



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

December 15, 2020 - 6:00 PM

The Commission Meeting will be a VIRTUAL MEETING
with City Commission and City staff participating through video. The link is:
<https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live>

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

Brian Cesar 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 a 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 575-439-4100.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENT

Residents must submit comments to the City Clerk prior to 3 p.m. on the day of the Commission meeting. Comments will be distributed to the Commission and the City Manager and will be included in the public record.

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.

1. Approve the minutes for the December 1, 2020 Regular meeting. *(Rachel Hughs, City Clerk)*
2. Approve Resolution No. 2021-01 determining reasonable notice of meetings of the Alamogordo City Commission (Open Meetings Act). *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**
3. Approve the City Commission Regular Meeting Schedule for Calendar Year 2021. *(Rachel Hughs, City Clerk)*
4. Consider, and act upon, Case Z-2020-0001(A) for adoption and final publication of Ordinance 1620 amending the zoning map to change the zoning of property 2706 Stapp Ave. from MH2-Manufactured Housing Park to MH1- Manufactured Housing Subdivision. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
5. Consider, and act upon, Case Z-2020-0002(A) for adoption and final publication of Ordinance 1621 amending the zoning map to change the zoning of a subdivided section of property located at 1007 Eddy Dr. from M2- Industrial to C3-Business. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
6. Consider, and act upon, the State Grants-in-Aid award from the New Mexico State Library for local library support. *(Sharon Rowe, Library Manager)*
7. Consider, and act upon, Resolution 2020-44 relating to a rate increase of 1.12% effective January 1, 2021 for residential solid waste collection through Southwest Disposal. *(Mark Threadgill, Customer Service Manager)* **(Roll Call Vote Required)**
8. Consider, and act upon, Resolution 2020-45 requesting approval of the Resident Employee Occupancy Policy. *(Marissa Ruiz, Housing Authority Manager)* **(Roll Call Vote Required)**
9. Consider, and act upon, the grant award from the Paso del Norte Community Foundation to provide meals in Paso del Norte's New Mexico service area, which includes Otero County. *(Magdalena Morales, ASC Manager)*
10. Consider, and act upon, the award of RFP 2020-002 Management Services for Microsoft Active Directory Domain, Microsoft Exchange and Related Products to the high score qualified proposal, Bootheel IT Services. *(Evelyn Huff, Finance Director)*

ITEMS REMOVED FROM CONSENT AGENDA**NEW BUSINESS**

11. Consider, and act upon, Case Z-2020-0003(A) for first publication of Ordinance 1623 amending the zoning map to change the zoning of property located at 407 New York Ave. from R-3 Two Family Dwelling to R-4 Multiple Family Dwelling. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**

12. Consider, and act upon, Case Z-2020-0004(A) for first publication of Ordinance 1624 amending the zoning map to change the zoning of property located at 411 New York Ave. from C-3 Business to R-4 Multiple Family Dwelling. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**
13. Consider, and act upon, Case V-2020-0003(A), property owners are requesting a Variance allowing a five foot (5') rear setback to the property located at 407 New York Ave. (*Stella Rael, City Planner*)
14. Consider, and act upon, Ordinance 1622 for first publication amending Chapter 7 of the Alamogordo Code of Ordinances regarding Animals at Large. (*Richard Denton, Chief of Police*) **(Roll Call Vote Required)**

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 12/3/2020

Report No: 1.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the December 1, 2020 Regular meeting. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:00 P.M., VIRTUAL MEETING
December 1, 2020**

**RICHARD BOSS, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
DUSTY WRIGHT, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM
JASON BALDWIN, COMMISSIONER
BRIAN CESAR, 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 6:00 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Commissioner Payne and the Pledge of Allegiance was led by Commissioner Baldwin.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. He said they were notified that the ICIP (Infrastructure Capital Improvement Plan) requests would be accepted from the Counties and Municipalities. He said they need to have everything by the 10th.
2. He said the GRT (Gross Receipts Tax) report was sent out earlier today. The bottom line from that report is the City is down around \$670,000 from this time last year.
3. He said he sent out information about two weeks ago about a PRC (Public Regulation Commission) meeting concerning the Scenic Extension. He said he was under the impression that this was going to be the meeting that they would bless the Scenic Extension, but he was incorrect about that. He said the City has the Scenic Extension and the 8th Street closure, and that hearing was to take those two filings and put them into one. They voted on this and it was passed, and this started the 60-day public comment. The actual hearing for the PRC to decide on the project will come around mid-January.

Commissioner Payne asked if the City is starting to get money for online sales. Assistant City Manager Hernandez said the City gets approximately \$29,000 a month. She also said the City will be getting about \$60,000 a month for a year.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He said the City of Roswell passed a Resolution to open their City back up and he would like for staff to reach out to them to see how they did it.

City Attorney Bengoechea said she looked into it and the City of Roswell is just going to eat their fines. She also suggested having a future Executive Session for litigation the Commission is willing to take where their words cannot be used against them later in a court case.

City Manager Cesar said resolution was not opening up their entire City of Roswell, it was just opening up their City Offices.

Commissioner Payne made the following comments:

She said she does not disagree with Commissioner Rardin. She also said she is not as concerned to opening up City offices as she is opening up City businesses. She said the Resolution makes a statement, but they really need to focus on opening businesses back up in a legal and constructive way. The City does not have authority to tell the businesses to open back up.

Mayor Boss said they have already been down this road. The City has already spent around \$44,000 for a legal opinion to see if the City has any authority to open businesses back up.

Commissioner Rardin said if enough of the Counties and Municipalities do it, the Governor cannot retaliate against the entire State.

City Manager Cesar clarified if the Commission wants to have the Roswell item on Executive Session on the next meeting or not. Commissioner Rardin said if it is just to open City Hall up, then it is just a wasted effort. City Attorney Bengoechea said if they were to do what Roswell did, it would be for every City facility and that would be a whole different legal analysis for her versus small business.

Commissioner Rardin said they are kept in the dark. Normally when there is a natural disaster there is always information and there has not been any information other than the State saying that they are going to shut them down. Mayor Pro-Tem Sikes said that is not true, the Governor has been putting out directives almost on a daily basis. She said with 76 new cases today and 2 new deaths in Otero County, she does not think it is time to start talking about opening up anything in her opinion.

Commissioner Rardin asked if staff could email the Commission the Roswell resolution so they could read it and see if it has any type of merit to it. City Manager Cesar said they would get that email sent out and clarified that there will be no executive session for the next meeting.

CONSENT AGENDA

1. Approve the minutes for the November 17, 2020 Regular meeting. *(Rachel Hughs, City Clerk)*
2. Consider, and act upon, Aging and Long-term Services Department (ALTSD) State-wide emergency grant funding to be used solely for Senior Centers. *(Magdalena Morales, ASC Manager)*
3. Consider, and act upon, Resolution 2020-43 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of December 1, 2020 *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Commissioner Rardin moved to approve item 1, 2, 3 of the consent calendar.

Commissioner Wright seconded the motion.

Roll Call vote was taken.

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

Commissioner Payne moved to adjourn at 6:19 p.m.

Commissioner Rardin seconded the motion.

Motion carried with a vote of 7-0-0

ADJOURNMENT

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on December 15, 2020.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 11/25/2020

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve Resolution No. 2021-01 determining reasonable notice of meetings of the Alamogordo City Commission (Open Meetings Act). *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Resolution.

Background: The Open Meetings Act requires each public body to establish its notice provisions annually. This Resolution accomplishes that requirement. The final agenda for each regular meeting of the City Commission is to be posted seventy-two (72) hours prior to the meeting.

RESOLUTION NO. 2021-01

RESOLUTION DETERMINING REASONABLE NOTICE OF MEETINGS OF THE GOVERNING BODY OF ALAMOGORDO, NEW MEXICO (ALAMOGORDO CITY COMMISSION)

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

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

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

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

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

REGULAR MEETINGS: Notice shall be given at least ten (10) days in advance of any regular meeting.

SPECIAL MEETINGS: Notice shall be given at least three (3) days in advance of any special meeting.

EMERGENCY MEETINGS: Notice shall be given at least twenty-four (24) hours in advance of any meeting considering emergency matters involving a clear and present danger to the health, welfare, or safety of the citizens of the City of Alamogordo.

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

REGULAR MEETINGS: City Commission meetings shall start at 6:30 p.m. during Daylight savings time, March 14, 2021 through November 6, 2021 and shall start at 6:00 p.m. January 1, 2021 through March 13, 2021 and November 7, 2021 through December 31, 2021. Notices of the date, time, and place of such meeting shall be posted in at least two conspicuous places in or about the City Hall Building, Alamogordo, New Mexico, at least ten (10) days prior to the meeting, or by publication [as that term is defined in Section 3-1- 2(J) NMSA 1978 (As Amended)] of notice of date, time, and place of meeting at least ten (10) days prior to the meeting. An agenda containing a list of specific items of business to be discussed or transacted at the meeting, or information about how an agenda may be obtained, shall be posted in at least two conspicuous places in or about the City Hall Building, Alamogordo, New Mexico, at least seventy-two (72) hours prior to the meeting. Proof of notice shall be accomplished by executing and filing in the official minutes of the Commission, a certificate by the Municipal Clerk attesting to posting in compliance herewith or by the publisher of the publishing newspaper attesting to publication in compliance herewith. Notice shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that submit a written request for such notice.

SPECIAL AND EMERGENCY MEETINGS: Notices of the date, time, and place of the meeting shall be posted in at least two conspicuous places in or about the City Hall Building, Alamogordo, New Mexico, at least three (3) days prior to the meeting for a Special Meeting, and at least twenty-four (24) hours prior to the meeting for an Emergency Meeting. Proof of notice shall be accomplished by executing and filing in the official minutes of the

Commission, a certificate by the Municipal Clerk attesting to posting in compliance herewith. Notice shall be provided to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that submit a written request for such notice.

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

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2020.

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 Bengoechea, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 12/8/2020

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the City Commission Regular Meeting Schedule for Calendar Year 2021. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Schedule for Calendar Year 2021.

Background: Every year the City Commission approves its commission meeting schedule and deadline for the upcoming year. A notice of the meeting dates will be published in the Alamogordo Daily Newspaper. The notice will also be posted at City Hall and on the City's web page and remain posted until after the last meeting in December of 2021.

NOTE: The commission meetings in November will be held the second and fifth Tuesday.

2021

City of Alamogordo

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CITY OF ALAMOGORDO CITY COMMISSION REGULAR MEETING SCHEDULE FOR 2021

The Governing Body (City Commission) of the City of Alamogordo, New Mexico, will meet in regular session the second and fourth Tuesday of every month; however, in November the meetings will be the second Tuesday and the fifth Tuesday. Meetings will begin at 6:00 p.m., January 1 - March 13, 2020; 6:30 p.m., March 14 – November 6, 2021; 6:00 p.m., November 7 - December 31, 2021. The meetings will be held by virtual means using Zoom and will be livestreamed <https://www.youtube.com/channel/UCTTgU3xsQBqlyRaME7TaYrQ/live> until further notice. When virtual meetings are no longer required, the meetings will be held in the City Commission Chambers at City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico.

Deadline for placing Items and attachments on the Agenda (by 12:00 p.m.)	Date Agenda available (5:00 p.m.)	Regular Meeting Date and Time
January 5	January 8	January 12 (6:00 p.m.)
January 19	January 22	January 26 (6:00 p.m.)
February 2	February 5	February 9 (6:00 p.m.)
February 16	February 19	February 23 (6:00 p.m.)
March 2	March 5	March 9 (6:00 p.m.)
March 16	March 19	March 23 (6:30 p.m.)
April 6	April 9	April 13 (6:30 p.m.)
April 20	April 23	April 27 (6:30 p.m.)
May 4	May 7	May 11 (6:30 p.m.)
May 18	May 21	May 25 (6:30 p.m.)
June 1	June 4	June 8 (6:30 p.m.)
June 15	June 18	June 22 (6:30 p.m.)
July 6	July 9	July 13 (6:30 p.m.)
July 20	July 23	July 27 (6:30 p.m.)
August 3	August 6	August 10 (6:30 p.m.)
August 17	August 20	August 24 (6:30 p.m.)
September 7	September 10	September 14 (6:30 p.m.)
September 21	September 24	September 28 (6:30 p.m.)
October 5	October 8	October 12 (6:30 p.m.)
October 19	October 22	October 26 (6:30 p.m.)
November 2	October 5	November 9 (6:00 p.m.)
November 16	November 19	November 30 (6:00 p.m.)
November 7	December 10	December 14 (6:00 p.m.)
December 21	December 23	December 28 (6:00 p.m.)

PASSED, APPROVED AND ADOPTED THIS 15th DAY OF DECEMBER 2020.

Rachel Hughs, City Clerk

Richard Boss, Mayor

NOTICE OF PUBLIC MEETINGS 2021

In accordance with Section 10-15-1, NMSA 1978 (as amended), notice is hereby given that the Governing Body (City Commission) of the City of Alamogordo, New Mexico, will meet in regular session the second and fourth Tuesday of every month; however, in November the meetings will be the second Tuesday and the fifth Tuesday unless otherwise specified. Meetings will begin at 6:00 p.m., January 1 - March 13, 2020; 6:30 p.m., March 14 – November 6, 2021; 6:00 p.m., November 7 - December 31, 2021. The meetings will be held by virtual means using Zoom and will be livestreamed <https://www.youtube.com/channel/UCTTqU3xsQBglyRaME7TaYrQ/live> until further notice. When virtual meetings are no longer required, the meetings will be held in the City Commission Chambers at City Hall located at 1376 E. Ninth Street, Alamogordo, New Mexico. Listed below are the Regular Meetings scheduled for 2021:

January 12 (6:00 p.m.)	January 26 (6:00 p.m.)
February 9 (6:00 p.m.)	February 23 (6:00 p.m.)
March 9 (6:00 p.m.)	March 23 (6:30 p.m.)
April 13 (6:30 p.m.)	April 27 (6:30 p.m.)
May 11 (6:30 p.m.)	May 25 (6:30 p.m.)
June 8 (6:30 p.m.)	June 22 (6:30 p.m.)
July 13 (6:30 p.m.)	July 27 (6:30 p.m.)
August 10 (6:30 p.m.)	August 24 (6:30 p.m.)
September 14 (6:30 p.m.)	September 28 (6:30 p.m.)
October 12 (6:30 p.m.)	October 26 (6:30 p.m.)
November 9 (6:00 p.m.)	November 30 (6:00 p.m.)
December 14 (6:00 p.m.)	December 28 (6:00 p.m.)

An Agenda for each meeting is available from the City Clerk's Office seventy-two (72) hours prior to the meeting date. *NOTE: 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 575-439-4100.*

I hereby certify that this notice was posted on the bulletin board (or on the door during virtual meetings) located in the east/west lobby of City Hall and in the glass case located outside City Hall, 1376 E. Ninth Street, Alamogordo, New Mexico. The notice was posted in December of 2020 and will remain posted until after the last meeting in December 2021. A notice of the meeting dates will be published in the Legal Section of the Alamogordo Daily News. The same notice will also be posted on the City's web page (<http://ci.alamogordo.nm.us>) in December of 2020 and will remain posted through the end of 2021.

Rachel Hughs, City Clerk

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 11/25/2020

Report No: 4.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case Z-2020-0001(A) for adoption and final publication of Ordinance 1620 amending the zoning map to change the zoning of property 2706 Stapp Ave. from MH2-Manufactured Housing Park to MH1- Manufactured Housing Subdivision. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve adoption and final publication.

Background: During the regular Commission meeting of November 17, 2020, Commission passed Ordinance 1620 for first publication with a vote of 7-0.

Information from November 17, 2020:

Clay Carpenter is requesting that the city amend the zoning map to change the zoning of property located at 2706 Stapp Ave. from MH2-Manufactured Housing Park to MH1- Manufactured Housing Subdivision. The property owner intends to subdivide the parcel into ten (60x150) individual lots.



City of Alamogordo

City Commission



Z-2020-0001(A)

Stella Rael, City Planner
November 17, 2020

Zoning Request Case: Z-2020-0001(A)

Request:

The applicant is requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 2706 Stapp Ave. (2.08 acres) from MH-2 Manufactured Housing Park District to MH-1 Manufactured Housing Subdivision. If approved property owner is proposing to divide parcel into ten (60x150) lots to sale as individual lots.

Applicant:

Clay Carpenter

48 Dusty Lane

Tularosa, NM 88352

Z-2020-0001 (A) SURROUNDING ZONING

3

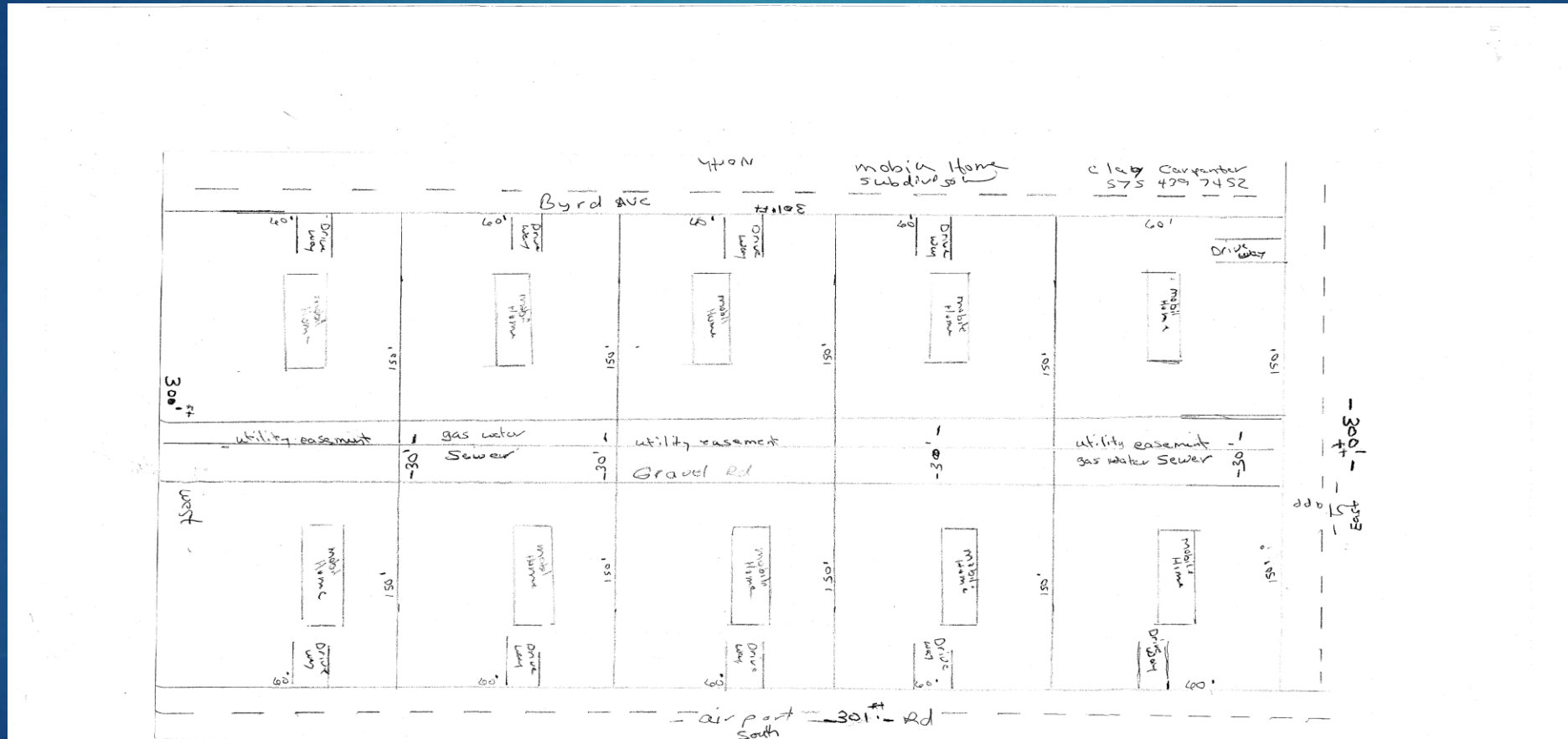


2706 Stapp Avenue

Z-2020-0001 (A)

Proposed Site Plan

4



Zoning Request Case: Z-2020-0001(A)

5

Findings of Fact

- ▶ 1. The property is located at 2706 Stapp Ave. within the Manufactured Housing Park District.
- ▶ 2. The application was filed on October 2, 2020
- ▶ 3. The legal notice was published on October 11, 2020
- ▶ 4. Fifteen(15) letters were mailed by certified/return receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the rezoning is sought.
- ▶ 5. As of November 9, 2020 there has been one (1) letter returned undeliverable and I have received one (1) letter of opposition
- ▶ 6. This item was presented to the Planning and Zoning Board for recommendation to City Commission on November 5, 2020.
- ▶ 7. Planning and Zoning Board recommended approval by a vote of 4-0-0.

Zoning Request Case: Z-2020-0001(A) 6

Staff Recommends:

To accept the finding of facts as presented and approve Zone Request Case: Z-2020-0001(A).

ORDINANCE No. 1620

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 2706 STAPP AVE. FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT MH-2 MANUFACTURED HOUSING PARK DISTRICT TO MH-1 MANUFACTURED HOUSING SUBDIVISION, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Clay Carpenter (hereinafter referred to as "the Owners") is the owner of certain real property commonly known as 2706 Stapp Ave. and legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

WHEREAS, an application has been filed in the Owner's names under Case No. **Z-2020-0001(A)** to change the zoning of the Property, and

WHEREAS, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the present designation and zoning district of MH-2, Manufactured Housing Park District to MH-1, Manufactured Housing Subdivision District; and

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

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

AIRPORT BLOCKS #1 LOT: E1/2 BLOCK: 24

Is hereby changed from MH-2, Manufactured Housing Park District to MH-1, Manufactured Housing Subdivision District; and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020

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

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2020-0001(A)**

For the Subject Property as follows:

Commonly Known As: **2706 Stapp Ave.**

Uniform Property Code & Parcel Code: **01N4053098450249**

Legal Description: **AIRPORT BLOCKS #1 Lot: E1/2 Block: 24**

The Alamogordo Planning & Zoning Commission considered this item on **November 5, 2020** and recommended the following action to the Alamogordo City Commission by a vote of **4-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2020-0001(A)**.

.....
The Alamogordo City Commission issued the following decision on **November 17, 2020** by a vote of _____

Approve as recommended for first publication Ordinance # 1620

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

Approve as recommended for final publication Ordinance #1620 .

Attest:

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

Rachel Hughs, City Clerk

Richard Boss, Mayor

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 11/25/2020

Report No: 5.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case Z-2020-0002(A) for adoption and final publication of Ordinance 1621 amending the zoning map to change the zoning of a subdivided section of property located at 1007 Eddy Dr. from M2- Industrial to C3-Business. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for adoption and final publication

Background: During the regular Commission meeting of November 17, 2020, Commission passed Ordinance 1621 for first publication with a vote of 7-0.

Information from November 17, 2020:

Kathleen Hodgkinson and Patrick Casem are requesting that the city amend the zoning map to change the zoning of a subdivided section of property located at 1007 Eddy Dr. from M2- Industrial to C3-Business. The subdividing of one parcel into two parcels is contingent on the approval of this map amendment. The property currently has an active sheet metal business which will remain within the M2-Industrial District parcel once subdivided.



City of Alamogordo

City Commission



Z-2020-0002(A)

Stella Rael, City Planner
November 17, 2020

Zoning Request Case: Z-2020-0002(A)

Request:

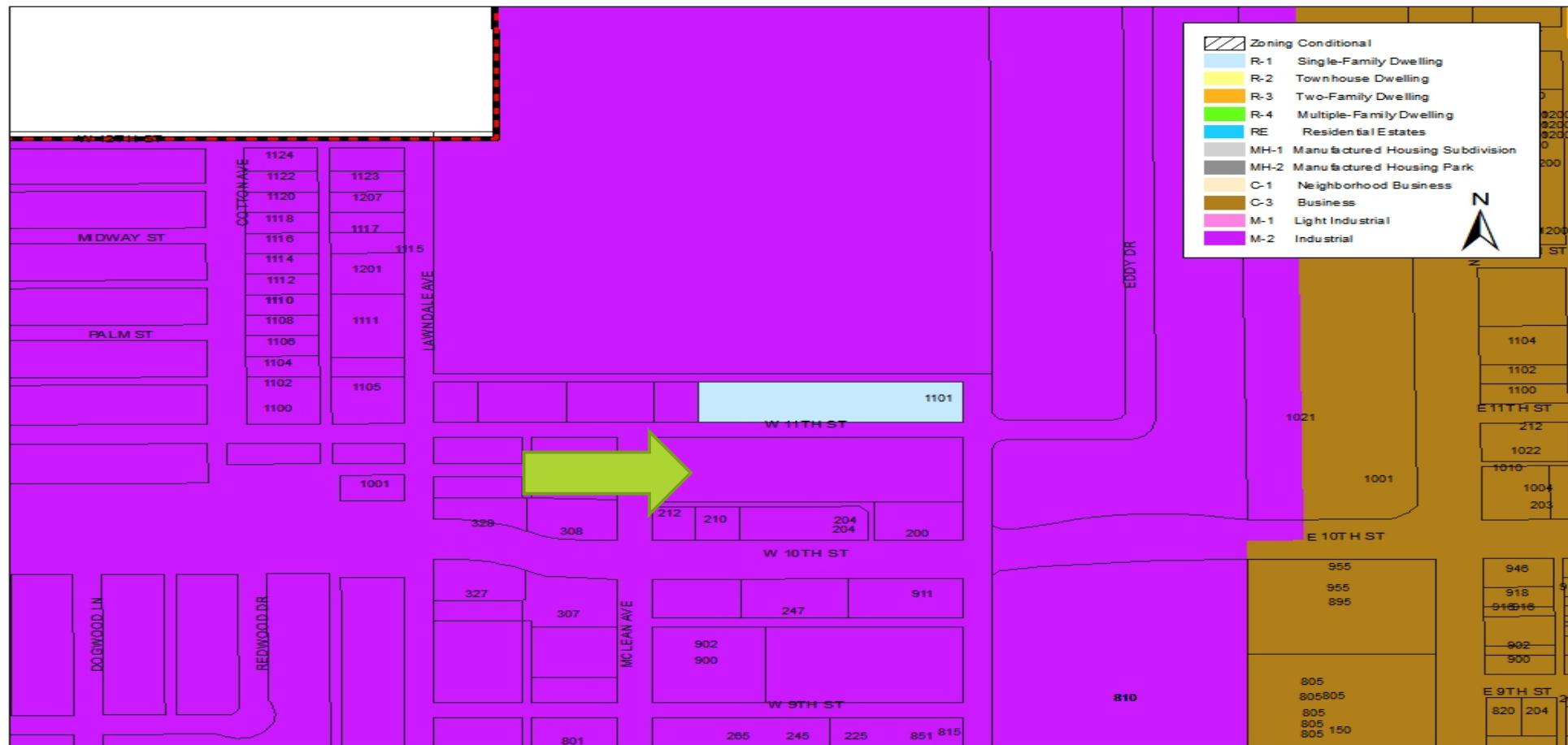
The applicant is requesting a map amendment to the official zoning map of the City of Alamogordo to rezone a portion of the partial that will be subdivided contingent on the approval of this request. The request to rezone the property located at 1007 Eddy Dr. from its current zoning of M-2 Industrial Zoning District to C-3 Business Zoning District.

Applicant:

Kathleen Hodgkinson & Patrick Casem
1007 Eddy Drive
Alamogordo, NM 88310

Z-2020-0002(A) SURROUNDING ZONING

3



Zoning Request Case: Z-2020-0002(A)

4

Findings of Fact

- ▶1. The property is located at 1007 Eddy Dr. within the M-2 Industrial Zoning District.
- ▶2. The application was filed on October 5, 2020
- ▶3. The legal notice was published on October 11, 2020
- ▶4. Thirteen(13) letters were mailed by certified/return receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the rezoning is sought.
- ▶5. As of November 9, 2020 there has been one (1) letter returned undeliverable and there have been no letters of opposition.
- ▶6. This item was presented to the Planning and Zoning Board for recommendation to City Commission on November 5, 2020.
- ▶7. Planning and Zoning Board recommended approval by a vote of 4-0-0.

Zoning Request Case: Z-2020-0002(A) 5

Staff Recommends:

To accept the finding of facts as presented and approve Zone Request Case: Z-2020-0002(A).

ORDINANCE No. 1621

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 1007 EDDY DR. FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT M-2 INDUSTRIAL DISTRICT TO C-3 BUSINESS DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Kathleen K. Hodgkinson and Patrick Casem (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 1007 Eddy Dr. and legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

WHEREAS, an application has been filed in the Owner's names under Case No. **Z-2020-0002(A)** to change the zoning of the Property, and

WHEREAS, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the present designation and zoning district of M-2 Industrial District to C3-Business District ; and

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

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

S: 25 T: 16 R: 9 TR IN SE1/4NE1/4

Is hereby changed from M-2 Industrial District to C-3, Business District; and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020

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

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2020-0002(A)**

For the Subject Property as follows:

Commonly Known As: **1007 Eddy Dr.**

Uniform Property Code & Parcel Code: **01N4054095497095**

Legal Description: **S: 25 T: 16 R: 9 TR IN SE1/4NE1/4**

The Alamogordo Planning & Zoning Commission considered this item on **November 5, 2020** and recommended the following action to the Alamogordo City Commission by a vote of **4-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2020-0002(A)**.

.....
The Alamogordo City Commission issued the following decision on **November 17, 2020** by a vote of _____

Approve as recommended for first publication Ordinance # 1621

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

Approve as recommended for final publication Ordinance #1621 .

Attest:

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

Rachel Hughs, City Clerk

Richard Boss, Mayor

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 11/25/2020

Report No: 6.

Submitted By: Sharon Rowe

Subject: Consider, and act upon, the State Grants-in-Aid award from the New Mexico State Library for local library support. (*Sharon Rowe, Library Manager*)

Fiscal Impact:

Amount Budgeted: \$7,000.00

Fund: 032-7101-317.16-01

Additional Fiscal Impact: \$1,144.16

Recommendation:

Background: The New Mexico State Library has awarded the Alamogordo Public Library funds in the amount of \$8,144.66. This supplemental money will be used to purchase books, periodicals, databases and audios, or for general library operational support.

FY 2021 State Grants-in-Aid Checklist and Instructions

Attached to this email	What to do with it
Grant Allocation Notification	- Double check that all information is correct - Keep it & keep it handy
FY21 State Aid Grant Agreement	- Have authorized agent who has authority to enter into a legal contract with the State of New Mexico electronically sign FY21 Grant Agreement via DocuSign - <i>Electronically signed</i> grant agreements must be signed via DocuSign by <i>January 22, 2021</i>
4.5.2 NMAC <i>Revised June 1, 2016</i>	- <i>KEEP</i> it & keep it handy - Ensure compliance with all requirements this year, to remain eligible for funding in FY22
State Grants-in-Aid Expenditures Guidance Sheet	- <i>KEEP</i> it & keep it handy - Refer to this document for how state aid funds can be spent – note that it is not an exhaustive list; contact us with any questions - Provide financial officer with a copy of guidance sheet
State Aid Funds Tracking Sheet – See NMSL Website	- See the NMSL website for a simple spreadsheet for keeping track of FY21 state aid expenditures. http://www.nmstatelibrary.org/services-for-nm-libraries/funding-libraries - Use current version and/or make updates to fit your needs

What Happens Next?

1. The State Librarian will electronically sign the grant agreement and a copy will be sent via email to the library director.
2. Once the grant agreement is fully executed, request for payment will be made.
3. The library's financial agent will receive a check or ACH payment.
4. Spend ***ALL*** funds in compliance with 4.5.2 NMAC by ***June 30, 2021***.

Contact me with any questions / Carmelita.Aragon@state.nm.us

**New Mexico State Library
1209 Camino Carlos Rey
Santa Fe, NM 87507**

FY2021 STATE GRANTS-IN-AID ALLOCATION NOTIFICATION

1.	Recipient Name:	Alamogordo Public Library
2.	Remit to Name and Address:	Alamogordo Public Library 920 Oregon Ave Alamogordo, NM 88310
3.	State of NM Vendor #:	54303
4.	Project Title and Legal and Fiscal Data:	State Grants-in-Aid to Public Library Statute/Administrative Code NMSA 1978 Section 18-2-4 B, 4.5.2 NMAC
5.	State Library Contact:	Carmelita Aragon New Mexico State Library Carmelita.Aragon@state.nm.us
6.	Source of Funding:	<i>State of N.M. Legislature – General Appropriation Act of 2021</i>
7.	Grant Type and Amount Received:	Library Type Grant: Public Library Total First Half Grant Amount: \$ 4,072.33
8.	Allocation Period:	Fiscal Year 2021 <u>ALL STATE AID FUNDS MUST BE SPENT BY JUNE 30, 2021.</u>
9.	Terms and Conditions of Allocation:	The state aid program is intended to supplement and encourage local effort in providing local library service. <i>State Aid Funds may be used for:</i> 1) <i>library collections;</i> 2) <i>library staff salaries;</i> 3) <i>library staff professional development;</i> 4) <i>library equipment; or</i> 5) <i>other operational expenditures associated with delivery of library services.</i> Libraries must report how all funds were spent in the FY2021 Annual Report. A library's local budget shall not be reduced by its governing body as a result of eligibility for the state aid program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.
10.	Date:	11/23/2020

State Grants-in-Aid to Public Libraries Agreement
For FY2021

This Agreement is entered into on the date of last signature, below, by and between the **New Mexico State Library**, hereinafter called **NMSL**, and **Alamogordo Public Library** located in **Alamogordo, NM**, hereinafter called the Recipient.

WHEREAS, the State Librarian, the division director of NMSL, is required to administer grants-in-aid and encourage local library service and generally promote an effective statewide library system under NMSA 1978, Section 18-2-4;

WHEREAS, Section 18-2-4 also requires the State Librarian to make rules and regulations necessary to administer NMSL and the State Librarian adopted such rules for distributing state grants-in-aid to public libraries, codified as 4.5.2 NMAC; and

WHEREAS, NMSL has determined that Recipient qualifies for a state grant-in-aid under 4.5.2 NMAC.

THEREFORE, the Parties agree to the following terms and conditions:

I. NMSL agrees to pay the Recipient a grant in an amount not to exceed

Four Thousand Seventy Two Dollars and Thirty Three Cents

(\$ 4,072.33)

to support Recipient's library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of *library services* as defined in Section 4.5.2.7(B) NMAC.

II. The Recipient agrees to:

1. Use the grant only for library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of *library services*, as those services are defined in 4.5.2.7(B) NMAC;
2. Continue to comply with 4.5.2 NMAC and other statutes and rules applicable to developing libraries or public libraries;
3. Engage in good communication and the exchange of information with NMSL regarding library activities and the grant's use;
4. Expend the grant according to the rules outlined in 4.5.2 NMAC, attached hereto as Attachment A;
5. No later than August 10, 2021, provide NMSL with a report on how the grant was spent as part of the Recipient's annual report for the fiscal year; and
6. Sign and return this Agreement to NMSL within 60 days from receipt of the Agreement, which shall be calculated from the date of postmark or electronic postmark. **If Recipient does not submit this Agreement within the required time period, Recipient forfeits the grant award.**

III. The Laws of New Mexico shall govern this Agreement.

IV. If the parties dispute the terms of this Agreement, the Recipient and NMSL hereby agree to and consent to New Mexico state court jurisdiction to decide the dispute.

V. Termination for Lack of Appropriations. The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, this Agreement shall terminate immediately upon written notice being given by NMSL to the Recipient. NMSL's decision as to whether sufficient appropriations are available shall be accepted by the Recipient and shall be final.

The Recipient by its signature certifies that the Recipient will use the grant money only for the uses specified in this Agreement and will comply with all other applicable requirements of this Agreement.

Signed: _____ **Date:** _____

By (name and official title): _____ Authorized Agent of Recipient

I am the authorized agent who has authority to enter into a legal contract with the State of New Mexico

Signed: _____ **Date:** _____

By: Eli Guinnee, New Mexico State Librarian

Administrative code is subject to change. Please always check for the most up-to-date version online.

STATE AID FOR PUBLIC LIBRARIES

TITLE 4 CULTURAL RESOURCES
CHAPTER 5 STATE LIBRARY
PART 2 STATE GRANTS IN AID TO PUBLIC LIBRARIES

4.5.2.1 ISSUING AGENCY: Department of Cultural Affairs, New Mexico State Library Division.
 [4.5.2.1 NMAC - Rp, 4.5.2.1 NMAC, 6/1/2016]

4.5.2.2 SCOPE: Public libraries and developing public libraries.
 [4.5.2.2 NMAC - Rp, 4.5.2.2 NMAC, 6/1/2016]

4.5.2.3 STATUTORY AUTHORITY: Subsection I of Section 18-2-4 NMSA 1978 directs the state librarian to make rules and regulations necessary to administer the division and as provided by law. Subsection B of Section 18-2-4 NMSA 1978 directs the state librarian to administer grants-in-aid and encourage local library services and generally promote an effective statewide library system.
 [4.5.2.3 NMAC - Rp, 4.5.2.3 NMAC, 6/1/2016]

4.5.2.4 DURATION: Permanent.
 [4.5.2.4 NMAC - Rp, 4.5.2.4 NMAC, 6/1/2016]

4.5.2.5 EFFECTIVE DATE: June 1, 2016 unless a later date is cited at the end of a section.
 [4.5.2.5 NMAC - Rp, 4.5.2.5 NMAC, 6/1/2016]

4.5.2.6 OBJECTIVE: The objective of this rule is to describe the state grants in aid to public libraries program (hereinafter “the state aid program”) and to establish criteria for reviewing and awarding the grants. The purpose of the state aid program is to provide financial assistance that encourages and supports public library service by public libraries and developing public libraries. The state aid program is intended to supplement and encourage local effort in providing local library service. The state aid program consists of developing library grants and public library grants that may be used for: library collections; library staff salaries; library staff professional development; library equipment; or other operational expenditures associated with delivery of library services.
 [4.5.2.6 NMAC - Rp, 4.5.2.6 NMAC, 6/1/2016]

4.5.2.7 DEFINITIONS:

- A. “Annual report”** means a report sent once a year from a public library or developing library to the state library. An annual report shall at least accomplish the following tasks:
- (1) provide information in the time, manner, and form prescribed by the state library;
 - (2) describe prior fiscal year’s activities, including income, expenditures, statistics on collections and services, and compliance with state aid program criteria;
 - (3) be certified by the library as to the accuracy, completeness, and truthfulness of the information provided; and
 - (4) be approved by and on file at the state library.
- B. “Basic library services”** means free services provided in a library’s legal service area, including library collections with circulating materials; reference services; a catalog of library holdings accessible by the public; educational programs; interlibrary loan services; public access computers connected to the internet; and internet connectivity for patrons and staff. Basic library service may include any technology or service that relates to the access to information for patron use.
- C. “Bookmobile”** means a mobile branch that offers basic library services with the exception of computers and internet connectivity.
- D. “Branch”** means an auxiliary service administered by a public or developing library that provides the following public services:
- (1) separate quarters from the main library;
 - (2) a permanent library collection and reference services;
 - (3) offers basic library services;
 - (4) staff present during open hours; and

(5) at least 20 hours of public access to physical quarters per week on an annual basis.

E. “Circulating materials” means items from library collections that are checked out by patrons for use outside of the library.

F. “Collection development policy” means guidelines used by library staff for making decisions about the budget for and selection, management, and preservation of library collections.

G. “Community analysis and needs assessment” means an evaluation of a library’s legal service area, its current and future needs, and the library’s role in meeting those needs.

H. “Developing library” means a New Mexico organization that has initiated and is progressively implementing basic library services within its legal service area.

(1) A developing library is established through one of the following mechanisms:

- (a) through an ordinance or legal resolution of a subdivision of state government;
- (b) by a contract between a private entity and a subdivision of state government;
- (c) by an Indian nation; or
- (d) as a non-profit corporation.

(2) A developing library provides the following public services:

- (a) staff present during open hours;
- (b) at least 15 hours of public access to physical quarters per week on an annual basis;
- (c) at least two days of public access to physical quarters per week on an annual basis; and
- (d) hours of operation posted on or near the library.

I. “Fiscal year” means July 1 through June 30.

J. “Legal service area” means the geographic area for which a library has been established to offer services and from which, or on behalf of which, the library derives income. The legal service area may be defined by a written agreement with a political subdivision of the state for which the library is the primary service provider. The most recent United States or tribal census determines the population of the legal service area if the population figures are given separately for that area. If the census does not report a discrete population figure for the legal service area, then the state library in its sole discretion shall determine the population for the library’s legal service area.

K. “Library board” means an administrative or advisory group comprised of representative members of the library’s community.

L. “Library collections” means library items for public use. Library collections may include such items as books, videos, sound recordings, licensed databases, and equipment. A portion of the collections must be circulating materials.

M. “Library equipment” means equipment associated with the delivery of library services.

N. “Library staff” means salaried employees or volunteers whose time is regularly dedicated to delivery of library services.

O. “Matching funds” means the amount expended in a fiscal year for library collections from any source other than the state. Sources for matching funds may include municipal funds, county funds, tribal funds, or money acquired through donations, fund-raising, or grants. In-kind contributions are not matching funds. Matching funds do not include funds used for operating costs, administrative costs, or regular staff salaries.

P. “Public library” means a New Mexico organization that offers basic library services within its legal service area.

(1) A public library is established through one of the following mechanisms:

- (a) through an ordinance or legal resolution adopted by a subdivision of state government;
- (b) by a contract between a private entity and a subdivision of state government;
- (c) by an Indian nation; or
- (d) as a non-profit corporation.

(2) A public library provides the following public services:

- (a) staff dedicated to the library
- (b) year-round public access to the physical location at least 25 hours per week;
- (c) at least two days of public access to physical quarters per week on an annual basis; and
- (d) hours of operation posted on or near the library.

Q. “Reference services” means the provision of library staff to answer reference questions during all the hours the library is open.

R. “Strategic plan” means a detailed program to ensure that library services meet the current and future needs of the library’s legal service area. The strategic plan shall include a vision and mission statement as well as goals and objectives, and it shall cover a period of at least the next three years and not exceed five years.

[4.5.2.7 NMAC - Rp, 4.5.2.7 NMAC, 6/1/2016]

4.5.2.8 DEVELOPING LIBRARY GRANT:

A. Purpose: To supplement an eligible developing library's budget for up to five years until it meets the minimum requirements for a public library grant.

B. Description: The developing library grant funds shall be used for library collections, library staff salaries, library staff training, library equipment, or other operational expenditures associated with delivery of basic library services.

C. Criteria for reviewing and awarding developing library grants: The state library shall award developing library grants to developing libraries that meet or exceed the following criteria.

- (1) timely submission of an annual report with the state library;
 - (2) receipt of no more than five, consecutive, awards of developing library grants;
 - (3) continuous operation for at least nine months;
 - (4) demonstration of receipt of financial support from sources other than the state. In particular, matching funds in relation to the population of the library's legal service shall be at least \$0.25 per person in its first year and any non-consecutive years of developing library grant application participation; \$0.50 per person in its second consecutive year; \$0.75 per person in its third consecutive year; \$1.00 per person in its fourth consecutive year; and \$1.25 per person in its fifth consecutive year;
 - (5) maintenance of adequate financial and other records to support the library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
 - (6) compliance with all state statutes and rules;
 - (7) compliance with requirements for developing library grants;
 - (8) employment of a designated director;
 - (9) creation of a library board that meets at least two times a year and adheres to the state's open meetings law; and
 - (10) successful expenditure of all developing library grant funds during the prior fiscal year, if applicable.
- [4.5.2.8 NMAC - Rp, 4.5.2.8 NMAC, 6/1/2016]

4.5.2.9 PUBLIC LIBRARY GRANT:

A. Purpose: To supplement eligible public libraries' budgets.

B. Description: The public library grant funds shall be used for library collections, library staff salaries, library staff training, library equipment, or other operational expenditures associated with delivery of basic library services.

C. Criteria for reviewing and awarding public library grants: The state library shall review and award public library grants to public libraries that have met the following criteria:

- (1) timely submission of an annual report with the state library for the current year and a minimum of two years prior;
 - (2) continuous operation for at least one year;
 - (3) receipt of a minimum of three consecutive developing library grants;
 - (4) demonstration of receipt of financial support from sources other than the state; in particular, matching funds in relation to the population of the library's legal service area shall be at least \$1.50 per person;
 - (5) maintenance of adequate financial and other records to support the public library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
 - (6) compliance with all state statutes and rules;
 - (7) compliance with all requirements for public library grants;
 - (8) Formation of a strategic plan that the public library reviews, updates, and files with the state library every three years, and a community analysis and needs assessment, and a collection development policy that the public library reviews, updates, and files with the state library every five years;
 - (9) maintain a library board that meets at least two times a year and adheres to the state open meetings law;
 - (10) employment of a designated director; and
 - (11) successful expenditure of all public library grant funds during the prior fiscal year.
- [4.5.2.9 NMAC - Rp, 4.5.2.9 NMAC, 6/1/2016]

4.5.2.10 DISTRIBUTION OF FUNDS: The library division shall distribute state grants in aid in the following manner:

A. Application: The annual report submitted for the immediate prior year shall serve as the developing or public library's application for state grants-in-aid.

B. Allocation: For state grants-in-aid, the state library shall award at least a quarter of a share (0.25) of the annual allocation to developing libraries, one (1) share of the allocation to each public library, and one half (.50) of a share of the allocation to each branch and bookmobile.

C. Notification: Following the end of the application period, the state library shall calculate the grant award for each library. The state library shall notify all eligible public libraries informing them of the amount of their grant.

D. Request for payment: Each library shall return the signed grant agreement to the state library within 60 days of receipt of the agreement measured from the postmark or electronic postmark. Upon timely receipt of the grant agreement, the state library shall process a payment request form. If a library does not submit the grant agreement within the required time period, it forfeits the grant award.

E. Maintenance of effort: A library's local budget shall not be reduced by its governing body as a result of eligibility for the state aid program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.
[4.5.2.10 NMAC - Rp, 4.5.2.11 NMAC, 6/1/2016]

4.5.2.11 LIMITATION ON FUNDS:

A. The grant amounts may vary by year, depending on the amount of the appropriation to the state library by the state legislature and the state library's other budgeted expenses.

B. Libraries shall not use grant funds for administrative or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, and legal services

C. Public and developing libraries shall expend all grant funds during the fiscal year in which they are awarded.

D. Should a library cease providing basic library services prior to or within thirty days of funding; grant funds shall revert to the state library.

[4.5.2.11 NMAC - Rp, 4.5.2.12 NMAC, 6/1/2016]

4.5.2.12 APPEAL OR VARIANCE:

A. In the event that any library is denied a grant by the state library or does not meet a requirement of this rule, that library may appeal the decision of the state library or request a variance from the requirement.

B. Such appeal or variance shall be made in writing to the state librarian within 10 days of notification of denial of funds or within 10 days of discovery of non-compliance with a requirement. The appeal or variance shall state all relevant facts and conditions.

C. The state librarian shall consider each appeal or request for variance and respond in writing to the appealing or requesting party with a decision within 30 days. The state librarian's decision is the department of cultural affairs' final action on the matter.

[4.5.2.12 NMAC - Rp, 4.5.2.14 NMAC, 6/1/2016]

HISTORY OF 4.5.2 NMAC:

Pre-NMAC History:

NMSL 67-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised April 19, 1967, filed 5/3/67.

NMSL 67-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 8/30/67.

NMSL 68-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 12/19/68.

NMSL 69-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised May 26, 1969, filed 6/20/69.

NMSL 69-2, State Grants-In-Aid To Public Libraries, Rules and Regulations; Revised September 16, 1969, filed 10/9/69.

NMSL 70-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised February 26, 1970, filed 4/27/70.

NMSL 73-4, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 1973, filed 7/10/73.

NMSL 74-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 19, 1974, filed 8/16/74.

NMSL 75-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, 1975, filed 6/9/75.

NMSL 76-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, March 31, 1976, filed 4/27/76.

NMSL 77-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, January 21, 1977, filed 2/4/77.

NMSL Rule 79-1B, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 11, 1979, filed 6/25/79.

NMSL 79-3, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 1, 1979, filed 7/27/79.

NMSL 81-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, May 11, 1981, filed 5/12/81.

NMSL 89-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 10/23/89.

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 1/28/93.

History of Repealed Material:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93), repealed 7/1/2000.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 6/19/2000), repealed 7/1/2009.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 7/1/2009), repealed 6/1/2016.

Other History:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2000.

Attachment A

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 6/19/2000) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2009.

4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 7/1/2009) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 6/1/2016.

State Grants-in-Aid Expenditures Guidance Sheet

The 4.5.2 New Mexico Administrative Code (NMAC) governs State Grants-in-Aid to public libraries. To be eligible to receive state aid, New Mexico public libraries must meet eligibility requirements as outlined in the 4.5.2 NMAC. All awarded state grants-in-aid funds must be expended during the fiscal year in which they are awarded.

This informational guidance sheet is not an exhaustive list of all allowable and non-allowable expenditures. If there are questions as how to expend state aid funds, please contact the Library Development Bureau for clarification prior to making purchases 1-800-340-3890.

Allowable Purchases - State aid funds can be used for:

- Library Collections
 - o Items traditionally available at the library and intended for public use, such as books, e-books, audiobooks, DVDs, CDs, electronic and digital media, licensed databases (e.g., ancestry.com, mango languages), etc. are allowable. Non-traditional circulating/educational programming items may also be allowable. Please contact the Development Bureau for more information.
- Library Staff Salaries
 - o State aid funds can be used to pay regular library staff for their work within the library. Providing pay to a substitute library staff member may also be allowable.
- Library Staff Professional Development
 - o Travel (including meals and lodging) for attending in-state (e.g., NMLA) and out-of-state library conferences (e.g., ALA, MPLA, PLA, ARSL), and trainings provided to library staff on library related services/issues, which are organized and held at the library, or held at another location, e.g., state library or other library.
- Library Equipment
 - o Items associated with meeting the information needs of library patron's such as public computers, printers, wireless routers, scanners, software and related peripherals, etc.
- Other Operational Expenditures Associated with Delivery of Library Services
 - o Expenditures associated with the delivery of library services, such as the library's catalog, programming supplies, electric bills, phone bills, directional signage, copy paper, security costs, etc.
 - o Contracts directly related to the delivery of basic library services to patrons, including educational program subject matter experts, etc.

Non-Allowable Purchases - State aid funds cannot be used for:

- Administrative or indirect expenses such as budgeting, accounting, financial management, information systems, data processing, and legal services.
- Food, giveaways/incentives, college classes for library staff (i.e., tuition reimbursement), library decorations, library staff furniture, recreational rentals/purchases (e.g., bouncy houses, party supplies, pony rentals), etc.
- Operational expenditures that do not directly relate to the delivery of basic library services to library patrons, including cost of parties, receptions, fund-raising events, other social functions, maintenance/cleaning supplies, toilet paper, paper towels, cleaning equipment, vacuums, etc.
- Capital improvements and construction.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 11/25/2020

Report No: 7.

Submitted By: Mark Threadgill

Subject: Consider, and act upon, Resolution 2020-44 relating to a rate increase of 1.12% effective January 1, 2021 for residential solid waste collection through Southwest Disposal. (*Mark Threadgill, Customer Service Manager*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval per agreement with Southwest Disposal.

Background: Notification of a rate adjustment from Southwest Disposal is required under Section 7.5 Adjustments to Service Fee Municipal Solid Waste Agreement with Waste Connections of New Mexico, Inc. d/b/a SOUTHWEST DISPOSAL dated February 1, 2020.

As stated in the notice from Southwest Disposal dated November 5, 2020 the rate adjustment is an increase in the monthly residential charge of 1.12% as well as increases for overload services and city facilities.

Residential Service	\$0.12 per month
Overload Service	\$0.58 per unit
City facilities	\$131.14 per month

NOTE: These are the rates Southwest Disposal charges the city for solid waste pick-up. Residential customers are charged, in addition to the SW Disposal rates, \$2.20 per month convenience center fee and \$2.70 per month tipping/admin fee. The current monthly charge to residential customers is \$15.44. If the increase is approved the monthly charge will increase to \$15.56 per month.



Larry Garner
Public Works Director
City of Alamogordo

November 5, 2020

Re: Request annual rate increase

Dear Mr. Garner

We at Southwest Disposal would like to thank you and the City of Alamogordo for your business. Per the terms of our current waste collection contract, Southwest Disposal requests a 1.12% rate increase in the monthly unit rates effective January 1, 2021. This increase is based on the All-Items Consumer Price Index, All Urban Consumers, U.S. City Average as published by the U.S. Department of Labor, Bureau of Statistics as indicated on the attached schedule from October 1, 2019 through September 30, 2020.

Changes to be as follows;

1. Residential service increase from \$10.54 to 0.66 per unit.
2. Overload service increase from \$51.73 to \$52.51 per unit.
3. City owned facilities increase from \$11,708.83 to \$11,839.97

Again we wish to thank the City for allowing Southwest Disposal to provide your service. If I can provide you with additional information or answer any questions you may have, please give us a call.

Sincerely,

Rex McCourt
District Manager

CPI change 10/1/19 to 9/30/20 calculation
 Index for October 2019 257.346
 Index for September 2020 260.280
 Change 2.9

Calculation of CPI %	New rate	CPI		
		With CPI	10.66	52.51
		1.12%	0.12	0.58
		131.14	11708.83	11839.97

Residential rate
 Overload
 Commercial

1914.....	10.0	9.9	9.9	9.8	9.9	9.9	10.0	10.2	10.2	10.1	10.2	10.1
1915.....	10.1	10.0	9.9	10.0	10.1	10.1	10.1	10.1	10.1	10.2	10.3	10.3
1916.....	10.4	10.4	10.5	10.6	10.7	10.8	10.8	10.9	11.1	11.3	11.5	11.6
1917.....	11.7	12.0	12.0	12.6	12.8	13.0	12.8	13.0	13.3	13.5	13.5	13.7
1918.....	14.0	14.1	14.0	14.2	14.5	14.7	15.1	15.4	15.7	16.0	16.3	16.5
1919.....	16.5	16.2	16.4	16.7	16.9	16.9	17.4	17.7	17.8	18.1	18.5	18.9
1920.....	19.3	19.5	19.7	20.3	20.6	20.9	20.8	20.3	20.0	19.9	19.8	19.4
1921.....	19.0	18.4	18.3	18.1	17.7	17.6	17.7	17.7	17.5	17.5	17.4	17.3
1922.....	16.9	16.9	16.7	16.7	16.7	16.7	16.8	16.6	16.6	16.7	16.8	16.9
1923.....	16.8	16.8	16.8	16.9	16.9	17.0	17.2	17.1	17.2	17.3	17.3	17.3
1924.....	17.3	17.2	17.1	17.0	17.0	17.0	17.1	17.0	17.1	17.2	17.2	17.3
1925.....	17.3	17.2	17.3	17.2	17.3	17.5	17.7	17.7	17.7	17.7	18.0	17.9
1926.....	17.9	17.9	17.8	17.9	17.8	17.7	17.5	17.4	17.5	17.6	17.7	17.7
1927.....	17.5	17.4	17.3	17.3	17.4	17.6	17.3	17.2	17.3	17.4	17.3	17.3
1928.....	17.3	17.1	17.1	17.1	17.2	17.1	17.1	17.1	17.3	17.2	17.2	17.1
1929.....	17.1	17.1	17.0	16.9	17.0	17.1	17.3	17.3	17.3	17.3	17.3	17.2
1930.....	17.1	17.0	16.9	17.0	16.9	16.8	16.6	16.5	16.6	16.5	16.4	16.1
1931.....	15.9	15.7	15.6	15.5	15.3	15.1	15.1	15.1	15.0	14.9	14.7	14.6
1932.....	14.3	14.1	14.0	13.9	13.7	13.6	13.6	13.5	13.4	13.3	13.2	13.1
1933.....	12.9	12.7	12.6	12.6	12.6	12.7	13.1	13.2	13.2	13.2	13.2	13.2
1934.....	13.2	13.3	13.3	13.3	13.3	13.4	13.4	13.4	13.6	13.5	13.5	13.4
1935.....	13.6	13.7	13.7	13.8	13.8	13.7	13.7	13.7	13.7	13.7	13.8	13.8
1936.....	13.8	13.8	13.7	13.7	13.7	13.8	13.9	14.0	14.0	14.0	14.0	14.0
1937.....	14.1	14.1	14.2	14.3	14.4	14.4	14.5	14.5	14.6	14.6	14.5	14.4
1938.....	14.2	14.1	14.1	14.2	14.1	14.1	14.1	14.1	14.1	14.0	14.0	14.0
1939.....	14.0	13.9	13.9	13.8	13.8	13.8	13.8	13.8	14.1	14.0	14.0	14.0
1940.....	13.9	14.0	14.0	14.0	14.0	14.1	14.0	14.0	14.0	14.0	14.0	14.1
1941.....	14.1	14.1	14.2	14.3	14.4	14.7	14.7	14.9	15.1	15.3	15.4	15.5
1942.....	15.7	15.8	16.0	16.1	16.3	16.3	16.4	16.5	16.5	16.7	16.8	16.9
1943.....	16.9	16.9	17.2	17.4	17.5	17.5	17.4	17.3	17.4	17.4	17.4	17.4
1944.....	17.4	17.4	17.4	17.5	17.5	17.6	17.7	17.7	17.7	17.7	17.7	17.8
1945.....	17.8	17.8	17.8	17.8	17.9	18.1	18.1	18.1	18.1	18.1	18.1	18.2
1946.....	18.2	18.1	18.3	18.4	18.5	18.7	19.8	20.2	20.4	20.8	21.3	21.5
1947.....	21.5	21.5	21.9	21.9	21.9	22.0	22.2	22.5	23.0	23.0	23.1	23.4
1948.....	23.7	23.5	23.4	23.8	23.9	24.1	24.4	24.5	24.5	24.4	24.2	24.1
1949.....	24.0	23.8	23.8	23.9	23.8	23.9	23.7	23.8	23.9	23.7	23.8	23.6
1950.....	23.5	23.5	23.6	23.6	23.7	23.8	24.1	24.3	24.4	24.6	24.7	25.0
1951.....	25.4	25.7	25.8	25.8	25.9	25.9	25.9	25.9	26.1	26.2	26.4	26.5
1952.....	26.5	26.3	26.3	26.4	26.4	26.5	26.7	26.7	26.7	26.7	26.7	26.7
1953.....	26.6	26.5	26.6	26.6	26.7	26.8	26.8	26.9	26.9	27.0	26.9	26.9
1954.....	26.9	26.9	26.9	26.8	26.9	26.9	26.9	26.9	26.8	26.8	26.8	26.7
1955.....	26.7	26.7	26.7	26.7	26.7	26.7	26.8	26.8	26.9	26.9	26.9	26.8
1956.....	26.8	26.8	26.8	26.9	27.0	27.2	27.4	27.3	27.4	27.5	27.5	27.6
1957.....	27.6	27.7	27.8	27.9	28.0	28.1	28.3	28.3	28.3	28.3	28.4	28.4
1958.....	28.6	28.6	28.8	28.9	28.9	28.9	29.0	28.9	28.9	28.9	29.0	28.9
1959.....	29.0	28.9	28.9	29.0	29.0	29.1	29.2	29.2	29.3	29.4	29.4	29.4
1960.....	29.3	29.4	29.4	29.5	29.5	29.6	29.6	29.6	29.6	29.8	29.8	29.8
1961.....	29.8	29.8	29.8	29.8	29.8	29.8	30.0	29.9	30.0	30.0	30.0	30.0
1962.....	30.0	30.1	30.1	30.2	30.2	30.2	30.3	30.3	30.4	30.4	30.4	30.4
1963.....	30.4	30.4	30.5	30.5	30.5	30.6	30.7	30.7	30.7	30.8	30.8	30.9
1964.....	30.9	30.9	30.9	30.9	30.9	31.0	31.1	31.0	31.1	31.1	31.2	31.2
1965.....	31.2	31.2	31.3	31.4	31.4	31.6	31.6	31.6	31.6	31.7	31.7	31.8
1966.....	31.8	32.0	32.1	32.3	32.3	32.4	32.5	32.7	32.7	32.9	32.9	32.9
1967.....	32.9	32.9	33.0	33.1	33.2	33.3	33.4	33.5	33.6	33.7	33.8	33.9
1968.....	34.1	34.2	34.3	34.4	34.5	34.7	34.9	35.0	35.1	35.3	35.4	35.5
1969.....	35.6	35.8	36.1	36.3	36.4	36.6	36.8	37.0	37.1	37.3	37.5	37.7
1970.....	37.8	38.0	38.2	38.5	38.6	38.8	39.0	39.0	39.2	39.4	39.6	39.8

Historical Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, all items, by month — Continued
 [1982-84=100, unless otherwise noted]

Year	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
1971.....	39.8	39.9	40.0	40.1	40.3	40.6	40.7	40.8	40.8	40.9	40.9	41.1
1972.....	41.1	41.3	41.4	41.5	41.6	41.7	41.9	42.0	42.1	42.3	42.4	42.5
1973.....	42.6	42.9	43.3	43.6	43.9	44.2	44.3	45.1	45.2	45.6	45.9	46.2
1974.....	46.6	47.2	47.8	48.0	48.6	49.0	49.4	50.0	50.6	51.1	51.5	51.9
1975.....	52.1	52.5	52.7	52.9	53.2	53.6	54.2	54.3	54.6	54.9	55.3	55.5
1976.....	55.6	55.8	55.9	56.1	56.5	56.8	57.1	57.4	57.6	57.9	58.0	58.2
1977.....	58.5	59.1	59.5	60.0	60.3	60.7	61.0	61.2	61.4	61.6	61.9	62.1
1978.....	62.5	62.9	63.4	63.9	64.5	65.2	65.7	66.0	66.5	67.1	67.4	67.7
1979.....	68.3	69.1	69.8	70.6	71.5	72.3	73.1	73.8	74.6	75.2	75.9	76.7
1980.....	77.8	78.9	80.1	81.0	81.8	82.7	82.7	83.3	84.0	84.8	85.5	86.3
1981.....	87.0	87.9	88.5	89.1	89.8	90.6	91.6	92.3	93.2	93.4	93.7	94.0
1982.....	94.3	94.6	94.5	94.9	95.8	97.0	97.5	97.7	97.9	98.2	98.0	97.6
1983.....	97.8	97.9	97.9	98.6	99.2	99.5	99.9	100.2	100.7	101.0	101.2	101.3
1984.....	101.9	102.4	102.6	103.1	103.4	103.7	104.1	104.5	105.0	105.3	105.3	105.3
1985.....	105.5	106.0	106.4	106.9	107.3	107.6	107.8	108.0	108.3	108.7	109.0	109.3
1986.....	109.6	109.3	108.8	108.6	108.9	109.5	109.5	109.7	110.2	110.3	110.4	110.5
1987.....	111.2	111.6	112.1	112.7	113.1	113.5	113.8	114.4	115.0	115.3	115.4	115.4
1988.....	115.7	116.0	116.5	117.1	117.5	118.0	118.5	119.0	119.8	120.2	120.3	120.5
1989.....	121.1	121.6	122.3	123.1	123.8	124.1	124.4	124.6	125.0	125.6	125.9	126.1
1990.....	127.4	128.0	128.7	128.9	129.2	129.9	130.4	131.6	132.7	133.5	133.8	133.8
1991.....	134.6	134.8	135.0	135.2	135.6	136.0	136.2	136.6	137.2	137.4	137.8	137.9
1992.....	138.1	138.6	139.3	139.5	139.7	140.2	140.5	140.9	141.3	141.8	142.0	141.9
1993.....	142.6	143.1	143.6	144.0	144.2	144.4	144.4	144.8	145.1	145.7	145.8	145.8
1994.....	146.2	146.7	147.2	147.4	147.5	148.0	148.4	149.0	149.4	149.5	149.7	149.7
1995.....	150.3	150.9	151.4	151.9	152.2	152.5	152.5	152.9	153.2	153.7	153.6	153.5
1996.....	154.4	154.9	155.7	156.3	156.6	156.7	157.0	157.3	157.8	158.3	158.6	158.6
1997.....	159.1	159.6	160.0	160.2	160.1	160.3	160.5	160.8	161.2	161.6	161.5	161.3
1998.....	161.6	161.9	162.2	162.5	162.8	163.0	163.2	163.4	163.6	164.0	164.0	163.9
1999.....	164.3	164.5	165.0	166.2	166.2	166.2	166.7	167.1	167.9	168.2	168.3	168.3
2000.....	168.8	169.8	171.2	171.3	171.5	172.4	172.8	172.8	173.7	174.0	174.1	174.0
2001.....	175.1	175.8	176.2	176.9	177.7	178.0	177.5	177.5	178.3	177.7	177.4	176.7
2002.....	177.1	177.8	178.8	179.8	179.8	179.9	180.1	180.7	181.0	181.3	181.3	180.9
2003.....	181.7	183.1	184.2	183.8	183.5	183.7	183.9	184.6	185.2	185.0	184.5	184.3
2004.....	185.2	186.2	187.4	188.0	189.1	189.7	189.4	189.5	189.9	190.9	191.0	190.3
2005.....	190.7	191.8	193.3	194.6	194.4	194.5	195.4	196.4	198.8	199.2	197.6	196.8
2006.....	198.3	198.7	199.8	201.5	202.5	202.9	203.5	203.9	202.9	201.8	201.5	201.8
2007.....	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036
2008.....	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228
2009.....	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949
2010.....	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179
2011.....	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672
2012.....	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601
2013.....	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049
2014.....	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812
2015.....	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525
2016.....	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353	241.432
2017.....	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519	246.819	246.663	246.669	246.524
2018.....	247.867	248.991	249.554	250.546	251.588	251.989	252.006	252.146	252.439	252.885	252.038	251.233
2019.....	251.712	252.776	254.202	255.548	256.092	256.143	256.571	256.558	256.759	257.346	257.208	256.974
2020.....	257.971	258.678	258.115	256.389	256.394	257.797	259.101	259.918	260.280	-	-	-

**CITY OF ALAMOGORDO
SW DISPOSAL GARBAGE RATES
EFFECTIVE JANUARY 1, 2019**

SW Disposal Location #	COA Location #	Facility Name	Location	# of Units	Size	# of Pick-ups Per Week	CY/mo	2019	2020	2021
1	17484	Cemetery	1590 First St	1	4 YD	1	17.32	102.79	105.36	106.54
2	17464	Airport	3500 Airport Rd	1	6 YD	1	25.98	130.38	133.64	135.14
3	22212	City Hall	1376 E 9th St	1	4 YD	3	51.96	269.59	276.33	279.43
4		Maint. Yard	2600 N Florida Ave	1	2 YD	2	17.32	129.24	132.47	133.96
5		Maint. Yard	2600 N Florida Ave	1	3 YD	2	25.98	159.86	163.86	165.69
6		Maint. Yard	2600 N Florida Ave	1	4 YD	2	34.64	185.12	189.75	191.87
7		Maint. Yard	2600 N Florida Ave	1	6 YD	2	51.96	238.64	244.61	247.34
8	17442	Zoo	1021 White Sands Blvd	1	2 YD	1	8.66	71.76	73.56	74.38
9	17442	Zoo	1021 White Sands Blvd	2	6 YD	2	103.92	477.28	489.21	494.69
10	17368	Civic Center	800 First St	1	8 YD	1	34.64	163.04	167.12	168.99
11	17490	Golf Course	2351 Hamilton Rd	1	6 YD	2	51.96	238.64	244.61	247.34
12	17410	Fire Station #7	2010 Oregon Ave	1	3 YD	1	12.99	87.28	89.47	90.47
13	25152	Tennis Courts	Oregon Ave	1	3 YD	1	12.99	87.28	89.47	90.47
14	17376	Rac Center	1100 Oregon Ave	1	2 YD	2	17.32	129.24	132.47	133.96
15	22240	Senior Center	2201 Puerto Rico Ave	1	6 YD	3	77.94	345.45	354.08	358.05
16	24768	Walker Ball Field	Walker Rd	2	4 YD	3	103.92	539.20	552.68	558.87
17	17340	Fire Station #2	2101 Walker Rd	1	CART	2	4.16	18.00	18.45	18.65
18		Animal Shelter	2910 N Florida Ave	1	4 YD w/ Locks	1	17.32	112.27	115.08	116.37
19		Animal Shelter	2910 N Florida Ave	1	8 YD	1	34.56	163.83	167.93	169.81
20	17336	DPS Central Station	700 Virginia Ave	1	6 YD	3	77.94	345.45	354.08	358.05
21	24764	Griggs Field	N Florida Ave	3	4 YD	2	51.96	616.45	631.86	638.93
22	25156	Kids Kingdom	1950 Oregon Ave	2	2 YD	1	17.32	167.39	171.57	173.50
23	17478	Fire Station #4	3310 10th St	1	CART	2	4.16	18.00	18.45	18.65
24		Washington Park	First St & Washington	1	2 YD	1	8.66	71.76	73.56	74.38
25		Washington Park	First St & Washington	1	6 YD w/ Locks	1	25.98	142.30	145.86	147.49
26	17372	Library	920 Oregon Ave	1	3 YD	2	25.98	159.86	163.86	165.69
27	17390	Desert Foothills Park	First St	1	3 YD	1	12.99	87.30	89.48	90.49
28		Alta Vista Housing		6	4 YD	2	207.84	1,033.37	1,059.20	1,071.07
29		Avenida Amigos Housing		10	2 YD	2	173.20	1,292.40	1,324.71	1,339.55
30		Avenida Amigos Housing		6	6 YD	2	311.76	1,431.84	1,467.63	1,484.07
31		Alameda Park	1021 White Sands Blvd	8	2 YD	2	138.56	1,033.95	1,059.80	1,071.67
32	17394	Fireman's Park	Oregon Ave	1	6 YD	1	25.98	130.38	133.64	135.14
33	32773	Fire Station #5	1492 S Florida Ave	1	3 YD	1	12.99	87.28	89.47	90.47
34	33415	Fire Station #6	3100 N Florida Ave	1	CART	2	4.16	18.00	18.45	18.65
35		RV dump site	1301 N. White Sands Blvd	1	4 YD	3	34.64	277.70	284.64	287.83
35		Convenience Center & City Shops		Varies	Roll-Off	N/A				
35		Price per Pull	N/A	N/A	N/A	N/A	212.47	-	-	-
36		Charge per swap out	N/A	N/A	N/A	N/A	71.09	-	-	-
37		Waste water plant	3290 Airport RD	3	2 YD	3	77.94	788.11	807.81	816.86
38		Water treatment plant	42 Valley View drive	1	2 YD	1	8.66	72.82	74.64	75.47
TOTAL							11,423.25	11,708.83	11,839.97	

RESOLUTION NO. 2020-44

WHEREAS, THE City of Alamogordo provides residential solid waste collection services to the City's residents; and,

WHEREAS, the City provides the residential solid waste collection services through an agreement with an independent contractor; and,

WHEREAS, the agreement provides that the rates for residential solid waste collection services may be revised annually;

NOW, THEREFORE BE IT RESOLVED by the Alamogordo City Commission that the rates for residential solid waste collection and related services as specified in Exhibit "A" be adopted and become effective January 1, 2021.

PASSED, APPROVED AND ADOPTED this December ____, 2020.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

Richard A. Boss, Mayor

SEAL

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Scheiber, City Attorney

EXHIBIT "A"

Resolution No. 2018-44

Residential and Other Solid Waste Collection: Effective January 1, 2020

Curb or alley collection	\$ 15.56 mo.
In Ground	Service No Longer Offered
Overload Service	\$ 52.51 per unit
Other:	
City owned facilitates	\$11,839.97 mo

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 12/4/2020

Report No: 8.

Submitted By: Marissa Ruiz

Subject: Consider, and act upon, Resolution 2020-45 requesting approval of the Resident Employee Occupancy Policy. (*Marissa Ruiz, Housing Authority Manager*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Resolution.

Background:

Due to the distance of Alta Vista from the main office, it has been an objective of the Housing Authority to increase staff presence at the Alta Vista development. There are more lease violations occurring at this site and our theory is that this is directly attributable because to the staff concentration at Plaza Hacienda. This is expected as the office is located at Plaza Hacienda and it is the larger development. While the maintenance staff is at Alta Vista daily completing required repairs and the property management staff does occasional site visits, it is impossible for the staff to observe the daily patterns and the after-hours activities.

LEASE AGREEMENT

STATE OF NEW MEXICO COUNTY OF OTERO

This lease agreement is made and entered into by and between the Housing Authority of the City of Alamogordo, Otero County, New Mexico and Staff Member of the HA _____, in consideration of the mutual covenants hereinafter set forth and agrees as follows:

1. The Staff Member and his/her immediate family (Tenant) hereby leases the following described premises located in Alamogordo, NM: _____.

The lease shall be for a period of one year beginning on the _____ day of _____, 20 ____, and ending _____ unless terminated by mutual agreement of the parties hereto or by the terms of the Contract.

The lease agreement shall be automatically renewed for a successive term of one year at the end of its term unless either party provided thirty (30) days written notice to the contrary.

The Tenant and family shall comply with all the rules and regulations which are signed, attached and become a part of this lease agreement.

2. The Tenant will forgo paying rent to the Housing Authority and will comply with HA Occupancy Plan for Resident Staff Member (see attached) agreement.
3. The Tenant will be responsible for payment of water, electricity and natural gas. PHA will be responsible for payment of garbage.
4. A Security Deposit of two hundred dollars (\$200.00) will be held by the Housing Authority toward reimbursement of the cost of cleaning and repairing any damages beyond normal Wear and Tear to the Unit and/or premises caused by the family or guests. Payment of the Security Deposit is to be made upon occupancy and any refund of the Deposit due the occupant will be refunded within thirty (30) days after the Occupant yields possession of the keys to the Unit to the Housing Authority.

The Housing Authority agrees to maintain the premises and the project in a decent, safe and sanitary condition. Maintenance and repair work (beyond normal wear and tear), will be billed to the Tenant. Payment for such charges shall become due and payable two (2) weeks after the Housing Authority gives written notice of the charge.

The Housing Authority will not be responsible for any loss, liability or expenses (including attorney's fees) due to fire, theft, or accident or any other events occurring on the premises or site. It is the occupant's responsibility to provide for their own "Renter's Insurance."

In Witness Hereof, the parties have executed this Lease Agreement on this _____ day of _____, 20____.

Staff Member Signature

Co-Head Signature

PHA Manager

Housing Authority Occupancy Plan for Resident Staff Member

Objective

Due to the distance of Alta Vista from the main office, it has been an objective of the Housing Authority to increase staff presence at the Alta Vista development. There are more lease violations occurring at this site and our theory is that this is directly attributable because to the staff concentration at Plaza Hacienda. This is expected as the office is located at Plaza Hacienda and it is the larger development. While the maintenance staff is at Alta Vista daily completing required repairs and the property management staff does occasional site visits, it is impossible for the staff to observe the daily patterns and the after-hours activities.

Plan

To achieve more presence at Alta Vista, the Housing Authority is requesting authorization to house a staff member at the complex. The staff member would be required to comply with the following procedure and the attached lease agreement.

The staff resident would be **required** to:

- Use the unit as their main residence
- Pay any applicable deposits
- Pay natural gas, electric and water bills for the unit
- Immediately report any criminal activity to the Alamogordo Police Department and notify the office the next morning except in instances of major events, i.e. fire, death
- Complete an official walk through of the complex on Mondays and Thursdays. During the walk through, the staff resident will:
 - Observe the operation of the security lights
 - Observe any tangible proof of lease violations, i.e. trash on porch, inoperable vehicles, extra tenants
 - Give written notice to the tenant of the lease violation
 - Observe any pattern behavior, i.e. partying, parking violations
 - Observe any vandalism, abandonments or any other items that need attention
- ◆ Submit a work order to maintenance for any repairs to the unit
- ◆ Submit a work order to maintenance for any observed repairs needed throughout the complex
- ◆ Report any other observations to the property manager in a timely manner

The staff resident **will not**:

- ◆ Enter any unit while not on duty under the auspice of being a City employee

- ◆ Make any unauthorized alterations to the unit

If the staff resident is a maintenance employee, the following guidelines apply:

- When on call, the staff resident will respond to emergency calls in the same procedure as any other emergency calls
- When not on call, the staff resident will not respond to emergency calls, except to give minor abatement to large emergencies
- Will not do any maintenance for any tenant outside of scheduled duty hours

In return for living at the Alta Vista complex, the staff resident will forgo paying rent to the Housing Authority and will comply with HA Occupancy Plan for Resident Staff Member.

RESOLUTION NO. 2020-45

A RESOLUTION REQUESTING THE APPROVAL OF THE RESIDENT EMPLOYEE OCCUPANCY POLICY FOR ALTA VISTA.

WHEREAS, The Housing Authority of the City of Alamogordo has determined a need for an increased presence of staff for the residents the Alta Vista community; and

WHEREAS, The Housing Authority of the City of Alamogordo has a special lease agreement to be instituted for a staff person renting from the Housing Authority defining parameters; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the Housing Authority of the City of Alamogordo may continue to designate one unit at the Alta Vista site to be occupied by a staff person currently employed by the Housing Authority.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 15th day of December 2020.

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 Bengoechea, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 12/7/2020

Report No: 9.

Submitted By: Britney Courtier

Subject: Consider, and act upon, the grant award from the Paso del Norte Community Foundation to provide meals in Paso del Norte's New Mexico service area, which includes Otero County. (*Magdalena Morales, ASC Manager*).

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Total Amount Budgeted: \$11,998.00

Recommendation: Approve the grant funding.

Background: Eligible uses for this grant award include the following:

- 1) Purchase of food
- 2) Purchase of food packaging
- 3) Payroll for staff preparing, distributing and delivering meals and / or
- 4) Other costs associated with providing meals to participants in Title III OAA programs.

The Non-Metro Area Agency on Aging parent organization, North Central Economic Development District (NCNMEDD) has created a foundation called New Mexico Cares Foundation to help support communities around the State. The New Mexico Cares Foundation received this grant award from the Paso del Norte Community Foundation. All funds must be expended by January 5, 2021.



NEW MEXICO CARES FOUNDATION, INC.

3900 Paseo del Sol, Santa Fe, New Mexico 87507
505.395.2668



**CONTRACT 2021-01
GRANT AGREEMENT**

This grant agreement is made by and between New Mexico CARES Foundation, Inc. (NM CARES) and the City of Alamogordo (Subrecipient) on December 4, 2020.

NM CARES received a grant award from the Paso del Norte Community Foundation, 221 N. Kansas, Suite 1900, El Paso, TX 79901 to provide meals in Paso del Norte's New Mexico service area, which includes Otero County.

A subaward of \$11,998.00 from this grant is made to Subrecipient to fund meals for participants enrolled in Title III Older Americans Act (OAA) senior nutrition services programs. The full amount of the award will be disbursed to the Subrecipient via ACH as soon as it is received by NM CARES.

Eligible uses of the grant award:

1. Purchase of food;
2. Purchase of food packaging;
3. Payroll for staff preparing, distributing, and delivering meals; and/or
4. Other costs associated with providing meals to participants in Title III OAA programs.

Conditions of the grant award:

1. Subrecipient must utilize all funding as soon as possible but no later than January 5, 2021;
2. Subrecipient shall provide one to five photos of meal preparation, distribution and/or delivery and a brief description of how the funds were utilized to the NM CARES Foundation. Photos and the description should be emailed to penelopep@ncnmedd.com no later than January 5, 2021; and
3. Subrecipient shall allow use of the photo/s by NM CARES without limitation.

Monica Abeita

Signature

Printed Name

Title

Monica Abeita, Executive Director
New Mexico CARES Foundation, Inc.
3900 Paseo del Sol
Santa Fe, NM 87507

City of Alamogordo
C/O Alamo Senior Center
2201 Puerto Rico Road
Alamogordo, NM 88310

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 12/8/2020

Report No: 10.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the award of RFP 2020-002 Management Services for Microsoft Active Directory Domain, Microsoft Exchange and Related Products to the high score qualified proposal, Bootheel IT Services. *(Evelyn Huff, Finance Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the award of RFP 2020-002 Management Services for Microsoft Active Directory Domain, Microsoft Exchange and Related Products to Bootheel IT Services

Background: The City of Alamogordo requested proposals to secure a qualified and dedicated partner with proven experience in successfully implementing and managing Microsoft Active Directory Domain, Microsoft Exchange and related products within multiple environments with varying organizational structures. The successful bidder will be responsible for ensuring the successful completion of agreed upon tasks per task order. Tasks may include, but are not limited to: Upgrading Exchange components, maintaining the Exchange environment, upgrading Active Directory components and maintaining Active Directory environment.

Please refer to attached composite score sheet.

CITY OF ALAMOGORDO
COMPOSITE SCORE SHEET
Financial Services
May 12th 2014
RFP NO. 2014-001

Factor	Available Points per Vendor	5 Committee Members	Bootheel IT Services	Speridian	eMazzanti Technologies	Communication Square
1	100	Approach to Services	96	85	74	75
2	200	Qualification & Experience	186	161	120	135
3	125	Personnel Experience	116	112	104	66
4	75	Cost of Services	75	70	40	50
5		Additional Preference Points - Veterans, Instate or Local	0	21.35	0	0
Total Available	500	Accumulated Score	473	449	338	326
Total Rank			1	2	3	4

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 12/3/2020

Report No: 11.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case Z-2020-0003(A) for first publication of Ordinance 1623 amending the zoning map to change the zoning of property located at 407 New York Ave. from R-3 Two Family Dwelling to R-4 Multiple Family Dwelling. (*Stella Rael, City Planner*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication.

Background: The property owners (State of New Mexico) are requesting that the city amend the zoning map to change the zoning of property located at 407 New York Ave. from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District in order to accommodate a new multi-family housing facility



City of Alamogordo

City Commission



Z-2020-0003(A)

Stella Rael, City Planner
December 15, 2020

Zoning Request Case: Z-2020-0003(A)

Request:

The applicants are requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 407 New York Ave., from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District to accommodate a new multi-family housing facility.

Applicant:

NMSVH

Shelley M. Hughes, Architect (Representative)

500 Burro Ave.

Cloudcroft, NM 88317

407 New York Ave. Vacant Lot

3



Zoning Request Case: Z-2020-0003(A)

4

Findings of Fact

- ▶1. The application was filed on October 22, 2020
- ▶2. The legal notice was published on November 6, 2020
- ▶3. Twelve(12) letters were mailed by certified/return receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the rezoning is sought.
- ▶4. As of November 17, 2020 there have been six (6) letters returned undeliverable and I have not received any letters of opposition.
- ▶5. This case was presented to the Planning and Zoning Board on November 19, 2020. Planning and Zoning recommend approval by a vote of 4-0-0.

Zoning Request Case: Z-2020-0003(A)

5

Staff Recommends:

To accept the finding of facts as presented and approve Zone Request Case: Z-2020-0003(A).

ORDINANCE No. 1623

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 407 NEW YORK AVE. FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT R-3 TWO FAMILY DWELLING DISTRICT TO R-4 MULTIPLE FAMILY DWELLING DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, State of New Mexico, (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 407 New York Ave and legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

WHEREAS, an application has been filed in the Owner's names under Case No.

Z-2020-0003(A) to change the zoning of the Property, and

WHEREAS, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the present designation and zoning district of R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District ; and

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

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

ALAMO BLOCKS, LOT 21, 22, BLOCK 9

Is hereby changed from R-3 Two Family Dwelling District to R-4 Multiple Family Dwelling District ; and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020

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

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2020-0003(A)**

For the Subject Property as follows:

Commonly Known As: **407 New York Ave.**

Uniform Property Code & Parcel Code: **01N4055094108378**

Legal Description: **ALAMO BLOCKS, LOT 21, 22, BLOCK 9**

The Alamogordo Planning & Zoning Commission considered this item on **November 19, 2020**
and recommended the following action to the Alamogordo City Commission by a vote of **4-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2020-0003(A)**.

.....
The Alamogordo City Commission issued the following decision on **December 15, 2020** by a
vote of _____

Approve as recommended for first publication Ordinance # 1623

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

Approve as recommended for final publication Ordinance #1623 .

Attest:

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

Rachel Hughs, City Clerk

Richard Boss, Mayor

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 12/8/2020

Report No: 12.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case Z-2020-0004(A) for first publication of Ordinance 1624 amending the zoning map to change the zoning of property located at 411 New York Ave. from C-3 Business to R-4 Multiple Family Dwelling. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication.

Background: The property owners (State of New Mexico) are requesting that the city amend the zoning map to change the zoning of property located at 411 New York Ave., from C-3 Business District to R-4 Multiple Family Dwelling District. During the research of this request City Planner discovered that the zoning of this parcel had been changed in 1991 from R-3 Two Family Dwelling District to C-3 Business District in order to be within the same zoning designation as the State owned parcel at 408 N. White Sands Blvd. I City Planner recommend amending the zoning map to change the zoning at this time in order to be consistent with the proper development of the city.



City of Alamogordo

City Commission



Z-2020-0004(A)

Stella Rael, City Planner
December 15, 2020

Zoning Request Case: Z-2020-0004(A)

Request:

The applicants are requesting a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 411 New York Ave., from C-3 Business District to R-4 Multiple Family Dwelling District in order to be consistent with the proper development of the city.

Applicant:

NMSVH

Shelley M. Hughes, Architect (Representative)

500 Burro Ave.

Cloudcroft, NM 88317

411 New York Ave. Existing Housing Facility

3



Zoning Request Case: Z-2020-0004(A)

4

Findings of Fact

- ▶1. The application was filed on October 22, 2020
- ▶2. The legal notice was published on November 6, 2020
- ▶3. Twelve(12) letters were mailed by certified/return receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the rezoning is sought.
- ▶4. As of November 17, 2020 there have been six (6) letters returned undeliverable and I have not received any letters of opposition.
- ▶5. This case was presented to the Planning and Zoning Board on November 19, 2020. Planning and Zoning recommend approval by a vote of 4-0-0.

Zoning Request Case: Z-2020-0004(A)

5

Staff Recommends:

To accept the finding of facts as presented and approve Zone Request Case: Z-2020-0004(A).

ORDINANCE No. 1624

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 411 NEW YORK AVE. FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT C-3 BUSINESS DISTRICT TO R-4 MULTIPLE FAMILY DWELLING DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, State of New Mexico, (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 411 New York Ave and legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

WHEREAS, an application has been filed in the Owner's names under Case No.

Z-2020-0004(A) to change the zoning of the Property, and

WHEREAS, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the present designation and zoning district of C-3 Business District to R-4 Multiple Family Dwelling District ; and

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

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

ALAMO BLOCKS, LOTS 16-20, BLOCK 9

Is hereby changed from C-3 Business District to R-4 Multiple Family Dwelling District ; and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020

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

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2020-0004(A)**

For the Subject Property as follows:

Commonly Known As: **411 New York Ave.**

Uniform Property Code & Parcel Code: **01N4055094102370**

Legal Description: **ALAMO BLOCKS, LOT 16-20, BLOCK 9**

The Alamogordo Planning & Zoning Commission considered this item on **November 19, 2020** and recommended the following action to the Alamogordo City Commission by a vote of **4-0-0**

Approve the rezoning of the property detailed above for Case # **Z-2020-0004(A)**.

.....
The Alamogordo City Commission issued the following decision on **December 15, 2020** by a vote of _____

Approve as recommended for first publication Ordinance # 1624

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

Approve as recommended for final publication Ordinance #1624 .

Attest:

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

Rachel Hughs, City Clerk

Richard Boss, Mayor

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 12/4/2020

Report No: 13.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case V-2020-0003(A), property owners are requesting a Variance allowing a five foot (5') rear setback to the property located at 407 New York Ave. (*Stella Rael, City Planner*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve as presented.

Background: Property owners are requesting a five foot (5') variance in the rear yard at 407 New York Ave to allow them to be consistent at time of construction with the five foot (5') variance which was approved at the location adjacent (411 New York Ave.).



City of Alamogordo

City Commission



V-2020-0003(A)

Stella Rael, City Planner
December 15, 2020

Variance Request Case: V-2020-0003(A)

2

Request:

Property owners are requesting a five-foot (5') variance in the rear yard at 407 New York Ave. to allow them to be consistent at time of construction with the five-foot (5') variance which was approved at the adjacent property (411 New York Ave.)

Applicant:

NMSVH

Shelley Hughes, Architect (Representative)

500 Burro Ave.

Cloudcroft, NM 88317

Yards

29-03-200. - Yards—District R-3.

The yard regulations shall be the same as in the single-family dwelling district (sections [29-03-020](#) through [29-03-040](#)).

29-03-040. - Rear yards—District R-1.

There shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of the depth of the entire lot, whichever amount is smaller, the rear yard being defined as the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof other than steps or unenclosed balconies.

411 New York Ave. Existing Facility

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Findings of Fact

1. The property is located at 407 New York Ave. currently within the R-3 Two Family Dwelling District.
2. The request is for a variance to allow a five-foot (5') variance in the rear yard at 407 New York Ave. to allow them to be consistent at time of construction with the five-foot (5') variance which was approved at the adjacent property (411 New York Ave.)
3. The application was filed on October 22, 2020
4. The legal notice was published on November 6, 2020
5. Twelve (12) letters were mailed by certified/return receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the variance is sought.
6. As of November 17, 2020 there have been six (6) letters returned undeliverable and I have not received any letters of opposition.

STAFF RECOMMENDATION

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- ▶ Staff recommends approval of Case V-2020-0003 (A)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 12/15/2020

Report Date: 12/7/2020

Report No: 14.

Submitted By: Richard Denton

Subject: Consider, and act upon, Ordinance 1622 for first publication amending Chapter 7 of the Alamogordo Code of Ordinances regarding Animals at Large. (*Richard Denton, Chief of Police*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No fiscal impact

Recommendation: Approve the amended ordinance for first publication.

Background: This ordinance is an amendment to the Animals at large ordinance which will prohibit leaving animals out in the heat and cold without adequate shelter, water, and food. This ordinance will prohibit tethering animals in manner where they can become entangled in what they are tethered too.

ORDINANCE NO. 1622

AMENDING SECTION 7-01-030 OF THE ALAMOGORDO CODE OF ORDINANCES REGARDING ANIMALS AT LARGE

WHEREAS, the City of Alamogordo, New Mexico and its commissioners recognize that the ordinances regarding Animal Control have not been updated in many years;

WHEREAS, the City Commission recognizes animals as important and in need of protection; and

WHEREAS, the City Commission recognizes that both extreme heat and extreme cold can be detrimental to the health of animals, and that chaining animals outside can be inherently dangerous to the animal's health;

THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Section 7-01-030 of the *Code of Ordinances* be amended to read as follows:

7-01-030. - Animals at large.

- (a) No owner or person having control of any animal shall permit it to run at large in the city unless the animal is contained within a park specifically designated for the animal's species.
- (b) Any animal outside the fenced yard of the owner or keeper must be under control of a leash or other device by which it may be led except during the time the animal is confined within a park specifically designated for the animal's species.
- (c) ~~(c) No owner or keeper of any animal shall permit it to be chained, staked, grazed or herded on any unenclosed premises so that any part of the animal extends onto or over a sidewalk, street, alley, or other public property or beyond the owner or keeper's property or in a common area accessible to the public. Any chained animal must have a chain of at least sufficient length to allow the animal access to food, water, shelter and shade, but not so long as to enable the animal to harm itself.~~
- (c) No owner or keeper of any animal shall tether such animal to permit any part of the animal to extend onto or over a public sidewalk, street, alley, or other public property or beyond the owner or keeper's property or in a common area accessible to the public. If any animal is restricted by a tether, the animal shall be affixed in a manner to prevent the animal from being entangled or injured and permit the animal access to adequate shelter, food, and water. A tether made of chain, cable or other metallic material cannot be more than a ¼ inch in diameter and must be made of proper material for retaining the specific animal. A person may temporarily tether an animal no longer than is necessary for the person to complete a temporary task. If an animal is tethered temporarily, the animal

cannot extend onto or over a public sidewalk, street, alley, or other public property or beyond the owner or keepers property or in a common area accessible to the public.

(d) No animal shall be tethered for any length of time while wearing a coat hanger, choke collar, prong-type collar, head halter or any other collar, halter or device that is not specifically designed or properly fitted for the restraint of such animal.

(e) No owner or keeper of an animal shall keep the animal outside in adverse weather conditions without adequate shelter when a weather advisory or warning is issued by the national weather service, or when outdoor conditions (extreme heat, cold, wind, rain, snow or hail) pose an adverse risk to the health or safety to the specific animal.

DONE this _____ day of _____, 2021.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Richard Boss, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney