costs. Commissioner Payne said it could be really significant. Commissioner Sikes said she thinks that is very important, based off the fact that a municipalities main responsibilities are public safety. She said as Commissioner in District 2, she is really interested in the Mesa Verde Firehouse. She asked if he has run some studies on how long it would take a fire truck to get to certain areas. She said she is in favor of the Scenic extension right now, for that reason.

Fire Chief LeClair said the requirements to respond to any call for services is four minutes. He said if you cannot do that, you start getting dinged on you ISO rating. She thinks that we could do that currently. Fire Chief LeClair said no, not there.

Commissioner Sikes stated these are really good goals to aspire to, but she would love to see them happen. She asked what would preclude us for even introducing the idea of a bond issue to accomplish some of this.

City Manager Paluch stated at this point they are at their max for bond capacity. She said we are seeing some economic growth, we are seeing our GRT go up, but is it going to go up quick enough to implement this plan, probably not. She said one of the areas the Commission could look at is increasing taxes to specifically fund this. She said you could implement one-eighths, two-eighths or three-eighths. She said one-eighth right now approximately generates \$800,000 a year. She said the GRT numbers are starting to increase even more than it has been in the past. She thinks that is because some of the new businesses are starting to come on the rolls. She said they can remain hopeful there.

EXECUTIVE SESSION

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

Mayor Pro-Tem Baldwin moved to recess into Executive Session at 9:27 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

19. Consider, and act upon, the lease to Otero County of real property known as the Fairgrounds Parking Lot located at the corner of White Sands Blvd and Fairgrounds Rd.

Commissioner Hernandez moved to reconvene into session at 10:22 p.m.

Commissioner Payne seconded the motion.

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

Mayor Pro-Tem Baldwin motioned to table this topic. He directed staff to have our Legal team meet with the County's Legal team to discuss lease terms. He also directed staff to make sure there is an understanding, an MOU, until the foreseeable future until they get this lease taken care of to make sure the County Fair Board and the County can operate on that piece of property without any issues for any upcoming events. He said they do want to come with a very fair and equitable lease for the piece of property that is out there and make sure that everybody benefits from that piece of property being used out there. He said they have operated for the last two years without a lease on that property. He thanked everybody involved for bringing that to their attention, so they can address it and move forward.

Mayor Boss asked City Clerk Hughs if she had that motion on the record. She acknowledged.

Mayor Pro-Tem Baldwin moved to table this item.

Commissioner Wright seconded the motion.

Motion carried with a vote of 5-2-0. Commissioner Hernandez and Commissioner Rardin voted nay.

Commissioner Sikes asked if they can put a timeframe on it.

City Manager Paluch said she understands the urgency and that this is something she will be speaking with our City Attorney about when she gets back into town on Thursday.

Commissioner Hernandez moved to adjourn at 10:25 p.m.

**Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.**

ADJOURNMENT

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on July 10, 2018.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/02/2018

Report No: 3.

Submitted By: Petria Schreiber

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

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for final publication.

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

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

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

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

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

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

SECTION ONE:

2-15-050. - Application procedure.

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

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

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

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

SECTION TWO

2-15-070. - GRIP agreement.

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

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

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

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

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

SECTION THREE

2-15-080. - Special fund Payment.

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

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

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

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

DONE this _____ day of _____, 2018.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date:

Report No: 4.

Submitted By: Eric Barraza

Subject: Consider, and act upon, reducing or allowing an extension of time for paying water charges incurred at 1105 Mesquite Street. (*Cecilia Perea, Owner; Mark Threadgill, Customer Service Manager*).

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

Mr. & Mrs. Perea own the mobile home park at 1105 Mesquite. Their utility bill has increased from \$691.35 in April 2018 to \$5,306.43 in June 2018.

Based on AMR data there is continuous consumption at the location. We define continuous consumption (and the Stealth system will send an alert) when the water meter measures at least 1 cu. ft. per hour of water passing through the meter for 72 consecutive hours or more. The cause of this continuous flow may, or may not, be a leak – it could be a faucet left running, an evaporative cooler with a bleed off drain or overflowing, an irrigation system, etc.

Utility Billing has delivered 4 courtesy notices to the location – 04/07, 05/08, 05/17, & 06/13/2018 notifying them of the continuous consumption.

Customer Service Manager has met with Mr. & Mrs. Perea on several occasions to discuss the situation at their mobile home park – including an on-site with our Meter Technician Supervisor. During the on-site visit we repeatedly demonstrated that when their system shut-off valve was closed consumption, as measured through the meter, stopped. That is, with the city valve open and their valve closed the meter no longer registered water flow. Once their valve was opened consumption was again measured by the meter. The Meter Technician Supervisor verified that the mechanical reading and the radio reading were in sync and that the system was communicating properly within the system. We have since tested the AMR on several other occasions.

When queried by the owner as to what could be causing the continuous flow staff offered several suggestions basically covering any appliance/device that uses water. It is our understanding that the owners have attempted to locate the source of the continuous water consumption. However, as of 1 a.m.

July 6, 2018 we still see evidence of continuous consumption at this location.

The property owners have been advised of the City's Leak Abatement program and have been offered a payment plan for the outstanding amount due.



RECEIVED
JUL 05 2018
CITY CLERK

City of Alamogordo City Commission Meeting

AGENDA REQUEST FORM

Date: 7-3-18

Request Date
of Meeting:

July 10 - 2018

Name:

Cecilia Perea

Address:

1105 Mesquite St.

Alamogordo NM. ZIP 88310

Phone Number:

303-579 9536

E-Mail Address:

cecilya@live.com

Item requested will be for: (Please check one)

☐ Information only

☐ Presentation

Brief description of topic to be discussed:

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

We do not allow handouts at the meeting

Very high water bill. exceeding
\$ 5000.00

Signature: Cecilia Perea

Please return to:

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

Phone: (575) 439-4205

Fax: (575) 439-4396

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

Revised 10/13/2017

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/05/2018

Report No: 5.

Submitted By: Petria Schreiber

Subject: Discuss current policy on non-household terminated water accounts. (*Petria Schreiber, City Attorney; Mark Threadgill, Customer Service Manager*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Commissioner Rardin requested that the Commission discuss the current policy on non-household terminated water accounts.

There are currently three water ordinances attached as explained as follows:

We activate account in owner's name when no other account active (28-03-005). Owner is notified and billed. If bill is not paid the account will be terminated (28-03-060) This creates a collectible charge that may eventually lead to a utility lien (28-06-060). If the terminated account was an owner account we re-initiate the account in the owner's name (28-03-005).

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

- (a) Every property within the municipal boundaries shall be deemed to have water and sewer utility service available if service lines exist from the city water and sewer mains to the property and such properties shall be subject to customer charges and capital improvement charges as set by city commission for the respective services.
 - (1) New lots within subdivisions (as that term is defined in chapter 22 of the city Code of Ordinances) which have never been sold or otherwise transferred and which remain the property of the original developer shall be exempt from the customer charge and capital improvement charges for a period of five (5) years from the date of acceptance of the subdivision by the city.
 - (2) Vacant subdivision lots owned by the original developer as of the date of the passage of this ordinance (28-03-005) shall be exempt from customer charges and capital improvement charges for a period of five (5) years.
 - (3) An application for water meter submitted by any person(s) for lots exempted through this article shall void any and all exemptions and the property owner shall immediately be responsible for all customer charges, capital improvement charges and consumption charges approved by the city commission.
 - (4) The original developer, successor, or assignee of subdivisions covered by this ordinance may petition the city commission for an extension of the exemption period within three (3) months of the termination of an exemption. Any additional time approved by the city commission shall not exceed three (3) years. No additional exemption shall be granted after the expiration of the original or any extended time period(s).
- (b) Utility accounts transferred to the property owner by the city, except those accounts subject to section 28-03-082, shall only be charged the monthly base rate for water, adjusted for meter size.
 - (1) All services except for water shall be inactivated.
 - (2) Water shall be shut-off at the curb.
 - (3) Any recorded usage of water shall result in the activation of all city services and charges until the account is again transferred.
- (c) Lot(s)/parcel(s) of land served by the municipal utility and not part of a subdivision as defined in chapter 22 of the city Code of Ordinances on which no structure of any sort exists, or has existed, shall be exempt from the customer charge and capital improvement charges provided the property owner pays all city costs associated with removal of the meter, riser, meter can, etc., and capping of the service line.
 - (1) It is incumbent on the property owner to provide proof to the city that the lot/parcel is eligible for the exemption under this section.
 - (2) Property owner applying for exemption under this section shall provide a written declaration that there are no plans to develop the property.

(Ord. No. [1506](#), § 6, 12-15-15; Ord. No. [1544](#), § 1, 12-22-17)

28-03-060. - Billing procedure.

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

- (b) Payment is due and payable fifteen (15) calendar days from the billing date, and is considered delinquent if not paid within ten (10) calendar days from the due date. A final cut off notice will be mailed on the twenty-fifth calendar day from the billing date stating services will be disconnected in five (5) calendar days if the bill is not paid in full.
 - (1) For purposes of this section due dates, notice dates and cut off dates falling on a weekend or city observed holiday will automatically be extended to the next city business day.
- (c) If the payment for water, sewer or residential garbage collection fees, or any combined billing, is not made within thirty (30) calendar days from the due date, the water service shall be cut off and shall not again be supplied to the person liable for the payment until the total bill, with interest, penalties and reconnect fee, have been fully paid.
- (d) The cut off/turn on fee for water service shall be established by the city commission. This charge is for the labor of turning off and turning on water service and is exclusive of any city commission approved processing fee for delinquent accounts.
- (e) Any unpaid charge for water, sewer or garbage collection services is a lien upon the property served by such services and is superior to all other liens except general property taxes and those liens given priority equal to that of general property taxes, unless the owner has filed a city notarized form releasing owner of responsibility. This document must be filed with the city utility billing and legal departments at the time the tenant applies for utility services. This form cannot be retroactive. If a property owner files this form, the deposit for the tenant shall be as provided by ordinance.

(Code 1960, § 9-9-5; Ord. No. 514, 5-14-74; Ord. No. 674, § 1, 4-24-84; Ord. No. 913, 6-14-94; Ord. No. 939, 3-13-95; Ord. No. 972, 4-9-96; Ord. No. 1010, 4-19-97; Ord. No. 1027, § 1, 1-13-98; Ord. No. 1034, 6-9-98; Ord. No. 1129, § 1, 12-11-01; Ord. No. [1506](#), § 8, 12-15-15)

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

The following ancillary charges are intended to defray costs of special, non-routine services provided to users of the city water system:

- (1) Late fee per customer if payment for water, sewer or residential garbage collection fees, or any combined billing is more than ten (10) calendar days past due \$10.00
- (2) Service calls (Monday—Friday, 8:00 a.m.—4:30 p.m.) 32.00
Service calls during all other times 64.00
- (3) New application or transfer of service 25.00
 - a. Property owners who submit statement of property ownership form(s) shall not be charged a transfer fee for the properties listed on the form unless terminated for non-payment.
- (4) Meter installation varies based on actual cost which includes parts mark-up.
- (5) Administrative connection charge (connection charge) will be charged according to the cost of the particular situation.
- (6) Administrative fee for all liens filed 200.00
- (7) Processing fee (active delinquent accounts) 31.00
- (8) Disconnection fee current water and sewer base rate multiplied by twenty-four (24) as adjusted for meter size.
- (9) Cut off/turn on fee 32.00
- (10) Monthly rental fee for hydrant meters—to be billed monthly so long as the hydrant meter is in the possession of the customer 25.00

(Ord. No. 913, 6-14-94; Ord. No. 939, 3-13-95; Ord. No. 972, 4-9-96; Ord. No. 1010, 4-8-97; Ord. No. 1034, 6-9-98; Ord. No. 1059, § 3, 4-13-99; Ord. No. 1095, 6-27-00; Ord. No. 1129, § 3, 12-11-01; Ord. No. 1146, 5-14-02; Ord. No. 1168, § 4, 12-19-02; Ord. No. 1199, § 4, 4-13-04; Ord. No. 1208, § 2, 4-13-04; Ord. No. 1210, 8-24-04; Ord. No. 1348, § 4, 12-16-08; Ord. No. 1351, § 1, 2-23-09; Ord. No. [1506](#), § 10, 12-15-15; Ord. No. [1544](#), § 4, 12-22-17)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/05/2018

Report No: 6.

Submitted By: Petria Schreiber

Subject: Consider and act upon amending the Commission Meeting Rules of Conduct to include a cell phone usage rule for Commissioners. *(Petria Schreiber, City Attorney)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Commissioner Payne has requested a new rule regarding the use of cell phones on the dais.

**CITY OF ALAMOGORDO
RULES OF CONDUCT FOR CITY COMMISSION MEETINGS**

RULE 1. RULES OF ORDER.

Except as otherwise provided by these rules, the City Charter, the Municipal Code, or applicable provisions of State law, the procedures of the City Commission shall be governed by using the latest revised edition of Roberts Rules of Order as a guideline.

The City Commission rules, or any one thereof, may be suspended by a majority vote of the Commission members present.

RULE 2. TIME AND PLACE FOR HOLDING REGULAR MEETINGS.

Pursuant to the provisions of Article VII, Section 5 of the Alamogordo City Charter, the City Commission shall establish the dates, time and place for holding regular meetings of the City Commission.

RULE 3. QUORUM AND ACTION.

A majority of incumbent Commission members shall constitute a quorum for the transaction of business. Except as otherwise provided in the Charter, other laws or these rules, action shall be taken by a majority vote of the entire membership of the City Commission. However, in the case of a quasi-judicial hearing, if only four Commission members are participating, the applicant or appellant shall be entitled to request and receive a continuance of the hearing, until such time as five Commission members are participating.

Whenever any Commission member questions the presence of a quorum, the Presiding Officer shall forthwith direct the City Clerk to call the roll, each Commission member shall respond when his or her name is called and the Clerk shall announce the result. Such proceedings shall be without debate, but no Commission member who is speaking may be interrupted by a question as to the presence of a quorum.

The Commission may also establish standing subcommittees of its members to address designated areas of City business on the Commission's behalf and may establish ad hoc committees to formulate reports or recommendations on particular matters.

RULE 4. MEETINGS TO BE PUBLIC - EXCEPTION FOR CLOSED EXECUTIVE SESSIONS.

As required by the Open Meetings Act, NMSA, 1978, §et seq., all regular and special meetings of the City Commission shall be public, provided, however, the City Commission may meet in Closed Executive Session from which the public is excluded, for those purposes authorized by the Act.

No Commission member, employee of the City, or any other person present during a Closed Executive Session of the City Commission shall disclose to any person the content or substance of any communication which took place during the Closed Meeting unless the disclosure is required by law.

RULE 5. AGENDA.

- a) The City Clerk shall consult with the City Manager and Mayor in the preparation of the Agenda.
- b) The Agenda and all available supporting documents shall be delivered to Commission members on or before Friday preceding the Tuesday City Commission meeting to which it pertains.
- c) Any Commission member or the City Manager may direct that any matter within the City Commission's jurisdiction be placed upon the Agenda. Commission members should endeavor to submit agenda items by noon on Tuesday in order to ensure that matters will be added to the agenda for the following Tuesday. By majority vote Commissioner's can remove items from the agenda.
- d) Agenda items may be combined with other items on the agenda in order to ensure that the public's business is handled efficiently and conveniently.
- e) The City Clerk shall post the Agenda as required by the Open Meetings Act.
- f) No action shall be taken on any item not appearing on the posted Agenda unless the item is added to the Agenda in the manner required by the Open Meetings Act.
- g) Written requests to the City Commission shall be received and opened by the City Clerk or his or her designee and either shall be transmitted to the appropriate board, commission or staff member or shall be placed on the Agenda if City Commission consideration is deemed appropriate. Written requests shall be scheduled for Commission consideration at the earliest convenient meeting, taking into consideration the length and content of meeting agendas. Members of the public submitting written requests shall be advised of how their request is being handled. No communication shall be placed on an Agenda if it contains material that:
 - 1) Is profane.
 - 2) Is potentially slanderous or libelous.
 - 3) Advocates or opposes the candidacy of any person or party for any elective office.
 - 4) Is primarily an advertisement or promotion or advancement of any cause the major benefit of which is private and not public.

RULE 6. CATEGORIES AND ORDER OF BUSINESS.

The business of the City Commission shall be conducted in the order and manner specified. The order of business will be approved at each organizational meeting of the City Commission.

Order of Business will be as follows:

CALL TO ORDER & ROLL CALL
INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA
PRESENTATIONS
PUBLIC COMMENT
CITY MANAGER'S REPORT
REMARKS AND INQUIRIES BY THE CITY COMMISSION
CONSENT AGENDA (Roll Call Vote Required for Ordinance or Resolution)
ITEMS REMOVED FROM CONSENT AGENDA
PUBLIC HEARINGS
NEW BUSINESS
UNFINISHED BUSINESS
PUBLIC COMMENT (Continued if needed)
EXECUTIVE SESSION (Roll Call Vote Required)
ADJOURNMENT

RULE 7. PREPARATION OF MINUTES.

The City Clerk shall have exclusive responsibility for preparation of the Minutes, and any directions for substantive corrections in the Minutes shall be made only by majority vote of the City Commission. Upon the availability of the full audio digital recording of the meetings, the minutes may be prepared in an Action item version with minimal discussion.

RULE 8. APPROVAL OF MINUTES.

Minutes of a City Commission meeting may be approved without reading if the City Clerk has previously furnished each Commission member with a copy.

RULE 9. PRESIDING OFFICER.

The Mayor shall be the Presiding Officer at all meetings of the City Commission. In the absence of the Mayor, the Mayor Pro Tern shall preside. In the absence of both the Mayor and Mayor Pro Tern, the City Clerk shall call the City Commission to order and a temporary Presiding Officer shall be elected by the Commission members present to serve until the arrival of the Mayor or Mayor Pro Tern or until adjournment.

RULE 10. POWERS AND DUTIES OF PRESIDING OFFICER.

- a) Participation. The Presiding Officer may move, second, and discuss from the chair, subject only to such limitations of discussion as are imposed upon Commission members by these rules, and shall not be deprived of any of the rights or privileges of a Commission member by reason of his or her acting as the Presiding Officer.
- b) Duties. The Presiding Officer shall (1) preserve order at all meetings of the City Commission, (2) state (or cause to be stated) each question coming before the City Commission, (3) announce the decisions of the City Commission on all subjects, and (4) decide all questions of order subject to the right to appeal rulings on questions of order to the entire City Commission.

RULE 11. SWORN TESTIMONY.

Any Commission member may request that anyone appearing before the City Commission on any matter shall be sworn. On receipt of such a request, all proceedings shall be suspended and the City Commission will immediately vote on whether the individual should be sworn. A majority vote of the Commission members present shall determine whether the speaker shall be placed under oath. All oaths will be administered by the City Clerk.

RULE 12. RULES OF DISCUSSION.

- a) Getting the Floor. A Commission member desiring to speak shall gain recognition by the Presiding Officer.
- b) Questions to Staff. Every Commission member desiring to question City staff shall address his or her questions to the City Manager, the City Attorney, the City Clerk or designated staff. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.
- c) Interruptions. A Commission member who has the floor shall not be interrupted when speaking unless he or she is called to order by the Presiding Officer, a point of order or a personal privilege is raised by another Commission member or the speaker chooses to yield to a question by another Commission member. If a Commission member is called to order, he or she shall cease speaking until the question of order is determined.
- d) Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Commission member to appeal to the City Commission. If an appeal is taken, the question shall be: "Shall the decision of the Presiding Officer be sustained?" The Presiding Officer's decision may be overruled by a two-thirds vote of the Commission members then present.
- e) Motion to Reconsider Legislative Actions. A motion to reconsider any legislative action taken by the City Commission may be made only by one of the Commission members on the prevailing side and may be seconded by any Commission member. Such motion may be made at any time and shall be debatable.
- f) Calling for the Question. A question may be called by majority vote of those present. However, neither the moving party nor the party seconding any motion may call for the question, each Commission member shall be afforded one opportunity to speak on each item before the question is called, and a question may not be called to interrupt or cut off a particular speaker.
- g) Limitation of Discussion. Commission members shall limit their remarks to the subject under discussion. At the discretion of the Presiding Officer, no Commission member shall be allowed to speak more than twice upon any particular subject until every other Commission member desiring to do so has spoken.

RULE 13. PROTEST AGAINST CITY COMMISSION ACTION.

Any Commission member shall have the right to have the reasons for his or her opposition to any vote of the City Commission entered in the Minutes. Such opposition shall be made in the following manner: "I would like the Minutes to reflect that I opposed this action for the following reasons..."

RULE 14. PUBLIC COMMENT.

- a) Public Comment. Public comment is permitted on all agenda items and the public shall have an opportunity to talk on any matter which is not on the Agenda but is within the Commission's jurisdiction. However, members of the public do not have the right to give comment outside the scope of or unrelated to the agenda item under consideration. Additionally, members of the public should strive to avoid unduly reiterating their own or others' comments.
- b) Registration. At the discretion of the Presiding Officer, any member of the public wishing to address the City Commission regarding any item on the Agenda for public discussion shall register with the City Clerk prior to the start of the meeting, if possible, but no later than prior to the public hearing on that item. Any request received after the start of the hearing shall be considered late and may only be heard at the discretion of the Presiding Officer.
- c) Manner of Addressing the City Commission. After being recognized by the Presiding Officer, each member of the public addressing the City Commission shall go to the podium, state his or her name and whom he or she is representing, if he or she represents an organization or other person. All remarks shall be addressed to the City Commission as a whole and not to any individual member.
- d) Time Limits. Except on Written Communication, members of the public may be required to limit their remarks to a period of time specified by the Presiding Officer prior to opening discussion.
- e) Special Assistance for Those Who Cannot Wait to Speak. Members of the public, including those with special needs, who cannot wait to speak on an agenda item, may request assistance from the City Clerk, and a member of the Clerk's office will provide assistance in preparing a written statement for distribution to the Commission.

RULE 15. RULES OF CONDUCT AND SAFETY.

When the City Commission is in session, all persons present must preserve safety and order. Members of the public should sit in the audience seating area, unless addressing the Commission or entering or leaving the Commission Chambers, should not block the aisles with personal belongings and should turn *off* audible equipment when in the Commission Chambers, including cellular telephones or pagers.

Any person who disrupts the meeting shall be called to order by the Presiding Officer. Disruption shall include but not be limited to, blocking the audience or camera view of the proceedings. If such conduct continues, the Presiding Officer may request the Sergeant at Arms to remove the person from Commission Chambers. The Chief of Police or such member or members of the Police Department as he or she may designate, shall be Sergeant At Arms of the City Commission and shall carry out all orders given by the Presiding Officer through the City Manager for the purpose of maintaining order at City Commission meetings. Any Commission member may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the City Commission shall require him or her to do so.

RULE 16. SEATING ORDER.

After each municipal election, seating order will be determined by seniority. However, the Mayor and Mayor Pro Tern shall be seated in the center of the dais.

RULE 17. ENTITLEMENT TO VOTE AND FAILURE TO VOTE.

Every Commission member is entitled to vote unless disqualified by reason of a conflict of interest. A Commission member who abstains from voting consents to the decision made by the voting Commission members.

RULE 18. VOTING PROCEDURE.

Any vote of the City Commission, including a roll call vote, may be registered by the members answering "Aye" for an affirmative vote or "Nay" for a negative vote. Voting order shall be established at the Commission organizational meeting by the Presiding Officer.

RULE 19. DISQUALIFICATION FOR CONFLICT OF INTEREST.

Any Commission member who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state the nature of such disqualification. At the discretion of the City Commission, such Commission member may be allowed to participate in the discussion. A Commission member stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matters.

RULE 20. TIE VOTE.

Tie votes shall be lost motions.

RULE 21. CHANGING VOTE.

The vote of a Commission member may be changed only if he or she makes a timely request to do so immediately following the announcement of the vote by the City Clerk or the Presiding Officer and prior to the time that the next item in the order of business is taken up.

RULE 22. PRESENCE OF CITY STAFF AT CITY COMMISSION MEETINGS.

The City Manager, City Clerk, and City Attorney, or, in their absence, their authorized representatives, shall attend and be present during all City Commission meetings and give necessary service and advice.

RULE 23. ADJOURNMENT.

No new item, other than Public Input, shall be considered after 12:00 midnight, unless approved by majority of the Commission members present.

RULE 24. RECORD OF MEETINGS.

All public meetings of the City Commission shall be recorded. The recording shall be made by the City Clerk and retained in accordance with the State's record retention schedule. The use of other recording or television equipment is permitted so long as it is not disruptive to the meeting.

RULE 25. CELLULAR PHONE USAGE

The Commission's use of electronic communication devices, such as cell phones, during a City Commission meeting may lead to the public's perception that a Commissioner is not paying attention to the subject matter at hand or that a Commissioner is receiving information relative to the subject matter at hand that other Commissioners and members of the public are not receiving, either one of which is contrary to good government and transparency. Therefore, the Commission's use of electronic communication devices (including cell phones), other than for the purpose of accessing agenda materials that are on a Councilmember's lap top computer, is prohibited during Council meetings.

Should a member of the Commission need to take a phone call or answer a message during the meeting, the Commissioner should request a brief recess from the presiding official in order to tend to their cell phone.

RULE 256. INTERPRETATION AND MODIFICATION OF THESE RULES.

These rules shall be interpreted liberally in order to provide for the optimum in the free interchange of information and public debate without an unnecessary waste of time or duplication of effort. These rules may be amended by motion.

RULE 267. FAILURE TO OBSERVE RULES OF ORDER.

These rules of order and procedures govern the conduct of City Commission meetings. These rules are intended to expedite the transaction of the business of the City Commission in an orderly fashion and are deemed to be procedural only. Failure to strictly observe these rules shall not affect the jurisdiction of the City Commission or invalidate any action taken at a meeting that otherwise conforms to law, however, Commissioners are always subject to code of conduct complaints for violations of these rules.

ADOPTED:	02/28/2012
REVISED:	03/13/2012
REVISED:	04/09/2013
REVISED:	12/17/2013
REVIEWED WITH NO CHANGES:	03/11/2014

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/02/2018

Report No: 7.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, first publication of Ordinance 1575, amending Chapter 24, Section 12 of the Alamogordo Uniform Traffic Ordinance regarding trailers being parked on City streets. (*Petria Schreiber, City Attorney*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: Section 24-12-6-13.3 is being amended to add a time limit and requirement that trailers be secured.

ORDINANCE NO. 1575**AMENDING CHAPTER 24, SECTION 12 IN REGARDS TO
TRAILERS BEING PARKED ON THE STREET**

WHEREAS, Chapter 24 of the Alamogordo Code of Ordinances comprises the Alamogordo Uniform Traffic Ordinance, and

WHEREAS, it is necessary to clarify the rules for parking a trailer on a City street,

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo that the following sections of Chapter 24, Section 12, of the Alamogordo Code of Ordinances, are hereby amended as follows.

SECTION ONE:

24-12-6-13.3. - UNHITCHED TRAILER ON STREET.

No person shall leave any type of trailer unhitched upon a street for a period of longer than twenty-four hours. All trailers must be effectively and safely secured with wheel chocks and other necessary safety devices at all times when unhitched. (*)

DONE this _____ day of _____, 2018.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard A. Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/03/2018

Report No: 8.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the responses received to RFP 2018-005 Economic Development Services. (*Barbara Pyeatt, Chief Procurement Officer*)

Fiscal Impact: Not to Exceed 10% of Econ Dev GRT Revenues - Fund 105
Amount Budgeted: \$80,000.00
Fund: 105-2401-450.56-95 Marketing Plan (Econ Dev Fund)

Additional Fiscal Impact: Provider stipulates a detail of billable costs:

Salaries \$145,000; Website \$ 3,000; Postage \$ 400; Printing \$ 2,000; Marketing & Advertising \$11,000; Associations & Memberships \$2,100 Trade shows, conferences and meetings \$33,000 Office, Overhead and utilities \$11,700

Projected expense difference to be funded by OCEDC.

Recommendation: As a result of Procurement's evaluation process, the service provider indicated on the attached composite score sheet that has been deemed best qualified by the scorers to provide the Economic Development Services is OCDEC. Staff has requested authority to commence negotiations with that service provider upon Commission approval.

Background: RFQ 2018-005 seeking Economic Development Services was advertised on May 12th 2018 and opened on June 13, 2018. Two (2) proposals received: Otero County Economic Development Council, Inc. and ZILO International Group.

A copy of RFP 2018-005 and all proposals received are available in the City Clerk's office

CITY OF ALAMOGORDO
COMPOSITE SCORE SHEET
Economic Development Services
June 13th 2018
RFP NO. 2018-005

Factor	Available Points per Vendor	5 Committee Members	OCEDC	Zilo International
1	250	Approach to Services	140	150
2	75	Demonstrated Experience	39	17
3	75	Firm Experience & Qualifications	39	35
4	50	Communication Methodology	24	43
5	50	Cost of Services	50	47.5
6	Percentage of total score available	Preference Points - Veterans, Instate or Local	29	0
Total Available	500	Accumulated Score	321	293
Total Rank			1	2



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/03/2018

Report No: 9.

Submitted By: Shelbe Abbott

Subject: Consider, and act upon, first publication of Ordinance No. 1574, to change zoning from R-1 Single Family to R-3 Two-Family for the address of 1201 Oregon Ave. only (*Darron Williams, City Planner*). **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: To approve for first publicaion.

Background: Consider, and act upon, first publication of Ordinance No. 1574, to change zoning from R-1 Single Family to R-3 Two-Family for the address of 1201 Oregon Ave only (*City Planner , Darron Williams*)

Notice of Adoption of Ordinance No. 1574

The City of Alamogordo is considering and gives notice of an ordinance amending the official zoning map of the City of Alamogordo and rezoning of property commonly known as 1201 Oregon Ave. with legal description of ALAMO BLOCKS BLK 229 LT 3 S100', Case # Z-2018-0003(A) from R-1 Single Family Dwelling District to R-3-Two Family Dwelling District.

Legal Description:

ALAMO BLOCKS BLK 229 LT 3 S100'

A copy of the full ordinance may be reviewed in the City Clerk's Office or provided to requester upon payment.

Date:

City of Alamogordo, New Mexico

By: Rachel Hughs, City Clerk

Notice of First Publication of Ordinance No. __1574__

The City of Alamogordo is considering and gives notice of an ordinance amending the official zoning map of the City of Alamogordo and rezoning property commonly known as 1201 Oregon Ave.

Legal Description:

ALAMO BLOCKS BLK 229 LT 3 S100

A copy of the full ordinance may be reviewed in the City Clerk's Office or provided to requester upon payment.

Date:

City of Alamogordo, New Mexico

By: Rachel Hughs, City Clerk

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2018-0003(A)**

For the Subject Property as follows:

Commonly Known As: **1201 Oregon Ave.**

Uniform Property Code & Parcel Code: **01N-4-056-094-235-097**

Legal Description: **ALAMO BLOCKS BLK 229 LT 3 S100', ALAMOGORDO, OTERO COUNTY, NEW MEXICO**

The Alamogordo Planning & Zoning Commission considered this item on **June 7, 2018** and recommended the following action to the Alamogordo City Commission by a vote of **3-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2018-0003(A)**.

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

Approve as recommended for first publication Ordinance # 1574

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

Approve as recommended for final publication Ordinance # 1574

Attest:

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

Rachel Hughs, City Clerk

Richard Boss, Mayor

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/03/2018

Report No: 10.

Submitted By: Shelbe Abbott

Subject: Consider, and act upon the approval of case M-2018-0001 (A), a street vacation located at Hermoso El Sol Subdivision, Unit 2, lots 15 and 16 (*Darron Williams, City Planner*).

Fiscal Impact:

Amount Budgeted:

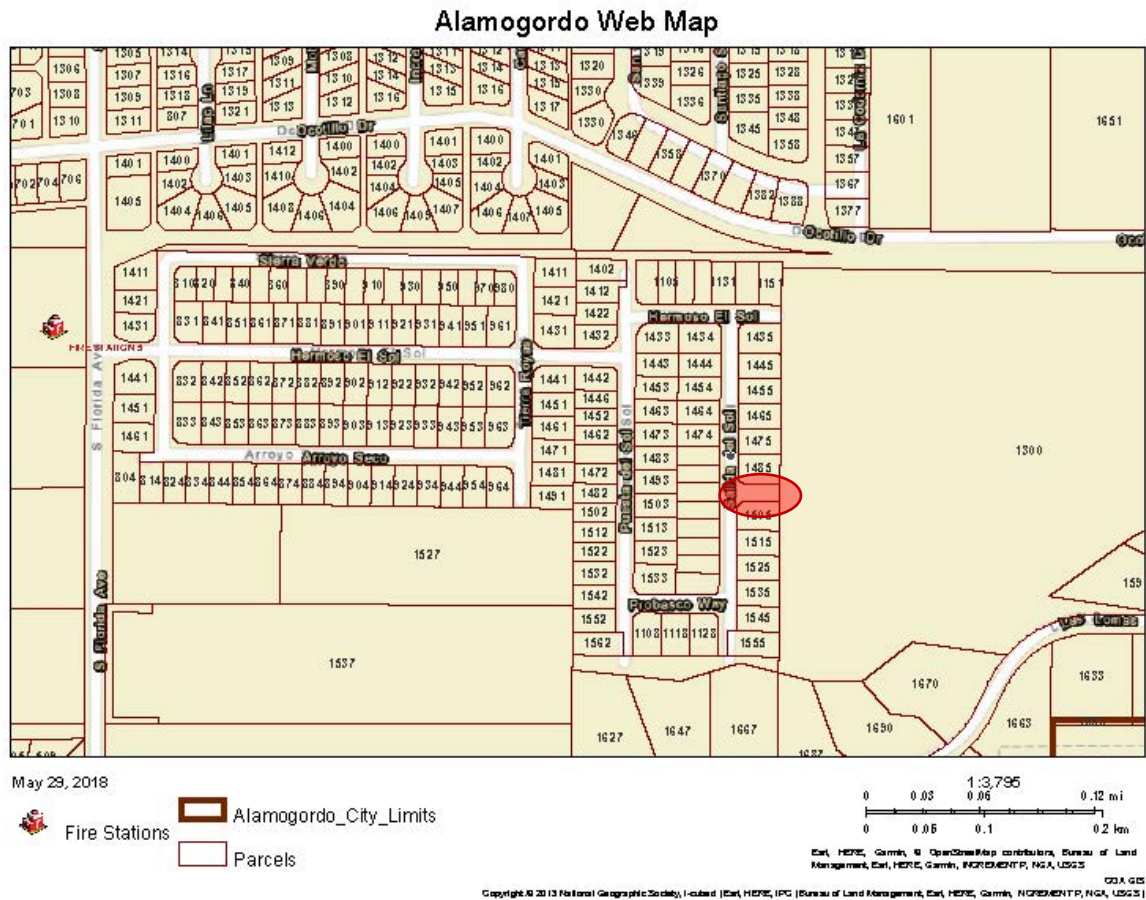
Fund:

Additional Fiscal Impact:

Recommendation: Approve Street Vacation

Background: Consider, and act upon the approval of case M-2018-0001 (A), a street vacation located at Hermoso El Sol Subdivision, Unit 2, lots 15 and 16 (*Darron Williams, City Planner*).

Hermoso El Sol Street Vacation – Exhibit A: M-2018-0001 (A)



STATEMENT OF PARTIAL VACATION OF PLAT

Alamogordo Building Co. LLC/Doug Nelson the owner of the real property commonly known as A Portion of Right-Of-Way lying between lots 15 and 16, said property being located within Hermoso el Sol Subdivision, Unit 2, Alamogordo, Otero County, New Mexico; said plat being recorded in Book 64 page 39. of the records of Otero county, New Mexico, does hereby declare that a Portion of Right-Of-Way lying between lots 15 and 16 of the located legally described in Exhibit A, to be vacated pursuant to §3-20-12, NMSA 1978.

Alamogordo Building Co. LLC/Doug Nelson

ACKNOWLEDGMENT

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

The foregoing instrument was acknowledged before me this 3RD day of JULY,
Owner Alamogordo Building Co. LLC/Doug Nelson

Notary Public

My commission expires: 4-10-2021

APPROVAL OF THE ALAMOGORDO PLANNING AND ZONING COMMISSION.

This Statement of Partial Vacation was on the 3 day of May, 2018, submitted and approved by the Alamogordo Planning Commission.


Pam Lee, Chairman

Attest:

Attest:


Shelbe Abbott, Recording Secretary

APPROVED

The Alamogordo City Commission, the planning authority for the City of Alamogordo, after considering the interests or rights of persons in contiguous territory or within Hermoso el Sol Subdivision, Unit 2, Alamogordo, Otero County, New Mexico, subject to the requirements set forth herein, does hereby approve the partial vacation of said plat as follows:

1. A 7-foot strip of land in the alley located adjacent to Lot 1, Block 10, Heights Subdivision, Unit 2, Alamogordo, Otero County, New Mexico, depicted and legally described in Exhibit A, shall be abandoned. Said tract shall be enclosed within said Lot 1.

Contingencies. The plat vacation authorized hereunder is expressly contingent upon the following:

1. The approval and recording of a certificate of resubdivision survey pursuant to § 3-20-2, NMSA 1978.

Satisfaction of Contingencies. When the resubdivision survey pursuant to § 3-20-2, NMSA 1978 is filed and recorded with the county clerk and county assessor of Otero County, the subdivision vacation authorized by this Statement of Vacation shall become effective.

This Statement of Vacation of Plat is approved by the City of Alamogordo, Otero County, New Mexico, on the _____ day of July, 2018.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Schreiber, City Attorney

ACKNOWLEDGMENT OF CORPORATION

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

The foregoing instrument was acknowledged before me this _____ day of July, 2018 by Richard Boss, the Mayor of the City of Alamogordo, a New Mexico municipal corporation, on behalf of said corporation.

Notary Public
My commission expires: _____

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/03/2018

Report No: 11.

Submitted By: Petria Schreiber

Subject: Consider, and act upon, approving service agreement between the City of Alamogordo and Otero County Fire Services regarding use of water, testing equipment and training facilities. (*Dustin Johnson, Assistant City Attorney*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: An updated agreement is needed to ensure that Otero County Fire Services and Alamogordo Fire Department are able to work together for water use, inspection of equipment and training.

SERVICES AGREEMENT

THIS AGREEMENT is made effective the ____ day of _____, 2018, by and between the City of Alamogordo (City) and Otero County (County).

Otero County is currently operating a Firefighter Training Facility and possesses Pump Testing Apparatus, and is willing to provide services and use of the facility and pump test trailer to the City based upon this background.

The City desires to have these services provided by the County.

Therefore, the parties agree as follows:

1. **Performance of services.** The services will be performed by the County in a reasonable manner. The City and County will work together to determine a schedule that works for both parties.
2. **Relationship of parties.** The County and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The County and its agents and employees shall not accrue leave, retirement, insurance, bonding, or any other benefits afforded to employees of the City as a result of this Agreement. The County agrees not to purport to bind the City unless the County has express written authority to do so, and then only within the strict limits of that authority.
3. **Employees.** The County employees, if any, who perform services for the City under this Agreement shall also be bound by the provisions of the Agreement.
4. **Notices.** All notices required or permitted under this Agreement shall be in writing and shall be deemed delivered when in person or deposited in the United States mail, postage pre-addressed as follows:

City Manager
City of Alamogordo
1376 E. Ninth Street
Alamogordo, NM 88310
575.439.4203

County Manager
Otero County
1101 New York Ave.
Alamogordo, NM 88310
575.437.7427

5. **Payment.** The City will pay for the above mentioned services by in-kind services fully described as the use of water from fire hydrants provided by the City for use by County Fire Services. The County will allow unlimited use of the Otero County Firefighter Training Facility, including all Live Fire facilities, props, equipment and pump test / training trailer provided that the City complies with current NFPA, OSHA or other associated standards as they relate to the training being conducted. The City shall provide their own liability or insurance coverage to their personnel. All consumable items utilized in live burn exercises conducted

by the City shall be provided by the City. All maintenance and repairs at the training facility shall be performed by the County as part of this agreement with no fiscal impact to the City provided that required repairs or damage was not caused by failure to adhere to standards, abuse or neglect on the part of the City. The City shall coordinate with the County to establish dates and times that training will be conducted by contacting the Otero County Office of Emergency Services at 575-439-2612.

6. **Termination.** The Agreement shall be effective as of the date first set forth above and will have an initial term of one (1) year at which time the Agreement will then automatically renew for three (3) successive one (1) year terms unless terminated by either party as follows:
 - (i) With at least thirty (30) days written notice to the other party given at any time;
 - (ii) Immediately with written notice if the other party is in material breach of the Agreement or any law or regulation regarding the performance of the Agreement and such party fails to cure the alleged breach within ten (10) days after receiving such written notice from the non-breaching party; or
 - (iii) Pursuant to Paragraph 13, in accordance with Section 2-13-200(a), Alamogordo Code of Ordinances, no contract term, including extensions and renewals, shall exceed four (4) years.
7. **Entire Agreement.** This Agreement contains the entire Agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreement between the parties.
8. **Modification of Agreement.** This Agreement may be modified or amended if the amendment is made in writing and signed by both parties.
9. **Severability.** If any provision of the Agreement shall be held invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable.
10. **Applicable Law.** This Agreement shall be governed by the laws of the State of New Mexico.
11. **Insurance.** The County will provide, upon request, a certificate of Professional and Liability Insurance coverage to the City in the amount of \$1,000,000.00. The request need only be verbal.
12. **Confidentiality.** Any confidential information provided to the County by the City or, developed by the County based on information provided by the City in performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the County without the prior written approval of the City.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates indicated below.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

Date: _____

By: _____
Maggie Paluch, City Manager

COUNTY OF OTERO, NEW MEXICO

Date: _____

By: _____
Pamela Heltner, County Manager

ATTEST

Rachel Hughs, City Clerk

Robyn Holmes, County Clerk

APPROVED AS TO FORM:

Dustin Johnson, Asst. City Attorney

Michael Eshleman, County Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 07/06/2018

Report No: 12.

Submitted By: Dustin Johnson

Subject: Consider, and act upon, a Memorandum of Understanding (MOU) with APSOA regarding firefighters assigned to 24-hour work periods. (*Dustin Johnson, Assistant City Attorney*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval of MOU with APSOA.

Background: The purpose of this MOU with APSOA is to adjust the 24-hour 10-minute schedule for firefighters. Firefighters assigned to 24-hour scheduled will now be compensated during sleep time. This MOU has an effective date of July 1, 2018.

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ALAMOGORDO,
NEW MEXICO AND THE ALAMOGORDO PUBLIC SAFETY OFFICERS
ASSOCIATION**

This Memorandum of Understanding (the “Agreement”) memorializes the agreement between the City of Alamogordo (“City”) and the Alamogordo Public Safety Officers Association (“APSOA”). The purpose of this Agreement is to memorialize the agreement between the City and APSOA regarding the adjustment of the 24-hour 10-minute schedule that firefighters are currently subject to, compensation during sleep time, and the amendment of Section 16 of the Collective Bargaining Agreement, which expires on June 30, 2020 (the “Original CBA”).

1. For the duration of this Memorandum, except as otherwise modified by this Memorandum, the terms and conditions of the Original CBA shall remain in full force and effect until a successor Agreement is ratified by both parties. During the term of this Memorandum, the parties agree to bargain in good faith with the intent of reaching a full collective bargaining agreement.
2. The parties agree that **SECTION 16. FIREFIGHTERS SLEEP TIME**, is amended to read as follows:
 - A. Firefighters assigned to 24-hour schedules will be compensated during sleep time. This amendment shall become effective July 1, 2018, following ratification and execution of this agreement by both parties,
 - B. Normally scheduled sleep time will be 2200 hours until 0600 hours the following day for Firefighters and Fire Lieutenants who are scheduled to work more than 2104.5 hours per year.

The Agreement

The parties agree to the following:

1. The parties agree that this Agreement becomes effective on July 1, 2018.
2. The parties agree that this Agreement is not precedent setting and does not establish a practice. Both parties agree that this Memorandum of Understanding shall not restrict either party’s right to negotiate the subject matter of this Agreement for successor collective bargaining agreements.

CITY OF ALAMOGORDO

ALAMOGORDO PUBLIC SAFETY OFFICERS
ASSOCIATION

Margaret D. Paluch, City Manager

Rodney Scharmack
President, APSOA

Dated: _____

Dated: _____

David Griffith, NMCP SO

ATTEST

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Dustin R. Johnson, Asst. City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 07/10/2018

Report Date: 06/07/2018

Report No: 13.

Submitted By: April Jones

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

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Appoint to the White Sands Beautification Committee.

Background: Airport Zoning Board. Two (2) vacancies. Staff Liaison - Cheryl Otero-Baker
No nominations received.

Alamogordo Disability Council. Three (3) vacancies. Staff Liaison - **No Staff Liaison appointed**
No nominations received.

Alamogordo Public Library Board. Two (2) vacancies - one (1) city position and one (1) county position.
Staff Liason - Melissa Garcia.
No nominations received.

Community Development Advisory Committee. Six (6) vacancies. Staff Liaison - Debbie Osborne.
No nominations received.

Senior Volunteer Programs Advisory Council. Three (3) vacancies. Staff Liaison - Neil McFarland. (One vacancy represents the Foster Grandparent program, one represents the Senior Companion program, the remaining seat is an at large member residing within the city)
No nominations received.

White Sands Beautification Committee. One (1) vacancy. Staff Liaison Darron Williams. Two (2) nominations received.

Daniel Glenn Block - If appointed this will be his first term.
Jenny Turnbull - If appointed this will be her first term.

RECEIVED

JUN 27 2018

CITY CLERK

City of Alamogordo

APPLICATION TO SERVE ON A CITY BOARD/COMMITTEE



Name: Jenny Turnbull

Home Phone: 575-415-3883

Work Phone: _____

Cell Phone: 575-434-5544

Fax No: _____

Email Address: jturnbull@bajabb.com

Is the above Address within City limits? Yes ☒ No ☐

Mailing Address: 1801 Oregon Ave, Alamogordo, NM 88310

Present Employer: Associate Broker at Coldwell Banker Sudderth Nelson, Inc.

Board/Committee you wish to serve on:

1st Choice: White Sands Beautification Committee

2nd 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: w

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No ☒ If so, what is their relation to you: _____

Experience and education relating to the Board/Committee:

District 4 City Commissioner 2014-2018

Please indicate your interest in serving on a City Board/Committee:

I would love to be a part of improving our White Sands district - offering a great first impression of our city to people just passing by.

I believe if we improve on the beauty of our city, more people will want to move here and make Alamogordo their home.

Please return completed application to:

City Clerk's Office

1376 E Ninth Street

Alamogordo, NM 88310

Phone: (575) 439-4205 Fax: (575) 439-4396

Email: adjones@ci.alamogordo.nm.us

RECEIVED

JUN 22 2018

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Daniel Glenn Block
Home Phone: _____ Work Phone: 813-679-7953
Cell Phone: 813-679-7953 Fax No: _____
e-mail address: dblock3190@gmail.com
Physical Address: 45 Papago Road Alamogordo, NM 88310
Is the above address within City limits? Yes X No _____
Mailing Address: 45 Papago Road
Present Employer: N/A Job Title: N/A

Board/Committee you wish to serve on:

First choice: White Sands Beautification

Second choice: _____

Are you related to anyone who is presently employed by the City of Alamogordo:

Yes _____ No X If so, what is their relation to you? _____

Are you related to any Elected Official of the City of Alamogordo?

Yes _____ No X If so, what is their relation to you? _____

Experience and education relating to the Board/Committee: _____

I'm a Navy veteran and hold an M.B.A., wanting to attract new investments
and business to the area, in order to create wealth and opportunities
in the area

Please indicate your interest in serving on a City Board/ Committee: _____

Helping the city and its residents, along with professional networking

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396