



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

August 13, 2019 - 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

Brian Cesar Interim City Manager
Petria Bengoechea City Attorney
Rachel Hughs City Clerk

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

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

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

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

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

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

1. Presentation of the Parks and Recreation Board. (Tony Gonzalez, Community Services-Executive Assistant)

2. Presentation on the new Train Depot/Alamogordo Center of Commerce Building. (*G.B. Oliver, Chamber of Commerce President*)

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.

3. Approve the minutes for the July 23, 2019 Regular meeting and the July 29, 2019 Special Meeting. (*Rachel Hughs, City Clerk*)
4. Consider, and act upon, Leak Abatement Request for Roger Woodle, 1805 College Ave., in the amount of \$4,017.56. (*Mark Threadgill, Customer Service Manager*)
5. Consider, and act upon, final publication of Ordinance 1597 amending 11-04-020 of the Alamogordo Code of Ordinances regarding Unlawful Possession of Marijuana. (*Petria Bengoechea, City Attorney*)
(Roll Call Vote Required)

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

6. Consider, and act upon, first publication of Ordinance 1598, an amendment to the City Charter for submitting Candidate Disclosure Statements. (*Rachel Hughs, City Clerk*) **(Roll Call Vote Required)**
7. Discussion on Municipal Election Campaign Disclosure Ordinance 1466. (*Rachel Hughs, City Clerk*)
8. Consider, and act upon, Resolution No. 2019-35 adopting an Infrastructure Capital Improvement Plan (ICIP) and identifying the top five (5) recommendations projects for Fiscal Years 2021-2025. (*Debbie Osborne, Grant Coordinator and Sue Ashe, Accountant*) **(Roll Call Vote Required)**
9. Appointments to Boards and Committees. (*Richard Boss, Mayor*)

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/13/2019

Report Date: 8/7/2019

Report No: 1.

Submitted By: Antonio Gonzalez

Subject: Presentation of the Parks and Recreation Board. *(Tony Gonzalez, Community Services-Executive Assistant)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background: There was only one meeting held for the Parks and Recreation Board this year. This board meets Quarterly to discuss new happenings going on in the Alamogordo Parks department, Alamogordo Family Recreation Center, and Keep Alamogordo Beautiful.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/13/2019

Report Date: 8/7/2019

Report No: 2.

Submitted By:

Subject: Presentation on the new Train Depot/Alamogordo Center of Commerce Building. (*G.B. Oliver, Chamber of Commerce President*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background: Mr. Oliver will present the new Train Depot/Alamogordo Center of Commerce Building.



A





GENERAL NOTES

A. IF THIS SHEET IS NOT 24" x 36" IN SIZE THEN IT IS A REDUCED SIZE PLOT. USE GRAPHIC SCALE ACCORDINGLY.

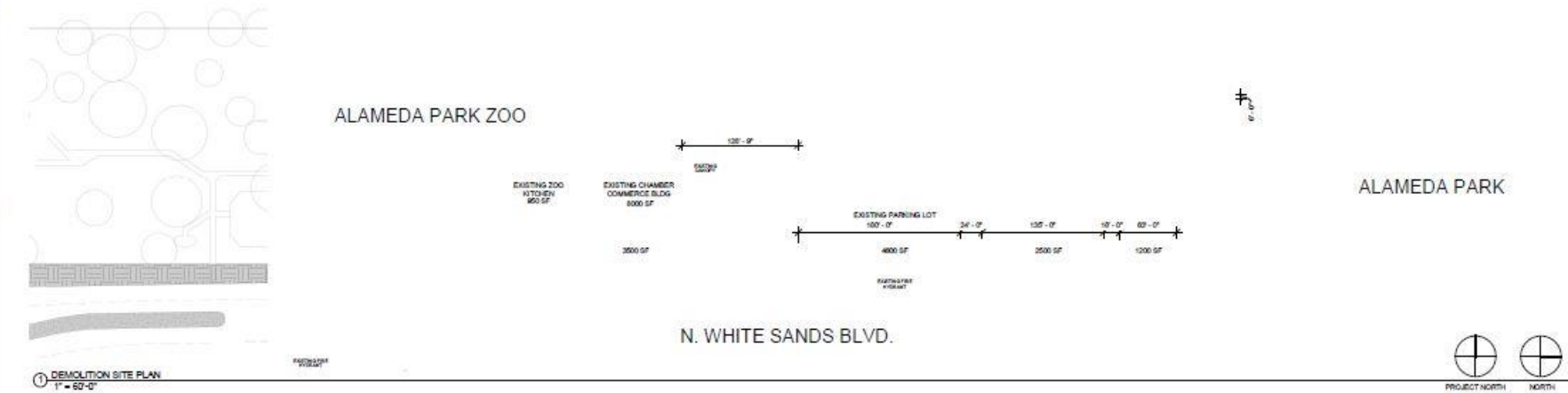
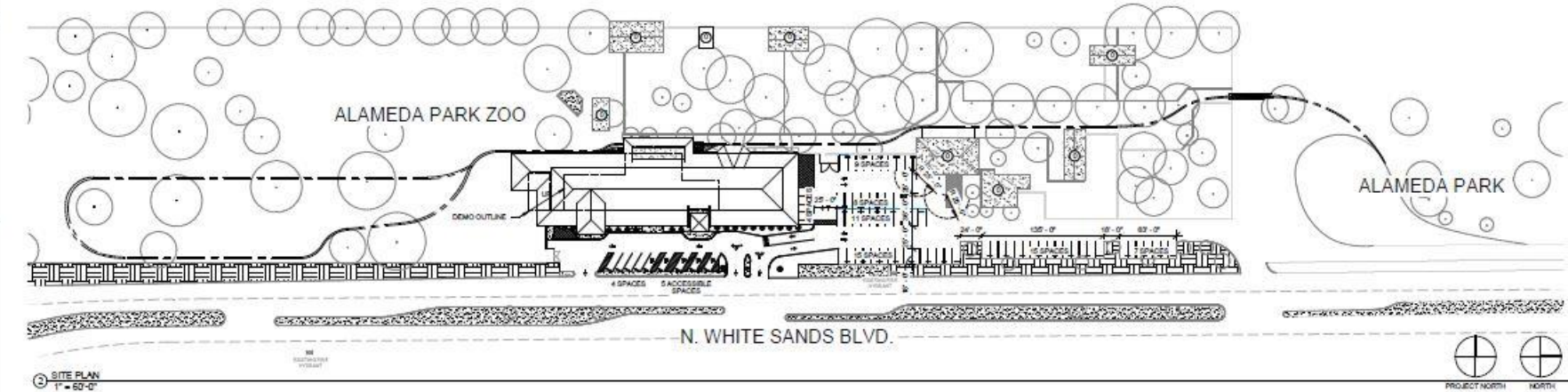
B. KEYED NOTES ARE GLOBALLY NUMBERED AND DO NOT APPEAR ON ALL SHEETS.

C. GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL FIELD VERIFY ALL DIMENSIONS. NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES FOUND.

D. ALL DIMENSIONS ARE TO FRESH FACE OF WALL, AND CENTERLINES OF STRUCTURAL WALL COLUMNS. CONTRACTORS ARE REQUIRED TO ACCOUNT FOR EXTERNAL GYP. BD. SHEATHING IN LAYOUT.

KEYED NOTES A-101	
0	NOT IN SCOPE
1	SAMPLE TEXT

PARKING CALCULATIONS					
	MIN	MAX	PROVIDED	HANDICAP ACCESSIBLE	TOTAL
NUMBER OF PARKING SPACES	51	74	66	5	74
MIN: 1/200 GFA = 14,000 / 200 = 51					
MAX: 1/200 GFA = 14,000 / 200 = 74					
ACCORDING TO TABLE 1106.1 ACCESSIBLE PARKING SPACES IN THE NEW MEXICO BUILDING CODE:					
MIN: 4 HANDICAP SPACES TO 51-100 PARKING SPACES					



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THE ALAMOGORDO STATION

SHELDON TRUST

ALAMOGORDO, NM

REVISION SCHEDULE

NO.	DATE	DESCRIPTION
1	10/1/17	ISSUED

PROJECT STATUS: SCHEMATIC

ISSUE DATE: MAY 10, 2019

PROJECT NO.: 16017

DRAWN BY: JT

CHECKED BY: BH / EL

SITE PLAN / DEMO SITE
PLAN / KEY SITE PLAN

A-100

GENERAL NOTES

A. IF THIS SHEET IS NOT 36" x 50" IN SIZE THEN IT IS A REDUCED SIZE PLOT. USE GRAPHIC SCALE ACCORDINGLY.

B. KEYED NOTES ARE GLOBALLY NUMBERED AND DO NOT APPEAR ON ALL SHEETS.

C. GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL FIELD VERIFY ALL DIMENSIONS. NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES FOUND.

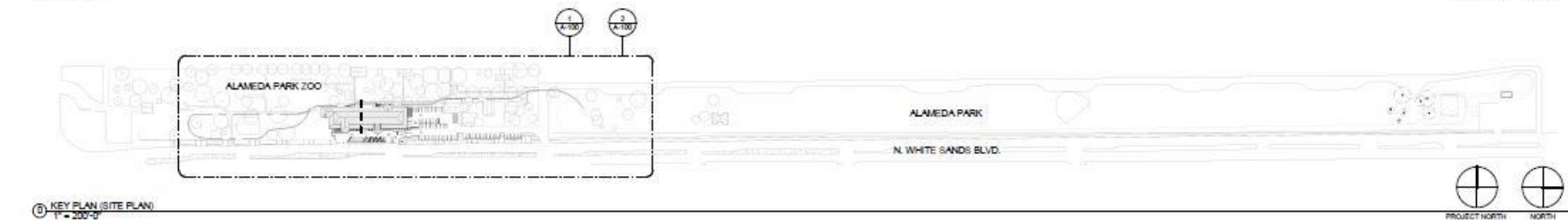
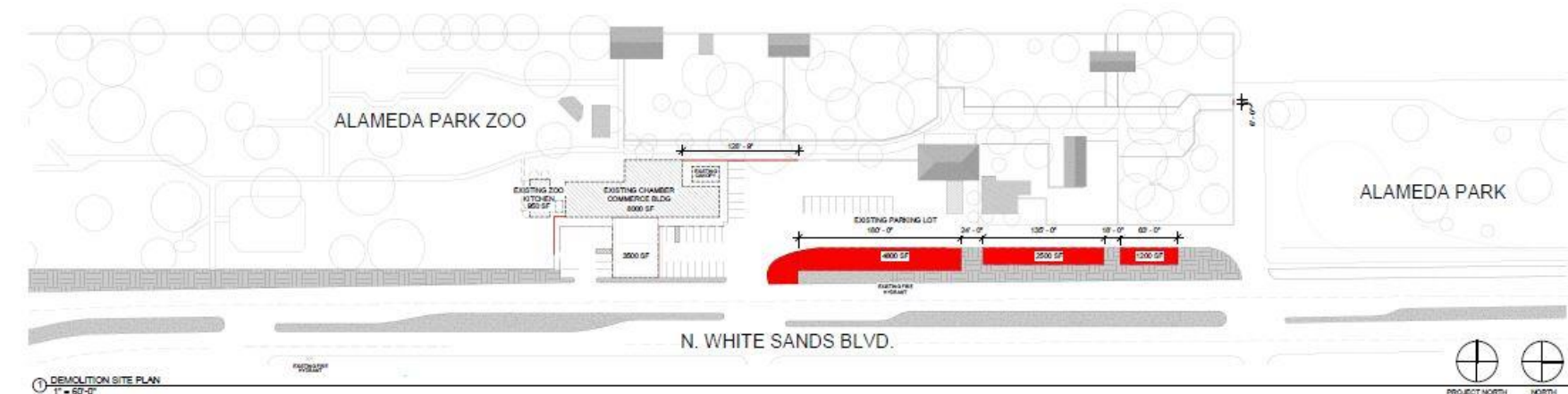
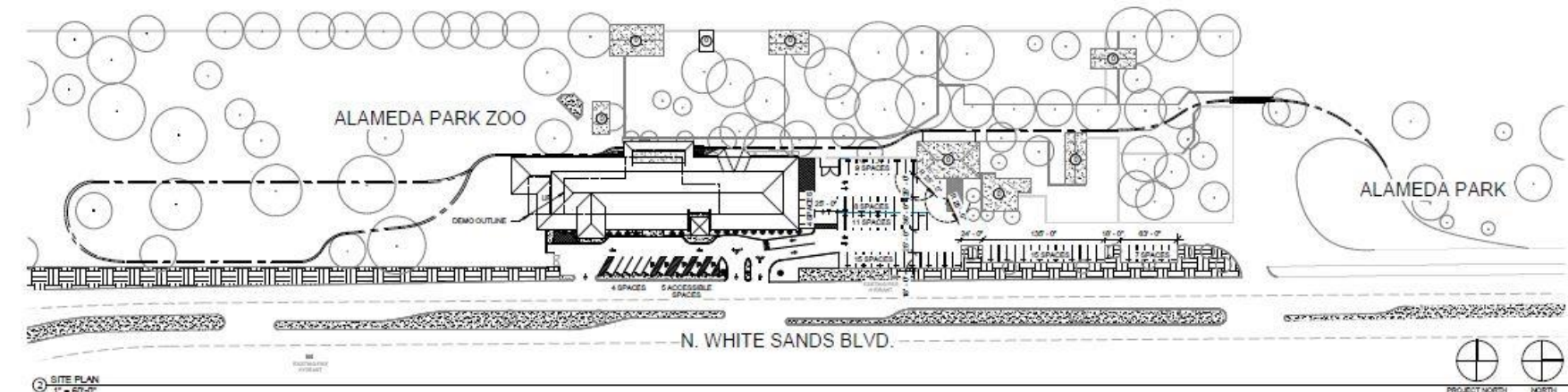
D. ALL DIMENSIONS ARE TO FINISH FACE OF WALL, AND CENTERLINES OF STRUCTURAL WALL, COLUMNS, CONTRACTORS ARE REQUIRED TO ACCOUNT FOR EXTERNAL GYP. BD. SHEATHING IN LAYOUT.

KEYED NOTES A-101

0 NOYR IN SCOPE

1 SAMPLE TEXT

PARKING CALCULATIONS					
NUMBER OF PARKING SPACES	MIN	MAX	PROVIDED	HANDICAP ACCESSIBLE	TOTAL
51	74	86	5	74	
MIN: 1/200 GFA = 14,800 / 296 = 51					
MAX: 1/200 GFA = 14,800 / 288 = 74					
ACCORDING TO TABLE 1108.1 ACCESSIBLE PARKING SPACES IN THE NEW MEXICO BUILDING CODE:					
MIN. 4 HANDICAP SPACES TO 51-100 PARKING SPACES.					



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THE ALAMOGORDO STATION

SHELDON TRUST

ALAMOGORDO, NM

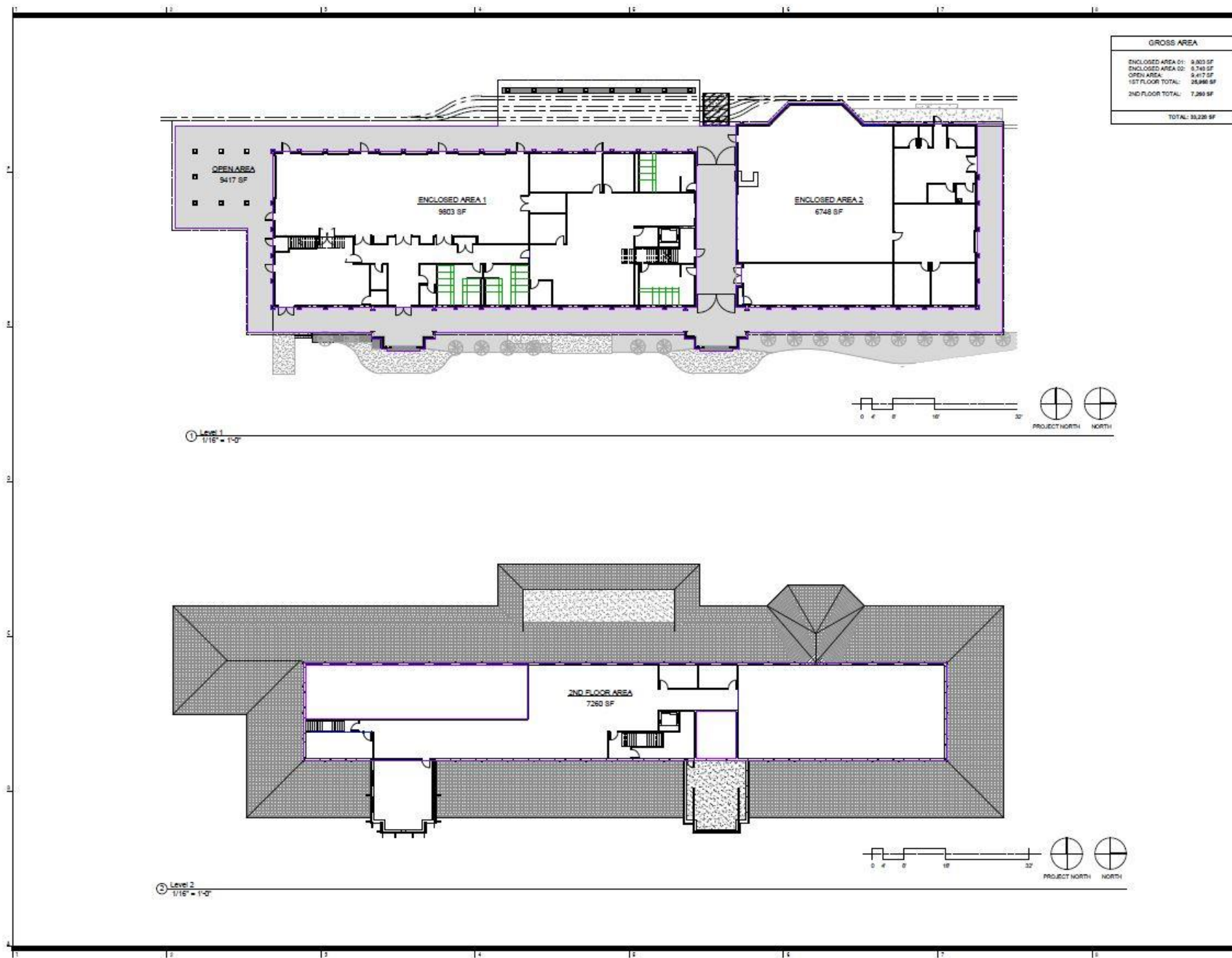
REVISION SCHEDULE

PROJECT STATUS: SCHEMATIC
ISSUE DATE: MAY 10, 2019
PROJECT NO: 16017
DESIGN BY: RT
CHECKED BY: WH / EL

SITE PLAN / DEMO SITE
PLAN / KEY SITE PLAN

A-100

6/10/2019 11:45:23 AM



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79901
p 915.239.2020



THE ALAMOGORDO STATION

SHELDON TRUST

ALAMOGORDO, NM

Metropolitan Redevelopment Area Plan



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/13/2019

Report Date: 8/5/2019

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the July 23, 2019 Regular meeting and the July 29, 2019 Special Meeting. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
July 23, 2019**

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

**JASON BALDWIN, MAYOR PRO-TEM
DUSTY WRIGHT, COMMISSIONER
BRIAN CESAR, INTERIM CITY MANAGER
PETRIA BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

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

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation of the Alamogordo Public Library Advisory Board. (*Sharon Rowe, Alamogordo Public Library Manager*)

Library Manager Rowe gave a brief report on the Library Board. She stated for the first time in many years the Board is full with 7 board members, and also includes two members from the County.

Mr. Dennis spoke on his years of service on this board and discussed many times when this board did not have a quorum. Commissioner Sikes thanked Mr. Dennis for showing up to every single meeting whether they conducted business or not.

PUBLIC COMMENT

Gene Downer commented on the following:

He gave a pat on the back to Interim City Manager Cesar and Project Manager Balderrama for their work on the disability access to Desert Foothills Park on Abbott and Sunnyside. He said he is sure that Community Services Ortega also had something to do with it as well. He thought the City should publicize and send notices out about the changes done to the park. He complimented Commissioner Payne on Community Gardens. He spoke on applying for grants.

CITY MANAGER'S REPORT

Interim City Manager Cesar made the following remarks:

1. He stated this Friday is Fourth Friday at the zoo. He said this summer they have had Pop-Up City Hall from 6:00 p.m. to 8:00 p.m. At the Fourth Friday the topic will be Water. At these events they would like to have a Commissioner show up. Mayor Pro-Tem Baldwin said he would be there.
2. He said they have re-introduced looking at dilapidated structures around the City, and the Legal Department has sent out 12 notices to those property owners. He said the Legal Department has already received contact from three different owners that are either going to demolish the structures or clean up the property and bring up to today's standards.

Dr. J.L. Walker commented on the following:

He said he was the former Principal of Academy del Sol and is the current Athletic Director for Alamogordo Public Schools. He said he was tasked with the job of seeing Alamogordo for what it used to be, realizing what Alamogordo is and then seeing what it can be and bridging everything together. He wants to show people that Alamogordo is unified and works together. He also wants to show the kids of Alamogordo that the community supports them as well. He suggested putting a brand on the water tower in the Mesa Verde area such as a tiger logo or an "A", to show people coming in from out of town that this is Tiger Country.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Boss made the following comments:

He said he has heard some negative comments made on social media about his meeting with Governor Grisham. He said this meeting was scheduled to be only the Governor and APD (Alamogordo Police Department). He said he had heard about the meeting and asked if he could attend. He said Police Chief Peete made a Presentation to Governor Grisham. He said the day after the meeting, he was contacted by the Alamogordo Daily News for his comments. He read his exact comments as given to the Alamogordo Daily News. The Governor met with Police Chief Peete, Commissioner Sikes, and himself. He said the meeting with the Governor was not planned ahead of time, he invited himself but to that gratitude Police Chief Peete and Governor Grisham allowed him to listen in.

CONSENT AGENDA

2. Approve the minutes for the July 9, 2019 Regular meeting. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, grant funding from the Non-Metro Area Agency on Aging FY 20 contract for Direct Purchase of Services for senior programs. *(Magdalena Morales, ASC Manager)*
4. Approve Resolution No. 2019-34 authorizing the Mayor to execute the agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). *(Rachel Hughs, City Clerk)* (Roll Call Vote Required)
5. Consider, and act upon, approval of an agreement with the New Mexico Economic Development District, Non-Metro Area Agency on Aging (NMAAA) for the Nutrition Service Incentive Program (NSIP). *(Magdalena Morales, ASC Manager)*
6. Approve the Annual Reports from City Boards, Commissions and Committees for Calendar Year 2019 January to June. *(Rachel Hughs, City Clerk)*
7. Consider, and act upon, a Mutual Agreement for Termination of Ground Leases and Conveyance of Lessee's Improvements relating to Oregon School. *(Brian Cesar, Interim City Manager)*

Commissioner Hernandez moved to approve items 2, 3, 4, 5, 6 and 7 of the consent calendar.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

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

NEW BUSINESS

8. Consider, and act upon, award of Public Works Bid No. 2019-004 to Mevacon, LLC related to the Housing Authority Complex, Office, and Cuba Residence Reroof project in amount not to exceed \$184,904.72, including NMGRT. *(Nancy Beshaler, Project Manager)*

Project Manager Beshaler explained the bids and stated that Mevacon was the low bidder for the project.

Commissioner Hernandez asked Project Manager Beshaler what the labor warranty is on this project. She answered they have a standard one-year warranty for projects and a 20-year warranty for the roof. He asked who manages that. She answered the Housing Authority would or she could be involved. Commissioner Hernandez said the ones downtown started failing within five years, then the City paid for a company to come back and do them instead of using the warranty. He wanted to make sure that the City manages those warranties.

Commissioner Rardin asked Project Manager Beshaler how many squares they are removing or replacing. She did not know the quantity because it was bid as lump sum items. She said she could go back and ask the architect if he would like to follow up. Commissioner Rardin said it was quite a bit of a spread between the three bidders.

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Rardin seconded the motion.

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

9. Consider, and act upon, designating a 2019 NMML Annual Conference voting delegate and an alternate. (*Rachel Hughs, City Clerk*)

City Clerk Hughs said last year they had the Mayor as the delegate and the alternate was Commissioner Sikes.

Commissioner Sikes said since the conference is in Las Cruces, they should all consider going and someone else might consider taking on the responsibility of being the alternate.

Commissioner Wright volunteered to be the alternate. Mayor Boss said they have himself as the delegate and Commissioner Wright as alternate.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Baldwin seconded the motion.

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

10. Consider and act upon, Ordinance No. 1596, an Ordinance amending certain sections of Article 29-03 District use regulations of the Code of Ordinances concerning setbacks and lot sizes. (*City Planner Stella Rael*) (Roll Call Vote Required)

City Planner Rael said Mr. French contacted her with a proposal regarding reducing setbacks and lot size requirements which he believes will allow more affordable rate housing by building larger homes on smaller lots. She said members of staff met to discuss the proposal and during this review process, staff agreed that there were no real concerns within any part of the proposal except with the request change of reducing the side setback on two story homes from 7 ½ feet to 5 feet. Staff has a concern with fire safety on this change. She said the ordinance is written whereas the changes in these sections will apply to only new subdivisions and new phases of existing subdivisions. She said this item comes to the Commission without no recommendation from the Planning & Zoning Commission due to a lack of a quorum at the July 11th meeting. She said staff recommends approval.

Commissioner Hernandez said he asked for this several years ago. He said the majority of the lots in the Chihuahua subdivision are 50 feet wide. He said anytime someone wants to build a house in that subdivision they have to come before the Commission to get approval.

Interim City Manager Cesar said if this ordinance is approved as written, those people that have lots in an already developed subdivision would still have to come before Commission to request that variance.

He said this would apply to either a new subdivision or a new phase in an existing subdivision, that way they do not have that mix and match in already subdivisions. He said not that it could not be changed. Commissioner Hernandez said he would make that recommendation to this because it is already in an existing subdivision and all of the lots are within that 50-foot width. He said a majority of those lots are 50 by 150 feet.

City Planner Rael thought they addressed that where the ordinance reads new phases within existing subdivisions. She said those older subdivisions, there is no more room for phasing. She said this is more for subdivisions like Mesa Village.

Mayor Boss asked City Planner Rael if she ever turns them down when a person makes a request. She answered no. She said she always recommends approval because of that.

Commissioner Hernandez said the problem is that the people have to pay before they come before the Commission. He thought that amount is up to \$600. He asked why that is, when it is already in an existing subdivision.

City Planner Rael said she found in the ordinances that it indicated that those existing lots from those older subdivisions did not have to come for variances. Commissioner Hernandez said that goes back to the comment made on one of the previous items. He said the timeframe between people building houses down there is pretty long and so he asked City Planner Rael if she was going to be here in 20 years. She said she understands that concern and hopefully there will be staff that pays attention to those kinds of things.

Mayor Boss asked if they could not have an ordinance specifically related to the old ones that would cover this. City Planner Rael said there is an article in there that covers this, that states they do not have to come. Mayor Boss said then it shouldn't be forgotten. Commissioner Hernandez said it was not known until she found it. City Planner Rael said that is correct.

Commissioner Hernandez said affordable housing is great. He thought that 50-foot lots are a little small but when you go to big cities those lots are even smaller than that.

Mayor Boss said Holloman has indicated that they need some way to get housing cheaper for the airmen in Alamogordo, and that is one way of doing that.

Commissioner Rardin said this is going to eliminate people putting carports on their homes. He asked how they are going to get around that. City Planner Rael said there is hardly any room at this point for carports. She said if you read in the proposed ordinance it does indicate that garages will still have to setback 20 feet.

Commissioner Rardin said one of the other issues he has is the 10 feet on the corner lots, off of the street side, he asked if they will lose the side triangle. City Planner Rael answered no. Commissioner Rardin stated he has a problem with going from 15 to 10. He said 20 feet is not that far for a front yard.

Commissioner Rardin asked if the Builder's Association had been notified of this. City Planner Rael said no, she has not notified them, and she is not aware if Mr. French notified them. Commissioner Rardin thought all of the developer's input should be included in the ordinance. City Planner Rael thought it would be the responsibility of Mr. French, since he is the one that brought the proposal, to attend one of those Home Builder's Association meetings and present it.

Interim City Manager Cesar stated that is the reason why these are brought forward as Ordinances is because staff does not know everyone that should be notified. He said that is why there is a first and second reading so that any interested parties can show up and raise concerns or give other ideas. Commissioner Rardin said in the past, when they had an item like this that was going to impact a certain industry, they would reach out to those groups and get some input from them. Interim City

Manager Cesar said he would agree with Commissioner Rardin if they were negatively impacting the Builder's Association or the builder. He said this is setting the minimum standard, they are actually reducing the amount of setback in the front and the rear of the property. He said if they were going the other direction then they would have reached out more than they did on this item. He said if the builder wants to put the house a little farther back that is up to them.

Mayor Boss said they can have as big as a lot that they want and they can put a house on that under the same rules that they have been building houses for years

Commissioner Rardin said this is asking to make the lot smaller and it is asking to make the setbacks smaller. Mayor Boss said it is giving you the option to do that, it is not requiring it.

Interim City Manager Cesar stated it is up to the builder or developer. This is the minimum requirement before they have to come before the Commission to ask for a variance. Commissioner Payne echoed Interim City Manager Cesar. She said because it is not required, she doesn't see where that should be a problem.

Commissioner Hernandez stated it changes the game for the builders. He said you are able to build a cheaper house and all the other developers are building what they are building, it is harder for them to sell. He said they either need to change their game to match, which some may or may not want to. He said it is what you want to put in the house and a lot of them are having to do that in order to compete with the lower cost housing and some are having a tough time with it. He said this is the first reading and he will be making some phone calls to see what the other builders feel about it. He said he does support this because he sees a lot capable with this, but he does have some concerns with what Commissioner Rardin has brought up.

Mayor Boss told Commissioner Rardin he does not see the negative impact and asked him to explain. Commissioner Rardin said look at the guys that have existing inventory in lots and those are 60 feet wide. He said if they let a developer come in and do one with 50-foot lots, those are cheaper because they are smaller. He said that original builder won't be able to sell his lots because everyone is buying the newer lots. He said he is not against this but thinks they should get input from all the developers before they approve this. He said they are creating an unfair advantage from the get-go for the guys that have existing inventory.

Commissioner Hernandez said the market is still there for both. He kind of sees it both ways. He said he understands that it is not the City's responsibility to notify everybody because they don't know who everybody is, but at this point because it has been brought up, he'll ask questions and see how they feel.

Mayor Boss thought the major intent of this was to help the military with their situation. He said they have houses on base that they want to bulldoze down, but they can't because there is nowhere for these people to go. He said it seems to him that there will be a demand for these smaller houses. He asked City Planner Rael if that was the reason for them doing this.

City Planner Rael said when she got the request from Mr. French, he talked about bigger homes and smaller lots.

Mayor Pro-Tem Baldwin said this basically sets everything up for the market to dictate what the builders build. The market will always dictate what can go on there, they are just giving the ability to whatever they need.

Tom French commented on the following:

He said in order to build more affordable homes you have to look at a lot of things. He said the lot is the largest component and the lot size drives the price. It also drives other costs like sidewalks, landscaping and fencing. He urged the Commission to loosen the regulations so that everybody has

that opportunity. He addressed three things, first of all, this is not about affordable homes, it is making all homes more affordable. He said to the concern that developments already have larger lots, what it means is that they can build larger homes on those existing lots and that gives them an advantage. Secondly, they are going to talk about side yard setbacks for two-story versus one-story. He said he respectfully disagrees with the Fire Chief in that the codes and standards that apply in this situation have been thoroughly vetted by numerous code councils and it is basically settled law. He said every one of the cities that they build in, all of them recognize single and two-story as the same. He said if they are going to say that a two-story has a different setback then they would have to prove that they have a different reason or a different circumstance which they don't. He said the second thing is that it applies to all developers and all developments. He said one of the concerns that he heard from one of the Commissioners is what about the developments that are partially sold out. He said they pulled up the restrictive covenants for every active development in Alamogordo and every one of them have provisions that require every project be approved by the architectural control committee. He said the second thing is that every one of those restrictive covenants have provisions for modifying the covenants or amending the covenants to allow this. He said he has talked to a lot of people in the community and could not find anyone who was opposed to it. He said they don't have to do it and this Ordinance allows them to do it. He disagrees with staff on the part where they want to apply this only to a moving forward basis, on new subdivisions or new units to existing subdivisions. He said they need to make a difference now, the F16 mission is temporary. He said a month or two ago the new Secretary of the Air Force decided that she was not going to move that new F16 wing here. He said they need to do all that they can to make the F16 mission permanent. He said there is a sense of urgency that the community should have in making this permanent. He said the Ordinance is not perfect, but it goes a step in the right direction which allows them to address it. He agreed with Commissioner Rardin in that not everyone is in the Affordable Home Market business. Mr. French encouraged the Commission to approve the ordinance with two change; strike the part of the sentence that differentiates two-stories with a 7 ½ foot setback instead of a 5, and then also allow it to apply to all lots across Alamogordo beginning immediately. He said there are checks and balances within those communities that allow their protection. He said it is not just good for the Air Force, it is good for Alamogordo residences. He said they build homes in Las Cruces in the Metro Verde Subdivision and that is the hottest market in Las Cruces. He said they have homes there that they build exactly the same home here in Alamogordo. He said the price tag is \$20,000 lower in Las Cruces.

Mayor Boss asked which one is cheaper. Mr. French answered Las Cruces. He said all those things put together makes a difference, not just for the Air Force but the residents of Alamogordo so that they can build on smaller lots, they can build a larger home on the same lot, it gives them latitude. He said when the Commission passes this tonight, they are not dictating anything, they are allowing them to take advantage of that. It applies equally to all builders and developers.

Commissioner Payne asked Mr. French if he is saying that a \$210,000 home in Alamogordo would run \$190,000 in Las Cruces. He answered that is exactly what he is saying. The exact same model with the exact same features. He said we in Alamogordo are stuck in years past when we think that we need all these large lots and big setbacks. He said they build on 50-foot lots all over the place. He said that is not considered a small lot by today's standards because the costs. He said the lot price is the single largest component of that.

Commissioner Payne said \$190,000 does not sound like affordable housing to her. Mr. French said it is not, market rate affordable homes in Alamogordo should be between \$130,000 and \$190,000. He said that would be affordable homes based on our per capita income. He said what they are doing tonight helps them get there, but it also helps all of the other homes in the other markets by reducing their price as well.

Mayor Boss asked Mr. French of the \$20,000, in the difference between Alamo and Las Cruces, how much of that is attributed to the lot. He answered about 75 percent is attributed to the lot and the lot size and the associated costs.

Fire Chief LeClair said the only issue that the Fire Department has with the Ordinance is reducing the 7 1/2-foot side yard setbacks to 5 feet. He stated one of the biggest issues for the fire department and fire service across the Nation is a lot of things have changed and a lot of it pertains to building construction components in general. He said one of the biggest ones is trust type construction and the others are associated with open floor plans. He said they can't compartmentalize fires anymore. He said a lot of the construction components nowadays are put together with glues, plastics and fire burns hotter than it ever has in years past. He stated his biggest issue with this is the reducing of the side yard setback to five feet for two story residential structures. He said Fire Departments across the Nation are required to ladder at least two sides of the structure when they are on fire, so if you take the 7 1/2 foot setbacks and reduce them to 5 feet, they can no longer ladder that side of the structure. This will hamper rescues, exposure protections and roof operations. He explained that the Fire Department breaks down a structure into quadrants, when the fire department rolls up on a fire structure. If you take the side yard setback to 5 feet, you have taken two sides of that structure out of the equation. He said there is an OSHA (Occupational Safety and Health Administration) rule that talks about ladder placement and ladder operations, and basically what it says is to place the base of the ladder a distance from the vertical wall equal to one-quarter to working length of the ladder. He said if you took a 28-foot ladder, which is required to ladder a two-story structure, the base of that ladder would be away from that vertical wall 7 feet. That would give the fire department six inches to work. He said Mr. French said other communities are doing this all over the Nation, but the point is that doesn't mean it is right for Alamogordo. There are a lot of variables that change what they are doing right here in Alamogordo compared to other communities. He said these other communities are fully staffed with firefighters. He said they have 3 times more firefighters than Alamogordo does working per day. He said they have 7 firefighters working per day here in Alamogordo covering 22 square miles. He said if you look at another community of this size, they are operating with at least 15 to 20 firefighters per day and they have the resources to fight home fires. He pointed out that 800-900 block of New York Avenue is the most hazardous area for a firefighter today in Alamogordo because there are zero side yard setbacks. He said when a fire gets into one of those structures it is going to spread from one to the other. He said a perfect example is to look what happened in Cloudcroft a few years back. He said that was the same identical situation.

Mr. French said he respects what Fire Chief LeClair has to say and sometimes reasonable people disagree. He said all of those things have been taken into consideration in the codes and the standards. Mayor Boss said not all of them. He said Fire Chief LeClair made a very good point when he said that the City of Alamogordo does not have enough firefighters out there. He said he can guarantee that Las Cruces has more for the same area. That is a point that he made that they did not take into account. Mr. French said he has never seen a city staff that says they are fully staffed, and they have all the resources they need. Mayor Boss said it is absolutely true here.

Mr. French said the current safety standards in this situation are the building codes, and the building code on a non-fireproof wall assembly is 5 feet from another wall assembly and this Ordinance would allow 10 feet. He said the standards and codes should be followed not reduced but they are there for a reason and they have been thoroughly vetted

Commissioner Hernandez said the short staffed in the Fire Department, the Commission created it when they put the two departments together, and then they re-created again when they split them again. Mayor Boss said but they still have the problem and that's the point he is trying to make. Commissioner Hernandez said the reason they split the two departments was for recruiting purposes. He said it did not work.

Mayor Pro-Tem Baldwin said his concern from the beginning was the developments that already had houses. He said he would be willing to move forward with a change in the Ordinance stating across the board changes can be made with the exception of the side setbacks, keeping them at 7 and not 5. He said assuming the information that they have is true, that subdivisions that do have homes or structures on them have checks and balances in place that would allow for notification and the homeowners to approve those different changes. Mayor Boss asked Mayor Pro-Tem Baldwin if he was doing that as a

motion. He answered that he is offering his two cents just for discussion and he would like to hear other's comments.

Commissioner Rardin asked Mayor Pro-Tem Baldwin if he is asking to strike the changes in the section that apply only to new subdivisions and new phases. He answered correct, basically make it across the board.

Mayor Boss asked how much work this will be for city personnel if they have to go back and look at other subdivisions. Interim City Manager Cesar answered he is sure that what Mr. French talked about in these more recent subdivisions are true. He said as staff they were trying to prevent issues coming forward where they have an unhappy homeowner because the City approved a home that is closer to the roadway, and now they have lost whatever view that they had because a home is closer to the curb.

Commissioner Rardin gave an example with the structure that was just taken down at the corner of 15th and Cuba. He said that was an existing subdivision, somebody could buy that lot come in here and build 15 feet off of it per these new rules, but every other house there is 25 feet because it was back in the 50s. Interim City Manager Cesar said he does not know if that is going to create an issue. He said that was the thought process of behind new subdivisions or new phases of subdivisions.

Mayor Boss said one consideration they have is to table this for now and give the other builders an opportunity to consider this. He said although notice has been given, if they were to table it, they could have an opportunity to get more input on this. He said he feels that he is not 100 percent on how he wants to go on this.

Commissioner Hernandez stated he is not concerned with the existing lots because the developer would have quite a bit of cost involved in changing them over to 50-foot lots. Mayor Boss said it is not just the developers, it is also the people that live in the lots that maybe they don't want a smaller house with different setbacks than they have. He said houses will not be symmetrical and people are not going to like that. Commissioner Hernandez said what he is saying is totally different to that side of it, there is going to be quite a bit of cost to the developer to change over to 50-foot lots. He does not think Mr. French is going to do that on some of these lots because there goes his 75 percent of that \$20,000, he was going to save. He said the setbacks would be a consideration on that.

Mayor Pro-Tem Baldwin said most of those people in those subdivisions with one empty lot would probably welcome another new home, especially a newer home. It will raise property values and complete the lots in reference to moving forward. He stated this is a no-win situation in a sense, other than we are kind of moving in the direction of setting our community up to accommodate the needs of the community. He said the Commission might need to handle situations on a case-by-case basis.

Commissioner Payne said her concern is with places like Rockwood and how it would look with a new structure built there under this proposed ordinance. She said the problem is that you cannot write the ordinance and just say that this only applies to new developments. She said it is an all or nothing thing, so if they pass this, they are passing this for any lot in the City. Mayor Boss said they don't have to do that; they can do it for only the new ones. Mayor Pro-Tem Baldwin said based off his recommendation. Commissioner Payne said right, it's going to apply to any lot in the City, whether it is part of a subdivision or just a lot like Rockwood. She said because not everything is new development.

City Planner Rael said that was staff's concern about these older lots and that is why they decided just for new subdivisions or new phases to existing subdivisions because they do not want to create that look. She said they do not want to upset our community or homeowners because they are probably sitting 25 feet back, because that was under the old ordinance, and then here comes somebody and puts a house and all they can see now, is the wall.

Commissioner Wright said if they left it as new subdivisions and new phases to existing, the existing lots like in Commissioner Hernandez's District would be a case by case basis. He asked how that would work.

City Planner Rael said she should have that Article memorized. Mayor Boss told City Planner Rael that she needs to put that in writing and have it in a file for people to see. She said she would email that Article to the Commission. She pointed out that the City does not get involved in covenants, the City strictly follows the Code of Ordinances.

Mayor Pro-Tem Baldwin said there is an assumption that every empty lot in an old subdivision is going to have a new house like this put on it and that is a tough assumption to make. Mayor Boss said what about the new subdivisions where there is a new phase that only has a few houses on it. Mayor Pro-Tem Baldwin said he would go back to his comment that the market will dictate what goes there.

Mayor Pro-Tem Baldwin said he sees everyone's argument here, but it doesn't address moving forward with this and dealing with the situation. He said from a homeowner's prospective, his area in Granada Hills has about five empty lots right now and it would do nothing but raise property value to have those lots built on, especially a brand-new home. He said if the concern is a slightly different home is going to be on there, he sees the concerns but does not have an issue with it. He said one of the reasons there is still not a home on that lot is because of our current Ordinances and the market is not dictating what kind of home can be built on that. He said if they change that, that home gets built.

Mayor Boss asked Mayor Pro-Tem Baldwin if he thought that is why those lot haven't been sold, and if he thought people maybe more interested in another subdivision. He answered that there are probably a number of factors. Mayor Pro-Tem Baldwin stated this is an Ordinance change, which means it is changed and posted. He encouraged the public to do their best and follow these meetings and pay attention to what is going on. He said they have a chance to address this based on concerns moving forward.

Mr. French suggested to the Commission to table this issue.

Mayor Boss made the motion to approve with no modification.

Mayor Boss moved to approve.

Commissioner Wright seconded the motion.

Roll call vote was taken.

Motion failed with a vote of 3-4-0.

Mayor Pro-Tem Baldwin, Commissioners Sikes, Rardin and Hernandez voted nay.

Commissioner Rardin asked if they can bring it back. He said the only reason he had an issue with it was because some of the other developers didn't have any input or he did not have a chance to discuss it with them.

City Attorney Bengoechea stated once a vote fails you cannot bring it back. She said they can bring back an amended ordinance but not this version. Commissioner Rardin asked if someone on the winning side can bring it back. City Attorney Bengoechea said correct, one of the "No" votes could bring it back.

Commissioner Sikes said she would like to see it without the restrictions. She asked for it to be made a blanket for everyone. Then make it the first reading and make sure everyone is aware of it, see the changes that might occur based on public comment and then do any changes. Mayor Pro-Tem Baldwin agreed.

11. Consider, and act upon, Ordinance 1597 amending 11-04-020 of the Alamogordo Code of Ordinances regarding Unlawful Possession of Marijuana. (Petria Bengoechea, City Attorney) (Roll Call Vote Required)

City Attorney Bengoechea said this changes the ordinance to be in line with what the Legislature did. It states that the first time a person is caught with marijuana, with up to a half of an ounce, it will be a penalty assessment of \$50. After that it gets more serious.

Commissioner Rardin moved to approve.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

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

Commissioner Payne stated personally she is not in favor of this, but professionally speaking this makes sense.

12. Consider, and act upon, Amber Skies request for the City to repair water leaks in their community per base rate charges. (Clifford Appel, Amber Skies Resident)

Mr. Appel said there are many residents from Amber Skies and asked them to raise their hands. He said the community is made up of people ages 55 and up and has about 148 installed homes. He said in the past they have had water breaks in their community and the City has refused to repair the breaks. The City is notified about the breaks by the Park Manager and then comes and turns off the main feed and then goes back to the barn. He said during the last leak they were without water for two days. He asked the Commission if they would like to be without water for two days. He said a Contractor agreed to go out and fix the leak. He said it was in the afternoon when the City was requested to re-open the supply to ascertain that the Contractor's repair was holding properly. He read the Municipal Code 28-03-150. On behalf of the Citizens of Amber Skies, he requested the City to honor its own Municipal Code and repair future water leaks in their park. He said they pay a base charge per home for service.

Interim City Manager Cesar explained Amber Skies is a private subdivision. He said when a developer does a private subdivision the City is not responsible for maintenance inside that complex. The benefit to the developer/builder of that type of subdivision is that there is no land dedication or percentage of the improvements that is paid to the City. It is up to the developer/builder of that subdivision to do all maintenance inside the complex. He said Public Works Director Garner has the file for Amber Skies and in that file is the contract which states that the owner of Amber Skies is responsible for all maintenance inside the complex.

Mayor Boss said the City had no control of the quality of material that was put in the ground. Interim City Manager Cesar confirmed that the City did not. He explained how it would be handled for a typical subdivision. He said in a private subdivision the City does not do the maintenance. The City does not have maps and they have no idea how it was installed and the quality of work. He said as to the last water break, the City was notified that there was an issue in the park and was requested to go out and turn off the water, which they did. He said there was not a subsequent call to turn the water back on. He said the reason they went back out to check is because a number of residents in Amber Skies contacted dispatch, many of those used 911. The Manager or Owner of the Park never did contact the City. He said the base rates is not a guarantee that the City will go inside to a private subdivision and go do work. He said that is to guarantee that the City has the funds to replace tanks, the water filter plants, main lines that deliver water out to these complexes. He said Amber Skies is no different than any other mobile home park in Alamogordo. He said the only difference with Amber Skies is the developer/builder of that subdivision decided they wanted all the residents in Amber Skies to have their own meter, so that the resident would pay their own water and sewer. He said many complexes in Alamogordo have their own master meter. He said they can still go in and put a master meter there and the park or owner will pay off that master meter. He said the builder at that time chose not to do

that. It was not a City requirement that all the individuals in Amber Skies pay the base rate. He could have included that into the monthly rent for the spaces.

Mayor Boss stated Amber Skies is not unique, we have this situation all across Alamogordo. Interim City Manager Cesar named a few of the complexes and said that the City will only go to the meter. He said Amber Skies could have come in and dedicated everything to the City in the beginning of the process and individually metered the various complexes. Mayor Boss asked if when he says dedicated, if he means as far as the water line, easement of the water line. Interim City Manager Cesar answered yes, to the land dedication and the easements that are associated with it, etcetera. He said looking at both Wal-Marts, the Fire Department will go in and check the hydrants because that is public safety, but if there is an issue with the hydrant the City will not go into the complex and replace a hydrant, just like they will not go into Amber Skies.

Public Works Director Garner said the base rate they are talking about is to take care of City owned infrastructure. He said the City does not own the infrastructure at Amber Skies. The City will go in and take care of the meters, because the City does own the meters. He read the Agreement with Amber Skies, which included the responsibility of Amber Skies to repair all damages to all water lines, sewer lines and manholes at no expense to the City. He said this is a standard agreement that the City has with all private subdivisions. He said they are short staffed. They have had three water breaks (mains) that the City owns. They had to dedicate crews to go out and fix that and they simply don't have the manpower to go out and do the different subdivisions and take care of them at the same time they are taking care of the City's main infrastructure. He said when they originally went into Amber Skies, he thinks it was in Good Faith to try and get an emergency services put back on. He said it does not happen very often, so it was left to the side and it became a standard that the City does not take care of these subdivisions.

Mayor Boss said that is a question that has been asked of him. He said he was asked why the City has done this in the past. Public Works Director Garner said it was a matter that it was overlooked, and it was brought to his attention when they could not keep up with the breaks they have right now, with the staff they have right now.

Interim City Manager Cesar said at the first water line break at Amber Skies, a call was made by the owner, at the time, to Utility Maintenance and was told that the City does not perform the maintenance. A subsequent phone call was made to either the City Manager at the time or to a member of the Commission and word came down to the Utility Maintenance Department to go in and fix the break, then it happened a second time, and again and again until they drew the line in the sand. The developer signed an agreement, it is not the City's responsibility. He said that burden should not be placed on the rest of the citizens of Alamogordo to go and take care of a gated community that didn't pay as other subdivisions paid when they came in. He said if they wanted it public it would have been built to a much different standard than it was.

Commissioner Payne asked Interim City Manager Cesar if someone actually talked to the owner. Public Works Director Garner said he sent a letter out to the owner informing him of the situation. He did get a response letter back. He said they did get the letter but were not happy about it and talked about going to litigation over it. She said she thinks it is a different owner. Interim City Manager said it has changed owners, but it does not change the way the subdivision was developed. Commissioner Payne said she understands that, but she thinks that is where some of the miscommunication came in.

Interim City Manager Cesar said he has heard back from a local utility company that the owner or maintenance person at Amber Skies had contacted them to get an estimate on what it would take to replace the issues at Amber Skies. He explained that most of the issues have been due to the tapping saddles. He said that contractor has not been contacted back by Amber Skies.

Commissioner Sikes asked how much it would cost to fix it. Interim City Manager Cesar answered what it would cost to go in and replace every one of the tapping saddles that has not been replaced up

to this point. Public Works Director Garner said failures of the saddles has been the major problems. The developers are not using the City's specifications for the saddles. He said they are only required to meet the City's standards when they tie into ours. He said the saddles are usually what is failing. Commissioner Hernandez said this is actually a moot point because the owner is the one that would have to request anything. He said it falls on the owner who has failed to represent the residents of Amber Skies for this. He said there is a process that the City can get this changed, but the owner has to make the request. Mayor Boss pointed out that the change would not be at the City's expense. Commissioner Hernandez said no, not at our expense. He said again, the Commission could not do anything because the owner is not the one requesting the change.

Commissioner Sikes asked what it would take to allow the City to go in and take care of it. She also asked how that would work. Interim City Manager Cesar asked for clarification if what it would take for the City to accept it as a normal subdivision. She answered yes, where the City would take care of future problems. He answered at the bare minimum the issue of the tapping saddles. He said recommendation from staff would be that all the remaining tapping saddles be replaced. He said the same expense that the current owner does not want to go through, and that is just on the surface. Commissioner Sikes asked if the City knows that he does not want to do that. Interim City Manager Cesar said he has not contacted that utility company, maybe he is securing other quotes, but that is going to be a very expensive project. Commissioner Sikes said it is very bothersome to know that there are people here that live at Amber Skies who were not aware of that when they moved in and they have been paying the base rate and assuming that they should be getting their problem fixed by the City.

Public Works Director Garner said he has no axe to grind either way, but it sets a precedence. Legally, the City is not supposed to go on their property.

Commissioner Sikes asked if anyone knew who the owner of Amber Skies is. (Someone from the audience said the owner is an out of state LLC (limited liability company)).

Mayor Pro-Tem Baldwin asked the citizens from Amber Skies were aware of the contract with the City of Alamogordo prior to them buying their home. (They shook their heads said no). He said at some point a Good Faith attempt was made by the City, which didn't need to be made and in fact it could have put the City in harm's way as far as litigation goes, by going in one time. He said that put the City in a situation where there is an expectation by homeowners. He asked who the manager is and is she there (no one acknowledged). He stated at this point without representation of the business, there is very little the Commission can actually do.

Commissioner Hernandez said they should self-report their violation the anti-donation clause. He said by going out there and doing this work for free, they have violated that. Either that or send them a bill. He recommended the self-report and move on from that. He said if he could go out and help, he would. He said it all comes back to the owners and them not doing their work. In any way you look at it, if you are in my subdivision and you don't have water, I can get you water and take care of the issues later. If it ends up being the City's problem, then it is easy for them to come back and sue the City.

Mayor Boss asked the residents of Amber Skies if they knew what the anti-donation means. They said no. Mayor Boss explained to them that if the City is spending taxpayer's money on individuals that they have no obligation to spend it for, then they are breaking the law.

Someone from the audience said that had gone on for 19 years. Commissioner Hernandez said that is why he has recommended self-reporting because it can become an issue for the City. Mayor Boss said self-reporting is for the City and not the residents of Amber Skies. Commissioner Hernandez said the anti-donation clause is a very sticky situation that can put you in trouble.

City Attorney Bengoechea said the community is owned by an LLC called Amber Skies Community out of Eliseo Viejo, California. She said when she looks up that company on the New Mexico Secretary of State's website, the organizer's name is Brad Dunn and the Registered Agent is Jim Fryburger.

Lawrence Guidry commented on the following:

He said the residents of Amber Skies did not know of the Agreement. He said if the water breaks, they are stuck. He said it seems a little unfair that the residents did not know anything about this, but they are the ones who are going to catch the hind for it.

Mayor Boss recommended that the residents form an association and hire an attorney. Mr. Guidry said there is a Resident's Council and the President is in attendance. He said they can form anything they want, but the owner will not approve anything, it goes against anything he wants to do.

Commissioner Sikes asked the residents of Amber Skies if everyone rents (they answered yes, they rent the space).

Commissioner Rardin asked Interim City Manager Cesar if in the future they have breaks, can the City repair the breaks and then send the bill to the LLC and use the health, safety and welfare of the residents. He answered no, they looked into that and there was an issue where there was another owner of multiple trailer parks that had not paid the water bill. He said the City had no ability to go in and do that. He said there was also another issue where another trailer park had their water being consistently shut-off because they had issues inside the complex and the residents of that park went to the State Environment Department and complained. He said that issue has been resolved.

Johnnie Glass commented on the following:

She stated they had no knowledge of any contract with the City regarding the utilities. She said she went to the County Clerk's office and found a copy of a plat which was the original developers in 1997 where they conveyed the road, the easements and whatever to the City for public use and that was accepted by the City. She said she went back today, because that plat only has the roadway entrance from the highway into the park and the road that continues from the entrance to the first ten or twelve houses. She said this subdivision has a very confusing history. She said most of the animosity the Commission was subjected to with this issue is because the services from the City had been provided for the last nineteen years. She said the residents of Amber Skies have a very adversarial relationship with the current owner. She asked Facility Manager Garner to have a copy of the Agreement.

Commissioner Payne asked her if they have a rental contract when they rent the space. Ms. Glass answered they have a lease agreement. She also said there has always been a question if their roads are public or private.

Mr. Appel stated they are paying a base rate of \$13.90. He said what has been said tonight is that Amber Skies is going to have to fix it themselves. He said why doesn't the City give them back the \$13.90, because the City has not fulfilled their end of the bargain. Mayor Boss said the City has fulfilled their end of the bargain. He said the City has water tanks, storage tanks, transmission lines, pumps, the City brings water in, they have chemicals to treat the water and all of that is provided to you. Interim City Manager Cesar added that it goes to the property line of the private community, it is no different that the Apartment complex on First Street. He said the City's responsibility, for that complex, ends at First Street. He said they have multiple meters inside the complex. He said the original developers for Amber Skies made the decision to do individual meters for every lot. He said there are a number of empty lots inside Amber Skies and there is a monthly bill sent out to the ownership of Amber Skies and they are responsible to pay the base rates for every one of those vacant lots. Mr. Appel asked Interim City Manager Cesar if he is saying that even though there is not a home on it or no water is being provided, that they still are paying \$13.90 a month. Mayor Boss and Interim City Manager answered yes. Interim City Manager said the current owner, if they wanted to, could install one master meter. Then the City would deactivate all 148 accounts inside the complex. The ownership would then pay the base rates for that size of meter, which is more than the \$13.90. That has never been brought to the City and the City cannot mandate that.

Commissioner Rardin told the residents they might get together and talk to the Environmental Department. If the owner receives a letter from the State of New Mexico maybe he'll get the hint. He said like the Mayor mentioned, the residents getting together, getting an Attorney and send a letter to the owner. Mayor Boss stated quite frankly; the City has already done too much.

Robert Mays commented on the following:

He stated that the residents knew nothing of this agreement. He said his concern is a safety issue because they were two days without any kind of water. He said he understands that it is not the City's fault, but it's somebody's fault and they need to get that solved and they need all the help they can get to do that.

Commissioner Payne apologized to the residents saying, they did not get the answer they wanted but she does appreciate everyone coming and voicing their concerns.

No Action Taken

Mayor Pro-Tem Baldwin asked the Commission if they caught how all this started. He said a Commissioner made a phone call to City staff and gave direction. He said one of the things that he is proud of serving with this Commission and he fought extremely hard is to get away from that "Good Ole Boy" stuff. He said the reason people dislike politicians is because of those type of things. A Commissioner acting on behalf of the Commission directing staff to do something and staff allowed it to happen. He is appreciative of everyone there for not being that way. Interim City Manager Cesar said that is some of the things they are trying to clean up and get rid of.

ADJOURNMENT

Mayor Pro-Tem Baldwin moved to adjourn at 8:45 p.m.

Commissioner Rardin seconded the motion.

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

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on August 13, 2019.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION SPECIAL MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
July 29, 2019**

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

**JASON BALDWIN, MAYOR PRO-TEM
DUSTY WRIGHT, COMMISSIONER
BRIAN CESAR, INTERIM CITY MANAGER
PETRIA BENGOCHEA, 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. Mayor Pro-Tem Baldwin and Commissioner Hernandez were 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 Sikes.

APPROVAL OF AGENDA

Commissioner Rardin moved to approve the agenda.
Commissioner Wright seconded the motion. Motion carried with a vote of 5-0-0.

PUBLIC COMMENT

None.

NEW BUSINESS

1. Consider, and act upon, the approval of Resolution No. 2019-32 amending the Preliminary FY 2019 2020 Budget with carryover fund balances, and adopting the Final Budget for 2019-2020. (Evelyn Huff, Budget Analyst) (Roll Call Vote required)

Budget Analyst Huff explained the revisions in the preliminary budget to the final budget. Interim City Manager Cesar pointed out there is going to be a cash balance of only \$158,140 for this fiscal year in Fund 11. He said Finance set aside \$250,000 where they keep the GRIP money. He said that is in anticipation of having to pay the Hospital approximately \$1 million next fiscal year. He said they are still going to have to set aside monies for the Hospital and they also have the next round of increases for minimum wage. He said if this continues like this, it is very likely that staff will be coming to Commission this next budgetary process and ask to enact another 1/8 of the Hold Harmless. He said if they expend the entire budget, they are looking at \$315,516 at the end of this fiscal year in fund 81. He said staff will be coming to Commission in November to talk water and sewer rates and possible increases.

Budget Analyst Huff said in that fund 11, you will notice the local reserve requirements unavailable for budgeting. She said they have a strict reserve policy. She said the 1/12th reserve is about \$1.2 million is required by DFA (Department of Finance and Administration). She said the City has another 1/12th reserve policy and they also have a fund reserve policy that has to do with the subsidies that are given to the other funds and that is another \$487,000. She said there is \$1.7 million that is tied up in reserves that are mandated per policy. She said that might be something for the Commission to look at is this strict reserve policy above the State's required reserve policy.

Mayor Boss asked Budget Analyst Huff what other communities do regarding that 1/12th. She said she does not know but it is something they can research. Commissioner Rardin stated the City has always been more conservative than Las Cruces. Mayor Boss said he is curious to see if that was typical of other communities in New Mexico. Commissioner Rardin said they have \$1.2 million in reserves, but in

this day and age that does not go very far. Commissioner Payne said she thought they looked into that at one time and thought that Alamogordo is one of the more conservative cities. Interim City Manager Cesar said he thinks it was discussed when it was first enacted. He said the reserve was relaxed for at least a year. Commissioner Wright said it was part of the previous year because the fund reserve, the 487, was left out. Budget Analyst Huff said that is true, when this revision was brought to Commission last year part of the reserve requirements was left off of the recap. When they brought it back in November, they had the full reserve requirements on there. Mayor Boss said they did talk about the other 1/12th, but he does not recall talking about what other communities are doing.

Commissioner Rardin moved to approve.
Commissioner Wright seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 5-0-0.

2. Consider, and act upon, Resolution No 2019-33 approving the DFA Quarterly Report for the period ending June 30, 2019 (*Stephanie Hernandez, Finance Director*) (Roll Call Vote Required)

Budget Analyst Huff explained this is the fourth quarterly report to DFA, it is the summary that Finance uses to verify all of the numbers. She stated these are actuals, none of these are budget figures.

Commissioner Rardin moved to approve.
Commissioner Sikes seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 5-0-0.

3. Approve the Investment Report for the quarter ending June 30, 2019, in accordance with the City of Alamogordo Investment Ordinance. (*Stephanie Hernandez, Finance Director*)

Budget Analyst Huff said this report is usually on the consent agenda at the end of the quarter. She said they included on this agenda because they do have to submit an Investment report to DFA. It shows the City's Investment Portfolio as of June 30, 2019. She said it is a collection of all the different funds that are holding investments in the various investment pools.

Commissioner Payne moved to approve.
Commissioner Wright seconded the motion.
Motion carried with a vote of 5-0-0.

ADJOURNMENT

Commissioner Rardin moved to adjourn at 6:46 p.m.
Commissioner Payne seconded the motion.
Motion carried with a vote of 5-0-0.

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on August 13, 2019.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/13/2019

Report Date: 8/5/2019

Report No: 4.

Submitted By: Mark Threadgill

Subject: Consider, and act upon, Leak Abatement Request for Roger Woodle, 1805 College Ave., in the amount of \$4,017.56. *(Mark Threadgill, Customer Service Manager)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval

Background: Mr. Woodle suffered a leak at his residence and has applied for a leak abatement. Customer meets the criteria for the leak abatement but the amount exceeds the \$2,500 limit staff may approve.

**CITY OF ALAMOGORDO
UTILITY BILLING DEPARTMENT
RESIDENTIAL LEAK ADJUSTMENT WORKSHEET**

DATE: July 8, 2019

Customer ID	Location ID	Cycle/Route	Meter Size
28473	20554	11/10	75

Customer Name:

Woodle, Roger

Billing Date:

6/25/19

Service Address:

1805 College Ave.

Billing Period:

05/11/19-06/11/19

Average Consumption: 519

Average Bill: \$22.43

Actual Billed Consumption: 62727

Actual Bill Amount: \$4,750.70

Difference of Average and Actual must exceed \$125.00

\$4,728.27

Meets Qualifications?

Y

Difference Billed - Average

62,208

Difference Bill @ Tier 1

1.45

Total Difference

\$902.02

Average Bill:

\$22.43

Billed Over Average

\$902.02

Total

\$924.45

Total Billed:

\$4,750.70

Minus Total Difference

-\$924.45

Water

\$3,826.25

Tax on Adjusted

\$191.31

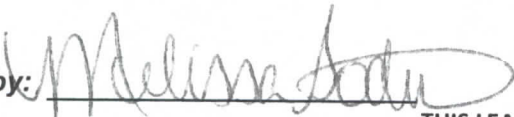
Total Adjusted

\$4,017.59

4017.56

Customer is requesting relief on his/her water bill for the month of June-19
If you have any questions, please call Nichole Sierra @ ext 4261

Prepared by:



UB Approval:

THIS LEAK ABATEMENT REQUIRES CITY COMMISSION APPROVAL

Finance Approval:

Charge Summary				es	
Customer ID					
Location ID	Code	Description	Amount		
Cycle/route	GR	GARBAGE	15.19	PAY	
Bill date .	SW	SEWER	23.20	es :	5028.54
Due date .	WA	WATER	4750.70	amt:	5028.54
Type option		TAXES	239.45		
5=Display		Total Actual Charges	5028.54		
Svc					Est Cmt
Opt Type Ty				ter Number Cd	Cd
- WA RE				632080	
Opt	Svc			Rate Group	S/W
-	WA			AL/I/R	
-	WA			AL/I/R	
-	WA	ENTER=Exit F8=Print F10=Reprint Bill	Bottom	AL/I/R	
-	WA	F14=Send as EMAIL		AL/I/R	
-	WA			AL/I/R	

F3=Exit F6=Date F9=Summary F10=Budget charges F11=Consumption F12=Cancel

AUG 519.17

519 X 1.45 = 7.53

13.90

1.00

20.43

877.00+
772.00+
928.00+
977.00+
878.00+
1,037.00+
137.00+
114.00+
119.00+
123.00+
146.00+
122.00+

012

6,230.000

6,230.000

12.00

519.17*

√ 511

Account History - Consumption and Actual Charges

16:20:26

Customer ID: 28473 Name: WOODLE, ROGER

Location ID: 20554 Addr: 1805 COLLEGE AVE

Cycle/route . . : 11 10 Bill type . . : CYCLE BILL - AUTO PAY

Bill date . . : 6/25/19 Prev balance: .00 Charges : 5028.54

Due date . . : 7/10/19 Adj/Pmts . . : .00 Bill amt: 5028.54

Type options, press Enter.

5=Display

Opt	Svc	Reading	Date	Actual	Demand	Consumption	Days	Meter Number	Cd	Est Cmt
—	WA	REG	6/11/19	62727.00	.00	31	00632080			

Opt	Svc	Comp	Description	Billed	Consumption	Amount	Rate	Group	S/W
—	GT		GOV GROSS RECPTS TAX	.00	239.45	AL/I/R			
—	GR		GARBAGE	.00	15.19	AL/I/R			
—	SW	BASE	BASE RATE	.00	13.60	AL/I/R			
—	SW	CONS	CONSUMPTION CHARGES	835.00	9.60	AL/I/R			
—	WA	BASE	BASE RATE	.00	13.90	AL/I/R			
—	WA	CON1	TIER 1	1500.00	21.75	AL/I/R			+

F3=Exit F6=Date F9=Summary F10=Budget charges F11=Consumption F12=Cancel

UT470I07

CITY OF ALAMOGORDO, NEW MEXICO

7/08/19

Account History - Consumption and Actual Charges

16:20:26

Customer ID: 28473 Name: WOODLE, ROGER

Location ID: 20554 Addr: 1805 COLLEGE AVE

Cycle/route . : 11 10 Bill type . : CYCLE BILL - AUTO PAY

Bill date . . : 6/25/19 Prev balance: .00 Charges : 5028.54

Due date . . : 7/10/19 Adj/Pmts . : .00 Bill amt: 5028.54

Type options, press Enter.

5=Display

Opt	Svc	Reading	Actual	Demand	Est Cmt
Opt	Type	Type	Date	Consumption	Consumption Days Meter Number Cd Cd
—	WA	REG	6/11/19	62727.00	.00 31 00632080

Opt	Svc	Comp	Description	Billed Consumption	Amount	Rate Group	S/W
—	WA	CON2	TIER 2	1500.00	35.25	AL/I/R	
—	WA	CON3	TIER 3	1000.00	36.50	AL/I/R	
—	WA	CON4	TIER 4	1000.00	53.00	AL/I/R	
—	WA	CON5	TIER 5	57727.00	4589.30	AL/I/R	
—	WA	CAP	CAPITAL SURCHARGE 81	.00	1.00	AL/I/R	

F3=Exit F6=Date F9=Summary F10=Budget charges F11=Consumption F12=Cancel



Alamogordo, NM

Reading v

- ☐ All Cycle
- ☐ Cycle01
- ☐ Cycle02
- ☐ Cycle03
- ☐ Cycle04
- ☐ Cycle05
- ☐ Cycle06
- ☐ Cycle07
- ☐ Cycle08
- ☐ Cycle09
- ☐ Cycle10
- ☐ Cycle11
- ☐ Cycle12
- ☐ Cycle13

Reading Report Reading Detail Profile Graph Graph Options

Account#: 028473020554WA00CF
Name: WOODLE, ROGER
Meter ID: 00632080
MIU SN: 2055455
Address: 1805 COLLEGE AVE

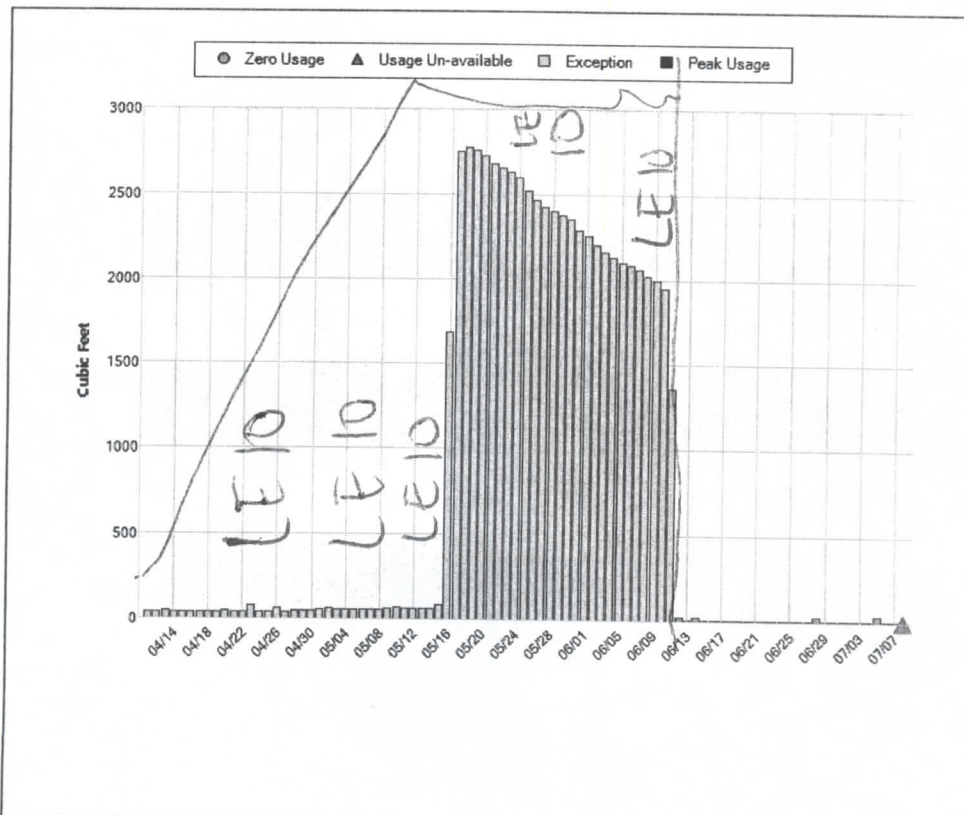
Utility: Alamogordo, NM
Cycle: 11
Route: 10
Sequence: 014200
City, State: Alamogordo, NM
Period: 4/11/2019 - 7/9/2019

Peak consumption of 2774 cubic feet occurred during the day of 05/18/19

Current Read: 77893 **Read Time:** 7/8/2019 12:00:00 AM
Graph Date: 7/8/2019 4:20:29 PM

Align To Billing Begin Date: 4/11/2019 00:00 End Date: 7/9/2019 01:00 Agg. Level: Daily v Refresh Graph

Now Displaying: 4/11/2019 12:00 AM - 7/9/2019 1:00 AM



✓ sm

City of Alamogordo Utility Billing Division

Leak Abatement Request

Date of request: July 1, 2019

I, Roger L Woodle, account number 28473-20554 had a water leak at 1805 College Ave.

Description/Cause of Leak: bad underground plumbing - old plumbing underground broke.

The leak was repaired on June 19, 2019 and I am requesting an adjustment on my water bill. I have provided proof of repair; either an invoice from a plumber or receipts for parts that were purchased and used to repair the leak.

I also understand that in order to qualify for an adjustment the water charges on the bill in question must be at least \$125.00 over the average water charges on the monthly bill.

Roger L Woodle
Customer's Name (print)

Roger L Woodle
Customer's Signature

575-437 885-0
Phone Number

RECEIVED
JUL 01 2019
BY: MS

Darnold Plumbing

P.O. BOX 2335
2512 N. FLORIDA AVE.
ALAMOGORDO, NM 88311
OTERO

Voice: 575-434-3855

Fax: 575-434-5344

INVOICE

Invoice Number: 118031

Invoice Date: Jun 19, 2019

Page: 1

Duplicate

Bill To:

WOODLE, ROGER
1805 COLLEGE
ALALMOGORDO, NM 88310

Ship to:

WOODLE, ROGER
1805 COLLEGE
ALALMOGORDO, NM 88310

Customer ID	Customer PO	Payment Terms	
WOODLE, ROGER		C.O.D.	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	Airborne		6/19/19

Quantity	Item	Description	Unit Price	Amount
2.50	LSERVLAB	WATER LEAK IN YL. FOUND LEAK BY		
2.50	LSERVPLMB	FRONT HOSE BIBB AND DRIVE WAY.		
1.00	DNU13	DUG UP AND REPAIRED.		
1.00	XXX MATERIAL	SERVICE LABORER	35.00	87.50
		SERVICE PLUMBER	70.00	175.00
		10% SENIOR DISCOUNT	26.25	-26.25
		NON-STOCK MATERIAL	45.51	45.51
Subtotal				281.76
Sales Tax				22.54
Total Invoice Amount				304.30
Payment/Credit Applied				304.30
TOTAL				0.00

Check/Credit Memo No: CARD

Past due invoices are subject to 1.5% late payment charge.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/13/2019

Report Date: 8/1/2019

Report No: 5.

Submitted By: Petria Bengoechea

Subject: Consider, and act upon, final publication of Ordinance 1597 amending 11-04-020 of the Alamogordo Code of Ordinances regarding Unlawful Possession of Marijuana. (*Petria Bengoechea, City Attorney*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for final publication.

Background: In July 2019 the New Mexico Legislature's decriminalization of marijuana took effect. This ordinance merely reflects the change in State Law in our ordinance to match what the legislature has done. It decriminalizes possession of up to half an ounce on the first offense and assess a penalty assessment of \$50.

ORDINANCE NO. 1597

AN ORDINANCE AMENDING 11-04-020 OF THE ALAMOGORDO CODE OF ORDINANCES REGARDING UNLAWFUL POSSESSION OF MARIJUANA

WHEREAS, the City Commission of the City of Alamogordo finds that the act of unlawfully possession marijuana is a potential harm to its citizens residing within the City limits;

WHEREAS, to this end, the City Commission desires to amend its ordinance to reflect the current status of State law;

WHEREAS, the Municipal Court of the City of Alamogordo has jurisdiction over the proposed Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo that Section 11-04-020 of the Code of Ordinances be amended as follows:

11-04-020. - Generally—Unlawful possession of marijuana.

- (a) *Definition.* "Marijuana" includes all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. It does not include the mature stalks of the plant, hashish, tetrahydrocannabinols extracted or isolated from marijuana, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is capable of germination.
- (b) *Unlawful possession.* Unlawful possession of marijuana consists of the possession of marijuana which was not obtained directly from, or pursuant to, a valid prescription, or order of a doctor of medicine while acting in the course of his professional practice, or as otherwise authorized by law.
- (c) *Penalties.* ~~Whoever unlawfully possesses marijuana shall for the first offense be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) and/or by imprisonment for not more than fifteen (15) days, and for the second and subsequent offenses, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) and/or by imprisonment for not more than ninety (90) days.~~

A person who violates this section with respect to:

(1) up to one-half ounce of marijuana shall be issued a penalty assessment and is subject to a fine of fifty dollars (\$50.00);

(2) more than one-half ounce but less than one ounce of marijuana is, for the first offense, guilty of a petty misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100) and by imprisonment for not more than fifteen days, and, for a second or subsequent offense, is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) or more than five hundred (\$500) or by imprisonment for a definite term of less than 90 days, or both;

- (d) *Mandatory lab fees.* A person convicted of unlawful possession of marijuana pursuant to this section prior to July 1, 1988, shall be assessed, in addition to any other fee or fine, a fee of twenty-five dollars (\$25.00) to defray the cost of chemical and other analyses of controlled substance. Effective July 1, 1988, the mandatory lab fee assessment shall be increased to seventy-five dollars (\$75.00). The municipality shall collect the fee and maintain the fees in a separate fund and transfer the fees along with other funds collected to the administrative office of the courts pursuant to Section 31-12-9, N.M.S.A. 1978, as amended.

(Code 1960, § 6-4-11; Ord. No. 730, 6-14-88)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/13/2019

Report Date: 8/7/2019

Report No: 6.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, first publication of Ordinance 1598, an amendment to the City Charter for submitting Candidate Disclosure Statements. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve ordinance 1598 for first publication.

Background: This amendment to the ordinance is to remove the words "with the City Clerk".

The City Charter currently reads:

Article V Qualifications for Candidacy

Section 3. - Disclosure.

Each candidate for City office shall file a disclosure statement **with the City Clerk**, at the time of filing for the office. This statement shall identify all real property and businesses in New Mexico in which the candidate has a financial interest.

Election Code reads:

Section 1-22-7 A.

A candidate for a position that will be filled at a regular local election shall file a declaration of candidacy with the proper filing officer between 9:00 a.m. and 5:00 p.m. on the seventieth day before the date of the local election.

The City Opted-In to the Regular Local Election on December 4, 2018, therefore Candidates shall file their declaration of candidacy with the County Clerk.

The Otero County Clerk stated it would be less work and less confusing for Candidates if they submitted their disclosure statements with the County Clerk's office. Both Interim City Manager Cesar and City Clerk Hughs agree with the County Clerk.

ORDINANCE NO. 1598

**AN ORDINANCE AMENDING
ARTICLE V QUALIFICATIONS FOR CANDIDACY
SECTION 3 DISCLOSURE OF THE CITY CHARTER**

WHEREAS, on July 1, 2018 the Local Election Act went into effect as Chapter 1, Article 22, NMSA 1978 establishing the Regular Local Election, a consolidated election day for non-partisan local government bodies on the first Tuesday after the first Monday in November of each off-numbered year; *and*

WHEREAS, the Local Election Act also established the Municipal Officer Election Day on the first Tuesday of even-numbered years; *and*

WHEREAS, the Local Election Act provides the option for each municipality to determine if its elective officers shall be elected on the Municipal Officer Election Day or at the Regular Local Election; *and*

WHEREAS, the City of Alamogordo has adopted Ordinance 1581 to Opt-In to the Election of the Municipal Officers of the City Alamogordo in the Regular Local Election; and

WHEREAS, the City of Alamogordo has considered the issues related to opting in, including uniformity of procedure and convenience for the voters.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALAMOGORDO, NEW MEXICO AMEND:

CITY CHARTER
ARTICLE V QUALIFICATIONS FOR CANDIDACY
SECTION 3. DISCLOSURE.

Each candidate for City office shall file a disclosure statement ~~with the City Clerk~~, at the time of filing for the office. This statement shall identify all real property and businesses in New Mexico in which the candidate has a financial interest.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2019.

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: 8/13/2019

Report Date: 8/8/2019

Report No: 7.

Submitted By: Rachel Hughs

Subject: Discussion on Municipal Election Campaign Disclosure Ordinance 1466. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Provided Staff Direction.

Background: Interim City Manager Cesar and City Clerk Hughs suggest the Campaign Disclosure reports be submitted to the Otero County Clerk and change the filing days. The County Clerk is willing to have the Campaign Disclosure reports submitted to her office.

Current filing days of Ordinance 1466:

2-17-100. - Time for filing.

All candidates and special purpose political committees and general purpose political committees shall file reports of expenditures and contributions for the following reporting periods:

- (1) Twelve (12) days prior to an election;
- (2) Not later than thirty (30) days after an election;
- (3) Six (6) months after an election, if any contributions in the possession of the candidate or special purpose political committee remain unexpended or if any debt remains unpaid; and
- (4) Every twelve (12) months after an election, so long as any debt remains unpaid by the candidate or special purpose political committee.

Proposed filing days:

- (1) Twelve (12) days prior to an election;
- (2) Not later than forty-five (45) days after an election the final report shall be filed

Attached is the portion of the March 25, 2014 minutes from the first time ordinance 1466 came before the Commission, the final was under consent agenda and was approved with a motion 7-0 on April 22, 2014.

ORDINANCE NO. 1466

AMENDMENT TO ADD ARTICLE 2-16 TO CHAPTER 2 OF THE ALAMOGORDO CODE OF ORDINANCES RELATING TO CAMPAIGN DISCLOSURE

BE IT ORDAINED by the City Commission of the City of Alamogordo as follows:

SECTION ONE. Chapter 2 of the Alamogordo Code of Ordinances is hereby amended to create the following new section 2-16:

2-16 MUNICIPAL ELECTION CAMPAIGN DISCLOSURE ORDINANCE.

2-16-010 Title.

This section may be cited as the "Campaign Disclosure Code."

2-16-020 Purpose and Intent.

It is the public policy of the City of Alamogordo:

A. That public confidence in municipal government is essential and must be promoted by all possible means;

B. That political campaign contributions and expenditures be fully disclosed to the public and that secrecy in the sources and application of such contributions be avoided; and

C. That the public's right to know how political campaigns are financed far outweighs any right that the contributions remain secret and private.

2-16-030 Definitions.

Unless otherwise defined in this section or the contrary is stated or clearly appears from the context, the definitions of the New Mexico "Campaign Reporting Act", Sections 1-19-25 through 1-19-36 NMSA 1978, as amended, shall govern the interpretation of this Chapter.

Candidate means an individual seeking election to the position of mayor, commissioner or municipal judge at a regular or special election of the city.

Charity means an organization that is exempted from federal taxation by Title 26 United States Code, section 501(c)(3).

Contribution means a gift, subscription, loan, advance or deposit of any money or other thing of value which is made for the primary purpose of supporting or opposing a candidate for elective office, but "contribution" does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or

political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

Election means any general or special municipal election in the city.

Expenditure means a payment, transfer, or distribution, or obligation or promise to pay, transfer or distribute any money or other thing of value for the purpose of influencing the outcome of an election of a candidate, but does not include the candidate's or his immediate family's personal expenses.

General purpose political committee means a political committee other than a special purpose political committee.

Political committee means every two or more persons who are selected, appointed, chosen or associated for the purpose of, wholly or in part, supporting or opposing a candidate at any election, and includes political committees or similar organizations composed of employees or members of any corporation, labor organization, trade or professional association or any other similar group which raises, collects, expends or contributes money or any other thing of value for the purpose of supporting or opposing a candidate in a municipal election.

Reporting individual means every candidate, every treasurer of every special purpose political committee or treasurer of every general purpose political committee whose purpose is to aid the candidate in the campaign for municipal office.

Special purpose political committee means a political committee making contributions to support or oppose one candidate, such contributions being limited to one special or one general election.

2-16-040 Applicability of article.

This article also applies to any contributions, expenditures, persons, or committees whose purpose is to encourage adoption or defeat of any municipal question submitted to the voters of the city.

2-16-050 Family contributions.

A. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated.

B. Contributions by children under eighteen (18) years of age shall be treated as contributions by their parents and attributed proportionately to each parent (one-half to each parent or the total amount to a single custodial parent).

2-16-060 Return of contributions.

A contribution shall not be considered to be received if it is not negotiated, deposited or utilized, and, in addition, if it is returned to the donor within fourteen (14) calendar days of receipt.

2-16-070 Required.

Each candidate and each treasurer of each special purpose political committee and general purpose political committee shall file with the city clerk a report of expenditures and contributions on forms prescribed by the city clerk. When the reporting individual is a candidate, the report shall include the expenditures and contributions of those political committees authorized by the candidate to expend and receive funds on behalf of his candidacy, and when the candidate files a report for the political committee, the treasurer thereof need not file a report of expenditures and contributions for the period of time covered in the candidate's report.

2-16-080 Forms furnished by city.

The city clerk shall furnish upon request to political committees or candidates the form for the reporting of expenditures and contributions. The clerk shall give each candidate, or a designated representative, the prescribed reporting forms at the time of filing the nominating petition. Ten days before any report of expenditures and contributions is required to be filed by this division, the city clerk shall notify each candidate by certified mail of the deadline for filing the report.

2-16-090 Contents.

Under this division, each reporting individual shall file a report containing the following information:

A. A report of expenditures and contributions, itemizing each item of expenditure and contribution, including:

1. The name and address of the person to whom an expenditure was made or from whom a contribution was received;
2. The amount of the expenditure or contribution, or value thereof;
3. A description of the in-kind services or goods received; and
4. The date of the expenditure or contribution.

B. The report of expenditures and contributions shall be subscribed and sworn to by the candidate or treasurer of the political committee, as the case may be.

2-16-100 Time for filing.

All candidates and special purpose political committees and general purpose political committees shall file reports of expenditures and contributions for the following reporting periods:

A. Twelve days prior to an election;

B. Not later than 30 days after an election;

C. Six months after an election, if any contributions in the possession of the candidate or special purpose political committee remain unexpended or if any debt remains unpaid; and

D. Every 12 months after an election, so long as any debt remains unpaid by the candidate or special purpose political committee.

2-16-110 Late filing penalty; failure to file report.

A. If any candidate or treasurer of a political committee files a report of expenditures and contributions after any deadline imposed by the campaign procedures, such person shall be liable and shall pay to the city clerk at the time of late filing the sum of \$10.00 per day for each regular working day after the time required by this division for the filing of reports of expenditures and contributions. An incomplete report will be considered as no report; a late filing penalty will apply to the completed report if it is not filed within the prescribed time limits. All sums collected for such penalty shall be deposited in the general fund of the city. If sent by certified mail or registered mail, the report shall be deemed filed on the date three days following the date of the postmark.

B. Any candidate who fails or refuses to file a report of expenditures and contributions in the manner and within the time required by this division shall not be issued a certificate of election until such candidate files the report of expenditures and contributions.

2-16-120 Political committee treasurer.

A. It is unlawful for the members of any political committee or candidate to make any expenditure or solicit or accept any contribution for the purpose of supporting or opposing a candidate, unless:

1. A treasurer has been appointed and is constantly maintained; however, when a duly appointed treasurer is unable for any reason to continue as treasurer, the candidate may appoint a successor, provided that nothing in this subsection prohibits a candidate from appointing himself treasurer;

2. All disbursements of money and receipts of contributions shall be recorded by and through such treasurer; and

3. Such treasurer, upon disbursing or receiving money or other things of value, shall immediately enter and thereafter keep in a proper book, to be preserved by him, a full, true and itemized statement and account of each sum disbursed or received, the date of such disbursement or receipt, to whom disbursed or from whom received and the object and purpose for which it has been disbursed or received.

B. Anonymous contributions in an amount not to exceed \$25.00 from one individual or organization may be accepted, but such contributions shall be reported as to date and amount.

2-16-130 Election financial records.

A. Candidates for elective office or treasurers for political committees shall keep financial records for a period of six months following the date of election, in order that the records will be available if a complaint is filed or inquiry is made. Such financial records shall include cancelled checks, invoices, receipts, bank statements, bills of sale, statements of account, and all other financial records pertinent to the campaign.

B. In preparing and maintaining financial records such as ledgers and journals and recording contributions and expenditures on the disclosure statement of campaign financing, the candidates or treasurers of political committees shall:

1. Record in-kind contributions as both contributions and expenditures with a description of such in-kind services or goods received;
2. Record campaign loans as contributions, with subsequent repayment of loans credited against contributions; and
3. Record returned contributions as credits against contributors.

C. The services of a person who is performing the duties of treasurer pursuant to the Campaign Disclosure Code shall not be considered a campaign contribution as defined in this section.

D. The gross receipts of a fundraising activity on behalf of a candidate for elective office are considered to be campaign contributions, and all expenditures associated with such a fundraising activity are considered to be campaign expenditures. As used in this interpretation, the term "gross receipts" includes all monies and donations of any kind which are received as part of the fundraising activity.

E. The city clerk, upon being advised of the formation and existence of a special political committee, as defined in this article, shall furnish by mail to the chairman, moderator, or head, however designated, of such committee, and also the fundraising member thereof, however designated, if known, a copy of the Campaign Disclosure Code and campaign practices, and shall call attention to the requirements for reporting contributions and expenditures by the political committee as provided for in this section. Within ten days from receipt of the notification from the city, the political committee shall prepare and file with the office of the city clerk a statement, signed by the head of the committee or by the finance chairman thereof, setting forth the following:

1. The exact name of the committee;
2. Its official address and phone number, if available;
3. Its membership and officials thereof; and
4. Acknowledgment of receipt of a copy of the Campaign Disclosure Code and of the requirements regarding filing of reports.

2-16-140 Committee Statement.

It is recognized that an affirmative duty rests on the officials of such political committee to be aware of the provisions of the Campaign Disclosure Code, and, accordingly, such officials are enjoined to prepare and file the required statements without a request from the office of the city clerk. The city is excused from notifying the candidates or committees.

2-16-150 Campaign Funds.

Campaign funds shall be used and distributed as follows:

A. All contributions received shall be under the custody of the campaign treasurer or deputy campaign treasurer and shall be segregated from, and not be commingled with, the personal funds of an individual, group or political committee. Contributions shall be used exclusively to pay expenses incurred in furtherance of the candidate's campaign, and shall not be used for any other purpose, including:

1. The candidate's personal living expenses or compensation to the candidate;
2. A contribution to the campaign of another candidate or to a political party or political committee or to a campaign supporting or opposing a ballot proposition;
3. An expenditure supporting the election of another candidate or the passage or defeat of a ballot proposition; or
4. Any gift or transfer for which compensating value is not received, other than a donation or distribution permitted by this subsection at the conclusion of an election.

B. Any campaign contributions remaining unspent and any tangible assets with an estimated resale value greater than two hundred dollars (\$200.00) that were purchased with such contributions and remain in the possession of the campaign at the conclusion of an election shall be distributed for the following purposes:

1. Expenditures of the campaign;
2. Donations to the city's general fund or, in the case of tangible assets, to the city for its use or disposition in accordance with the city's procurement code. Proceeds from such disposition shall be deposited in the city's general fund;
3. Donations to charities; or
4. Disbursements to return unused funds to the contributors.

C. All unspent campaign contributions shall be distributed within six (6) months following a municipal election, for any of the purposes listed in this subsection 2-16-150. All candidates and political committees shall file reports listing the date, amount and recipient of each post-election expenditure, donation or disbursement made from campaign funds pursuant to this subsection 2-16-150. Such report shall be part of the final campaign finance statement that is required by subsection 2-16-130.

2-16-160 Campaign Treasurer; Deputy Campaign Treasurer; Duties.

A campaign treasurer, deputy campaign treasurer or political committee may invest funds deposited in the campaign account in an account of indebtedness of a financial institution up to the amount of federal deposit insurance; United States bonds or certificates of indebtedness or those of a federal agency; and/or bonds or warrants of the state or any municipal corporation of the state. All interest, dividends, and/or other income derived from the investment and the principal when repaid shall be deposited in the campaign account.

SECTION TWO. EFFECTIVE DATE. This Ordinance shall take effect five days after publication by title and general summary.

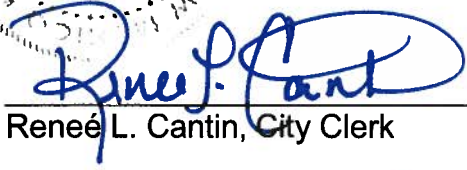
PASSED, APPROVED AND ADOPTED this 22nd day of April, 2014.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____

Susie Galea, Mayor

ATTEST:


Renee L. Cantin, City Clerk

APPROVED AS TO FORM:


Stephen P. Thies, City Attorney

First publication approval: 03/25/2014

First publication: 03/30/2014

Final publication approval: 04/22/2014

Final publication: 04/27/2014

Effective date: 05/02/2014

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
MARCH 25, 2014**

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

**ROBERT RENTSCHLER, MAYOR PRO-TEM
VACANT, DISTRICT 6 COMMISSIONER
JIM STAHL, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

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

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Invocation was given by Father Tom Arrowsmith-Lowe and the Pledge of Allegiance was led by Commissioner Turnbull.

APPROVAL OF AGENDA

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

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

PRESENTATIONS

1. Presentation on the Friends of Holloman Card. (*Colonel Bennett, Presenter*)

Colonel Bennett thanked the Commissioners for letting him present tonight. He said it looked like they had a full agenda so he would try to be brief. Friends of Holloman – what is it? It started probably eight months ago when Col. Croft said, 'I hate the fact that we're Fortress Holloman here. I wish we could let more people kind of on base, sort of like Ft. Bliss does.' They sort of have an open policy; you come in with your driver's license and get on Ft. Bliss. The Air Force isn't as lenient in its entry control requirements so, unfortunately, we can't do that, but he challenged me to kind of come up with a way to share a little bit of Holloman with our citizen neighbors. So, we developed this program. Effectively what it is, it allows people to get pre-vetted on Holloman. Everybody who comes out to Holloman gets vetted through background checks, whether you are a civilian worker or whether you are a contractor, to get out to Holloman we check police records kind of thing. A person who wants to become a Friend of Holloman, we do that pre-vetting so they can come on the base whenever they want with their card, an ID card sort of like what I have but a little bit different. It has a bar code on the back and their picture on front and it allows them to come on the base.

Now, why would you want to come on base, that's the other point, right? We are opening up three recreational facilities for citizens to come on and use on Holloman. The three facilities are the bowling alley, the golf course and the Holloman Club which is sort of like an eatery, a bit like a sports bar kind of theme that serves food and drinks. To be able to do this the Air Force has stringent requirements, it allows us to bring those on and allows citizens to use our facilities on an as-needed basis that doesn't interfere with military if we have excess capacity, and we do in those facilities. What we do is when you come on base you can go to the Visitors Center, you kind of fill out an information packet there with a map of the base showing where you are allowed to go. There is a contract that kind of says I'll be a good boy and I'll use these facilities kind of thing. You sign that, you do the background check, you get a card and then you are clear to come to these facilities like any other user. We have to charge a slightly different price by our rules to non-duty card holders. In many cases they are like maybe fifty cents higher or something, nominally higher. To be able to kick

fully developed, so there is science and facts to back up your opinion. That is true, that the human brain is not fully evolved until the age of 25 and it is not simply an opinion that 21 is more mature than 18. Police Chief Duncan thanked Mrs. Wade (who had brought him a document). He said that Albuquerque, Hobbs, Artesia, Santa Fe, Carlsbad, Espanola, Las Vegas and State Police are requiring their officers to be the age of 21.

(Someone said something in the background) Police Chief Duncan said, sir, that is a good question and said he does not have a maximum age. I attended an academy where there was a man that was 59 and he did graduate. In my department, I do have a man that is the age of 67 and he can hold his ground. Commissioner Hernandez said he is stationed here now, the man that was 59. Police Chief Duncan said yes, sir.

Mayor Pro-Tem Rentschler asked Fire Chief Ward the same question. Do you believe a firefighter needs to be 21 or can you use 18 year olds as a firefighter? Fire Chief Ward said 18 is an acceptable age for the fire service. Minimum certification age, application to the Fire Academy is 18 and they produce a lot of good firemen. Mayor Pro-Tem Rentschler said all they need to be able to do is charge into a burning building, huh? Fire Chief Ward said it is a lot more difficult than that. Mayor Pro-Tem Rentschler agreed and said with that question, he guessed the position of firefighter should be struck from that and we allow 18 year old firefighters. Is that what I understood you to say that 18 was acceptable? Fire Chief Ward said yes, sir. Commissioner Sikes, Commissioner Hernandez and Mayor Galea said that is what it says. Mayor Pro-Tem Rentschler affirmed.

Commissioner Hernandez said being that we are going to utilize volunteers, we have several volunteers within the County that are 15, 16, 17 years old and I'm not sure how qualified/certified they are, but most of them that I've worked with are top-notch. So I guess those guys are out? Fire Chief Ward said he actually started as a volunteer firefighter, a Jr. Firefighter at the age of 15; I'm very in favor of the Cadet programs. We would want to establish that program separately from this program and obviously bring that back to the Commission and City Manager.

Mayor Pro-Tem Rentschler moved to approve the first publication of Ordinance No. 1465 amending Section 3.050 of the Personnel Manual concerning Age Qualifications for Applicants. Commissioner Sikes seconded the motion. Motion carried with a vote of 5-1-0. Commissioner Hernandez voted nay.

12. Consider, and act upon, the first publication of Ordinance No. 1466 related to Municipal Election Campaign Disclosure. *(Stephen Thies, City Attorney and Nadia Sikes, Commissioner)*

Commissioner Sikes said as you are all aware we just went through a municipal election and one of the things that came up consistently, not only in the debates but also in conversation and I think surprising to a lot of people, was the fact we as a municipality are not required to have campaign reporting. One of the candidates, Paul Sanchez, really nailed that and kept hitting on it consistently, and I think raising our awareness to the fact that it's important for a number of reasons. Even though our state doesn't have any laws that govern campaign spending and reporting on a municipal level, I think that the conversations I've had with people include that we really should have it. The Municipal League locally supports it. I don't want a really onerous law, I don't want anything real restrictive, but I think it's really important that we avoid any idea of impropriety. That transparency is really important and I don't think it will keep people from contributing to elections. I don't think I'm indicting anybody here by trying to do this, I just simply think that at this time because we've gone to the Mayor-At-Large situation, that we need to be more conscious about what our elected officials are accepting, what we're doing with the money once accepted and who is contributing to what so we as a population can look to see how our electorate is behaving based on, potentially, who's been contributing to their elections. So, if you have an opportunity or you got on line and looked at the ordinance, it's very simple, it's very basic; the only thing that I've thought about since Mr. Thies put

the ordinance together is possibly additional reporting. The reporting that's in the ordinance isn't that strict but maybe if we had any ideas about additional reporting, that could be taken into consideration. I do believe that we talked about transparency, we may as well do something about it.

Commissioner Turnbull had a comment on the late filing penalty. She thought \$50.00 a day is excessive when she was reading through it. Mayor Galea asked what she would propose. Commissioner Turnbull said I only spent \$169.00 on my campaign so if I forgot to do this for some reason, that's three days I've gone through what I made, and I wouldn't be able to afford to pay it based on what I earn in my regular job. I think that's excessive. I also had a question about the treasurer. I think maybe you need a treasurer once you get to a certain point in your campaign, but like I said, I was under \$200.00. Do I really need to appoint a treasurer for that? That was my question. City Attorney Thies said the \$50.00 is, as I indicated in my agenda report, the campaign disclosure ordinance is modeled closely after the ordinance Las Cruces enacted with some additional provisions. The \$50.00 is taken from their ordinance; you can increase or decrease or eliminate it. As for the treasurer issue, the ordinance provides that a candidate can serve as his own treasurer and so it is not necessary to have someone appointed as a treasurer. Commissioner Turnbull said ok.

Mayor Galea asked Commissioner Turnbull if she would like to see that amount decreased and Commissioner Turnbull said I would like it decreased. Mayor Galea asked what amount would she find appropriate and Commissioner Turnbull said maybe \$20.00. I mean \$10.00 or \$20.00 is actually where I'm at. I'll say \$10.00, I'm going to go on the lower end. I don't make a lot of money. Mayor Galea asked if anyone on the Commission was opposed to a \$10.00 fine as opposed to a \$50.00 fine for a late filing. Commissioner Sikes said it would be \$10.00 per day and Commissioner Turnbull said \$10.00 per day is better than \$50.00 per day. Commissioner Sikes said we are very fortunate to live in a town like Alamogordo where our City Clerk would probably call you the morning after it was due and remind you that you need to turn it in. Secondly, you are not going to get your certificate of election until your reports are filed, so I think that you would be compelled the night you are getting sworn in to make sure your reports are done. The reporting isn't that difficult, you are simply listing out a name/address and an amount, and any candidate who takes in less than.....First of all, if you read the ordinance, any cash amount donated in \$25.00 increments or less doesn't even have to be reported. What we are looking at here is just trying to prevent large campaign donations that could possibly be construed as having some sort of impropriety. That's what we're trying to do here.

Mayor Pro-Tem Rentschler said looking this over and having just participated in a mayoral campaign, what I would say about this is first of all, I don't know that.... I mean we are here because of the position of mayor, that's why we are having this discussion today. I don't know that the position of commissioner, again didn't spend a lot of money doing that, and commissioners again if your neighbor, they may like you fine but they may think someone else would do a better job so they contribute to them. Well, you know, we live in a pretty small community and so my concern is that I would just as soon leave the Commissioners out of it. I think that maybe is the friendly thing to do and/or set a minimum. The other question you have to ask yourself is have you ever taken an anonymous contribution? Commissioner Sikes said she chose not to take any contributions whatsoever; she had such a tough race. Mayor Pro-Tem Rentschler said I can tell you that I received at least one envelop that had a couple of \$100 dollar bills in it. Now, what would the City do with that, do I put anonymous, what do I do with it? Can't give it back, don't know who it came from.

City Attorney Thies told him if it's more than \$25.00 that's all you have to indicate; you received anonymous donation of \$200.00 on whatever date, that's what your campaign disclosure would provide. One other point about this ordinance, it not only applies to candidates, it applies to committees who may form to oppose or support a candidate for a question that appears on the ballot. For example, we had two questions on our last ballot and if someone had formed a committee to oppose one of those questions or support it, they would be subject to this campaign disclosure requirement.

Mayor Pro-Tem Rentschler said that, again, I really believe the main reason we are here is because the race for Mayor is certainly something different than a race for Commissioner. I believe that I don't stand alone at that, that as commissioners you might take in \$2,000.00, whereas mayor your sights are significantly more than that. I don't know that we need to include all the commissioners in this.

Mayor Galea asked if anyone was opposed to removing 'commissioner' from the ordinance. Commissioner Sikes said she would be opposed to removing 'commissioner'. I do believe that any elected official should be willing to submit a report for any monetary contributions made. I just do believe we talked about transparency, we need to stop talking out of both sides of our mouths. Either we are transparent or we are not. To me it just doesn't seem like that.....the issue is black and white as far as I'm concerned, and why not. Just because we aren't taking a lot of money doesn't mean that those little bits of money could not be construed as having some sort of impropriety. We need to act a little more sophisticated.

Mayor Galea told Mayor Pro-Tem Rentschler if he would like to remove 'commission' from the language; because there is opposition he would have to make that motion. Otherwise, we will be able to change the total amount of the daily fine to be \$10.00. Mayor Pro-Tem Rentschler said he would like to hear the rest of the discussion.

Commissioner Baldwin said his question was for the City Manager. I don't necessarily have a dog in this hunt, but the administration of this falls to the City Clerk, correct? And how do you feel about this being a part of that. City Manager Stahle said it's very common to have reported criteria. I don't know of another state that doesn't have it. I come out of Arizona and all jurisdictions have disclosure requirements, and it's not that big of a burden. I agree with the Commissioner that the Clerk is going to make phone calls if we don't have the material, just as courtesy reminders. We try to make it as convenient for people to run as possible.

Commissioner Hernandez said he had a couple of comments. I don't so much have a problem with the \$25.00 minimum; the only problem with that is you can have a corporation or a business like a bank or the Chamber of Commerce who could, say I have \$1,000 I want to donate to this candidate but I don't want them to know that it's me, so they get 20 people to donate \$25.00 and equal \$500.00. It's unreportable and I don't know how to fix that because that could happen. I disagree with taking the commissioners off and only because in my race I had \$200.00 that I spent of my own money, and I know my opponents had from the looks of it, one had at least \$900.00 to \$1,000.00 and the other one had probably \$4,000.00 by his literature and signs he put up. He couldn't even pay his own rent or pay his water bill, so I know it wasn't his money.

Mayor Galea asked for a motion and reminded all to include in the motion that the daily fine is changed to \$10.00 per day.

Commissioner Hernandez moved to approve the first publication of Ordinance No. 1466 related to the Municipal Election Campaign Disclosure to include the change of a \$10.00 daily fine for late reporting. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 6-0-0.

- 13. Consider, and act upon, a request to fill the Reference Librarian position, to be assigned to the Alamogordo Public Library/Community Services Department. (Matt McNeile, Assistant City Manager)**

Assistant City Manager McNeile addressed the Commission saying that as the agenda report indicates, this is one of two reference librarians we have at our nice library, and this vacancy is due to the person who's in the job is moving. It is budgeted and we'd like permission to fill it.

Commissioner Hernandez moved to approve a request to fill the Reference Librarian position, to be assigned to the Alamogordo Public Library/Community Services Department. Commissioner Turnbull seconded the motion. Motion carried with a vote of 6-0-0.

from all around New Mexico. The booth was manned by the Mayor, Megan Wade, Jason Roberts, people from the Chamber of Commerce including Lenora and Laurie. They spoke with people for two days straight, non-stop. The reason I wanted to bring this up is when we decided to do this there were a few nay-sayers who said those people are running and don't care about stopping by a booth. Well, hello, I think they really did; they passed out pins, they passed out vacation guides, brochures, they visited with all those people and I want to thank you for the idea and congratulate you again for finishing the run, and thank the Staff for spending your weekend doing that. Excellent.

Mayor Galea commented on the following:

1) Mayor Galea said the Bataan was a wonderful experience and our Major General Bingham at the closing ceremonies acknowledged that the City of Alamogordo was a sponsor this year because we had a booth and she felt that was important. It was a fun event, also, and remembering our fallen and POW survivors of the Bataan. Former Commissioner and Mayor Pro-Tem Ed Cole also did the 26.2 miles and this is his eighth time at more than 70 years of age; he's proven he's still got it. Also, Senator Heinrich was there and Nate Cody, and it was a fun group photo; a lot of great opportunities for us to meet and have a memorial about the Bataan. She was grateful that Laurie and Lenora from OCEDC and the Chamber helped out and spent a lot of time there.

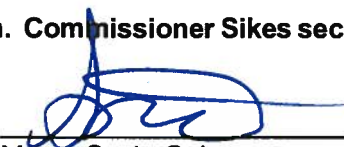
2) She had the opportunity to attend the New Mexico Museum of Space History (NMMSH) Foundation Board on March 20th and we talked about a Space Hall of Fame induction for the DCA. This is going to be a large event for the City of Alamogordo and a lot of people will be here the first week in October.

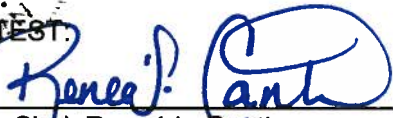
3) On March 18th she attended the groundbreaking for Albertson's and they are happy to work with members of the community and hopefully the Chamber in the future, as well. Hiring will begin the end of August and they hope to do a large community opening ribbon cutting in the middle of October.

4) She informed everyone and the Commission there were a number of proclamations that will be made in the month of April. So far we have on April 1st at the Senior Center at 10:00 a.m. – the 'Mayor's Day of Recognition for National Service'. We have a lot of senior volunteers we will be recognizing with that. April 15th will be 'Purple Up Day for Military Kids'. Everyone is encouraged to wear purple on April 15th for military children recognition. Also, April 18th will be our 'Senior Volunteer Day'. Proclamations and commendations are great ways to recognize organizations and people so if there is someone or an organization that you feel is needing recognition, please bring it to my attention and I'll be happy to work with our City Clerk Renee Cantin and Nancy who do such a wonderful job putting these together for me.

ADJOURNMENT

Commissioner Hernandez moved to adjourn at 10:05 p.m. Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.



Mayor Susie Galea


City Clerk Renee L. Cantin

(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on April 8, 2014.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/13/2019

Report Date: 8/5/2019

Report No: 8.

Submitted By: Debbie Osborne

Subject: Consider, and act upon, Resolution No. 2019-35 adopting an Infrastructure Capital Improvement Plan (ICIP) and identifying the top five (5) recommendations projects for Fiscal Years 2021-2025. (*Debbie Osborne, Grant Coordinator and Sue Ashe, Accountant*) **(Roll Call Vote Required)**

Fiscal Impact: N/A

Amount Budgeted: \$0.00

Fund: N/A

Additional Fiscal Impact:

Recommendation: Approve the Resolution.

Background: In January of each year the City provides our legislature with a prioritized list of Capital Improvement Projects for possible legislative funding.

As a result, the Office of the City Manager and staff initiated the annual ICIP process by requesting City departments to submit feasible projects for consideration. In addition, the City conducted a public meeting at the City of Alamogordo Library on July 31, 2019, at 5:300 p.m. for public input.

Thus, staff advises that the City Commission approve the ICIP project list as recommended and that the top five ICIP projects be presented for the January 2020 Legislative Capital Outlay Request for possible funding.

The top five (5) projects recommended by City staff are:

New Brush Truck - \$200,000 - Sponsored by Chief Jim LeClair

Computers for APD and AFD Vehicles - \$465,000 - Sponsored by Chief Brian Peete

Police Department Vehicles & Equipment - \$250,000 - Sponsored by Chief Brian Peete

Construct and Improve Restroom Facilities at Public Parks - \$300,000 - Sponsored by Veronica Ortega, Community Services Director

Civic Center Renovations - \$150,000 - Sponsored by Veronica Ortega, Community Services Director

**FY 2021 through FY 2025 LOCAL INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN
TOP 5 PROJECT SUMMARY (ICIP)**

Number	Department		Project Title	Category	Fund Sources	Funded to Date	2021	2022	2023	2024	2025	Project Grand Total
1	Alamogordo Fire Depart		New Brush Truck	Fire	CAPITAL OUTLAY NMFA LOAN LOCAL FUNDS	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ 200,000
2	Alamogordo Police Dept.		Computers for Alamogordo Police and Fire Vehicles	Public Safety Equipment/Bldgs	CAPITAL OUTLAY	\$ -	\$ 465,000	\$ -	\$ -	\$ -	\$ -	\$ 465,000
3	Alamogordo Police Dept.		Police Department Vehicles & Equipment	Public Safety Vehicles	CAPITAL OUTLAY	\$ 350,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 1,600,000
4	Community Services		Construct and Improve Restroom Facilities at Public Parks	Public Park	CAPITAL OUTLAY	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ 300,000
5	Community Services		Civic Center Renovations	Other	CAPITAL OUTLAY	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000
6	Community Services		Library North Patio Renovations	Library	CAPITAL OUTLAY LOCAL FUND	\$ -	\$ 279,738	\$ -	\$ -	\$ -	\$ -	\$ 279,738
7	Engineering		Facilities for ADA Compliance	Other	LOCAL FUNDS CAPITAL OUTLAY CDBG GRANT	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ 300,000
8	Alamogordo Fire Dept.		ARFF Truck for Fire Station #3	Fire	CAPITAL OUTLAY OTHER STATE GRANTS NMFA LOAN LOCAL FUNDS	\$ -	\$ 1,200,000	\$ -	\$ -	\$ -	\$ -	\$ 1,200,000
9	Alamogordo Fire Dept.		Construct New Fire Station for Whitesands Airport & Fire District 2	Fire	CAPITAL OUTLAY OTHER STATE GRANTS NMFA LOAN LOCAL FUNDS	\$ -	\$ 50,000	\$ 1,560,000	\$ -	\$ -	\$ -	\$ 1,610,000
10	Alamogordo Fire Depart		Construct New Fire Station #8 fir District 6 Mesa Village Area	Fire	CAPITAL OUTLAY NMFA LOAN	\$ -	\$ 160,000	\$ 3,800,000	\$ 721,200	\$ -	\$ -	\$ 4,681,200
11	Alamogordo Fire Dept.		Fire Station #7 Improvements	Fire	CAPITAL OUTLAY NMFA LOAN LOCAL FUNDS	\$ -	\$ 490,000	\$ 30,000	\$ -	\$ -	\$ -	\$ 520,000
12	Alamogordo Police Dept.		Motorola ApX Handheld Radios	Public Safety Equipment/Bldgs	CAPITAL OUTLAY STATE GRANTS FEDERAL GRANTS OTHER GRANTS	\$ -	\$ 162,500		\$ -	\$ -	\$ -	\$ 162,500
13	Alamogordo Police Dept.		Two (2) Automated License Plate Readers (ALPRs)	Public Safety Equipment/Bldgs	CAPITAL OUTLAY STATE GRANTS FEDERAL GRANTS OTHER GRANTS	\$ -	\$ 25,000		\$ -	\$ -	\$ -	\$ 25,000
14	Airport		Runway Strengthening & Design	Airports	CAPITAL OUTLAY FEDERAL GRANT	\$ -	\$ 8,000,000	\$ -	\$ -	\$ -	\$ -	\$ 8,000,000
15	Public Works		Snake Tank Transmission Line	Water Supply	LOCAL FUNDS LOCAL BOND NMED GRANT CAPITAL OUTLAY NMED LOAN	\$ 1,200,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000	\$ 11,200,000
16	Public Works		Hubbard Bridge Re- Construction	Highways/Roads/Streets/Bridges	DOT Grant Other State Grant		\$ 900,000					\$ 900,000

**FY 2021 through FY 2025 LOCAL INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN
TOP 5 PROJECT SUMMARY (ICIP)**

Number	Department		Project Title	Category	Fund Sources	Funded to Date	2021	2022	2023	2024	2025	Project Grand Total
17	Public Works		City Hall HVAC Replacement	Adm./Service Facilities (Local)	LOCAL FUNDS LOCAL BONDS	\$ -	\$ 100,000	\$ 100,000	\$ -	\$ -	\$ -	\$ 200,000
18	Public Works		Fresnal Canyon Pipeline Replacement, Diversion 5 to Snow Smith Springs	Water Supply	LOCAL FUNDS LOCAL BOND NMED GRANT CAPITAL OUTLAY NMED LOAN	\$ -	\$ 675,000	\$ -	\$ -	\$ -	\$ -	\$ 675,000
19	Public Works		Foothills Water Storage Rehab	Water Supply	Local Funds Local Bond NMED Grant Capital Outlay NMED Loan	\$ -	\$ 1,052,300	\$ -	\$ -	\$ -	\$ -	\$ 1,052,300
20	Public Works		Lower Alamo Water Storage Rehab	Water Supply	Local Funds Local Bond NMED Grant Capital Outlay NMED Loan	\$ -	\$ 810,600	\$ -	\$ -	\$ -	\$ -	\$ 810,600
21	Public Works		Ocotillo Water Storage Rehab	Water Supply	Local Funds Local Bond NMED Grant Capital Outlay NMED Loan	\$ -	\$ 56,800	\$ -	\$ -	\$ -	\$ -	\$ 56,800
22	Public Works		Griggs Field Park GSR	Wastewater	Local Funds Local Bond NMED Grant Capital Outlay NMED Loan	\$ -	\$ 897,317	\$ -	\$ -	\$ -	\$ -	\$ 897,317
23	Public Works		18th Street GSR	Wastewater	Local Funds Local Bond NMED Grant Capital Outlay NMED Loan	\$ -	\$ 1,491,516	\$ -	\$ -	\$ -	\$ -	\$ 1,491,516
24	Public Works		University Park GSR	Wastewater	Local Funds Local Bond NMED Grant Capital Outlay NMED Loan	\$ -	\$ 839,127	\$ -	\$ -	\$ -	\$ -	\$ 839,127
25	Public Works		La Luz Well #4 Rehab	Water Supply			\$ 1,052,300					\$ 1,052,300
26	Public Works		10th Street Reservoir Exterior	Water Supply	Local Funds Local Bond NMED Grant Capital Outlay NMED Loan	\$ -	\$ 208,600	\$ -	\$ -	\$ -	\$ -	\$ 208,600
27	Community Services		Senior Center Bus	Senior Facilities	ALTSD GRANT	\$ -	\$ 76,001	\$ -	\$ -	\$ -	\$ -	\$ 76,001
28	Community Services		Alamo Sr. Center Dishwasher	Senior Facilities	ALTSD Grant	\$ -	\$ 36,503	\$ -	\$ -	\$ -	\$ -	\$ 36,503
29	PHA		Replacement of Windows at Alta Vista & Plaza Hacienda	Housing-Related Cap Infra	FEDERAL GRANT	\$ -	\$ 827,000	\$ -	\$ -	\$ -	\$ -	\$ 827,000
30	PHA		Upgrade Housing Unit Plumbing at Plaza Hacienda	Housing Related Cap Infra	FEDERAL GRANT	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ -	\$ -	\$ 150,000
31	Airport		Renovation of Existing AWOS	Airports	FAA ENTITLEMENT FEES	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000
32	Airport		Runway 4-22 Lighting Rehabilitation	Airports	CAPITAL OUTLAY FEDERAL GRANT	\$ -	\$ -	\$ 945,000	\$ -	\$ -	\$ -	\$ 945,000
33	Community Services		Senior Center Parking Lot	Senior Facilities	ALTSD GRANT	\$ -	\$ -	\$ 373,727	\$ -	\$ -	\$ -	\$ 373,727

FY 2021 through FY 2025 LOCAL INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN
TOP 5 PROJECT SUMMARY (ICIP)

Number	Department		Project Title	Category	Fund Sources	Funded to Date	2021	2022	2023	2024	2025	Project Grand Total
34	PHA		Remove & Replace Sidewalks, Curbs & Gutters at Alta Vista	Housing-Related Cap Infra	FEDERAL GRANT	\$ -	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ 300,000
35	PHA		Replacement of Storm Doors at Alta Vista & Plaza Hacienda	Housing-Related Cap Infra	FEDERAL GRANT	\$ -	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ 25,000
36	PHA		Repair Spalling at Alta Vista	Housing-Related Cap Infra	FEDERAL GRANT	\$ -	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ 25,000
37	Airport		Expand Large Aircraft Parking & Taxiway Apron Construct	Airports	CAPITAL OUTLAY FEDERAL GRANT	\$ -	\$ -	\$ -	\$ 900,000	\$ -	\$ -	\$ 900,000
38	PHA		Upgrade HVAC Systems at Alta Vista	Housing-Related Cap Infra	FEDERAL GRANT	\$ -	\$ -	\$ -	\$ 300,000	\$ -	\$ -	\$ 300,000
39	PHA		Design & Remodel Kitchens at Plaza Hacienda	Housing-Related Cap Infra	FEDERAL GRANT	\$ -	\$ -	\$ -	\$ 300,000	\$ -	\$ -	\$ 300,000

RESOLUTION NO. 2019-35

A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) AND IDENTIFYING THE TOP FIVE (5) RECOMMENDED PROJECTS FOR FISCAL YEAR: 2021-2025

WHEREAS, the City of Alamogordo, New Mexico, a municipal corporation, recognizes the financing of public capital projects has become a major concern in the State of New Mexico, and nationally; and,

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and,

WHEREAS, this process contributes to local and regional efforts in project identification and selection to achieve necessary project development; and

WHEREAS, this process contributes to the local and regional efforts in project identification and selection in short and long-range capital planning efforts.

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Alamogordo, New Mexico:

Section 1. That the City of Alamogordo has adopted the attached infrastructure Capital Improvements Plan for FY20210-FY2025; and,

Section 2. That the City of Alamogordo has identified the top five (5) recommendations for Capital Outlay projects for the Infrastructure Capital Improvements Plan for FY20210-FY2025, and;

Section 3. That it is intended that the Plan be a working document and that it be the first of many steps towards improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.

PASSED APPROVED AND ADOPTED this _____ of _____ 2019.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

Richard A Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM;

Petria Bengoechea, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 8/13/2019

Report Date: 6/18/2019

Report No: 9.

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 Mayor's Committee on Aging.

Background: Airport Zoning Board. One (1) city vacancy. Staff Liaison - Cheryl Otero-Baker
No applications received.

Mayor's Committee on Aging. Three (3) vacancies. One (1) of these vacancies may be filled by a county resident. One (1) vacancy due to the expiring term of Allan Kuchinsky. Staff Liaison - Britney Courtier.
The following individual is interested in being reappointed:
Allan Kuchinsky - if reappointed, this will be his 2nd term.

Senior Volunteer Programs Advisory Council. Two (2) city vacancies. Staff Liaison - Neil McFarland.
No nominations received.

If anyone is interested in serving on a board or committee you may apply with the City Clerk's office.

RECEIVED

JUL 18 2019

CITY CLERK

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

Name: ALLAN W Kuchinsky
Home Phone: 575-557-6474 Work Phone: NA
Cell Phone: 3 Fax No: NA
E-mail address: Kuchinsky@yahoo.com
Physical Address: 500 SUNNYSIDE AVE
Is the above address within City limits? Yes ☒ No ☐
Mailing Address: 500 SUNNYSIDE AVE ALAMOGORDO NM 88310
Present Employer: NA Job Title: NA

Board/Committee you wish to serve on:

First choice: AGEING
Second choice: _____

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

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

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

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

Experience and education relating to the Board/Committee: _____

1 YR ON THE COMMITTEE

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

CAN HELP WITH A LOT OF IDEAS

Please return completed application to:

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