



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

October 25, 2022 - 6:30 PM
Donald E. Carroll Commission Chambers
City Hall, 1376 E. Ninth Street

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
Ashley Smith City Attorney
Rachel Hughs City Clerk

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

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

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

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside 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

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.

1. Approve the minutes for the October 11, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*
2. Consider, and act upon, Resolution 2022-46 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 October 25, 2022. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**
3. Consider, and act upon, the adoption and final publication of Ordinance 1660, amending Chapter 5 of the Alamogordo Code of Ordinances concerning Alcoholic Beverages. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**
4. Consider, and act upon, an emergency funds appropriation to purchase an evaporator and condenser for the Senior Center's walk-in freezer. Total amount budgeted is \$14,688.00. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*
5. Consider, and act upon, the award of RFQ 2022-08 Development of a Drainage Master Plan for the Public Works Department to Bohannon Huston. *(Nancy Beshaler, Public Works Director)*
6. Consider, and act upon, the award of RFQ 2022-09 Engineering Services for Water and Wastewater Master Planning to CDM Smith Inc. *(Dave Nunnelley, Utilities Director)*
7. Consider, and act upon, the award of IFB 2022-08 Hot Mix to Aggregate Technologies, LLC in the amount of \$240,007.00. *(Nancy Beshaler, Public Works Director)*

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

8. Consider, and act upon, a Residential Parking Only sign for location 1104 Indian Wells Road. *(Dylan Aleshire, Deputy City Clerk)*
9. Consider, and act upon, award of Public Works Bid No. 2022-005, to PDN SSL, LLC dba Superior Sign & Lighting related to the Digital LED Signs for Alameda Park Zoo and Alamogordo Family Recreation Center project in an amount not to exceed \$306,185.00, including NMGR. *(Bob Johnson, Engineering Manager)*
10. Consider, and act upon, approval of Amendment No. 1, to Santa Fe Engineering Consultants, LLC, related to the Services Agreement for completion of the hydrologic analysis, breach analysis, flood modeling, and emergency action plan for the Bonito Lake Dam in an amount not to exceed \$22,745.63, including NMGR. *(Bob Johnson, Engineering Manager)*
11. Consider and act upon Case V-2022-0001(A), property owners Scott & Lynn Kimball are requesting to reduce the front setback line from fifty feet (50') to twenty-five feet (25') to allow the construction of a new building at 1021 N. Florida Ave. *(Stella Rael, City Planner)*

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/20/2022

Report No: 1.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the October 11, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
October 11, 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
ASHLEY SMITH, 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 Melton was absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Joe Cantu and the Pledge of Allegiance was led by Commissioner Burnett.

APPROVAL OF AGENDA

**Commissioner McDonald moved to approve the agenda.
Mayor Pro-Tem Wright seconded the motion.
Motion carried with a vote of 6-0-0.**

PRESENTATIONS

1. Domestic Violence Awareness Month Proclamation. *(Susan L. Payne, Mayor)*

Mayor Payne proclaimed the month of October 2022 as "Domestic Violence Awareness Month" and urged all citizens to actively participate in the domestic violence awareness events sponsored by the Center of Protective Environment (COPE). She presented the proclamation to Veronica Gutierrez, the Executive Director of COPE, and Linda Carr, the Board President.

PUBLIC COMMENT

Michael Gallegos said had a concern with the Water Department. He said on August 28th, he was helping his wife shampoo the carpet. He went out to the front to wash the bowl out, and he noticed that right underneath the faucet it was wet there. He said they shut off the water. He dug a hole and found a pipe that was leaking at the time. He said he called his brother over, and they were repairing the leak. The next day on the 29th, he said he received a courtesy notice from the City that he was using excessive water, which he said he understood. He said what can't understand is his last billing; it goes to the 14th of each month, so this last bill was from 7/14 to 8/14, this was as the leak was continuing. Fifteen days later, he said he gets this from the City. It took the City fifteen days to notify him that he was using excessive water. He said they gave him this, which tells you what your water is being used, how much, and if you do have a leak, they will text you to let you know you are using too much water. He said what he can't figure out is why does the City have this. Why didn't they notify him on the 14th that he was having a leak, instead of waiting fifteen days. In other words, this leak was continuous leaking from the 14th until he got his notice. He said he used a total, in two months, of 115,724 gallons of water; that is a lot of water to go underneath the house. He said he is lucky the house didn't sink. He said his first bill was for \$435.03. So, he came down to the City Water Department, and he told him that he received this bill. He said they had him fill out a form, and he filled out the form; they said they would let him know within a week or two if the City could help him pay the

water bill. He said he has always been on tier one, when he went from tier one to tier two, why wasn't he notified, or two to three, or three to four, or four to five. He was never notified. He went from tier one to tier five without the City notifying him. They want us to use water on even days of watering, but yet, when he uses 115,000 gallons of water, they won't let him know. This month's bill was \$535. Between the two, he has used 115,000 gallons of water, and he has an over \$1000 water bill. He said he knows the City is helping him, but what he is more concerning about is why doesn't the City notify. We have a system out there that they can check everybody's water, because they give you a bill, so they know that your water is being used, they know what tier you are in, but yet, they never notified him. He asked them over there when he went to the Water Department, why didn't they notify him, why they took fifteen days. They said it was because of the service of the Water Department. So, he would just like that to be noted, if we could figure out some way of working with the Water Department so people can be notified, because a lot of people do have leaks.

Mayor Payne asked if City Manager Cesar or City Attorney Smith were aware of this or if this is the first they have heard of it. They shook their heads no. Mr. Gallegos said he already talked to Karl about it, he is a great commissioner, and he likes the guy, he is right there to help him out and he has done a lot to help him. Mayor Payne addressed staff and said but he didn't make either one of you aware, okay, maybe what we can do is check into that, and find out what happened. She said they are nodding their heads back there. She said she thinks that normally, if she is not mistaken, we should catch something like that right, with this new system. Mr. Gallegos said it is not just for his sake, but it is for the City's sake. Mayor Payne said she agreed with him.

City Manager Cesar said it depends on the leak. Without looking at the account he does not know if it was continuous use, or if was it a small leak. A leak doesn't normally start as a full-blown leak, it will start small pinholes that will get larger.

Mayor Payne said maybe what we can do is get his information so we can look into that, and then somebody can call him tomorrow. Mayor Payne asked Finance Director Huff to take his information.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. He said he is available for questions from the commission.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He said the patch on Cuba he asked about the last meeting, have we gotten any information on that yet. He said it is sinking there, he didn't know if we did it, or a contractor did it. City Manager Cesar said he did pass that on, but he didn't remember getting any information back, so he will find out tomorrow morning and send it out.

He said he heard some rumors around town about the F4 that we purchased from Holloman. Originally, we were going to put it at the corner of Indian Wells and White Sands, he said he was hearing it was going to be placed out on Highway 54 & 70 now. City Manager Cesar said there was never a definite site to place the F4. Originally, when Airport Manager Jim Talbert brought that forward to a totally different commission over four years ago when he acquired the F4, his original plan was to have it right next to Airborne Park. You had at least two, maybe three individuals that represented the Airborne Park that were not happy with the placement as it was the wrong era plane and not for people that parachuted during the war. It has been discussed, but there have never been any plans put together. Possibly at Indian Wells and White Sands, where the old gas station was, it could be placed there. A

group has come forward that wants to fundraise, and have it placed into the State right-of-way, that is in the corner of 54 & 70, by the old Walmart/Showtime Video; it is a very huge area, and they would like to have it placed there in a veteran's memorial type of park. He said they have approached the State, and they have agreed that if we supply plans for final approval, then yes, we could use that right-of-way; but we don't have any finalized plans for that location either, so it hasn't come back to commission for approval. We don't have a budget for the project, etcetera. Commissioner Rardin said that in his personal opinion, that right-of-way we are talking about, with as many water breaks we have there, would be a dumb place to put a park. City Manager Cesar said we had a discussion months back. Commissioner Rardin said about replacing that line. City Manager Cesar said yes that line is under design, but he is not sure where we at with that at this point. It is going to phased as that line needs to be replaced all the way from roughly the Three Flowers Trailer Park area all the way around and down to Airport Road. Regardless if anything goes there or not, that line scheduled to be replaced once we have the engineering done and the funding in place; the waterline construction is not funded at this point because we don't know what that is going to cost. Commissioner Rardin said so we are a couple of years down the road then. City Manager Cesar said it is all planned. Commissioner Rardin said he heard when we originally obtained that airplane was that it was supposed to down here at Indian Wells and White Sands. City Manager Cesar said in the commission meeting, the only area that was really talked about was next to Airborne Park; some other locations were thrown out once there was objection to the site next to Airborne Park. Commissioner Rardin said we ought to research that and make sure.

Mayor Payne said she was thinking it was White Sands and 10th. Commissioner Rardin said the way he learned originally was that they said White Sands and 10th, but they also said White Sands and Indian Wells; we've got time, we've got a year or two to research it and make sure.

CONSENT AGENDA

2. Approve the minutes for the September 27, 2022, Regular meeting. (Rachel Hughs, City Clerk)

3. Consider, and act upon, the award of IFB 2022-09 Alameda Park Electrical Upgrades to Consolidated Electrical Distributors, inc. in the amount of \$149,550.30, including NMGR. (Veronica Ortega, Community Services Director)

Commissioner Rardin removed item 3 from the Consent Agenda

Commissioner Rardin moved to approve the Consent Agenda as amended.

Commissioner Burnett seconded the motion.

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

ITEMS REMOVED FROM CONSENT AGENDA

3. Consider, and act upon, the award of IFB 2022-09 Alameda Park Electrical Upgrades to Consolidated Electrical Distributors, inc. in the amount of \$149,550.30, including NMGR. (Veronica Ortega, Community Services Director)

Commissioner Rardin asked Community Services Director Ortega if this being awarded to C.E.D., Consolidated Electrical Distributors was a typo. She said she did not know. Commissioner Rardin said C.E.D. is an electrical supply store, they are not a contractor. Engineering Manager Johnson said this bid is strictly materials for the electrical materials for the electrical upgrades at Alameda Park. The

actual work will be done by the Facility Maintenance team. That is why C.E.D. is listed, as they had the lowest responsive bid for the materials.

Commissioner Rardin moved to approve.
Mayor Pro-Tem Wright seconded the motion.
Motion carried with a vote of 6-0-0.

NEW BUSINESS

4. Consider, and act upon, award of Public Works Bid No. 2022-004, CDBG Project No. 19-C-NR-I-01-G-18, to General Hydronics Concrete, LLC related to the Alamogordo ADA Compliant Sidewalk Improvements project in an amount not to exceed \$1,391,076.72, including NMGRT. (Bob Johnson, Engineering Manager and Jason Casebolt, Project Manager)

Engineering Manager Johnson introduced Project Manager Casebolt, and said he joined the engineering team about six months ago as Project Manager. He said that Project Manager Casebolt will be the project manager for this project, it is one of several he has been assigned to. Engineering Manager Johnson said staff is recommending approval of the award. He said the work consists of construction of the new concrete sidewalks, curb and gutters, ADA complaint ramps, driveways, alley entrances, and asphalt patching. There will be limited demolition of the existing concrete flatwork, which is sidewalk. Some vegetation trimming, asphalt pavement required to complete construction. Limited utility adjustments will be required to include valve box adjustments, new concrete collars, water meter can adjustments, and manhole adjustments with concrete collars. Substantial traffic control will be required to maintain access to area residents and businesses, as well as guidance for the travelling public, both vehicular and pedestrian. He said we advertised the project on July 24th and 31st, we reopened bids on August 24th. The engineer's award recommendation and bid tabulation are attached. The requirements of any CDBG project are that the pre-bid conference be mandatory. We had approximately six bidders attend that mandatory conference, four of which were properly licensed. Two of those four submitted bids. We had one that makes sense, and one that does not. J29 out of Las Cruces submitted the bid that is about double what it should be, they are primarily a utility contractor, and they are licensed to do concrete work. They only bid one other project in the City of Alamogordo several years ago, and they were not a successful bidder then. We have no explanation as to why their costs are about double.

Mayor Payne asked what mobilization CIP is. Engineering Manager Johnson is said that mobilization CIP is constructed in place, it is just an acronym that we use. Mobilization is the cost where the contractor is going to mobilize all the equipment, their materials, and their manpower. It also usually includes their general requirements for bonding, profit overhead, things along those lines. It is typically spread out over the life of the project, and this project is nine months long. It will encompass a large area between 2nd and 8th, between New York and Florida.

Mayor Payne said she was just wondering because it is \$400,000 more than anybody else. Engineering Manager Johnson said this is a CDBG grant, the grant is \$500,000, and the City's match is \$50,000, and the rest is all City funds.

Mayor Pro-Tem Wright said that in full disclosure, he has no ties to General Hydronics Concrete as that is a sister company, but he will abstain from voting today.

Commissioner Rardin moved to approve.
Commissioner McDonald seconded the motion.
Motion carried with a vote of 5-0-1. Mayor Pro-Tem Wright abstained.

5. Consider, and act upon, approval of Amendment No. 1, CDBG Project No. 19-C-NR-I-01-G-18, to Smith Engineering Company, related to the engineering and design of the Alamogordo ADA Compliant Sidewalk Improvements project in an amount not to exceed \$85,871.66, including NMGRT. (Bob Johnson, Engineering Manager and Jason Casebolt, Project Manager)

Engineering Manager Johnson said staff is recommending approval of the amendment to Smith Engineering's contract. They are the engineer of record for this project. CDBG required that we formally request qualification-based proposals to secure the services of an engineer. Smith Engineering won that award, however, the requirements of the CDBG prevented us from adding in construction phase services. The original contract was strictly for the design and estimate. This amendment incorporates the construction phase requirements that we have used on some of our larger projects, which will include site observations twice a month over the nine-month duration, reporting the in-place quantities, verifying those quantities, reviewing the payment applications, proving that materials submittals responding to any RFI's and field orders, and any change order request that might come up. They will assist with the substantial completion and projection closeout documentation. As part of this, which is a little unusual, we've incorporated the quality control material testing that will be sub-consulted to Wood Environmental. We have an active direct contract with wood, however, CDBG would not allow us to use that agreement. The next best step was to incorporate the testing under the engineer's contract. We really did not have any alternative in that matter. That is the total cost. Smith Engineering's part is firm fixed price, Wood Environmental's is time and materials only, so they only bill us for actual services rendered.

Mayor Payne said in full disclosure, she does not know this Rusty Payne and they are not related in any way.

Commissioner Paul moved to approve.

Commissioner McDonald seconded the motion.

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

6. Consider, and act upon, first publication of Ordinance 1661, amending Chapter 17 of the Alamogordo Code of Ordinances concerning Licenses and Miscellaneous Business Regulations. (Rachel Hughs, City Clerk) (Roll Call Vote Required)

This ordinance is to amend Chapter 17 titled Licenses and Miscellaneous Business Regulations. The major changes are as follows, the Chapter name to Business Regulations and Business Licenses, streamline the application process, timeframe of receiving business a registration or license from the city clerk, adding a per month late fee and inactivation of business for non-compliance of renewal, the appeal of denial shall go to the city manager, moving some licenses to registrations, removing some licenses altogether, removing some requirements for food vendors, removing garage and yard sales; it will be added to a different chapter, removing peddlers and solicitors, licenses are no longer issued, therefore it will be added to the traffic ordinance, most registrations and licenses will be on a 12-month renewal and not a calendar year renewal.

City Clerk Hughs said she would like to make one change to the ordinance being presented today, in Article 17.01-.035 titled Application Process – the 3rd sentence that states license, it needs to read registration.

Douglas Dalton signed up for public comment on this item. He said is the owner of a farm in Tularosa, and also the project manager and partner with S & H Life here in Alamogordo. He said there is a lot of language that was taken off. He said the reason why he thinks there is an issue with this is that we

are taking away the power of the City Commission, and we are giving it all to one person, and that has to review and revocation of licensing. In order to do that, to him, that should be a democracy. That should be voted upon a bunch of people in order dictate whether our licenses are revoked or renewed. Based on that, taking it onto one person causes conflict of interest. That person becomes a very powerful person in that position. He said that the other issue he has is everything is down to a \$35 business license. You guys have alcohol at \$250. He said he is not a multi-billion company making a lot of money. He said he sold his house, sold his truck, pulled out his retirement to start this, and you are labeling me at a \$500 business registration. You are considering me making more money than the alcohol companies. For you to start off at \$500 sets precedence for the future. He said he is going to be looking at \$1000 next year, \$5000 ten years from now, you can't label him, and segregate him, as part of being a cannabis entity, especially as a startup. We are just starting, and we are broke right now, and here is with another \$500 fee. He said he is already paying fees to the State, fees to multiple companies that have got in bed with the State to even be in operation. For one man to dictate his license and reputation is wrong. Classifying him as a \$500 license, above everybody, is wrong. We are not making a lot of money right now. As far as he is concerned, a lot of this language that was taken out creates a whole lot of issues. It is taking your commission votes out, now you guys are no longer able to vote on whether he maintains his license, whether it is for health, the welfare of the public, it is all dictated on one-person's opinion, and it should not be like that.

City Manager Cesar said to clarify what was brought up, first for the Cannabis License, that is under the Cannabis Ordinance, so that has been passed and it was passed quite several meetings ago back in around April. That is a license fee, that is not an annual business registration, it is an annual license just like there is an alcohol license. The business registration is \$35. As to the City Manager, it is not one person who decides whether or not a business is revoked. This has nothing to do with revocation of business registrations. The process, if this is passed, now would be that if you a potential business owner that wanted to open a business in Alamogordo, you would pick up a packet or pull it online. It has basically three steps. You need to have the Fire Department inspect the building, they will give you an approval or tell you what you need to do with the building. The Planning and Zoning Department will make sure the business is placed in the proper zone, because certain businesses can only be in certain zones. The third step is to turn in that, which is a one page document, and that goes to the City Clerk. They review it and make sure those approvals are in place, they place your business information into the system, and it is a \$35 fee. Within two business days, you have a business registration. If your building is non-compliant and you don't have the proper sprinkler system, or fire extinguishers, or exits, you are not going to make it to the City Clerk's area. If it is in the wrong zone, you are not going to make it to the City Clerk's area for a business registration. If you get past those two steps, and in the entire time he has worked with the City, and he checked with Rachel too and she has worked with the City for ten years, there has never been a business registration that was denied. If you actually read the ordinance, the City Clerk is the first to deny for the health, safety, and welfare of the community. The appeal process is to the City Manager, and in his thirty years, we haven't had that as an issue that he has ever seen go before Commission. If you all want it to go before Commission, that can be changed, that can be added in, and it can be an extended process to open the business. For renewals, that is an annual process, if nothing has changed with the business, it is a \$35 fee and you have your business registration once again.

Mayor Payne said since January, since she has taken office as Mayor, she has had multiple incidents where she has said this is ridiculous. We are not being business-friendly, we are just not. We are making it way more difficult than it needs to be, and it shouldn't be like that. It should be what Brian just explained. It should be a simple process. It shouldn't be take it to the Clerk and then it goes here, then it goes back to the Clerk, then it goes there, and then it goes back again to the Clerk, and it goes here. What she has asked for, and what we are seeing now, is, you should be able to go online. You should be able to figure out what it needs. She said she thinks the best example is food trucks. We

get a lot of food trucks that come up from El Paso or Las Cruces or other areas, and they come into the City. El Paso is probably the best example because it is Texas, and of course Texas requirements may be different than New Mexico. What we see is a lot of them coming up from Texas, and then not meeting our requirements. That in itself is different, but if they had a way, before they drove up from Texas, to say okay, I know I need to do X, Y, and Z, and this is what the Fire Department is going to look for, and this is what the City is going to look for, so that by the time it gets to the Clerk, she should be able to just sign off on it. She said to her, that makes more sense. She said she does understand what Mr. Dalton was saying, but now that you mentioned it, that \$500 is not a business registration, it is really a license for cannabis in our City, just like you would have an alcohol license. She said we obviously passed that back when we passed the Cannabis Ordinance. She was going to say exactly what City Manager Cesar said, she couldn't remember one time ever that we have not given somebody a business license. As long as you know, you can't be within so many feet of a school, that kind of thing.

City Manager Cesar said as to all the language, because there is quite a lot of language that is stricken, a lot of what we did, we the City, did in the past. If you have a barbershop, you have to have a State license. Any number of businesses, you have to have State licensing. We were being the police for the State, we needed to see your license. We duplicated a lot of the processes that is actually a State function. Mayor Payne said that didn't make sense. City Manager Cesar said there was no reason for us to repeat those steps, all we were doing was adding time and frustration when someone would put in for a new business in Alamogordo. Mayor Payne said her daughter is a cosmetologist, and she had to get her business license, and they wanted to see her cosmetology license, and she was like, why does the City care whether she has a cosmetology license as that is between her and the State. Those are the things were that kind of just holds things up, we shouldn't be policing those things. Our goal as the City is to make sure we grow business, not hinder business. Some people don't believe that, but it is true.

Commissioner Burnett said he had a question. It says that Marijuana, regulated by Chapter 34 per year, \$250, and \$500. City Clerk Hughs said that we have the retailers for Cannabis, our ordinance actually calls it Marijuana; the retail and the production is \$250 each, where the manufacturer is the \$500, and that is just because it takes a lot more for that license, where there is combustibles and that type of thing.

Mayor Payne said could we just explain why we arrived at those fees. They are not arbitrary, she said she knows there was a reason. City Manager Cesar said he did not remember the discussion; we had a limited amount of time. If you remember correctly, this was passed by the State, and municipalities and counties could not restrict or ban the production, sale, etcetera of cannabis products. Through the discussion of two commission meetings, we modeled the ordinance, and we had to make a few changes along the way, because the State was still giving guidance to all the municipalities and counties. We based what we presented for cannabis off of what we had at that time, for the liquor licenses. That is where the fees came from. He said he did not remember there being any comments from the public, but that was quite a few meetings ago. Mayor Payne said she did not remember that either. Commissioner Rardin said if you could look back at it and let us know, because he did not remember either. City Manager Cesar said for the fees, we based a lot of the ordinance and fee structure off of our existing liquor license portion of our ordinance, because there wasn't anything that came from the State in the way of guidance regarding legislation. The Municipal League did not have anything to provide us guidance, so that is what we presented to Commission, and that was ultimately what was passed. Commissioner Rardin said that was a whole separate ordinance anyway, but if we wanted to look at that, we could always bring that back. Mayor Payne said she does remember that they passed the law, and made it legal to sell cannabis, and we had a very short window of time to get it done. She said she was sure and some time they may bring it back and look at it again, but, we did

kind of go with what we had at the time, and because it was brand new, we had nothing. A lot of times when we do these things, we can look at other municipalities and see what they are doing, but we couldn't do that. It is basically new territory for everybody.

Commissioner Rardin said as far as the late fees go, it says \$25 per month. He said it used to be \$10, and he said he was historically late on his business registration, so he usually has to pay \$45, but it is \$25 per month instead of the \$10 late fee like it used to be. City Clerk Hughs said that is correct. Commissioner Rardin said that seems a little excessive for wanting us to be business friendly. City Clerk Hughs said right now, the ordinance as it stands, not the one we are presenting in front of you, the business registrations are due by January 31st. We start pushing out the renewal letters in November. When that renewal time comes, people are late. We are now into April and people still haven't paid. So we start making the phone calls, the emails, the letters, sending Code out, we are spending so much time trying to get one business to come and renew, that we finally start inactivating them in May, maybe even June. Then comes July and people come in and say they want to renew their business, but they have been inactivated. So now we are just charging them \$10, and we are constantly doing this work for months. So that is why we are capping at the three months, right after that, we are just going to inactivate your business. We are still going to try to send Code out, knock on those commercial buildings. Commissioner Rardin said he thinks \$25 a month is a little excessive, the entire license and registration is only \$35, if you are one day late, we are going to charge you \$25 over and above the \$35, so your license just went to \$60. City Clerk Hughs said the way the ordinance right now, which she believes is poorly written, is that your expiration date is December 31st. However, we let you continue to do business, and your renewal is in January 31st, so in a sense, the City has been allowing 31 days for you to continue doing business into the new year. Commissioner Rardin said from the business standpoint, us smaller guys that do a lot of different hats, January is a very busy month for us. You have got end of the year stuff, you have got other things, a little \$10 fee or registration for a piece of paper from the City allowing him to do business, that is one of those things that kind of just slips your mind, because you have many other things that you have to worry about, that you have to get done for you to stay in business. City Manager Cesar said the renewal for a business registration, it is no longer going to be in the month of January. It is going to be one year from the date that you applied for a business registration. If you did it last week, October 8th, you will not renew in January. You are going to renew the following October; you will get the notices prior to that. We could take out the late payment altogether and treat it like a water account; after 30 days or 60 days we inactivate your business registration, and if you want to continue doing business, you just go through the process now that is user friendly. You can pay your \$35 three months later. Commissioner Rardin said are you going to look back from 2003, when he first started his business. City Manager Cesar said we really didn't talk about this, but right now, our entire software system is being updated to include the City Clerk's area. With the system we are under right now, that is why everyone has January for business registration, that is when we have to do it. With the new system that is going in place, the company that is doing the new software and importing all the old data like business registrations will either go back to when you first registered your business, or they are going to spread that out and assign new dates. For anyone that has a current business registration, where traditionally you would have to renew in January, we are actually going to be suspending that. Any business that needs for reporting purposes, letters will go out to every business, but any business that needs to have a temporary registration, maybe reporting it, we will issue, at no charge, a temporary registration to take you through to whatever your new date is going to be, and then that is when you will do your annual renewal. He said he could not tell Commissioner Rardin right now what his date would be. City Manager Cesar said that if you did your original paperwork in 2003 and it was in October, if the company is not able to easily pull out that information, then they are going to take and spread those somewhat evenly across the calendar year. It is not part of the business registration at this point, but we have the tie-in with the annual inspection with Fire Services, they do the annual fire inspections for the buildings and whatnot, that will also tie with that. If you normally have Fire Services come by to

inspect your business, that will coincide with your renewal date. Commissioner Rardin said it sounds pretty confusing on ya'lls end.

Mayor Payne said what it comes down to is, instead of being swamped at City Hall with everybody renewing in January, it will now be spread out. She said she thinks it will make a lot more sense, and things will get processed quicker. Commissioner Rardin asked how many business registrations do we have currently. City Clerk Hughs said we currently have about 1500. Mayor Payne said if you have to process 1500, on top of your other jobs, that is quite a bit. Commissioner Rardin said he just thinks that it will get cumbersome and overwhelming. Mayor Payne addressed Commissioner Rardin and said like you said, you can't remember to renew it because you have all these other things going on. Commissioner Rardin said that January is a busy month. Mayor Payne said maybe if we spread it out on an anniversary date, maybe that will make it easier for everybody.

Commissioner Rardin said his second question is why does the City even have to have a business registration for us, for the businesses. He said that if was to go down to El Paso, just across the State in Texas, he does not have to have a contractor's license, he can just get his ID numbers and go to work. Here in New Mexico, you have to have a license to do it, and then he has to come in and apply for a registration to the City to be in business. Why do we even need a business registration, is there a State law that requires us to have that. He said he kind of see it for Fire, doing inspections and stuff like that so we know where those businesses are, but that would be the only that he would even see needing registrations. City Manager said that is the only way that you are going to be able to regulate the various zones, but other than that, we would have absolutely no idea where, for example, Bryan's Smoke Shop is, and is it in the correct zone. He said does not know of a State law, and that is more Rachel's area. Commissioner Rardin said it was just a question, is it something we have to have. Mayor Payne said maybe certain businesses for sure. City Rardin said certain businesses yes, but he said he guessed if we do it for one, we need to do it for all. He said those are just some of the questions he had on it. He said he thinks the \$25 per month is very excessive. Commissioner Rardin said it if was due January 31st, and you slip in on the 1st of February and pay your bills, your registration just went from \$35 to \$60 dollars.

Commissioner Paul said he agreed and thinks that \$25 is pretty steep. Commissioner Rardin said it is \$25 per month. Commissioner Paul said there needs to be something charged so that people make sure they are getting on that, but you know, \$15 sounds more reasonable to him than \$25. Commissioner Rardin said and give them a three month, you know, hey, if you are not in here by say April 1st to get your registration, then it is cancelled, or something along those lines. Mayor Payne said she agrees with Commissioner Rardin. Commissioner Rardin said you know \$35, if it was a \$500 license, then \$25 a month would be okay, but on a \$35 registration. Mayor Payne said she thinks that the purpose of a penalty, or charging the citizens for something like that, is number one it is an incentive to renew on time, but, it is also because it is more work on the City. She said if it is late, she gets that it would be a little more work on the Clerk's Office, but if we are spreading those out over twelve months, it is not quite as much work. If it is late, there should be something, and she said she was thinking it should be \$5 a month herself, but \$25 a month seems excessive when the whole business registration itself is only \$35.

Commissioner Rardin said how about we do, like you stated, the \$10 late fee, and then, after say April 1st. City Manager Cesar said you can't do April 1st. Commissioner Rardin said why not. City Manager Cesar said it because it is by anniversary date, so not everyone is going to be April 1st. Commissioner Rardin said how about after say, three months of non-renewal, then it is double the fee or something as an incentive to get them to register. City Manager Cesar said he would prefer if you did not make it overly complicated. If everyone is happy with \$10, then it is \$10 a month for three months. You guys get to make the decision. After three months it is inactivated. Commissioner Rardin said how about a

one-time \$10 late fee, and then after the three months it is null and void, it is inactivated. City Manager Cesar said you guys make the decision; it is however how you want to word it. Commissioner Rardin said he will be one to admit that he pays \$45 for his business registration almost every year, because he is always a day or two late. He said Rachel calls him and says hey come pay your business registration. Mayor Payne told City Clerk Hughs she can't believe you call people, you are way too nice.

Commissioner Rardin said we should just strike the \$25 and leave it at \$10. Mayor Pro-Tem Wright said he was good with that. Commissioner Burnett said he would agree with that. Commissioner Paul said he thinks \$10 is fair. Commissioner McDonald said well they make more than \$10 an hour, so they should at least get more than \$10. Commissioner Rardin said it doesn't go to them though. Commissioner McDonald said but it is their time. Commissioner Rardin said they are already compensated for their time though. Commissioner McDonald said that was her opinion. Commissioner Paul said he would be in favor of it being monthly for that period of time, simply because what Sharon said is that they, our staff, is we are paying them yes, but that is recouping some of that lost cost by them spending time doing that, versus doing something else. Commissioner Rardin said so \$10 per month, up to three months, then after that point it is inactivated. Commissioner Paul said at a certain point, businesses need to be responsible too. Commissioner Rardin said he was okay with that. Mayor Payne said that a surcharge will be assessed at \$10, right. Commissioner Burnett said per month. Commissioner Rardin said that Commissioner Paul had mentioned that \$10 per month. Mayor Payne said then a business will be inactivated after 3 months of nonrenewal. We are going to change that to \$10.

Commissioner Burnett said on the food vendor's license, do they have to follow the same business registration as far as the Planning and Zoning. City Clerk Hughs said that on the food trucks, if this ordinance is approved, then after adoption, there are only three licenses. That is going to be our food trucks, our cannabis or marijuana, and alcoholic beverages. She said that all three will also follow the same process as the business registrations. Commissioner Burnett said from other food truck vendors, how long is the process. City Clerk Hughs said that depends on when they can get their food truck to the Fire Department for inspection. City Manager Cesar said if the person is taking their food truck trailer, whatever the case may be, and Fire has inspected and said yes it passes and signs off on the form, then it is up to two business days at the City Clerk's area. Ideally the person would walk in, has the approval from Fire already, pay your fee and go. Commissioner Burnett said when he did his, that went from the City Clerk to the Fire Department, he was told they were going to call him, and it sat there for twelve days. City Manager said that is why we are trying to streamline the process. He said he is sorry but with food trucks, he forgot, but the document the food truck vendor people would need is where they have gone through the New Mexico Environment Department, which the City doesn't control. Mayor Payne said so it will all be done before it goes to the Clerk. Commissioner Burnett said that was fine. He said he thinks the process before was it went to the Clerk, you pay, then it goes back to the Clerk. City Manager Cesar says then it went out to Fire, and then it came back to the Clerk, and then out to the Police Department, came back, and yes. Commissioner Burnett said you are sitting there wondering where your license is at. Mayor Payne said now it will be up to the business owner to get that stuff done, then it goes to the Clerk. City Manager Cesar said if you had a food truck, food trailer, contact the Fire Department, the information for who you need to contact is on that one page form. You would call or go down there, they would say bring it on in and we can inspect it today, or we need you to come in on two days, or maybe the person applying is not ready for two weeks. Schedule the day and the time, you would go in and have inspected. If there is deficiencies, they would say what those are. If there aren't any deficiencies, they would sign off on it. You would get the license or whatever from the Environment Department, and bring your paperwork to City Hall, scan it, email it, whatever the case may be. No more than two business days later, here is your registration.

Commissioner Burnett said to piggyback on your comment, as far as people from El Paso coming, and they have to follow this same process, if he remembers right, he said he believes Alamogordo and Albuquerque are the only two cities in that State that require you to have a City license to operate. Commissioner Burnett said he can go to Cruces and just go in, there is no questions asked. He said he thinks that is where people get mixed up, as far as people from Cruces trying to come over here, or El Paso trying to come over here. Mayor Payne said she thinks we have gone back and forth about that too, but she would be concerned. She said there was a food truck that came up for the Music Festival, and had to be inspected, and she got a phone call and was like okay, can we do something to help this guy out, so Brian said well, I will send him back out and if he is within where everybody else is, we can give him a waiver, that kind of thing. Well they went out there and he had no fire suppression system. Commissioner Burnett said that is different. Mayor Payne said she didn't want a food truck coming in to Alamogordo and frying up churros, and not having a fire suppression system, because that is just dangerous for all of our citizens. She said if a kid is standing at this truck, waiting for food, and something goes wrong, and it is because we didn't inspect it, she still says the City is liable. If Las Cruces wants to take that chance, that is great, but for her, that scares her a little bit, because we could say well, it may or may not happen, but she didn't want to take that chance. What if it is her grandkid, or your kid, or something. She said she did think that if they are going to bring a food truck into our City and do business, she does think it should be inspected, and she thinks we should know about it. Ultimately, if something happens, where is first place you are going to go, back to the City, and why did the City let this happen. Commissioner Burnett said the State still inspects all that beforehand, even if you have a fryer, you still have to have the fire suppression. Mayor Payne said they do, but like that guy is from El Paso. Commissioner Burnett said that is a different story, but as far as Cruces guys coming here to operate here, they still have to have the State inspection done. Mayor Payne said just making sure they actually did have that. She said she knows that they have to, but did they, that is the question. She said she can see both sides of it, it is a tough one. She said she is with you where she is just like can we just let these people do business, this is getting crazy, but on other hand, there is sometimes when we really have to just make sure. We are seeing more and more of food truck vendors and that kind of thing, and she is super excited about that, but at the same time, she just wants to make sure we are covered as a City.

City Clerk Hughs said for clarification, on the late fee, you want it to stay at \$10, \$10 each month for three months, and then inactivate it, is that correct. Commissioner Rardin said correct; Mayor Payne said yes.

Commissioner Rardin moved to approve Ordinance 1661, with the late fee being amended to \$10 per month instead of \$25, the rest will remain the same.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

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

7. Consider, and act upon, first publication of Ordinance 1663, repealing Chapter 27 of the Alamogordo Code of Ordinances concerning Vehicles for Hire. (Rachel Hughs, City Clerk) (Roll Call Vote Required)

City Clerk Hughs said this ordinance is to repeal the entire chapter. If you look at Chapter 27, it is very small, because in the last three years a lot of it was cut out. This is for the same reason we are wanting to repeal, as Vehicle for Hire is regulated by the State. The licensing will be moved under business registrations.

City Manager Cesar explained this is no different than any other business in the City. In the earlier ordinance that was struck out, we had certain areas like vehicles for hire, that would have a lot of

steps, that we redid and relooked at everything the State looks at. So that is why this one is going away in its entirety.

Mayor Pro-Tem Wright moved to approve.
Commissioner Burnett seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 6-0-0.

8. Consider, and act upon, the first publication of Ordinance 1662, amending chapter 2 of the Alamogordo Code of Ordinances, by adding 02-060 "Code of Conduct." (*Brian Cesar, City Manager*) (Roll Call Vote Required)

City Manager Cesar said was the item that was brought to you at the last meeting just for discussion. As we talked about in the last meeting, a code of conduct was recommended by the New Mexico Municipal League for Alamogordo. They recommended it for all the various municipalities they represent. This not only adds a layer of protection for the citizens of Alamogordo, but also protects you as individual commission members. This is the actual ordinance. Just like the last couple of ordinances we talked about where you all discussed and voted on, if there are any changes, as long as they are not substantial, those can be made tonight, and it can be passed for first publication. If they are substantial, then we would have to bring it back again for first publication.

Commissioner Rardin said in your one from last week, we have the restrictions on the governing body administration, of the personal system management section. He said he didn't see it in the one we have. Commissioner Rardin said it is on page nine of this one. Mayor Pro-Tem Dusty Wright said page 78 on the PDF. Commissioner Rardin said there it is. He said he kind of has a little bit of issue with that statement, section Q, it says, "The governing body shall not perform", and shall is a pretty strong word, "collectively or individually", so it sounds like it is kind of tying the Commission's hands. "The paragraph shall not apply to matters of policy", okay, so it has got a few things in there. City Manager Cesar said this is straight out of the Charter, not word for word, but if you read the Charter, and the Charter says basically the same thing. Commissioner Rardin said basically or does say the same thing. Commissioner Rardin said he didn't have the Charter here with him. City Manager Cesar said he doesn't have it in front of him either. Commissioner Rardin said the one he read right here, it doesn't say, he said he guessed it did say, "this paragraph shall not apply to matter of policy". He said most of us know not to overstep that bound; if we need to slap somebody around, we take you around back and slap you around, and say hey, get this under control. He said he thinks that kind of ties our hands right there, he said he did not know why that needs to be in there. Commissioner McDonald said you said slap. Commissioner Rardin said figure of speech. Commissioner Rardin said he had not read the Charter in a while, so if that is in there, okay. City Manager Cesar said City Attorney Smith is pulling it up and it will take just a second, because he does not have a computer in front of him. City Manager Cesar read out of the Charter, "City Manager shall be appointed solely on the basis of his or her qualifications for an indefinite term. His or her selection shall not be limited by reason of former residence. His or her salary shall be fixed by the Commission. The appointment or removal of City Manager shall require the affirmative votes of no fewer than four Commissioners, or three Commissioners and the Mayor. City Manager is the Chief Executive Officer of the City here. He or she shall have a seat but no vote at every meeting of the Commission. The City Manager shall enforce and carry out all ordinances, rules, and regulations adopted the Commission, and shall employ or discharge employees of the City, shall prepare and submit an annual budget to the Commission, shall make recommendations to the Commission concerning the welfare of the City, or his or her designated agent shall be the person for the purpose of civil process." City Manager Cesar said again, if you want it struck, strike it. Commissioner Rardin said that is the only section, the rest of it is kind of cut and dry. Essentially this code of conduct is a slap on the wrist for us, unless it is something major. He said it is

hard to police us up here, because we are all equal. In the past when we had one, that was the issue he had with it before, was that we had no authority to reprimand one of our own. City Manager Cesar said that what this is designed for, and what it would be used for, is if something happened and it was substantiated. This gives, as you know, a number of you have been Commissioners long enough now, things escalate and build until there is eventually a lawsuit. This is designed to correct those actions. We have a code of conduct for City personnel. There is a code of conduct for your daughter in school. Most places have a code of conduct that has to be followed. For the City employees, for our code of conduct, violation of it results in discipline up to and including termination. Commissioner Rardin said we can't do that. City Manager Cesar said the citizens can recall, but no, this doesn't give the power to the Board to do anything like that. This is designed more to correct actions, if they can be corrected. If not, then when and if something rises to the level a lawsuit and we have the Municipal League attorneys defending the City of Alamogordo and its citizens against this lawsuit, they are able to show that yes, the City took every step they could to correct the actions of one or more Commissioners. He said he knew this a concern that was raised because the old code of conduct that was in place is nothing like what you have in front of you today. That was designed for a specific purpose, and we don't need to get into ancient history unless you want to. The old code of conduct was used on a few occasions to pick on certain Commissioners. Commissioner Rardin said that is exactly right. City Manager Cesar said that in this code of conduct, if someone from the outside is using it and now has targeted you, for whatever reason they are upset with Commissioner Rardin and they are going to continue to file a code of conduct violation for everything they can think of, this Panel that is formed, not that they can punish a member, you know fine someone from the outside, but they can come back, and in the public hearing and report to Commission and say this has now risen to the level of harassment. There has been so many complaints that are unsubstantiated, and as such, we are not considering anything else from this person. You as a Commissioner could then take that, if you so choose and hire your own attorney, and go after that person or persons that are harassing you. City Manager Cesar said there is a little protection both ways, but primarily this is designed to protect the City of Alamogordo and the citizens. Not that there is anything that we are waiting for, and you pass this, and pass it for the second reading, and five days later, now we have a stack waiting for you. There is no secret agenda.

Mayor Payne said that our form of government is commission manager. We have a City Manager for a reason, and he is our only employee. She said she had to read it three times to make sure she understood it right. Commissioner Rardin said that originally, he had just seen the governing body to approve and or budget, he had forgotten that the rest of that was in there, the matter and policies. Mayor Payne said it makes sense, our City Manager runs day to day operations, and we are the government oversight. Commissioner Rardin said we are the representatives of the people, if a constituent is having a problem with a member of staff, we still need the ability to come in and say this needs to be taken care of. This staff member is belligerent with the citizens. He said he just did not want to limit us. Mayor Payne said she thinks that the key, that is what we should do, we should go to the City Manager and he should handle it. Commissioner Rardin said the majority of us do, but if it already states something to this very similar to this in our Charter, it is already there. Mayor Payne said it would be inappropriate for us to go straight to an employee. Commissioner Rardin said if it is in the Charter, he didn't see why it needs to be in there, it is already written. That is the only one he had any issue with. We've got the penalties as stiff as they can be, as far as a violation of it, public censor or up to a \$500 fine. That is all we can do, we can't go any more than that. Mayor Payne said it would have to be pretty serious for that. Commissioner Rardin said if you get anything above that, then the Governmental Conduct Act takes over, and it kind of goes from there anyway.

Commissioner McDonald moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

9. Consider, and act upon, first publication of Ordinance 1659, amending chapter 2 of the Alamogordo Code of Ordinances, by adding 02-050 "City Commission Use of Social Media". (Brian Cesar, City Manager) (Roll Call Vote Required)

City Manager Cesar said that this is the ordinance that did come at the last meeting, it was tabled because it tied to a code of conduct. So, we said we would bring it back at this meeting. You passed the other one for first publication.

Commissioner Rardin moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

Commissioner Rardin moved to adjourn at 7:57 p.m.

Commissioner Burnett seconded the motion.

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

ADJOURNMENT

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on October 25, 2022.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/14/2022

Report No: 2.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2022-46 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 October 25, 2022. *(Evelyn Huff, Finance Director)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Beginning Cash Balances \$88,163,935

Revenues \$ 119,487 Increase

Expenditures \$ 6,100,181 Decrease

Transfers In \$ 71,793 Decrease

Transfers Out \$ 71,793 Decrease

Recommendation: Approve the Resolution

Background: The City Commission adopted the FY 2022-2023 budget on May 24, 2022. The Department of Finance & Administration granted approval of the City of Alamogordo's Fiscal Year 2022-2023 Final Budget on August 9, 2022. Resolution 2022-46 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. 2022-46

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 2022-2023.

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 written approval to the City of Alamogordo, New Mexico's annual budget on August 9, 2022, for fiscal year 2022-2023; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2022-2023.

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 2022-2023 be and hereby is revised as of October 25, 2022, to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2022-2023 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 October 25, 2022, as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2022-2023.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 25th day of October 2022.

CITY OF ALAMOGORDO, NEW MEXICO,
A NEW MEXICO MUNICIPAL CORPORATION

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughes, City Clerk

APPROVED AS TO FORM:

Ashley N. Smith, City Attorney

**ALL FUNDS SUMMARY
BUDGET 2022-2023**

1/12TH REQ RSRV
1,657,024
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
3,544,523

FY23 BUDGET - RESOLUTION 2022-46 (#4) October 25, 2022

FUND NO.	FY 2022-2023 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	17,559,597	20,122,862	813,208	12,941,088	(12,127,880)	19,884,287	5,670,292	2,125,769	3,544,523
12	INTERNAL SERVICE FUND	24,496	315,433	5,509,867	0	5,509,867	5,839,796	10,000		\$10,000
15	CORRECTIONS-JAIL	68,129	57,435	0	0	0	81,000	44,564		\$44,564
16	LODGER'S TAX-PROMOTIONAL FUND	555,375	228,565	0	1,753	(1,753)	626,702	155,485		\$155,485
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		\$8,638
19	COURT AUTOMATION FUND	2,637	47,000	0	0	0	42,833	6,804		\$6,804
20	LODGER'S TAX-CITY	599,081	426,175	0	69,520	(69,520)	588,940	366,796		\$366,796
21	D.A.R.E. DONATIONS FUND	23,702	1,142	0	0	0	6,846	17,998		\$17,998
24	GRANT CAPITAL IMPROVEMENT	0	3,685,194	0	0	0	3,367,832	317,362		\$317,362
27	MUNICIPAL COURT OPERATIONS	1,704	13,000	470,856	0	470,856	480,560	5,000		\$5,000
28	POLICE CONTINGENCY	61,916	2,471	0	0	0	10,000	54,387		\$54,387
31	CEMETERY-PERPETUAL CARE	836,995	18,996	0	40,000	(40,000)	0	815,991		\$815,991
32	COMMUNITY SERVICES	13,452	556,702	6,667,426	0	6,667,426	7,218,917	18,663		\$18,663
33	FIRE PROTECTION	907,446	740,788	0	0	0	1,557,671	90,563		\$90,563
35	HIDTA GRANT FUND	0	16,048	0	0	0	16,048	0		\$0
36	LAW ENFORCEMENT FUND	11,664	82,000	0	0	0	93,664	0		\$0
37	STATE HIGHWAY FUND	101,774	52,583	0	0	0	57,581	96,776		\$96,776
38	TRAFFIC SAFETY FUND	59,666	10,422	0	0	0	10,000	60,088		\$60,088
39	STATE JUDICIAL	2,352	42,000	0	0	0	42,000	2,352		\$2,352
42	1984 GROSS RECEIPTS TAX	3,775,451	1,917,573	0	3,722,863	(3,722,863)	24,299	1,945,862	252,119	\$1,693,743
44	TRANSPORTATION FUND	5,822	1,131,823	4,404,457	264,025	4,140,432	5,064,122	213,955		\$213,955
48	NEW MEXICO C.D.B.G.	124,174	392,376	1,308,968	0	1,308,968	1,701,345	124,173		\$124,173
49	1986 GROSS RECEIPTS TAX	4,708,800	1,936,510	0	1,945,315	(1,945,315)	1,424,568	3,275,427	268,391	\$3,007,036
50	PROPERTY ACQUISITION	85,009	0	0	0	0	0	85,009		\$85,009
53	GENERAL OBLIGATION	930,035	1,140,284	0	0	0	1,144,195	926,124	557,029	\$369,095
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	109	0	586,702	0	586,702	366,875	219,936		\$219,936
59	REVENUE BOND P & I FUND	162,267	300	2,406,935	0	2,406,935	2,410,435	159,067		\$159,067
61	MUNICIPAL INFRASTRUCTURE .0625%	1,311,953	481,432	0	293,000	(293,000)	6,075	1,494,310		\$1,494,310
63	COMMUNITY DEVELOPMENT	(0)	0	483,713	28,910	454,803	452,472	2,331		\$2,331
69	1994 GROSS RECEIPTS	3,345,432	1,925,513	0	1,907,033	(1,907,033)	24,299	3,339,613	553,051	\$2,786,562
71	ALAMO SENIOR CENTER	430	918,260	926,366	0	926,366	1,817,391	27,665		\$27,665

74	ALAMO SENIOR CENTER GIFT	138,296	13,282	0	0	0	36,045	115,533		\$115,533
75	RETIRED & SENIOR VOL. PROGRAM	7,313	135,250	10,000	0	10,000	147,803	4,760		\$4,760
81	WATER/SEWER OPERATING	15,099,374	13,772,451	2,142,063	2,200,678	(58,615)	17,196,011	11,617,199	1,463,850	\$10,153,349
82	98 JT WATER/SEWER BOND P&I	1,119,487	13,473	1,807,764	0	1,807,764	1,807,762	1,132,962		\$1,132,962
86	SOLID WASTE COLLECTION SYS.	771,643	2,454,909	0	152,769	(152,769)	2,278,107	795,676	178,583	\$617,093
88	BONITO CAMPGROUND	398,101	3,003	0	0	0	2,000	399,104		\$399,104
89	ESGRT .0625%	2,282,812	494,876	0	764,146	(764,146)	1,027,433	986,109		\$986,109
90	GOLF COURSE	63,461	1,593,400	613,047	0	613,047	2,262,669	7,239		\$7,239
91	AIRPORT	42,900	191,141	127,000	33,052	93,948	308,583	19,406		\$19,406
94	OTERO GREENTREE REG LANDFILL	3,655,124	1,263,067	0	4,276	(4,276)	2,818,914	2,095,001		\$2,095,001
96	SELF-INSURED FUND	547,004	84,177	0	65,600	(65,600)	52,373	513,208		\$513,208
98	PAYROLL CLEARING	216,796	0	0	0	0	0	216,796		\$216,796
104	UTILITY DEPOSITS	624,156	0	0	0	0	0	624,156		\$624,156
105	ECONOMIC DEVELOPMENT	5,577,210	1,010,312	0	0	0	200,255	6,387,267		\$6,387,267
107	SELF INSURED/LIABILITY	1,134,195	5,842	0	0	0	535,000	605,037		\$605,037
109	2004 GRT CAPITAL OUTLAY	14,557,615	3,939,341	0	3,956,583	(3,956,583)	3,719,867	10,820,506	534,452	\$10,286,054
114	SIDEWALKS REVOLVING LOANS	144,232	1,249	0	0	0	0	145,481		\$145,481
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		\$1,000
119	2012 GRT REF/IMP REVBD	392,207	2,686	0	0	0	394,893	0		\$0
121	2015 GO BONDS-FUN CENTER	90,836	785	0	0	0	0	91,621		\$91,621
122	2015 GO BONDS-STREETS	176,014	1,825	0	0	0	0	177,839		\$177,839
124	AMERICAN RESCUE PLAN ACT	3,897,893	0	0	0	0	3,897,893	0		\$0
125	CANNABIS GRT	0	204,000	96,000	0	96,000	300,000	0		\$0
901	HOUSING LOW RENT OPERATING	1,211,402	1,011,844	0	0	0	1,440,105	783,141	86,881	\$696,260
903	HOUSING HOMEOWNERSHIP OPER	704,785	990	0	0	0	17,859	687,916		\$687,916
904	HOUSING CAPITAL FUND PROJECTS	8	1,283,943	0	0	0	1,283,943	8		\$8
TOTALS FY2023		88,163,935	63,744,733	28,390,611	28,390,611	0	94,104,507	57,804,161	6,020,125	51,784,035

ALL FUNDS SUMMARY

BUDGET 2022-2023

1/12TH REQ RSRV
1,657,024
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
3,544,523

FY23 BUDGET - RESOLUTION 2022-46 (#4) October 25, 2022

FUND NO.	FY 2022-2023 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	17,559,597	20,122,862	813,208	12,982,733	(12,169,525)	19,880,787	5,632,147	2,125,769	3,506,378
	Revision #1-Projects Close Out & Adjustments				(41,645)	41,645		41,645		41,645
	Revision #8-Archive Social Media Software					0	3,500	(3,500)		(3,500)
	Total Revised Fund 11	17,559,597	20,122,862	813,208	12,941,088	(12,127,880)	19,884,287	5,670,292	2,125,769	3,544,523
12	INTERNAL SERVICE FUND	24,496	315,433	5,551,512	0	5,551,512	5,881,441	10,000		10,000
	Revision #1-Projects Close Out & Adjustments			(41,645)		(41,645)	(41,645)	0		0
	Total Revised Fund 12	24,496	315,433	5,509,867	0	5,509,867	5,839,796	10,000		10,000
15	CORRECTIONS-JAIL	68,129	57,435	0	0	0	81,000	44,564		44,564
	Total Revised Fund 15	68,129	57,435	0	0	0	81,000	44,564		44,564
16	LODGER'S TAX-PROMOTIONAL FUND	555,375	228,565	0	1,753	(1,753)	626,702	155,485		155,485
	Total Revised Fund 16	555,375	228,565	0	1,753	(1,753)	626,702	155,485		155,485
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		8,638
	Total Revised Fund 17	8,638	0	0	0	0	0	8,638		8,638
19	COURT AUTOMATION FUND	2,637	47,000	0	0	0	42,833	6,804		6,804
	Total Revised Fund 19	2,637	47,000	0	0	0	42,833	6,804		6,804
20	LODGER'S TAX-CITY	599,081	416,175	0	69,520	(69,520)	578,940	366,796		366,796
	Revision #6-OFCU Sponsorship		10,000			0	10,000	0		0
	Total Revised Fund 20	599,081	426,175	0	69,520	(69,520)	588,940	366,796		366,796
21	D.A.R.E. DONATIONS FUND	23,702	1,142	0	0	0	6,846	17,998		17,998
	Total Revised Fund 21	23,702	1,142	0	0	0	6,846	17,998		17,998
24	GRANT CAPITAL IMPROVEMENT	0	3,679,194	0	0	0	3,361,832	317,362		317,362
	Revision #2-APD Bulletproof Vest Program		6,000			0	6,000	0		0
	Total Revised Fund 24	0	3,685,194	0	0	0	3,367,832	317,362		317,362
27	MUNICIPAL COURT OPERATIONS	1,704	13,000	470,856	0	470,856	480,560	5,000		5,000
	Total Revised Fund 27	1,704	13,000	470,856	0	470,856	480,560	5,000		5,000
28	POLICE CONTINGENCY	61,916	2,471	0	0	0	10,000	54,387		54,387
	Total Revised Fund 28	61,916	2,471	0	0	0	10,000	54,387		54,387
31	CEMETERY-PERPETUAL CARE	836,995	18,996	0	40,000	(40,000)	0	815,991		815,991
	Total Revised Fund 31	836,995	18,996	0	40,000	(40,000)	0	815,991		815,991
32	COMMUNITY SERVICES	13,452	556,702	6,658,426	0	6,658,426	7,218,580	10,000		10,000
	Revision #1-Projects Close Out & Adjustments					0	(8,663)	8,663		8,663
	Revision #3-Library HVAC Project			9,000		9,000	9,000	0		0
	Total Revised Fund 32	13,452	556,702	6,667,426	0	6,667,426	7,218,917	18,663		18,663
33	FIRE PROTECTION	907,446	740,788	0	0	0	1,557,671	90,563	0	90,563
	Total Revised Fund 33	907,446	740,788	0	0	0	1,557,671	90,563		90,563
35	HIDTA GRANT FUND	0	16,048	0	0	0	16,048	0		0
	Total Revised Fund 35	0	16,048	0	0	0	16,048	0		0
36	LAW ENFORCEMENT FUND	11,664	82,000	0	0	0	93,664	0		0
	Total Revised Fund 36	11,664	82,000	0	0	0	93,664	0		0

37	STATE HIGHWAY FUND	101,774	22,502	0	0	0	27,500	96,776		96,776
	Revision #7-Keep Alamogordo Beautiful Grant		30,081			0	30,081	0		0
	Total Revised Fund 37	101,774	52,583	0	0	0	57,581	96,776		96,776
38	TRAFFIC SAFETY FUND	59,666	10,422	0	0	0	10,000	60,088		60,088
	Total Revised Fund 38	59,666	10,422	0	0	0	10,000	60,088		60,088
39	STATE JUDICIAL	2,352	42,000	0	0	0	42,000	2,352		2,352
	Total Revised Fund 39	2,352	42,000	0	0	0	42,000	2,352		2,352
42	1984 GROSS RECEIPTS TAX	3,775,451	1,917,573	0	3,722,863	(3,722,863)	24,299	1,945,862	252,119	1,693,743
	Total Revised Fund 42	3,775,451	1,917,573	0	3,722,863	(3,722,863)	24,299	1,945,862	252,119	1,693,743
44	TRANSPORTATION FUND	5,822	1,131,823	4,404,457	264,025	4,140,432	5,273,661	4,416		4,416
	Revision #1-Projects Close Out & Adjustments					0	(263,889)	263,889		263,889
	Revision #5-Boom Mower Price Increase					0	1,750	(1,750)		(1,750)
	Revision #12-Public Works Inspector					0	52,600	(52,600)		(52,600)
	Total Revised Fund 44	5,822	1,131,823	4,404,457	264,025	4,140,432	5,064,122	213,955		213,955
48	NEW MEXICO C.D.B.G.	124,174	392,376	1,308,968	0	1,308,968	1,701,345	124,173		124,173
	Total Revised Fund 48	124,174	392,376	1,308,968	0	1,308,968	1,701,345	124,173		124,173
49	1986 GROSS RECEIPTS TAX	4,708,800	1,936,510	0	1,945,315	(1,945,315)	1,424,568	3,275,427	268,391	3,007,036
	Total Revised Fund 49	4,708,800	1,936,510	0	1,945,315	(1,945,315)	1,424,568	3,275,427	268,391	3,007,036
50	PROPERTY ACQUISITION	85,009	0	0	0	0	0	85,009		85,009
	Total Revised Fund 50	85,009	0	0	0	0	0	85,009		85,009
53	GENERAL OBLIGATION	930,035	1,140,284	0	0	0	1,144,195	926,124	557,029	369,095
	Total Revised Fund 53	930,035	1,140,284	0	0	0	1,144,195	926,124	557,029	369,095
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	109	0	625,850	0	625,850	406,023	219,936		219,936
	Revision #1-Projects Close Out & Adjustments			(39,148)		(39,148)	(39,148)	0		0
	Total Revised Fund 56	109	0	586,702	0	586,702	366,875	219,936		219,936
59	REVENUE BOND P & I FUND	162,267	300	2,406,935	0	2,406,935	2,410,435	159,067		159,067
	Total Revised Fund 59	162,267	300	2,406,935	0	2,406,935	2,410,435	159,067		159,067
61	MUNICIPAL INFRASTRUCTURE .0625%	1,311,953	481,432	0	293,000	(293,000)	6,075	1,494,310		1,494,310
	Total Revised Fund 61	1,311,953	481,432	0	293,000	(293,000)	6,075	1,494,310		1,494,310
63	COMMUNITY DEVELOPMENT	(0)	0	483,713	28,910	454,803	452,488	2,315		2,315
	Revision #1-Projects Close Out & Adjustments					0	(16)	16		16
	Total Revised Fund 63	(0)	0	483,713	28,910	454,803	452,472	2,331		\$2,331
69	1994 GROSS RECEIPTS	3,345,432	1,925,513	0	1,898,033	(1,898,033)	24,299	3,348,613	553,051	2,795,562
	Revision #3-Library HVAC Project				9,000	(9,000)		(9,000)		(9,000)
	Total Revised Fund 69	3,345,432	1,925,513	0	1,907,033	(1,907,033)	24,299	3,339,613	553,051	2,786,562
71	ALAMO SENIOR CENTER	430	844,854	926,366	0	926,366	1,766,650	5,000		5,000
	Revision #9-ARPA Grant Congregate Meals		26,538			0	(18,943)	45,481		45,481
	Revision #10-ARPA Grant HDM		(1,476)			0	21,340	(22,816)		(22,816)
	Revision #11-ARPA Grant Transportation		48,344			0	48,344	0		0
	Total Revised Fund 71	430	918,260	926,366	0	926,366	1,817,391	27,665		27,665

74	ALAMO SENIOR CENTER GIFT	138,296	13,282	0	0	0	36,045	115,533		115,533
	Total Revised Fund 74	138,296	13,282	0	0	0	36,045	115,533		115,533
75	RETIRED & SENIOR VOL. PROGRAM	7,313	135,250	10,000	0	10,000	147,803	4,760		4,760
	Total Revised Fund 75	7,313	135,250	10,000	0	10,000	147,803	4,760		4,760
81	WATER/SEWER OPERATING	15,099,374	13,772,451	2,142,063	2,200,678	(58,615)	20,619,510	8,193,700	1,463,850	6,729,850
	Revision #1-Projects Close Out & Adjustments					0	(3,478,499)	3,478,499		3,478,499
	Revision #4-Utility Billing Vehicles					0	20,000	(20,000)		(20,000)
	Revision #14-Central Receiving Fork Lift					0	35,000	(35,000)		(35,000)
	Total Revised Fund 81	15,099,374	13,772,451	2,142,063	2,200,678	(58,615)	17,196,011	11,617,199	1,463,850	10,153,349
82	98 JT WATER/SEWER BOND P&I	1,119,487	13,473	1,807,764	0	1,807,764	1,807,762	1,132,962	0	1,132,962
	Total Revised Fund 82	1,119,487	13,473	1,807,764	0	1,807,764	1,807,762	1,132,962		1,132,962
86	SOLID WASTE COLLECTION SYS.	771,643	2,454,909	0	152,769	(152,769)	2,278,107	795,676	178,583	617,093
	Total Revised Fund 86	771,643	2,454,909	0	152,769	(152,769)	2,278,107	795,676	178,583	617,093
88	BONITO CAMPGROUND	398,101	3,003	0	0	0	2,000	399,104	0	399,104
	Total Revised Fund 88	398,101	3,003	0	0	0	2,000	399,104		399,104
89	ESGRT .0625%	2,282,812	494,876	0	764,146	(764,146)	1,027,433	986,109	0	986,109
	Total Revised Fund 89	2,282,812	494,876	0	764,146	(764,146)	1,027,433	986,109		986,109
90	GOLF COURSE	63,461	1,593,400	613,047	0	613,047	2,264,908	5,000	0	5,000
	Revision #1-Projects Close Out & Adjustments					0	(2,239)	2,239		2,239
	Total Revised Fund 90	63,461	1,593,400	613,047	0	613,047	2,262,669	7,239		7,239
91	AIRPORT	42,900	191,141	127,000	33,052	93,948	308,583	19,406	0	19,406
	Total Revised Fund 91	42,900	191,141	127,000	33,052	93,948	308,583	19,406		19,406
94	OTERO GREENTREE REG LANDFILL	3,655,124	1,263,067	0	4,276	(4,276)	2,818,914	2,095,001	0	2,095,001
	Total Revised Fund 94	3,655,124	1,263,067	0	4,276	(4,276)	2,818,914	2,095,001		2,095,001
96	SELF-INSURED FUND	547,004	84,177	0	65,600	(65,600)	52,373	513,208	0	513,208
	Total Revised Fund 96	547,004	84,177	0	65,600	(65,600)	52,373	513,208		\$513,208
98	PAYROLL CLEARING	216,796	0	0	0	0	0	216,796	0	216,796
	Total Revised Fund 98	216,796	0	0	0	0	0	216,796		216,796
104	UTILITY DEPOSITS	624,156	0	0	0	0	0	624,156		624,156
	Total Revised Fund 104	624,156	0	0	0	0	0	624,156		624,156
105	ECONOMIC DEVELOPMENT	5,577,210	1,010,312	0	0	0	200,255	6,387,267		6,387,267
	Total Revised Fund 105	5,577,210	1,010,312	0	0	0	200,255	6,387,267		6,387,267
107	SELF INSURED/LIABILITY	1,134,195	5,842	0	0	0	535,000	605,037		605,037
	Total Revised Fund 107	1,134,195	5,842	0	0	0	535,000	605,037		605,037
109	2004 GRT CAPITAL OUTLAY	14,557,615	3,939,341	0	3,995,731	(3,995,731)	6,204,621	8,296,604	534,452	7,762,152
	Revision #1-Projects Close Out & Adjustments				(39,148)	39,148	(2,699,754)	2,738,902		2,738,902
	Revision #13-Bridge Renovations Design					0	215,000	(215,000)		(215,000)
	Total Revised Fund 109	14,557,615	3,939,341	0	3,956,583	(3,956,583)	3,719,867	10,820,506	534,452	10,286,054
114	SIDEWALKS REVOLVING LOANS	144,232	1,249	0	0	0	0	145,481		145,481
	Total Revised Fund 114	144,232	1,249	0	0	0	0	145,481		145,481
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	392,207	2,686	0	0	0	394,893	0		0
	Total Revised Fund 119	392,207	2,686	0	0	0	394,893	0		0
121	2015 GO BONDS-FUN CENTER	90,836	785	0	0	0	0	91,621		91,621
	Total Revised Fund 121	90,836	785	0	0	0	0	91,621		91,621
122	2015 GO BONDS-STREETS	176,014	1,825	0	0	0	0	177,839		177,839
	Total Revised Fund 122	176,014	1,825	0	0	0	0	177,839		177,839
124	AMERICAN RESCUE PLAN ACT	3,897,893	0	0	0	0	3,897,893	(0)		(0)
	Total Revised Fund 124	3,897,893	0	0	0	0	3,897,893	(0)		(0)
125	CANNABIS GRT	0	204,000	96,000	0	96,000	300,000	0		0
	Total Revised Fund 125	0	204,000	96,000	0	96,000	300,000	0		0

901	HOUSING LOW RENT OPERATING	1,211,402	1,011,844	0	0	0	1,440,105	783,141	86,881	696,260
	Total Revised Fund 901	1,211,402	1,011,844	0	0	0	1,440,105	783,141	86,881	696,260
903	HOUSING HOMEOWNERSHIP OPER	704,785	990	0	0	0	17,859	687,916	0	687,916
	Total Revised Fund 903	704,785	990	0	0	0	17,859	687,916		687,916
904	HOUSING CAPITAL FUND PROJECTS	8	1,283,943	0	0	0	1,283,943	8		8
	Total Revised Fund 904	8	1,283,943	0	0	0	1,283,943	8		8
				0	0	0				
TOTALS FY2023		88,163,935	63,744,733	28,390,611	28,390,611	0	94,104,507	57,804,160	6,020,125	51,784,035

FUND NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #1					
This budget revision is to close out FY23 current projects which have been completed or are no longer needed.					
11	GENERAL FUND				
	<i>Transfers Out</i>				
APDRA1	011-0000-491.18-12	Trans to (12) Internal Services	592,800	(39,245)	553,555
PW1913	011-0000-491.18-12	Trans to (12) Internal Services	48,416	(2,400)	46,016
		Total Transfers Out	641,216	(41,645)	599,571
12	INTERNAL SERVICE FUND				
	<i>Transfers In</i>				
APDRA1	012-0000-391-19-11	Trans fr (11) General Fund	592,800	(39,245)	553,555
PW1913	012-0000-391-19-11	Trans fr (11) General Fund	48,416	(2,400)	46,016
		Total Transfers In	641,216	(41,645)	599,571
	<i>Expenditures</i>				
APDRA1	012-3303-419.61-60	Capital Equipment	592,800	(39,245)	553,555
PW1913	012-3503-419.61-60	Capital Equipment	36,575	(2,400)	34,175
		Total Expenditures	629,375	(41,645)	587,730
32	COMMUNITY SERVICES FUND				
	<i>Expenditures</i>				
PW1909	032-6106-450.65-70	Facility Improvements	552,829	(2,829)	550,000
CS2101	032-6206-410.57-34	Contract Services	84,692	(900)	83,792
CS2105	032-6206-410.44-80	Parks Maintenance	130,680	(680)	130,000
CS2105	032-6206-410.57-34	Contract Services	84,692	(1,023)	83,669
PW1910	032-6306-452.63-92	Facility Improvements	19,493	(3,231)	16,262
		Total Expenditures	872,386	(8,663)	863,723
44	TRANSPORTATION FUND				
	<i>Expenditures</i>				
EN2002	044-9799-990.68-99	ICIP (Dry Canyon Eval/Improv)	263,889	(263,889)	0
		Total Expenditures	263,889	(263,889)	0
56	99 GRT FLOOD CONTROL FUND				
	<i>Transfers In</i>				
EN0226	056-0000-391.91-09	Trans fr (109) 2004 GRT	625,850	(39,148)	586,702
		Total Transfers In	625,850	(39,148)	586,702
	<i>Expenditures</i>				
EN0226	056-0099-990.67-41	Alamo Flood Control-City	5,443	(5,443)	0
EN0226	056-9403-465.62-35	Contract Engineering Fees	4,530	(4,530)	0
EN0226	056-9499-990.66-45	Surveyors/Consultants	5,794	(5,794)	0
EN0226	056-9499-990.67-04	Sewer/Water Relocation	23,381	(23,381)	0
		Total Expenditures	39,148	(39,148)	0
63	ENGINEERING FUND				
	<i>Expenditures</i>				
EN0226	063-5005-419.30-45	Postage	16	(16)	0
		Total Expenditures	16	(16)	0
81	WATER/SEWER FUND				
	<i>Expenditures</i>				
PW1501	081-0008-461.60-79	Bonito Lake Restoration	2,670,106	(2,670,106)	0
CERUTB	081-2202-461.61-85	CER Equipment Replacement	107,801	(17,801)	90,000
CERUTC	081-7803-464.61-85	CER Equipment Replacement	1,631	(1,631)	0
EN1609	081-9303-465.67-70	Water Line Improvements	31,349	(31,349)	0
PW2001	081-9303-465.67-70	Water Line Improvements (SMP FY2021)	965,224	(745,627)	219,597
PW1803	081-9399-990.68-99	ICIP	11,985	(11,985)	0
		Total Expenditures	3,788,096	(3,478,499)	309,597
90	GOLF COURSE FUND				
	<i>Expenditures</i>				
PW1911	090-0101-456.60-01	Capital Outlay	285,018	(567)	284,451
CS2313	090-0199-990.65-69	Golf Course Equipment	229,846	(1,672)	228,174
		Total Expenditures	514,864	(2,239)	512,625
109	STREET CAPITAL GRT FUND				
	<i>Transfers Out</i>				
EN0226	109-0000-491.18-56	Trans to (56) Flood Control	62,850	(39,148)	23,702
		Total Transfers Out	62,850	(39,148)	23,702
	<i>Expenditures</i>				
PW2300	109-8903-430.61-20	Property Acquisition	50,000	(1,852)	48,148
PW2001	109-9003-430.62-35	Contract Engineering Fees	4,145	(4,145)	0
PW2001	109-9003-430.65-29	Street Capital (SMP FY2021)	1,625,370	(1,406,806)	218,564
EN2002	109-9003-430.65-29	Street Capital (Dry Canyon Eval/Improv)	1,362,022	(1,286,951)	75,071
		Total Expenditures	3,041,537	(2,699,754)	341,783

REVISION #2

This budget revision is to account for a Federal Grant Award for the Bulletproof Vest Program at the Alamogordo Police Department.

24 GRANT CAPITAL IMPROVEMENT FUND					
<i>Revenues</i>					
PSBV23	024-0000-317.16-73	Federal Grant	34,969	6,000	40,969
<i>Total Revenue</i>			34,969	6,000	40,969
<i>Expenditures</i>					
PSBV23	024-0000-419.31-05	Uniforms	8,819	6,000	14,819
<i>Total Expenditures</i>			8,819	6,000	14,819

REVISION #3

This budget revision is provide additional funds to the Library HVAC project due to increased costs.

69 94 GROSS RECEIPTS FUND					
<i>Transfers Out</i>					
	069-0000-491.18-32	Trans to (32) Community Services	75,412	9,000	84,412
<i>Total Transfers Out</i>			75,412	9,000	84,412
32 COMMUNITY SERVICES FUND					
<i>Transfers In</i>					
	032-0000-391.19-69	Trans fr (11) '94 Gross Receipts	75,412	9,000	84,412
<i>Total Transfers In</i>			75,412	9,000	84,412
<i>Expenditures</i>					
	032-7101-455.65-70	Facility Improvements	75,412	9,000	84,412
<i>Total Expenditures</i>			75,412	9,000	84,412

REVISION #4

This budget revision is to increase budget because of price increases for vehicles in Utility Billing division.

81 WATER/SEWER FUND					
<i>Expenditures</i>					
	081-2202-461.61-85	CER Equipment Replacement	90,000	20,000	110,000
<i>Total Expenditures</i>			90,000	20,000	110,000

REVISION #5

This budget revision is to increase budget because of price increases for Boom Mower for the Drainage/Weed Maintenance division.

44 TRANSPORTATION FUND					
<i>Expenditures</i>					
CERWD	044-5303-431.61-85	CER Equipment Replacement	194,753	1,750	196,503
<i>Total Expenditures</i>			194,753	1,750	196,503

REVISION #6

This budget revision is to account for OFCU sponsorship for the Sounds of Freedom event.

20 LODGER'S TAX-CITY'S SHARE FUND					
<i>Revenues</i>					
	020-0000-316.15-28	Special Events	8,094	10,000	18,094
<i>Total Revenue</i>			8,094	10,000	18,094
<i>Expenditures</i>					
TOSOF	020-0006-454.57-93	Special Events	38,000	10,000	48,000
<i>Total Expenditures</i>			38,000	10,000	48,000

REVISION #7

This budget revision is to account for NM Department of Tourism Grant award for the Keep Alamogordo Beautiful program.

37 STATE HIGHWAY CLEANUP					
<i>Revenues</i>					
SP2303	037-0000-317.16-09	Keep Alamogordo Beautiful	0	30,081	30,081
<i>Total Revenue</i>			0	30,081	30,081
<i>Expenditures</i>					
SP2303	037-0006-431.30-65	Keep Alamogordo Beautiful Supplies	0	2,701	2,701
SP2303	037-0006-431.31-80	Landscaping Beautification	0	4,500	4,500
SP2303	037-0006-431.57-85	Special Projects	0	500	500
SP2303	037-0006-431.32-75	Program Supplies	0	7,650	7,650
SP2303	037-0006-431.56-05	Training,Travel, & Conferences	0	2,230	2,230
SP2303	037-0006-431.20-03	Temp/Part-Time	0	11,716	11,716
SP2303	037-0006-431.20-12	Retiree Health Care	0	52	52
SP2303	037-0006-431.20-31	Worker's Comp Admin Fee	0	10	10
SP2303	037-0006-431.20-15	Social Security	0	722	722
<i>Total Expenditures</i>			0	30,081	30,081

REVISION #8

This budget revision is to increase General Fund budget to purchase Archive Social to archive all City social media pages.

11 GENERAL FUND					
<i>Expenditures</i>					
	011-2102-415.50-23	Computer Software	400	3,500	3,900
<i>Total Expenditures</i>			400	3,500	3,900

REVISION #9

This budget revision is to account for the SCARP1 Grant award for Congregate Meals at the Senior Center for FY23.

71 SENIOR CENTER FUND					
<i>Revenues</i>					
	071-8023-317.16-30	SWNMAAA, Federal	58,527	27,586	86,113
SCARP1	071-8023-317.16-30	SWNMAAA, Federal	27,586	(1,048)	26,538
<i>Total Revenue</i>			86,113	26,538	112,651
<i>Expenditures</i>					
SCARP1	071-8023-445.32-50	Kitchen Supplies	8,528	0	8,528
SCARP1	071-8023-445.32-60	Food Purchases	36,953	(18,943)	18,010
<i>Total Expenditures</i>			45,481	(18,943)	26,538

REVISION #10

This budget revision is to account for the SCARP1 Grant award for Home Delivered Meals at the Senior Center for FY23.

71 SENIOR CENTER FUND					
Revenues					
SCARP1	071-8024-317.16-30	SWNMAAA, Federal	38,372	(1,476)	36,896
Total Revenue			38,372	(1,476)	36,896
Expenditures					
SCARP1	071-8024-445.32-60	Food Purchases	19,186	(738)	18,448
SCARP1	071-8024-445.32-75	Program Supplies	17,641	738	18,379
SCARP1	071-8024-445.32-75	Program Supplies	18,379	69	18,448
	071-8024-445.32-75	Program Supplies	34,479	21,271	55,750
Total Expenditures			89,685	21,340	111,025

REVISION #11

This budget revision is to account for the SCARP1 Grant award for Transportation at the Senior Center for FY23.

71 SENIOR CENTER FUND					
Revenues					
	071-8025-317.16-30	SWNMAAA, Federal	38,008	48,344	86,352
Total Revenue			38,008	48,344	86,352
Expenditures					
	071-8025-445.32-75	Program Supplies	63,375	48,344	111,719
Total Expenditures			63,375	48,344	111,719

REVISION #12

This budget revision is to budget expenditures related to a new Public Works Inspector position.

44 TRANSPORTATION FUND					
CERPWA	044-1803-431.61-85	CER Equipment Replacement	0	45,000	45,000
	044-1803-431.30-55	Fuels	4,000	2,000	6,000
	044-1803-431.50-50	Equipment Non Capital	0	3,000	3,000
	044-1803-431.47-40	Phone Service & Maintenance	2,920	900	3,820
	044-1803-431.31-50	Safety Supplies	400	400	800
	044-1803-431.56-05	Training, Travel, & Conferences	2,299	1,000	3,299
	044-1803-431.30-40	Office Supplies	1,200	300	1,500
Total Expenditures			10,819	52,600	63,419

REVISION #13

This budget revision is to increase Budget for completion of design on 10th. St. and Washington bridge and replacement of Hubbard Bridge.

109 STREET CAPITAL GRT FUND					
Expenditures					
EN1904	109-9003-430.65-29	Street Capital	204,578	215,000	419,578
Total Expenditures			204,578	215,000	419,578

REVISION #14

This budget revision is to increase budget because of price increases for the fork lift at Central Receiving.

81 WATER/SEWER FUND					
Expenditures					
CERPUR	081-1602-461.61-60	Capital Equipment	50,199	35,000	85,199
Total Expenditures			50,199	35,000	85,199

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/21/2022

Report No: 3.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, the adoption and final publication of Ordinance 1660, amending Chapter 5 of the Alamogordo Code of Ordinances concerning Alcoholic Beverages. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Adopt the ordinance.

Background:

On September 27, 2022, the Commission approved the Ordinance for first publication with a vote of 7-0.

New recommendation to further amend the ordinance

- Renumbered Articles in the chapter to put temporary dispensers after alcohol licenses
- Add the language "to maintain any applicable Local, State, Federal, and other licensing to do business in the city" to Article 5-01-010
- Add Article 5-01-020 Prerequisite to add the Alamogordo Fire Department approval form and add the state's required license hearing from Article 5-02-020
- Add the language "for a location" within the city in Article 5-01-030 and if the application is approved, issuance of license within two business days
- Remove the word "investigations" from the application fee in Article 5-01-030
- Appeal of denial or revocation shall go to the city manager in Articles 5-01-030 and 5-01-060
- Change the late fee from a one-time \$25 to \$10 a month up to 3 months, then inactivation of license for noncompliance of renewal in Article 5-01-050

Initial Amendments

Removing language that duplicates the State and in the long run will be beneficial if state requirements change.

Removing temporary alcoholic beverage dispenser's permits.

ORDINANCE NO. 1660**AN ORDINANCE AMENDING
CHAPTER 5 OF THE ALAMOGORDO CODE OF
ORDINANCES CONCERNING ALCOHOLIC BEVERAGES**

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that businesses and occupations provide valuable services to the citizens of Alamogordo; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that the current process and fees are not favorable to the business requesting licenses; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, considers it necessary to amend sections of Chapter 5 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico, that Chapter 5 of the Code of Ordinances be amended to read as follows:

Chapter 5 ALCOHOLIC BEVERAGES**~~ARTICLE 5-01. GENERAL~~****~~5-01-010. Definitions.~~**

~~All words and terms used in this chapter shall be deemed to have and carry the meaning as defined by the laws of the state, particularly, but not limited to §60-3A-3 NMSA 1978. Where such words and terms are not defined by the laws of the state, then they shall be deemed to have and carry their common, ordinary meaning.~~

~~A. "alcoholic beverages" means distilled or rectified spirits, potable alcohol, powdered alcohol, frozen or freeze-dried alcohol, brandy, whiskey, rum, gin, and aromatic bitters bearing the federal internal revenue strip stamps or any similar alcoholic beverage, including blended or fermented beverages, dilutions, or mixtures of one or more of the foregoing containing more than one-half percent alcohol, but excluding medicinal bitters;~~

~~B. "club" means an organization of persons organized or operated under the laws of the State, operated for nonprofit service to members, with a membership of not less than fifty (50) regularly admitted and enrolled members who have paid membership dues at a rate of not less than five dollars (\$5.00) per year, which the owner licensee or occupant of the premises used exclusively for club purposes and which, in the judgment of the City Commission, is operated solely for recreation, social, patriotic, political, benevolent or athletic purposes;~~

C. ~~“dispenser” means any person licensed under this chapter selling, offering for sale, or having in his/her possession with the intent to sell alcoholic beverages both by the drink for consumption on the licensed premises and in unbroken packages for consumption and not for resale off the licensed premises;~~

D. ~~“licensee” means the holder of any license or permit authorizing the sale of alcoholic beverages issued under the provisions of the Liquor Control Act but does not mean the holder of a server permit;~~

E. ~~“local option district” means an incorporated municipality of over five thousand population that has independently voted to approve the sale, serving, or public consumption of alcoholic beverages under the terms of the Liquor Control Act or former act;~~

F. ~~“minor” means any person who is under the age of twenty one (21) years;~~

G. ~~“public celebration” means any state fair, county fair, community fiesta, cultural or artistic performance or event, professional athletic competition and events or activities held on an intermittent basis that are open or advertised to the general public;~~

H. ~~“public place” shall mean: an area, whether enclosed or open, held out for use by the public and to which the public is invited, or in which the public is permitted, whether owned or operated by public or private interests.~~

I. ~~“restaurant” means any establishment having a state resident as a proprietor or manager which is held out to the public as a place where meals are prepared and served primarily for on-premises consumption to the general public in consideration of payment and which has a dining room, a kitchen and the employees necessary for preparing, cooking and serving meals; the term “restaurant” does not include establishments as defined in regulations promulgated by the director serving only hamburgers, sandwiches, salads and other fast foods;~~

J. ~~“retailer” means any person licensed under this chapter selling, offering for sale, or having in his possession with the intent to sell any alcoholic beverages in unbroken packages for consumption and not for resale off the licensed premises;~~

K. ~~“small brewer” means any person who owns or operates a business for the manufacture of beer but does not manufacture more than two hundred barrels of beer per year;~~

L. ~~“wine” means alcoholic beverages obtained by the fermentation of the natural sugar contained in fruit or other agricultural products, with or without the addition of sugar or other products, that do not contain less than one-half percent nor more than twenty-one percent alcohol by volume;~~

M. ~~“winegrower” means a person who owns or operates a business for the manufacture of wine or cider;~~5-01-020. Building requirements.

~~No alcoholic beverages shall be sold or delivered by any alcoholic beverage dispenser, retailer, or wine grower except in areas, buildings and/or rooms open to the general public. No closed or curtained booths shall be permitted in any establishment or public place licensed under this chapter.~~

5-01-030. Location regulations.

~~A. It shall be unlawful for anyone to drink or to use any alcoholic beverages of any kind, whether lawfully purchased or not, in any public dance hall, poolroom, bowling alley or in any street or in any government building, whether state or federal, or in any other public place except establishments, or other public places having a license to dispense alcoholic beverages.~~

~~B. No license shall be issued for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981, that is within three hundred feet of a church or school. All measurements for the purpose of determining the location of a licensed premises in relation to churches or schools shall be the shortest direct line measurement between the actual limits of the real property of the church or school in which there is regularly conducted church services or educational functions, and the controlled access area of the licensed premises where alcoholic beverages are proposed to be sold (§60-6B-10 NMSA 1978., as amended).~~

5-01-035. Temporary alcoholic beverage dispenser's permit.

~~A. Permit authorized. The governing body of the city has deemed it advisable to allow and permit limited public sale of alcoholic beverages at retail and consumption on the sale premises of alcoholic beverages approved by the city clerk in specific areas of the public parks of said city, and, during community wide celebrations, on certain other public places.~~

~~B. Permit created. There is hereby created a permit, to be designated a temporary alcoholic beverage dispenser's permit. A person to whom the city has issued a current valid temporary alcoholic beverage dispenser's permit will hereinafter be referred to as a temporary alcoholic beverage dispenser's licensee.~~

~~C. Categories created under this permit.~~

~~1. Special dispenser's permit.~~

~~Any person holding a dispenser's state alcoholic beverage license where a public celebration is to be held may dispense alcoholic beverages at the public celebration upon receiving the city's special dispenser's permit.~~

~~2. Special dispenser's permit for catering off premises.~~

~~Any person holding a dispenser's state alcoholic beverage license may dispense alcoholic beverages at the special event upon receiving the city's special dispenser's permit.~~

~~3. Public celebration permit.~~

~~Any person holding a small brewer or winegrower state alcoholic beverage license may dispense alcoholic beverages for a public celebration permit upon receiving the city's small manufacturer's public celebration permit.~~

~~4. Private celebration permit.~~

~~Any person holding a small brewer or winegrower state alcoholic beverage license may dispense alcoholic beverages for a private celebration permit for a private event, in which the organizers of the event wish for alcoholic beverages to be sold, served, and consumed by guests upon receiving the city's small manufacturer's private celebration permit.~~

~~D. Area designated. A temporary alcoholic beverage dispenser's permit shall designate specifically an area in a city park, or alternatively, other public places in the city, which area shall be used for the purposes of the permit, and which area will hereinafter be referred to as a~~

temporary alcoholic beverage dispenser's permit.

~~E. No other area to be used. No alcoholic beverages may be sold at retail or consumed in any city park of the city, or on any other public places of said city, whether in the central business district or otherwise, except that a temporary alcoholic beverage dispenser's licensee may use the temporary alcoholic beverage dispenser's designated on the temporary alcoholic beverage dispenser's permit for purposes of retail sale, and consumption by adult consumers of alcoholic beverages on the premises of the temporary alcoholic beverage dispenser's; and provided further:~~

- ~~1. That such sale and consumption shall be limited to the designated temporary alcoholic beverage dispenser's.~~
- ~~2. The licensee must comply with all applicable laws and ordinances.~~
- ~~3. The licensee must have all of the qualifications set out in the Code of Ordinances, the New Mexico Alcohol Beverage Control Division, and state statutes for an alcoholic beverage dispenser's license permit.~~
- ~~4. The licensee must pay the appropriate fee of fifty dollars (\$50.00) for each temporary alcoholic beverage dispenser's location.~~
- ~~5. The licensee must hold a current license from the state for the sale of alcoholic beverages or beer at retail for consumption on the premises.~~

~~F. Duration. The duration of a temporary alcoholic beverage dispenser's permit shall not exceed three (3) days. No person shall be issued more than three (3) temporary alcoholic beverage dispenser's permits during any calendar month. No temporary alcoholic beverage dispenser's permit shall be transferred by the temporary alcoholic beverage dispenser's licensee to whom it was originally issued.~~

~~G. Compliance with other regulations. Each temporary alcoholic beverage dispenser's, while in operation shall comply with all of the requirements of this chapter of the Code of Ordinances relating to dealers in alcoholic beverages.~~

~~H. The applicant shall submit the application at least 14 business days prior to the event.~~

~~I. The alcoholic beverage dispenser's permit shall be posted in a conspicuous place in the area for which it was issued.~~

~~J. [Governmental liquor license.] Nothing in this section shall be construed as prohibiting the city from using a premise or area designated on a governmental liquor license for the retail and consumption by adults of alcoholic beverages in any city park, or on any other public place.~~

5-01-040. Selling or giving alcoholic liquor to minors; minor allowing self to be served.

~~A. It shall be a violation of this section for any club, retailer, dispenser, bartender, waiter or servant or employee of any club, retailer, or dispenser, or for any taxi driver, hotel employee or any other person, to do any of the following acts:~~

- ~~(1) To sell, serve or give any alcoholic beverage to a minor.~~

- ~~(2) To buy alcoholic beverages for, or to procure the sale or service of alcoholic beverages to, a minor.~~
- ~~(3) To deliver alcoholic beverages to a minor.~~
- ~~(4) To aid or assist a minor to buy, procure or be served with alcoholic beverages.~~
- ~~B. It shall be a violation of this section for any minor to buy, receive, possess, or permit themselves to be served with any alcoholic liquor.~~
- ~~C. In the event any person except a minor shall procure any other person to sell, serve or deliver any alcoholic beverage to a minor by actual or constructive misrepresentation of any facts calculated to cause, or by the concealment of any facts the concealment of which is calculated to cause, the person, selling, serving or delivering such alcoholic beverages to such minor, that such minor is legally entitled to be sold, served or delivered alcoholic beverages; and actually deceiving him/her by such misrepresentation or concealment, then that person, and not the person so deceived by such misrepresentation or concealment, shall have violated this section.~~

5-01-050. Drinking in public places.

- ~~A. Drinking in public places consists of drinking or consuming alcoholic beverages (as the term is defined in Section 60-3A-3 NMSA 1978, (as amended) in any public place, private club, key club, whether operated for profit or not, or on a parking lot adjacent to an establishment licensed to dispense alcoholic beverages; provided, that this chapter shall not apply to drinking inside an establishment having a license to dispense alcoholic beverages or a temporary alcoholic beverage dispenser's location as authorized by Section 5-01-035 of the Code of Ordinances.~~
- ~~B. It shall be unlawful for any person to commit the offense defined in this section.~~

5-01-060. Selling of alcohol in public places.

~~Selling of alcohol in public places consists of selling, serving, furnishing, or permitting the drinking or consumption of alcoholic beverages (as the term is defined in section 60-3A-3, NMSA 1978., as amended) in any public place or private club, or key club, whether operated for profit or not, except establishments having a license to dispense alcoholic beverages by the owner, operator, lessee, or proprietor thereof.~~

5-01-070. Tax stamps required.

~~It shall be unlawful for any person to possess, sell, or transport any alcoholic beverages upon which the taxes and/or duties levied and required by the state and/or the United States of America have not been paid. The possession of alcoholic beverages in any container not bearing any stamp required by the laws of the state and/or the United States of America shall be prima facie evidence that the taxes and/or duties levied and required by the state and/or the United States of America have not been paid on such alcoholic beverages.~~

5-01-080. Lighting required.

~~All persons holding licenses for the sale of alcoholic beverages as retailers or dispensers shall keep all parts of the lots on which the licensed premises are situated, and the streets or~~

~~alleys immediately adjacent to such places or buildings, well lighted during the hours when alcoholic beverages are being sold or served on such premises.~~

ARTICLE 5-02. 5-01. ALCOHOLIC BEVERAGE DISPENSERS LICENSE

~~5-02-010.~~ 5-01-010. Required.

The sale and possession for the purpose of selling, and the offering for sale of alcoholic beverages is hereby prohibited except by persons ~~duly~~ licensed within the area and upon the conditions specified in this chapter and other applicable provisions of this Code. Licenses with the City of Alamogordo are required to maintain any applicable Local, State, Federal, and other licensing to do business in the city.

5-01-020. Prerequisite for application.

Upon receipt of the state alcohol application, the city clerk shall determine if preliminary approval of the issuance or transfer of the license has been made pursuant to section 60-6B-4, N.M.S.A., 1978. Upon determining that such preliminary approval has been made, the city clerk shall set the application for hearing as provided in section 60-6B-4.

Applicant shall provide a copy the Alamogordo Fire Department's approved form.

~~5-02-020.~~ 5-01-030. Application.

~~Applications for a license to sell alcoholic beverages within the city shall be made to the city clerk on a form prescribed by the city clerk. Each application shall include a copy of the application to the state department of alcoholic beverage control and shall be accompanied by a fee of seventy-five dollars (\$75) to cover the expense of investigations and publications. Upon receipt of the application, the city clerk shall determine if preliminary approval of the issuance or transfer of the license has been made pursuant to section 60-6B-4, N.M.S.A., 1978. Upon determining that such preliminary approval has been made, the city clerk shall set the application for hearing as provided in section 60-6B-4. An investigation shall be made of the applicant, the matters stated in the application, and for compliance by the applicant and the proposed location of the licensed premises for compliance with all applicable codes. Upon approval of the issuance of the state alcoholic beverage license, the applicant shall provide the license to the city clerk to obtain the city's alcoholic beverage license. The alcoholic beverage license shall be posted in a conspicuous place on the premises of the business.~~

Applications for a license to sell alcoholic beverages for a location within the city shall be made to the city clerk on a form prescribed by the city clerk. Each application shall be accompanied by an application fee of seventy-five dollars (\$75) to cover the expense of publications. A copy of the state alcoholic beverage license, approved Fire Department form, and the applicable tax fee shall be submitted with the city application. Upon receipt of an application for a city license, the city clerk shall review the application, and if approved, within 2 (two) business days a license certificate will be issued. The license shall be conspicuously displayed at the place of business.

If, as a result of the review, it is determined that the issuance of the license is not in the interest of the health, safety and general welfare of the public, the applicant shall be given notice of denial. The applicant may present to the city manager reason for obtaining a license. If the city manager determines that issuance of the license is not in the best interest of the public health, safety, or welfare, the denial shall stand.

~~5-02-030.~~ 5-01-040. Tax and fee.

~~A. The tax for licenses to sell alcoholic beverages are as follows:~~

Club, per annum \$250
 Dispenser, per annum \$250
 Restaurant, per annum \$250
 Retailer, per annum \$250
 Small Brewer, per annum \$250
 Winegrower, per annum \$250

~~B. The fee for permits to sell alcoholic beverages that have a city alcoholic beverage license are as follows:-~~

- ~~1. Special Dispenser/ Special Dispenser for catering off premises, per day, per event \$0~~
- ~~2. Public/ Private Celebration, per day, per event \$0~~

~~C. The fee for permits to sell alcoholic beverages for an outside city limit business to sell inside city limits are as follows:-~~

- ~~1. Special Dispenser/ Special Dispenser for catering off premises per day, per event \$25~~
- ~~2. Public/ Private Celebration, per day, per event \$25~~

~~D. All licenses and renewals shall be issued annually in accordance with~~ pursuant to the aAlcoholic bBeverage Control dDivision dates. The license tax shall not be refunded or prorated. The above does not include application fees or business registration any other fees.

~~5-02-035.~~ 5-01-050. Late renewal and expiration of a license.

Any licensee who fails to submit a properly completed renewal application, including applicable fees, and a copy of the current alcoholic beverage state license by the renewal deadline of 10 days prior to the expiration date of the license, must pay a late renewal fee in the amount of twenty five ten dollars (\$25 10) per license month for up to three months. The license shall be inactivated after three months of non-compliance of renewal. A license will be deemed expired upon default of renewal of the license expiration date.

~~5-02-040.~~ 5-01-060. Revocation.

~~The city commission may, by a majority vote of all members elected, revoke any and all licenses for the sale of alcoholic liquors for the violation of any of the provisions of this chapter, after a public hearing and upon five (5) days' notice thereof.~~

The city manager or their designee may revoke a license issued pursuant to this chapter, where the license holder has been adjudged guilty of a violation of this chapter, or whenever the public

health, safety or welfare requires revocation. Before revocation, the city clerk shall notify the holder of the license, in writing, of the proposed revocation, specifying the nature of the charges for which revocation is sought. The licensee shall have the right to appeal to the city manager as to why the license should not be revoked. If, the city manager determines that revocation of the license is in the best interest of the public health, safety and welfare, the license shall be revoked, and an order shall be entered revoking the license and stating the reasons to the applicant.

ARTICLE 5-02. TEMPORARY ALCOHOLIC BEVERAGE DISPENSERS

5-02-010. Required.

- A. Applicant must present the State of New Mexico's Public Celebration Permit application or the Special Dispensers Permit application to the City Clerk's department.
- B. The City Clerk's department will approve or disapprove within one (1) business day.
- C. It is the responsibility of the applicant to follow Alcoholic Beverage Control Division guidelines and State Statutes.

ARTICLE 5-03-010. ~~Penalties~~ PENALTIES.

Violation of any of the sections in this chapter shall be a misdemeanor punishable by up to five hundred dollars (\$500.00) per day and up to six (6) months in jail per day of each violation.

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:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/17/2022

Report No: 4.

Submitted By: Britney Ybarra

Subject: Consider, and act upon, an emergency funds appropriation to purchase an evaporator and condenser for the Senior Center's walk-in freezer. Total amount budgeted is \$14,688.00. (*Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Total Amount budgeted: \$14,688.00

Recommendation: Approve the emergency funding.

Background: This funds appropriation in the amount of \$14,688.00 is for the purchase of a new evaporator and condenser for the Senior Center's walk-in freezer.



APPROPRIATION RECIPIENT:

Grantee: City of Alamogordo, Brian Cesar, City Manager
Title: Alamo Senior Center – purchase and install commercial kitchen equipment
Address: 1376 9th St., Alamogordo, New Mexico 88310
Email: mmorales@ci.alamogordo.nm.us Telephone: 575-439-4150

<u>APPROPRIATION NUMBER:</u>	<u>APPROPRIATION AMOUNT:</u>	<u>APPROP TERM DATE:</u>
A22G2019-G541	\$ 14,688.00	June 30th, 2026

APPROPRIATION LANGUAGE

Laws of 2022, Chapter 53, Section 5, Paragraph 17 – for emergency requests to plan, design, renovate, improve, equip and furnish the Alamo Senior Center in Otero County. (Any grant funds unexpended by June 30, 2024, will be terminated and re-issued back to the appropriation for other statewide needs)

CERTIFICATION

I hereby certify that the City of Alamogordo

1. Will only use the appropriation funds for permissible purposes as described in appropriation language.
2. Will comply with State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the project (if applicable).
3. Ensures that the appropriation funds only benefit entities in accordance with applicable law, including, but not limited to Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
4. Will follow the procedure described in "Appropriation Reimbursement" for reimbursement of appropriated funds.

APPROPRIATION REIMBURSEMENT

The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Agency Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Agency will review these documents to ensure all reimbursed expenses reflect the intent and purposed of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment for FY23 (July 1, 2022 – June 30, 2023) is June 30th, 2023. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

/_____
Grantee Chief Elected Official Signature / Printed Name

Date

AUTHORITY

State Agency on Aging (28-4-1 to 28-4-9 NMSA 1978: successor agency, Aging and Long-Term Services Department (9-23-1 to 9-23-12 NMSA 1978) may enter into grants and contracts as appropriated by law. I hereby approve this certification for appropriation number

A22G2019-G541 Alamo Senior Center – purchase & install equipment - \$14,688.00

Agency Designee signature

Date

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/17/2022

Report No: 5.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the award of RFQ 2022-08 Development of a Drainage Master Plan for the Public Works Department to Bohannon Huston. (*Nancy Beshaler, Public Works Director*)

Fiscal Impact: 0

Amount Budgeted: \$350,000

Fund: 044-5303-431-6235

Additional Fiscal Impact:

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

Background: The City is interested in development of a Drainage Master Plan to evaluate existing drainage conditions and develop a short- and long-term plan for programming drainage infrastructure improvements. The RFQ was advertised on July 31, 2022 in the Alamogordo Daily News. Three proposals were received on September 16, 2022. All proposals were deemed responsive. The proposals were evaluated by 5 independent City employees. Attached is the composite sheet with the results of those evaluations.

Proposals are available for review at the Purchasing Department.

CITY OF ALAMOGORDO
COMPOSITE SCORE SHEET
Development of a Drainage Master Plan for Public Works Department
September 16, 2022
RFQ NO. 2022-08

Factor	Available Points per Vendor	5 Committee Members	Bohannon Huston	Smith Engineering	ESP Associates Inc.
1	150	Specialized Design and Technical Competence	148	148	91
2	100	Capacity and Capability	94	91	90
3	100	Past Record of Performance	89	90	75
4	75	Approach to providing Services	72	75	24
5	25	Proximity to or Familiarity with the Alamogordo area	23	24	19
6	25	Amount of Design work that will be produced by a New Mexico Business within this state	15	19	0
7	25	Current Volume of Work for the City of Alamogordo	25	0	22.35
8	Percentage	Preference	23.3	22.35	138
Total Available	500	Accumulated Score	489	469	459
Total Rank			1	2	3

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/17/2022

Report No: 6.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the award of RFQ 2022-09 Engineering Services for Water and Wastewater Master Planning to CDM Smith Inc. *(Dave Nunnelley, Utilities Director)*

Fiscal Impact:

Amount Budgeted: \$725,000

Fund: 081-5703-461-6185 and 089-9303-461-6235

Additional Fiscal Impact:

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

Background: The City of Alamogordo Utilities Department is seeking proposals from qualified firms or collaborating firms to provide professional engineering services for comprehensive master planning services for its water and wastewater conveyance systems, i.e., distributed assets including pipelines, lift stations, pump stations, elevated and ground storage tanks, and appurtenant structures and components. RFQ was advertised on September 4, 2022. The City received three proposals by the due date of October 3, 2022. All three proposals were deemed responsive. Proposals were evaluated by 5 individuals. Attached is the Composite Score Sheet with the results of those evaluations.

Proposals may be viewed at the Purchasing Department.

CITY OF ALAMOGORDO
COMPOSITE SCORE SHEET
Engineering Services for Water Wastwater Master Planning
October 3rd 2022
RFQ NO. 2022-09

Factor	Available Points per Vendor	5 Committee Members	CDM Smith	Smith Engineering	Souder Miller & Associates
1	150	Specialized Design and Technical Competence	139	124	117
2	100	Capacity and Capabiity	96	82	79
3	100	Past Record of Performance	95	78	79
4	75	Approach to providing Services	68	73	57
5	25	Proimity to or Familiarity with the Alamogordo area	25	25	25
6	25	Amount of Design work that will be produced by a New Mexico Business within theis state	24	20	20
7	25	Current Volume of Work for the City of Alamogordo	25	0	20
8	Percentage	Preference	23.6	20.1	19.85
Total Available	500	Accumulated Score	496	422	417
Total Rank			1	2	3

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/18/2022

Report No: 7.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the award of IFB 2022-08 Hot Mix to Aggregate Technologies, LLC in the amount of \$240,007.00. *(Nancy Beshaler, Public Works Director)*

Fiscal Impact: \$240,007.00

Amount Budgeted: \$241,000.00

Fund: 044-5203-431-4465

Additional Fiscal Impact:

Recommendation: Approve award to Aggregate Technologies, LLC.

Background: IFB 2022-08 was advertised on October 2, 2022. The bid was opened on October 17, 2022. The Purchasing Department received one bid. The bid was reviewed and determined to be acceptable and in compliance with the terms and conditions of the IFB.

This is an estimated quantity, multi-term contract. The term of this contract is to commence on November 1, 2022 to October 31, 2023. This contract may be extended for an additional three, one-year terms. Quantity is determined by the estimated annual maximum usage.

BID TABULATION
Hot Mix
CITY OF ALAMOGORDO IFB 2022-08
October 17, 2022 2:00 PM

ITEM NO.	ESTIMATED QUANTITY TONS	DESCRIPTION	Aggregate Tachnologies, LLC	
			Unit Price	Total Price
1	2500 TONS	Hot Mix,Per Specifications (Not Delivered)	\$96.00	\$240,000.00
2	Per Mile	Hot Mix Delivered	\$7.00	\$7.00
TOTAL BASE BID				\$240,007.00

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/20/2022

Report No: 8.

Submitted By: Dylan Aleshire

Subject: Consider, and act upon, a Residential Parking Only sign for location 1104 Indian Wells Road.
(Dylan Aleshire, Deputy City Clerk)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the placement of one sign at the above-listed property upon the applicant's payment of \$100.00.

Background: Pursuant to Section 24-13-010 (b) of the Alamogordo Code of Ordinances, no residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.

Mr. Fidel Plata is requesting one (1) Resident Parking Only sign for his home at 1104 Indian Wells. This property is within 500' of Calvary Baptist Church.



City of
ALAMOGORDO

RECEIVED

OCT 17 2022

CITY CLERK

APPLICATION FOR "RESIDENT PARKING ONLY" SIGN

Name: Fidel + Magdalena

Phone: 575-446-8526 Email: _____

Address Where Sign is Requested: 1104 Indianwells
Alamogordo, NM 88310

FP I understand that if approved by the City Commission, I will have to pay a
Initial \$100 fee (per sign) to cover the cost of the sign and installation.

Pursuant to Section 24-13-010 of the *Alamogordo Code of Ordinances*, no residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.

List the reason(s) for your request (please *PRINT* and be as detailed as possible):

Reasons for request - Our neighbors to our
Left have several young friends who
visit. We have tried to speak to them about
taking up our parking within our property lines.
When our friends come to visit us they have
to use our neighbors parking

Thank you

Fidel Plata
Applicant's Signature

10/17/2022
Date

For Office Use Only:

City Commission Meeting Date: 10/25/2022

____ APPROVED ____ DENIED Vote: _____

Date Applicant Notified: _____

Payment Code: SX Payment Amount: \$100.00

Payment Date & Receipt No.: _____

Date Work Order Requested: _____



24-13-010. Residential parking restricted.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with this section or the directions of a police officer or official traffic-control device, no person shall stop, stand or park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, at any place where an official sign reads "Residential Parking Only," and along the curb within ten feet of either side of such sign, unless given permission by the resident living directly behind the sign. Except upon the conditions listed in this section, it shall be unlawful to place a vehicle, occupied or not, along the curb within ten feet of a "Designated Mobility Disabled Resident Parking Only" sign unless the vehicle has the requisite handicapped placard and the resident living directly behind the sign has given permission for the vehicle to occupy the space. A citation for violation of this section shall be written only upon complaint of such resident.
- (b) The determination to post a residence with "Residential Parking Only" signs shall be made by the city commission, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant. No residence may be posted which is not within five hundred (500) feet of the property line of a public meeting place.
- (c) A fee of one hundred dollars (\$100.00) shall be paid to the city treasurer upon approval of each application.
- (d) The determination to post a residence with "Designated Mobility Disabled Resident Parking Only" signs shall be made administratively by a designee of the city manager, after good cause is shown by the applicant. Good cause must include the reasons why the applicant's residence contains inadequate parking to meet the needs of the applicant.
- (e) At the first meeting in January each year, city manager shall prepare a list of the locations of all "Residential Parking Only" signs and all "Designated Mobility Disability Resident Parking Only" signs in the city. The city manager shall recommend continuance or discontinuance of each location; if discontinuance is recommended, the resident(s) shall be notified by first class mail not less than seven (7) days before the meeting. The commission shall direct the discontinuance and removal of signs at any location deemed advisable.
- (f) The city manager shall have the authority to direct the removal of "Residential Parking Only" or "Designated Mobility Disabled Resident Parking Only" signs at any location not identified on the list of such signs approved by the city commission.
- (g) Existing signs with wording approved under previous versions of this section remain effective and enforceable, but shall not be replaced except with signs containing the currently approved wording.

(Ord. No. 1567 , 5-29-18)

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/18/2022

Report No: 9.

Submitted By: Bob Johnson

Subject: Consider, and act upon, award of Public Works Bid No. 2022-005, to PDN SSL, LLC dba Superior Sign & Lighting related to the Digital LED Signs for Alameda Park Zoo and Alamogordo Family Recreation Center project in an amount not to exceed \$306,185.00, including NMGR. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$306,185.00

Amount Budgeted: \$390,000.00

Fund: 016-0001-419.61-60 and 032-6106-450.65-70 CS2204

Additional Fiscal Impact:

Recommendation: Approve the award.

Background: Project consists of providing and installing a new 16' wide X 10' high digital LED electronic message board sign and new 12" diameter post at the Alameda Park Zoo, and a new 10' wide X 5' high digital LED electronic message board sign on the existing post at the Alamogordo Family Recreation Center. The contractor will remove the existing signage, transport, and unload at the Public Works yard. The project was advertised on September 18 and 25, 2022. Bids were opened on October 18, 2022. The bid tabulation is attached.

BID TABULATION
DIGITAL LED SIGNS FOR ALAMEDA PARK ZOO & ALAMOGORDO FAMILY RECREATION CENTER
PUBLIC WORKS BID NO. 2022-005
OCTOBER 18, 2022 2:00 PM

ITEM NO.	QTY	UNIT	DESCRIPTION	PDN SSL, LLC dba Superior Sign & Lighting	
				UNIT PRICE	BID AMOUNT
1	1	LS	Alameda Park Zoo - 16' W X 10' H Digital LED EMC	\$193,800.76	\$193,800.76
2	1	LS	Alamogordo Family Recreation Center 10' W X 5' H Digital LED EMC	\$89,703.87	\$89,703.87
NMGRT (8.0%)					\$283,504.63
					\$22,680.37
					\$306,185.00

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/18/2022

Report No: 10.

Submitted By: Bob Johnson

Subject: Consider, and act upon, approval of Amendment No. 1, to Santa Fe Engineering Consultants, LLC, related to the Services Agreement for completion of the hydrologic analysis, breach analysis, flood modeling, and emergency action plan for the Bonito Lake Dam in an amount not to exceed \$22,745.63, including NMGRT. *(Bob Johnson, Engineering Manager)*

Fiscal Impact: \$22,745.63

Amount Budgeted: \$2,769,795

Fund: 081-0008-461.60-79 PW2002

Additional Fiscal Impact: \$870,625.71 available and unencumbered.

Recommendation: Approve the amendment.

Background: In June 2021, the City issued a professional services agreement to Santa Fe Engineering Consultants, LLC (SFEC) to complete the hydrologic report, breach analysis, flood modeling, and emergency action plan for Bonito Lake Dam. This is a requirement by the Office of State Engineer - Dam Safety Bureau (OSE-DSB) in order to secure regulatory approval to fill the lake. In October 2022, the OSE-DSB requested SFEC extend the flood modeling further downstream by approximately 44 more miles to the Two Rivers Dam near Roswell.

MIKE A. HAMMAN, P.E.
STATE ENGINEER



DAM SAFETY BUREAU
5550 SAN ANTONIO DR. NE
ALBUQUERQUE, NM 87109
(505) 383-4113
(505) 383-4132 FAX
NM.DamSafety@state.nm.us

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
Santa Fe

October 17, 2022

Mr. Bob Johnson, P.E.
Engineering Manager
City of Alamogordo
1376 E. 9th Street
Alamogordo, NM 88310

RE: HEC-RAS Model for Bonito Dam Emergency Action Plan (EAP)
OSE File No. D-249, Lincoln County

Dear Mr. Johnson:

There has been much discussion between Mr. Bud Brock of my staff and Paul Saavedra of SFEC, concerning the extension of the HEC-RAS model for the Bonito Dam EAP. The current model runs along the Rio Bonito from Bonito Dam to the confluence with the Rio Ruidoso (formation point of the Rio Hondo), a distance of approximately 33 miles. The ongoing discussion concerns extending the model run further downstream to a point past the residents adjacent to the river, and possibly to the Two Rivers Dam.

The reason the model needs to be extended is because the Rules and Regulations Governing Dam Design, Construction and Dam Safety, Section 19.25.12.18.F (NMAC), Inundation Maps, states "Evaluation of the effects of flooding from dam failure shall extend at least to the location downstream where consequences of dam failure does not pose a threat to life and evacuation or restricting access is not required". Typically, this location is assumed to be the point where the flood waters converge with a large water body such as a major river or large lake. The pre-analysis assumption with the Bonito Dam breach study was that the breach flood wave would be either contained within the channel banks or within the inundation zone for the PMP event without breach at the confluence point with the Rio Ruidoso, thus allowing the model to terminate at this location. However, the most recent run of the HEC-RAS model indicates neither of these limiting factors occurred as the inundation zone for the sunny day breach is still well outside the channel banks at the confluence point, and the PMP event with breach inundation zone is wider than the PMP event without breach inundation zone at the confluence point.

October 17, 2022

Therefore, the HEC-RAS model for the Bonito Dam EAP needs to be extended to a point where the breach of the dam presents no further threat to life. It is hoped this will occur downstream of the village of Picacho. However, there are still a few homes near the riverbanks downstream of Picacho. As such, it is likely the HEC-RAS model will need to be extended all the way to the Two Rivers Dam, which is approximately 44 miles downstream of the confluence of the Rio Bonito with the Rio Ruidoso.

Please let me know if further discussion would be helpful.

Sincerely,



Charles N. Thompson, P. E.,
Chief, Dam Safety Bureau
New Mexico Office of the State Engineer

bb/CNT

cc: Michael D. Gomez, P.E., P.T.O.E., CFM, Santa Fe Engineering Consultants, LLC.
(mgomez@santafeengineering.com)

**AMENDMENT #1 TO
AGREEMENT BETWEEN OWNER AND ENGINEER
FOR COMPLETION OF HYDROLOGIC ANALYSIS, BREACH ANALYSIS, AND
EMERGENCY ACTION PLAN FOR BONITO LAKE DAM**

THIS 1st AMENDMENT made on this ____ day of _____, 2022 between the City of Alamogordo, a New Mexico municipal corporation (the "Owner"), and Smith Engineering Company (the "Engineer").

The parties hereby agree that the Agreement, dated June 3, 2021 between the Owner and Engineer hereby amended as follows:

3. COMPENSATION

Professional services fees for this Amendment #1 will be in accordance with the rates and charges as stipulated in the Agreement dated June 3, 2021, with an additional lump sum amount for the additional services of \$21,000.00, excluding NMGR. T.

Except as set forth in this Amendment, the original Agreement, dated June 3, 2021 shall remain in full force and effect.

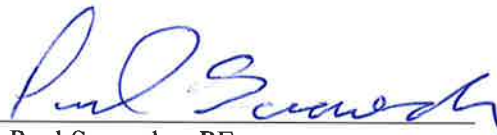
IN WITNESS WHEREOF, City and Consultant have executed this amendment on the date set opposite their signatures.

SANTA FE ENGINEERING CONSULTANTS, LLC

Date:

10/18/2022

By:


Paul Saavedra, PE

OWNER

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

Ashley Smith, City Attorney

Santa Fe Engineering Consultants, LLC



Civil and Traffic Engineering
Construction Management
Land Development

1599 St Francis Drive, Suite B
Santa Fe, N. M. 87505
(505) 982-2845 Fax (505) 982-2641

October 18, 2022

Mr. Bob Johnson
Engineering Manager
City of Alamogordo
1376 East Ninth St
Alamogordo, NM 88310

**RE: CIVIL ENGINEERING SERVICES FOR THE COMPLETION OF THE
EMERGENCY ACTION PLAN (EAP) FOR THE BONITO DAM**

Dear Mr. Johnson:

As previously discussed, we have prepared a revised proposal for engineering services to complete the Emergency Action Plan (EAP) for Bonito Dam.

The current Engineering Services include the Completion of the Hydrologic Analysis, Breach Analysis and Emergency Action Plan for Bonito Dam. This consists of reviewing the Office of the State Engineer-Dam Safety Bureau (OSE-DSB) comments, addressing and coordinating replies. This is assuming there will be one round of additional comments from the OSE-DSB on the three already submitted reports.

The status of the three reports is as follows:

Hydrologic Report: We have received comments from the OSE-DSB. We are reviewing those comments and will submit the revision of the Hydrologic Report based on those comments.

Breach Analysis: We have not received any comments on the Breach Analysis. As soon as comments are received, we will review and re submit the Analysis.

Emergency Action Plan (EAP): Because of the anticipated filling of Bonito Dam, the OSE-DSB reviewed the EAP prior to the review of the Breach Analysis. Their comments included a requirement that the flood analysis be extended to Two Rivers Dam near Roswell. The current EAP includes the flood analysis on the Rio Bonito from Bonito Dam to the

confluence of the Rio Bonito and the Rio Ruidoso (Rio Hondo), a distance of 33 miles. The requirement that extension of the flood analysis to Two Rivers Dam adds approximately 44 more miles of flood analysis. Although the distance and area are very rural, it will involve re-evaluating the US Army Corps of Engineers Hydrologic Engineering Center River Analysis System (HEC-RAS) computer model used to produce the data for the report. This was not anticipated in the original Scope of Work for this project.

We respectfully request an increase in the PO 100689, of \$21,000, to allow the re-evaluation of the computer model to include the additional 44 miles of the Rio Hondo in the Bonito EAP. The Fee Summary for the additional work is attached. Please let me know if further discussion is required.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Saavedra", with a stylized flourish at the end.

Paul Saavedra, P.E.,
Santa Fe Engineering Consultants, LLC.

SANTA FE ENGINEERING CONSULTANTS ENGINEERING SERVICES FOR COMPLETION OF EMERGENCY ACTION PLAN BONITO DAM MAN HOUR AND COST ESTIMATE 10/18/2022								
		ENGINEER III	ENGINEER II	CONSTRUCTION INSPECTOR	SENIOR ENGINEERING TECHNICIAN	CADD DRAFTER	PROJECT ASSISTANT	SFEC COST BY TASK
TASK DESCRIPTION		HOURLY RATES BY PERSONNEL						
		\$220.00	\$195.00	\$110.00	\$135.00	\$110.00	\$75.00	
1	EMERGENCY ACTION PLAN							
A	Extend Flood Routing Downstream 44+miles							\$0.00
a	Coordinate with FEMA on updated HEC-RAS Model	2						\$440.00
b	Download LIDAR topography for 44 miles				24			\$3,240.00
c	Set critical cross sections including bridges in HEC-RAS					16		\$1,760.00
d	Run HEC-RAS continuing flood at Rio Bonito and Rio Ruidoso	40			24			\$12,040.00
e	Get summary output from HEC-RAS	4						\$880.00
f	Export summary output onto flood maps					16		\$1,760.00
g	Place flood maps and data into EAP					8		\$880.00
	SUBTOTAL	46	0	0	48	40	0	\$21,000.00
		TOTAL NOT INCLUDING NMGR						
		\$21,000.00						

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 10/25/2022

Report Date: 10/17/2022

Report No: 11.

Submitted By: Stella Rael

Subject: Consider and act upon Case V-2022-0001(A), property owners Scott & Lynn Kimball are requesting to reduce the front setback line from fifty feet (50') to twenty-five feet (25') to allow the construction of a new building at 1021 N. Florida Ave. (*Stella Rael, City Planner*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve

Background: Property owners would like to reduce the front setback from fifty feet (50') to twenty-five feet (25') to allow the construction of a new building.



City of Alamogordo

City Commission



V-2022-0001(A)

Stella Rael, City Planner
October 25, 2022

Variance Request Case: V-2022-0001(A)

Request:

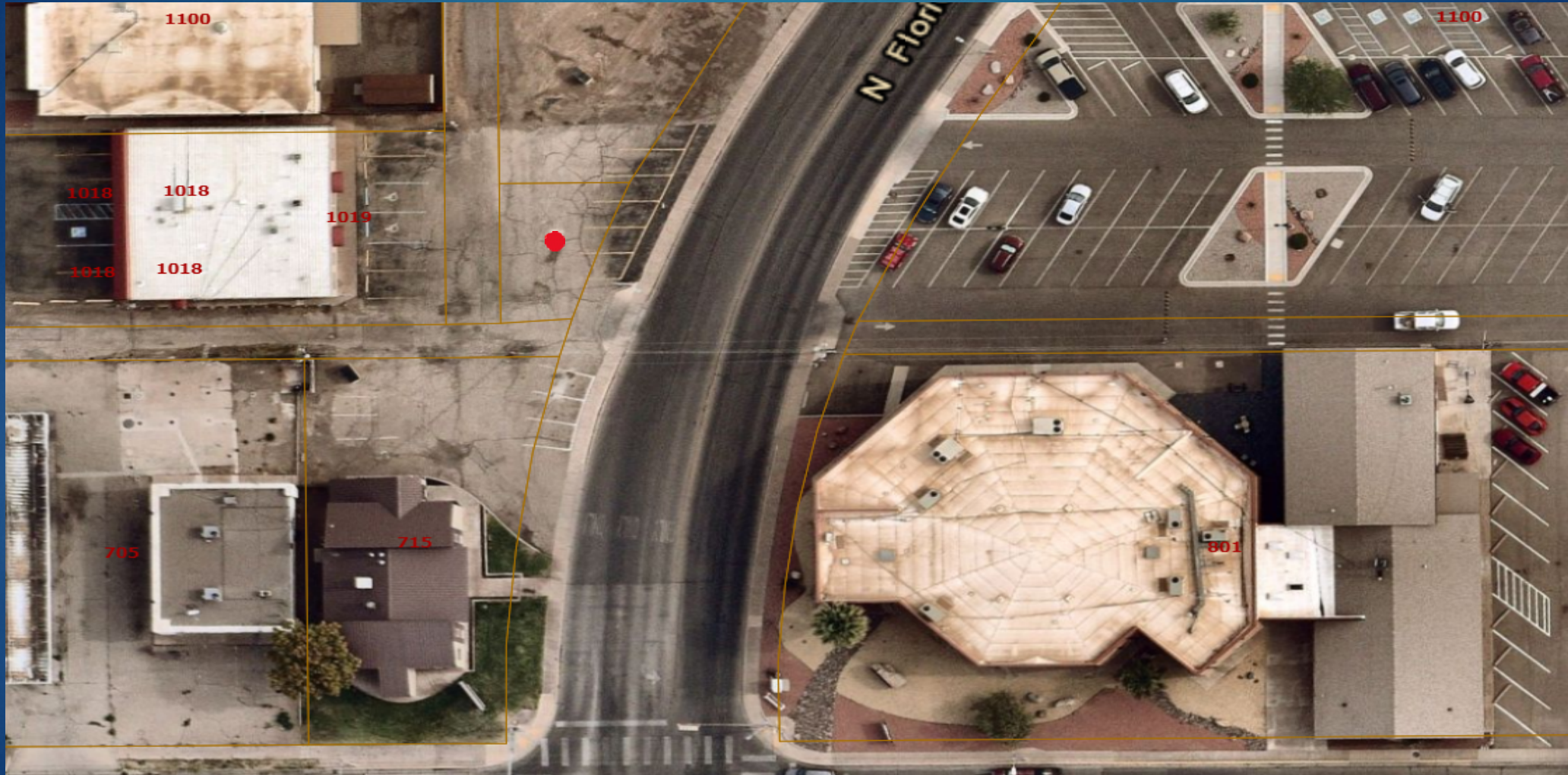
The property owners are requesting to be granted a variance to allow a front setback of 25 feet vs 50 feet required per ordinance for the construction of new building within the R-4 Multiple Family Dwelling District.

Applicants:

Scott & Lynn Kimball

Aerial

3



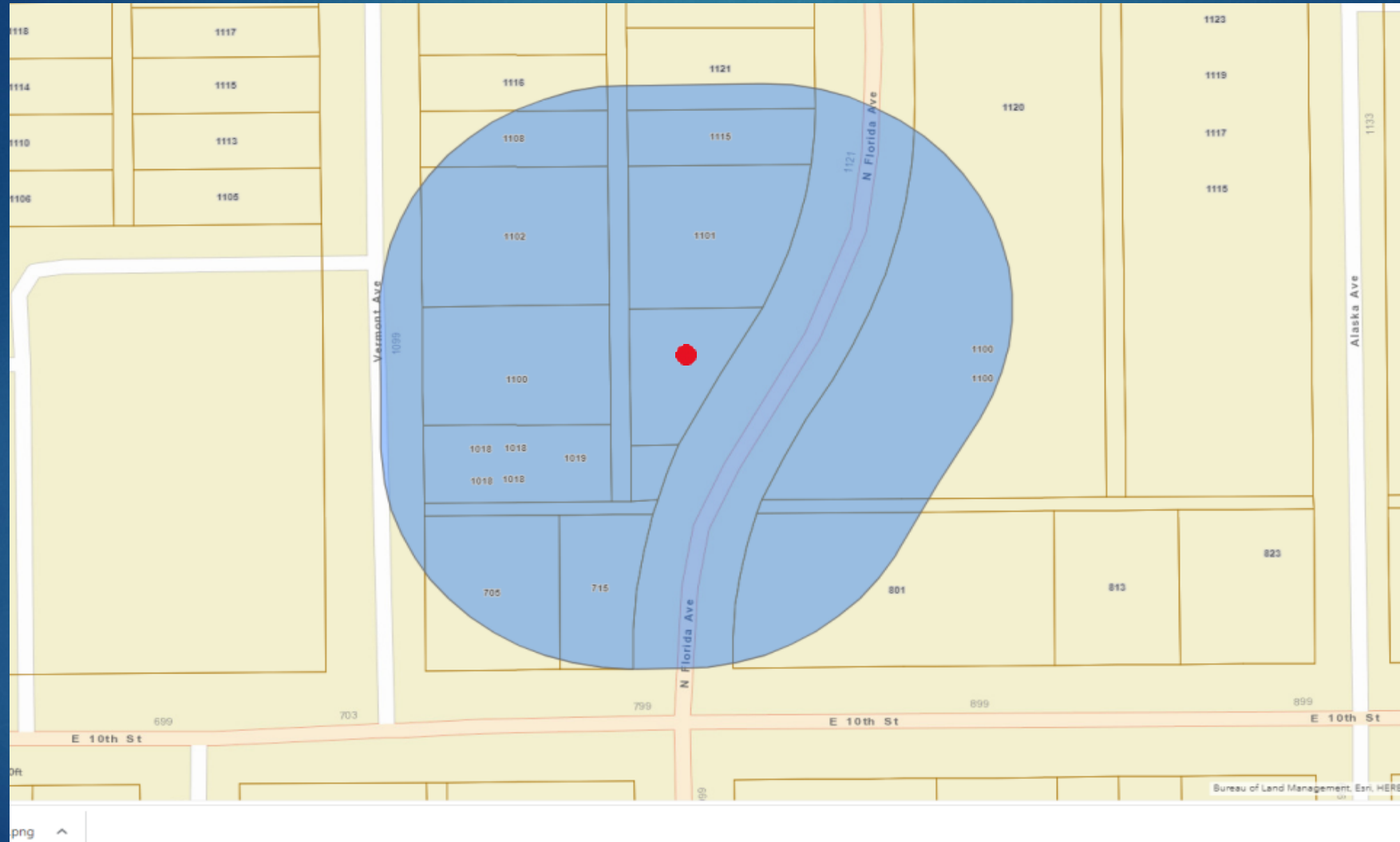
ZONING MAP

4



Protest Area

5



Findings of Fact

- ◆1. The property is located at 1021 N. Florida Ave. within a Multiple Family Dwelling District
- ◆2. The request is to be granted a variance to allow a front setback of 25 feet vs 50 feet required per ordinance for the construction of a new building.
- ◆ 3. The application was filed on September 29, 2022.
- ◆4. The legal notice was published on October 13, 2022
- ◆5. Seven (7) letters were mailed by first class mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property for which the variance is sought.
- ◆6. As of October 17, 2022, there have been no letters returned undeliverable and I have not received any letters or phone calls of opposition.

V-2022-0002(A)

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- ◆ Staff recommends approval since this request will not be materially detrimental to surrounding property owners or the public