



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

May 10, 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. Kids to Parks Day Proclamation. (Susan L. Payne, Mayor)

2. Alamogordo MainStreet organization update presentation. (*Nolan Ojeda, Executive Director Alamogordo Mainstreet*)

PUBLIC COMMENT

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

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

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

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

3. Approve the minutes for the April 26, 2022, Regular meeting and the May 2, 2022, Budget Hearing Workshop. (*Rachel Hughs, City Clerk*)
4. Consider, and act upon, adoption and final 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)**
5. Consider, and act upon, adoption and final 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)**
6. Consider, and act upon, the award of IFB 2022-05 Bulk Fuel to Brewer Oil Company in the estimated amount of 110,000.00. (*Evelyn Huff, Finance Director*)
7. Consider, and act upon, Resolution 2022-24 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 May 10, 2022. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**
8. Consider, and act upon, approval of an agreement in the amount of \$25,000 between the City of Alamogordo and Tularosa Basin Historical Society to develop plans for the renovation of Dudley School. (*Debbie Osborne, Grant Coordinator*)

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

9. Hearing and possible action related to Resolution 2022-08 declaring 322 Texas Avenue to be so ruined, damaged, an dilapidated that it is a menace to the public comfort, health, peace or safety, and ordering its abatement. (*Petria Bengoechea, City Attorney*)

NEW BUSINESS

10. Consider, and act upon, Resolution 2022-25 for the acceptance and approval of the FY21 Audit. (*Alan D. "A.J." Bowers, CRI - Carr, Riggs & Ingram*) **(Roll Call Vote Required)**
11. Consider, and act upon, first publication of Ordinance 1650 amending sections of Chapter 17, Article 17-08 Peddlers and Solicitors of the Alamogordo Code of Ordinances to remove door-to-door licensing for commercial solicitors. (*Rachel Hughs, City Clerk*) **(Roll Call Vote Required)**

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 04/27/2022

Report No: 1.

Submitted By: Rachel Hughs

Subject: Kids to Parks Day Proclamation. (*Susan L. Payne, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 05/05/2022

Report No: 2.

Submitted By: Rachel Hughs

Subject: Alamogordo MainStreet organization update presentation. (*Nolan Ojeda, Executive Director Alamogordo Mainstreet*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background:



City of Alamogordo City Commission Meeting
AGENDA REQUEST FORM

RECEIVED
MAY 03 2022
CITY CLERK

Today's Date: 5/3/2022

Request Date
of Meeting:

May 10th

Name and Title:

Nolan Ajeda Exec. Director Alamogordo MainStreet

Address:

919 1/2 New York Ave Suite G

Alamogordo, NM ZIP 88311

Phone Number:

575-312-0726

E-Mail Address:

director@alamogordomainstreet.org

Item requested will be for Information only

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

Intro to new AMS director, reintro to Mainstreet
for new commissioners, cast forward vision
for the organization and city

Signature: 

Please return to:

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

Phone: (575) 439-4100

Fax: (575) 439-4396

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



MAY 2022 ORGANIZATION UPDATE

Nolan Ojeda, Executive Director



NM MAINSTREET REBUILDING PLACES



https://youtu.be/c_wQ6Ky9woA

BENEFITS OF A MAINSTREET DISTRICT

Residents

- Community pride
- Enhanced marketplace
- Social / cultural activities
- Employment opportunities
- Home values increase

Retail Business

- Increased traffic and sales
- Coordinated efforts between local businesses
- Educational opportunities (seminars, workshops)
- District marketing strategies (promotion and advertising)

Service Business

- New / renewed / repeated exposure
- Increased variety of services
- Increased competition means more proactive business styles
- Increased population, new customers

Building Owners

- Increased occupancy rates
- Rent stabilization or increase
- Increased property values
- Reduced vandalism / crime
- Assistance with tax credits, grants, loan programs, design and cooperative maintenance.

CURRENT BOARD OF DIRECTORS ROSTER

PRESIDENT

Cindy Boylan

Welcome Home Realty

VICE PRESIDENT

Claudia Loya

Elite Memories

SECRETARY

Crystal Boylan

Alamogordo Resident

TREASURER

Melissa Wilde

Department of Defense

Claudia Powell

Welcome Home Realty

James St. Laurent

Holloman Airforce Base

Maggie Nowell

Blush Beauty Bar

Aileen Carroll

French Brothers

Chris Edwards

Road Runner Emporium

Emmanuel Renteria

New York Art and Music Studio

Cindy Stong

*The Flickinger Center for
Performing Arts*

WHAT WE DO!

ECONOMIC DEVELOPMENT

- ORGANIZATION
- ECONOMIC VITALITY
- DESIGN
- PROMOTION

OPERATING UNDER TWO ECONOMIC TRANSFORMATION STRATEGIES

Economic Transformation Strategies

- 1. Improve and enhance the visual and functional connectivity of the MainStreet district across 10th Street.**
- 2. Retain and strengthen existing small businesses, incubate new entrepreneurial ventures, and rehabilitate traditional commercial buildings.**

Economic Transformation Strategy 1 Progress

- **Christmas on MainStreet 2021 1st event to span across New York Ave.**
- **AMS and Flickinger Board execute working agreement and activities to help connect New York Ave.**
- **Efforts to establish Arts and Culture District across 10th st.**
- **Great Blocks Design complete.**

GREAT BLOCKS PROJECT

\$20K → \$100K

**City funded &
adopted plan**

Alamogordo MainStreet & NMMS facilitation =
Over \$100K in Capital Outlay funds for design
completion.

Design complete, total cost for construction
~\$1.9M. Phase grants available through NMMS
Capital Outlay.

ALAMOGORDO MAINSTREET

GREAT BLOCKS PROJECT



Economic Transformation Strategy 2 Progress

- **Business incubators established on New York Ave.**
- **Addition of 7 new businesses.**
- **Over \$3M in private investment into district.**
- **Addition of regular classes, activities and tours.**
- **Partnership between Historical Society and Roadrunner Emporium.**
- **Partnership with Holloman AFB for volunteer work.**

2022 – Downtown Additions

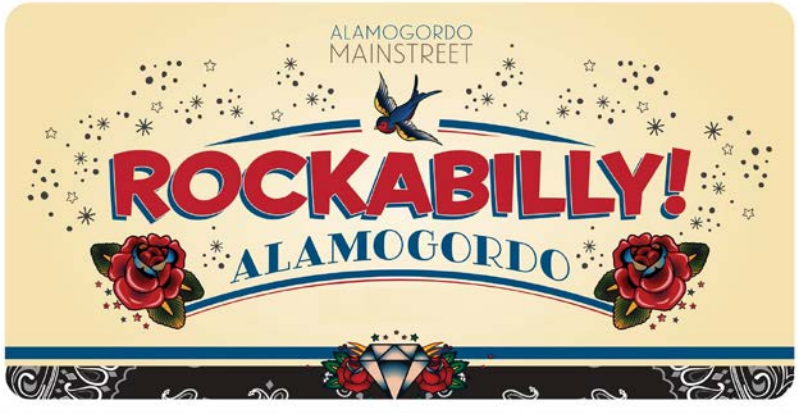
- The Local Bodega
- Pins and Needles
- New York Ave Art and Music Studio
- Kaias Fitness Studio
- Copper Rose Hair Salon
- Namaste
- Vdex Diabetes



Arts and Culture District (ACD)

- Proposed district: New York Ave 9th to 12th
- Cultural Arts Designees
 - Flickinger Center for Performing Arts
 - New York A & M Studio
 - Roadrunner Emporium
 - The Local Bodega
 - Pins & Needles
 - Patron's Hall
 - Otero Art Space
 - Title Company Bldg up and coming gallery
 - The Sands Theater
 - Mainstreet Theater
- Benefits
 - Recognition in State, Regional and National registry.
 - Enhanced marketing grants available only for ACDs
 - New Mexico True marketing support
 - Significant rehabilitation monies available for ACD designees
 - Additional tourism marketing grants available to ACDs
 - Towns with ACDs have a 22% higher business recruitment success
 - Overall improves quality of life for residents

2022 EVENTS HAPPENING DOWNTOWN



2022 STATS

- **>\$3M — BUILDING IMPROVEMENT PRIVATE INVESTMENTS**
- **7 NEW BUSINESSES**
- **ESTIMATED \$12,600 IN TAX REVENUE FROM NEW BUSINESS**
- **2000+ VOLUNTEER HOURS**

CHALLENGES

- **Construction/Construction mitigation for Great Blocks**
- **AVIS Building**
- **Private investment/incentives needed to improve bldg storefronts.**
- **10th and New York Ave street crossing.**

Capacity-Building Strategy

Continually strive to develop organizational skills, consistent goals/strategies with full attention focused on defined aspirations and culture in order to remained coordinated with MainStreet's Four-Point Approach while keeping the organization aligned with Alamogordo's historic downtown and stakeholder's best interests.

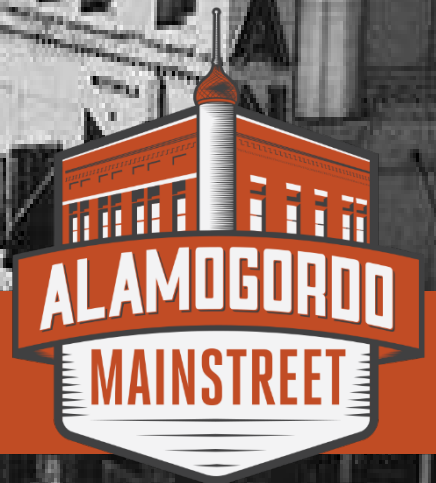
FORWARD FOCUS

- **Rebranding Alamogordo MainStreet (AMS)**
 - 5 radio shows promoting AMS to date, with more planned moving forward.
 - AMS Highlighted for Small Business Week in 2nd Chance Media
 - Businesses located in AMS have been in New Mexico Magazine and Influence magazine in the last 6 months.
 - Downtown Nights, ongoing until October.
 - Improving Signature Events (Christmas On MainStreet, Atomicon, Rockabilly)
 - Revisiting and possible revision of AMS Economic Transformation Strategies.
 - Creation of more committees/task forces, more overall public involvement.
 - Aggressive fundraising and grant application.
 - AVIS Building rehabilitation.
 - Co-application for funding of Great Blocks Project.
 - Spotter Card Mural Project





QUESTIONS? How else can we help or inform?



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 05/03/2022

Report No: 3.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the April 26, 2022, Regular meeting and the May 2, 2022, Budget Hearing Workshop. *(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 26, 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 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Jeff Sowers and the Pledge of Allegiance was led by Commissioner McDonald.

APPROVAL OF AGENDA

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

PRESENTATIONS

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

Mrs. Schweers said her family was brought here by the Air Force in 1969 and they chose to stay. Of all the community projects over the years, this project we are going to talk about tonight is probably one of the most exciting that we have ever seen, a new Center of Commerce complex. She said that with her is Michael Shine, who would tell you about the generosity of the Sheldon trust, Jim French would talk about the community impact, Randy Regan would address the funding path, and G. B. Oliver will conclude the presentation. She said we are asking the Commission's approval to authorize City staff to take the lead role and work with the Center of Commerce to make this project a reality.

Mr. Shine said that he and Teresa Keeland are co-trustees of the Sheldon Trust. The Sheldon Trust has committed \$1,000,000 to this project. He said let me tell you a little about the Sheldon Trust; Evan and Ester Sheldon moved to Alamogordo in 1977 after they sold their company in Ithaca, New York. Evan was a wholesale sporting goods dealer that covered the whole of North America, he had one hundred and fifty employees. What is really sort of odd is, he loved trains, and so they bought a double-wide mobile home adjacent to the railroad between Alamogordo and Tularosa so they could sit in their living room on their couch and watch the trains go by every day. This was just one of his passions. They both died in 1999. They had no children, so they left the Sheldon Trust. Mr. Shine said that Teresa Keeland and he were thinking okay, what is the right project for this. Well, Evan loved trains; think about how important the railroads were for Alamogordo, it founded Alamogordo. Alamogordo wouldn't exist if there hadn't been a railroad. With Evan's interest in trains and the history of the railroad, we thought, hey, lets look at the toy train museum, how could we work with those folks and build something special out of it, so that it would be more self-supportive, make more revenue for itself, and attract more tourists. He said then we thought okay, how we could mold that, instead of the Toy Train Museum, into a Train Museum. He said then we thought okay, if we could succeed at this, more

tourists will come, it will build our economy. He said he did not know if any of you could remember, but a number of years ago, the centerfold in New Mexico Magazine was some kids riding that little bitty train at the Toy Train Museum. The fella that built two of the hotels down in El Paso Airport told him that one day, he said, I hate that damn Toy Train Museum, my kids will not let me drive past it, we have to stop every time and ride the train. Mr. Shine continued that well, that is what we want to hear, that is the stuff that really builds our town in little ways that add up; so, we really thought, we are on the right track here. We hired an architect named Bill Helm who specialized in historic structures, he is from El Paso. Bill developed the plans you see, the plans are extensive, but the plans that generate this architectural product that you see in front of your screens and that we are looking at here on the ceiling. We spent about \$200,000 to date working with him of that \$1,000,000. To complete the plans, engineered, heating, cooling, electrical, everything engineer, literally shovel-ready, would be another \$375,000. Now remember, we got about \$800,000 left of that \$1,000,000. While these plans were developed, Brian Cesar participated in them, and watched everything, and was conscious of the entire process. With \$1,000,000 that the Sheldon trust has committed, we really believe this could be one of the best things that Alamogordo could ever have. He said that as you know, when you drive through Alamogordo, there is really not anything striking, any memory that we really want people to take home with them. This would change that. It is a thirty-five-thousand-foot structure that is absolutely stunning. What the Sheldon Trust would like to commit to is, if the City will pass a resolution to confirm this project, to assume it as one the City's top projects and to become the lead agent. When you pass that resolution and it becomes real, thirty days has to pass or however that works, the Sheldon Trust will immediately jump forward and start the completion of those plans and put out the \$375,000 to do so.

Jim French said that he came, along with this committee, to you about three years ago. He said that instead of him regurgitating of what he told you then, things have changed since then. We went through COVID, and economics have changed our country, our state, and local community. He said that what is it we need now, we need recovery. When you are looking at this building, there are a few things that he has learned over time: activity breeds activity and success breeds success. He said he believed that this is our opportunity to show our own community, and other others outside our community, that we can get through this; we have gotten through this, and this is an iconic building, as Michael said, that we can be proud of for years and years to come.

Randy Rabon said that he is the past Chairman of the Alamogordo Chamber of Commerce. Through his time as Chair, through a strategic planning session, we knew we needed to get focused on something. He said his theme was the one thing. Unanimously, the Alamogordo Center of Commerce Board voted for this project to be their one thing. This facility is an iconic building that truly would be the gateway to this community, or the storefront for our community. It is going to be a multi-purpose facility. This would be the first public-private partnership of this type that he said he knew the Center of Commerce has engaged in. He said he felt that with the Sheldon trust offering \$1,000,000 of their money to build a Train Museum in the Visitor's Center; what a great opportunity. This is where we can truly see how a public-private partnership works. The challenge we've got, obviously, is raising the capital for that. When we look at the uses for this facility, we've got: the Alamogordo Zoo, we've got the Train Museum, the Alamogordo Visitor's Center in support of tourism, the Alamogordo Center of Commerce itself, we use this for their business, the Small Business Development Center, Office for the Economic Development. It is a two-hundred-and-fifty-person special event center which will open up out into the Zoo and Alameda Park, so we can showcase those facilities that we've got. A new film office, you know, we are always looking to see where they might be. We've got over seven agencies that could be housed in this one stop shop, if you will, for this community. This truly will become the new hub or town plaza, he said he thought, that everybody can identify with. From a funding side, you know, he said he currently serves on the New Mexico State Land Office Advisory Board, and the State right now, is seeing record income from oil and gas and a number of other things. He said he felt like, if we could get our local state delegations, state legislatures, behind this this project, then with your

support, it is a great opportunity to go ask the State for capital alloyed money to help us put this thing together. He said he thought that the Center of Commerce will need to hire a state-level lobbyist to help with this, so the funding needs to come from multiple places. We need to engage a grant writer, he said he knew that this is fixing to go to the Board for the Center of Commerce here shortly on that process. There are these CDBG grants, community development grants, that are out there available. We've got private fundraisers that can continue also. He said he thought if we build the support, there is other people, like the Sheldons, that may have an interest in putting some of their money behind a project like this as well. Railroad, we are adjacent to that railroad property, has grants for this purpose. Obviously, the Zoo itself; there is additional funding that he said the thought could be asked for.

G.B. Oliver, Executive Director for the Center of Commerce, said that you have heard about this project. He could tell you that in his personal opinion, there is no project anywhere that will reach the point where this be. It will be absolutely the most iconic building in Alamogordo. He said he thought it set a new standard for the citizens of this community, and it sends a new image of this community for those coming in here looking to do business. He said he could look back through his calendar today, and in the last thirty days, we have entertained eleven commercial enterprises that have visited our office looking for information on the City of Alamogordo, looking for a place to set up a footprint. We also have had one hundred and ninety people come through the Visitor's Center in the last thirty days, so you can see the kind of impact it would have. He said he did not know of any project on the horizon that could potentially impact the growth and economic viability of this community more than this building will. As you have heard here tonight, never before in the history of this community has a private entity ever stepped up with a \$1,000,000 or any amount even less than that, to put into a building or project belonging to the City of Alamogordo. As Randy indicated a while ago, May 15th, our Board Meeting; he will be going before their Board and asking our Board to designate money to go step forward and hire a grant writer. They have already interviewed a grant write in the hopes that grant writer will establish a background and maybe work in concert with the City Grant Writer as we move forward on this project and look for additional funds that are available in other places. He said that we respectfully request, as Marianne said a while ago, that you endorse this project. We respectfully request that you consider this to be one of the top projects over the next coming years, because nothing would be more forward from an economic viability standpoint. We request that the Council turn this back over to Brian Cesar. Brian worked hand-in-hand with us along this, and we would like to continue doing that; we know that he has the City's best interest, and he could guide us, and send us in the direction we need to go. Mr. Oliver continued that he would also mention to you ladies and gentlemen; to come back on a regular basis and provide you with accurate, up-to-date information as we move forward with this project.

Mayor Payne said that she was not sure about this at first; we've got a lot going on, I don't know. She said she has to tell you, some of the concepts she really liked, and she said that she thought that she could see the vision for sure. This is not an action item, but perhaps, in the very near future, we could bring that back for some kind of discussion. Maybe we could have you back at that time, any of you, all of you. Let's kind of keep that in the back of our head, and maybe we could bring that back soon.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

As you are all aware, there was an email sent out, your budget materials are in your mailbox. A number of you have already picked up the book. By the end of the day tomorrow, the wage study will be

available in your box, along with the presentation, the slides that will be given, beginning on Monday. As a reminder, this Monday, at 6:30pm, in this room, is the beginning of the Budget Hearings for next fiscal year. He said he is not sure if they will make it in one night as we have for the past several years. There is a lot of new faces up there, so probably some new questions that we have not heard before.

Commissioner McDonald said that this weekend, it was told to her that the 808 house was coming down. She took pictures and sent them in to Brian and Stephanie, to let them know that they were working on it. She said that all it took was like this, but it was a little bit more. They actually have all of it down to the foundation today, and they are loading it up in the dumpsters, and it is being carried off. Mayor Payne asked if this was the lady that was here a few weeks ago. Commissioner McDonald said yes, Jackie Stackhouse. Mayor Payne said that was exciting news, even more exciting that she actually did what she said she was going to do. Not that she ever had a doubt or anything. Commissioner McDonald said they took it down, yeah. Mayor Payne said that someone told her the other day that they loved to watch her live videos, because they love how excited she got when talks about dilapidated structures and the start of tearing them down. She said yeah, that is one of the highlights of her day, don't you know.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following remarks:

He said he was talking to the City Manager; he had a call over the weekend about our Animal Control. He said he guessed on Facebook or something, they mentioned that we are full, and we are going to have start euthanizing. He said he didn't know if we could have Brian look into the ordinances on that, to see, as far as the fees and structure for adoption. He said he is not sure how it works; he has never been to a pound. If we could look into that, and maybe see if staff could start holding a low-cost adoption deal once or twice a month or something to get some of the animals out of there, before we have to euthanize them. Commissioner Rardin continued that was a sore spot for a lot of people. Mayor Payne said she agreed with him, she hated to read that. Commissioner Rardin said he did too, and he had a call about it this weekend. If we could have Brian start looking into that, what we can do to offset some of the costs so that we could get them adopted out rather than euthanize them.

Commissioner Rardin continued his second thing is, all of us, when everybody kind of got on, we talked about wanting to be business friendly in the City of Alamogordo. He said he'd liked to see if we couldn't maybe update our mission statement to include something along those lines of being business friendly, how our elected officials and City staff want to be business friendly. He was not sure how you would word it, but you all can make that sound good, he was sure. Mayor Payne asked when the last time we looked at our mission statement. City Manager Cesar said Bob Stockwell was the City Manager, and Commissioner Rardin said no we looked at it, and City Manager Cesar replied that was the last time it was updated. Commissioner Rardin said no, we looked at it with Commissioner Baldwin at one time. City Manager Cesar said that was the goals. Commissioner Rardin said that was the mission statement too. City Manager Cesar said it was not updated. Commissioner Rardin said okay, we can look into that. Mayor Payne said so it has been a while. City Manager Cesar said that it is on the front page of the agenda, so it was adopted by City Commission on March 24, 1995. Commissioner Rardin said if we can look into that.

Commissioner Burnett made the following remarks:

Commissioner Burnett said he got a phone call from a lady, and she just wanted to commend the City on how well Alameda Park looks, and the rose bushes. Mayor Payne said thank you, we need to hear more positives, she liked that, it is looking good. We have a lot to be proud of in our City. We get a lot of grief, but she said she thought that people kind of spewed the same rhetoric for so long, that they

haven't actually come out from underneath their rock to look around and see what has been done in this City. Mayor Payne said if you have your head buried under a rock, you should look around, because there have been a lot of amazing things that have happened in this City.

City Manager Cesar made the following remarks:

He said that he did want to remind the Commission and the public that Thursday, at the Willie Estrada Civic Center, we are having at six o'clock, the public meeting on the technical standards. Mayor Payne said that if you are in the room, or you are online, and you have been talking about our technical standards and you don't show up, shame on you, you should be there. Mayor Payne said she will be there, and she doesn't even know how to read the technical standards, but that is okay, she is going to learn. It is important, it is really critical. Kudos to our staff, they are really taking a look. She said she will tell you this as a side note, she has had a lot of positive comments about how we are really starting to update things and really looking at things and take things seriously. She said she knew she appreciates that, and she is sure everybody else appreciates that as well. We don't always agree, and not everybody agrees with everything, but you know, at least we are doing something about it; isn't that what is really important. Everybody will have a different idea of what to do, but the point is, we are doing something, and she said she thinks it is about time, so we don't have a mission statement from 1995 anymore.

CONSENT AGENDA

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

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

Mayor Pro-Tem Wright moved to approve the Consent Agenda.

Commissioner McDonald seconded the motion.

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

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)

City Manager said that we had an extended discussion on this last time and he did say he would bring back some information. He, along with other staff, had our kickoff meeting with Smith Engineering, that is the firm that is going to be looking at the five ordinances in our right-of-way excavation regulation. What they will be reviewing and bringing up to current standard is Chapter 8, which is Building and Building Regulations, Chapter 22 which is Subdivision Regulations, Chapter 25 which is Trailers, Mobile Homes, and Recreational Vehicles, Chapter 29 which is Zoning, City Ordinance 924 which is the Utility Installation Permit Guidelines which were adopted in 1994; the City right-of-way excavation regulations that were adopted in 2007. A lot of these ordinances are obviously tied together. The first two they will be looking at, revising along with City staff, and then eventually, we will follow the same process that we've used, unless Commission directs differently, with the technical standards. It will go out to the public for thirty days. We will have at least one public meeting; if we

need additional ones will have additional ones. The first two they will look at are subdivision regulations which is Chapter 22, and then Chapter 29 which is Zoning. Total worst case for how long to get through all these ordinances and have them ultimately adopted by Commission; they are looking at, worst case, sixteen to eighteen months. We are not going to roll all those out at one time. As they are completed, they will be going out for public review and comment, and then ultimately adoption by Commission. For the first two, Subdivision Regulations and Zoning, they are looking at a timeframe, again, worst case, four to six months; they said they could do it much quicker, but from the staff side, we would have to devote, this would be our full-time job, looking, reviewing, and responding to comments and questions from them. There is just no realistic way that we could do that. That goes to Commissioner Rardin's question from the last meeting. So, for those first two, the majority of the fees are in the Zoning ordinance; that was one of the topics of discussion last time. For those two ordinances, to full adoption, we are looking at a timeframe of about four to six months at most.

Commissioner Rardin said that if it is only going to be for six months, he thinks we just leave it alone and ride it out. People can pay the fees that are there.

Commissioner McDonald said she moved to adopt it, to allow them to have that opportunity, to be the contact people for this; the authority to waive the fees and costs of requirements. If it is four to six months, that is not that much time. Mayor Payne said it does specifically say waive fees, it doesn't say work costs or requirements.

Commissioner Rardin said he thinks we are setting ourselves up for a lawsuit. Mayor Payne said okay, she genuinely wanted to hear how. Commissioner Rardin said that if he came in, and she came in, and they waived her fees but not his fees, you got special treatment and I didn't. City Manager Cesar said anything the Commission decides is fine, he is not trying to politic one way or another, but just so you all are aware, anything that comes in will be in writing. Any decision that is made, to waive a fee, standard, whatever the case may be, will also be in writing. It will be documented, it is not going to be ex-contractor called in and said hey, I want this fee waived, or this standard waived, and the approval is given over the phone. It will all be documented and subject to IPRA, everything will be as transparent as we are. Commissioner Rardin said you are waiving fees and costs, he can understand, but in requirements of certain ordinances, we are basically giving the authority to violate the law. City Manager Cesar said that is these ordinances, and this is really no different than, some of you were on Commission at the time and some of you weren't, back when you had members of the public before you for water fee adjustments, sewer fee adjustments. As that ordinance was being revised, rewritten, and brought back to you, Commission verbally granted him the authority to look at those, make the decision, and move forward as that ordinance was being rewritten. This actually puts it in writing, makes it a bit more official; when we are audited, we have the documentation and paper trail to follow. For requirements, he said he is most familiar with Public Works, so he will use service line as an example. It is something that has been done, just not been done officially. Right now at a staff level, what we have on the books is what staff is going to follow. He has said up to this point, awaiting your all decisions, if there was any deviation from what we have on the books, that had to come to him, and he would make the decision, and face the consequences of that decision or decisions. In the case of a water service line, our current, and he said he is going to probably quote this incorrectly, but in our current technical standard, water service line comes into a property, that is where the driveway is going to be placed, our technical standard says don't set the meter there. What has happened is that the line has been adjusted on the City side. From a maintenance standpoint, that is not what we need, that is not what we want. To deviate from that, here is what it says in writing; we need the ability to work on the City side, but also work on the developer or contractor side. If we stick, and we can, what the previous Commission passed, the current technical standards, passed all these ordinances, passed all the fees we have in these ordinances; he just did not see where you come in as a private citizen, you've hired a contractor to do some work on your property, we are going to assess you a

series a fees for stuff that as a City, we don't go out and inspect. It is on private property. From a City standpoint, we really don't have any skin in that game, there is really no reason for us to go out and look at that, so why should you, as the homeowner, property owner, or contractor for that matter, need to come into the City, file your permit, be assessed whatever the fee is, just to have that paperwork then turned over to CID, which would do the inspection on a reroof or windows or whatever the case may be. Again, it is ultimately up to Commission, and if you want us to just continue following what we have, we are more than happy to do that as the ordinances are being revised, rewritten, and brought through for your final approval.

Commissioner Rardin said that if we went ahead and passed this tonight, and gave you the authority, you are going to allow us to snake the water lines over, to move the meter cans out of the driveway. City Manager Cesar said there would be each, and Mayor Pro-Tem Wright said case-by-case, City Manager Cesar continued it was going to be case-by-case, everyone is different. He said he has been here a very long time, and he has just about seen it all, until tomorrow, when there will be something new. Each one he will have to look at individually. During this time, as was stated earlier, he didn't have anything better to do, so he might as well be doing this too.

Commissioner Melton said he is leaning towards approving this, mostly because the reasoning behind this bill seems to address two of our biggest issues we are facing right now, trying to be more business friendly and then encourage more housing. He said he knew there might, or might not be, a risk of a lawsuit, but he trusts that City staff has a good feeling of the risks involved. Even though it is just six months, if we can waive some fees on a case-by-case basis, that might result in new homes.

Mayor Payne said she agreed with him. So, on a case-by-case basis, but obviously if it is apples to apples, then they are both going to be treated the same way right. She said she did not know enough about what would be different about one thing, she would have to be given some kind of an example before she got that. She said personally, it is six months, and let her just say how she feels about this. She said she is anxious to be more business friendly, and she said she thinks the way we are set up now, she did not feel we are business friendly enough, and she is anxious to do more of that. She said wanted to make it as easy as possible. She said that we had one contractor she knows that is coming in, that is building apartments. He is new to our City, and he is building apartments which we desperately need; her concern is that because of the way we have our ordinance set up now, if staff has to stick exactly to it and we are not giving anybody any mechanism to do anything different, then how is that going to affect new people coming in to our City. She said she is not a builder, but she has sure learned a lot. One of things, when she elected, was that she was determined that she was going to learn construction, because she has always joked that she does not know construction. She said she certainly knows more than she did, but she wants to do whatever we can to make it easier for people to build, to make it easier for contractors to do their job. Will this take care of that, she did not know, but she is banking on the fact that it will. She said she understands Commissioner Melton's side of it, and Commissioner Rardin's side of it, but she said she is more willing to take that risk in hopes that it actually works for us rather than backfires on us. It is only six months. She said that she is hoping that within six months, this will all be resolved. It is not like taking sides or anything, she said she is really on the side of the contractor. If this will help; Brian and her, in full disclosure, had many discussions. Some had been a little heated, okay, a lot heated, she said she has got a temper sometimes and can't help it. That is because she truly does want to be business-friendly, she really wants to be on the side of our businesses, whoever they are, and in this case, it happens to be contractors. She said she understands what you are saying. If this is an opportunity to override some of these ridiculous things that we have on the books, that we all know shouldn't have been there, then she is for it. She said she just wants to make sure, that when we are talking apples to apples, that everybody gets treated fairly. Feeling more comfortable knowing that Brian is the ultimate decision, she said she thinks she is a little more comfortable with that because Brian is our employee right, the

rest of them are not. We can communicate, and if there is a problem, the truth is, if there is a situation where a contractor does not feel like he is being treated fairly, what is he going to do. Commissioner Rardin said call us, and Mayor Payne said exactly. Mayor Payne continued that then we can look into it at least. One thing she said we think we have all gleaned from all this is opportunity to figure out where the problems really are. She said that she thinks we can all agree, we have seen some, what she thought, were very serious issues that need to be addressed. She said she is glad we are looking at the ordinance, she is glad we are spending the money and time to do that, because she thinks it is important. She said she felt like there are some serious issues that should have been addressed a long time ago, and she has been here six years so she will certainly take some responsibility for that, but she has really tried to educate herself. She said that she guessed in that sense, for six months, she is comfortable with it knowing that if a contractor still has a problem, they are still going to call us regardless, but at least that mechanism is there. If a contractor calls us and there is a problem, and we don't have that mechanism there, literally, we are probably going to have to wait to the next Commission meeting to resolve it. That is the part she does not like, that people have to wait to get in front of them to get some of this stuff done, that is part that, it is just time, that is all that is.

Commissioner Rardin said that the only issue he sees with it, and he knows it is six months, it that it almost seems a bit more like micro-managing the department. It is another level that it has to go. If we can guarantee us that will have this stuff in six months, and here you got until the end of the year, but if we can guarantee us that we will have this in six months, let's go for it.

City Manager Cesar said that the reason it goes to the end of the year, we talked about the first two that they are looking at in revising. There are quite a few more. Commissioner Rardin said you said sixteen to eighteen months, which is going to put us about towards the end of next year right. Mayor Payne said we could review this any time, so if in six months, if you see you are getting a ton of phone calls and we are not getting resolution, then we can look at this again and go hey, you know what, this isn't working out. Commissioner Rardin said we only literally have six months before the end of the year.

Commissioner Paul said this just applies to people that are actually submitting in writing that they want the fee waived or reduced. Anybody not understanding that, and Mayor Payne said that is not even an issue, yeah. She continued that it is really just, she said she thought it was more just because some of this issues that have come up, you know, underground utilities or whatever, some of those issues. We know some of those things, that are not going to be, that are in the old technical standards we already know, are not going to be in it, we know that right. Now we have seen the new technical standards. She said she thought, for her, that it is kind of like, okay, we've got a mechanism to implement it, even though it is not technically approved yet. Mayor Pro-Tem Wright said that he thought we talked last time that this would be also reviewed by Legal before a final decision. City Manager Cesar said yeah, they would be. Mayor Payne said that is even better, because now we know that we have our Attorney looking at it, and that makes her feel even more confident.

Commissioner McDonald moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

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

City Clerk Hughs said that this was bringing issues that we have with applications for commercial solicitors, in particular those that are going door to door. We can't do extensive background checks for them, so we are doing what we can. The Police Department is running a check for arrests locally. The Legal Department is doing the check for the driver's license, but that is just for New Mexico. The City Clerk's Office really has no way of going in and checking the courts for fifty states; she said she also runs the check on the sex offender's website for the applicant. This is pretty concerning when we are having to do this minimal check but giving those licenses to solicitors that are going door to door, whether they are solicitors, or whether they are peddlers. She said she is just bringing this before you. Staff is recommending to remove the door-to-door solicitation and peddling for the safety of our citizens. They still would have the option of being solicitors, but not door to door. Currently, there are some solicitors that get their licenses, and they are stationary. So, they ask, for instance, Margo's for permission to be there, and then they get their licenses for thirty days. Obviously, they are not there for thirty days, but they get to set up their table and sell whatever it is they are selling.

Mayor Payne said she had a question. She said she completely agreed with you first of all, but how does this apply to kids coming to the door selling, I don't know, do they go around door to door selling Girl Scout cookies anymore. City Clerk Hughs said they are allowed, adolescents eighteen and under are allowed to do that, as long as they are not acting on behalf of an adult. The adult could be with them, but as long as they are not acting on their behalf. She said that honestly, she has not seen a Girl Scout solicitor in the eleven years she has been with the City Clerk's Office. Mayor Payne said she would not let her kids do it in this day and age, that is for sure, but you know, it is a question.

City Clerk Hughs said that she just wanted to give you an idea of the solicitors that do go door to door, the majority are either solar, alarms, or vacuums. For this year alone, for 2022, we have had eighteen applicants, of which eleven of them were solar, and they never came back for their actual badges. However, we were getting many complaints. The Police Department did contact them and had to tell them they weren't supposed to be soliciting without a license, that is when the eleven came in, but they never came back for their badges. We do have a lot of that happening; we do get a lot of complaints at the City Clerk's Office; the Police Department gets the complaints also. The majority of the complaints we get are from elderly citizens. Mayor Payne said yeah, it is pretty annoying, they want your utility bill, and she supposed, especially to an elderly person, that can be pretty intimidating.

Commissioner Melton asked if she had a rough estimate of the number of complaints we have gotten in the last year. City Clerk Hughs said that she did, for this year, we have nine; seven of which of which came to her office and two came to the Police Department. In 2021, there were four to her office, and one to the Police Department. In 2022, there was three to her office, and one to the Police Department. In 2019 there were three for her office, and three for the Police Department. In 2018 there were four to her office, and one to the Police Department. Commissioner Melton said that in the background research you mentioned doing, is that mandated by City ordinance or is that state law. City Clerk Hughs said our ordinance does say that will shall check, and so we compile what we think that check should be, and this is what we have come up with. We are trying to be very extensive about our check, because sending people out door-to-door, saying we have checked them thoroughly, that could be pretty scary, especially for the elderly. Mayor Payne asked if this only applies to people that are trying to sell you something. City Clerk Hughs said well no, we do have in our definitions; a peddler is someone that is actually carrying goods, whether that is food, transporting wares or merchandise, and then you have the solicitors, which are just taking the orders or trying to solicit your business without actually taking that merchandise to the door. Mayor Payne said that like people campaigning or something like that, it doesn't really apply to them. City Clerk Hughs said no, it does not apply to them, however, we do get a lot of complaints about people campaigning.

Commissioner Rardin said that out on our jobsites, you have ladies or men that go around and sell burritos, is that going to apply to them as well. City Clerk Hughs said that she has not gotten any complaints about people going door-to-door trying to sell food, is that what you are talking about. Commissioner Rardin said no, over here in this one subdivision where we are framing a house, there is a lady that comes every day through the construction sites in those neighborhoods where they are building, and she sells burritos between nine and ten o'clock every morning. City Clerk Hughs said that is a different license, that is a food vendor license. Commissioner Rardin said so this won't affect, and City Clerk Hughs responded no. Commissioner Rardin said you were going to have a lot of mad constructions workers if they can't get their burritos.

City Manager Cesar said to clarify what is being asked, right now we have this ordinance on the books. He comes in, he turns in his application to the City Clerks Office. He could be coming from Las Cruces; it could be Florida. The checks that the City is doing to see if he has a criminal record, does he have a valid license, etcetera, we don't have the ability to check outside of Alamogordo, or a State of New Mexico license. We are not saying that this is now going to prohibit door-to-door sales, where staff's concern has come in is, I am from Florida, the City has no way to check my record, the City issues a license to me, I have a badge from the City of Alamogordo, I go knock on your door, and when you open it, I storm my way in and do a home invasion. What is going to come back, whether the City is liable for that, that is for the courts to decide. From a public perception standpoint, City-wide, we do not check these people that you are issuing a license to, and we do not have the ability to do that. Now there is an FBI check, and Rachel can talk about that if you want to hear about it, but that is, as he understands it, a long process that goes into weeks. We have solicitors right now that will turn in their application, and if they don't get their badge the same day, they go out and start selling, and don't wait for it anyway. We are not going to stop anyone that really wants to go door to door. What we are looking at is, do we want to keep this on the books and issue these licenses to people that we can not check.

Commissioner Paul asked what the repercussion is if we pass this, and people are still out there doing it; nothing. Commissioner Rardin said why pass it. City Manager Cesar that is what we have on the books, what Rachel is asking for is, taking your all's direction, we would like to come back at a future meeting and strike portions of the ordinance so that we are no longer in the business of issuing door-to-door licenses. Mayor Payne said she thought the biggest mechanism would be to get the information out there to the public, because if they come to your door and they don't have a license, we can call the police, is that right. City Clerk Hughs said right. Mayor Payne continued that she remembered having a magazine salesman arrested in her driveway, and she about had a heart attack, because she didn't know it was illegal, but apparently it is if you don't have a license. So, we do have a mechanism is what she is saying.

City Attorney Bengoechea said that to state our concern more simply, is that we don't want a citizen to see a badge that we have issued, and to assume that person is safe. We can't guarantee that, we can't guarantee that they are not a serial killer, they don't have convictions for murder, or other heinous acts. We don't have access to run those background checks, so we don't want to give a citizen the impression that because they have some badge issued by the City, that they are completely safe to let in your home and do a vacuum demonstration, she said she guessed that still happens. That is all we are saying, what does the Commission want to do, because we don't want to take that on, to have something bad happen, and have someone come back and say, well, the City issued the permit and said they were a safe person. Mayor Payne asked if one of our options was just to repeal it altogether, to just not allow door-to-door sales, is that one of the things you possibly are asking. City Clerk Hughs said yes, to remove the door-to-door, but not necessarily the soliciting; like she said, we do have some that will apply, but they want to be just stationary on a table, on private property without permission. City Manager Cesar said that is not where Commission is, in this revised ordinance that would come

back before you, we are not asking Commission, unless that is the direction of the Commission, to ban all door-to-door sales. It is the issuing of a City license for those door-to-door sales. Door-to-door sales would still; someone could still knock on your door and say hey, I got this wonderful vacuum, can I come inside and show it to you. They would not have a City badge that says we have checked them when don't have the ability to check them. So, it would be you as the property owner, you as the homeowner, do you want to answer the door or not. Which you have the ability to, if the person has a City badge; because we can not check these people that are going door-to-door, we are not saying they are bad people, but we don't have the ability to check. If something were to happen, that comes back on the City; the City gave them the badge, why did you not fully vet them.

Commissioner Rardin asked if this was a completely new ordinance that we have written. City Clerk Hughs said no. Commissioner Rardin continued if this was existing, is this what we currently have. City Manager Cesar said this is an existing ordinance. City Clerk Hughs said the last update was in March 25, 2003. Commissioner Rardin said okay, this is basically our existing ordinance, it is just revised. City Manager Cesar said it hasn't been revised yet, we would like to bring it back and have it revised, so that section is stricken, and we no longer issue a license to a door-to-door salesperson. Mayor Payne said right, but that does not mean that they can't do it. City Manager Cesar said that does not mean that can't do it. Commissioner Paul said that we are just taking the City's liability away. Mayor Payne said she liked it better when we just said they can't do this. City Clerk Hughs said part of the ordinance, the entire section and article also, is the exemptions for minors, for charitable organizations, and then prohibiting solicitation by banks and by other places. So, if we strike the whole thing out, we are going to strike that out also. Mayor Pro-Tem Wright said so we just want to provide direction, saying remove door-to-door sales, and salvage the City's liability. Commissioner Rardin said provide direction to staff, to rewrite it to what you all think, bring it to us, show us the changes. Commissioner Melton said that would still leave commercial solicitors affected by the ordinance. Mayor Payne said she wants to make sure she understands, we are saying the City will not issue a badge anymore for them, she gets that, they won't do a background check, we won't do a badge, that kind of thing, right. City Clerk Hughs said for door-to-door. Mayor Payne said for door-to-door, but are we saying that it is illegal in our City. City Attorney Bengoechea said we are not; she said she thought, what she was hearing from Commissioner Rardin, and she didn't want to put words in his mouth, but he is saying make the changes and bring them back to us that you want and let us look at what you are actually asking for. Commissioner Rardin said yes, bring the ordinance back, with the changes like they normally do, they squiggle out the parts they want to change, because this is exactly what we have on the books currently. Mayor Payne said exactly, so then we can look at that, and then make a decision. Commissioner Rardin said he was a little confused too, he thought we were re-writing the whole section. City Clerk Hughs said no. Mayor Payne said can we do that, can we strike everything out that you are talking about, and then bring it back to us.

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)

Code Enforcement Manager Baker said that he has two properties that he is bringing to you tonight, one is 323 Railroad, the other one is right next to it. We sent a certified letter out on November of 2021. As of March 3, nothing had happened, so we served an administrative warrant at that address. The property belongs to Toby and Christina Juarez with the address listed as 323 Railroad; that is a vacant address. The property taxes haven't been paid for 2019, 2020, 2021. Code Enforcement Manager Baker proceeded to show a presentation with photos concerning this property.

Mayor Payne asked if this wasn't the one that guy was living in, was it. Code Enforcement Manager Baker said that no one was living there, there was a trailer out front where they were staying at. Commissioner Rardin said that somebody did reside in this place, probably maybe five, six, years ago. There was a gentleman, actually the owner, resided there. Commissioner McDonald asked if this was the one on the corner, and Code Enforcement Manager Baker replied yes ma'am. Commissioner McDonald continued that there is somebody there. Mayor Payne said he is in a trailer. Commissioner McDonald said no, he is in the house, he has got two cars parked out in front. Code Enforcement Manager Baker said he thought those cars belonged to the person that is staying in the trailer there, but that residence, that house, is really not livable. Commissioner McDonald said she did not see the trailer, but she did see the cars parked. Mayor Payne said yeah, there is a trailer, and then they sort of built on to the trailer a little bit or something, and Code Enforcement Manager Baker said yes. Commissioner Rardin said there is another structure to the south of that is collapsed right, and Code Enforcement Manager Baker responded that is the adobe in the presentation.

Commissioner Rardin said he knows the gentlemen that owns that place, he used to live there five or six years ago, but he hasn't seen him in years. His name is Toby. Commissioner Rardin said we've had no response from him, and Code Enforcement Manager Baker replied no. Code Enforcement Manager Baker continued that our letter went to the vacant address, we don't have another address for him, that address is the one he just showed right there.

Mayor Payne said the person living in the trailer, are they still living in it. Code Enforcement Manager Baker said they were staying in it; they were carrying off some debris and whatnot. Mayor Payne said she was assuming that if we knock this down, they would have to vacate the property. Did he just take up residence there. Commissioner Rardin said that is what he was wondering. He said he wondered if he has water or, do we know. Code Enforcement Manager Baker said they were running something into the sewer system, he did not know if they had water hookups. Commissioner Rardin asked if this is the one he called in, where there was a water line or something running across Railroad Drive right. City Manager Cesar said yes, that is the same property. Commissioner Rardin asked if they were running sewer, running water, or what. Code Enforcement Manager Baker said they were running sewer lines. City Manager Cesar said when he was there, he could see where there was raw sewage running across the ground. Commissioner Rardin said into the ditch over there on the west, okay, that is where it was.

Commissioner Rardin said he would reach out to somebody to see if we could get in touch with the owner of this, but whatever you all decided, it needs to come down. It is falling down. He said he would reach out to somebody tomorrow and see if they know if he was even still alive or what, he was probably sixty, seventy years old, the guy that lived there. Makes you wonder if these are not squatters living in there, in that property. Commissioner McDonald said it is squatters. Mayor Payne said she thinks so too. Commissioner Rardin said we don't have any repercussions to do anything to them until after we take action and tear it down, correct.

Mayor Payne said we all know she is all for tearing this down, but what happens to the property taxes, since they haven't been paid in three years, does the City pay that. City Attorney Bengoechea said yes.

Commissioner McDonald moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

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)

Code Enforcement Manager Baker said that this is property that Commissioner Rardin commented about collapsing on the side there. We sent a certified letter out at the same time as the other address, they are both owned by the same persons, Toby and Christina Juarez. Same thing on this one as far as property taxes, they have not been paid since 2019. Code Enforcement Manager Baker proceeded to show a presentation with photos concerning this property.

Mayor Payne said these are incredible. She said that if you look at picture #13, Commissioner McDonald, she said she thinks you can see that trailer right there, with that car you are talking about, if you scroll down. Commissioner McDonald said she is going to get there. Commissioner Rardin said he thinks that is the car, and he thinks that is the trailer. Mayor Payne said she thinks that is the car you are referring to, one of them, yeah. He was there that day. Actually, you can see somebody standing at the door.

**Commissioner Melton moved to approve.
Commissioner McDonald seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.**

ADJOURNMENT

**Commissioner Rardin moved to adjourn at 7:43 p.m.
Mayor Pro-Tem Wright 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 May 10, 2022

**CITY OF ALAMOGORDO, NEW MEXICO
BUDGET HEARING WORKSHOP MINUTES
6:30 P.M., COMMISSION CHAMBERS
May 2, 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 6:30 p.m. Roll Call was taken by the City Clerk. Commissioner McDonald was absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Mayor Payne and the Pledge of Allegiance was led by Commissioner Burnett.

APPROVAL OF AGENDA

**Commissioner Rardin moved to approve the agenda.
Commissioner Burnett seconded the motion.
Motion carried with a vote of 6-0-0.**

PRESENTATIONS

Finance Director Huff said that this budget was prepared by herself and Maurice Gutierrez in conjunction with all of the departments. She said that Brian will start us off for today, he is going to give us a short introduction, followed by our timeline. We will go over some high-level budget overview of all the funds combined, then will drill down into more of the details per fund type. We do have a Gross Receipts Tax overview for you all this evening, we also have a presentation on some more details about the Personnel Budget that was included, and then we have a discussion on our approved capital for an update for FY22, and also what was approved for FY23. She said she was going to turn it over to City Manager Cesar, then we will move on.

City Manager Cesar said this will be very brief. He said he would like to take a moment and thank all the staff that has been involved. This is a lot of work every year to compile all this information, and then put it into a format that is, not this book, which is the real budget with all the detail, but into what you have before you.

Finance Director Huff presented the Preliminary Budget for FY23.

Finance Director Huff said these are the General Fund Expense by Departments, so these track right along with your summary sheets that you have in your book. To begin with, the Legislative, which is on page seven in your summary book, that is you guys, that is your salaries and benefits, that is your supplies, anything there. As you can see, not a whole bunch of changes, the biggest thing has to do with an increase in cell phone expense, which is why you are seeing the increase in utilities on that sheet. Commissioner Rardin said in your narrative there, it says \$500 per month for Commissioners and \$800 for the Mayor; isn't it \$600, and it should be like \$750 plus another \$100, so \$850. Finance Director Huff said yes, she realized she did not update the narratives. Commissioner Rardin said okay, it should be what, \$850 per Mayor and \$600 per Commissioner.

Finance Director Huff said yes, but we did check if the salary and benefit roll was correct, she just did not update the narrative.

Commissioner Rardin said on the REC Center, how come you have got like four or five positions that we didn't fund for FY22. Are we just not doing the seasonals and the part-times for this next fiscal year; we have got a REC Assistant Seasonal that is not funded, we have got a REC Cashier Seasonal that is not funded. Finance Director Huff said they are funded through FY22 and they will be funded in FY23, they just were not in the first carry-over because they were not on the first list that we did; they will be part of the final budget preparation. Commissioner Rardin said that sometimes his daughter goes there in the summer. Finance Director Huff said we are not cutting the program. Commissioner Rardin said we need the staff over there. Finance Director Huff said we are not cutting their staff.

Finance Director Huff said on page 55, the Zoo, we were very conservative with their revenue numbers. We definitely think they can hit those revenue numbers and possibly exceed them. They have been having really good attendance, really good growth, but we wanted to stay conservative to make sure we gave them a number they could hit. The biggest change for them is in other services. They were given a contingency line this year; as we know, their buildings are aging. They have been able to replace a lot of their exhibits, but the past two years, we have had major things that just popped up and need to be fixed. We did increase their property insurance and their liability insurance based on some of the new funding we were doing, and some of the new allocations we were doing. Commissioner Rardin said same thing, we have got a couple of theirs that just are just carrying over, we have got a couple that are not budgeted, the Curator, the Support Staff. Finance Director Huff said they did change, so if you'll notice, they don't have the Curator position, but they do have the Zookeeper Lead. They unfunded the Curator Staff, and then changed that to the Zookeeper Lead. The Facility Support Staff, she said she will have to look into that one, she said she thought that might also have been something that got kind of transferred out. Commissioner Rardin said just kind of renamed, and Finance Director Huff said yes.

Finance Director Huff said that we did originally allocate, in FY22, the Public Works Director's salary to the Street Maintenance portion. You'll see for FY23, we are going to allocate it into the Administrative Services portion. Commissioner Rardin said how come only half of it is coming out that fund, where does the other half come out of. Finance Director Huff said the other half comes out; twenty-five percent of it comes out of Facility Maintenance, and twenty-five percent of it comes out of Fleet Maintenance, because she oversees those two as well.

Finance Director Huff said page seventy is Weeds and Drainage. You'll notice they don't have a ton of changes, their biggest change is in maintenance; that is really a big increase in fleet commercial parts, they are needing more fleet commercial parts, so we are making sure they can keep operating. Again, the increase in their insurance, from making sure the evaluations were correct. They had a little bit of capital in FY22, but they were awarded in FY23, a tractor boom mower; this also includes them funding the drainage master plan, which is part of the several of the master plans that are going forward that are either funded in FY22 or FY23. Any questions on Weeds. Commissioner Rardin said on the salaries and benefits, from FY21 to FY22, why is there such a huge increase right there, is that part of the wage study. Finance Director Huff said yes, part of it, and the Public Works Director is in FY22, a portion of that is here, and it was not in FY21. Commissioner Rardin asked how much of it is wage, and how much of it was Public Works

Director. Finance Director Huff said she would need to look that up, she does not know that one off the top of her head.

Finance Director Huff said page seventy-four is the 1994 Gross Receipt Tax, this is Fund 69. You'll notice, in FY22, it has a large transfer out to Fund 11; those are projects we were talking about earlier to fund the Public Safety building, that is the majority of what that transfer is. You'll notice in FY23, it has got a transfer out to Community Services, that is the new air conditioner for the Library we were talking about. Really, the majority of what this fund handles is the principal and interest for a couple different loans, we will talk about that a little bit later. Some debts are risk. Actually, the expenditures in here, all of that is the Administration fee that we pay to New Mexico TRD on all the Gross Receipts Tax. Commissioner Rardin said that fee you said, that is the fee they charge us for collecting and remitting the tax correct. Finance Director Huff said yes, they collect it, they send it back, and then they automatically withdraw that fee. Commissioner Rardin asked if they bumped that up again or did it go down. Finance Director Huff said actually they decreased it. Commissioner Rardin asked by how much. Finance Director Huff said it was 3%, and now it is about 1.25. Commissioner Rardin said so it went down with the Gross Receipts Tax deduction, he said she thinks she signed that into law. Finance Director Huff said actually it went down before that; when they switched to the new system, it changed, instead of doing a flat one, they did kind of a modified one. It has been less. We have seen it increasing, because our Gross Receipts has been increasing, so the percentage has been less, but what we have been paying has been more, because our Gross Receipts has been higher; she said she thinks it is scheduled to change with her changes. Commissioner Rardin said yeah, their portion is going down like, what, an eighth of a percent, and Finance Director Huff said yeah.

Finance Director Huff said any questions on anything with the Senior Center. Mayor Payne said that position is just going to go away then. Finance Director Huff said right now, they have the Senior Volunteer Program Specialist, which is Neil, he runs the Senior Companion and Foster Grandparent. So that is the position that is labelled the Senior Volunteer Program Specialist, but the other one, the SEPFGP Volunteer Coordinator, and the Senior Volunteer Program Administrator, they don't have those positions. Mayor Payne said okay, he is just doing something different. Finance Director Huff said they actually left; one left, and one retired. Mayor Payne said right, she was thinking Neil was the RSVP Coordinator right. Finance Director Huff said he was, he was that, and then when the other positions left, he was able to step in. Mayor Payne said he was able to take it, so he is just doing something different, okay, gotcha.

Finance Director Huff said Fund 105, this is the Economic Development Fund, you have heard a whole bunch about this recently, so she said didn't think she had to explain to you what the fund is. As you can see, we've started adding in the budgets for the new position, for the Economic Development and Tourism Officer. We have a budget in there for FY23, we have it prepared for FY22, we are just kind of waiting on the timeline, but we want to make sure we got that presented to you since you guys have seen the presentation on that. Commissioner Rardin said are there any other services there in that one, for 105. The other services, what does that include, for last year, or for this fiscal year we are in. Finance Director Huff said it included the OCEDC Contract, and Commissioner Rardin said that was \$100,000, and Finance Director Huff said yeah, and it also included a budget for some incentives that were still possibly owned, but it doesn't look like we are going to end up paying them. Commissioner Rardin said what about for FY23, we've got one hundred and thirty-one, is that incentives again. Finance Director Huff said that is incentives, it is contract services that are in there for the new position, it is travel for the new position, it is a lot of the stuff that is going to go towards operating the new position. Commissioner Rardin said

what is the balance in that fund, he didn't see it that in there. It says we have revenues, but he didn't see a balance. Finance Director Huff said it began the year with \$4,500,000, it is projected to end the year with \$5,100,000; it is going to end the year with more than \$5,100,000 because we are not going to spend \$428,000. Commissioner Rardin said we are not going to pay those incentives out, okay, so five point one. Finance Director Huff repeated five point one, it will have more than five point one; very excited that fund is going to be moving towards hopefully pushing some LEDA money out.

Finance Director Huff said page one hundred brings us to our newest fund, Fund 124, this is the American Rescue Plan Act money that was awarded by the federal government for the four main categories that are listed up there. As you can see, we have only budgeted half of it per DFA's instructions, they wanted us to only budget what we had actually received; we have received \$3,900,000, we budgeted \$3,900,000, we should receive the other \$3,900,000 in FY23. Right now, we have it budgeted, it is being used for utility assistance payments, tank improvements, and water & sewer IT infrastructure improvements. Mayor Payne said it is being used for utility assistance. Finance Director Huff said yes, until March 31st, we've paid out \$19,976. She has some more applications on her desk, so she said she thought by probably the end of the fiscal year, we will probably pay out another \$19,000 to \$20,000. Commissioner Rardin said didn't we set aside a certain amount of that, most of it went to the water tank rehab, but then we set aside like what, \$400,000. Finance Director Huff said \$500,000 of it was set aside for the utility cases. Finance Director Huff said we give out a lot of applications, unfortunately, we don't get all of them back. You do have to prove either you are low-income, you have experienced unemployment, or you were affected negatively by COVID. So, you have to provide some backup to that.

Finance Director Huff said also, we are beginning to fund phases of replacing the meters. Our meters are getting to the point where they are going to need to start being systematically replaced, because they are starting to get old enough that they are reaching their end of life. We wanted to start getting that funded and getting that ready. Mayor Payne said it feels like they shouldn't be that old. Commissioner Rardin said are they what, four, five, six years old. Finance Director Huff said no, some of them are getting up to eight or ten. Commissioner Rardin said for the Zenner system, that new system. Finance Director Huff said yes. Commissioner Rardin said we went through and replaced them all when you all put that in, didn't we. Finance Director Huff said yes. Mayor Payne said in 2014 right. Commissioner Rardin said that is all the service we life get out of those. Finance Director Huff said yes, they are like ten years, which in some ways is good. The new technology is a long way from where those meters that were first put in, so we are hoping that we will continue being able to embrace technology advances and getting new stuff. Commissioner Rardin said are you going to contract that out again, or who are we going to ask. Finance Director Huff said we haven't quite gotten that far in discussions. We would like to be able to do it in-house, but we would also have to have the people. We don't want to say that we are going to do it in-house, and then we are not able to find the people to do it. Commissioner Rardin said that last time we did it, we contracted out, correct. City Manager Cesar said it was a combination. Finance Director Huff said yes, we contracted it out, and then we did temp workers. Commissioner Rardin he remembered seeing O'Donald Plumbing with their little carts pushing all over town. City Manager Cesar said it was a combination, there was a number of City staff that were tied to the project for a very extended period of time. Finance Director Huff said the decrease in other services come from when we had some one-time expense for installing kiosks in City Hall that we won't have in FY23. Mayor Payne asked if those were up and running, and Finance Director Huff said yes. Mayor Payne asked how that was working out. Finance Director Huff said pretty good, we are still working through kinks about them giving back coin change. Dollars are

not a problem, but sometimes, it just does not give the coins. When people have that happen, they bring it to the window, and we credit their account. We look for that. We have been working with the company, they have been sending texts out, which is kind of an adventure because we need someone to pay their water bill in cash, so we can test it with the change. They are getting better; they are getting more things worked out on them.

Finance Director Huff asked if there any questions on Fund 81, the Water and Sewer. Commissioner Rardin said what did you say, the Utilities Construction Department, where did we move those positions to. Finance Director Huff said some of them moved to Street Maintenance, and some of them moved to Utility Maintenance. Commissioner Rardin said how many of them, we had what, nine and half it looks like. Did we keep all of those and just split them between the two departments. Finance Director Huff said yes, she said she thought five went to Streets, and four went to Utility Maintenance.

Finance Director Huff said that is what we do with the Golf Course. Commissioner Rardin said why were their transfers-in so much higher for FY22. Finance Director Huff said they didn't have a great year because of COVID. Commissioner Rardin said because of COVID and shutdowns. Finance Director Huff said if everything goes the way they are budgeted in FY23, we should be able to give them less of a subsidy, because their revenues were starting to rebound in FY22. We are hoping they continue that same trajectory in FY23. Commissioner Rardin said so we like them guarantee them a profit or what. Finance Director Huff it is not attached to his profit, because his profit comes as a percentage of what he collects. The transfer-in funds the maintenance side of it. What we make off of the user fees and everything, that funds the other part of the maintenance, and then he keeps that portion, is how we book the expenditure. Commissioner Rardin said that is just a huge amount of money, it went from \$80,000 in '21 to \$660,000 in '22, to \$134,000 for this year. Finance Director Huff said the good news is that it is budgeted at \$660,000, but they have not actually had to take a transfer-in yet this year. Commissioner Rardin said okay, we should roll that over. Finance Director Huff said we should be able to not have to, as long as they continue the path they are on, we shouldn't have to be able to even transfer anything. Just because it is budgeted, we don't transfer unless they absolutely need it. Commissioner Rardin said where does that roll back over into, in the event we don't use it, does it go back into 11. Finance Director Huff said it goes back into 11, yes.

Finance Director Huff said so that is what is going on with the Landfill, like she said, this budget was approved by their Board in March. Commissioner Rardin said why are we not funding their mechanic for '23; they almost got to have one of those out there, don't they. Finance Director Huff said that might have been one we changed the name on. Commissioner Rardin said you got a different name for a mechanic. Finance Director Huff said she thinks they actually changed the name of it to the Landfill Foreman, and we traded the one for the term for the other, but we will double check that. Commissioner Rardin said we need a foreman more than we need the mechanic. Budget Analyst Maurice Gutierrez said they are contracting that out right now because they are having difficulty hiring somebody.

Finance Director Huff said page one-thirty is the Homeownership Operation Budget. This program is actually not functioning at this point. They only have one house they are in the process of trying to remediate and sell. Once that gets accomplished, then this program will cease; these funds will either be eligible to create a new program that is within the Section 5H guidelines of the original program or can be moved to the low rent housing fund to do low rent housing activities as well. Mayor Payne said she was just going to ask, the PHA Accountant. Finance Director Huff said with

the PHA Accountant, she actually got a job over in Human Resources. At that time, they chose to move the accounting procedures to Finance, because they were already doing a large portion of them anyway. Mayor Payne said so they just eliminated it. Finance Director Huff said yes, we just eliminated that position since it could easily be absorbed by Finance. Mayor Payne said that is why the Finance Director, and Finance Director Huff replied that she does have a portion of her salary in PHA, and then also, with the reorganization now, PHA is one of my direct reports.

Finance Director Huff said as you all know, anything that you purchase within the confines of Alamogordo, you are going to pay 8.125%. That is made up of three different pieces. It is made up of the City of Alamogordo Enacted Tax, which is 2.1875%, the County Enacted Tax which is .8125%, and then the State-Enacted Tax, which is 5.125%; those are the items that make it up. Of that, State-Enacted Tax, we received back 1.225%. That is not supposed to decrease by their new tax decrease, it is supposed to come out the State-side. We are hoping they hold to that. Mayor Payne said she was just going to ask you how that is going these days. Finance Director Huff said so far, so good. We will talk a little bit more about that with the Compensation Tax and the internet stuff.

Finance Director Huff said we also book the 1.225% that we receive back from the State in the General Fund. Then we also have these two new ones, we have the State Compensation Tax and the Interstate Telecom Tax. So, the State Compensation Tax, if you'll remember, we were receiving a flat allocation every month from the State that was supposed to offset the internet sales. Initially, it was about \$27,000, then when COVID hit, they decided to double it, so we are gaining about \$55,000 a month. They worked on their software; they got their software now to where it can recognize which municipality the internet purchase is made from beginning July 1st. The first time we saw it was in September; they began allocating the tax based on their new software that shows locations. So now, instead of a flat rate in the State Compensation Tax, we get a variable rate that is determined by the location code of our purchases. Obviously, there is no way to check that, we don't have a filter that says everything that passes out of Alamogordo. Mayor Payne said she knew that they doubled it, you said they doubled it, but she noticed they just did a flat double during COVID. She said she wondered how accurate that really was. It just seemed like everything would have gone up in terms of internet sales. Finance Director Huff said she thinks that why doubled it, there reasoning was that everyone was buying more stuff online, so they couldn't just justify doing what they had been doing for about a year and a half prior to that. It took them about three years to get the software in place to be able to do the location codes. Now we have been receiving the Compensation Tax, we've gotten five months of the Compensation Tax; it is varied, it has been anywhere in between \$30,000 to \$50,000. We are keeping an eye on that, it is a little hard to budget it right now, because we only have five months. The Interstate Telecom, it is very small, it is about \$600 to \$700. She said her understanding of that is that it is supposed to be from in between municipalities, but within the State. Mayor Payne said so, you are saying now they have worked out this bug or whatever in their system and they can actually identify which municipality, you are saying now we are getting between \$30,000 and \$50,000. Finance Director Huff said yes, it is not a flat amount anymore. Mayor Payne said that kind of tells her though that the \$27,000 that they were initially giving us was probably low. Finance Director Huff said they did that based on, they were given a flat amount by the legislature, and so they divided that out by population; was how they came up with the initial. Commissioner Rardin said his better half buys a lot of stuff on the app from like Walmart, is that considered part of that compensation. Finance Director Huff said yes, she should be paying taxes on that. Commissioner Rardin said he knew that, you pay like on the app, and then it like divots it, but instead of them reporting it through their CRS report, it just reports it off of. Finance Director Huff said it does, it

goes through, so they changed their CRS reporting to where it now has an electronic part of it that tracks, and she can't tell you the technology specifics of it, but it did change their CRS system a lot. Commissioner Rardin said just by looking at how busy it is when you go to pick your order up, if you ordered in the app, \$30,000 to \$50,000 a month doesn't seem like that much money. You know, you go to Walmart, big Walmart, little Walmart, you see people, because he said he knows a lot of people use the app. We ought to see if the League can't look into a way to track that, so we don't end up like we were last year, doing a settlement. Mayor Payne said she agreed, she said she thought their numbers were low. Commissioner Rardin said that basically, it comes from all internet sales, anything you buy on Amazon, anything online, correct. Finance Director Huff said yes, you should start seeing that, you should have started seeing that in July, about when you went to go purchase something online, now it charged you sales tax, where in the past it didn't always charge you sales tax. Mayor Payne said that is anything online right. Commissioner Rardin said yes. Finance Director Huff said anything online that is still within the taxable realm, she said she didn't believe it taxes you for your food. Mayor Payne said even if you order something from Home Depot, but you have to like, order it online, like a special order or something. Finance Director Huff said correct. Commissioner Rardin said think about though, food is non-taxable, so that may be why. Finance Director Huff said yeah, it still says within the, but you know prepared food is taxable. Mayor Payne said if you think about during COVID, how many people ordered online, and Commissioner Rardin said like DoorDash and all those others, he said he did not know what they are all called. Finance Director Huff said that the majority of COVID was on the flat system. Mayor Payne said exactly, she said she thought we were so shorted; obviously we can't do anything about it, but boy, does she think we were shorted. Commissioner Melton said does the State send a breakdown of the number transactions, of what makes up that monthly amount. Finance Director Huff said so they do, on the RP500, which is available on the Taxation and Revenue website, you can see everybody's RP500. It does break it down by industry category, but it does not necessarily tell you, it does not break it down any further, so you can't go look at it say well Walmart paid us this much, and Amazon paid us this much, it doesn't give you that much information.

Finance Director Huff said we have four outside agencies that we wanted to highlight. We have Z-Trans, which is Zia Therapy. We have the two contracts that we are funding for the Chamber of Commerce, one out of Fund 16, one out of Fund 11. We have the Mainstreet Alamogordo \$40,000 that is being out of Fund 11. We have \$150,000 budgeted in there to help with the Dudley School Design and that project going forward, so those are the outside agencies that are included in the FY23 budget. Commissioner Rardin said when we did we bump up the Chamber's, the \$26,000 and the \$55,000, he said it thought it used to \$35,000. Finance Director Huff said we bumped that up in the beginning of FY20. City Manager Cesar said he thought it was even before that. Finance Director Huff said it might have been '19, it has been within the last several years. Commissioner Melton asked when the contract for Mainstreet Alamogordo is up. Finance Director Huff said it renews every year. Commissioner Rardin said the \$26,000 and the \$55,000 for the Chamber, what all is in, what does that include, one is for operations, and one is for like maintenance or something. Finance Director Huff said the \$26,000 is for the promotional part that they do, that is why it is paid out 16, and for a portion of the Visitor's Center. The \$55,000 is the rest of the operating one that is paid out of 11.

Human Resources Director Kim Torres presented the FY2023 - Human Resources Budget. FY23 requested positions included Safety Specialist in Human Resources and Administrative Assistant Parks/Cemetery in Community Services-Parks.

Mayor Payne said that Compensation Study, does that break down. City Manager Cesar said you've had that in Commissioner mailboxes. Mayor Payne said compared to other cities, does it show the comparisons. She said like you are telling me that you have surveyed these agencies but is there anything in there. City Manager Cesar said it touches on it, but it doesn't give it to you for every position in the City. If you, or any of the other Commissioners, have interest in the various positions and want to see the full spreadsheet, you can get with Kim in HR and look at every position. Through the budget resolution on the agenda the night that Mr. Evertson from Municipal Solutions from gave the presentation, that budget resolution took for every position we have in the City and for this fiscal year, funded it from the beginning of this fiscal year all the way to the end of the fiscal year. In the proposed budget you listened to tonight, same thing, all those positions are funded at that new rate. He said he was going to forget the number, but Evelyn will correct him; assuming that we spend every penny this fiscal year, which we won't, and we spend every penny in the upcoming fiscal as it is proposed, which again, we won't, at the end of next fiscal year there will be, in round figures, \$2,400,000 unallocated funding in the General Fund, Fund 11. Mayor Payne said she was just kind of curious, like with some of these where we were. She said she knows what he said, he was the guy that kept saying as you can see, only we couldn't see. City Manager Cesar said that is why you have a hard copy now. City Commissioner Rardin said we have a hard copy two weeks late. City Manager Cesar said well no, he looks at it as you have had it almost two weeks before this. Mayor Payne said she heard what he said, but she was just wondering if there was anything that we could see for ourselves, where we are at compared to other cities, that is fine. Commissioner Rardin said that if anyone has questions on the Wage Study after we all read it, we can adjust that when we point this on the agenda, correct. Finance Director Huff said yes, for the preliminary budget. Commissioner Rardin said that like the Mayor, he has not had a chance to look through the Wage Study, he said he thinks it is still sitting in his box, but, if we have any questions on that, we can address them at that time. Finance Director Huff said we can answer exactly what is in that budget, like how; some of the positions did not change for budgeting purposes because they were already over the market maximum. Commissioner Rardin said so we are just kind of looking at the lower, blue-collar, the ones that actually make the world go round. City Manager Cesar said it was every position. Finance Director Huff said those are the ones that really changed.

ADJOURNMENT

Commissioner Rardin motioned to adjourn at 9:19 pm.

Mayor Pro-Tem Wright seconded the motion.

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

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on May 10, 2022.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 04/15/2022

Report No: 4.

Submitted By: Stella Rael

Subject: Consider, and act upon, adoption and final 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)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

On April 12, 2022, the Commission approved the ordinance for first publication with a vote of 7-0.

The City Commission voted on March 8, 2022, to move forward and repeal Chapter 20 Articles 02-010 through 02-090 concerning the Planning and Zoning Commission.

ORDINANCE NO. 1648

AN ORDINANCE REPEALING CHAPTER 20, ARTICLE 02 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING PLANNING AND ZONING COMMISSION

WHEREAS, the City Commission of the City of Alamogordo, New Mexico deems it necessary to repeal Article 20-02 concerning Planning and Zoning commission.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico recognize that the ordinances regarding Planning and Zoning have not been updated in many years.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico deems the Planning and Zoning commission burdensome and time consuming for citizens and voted March 8, 2022, to move forward and repeal Chapter 20 Articles 02-010 through 02-090 concerning Planning and Zoning commission.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Chapter 20, Article 02 of the Code of Ordinances is repealed in its entirety.

ARTICLE 20-02. ~~PLANNING AND ZONING COMMISSION~~

~~State Law reference—Planning commission, N.M.S.A. §§ 3-19-1—3-19-4; planning and platting jurisdiction, N.M.S.A. § 3-19-5; zoning jurisdiction of municipal zoning authority, N.M.S.A. § 3-21-2; planning commission may be designated zoning commission, N.M.S.A. § 3-21-7B.~~

~~20-02-010. Commission created.~~

~~(a) —There is hereby created a city Planning and Zoning commission to be composed of five (5) residents of the city.~~

~~(b) —The members of such commission shall be appointed by the mayor with the advice and approval of a majority of the remaining members of the city commission, to serve for the respective terms established by this article.~~

~~(c) —In addition to the five (5) regular members of the commission, the mayor may appoint one representative from Holloman Air Force Base who shall serve in an advisory capacity to such commission.~~

~~20-02-020. Terms~~

~~(a) —The term of each member of the city Planning and Zoning commission shall be for two (2) years.~~

~~(b) —Upon the expiration of the term of any member, such vacancy shall be filled by the appointment as provided in this article of a member whose term shall be two (2) years. In the event a vacancy occurs in the commission prior to the expiration of the term of the member, it shall be filled by the appointment as provided in this article of a member whose term shall expire at the end of the original term in which such vacancy occurred.~~

~~(Code 1960, § 2-6-2)~~

~~20-02-030. Authority~~

(a) — ~~The city Planning and Zoning commission shall have power and authority to study and investigate the subject of municipal Planning and Zoning, for the purpose of the formulation of a master plan, and shall make such surveys as it deems necessary for the formulation of such a master plan for the city; and in this connection the city Planning and Zoning commission shall have power and authority to hold public hearings for the formulation of such master plan. After the master plan has been approved, and within the area of the master plan, the Planning and Zoning commission shall recommend to the city commission the approval or denial of any proposal to construct, accept, widen, narrow, remove, extend, relocate, vacate, abandon, acquire, or change the use of any:~~

(1) — ~~Park, street, or other public way, ground, place or space;~~

(2) — ~~Public building or structure; or~~

(3) — ~~Utility, whether publicly or privately owned.~~

(b) — ~~The city planning, and zoning commission shall have power and authority to call before it the city manager, and any and all department heads and officers and employees of the city, who shall at the request of the commission furnish such commission such data, information and reports as such commission may request.~~

(c) — ~~The city planning, and zoning commission shall, from time to time, as it sees fit, make recommendations to the city commission for the passage of ordinances which it may deem advisable.~~

(d) — ~~The city planning, and zoning commission shall file an annual report with city manager and city commission of its activities, meetings and progress.~~

(e) — ~~The city planning, and zoning commission shall have such other powers, authority and jurisdiction as may be from time to time delegated to such commission by ordinance or by resolution of the city commission.~~

~~20-02-040. — Organization.~~

~~The city Planning and Zoning commission shall have authority to elect a chairman, secretary and such other officers as they may deem necessary. The powers and duties of such officers shall be such as may be established by such commission by resolution.~~

~~20-02-050. — Rules, regulations.~~

~~The city Planning and Zoning commission shall adopt rules and regulations for the conduct of its business and shall publish such rules and regulations, together with procedures for compliance with the rules and regulations.~~

~~20-02-060. — Meetings.~~

(a) — ~~The city Planning and Zoning commission shall meet at least once a month, but may meet more often if deemed necessary by such commission. Such commission shall establish a regular time of business.~~

(b) — ~~For the conduct of ordinary business, a quorum of the city Planning and Zoning commission shall consist of at least three (3) members.~~

~~20-02-070. — Removal from office.~~

~~The mayor, with approval of a majority of the remaining members of the city commission may remove any member of the city Planning and Zoning commission in the same fashion that members of other boards and committees are removed.~~

~~20-02-080. — Land regulations.~~

~~There is hereby delegated to the city Planning and Zoning commission power and authority to recommend to the city commission regulations and procedures governing the subdivision of land and the city commission is hereby authorized to adopt regulations and~~

~~procedures governing the subdivision of land within the platting jurisdiction as established by the statutes of the state.~~

~~20-02-090. -- Appeal.~~

~~Any person in interest being dissatisfied with any order or determination of the Planning and Zoning commission after a review of such order or determination by the city commission may commence an action in the district court of the county where the land is located to vacate and set aside such order or determination on the ground that it is unlawful or unreasonable.~~

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 04/15/2022

Report No: 5.

Submitted By: Stephanie Hernandez

Subject: Consider, and act upon, adoption and final 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)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

On April 12, 2022, the Commission approved the ordinance for first publication with a vote of 7-0.

The City Commission voted March 8, 2022, to move forward and repeal Chapter 29 Articles 01-100 and 01-110 concerning the White Sands Beautification.

ORDINANCE NO. 1649

AN ORDINANCE REPEALING SECTIONS 29-01-100 and 29-01-110 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING WHITE SANDS BEAUTIFICATION COMMITTEE.

WHEREAS, The City Commission of the City of Alamogordo, New Mexico through ordinance established the White Sands Beautification to enhance the White Sands District.

WHEREAS the White Sands Beautification Board has not met Since September 23, 2019.

WHEREAS, The City Commission of the City of Alamogordo, New Mexico deems the White Sands Beautification Committee no longer appropriate and voted March 8, 2022, to move forward and repeal Chapter 29 Articles 01-100 and 01-110 concerning the White Sands Beautification.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Section 29-01-100 & Section 29-01-110 of the Code of Ordinances is repealed in its entirety.

29-01-100. White Sands beautification district.

- (a) ~~Zoning district map amendment.~~ The official city zoning district map is amended by the addition of the White Sands corridor overlay district ("White Sands district") classification to the properties in the vicinity to the White Sands Boulevard. The extent and limits of the White Sands corridor overlay district are generally depicted in the White Sands corridor maps appended to this ordinance. In the event of a discrepancy between the White Sands corridor map and the official zoning district map, the latter shall control. When the requirements of the White Sands corridor overlay district are in conflict with those of the underlying district, the more restrictive limitation or requirement controls. The underlying zoning district classification of properties within the White Sands corridor overlay district is unchanged by this map amendment.
- (b) ~~General provisions.~~ The purposes of the White Sands district are:
- (1) ~~The beautification of the White Sands district through a citizen-based, volunteer, grassroots effort; and~~
 - (2) ~~The establishment of a master plan to guide the city's efforts towards beautification, anti blight and economic development of the White Sands district; and~~
 - (3) ~~The development of regulations for the White Sands district consistent with the master plan;~~
 - (4) ~~The identification and utilization of available funding, donations and grants for the beautification of the White Sands District consistent with the approved master plan and regulations enacted pursuant to it; and~~
 - (5) ~~The review, approval and/or denial of improvement projects within the White Sands district consistent with the master plan and regulations enacted pursuant to it; and~~

- ~~(6) The review, approval and/or denial of all applications for new construction, exterior alteration and change of use in the White Sands district consistent with the master plan and regulations enacted pursuant to the master plan.~~
- ~~(c) *Minimum maintenance requirements.* All buildings and structures in the White Sands corridor overlay district shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person or persons who may have the legal custody and control thereof. The owner or other person having legal custody and control thereof shall repair such building or structure if it is found to have any of the defects identified in the approved master plan and regulations enacted pursuant to it requiring such repair.~~
- ~~(d) *Compliance with general and specific design standards required.* All development located within the White Sands district shall comply with all applicable general development standards consistent with the approved master plan and regulations enacted pursuant to it.~~
- ~~(e) *General design standards for the white sands corridor overlay district.* In any review of proposed additions or alterations to structures located in the White Sands corridor overlay district, the standards of the approved master plan and regulations enacted pursuant to it shall be complied with. Such standards shall include, but not limited to the following:
 - ~~(1) Architectural style, including:
 - a. Materials; and
 - b. Color; and
 - c. Roof form. Slope and shape.~~
 - ~~(2) Streetscape standards.~~
 - ~~(3) Signs; murals.~~
 - ~~(4) Walk areas.~~
 - ~~(5) Size, mass and shape.~~
 - ~~(6) Walls and fences.~~
 - ~~(7) Remodeling and alteration.~~~~

~~Persons requesting approval of any application for the construction, or remodeling or alteration of nonconforming structures located in the White Sands district shall not be required to bring the total structure into conformance with the standards for the White Sands district. However, the portion of the building that is remodeled or altered shall conform to those standards. "Related to and compatible with" means existing together with unity and coherence.~~

29-01-110. - White Sands beautification committee.

- ~~(a) *Designation.* There is hereby created a White Sands Boulevard review board, which shall be referred to as the "White Sands beautification committee," which will be responsible for reviewing and approving improvement projects within the White Sands district that require demolition, building, and sign permits, and that make modifications to the exterior appearance of buildings, signage, landscaping and parking. In order to insure compliance with the design standards and guidelines adopted for the White Sands district.~~
- ~~(b) *Delegation.* The governing body and the planning commission hereby delegate their authority to the White Sands beautification committee as described in this section, except those powers retained by the governing body and the planning commission in the Alamogordo Municipal Code.~~
- ~~(c) *Powers and duties.* The White Sands beautification committee, will meet on a regular basis as directed by the chair, but in no event will meetings be conducted less frequently than~~

quarterly, unless there are no agenda items, and at such other times as the chair may determine, shall have the powers and duties specified in this section:

- (1) — ~~To study and investigate the White Sands corridor, for the purpose of the formulation of a master plan, and shall make such surveys as it deems necessary for the formulation of such a master plan for the city; and in this connection the White Sands beautification committee shall have power and authority to hold public hearings for the formulation of such master plan;~~
 - (2) — ~~Propose amendments to regulations governing the White Sands district;~~
 - (3) — ~~Review current ordinances applicable to master plan and intent of white sands beautification committee and recommend additions, changes, or deletions, in part or whole, with the goal to streamline regulatory guidance and improve process efficiency;~~
 - (4) — ~~Advise and assist officials, committees and commissions of the municipal government in making recommendations to the governing body relating to the White Sands corridor;~~
 - (5) — ~~Perform other acts as requested by the governing body; provided that such acts relate specifically to this section;~~
 - (6) — ~~Apply for, accept, administer and comply with the requirements regarding an appropriation of funds or a gift, grant or donation of property or money;~~
 - (7) — ~~Develop funding programs for the improvement of the exterior appearance of properties in the district through grants or loans;~~
 - (8) — ~~Fund the rehabilitation of properties in the district, but only as may be specifically approved by the city commission in a plan and budget; and~~
 - (9) — ~~Undertake improvements designed to increase the safety or attractiveness of the district to businesses which may wish to locate there or to visitors to the district, including, but not limited to, litter cleanup and control, and landscaping.~~
- (d) — *Membership and appointment.*
- (1) — *Composition and membership.* ~~The White Sands beautification committee shall consist of:~~
 - (a) — ~~Six (6) members appointed by the city commissioners with each commissioner appointing one (1) member;~~
 - (b) — ~~A committee chair appointed by the city's mayor; and~~
 - (c) — ~~The chair of the city's planning and zoning commission.~~
 - (2) — *Term.* ~~The six (6) members appointed by the city commissioners shall serve two-year overlapping terms with three (3) members serving a two-year term and three (3) members serving a three-year term. The chairperson of the planning and zoning commission shall serve during the period he or she occupies the position of chair of the planning and zoning commission as an ex-officio, or non-voting, member. Members shall serve until their successors have been appointed and qualified. These terms are for initial implementation; thereafter, each of the six (6) members shall serve a two-year term. The committee chair shall serve a three (3)-year term. Members and the committee chair may be reappointed.~~
- (e) — *Adoption of bylaws.* ~~The committee may adopt its own bylaws.~~
- (f) — *Ad hoc subcommittees*

(1) — ~~Delegation.~~ The committee may delegate its authority to ad hoc subcommittees as specifically provided in this article, except for those powers retained by the governing body, the planning commission and the committee.

(2) — ~~Powers and duties.~~ Ad hoc subcommittees shall gather information for, make recommendations to, and otherwise assist the White Sands beautification committee in accomplishing its powers and duties, as the committee deems appropriate.

(g) — ~~Staff support.~~ The objective and thrust of the beautification committee is to function as a citizen based, grassroots effort that is independent of regular staff involvement. However, at the request of the chair, the planning and zoning department will have primary and lead responsibility for coordinating with the chair of the beautification committee on an as-needed basis. Staff support can also be accessed by the chair through contacts with the city manager.

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 04/29/2022

Report No: 6.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the award of IFB 2022-05 Bulk Fuel to Brewer Oil Company in the estimated amount of 110,000.00. *(Evelyn Huff, Finance Director)*

Fiscal Impact: 110,000

Amount Budgeted: \$0.00

Fund: Various Fuel Funds

Additional Fiscal Impact:

Recommendation: Award IFb 2022-05 Bulk Fuel to Brewer Oil Company

Background: IFB 2022-05 was advertised on April 10, 2022. The bid was opened on April 26, 2022. One bid was received. The bid was reviewed and determined to be in compliance with the terms and conditions of the IFB and City Procurement Code.

This is an estimated quantity, multi-term contract. The term of this contract is to commence from June 1st, 2022 through May 31, 2023. The contract may be extended for three one-year terms. Quantity is determined by an estimated annual maximum usage.

BID TABULATION
Bulk Fuels
IFB 2022-05
April 26, 2022 2:00 PM

ITEM NO.	Estimated QTY	DESCRIPTION	Markup per Gallon: over O.P.I.S. rack price
1	100,000 GALS	Unleaded Fuel: Vendor's Mark Up Price: to include freight, Delivery cost, overhead etc.	\$0.1000
2	100,000 GALS	No. 2 Dyed Diesel: Vendor's Mark Up Price: to include freight, Delivery cost, overhead etc.	\$0.1000

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 05/03/2022

Report No: 7.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2022-24 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 May 10, 2022. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Beginning Cash Balances \$69,595,645

Revenues \$ 99,334 Increase

Expenditures \$ 615,334 Increase

Transfers In \$ 50,000 Increase

Transfers Out \$ 50,000 Increase

Recommendation: Approve the Resolution

Background: The City Commission adopted the FY 2021-2022 budget on May 11, 2021. The Department of Finance & Administration granted approval of the City of Alamogordo's Fiscal Year 2021-2022 Final Budget on August 12, 2021. Resolution 2022-24 amends the budget to reflect a more true and accurate projection of the actual revenues and expenditures. A summary and explanation of the revisions are attached for your review.

RESOLUTION NO. 2022-24

A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE REVISED BUDGET FIGURES FOR CERTAIN LINE ITEMS IN THE CITY'S BUDGET FOR FISCAL YEAR 2021-22.

WHEREAS, the City of Alamogordo, New Mexico wishes approval to change some of the budget line item figures of various funds; and

WHEREAS, the Department of Finance and Administration, State of New Mexico, gave its final approval to the City of Alamogordo, New Mexico's annual budget on August 12, 2021, for fiscal year 2021-2022; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2021-2022.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the City's annual budget for fiscal year 2022 be and hereby is revised as of May 10, 2022, to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2021-2022 as shown on the following pages.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on May 10, 2022, as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2021-2022.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 10th. day of May 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

**ALL FUNDS SUMMARY
BUDGET 2021-2022**

1/12TH REQ RSRV
1,601,624
1/12TH REQ RSRV
0
Fund Reserve Policy
560,074
Bal. Remaining
5,283,598

FY22 BUDGET - RESOLUTION 2022-24 (#11) May 10, 2022

FUND NO.	FY 2021-2022 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	14,022,061	21,904,603	1,132,180	10,394,063	(9,261,883)	19,219,485	7,445,296	2,161,698	5,283,598
12	INTERNAL SERVICE FUND	80,006	451,694	4,712,706	0	4,712,706	5,219,910	24,496		\$24,496
15	CORRECTIONS-JAIL	45,984	65,550	0	248	(248)	31,000	80,286		\$80,286
16	LODGER'S TAX-PROMOTIONAL FUND	314,183	367,476	6,744	1,405	5,339	517,852	169,146		\$169,146
17	POLICE COURT BOND	7,938	0	0	0	0	0	7,938		\$7,938
19	COURT AUTOMATION FUND	8,582	50,000	0	10,571	(10,571)	40,895	7,116		\$7,116
20	LODGER'S TAX-CITY	169,504	623,930	0	70,150	(70,150)	367,383	355,901		\$355,901
21	D.A.R.E. DONATIONS FUND	22,409	2,165	0	0	0	10,109	14,465		\$14,465
24	GRANT CAPITAL IMPROVEMENT	0	3,196,111	15,414	0	15,414	2,691,055	520,470		\$520,470
27	MUNICIPAL COURT OPERATIONS	26,309	13,000	450,000	16,009	433,991	471,596	1,704		\$1,704
28	POLICE CONTINGENCY	69,213	2,549	0	0	0	10,000	61,762		\$61,762
31	CEMETERY-PERPETUAL CARE	816,480	20,140	0	0	0	0	836,620		\$836,620
32	COMMUNITY SERVICES	438,488	619,208	5,429,888	617,373	4,812,515	5,866,160	4,051		\$4,051
33	FIRE PROTECTION	689,963	662,583	0	0	0	1,262,643	89,903		\$89,903
35	HIDTA GRANT FUND	0	17,400	0	0	0	17,400	0		\$0
36	LAW ENFORCEMENT FUND	4,818	55,200	0	0	0	60,018	(0)		(\$0)
37	STATE HIGHWAY FUND	147,869	70,751	0	0	0	128,828	89,792		\$89,792
38	TRAFFIC SAFETY FUND	54,656	10,491	0	0	0	10,000	55,147		\$55,147
39	STATE JUDICIAL	2,749	75,500	0	0	0	75,500	2,749		\$2,749
42	1984 GROSS RECEIPTS TAX	2,385,672	2,067,893	400,000	2,607,079	(2,207,079)	33,703	2,212,783	252,119	\$1,960,664
44	TRANSPORTATION FUND	165,480	1,156,170	2,582,842	140,914	2,441,928	3,757,756	5,822		\$5,822
48	NEW MEXICO C.D.B.G.	0	500,000	1,406,305	0	1,406,305	1,906,305	0		\$0
49	1986 GROSS RECEIPTS TAX	3,911,631	2,118,285	0	3,142,303	(3,142,303)	1,611,685	1,275,928	268,391	\$1,007,537
50	PROPERTY ACQUISITION	85,010	0	0	0	0	0	85,010		\$85,010
53	GENERAL OBLIGATION	908,523	1,062,849	0	0	0	1,114,058	857,314	557,029	\$300,285
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	16,239	0	16,239	16,239	21,967		\$21,967
56	99 GRT FLOOD CONTROL BOND PROJ	7	29,091	1,830,905	19,476	1,811,429	1,608,382	232,145		\$232,145
59	REVENUE BOND P & I FUND	150,101	8,066,363	2,679,243	0	2,679,243	9,707,011	1,188,696		\$1,188,696
61	MUNICIPAL INFRASTRUCTURE .0625%	890,520	521,982	0	468,000	(468,000)	8,426	936,076		\$936,076
63	COMMUNITY DEVELOPMENT	6,519	0	505,090	37,143	467,947	472,434	2,032		\$2,032
69	1994 GROSS RECEIPTS	2,560,463	2,092,052	0	2,238,282	(2,238,282)	33,703	2,380,530	553,051	\$1,827,479
71	ALAMO SENIOR CENTER	2,079	908,926	890,000	0	890,000	1,798,562	2,443		\$2,443

74	ALAMO SENIOR CENTER GIFT	138,081	21,238	0	0	0	71,996	87,323		\$87,323
75	RETIRED & SENIOR VOL. PROGRAM	14,328	171,715	46,000	16,102	29,898	208,628	7,313		\$7,313
81	WATER/SEWER OPERATING	5,996,510	18,888,629	3,703,413	1,855,098	1,848,315	21,478,116	5,255,338	1,463,850	\$3,791,488
82	98 JT WATER/SEWER BOND P&I	1,583,799	5,537,886	1,893,605	0	1,893,605	6,973,769	2,041,521		\$2,041,521
86	SOLID WASTE COLLECTION SYS.	584,696	2,107,151	0	135,438	(135,438)	2,198,733	357,676	178,583	\$179,093
88	BONITO CAMPGROUND	394,450	3,498	0	0	0	4,000	393,948		\$393,948
89	ESGRT .0625%	2,538,217	542,930	0	1,406,625	(1,406,625)	1,348,339	326,183		\$326,183
90	GOLF COURSE	72,040	1,546,448	660,000	91,334	568,666	2,123,621	63,533		\$63,533
91	AIRPORT	17,373	744,425	65,000	53,178	11,822	755,777	17,843		\$17,843
94	OTERO GREENTREE REG LANDFILL	4,909,828	1,379,465	0	725	(725)	4,677,866	1,610,702		\$1,610,702
96	SELF-INSURED FUND	561,415	64,595	0	150,000	(150,000)	75,628	400,382		\$400,382
98	PAYROLL CLEARING	291,874	0	0	0	0	0	291,874		\$291,874
104	UTILITY DEPOSITS	653,070	0	0	0	0	0	653,070		\$653,070
105	ECONOMIC DEVELOPMENT	4,508,656	1,094,027	0	0	0	428,771	5,173,912		\$5,173,912
107	SELF INSURED/LIABILITY	1,176,628	6,805	0	0	0	635,000	548,433		\$548,433
109	2004 GRT CAPITAL OUTLAY	15,469,629	4,267,484	0	4,954,058	(4,954,058)	9,724,861	5,058,194	534,452	\$4,523,742
114	SIDEWALKS REVOLVING LOANS	143,001	1,454	0	0	0	0	144,455		\$144,455
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		\$1,000
119	2012 GRT REF/IMP REVBD	407,932	29,960	0	0	0	154,384	283,508		\$283,508
121	2015 GO BONDS-FUN CENTER	90,064	914	0	0	0	0	90,978		\$90,978
122	2015 GO BONDS-STREETS	174,516	1,771	0	0	0	0	176,287		\$176,287
124	AMERICAN RESCUE PLAN ACT	0	3,952,892	0	0	0	3,952,892	0		\$0
901	HOUSING LOW RENT OPERATING	1,146,135	1,014,541	0	0	0	1,331,669	829,007	354,627	\$474,380
903	HOUSING HOMEOWNERSHIP OPER	713,222	1,525	0	0	0	17,969	696,778		\$696,778
904	HOUSING CAPITAL FUND PROJECTS	0	1,333,878	0	0	0	1,333,878	0		\$0
TOTALS FY2022		69,595,645	89,445,193	28,425,574	28,425,574	0	115,563,995	43,476,843	6,323,800	37,153,044

ALL FUNDS SUMMARY

1/12TH REQ RSRV

1,601,624

1/12TH REQ RSRV

0

Fund Reserve Policy

560,074

Bal. Remaining

5,283,598

BUDGET 2021-2022

FY22 BUDGET - RESOLUTION 2022-24 (#11) May 10, 2022

FUND NO.	FY 2021-2022 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	14,022,061	21,904,603	1,132,180	10,344,063	(9,211,883)	19,219,485	7,495,296	2,161,698	5,333,598
	Revision #5-Recreation Center new sign				50,000	(50,000)		(50,000)		(50,000)
	Total Revised Fund 11	14,022,061	21,904,603	1,132,180	10,394,063	(9,261,883)	19,219,485	7,445,296	2,161,698	5,283,598
12	INTERNAL SERVICE FUND	80,006	451,694	4,712,706	0	4,712,706	5,219,910	24,496		\$24,496
	Total Revised Fund 12	80,006	451,694	4,712,706	0	4,712,706	5,219,910	24,496		24,496
15	CORRECTIONS-JAIL	45,984	65,550	0	248	(248)	31,000	80,286		\$80,286
	Total Revised Fund 15	45,984	65,550	0	248	(248)	31,000	80,286		80,286
16	LODGER'S TAX-PROMOTIONAL FUND	314,183	367,476	6,744	1,405	5,339	501,852	185,146		\$185,146
	Revision #2-APD Advertising					0	16,000	(16,000)		(\$16,000)
	Total Revised Fund 16	314,183	367,476	6,744	1,405	5,339	517,852	169,146		169,146
17	POLICE COURT BOND	7,938	0	0	0	0	0	7,938		\$7,938
	Total Revised Fund 17	7,938	0	0	0	0	0	7,938		7,938
19	COURT AUTOMATION FUND	8,582	50,000	0	10,571	(10,571)	40,895	7,116		\$7,116
	Total Revised Fund 19	8,582	50,000	0	10,571	(10,571)	40,895	7,116		7,116
20	LODGER'S TAX-CITY	169,504	623,930	0	70,150	(70,150)	367,383	355,901		\$355,901
	Total Revised Fund 20	169,504	623,930	0	70,150	(70,150)	367,383	355,901		355,901
21	D.A.R.E. DONATIONS FUND	22,409	2,165			0	10,109	14,465		\$14,465
	Total Revised Fund 21	22,409	2,165	0	0	0	10,109	14,465		14,465
24	GRANT CAPITAL IMPROVEMENT	0	3,196,111	15,414	0	15,414	2,691,055	520,470		\$520,470
	Total Revised Fund 24	0	3,196,111	15,414	0	15,414	2,691,055	520,470		520,470
27	MUNICIPAL COURT OPERATIONS	26,309	13,000	450,000	16,009	433,991	471,596	1,704		\$1,704
	Total Revised Fund 27	26,309	13,000	450,000	16,009	433,991	471,596	1,704		1,704
28	POLICE CONTINGENCY	69,213	2,549			0	10,000	61,762		\$61,762
	Total Revised Fund 28	69,213	2,549	0	0	0	10,000	61,762		61,762
31	CEMETERY-PERPETUAL CARE	816,480	20,140			0		836,620		\$836,620
	Total Revised Fund 31	816,480	20,140	0	0	0	0	836,620		836,620
32	COMMUNITY SERVICES	438,488	537,764	5,379,888	617,373	4,762,515	5,734,716	4,051		\$4,051
	Revision #3-2020 Library GO Bond Funding		81,444			0	81,444	0		\$0
	Revision #5-Recreation Center new sign			50,000		50,000	50,000	0		\$0
	Total Revised Fund 32	438,488	619,208	5,429,888	617,373	4,812,515	5,866,160	4,051		4,051
33	FIRE PROTECTION	689,963	662,583	0	0	0	1,262,643	89,903		\$89,903
	Total Revised Fund 33	689,963	662,583	0	0	0	1,262,643	89,903		89,903
35	HIDTA GRANT FUND	0	17,400			0	17,400	0		\$0
	Total Revised Fund 35	0	17,400	0	0	0	17,400	0		0
36	LAW ENFORCEMENT FUND	4,818	55,200	0	0	0	60,018	(0)		(\$0)
	Total Revised Fund 36	4,818	55,200	0	0	0	60,018	(0)		(0)
37	STATE HIGHWAY FUND	147,869	70,751	0	0	0	128,828	89,792		\$89,792
	Total Revised Fund 37	147,869	70,751	0	0	0	128,828	89,792		89,792
38	TRAFFIC SAFETY FUND	54,656	10,491	0	0	0	10,000	55,147		\$55,147
	Total Revised Fund 38	54,656	10,491	0	0	0	10,000	55,147		55,147
39	STATE JUDICIAL	2,749	75,500			0	75,500	2,749		\$2,749
	Total Revised Fund 39	2,749	75,500	0	0	0	75,500	2,749		2,749
42	1984 GROSS RECEIPTS TAX	2,385,672	2,067,893	400,000	2,607,079	(2,207,079)	33,703	2,212,783	252,119	\$1,960,664
	Total Revised Fund 42	2,385,672	2,067,893	400,000	2,607,079	(2,207,079)	33,703	2,212,783	252,119	1,960,664

44	TRANSPORTATION FUND	165,480	1,156,170	2,582,842	140,914	2,441,928	3,757,756	5,822		\$5,822
	Total Revised Fund 44	165,480	1,156,170	2,582,842	140,914	2,441,928	3,757,756	5,822		5,822
48	NEW MEXICO C.D.B.G.	0	500,000	1,406,305	0	1,406,305	1,906,305	0		\$0
	Total Revised Fund 48	0	500,000	1,406,305	0	1,406,305	1,906,305	0		0
49	1986 GROSS RECEIPTS TAX	3,911,631	2,118,285	0	3,142,303	(3,142,303)	1,161,685	1,725,928	268,391	\$1,457,537
	Revision #4-Highway 70 pipeline design					0	450,000	(450,000)		(\$450,000)
	Total Revised Fund 49	3,911,631	2,118,285	0	3,142,303	(3,142,303)	1,611,685	1,275,928	268,391	1,007,537
50	PROPERTY ACQUISITION	85,010	0	0	0	0	0	85,010		\$85,010
	Total Revised Fund 50	85,010	0	0	0	0	0	85,010		85,010
53	GENERAL OBLIGATION	908,523	1,062,849			0	1,114,058	857,314	557,029	\$300,285
	Total Revised Fund 53	908,523	1,062,849	0	0	0	1,114,058	857,314	557,029	300,285
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	16,239	0	16,239	16,239	21,967		\$21,967
	Total Revised Fund 54	21,967	0	16,239	0	16,239	16,239	21,967		21,967
56	99 GRT FLOOD CONTROL BOND PROJ	7	29,091	1,830,905	19,476	1,811,429	1,608,382	232,145		\$232,145
	Total Revised Fund 56	7	29,091	1,830,905	19,476	1,811,429	1,608,382	232,145		232,145
59	REVENUE BOND P & I FUND	150,101	8,066,363	2,679,243		2,679,243	9,707,011	1,188,696		\$1,188,696
	Total Revised Fund 59	150,101	8,066,363	2,679,243	0	2,679,243	9,707,011	1,188,696		1,188,696
61	MUNICIPAL INFRASTRUCTURE .0625%	890,520	521,982	0	468,000	(468,000)	8,426	936,076		\$936,076
	Total Revised Fund 61	890,520	521,982	0	468,000	(468,000)	8,426	936,076		936,076
63	COMMUNITY DEVELOPMENT	6,519	0	505,090	37,143	467,947	472,434	2,032		\$2,032
	Total Revised Fund 63	6,519	0	505,090	37,143	467,947	472,434	2,032		\$2,032
69	1994 GROSS RECEIPTS	2,560,463	2,092,052	0	2,238,282	(2,238,282)	33,703	2,380,530	553,051	\$1,827,479
	Total Revised Fund 69	2,560,463	2,092,052	0	2,238,282	(2,238,282)	33,703	2,380,530	553,051	1,827,479
71	ALAMO SENIOR CENTER	2,079	891,036	890,000	0	890,000	1,780,672	2,443		\$2,443
	Revision #1-THRIVE Pledge FY23		17,890			0	17,890	0		\$0
	Total Revised Fund 71	2,079	908,926	890,000	0	890,000	1,798,562	2,443		2,443
74	ALAMO SENIOR CENTER GIFT	138,081	21,238	0	0	0	71,996	87,323		\$87,323
	Total Revised Fund 74	138,081	21,238	0	0	0	71,996	87,323		87,323
75	RETIRED & SENIOR VOL. PROGRAM	14,328	171,715	46,000	16,102	29,898	208,628	7,313		\$7,313
	Total Revised Fund 75	14,328	171,715	46,000	16,102	29,898	208,628	7,313		7,313
81	WATER/SEWER OPERATING	5,996,510	18,888,629	3,703,413	1,855,098	1,848,315	21,478,116	5,255,338	1,463,850	\$3,791,488
	Total Revised Fund 81	5,996,510	18,888,629	3,703,413	1,855,098	1,848,315	21,478,116	5,255,338	1,463,850	3,791,488
82	98 JT WATER/SEWER BOND P&I	1,583,799	5,537,886	1,893,605		1,893,605	6,973,769	2,041,521		\$2,041,521
	Total Revised Fund 82	1,583,799	5,537,886	1,893,605	0	1,893,605	6,973,769	2,041,521		2,041,521
86	SOLID WASTE COLLECTION SYS.	584,696	2,107,151	0	135,438	(135,438)	2,198,733	357,676	178,583	\$179,093
	Total Revised Fund 86	584,696	2,107,151	0	135,438	(135,438)	2,198,733	357,676	178,583	179,093
88	BONITO CAMPGROUND	394,450	3,498			0	4,000	393,948		\$393,948
	Total Revised Fund 88	394,450	3,498	0	0	0	4,000	393,948		393,948
89	ESGRT .0625%	2,538,217	542,930	0	1,406,625	(1,406,625)	1,348,339	326,183		\$326,183
	Total Revised Fund 89	2,538,217	542,930	0	1,406,625	(1,406,625)	1,348,339	326,183		326,183
90	GOLF COURSE	72,040	1,546,448	660,000	91,334	568,666	2,123,621	63,533		\$63,533
	Total Revised Fund 90	72,040	1,546,448	660,000	91,334	568,666	2,123,621	63,533		63,533
91	AIRPORT	17,373	744,425	65,000	53,178	11,822	755,777	17,843		\$17,843
	Total Revised Fund 91	17,373	744,425	65,000	53,178	11,822	755,777	17,843		17,843
94	OTERO GREENTREE REG LANDFILL	4,909,828	1,379,465	0	725	(725)	4,677,866	1,610,702		\$1,610,702
	Total Revised Fund 94	4,909,828	1,379,465	0	725	(725)	4,677,866	1,610,702		1,610,702
96	SELF-INSURED FUND	561,415	64,595	0	150,000	(150,000)	75,628	400,382		\$400,382
	Total Revised Fund 96	561,415	64,595	0	150,000	(150,000)	75,628	400,382		400,382
98	PAYROLL CLEARING	291,874	0	0	0	0	0	291,874		\$291,874
	Total Revised Fund 98	291,874	0	0	0	0	0	291,874		291,874
104	UTILITY DEPOSITS	653,070	0	0	0	0	0	653,070		\$653,070
	Total Revised Fund 104	653,070	0	0	0	0	0	653,070		653,070
105	ECONOMIC DEVELOPMENT	4,508,656	1,094,027	0	0	0	428,771	5,173,912		\$5,173,912
	Total Revised Fund 105	4,508,656	1,094,027	0	0	0	428,771	5,173,912		5,173,912

107	SELF INSURED/LIABILITY	1,176,628	6,805	0	0	0	635,000	548,433		\$548,433
	Total Revised Fund 107	1,176,628	6,805	0	0	0	635,000	548,433		548,433
109	2004 GRT CAPITAL OUTLAY	15,469,629	4,267,484	0	4,954,058	(4,954,058)	9,724,861	5,058,194	534,452	\$4,523,742
	Total Revised Fund 109	15,469,629	4,267,484	0	4,954,058	(4,954,058)	9,724,861	5,058,194	534,452	4,523,742
114	SIDEWALKS REVOLVING LOANS	143,001	1,454	0	0	0	0	144,455		\$144,455
	Total Revised Fund 114	143,001	1,454	0	0	0	0	144,455		144,455
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		\$1,000
	Total Revised Fund 115	1,000	0	0	0	0	0	1,000		1,000
119	2012 GRT REF/IMP REVBD	407,932	29,960	0	0	0	154,384	283,508		\$283,508
	Total Revised Fund 119	407,932	29,960	0	0	0	154,384	283,508		283,508
121	2015 GO BONDS-FUN CENTER	90,064	914	0	0	0	0	90,978		\$90,978
	Total Revised Fund 121	90,064	914	0	0	0	0	90,978		90,978
122	2015 GO BONDS-STREETS	174,516	1,771	0	0	0	0	176,287		\$176,287
	Total Revised Fund 122	174,516	1,771	0	0	0	0	176,287		176,287
124	AMERICAN RESCUE PLAN ACT	0	3,952,892	0	0	0	3,952,892	0		\$0
	Total Revised Fund 124	0	3,952,892	0	0	0	3,952,892	0		0
901	HOUSING LOW RENT OPERATING	1,146,135	1,014,541	0	0	0	1,331,669	829,007	354,627	\$474,380
	Total Revised Fund 901	1,146,135	1,014,541	0	0	0	1,331,669	829,007	354,627	474,380
903	HOUSING HOMEOWNERSHIP OPER	713,222	1,525	0	0	0	17,969	696,778		\$696,778
	Total Revised Fund 903	713,222	1,525	0	0	0	17,969	696,778		696,778
904	HOUSING CAPITAL FUND PROJECTS	0	1,333,878	0	0	0	1,333,878	0		\$0
	Total Revised Fund 904	0	1,333,878	0	0	0	1,333,878	0		0
TOTALS FY2022		69,595,645	89,445,193	28,425,574	28,425,574	0	115,563,995	43,476,843	6,323,800	37,153,043

RECURRING/ NON- RECURRING	FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #1						
This budget revision is to recognize the THRIVE Agency Allocation Pledge for FY2023 for the Alamogordo Senior Center.						
	71	SENIOR CENTER				
<i>Revenues</i>						
SC23UW	071-0000-3163.15-55	United Way/THRIVE Grant	19,413	17,890	37,303	
Total Revenue			19,413	17,890	37,303	
<i>Expenditures</i>						
SC23UW	071-8024-445.32-60	Food Purchases	108,647	17,890	126,537	
Total Expenditures			108,647	17,890	126,537	
REVISION #2						
This budget revision is to provide funding for advertising for the Alamogordo Police Department to promote living, working, and playing in Alamogordo.						
	16	LODGER'S TAX-CITY'S SHARE				
<i>Expenditures</i>						
	016-0001-419.56-35	Advertising	149,000	16,000	165,000	
Total Expenditures			149,000	16,000	165,000	
REVISION #3						
This budget revision is to create a budget & project for the Library 2020 GO Bond at the Library. These funds can be used in FY23 and FY24 and will be carried over to subsequent years until exhausted. Commission approved this funding on December 14, 2021.						
	32	COMMUNITY SERVICES				
<i>Revenues</i>						
LI2201	032-7101-317-16-13	State Grant	59,991	81,444	141,435	
Total Revenue			59,991	81,444	141,435	
<i>Expenditures</i>						
LI2201	032-7101-455.32-05	Books, Periodicals, Audios	168,106	81,444	249,550	
Total Expenditures			168,106	81,444	249,550	
REVISION #4						
This budget revision is to provide funding to initiate design on the Highway 70 pipeline from Highway 54 to Airport Road.						
	49	86 GROSS RECEIPTS				
<i>Expenditures</i>						
	049-0005-461.62-35	Contract Engineering Fees	0	450,000	450,000	
Total Expenditures			0	450,000	450,000	
REVISION #5						
This budget revision is to increase the Facility Improvement budget to account for a new sign for the Family Recreation Center.						
	32	COMMUNITY SERVICES				
<i>Transfers in</i>						
CS2204	032-0000-391.19-11	Trans fr (11) General Fund	0	50,000	50,000	
Total Transfers In			0	50,000	50,000	
<i>Expenditures</i>						
CS2204	032-6106-450.65-70	Facility Improvements	0	50,000	50,000	
Total Expenditures			0	50,000	50,000	
	11	GENERAL				
<i>Transfers Out</i>						
	011-0000-491.18-32	Tran to (32) Community Services	0	50,000	50,000	
Total Transfers Out			0	50,000	50,000	

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 05/04/2022

Report No: 8.

Submitted By: Deborah Osborne

Subject: Consider, and act upon, approval of an agreement in the amount of \$25,000 between the City of Alamogordo and Tularosa Basin Historical Society to develop plans for the renovation of Dudley School.
(Debbie Osborne, Grant Coordinator)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: No significant fiscal impact.

Recommendation: Recommend approval of the agreement.

Background: The City of Alamogordo received a "Telling the Full History Preservation Fund" grant award from the National Trust for Historic Preservation in the amount of \$25,000. The purpose of this grant is to allow the City to partner with Tularosa Basin Historical Society to develop plans to design and renovate the Dudley School building, preserving its architectural integrity. Together we hope to preserve the history and importance of Dudley School providing displays and educational programs related to the Hispanic, African American history, the Families of Dudley School, and education in the Tularosa Basin.

SERVICES AGREEMENT

THIS Agreement is made effective on this ____ day of ____ May, 2022, is made and entered into by and between the City of Alamogordo, a municipal corporation under the laws of the State of New Mexico (the "City"), and Tularosa Basin Historical Society ("the Consultant").

WHEREAS, the City desires hire the Consultant to develop plans and specifications to preserve the historical significance of the Dudley School facility; and

WHEREAS, the Consultant has held itself out to the City as having the requisite expertise and experience to perform the required services;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the parties hereto agree as follows:

IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

1. **Scope of Work.** The City engages the Consultant to furnish those services (the "Services") described in the attached Exhibit "A". The Consultant accepts such engagement upon, subject to and in accordance with the terms, conditions, and provisions of this Agreement. The Consultant shall perform the Services as expeditiously as is consistent with good, professional skill and care and the orderly progress of the Services.

1. **Professional Responsibility.**

2.1 Consultant hereby warrants that it is qualified to assume the responsibilities and render the services described herein and has all requisite corporate authority and professional licenses in good standing, required by law.

2.2 Consultant further warrants that the work performed by Consultant shall be in accordance with generally accepted professional practices and the level of competency presently maintained by other practicing professional firms in the same or similar type of work in the applicable community.

2.3 Consultant shall be responsible for the professional quality, technical accuracy, timely completion, and the coordination of all reports and other services furnished by Consultant under this Agreement. Consultant shall, without additional compensation, correct or resolve any errors or deficiencies in his reports and other services, which fall below the standard of professional practice, and reimburse the City for costs caused by errors and omissions which fall below the standard of professional practice.

2.4 Approval by the City of reports and incidental work or materials furnished hereunder shall not in any way relieve Consultant of responsibility for technical adequacy of the work. Neither the City's review, approval of or acceptance of, nor payment for, any of the services shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement, and Consultant shall be and remain liable in accordance with applicable performance of any of the services furnished under this Agreement.

2.5 The rights and remedies of the City provided for under this Agreement are in addition to any other rights and remedies provided by law.

3. **Compensation.** The City agrees to compensate the Consultant for services provided on

a reimbursement basis in accordance with Exhibit "B" attached hereto and by this reference made part of this Agreement. Payment shall not exceed \$25,000.00 and will be made quarterly upon receipt of a detailed statement of accounting for services performed. Reimbursement for travel and per diem expenses are not allowed. In the event of a conflict between the terms of this Agreement and Exhibit B, the terms of this Agreement shall prevail. The Consultant shall pay the New Mexico gross receipts taxes, pursuant to the Gross Receipts and Compensating Tax Act of New Mexico, assessed against the contract fee and costs paid for performance of this contract, or of any part or portion thereof, within the State of New Mexico. The Consultant shall be reimbursed by the City for applicable New Mexico gross receipts taxes, excluding interest or penalties assessed on the Consultant by any authority.

Consultant shall hold the City harmless from any responsibility for taxes, damages, and interest, if applicable, contributions required under Federal, and/or state and local laws and regulations and any other costs including transaction privilege taxes, unemployment compensation insurance. Social Security and Worker's Compensation. Consultant shall file New Mexico tax returns and pay the required taxes for any and all payments made under this Agreement and any and all payments previously made to the Consultant. The City shall have the right to deduct from any payment made under this Agreement to the Consultant any federal, state, local or foreign income, employment or other taxes it determines are required by law to be paid with respect to such payments or to require payment from the Consultant, which the Consultant agrees to pay upon demand, for the purpose of satisfying any such obligation. Failure to comply with these obligations shall constitute a material breach of this Agreement..

4. **Commencement and Completion of Work.** Within seven (7) days of receipt of this executed agreement, Consultant shall commence work on all its obligations as set forth in Exhibit "A". Except as may be changed in writing by the City, the Project shall be complete, and Consultant shall furnish the City the specified deliverables as provided in Exhibit "A ".

5. **Effective Date/ Term.** This agreement will become effective when both parties have signed it. The date this agreement is signed by the second party to sign it (as indicated by the date associated with that party's signature) will be deemed the date of this agreement. *If a party signs but fails to date a signature, the date that the other party receives the signing party's signature will be deemed to be the date that the signing party signed this agreement.* This Agreement shall terminate on May 16, 2023, unless otherwise terminated pursuant to the provisions contained herein.

6. **Termination.** This Agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least ten (10) days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination. **THE PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE OTHER LEGAL RIGHTS AND REMEDIES UNDER DEFAULT /BREACH OF CONTRACT.**

7. **Appropriations.** The terms of this Agreement are contingent upon sufficient funding and authorization being made by the National Trust for Historic Preservation for the performance of this Agreement. If sufficient funding and authorization are not made by the National Trust for Historic Preservation, the City of Alamogordo may immediately terminate this Agreement by giving Contractor written notice of such termination. The City of Alamogordo's decision as to whether

sufficient funding is available shall be accepted by the Contractor and shall be final. Contractor hereby waives any rights to assert an impairment of contract claim against the City of Alamogordo or the National Trust for Historic Preservation in the event of immediate or Early Termination of this Agreement by the City of Alamogordo or the National Trust for Historic Preservation.

8. **Status of Consultant.** The Consultant and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Consultant and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of state vehicles, or any other benefits afforded to employees of the City as a result of this Agreement. The Consultant acknowledges that all sums received hereunder are personally reportable by it for income tax purposes as self-employment or business income and are reportable for self-employment tax. The Consultant shall have no authority to act on behalf of the City other than as expressly provided in this Agreement. The Consultant is not authorized to act as a general agent for or to undertake, direct or modify any contracts on behalf of the City. The Consultant lacks any authority to bind the City on any contractual matters. Final approval of all contractual matters that purport to obligate the City must be executed by the City in accordance with the City's Code of Ordinances.

9. **Insurance.** Consultant agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to insure against all liability, claims, demands, and other obligations assumed by Consultant pursuant to the terms of this agreement. Such insurance shall be in addition to any other insurance requirements imposed by this Agreement or by law. Consultant shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types.

10. **Assignment.** The Consultant shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the City.

11. **Subcontracting.** The Consultant shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City.

12. **Records and Audit.** The Consultant shall maintain, for three years, detailed time records which indicate the date, time and nature of services rendered. These records shall be subject to inspection by the City. The City shall have a right to audit billings both before and after payment; payment under this Agreement shall not foreclose the right of the City to recover excessive and/or illegal payments.

13. **Release.** The Consultant's acceptance of final payment of the amount due under this Agreement shall operate as a release of the City, its officers, and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Consultant agrees not to purport to bind the City unless the Consultant has express written authority to do so, and then only within the strict limits of the authority.

14. **Compliance with Laws.** The Consultant hereby represents and warrants that:
14.1 It is qualified to do business in the State of New Mexico and that it will take such action as, from time to time, may be necessary to remain so qualified.

14.2 It is not in arrears with respect to the payment of any monies due and owing the State of New Mexico, or any department or unit thereon including, but not limited to, the payment of taxes and employee benefits, and that it shall not become so in arrears during the term of this Contract.

14.3 It shall comply with all Federal, State and local laws, regulations, and ordinances applicable to its activities and obligations under this Contract; and

14.4 It shall procure, at its expense, all licenses, permits, insurance, and governmental approval or registration, if any, necessary to the performance of its obligations under this Contract.

15. **Confidentiality.** Any confidential information provided to or developed by the Consultant in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Consultant without the prior written approval of the City. The City may provide Consultant with reports and such other data as may be available to the City and reasonably required by Consultant to perform hereunder. No project information shall be disclosed by Consultant to third parties without prior written consent of the City or pursuant to a lawful court order directing such disclosure. All documents provided by the City to Consultant shall be returned to the City.

16. **Product of Service - Copyright.** The City acknowledges that the Consultant's work product is an instrument of professional service. Nevertheless, all materials developed, acquired, or prepared under this Agreement shall become the property of the City upon completion of the work and shall be delivered to the City no later than the termination date of this Agreement. Nothing produced, in whole or in part, by the Consultant under this Agreement shall be the subject of an application for copyright or other claim of ownership by or on behalf of the Consultant.

17. **Conflict of Interest.** The Consultant warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement. The Consultant certifies that the requirements of the Governmental Conduct Act, Sections 10-16-1 through 10-16-17 NMSA 1978 regarding contracting with a public officer or public employee have been followed.

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

19. **Merger.** This Agreement incorporates all the agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, oral or otherwise, of the parties or then- agents shall be valid or enforceable unless embodied in this Agreement.

20. **Equal Opportunity Compliance.** The Consultant agrees to abide by all federal and state laws and rules and regulations pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Consultant agrees to assure that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Consultant is found to not be in compliance with these requirements during the life

of this Agreement, Consultant agrees to take appropriate steps to correct these deficiencies.

21. **Applicable Law.** This Agreement shall be governed by the laws of the State of New Mexico.

CONSULTANT
Tularosa Basin Historical Society

Attest: _____
Joe Lewandowski, Secretary
Tularosa Basin Historical Society

By: _____
Rick Miller, President
Tularosa Basin Historical Society

Date: _____

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

Date: _____

By: _____
Brian Cesar, City Manager

Attest:

APPROVED AS TO FORM:

Rachel Hughs, City Clerk

Petria Bengoechea, City Attorney

SCHEDULE A

SCOPE OF WORK

The primary goal of this project is to develop plans and specifications to preserve the historical significance of the Dudley School facility and put this very important piece of history back into service for community use. Consultants will be hired to plan and design the layout of the facility in a manner that will preserve its historical significance to educate the public on the history of the Tularosa Basin. Along with the historical mission of the building, plans will include a design that will allow the facility to be used as a community center for public and private events. The current kitchen facilities will be upgraded to handle events. Bathrooms have already received some upgrading to meet public use standards but will need additional work. Classrooms will be established in each of the original classrooms with historical displays. On the outside north end of the property, a new community park will be developed. Currently there are no parks in this portion of the city.

SCHEDULE B
PAYMENT SCHEDULE

The Consultant will be paid by reimbursement of allowable costs. Consultant should submit an invoice and brief project status report per the following schedule:

Project Status Report #	Report and Invoice Due Date
1	07/05/2022
2	10/05/2022
3	01/05/2022
4	05/05/2022

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 05/04/2022

Report No: 9.

Submitted By: Petria Bengoechea

Subject: Hearing and possible action related to Resolution 2022-08 declaring 322 Texas Avenue to be so ruined, damaged, an dilapidated that it is a menace to the public comfort, health, peace or safety, and ordering its abatement. *(Petria Bengoechea, City Attorney)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Enforce Resolution 2022-08.

Background:

Pursuant to Section 3-18-5, NMSA 1978, the Alamogordo City Commission considered Resolution 2022-08 on January 25, 2022 and ultimately passed the Resolution, declaring 322 Texas to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety, and ordered its abatement. In keeping with state law the owner of 322 Texas filed a timely appeal/objection of the City's action. At today's hearing, the commission must consider whether to enforce or rescind Resolution 2022-08. The City Commission is required to consider all evidence for and against the removal Resolution and determine if the Resolution should ultimately be enforced or rescinded.

The City will present testimony from Fire Lieutenant John Stroope regarding the structure and its current state of dilapidation.

RESOLUTION NO. 2022-08

A RESOLUTION DECLARING ALL THE BUILDINGS OR STRUCTURES, OR THE PREMISES LOCATED AT 322 TEXAS 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 322 Texas 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 Antonio Norman, 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.

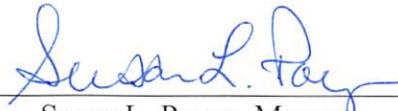
Section 3. That if there is a failure of compliance with the provision of Section 2 herein, the City of Alamogordo shall proceed to remove said building or structure from the Property, and abate said unsafe condition, at the cost and expense of said record, with said cost and expense constituting a lien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

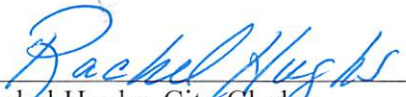
PASSED, APPROVED AND ADOPTED, this 25th day of January, 2022.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

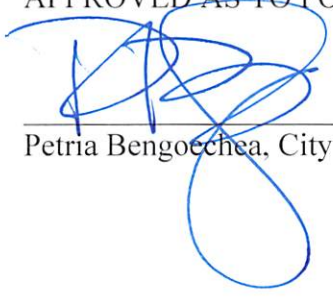


By: 
Susan L. Payne, Mayor

ATTEST:


Rachel Hughs, City Clerk

APPROVED AS TO FORM:


Petria Bengoechea, City Attorney



City of Alamogordo
Alamogordo Fire Department
619 Texas Avenue, Alamogordo, New Mexico 88310
Administration 575-439-4298, Code Enforcement 575-439-3337



January 5, 2022

RE: 322 Texas Ave., Alamogordo, New Mexico

To whom it may concern:

The Alamogordo Fire Department, along with the Alamogordo City Manager, Alamogordo City Attorney, and the Alamogordo Code Enforcement Officer, conducted a fire safety and structural walk-thru of the above-mentioned property. The walk-thru was conducted using an Administrative Warrant. 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 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 known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons 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 water tight. 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.
- 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.
- There is evidence of structural failure, the roof and roofing members are cracking due to exposure.

In closing, it appears that most, if not all the problems with this structure are being caused by inadequate maintenance. This is an adobe structure. There is no foundation under these types of structures. Without proper maintenance, 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.

For any questions or concerns, I can be reached at 575-439-4298

Respectfully,
John Stroope
Lieutenant, Shift 1
Alamogordo Fire Department

JS/js

322 Texas

Timeline

- 322 Texas History

-
- 01/05/22 Administrative warrant served, and property inspected.
 - 10/13/21 certified IPMC letter sent and delivered on 10/25/21 (no response)
 - 07/02/21 certified IPMC letter sent and delivered on 07/12/21 (no response)
 - 11/07/19 certified IPMC letter sent. No response.
 - Letters sent for weed violations on 11 different occasions since 2010. (06/18/21, 08/07/20, 09/19/19, 09/20/17, 04/28/17, 04/22/16, 11/15/13, 7/02/13, 01/10/13, 10/07/10 and 04/01/10)
 - Weed abatements on property made on 04/15/20, 12/04/18.

Condition of property at 322 Texas



Condition of property at 322 Texas



Condition of property at 322 Texas



Condition of property at 322 Texas



Condition of property at 322 Texas



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 05/03/2022

Report No: 10.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2022-25 for the acceptance and approval of the FY21 Audit.
(Alan D. "A.J." Bowers, CRI - Carr, Riggs & Ingram) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Resolution

Background: Consider and Act Upon Resolution 2022-25 Acceptance of FY 2021 Audit Summary. Alan D. "A.J." Bowers from CRI will present an overview of the final statements for the FY2021 audit. The New Mexico Department of Finance and Administration requires the Annual Audit Report to be accepted by Resolution.

RESOLUTION NO. 2022-25

**A RESOLUTION REQUESTING THE ACCEPTANCE AND APPROVAL OF THE
FY2021 AUDIT**

WHEREAS, the City of Alamogordo, New Mexico is required by statute to contract with an independent auditor to perform the required annual audit or agreed upon procedures for FY2021; and

WHEREAS, the City of Alamogordo Governing Body has directed the accomplishment of the audit for FY2021 be completed; and

WHEREAS, the audit has been completed and presented to the City of Alamogordo Governing Body per the March 14, 2022 Letter from the State Auditor authorizing the release of the FY2021 audit; and

WHEREAS, NMAC 2.2.2.10 (M)(4) provides in pertinent part that "Once the audit report is officially released to the agency by the state auditor (by a release letter) and the required waiting period of five calendar days has passed, unless waived by the agency in writing, the audit report shall be presented by the IPA, to a quorum of the governing agency of the agency at a meeting held in accordance with the Open Meetings Act, if applicable";

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, does hereby accept and approve the completed audit report as indicated within this document

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 10th day of May 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

City of Alamogordo

GOVERNING BOARD PRESENTATION
May 10, 2022



CRI CARR
RIGGS &
INGRAM
CPAs and Advisors

Agenda

- Audit Timeline
- Auditors' Reports
- Financial Statement Highlights
- Value-Added Suggestions

Audit Timeline



Auditors' Reports

Independent Auditors' Report

Opinion on the Financial Statements:

- **Unmodified – Best opinion available**
 - Financial statements are presented fairly in accordance with U.S. GAAP.
 - No audit areas where an opinion could not be rendered.

Other Auditors' Report

GAGAS Report on *Internal Control Over Financial Reporting* and on *Compliance and Other Matters*

- **Negative Assurance**

- Findings
 - 1 Significant Deficiency Finding
 - 3 NMSA Findings

Uniform Guidance Report on *Major Program and on Internal Control over Compliance*

- **Unmodified Opinion**

- Major Programs
 - Disaster Grant – Public Assistance (CFDA 97.036)
 - Coronavirus Relief Fund (CFDA 21.019)
 - Public and Indian Housing (CFDA 14.850)
- No Findings Noted

Statement of Net Position – Governmental Activities

- City's balance sheet

- Assets

- 5 year trend – shows a steady increase over time for capital assets with decreases in cash and investments in years 2018 and 2019 followed by increases in cash and investments in years 2020 and 2021.

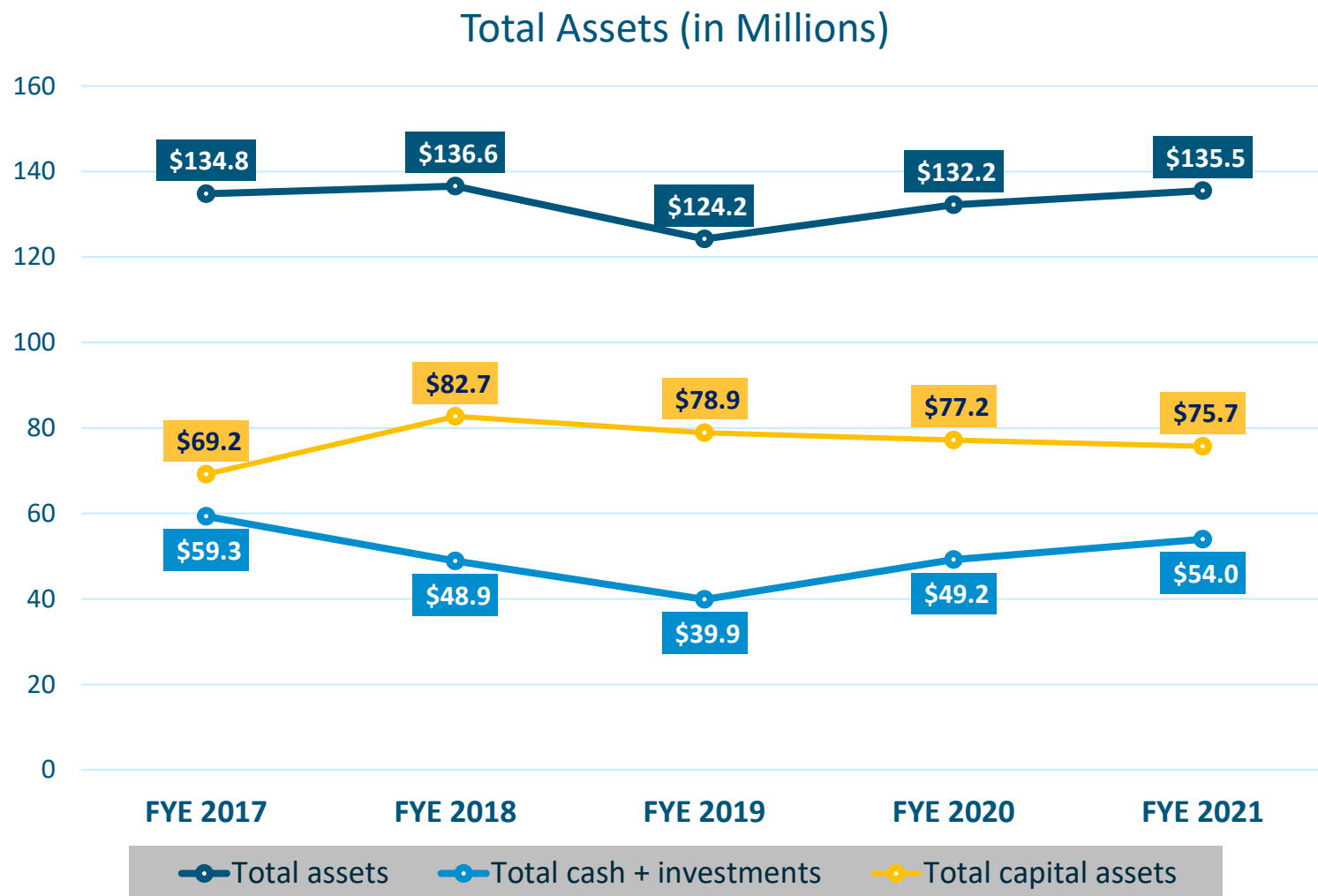
- Liabilities

- 5 year trend – increases closely follows the value of NPL and OPEB liability. The City's debt issued has consistently decreased over the period.

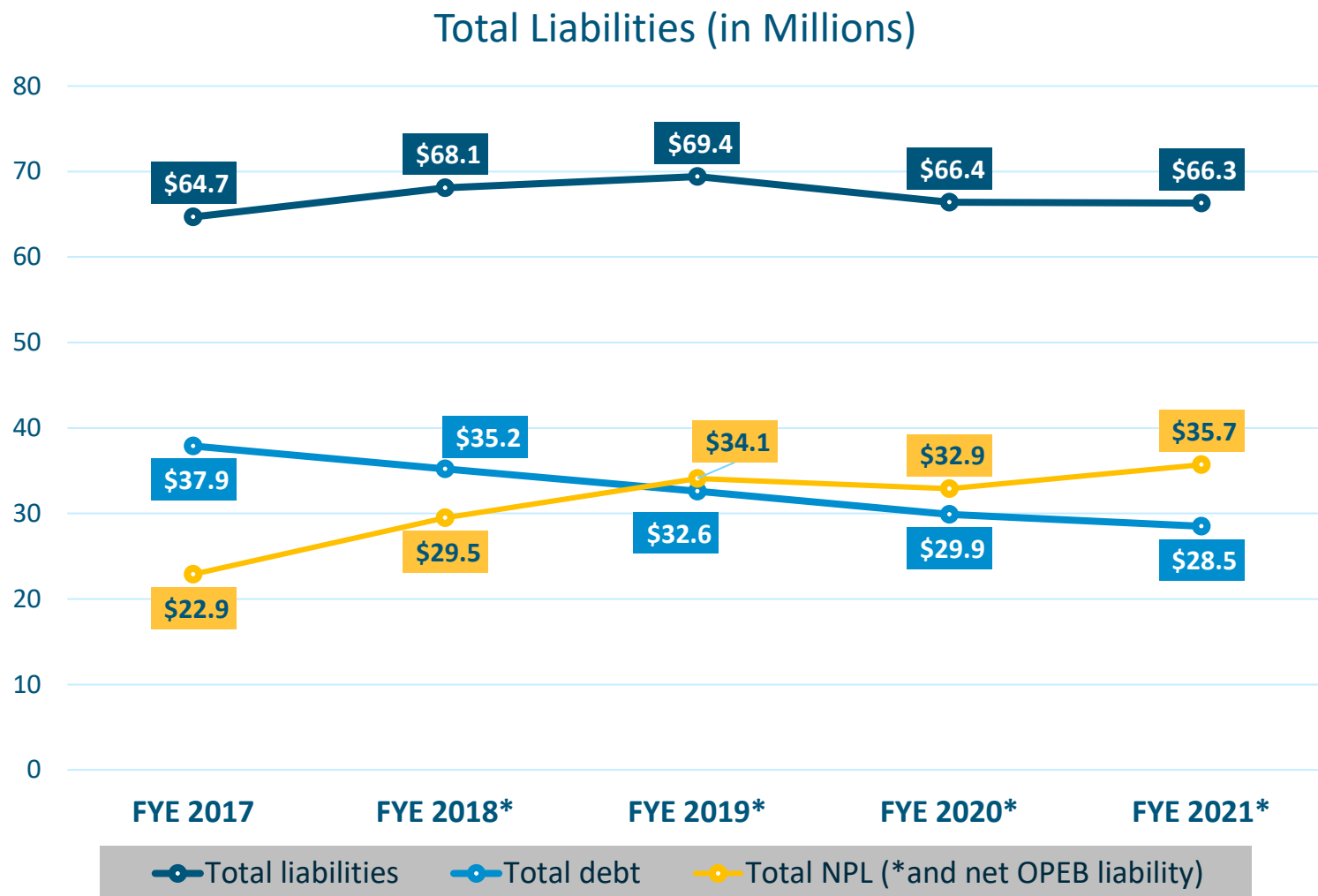
- Net Position

- 5 year trend – Shows a decrease over the five year trend and in 2019 as a result of depreciation on capital assets and increasing NPL and OPEB liabilities.

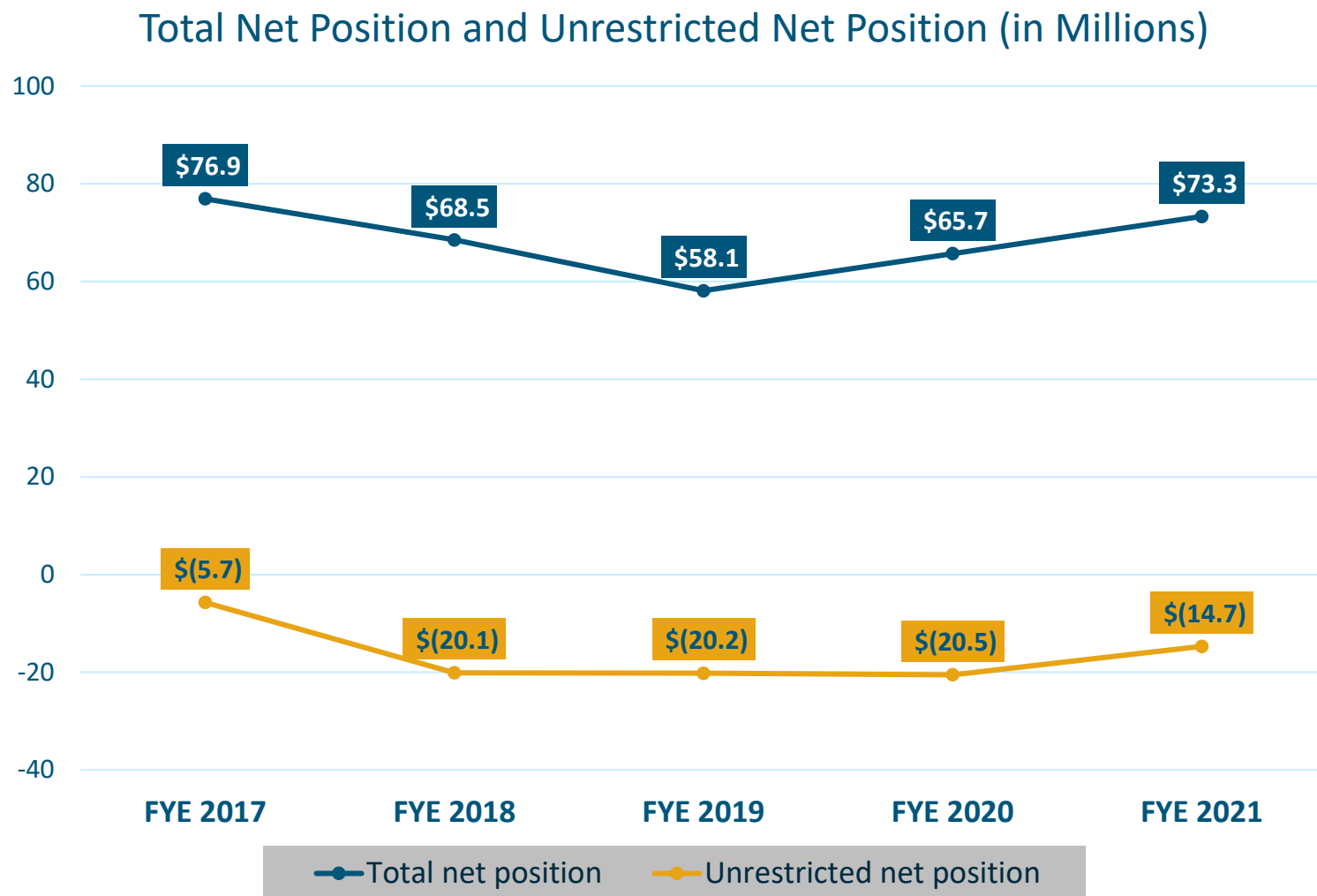
Statement of Net Position – Governmental Activities



Statement of Net Position – Governmental Activities



Statement of Net Position – Governmental Activities

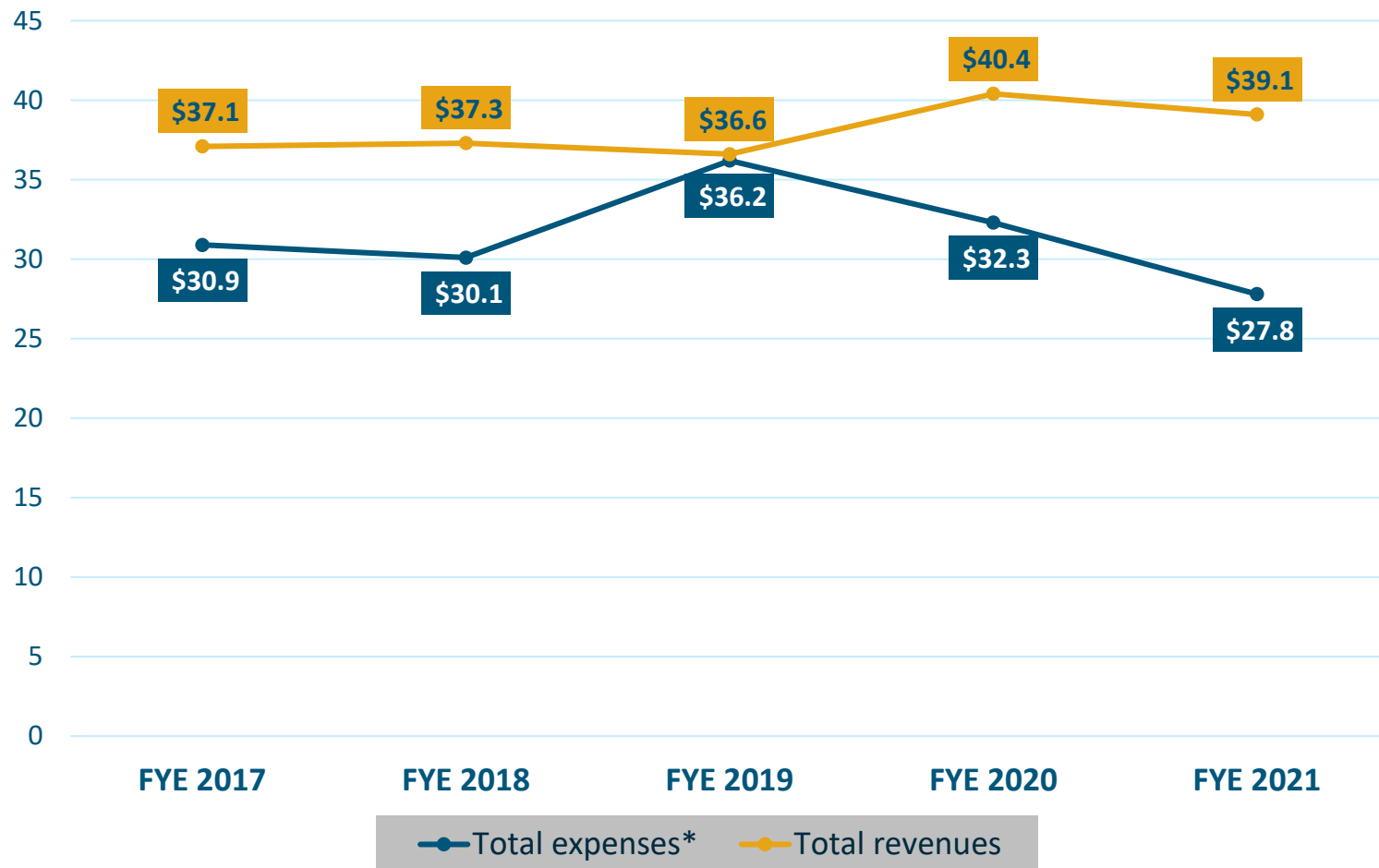


Statement of Activities – Governmental Activities

- City income statement
 - Revenues
 - 5 year trend – revenues increased in years FY 2017-2018 of the trend and decreased in FY 2018. Revenues have since increased by 10% from FY 2017 levels due primarily to increases in gross receipts and property taxes.
 - Expenses
 - Over the 5 year trend, increasing expenses were seen through FY 2019, with a reduction noted in year 2020 and year 2021 in general government and public safety.

Statement of Activities – Governmental Activities

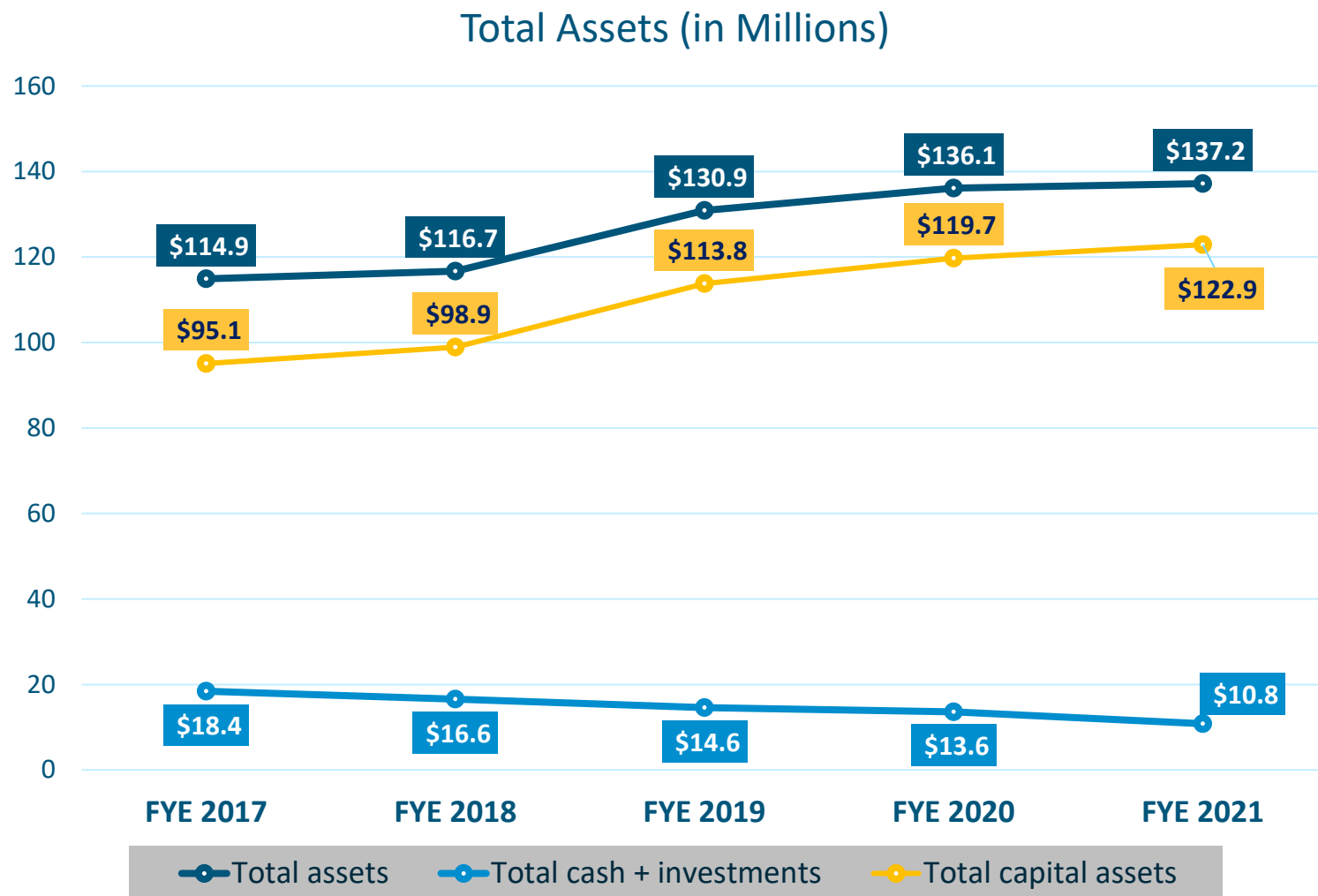
Total Expenses and Revenues (in Millions)



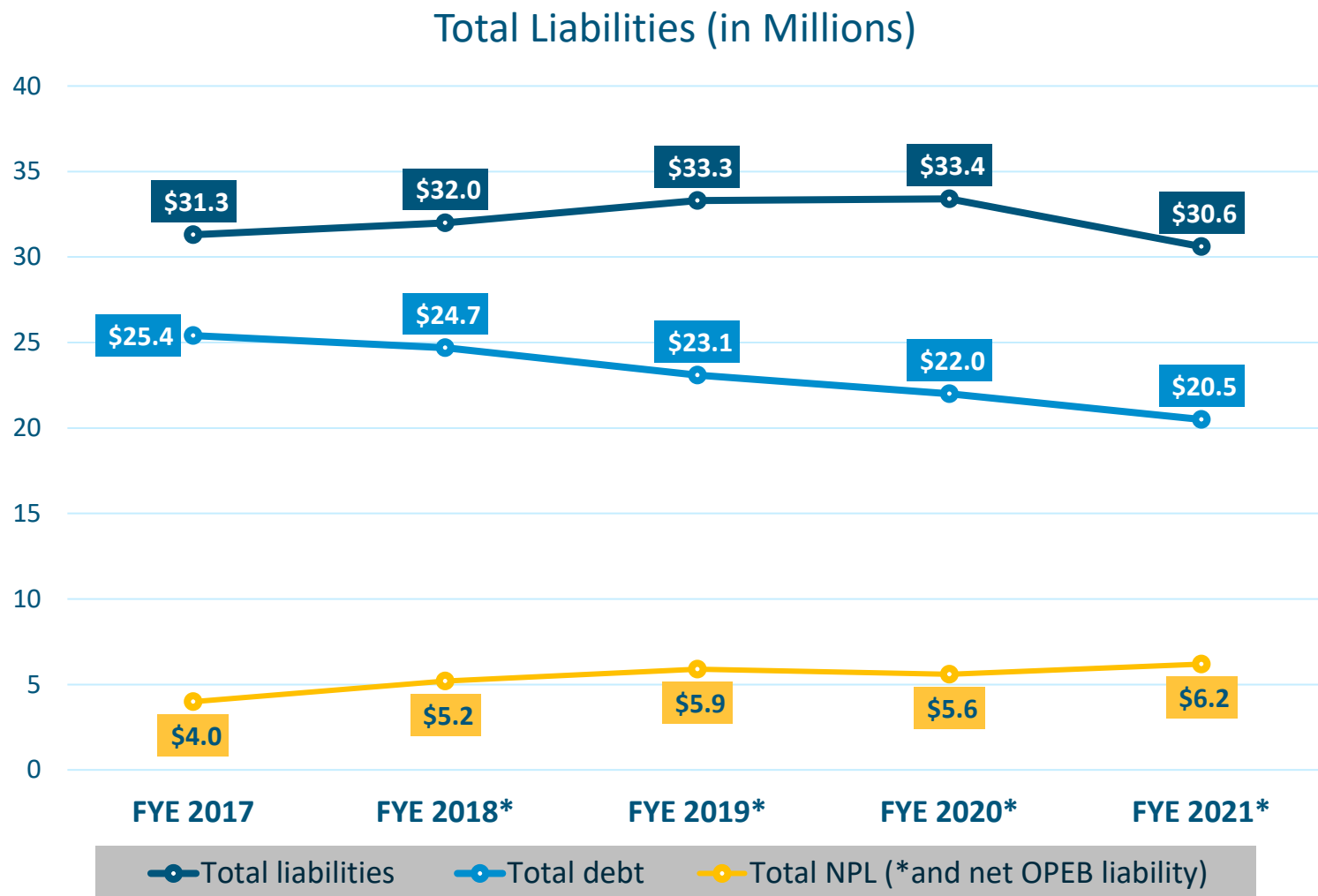
Statement of Net Position – Business-type Activities

- City balance sheet
 - Assets
 - 5 year trend – Steady increase over time due to capital projects in process in the Joint Utility Fund.
 - Liabilities
 - 5 year trend – closely follows the NPL and Net OPEB Liability. City related debt is decreasing over the period as payments are made.
 - Net Position
 - 5 year trend – consistent increase due to additions to capital assets each year.
 - The majority of the City's net position in Business-type activities is the net investment in capital assets.

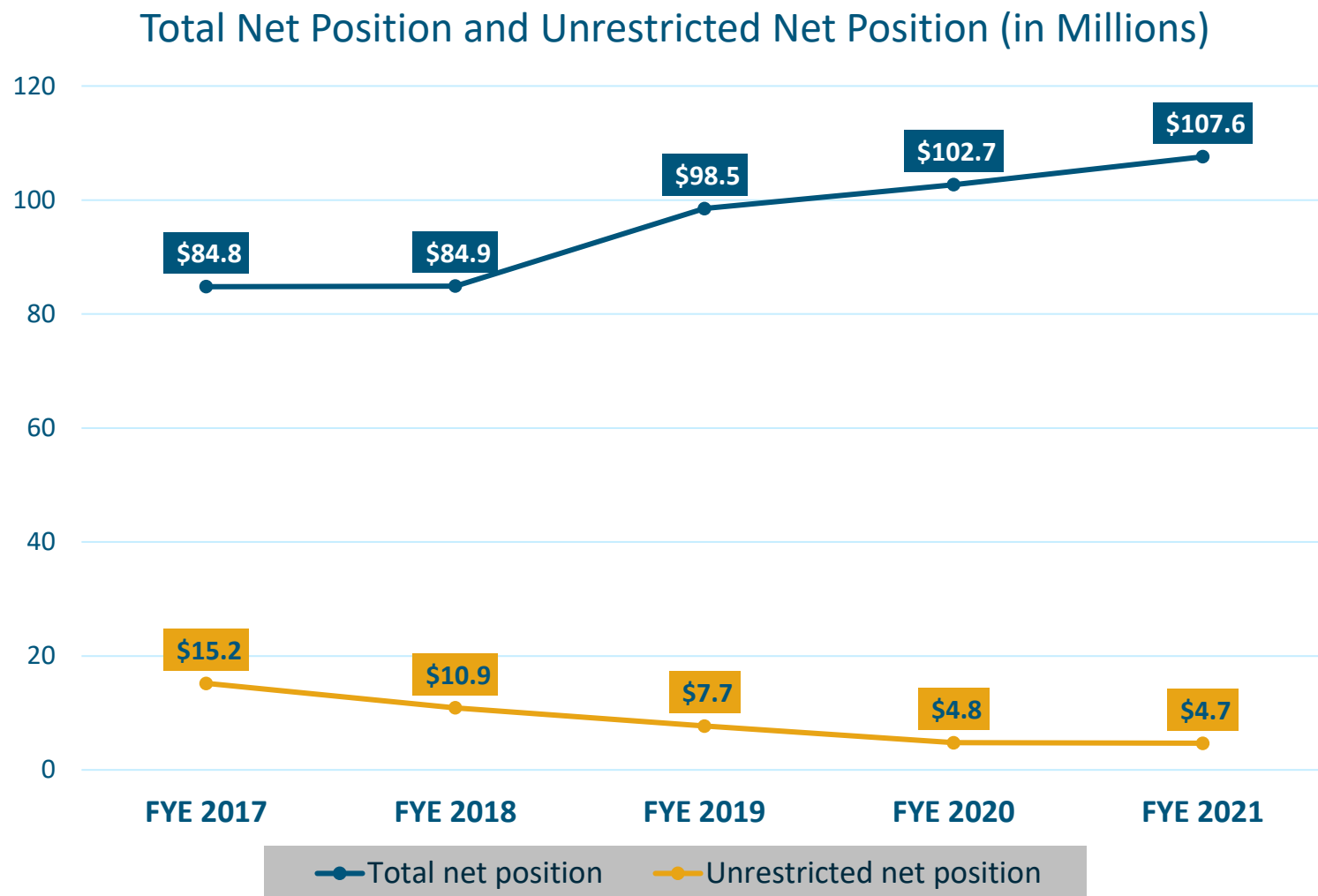
Statement of Net Position – Business-type Activities



Statement of Net Position - Business-type Activities



Statement of Net Position - Business-type Activities

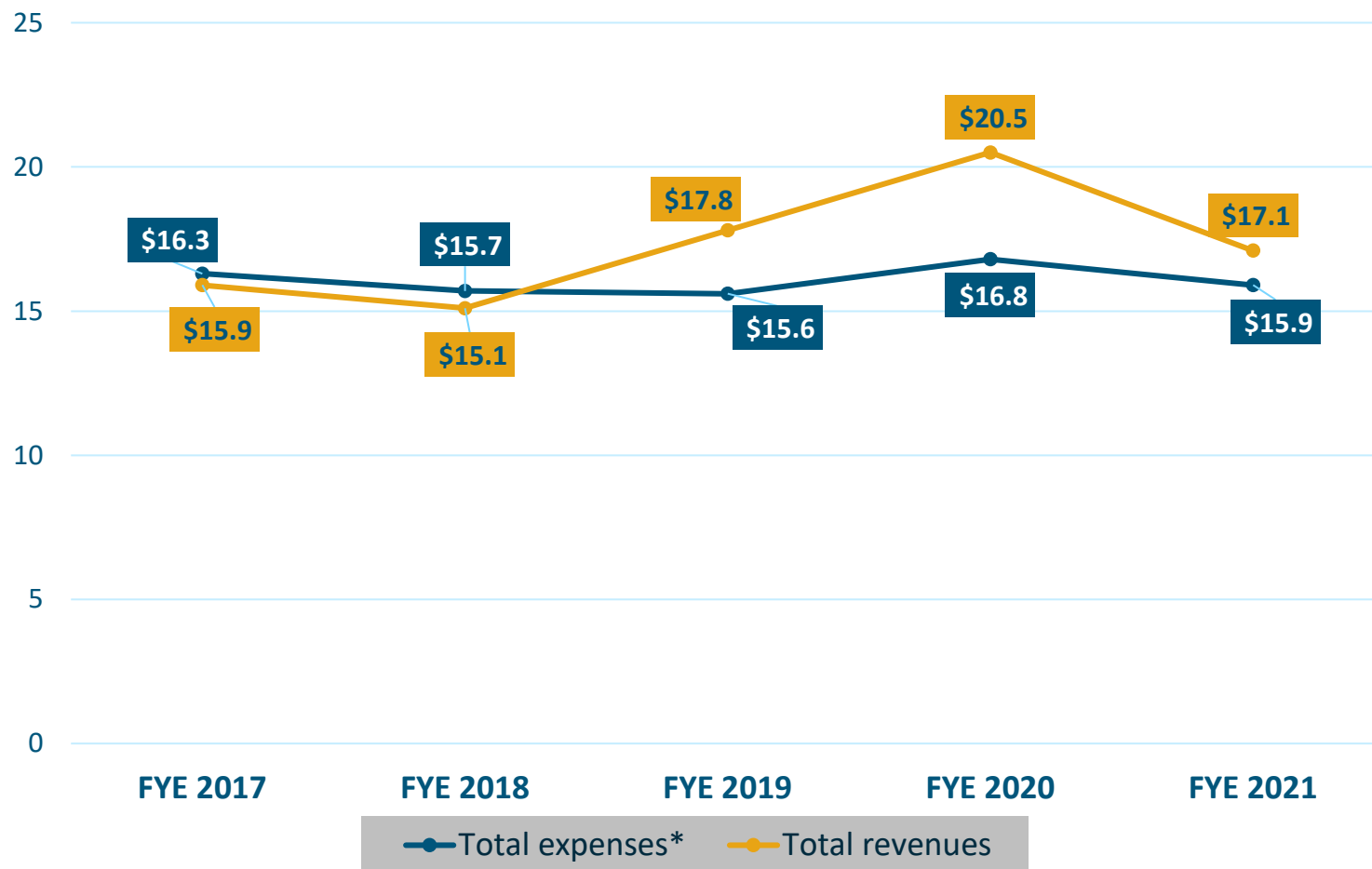


Statement of Activities - Business-type Activities

- City income statement
 - Revenue and Support
 - Charges for service revenues have stayed consistent over the 5 year trend with an increase in 2021.
 - Capital grants revenues have shown an increasing trend over the 5 year period with a decrease in 2021.
 - Expenses
 - Mostly consistent over the 5 year trend.

Statement of Activities - Business-type Activities

Total Expenses and Revenues (in Millions)

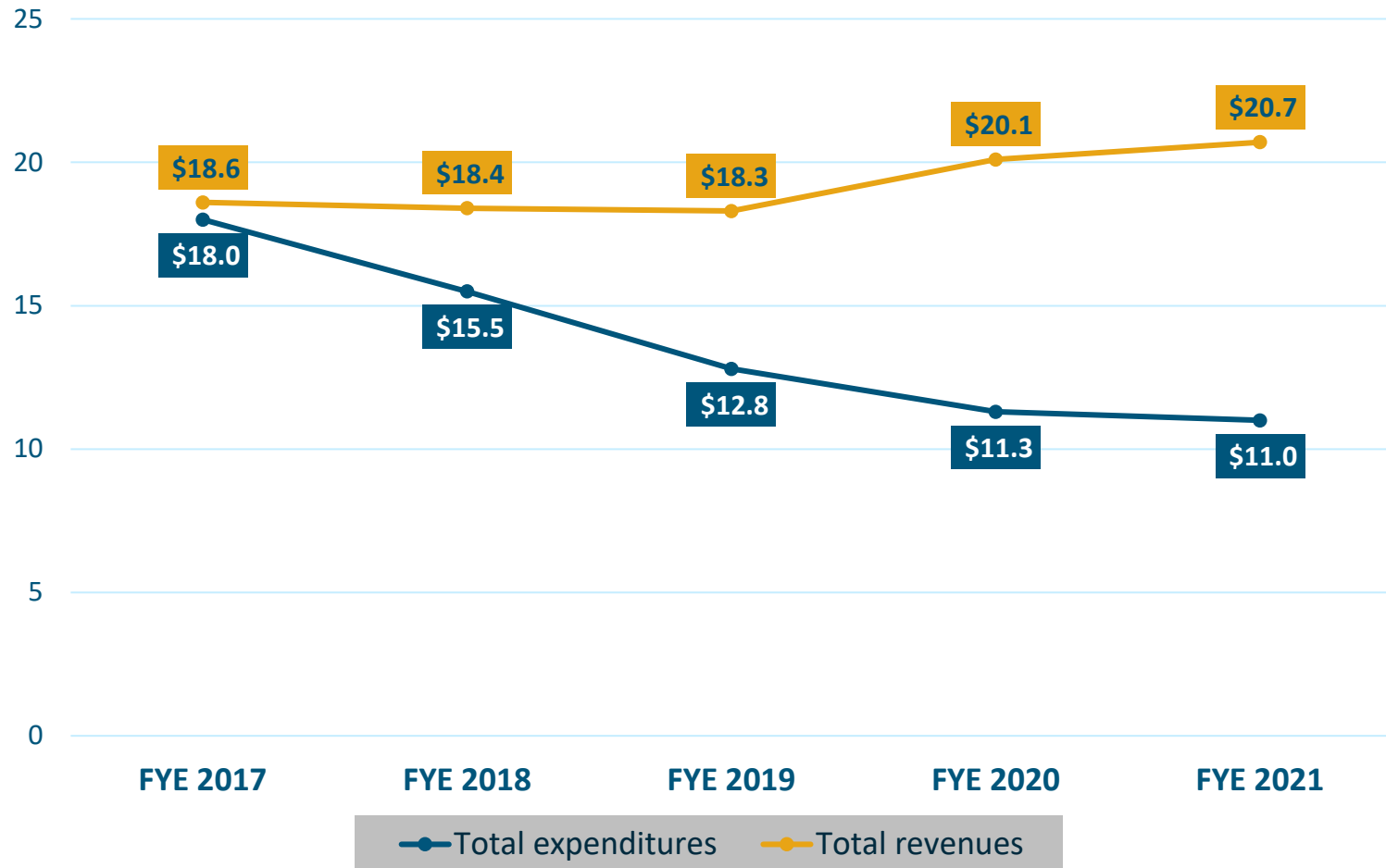


General Fund - City

- City's main operating fund
 - Revenues
 - Consistent over 5 year period, with an increases in 2020 due to Gross Receipts tax (\$2.3 M) and property tax (\$174 K) and in 2021 and increase in Gross Receipts (\$974 K) offset by a decrease in Charges for Services (\$458 K).
 - Expenditures
 - Decreasing after a peak in FY 2017 as the City has implemented budget reductions in years following the peak.
 - Cash
 - Steady decrease over the FY 2017-2019 and increased in the current year due to increases in revenue and budget reductions of expenditures.

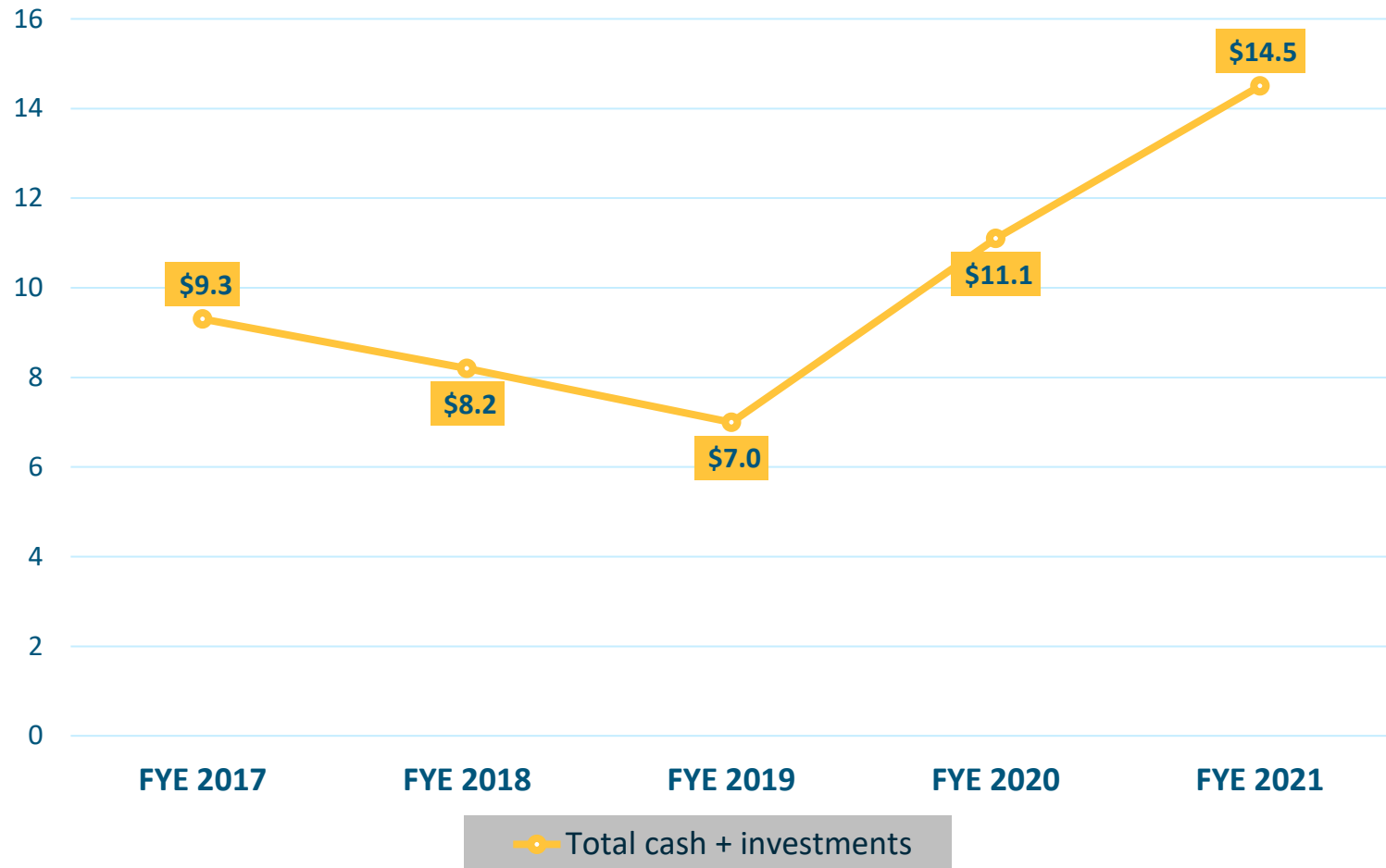
General Fund - City

Total Revenues and Expenditures (in Millions)



General Fund - City

Total Cash and Investments (in Millions)



Value-Added Suggestions

- Information Technology Services
 - CRI has the ability within our Florida IT group to assess and test the IT Environment and Cybersecurity to help the District adapt to the changing IT landscape.
- Controls around the ACH (Automated Clearing House) payment process
 - CRI is available to provide the District with training on best practices related to ACH payments from setting up new vendors to modifications of existing vendors.
- Anti-Donation Clause
 - CRI is available to provide the City with training related to the anti-donation clause in City's Operations.

Concluding Comments

- The Finance Director, Senior Accountant, and Finance Staff of the City; and all the City team members were very helpful and great to work with.
- Thank you for the opportunity to serve the City of Alamogordo.
- We value our relationship and hope to continue to build on it.

THANK YOU!

Alan D. “A.J.” Bowers, Jr. CPA, CITP

Partner

Carr, Riggs & Ingram, LLC

abowers@CRIcpa.com



CRI CARR
RIGGS &
INGRAM

CPAs and Advisors

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 5/10/2022

Report Date: 05/05/2022

Report No: 11.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, first publication of Ordinance 1650 amending sections of Chapter 17, Article 17-08 Peddlers and Solicitors of the Alamogordo Code of Ordinances to remove door-to-door licensing for commercial solicitors. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication.

Background: Currently, the City cannot run a full background check of commercial solicitor applications.

Below are the issues the City is having with the applications.

The Alamogordo Police department can only run city local arrest checks.

The Legal Department can only check New Mexico driving records.

The City Clerk has no easy way of checking court information without researching 50 state court websites.

The City Clerk runs a check on the sex offender's website of the applicant.

ORDINANCE NO. 1650

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 7 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING PEDDLERS AND SOLICITORS

WHEREAS, it has been many years since the ordinance has been updated; and,

WHEREAS, the City cannot perform a full background check of commercial solicitors and an FBI background check is time intensive.

THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Chapter 7, Article 17-08 of the Code of Ordinances be amended to read as follows:

Article 17-08. - Peddlers and Solicitors

17-8-010. 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.

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

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.

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.

~~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.~~

~~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.~~

~~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.~~

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.

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