



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

April 26, 2022 - 6:30 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Susan L. Payne Mayor
Dusty Wright Mayor Pro -Tem, District 6
Nick Paul District 1
Stephen Burnett District 2
Karl Melton District 3
Josh Rardin District 4
Sharon McDonald District 5

Brian Cesar City Manager
Petria Bengoechea City Attorney
Rachel Hughes 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 of 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

PRESENTATIONS

1. Alamogordo Station Presentation by the Alamogordo Center of Commerce. (Marianne Schweers, Co-Owner of Heart of the Desert)

PUBLIC COMMENT

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

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

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

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

2. Approve the minutes for the April 12, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*

3. Consider, and act upon, award of RFP 2022-004 Water Storage Tank Inspection & Cleaning services to H2O Solutions, LLC. *(David Nunnelley, Utility Director)*

4. Consider, and act upon, approving the award of IFB 2022-04 Traffic Cabinets & Camera Replacement to Cubic Transportation Systems. *(Paul Bennett, Facility Maintenance Manager)*

ITEMS REMOVED FROM CONSENT AGENDA

UNFINISHED BUSINESS

5. Consider, and act upon, Resolution 2022-21 giving the City Manager and City Attorney limited authority to waive fees, costs or requirements of certain ordinances for a limited time. *(Brian Cesar, City Manager and Petria Bengoechea, City Attorney)* **(Roll Call Vote Required)**

NEW BUSINESS

6. Discuss and provide direction on commercial solicitor licenses. *(Rachel Hughs, City Clerk)*

7. Consider, and act, upon Resolution 2022-18, declaring 323 Railroad Road to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. *(Jim Baker, Code Enforcement Supervisor and Stella Rael, City Planner)* **(Roll Call Vote Required)**

8. Consider, and act, upon Resolution 2022-22, declaring 318 Railroad Road to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. *(Jim Baker, Code Enforcement Supervisor and Stella Rael, City Planner)* **(Roll Call Vote Required)**

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 4/26/2022

Report Date:

Report No: 1.

Submitted By: Dylan Aleshire

Subject: Alamogordo Station Presentation by the Alamogordo Center of Commerce. (*Marianne Schweers, Co-Owner of Heart of the Desert*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background: Marianne Schweers will be updating the Commission on the progress of the Alamogordo Center of Commerce, Toy Train Museum and Depts., and Visitor's Center.



City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM

Today's Date: 4/19/2022

Request Date
of Meeting:

4/26/2022

Name:

Alamogordo center of commerce

Address:

1301 North White Sands Blvd

Alamogordo NM ZIP 88310

Phone Number:

575-437-6120

E-Mail Address:

dir@alamogordo.com

Item requested will be for: (Please check one)

☒ Information only

☐ Action Item

Brief description of topic to be discussed:

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

We do not allow handouts at the meeting

Marianne Schullers will be updating the Commission
on the progress of The Alamogordo center of commerce
Toy Train museum and Dept. and visitors center

Signature: M. Oliver

Please return to:

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

Phone: (575) 439-4272

Fax: (575) 439-4396

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

Revised 7/1/2019

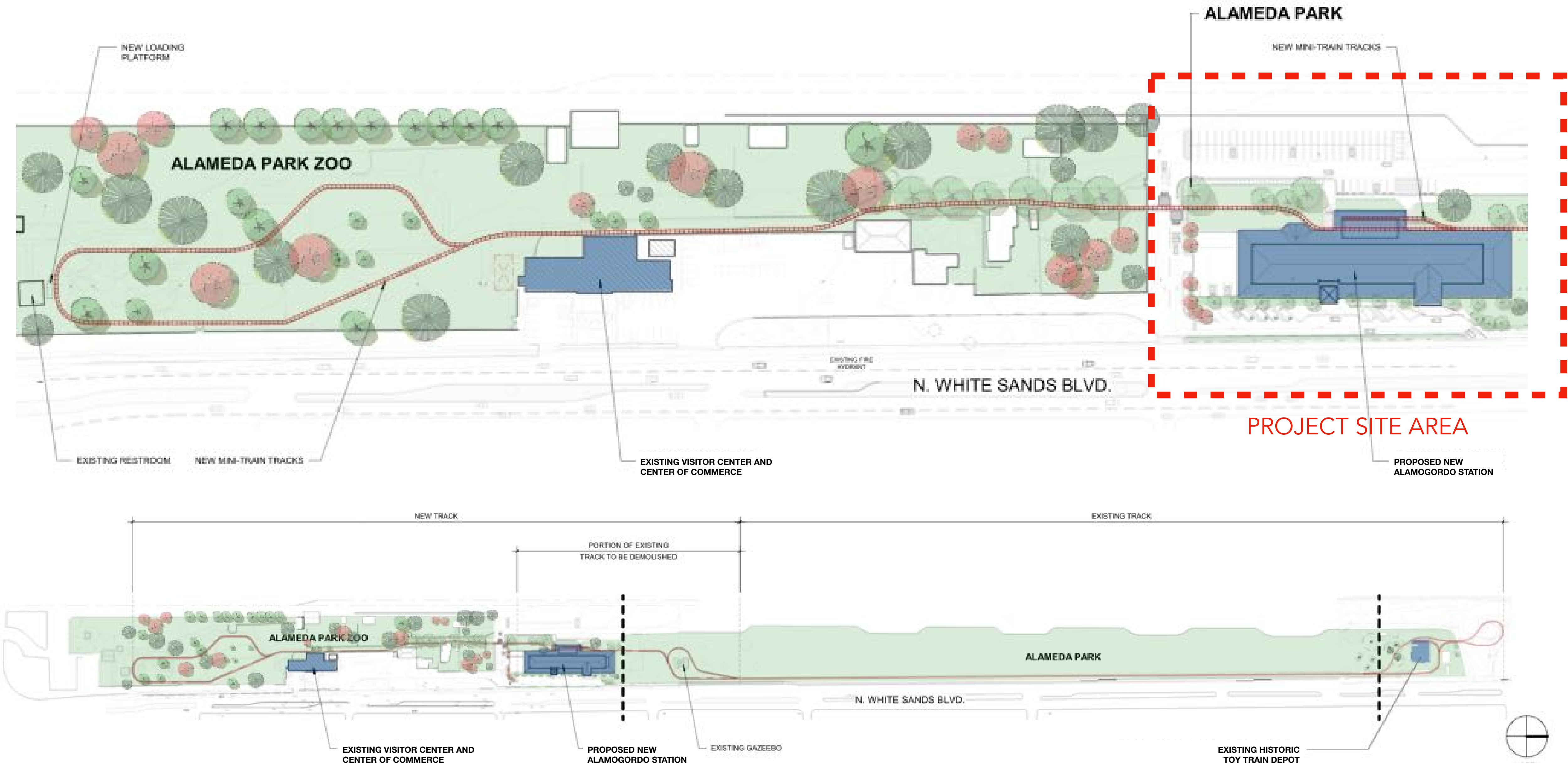
ALAMOGORDO STATION

EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

A proposal for a multi-user venue located within the bounds of Alameda Park that provides a new Visitor Center and Event Center for the City, a new Center of Commerce along with a Business Development Center. Alamogordo Station will also provide a permanent home for the Toy Train Depot, envisioned as a Railroad Museum with new track extensions that extend the train operations into the Alameda Park Zoo for joint operations.

ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

Rendered Site Plan



ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

View from south looking to the north along White Sands Boulevard



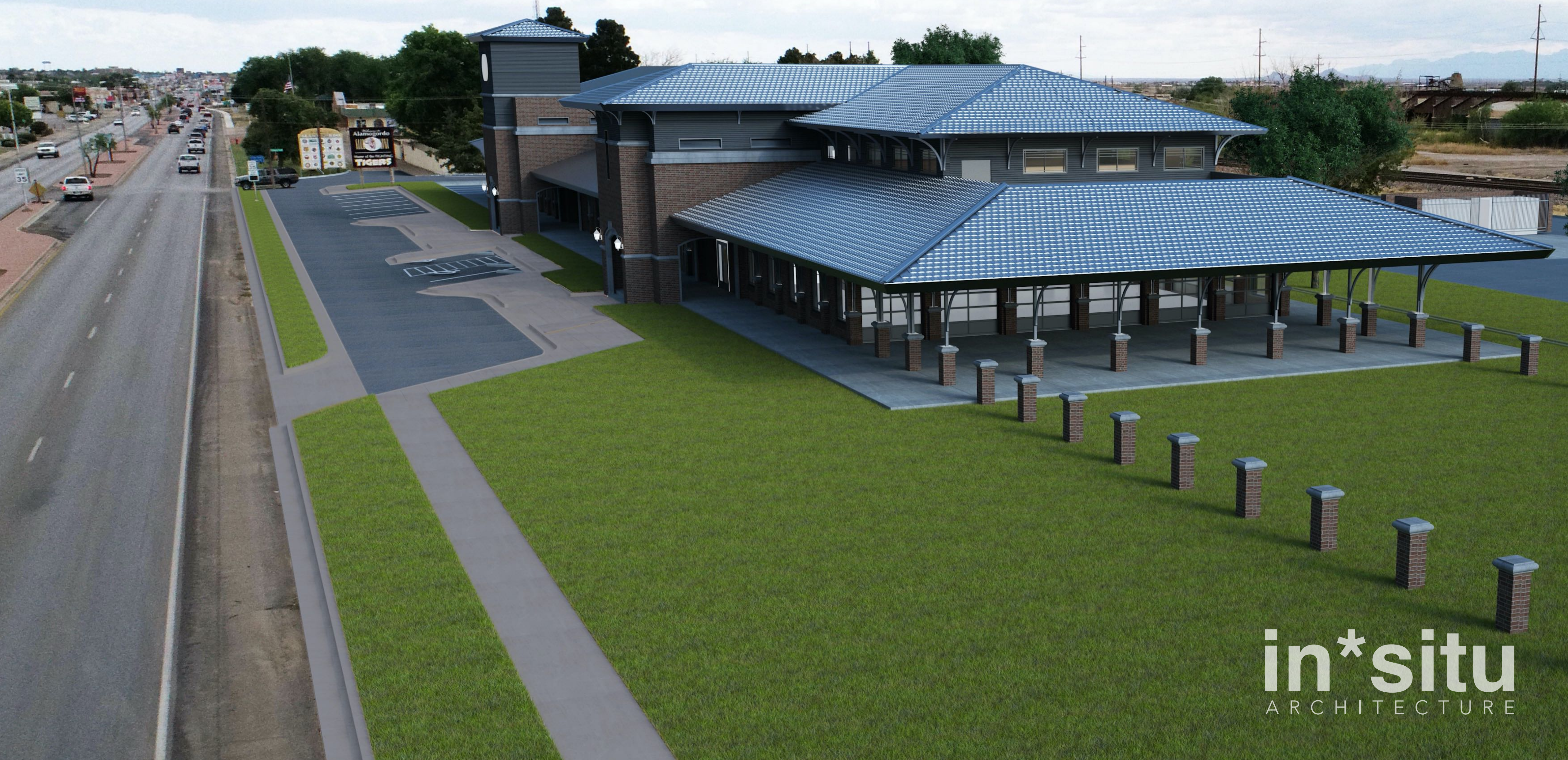
ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

View from east looking across White Sands Boulevard to the west



ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

View from north looking south along White Sands Boulevard



in*situ
ARCHITECTURE

ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

View from west looking east along 14th Street



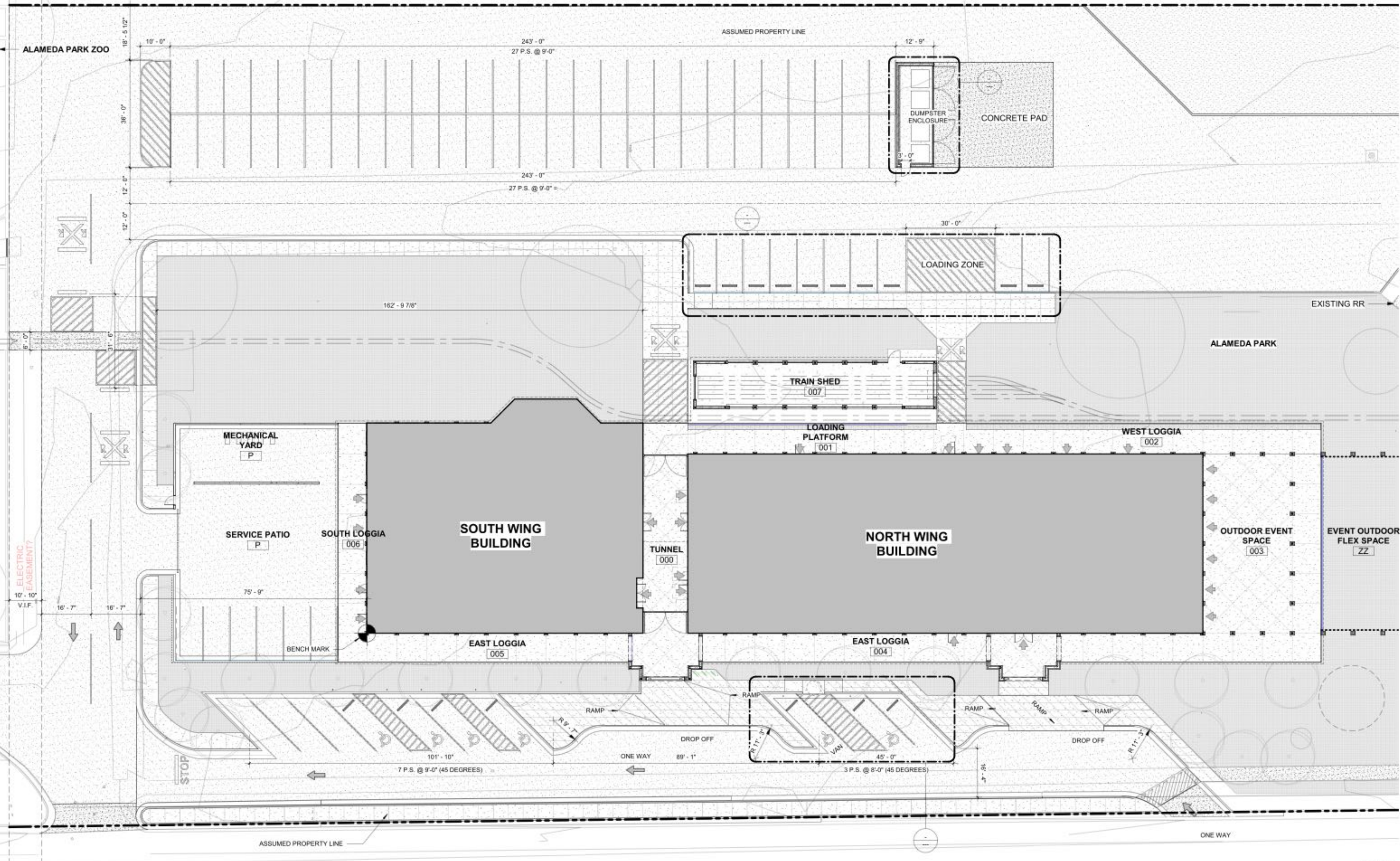
ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

Wide view from north looking south along White Sands Boulevard



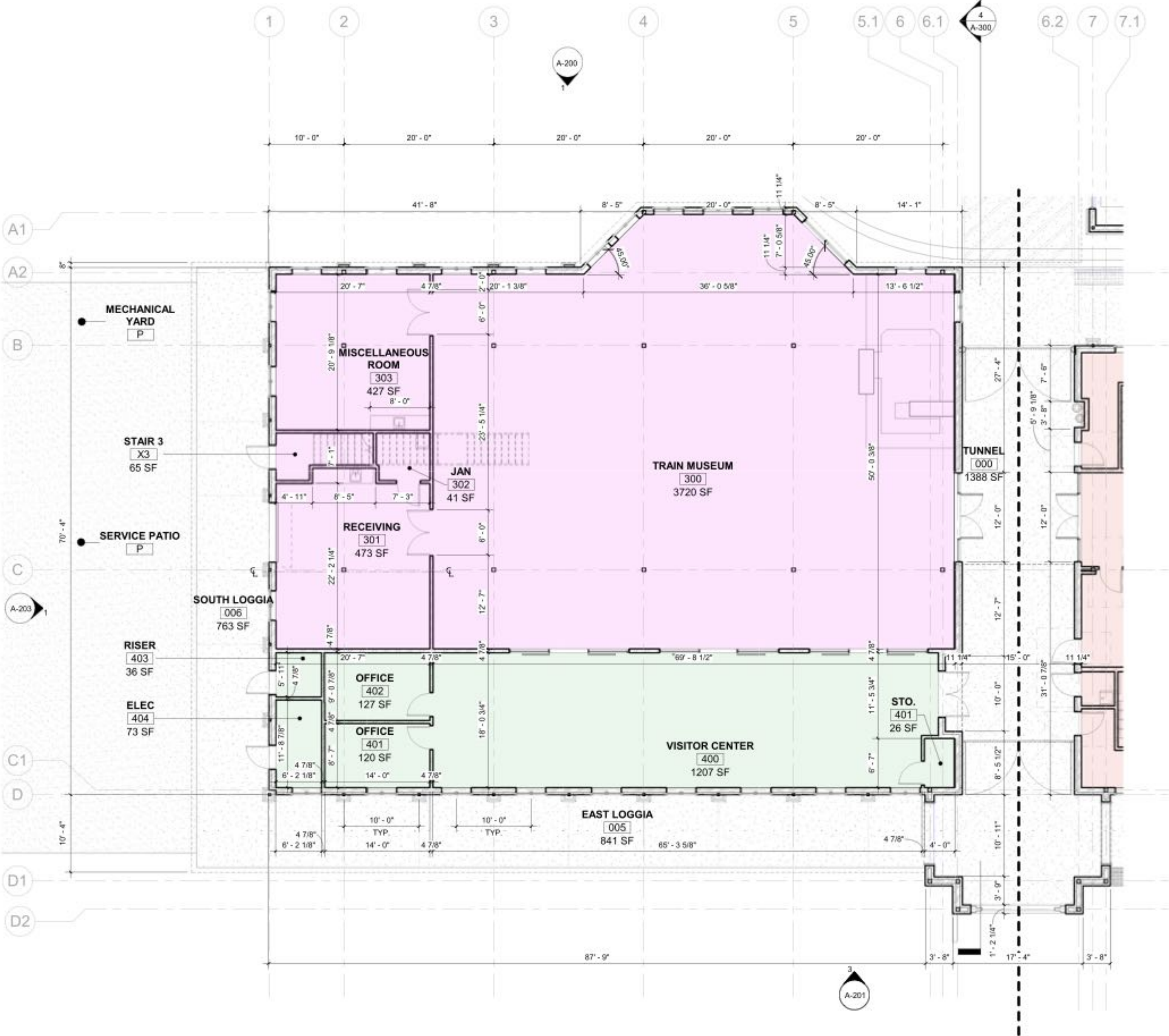
ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

Overall Plan



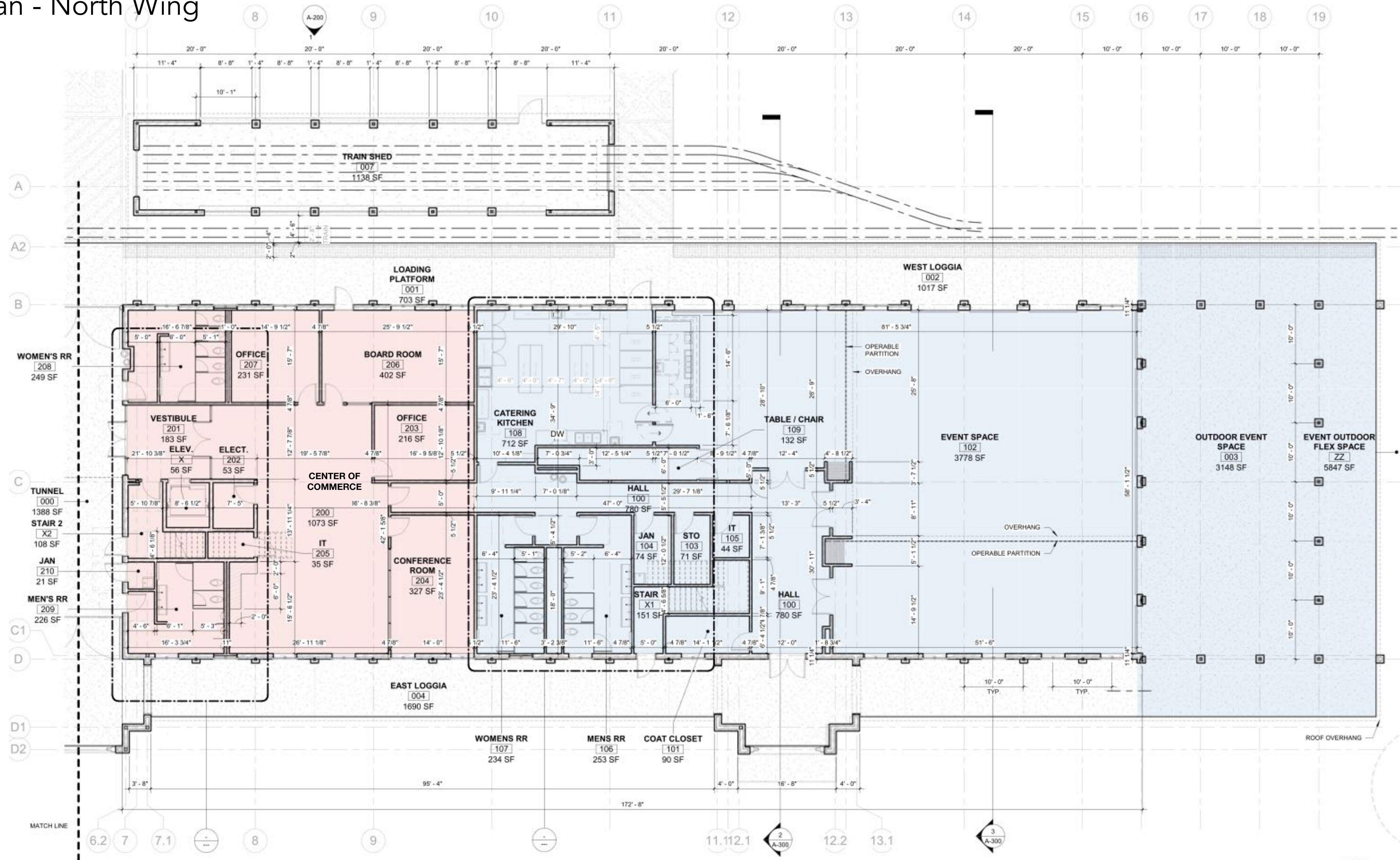
ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

Floor Plan - South Wing



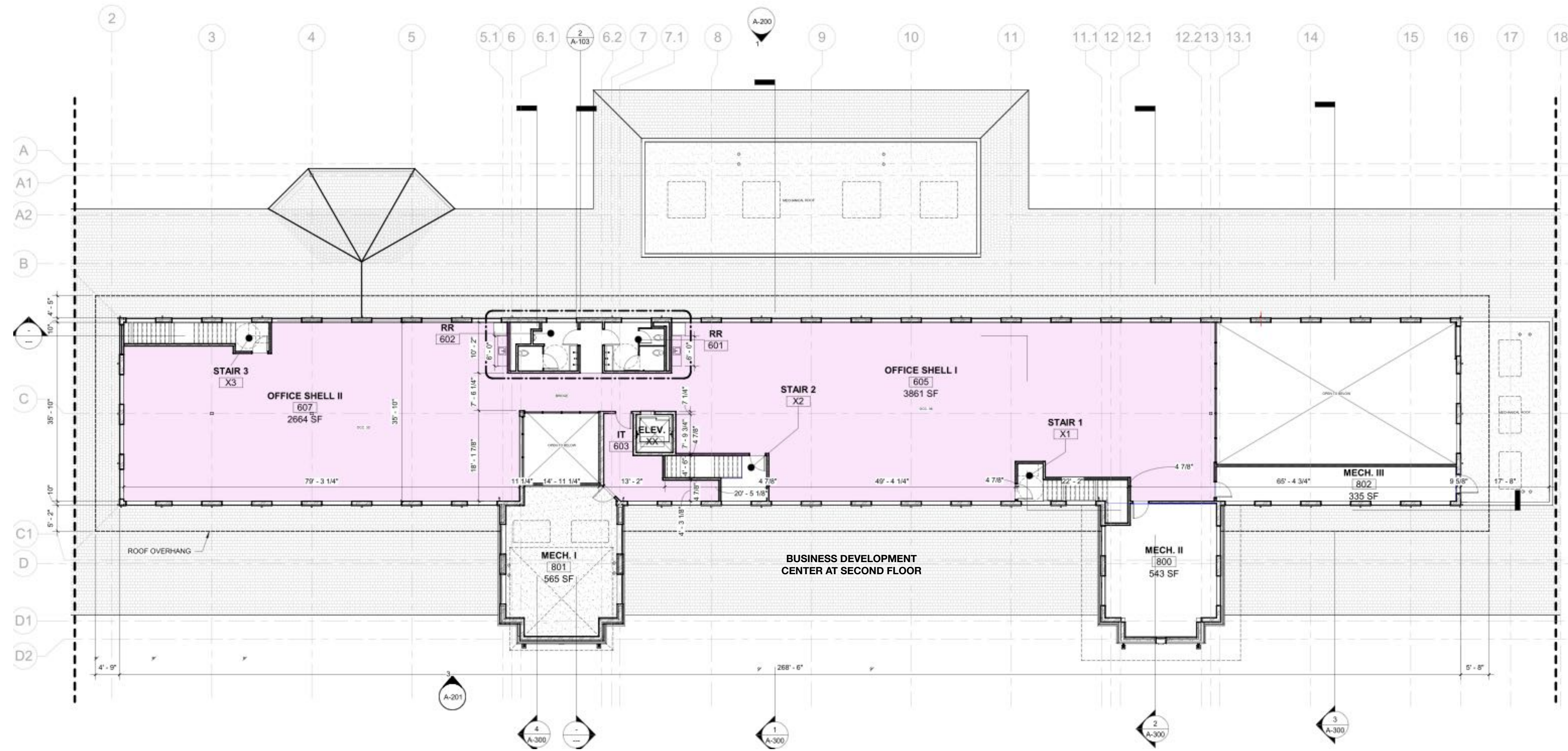
ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

Floor Plan - North Wing



ALAMOGORDO STATION : EVENT & VISITOR CENTER * CENTER OF COMMERCE * RAILROAD MUSEUM

Floor Plan - Second Level



ALAMOGORDO STATION

DEVELOPMENT METRICS

VISITOR CENTER	1,590 SF
CENTER OF COMMERCE	3,014 SF
BUSINESS DEVELOPMENT CENTER	6,938 SF
EVENT CENTER	6,037 SF
RAILROAD MUSEUM	4,662 SF
BUILDING COMMON AREA	2,195 SF
BUILDING FOOTPRINT	28,333 SF
NET ENCLOSED SF	24,584 SF
GROSS BUILDING AREA	35,271 SF
TOTAL ESTIMATED COST OF DEVELOPMENT	\$ 11,032,035
ARCHITECTURE AND ENGINEERING TO REMAIN	\$ 371,005 (INCLUSIVE OF ABOVE)
COST ESCALATION TO 2024	\$ 333,005 (ADDITION TO ABOVE)
DURATION OF REMAINING DESIGN	6 MONTHS
DURATION OF CONSTRUCTION	15 MONTHS

ALAMOGORDO STATION



in*situ
ARCHITECTURE

Prepared on behalf of the Sheldon Trust.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 4/26/2022

Report Date:

Report No: 2.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the April 12, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
April 12, 2022**

**SUSAN PAYNE, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
NICHOLAS PAUL, COMMISSIONER**

**DUSTY WRIGHT, MAYOR PRO-TEM
KARL MELTON, COMMISSIONER
BRIAN CESAR, CITY MANAGER
PETRIA BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Payne called the meeting to order at 6:31 p.m. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present. Invocation was given by Pastor Matt Celoria and the Pledge of Allegiance was led by Commissioner Paul.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Purple Up Day for the Military Child Proclamation. *(Susan Payne, Mayor)*

Mayor Payne said this is Zuri and Eric, and that this month, we are celebrating the Month of the Military Child, and she is excited to present a proclamation on behalf of the City of Alamogordo.

Mayor Payne said she would also like to take a moment to welcome Colonel Keeney, thank you, it is not very often that we get to see you in the Commission Chambers so thank you being here tonight as well, thank you.

2. Officer of the Year presentation for the Alamogordo Police Department. *(Richard Denton, Chief of Police)*

Chief Denton said it is with great pleasure that the Alamogordo Police Department has chosen Sergeant Lewandowsky as Officer of the Year for 2021. He has worked for the Alamogordo Police Department for seven years. He has served in a few different capacities during his career. In 2021 he primarily served the Detective Unit with the Alamogordo Police Department, until he was promoted to Patrol Sergeant in October of 2021. While assigned to the Detective Unit, Sergeant Lewandowsky frequently went above and beyond his assigned task, and has proven to be a well-rounded officer. He has assisted with the Patrol Unit, Narcotics Unit, as well as fellow officers with numerous investigations. Among his other tasks and duties, he was still able to complete his assigned detective work in an efficient and timely manner. He was an active member of the 12th Judicial District Major Crime Unit, and the U.S. Marshals Task Force throughout the majority of 2021. As an active member of the 12th Judicial District MCU, serving Otero and Lincoln Counties, he assisted in several homicide investigations and had a large part in solving nine deaths investigations. All nine investigations he had a hand in were solved. Five of the nine investigations led to suspects being charged with either first or second degree murder. During those five investigations, Sergeant Lewandowski played a significant

role in all of them by traveling countless hours to other jurisdictions across New Mexico to recover evidence and interview suspects. His excellence in documentation, professionalism, and commitment to the team greatly assisted in bringing five murders to justice. In the investigations not leading to criminal charges, it was demonstrated that Sergeant Lewandowsky's knowledge and contributions helped in proving that no crime had been committed. During his limited time with the U.S. Marshals Task Force, he assisted in the apprehension of three Federal fugitives in Otero and Lincoln Counties. Through his incomparable work ethic and upmost professionalism, Sergeant Lewandowsky has more than proven that he is a tremendous and valuable asset to the Alamogordo Police Department and the community he so proudly serves. His hard work, dedication, attention to detail, and enthusiasm that he brings to the job only briefly summarize the many reasons why he was promoted as Sergeant in October of 2021. Since being promoted to Sergeant, his outstanding work ethic has not wavered, he continues to diligently work cases and assist in high profile investigations, in addition to supervising a patrol ship for the Alamogordo Police Department.

3. The Alliance for Regional Military Support will provide a briefing to the City of Alamogordo, an overview of the work in support of Holloman AFB and the City. (Richard Dayoub, ARMS Treasurer)

Mr. Dayoub and Chairman Gus Rodriguez presented their strategy for ARMs and the work and priorities they do. Mr. Rodriguez said he wanted to highlight some of the notable achievements they have accomplished in the past few months. We have conducted formal briefings with Congressmen from Otero and Senator Luhan regarding the needs of the military complex within Southern New Mexico, and particularly Alamogordo. We have also met with Alamogordo community leaders; Alamogordo community leaders continuously have the access that they need with Cypress, who is the consultant that we work with, to be able to provide us the detailed information that we need to be able to take care of the many needs of this community. We have met with the Holloman Garrison Commander to be able to discuss the priorities of the installation and how we can support that, and how this community can also support it. One of the areas of concern that we have been working very closely with and would like to highlight is the changes that are taking place in Air Force medicine; that is bringing all the different branches of the military under one agency that is called the Defense Health Agency, so there is all kinds of question as to what that is going to mean, and the impact that is going to have on our service members. That is one of the things we have been monitoring. To give you an example, there was a possibility that Holloman Air Force Base's Medical Center would be moved under William Beaumont, so there was the opportunity to go ahead and divert that; you do that so they can continue to be independent of the folks at William Beaumont. Although you do have service members that go to Beaumont for the more serious medical treatment they need to receive. We also participated in the New Mexico Land Commission, he said he was meeting with the New Mexico Land Commission to discuss issues of encroachment and its impact on Holloman Air Force Base. Project Convergence is a big event that is taking place that he said he would like to highlight, particularly to this Commission, because it is one of the largest training exercises that is taking place in the Department of the Army in this coming year. It will be an exercise that includes the Air Force in addition to the Marines, and other allied nations. What is important to this Commission and Community is to understand the impact of that training, and the capabilities that are being developed, and to see how you as a community can be able to plug into those opportunities. The previous exercise that took place in 2021 had over five thousand contractors that came in to participate, and to support the military, and some of the Army's modernization efforts that were taking place. This exercise coming up this year will be even larger and will go all the way from Holloman Air Force Base to Yuma Proving Grounds; that is the area that training opportunities are going to happen. We have been working closely with the consultants in Washington to provide the Alamogordo team with a number of efforts that are going to be impacting Holloman Air Force Base. We are staying engaged with Army Futures Command and also Aftworks; this is important also because of the modernization efforts that are taking place, how we can capture

some of those opportunities for our local community residents. We are advocating for Holloman Air Force Base's capabilities, and also White Sands capabilities, in terms of the airspace for the Air Force MQ9 and F16. He said he also wanted to make sure we talked about sustained safe, desirable, and affordable off-post housing for our service members that are moving into the community. One thing we want to be working with also, that we started to work on, was to see how we can plug in Aftworks and Army Futures Command to some of the STEM program that you have here in the Alamogordo Independent School District; participated in AUSA, Associated United States Army's annual meeting, in addition to the Air Force's meeting, to be able to advocate for Holloman Air Force Base. He said he talked to you about some of the work being done with Holloman in reference to Project Convergence and the importance of that. We continually engage with elected officials at the Federal level to assure that we are promoting the importance of White Sands Missile Range and Holloman Air Force Base. Some of the things we are taking a look at as we are moving forward, there are opportunities, and we provided you all with a link for those opportunities, or grants for defense communities, to be able to apply for and get some funding for. Then we will continue to work on desirable and affordable on-base housing. We are going to be working with the Alamogordo Economic Development Department to talk about opportunities as it pertains to modernization of both the Air Force and in the Army.

4. Salary Compensation Study for the City of Alamogordo (David Everton, Municipal Solutions)

HR Director Torres said this has been a project they have been working on since August when we signed the project contract. There hasn't been a compensation study for as long as she has been here, and she said she thought that even longer than since Brian has been here, maybe twenty-four years or more. She said she wanted to thank the Commission for the funding of the Compensation Study because it was desperately needed. She wanted to introduce David Everston, he is going to give his presentation tonight.

Mr. Everton said that before he got started with the presentation, he would like you to think about two things. First is, what attributes do you value in a public employee, think about that for a minute. Whenever we do these compensation studies like in Florida or New Jersey, we always ask the same question; that is really important. Once we get to the numbers, that question is going to come back to your mind repeatedly. The second question is, what are those attributes worth to you; what is it worth to the community. He said that what he means by attributes is quality in an employee, quality of work, quantity of work, punctuality, longevity, institutional knowledge, retention, those are some of the attributes you may find or support. As we go through this, he is going to go through the introduction quickly, but when we get to the numbers, ultimately, that is going to come down to what you value as a Commission and what the community values.

He said that this presentation is going to be about fifteen minutes. He is going to talk about objectives, methodology, and then the results. Quick introductions, in about nineteen years they have done over four hundred projects for local governments; we have a local government division, we do a lot of work, we have done a lot of work in Iraq, Afghanistan, Myanmar, Egypt, and Libya. Also, governance and organizational development stuff are some of the stuff we do in local governments in the United States. We have a private industry that works with private entities like IBM, Pitney Bowes, Tractor Supply, and some big companies like the SpaceX spaceflight facility in Brownsville, Texas. We have been in a lot of national media with Reuters and some other major newspapers.

The three types of projects we focus on are efficiency, technology, and safety. We do a lot of operations planning, risk management; this happens to be one of our key areas in compensation classification. Thirty-eight states have allowed us to learn to fine-tune our process to the challenges of operating and working in different states.

We have a really good team, we have a couple of CPAs that work on this stuff with us, a couple of interns, and several senior analysts. Becky Smith, who is not pictured here, is a resident that works at Holloman. Even though he is traveling around the world quite a bit, she is right here. It is nice that she has been working on this project with us, it is near and dear to her, she has a vested interest in making sure it is done right.

He said that he talked about this briefly, what are some of the things you value, fairness and compensation, salaries, benefits; you'll find that as we get to one of the slides, you are going to see we present it. We looked at general fund budgets, operating budgets, for the comparable cities and what percentage of their budget is related to personnel costs. We also looked at, those personnel costs, how much do each of these cities devote to salaries and benefits; they are not the same, they differ. You'll be able to look at yours, as it compares to some of these other cities, and then ask yourself why are we doing that, is there a reason why this distribution, is there a reason why we have been doing this for twenty-five years. Things have changed. Families are now two income households instead of one from thirty years ago. Paying for one hundred percent of employee benefits may not be in the best interest of this city. It may, it may not, so we will talk a little about that. One of things that is important is having a defined, transparent, compensation system. A lot of cities don't know, and a lot of employees don't know, why is my position classified the way that it is. Why is the pay range the way that it is. To be able to have a clear system, which we will talk about in a minute, you don't quite have right now, that is the purpose of this, to ensure that you do moving forward.

We hear this a lot from employees as we are working from different cities; I am doing the same job as this person, but I my job requires me to have a bachelor's degree and theirs doesn't, why are we paid the same. Or I am doing twice as much as that person but we are in the same pay classification. Those are some of the inequity issues that employees sometimes have that we hear about, and we try to investigate and see how true that might be. Do cities reward employees for longevity; some do, and they don't emphasize the quality aspect of the job while others have a really good performance measurement system for their employee but don't reward longevity, so there is some trade-offs on that. What is the impact on quality of services, one of things he will talk about later. Right now, you have three hundred and ninety classifications, three hundred and thirty-five budgeted, and you have seventy vacancies right now, which represents about twenty percent of your work force. We are going to answer that question as to why that may be happening. Employee retention and attraction is also an important issue.

There are some management team challenges, there are some Commission challenges; what is important to you and what is important to the staff, the management team, may not be the same. We put that in there just so you are aware there is questions that you are going to look at, and questions they are concerned about that may not be the same. For the City Manager and the management team, having the enough employees to take care of the services, you know, pay them effectively; for the Commission, making sure there is not some inequity that puts the City at risk and causes potential for liability.

Project objectives are pretty clear, review the current compensation plan, does it meet the City's current needs; evaluate the current pay plan structure, look at the pay grades, the actual pay, and then the spread of the minimum and maximum. Recommended strategies for improvements and recommend a professional evaluation process. He said he was speaking with Commissioner Rardin earlier about making sure that if you are going to pay employees well, you really want to make sure you have a good performance evaluation process to support that; that is one of the things we will agree to. We are just about done, these are the six steps we have been working on, we are just about finished with the final report, and then training.

There are three parts to a modern classification system, one is job descriptions that have language in it that allows you to quantify or look at a job description and say, what makes it different than this job description; how do you quantify these two jobs. The second thing is an internal classification system that is linked to compensation. All these three things have to be linked. They did a job survey, they did a pre-assessment, they met with a lot of the staff and management team and retained a lot of information on the City, the pay plan, the work structure, a lot of details. We passed out a job audit; that job audit was for management and non-management classifications. It asked them to respond in the survey, what does the job require for education. There is three boxes there, the first one was high school education for non-management, high school education with some technical training or a bachelor's degree. For management education, it is high school, bachelors, and masters. What does your position require, zero to one, one to three, more than three years. There was a bunch of questions that we asked, what does your position require, not what do you have, but what does your position require. With these questions, we are able to clarify the responsibilities and create a basis for creating a hierarchy that distinguishes how you compare a librarian to a court clerk to a police officer trainee. This system allows you to do that and come up with a new classification system. There is an example with weighted factors. After we did the classification analysis and the job audit, we created a mock classification system. We looked at what the jobs and classifications should be classified as, and we looked at what your current classification is, and we put them together. Some positions were classified the same and they should have been classified differently; others that were classified differently should have been more closely classified. When we did the compensation analysis salary and benefits, we looked at the following cities, Clovis, Hobbs, Las Cruces, Farmington. Some of them had a greater population, some don't; some municipalities don't have the same services that you do. Other organizations like Holloman and White Sands, they have utilities that really tends to pull away from the City, so we included some of those positions as well.

The results; two hundred and one positions in one classification system. There is no quantitative way to classify why positions are classified the way that they are, they have always been that way. There are no defined steps between the grades; as we look at each of these different classifications, one of them has a two percent step, one of them has a six percent step, there was just a lot of irregularity there and that is just really dangerous, it is not a good place to be. It puts the City at risk for someone claiming unfair compensation. There is no established cost-of-living-adjustment; some cities have a defined one percent, two percent that they do every year. They assign a COLA, or the Council comes and says they are going to assign a COLA every year on budget. Most importantly, the City doesn't have a policy that adjusts for inflation, there is no CPI adjustment. When you think about what I am sharing with you right now, in a few minutes, you are going to see the results, and you are going to see why it has gotten the way it is over the last twenty years. We are going to correct that.

There are the results. You can see the first column, education, experience, knowledge, budget, and finance; all these different criteria that allow us to, for management, if you are responsible for budget, if you are responsible for overseeing operations, working with others and networking outside, working with other departments, or just within your own department. For non-management employees, physical labor, physical effort, danger; those are some of the factors for non-management positions. What the yellow represents there, we asked each employee to indicate what the expected level is for their position, and some people had different ideas. Some police officers, for example, may have differed in level two or level three, and so, we cleared that up, we cleaned that up with the department heads.

One size does not fit all. What this shows is that different local governments have different classification systems. Hobbs has three hundred and five job titles and ninety-seven classifications. Alamogordo has two hundred and one job titles and thirty-five grade seven group codes. It goes to

show you that there is not one size that fits all. When we look at this, we looked at what is right for your city, is it working for what you are doing. The good news is that the City appears to have the appropriate number of unique classifications, it was just the ordering of them and moving some positions around. Some positions are misclassified, and we reconciled some of them of those and made some recommendations on how to reclassify them.

This is really important, current pay widths. Some cities, as we look at the data in a minute, you are going to see that if a job is \$20,000 to \$30,000 there is a \$10,000 spread from minimum to maximum. Another of the exact same position in another city might have a \$30,000 spread; that is really important when you look at what is the width of the minimum and maximum for your positions compared to other municipalities, that is going to be illustrative because you are going to find out ours is too narrow. Why are they narrow, why are they wider, how do we fix that, how do we adjust that.

Alamogordo's management classification ranges are about \$45,000, or about 18% narrower, than other cities, which means there is not a lot of room for your employees to grow. Non-management is about 15% narrower. Imagine if you will, the first column is about \$15,000 difference, and the column on the right about \$22,000-\$23,000 difference. Your ranges are lower, your ranges are narrower, than other municipalities.

As we look at minimum pay ranges, the current minimum starting salary for positions is substantially lower, on average, your positions are \$6000 to \$17,000 lower than other municipalities, about 35% different. The maximum pay ranges are \$16,000 to \$21,000 less, so you can start to see where that is coming from. The minimums are lower, but the maximums are significantly lower, so your range for minimum to maximum is less than the market average. Actual salaries for all but seven employees are below the current range maximum; there are no management employees that are paid in excess of the maximum, that is good, it means your system is being managed well. When we did a study for Gallup five years ago, there were seventy-eight or seventy-nine employees that were not even at the minimum of the existing pay classification. Just to get them up to the minimum was going to cost about \$240,000.

Actual salaries above the current range; eight non-management employees were paid in excess of the current range maximum. When we look at the market minimum, we have three columns, existing range, market range, and then the proposed range. Ninety-five non-management employees are below the market minimum, about a third of the workforce. One management employee is above the market maximum.

We recommend a new range, we looked at your existing minimum and maximum, we looked at the market, and tried to come up with an informed, internally equitable but market-competitive new ranges for all of your classifications. One hundred and eighty-five of those positions would currently be below the new minimum. Those employees at their current salaries are going to have to be brought up to the new minimum, staff will talk to you about what that impact is a little bit later.

Conclusions; your pay range have not been effectively maintained competitively, almost all the classifications, management or non-management, are not competitive with the market. Consultants recommend adopting a new classification system and new pay ranges. What you see here is an example of some of the positions. A Landfill Foreman, for example, current salary is \$42,400, that is the third position down. The current minimum of the current range is \$49,408, the maximum is \$62,000; the market is \$41,000 to \$55,000. You look at another position like Street Maintenance Foreman, \$31,400 to \$62,000; the market is \$58,000 to \$81,000. You can see that there is almost a \$20,000 difference in what the market's paying as a maximum for that position. If you look at the Zookeeper, again the market is a little different. The Utility Construction Foreman, the third one down in white,

currently pays \$46,000, right in the middle of the current range, but the current range is incredibly low, the minimum is \$39,400 but the market is saying it should be about \$57,000, and the maximum should be \$87,000. You are about \$20,000 under. We did all of these for every one of your positions. Wastewater Plant Technician currently pays \$47,406, \$32,154 is the minimum of the current range, \$48,500 is the current range maximum. The width is \$16,000, you can see on the other grade the width is \$20,000, so the width of the City is narrower but not only that, the starting pay is \$10,000 more, and the maximum is \$14,000 dollars more. You are starting to see a pattern here, it is a pattern that almost every one of these positions has, the same challenge. Aquatics Recreation Program Coordinator's range is currently \$34,500 to \$52,400; the range of the market is \$43,800 to \$65,000. When we do these studies, we never know what we are going to see. We never know if you go are to be overpaid, or on the high end or low end, but this is pretty reflective of all these positions. Weed and Drainage Technician, again, it is lower. The Golf Course Irrigation Specialist, lower. Parks Maintenance Crew Leader, lower. Animal Control Officer, lower. All of these all the way through, you will have this in your final report and be able to look at these by position and see all the data we collected.

This is really important, this one here. The conclusion is, your budgeted personnel expenses, you have two point four employees per thousand less than other cities; you are actually doing more with less employees. That is before you think about the seventy employees you are short, the twenty percent you are short, you are automatically short if you look at all the municipalities, and how many employees per thousand residents they have, you have two and half employees per thousand less than the average of the other cities. You spend thirty-three-point eight percent of your general fund budget on more than other municipalities on your personnel budget. That last column is what percent of your personnel budget, what percent of personnel cost is your budget, and you can see there, it is about thirty percent difference. The median is, most other municipalities is seventy-three percent. This is what is even more important, is the distribution of salaries and benefits, about two-point five percent, so it is pretty close to the market, the way that you distribute your personnel costs, salaries, and benefits. This is going to be in the final report, there is going to be some additional benefits information and policies of other cities. Sick leave, vacation leave, accruals, their policies on COLA, CPI, it will give you a lot of ideas of what other municipalities are doing and what policies you might want to adopt. We are going to recommend that the City create a Benefits Committee and review that information, then come back with any recommendations they might have. Our recommendations tonight are standardize the job descriptions, link them to the classification system, adopt the new classification system, adopt the new pay ranges, and there is a fiscal impact associated with doing that.

Mayor Payne asked if anyone had any questions. Mr. Evertson said he would have loved to have lots of tables and charts, but he would have entertained the Commission for another hour. Mayor Payne said she would have loved just seeing what he did have. Mr. Evertson said that was the light version, when you see the report, you will know why.

Mayor Payne said she had a couple of questions, you said we have seven non-management employees that are above the maximum. Mr. Evertson replied yes. Mayor Payne asked if that was due to longevity or how does that happen. Mr. Evertson said that was a good question, without having his laptop in front of him, he can't tell you exactly which positions. He wanted to have those in there so they would know exactly what positions those were. It was probably due to longevity. City Manager Cesar said that part of it is that some of those positions have been here forever, part of it is due to longevity, reclassifications that have happened in the past, also union negotiations, and some of those employees have ad-rates to their pay due to special certifications, licensing, etcetera. Mr. Evertson said that he thought a couple of them, if he is not misspeaking, were law enforcement. City Manager Cesar replied that would fall under their contract. Mr. Evertson said that was not a bad thing because they were relatively keeping pace in comparison with the rest of the classifications of it, not necessarily

the rates of the market. That is why, again going to union rates and collective bargaining, that is probably why some of those positions are where they are at. Whereas some of the other positions are lagging behind. Three of those seven were law enforcement.

Mayor Payne said that the one that really concerns her is ninety-five non-management employees below market. Mr. Evertson said that was exactly correct. Mayor Payne asked if we had a general idea of where or what positions those are, are they mostly Parks. City Manager Cesar said most of those positions are going to be lower level, entry level type positions, the blue-collar positions. For the time that he has been in the City, there have been through other City Managers and different Commissions, at budget time, some years increases across the Board were approved and other years there was nothing. With salary studies in the past, this is the first time that he is aware of, from the time he has worked for the City, where we have actually gone to an outside professional to have it done. Traditionally it has been done in-house and what has been done at the past, it apparently started at the top. Mayor Payne replied apparently not well. City Manager Cesar continued the executive level was looked, then the following six to eight months later, management level was looked at, and a couple of times, the lower positions were looked at, but that was last year, that is part of the reason in contracting this out, one rate to be City wide, every position from the bottom to the top. It is a comprehensive look at every position that we have in the City. Mayor Payne said shame on us for not getting that one right. Mr. Evertson said that on this spreadsheet alone, this tab in the spreadsheet is expanded out, this actually shrunk; where you have the minimum and maximum, right after that, you have a column that shows any of those ones that are red, like under market minimum. You see the ones there, \$58,104, anything that is red means there is an adjustment that has to be made. Those numbers that you saw, there is a corresponding table that goes with it that shows this position is under. Right there you can see all the positions, Public Works Inspector is \$5000 under the market now. Property Manager is \$46,800, \$34,000 under the minimum of the market. It varies from position to position. Mayor Payne asked which one was that, and Mr. Evertson replied Public Works Inspector, it is down there halfway in the gray. Mr. Evertson continued that Mechanic seems to be okay. If you look at Water Quality Lab Technician, it is \$41,000 at the bottom of the page, it is actually \$3,000 under the market minimum. There you have the new minimum. Even though you can't see the position titles, everything that is under the new range minimum, those are all that is in the red, and corresponds with the current salary on the left. It shows you in that far right column, adjustment to the new minimum. Some of these positions, in order to get them to the recommended market minimum, that position is going to get a \$12,000, \$8,000, \$4,000; it has to be adjusted, that salary, just to get it to the new range. The new range, if you look, this is a really important slide that you will have to look at later; you have the current minimum and maximum, you have the market minimum and maximum, then you have the new range that we are proposing. So, it doesn't have to be exact to the max, to the market, it needs to be, there is two things, there has to be a rational nexus to your compensation system; so, what you are classifying your positions that have to be a rational basis. There has to be, the second thing, a rough proportionality to the market; it doesn't have to be exactly to the market, but it has to be comparable. So, all of this, each of these positions will have an equivalent also, you will have the information if it shows what the new hourly minimum will be, and the new range; so your ranges are going to wider, if you look at the two grey columns you can see how some of the positions in the market were \$14,000. What this does is it makes sure that all of your classifications within a band are all equitable.

Mayor Payne asked if we are going to account for time and service. Mr. Evertson replied that the first thing you want to do is make sure you bring the positions up to the minimum, that is an equity question. The second thing you have to do, is ask yourself, I recommend that some department heads are going to want to go back and do this, is say okay, if we hire a person today, at this position, based on their qualifications to what the job is requiring, would we bring them in at the mid-point, or at the minimum, where would we bring them in. That is the second evaluation criteria, where would we hire somebody

in. If you were to hire a new person in, it would be at, the minimum is \$45,000 and you bring the new person in at \$55,000, but you are going to move this person up that is in the position right now to \$50,000, that is interesting; you will hire the new person at \$5000 more than the old person. That is a question that will have to be dealt with on a management level; but it should be, and it could be, well, it should be a responsibility of each of the department heads to then go back and look at each of their employees and make that recommendation of a salary adjustment based upon their education, their experience, their knowledge, longevity, all of those compensable factors we talked about.

Commissioner Rardin asked when they are going to be able to review this, are they going to have this report in their boxes. Mr. Evertson said a couple of weeks. Commissioner Rardin said that is kind of where he wanted to head with it, is where we can review it, you know, and then, obviously, budget is coming up, so if there is any adjustments that we make, you can have some kind of a report for us, of, what kind of fiscal impact this going to have. Just looking at those, you know, from past years, seeing what the \$1.50 raise in the minimum wage has been doing to us, and our overall numbers. We are going to have to implement a staged plan of how to this. City Manager Cesar said that in tonight's agenda for item 8, the resolution, in anticipation of this question, and obviously we have been working on budget for quite a while now, there is a resolution so that during the budget hearings, which will start the week of the second, it is about three weeks, there is a resolution in tonight to take this current fiscal year, take the impact of what is on the screen tonight, take every position in the City to include the seventy-ish open positions we have right now, the unfilled positions, and take this current fiscal year to what the budget impact is, or would be for next fiscal year. For the proposed budget for next fiscal year that same amount is in there. Just last week, finalized the last portion of the budget, which is looking at proposed capital, proposed equipment, new positions requests which shouldn't come as a shock to you, it is not a very large list since we have seventy open positions right now. He will have the official numbers by tomorrow afternoon, but in looking at it through the budget process to include the resolution for tonight, proposed budget for next fiscal year, in the general fund, which is on the areas we are really concerned about, if everything is passed proposed during the budget hearings in three weeks, then at the end of next fiscal year, at a minimum, there will be over \$1,300,000 unrestricted in fund balance to include all the reserves that we need to set aside. That doesn't include, so you know, at the end of this fiscal year we haven't spent every dollar. The resolution for tonight, obviously this isn't implemented tonight, to where the x number of employees, the ones that need to be adjusted. Mr. Evertson and Mayor Payne said ninety-five. City Manager Cesar continued that you wouldn't be approving ninety-five increases, but all those monies will be put back into fund balance, so that \$1,300,000 that we are looking at right now, being unrestricted, if every penny was spent this year to include increases that won't be in this fiscal year, the proposed increases and capitol etcetera for next year, that \$1,300,000 that is left in fund balance uncommitted, that number is only going to go up after June when the books are closed out, and all those unspent funds are rolled into fund balance. Mr. Evertson said don't think of it as a fiscal impact, think of it as an appropriate adjustment. Commissioner Rardin said it is still an appropriate adjustment, but you know, we have x amount of dollars that roll in every year, you know, if the money is there, if not, it's not. It just like a regular business. If your revenues aren't there, how do we give pay raises. He is not saying that employees are not worth it, but we need to be very careful, but if minimum jumps up again next January, he thinks it goes up another \$0.50 an hour, it goes to \$12, then our insurance costs continually rise every year. \$1.50 an hour on the minimum wage side of it, for the City, was equally to about half a million bucks a year. It needs to be kind of an implemented staged plan. City Manager Cesar said that is why, in doing the resolution tonight to take throughout every fund, not just the general fund, we have employees that are like say in fund 81, one of the enterprise funds, or fund 44, 96, all the other funds; the resolution takes the salary and benefit lines and increases those to what is recommended for this fiscal year, so obviously we are not spending that much this fiscal year and it is reflected in next fiscal year. He wanted to be sure exactly of what you said, he went through the minimum rate wage increase to try and prevent the salary compression, it was extended for every employee in the City. We were well

aware of the fiscal impact looking to future years and answering did it need to be phased in over multiple years, two years, one year, and with the numbers, with the outcome, it can be implemented, still leaving \$1,300,000 in the general fund, more in the other funds, but the general fund is one where we have the lion's share of the employees based off gross receipts taxes. Knowing that year-end, he didn't count on unspent year-end funds being rolled in to cover this increase. This is something that has been a very long time coming, it took a lot of years to get where we are at right now. We are feeling the impacts of it, the employees are feeling the impacts of it, being seventy positions down is not easy. Commissioner Rardin said that is every employer right now, it is not just the City, it is every employer nationwide right now. City Manager Cesar said he does not disagree. Prior to COVID and the payments and everything that got us here within the past couple of years, we were experiencing it prior to that. Alamogordo has been in a lot of areas, the training ground for other municipalities and employers. We bring in the new employees, they have a couple of years with the City of Alamogordo in whatever field they are in, they get the certifications, licensing, whatever the case may be, and they move off to another community, and he doesn't blame them. Commissioner Rardin asked if that trend was going to continue, even though we are increasing their salary, are we going to cost us more to train them and then ship them somewhere else. On our end of it here, we have to be very careful, because if you can look into the future, we are heading for a downturn in the economy, which means our tax revenues are going to drop. As the governing body, he has about three and a half more years up here, we need to look at that side of it. He said he understood the budget resolution is on here tonight, but he would like to review this before we commit ourselves one hundred percent, you have seen it day in and day out, but this is the first time we have seen it, and we can't really even read it. It should have been in our agenda book for us to review, so we could actually see it. City Manager Cesar said that if it was complete, it would have been, but budget-wise, we are getting down to the wire too.

Commissioner McDonald said if you can contain the rate of turn-over, because we know that is expensive, what is the amount of savings to restabilize the workforce, what would that be, or what would it look like. Mr. Evertson said that some of that you could quantify, some of it you can't. For example, for utilities, we can actually put together some numbers that show what the cost savings would be from a recertification or law enforcement, the time it takes to train, the money, what it cost to have them leave. Other positions that are more of the community services positions are harder to quantify, it is more of a qualitative question, but he did know exactly what the onboarding costs are for an employee, but if you are onboarding an employee every two years, as opposed to every one employee ever two years, over a six year period you would spend all that time onboarding; thirty new employees, forty employees, there is a tremendous cost to your employee, but also to the City for having to onboard all those employees. If you could cut that number in half; that is one of the things we talked about. HR Manager Kim Torres said a couple of years ago, she ran some numbers and she is going to just try to remember off the top of her head, but Police Officer was one of them in the cost it was to replace an Officer; that is bringing them in, having them going through training with another Officer at the department, having them go to the Academy, post-Academy training, the benefits that we pay while we are training them, if she was remember correctly, was nearly \$50,000 to bring in a new Officer, train them, and then they end up leaving in a year or two. Turnover cost is very expensive, and she could get some better numbers if they would like. Commissioner McDonald said she would like to know that savings that would actually be generated as a result of having a stable workforce where people are not turning over, and she said she was looking at three to five years. HR Manager Torres said she can do that. Mayor Payne said that one of the things that stood out to her was that we have seventy open positions, but in addition to that, did you say we were sixty short as compared to other cities. Mr. Evertson replied that currently, seventy of the three hundred and thirty-five budgeted positions are not filled. Mayor Payne said are not filled, but in addition to that, she thought she heard him say as compared to other cities, we are doing the job with sixty less employees. Mr. Evertson replied two point four to two and half employees per thousand. Mayor Payne replied yes, that is where she got confused, she was thinking thirty thousand, so that is about sixty employees. Mr. Evertson

said if you are looking at that number, compared to two and half employees per thousand, so. Mayor Payne said so we are seventy short already, we have seventy positions open, and in addition to that, we are almost double that as a City. Mr. Evertson said that if you were fully staffed, you would be batting with one hand. Mayor Payne said that was certainly something to think about as well. Mr. Evertson said that just means that your management team and employees are doing quite well, considering they are doing more work with less; for less pay, they are doing more work with fewer employees. If anything, if you are going to remain understaffed, his recommendation is at least get them paid to where they need to be. The rewards will be significant, the rewards will be the residents are getting the services that they expect. If it is sustainable, and it sounds like it is in terms of the fiscal impact it is going to have on the City; he made sure to ask not only about the fiscal impact of the salaries, but also the sustainability of the benefits, the pension liabilities, and all that stuff, and Brian and his team have figured that out. Mayor Payne said that what she is saying is, and you may know the answer to this she isn't sure, Commissioner Rardin mentioned the increase in minimum wage, and she can't see it very well, but it seems to her like if we followed this, lets just they are all above minimum wage anyway. What she was thinking about was our seasonal employees, like lifeguards and stuff, would they all be above minimum wage. Mr. Evertson said minimum wage is what, \$15.50, Mayor Payne replied no, Commissioner Rardin said it would be \$12 by January 1.

Mr. Evertson said he believed the lowest was \$16 and change, Mayor Payne said \$16 an hour would be the lowest. Mr. Evertson said they are all above the minimum. Mayor Payne said in that respect, a minimum wage increase would not affect us for the foreseeable future, but who knows how much they are going to keep raising. Commissioner Rardin said that it could for some of the seasonal. Mayor Payne said that is what she was asking, what about seasonal employees. Commissioner Rardin said that remember in budget hearings, he thought it was a year or two ago, it did impact us. Mayor Payne said it did and she agrees with you. Commissioner Rardin continued that there were a number of employees that had to get a pay raise to even get them to minimum wage. Mayor Payne said right, what she is saying is, hypothetically speaking, if we were to follow this, and Commissioner Rardin said yeah, everyone it going to be well above. Mayor Payne said that so that minimum wage increase you are talking about which actually be included in that. Mr. Evertson said he misspoke, even the seasonal and part-timers, because the hourly rate is the hourly rate. So, if they work twenty hours a week, they work ten hours a week, it is still the same hourly rate. Mayor Payne said right, no that is true. You are saying that \$16 an hour you are talking about is, that's seasonal employees probably. Mr. Evertson said that is everybody. Mayor Payne said that was something to keep in mind at least. Commissioner Rardin said he looked forward to being able to review this, and Mayor Payne said me too. Commissioner Rardin asked if this was a couple of weeks away. Mr. Evertson said if you really like data, you are a data geek like he is, you will have a party. Commissioner Rardin said it was just something we need to review and then discuss with our upper management of how we are going to implement it and costs. We are heading for a downturn in the economy, anybody can see that, the way things are going, and inflation is up, so we just have to be careful and balance it out in how we implement, you know, whether it is over two years or five years, whatever it may be, to get it where it needs to be. Mr. Evertson said that is a management decision, and I am sure it will be discussed. Commissioner Melton said that you mentioned a cost-of-living adjustment, do you have a sense of the average for other localities that are comparable that they do. Mr. Evertson said yeah, he wished he had his laptop and he used to having his tools, there are a couple of slides that will have and report what the CPI was for the last ten years, but also there will be another slide that will show what the other municipalities have done with regards to cost of living adjustments. From memory, some of them have an automatic two percent adjustment every year. Commissioner Melton asked if this was regardless of inflation, and Mr. Evertson replied yes. Mr. Evertson continued that if you think about that, that is quite significant. Some have a one point five percent COLA, and a one point five percent merit increase potential that has to be followed by a strict performance measurement. Some have one point five percent consistently over the last few years, but every year it is adjusted by council. Those

two policies are really important, whether or not you want to have an automatic COLA or not, or automatic CPI or not. Most municipalities will adjust the COLA and the CPI on an annual basis. When it comes up for budget, and you look at it a few months in advance, you will know what the previous years CPI was and then trend it out, and say okay, we will adjust everything by one point two percent. What you have to worry about is factoring in a negative CPI, because some years there is a negative CPI. He said he knew that municipalities are not used to this, you don't usually implement something and walk it back; we are going to do to two percent this year, but we are going to take two percent away. The next year doesn't usually work that way, so it has to be factored in carefully. Most municipalities, based on the information we were gathering, about half of the municipalities in New Mexico adjusted on an annual basis, the cost-of-living adjustment, COLA; about half adjust it annually. On average, he said he thought it was about one point four percent, one point five percent, is the adjustment when they do it on average. Some go as high as two, but then those municipalities don't do one every year. They may adjust it two percent this year, and then wait two more years and then do it. Keep in mind, you all haven't done it, the City of Alamogordo hasn't done it in twenty plus years. Mayor Payne said she was going to say don't say it, but it is too late, he said it. Mr. Evertson said you guys are still paying \$2.95 for gas. Mayor Payne said it was more like \$3.95 but that is okay. She continued that the thing that concerns her the most, as much as the disproportionate salaries, is that we don't have that policy in place for a basic cost of living increase, or any consistency in that, and she said that bothers her more than anything. We should have some consistency, just her thoughts, but she is really concerned about that. Mr. Evertson said that we found with the budget are that certain benefits also, there is not consistency in performance evaluations and how they are tied to increases. Is there a max increase, he didn't remember seeing that, is there max increase City-wide, he didn't think there is. HR Manager Torres said there isn't. Mr. Evertson said it just depends on department. Sometimes you need to be able to forecast out what's our liabilities, or funded liabilities, for the next ten years; projecting out okay, the maximum if all the employees got one point five percent merit increases, what is the fiscal impact going to be. Chances are, if you have a unilateral one point five percent merit increase, that would be crazy, because then they are really not doing any evaluation, you are just giving everybody one point five percent. There has to be some sort of a performance evaluation system that is tied to that. Police, Fire, and Utilities usually do a pretty good job with that, because of certifications, they are tied to certain advancements, but other departments, you know, one of the things we will put in the final report is some recommendations on an employee evaluation system that is quantitative. That allows you to evaluate an employee but build a professional development program for that employee that adds value to the City. You are going to get a one point five percent maximum adjustment; you did all this, you got one percent, but that one percent, if salary increase, what they did to get that one percent is actually going to add more value the City, so you are able to identify that. Mayor Payne said that makes sense.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar that he was sure you all have seen the PSA, you have received the emails, the technical standards are out for public review right now. They can be downloaded or reviewed on our City website, we do have hard copies available here in City Hall.
2. There was a second PSA that went out, Code Enforcement has been moved out of Fire Station 7 and is now in City Hall in the Planning and Zoning area. We are trying to make it much easier for the public to access a live person, it may not be a Code Enforcement Officer because they will be out on the street enforcing codes, but there will be someone available for the resident community member to come in and speak to.
3. He said that he was sure that of you have seen, up in the Ruidoso area, there are now three fires. One in Nogal Canyon. Last he checked, right before the Commission Meeting, they had evacuated Nogal Canyon which is very close to Bonito Lake. That fire at that point was almost two hundred acres.

There is one in Ruidoso itself at one thousand acres right around the high school. He then said it has changed, three thousand acres and one hundred and fifty structures burned. Mayor Payne said they just declared a state of emergency in Ruidoso. City Manager Cesar repeated they just declared a state of emergency in Ruidoso, the third fire was close to Hondo, but he did not really have the detail on that. Obviously, we are following that closely because of our water source and it is in Ruidoso.

4. This Saturday from ten to one, Washington Park, is Easter in the Park.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following remarks:

With the stuff going in Ruidoso, he didn't know if we should reach out to them, if we have any resources that they need that we can offer to them. City Manager Cesar said that in place, we have mutual aid agreements, so yes, we do that. They came to our assistance during the LeVair Fire, etcetera, so obviously we are there for them. Commissioner Rardin said we just want to be a friendly neighbor, if there anything we have that they need. Mayor Payne said that she did text them the Mayor of Ruidoso before the meeting, to let him know we are thinking about him, and if he needed anything, to certainly reach out. Commissioner Rardin said that when he left the house, they said they were at fifteen thousand acres up there, the one in Ruidoso, that wind was blowing seventy miles an hour. City Attorney Bengoechea said she just got an update that the wind shifted, they were able to get some aerial tanks, she is assuming that means airplanes, Chief Adler can probably correct her, they said it is now three thousand acres, but there have been one hundred and fifty structures destroyed. School is canceled tomorrow; people are going to be hurting very badly in Ruidoso.

Commissioner Rardin said that his second thing is, with the new tech standards that just rolled out last Thursday, he would like to see a public meeting, maybe at the Civic Center or something, to allow some public comment on that once everybody has had a chance to review. Instead of just having them submit stuff, where they can actually meet with staff. He said he didn't if you guys had planned on doing that or not, so we can at least talk about it, so that we can make sure that everybody's voice is heard on these tech standards; it has been a very heated topic. City Manager Cesar said that he will just throw that out there, this is what you all are thinking of, this is out for the thirty day review, we are asking for the written comments, either email, etcetera. That is going to sent to the engineer who will review every comment, possibly incorporate, not incorporate, it is going to depend on what the comments are obviously. The type of public meeting that you are talking about, he personally thought would be more appropriate after that comment period, so they have all the comments, they have reviewed them, they have answered them, possibly incorporated them, and then we could have that one or possibly more, dependent on attendance, etcetera; to where what you are talking about, other interested members of the public that now want to see, was their comment incorporated. At that point he said he would think it would appropriate, sort of along the lines of what we did regarding the comprehensive plan, the environmental impact study that was done for Snake Tank Well Field with BLM, normally you have that after that comment period. Commissioner Rardin said he wanted to give them ample time to voice their concerns. City Manager Cesar said that would be past that thirty-day period, so it would be an additional, depending on the attendance he would say. Commissioner Rardin said that these standards need to work for both sides, not just us. He wanted to make sure that we give everybody ample time do remarks, inquiries, whatever it may be. City Manager Cesar said that as the builders, developers, contractors, obviously City Staff has reviewed, if you take our current, he said he hesitated to call them current standards, but the standards that we have on the books today, and compare it to the proposed, the proposed technical standards clear up and actually define a lot of things that are not defined in the currently approved technical standards, and has gone towards what is an industry standard in the various areas, so that, he won't go into detail it already there. He said understood what Commissioner Rardin is saying. Commissioner Rardin replied that he just wanted to make sure that the public has the chance to give their input on it.

Commissioner Burnette made the following remarks:

Attending the Fourth Fridays and the Brew at the Zoo, when the parking gets full on the highway, on White Sands Boulevard and the Chamber parking lot, people tend to park across the street at First American Bank, and then they have to walk across White Sands. He didn't know if it was possible, maybe we can get some pedestrian crosswalks, lights right there, or something. City Manager Cesar replied that is State right-of-way, he understood what you are saying, anything added to White Sands, we would have to have NMDOT approval. He said he thought we could work with NMDOT to do temporary measures. Commissioner Burnette said yes, something temporary just for the Fourth Fridays and whatnot. City Manager Cesar continued then they would get cleared off after the event; but we need to reach out to NMDOT because it is their roadway. He said he thought they would be receptive to it.

Mayor Payne made the following remarks:

She said did reach out to Mayor Crawford of Ruidoso and let them know we are thinking about them. She said she didn't know what we could do for him, but like you said, we have a mutual agreement. She said she didn't know what we could do that he would need. Commissioner Rardin said if we have equipment needed to utilize, and Mayor Payne said absolutely. Commissioner Rardin continued that if they needed to utilize generators, lights, whatever it may be, and Mayor Payne said that is basically what she told them.

CONSENT AGENDA

5. Approve the minutes for the March 22, 2022, Regular meeting. (*Rachel Hughs, City Clerk*)

6. Consider, and act upon, Resolution 2022-16 authorizing the Alamogordo Disability Council to reduce required members to five. (*Stella Rael, City Planner*) (Roll Call Vote Required)

7. Approve grant funding from Thrive of Southern New Mexico for the Alamo Senior Center. Funding will be used for the Home-delivered Meals program for FY23. Total amount budgeted is \$17,890.63. (*Magdalena Morales, ASC Manager*).

8. Consider, and act upon, Resolution 2022-20 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 April 12, 2022. (*Evelyn Huff, Finance Director*) (Roll Call Vote Required)

9. Consider, and act upon, the receipt of a State grant contract to fund the Senior Companion Program (SCP) and the Foster Grandparent Program (FGP) for FY23. Total amount budgeted is \$69,782.50 for SCP and \$69,525.00 for FGP. (*Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director*)

Commissioner McDonald moved to approve the Consent Agenda.

Commissioner Burnette seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

10. Consider, and act upon, award of Public Works Bid No. 2022-002 to C.D. General Contractors, Inc. related to the Reroof Multiple Sites project in an amount not to exceed \$575,657.50, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said the item before you is to consider the award of the Reroof Multiple Sites project to C.D. General Contractors. It consists of three different buildings; the base bid is the Golf Course Clubhouse reroof. Alternative one is the Animal Control Kennel, and alternative two is a session of the first-floor roof at APD Headquarters. The work will consist of overlaying the existing EPDM roofing system at the Golf Course Clubhouse or the new TPO system. Removing the existing Duralast roofing system down to the existing metal panels and providing a new TPO system at the Animal Control Kennel and removing the existing Duralast roofing system down to existing gyp concrete deck and provide a new TPO membrane system at the Alamogordo Police Department. We advertised on February 6th and 13th, we opened bids on March 9th, and we had three bidders. C.D. General Contractors, Smith Roofing, and Mirador.

Commissioner Rardin said that on here, our engineer's estimate or probable estimate, we are almost \$100,000 over that. The life of these roofs right now, do we have a year to wait to see if the prices are going to come down. Engineering Manager Johnson said that all three roofs are leaking substantially, he has to hear it for Facility Maintenance just about every week. As it is, the material, if this project is approved tonight, the material is eight to ten months out. This all the roofing manufacturers nationwide, and practically every roofing system. What we have been able to gather is, when COVID first hit, most of the nation-wide roofing installers literally hoarded all the material in warehouse after warehouse across the U.S., so it has caused a great deal of issues as far as the local contractors trying to buy material in bulk for a given structure. He said he didn't believe it would be cost effective to put this thing off any longer. As it is, the difference between what we are seeing on engineer's estimates and actual costs coming from bidders is pretty commensurate across the board, for probably the last eight months for other projects that have been brought before Commission. Commissioner Rardin said he was looking at the bids, and they vary anywhere from \$100,000 to almost \$200,000. Our lower bid is almost \$100,000 over our estimate. Engineering Manager Johnson said Mirador Enterprises, they are a general contractor, they are a design build contractor on Holloman. Commissioner Rardin said that is probably why they are a lot. Engineering Manager Johnson said that most of their work in negotiated, and they had every aspect of the project subcontracted out. They are unlike the other two bidders that are actual roofing companies. Commissioner Rardin said they are self-performing. Engineering Manager Johnson continued that for those of you that are not familiar with TPO roofing, this is a sixty-mill sample of TPO.

Commissioner Rardin said he was just reading; his computer is not working correctly so he is having to scroll. Mayor Payne said she was glad he said that, because she is having so many technical issues.

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

11. Consider, and act upon, the Dudley School Project. (Brian Cesar, City Manager and Joe Lewandowski) (Roll Call Vote Required)

Mr. Lewandowski said he was going to keep it real basic and real simple. You did receive the nine-page handout that he provided to you, providing budget numbers, who is the responsible parties, how this kind of works, and how are we doing. Basically, the first page was a little more of the history, we don't need to talk about the history, he said he thinks everybody knows how important the facility is to most of the people. Going with planning and designing, he will offer his services as a project manager,

just like he did on the Plaza, La Luz Pottery, in other words, help oversight and working directly with the City of course. That is at no cost to the City in any way. We ended up hiring through TBHS, TBHS would hire the architect, Vision Architecture, Andy Barela. We used him on the Plaza, he was with us on the Plaza all the way through. In fact, C.D. General Contractors is the one that actually did the Plaza, and we have that same roof on top of our roof, we've had zero problems with it. So, Andy Barela, we'd contract with him as TBHS, and then get reimbursable from the City on that, and we will discuss more about where that money, the \$25,000, in a few minutes. It is broken into two phases, Phase One is to get in immediately and make the building safe and secure and clean back up, so it is not an eyesore; secure the doors, the windows, repair some of the windows, and things like that. Not replace but get repaired. With demolition, the one small building out back that is not used, it is actually just a bed and breakfast for some people that go in there and eat; that would actually go away. Through that, the City would purchase the property, we'd use volunteers throughout, just like we did at the Plaza, almost everything that was done prior to the C.D. General Contracting company was done by mall volunteers. They will sign waivers, we do have general liability, he would not allow any volunteer to get into anything would require licensed contractors, they will not touch electrical, they will not touch plumbing, definitely not going to put the older folks up on the roof, all that kind of stuff. The south wall for sure, that will be a contractor, in fact when that contractor comes in, we probably won't even have volunteers, if anything, maybe on the Park side, but not anywhere near this facility. We want to keep everything safe and everything of that nature.

Our main goal will be demolition, removal of some of the walls that were added over time, removal of trash debris, and all those types of things like that, get it back towards being ready. We the same thing on the Plaza, probably saved over \$100,000 by doing it with all volunteers. Having the place totally cleaned out and ready for the contractor to come in when he did come in. From there, you know, in that package, you also have, like he said, the timeline and so on, from the time the property is acquired. Secure the place, clean up safely, demo and all that is Phase One.

Phase Two is when we actually go into the construction portions of the roof, electrical upgrades, water, sewer, parking lot, gas, HVAC, plaster work, painting, fencing and other security measures that we put in. He said he would be putting in security measure immediately, with cameras and all that, but not the same security system we have in the Museum right now, that would go in at a later date, but security where we could get notifications if anyone is messing with the building in any form or fashion, including cameras. Phase Two is the real construction phase. He said he is not sure if we would end up using a general or just taking these out as individuals, there was a roofer for the roof job and so on, if we can do it ourselves, and keep the costs down, but he will coordinate with the City and look at what is going on with the time. Most of these, we could actually go directly to a plumber, straight to the roofer, straight to whatever, and save on general contracting costs and so on. So that is Phase Two, in the packet it also a budget for Phase One, about \$150,000; \$80,000 to purchase the property, \$70,000 to do the emergency items, well it is not emergency, but the things to bring it up safe and secure the building and clean it up so it is that shape. The other cash, there is \$25,000 from the National Endowment for Humanity, Debbie Osborne submitted a grant on behalf, working with the Historical Society, we did receive \$25,000 for the design and architecture work. The design and architectural will be about in the thirty-something thousand, pretty much the same price we were in when we did the Plaza; most of that is paid by this grant. One thing on this grant, the theme of that grant was from the National Endowment, it was Tell the Full Story, and that what we will do with this building. What is interesting on that, there was over four hundred applications and only eighty-eight grants issued; in New Mexico there was only one grant issued and that was the Dudley School. We were the only one in New Mexico to get any money from them on this last round.

There is the budget for Phase Two, which is the bigger portion, the in-kind stuff is mostly volunteer work, I established values to that, on so on, because we track all values as far as our volunteer work

and that kind of stuff, what we need to do. The overall project is \$574,000, again that is in kind services, not all cash. Some of that is the grant money, some of it is other funds. At the same time, we will be doing fundraisers and benefits and other things to generate money, just like we did on the Plaza. He said he thought he told you before, yes, we did get \$500,000 from the State legislature to refurbish, to pay the contractor to do what he did, but all the volunteer work we did was all our own and all the work you see on the inside of the Museum was another \$160,000, that all came out of TBHS, we generated that amount of money. Laz Luz Pottery, we spent over \$100,000 on that piece of property, that was all generated by TBHS. So, you are not on your own on it, we would be generating funds, we do have a separate account, we do that every time. We set up the account under Dudley, it is a separate account, all dollars in and out related to Dudley, you'll have a financial report of what is going on there. It is private money, so it is not really something that is tied to your issue, but at least you and the public will know where every dollar went. Our main focus with those dollars will be more at the back end, tables, chairs, monitors, landscaping, playground equipment, those things like that; not so much into the building that the City owns, it is more of accessories you would need and things you would need to do over time.

Then the last section there was basically the facility operations, you'd have the public park on the north end, once it is up and running, then that area will be turned over to your Parks Department operations, just like any other park in Alamogordo. Facility Maintenance would be ultimately responsible, because it is your building, but it is not that Facility Maintenance will be repair everything, just like at the Plaza; us as the Historical Society do most all of the repairs and so on, it would be City Maintenance, but it also volunteers and users of the facility would be responsible to a certain amount of janitorial and other types of situations. Event scheduling would be through the City's Special Events Coordinator, just like any other event in Alamogordo, that would be coordinated through them. If they came to us, we would direct them over there, and then they would coordinate from there. TBHS is very good about setting up events, we have been very successful in a lot of these different things you may have seen us do over the years, so we would be available to also assist people trying to have events, and help get the biggest bang for their dollar out of that type of thing. Of course, where we definitely want to display the history of presentation is education, now that the building is a multi-use building; community center, park, save that piece of history. If it was just save the building just save to save the building, he is not sure that is worth the money. Because of the history, what you the use you are going to get out of it, what you are going to do for the neighborhood and everything else, it has got a lot of value, not just the history. If it is just an old building just because of history, he probably wouldn't be standing in front of you right now.

Operating budget would still be through the City but it is minimal, again, other than when it is being used, thermostats, everything is turned down and not off, turned down or taken down, and everything else is very minimal. Once it is set up properly and all that, it is not a manned site that you have employees there all the time or anything else, it is one of those things as the event occurs, the park of course will be available to the public just like any other park. So, it is minimal cost to maintain, even after this point. Some of those fundraisers could actually help to continue to improve, just like we are doing right now with the Plaza and La Luz Pottery. We continue to fundraise, even though we got it all pretty well done, but there is also something else to make it better.

Commissioner Rardin said that looking through this, if we approve the agreement tonight, it looks like we are going to be on the hook for about \$150,000 right off the bat. Mr. Lewandowski replied that yes, that would be the initial dollars. Commissioner Rardin said that is the initial, would that be the total amount, he noticed their names mentioned in their quite a bit. Mr. Lewandowski said oh yes. Commissioner Rardin said you know what I mean.

City Manager Cesar said that with the initial \$150,000, obviously, Joe was before you all a couple of meetings ago to discuss the initial \$150,000. At that point, the Finance Director identified the funding, so actually, we have that already set aside at this time. Commissioner Rardin asked where it was coming out of, what fund. City Manager Cesar said that it was out of the General Fund, and the additional monies to complete the project over the next year to couple of years, whatever that turns out to be, he would probably have to defer to the City Attorney because she is up on it a lot more than he is. Obviously there is the \$25,000 grant, which is surprising to him, because we don't actually own that property. Normally, we wouldn't see something like that and be awarded, so obviously, we will be looking at additional grants, etcetera, to help fund, along with the donations, the in kind work, etcetera. Also, and you all received information over the past couple of years on the opioid settlement, which has finally happened, and at this point, he would have to turn it over to the Attorney. Commissioner Rardin said that the opioid settlement money maybe be, and City Manager Cesar said Petria can explain it much better than he could, but there are only certain things those monies can be used for. City Attorney Bengoechea said we are getting back; she is going to be very conservative and say about \$650,000 from the three major opioid case settlements. When those documents are finalized, they obviously will come before Commission in an open meeting, that is the approximate amount we are getting. Those monies have to right back into the community to help repair the harms that the opioid crisis has done to the community. Looking at something like the Dudley School, this something that those monies could be used for, they would have to targeted very specifically for programs, things like AA meetings, NA meetings, pregnancy help, homelessness help, counseling, even working with out CIT, are all things we can look at, but the restrictions on the money are numerous. This is what we are looking at now, as a great way to utilize Dudley, and there will be monies coming in. Obviously, they are one-time monies from the settlements, and it won't be a recurring payment, but that is something that we are looking into currently. Commissioner Rardin said that for tonight, basically then, we are only putting the City on the hook for \$150,000. City Manager Cesar replied that initially, what we would be looking at is purchasing the property, securing it, and preventing additional damage to the structure itself. Mr. Lewandowski said that if he could expand on that, when they did the Plaza, La Luz Pottery same thing, in fact when we took on the La Luz Pottery, we had nothing in the bank from Laz Luz Pottery. Once you get ownership, and you show that you really going to do it, and the Plaza had the same thing, within seven months after we got the Plaza, we received donations and auctions of over \$100,000. People just don't want to release until you have actually got there. We will generate \$150,000, we will secure it, make it safe, and make it decent looking for the neighborhood while we are moving forward. Commissioner Rardin said he just wanted to make that clear, what we are actually investing tonight.

Mr. Lewandowski said we already started collecting furniture for the Dudley School, and asked Commissioner McDonald if she recognized a chair. Mr. Lewandowski said it was something for your size if it was 1943.

Commissioner McDonald moved to approve.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken.

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

12. Approve AFSCME Union Agreement negotiated and ratified by members. (Kim Torres, Human Resources Director)

Human Resources Director Torres said that what she was asking for is approval of the AFSCME contract. It was recently negotiated by administration and ratified by the union. She said she gave a summary in the packet, where she highlighted some of the major changes to it, most of them were in coordination with the language that is in the Employee Manual. For instance, holiday pay and PTO

time was eliminated from the contract in favor of the language in the Employee Manual. For holidays, the AFSCME members will receive a floating holiday that was given to non-represented employees about two months ago. Bilingual pay, same as the Employee Manual, it went from \$0.26 to \$0.50 an hour for employees with that certification. Certification pay went from \$0.15 to \$0.60, which was also the same as the Employee Manual. Just asking for approval of the AFSCME contract, and that would be effective for Monday, the 18th, which is the beginning of a pay period.

Commissioner Rardin said that he thought it was July 1, where we've got a new, he thought it was business-wide, he didn't know how it was going to impact the City, but for the, it was like paid time or vacation time, is that going to impact this. He said he was not sure of the exact law or how it reads, but it supposed to go into effect July 1, and it is for private employers, he didn't know if affected Alamogordo or not. Human Resources Director Torres said that it does not affect us, it is private employers only. Commissioner Rardin said okay, as he was reading through this for that one hour PTO, and Human Resources Director Torres said that was for sick leave that mandated. Commissioner Rardin said yeah, that is for sick leave, he was wondering if that was going to impact this, or if they are going to have to change it when that goes into effect. Human Resources Director Torres said no. Commissioner Rardin asked if this also took into account that salary study that we just discussed earlier. Human Resources Director Torres said well, it could be affected, there could some things affected like employees cashing in some PTO balance once they received pay increases, but that happens with every pay increase. City Manager Cesar said that what Commissioner Rardin is actually asking, what he believed he was asking, what the AFSCME Union agreed to, because wages are one of the things that is bargained for, what the AFSCME Union-eligible employees agreed to in the contract, is to go with the outcome of the wage and salary study. City Manager Cesar said he thought that was what you were asking, and Commissioner Rardin replied yes.

Commissioner Melton said that this was more of a comment, but it was his understanding that we are really stuck with this agreement, we have an existing relationship with the Union, and there is no alternative. He realized we are in a bind here, but he did just want to say for the record, that it is a little concerning for him, just looking into AFSCME, and how politically active they are, and their political donations and how much they skew to one side. He said he knew that we are stuck with them, but it is a little disappointing, he said he knew they were supposed to be a non-partisan Commission to see the relationship of this Union with our City.

Commissioner McDonald asked Commissioner Melton to clarify. Commissioner Melton said he was happy to. If you go on open secrets, any of those other websites that track political contributions, they almost exclusively give to Democrat politicians and progressive political action committees, super progressive political action committees. They also are very keen on left grassroots, so endorsing very radical candidates to rise up through the ranks, and that is partly funded by Deuce, Member Deuce.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Wright seconded the motion.

Motion carried with a vote of 6-0-1 with Commissioner Melton voting nay.

13. Consider, and act upon, the budget process and documents for the FY2022 - FY2023 preliminary budget. (Evelyn Huff, Finance Director)

Finance Director Huff said that as we are getting closer to getting some preliminary budget numbers for you, it is time to have our annual conversation about how you like us to present that budget to you. She said that she knew we have some new Commissioners, so we brought some visual aids. Every year, we give, for the last four years, we have given every Commissioner a summary budget book; that has the recap which is a very important part of seeing cash balances, but then it also has a detailed

summary of all the different funds, and those are summarized by salaries and benefits, supplies, maintenance, utilities, other expenses, other services, such as that. Each of them have a little bit of a summary about the fund, the department, however they are divided up. She said that like she said, for the past four years, we have been creating one of these books for each of the commissioners. We have also then prepared two full-budget books, which these have been available in the Commission Office; these books contain every sheet of budget preparation information that we use, that comes out of software. It gives you line by line information about what has been entered, what has been spent in previous years, where are we at now, and it also gives the notes that each department enters. As you can see, it is substantially more paper, it is substantially larger, this year's will be a bit smaller, partially because we changed some of the stuff that was reported on it. She said her question for all is, do you want to continue on that path where everyone gets a summary book and we prepare a couple of detail books that are available in the Commission Office for you all to take home, does everybody want a detail book, is there something different you would like to see in the summary books versus something different you would like to see in the detail books. Any feedback on that as we start preparing to be able to present for you guys at the budget workshops here in a couple of weeks.

Commissioner McDonald said she was sorry she had to kill trees, but she had to have it on paper. Finance Director Huff said we have not sent them electronically, for everybody, we have actually created a hard copy summary book, and then two of the detail books. We have not gotten to the point where we send them to you electronically. Commissioner Rardin said he liked the summary books, and Mayor Payne said she also liked the summary books. Commissioner Rardin said you will have the hard copies here available for us to look at, the full budget. Finance Director Huff said yeah, the full budget; will we do the two that we have been leaving the office, we feel like that has been a good number.

Commissioner Rardin asked if we planned on doing them in person this year. Finance Director Huff said yes. Commissioner Rardin said good, Mayor Payne said that was exciting. Commissioner Rardin said that he did not think we have had a really clear picture of the last two years doing it over Zoom, it was very difficult. Finance Director Huff agreed saying it was hard. Commissioner Rardin continued that it was too much information to try to go through. Mayor Payne said absolutely. Commissioner Rardin said what days did you guys say budget hearings was going to be. Finance Director Huff said they are scheduled for May 2nd through the 4th. Commissioner Rardin said he thought he had a late trip that week, he had to check with his better half. City Manager Cesar said just give him your proxy. Finance Director Huff said that you as read, the last several years, we have not gone more than one day, we have done it in one evening, but we do have some more information to present. She said that she knew with the salary study, the information is going to be more robust with that. We have some additional tax information that we are going to share with you all. Mayor Payne said that we have three new commissioners. Finance Director Huff said that she knew that Brian's Administrative Assistant, Cheryl, has put together a book for you guys for some introduction, and she also had there a kind of our budgeting 101 presentation that we give; that kind of just talks about the money's flow, and the additions and subtractions. If you haven't had a chance to look at that, please do.

Commissioner Rardin asked if we needed a motion on this, and Finance Director Huff said no, she just needed direction. Commissioner Rardin said it says consider and act upon. Mayor Payne said yes, but she thought it just direction. Finance Director Huff said just direction.

Finance Director Huff said that Maurice Gutierrez, who is our Budget Analyst, has been working on putting this together, so, they should be ready for you all in your boxes on April 20th.

Mayor Payne asked where they were going to have budget hearings this year, and Finance Director Huff said here. Commissioner Rardin asked what day or time are they going to do it, and Finance

Director Huff replied they start at 6:30. Commissioner Rardin said okay, we are going to do them in evenings, and Finance Director Huff said yes. Commissioner Rardin said that in past, we would start at like 3 'o clock in the afternoon, this might have prior to you guys. Mayor Payne said she have never started 6:30 in the afternoon. City Manager Cesar said it has been done at 6:30 in the afternoon, it has been done early evenings, we kept it as not consistent with the Commission Meetings, so if you would like to have them earlier, you can have them earlier, we just have to give public notice. Mayor Payne said no, she thought evenings are probably better for everybody. Commissioner Rardin said maybe two hours a night, or two and a half hours a night, obviously it is probably going to take a little longer than just one night, since we are going to do it in person and actually know what we are spending. Like he said, being over Zoom, it was very difficult. Finance Director Huff said excellent, we will look at that information for you guys, so like she said, look for it in your boxes after the 20th.

14. Consider, and act upon, Resolution 2022-17, declaring 523 Fifteenth Street to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. (Jim Baker, Code Enforcement Supervisor) (Roll Call Vote Required)

Code Enforcement Supervisor Baker said he had two properties that he was going to present to you this evening. The first property is 523 Fifteenth Street. On this property, we sent a certified letter last year, 11/15/21, the letter came back unclaimed. Over the years, they have sent a lot of notices for weeds and trash violations. We abated the property in 2014 for weeds and trash. Thirteen, fifteen years ago, we actually sent the owner/resident to court twice for weed and trash violations. On February 1st, we served an administrative warrant at that address.

Code Enforcement Supervisor Baker proceeded to show a PowerPoint presentation to the Commission regarding this address that showed a County Assessor page, a diagram of the property, taxes owned on the property, and various pictures of the structure.

Code Enforcement Supervisor Baker said that the taxes owed on the property have not been paid since 2016, there is currently \$3,996 due on that. Commissioner Rardin asked how can that be, the State usually sells it in three years. Code Enforcement Supervisor Baker responded that he had no idea. City Attorney Bengoechea said it was a County function and they haven't done it in a while. Commissioner Rardin said they do it yearly, it is published in the newspaper once a year. City Attorney Bengoechea said they typically don't do every property every year. She said she believed that last she heard, there were a couple years behind.

Commissioner Rardin asked when was the last time we've had any correspondence with the owner of this place. Code Enforcement Supervisor Baker said it would be the certified letter we sent. Commissioner Rardin said they actually responded back, it says you took them to court. Code Enforcement Supervisor Baker said that was thirteen, fifteen years ago, he did not remember. Commissioner Rardin asked if we know if the owner might be deceased, and Code Enforcement Supervisor Baker said it was possible, they have an address up in Ruidoso. City Attorney Bengoechea said the owner is alive and residing in Ruidoso and is currently on probation. She said they were sure they have received our letters and haven't responded. Mayor Payne said she was trying to figure out, how they, there is so much stuff blocking the windows and the doors, how did they ever get out the door again, because it blocked the door so much. City Manager Cesar you pack from the rear and work your way out the front door. Mayor Payne said they could barely get that door open, there was so much stuff in there. It is very sad, because that house has a lot of character, it is really disappointing.

Commissioner Rardin said this particular house, if he remembered right, when he was on Commission back with Senator Griggs and those guys, we talked about doing this with this particular house, if he

remembered right. It has been on our radar for a while. City Manager Cesar said this is one of those, we are finally moving forward with some of these from quite a number of years ago. Commissioner Rardin said it has been looking like this for the last fifteen or twelve years.

Commissioner Rardin asked if we had the year that house was built. Code Enforcement Supervisor Baker said he did not know. Mayor Payne said it might say on the Assessor, but Commissioner Rardin said his computer is acting up, it would take him a minute to get back there. He said he had to go through about eighty-five pictures here. Commissioner Rardin said he was just wondering for his own personal knowledge; then he said it does not say.

Commissioner Rardin said since there is much owed on property taxes, once we take this property, once we demolish it, who is responsible for those, us. City Attorney Bengoechea said we will cut a check to the County for those taxes. Commissioner Rardin said okay, then it will be just included in our lien. City Attorney Bengoechea said it will be included in the lien.

Mayor Pro-Tem Wright moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

15. Consider, and act upon, Resolution 2022-19, declaring 2010 Mesquite Street, to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. (Jim Baker, Code Enforcement Supervisor) (Roll Call Vote Required)

Code Enforcement Manager Baker said this actually a trailer on a tract of land. We sent a certified letter to the owner on December 10th, and it was actually signed for on December 31st. Since then, no communication; nothing has been done on the property. Here is the tax situation on that, it looks like they are paid up to 2021. Here is the County Assessor data, he put both pages with a map on the right and pictures on the left; that is from the County Assessor page.

Code Enforcement Supervisor Baker proceeded to show a PowerPoint presentation to the Commission regarding this address that showed various pictures of the structure.

Commissioner Paul moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

16. Discuss and provide direction on commercial solicitor licenses. (Rachel Hughs, City Clerk)

Mayor Payne said we are pulling this at the request of the Clerk, and this will be put back on at the next Commission Meeting.

17. Consider, and act upon, first publication of Ordinance 1648, Repealing Chapter 20, Article 02 of the Alamogordo Code of Ordinances Concerning Planning and Zoning Commission. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael said that on March 8th, she was given direction by the Commission regarding disbanding two of her actual boards that she is liaison on. This first item is regarding the Planning and Zoning Board.

Commissioner Rardin asked if got any feedback from anybody from us disbanding this, any members. City Planner Rael said one of the members, she did call in and was pretty disappointed, but that was it. She didn't hear from her Chair. There was another member also; they had been on the Board for so many years, so they were a little disappointed, but that was it. She said she thought they totally understood the reasoning behind it.

Commissioner Rardin asked why did that have to be a roll call, we are just repealing an ordinance. City Attorney Bengoechea said it was an ordinance, we roll call all ordinances and resolutions. Commissioner Rardin said we did not do that in past.

Commissioner Rardin moved to approve.

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

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

18. Consider, and act upon, first publication of Ordinance 1649, Repealing Section 29-01-100 and 29-01-110 of the Alamogordo Code of Ordinances Concerning the White Sands Beautification Committee. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael said that the same direction was received on March 8th, disbanding the White Sands Beautification Committee. So, as you mentioned, I am in front of you with Ordinance No. 1649 to do so.

Commissioner Rardin moved to approve.

Commissioner Burnette seconded the motion.

Roll Call Vote was taken.

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

19. Consider and act upon Resolution 2022-21 giving the City Manager and City Attorney limited authority to waive fees, costs or requirements of certain ordinances for a limited time. (Brian Cesar, City Manager and Petria Bengoechea, City Attorney) (Roll Call Vote Required)

City Manager Cesar said for the Commissioners that have been on for a while now, this is in line with, if you think back to the abatements for water and sewer, we were in the process at Commission direction, in revising and updating those ordinances, but at that time, the public would still have to come before Commission if they had a leak abatement, same for the sewer rates, because sewer rates are based off of water consumption. At that time, Commission gave him authorization to, as that ordinance was being reviewed, updated, and eventually per you all's approval, verbally you gave me authority, the City Manager, to review those and grant or not grant an abatement. The applicant would still have the ability to go before the Commission if they were not happy with the eventual outcome. On February 22nd, a number of you were on Commission, maybe all of you with the exception of Mr. Melton, we had the executive session where we viewed his contract. The majority of it was talking the goals for himself. In those goals, what was asked of him and staff was to review the subdivision ordinance, building ordinance, technical standards, that is in the process. Obviously, we have talked to you a little about technical standards tonight, that has been in the works for quite a while. The others we do have, he has signed contracts, or a contract. We have a kick-off meeting next week. At the next

Commission Meeting, we will give you an update and a very short presentation where we are at, where we are going, and how long we believe it is going to take. Between now and Commission, we will have the public comment period, etcetera, just like we are doing with the technical standards. In that timeframe it is going to take, because obviously it won't be done overnight, there are, and have been, a number of instances where a permit has been submitted to our Planning and Zoning Department. We have a schedule of fees that was approved by the Commission, and that is one of many areas that we are looking at through this review. Questions have come up quite often; why are we charging so much for a permit that the City staff doesn't even go out and look at. Right now, we do not have, in our ordinance, a mechanism; what we have on the books is what we have to follow. What this is designed for, and there is a limit, he said he believed it was December, we should be done with those ordinances, the review, and update, and eventual Commission approval well before that. During that time frame, while these are being updated, what we don't want to do, because it will confuse the public, it will confuse our contract, it is going to be a nightmare for staff, if we continue to band-aid the various ordinances that we have, that is going to just delay and confuse the process. What this is designed to do, the contractor, developer, builder, whatever the case may be, whoever is turning in these permits and whatnot, this gives them the mechanism, if they disagree with whatever the case may be, they now have a mechanism to request a review. That would come to him. The reason the City Attorney is included in this, we need to have more than one set of eyes on this, we need to have that check and balance, so that is why the City Attorney would be the other person reviewing these. If it is in the best interest of the citizens, the rate payers, taxpayers, of Alamogordo, then that would be approved. It does not stop the applicant if they are not satisfied with the outcome of the result; they are still able to come before Commission and have their case heard.

Commissioner Rardin said that the majority of these fees we are talking about waiving are going to be in the P&Z side of it, the building permit review side of it. He said he did not know where you were going on the subdivisions and stuff, but he said he did not know why we just don't bring the ordinance forward, just put a band-aid on the fee portion of it, until whenever you get done. He understood where you guys are coming from. City Manager Cesar said that everything in the ordinances, everything ties to something else. If you look back to another ordinance that does need review and overhaul, the water and sewer, to include rates, etcetera, everything that is in the water and sewer ordinance. We've had, from his time in the City, band-aides have been placed, but, ordinances, they all tie together. The technical standards that are under public comment at this point tie into building and permits and subdivisions, etcetera, all these things tie together. We want to look at this as a comprehensive whole, make those changes just as we did in the technical standards, to make these things that are somewhat vague at this point, and open to interpretation one way or another, to make these things clearer so that anyone can pick up the ordinance, read it, and know what would be required of them.

Commissioner Rardin said that was understandable, but his question is, okay, you are going to waive the fee, are you going to waive the whole fee, or are you going to waive just a portion of the fee, there is too much room for interpretation. City Manager Cesar said it is going to be put on the applicant. Let's say someone comes in to, and he was just making this up at this point so the numbers not correct, someone comes in to apply for a roofing permit. City staff does not go out and look at the roof, measure it, etcetera. So, let's say that is a \$150 charge for the permit; that would be something we would look at and say yeah, we should waive that fee, that is a function of CID, they are the ones that are going to go out and inspect it. There may be a contractor that comes in and is going to build a ten thousand square foot metal building. Again, he is going to get these numbers wrong; we have a sliding scale on that, he said he believes it is based off of square footage. It comes out that their permit is \$135. Commissioner Rardin said the plan review is like \$600 right now through the City. City Manager Cesar said that, like he said, he was making up the numbers at this point, and it would be upon the applicant; it would be their responsibility to fill out the documents, this is why they disagree with the fee. It doesn't

guarantee that it is cut in half, it is waived, it is upheld. Each one is going to be on a case-by-case basis, again, another reason there needs to be more than one set of eyes, so that we do equal treatment. Commissioner Rardin said the case-by-case concerns him because okay, we do it for this guy, but we won't do it for this guy, are we setting us up for a lawsuit. City Manager Cesar said that is why it is not just in the City Manager's hands. Commissioner Rardin said whereas, if we have an ordinance, that we put a band-aid on temporarily until the end of year when we get the new one, then it is set in stone with everybody. City Manager Cesar said that at this point, without doing that full review, and City Attorney Bengoechea said the problem with band-aiding an ordinance is that an ordinance is law. Our ordinances are criminally punishable, so if we band-aid an ordinance, and we don't do it correctly or something is missed, then we start holding people criminally liable, there is a lot more liability in that. These ordinances have to be enforced, Ordinance 1-1-1 sets penalties out for breaking any of the ordinances. So, if we are going to band-aid something that has criminal liability attached to the citizens for it, we have to make sure we do it right, and that is not a process we want to rush, that is something we want to get right, because there is a lot more at stake for citizens. So, when we do this, it says we are going to do it in a fair and equitable manner. If someone comes in and says I want you to waive my fee, because this is the right thing to do, and lays out a whole bunch of reasons, and we ask for the reasons why are you are asking for your fees to be waived, that's great. If someone comes in and says waive it because I said so, obviously, we can't make a case that is going to benefit the citizens of Alamogordo, which is what the standard is, so it is going to fall back on Brian and her, whom the Commission have control over, to ensure that it benefits the citizens of Alamogordo and puts the onus on us, where also we look at protecting the citizens from not being held criminally liable for maybe unintentionally violating an ordinance that we rushed through to just get it done. This is the time where we can do it right, and we can ensure that we have feedback from all the stakeholders, and these ordinances are finally done in a way that makes sense to grow Alamogordo but do it in an ethical and sustainable way.

Commissioner Rardin said that he still sees issue with that. It is nothing against you guys, but he just sees issues with that. The majority of the complaints we have been having are the technical review committee fees. Over on the subdivisions side, he hasn't seen or heard a whole lot of flak about the fees. It is mainly the building permit, and just to put it in perspective, he pulled one the other day that was a \$130,000 job. It was \$153 through the State of New Mexico. If he would have had to bring that through the City of Alamogordo, if it would have been in City limits, it would have been \$600 probably to review that. You see the comparison here. CID is doing all the work, the City is really just looking at the footprint, to make sure the FEMA, the zoning, and that kind of stuff. In our setbacks, they are doing basically paperwork for \$600. CID is actually sending a person to the job site multiple times for \$153. So, that is where the big complaint is. Currently, the last one he got called on was a four thousand square foot building off the highway out there. Actually, there was last two; one of them was \$685, one was \$600, and it is four walls and a room. He said he understood the FEMA, the zoning, the flood determinations and all that stuff, but that is where the complaint is. City Manager Cesar replied that is through the review, where that falls in ordinance and other ordinances, that is what we are going to review and adjust. Commissioner Rardin said he did not see how we are going to do that in an unbiased way. City Manager Cesar said exactly, that is part of the reason; the wage and compensation study you all will see in the very near future, the water and sewer rates, the technical standards, obviously, all of those had some level of staff input, but these weren't prepared by staff. Exactly what you are saying, staff goes back, we take the rate sheet, and say okay we are going to knock out these six, and we are going to adjust the up to \$600 to just up to \$300. There is no rhyme, reason, or justification. Now back when Commission approved the rate table as it stands today, he was in a totally different position, and truthfully did not pay attention to it because he was in Public Works. He said he knew there was a lot of discussion. Commissioner Rardin said we brought it to your attention. He said he was actually off Commission, but the Builder's Association brought it to your attention that it was ridiculous what we are being charged. City Manager Cesar said that is what Commission approved.

Through the review of those ordinances, that table would be looked at, would be adjusted, would go to an industry standard that can actually be justified. This is the backing for those charges, and that is not something City staff would go back and do a band-aid on; what is the correct charge. Commissioner Rardin said he would probably be a little more comfortable doing it this way if you had a, okay, if it currently \$600, if they meet the criteria, then we will slide it down to x amount of dollars. You know as well as I do sometimes there are personality conflicts. If contractor A comes in, and contractor B comes in, you know, he may get a little bit more of a leniency because you like this guy versus this guy, and he is not saying you guys are going to do that, but it is human nature. City Manager Cesar said no. Commissioner Rardin said he has customers he likes, and customers he doesn't particularly care for, sometimes you do a little more or a little less depending on who it is, there is where he sees the problem. City Manager Cesar said you are obviously a private business owner, and you can do that. Everything that we do as City staff can be requested, we have to provide the documentation. Using you an example, you as a contractor versus Jim as a contractor, he is going to be treating each of you the same way. If he is not, the City Attorney will also be looking and this, and this all public records, so, it won't be because he likes contractor X and don't like contractor Y. Commissioner Rardin asked if your private conversations in an office public record. City Manager replied everything that is written, everything that has notes. Commissioner Rardin said everything that is written yes, but that is just where he is going, you see where he is going with that, he doesn't know how the rest of the Commission feels as he is only one talking on this one. He would just feel more comfortable if we had something in writing on it. He didn't have a problem with staff waiving the fees, but we had to have something. City Manager Cesar said it goes to depend upon when the applicant comes forward, because the burden is going to be on the applicant; why should that fee be reduced, why should this standard be a different standard at this time until those ordinances are updated and ultimately approved by Commission. He would be lying to you tonight if he could say, yeah, he would cut everything in half without seeing the justification behind, hey I feel that this fee is excessive. Commissioner Rardin said all of our fees are excessive. Ever since it was adopted, he said he thought it was in fifteen or sixteen, he didn't remember exactly when but he said he thought it was in sixteen, when they adopted that, or may have even been seventeen. City Manager Cesar said that at the end of the day, the applicant, whatever the outcome is, whether they are denied, a portion, all the fee, if the applicant is not happy, they still have, just like any other citizen of Alamogordo, or non-citizen for that matter, can come stand right before Commission and plead their case. Mayor Payne said she completely understood what he was saying, but she would say they didn't have to bring this forward, they could have just left it as it was, unless one of us brought it up, and then there wouldn't be that option. Commissioner Rardin said they still have option either way. Mayor Payne said of course we do, but it hasn't been mentioned to this point, and the fact that staff brought it up tells her they are at least recognizing that there is a problem and showing an interest in trying to fix it. She got what Commission Rardin was saying, but she said she thought it was going to be one of those things that we are not going to know until it comes up. Commissioner Rardin said he didn't really see what this is going to accomplish. Mayor Payne said she thought it was just an opportunity to waive. Commissioner Rardin said that honestly, when he comes in and drops it off, okay it gets plan review, okay, Ms. Rael over here, Stella, says okay Josh, it is going to be \$600. Well, he is like, that is a bunch of BS, that fee is too high, so he fills out his little letter and say hey, the fee is too high, I am going to go CID and it is only going to cost me \$200, I am paying three times as much over here. That is going to go to the City Manager's desk, and he is going to look at that; well, that is not a good enough reason, so they are still going to charge him \$600. I am not going to come to Commission, because it is cheaper and faster and easier for him as a businessman and a contractor to just pay the fee, pass it on to the customer, and get it over there so I can get my job done. He said he just didn't really see the point of this, he really thought we should bring the ordinance forward, we should adjust the fees accordingly to what we feel they need to be, put that band-aid on it at this point, and then once the rewrite is done, then we can, you know. We got a full year here; it will be probably almost a year before we get the zoning stuff, correct. City Manager Cesar said that for the session you are talking about, and Commissioner

Rardin said the City Attorney is kind of shaking her head yes. City Manager Cesar continued that he did not believe it would take a year. Like he said, at the next Commission Meeting, the second meeting of this month, we will have a presentation. We will have already met with the contractor, and we will have a date that each of sessions will be completed and out for public review, and ultimately for Commission's approval. If you want to table this for a meeting, another two meetings, fine. He said he understood what he is saying. Commissioner Rardin said he is not against giving you guys the authority to waive the fee, he just did not really, like you say, my reasoning to come in, hey, the fee is too expensive, Brian is going to get that on his desk and be like come on, that is not a legitimate reason that is going to benefit the community, so you are going to not waive it. He said he can guarantee you that almost every contractor is going to be saying the fee is too high, but they are not going to give you a legitimate reason to benefit the community. So, you are not going to have a good reason to waive it, does that make sense. City Attorney Bengoechea said that she thought that she personally would find a contractor coming in and telling her that they have to pass that onto the customer. She would look at that as additional dollars going into their economy, we find that to be a very dis-positive reason to waive a fee that could help stimulate our economy and perhaps even put the money back into the job or building. City Manager Cesar said the comparison with CID; he did not deal with CID. Obviously, a number of you do, because you are contractors or in that field, anyway. Hearing that a fee to CID is \$150 where ours is \$600, and here are the services or the inspections that CID performs versus the level of effort that staff has put forward, in reviewing whether it is a building or whatever the case may be, whatever the permit is. That is what would be looked at; that is where he is saying, if falls back onto the applicant. If the applicant puts well, this feel is just too high and I don't like it; you are exactly right, he is going to turn that around and deny it. With the additional justification, whether it is CID, or City staff doesn't go out to review the roofing, whatever the case may be, that is what needs to be in that application. This is exactly what the previous Commission, some of where on the Commission at the time, gave him the authority, and that time it was solely him, with the leak abatements and the adjustment to the sewer rates. Some have been approved, some have been approved a different level than the applicant has asked for, some have been denied. He said he did not remember any of these coming back before Commission, but he could be wrong, it has been a few years now. Mayor Pro-Tem Wright said that if we were going to pass this thing, and we don't feel like it is going in the right direction, can we just do redo it. City Manager Cesar said just take it back. Commissioner Rardin asked if we have the fees that we charged previously, before this last fee schedule was approved. City Manager Cesar said he was sure it was available in the record. Commissioner Rardin said he vaguely remembered that residential was \$50 and commercial was \$100, Stella is shaking her head. This was one of the previous Planning and Zoning Directors that moved this forward, he said he thinks we are even governing changing windows out, which we have no authority over. City Manager Cesar said this is another example of something we don't go out and look at, so that would be another good example of, yes, you are exactly right, we shouldn't be charging for that, and that is what this would give, him and the City Attorney the authorization to waive those fees, where we don't have that ability today. No staff member has that ability. Commissioner Rardin said it is up to you guys, you know how I feel on it. Mayor Payne said she does, she just knows that we are not doing anything right now. Yes, we could bring in another ordinance, but, you know how she feel about band-aids. Commissioner Rardin said it was just tweaking the fee schedule, and then putting some time frames in there. There was one of these latest ones that went through, that was dropped off on February 14th, it just got released last week. That is a tremendous hold-up to a contractor, when you got to wait two months for your permit, through this portion to get done, before you can even send it over to get the actual permit you need to do your project. He said he thought we ought to look at maybe tweaking the ordinance just a little bit, temporarily, until we get the rewrite done, rather than, in his eyes, this is kind of a band-aide. Mayor Payne said that if we tweak the ordinance, and then rewrite it; she got what you are saying, she just didn't know. Commissioner Rardin said it was a catch-22, and Mayor Payne agreed it was a catch-22. Mayor Payne continued that she said she thought she continued to lean where Commissioner Wright was going; if this doesn't work out, or we don't like it,

we can certainly revisit it. She said she just likes to do things right, and if we got to wait a little bit of time to get it done right; of course, once it is done, and you bring it before us, we always have that option of going oh, we don't like this, or we need to talk about this. At least we know we have got our whole ordinance to really look at. She said she understand, there has certainly been a lot of controversy lately about some of this stuff. Commissioner Rardin said that in our business, time is money, you know what I mean. Mayor Payne said she gets it.

Commissioner Rardin said also you all didn't put roll call vote on this, and it says it is a resolution, so. A typo. City Attorney said that is a City Clerk function, and she really hates to throw anyone under that bus, but it should absolutely be a roll call vote. If the Deputy Clerk could roll call it, that would be appropriate, thank you. Deputy City Clerk Aleshire said that can be done. Mayor Payne said so that should be a roll call vote, okay. Mayor Pro-Tem Wright said what kind of timeline, versus just adjusting the current ordinance, versus re-writing the ordinance, what kind of timeline are looking at. City Manager said that, so like he said, at the next Commission Meeting, we will have, for each of the various sections, because there are multiple sections that you all tasked him with, and others that have been added, they won't all wait for the four of five of them to be complete. They will roll out just like the technical standards that have already rolled out. Timeline for that, he could give you at the next Commission Meeting, because we have our meeting with the engineer, our contractor, next week. He just did not have that tonight. For a band-aide, minimum, so you can't consider anything until the next meeting at the earliest. Assuming that there aren't any substantial changes to the band-aide that is brought forward, then you have to skip a Commission Meeting, it can come back before you at the following Commission Meeting for the second reading and approval, assuming the second reading, there aren't any changes and it is approved, then five days after that it would be in effect. So, you are looking at forty-five to sixty days thereabouts, it depends on how our Commission Meetings hit, and assuming that there aren't any major changes. Mayor Pro-Tem Wright asked if this was saying we will accept one or both, or does it have to be both of you all's decisions to review these. If somebody brings their complaint or whatever, can it approved by only you, or does it have to be both of you. City Manager Cesar said it needs to be both. If not, you are giving one person the authority, and with everything that we do in the City, there are multiple eyes that look at everything.

Commissioner Melton said there is language here that says their reductions will be done in a fair and equitable manner. The term equitable, how do you envision that, are you treating people based on their circumstances differently, or is it just the economic value that they bring. City Attorney Bengoechea said we are looking at economics, she can not envision everything that will be asked for, because obviously, this has requirements as well as fiscal impact. It could be monetary, it could be requirements of ordinances, she said she not know if she can anticipate what people will ask for quite yet. We wouldn't give contractor A fifty percent discount, and contractor B only twenty-five percent, if it is the same exact project. It needs to be completely fair and equitable for everybody. Commissioner Melton said so the conditions are just on just on the project alone, not the contractor. City Attorney Bengoechea said yeah, nothing on the contractor, it would be on the project. Commissioner Rardin said the problem he sees with that though, is that the conditions aren't in writing. The conditions to meet the certain criteria aren't in writing, so he said he would feel like we would set ourselves up for a lawsuit from contractor A, contractor B, you know. He said he might be in favor of this for sixty days, and then allow us time to get the ordinance by her, because it will take forty-five to sixty days before we could tweak it. City Manager Cesar said no, that is best case, forty-five to sixty. Commissioner Rardin said you guys are like Superman, you can get it to us quickly. City Manager Cesar said we plan to get you the complete rewrite quickly. Commissioner Rardin asked how long did it take the salary study guy, eight months or a year. City Manager Cesar said that took over twenty-five years to get to that point too. Commissioner Rardin said we have talked about this ordinance multiple times in the last fifteen years, but one of his questions too, what is Chapter 8, 22, 25, and 29; it is mainly the building permit side of it, that we have had a lot of problems and questions with. So really, we only

need to tweak the one section. City Manager Cesar said that is not what Commission tasked him with. So yes, that will be brought at the next Commission Meeting, if you would like to change the order, so be it. Plan to have the building portion out first, subdivisions, zoning, we will be looking at the Code Enforcement section, but all those various ordinances are not going to be held, to go out all together at one time. As the highest priority one is completed, that is out for public review and comment, as the others are still being revised, updated, brought to today's standard. If you look at using the technical standards as the example, look at what is approved today, what we have to follow today, versus, what has been put out. It is night and day difference. Commissioner Rardin said it is, that is the reason for the rewrite. One of the of reasons we tasked you with that is because it needs to be rewritten. City Manager Cesar said that what has been traditionally been done in the past are those band-aides at staff level on what we get passed. We need to look at the comprehensive review of the entire ordinance as opposed to changing one little portion. Water and sewer rates is a very good example on how many different times a band-aide has been applied, because we've had a different person in front of City Commission with base rates; I own multiple properties and rent those out. There have been so many little band-aides applied to that ordinance, the same with the building, the subdivision, etcetera. He said that he has been here, not directly involved in all of these, but has seen where we have had very exhaustive meetings, included the builders, contractors, and whatnot, and a very small portion was what was addressed. Now we are here are, a number of years later, looking at the same ordinances once again, and talking about doing another band-aid. We want to look at these things as a whole, correct them, and at the end of the day, not everyone is going to be happy with it. It is not just as it has come forward in the past, two Commission Meetings and it is past. This will have the public review period, the public meeting period, and then, as it comes forward to Commission and the public once everything has been addressed; there are two more times that if something was missed, something was overlooked, something Commission wants changes, you all will have the opportunity at those Commission Meetings during the reading of the ordinance. Where in the past, that was the time the public had their input were those two meetings. Taking it as a whole is a better way to do it, because we have taken care of it once, we don't create that confusion; where today your permit is \$600, sixty days from now, well, it is \$300, and we go through this review, and it should have been \$450. He said obviously he is just making up those numbers, but to the public, the people coming in to utilize Planning & Zoning, turn in their permits, etcetera, that just gets confusing. For revising the ordinance etcetera, this gives staff, gives us the ability to, as those things come up, instead of saying sorry that is what it says and that is what it is, it will give us the ability to adjust this. If the band-aide is done and every permit fee was cut in half, he said he didn't think for the people turning in the permits and whatnot, that everyone is going to be happy with that. If a window replacement permit cost, and he said again he was making up numbers, if that cost \$100 for you to turn in, and we've cut everything by fifty percent, so it is now \$50, he did not think that person is still going to be happy, because the City doesn't go out. We don't go count windows and see what you are doing, we don't go in and look at a water heater or evaporative cooler, he said he was trying to think of things that were on the list. Commissioner Rardin said there was all kinds of things on the list. City Manager Cesar continued that on a staff level at this time, we don't have the ability. What it says, that is what we have to follow. This gives us the ability to look at those, and if justification is present, as part of the application, then it gives us the ability to adjust accordingly in a fair and equitable manner. Commissioner Rardin said that by next meeting, we should have a ballpark time as to how long the rewrites are going to take, correct. City Manager Cesar said yeah, that will be a presentation at the beginning of the next Commission Meeting, to talk about the ordinances in obviously a little more detail. Here are ordinances that are under review, here are some the highlights as to why we are doing it, why we are looking at the various ordinances. By that point, we will already have had our kickoff meeting with the contractor to get those timelines before the various ordinances to include the order that we are going to have them review and bring those up to current standards. Commissioner Rardin said it is up to you guys, he did not care. He said we thought we should table it until next meeting, until we have the timeline of when we will see that ordinance. He said he thought we are going to be a better part of a year before we see

any of these ordinances rewritten. It is going to take time. We are still governed by stuff from the fifties in our current zoning ordinance. So, it is going to take a minute to rewrite. Our technical standards took what, a year, a year and a half. City Manager Cesar said it took a little over a year, that is how far behind they were. Commissioner Rardin said these are just bad, we are looking at something that we will approve a year or a year and half from now. He said he thought that a small band-aide to tweak the few little issues we have, at this point, would be sensible. Then the rewrite can happen in a year, a year in a half, he said he honestly thought it would take that long. He said it is not his call, it is up to everybody. He said we will table it to the next meeting, and then we will have a timeline of how long it is actually going to take. If it is six months, they yeah let's do it. Let's just give them authority and let's move forward. But if it is a year and a half, then, let's take a different direction on it. Mayor Payne said she is in a quandary. Mayor Pro-Tem Wright said he agreed with tabling it until we get timelines, then we can move from there. Instead of changing something now, and then changing it again in thirty-six days. Commissioner Rardin asked if we will have the timelines, or close to it, by the next meeting, or should have, close to a ballpark timeline. Commissioner McDonald said so we are going to table it.

Commissioner Rardin made a motion to table Resolution 2022-21 until the next meeting.

Mayor Pro-Tem Wright seconded the motion.

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

20. Appointments to Boards and Committees. (Susan Payne, Mayor)

Mayor Payne said recommendations, one appointment each to the Alamogordo Disability Council, Alamogordo Promotion Board, and Alamogordo Public Library. Mayor Payne said she had it in her head that there was going to be an item about reducing the number on the Alamogordo Disability Council. Commissioner Rardin said we passed that; it was on consent.

Mayor Payne said that on that note, she has two vacancies on the Airport Zoning Board, and one of them is due to the expiring term of Larry Drake. Larry Drake is interested in being reappointed; this would be his third term. If nobody has any objections, she is going to appoint him to that Board.

Alamogordo Disability Council has three vacancies and one individual that has requested to be on that board, Gary Kovacs, and if appointed that is going to be his first term and she will be appointing him to that board is nobody has any objections.

The Alamogordo Promotion Board has one vacancy due to the expiring term of Nate Mandalia. He is interested in being reappointed; this would be his third term. She said she is going to do that; nobody has any objections.

The Alamogordo Public Library has two vacancies. Rhonda Alterson is interested in being appointed; this would be her first term. Mayor Payne said she is going to go ahead and appoint her to that.

Parks and Recreation has one vacancy, and we have no applications. The Senior Volunteer Programs Advisory Council has one vacancy, no applications received. As always, if anybody is interested in serving on the Committees or Boards, you can talk to the Clerk about that, or get on our website.

ADJOURNMENT

Commissioner Rardin moved to adjourn at 9:33 p.m.

Commissioner McDonald seconded the motion.

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

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on April 26, 2022.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 4/26/2022

Report Date: 04/15/2022

Report No: 3.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, award of RFP 2022-004 Water Storage Tank Inspection & Cleaning services to H2O Solutions, LLC. (*David Nunnelley, Utility Director*)

Fiscal Impact:

Amount Budgeted: \$80,000.00

Fund: 124-0099-990-67-77

Additional Fiscal Impact:

Recommendation: Approve the award and authorize staff to proceed with the service agreement.

Background: RFP 2022-004 scope of work is to provide the City of Alamogordo with a full-time water tank inspection & cleaning service of the various components of water operations. The RFP was advertised on February 13th & 20th, 2022 in both the Alamogordo Daily News and the Albuquerque Journal. Five responsive proposals were received on March 10th, 2022. H2O Solutions LLC, Inland Portable Services Inc, US Underwater Commercial Dive Team, MIDCO Diving & Marine Services, Mirador Enterprises Inc. The proposals were reviewed and determined to be acceptable and in compliance with the terms and conditions of the RFP.

Copies of the proposals are available at the Purchasing Department.

CITY OF ALAMOGORDO
COMPOSITE SCORE SHEET
RFP 2022-004 WATER TANK INSPECTION & CLEANING SERVICES
3/15/2022 15:00

Factor	Available Points per Vendor	5 Committee Members	H2O Solutions LLC	Inland Portable Services Inc.	US Underwater Commercial Dive Team	MIDCO Diving & Marine Services	Mirador Enterprises Inc
1	125	Firm and personnel's experience in providing similar information and services relative to the requirements described in Attachment #1	110	105	121	97	84
2	100	Firm's capacity and capability to provide the information and services in a timely manner	93	89	95	84	47
3	50	Firm's past performance on similar project assignments. As part of their response, firms must provide a list of four references with names and phone numbers	48	49	48	47	34
4	50	Firm should describe their approach to providing and managing the anticipated services	45	42	46	34	25
5	50	The key personnel who will be assigned to the project should be identified and summarize their experience.	46	45	44	25	80
6	125	Pricing	122.5	125	35	80	0
7	Based on Percentages	Preferences: Resident Veterans, NM Business and Local Business	0	0	0	0	90
		Accumulated Score	465	455	389	367	360

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 4/26/2022

Report Date: 04/18/2022

Report No: 4.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, approving the award of IFB 2022-04 Traffic Cabinets & Camera Replacement to Cubic Transportation Systems. *(Paul Bennett, Facility Maintenance Manager)*

Fiscal Impact: \$286,539.00

Amount Budgeted: \$308,326.00

Fund: 044-5203-431-6162

Additional Fiscal Impact:

Recommendation: Approve the award of IFB 2022-04 Traffic Cabinets and Camera Replacement to Cubic Transportation System

Background: IFB 2022-04 scope of work is to purchase replacements for traffic cabinets and cameras at 10 intersections in the City. Installation is provided by the City Facility Maintenance Department. The IFB was advertised on March 27, 2022 in the Alamogordo Daily News and the Albuquerque Journal. Four bids were received before the due date of April 13, 2022, 2:00 PM. Two bids were received after the due date and were returned to the bidders unopened per the City Procurement Ordinance. All four bids received on time were reviewed and determined to be in compliance with the City's Procurement Code. Paul Bennett, Facility Maintenance Mgr. reviewed all bids and determined the bid received by Cubic Transportation System provided the best functionality for the City.

The current traffic cabinets and equipment are at least thirty years old. As traffic control has evolved, we now have a need for upgrading to a TS-2 cabinet to be able to support the new camera system and other equipment. With this upgrade, in the future we will be able to also monitor cameras that are located within the City parks to assist in monitoring vandalism and other criminal acts.

BID TABULATION
Traffic Cabinets & Camera Replacement
IFB 2022-04
4/13/2022 14:00

ITEM NO.	Est QTY	DESCRIPTION	Cubic Transportation System		Gades Sales		Consolidated Traffic Control		Econolite Control Products	
			Each	Total	Each	Total	Each	Total	Each	Total
1	10	Cabinet - Per Bid Specifications	\$14,660.00	\$146,600.00	\$15,355.00	\$153,550.00	\$23,090.00	\$230,900.00	\$21,250.00	\$212,500.00
2	10	Camera System/Intersection - Per Bid Specifications	\$15,502.00	\$155,020.00	\$13,800.00	\$138,000.00	\$12,700.00	\$127,000.00	\$35,296.00	\$352,960.00
		Discount		-\$15,081.00						
TOTAL BASE BID				\$286,539.00		\$291,550.00		\$357,900.00		\$565,460.00

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 4/26/2022

Report Date: 04/18/2022

Report No: 5.

Submitted By: Brian Cesar

Subject: Consider, and act upon, Resolution 2022-21 giving the City Manager and City Attorney limited authority to waive fees, costs or requirements of certain ordinances for a limited time. *(Brian Cesar, City Manager and Petria Bengoechea, City Attorney)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

The Commission tabled this item during the Commission meeting of April 12, 2022.

This resolution effects the following Chapters:

Chapter 8: Buildings and Building Regulations

Chapter 22: Subdivision Regulations

Chapter 25: Trailers, Mobile Homes and Recreational Vehicles

Chapter 29: Zoning

RESOLUTION NO. 2022-21
GIVING THE CITY MANAGER AND CITY ATTORNEY LIMITED AUTHORITY TO
WAIVE FEES, COSTS OR REQUIREMENTS OF CERTAIN ORDINANCES FOR A
LIMITED TIME

WHEREAS, the City Commission recognizes there is a severe housing shortage in Alamogordo; and,

WHEREAS, the City of Alamogordo recognizes that its Planning and Zoning and building ordinances have not been updated in many years and City Staff is currently working on a comprehensive review and update of these ordinances; and,

WHEREAS, the City's wishes to be business friendly and encourage building and growth with the City of Alamogordo; and,

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Alamogordo, New Mexico that:

The City Manager of the City of Alamogordo, in conjunction with the City Attorney, is hereby authorized to waive or reduce fees, costs or requirements in Chapters 8, 22, 25 and 29 of the Code of City Ordinances. This may only be done when the applicant who would normally be charged fees submits a form, available at the Planning and Zoning Department, and includes in writing how the waiver or reduction will benefit the citizens of Alamogordo as a whole. The waiver or reductions will be done in a fair and equitable manner, and shall only be approved if there is a benefit to the citizens of Alamogordo. This authority will end as soon as the Chapters affected are amended, or December 31, 2022 whichever occurs first.

DONE this ____ day of _____, 2022.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico municipal corporation

By: _____
Susan L Payne, Mayor

ATTEST:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Petria Bengoechea, City Attorney

Request for Waiver or Reduction of Fees, Costs or Requirements

Name: _____

Phone: _____

E-Mail: _____

Request:

How will waiver or reduction benefit the Citizens of Alamogordo?

PRINTED NAME

SIGNATURE

☐ APPROVED

☐ DENIED

Total standard fees/costs \$ _____

Fees waived/reduced \$ _____

Costs waived/reduced \$ _____

Requirements waived: _____

Brian Cesar
City Manager

Petria Bengoechea
City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 4/26/2022

Report Date: 03/31/2022

Report No: 6.

Submitted By: Rachel Hughs

Subject: Discuss and provide direction on commercial solicitor licenses. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Remove door-to-door commercial solicitors from the ordinance.

Background:

There are multiple concerns with door-to-door commercial solicitor applications and with the public's safety.

ARTICLE 17-08. - PEDDLERS AND SOLICITORS

17-08-010. - Definitions.

For the purposes of this article, the terms used herein are defined as follows:

Aggressive manner means and includes:

- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- (2) Following the person being solicited, if that conduct is:
 - a. Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- (3) Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is:
 - a. Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

It is prima facie evidence of an intention to cause a reasonable person fear of imminent bodily harm, if the person continues to solicit from a person who has asked him/her to stop.

- (4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a business registration issued pursuant to chapter 17 of this Code, shall not constitute obstruction of pedestrian or vehicular traffic;
- (5) Intentionally using obscene or abusive language or gestures:
 - a. Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or
- (6) Approaching the person being solicited in a manner that:
 - a. Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

Automated teller machine means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

Automated teller machine facility means the area comprising one (1) or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours

Bank means any banking corporation as defined under the laws of the state.

Check cashing business means any business which represents itself to the public as engaged in the business of cashing checks, drafts or money orders for consideration

Commercial solicitors shall mean those persons engaged in the practices enumerated in (1) under the definition of "solicitor" as well as those acting as peddlers, and shall include all persons engaged in solicitation activities within the city who are required to obtain business licenses or registrations under other provisions of this chapter.

Peddler means any person who goes from house to house, place to place, or from street to street carrying, conveying, or transporting foods, wares, or merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering or exposing such for sale or making sales and delivering articles to purchasers. The term "peddler" shall include the terms "hawker, huckster, transient merchant and itinerant vendor." Peddler shall not include any persons exempt from licensing under Section 7-23-1, NMSA 1978.

Public area means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

Solicit means to request an immediate payment, donation of money or other thing of value, including an order or promise of future payment, from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

Solicitation activities shall mean the practices of solicitors as listed in (1) and (2) under the definition of "solicitor" as well as the practice of peddling.

Solicitor shall mean any person, including an employee or agent of another, traveling either by foot, automobile, truck or other type of conveyance, who engages in the practice of going door-to-door, house-to-house or along any streets within the city:

- (1) Selling or taking orders for or offering to sell or take orders for goods, merchandise, wares or other items of value for future delivery or for services to be performed in the future for commercial purposes; or
- (2) Requesting contribution of funds, property or anything of value or of the pledge of any type of future donation or selling or offering for sale any type of property, including but not limited to goods, tickets, books and pamphlets, for political, charitable, religious or other noncommercial purposes.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1172, § 1, 3-25-03; Ord. No. 1173, § 1, 3-25-03)

17-08-020. - License required for commercial solicitors or peddlers.

It shall be unlawful for any commercial solicitor or peddler to engage in solicitation or sales activities in the city without first obtaining a commercial solicitation license from the city. (Ord. No. 784, § 3, 2-13-90; Ord. No. 1173, § 2, 3-25-03)

17-08-030. - Exemptions.

- (a) Minors under the age of eighteen (18) who participate in solicitation activities are exempt from the licensing requirements of this article except when they are acting as agents of adults covered by this article.
- (b) Those persons representing charitable associations, organizations existing under the provisions of NMSA 1978, § 53-8-1 et seq., or NMSA 1978 § 53-10-1 et seq., pertaining to nonprofit corporations and unincorporated associations, or which are exempt from taxation under 26 USC § 501.
- (c) All persons exempt from the peddler's license under Section 7-23-1 NMSA 1978.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1173, § 3, 3-25-03)

17-08-040. - Application.

The application for a commercial solicitor's license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

- (1) Proof of the identity and residence address of the applicant;
- (2) A brief description of the nature, character and quality of the goods, merchandise or services to be sold if any;
- (3) If a solicitor or a peddler is employed or acting on behalf of another, the name, business address and telephone number of such person, firm, association, organization, company or corporation; and
- (4) Tax identification number.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1173, § 4, 3-25-03)

17-08-050. - Fees and duration.

- (a) Each applicant for a commercial solicitation license under this article, who has a permanent business location in the city, shall pay an annual license fee of thirty-five dollars (\$35.00) per solicitor or peddler. A commercial solicitation license shall be valid from the date of issuance until the next December 31. No credit or refunds shall be given for partial years.
- (b) Each applicant for a commercial solicitation license under this article, who does not have a permanent business location in the city, shall pay an initial license fee of fifty dollars (\$50.00) per solicitor or peddler. A commercial solicitation license shall be valid from the date of issuance for a period of thirty (30) days. The applicant shall pay a renewal fee of twenty-five dollars (\$25.00) per month for any additional thirty-day period in the same calendar year. No credit or refunds shall be given for partial months.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1173, § 5, 3-25-03)

17-08-060. - Licenses and identification.

- (a) The license issued to a commercial solicitor shall be carried with the solicitor or peddler while he or she is engaged in the business of soliciting or peddling.
- (b) While performing solicitations or peddling, each solicitor or peddler, whether or not commercial and whether or not exempt from the licensing requirements of this article, shall wear an identification badge which shall be worn in such a way that the badge may be easily read and which shall indicate the name and organization of the solicitor or peddler.
- (c) Commercial licenses and identification badges shall be used only by the person to whom they were issued and may not be transferred to any other person.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1173, § 6, 3-25-03)

17-08-070. - Regulations.

The following regulations apply to solicitors engaged in solicitation activities and peddlers engaged in peddling, in the city:

- (1) Solicitors and peddlers shall be allowed to conduct their activities only during daylight hours.

- (2) No solicitor or peddler shall engage in solicitation or peddling activities regulated under this article on city-owned or controlled property without first procuring special authorization from the city manager.
- (3) No person shall engage in solicitation or peddling activities in defiance of any notice exhibited by a resident or business indicating that solicitors and/or peddlers are not welcome or not invited.
- (4) No person shall engage in solicitation or peddling activities in defiance of a clear indication by occupants of a residence or operators or owners of a business that solicitors are not welcome or are not invited. As used in this section, clear indication shall include but not be limited to posting of a notice on the property, verbal notice or, in the case of commercial solicitation activities, registration with the city on a roster kept by the city for the purpose of indicating those places where commercial solicitors are neither invited nor welcome. It shall be the duty of each commercial solicitor to be currently informed of all persons and/or addresses on the no solicitors/no peddlers roster.
- (5) Every solicitor and peddler, whether required to be licensed or not, shall immediately furnish his name, organization and address to any person who requests or demands that information while the solicitor or peddler is conducting his/her activities.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1172, § 2, 3-25-03; Ord. No. 1173, § 7, 3-25-03)

17-08-071. - Prohibited solicitations.

It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services in the manner described in subparagraphs (1)a. through d. of this section.

- (1) Solicitation is prohibited as follows:
 - a. In an aggressive manner in a public area;
 - b. Within fifteen (15) feet of any entrance or exit of any bank or check cashing businesses or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
 - c. On private property if the owner tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or
 - d. From any occupant of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the occupants or passengers of such vehicle
- (2) It shall be unlawful for any driver or occupant of a vehicle upon a roadway, while not parked, to invite, request, offer or encourage a person, not in the vehicle to solicit money or other things of value, or to solicit the sale of goods or services in the manner described in subparagraphs (1)a. through d. above.

(Ord. No. 1172, § 3, 3-25-03)

17-08-072. - Solicitation on or near street or highway.

- (a) The purpose of this section is to prevent dangers to persons and property, to prevent traffic delays, and to avoid interference with traffic flow. Roadways that have center medians often are designed to handle specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.
- (b) It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when the solicitation or collection:
 - (1) Causes the person performing the activity to enter onto the traveled portion of a street or highway.
 - (2) Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions.
 - (3) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.
- (c) For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

(Ord. No. 1172, § 4, 3-25-03)

17-08-080. - Suspension or revocation of license.

- (a) Any license issued under this article may be suspended or revoked for any of the following reasons:
 - (1) Fraud or misrepresentation in the application for license;
 - (2) Fraud or misrepresentation in the course of conducting solicitation activities;
 - (3) Conducting solicitation or peddling activities contrary to the conditions of the license; and
 - (4) Conducting solicitation or peddling activities in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
- (b) Upon suspension or revocation, the city shall deliver written notice to the licenseholder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the licenseholder's place of business or mailed to the licenseholder's last-known address.
- (c) No person who is required to be licensed by this article and whose license has been suspended or revoked shall engage in commercial solicitation activities until the required license has been reinstated or reissued.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1173, § 8, 3-25-03)

17-08-090. - Appeals.

Persons who are denied licenses or whose licenses have been suspended or revoked may appeal by filing a written notice of appeal with the city within ten (10) days after receipt of the notice of denial, suspension or revocation. The city commission shall hear and determine the appeal, and its decision shall be final.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1173, § 9, 3-25-03)

17-08-100. - Renewals.

Licenses may be renewed provided that an application for renewal and the appropriate license fees are received by the city no later than the expiration date of the current license. Applications received after the date shall be processed as new applications. The city shall review each renewal application to determine that the applicant is in full compliance with the provisions of this article. If the city finds that the application meets such requirements, the city shall issue a new license.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1173, § 10, 3-25-03)

17-08-110. - Penalties.

Any person who violates any provision of this article shall be subject to the penalty provisions contained in section 1-01-100 through 1-01-120, inclusive, of this code.

(Ord. No. 784, § 3, 2-13-90; Ord. No. 1172, § 5, 3-25-03; Ord. No. 1173, § 11, 3-25-03)

Commercial Solicitor's

- Commercial Solicitor application fees
 - \$50 for application
 - \$25 renewal, before the expiration of the current license in the same calendar year
 - \$35 for each applicant if the business has a business registration with the city

- Processing an application can take up to 14 business days

Issues with applications regarding door-to-door commercial soliciting

- The Alamogordo Police department can only run a city local arrest check
 - Could be a liability if a more extensive nationwide background check is not conducted
- The Legal Department can only check New Mexico driving records
- The City Clerk has no easy way of checking court information without researching each of the 50 court state websites
- The City Clerk runs a check the sex offender's website of the applicant

Solutions

- Have commercial solicitor applicants that are soliciting door-to-door bring a copy of their FBI background check to our office before they submit their city application
 - Cost of FBI application is \$18
 - Cost of getting fingerprinted \$ 44 with Gemalto/Print Plus
 - FBI background check can take at least 60 days
- Or remove door-to-door commercial solicitors from the ordinance
 - The applicant can apply for a commercial solicitor application, they can set up a table at a private business parking lot (with proof of the business owner's permission)
 - Eliminates the need to do court checks, sex offender check, and driver license check
- Or continue the process as we have been

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 4/26/2022

Report Date: 04/18/2022

Report No: 7.

Submitted By: April Jones

Subject: Consider, and act, upon Resolution 2022-18, declaring 323 Railroad Road to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. (*Jim Baker, Code Enforcement Supervisor and Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Recommend to declare 323 Railroad Road to be ruined, damaged, and dilapidated.

Background: It appears that most, if not all of the problems with this structure are being caused by inadequate maintenance. This is an adobe structure. These types of structures were built with no foundation, and without proper preventative care, the structure will fail. No preventative measures to secure or stop the decay of the structure have been started or undertaken by the homeowner. This structure poses a fire hazard to surrounding structures, and is a collapse hazard.

323 Railroad



TIMELINE

- 318 Railroad

- On 11-15-22 a certified letter was sent to the owner. Letter returned unclaimed.
- On 03-03-22 an administrative search warrant was served at this address.

Account: R021856

Location

Account Number R021856
Situs Address 323 RAILROAD AVE
Previous Parcel ID 01-13404
Parcel Sequence
Neighborhood A1 - South Central Alamogordo
Tax Area 01_R
Parcel Number 01N4055094061395
Legal Summary Subd: ALAMO BLOCKS Lot:
11 Block: 7
Appraiser Other

Owner Information

Owner Name JUAREZ, TOBY L &
CHRISTINA
Owner Address 323 RAILROAD AVE
ALAMOGORDO, NM 88310

Assessment History

Actual (2022 - Residential Cap applied)				\$17,464
Primary Taxable				\$5,821
Exemption Adjustments:				
Head of Household				(\$2,000)
Adjusted Taxable Total				\$3,821
Tax Area: 01_R Mill Levy: 26.597000				
Type	Actual	Assessed	Acres	SQFT
Residential Land	\$1,426	\$475	0.069	
Residential Improvement	\$16,038	\$5,346		730.000

OTERO COUNTY TREASURER
Statement of Taxes Due
1104 N. WHITE SANDS BLVD. SUITE A
ALAMOGORDO, NM 88310
575-437-2030

Account Number R021856

Parcel 01N4055094061395

Assessed To

JUAREZ, TOBY L & CHRISTINA
323 RAILROAD AVE
ALAMOGORDO, NM 88310

Legal Description

Situs Address

Subd: ALAMO BLOCKS Lot: 11 Block: 7

323 RAILROAD AVE

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2021	\$97.12	\$1.94	\$1.94	\$0.00	\$101.00
2020	\$96.20	\$13.95	\$4.82	\$0.00	\$114.97
2019	\$96.80	\$25.17	\$4.84	\$0.00	\$126.81
2018	\$93.68	\$5.16	\$3.75	(\$102.59)	\$0.00
2017	\$85.28	\$0.85	\$0.85	(\$86.98)	\$0.00
2016	\$82.04	\$9.43	\$4.10	(\$95.57)	\$0.00
2015	\$79.40	\$18.66	\$3.98	(\$102.04)	\$0.00
2014	\$79.56	\$28.25	\$128.98	(\$236.79)	\$0.00
2013	\$76.64	\$9.58	\$3.84	(\$90.06)	\$0.00
2012	\$73.55	\$18.02	\$3.68	(\$95.25)	\$0.00
Total Tax Charge					\$342.78
Grand Total Due as of 04/15/2022					\$342.78

Tax Billed at 2021 Rates for Tax Area 01_R - 01_R

323 RAILROAD

TAKEN 03-03-22



323 RAILROAD



323 RAILROAD



323 RAILROAD



323 RAILROAD



323 RAILROAD



323 RAILROAD



323 RAILROAD



323 RAILROAD



RESOLUTION NO. 2022-18

A RESOLUTION DECLARING ALL THE BUILDINGS OR STRUCTURES, OR THE PREMISES LOCATED AT 323 RAILROAD AVENUE, ALAMOGORDO, NEW MEXICO, TO BE RUINED, DAMAGED AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City certain buildings, structures or premises at 323 Railroad Avenue, as more particularly described as on the attached Exhibit 1 (the "Property"); and,

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

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

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

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

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

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

PASSED, APPROVED AND ADOPTED, this _____ day of _____, 2022.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

323 Railroad

Report and Reasoning

James Baker/Stella Rael, Code Enforcement

April 15th, 2022

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Site Map-----

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Photos-----

Exhibit 1:
Legal Summary Subd: ALAMO BLOCKS Lot:11 Block: 7



The City of Miami code audits no representation as to the validity or accuracy of the information given, and the user is responsible for making such further investigation and inquiries as may be necessary to properly consider such present and prospective information.

Map Title



1 inch = 74 feet

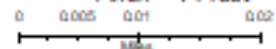


Exhibit 2

Report Narratives

James Bakers report.

323 Railroad Ave is located on Railroad Ave to the west and 4th Street to the north. 323 Railroad is situated between 318 Railroad to the south and a vacant lot to the north. On this lot is a single family adobe home. The property is currently zoned M-1 Light Industrial and is vacant.

Background:

On 11-15-22 an inspection was made on the exterior of the structure at 323 Railroad. Noted were boarded up windows, exposed unprotected fascia, a damaged deteriorating exterior wall, a damaged roof with debris on top and missing shingles with exposed wood. A search warrant was obtained to inspect the interior and on 03-03-22 a search was conducted. In addition to the earlier noted exterior issues, violations were also found inside the structure. Much of the ceiling had fallen and had water damage, what appeared to be black mold was present, water damage was observed on the wood roofing, sunlight was observed shining through gaps in the roof which allowed in the elements causing water damage to the ceiling. 323 Railroad was found to be in violation of numerous sections of the international Property Maintenance code as well and the International Fire Code as noted On Lt. Stroop's report.

The structure in its current state is unfit for human occupancy as defined in Section 108.1.3 of the 2006 International Property Maintenance Code. The structure and condition of the property continue to decline with little to no indication that the owner will address these issues responsibly. It is my recommendation that the City Commission move forward with approval of the resolution.

John Stroop's report

March 03, 2022

RE: 318 and 323 Railroad Ave.

To whom it may concern:

The Alamogordo Fire Department, along with the Alamogordo City Mayor, Alamogordo City Manager, Alamogordo City Attorney, and the Alamogordo Code Enforcement Officer, conducted a fire safety and structural walk-thru of the above-mentioned properties. The walk-thru was conducted using an Administrative Warrant. The buildings representative was present for the walk thru. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code, and the International Fire Code, were found and are listed below:

International Fire Code

- Unsafe Conditions IFC 110.1.1- Inadequate Maintenance. The structure is not currently occupied, or maintained
- Safeguarding Vacant Premises IFC 311.2- The structure has missing or broken windows and doors throughout, allowing for entry by animals, persons, and weather.
- General IFC 311.1 Temporarily unoccupied buildings, structures, premises, or portions thereof, including tenant spaces, shall be safeguarded, and maintained in accordance with Sections 311.1.1 through 311.6. Buildings, structures, and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last know or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons of for

illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation.

International Property Maintenance Code

- 108.1.1 Unsafe Structure
- 108.1.3 Structure Unfit for Human Occupancy
- 108.1.5 Dangerous Structure or Premises. 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- 301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code.
- 301.3 Vacant Structures and Land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
- 302.5 Rodent Harborage. Structures and exterior property shall be kept free from rodent harborage and infestation.
- 304.1.1 Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the "International Building Code" or the "International Existing Building Code" as required for existing buildings: 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight. 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
- 304.2 Protective Treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
- 304.6 Exterior Walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials and be maintained weatherproof and properly surface coated where required to prevent deterioration.
- 304.13 Window, Skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair and weather tight.
- 305.1 Interior Structure General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- 308.1 Accumulation of Rubbish or Garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish and garbage.
- 309.1 Infestation. Structures shall be kept free from insect and rodent infestation.
- 604.3.1 Abatement of Electrical Hazards Associated with Water Exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.
- 604.3.1.1 Electrical Equipment. Electrical distribution equipment, motors circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, exposed to water shall be replaced in accordance with the provisions of the "International Building Code".
- 702.1 General. Means of Egress. Fire Safety Requirements. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the "International Fire Code".
- 703.1 Fire-Resistance-Rated Assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.
- The roof of the structure is leaking, and not secure to weather, causing further damage and degradation to the structure.
- Due to the unsecured nature of the structure, pigeons, and other rodent animals, have taken up residence in the structure. Their droppings pose a threat to health of persons working in and around the structure.
- There is evidence of structural failure, or foundation failure as visible on the south and west ends, near the front door of the structure.

In closing, it appears that most, if not all the problems with this structure are being caused by inadequate maintenance, and the structure not being secured or occupied. These are both adobe structures. The foundation in the rear of the structure is failing, causing the walls to crack and the roof to start to collapse. The structures roof is continuing to fail due to missing roofing material and poses a collapse threat. This structure poses a fire hazard to surrounding structures, and a health threat to persons working in and around the structure.

Respectfully,
John Stroope
Lieutenant, Shift 1
Alamogordo Fire Department

Reasoning

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

Section 8-03-080 of the Code of Ordinances adopts the 2006 International Property Maintenance Code. (IPMC)
Section 104.1 compels the Code Official to enforce the provisions of the Code.

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

Section 104.4 grants authority to enter property.

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

Section 108.1.3 states the conditions of a structure unfit for human occupancy.

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

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

Violations

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

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

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

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

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

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

323 Railroad Photos (Taken 03-02-22)

















AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 4/26/2022

Report Date: 04/18/2022

Report No: 8.

Submitted By: April Jones

Subject: Consider, and act, upon Resolution 2022-22, declaring 318 Railroad Road to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. (*Jim Baker, Code Enforcement Supervisor and Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Recommend declaring 318 Railroad Road to be ruined, damaged, and dilapidated.

Background: It appears that most, if not all of the problems with this structure are being caused by inadequate maintenance. This is an adobe structure. These types of structures were built with no foundations, and without proper preventative care, the structure will fail. No preventative measures to secure or stop the decay of the structure have been started or undertaken by the homeowner. This structure poses a fire hazard to surrounding structures, and is a collapse hazard.

RESOLUTION NO. 2022-22

A RESOLUTION DECLARING ALL THE BUILDINGS OR STRUCTURES, OR THE PREMISES LOCATED AT 318 RAILROAD AVENUE, ALAMOGORDO, NEW MEXICO, TO BE RUINED, DAMAGED AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE OR SAFETY, AND ORDERING ITS ABATEMENT

WHEREAS, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City certain buildings, structures or premises at 318 Railroad Avenue, as more particularly described as on the attached Exhibit 1 (the "Property"); and,

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

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

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

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

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

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

PASSED, APPROVED AND ADOPTED, this _____ day of _____, 2022.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Petria Bengoechea, City Attorney

318 Railroad

Report and Reasoning

James Baker/Stella Rael, Code Enforcement

April 15th, 2022

Table of contents

Site Map-----

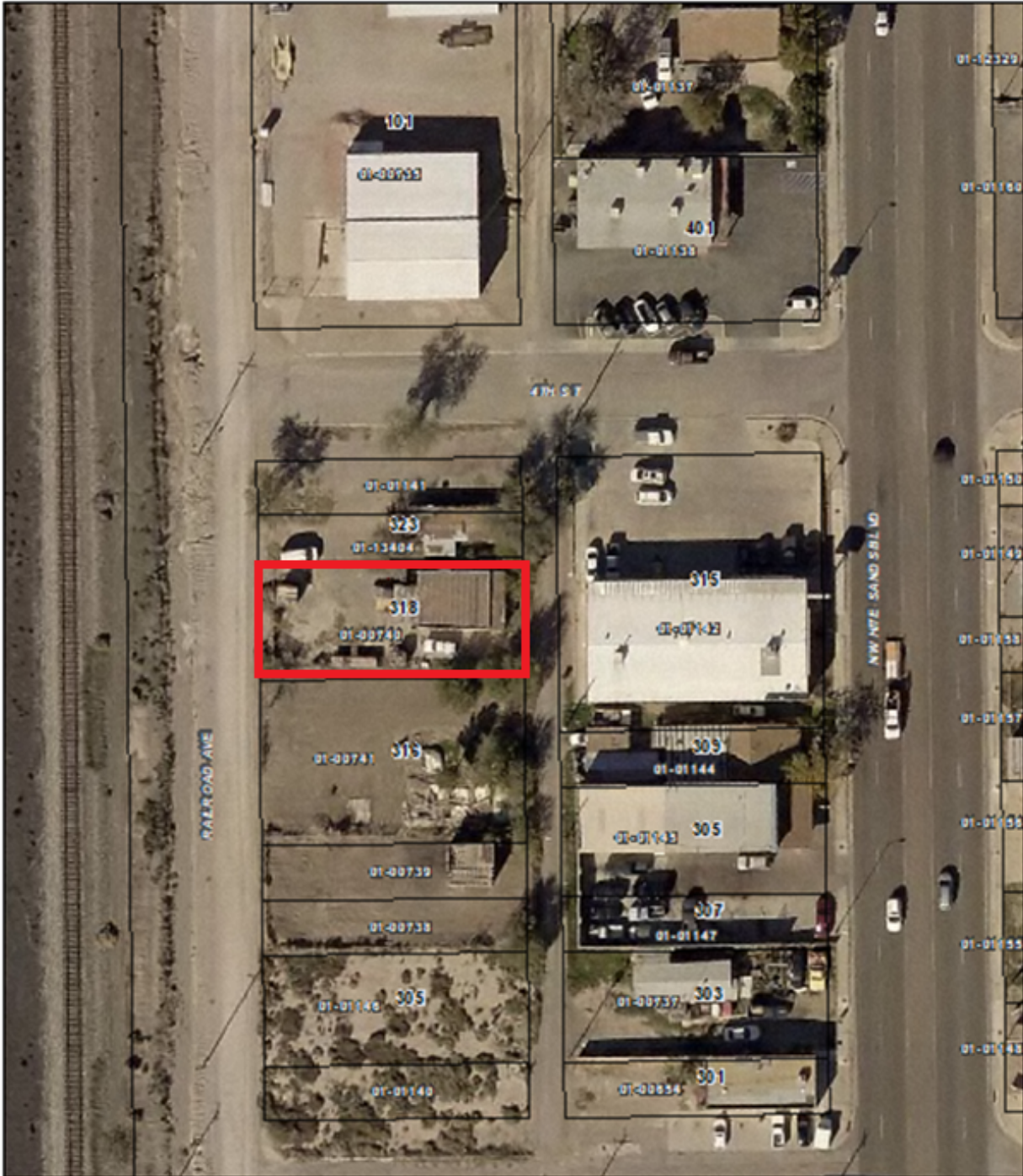
Report Narrative-----

Reasoning-----

Violations-----

Photos-----

Exhibit 1:
Legal Summary Subd: ALAMO BLOCKS Lot: 9, 10 Block: 7



The City of Alamo only makes representation
into the validity of existing title information
provided and the user is responsible for making
all further checks and inquiries necessary
to determine property boundaries and other
information.

Map Title

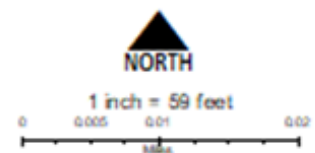


Exhibit 2

Report Narratives

James Bakers report.

318 Railroad Ave is located on Railroad Ave to the east and 4th Street to the north. 318 Railroad is situated between 316 Railroad to the south and 323 Railroad to the North. On this lot is a single family adobe home. The property is currently zoned M-1 Light Industrial and is vacant.

Background:

On 02-28-20 an inspection was made on the exterior of the structure at 318 Railroad regarding a collapsed wall. Upon inspection of the exterior of the structure it was observed that a wall on the southside of the structure had collapsed with some of the debris falling upon a vehicle parked next to the structure. Additionally, it was observed that a part of the roof had collapsed on the northwest side of this structure. A certified letter was sent to the owner of the property and no action to repair or remove the structure was made. On 11-15-21, another inspection was made on this property. It was noted that some of the debris had been moved away but the structure still had a large gap/hole on the southside of the structure, cracks in the sides and a damaged roof. Another letter was sent to the owner of the property. The property of the owner was listed as 323 Railroad which was next door to the north was vacant and had numerous structural violations. No action was taken after this letter was sent so an administrative was obtained to search both 318 Railroad and 323 Railroad. 318 Railroad was found to be in violation of numerous sections of the international Property Maintenance code as well and the International Fire Code as noted On Lt. Stroop's report. Obvious violations included a missing chunk of wall on the southside exposing the interior to the elements. There was roof damage and loose hanging debris and boards hanging from the interior of the ceiling inside the structure. Debris from the collapse littered the interior and there were additional cracks and exposed unprotected surfaces on the exterior of the structure.

The structure in its current state is unfit for human occupancy as defined in Section 108.1.3 of the 2006 International Property Maintenance Code. The structure and condition of the property continue to decline with little to no indication that the owner will address these issues responsibly. It is my recommendation that the City Commission move forward with approval of the resolution.

John Stroop's report

March 03, 2022

RE: 318 and 323 Railroad Ave.

To whom it may concern:

The Alamogordo Fire Department, along with the Alamogordo City Mayor, Alamogordo City Manager, Alamogordo City Attorney, and the Alamogordo Code Enforcement Officer, conducted a fire safety and structural walk-thru of the above-mentioned properties. The walk-thru was conducted using an Administrative Warrant. The buildings representative was present for the walk thru. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code, and the International Fire Code, were found and are listed below:

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- The roof of the structure is leaking, and not secure to weather, causing further damage and degradation to the structure.
- Due to the unsecured nature of the structure, pigeons, and other rodent animals, have taken up residence in the structure. Their droppings pose a threat to health of persons working in and around the structure.
- There is evidence of structural failure, or foundation failure as visible on the south and west ends, near the front door of the structure.

In closing, it appears that most, if not all the problems with this structure are being caused by inadequate maintenance, and the structure not being secured or occupied. These are both adobe structures. The foundation in the rear of the structure is failing, causing the walls to crack and the roof to start to collapse. The structures roof is continuing to fail due to missing roofing material and poses a collapse threat. This structure poses a fire hazard to surrounding structures, and a health threat to persons working in and around the structure.

Respectfully,
 John Stroope
 Lieutenant, Shift 1
 Alamogordo Fire Department

JS/js

Reasoning

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

Section 8-03-080 of the Code of Ordinances adopts the 2006 International Property Maintenance Code. (IPMC)
Section 104.1 compels the Code Official to enforce the provisions of the Code.

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304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

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

318 Railroad Photos (Taken 02-28-20)





Taken 03-03-22









318 Railroad



TIMELINE

-
- ~~318 Railroad~~
 - 02-28-20 certified IPMC letter sent to owner. No corrections were made.
 - On 11-15-22 another certified letter was sent to the owner. Letter returned unclaimed.
 - On 03-03-22 an administrative search warrant was served at this address.

- [Account Search](#)
- [My Reports](#)
- [Help](#)
- [Logout Public](#)

Account: R010461

Location

Account Number *R010461*

Situs Address 318 RAILROAD AVE

Previous Parcel ID 01-00740

Parcel Sequence

Neighborhood A1 - South Central Alamogordo

Tax Area 01_R

Parcel Number 01N4055094061397

Legal Summary Subd: ALAMO BLOCKS

Lot: 9, 10 Block: 7

Appraiser Other

Owner Information

Owner Name JUAREZ, TOBY L &
CHRISTINA

Owner Address 323 RAILROAD AVE
ALAMOGORDO, NM 88310

Assessment History

Actual (2022 - Residential Cap applied) \$25,190

Primary Taxable \$8,396

Tax Area: 01_R **Mill Levy:** 26.597000

Type	Actual	Assessed	Acres	SQFT
Residential Land	\$2,851	\$950	0.138	
Residential Improvement	\$22,339	\$7,446		1053.000

OTERO COUNTY TREASURER
Statement of Taxes Due
1104 N. WHITE SANDS BLVD. SUITE A
ALAMOGORDO, NM 88310
575-437-2030

Account Number R010461

Parcel 01N4055094061397

Assessed To

JUAREZ, TOBY L & CHRISTINA
323 RAILROAD AVE
ALAMOGORDO, NM 88310

Legal Description

Situs Address

Subd: ALAMO BLOCKS Lot: 9, 10 Block: 7

318 RAILROAD AVE

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2021	\$216.80	\$4.34	\$4.34	\$0.00	\$225.48
2020	\$214.76	\$31.14	\$10.74	\$0.00	\$256.64
2019	\$216.08	\$56.18	\$10.80	\$0.00	\$283.06
2018	\$210.32	\$11.56	\$8.41	(\$230.29)	\$0.00
2017	\$193.56	\$1.94	\$1.94	(\$197.44)	\$0.00
2016	\$188.36	\$21.67	\$9.42	(\$219.45)	\$0.00
2015	\$184.52	\$43.36	\$9.22	(\$237.10)	\$0.00
2014	\$187.16	\$66.44	\$134.36	(\$387.96)	\$0.00
2013	\$182.04	\$22.75	\$9.10	(\$213.89)	\$0.00
2012	\$177.82	\$43.57	\$8.90	(\$230.29)	\$0.00
Total Tax Charge					\$765.18
Grand Total Due as of 04/15/2022					\$765.18

Tax Billed at 2021 Rates for Tax Area 01 R - 01 R

318 RAILROAD

TAKEN 03-03-22



318 RAILROAD

TAKEN 03-03-22



318 RAILROAD

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318 RAILROAD

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