



# Alamogordo City Commission

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## NOTICE OF MEETING

### Regular Meeting Agenda

September 12, 2023 - 6:30 PM

Donald E. Carroll City 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

Stephanie Hernandez ..... Acting 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

#### PRESENTATIONS

1. Swearing in of Certified Police Officer Emilio Alonzo, Police Service Aides Don Brockett and Audie Swing, and Animal Control Officer Steven Howe. (David Kunihiro, Chief of Police, and David Overstreet, Municipal Court Judge)

2. Constitution Week Proclamation. (*Susan L. Payne, Mayor*)

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**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.*

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**CITY MANAGER'S REPORT**

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**REMARKS AND INQUIRIES BY THE CITY COMMISSION**

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

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

3. Approve the minutes for the Special Commission meetings on August 21, 2023, and August 28, 2023, and the Regular Commission meeting on August 22, 2023. (*Rachel Hughs, City Clerk*)
4. Approve the statements related to the Executive Closed Sessions held on August 21, 2023, and August 28, 2023. (*Rachel Hughs, City Clerk*)
5. Approve the weekly City Manager Reports for 8/18/2023, 8/25/2023, and 09/1/2023. (*Stephanie Hernandez, Acting City Manager*)
6. Consider, and act upon, agreement with Otero County for receipt of the \$50,000 reimbursable grant award for the Alamogordo Public Library services to County residents. (*Kim Underwood, Library Manager*)
7. Consider, and act upon, approval of Change Order No. 1 in the amount of \$61,054.45, including NMGR, to La Luz Dirt & Paving, LLC related to the FY21 Street Maintenance Program - Ridgecrest Drive project. (*Patrick Riele, Project Manager*)
8. Consider, and act upon, acceptance of the FY24 New Mexico Department of Tourism's Clean and Beautiful grant award in the amount of \$25,495.84. (*Sven Sears, Parks & Recreation Executive Assistant/KAB*)
9. Approve Resolution 2023-42 designating the Administrative Manager as the Custodian of Records for the Alamogordo Police Department and including the method of destruction of City records as witnessed shredding. (*David Kunihiro, Chief of Police*) (**Roll Call Vote Required**)

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**ITEMS REMOVED FROM CONSENT AGENDA**

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**UNFINISHED BUSINESS**

10. Consider and act upon Resolution 2023-20, declaring 308 N. White Sands Blvd. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) (**Roll Call Vote Required**)

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**NEW BUSINESS**

11. Consider, and act upon, Ordinance 1681, Z-2023-0005(A) for first publication, a map amendment to change the current zoning of the property with the legal description of S: 8 T: 16 R: 10 TR IN N1/2SE1/4 from R-1 Single-Family Dwelling District, to R-4 Multi-Family Dwelling District. (*Sean McGranaghan, Assistant City Planner*) (**Roll Call Vote Required**)
12. Consider, and act upon, Resolution 2023-29, declaring 311 New York Avenue to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) (**Roll Call Vote Required**)
13. Consider, and act upon, Ordinance 1682 for first publication amending Chapter 26, Article 03,



Sections 010 Definitions, 030 Unlawful growth or accumulation on lots, and 040 Unlawful growth or accumulation on tracts. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

14. Consider and act upon, selecting Rick Holden as City Manager and allowing Human Resources and City Attorney to begin contract negotiations. (*Stephanie Hernandez, Acting City Manager*) **(Roll Call Vote)**

15. Consider, and act upon approving 3 agenda items and 2 alternatives for the 10/31/2023 Joint City/County Commission Meeting. (*Stephanie Hernandez, Acting City Manager*)

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

## **ADJOURNMENT**

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# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 08/24/2023

**Report No:** 1.

**Submitted By:**

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**Subject:** Swearing in of Certified Police Officer Emilio Alonzo, Police Service Aides Don Brockett and Audie Swing, and Animal Control Officer Steven Howe. *(David Kunihiro, Chief of Police, and David Overstreet, Municipal Court Judge)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:**

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 09/07/2023

**Report No:** 2.

**Submitted By:** Dylan Aleshire

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**Subject:** Constitution Week Proclamation. (*Susan L. Payne, Mayor*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Presentation only.

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**Background:**

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 09/05/2023

**Report No:** 3.

**Submitted By:** Rachel Hughs

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**Subject:** Approve the minutes for the Special Commission meetings on August 21, 2023, and August 28, 2023, and the Regular Commission meeting on August 22, 2023. *(Rachel Hughs, City Clerk)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve the minutes.

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**Background:** This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION SPECIAL MEETING MINUTES  
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS  
August 21, 2023**

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

**DUSTY WRIGHT, MAYOR PRO-TEM  
KARL MELTON, COMMISSIONER  
STEPHANIE HERNANDEZ, ACTING 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 3:45 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present.

**APPROVAL OF AGENDA**

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

**EXECUTIVE SESSION**

**1. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss: Limited Personnel Matters (City Manager Interviews). (Roll Call Vote Required)**

**Mayor Pro-Tem Wright moved to adjourn into Executive Session at 3:46 p.m.  
Commissioner Burnett seconded the motion.  
Motion carried with a vote of 7-0-0.**

**ADJOURNMENT**

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*Mayor Susan L. Payne*

**ATTEST:**

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*City Clerk Rachel Hughs*

(Prepared by Dylan Aleshire, Deputy City Clerk)  
Approved at the Regular Meeting held on September 12, 2023.

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION SPECIAL MEETING MINUTES  
4:00 P.M., DONALD E. CARROLL COMMISSION CHAMBERS  
August 28, 2023**

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

**DUSTY WRIGHT, MAYOR PRO-TEM  
KARL MELTON, COMMISSIONER  
STEPHANIE HERNANDEZ, ACTING 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 4:00 p.m. Roll Call was taken by the Deputy City Clerk. Commissioner McDonald and Acting City Manager Hernandez were absent. Deputy City Clerk Aleshire announced there was a quorum present.

**APPROVAL OF AGENDA**

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

**EXECUTIVE SESSION**

**1. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss: Limited Personnel Matters (City Manager Interviews). (Roll Call Vote Required)**

**Mayor Pro-Tem Wright moved to adjourn at 4:02 p.m.  
Commissioner Rardin seconded the motion.  
Motion carried with a vote of 6-0-0.**

**ADJOURNMENT**

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*Mayor Susan L. Payne*

*ATTEST:*

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*City Clerk Rachel Hughs*

(Prepared by Dylan Aleshire, Deputy City Clerk)  
Approved at the Regular Meeting held on September 12, 2023.

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS  
August 22, 2023**

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

**DUSTY WRIGHT, MAYOR PRO-TEM  
KARL MELTON, COMMISSIONER  
STEPHANIE HERNANDEZ, ACTING CITY MANAGER  
ASHLEY SMITH, CITY ATTORNEY  
RACHEL HUGHS, CITY CLERK**

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

Mayor Pro-Tem Wright called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. Mayor Payne was absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Don Hoffman and the Pledge of Allegiance was led by Commissioner Sharon McDonald.

**APPROVAL OF AGENDA**

Item 12 was pulled from the Agenda.

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

**PRESENTATIONS**

**1. Presentation on the opportunity to create a Coffee Shop Accelerator in partnership with the City of Alamogordo. (Nolan Ojeda, Executive Director Alamogordo MainStreet)**

Mr. Ojeda said they were recently selected for the AARP's Community Challenge Grant to beautify the alley on the eastern 900 block. We received \$12,603 from AARP and raised an additional \$6,050 in sponsorships, bringing the project to nearly \$20,000. It is not just a beautification project per our City contract. It will hopefully positively impact some of the crime and homeless community that have been hanging out in that alley. One of the property owners was physically attacked by someone in that alley; there are several studies on beautifying space and decreasing crime. We are also partnering with Many Hands, a newly established community garden organization; this will also act as a community garden space. Per our contract, we listed several projects of opportunity; these were only to be undertaken if we could find funding or resources. We requested \$56,000 from the County to hire a part-time ACD Coordinator, which is standard for establishing an Arts and Culture District. We also asked for funding to do a coffee shop accelerator. We received \$40,000 from the County, leaving us at a \$16,000 deficit for the program. We are seeking funding opportunities to make up for that \$16,000; per our contract, we asked the City if they would remain open to possibly partnering with us on these projects if we could get them partially or mostly funded via other avenues. We are hoping to launch it in January.

He said it is a two-phase program. Phase One is bringing people into a classroom setting, meeting once a week for six weeks for two hours. Tricia from the Small Business Development Center will help them create their business model. It will walk them through necessary permits and licenses, including branding, budget, and taxes. Phase Two is the hope to have them physically open for six weeks in a spot. We will provide basic materials to help them operate the business. We will help them on a larger

scale with more extensive branding products. They do have to pay; they are in the line to give us five percent of their profit at the end of the six weeks to cover costs for throwaway items. You will have to apply for both phases, and you will need to complete Phase One to move to Phase Two. Currently, we have four or five people interested in participating. We have had strong interest from Grounded in Las Cruces, and the Otero County Advocates for Developmentally Disabled are looking to open a coffee shop program to provide opportunities for disabled folks to learn life skills.

Commissioner McDonald asked what advertisements they would do to draw people in. Mr. Ojeda said that Facebook is king for cheap and good marketing and reach in Alamogordo. An extensive social media campaign will be around this rotating coffee shop area. We will also push it out through the Alamogordo Daily News and local radio stations. Commissioner McDonald asked what space this is. Mr. Ojeda said we are looking at four spaces. He said the Flickinger's Patron's Hall, previously a coffee shop, is at the top of our list. We are also looking at Alamo Jump and a vacant building in the 900 block.

## PUBLIC COMMENT

Mr. Chuck Andreas said he was upset last month because his City water was cut off without notice. He said he loudly voiced his concern to the Water Department, and the difficult situation was diffused and met with concern, courtesy, and professionalism by Customer Service Manager Nichole Sierra. Together, we are working on a positive solution. He also filed an IPRA request and received a ton of information from City Clerk Rachel Hughs and Deputy City Clerk Dylan Aleshire. Deputy City Clerk Aleshire was very accommodating to me. We had to sit for several days to review the records, and he was responsible for protecting those records, so he sat with me and worked with me. He was professional, courteous, and if he did not have the answer, he looked it up and got back to me the next day. So, some problems are ongoing, and these three mentioned individuals were willing to work with me to solve those problems. He said he found that very commendable. Lastly, he wanted to congratulate Commission Sharon McDonald for being named the Rotary of White Sand's Professional Person of the Year. He said he understood why she received that commendation. He said he had another situation that concerned her. On September 27<sup>th</sup>, 2022, he said he gave a City Commission presentation about our public schools. Just prior to that, unknown to him, Commission McDonald received a personal email from Judy Rabon, the President of the Alamogordo Public School Board, which contained erroneous statements and demanded that Commission McDonald pull his public presentation. This is in direct violation of the New Mexico Open Meetings Act. Regardless, something good came out of this; everyone should be proud of our Commissioner. She could have complied or just ignored it; it was a private email, but she brought it forward to expose it. She did the right and proper thing. Through her actions, she shows that she has integrity, making him both happy and proud that we have representatives like this in our City and community. How ironic that his presentation that night was entitled "APS Schools Behind the Scenes". Here, we have two contrary examples of work going on behind the scenes. One is negative, one is positive. The actions of the above individuals make me so happy to live in the community. He said he has written complimentary letters to respective employee supervisors and just wanted to make his personal positive experience public.

## CITY MANAGER'S REPORT

**Acting City Manager Hernandez made the following remarks:**

None.

## REMARKS AND INQUIRIES BY THE CITY COMMISSION



**Mayor Pro-Tem Wright made the following comments:**

Mayor Payne is out to take her daughter to college, and we wish them safe travels and good luck.

**CONSENT AGENDA**

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- 2. Approve the minutes for the August 8, 2023, Regular Commission meeting. (Rachel Hughs, City Clerk)**
- 3. Approve the statements related to the Executive Closed Session held on August 8, 2023. (Rachel Hughs, City Clerk)**
- 4. Approve the weekly City Manager Reports for 8/04/2023 & 8/11/2023. (Stephanie Hernandez, Acting City Manager)**
- 5. Consider, and act upon, the adoption and final publication of Ordinance 1678 to amend sections of the City Charter to coincide with State Statutes and the New Mexico Election Code. (Rachel Hughs, City Clerk) (Roll Call Vote Required)**
- 6. Consider, and act upon, Resolution 2023-40 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 August 22, 2023. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**
- 7. Consider, and act upon, the Investment Report for the quarter ending June 30, 2023 in accordance with the City of Alamogordo Investment Ordinance. (Sue Ashe, Accounting Manager)**
- 8. Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County residents, the total amount budgeted is \$48,242.00 (\$28,397.00 for home-delivered meals and \$19,845.00 for transportation). (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)**
- 9. Consider, and act upon, Resolution 2023-36 authorizing and approving the transfer of ACC contracts and of real and personal property belonging to the Housing Authority of the City of Alamogordo to the Eastern Regional Housing Authority. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**
- 10. Consider, and act upon, approval of a grant agreement from the New Mexico Department of Finance, in the amount of \$75,000, for housing and shelter programs in Alamogordo. (Debbie Osborne, Grant Coordinator)**

**Commissioner McDonald moved to approve the Consent Agenda.**

**Commissioner Burnett seconded the motion.**

**Roll Call Vote was taken.**

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

**NEW BUSINESS**

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- 11. Consider, and act upon, approving the vehicle transfer to Otero County Tularosa Basin Regional Dispatch Authority (TBRDA), under the Public Safety Answering Point (PSAP). (David Kunihiro, Chief of Police and Stephanie Hernandez, Acting City Manager)**

Acting City Manager Hernandez said this is just a request to approve our transfer to Otero County. All of our dispatchers have moved over officially as of August 8<sup>th</sup>. This was the vehicle that belonged to our dispatch.

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

**12. Consider, and act upon, Case V-2023-0004(A), property owner Patriot Pointe Apartments LLC is requesting to be granted a variance to allow for streets, parking, and amenities to be counted as part of the 2,000 square feet per dwelling unit lot size requirement stated in ordinance 29-03-270. (Stella Rael, City Planner)**

Pulled from the Agenda.

**13. Consider, and act upon, Resolution 2023-31, declaring 1218 Post Avenue to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)**

Code Enforcement Manager Sides gave his presentation and recommended approving and ordering the property's abatement.

Commissioner Rardin asked if they could continue burning it down to save on clean-up costs; could the Fire Department do that? Acting City Manager Hernandez said it is not our property, but we could if it was ours.

Commissioner Melton asked why it took four years for this process to start after the fire. Code Enforcement Manager Sides said he did not have an answer. He has been hitting the ground running with many dilapidated structures in town and will bring more to meetings going forward. Commissioner Rardin said that COVID slowed things down for about two to three years.

**Commissioner Rardin moved to approve.**  
**Commissioner McDonald seconded the motion.**  
**Roll Call Vote was taken.**  
**Motion carried with a vote of 6-0-0.**

**14. Consider, and act upon, Resolution 2023-32, declaring 803 Arapaho Trail to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)**

Code Enforcement Manager Sides gave his presentation and recommended approving and ordering the property's abatement.

Commissioner Rardin asked what we were asking to do here; are we asking them to go in and clean it? Code Enforcement Manager Sides said should the resolution pass, we would hire a company to go in and clean that. Commissioner Rardin said so clean all the trash out. Code Enforcement Manager Sides said yes, we would hire a company to do it because we have already tried to get the residents who are staying there to do it, and they just keep adding more and more to it. They will not do anything. Commissioner Rardin said he thought that most of them knew this lady. She did not have relatives of any kind. Code Enforcement Manager Sides said not that they could find. He said he knew the lady

from previous careers and had some speculations and doubts, but she did say she was a relative. Commissioner Rardin asked if that was Ms. Carly. Code Enforcement Manager Sides said yes. Commissioner Rardin said that on the assessors, it shows that it belongs to a June Carly, but that was all the way back in 2015. What are we going to do with it after we clean it, just lien it? Code Enforcement Manager Sides said lien it. Commissioner Rardin said in another year, the County is going to be fighting us for it because she is behind two years in property tax. Will we be fighting the State for it? One more year, and the State will foreclose it and sell it on the courthouse steps. How is that going to work? City Attorney Smith said she had to do that research because the County has been starting foreclosures on different properties. One of the things she found was that our liens still remain, even if it sold. So, whoever purchases from the State would still have to pay us because our liens still remain. She found that out from the State and got that confirmation.

Mayor Pro-Tem Wright said so the understanding is that if we approve this item tonight, the City will get this property cleaned up and place a lien on it. What happens if this just gets piled up again from the same people? Commissioner Rardin said what are we going to do to address the actual issue? Code Enforcement Manager Sides said that is something he is working on with City Attorney Smith and the Alamogordo Police Department. We are trying to figure out where we can and cannot do certain things. It is a long process, but ultimately, it will be restarting this process again. Mayor Pro-Tem Wright said he sees this getting piled up again before it goes into the foreclosure process. Commissioner Rardin said he thought she had it paid off, but typically, when something like this happens, it goes to probate to figure out who owns it if there are no family members. Code Enforcement Manager Sides said that every time a resolution is passed, the very next day, he prints out his condemnation placards and goes out and posts them. Those condemnation placards say you can no longer live here. You can be here to work on what needs to be worked on. Tomorrow, should the resolution pass, he will get with the Police Department, and we will go over there and tell them you have to go. Commissioner Rardin said so evict them. Are we going to have squatter's rights? He said he was worried that once we condemn it, then technically, we could tear it down, correct? This just needs to be cleaned, and it does not need to be torn down. Code Enforcement Manager Sides said their trash and rubbish are so bad it is spilling over into 801. There is a lot of stuff at 801, too and we are trying to work with that property owner. The property owner is deceased, but we have been in contact with the daughter and made her aware of the situation at 803. Commissioner Rardin said he did not have a problem with us cleaning it up but did not want to see it torn down. Code Enforcement Manager Sides said that is not the goal with this one.

Commissioner Melton said that if the squatters legally make some claim, like they are the source of the garbage, but it is their property, even if they are evicted, what if the City cannot clean it up? City Attorney Smith said that squatter rights are always an issue, but with us condemning it, we are saying it is a public health hazard. Commissioner Melton said that if we pass this, we take over the house and everything in it to clean it up. City Attorney Smith said to get it up to code. Commissioner Rardin said this one is a little tricky. It is still inhabitable, but it is not sanitary.

Probate Judge LaTonya Boyce said that this one came through her court for probate, but she could not go through with it because the daughter, who claimed to be a daughter, had emailed her a will, but to provide the original will if they do not, it has to go to district court. She said she knew she transferred to district court. So it comes out to whatever the district judge has ruled on it, but she did not know the outcome. That will determine if a personal representative was appointed. If a personal representative is appointed, then that individual would be able to handle the estate affairs. If that proclaimed daughter is living in the home right now, the outcome of the district court order will determine if she is still able to be there or not. She really did not know those situations.

Acting City Manager Hernandez said that herself, Chief Kunihiro, and City Attorney Smith were discussing this. If it is declared, we believe that the City can go in there, board it up, and lock it. Mayor Pro-Tem Wright asked if we needed to determine the outcome of the district court case first. Commissioner Rardin said that if she was appointed by that district judge as the representative, granted, she needs to clean it up, but do we have the right to boot her out of the house if the judge declared her as the representative of it. Do you see the legal issue? City Attorney Smith said she could look it up, but she did not have her laptop at the moment. One of the problems we have been having is we have been citing everyone we can. She said she knew that Code cited two people concerning this property, and we have been unable to get anything done. We have taken them before municipal court; they get slapped on the hands, and nothing happens. This is Code's and her last-ditch effort to try to get this place cleaned up.

Commissioner Rardin asked if it had power or water. Code Enforcement Manager Sides said they straight-pipe the water. We called out Utilities to remove it, but is it straight-piped again now? Probably, but he did not stop to look. Commissioner Rardin asked if there was electricity or gas. Code Enforcement Manager Sides said if he remembered correctly, it did not have electricity, but it did have gas still.

Commissioner Burnett said it says in here that the name was changed on that building. Code Enforcement Manager Sides said yes.

Commissioner Rardin said he did not have a problem with cleaning it up. He just wanted to make sure we are not doing something we are going to end up paying for later. Code Enforcement Manager Sides said in his opinion on this particular case we should have enacted the emergency clause and just abated it right away. However, because of how long it took, we had to take this step.

Commissioner Rardin said he will move to approve, but wanted staff to do more research on that district court case to make sure we are not getting ourselves in trouble. City Attorney Smith said that she will make sure that we look into it. Commissioner Rardin said he just did not want to end up paying to replace a bunch of stuff or rebuild the house or something like that.

**Commissioner Rardin moved to approve.**

**Commissioner Paul seconded the motion.**

**Roll Call Vote was taken.**

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

**15. Consider, and act upon, Resolution 2023-33, Encouraging citizens to contact Governor Lujan-Grisham and request pre-trial detention reform be placed on the agenda for the upcoming 30-day session. (Karl Melton, District 3 Commissioner and Stephanie Hernandez, Acting City Manager) (Roll Call Vote Required)**

Acting City Manager Hernandez said as you recall, at the July 28<sup>th</sup> Special Meeting for the budget, we said we are going to keep the conversation going to ensure that Officer Ferguson's murder does not get forgotten. It will not be forgotten here, but we want to ensure it does not get forgotten around the state. In his name, we want to make some positive changes for the law enforcement community. She said she promised to keep the Commission updated with anything we are doing. She has been working with Commissioner Melton on this, and we are here to keep you all in the loop in the call to action for our citizens. Our local legislators have been extremely responsive to our requests; sometimes, people do not want to talk to us, and they are out there forwarding emails and getting us in contact with the right people, so shout out to our local legislators. They are helping us educate on the issues that led up to Officer Ferguson's death. The one conversation we continually have is ensuring pretrial services

are properly funded. She said she believed we have a meeting on October 5<sup>th</sup>, during which we will talk about the needs of pretrial service with that department. We felt that a resolution would be impactful because, as stated in a previous meeting, it is a thirty-day legislative session. Commissioner Melton wanted to make sure that we get a call to citizens to help us in that effort. That is what this resolution is, just requesting that citizens contact the Governor's Office. We put the phone number on the resolution so that we can ensure the conversation keeps going and we can hopefully see some change.

Commissioner Melton said he would add to that a little. This may not seem like a lot, but the Governor herself has, in written statements, hinted at pretrial reform of some kind. She is open to it, but not everyone clearly is. The issue is similar bills have been brought in prior sessions, but they never passed the Committee because they have not been a priority. We are putting this in the citizens' hands. It does not seem like a lot, but just a couple dozen phone calls from the city where this tragedy happened might move the priority up.

Acting City Manager Hernandez said we are going to keep the conversation going, so we expect to have another resolution next month, depending on what the conversations lead to.

Mayor Pro-Tem Wright said he appreciates staff continued persistence in this. You guys work a lot behind the scenes on top of what we present at these meetings. It is appreciated.

**Commissioner Burnett moved to approve.**

**Commissioner Rardin seconded the motion.**

**Roll Call Vote was taken.**

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

**16. Discuss and provide direction for the Joint Meeting with the Otero County Commission.  
(Stephanie Hernandez, Acting City Manager)**

Acting City Manager Hernandez said she wanted to give the Commission a status update and let them know where staff is. The meeting is on October 31<sup>st</sup> at 2 p.m. at the Civic Center. City staff wanted to ensure everything was done right, so our BITS team is building a similar setup to what is here, so we can keep it at the Civic Center for future meetings. Our Community Affairs Department is ensuring that the Civic Center will be ready, and that the setup is appropriate for all ten commissioners. The City Clerk and Legal Department is getting information to make sure we follow all appropriate protocol. A joint meeting has not happened since April 2016, so this is new ground for this staff. It is going to be a workshop, and there will not be action taken. It will be more of the County and City deciding that you want staff to work on this. Staff will work on it with the County, and it will come back to you with a solution or whatever it may be. We know that this reflects on the City; we are trying to make things as great as possible.

Commissioner Melton asked if the City or County would be responsible for keeping the minutes and getting it on the Internet. Acting City Manager Hernandez said the City would be in charge of setup. We will be doing this at the Civic Center. City Clerk Hughs will have the setup over there, and we will do the minutes, and we will stream it on YouTube.

Acting City Manager Hernandez said she previously sent an email; Commissioner Paul had said to have a couple of items so that it is not a long meeting, and we can make some headway on it. She said she sent a request to each Commissioner and received some comments back. We can discuss it now if you like. What would you like to see on this? On September 12<sup>th</sup>, I will bring all of your suggestions so you can narrow it down to three with two alternatives to ensure no overlap. Right now,

she has broadband for the entirety of Otero County, a joint effort to create change for catch and release laws, property tax money that comes to the City, efforts for mental health facilities, affordable housing, Animal Control, and convenience centers. Is there anything else that anyone on the Commission wants to add to that? Commissioner Burnett said the flooding between Scenic and Florida. Acting City Manager Hernandez said you can send an email if you think of something. This will come on September 12<sup>th</sup> so everyone can discuss, as a Commission, what the top three priorities are.

Commissioner Rardin asked if we would discuss a date at that time as well. Acting City Manager Hernandez said it is October 31<sup>st</sup>. Commissioner Rardin said we had to schedule it differently than Halloween. Acting City Manager Hernandez said we could; the direction was to get some dates in October. Commissioner Rardin said he did not remember that. Acting City Manager Hernandez said it came from Mayor Payne and County Commissioner Marquardt. Commissioner Rardin said the last he talked to you all, we talked around October 2<sup>nd</sup> or 3<sup>rd</sup>. Acting City Manager Hernandez said October 3<sup>rd</sup> was the most availability, and in fairness to Mayor Payne, since she was the one who called the Special Meeting, she will not be back until later that week. For any Special Meeting the City has, either the Mayor or two Commissioners have to call it. In this instance, she called it for us. Commissioner Rardin said that two and a half months down the road is a little absurd. It just seems like we are kicking the can down the road. He said he read some of the emails, and he agrees with the County that it seems a little far-fetched to go that far out, plus being on Halloween. Acting City Manager Hernandez said we could do it either the day before or after the Commission Meeting; she was just trying to be fair with the Commission's schedules instead of having two long meetings back-to-back. Honestly, we have not had a meeting since 2016. No one is kicking the can down the road; we are trying to be fair to the seven of you and the three of them. She said she personally did not believe that anyone's needs are more important than the others, so it was difficult to ensure all ten of you were equally represented. Commissioner Rardin said it was odd that we talked in early October, and all of a sudden, it is October 31<sup>st</sup>. Acting City Manager Hernandez said she had spoken to you before, I had to get your dates, if you recall. At that time, I had not received everybody's input and was trying to reach out to everyone individually to see if you could either answer the survey or let me know what dates better suited you. At that time, when I talked to you, that is what it was at that moment. Commissioner Rardin said the 3<sup>rd</sup> is good for everybody but the Mayor. Acting City Manager Hernandez said yes. That week was pretty good for everybody, but there was a Commission meeting on that Tuesday. Commissioner Rardin said it would be the following week, the second Tuesday. Acting City Manager Hernandez said that was the thing. It was the second Tuesday, but then the County has their meeting on that same week. So, both Commissions would have an extra meeting that same week. We couldn't do it on the 15<sup>th</sup> or 16<sup>th</sup>. Commissioner Rardin said it's the third Thursday isn't it. Acting City Manager Hernandez said there is one week where we had a meeting, and they had a meeting, so she did not think it was ideal to have a joint meeting on the same week. We could not have it on the 15<sup>th</sup>, that middle week, because the Civic Center was booked. That left the last week. Mayor Pro-Tem Wright asked when their October meeting was. Commissioner Burnett said it was the third Thursday of every month. Mayor Pro-Tem Wright said that would be the 19<sup>th</sup>. Acting City Manager Hernandez said she had them on her desk, but she did not know. Commissioner Rardin said ours would be on the 10<sup>th</sup> and 24<sup>th</sup>. In all fairness, if nine of us can show up on the 3<sup>rd</sup>, you know what I mean? Acting City Manager Hernandez said she felt that was unfair. If you and one of your fellow Commissioners called the meeting but could not make it, she would fight equally as hard as for you because you called the meeting. Commissioner Rardin said we have not officially called the meeting yet. Mayor Pro-Tem Wright said as far as putting this whole thing together in a joint deal, the Mayor is an important leg of this. Surely, we can check another date that would bring us a little closer than the 31<sup>st</sup>. Commissioner Rardin asked when the Mayor was coming back. Acting City Manager Hernandez said she did not remember. Mayor Pro-Tem Wright said he thought she was gone most of that week. Commissioner Rardin asked about the last week of September. City Clerk Hughs said the calendar is up on the screen. Commissioner Rardin said we have time. You will bring everything back at the next meeting,

correct? As far as the topics? Acting City Manager Hernandez said on the 12<sup>th</sup>. Commissioner Rardin said it could be tight to get it scheduled for the last week of September, and then we have a meeting that week as well. Mayor Pro-Tem Wright said there could be a potential for October 12<sup>th</sup>, on a Thursday. Acting City Manager Hernandez said she believed that was their meeting; theirs is the 2<sup>nd</sup> Tuesday. Finance Director Huff said they have three scheduled on their website. Acting City Manager Hernandez said September 14<sup>th</sup> and October 12<sup>th</sup> are their meetings. Commissioner Melton asked about the week of the 16<sup>th</sup>, that third week in October? Acting City Manager Hernandez said that is when the Civic Center is booked. Our CIT training was booked that week. For someone to make a comment that it is not that hard, as you can see, just getting the seven of you to agree, plus we have to have two Managers, two Clerks, and two Lawyers. Commissioner Rardin said getting staff there is not that difficult, but as far as getting all the elected officials in the same room. Acting City Manager Hernandez said it is important if we want it to run because we have City Clerk Hughs to do it. Commissioner Rardin said we could just bring dates forward at the next meeting and decide then when we decide the topics. What time were we looking at having this meeting? Mayor Pro-Tem Wright said the previous one was at six in the evening and adjourned at seven forty-five. Acting City Manager Hernandez said she put it at two; the County wanted it early, and I know most of you work, so that was not feasible for you all. You like it in the evening because most of you work, so I tried to get that middle ground compromise at two. Commissioner Burnett said as long as he has enough advance notice to get off. Commissioner Melton said the six of us work full-time jobs. You would think they would be more willing to meet in the evenings. Commissioner Rardin said they will probably make that work if we say two o'clock. Commissioner Paul said he thinks this is why there has not been a meeting in seven years.

Commissioner Rardin said if it makes any difference, he asked to have one in 2018, but it never happened. What if we change the location since the Civic Center is booked? Acting City Manager Hernandez said such as where? Commissioner Rardin asked if we had a meeting room at the bowling alley. Acting City Manager Hernandez said that is not a facility we can control; she was unsure to live stream it and have all that logistics. Commissioner Rardin asked what buildings the County had, maybe the Flickinger? Acting City Manager Hernandez said we do not control that. Commissioner Rardin asked if staff could reach out and ask if the County had a venue or area we could use. Mayor Pro-Tem Wright asked if the Tays Center was an option. Acting City Manager Hernandez said we would have to pay for that one. Commissioner Rardin said the County has the Flickinger they could probably utilize, and they have a bigger room downstairs at the County Admin Office. Acting City Manager Hernandez asked Commissioner Rardin what dates he was looking for. Commissioner Rardin said the week of the 16<sup>th</sup>, one of those days that week. Mayor Pro-Tem Wright said he thought that week was open for the County or City Commission. Acting City Manager Hernandez said that was correct.

Commissioner Melton said he did not wish to speak for everyone, but he was not opposed to having two meetings in one week. He said he knew of the week of the 9<sup>th</sup> that we are meeting on the 10<sup>th</sup>, and they are meeting on the 12<sup>th</sup>, but that Wednesday or Monday. Acting City Manager Hernandez said the 9<sup>th</sup> or 11<sup>th</sup>. Commissioner Rardin said it would probably be an hour and a half. Mayor Pro-Tem Wright said the last one was an hour and forty-five minutes, but that was different Commissioners.

Acting City Manager Hernandez asked for a direction on dates. Commissioner Melton said the 9<sup>th</sup> or 11<sup>th</sup>. Commissioner Rardin said the week of the 9<sup>th</sup> or week of the 16<sup>th</sup>, and see if the County has a suitable space for us to meet in. Commissioner Melton said not that week, that is the following week. Commissioner Rardin said ours is tied up on the 16<sup>th</sup> but not the 9<sup>th</sup>. Acting City Manager Hernandez said that was correct. Commissioner Rardin asked if that training was all day. Acting City Manager Hernandez said the CIT Training was all week. Commissioner Rardin asked how long in the day. Acting City Manager Hernandez said seven to seven. Commissioner Melton said we could reschedule

our meeting from the 10<sup>th</sup> to the 3<sup>rd</sup> and move it up a week if they are only able to meet on the 10<sup>th</sup>. Acting City Manager Hernandez said she thought Monday would be okay. We don't need to change that meeting. Commissioner Rardin asked if that was enough to go on, and we can bring this back on September 12<sup>th</sup> to decide at that time? Acting City Manager Hernandez said yes, but we are moving it up two weeks. Does that really make a difference? She understood about the 31<sup>st</sup>.

Commissioner Paul asked if everyone was able to make the 31<sup>st</sup>. Acting City Manager Hernandez said everybody. Commissioner Paul said so, why are we even considering rearranging that time now? Commissioner Rardin said he was never asked if he could make the 31<sup>st</sup>; he got an email saying the meeting was moved to the 31<sup>st</sup>. Commissioner Melton said the meeting is on Halloween. Commissioner Paul said he understood that, but the meeting is at two in the afternoon. We are going through a lot of trouble rearranging a date with ten people when the majority is already available. Commissioner Rardin asked if the County confirmed the 31<sup>st</sup>. Acting City Manager Hernandez said the 3<sup>rd</sup> and the 31<sup>st</sup> were the two dates with the most available. Commissioner Rardin said that would be alright as long as we are out of there by six. We can make it work as long as the County is okay with it.

Mayor Pro-Tem Wright said the County was good on the 31<sup>st</sup>. The consensus is that we will stay with the 31<sup>st</sup> at two. From the minutes of the last one, it was only an hour and forty-five minutes long. Acting City Manager Hernandez said the last one was the PSAP is you are looking at the 2016 one. We are getting six items: three from the City Commission and three from the County Commission. It may be a little longer. If anybody else thinks of a topic they want to bring forth on the 12th, just email me.

#### **17. Appointments to Boards and Committees. (Susan Payne, Mayor)**

Mayor Pro-Tem Wright read the openings and reappointed Kristina Marzano to the Parks and Recreation Board. No one was opposed.

**Commissioner McDonald moved to adjourn at 7:34 p.m.**

**Commissioner Burnett seconded the motion.**

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

#### **ADJOURNMENT**

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*Mayor Susan L. Payne*

*ATTEST:*

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*City Clerk Rachel Hughs*

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on September 12, 2023.



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 09/05/2023

**Report No:** 4.

**Submitted By:** Rachel Hughs

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**Subject:** Approve the statements related to the Executive Closed Sessions held on August 21, 2023, and August 28, 2023. *(Rachel Hughs, City Clerk)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** The statement is required per the Open Meetings Act.

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**Background:**

Approve the following statements authorizing them to be included in the minutes of September 12, 2023:

“The Governing Body of the City of Alamogordo, New Mexico, hereby states that on August 21, 2023, an Executive Closed Session was held and matters discussed in the closed meeting were limited only to: Limited Personnel Matters (City Manager).

“The Governing Body of the City of Alamogordo, New Mexico, hereby states that on August 28, 2023, an Executive Closed Session was held and matters discussed in the closed meeting were limited only to: Limited Personnel Matters (City Manager).

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:**

**Report No:** 5.

**Submitted By:** Stephanie Hernandez

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**Subject:** Approve the weekly City Manager Reports for 8/18/2023, 8/25/2023, and 09/1/2023. *(Stephanie Hernandez, Acting City Manager)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve the reports.

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**Background:**



# City of **ALAMOGORDO**

## Weekly Report-Commission

*Week Ending:*  
*08/18/2023*

**Stephanie Hernandez**  
**Acting City Manager**

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## City Manager

- Zoom Interviews for City Manager will occur 8/21/2023.



## Police Department (David Kunihiro, Chief)

- ❖ Police Officers-Currently have 37 officers; 12 vacancies with current budget; 21 vacancies from being fully staffed
- ❖ 1 Certified Officer applicant recommended for hire; awaiting psychological exam prior to hire
- ❖ Interview 4 Certified Officer applicants on 8/3. All passed interview. Voice Stress Examination is next step
- ❖ New Police Service Aide Audie Swing starting on 8/21
- ❖ Don Brockett will transfer to Police Service Aide on 8/21

### *Animal Control*

- ❖ 1 Animal Control Officer vacancy. One applicant in background phase

ACO numbers:

- ❖ Calls for Service-56
- ❖ Citations-0
- ❖ Surrenders-0
- ❖ Adoptions-2
- ❖ Euthanizations- 0
- ❖ Rescues-10
- ❖ Return to Owner-2
- ❖ Roof project ongoing
- ❖ ACO flooring project almost complete

### *Tularosa Basin Regional Dispatch Authority (TBRDA)*

- ❖ 911 Calls - 661
- ❖ E7D - 301
- ❖ Admin line - 1264
- ❖ Abandoned calls - 166
- ❖ Total Number - 2226
- ❖ Average answer time is 6 Secs.
- ❖ Answered with 10 Sec. 85%



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

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### **Fire Department (Richard Adler, Chief)**

The Alamogordo Fire Department answered 25 calls for service as listed below:

- ❖ 6 Assist AMR
- ❖ 1 Assist Police
- ❖ 2 Brush Fire
- ❖ 2 Fire Alarm
- ❖ 1 Vehicle fire
- ❖ 7 MVA
- ❖ 2 Dumpster fire (Landfill)
- ❖ 4 Smoke in the area

### **Weekly projects:**

- ❖ Fire Staff had a total of 25 hours related to company, drivers, volunteer, HazMat and new recruit training.
- ❖ Fire Staff had (6) Initial/Annual business fire inspections, (21) re-inspections assisting Inspector Lashley
- ❖ Awaiting to receive tests to schedule CPAT and Written test for 21 Applicants.
- ❖ Continued Department 1st Due training with Contractor
- ❖ Hosted AFD Vol/County Vol training at Station #5
- ❖ 2 School drills North/ Sunset Hills
- ❖ Started Emergency Vehicle Driver class – AFD Instructing State Class 16-26 Aug
- ❖ 3 const. site visits for flush/pressure/acceptance inspections
- ❖ 3 personnel to conference in Kansas – FRI
- ❖ Worked State Fire Fund Grant/Annual Carryover
- ❖ Completed Volunteer Firefighter Pay Scale for calls for service / trainings.
- ❖ Continued work at Oregon facility. Paint, quotes, etc.
- ❖ Working posting/advertising for Fire Chief position
- ❖ Siddon Martin DEF Header work on Truck 1



**Public Works (Nancy Beshaler, Director)**  
***Communication/Citizen Communication***

***Facility Maintenance***

During the week of August 7th, 2023, facility maintenance received 73 work orders and was able to complete 65 of them. The others are waiting on parts or came in late and will be completed soon. Below is a breakdown for each division within facility maintenance.

**Electrical:** There were 12 work orders for electrical with two of them being on overtime.

- ❖ Minor repairs throughout the city for lights, outlets, etc.
- ❖ Dug trench, piers, and laid the electrical conduit for the pickleball courts.
- ❖ Added a dedicated outlet at the airport for the camera system and repaired several safety issues. (Safety concerns from HR)
- ❖ Added new circuit and outlets at the Griggs maintenance shop (Safety concerns from HR)
- ❖ Added a new exit light at Hooser maintenance shop. (Safety concerns from HR)
- ❖ Removed an outlet at the Water treatment Plant.
- ❖ Installed a new light over the sink in the Men's restroom at the Senior Center

**Communication:** There were 19 work orders for communications with 6 of them being on overtime.

- ❖ Continued helping Dimar with the new fire alarm system for City Hall.
- ❖ Turned on all school zones for the upcoming school year. Repaired 2
- ❖ We had 5 intersection issues. (Lights in flash, straighten light heads, replace burnt out lights)
- ❖ Checking camera system for an accident that occurred to the fence by purchasing.
- ❖ Checked on crosswalk issues at NMUSA.
- ❖ Repaired the flashers on unit 1351 for Weed/Drainage.
- ❖ Repaired phone issues at the library.
- ❖ Repaired a camera at the Recreation center.

**Heating and Cooling:** There were 4 work orders for heating and cooling with one on overtime.

- ❖ Cleaned the A/C vents at Animal Control.
- ❖ Reset all HVAC units at City Hall due to power outage that put them into alarm.
- ❖ Repaired the ice machine at the Civic Center.
- ❖ Cleaned the registers in the men's restroom at the Senior Center.
- ❖ Plumbing: There were 5 work orders for plumbing.
- ❖ Unclogged the drains at Animal Control.
- ❖ Repaired a leaking urinal at the Golf Course.
- ❖ Repaired safety issues on the gas line at the airport. (Safety issues from HR)
- ❖ Weekly maintenance on the urinals in the Men's restroom at City Hall.

**Carpentry:** There were 23 work orders for carpentry with 1 of them being completed on overtime.

- ❖ Most of our carpentry work orders are for keys, either to issue or to pick up. This does not take long so to speak, but it is very time-consuming.
- ❖ Repaired a latch on one of the dog kennels at Animal Control.

- ❖ Secured the insulation that was falling in the bay at Fire Station 6.
- ❖ Several leaks reported at PD that were due to the new roof installation.
- ❖ Installed a nameplate on the memorial board at the Senior Center.
- ❖ Replaced the ceiling tile at the Airport. (Need to have this roof replaced or we are just going to keep throwing money away replacing tiles.)
- ❖ Repaired several door issues at the Golf Course maintenance shop.
- ❖ Re-hung the closet doors at PD in Maria Herndon's office.
- ❖ Mounted a new white board at City Hall for Patrick Riele.
- ❖ Had several drywall repairs at City Hall.
- ❖ Locked up 3 classrooms at Oregon School due to asbestos issues. (This building needs to be torn down, the A/C units are not cooling right now, and we do not have the maintenance contract with the company to troubleshoot the issues)

**Pool:** There were 2 work orders this week with overtime for 2 days.

- ❖ Work at the pool includes:
- ❖ Chemical checks for both the pool and the splash park.
- ❖ Backwashing filters/changing baskets for both the pool and the splash park.
- ❖ Changing out acid barrels, filling the Non-Chlorine Shock, and the Bromine tanks.
- ❖ Vacuuming both the pool and the splash park pit.
- ❖ Cleaning decks, equipment, and the pump rooms.
- ❖ This employee comes in at 5:00 am every morning to prepare for the swimmers and then comes in at midnight on Wednesday to vacuum the pool and again on Saturday for vacuuming. (There is not enough time during the week because of all the scheduled swim times)

Facility Maintenance helps all the other departments with their special projects. These are the same as the week of June 19th report. Waiting on parts has been a very large issue and hindrance in being able to complete the larger projects. Because facility maintenance has qualified personnel and the proper licenses, we can save the city money by taking on these different projects and keeping up with the regular work orders.

#### **Parks and Recreation**

- ❖ We are in the middle of the Alameda Park electrical upgrade. Right now, the project is on hold as we wait for the equipment to be delivered.
- ❖ We will be installing sports lights for the new pickleball courts on Oregon Ave.
- ❖ We have all the conduit in and are ready for concrete if the weather cooperates.

Facility maintenance maintains all the city's traffic-controlled intersections and streetlights. We are currently in the middle of a few larger projects.

- ❖ We will be removing the flashing stop light and replacing it with a lighted crosswalk called the Hawk system at 10th/New York. Most of the material is in, but we are waiting for the main control box to come in.



- ❖ We have received all new lighted LED street signs for the traffic-controlled intersections. Southwest Electric will be doing the installation of these to free us up for the other projects.
- ❖ On several of our streetlights throughout the city we have been switching them out to LED. We just noticed that the first generation of these lights has a problem, and the lights are turning blue. The company will be sending us all new replacements and then we will get them replaced.

### ***Planning and Zoning***

| PNZ WEEKLY REPORT 8/7-8/11-2023<br>THREE STAFF MEMBERS TOTALS |                     |
|---------------------------------------------------------------|---------------------|
| <b>ACTION</b>                                                 | <b>WEEKLY TOTAL</b> |
| PHONE CALLS                                                   | 78                  |
| EMAILS                                                        | 198                 |
| PREPARED FEMA LETTERS                                         | 6                   |
| BUSINESS REGISTRATION PREREQUISITES                           | 1                   |
| COUNTER CUSTOMERS                                             | 32                  |
| COLLECTED APPLICATION. FEES                                   | 21                  |
| PROCESSED APPLICATIONS                                        | 21                  |
| MET WITH CITIZENS                                             | 4                   |
| PREPARED WEEKLY REPORT                                        | 1                   |
| PREPARED SPECIAL PERMIT CASE                                  | 1                   |
| FEMA DETERMINATIONS                                           | 4                   |
| UPDATED LAND USE SPREADSHEETS                                 | 4                   |
| CLOSED SUMMARY SUBDIVISION FILES                              | 2                   |
| ENTERED INVOICES IN TYLER                                     | 1                   |
| ZOOM MEETING WITH TYLER                                       | 1                   |
| ATTENDED CITY COMMISSION MEETING                              | 1                   |
| COMPLETED CHP 29 UPDATE AND SUBMITTED<br>TO RANDY             | 1                   |
| TRC MEETING TO DISCUSS JOY CENTER                             | 1                   |
| MET WITH JOY CENTER, TRC, JOY CENTER<br>BOARD MEMBERS         | 1                   |

### ***Street Maintenance***

- ❖ The asphalt crew of (5) worked on August 7th to prep, form and pour a 4'x8' sidewalk slab. On Aug 8th, they did a road closure on Oregon Ave near Lovers Ln to tear out, prep, and lay back hot mix a 10'x17' patch. Aug 9th, the guys went to E. Arapaho Tr to patch an 18' x 29' patch. Aug 10th, the men did three patches at Grosvenor Ct. 15'x8', 12'x12', and 8'x10'. All job sites require the crew to set up traffic control and take down. Also, hauling the spoils and material to and from the city yard. Aug 11th, the crew cleaned and organized (greased, topped off on fuel, and washed) their units and equipment. They also

had a walk-through with a Wagner representative to show them how to use the new (Cat) Skid Steer, updated with new touchscreen technology. After that, they ensured they were caught up in their safety training classes.

- ❖ The sign crew of (2) worked (18) signs, changing (Resident Parking Only, Stop Signs, Speed limit, and Digital Radars batteries, downloading data.), removing damaged poles, and having to call (811) line locates for new installation. The crew also removed debris from the road (tree branches, trash bags, boards, metal siding, glass cleanup, and shopping carts.)
- ❖ Paul swept 112 streets. Each route varies in size, determining how often he has to drive back to the city yard to dump and fill up the water tank.
- ❖ Ronnie bladed three alleys that were in bad shape. Please remember that Ronnie works alone due to being short-staffed.
- ❖ The drainage department of (4) sprayed sixteen locations (ditches, medians, and inlets) two graffiti eradication that a citizen called in. They removed debris from a bar ditch and hauled it to the Convenience Center that Code Enforcement called in. After it rained, the guys cleaned 21 storm drains around town and threw Aqua Bac pellets in standing water for mosquito larva control. The guys also met with Wagner's representative to learn how to operate the new (Cat) skid steer. Then did CDL training.
- ❖ Over time – on Aug 8th, I had four guys Adam, Jesus, James, and Robert. Get called by APD to place a temporary stop sign up at each intersection of 10th and Cuba, 10th and Washington, and 10th and Florida Ave due to heavy rains disrupting the traffic lights.

### ***Code Enforcement***

- Code Enforcement has 335 cases that are being investigated.
- April Payan has completed training and is now a Certified Code Safety Specialist
- John Romero is continuing his training learned Code Enforcement procedures, Ordinance, and International Property Maintenance Code.
- Currently working towards becoming accredited by AACE as a department.

## PERSONNEL

Current Utilities Department staffing levels are at 68%

Water/Sewer operations are currently operating at a 31.9% vacancy rate.

There are several high-level positions that need to be filled to ensure succession and continuity. Utility Maintenance Journeyman Operator & Utility Maintenance Operator III, Wastewater Reclamation Foreman, Water Production Journeyman Operator, Water Production Lab Analyst and Water-Wastewater Electrician. All of these positions require a minimum of three years of experience and must have current certifications.

Solid Waste operations are currently operating at a 30.8% vacancy rate.

The Landfill Heavy Equipment Operator (HEO) position is available.

Utility Maintenance employee Javier Palacios successfully obtained his Class A Commercial Drivers License (CDL)

## PUBLIC RELATIONS

2 water quality concerns.

No water was reported at 365 Laborcita Canyon Rd. No water was due to blockage on the City side of the meter. This service is supplied by a raw water line from mountain springs that is highly susceptible to sediment and debris. Blockage in the service line was removed by blowing compressed air back through the service line and into the low pressure main. Flow was quickly restored to the customer.

## WEEKLY OPERATION HIGHLIGHTS

### Engineering

- PW1606 | Scenic Extension -- Design: Smith Engineering - Contractor: La Luz Dirt & Paving, Subs - General Hydronics Utilities, General Hydronics Concrete - Update: The project has been completed; awaiting the final invoice from PNM.
- FD2201 | Fire Station 6 Addition -- Design: Studio D. Architects - Update: Bid & Construction Phase - Bid opening was held on 8/9/2023.
- PW2001 | SMP 2021 (Ridgecrest) -- Design: Smith Engineering - Contractor: La Luz Dirt & Paving, General Hydronics Utilities, General Hydronics Concrete - Update: 100% complete with the main install, service lines are being installed.
- EN2013 | CDBG ADA 2020 -- Design: Smith Engineering - Contractor: General Hydronics Concrete - Update: 40% complete.
- EN2201 | APD Reroof & HVAC -- Design: CD General Contractors/Desert Peak Architect - Update: Roof work is near completion, and a walk-through is scheduled for 8/22/2023.
- ZO2301 | Zoo Improvements -- Contractor: CES- White Sands Construction Inc. - Update: Performance is scheduled to begin by the end of the month.
- GC2301 | Golf Course Irrigation -- Contractor: Mountain West Golfscapes Inc. - Update: Material en route. Expect an update in Oct/Nov.
- EN2305 | New York SMP -- Design: Smith Engineering - Update: Design Phase Service - Design 90% in review.
- CM2303 | Dudley School -- CES - 5 Contractors - Update: All work is ongoing.
- LI2301 | Library HVAC -- Contractor: Mountain Air Heating & Cooling - Update: Estimated 19 weeks out for 40-ton RTU.
- PK2303 | Zoo Irrigation Design -- Design: Morrow Reardon Wilkinson Miller - Update: Parks monitoring project.
- EN1904 | 10th St, Hubbard Bridge Repairs -- Design: Bohannon Huston - Update: Public Works is monitoring project. Engineering is processing invoices.
- EN2002 | Dry Canyon Evaluation, Improvements -- Design: Bohannon Huston - Update: 95% design complete, awaiting PNM for pole relocation issue.
- UC2202 | 54-70 Waterline Replacement -- Design: Smith Engineering - Update: 30% design is being reviewed by Utilities staff.
- EN2202 | Desert Lakes Rd Drainage -- Design: Smith Engineering - Update: Design complete, hold for construction funding.
- EN2203 | Well Trans Line (Parallel Pipeline) Phase 1 -- Design: Smith Engineering - Update: Design complete, hold for construction funding, completing construction application with CWSRF.
- EN2007 | Well Trans Line (Parallel Pipeline) Phase 2 -- Design: Smith Engineering - Update: Design complete, hold for construction funding.
- CE2301 | Monte Vista Cemetery Fencing -- Update: Completed perimeter fence, awaiting Eric Marion for entrance concept.

### Solid Waste

#### Landfill

- 194 trucks were scaled this week.

High pressure was reported at 1020 S. White Sands Blvd. High pressure is due to their location at the bottom of Zone 3 and is per design. The operator recommended that the customer install a pressure reducing valve to achieve lower pressures if desired.

2 sewer concerns.

Received a call at 1705 7th Street about sewer odor coming out of the residence. After witnessing the issue, contacted Code Enforcement to contact owner of address to fix the issue.

Received a call from American Jetting at 1906 Highway 54 South, 3 Flowers Trailer park backed up and unable to open manholes. Staff opened manholes 2075 and 2074 to view the city waste stream. Blockage was not in the sewer main. American Jetting jetted line from manhole 2074 East into park and pulled back a lot of grease. Scheduled to jet and vac out grease and debris from city main on 08-18-2023.

12 solid waste concerns.

Truck blocking the alley between 7th and Mountain View, East of Monroe and West of Adams, for two weeks, interrupting garbage service. APD has been notified.

Signed up two new ADA Garbage Service Customers.

Waste transfer staff received praise from the public this week noting the overall cleanliness of the facility and the continuous improvements making the facility more inviting.

## **SAFETY PERFORMANCE**

No reportable injuries occurred within the Utilities Department this week.

Utilities Department staff did not attend any formal training this week.

- 1627.50 tons of Municipal Solid Waste (MSW) was received and processed per permit requirements.
- 5 loads of asbestos waste were received.
- 28.05 tons of asbestos waste was processed per permit requirements.
- 1 load of sludge was received.
- 10.67 tons of sludge was processed per permit requirements.
- 162000 gallons of water was applied for dust control per permit requirements.
- 801.0 gallons of diesel was used to operate all heavy equipment.
- Installed an air diaphragm oil pump on used oil storage system.
- D6 Caterpillar bulldozer for the Landfill was delivered.
- Replaced def pump on Caterpillar compactor
- Another fire ignited on the East side of cell 5. Landfill staff and emergency staff are working to control the fire and manage trash customers.

### **Waste Transfer**

- 619 vehicles were scaled this week.
- 154.18 tons of Municipal Solid Waste (MSW) was received and processed.
- 12.0 open top roll off dumpster containers were transported to the Landfill.
- Cleaned all the equipment and vehicles.
- Operated sweeper and magnet over facility road ways.

### **Utilities Administration**

- Water/Sewer Master Plan Phase II kickoff meeting was held on 8/15/2023. Staff from Utility Maintenance, Engineering, Water Production, and Wastewater Reclamation were in attendance, along with Bohannon Huston, CDM Smith and Livingston & Associates staff. Phase II includes water modeling, distribution analysis, treatment assessment to stay abreast of regulation updates, land growth management and population management, which will complete the water portion of the plan. Phase II also includes creating a sewer model and a comprehensive sewer system assessment. Phase III will complete the sewer portion of the Water/Sewer Plan.
- Working with Utility Billing to resolve ongoing Cannabis Will-Serve issues with state permit requirements.
- Finalized affidavit for the public notice for Discharge Permit 1827 (DP1827).
- Ordered new uniformed shirts for Utilities Administrative staff.
- Scanning historical documents for Bonito and La Luz/Fresnal continues as time permits.
- Met with Utility Billing staff to demonstrate the Computer-Aided Dispatch (CAD) system.
- Working with Assist to Sell regarding water and sewer availability near Grey Street for potential development.

### **Wastewater Reclamation**

- The average seven-day influent sewage flow is 2.2 million gallons per day (MGD).
- The average seven-day reclaimed water usage is 2.2 million gallons per day (MGD). All reclaimed water is treated to Class-A standards per discharge permit 220 (DP220) requirements.
- 60.00 tons of Biosolids (sludge) were processed and land applied per discharge permit 806 (DP806) requirements. 1800.0 gallons of septage



Two Landfill and one waste transfer employees began taking online Petro certification class.

was received and placed into the digester to begin the biological reduction in organic solids process.

- Removed the old unused pressure tank from La Velle and put it up for auction. Delivered materials necessary to remove spin clean from Lavelle and Hooser booster pump stations.
- High-level alarm for La Velle 08-12-2023 at 16:30. The J&J valve is not closing in auto. Shut down La Velle RTU and J&J RTU to reset the valve closed, and will keep an eye on for any more issues.
- Cleared areas of vegetation where new monitoring wells are to be drilled and called Rick Marsh to locate and mark locations identified to be drilled for line locates.
- Cleaned feed lines to CL2 and Turbidity meters. Lines were full of algae.
- Set form and placed rebar for manhole pour at 484 Railroad Ave.
- Investigated a leak in Washington Park, pumped out water in manhole on reclaimed line, issue is a failed air release valve (ARV) System remains operational while the ARV rebuild is being scheduled.
- Captured additional equipment nameplate data for the Yearout Energy audit.
- IdesAa Inc on site 08-11-2023 to work on SCADA issues. Provided the integrator with a list of items that require attention finish on task order NO. 18.

#### Water Production

- The average seven-day water usage is 5.9 million gallons per day (MGD).
- The Bonito Lake Reservoir is currently at 7381.0 ft elevation or full and running over the spillway.
- Reservoir storage at La Luz is approximately 155.0 million gallons (MG). This is 82.8% of usable storage capacity. Well production continues to keep up with the increased demand. If usage continues at the current rate, it is anticipated that the City will not have water rationing this season.
- Transferred sodium hypochlorite from Green Well Field and Golf Course Well to the Water Reclamation Plant in order to make room for the next delivery of chemicals later this month.
- Operated Golf Course Well and Golf Course BPS (Booster Pump Station) in hand to maintain the water quality in Golf Course GST (Ground Storage Tank).
- Tested Well 6 with Statewide Drilling and COA Facility Maintenance electricians onsite. Well 6 successfully started and ran until the water flowed clear. Well 6 is back in service and can be used as needed.
- Performed semi-annual tank inspections on Upper Heights GST (Ground Storage Tank).and Lower Heights GST.
- Performed routine building maintenance and cleanings at several sites throughout the water system.
- Inspected all pressure reducing valves and recorded pressures.
- Statewide Drilling began reinstalling Snake Tank Well 5. The well should be ready to test early next week.
- Inspected and cleaned screens at mountain spring and diversions.
- Collected 10 bacteriological samples per Revised Total Coliform Rule (RTCR).
- Conducted routine comparison analysis on all chlorine residual monitors (4) at both surface plants.
- Cleaned and verified all NTU (Nephelometric Turbidity Unit) analyzers (6) at both surface plants.
- Performed the weekly Bonito Dam inspection.

## WEEK AHEAD

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- Schedule a meeting with Engineering to discuss task orders and funding sources for compaction testing.
- Work with the GIS division to source GIS equipment necessary to track asbestos disposal,
- Enterprise Asset Management Training scheduled 8/23 through 8/25.
- Begin scanning historical documents that pertain to well water rights.
- Statewide Drilling will complete the repairs on Snake Tank Well 5 and Water Production operators will test the well.
- Water Production will have two new Operator Trainees attending new hire orientation.
- Replace an ARV (Air Release Valve) on the 20" Bonito pipeline.
- Replace motor bearings on Ocotillo Booster Pump 1.
- Replace the 24-inch main flow meter and register at La Luz Water Treatment Plant.

### Finance Department (Evelyn Huff, Director)

#### *Customer Service*

**08/07/2023 - 08/11/2023**

|                                          |      |
|------------------------------------------|------|
| Utility Billing Mail Payments            | 464  |
| Utility Billing Over Counter Payments    | 339  |
| Miscellaneous Over Counter Payments      | 162  |
| BDS Online Payments                      | 1292 |
| Wells Fargo Payments                     | 199  |
| New Service Applications                 | 47   |
| Account Transfers                        | 28   |
| Leak Abatements                          | 17   |
| Memos sent to Legal for lien processing  | 30   |
| Final Billing Statements                 | 85   |
| Cut-off for Non-Pay Service Orders       | 7    |
| Emergency Turn-off Service Orders        | 1    |
| ETR Replacement Service Orders           | 48   |
| Final Read Service Orders                | 81   |
| Lock Meter Service Orders                | 1    |
| Manual Reading Service Orders            | 7    |
| Meter Installation Service Orders        | 2    |
| Meter Replacement Service Orders         | 5    |
| Returned Payment Turn-off Service Orders | 6    |
| Recheck Service Orders                   | 285  |
| Radio Read Maintenance Service Orders    | 29   |
| Turn-off Service Order                   | 1    |
| Turn-on Service Order                    | 122  |

## **Community Services (Veronica Ortega, Director)**

### **Meetings:**

- ❖ White Sands Balloon Invitational (two meetings) with Community Affairs Manager, Acting City Manager, Ed Brabson, and various city departments. This event is designated as Tourism Event.
- ❖ Gus Macker, if this goes forward, could be considered a Tourism Event
- ❖ August 4th Friday
- ❖ Battle of the Food Trucks Part 2
- ❖ Special Event Follow-up with Acting City Manager
- ❖ Cornhole Tournament designated as a Tourism Event

### **Training:**

- ❖ Tyler Financial Software w/Airport Manager & Finance Director
- ❖ Grant training w/Airport Manager and Grant Coordinator
- ❖ Provided employee counseling for two of my areas.
- ❖ APS Collaboration information gathered from Community Service Divisions.

#### ***Airport***

- ❖ Main gate to the left of the facility did not open. Roger took off the Viking cover to see that the relay/reset switch was disabled – he enabled it, and the gate opens now. The remotes are still not working, but the cards are.
- ❖ Cleaning and maintenance.
- ❖ Inventory list started.
- ❖ Yucca completed FE training.
- ❖ Coyotes have been an issue for take-offs and landings.
- ❖ PT staff completed safety-trainings.
- ❖ Scheduled fuel service from Brewer to top off the fuel barn.
- ❖ Attended Tyler training with Finance Director and Community Services Director.
- ❖ Establishing a Daily Objectives list for Airport employees.
- ❖ BITS came to fix Roger's printer and to install wire for security cameras.

#### ***Community Affairs***

- ❖ Secured Band for Balloon Glow. Searching for additional entertainment.
- ❖ Secured comic for 4th Friday.
- ❖ Maintenance position is still open.
- ❖ Civic Center Supervisor position is still open.
- ❖ Set up for a 200+ private party.

#### ***Marketing/Communications***

- ❖ Applied for new social media account.
- ❖ Generated ARMS marketing material.
- ❖ Finalized advertising planning for Balloon Fest and Corn Hole Tournament.
- ❖ Completed 15 PSA/social media posts.

### ***Tourism***

- ❖ Coordinated Holloman sync and coordination.
- ❖ Acquired Alamogordo article in State Fair magazine.
- ❖ NM True-
- ❖ submissions for grants
- ❖ research for an upcoming photoshoot
- ❖ permissions and resizes for outside ads.
- ❖ issues with access to SM.

### ***Library***

- ❖ Mini Book Sale ~ Beginning August 14, 2023 (Sacramento Room); \$5 APL Bag or \$0.10/book
- ❖ Fixed Assets ~ Tyler Training / Entry (in process)
- ❖ League of Women Voters ~ Southern NM Libraries Panel Discussion (Library Mgr) “Trends in Public Libraries” (Las Cruces); Saturday, Aug 12th, 2:00 – 4:30 pm (30 in attendance)
- ❖ APL Partnering with Arts/Cult District Jumpstart Task Force; Clean-up Alley Day [Mural Prep]; August 19, 2023
- ❖ Creation of Teen Area ~ Furniture/Painting/Shifting Collections: Weeding Phase/Furniture Selection Occurring
- ❖ Security Alarm / Landline issues due to a power outage/storm on August 8, Have not been able to set the alarm.
- ❖ Vandalism ~ Children’s Room window (Reported to APD; Camera Footage) [Completed]
- ❖ Graffiti front of building ~ Facilities Maintenance addressed [Completed]
- ❖ Book Club ~ First full week of month – 1:00 pm-3:00 pm (Wed & Sat)
- ❖ Preschool/Kinder Story Times ~ Tues & Wed 10:30 am – 11:30 am.
- ❖ School Age Story Time ~ Thur 10:30 am – 11:30 am.
- ❖ Builders Club ~ 1st Saturday 1:00-3:00 pm
- ❖ Teen Cafe (finishing grades 6 through 12) ~ Wed 3:00 pm – 4:00 pm
- ❖ Planning Programs for Tweens & Lap-Sit Storytimes ~ Coming Soon!
- ❖ 1-on-1 Computer classes weekly for adults Tues/Thurs 3 – 4 pm & Wed 11- 12 pm.
- ❖ Teen Dungeons & Dragons ~ 2 Evenings Weekly Tues (3:30) & Thur (4:30)
- ❖ For this week, 1,627 entered the library, checking out 2,204 items. 243 holds were placed, and 119 were picked up (this could be curbside or inside.) 38 new borrowers were added during the week.

### ***Senior Center***

- ❖ The Administrative Assistant sat on an interview panel for Code Enforcement Administrative Assistant.
- ❖ The ASC Manager met with AmeriCorp Portfolio Manager for monthly TEAMS meeting/updates.
- ❖ The ASC Manager met with the Finance Director for tips on Tyler reports for monthly State and Federal reimbursement requests.



- ❖ The ASC Manager prepared July's reimbursement request for SCP/FGP expenses.
- ❖ Rick Guidry provided musical entertainment to seniors on August 10th.
- ❖ VIP Insurance Advocates offered insurance solutions to our seniors on August 11th.
- ❖ The Marine Corps group held their monthly meeting at the Senior Center on August 12th.
- ❖ Humana was available to seniors on August 16th.
- ❖ The monthly birthday party was held on August 16th.

|                          | Monday | Tuesday | Wednesday | Thursday | Friday |
|--------------------------|--------|---------|-----------|----------|--------|
| Transportation UOS - 154 | 30     | 28      | 41        | 28       | 27     |

### Senior Center Meals Served

#### CONGREGATE

|                             |     |
|-----------------------------|-----|
| <b>Monday (8/7/2023)</b>    | 157 |
| <b>Tuesday (8/8/2023)</b>   | 168 |
| <b>Wednesday (8/9/2023)</b> | 153 |
| <b>Thursday (8/10/2023)</b> | 163 |
| <b>Friday (8/11/2023)</b>   | 150 |

#### HOME DELIVERY

|                             |     |
|-----------------------------|-----|
| <b>Monday (8/7/2023)</b>    | 131 |
| <b>Tuesday (8/8/2023)</b>   | 131 |
| <b>Wednesday (8/9/2023)</b> | 127 |
| <b>Thursday (8/10/2023)</b> | 132 |
| <b>Friday (8/11/2023)</b>   | 135 |

**Grand Total:** 1447

#### ***Zoo***

- ❖ Selected a new zookeeper. We will be fully staffed once he is on board.
- ❖ Worked on bird of prey exhibits; added new branches, deep cleaned, and installed new bird boxes. The USDA bird regulations come into effect on August 21st, 2023. The first inspection will guide us toward a better understanding of what USDA is looking for. We anticipate adding staff will be a citation.
- ❖ Repaired another irrigation break in the kangaroo exhibit.
- ❖ Working on the asset list of the Tyler program.
- ❖ The education coordinator has created a new scavenger hunt, animal bingo, and Kahoot for the education program. All these games are interactive for the public. Sarah has started putting together programs for school after-hour events and started going through docent applications.
- ❖ Standard operating procedures were completed for the commissary and gift shop. Different staff are trained on these procedures to work through missing information.
- ❖ The aeration system and pumps for the duck pond, aviary, otter, tapir, and bear have been ordered.

## **Zoo Attendance**

### **Paid Admission**

|                   |           |
|-------------------|-----------|
| <b>Adults</b>     | 320       |
| <b>Children</b>   | 133       |
| <b>Seniors</b>    | 35        |
| <b>Military</b>   | 44        |
| <b>50% Adults</b> | 2         |
|                   | <hr/> 534 |

### **Annual Pass Holder**

|                      |           |
|----------------------|-----------|
| <b>Adults</b>        | 95        |
| <b>Children</b>      | 92        |
| <b>Seniors</b>       | 1         |
| <b>Children U5</b>   | 118       |
| <b>City Employee</b> | 2         |
|                      | <hr/> 308 |

|                     |                        |
|---------------------|------------------------|
| <b>Grand Total:</b> | <hr/> <hr/> <b>842</b> |
|---------------------|------------------------|



### **Parks & Recreation Services (Belinda Bass, Director)**

- ❖ Director worked with golf course staff to pull and rebuild one complete aeration pump
  - One pump that was pulled was found to be full of water and the windings scorched and the capacitor blown out (it cannot be repaired)
- ❖ Director had a very interesting, and lengthy, meeting with Courtney McCary, from Many Hands Alamogordo, to discuss community gardens and different ways we can use this program to empower citizens to grow their own food, preserve the food they grow, and learn new ways to cook the things they grow, all while building good relationships among community members and the city organization.

### **Next Week-**

- ❖ Working towards getting Many Hands MOU through the approval process
- ❖ Working with golf course to get a couple more pumps repaired and online.
  - Consulting with Otterbine to find best method to repair/replace bad power cables/cable ends
- ❖ Making sure funds are there for various projects- pickle ball courts is top priority at the moment
- ❖ Reviewing the draft Master Plan and working with Balloon Park design

- ❖ Reviewing KAB intern job description

### ***Cemetery***

- ❖ Repaired irrigation break
- ❖ Installed 1 double headstone
- ❖ 1 cremation remains service
- ❖ 2 casket remains service
- ❖ Routine mowing, edging,

### ***Golf Course***

- ❖ Overseeded the driving range tee box- for better winter use and turf production
- ❖ Began the process of repairing lake aerators- parts have arrived
- ❖ Began addressing storage issues for chemicals and irrigation storage as well as office space arrangements
- ❖ Wi-Fi has been installed in the maintenance building- waiting for Bits to finish the set-up process
- ❖ Set up multiple new vendors to supply needed goods for the course
- ❖ Ground the greens mowers for the first time in 5+ years
- ❖ Temporary irrigation repair on the back 9, blew out again. Parts ordered, should be in on 8/18/23
- ❖ Received quotes for proper greens mowers and zero-turn mower to replace the Toro order that had been placed in 2022. Toro is not expected to deliver until late 2024 to 2025. John Deere has the needed equipment and offers a much quicker delivery date with higher-quality equipment to boot.
- ❖ Meetings with Pro Shop have been very productive

### **Next Steps-**

- ❖ Work with Bits to enhance phone service at maintenance building. Currently very spotty
- ❖ Continue patching main pipe leak until proper parts arrive to allow for correct repairs to be made.
- ❖ Over seed some target circles on the driving range to enhance the practice facility
- ❖ Order much needed chemicals and fertilizers
- ❖ Continue planning and pricing to address the storage concerns
- ❖ Grind the tee and fairway reels
- ❖ Apply fertilizers and chemicals as they arrive
- ❖ Properly edge the bunkers when the tool to do so arrives

### **Issues-**

- ❖ Adjusting to how long it takes for vendors to receive and send orders
- ❖ Every time the irrigation system goes down, the course suffers a grave loss of turf from the greens. Replacing the current cool season grass on the greens with a warm season, greens grade grass is top priority
- ❖ The golf course struggles with the lack of staff, there should be one or two more staff members on the maintenance team

### ***Parks***

- ❖ Performed recurring mowing trimming and edging in all park spaces per weekly schedule
- ❖ Routine equipment maintenance and tire repairs
- ❖ Sign installations at:
  - Washington Park
  - South Oregon Park
  - Oregon Garden Center
  - Circle Drive
  - Indian Wells Park
  - University Park
  - Griggs Sprots Complex
  - Hooser Sprots Complex
  - Bark Park
  - Kids Zone
  - South Scenic Pavilion
  - 10<sup>th</sup> Street to Bypass
  - Monte Vista Cemetery
    - Signs installed
      - KAB Adopt-A-Spot
      - Reclaimed water notice
      - Park Rules
- ❖ Removed wind damaged fabric shade from over Oregon School playground
- ❖ Installed new playground platform wall panel at Alameda Zoo playground
- ❖ Conducted weekly playground safety inspections and made minor repairs
- ❖ Daily restroom cleaning, sanitizing, and litter removal from all park areas
- ❖ Ongoing gopher control throughout park system
- ❖ Replaced and repaired sprinklers at:
  - Alameda Park
  - West Indian Wells
  - Tierra de Suenos Park
  - Silverado Park
  - Juniper Islands
- ❖ Repaired 3” main break at Washington Park
- ❖ Prepared for utility location services to prepare for main irrigation line break at Oregon Basketball Courts
- ❖ Cleaned and sanitized Oregon Garden Center Fountain
- ❖ Cleaned palm tree debris at Alamogordo Family Recreation Center
- ❖ Watered at the following locations:
  - City Hall planters
  - Oregon roses
  - 1<sup>st</sup> St.

- Scenic Drive
- Alameda roses
- ❖ Trimmed trees/removed tree debris at the following locations:
  - Oregon Park
  - Airborne Memorial Park
  - Oregon Garden Center
- ❖ Began installation of decorative landscaping on median at Indian Wells and Washington
- ❖ Light trimming, weed and litter removal at the following locations:
  - Founders Park
  - Airbourne Memorial Park
  - Center of Commerce
  - White Sands Medians
  - Fireman's Park landscape bed
  - Silverado Park
  - Valencia
  - Hermosa del Sol
  - 1<sup>st</sup> Street medians
  - West 10<sup>th</sup> Street tree medians
  - Panorama tree medians
  - Post neighborhood sign island
  - Oregon School Courtyard
  - Scenic Tree medians
  - South Scenic Pavilion
  - La Placitas
  - Oregon Garden Center rose beds

#### **Issues and Comments-**

- ❖ Will continue installing signs in all park areas
- ❖ Will begin applying fertilizer in all park areas
- ❖ Will begin installing decorative landscaping in bed by north entrance of Alameda Park
- ❖ Will begin installing decorative landscaping on strip in front of Alameda Zoo parking lot
- ❖ New Alameda irrigation system continues to fail, contractor and manufacturer continue to search for solutions. (This is 100% being covered by contractor and manufacturer)
- ❖ 3 truck still at fleet for repairs/service
- ❖ 1 tractor, 1 backhoe at fleet for repairs

#### ***Sports Complexes***

##### **Hooser-**

- ❖ Saturday Men's Softball Tournament- 4 fields on B side
- ❖ Daily restroom cleaning and litter pickup
- ❖ Painting awning posts on B side
- ❖ Routine sprinkler adjustment and replacement
- ❖ Dailing recurring mowing, edging, and trimming

##### **Griggs-**

- ❖ Daily restroom cleaning and litter pick up
- ❖ Daily litter policing at Bark Park
- ❖ Irrigation repair-
  - swing joint on Field 6
  - valve replacements in progress on Field 3
- ❖ Daily recurring mowing, edging, and trimming per weekly schedule.

### ***Recreation Center***

- ❖ After School Frenzy started this week
  - Grades: K – 5<sup>th</sup>
  - August 14, 2023- May 24, 2024
  - Mon-Fri- afterschool – 6pm
- ❖ New! After School Hangout started this week
  - Grades: 6<sup>th</sup>- 8<sup>th</sup>
  - August 14, 2023- May 24, 2024
  - Mon-Fri- afterschool-6pm
- ❖ Rec/Club Bitty Ball League Registration opens next Wednesday, August 23, 2023, at 8 am
- ❖ Pool is closed on Sundays and Mondays
- ❖ Pool activities shift to Tues-Sat (pool closed on Mondays)
- ❖ Splash with Ben- Pool Fitness Class- changes from Mon/Wed to Wed/Fri
- ❖ Family Swim Nights shift from Tue/Thu/Fri, 5-7 to Wed/Fri, 4:30-6:30pm

### ***Keep Alamogordo Beautiful***

- ❖ Presentation to the Rotary Club of Alamogordo went well.
- ❖ Announcement received that KAB was awarded a \$25, 495.84 grant for this year
- ❖ Ongoing KAB/Special Events shared storage sorting. These two entities shared the same director for some time, now trying to sort their previously shared storage spaces out so that both may have more and organized space.
- ❖ Flickinger Center has requested volunteers for Otero Heritage Day
- ❖ City of Alamogordo has requested volunteers for August 4<sup>th</sup> Friday event
  - Alamogordo Tiger Band Boosters are going to be the volunteer group for this event
- ❖ There will be another Adopt-A-Spot training event on 8/30/23
- ❖ KAB's Sven Sears has been invited to speak about KAB at the Live and Local Broadcast with Bob Flotte on 8/31/23
- ❖ Otero County Fair and Rodeo has requested KAB volunteers for their event 9/21-9/24/23

## Human Resources (Kim Torres, Director)



### HUMAN RESOURCES

Aug 12 – Aug 18, 2023

#### RECRUITING

| Current Vacancies* | In Pre-Hire Process | Position Interviews Held | New Hires In Process | Employees Out Processed |
|--------------------|---------------------|--------------------------|----------------------|-------------------------|
| 63                 | 17                  | 7                        | 1                    | 1                       |

\*Includes all vacant positions, including those on hold.

- ❖ The HR staff spent half a day on Monday with Tyler totaling 20 work hours. Employee data went to the production phase on Monday as well. HR is now maintaining employee data in two systems until we go live in January. The first payroll parallel is the week of 8/28/2023 with the pay date of 8/24/2023.
- ❖ Running a full audit of the Munis system position control and job class master. A lot of corrections are required due to the changes that have occurred since the initial data was sent to Tyler, the implementation of a new police pay plan, new hires, terms, etc.
- ❖ Policy for the Police Pay plan finalized and distributed.
- ❖ The HR vehicle needs a new instrument panel. HR is fixing then the vehicle will be transferred to the Airport. Fleet prepared a requisition, and it has been approved so the necessary repairs can be made.
- ❖ Milestone service awards received. Directors notified to pick up and distribute.
- ❖ Unemployment claim from Workforce Solutions completed and returned.
- ❖ Two IPRA requests responded to.
- ❖ Broken fax machine being sent for surplus.
- ❖ Preparation for City Manager interviews.
- ❖ Birthday band letters distributed for voluntary life insurance premium changes.
- ❖ Preparations being done to post AFD Fire Chief position.
- ❖ Testing materials ordered for Firefighter testing.

#### *Safety*

#### SAFETY

| Active WC Claims/Current Employees | Active WC Claims/Termed Employees | New WC Claims | Facility Inspections Performed | Job Site Inspections/Observation Reports |
|------------------------------------|-----------------------------------|---------------|--------------------------------|------------------------------------------|
| 11                                 | 2                                 | 0             | 0                              | 5                                        |

- ❖ A safety meeting was held on the 17<sup>th</sup> and five accidents were reviewed.
- ❖ One accident investigation was conducted this week.

- ❖ Stop the Bleed training completed for employees on 8.16.2023 in the new training room at Oregon School. A second Stop-the-Bleed class is scheduled for September 13, 2023, at the Oregon training room.
- ❖ Workers' Compensation claims maintenance.
- ❖ Coordinated an OSHA consultation evaluation with Central Receiving Warehouse.
- ❖ Three job hazard analysis documents prepared.
- ❖ One Safety orientation performed.



### City Clerk (Rachel Hughs, City Clerk)

- ❖ The Safety Coordinator has advised that the room in question at Oregon, with ceiling debris that has fallen on the floor and on some of the records, was sampled during this survey and no asbestos was detected in the ceiling material. Also, this room, which is Room 8, was sampled in three different areas of the ceiling with no asbestos content found in any part of the ceiling.
- ❖ The Mayor's travel arrangements were completed for the NMML 66th Annual Conference in Farmington
- ❖ There were permits to close part of 10th Street running east to west that were not approved. The request to close the street was so vendors could set up on the sidewalks and have people walk along 10th Street. Ordinance 8-07-040. Obstruction on Sidewalks reads, No item which would obstruct pedestrians or effectively reduce the width of a sidewalk shall be placed in, on, over, or under the sidewalk. Furthermore, it was a safety concern for pedestrians to walk on a busy street, even if there were cones on the street.

### Another Reminder Candidate Filing Day is ONLY one day

- ❖ On Tuesday, August 29, 2023, between 9 am – 5 pm at the County Clerk's office.
- ❖ The forms for the Declaration of Candidacy are on the County Clerk's website at <https://co.otero.nm.us/225/Clerk> under 2023 Regular Local Election Information, which will then take you to the Secretary of State's website <https://www.sos.nm.gov/2023-regular-local-election-candidate-information/>.
- ❖ Our City does require campaign reporting, therefore per Ordinance 1466, each candidate shall file with the City Clerk a report of expenditures and contributions on forms prescribed by the City Clerk.
  - The first report is due twelve days prior to the election.
  - By the end of today, the forms will be on the City website under Commission/forms the link is <http://ci.alamogordo.nm.us/336/City-Commission>

| Stats                                | August 11-August 17 |
|--------------------------------------|---------------------|
| Request for Public Records received  | 4                   |
| Request for Public Records completed | 4                   |
| New Businesses                       | 2                   |
| New Food Vendors                     | 1                   |
| Special Events permits issued        | 2                   |
| Street Closure permits issued        | 2                   |
| Records retrieved from Oregon        | 2                   |
| Records returned to Oregon           | 0                   |
| Agreements entered                   | 15                  |
| Boxes achieved                       | 15                  |

## Other-ACM Calendar

**August 14, 2023 -  
August 20, 2023**

| August 2023 |    |    |    |    |    |    | September 2023 |    |    |    |    |    |    |
|-------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|
| Su          | Mo | Tu | We | Th | Fr | Sa | Su             | Mo | Tu | We | Th | Fr | Sa |
|             |    | 1  | 2  | 3  | 4  | 5  |                |    |    |    | 1  | 2  |    |
| 6           | 7  | 8  | 9  | 10 | 11 | 12 | 3              | 4  | 5  | 6  | 7  | 8  | 9  |
| 13          | 14 | 15 | 16 | 17 | 18 | 19 | 10             | 11 | 12 | 13 | 14 | 15 | 16 |
| 20          | 21 | 22 | 23 | 24 | 25 | 26 | 17             | 18 | 19 | 20 | 21 | 22 | 23 |
| 27          | 28 | 29 | 30 | 31 |    |    | 24             | 25 | 26 | 27 | 28 | 29 | 30 |

### Monday, August 14

- ☐ < Nancy B off →
- ☐ Nunnelley Off - Kimberly Wofford
- 7:30am - 8:00am Send emails concerning Officer AF ☺
- 10:30am - 11:30am Work on Agenda Items
- 1:00pm - 2:00pm EnerGov/Alamogordo PM Bi-Weekly Meeting (Microsoft Teams Meeting) - Hough, Haley ☺
- 1:30pm - 2:00pm Meeting with John Block (City Manager's Office) - Deborah Osborne

### Tuesday, August 15

- ☐ < Nancy B off →
- 11:30am - 1:00pm Leadership (Desert Lakes Golf Course)
- 4:30pm - 6:00pm Cruz-Swim ☺
- 5:00pm - 5:30pm Mandatory Soccer Meeting-HS
- 6:00pm - 8:15pm Cruz-Soccer Practice ☺

### Wednesday, August 16

- ☐ < Nancy B off →
- ☐ Chief Kunihiro off
- 7:45am - 2:00pm Dad procedure (1810 Murchison Dr - El Paso, TX, United States)
- 6:00pm - 8:15pm Cruz-Soccer Practice ☺

### Thursday, August 17

- ☐ < Nancy B off →
- 7:30am - 8:30am ARMS Monthly Partners Meeting  
(<https://us06web.zoom.us/j/88923485376?pwd=V2EyaWxlODBGQUxDb3BtcKhYNGJvQT09>) - Veronica Rojas ☺
- 11:00am - 11:30am Placer,ia -Tourism (Zoom)
- 1:30pm - 2:30pm Special Event Follow-up (City Manager Office) - Veronica Ortega
- 4:30pm - 6:00pm Cruz-Swim ☺
- 6:00pm - 8:15pm Cruz-Soccer Practice ☺

### Friday, August 18

- ☐ < Nancy B off →
- 10:00am - 11:00am Balloon Glow Event Update (Alamogordo Civic Center (800 1st St, Alamogordo, NM 88310)) - Hector Vazquez
- 11:00am - 12:00pm Gus macker (Alamogordo Civic Center (800 1st St, Alamogordo, NM 88310)) - Stephanie Hernandez
- 3:00pm - 3:30pm Google Meet- Hearing



# City of **ALAMOGORDO**

## Weekly Report-Commission

*Week Ending:*  
*08/25/2023*

**Stephanie Hernandez**  
**Acting City Manager**

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## **City Manager**

- City Manager Second Interviews will be held 8/25/2023.

## **City Attorney (Ashley Smith, City Attorney)**

### **TORT CLAIMS**

- 1 Tort Claim received this week.

### **CONTRACTS**

- 13 new Contracts completed via Adobe.

### **MUNICIPAL COURT**

- 5 New Cases opened in Municipal Court

### **IPRA REQUEST**

- Worked on fulfilling Rardin IPRA request.

### **LIENS**

- 29 New Notice of Liens
- 2 Release of Liens

### **FORECLOSURES**

- No Paid Foreclosures this week
- Did legal research and wrote legal brief for arbitration case.



## **Police Department (David Kunihiro, Chief)**

- Police Officers-Currently have 37 officers; 12 vacancies with current budget; 21 vacancies from being fully staffed.
- Certified New Mexico Police Officer starting on Monday, 8/28!
- 4 Certified Officers going into background investigation.
- Two Service Aides began Monday, 8/21. Fully staff with Police Service Aides!
- Police Officer Trainee tryouts Saturday, 8/26.
- Planning for Balloon Glow
- Planning for Gus Macker Basketball

### ***Animal Control***

- Animal Control Officer starting Monday, 8/28! Animal Control is fully staffed again!

#### ***ACO numbers:***

- Calls for Service-58
- Citations-5
- Surrenders-0
- Adoptions-0
- Euthanizations- 1

- Rescues-8
- Return to Owner-10
- Roof project; estimated to be completed in 3 weeks.
- ACO flooring project is completed and looks great!
- Police Officer Trainee tryouts Saturday, 8/26.
- Planning for Balloon Glow
- Planning for Gus Macker Basketball



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



### **Fire Department (Richard Adler, Chief)**

The Alamogordo Fire Department answered 29 calls for service listed below:

- 4 Assist AMR
- 2 Assist Police
- 2 Natural Gas Leak
- 8 Fire Alarm
- 10 MVA
- 1 Powerline Down
- 1 Dumpster Fire (Landfill)
- 1 Smoke in the area

### **Weekly projects:**

- Fire Staff had 25 hours related to company, drivers, volunteer, HazMat and new recruit training.
- Fire Staff had (19) Initial/Annual business fire inspections, (2) re-inspections.
- Set CPAT and Written test date for 9 Sep 2023
- Continued Department 1<sup>st</sup> Due training with Contractor
- Hosted AFD Vol/County Vol training at Station #5
- Attended Ballon Glow/Gus Maker meetings.
  - Performed logistics inventory / prepped for State Inspection
  - 2 personnel at Fire Inspector School (Simmons/Valles)
  - 3 Fire Prevention/Education events
  - Hosting Emergency Vehicle Driver class – AFD Instructing State Class 16-26 Aug
  - Worked State Fire Fund Grant/Annual Carryover
  - Continued work at Oregon facility. Paint, quotes, etc.
  - Working posting/advertising for Fire Chief position
  - Siddon Martin work on Engine 1 and Truck 2

# 

Public Works (Nancy Beshaler, Director)

## *Planning and Zoning*

| PNZ WEEKLY REPORT<br>8/14-8/18-2023<br>THREE STAFF MEMBERS TOTALS |              |
|-------------------------------------------------------------------|--------------|
| ACTION                                                            | WEEKLY TOTAL |
| PHONE CALLS                                                       | 48           |
| EMAILS                                                            | 278          |
| PREPARED FEMA LETTERS                                             | 3            |
| BUSINESS REGISTRATION PREREQUISITES                               | 5            |
| COUNTER CUSTOMERS                                                 | 17           |
| COLLECTED APPLICATION. FEES                                       | 16           |
| PROCESSED APPLICATIONS                                            | 16           |
| MET WITH CITIZENS                                                 | 1            |
| PREPARED WEEKLY REPORT                                            | 1            |
| PREPARED ZONING CASE                                              | 1            |
| FEMA DETERMINATIONS                                               | 2            |
| ORGANIZED "S" DRIVE SCANNED FILES                                 | 6            |
| ATTENDED TRAINING "STOP THE BLEED"                                | 3            |

## *Street Maintenance*

- Asphalt Crew
  - On Monday, the 14<sup>th</sup>, the asphalt crew did a saw cut 308-310 Santa Fe. Then, they tore the curb and gutter out and formed it.
  - On Tuesday, the 15<sup>th</sup>, the men poured the curb and gutter. They also formed and poured a 4x8 sidewalk slab at 223 Ascot Parade that the resident had called about.
  - On Wednesday the 16<sup>th</sup>, they poured the sidewalk 308-310 Santa Fe.
  - On Thursday, the 17<sup>th</sup>, the crew tore out, prepped, and laid hot mix at 308-310 Santa Fe.
  - On Friday, the 18<sup>th</sup>, the guys did two patches at 564 and 343 Eagle Dr.
- Sign Maintenance (Craig and Adam)
  - Monday/Tuesday- did sign maintenance, filling six potholes with bags of cold mix and three miscellaneous work orders.
  - On Wednesday, Craig ordered three tons of asphalt to do potholes (164), with Mike and Jesus assisting them.
    - Just FYI, when the crew works on filling in potholes, they also fill in large cracks or the missing edges of the road.

- On Thursday, they did sign maintenance, including digital battery replacement, and filled two potholes with bags of cold mix a citizen had called in.
- Friday, they painted by hand roller, deleted a parking space, and removed a curb stop at the DPS parking lot. Chief Kuni had asked for. And miscellaneous work orders picked up debris from the middle of the road.
- Paul swept a total of 110 Streets.
- Ronnie bladed two alleys at 900 9<sup>th</sup> St and 1000 block of 10<sup>th</sup> St. Friday; he made a list of other alleys that need attention.
- Dennis has been keeping the yard organized, processing material, pushing the spoils in a pile, and watering the back to keep the dirt down. He also has been working on the paint sprayer. I had to order the replacement parts that he needed.

### ***Weeds Drainage***

- The drainage crew weed-eat six areas. They sprayed eight locations for the week. They threw Aqua Bac Pellets for mosquito control after it rained Monday the 14<sup>th</sup> in the S. Canyon Core Pond and Quail Pond.

### ***Code Enforcement***

- Code Enforcement has 354 cases that are being actively investigated.
- Code Enforcement vehicles have new decals on them to be recognized easier by the community with the Code Enforcement phone number and a QR Code that takes users to the Code Enforcement website to be able to file complaints in writing if they so choose.
- John Romero is continuing his training learned Code Enforcement procedures, Ordinance, and International Property Maintenance Code.
- Currently working towards becoming accredited by AACE as a department.

### ***Fleet***

- One of our mechanics took off a couple of days.
- We did 8 PMA services.
- We did 2 pre-trip inspections.
- We repaired 3 A/C problems.
- We replaced 3 batteries.
- We repaired 3 tires.
- We replaced intake gaskets on unit 1412 Parks truck.
- We installed a new driveline in unit 1400 UTN water truck.
- We replaced the muffler on unit 1054 Parks truck.
- We replaced the fuel pump on unit 1516 HR truck.
- We are working on unit 1719 Engineering truck, airbag light on.
- We are working on unit 1552 Streets truck, A/C problem.

### **Units waiting to be worked on**

- Unit 1638 Senior Center bus, fuel gauge.
- Unit 1454 Streets F350, transmission issues.
- Unit 1471 Airport Ranger, door lock issue.
- Unit 1645 Cemetery backhoe, waiting on parts.





**Utilities Department (David Nunnelley, Director)**

*(will send report separately when available)*

**Finance Department (Evelyn Huff, Director)**

***Customer Service***

| <b>CUSTOMER SERVICE</b>                  |       |
|------------------------------------------|-------|
| <b>08/14/2023 - 08/18/2023</b>           |       |
| Utility Billing Mail Payments            | 153   |
| Utility Billing Over Counter Payments    | 221   |
| Miscellaneous Over Counter Payments      | 144   |
| BDS Online Payments                      | 719   |
| Wells Fargo Payments                     | 131   |
| New Service Applications                 | 35    |
| Account Transfers                        | 16    |
| Leak Abatements                          | 6     |
| Memos sent to Legal for lien processing  | 29    |
| Final Billing Statements                 | 46    |
| Cycle Billing Statements                 | 7,149 |
| Cut-off for Non-Pay Service Orders       | 1     |
| ETR Replacement Service Orders           | 21    |
| Final Read Service Orders                | 40    |
| High Audit Service Orders                | 8     |
| Lock Meter Service Orders                | 3     |
| Manual Reading Service Orders            | 8     |
| Meter Installation Service Orders        | 1     |
| Meter Replacement Service Orders         | 1     |
| Returned Payment Turn-off Service Orders | 1     |
| Recheck Service Orders                   | 8     |
| Radio Read Maintenance Service Orders    | 17    |
| Turn-on Service Order                    | 68    |

**Community Services (Veronica Ortega, Director)**

- Had several discussions with managers in the various areas that I overlook: Airport, Community Affairs, Library, Senior Center, and Zoo. All of my areas are very busy; we are hopeful to get the Civic Center Supervisor and part-time maintenance positions filled for Community Affairs. We are at the height of our special events, and Hector and his staff are extremely busy and doing a great job.
- Met with the Zoo Manager and Lead Keeper in reference to some projects that are starting and inspections from USDA.
- Met with the Senior Center Manager and Kitchen Administrator over staffing concerns.
- Met with Airport Manager regarding issues that arise as we try to improve our airport operations. We are running into a little pushback, but I am confident that our manager can get everyone on the same page to be and remain in compliance with the FAA, which funds 90% of our runway projects.
- Attended an all-day Airport 101 training put on by Delta Consultants and NMDOT-Jane Lucero, Aviation Division.

Attended Tyler Software Training for 4 hours in relation to EAM-Enterprise Asset Management

### ***Airport***

- Completed daily runway sweeps.
- Cop car battery is dead again.
- Dropped off the Ranger to Fleet.
- Richard finished the install to secure the conference door.
- Raul has taken control of runway sweeps until further notice.
- Raul and I will start radio training to expedite his evaluation.
- Roger to finish the STS binder. Emailed Chris and Jim for inspection.
- Met with Bob Daniels from the Soaring Club.
- Rob Hicks asked about FD Inspections.
  - Will try to get the word out.
- Posted Notice for Sept 20-22 FD Inspections.
- Started Raul on studying UHF/VHF Radio Communications.
- Roger started reading the Employee Handbook.
  - Will prepare a briefing for the Airport Staff at a later date.
- Chris came out from the Safety Department.
  - The outlet plate is missing in the back of the café/office.
- Chris was the POC for the Safety book.
- Need an Exit sign for the Mx shop.
- The grinder is outdated and needs replacement.
- The nozzle for the 250-gallon sprayer tank on a trailer outside the Mx shop needs replacement.
- Need two First Aid kits in the tractor and cop car.

Roger called BITS. He will resubmit an order for Executime issues

### ***Community Affairs***

- The Balloon Glow vendor solicitation was sent out.
- Completed 4<sup>th</sup> Friday preparations.
- The maintenance position is still open; one candidate is pending an interview.
- Made a job offer for the Civic Center supervisor position, waiting for acceptance.
- Set up a concert for 100+ attendees.

### ***Marketing/Communications***

- Completed and published the Balloon Glow advertising to Alamogordo, El Paso, Las Cruces, Roswell, and Artesia areas.
- Promoted city events on the radio with Bob Flotte.
- Created 4 PSA/12 social media posts.
- Updated marquees.

### ***Tourism***

- Certified folder brochure contract renewal in progress – sorting out AP issue from FY23.
- Coordinating HAFB town tour with Shelley Baily for 8/31/23.

### ***Library***

- Mini Book Sale ~ Beginning August 14, 2023 (Sacramento Room); \$5 APL Bag or \$0.10/book.
- Quality Assurance Training ~ Circulation Staff (Customer Experience Improvements).
- APL Partnering with Arts/Cult District Jumpstart Task Force; Next Meeting August 29, 2023.
- Library Technician Hired – August 23, 2023! (Heather Coons).
- Final HVAC Unit ~ Not to be installed until October 2023.
- Creation of Teen Area ~ Furniture/Painting/Shifting Collections: Weeding Phase/Furniture Selection Occurring.
- Book Club ~ First Full Week of Month – 1:00 pm-3:00 pm (Wed & Sat).
- Preschool/Kinder Story Times ~ Tues & Wed 10:30 am – 11:30 am.
- School Age Story Time ~ Thur 10:30 am – 11:30 am.
- Builders Club ~ 1<sup>st</sup> Saturday 1:00 - 3:00 pm.
- Teen Cafe (finishing grades 6 through 12) ~ Wed 3:00 pm – 4:00 pm.
- Planning Programs for Tweens & Lap-Sit Storytimes ~ Coming Soon!
- 1-on-1 Computer Classes weekly for Adults Tues/Thurs 3 – 4pm & Wed 11- 12 pm.
- Teen Dungeons & Dragons ~ 2 Evenings Weekly Tues (3:30) & Thur (4:30).

***Popular Service:*** Notary Public Service ~ 60 notarizations for July '23.

***Promoting:*** Mini Book Sale, Beginning Monday, August 14, 2023.

- For this week, 1,555 entered the library, checking out 2,124 items. 159 holds were placed, and 95 were picked up (this could be curbside or inside.) 26 new borrowers were added during the week.

### ***Senior Center***

- Prior to the meal program on Monday, August 21st, chocolate cream pie was served to consumers for Senior Citizens Day.
- The ASC Manager prepared July's reimbursement request for SCP/FGP expenses.
- The ASC Manager interviewed applicants for the SVP position.
- The ASC Manager prepared SCP/FGP timesheets.
- A field trip was provided on Tuesday, August 22<sup>nd</sup>, to the Cielo Vista Mall in El Paso. We filled two buses with 24 consumers. We will provide a couple of trips a month for our consumers to increase our transportation program units of service. This will also benefit our consumers, as many are unable to travel out of town on their own.

|                          | Monday | Tuesday | Wednesday | Thursday | Friday |
|--------------------------|--------|---------|-----------|----------|--------|
| Transportation UOS - 157 | 36     | 27      | 34        | 30       | 30     |

### **Fitness Class Schedule: 8:00 – 11:30, Monday – Thursday & 8:00 – 10:30 on Friday**

| <b>Fitness UOS - 616</b>   | Monday | Tuesday | Wednesday | Thursday | Friday |
|----------------------------|--------|---------|-----------|----------|--------|
| 101 Training               |        |         |           |          |        |
| Balance & Fall Prevention  | 16     |         | 17        |          | 17     |
| Balance/Baby Balls/Beanies | 15     |         |           |          | 15     |
| Belly Dancing              |        | 12      |           |          |        |

|                                        |    |    |    |    |    |
|----------------------------------------|----|----|----|----|----|
| Cardio Chair Bonanza                   |    |    | 17 |    |    |
| Cardio Strength                        |    |    | 8  |    |    |
| Chair Exercise                         | 27 |    | 27 |    | 26 |
| Do It Your Way                         | 6  | 1  | 1  | 3  | 4  |
| Equipment Room                         | 39 | 15 | 39 | 20 | 30 |
| Gentle Stretch                         |    |    |    | 2  |    |
| Learning to Line Dance                 | 18 |    |    |    |    |
| Line Dance-Advanced                    |    |    | 19 |    |    |
| Line Dance-Basic                       |    | 12 |    | 14 |    |
| Low Impact Aerobics - 1                |    | 15 |    |    |    |
| Low Impact Aerobics - 2                | 7  |    |    |    |    |
| No Floor Stretch & Flow                |    | 6  |    | 16 |    |
| Resistance, Strength & Weight Training | 12 |    | 10 |    | 10 |
| Step & Strength                        |    |    |    | 9  |    |
| Strength Training                      | 15 |    | 11 |    | 14 |
| Tai Chi                                |    | 16 |    | 9  |    |
| Walk Aerobics w/Lee                    | 11 |    | 12 |    | 12 |
| Yoga                                   |    | 11 |    |    |    |

### **Senior Center Meals**

#### **CONGREGATE**

|                              |           |
|------------------------------|-----------|
| <b>Monday (8/14/2023)</b>    | 175       |
| <b>Tuesday (8/15/2023)</b>   | 235       |
| <b>Wednesday (8/16/2023)</b> | 191       |
| <b>Thursday (8/17/2023)</b>  | 166       |
| <b>Friday (8/18/2023)</b>    | 171       |
|                              | <hr/> 938 |

#### **HOME DELIVERY**

|                              |           |
|------------------------------|-----------|
| <b>Monday (8/14/2023)</b>    | 134       |
| <b>Tuesday (8/15/2023)</b>   | 133       |
| <b>Wednesday (8/16/2023)</b> | 131       |
| <b>Thursday (8/17/2023)</b>  | 135       |
| <b>Friday (8/18/2023)</b>    | 132       |
|                              | <hr/> 665 |

|                    |                  |
|--------------------|------------------|
| <b>Grand Total</b> | <hr/> <hr/> 1603 |
|--------------------|------------------|

### ***Zoo***

- Ordered staff T-shirts and winter jackets.
- Completed hoof stock annual exams for the addax, kangaroo, emus, camel, alpacas, guanaco, mule deer, muntjac, goats, and pig. This included diet adjustments, scheduling hoof trims, dehorning the baby goat, and fecals.
- Built new bird nest boxes for the education birds in the clinic.
- Worked on landscaping projects throughout the zoo. Mowing exhibits and walkways. Cleaning up for the tour with the mayor next week.
- The education coordinator has started job descriptions and content for the docent orientation. This program will differ from previous programs with different levels of docents depending on what the individual commits to as far as availability and commitment.
- The education of animals started with Positively Wild training. The goal is to have four animals trained for offsite presentations.
- White Sands Construction is planning on starting the wolf back quarter project on 9/5/23. The wolves will be relocated off the exhibit for the time being. (ICIP)
- We are expecting a male and two female kangaroos to replace the kangaroos that passed in November.
- The zoo will be rotating and moving animals to accommodate the incoming Mandrill pair coming this November as well.

### **Zoo Attendance**

#### **Paid Admission**

|                   |           |
|-------------------|-----------|
| <b>Adults</b>     | 229       |
| <b>Children</b>   | 99        |
| <b>Seniors</b>    | 30        |
| <b>Military</b>   | 33        |
| <b>50% Adults</b> | 2         |
|                   | <hr/> 393 |

#### **Annual Pass/ Non Paying**

|                      |           |
|----------------------|-----------|
| <b>Adults</b>        | 59        |
| <b>Children</b>      | 67        |
| <b>Seniors</b>       | 3         |
| <b>Children U/5</b>  | 106       |
| <b>City Employee</b> | 0         |
|                      | <hr/> 235 |

|                    |                 |
|--------------------|-----------------|
| <b>Grand Total</b> | <hr/> <hr/> 628 |
|--------------------|-----------------|



# ALAMOGORDO PARKS & RECREATION

## **Parks & Recreation Services (Belinda Bass, Director)**

- Working on the construction of EAM system and Asset Type/Category list with fellow directors
- Working on MOU for Many Hands Alamogordo
- Working with Golf Course on purchasing/budget/etc.
- In the process of reviewing 1<sup>st</sup> draft of Master Plan

### ***Cemetery***

- No open Cemetery positions
- Routine mowing, edging, and trimming
- Installed 2 headstones
- 1 casket service

## **Issues and Comments-**

- Alameda Park Irrigation System Failure
  - Currently operating
  - Installer and manufacturer are monitoring and assisting
- Fleet repairs in progress
  - 2 trucks still down for repairs
  - 2 tractor/backhoe down for repairs

### ***Golf Course***

- Set up multiple new vendors to supply needed goods to the course
- Ground tee mower reels for the first time in multiple years
- Irrigation repair on back 9 supply line is holding.
- Creating a good working relationship with the Pro Shop Contractor
- New Superintendent and one employee attending safety training
- Superintendent attended Tyler training classes
- Began edging cart paths

## **Next Steps-**

- Working with Bits to enhance phone/internet service at Golf Course Maintenance.
- Continue edging cart paths
- Coordinate with Parks to use their PTO powered fertilizer spreader
- Order replacement motor for the reel spinning mechanism for the reel grinder
- Grind fairway reels
- Apply fertilizers.
- Properly edge bunkers (dependent on the arrival of the required tool)

## Issues-

- Every time the irrigation system goes down due to breaks/leaks/pump failures/etc, there is a loss of turf from the greens. Replacing the current cool season grass on the greens with a warm season greens grade grass will be our top priority.

### ***Parks***

- No open Park positions
- Performed recurring mowing, trimming and edging in all park spaces per weekly schedule
- Routine equipment maintenance and tire repairs
- Sign installations: Handicap Parking, Adopt-A-Spot, Reclaimed Water, Park Rules
  - Oregon Garden Center
  - N. Scenic
  - N. Florida
  - Oregon Tennis Courts
  - Alameda Park Playground
  - Indian Wells Park
  - Indigo Park
  - Desert Foothills Park
  - Las Alturas Park
- Installed post sleeves for 2 pickle ball courts
- Conducted weekly playground safety inspections and performed minor repairs
- Daily restroom cleaning/sanitizing and litter removal from all park areas
- Ongoing gopher control
- Removed graffiti at Skate Park
- Irrigation repairs:
  - Replaced 3 sprinklers on West Indian Wells
  - Replaced failed nozzles on final 4 medians at Juniper medians
  - Repaired leaking lateral line in Washington Park
  - Completed repairs on 4" mainline break near Oregon basketball courts
- **Alameda Park- ongoing issues- irrigation system**
  - Replaced 5 failed decoders
  - Removed another failed lightning arrestor
  - Re-wired broken wire on one zone
  - Disconnected all lightning arrestors on south section
- Performed preventative maintenance inspections in all areas
- Watered:
  - City Hall planters
  - Oregon roses
  - Reserved stock
  - Trees on Scenic
  - Trees on 1<sup>st</sup> St.
  - Alameda roses

- Trees on 10<sup>th</sup> St.
- Trees on White Sands medians
- Completed installation of decorative landscaping on one median at Indian Wells and Washington
- Light trimming, weed and litter control:
  - Founders Park
  - Airborne Memorial Park
  - Center of Commerce
  - White Sands Medians
  - Panorama medians
  - Washington sign landscaping
  - Silverado Park
  - Hermosa del Sol Park
  - Valencia
  - 1<sup>st</sup> St. Xeriscape medians
  - Civic Center landscaping
  - Panorama tree medians
  - Oregon school courtyard
  - Scenic tree medians
- Installed Bermuda seed around Toy Train Depot
- Installed Bermuda grass seed on bare spots in Alameda Park

### ***Sports Complexes***

#### **Hooser**

- Daily restroom cleaning and litter pick up
- No tournaments
- Daily recurring mowing, edging, and trimming per weekly schedule
- Hooser
  - Replace 4 reclaimed water valve boxes
  - Performed routine sprinkler adjustment and replacement

#### **Griggs**

- Daily monitoring of Bark Park for litter
- Installation of new irrigation zone between fields 3 & 4 in progress

### ***Recreation Center***

- Homeschool PE: Aqua Games & Swim Lessons started this week:
  - August 22-31, 2023
  - Tue/Wed/Thu
  - Aqua Games: 10 am (Ages 8-12)
  - Beg/Adv Beg: 10:45 am (Ages 6-9)
  - Regina instructing
- Rec Club Bitty Ball League Registration



- Opened 8/23/23
- Ages 3-6
- September 25- December 2, 2023
- Mon/Wed or Tue/Thu practice
- Friday night/Saturday morning games
- \$55 per player

#### Next Steps-

- Zoo Boo Costume 5K and Kids Mile Walk/Run Registration opens next week
- Homeschool PE September swim lessons registration opens next week
- Facility hours shift to 12-3pm on Saturday starting next week
- Public swim session will shift from 1:30-4:30pm to 12-3pm starting next week
- Lap swim session will shift from 11am-12:30pm to 12-1:30pm starting next week
- Open gym basketball session will shift from 2-4pm to 12:30-2:30pm beginning next week

#### *Keep Alamogordo Beautiful*

- KAB provided litter pick up tools for Otero Heritage Day
- KAB has signed an agreement with Alamogordo Tiger Band Boosters to volunteer as a youth group for the upcoming August-4<sup>th</sup> Friday event.
- KAB now has a “Plinko” style game for use at events to encourage trash pick up. “Vintage” KAB merch will be given as prizes . (coffee mugs, reusable shopping bags, stickers, etc)
- Otero County Fair & Rodeo has asked KAB to provide volunteers for 9-21 through 9-24-2023.

#### Human Resources (Kim Torres, Director)



### HUMAN RESOURCES

Aug 19 – Aug 25, 2023

#### RECRUITING

| Current Vacancies* | In Pre-Hire Process | Position Interviews Held | New Hires in Process | Employees Out Processed |
|--------------------|---------------------|--------------------------|----------------------|-------------------------|
| 59                 | 12                  | 6                        | 6                    | 3                       |

\*Includes all vacant positions, including those on hold.

- Unemployment claim from Workforce Solutions completed and returned.
- One IPRA request responded to.

- Preparation for City Manager second interviews.
- Certificates prepared for two upcoming retirements.
- End of month reports prepared for anniversaries, birthdays, and new hires.
- Firefighter physical and written testing scheduled for Saturday, September 9, 2023.
- An ad was prepared and submitted to the National Minority Update. This ad is prepared annually and is compliant with the city's Affirmative Action Plan.
- Coming Soon! Ads at the movie theatre have been finalized. The city will have two 30 second ads that will run beginning on September 4, 2023. Two ads will run every day, for every movie, for a year.
- FY23 Affirmative Action Plan is being prepared. Equal Employment Opportunity data has been collected from hard copy applications, Neogov applications, and HTE reports related to current employees and those newly hired in FY2023.
- New Right-to-Know posters have been issued for the Fair Labor Standards Act, Equal Employment Opportunity, the Pregnant Workers Fairness Act, and the Family Medical Leave Act. Right-to-Know boards are currently being updated.
- Planning for the Health Event/Open Enrollment in October continues. Confirmations of attendance are being received by vendors. Swag purchase orders have been requested.

### *Safety*

| <b>Active WC Claims/Current Employees</b> | <b>Active WC Claims/Termed Employees</b> | <b>New WC Claims</b> | <b>Facility Inspections Performed</b> | <b>Job Site Inspections/Observation Reports</b> |
|-------------------------------------------|------------------------------------------|----------------------|---------------------------------------|-------------------------------------------------|
| <b>11</b>                                 | <b>2</b>                                 | <b>1</b>             | <b>0</b>                              | <b>2</b>                                        |

- Six safety orientations were performed.
- Four job hazard analysis conducted on positions.
- WC case maintenance.
- Drug testing program maintenance.
- One accident investigation on 8.22.2023. A citizen operating a weed eater broke the window on a backhoe with an unruly rock.
- Coordinated and completed all day training with NMSIF for staff on 8.22.2023.
- Fire extinguisher inspections at City Hall completed on 8.25.2023.
- Vector training database maintenance for new employees.

### **City Clerk (Rachel Hughes, City Clerk)**

- The Mayor's travel was canceled for the NMML 66<sup>th</sup> Annual Conference in Farmington by the Mayor.
- I will be out of the office August 28 - September 8.

### **Reminder Candidate Filing Day is ONLY one day**

- On Tuesday, August 29, 2023, between 9 am – 5 pm at the County Clerk's office.

### **Forms from the County Clerk**

- The forms for the Declaration of Candidacy are on the County Clerk's website at <https://co.otero.nm.us/225/Clerk> under 2023 Regular Local Election Information, which will then take you to the Secretary of State's website <https://www.sos.nm.gov/2023-regular-local-election-candidate-information/>.

- The forms for Disclosure of Property will be provided by the County Clerk and their office houses the forms.

### **Campaign Disclosure Reporting**

- Per City Ordinance 1466 Campaign Disclosure reporting shall be filed with the City Clerk
  - The first report is due twelve days prior to the election making it October 26, 2023
  - You can get the Campaign Disclosure Packet in the following places;
    - The City website under Commission scroll down to Forms, the direct link is <http://ci.alamogordo.nm.us/336/City-Commission>
    - My office
    - I took copies of the packet to the County Clerk, so they will include them in the Alamogordo Candidate packets.
    - I will email the entire Commission the packet today.

| Stats                                | August 18-August 24 |
|--------------------------------------|---------------------|
| Request for Public Records received  | 7                   |
| Request for Public Records completed | 5                   |
| New Businesses                       | 7                   |
| New Food Vendors                     | 1                   |
| Special Events permits issued        | 0                   |
| Street Closure permits issued        | 0                   |
| Records retrieved from Oregon.       | 0                   |
| Records returned to Oregon           | 0                   |
| Agreements entered                   | 17                  |
| Boxes achieved                       | 10                  |

## Other-ACM Calendar

# August 21, 2023 - August 27, 2023

| August 2023 |    |    |    |    |    |    |
|-------------|----|----|----|----|----|----|
| Su          | Mo | Tu | We | Th | Fr | Sa |
|             |    | 1  | 2  | 3  | 4  | 5  |
| 6           | 7  | 8  | 9  | 10 | 11 | 12 |
| 13          | 14 | 15 | 16 | 17 | 18 | 19 |
| 20          | 21 | 22 | 23 | 24 | 25 | 26 |
| 27          | 28 | 29 | 30 | 31 |    |    |

| September 2023 |    |    |    |    |    |    |
|----------------|----|----|----|----|----|----|
| Su             | Mo | Tu | We | Th | Fr | Sa |
|                |    |    |    |    | 1  | 2  |
| 3              | 4  | 5  | 6  | 7  | 8  | 9  |
| 10             | 11 | 12 | 13 | 14 | 15 | 16 |
| 17             | 18 | 19 | 20 | 21 | 22 | 23 |
| 24             | 25 | 26 | 27 | 28 | 29 | 30 |

### Monday, August 21

12:00am Nancy B off

### Tuesday, August 22

6:30pm - 9:00pm Commission Meeting (Comm Chambers) - Cheryl OteroBaker ☺

### Wednesday, August 23

### Thursday, August 24

7:30am - 8:00am Send emails concerning Officer AF ☺

9:00am - 3:00pm Airport 101 Workshop (Donald E. Carroll City Commission Chambers) - Veronica Ortega

2:45pm - 3:15pm Pickup Joseph 2:50 ☺

### Friday, August 25

Chief Adler Off

9:00am - 10:00am Alamogordo/State and Local Fiscal Recovery Fund Support (Microsoft Teams Meeting) - Sasser, Shanna, DFA

9:30am - 10:45am ARMS <EL Paso Chamber host Guy Beougher (El Paso Chamber; Fishbowl) - Andrea Hutchins

11:00am - 11:30am Arbitration Meeting (Microsoft Teams Meeting) - Stephanie Hernandez

2:45pm - 3:15pm Pickup Joseph 2:50 ☺



# City of **ALAMOGORDO**

## Weekly Report-Commission

*Week Ending:*  
*09/01/2023*

**Stephanie Hernandez**  
**Acting City Manager**

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



### **Fire Department (Richard Adler, Chief)**

The Alamogordo Fire Department answered 28 calls for service last week;

- ❖ 4 Assist AMR
- ❖ 3 Assist Police
- ❖ 1 Carbon Monoxide
- ❖ 1 Natural Gas Leak
- ❖ 3 Fire Alarm
- ❖ 12 MVA
- ❖ 1 Vehicle Fire
- ❖ 1 Powerline Down
- ❖ 1 Smoke in the area
- ❖ 1 Other

### **Weekly projects:**

- ❖ Fire Staff had a total of 16 hours related to company, drivers, volunteer, HazMat and new recruit training.
- ❖ Fire Staff had (4) Initial/Annual business fire inspections, (2) re-inspections.
- ❖ Hosted AFD Vol/County Vol training at Station #5
- ❖ Meet with State Fire Marshal – Tour, discussed AFD status, future plans, Fire Fund carry over use.
- ❖ Attended 9-11 Stair Climb meeting.
- ❖ Attended Home Coming meeting / New HS recruit applicants.
- ❖ Attend Retired PD Officer Funeral
- ❖ 3 Fire Prevention/Education events- Bon Fire / Tours
- ❖ Submitted State Fire Fund Grant/Annual Carryover. Received Carry Over Approval Letter
- ❖ Continued work at Oregon facility. Paint, quotes, etc.



### **Public Works (Nancy Beshaler, Director)**

- ❖ Held kick-off meeting with the consultant for review of Hermoso el Sol supplemental drainage report (pending litigation)

- ❖ Received and reviewing next drafts for:
  - Street Assessment,
  - Zoning Ordinance (next meeting September 19th)
  - Drainage Master Plan
- ❖ Met with citizens related to drainage at Quail Hollow, an address on Cuba Ave, and an area off of Scenic Drive
- ❖ Worked with citizen on Nineteenth Street related to concerns over sidewalk and asphalt repair.
- ❖ Correspondence with citizen related to code issues on N. Walker Road
- ❖ Field review of issues on the Ridgecrest SMP
- ❖ Fielded multiple issues related to curb cut applications and inoperable curb cut machine
- ❖ Meeting with Corps of Engineers: Engineering Manager and Deputy for Engineering and Construction Division to tour McKinley Channel, discuss funding opportunities and status of LOMR to remove residents from flood zone.
- ❖ Met with PD to work out traffic control for Balloon Glow. Preparing NMDOT permit application.

Pending:

- ❖ Incorporation of comments into Subdivision Ordinance
- ❖ Document preparation for 10<sup>th</sup> Street Bridge Repairs and Hubbard Bridge Replacement
- ❖ Engineering Division development of Public Works Bids for Traffic Signal Head Replacement project (funded) and Asphalt/Concrete Patch project (not funded)
- ❖ Engineering Division development of agreement with consultant for update to Technical Standards (Engineering received the proposal on August 10<sup>th</sup> – no action)
- ❖ Upcoming CRS (FEMA Flood Program) 5-year review in October. A lot of information needs to be compiled to provide to the CRS Auditor. Assistant City Planner is helping.

### ***Facility Maintenance***

- ❖ Received 75 new work orders and completed 74 work orders.
- ❖ Electrical (1 journeyman) – 12 work orders, one being OT.
- ❖ Communication – 21 work orders, 2 being OT – ran conduit for Dimar at City Hall
- ❖ HVAC (1 technician) – 4 work orders
- ❖ Plumbing and Carpentry – 3 plumbing and 33 carpentry work orders, 3 being OT
- ❖ Pool Maintenance (1 pool tech) – Normal pool maintenance plus 1 work order
- ❖ PENDING: Traffic Signal Head Replacement project to bid
- ❖ Manager works extensively with Code Enforcement on IPMC issues

### ***Planning and Zoning***

- ❖ Review of the latest draft of the Zoning Ordinance
- ❖ Prep for CRS audit in October

|                     |     |
|---------------------|-----|
| PHONE CALLS         | 77  |
| EMAILS              | 245 |
| FEMA DETERMINATIONS | 2   |



|                               |    |
|-------------------------------|----|
| BUSINESS REGISTRATION REVIEWS | 4  |
| COUNTER CUSTOMERS             | 19 |
| PROCESSED APPLICATIONS        | 16 |
| SUMMARY SUBDIVISION CASE      | 1  |

### ***Street Maintenance***

- ❖ Saw cut at 3 locations.
- ❖ Prep and place curb and gutter at 1 location
- ❖ Sign/Striping performed 25 sign maintenance work orders, including battery replacements on the radar/data.
- ❖ Filled ruts in multiple alleys as response to citizen complaints.
- ❖ Street sweeper cleaned 70 streets and made trip to El Paso to pick up tack oil for asphalt crew
- ❖ Equipment Challenges: Curb cut machine is broken, both drum rollers broken (leaking drum and hydraulic issues), Cat Loader to Wagner in El Paso for repairs to the injectors, Laydown machine is still not running correctly, trailer that hauls the street backhoe is so old that it doesn't have an automatic locking system to lock the wheels when equipment is being loaded onto it – this is very dangerous; trailer air brakes don't work well – also very dangerous; replaced fuel pump on unit 1454 (2002 Ford F-350 that recently had the engine replaced)
- ❖ Staffing Challenges: *cannot stress enough* the need for an admin/dispatch and, at least, a 3-man crew to prep for patches (new positions).

### ***Weeds Drainage***

- ❖ Weed eat 11 ditches and median locations.
- ❖ Cleaned 2 clogged drop inlets.
- ❖ Cleared storm drains from recent rains.
- ❖ Put Aqua Bac pellets for mosquito larvae in multiple city retention ponds
- ❖ One standby call to close Airport Road due to flooding
- ❖ Equipment issues: pressure washer not working, dump truck transmission problem, truck with A/C repairs needed, mower needs tires

### ***Code Enforcement***

- ❖ Code Enforcement has 392 open cases.
- ❖ Received a quote for trash abatement at 803 Arapaho; house boarded up by Facility Maintenance
- ❖ Received and Executed Administrative Search Warrants for 800 and 801 Virginia
- ❖ IPMC letter to 2313 Apache
- ❖ There are 36 properties on the dilapidated structure list, 7 Commission-approved resolutions.
- ❖ Code Enforcement Manager is very proactive in training and certification for the officers and division and securing safety equipment for the officers.
- ❖ Drafted new Weed Ordinance to bring to Commission in September. The 12<sup>th</sup> District Court Judge Schneider ruled the city's ordinances (26-03-030 Unlawful Accumulation on

Lots and 26-03-040 Unlawful Accumulation on Tracts) to be unconstitutional due to their vagueness in defining what the term “weeds” means. See the current language below:

- **26-03-030. - Unlawful growth or accumulation on lots.** *It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten (10) feet outside the property line where there is no curb, any growth of weeds to a greater height than six (6) inches, or any other accumulation of weeds. It shall also be unlawful for a person having charge or control of any tract within the city to allow any growth of weeds to a greater height than six (6) inches on curbs and sidewalks located on their property as well as the area adjacent to and five (5) feet back of the curbs, sidewalks and streets.*
- **26-03-040. - Unlawful growth or accumulation on tracts.** *It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having charge or control of any tract within the city to permit or maintain on any such tract, including the area located between the property line and the middle of the alley adjacent to the property line and curb and the area located ten (10) feet outside the property line where there is no curb, any accumulation of weeds, which in the opinion of the code enforcement supervisor is a fire hazard; it shall also be unlawful for a person having charge or control of any tract within the city to allow any growth of weeds to a greater height than six (6) inches on curbs and sidewalks located on their property as well as the area adjacent to and five (5) feet back of the curbs, sidewalks and streets and from all property lines. If a tract has been completely cleared, it must be kept in the same condition as a lot thereafter.*

## PERSONNEL

Current Utilities Department staffing levels are at 70%

Water/Sewer operations are currently operating at a 31.9% vacancy rate.

Several high-level positions need to be filled to ensure succession and continuity. Utility Maintenance Journeyman Operator & Utility Maintenance Operator III, Wastewater Reclamation Foreman, Water Production Journeyman Operator, Water Production Lab Analyst and Water-Wastewater Electrician. All of these positions require a minimum of three years of experience and must have current certifications.

3 employees were out on PTO at the Wastewater Reclamation Facility

One Water Production Operator will be unavailable for the next 2 to 3 weeks while recovering from shoulder surgery.

Solid Waste operations are currently operating at a 23.1% vacancy rate.

The Landfill Heavy Equipment Operator (HEO) position is available. One Landfill employee returned to work after an FMLA leave.

Engineering division is currently operating at a 33.3% vacancy rate.

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## PUBLIC RELATIONS

2 water quality concerns.

Low pressure reported at 2064 Calle De Oro. The investigating operator found

## WEEKLY OPERATION HIGHLIGHTS

### Engineering

- PW1606 | Scenic Extension -- Design: Smith Engineering - Contractor: La Luz Dirt & Paving, Subs - General Hydronics Utilities, General Hydronics Concrete - Update: The project is complete; awaiting the final invoice from PNM.
- FD2201 | Fire Station 6 Addition -- Design: Studio D. Architects - Update: Bid & Construction Phase - Bid opening held on 8/9/2023.
- PW2001 | SMP 2021 (Ridgecrest) -- Design: Smith Engineering - Contractor: La Luz Dirt & Paving, General Hydronics Utilities, General Hydronics Concrete - Update: Performance period adjusted to the end of September. Nancy Beshaler added additional concrete. Service lines are 70% complete. Item was added to the September 12th consent agenda. The pay app is scheduled for September 8, 2023.
- EN2013 | CDBG ADA 2020 -- Design: Smith Engineering - Contractor: General Hydronics Concrete - Update: Two rain days were requested and approved this week. 45% complete. Jimmy Perea is their project manager. The pay app is scheduled for September 8th.
- EN2201 | APD Reroof & HVAC -- Design: CD General Contractors/Desert Peak Architect - Update: Roof near completion. The final walk was pushed 3 weeks by the architect. Awaiting final list from August 10 roof leak damage.
- ZO2301 | Zoo Improvements -- Contractor: CES- White Sands Construction Inc. - Update: Performance to begin by mid-September. Received bond from WSCI. Completed pre-con July 12th.
- GC2301 | Golf Course Irrigation -- Contractor: Mountain West Golfsapes Inc. - Update: Material en route. Expect an update in Oct/Nov.
- EN2305 | New York SMP -- Design: Smith Engineering - Update: Design Phase Service - Design 90% in review.
- CM2303 | Dudley School -- CES - 5 Contractors - Update: All work is ongoing. The structure is 50% complete, Utilities 55% complete, the roof and south wall are 90% complete, and PNM has energized.
- LI2301 | Library HVAC -- Contractor: Mountain Air Heating & Cooling - Update: Estimated 18 weeks out for 40-ton RTU.
- PK2303 | Zoo Irrigation Design -- Design: Morrow Reardon Wilkinson Miller - Update: Erik Marion monitors and processes invoices.
- EN1904 | 10th St, Hubbard Bridge Repairs -- Design: Bohannon Huston - Update: Nancy Beshaler is monitoring. Engineering is processing invoices.
- EN2002 | Dry Canyon Evaluation, Improvements -- Design: Bohannon Huston - Update: 95% design complete, awaiting PNM for pole relocation issue.
- UC2202 | 54-70 Waterline Replacement -- Design: Smith Engineering - Update: 90% design is being reviewed by City staff.
- EN2202 | Desert Lakes Rd Drainage -- Design: Smith Engineering - Update: Design complete, hold for construction funding.
- EN2203 | Well Trans Line (Parallel Pipeline) Phase 1 -- Design: Smith Engineering - Update: Design complete, hold for construction funding, completing construction application with CWSRF.



good pressure and flow at both the meter and the hose bib. The operator recommended that the customer have their water softener serviced.

Low pressure was reported at 337 Palo Duro. The investigating operator found good pressure and flow at both the meter and the hose bib. The operator recommended that the customer have their water softener serviced.

Met with Shannan Wright to discuss potential future changes to Water Pressure Zone 3 and Zone 3R.

3 sewer concerns.

2311 Union Ave sewer call. No blockage was found on the sewer main.

1805 7th St. sewer smell. Smell was not coming from the sewer. Contacted Code Enforcement about an abandoned house causing the smell.

Locate sewer lines at White Sands Community to update maps.

5 solid waste concerns.

A report of a garbage container that was not serviced at 807 Miami was investigated and found to be an abandoned private can. Reported to Code Enforcement.

Staff met with Shannon Wright and Eddie Livingston to discuss a potential new sub-division. Staff will be verifying pipe material and size as a result of the meeting.

A customer reported no water at 2514 Abbott. Water was accidentally turned off by a contractor working on the Ridgecrest SMP. Water was restored and a follow-up meeting was conducted with the contractor. Spoke with contractor about tie-in on Ridgecrest.

## **SAFETY PERFORMANCE**

- EN2007 | Well Trans Line (Parallel Pipeline) Phase 2 -- Design: Smith Engineering - Update: Design complete, hold for construction funding.
- CE2301 | Monte Vista Cemetery Fencing -- Update: Completed perimeter fence, awaiting Eric Marion for entrance concept.

### **Solid Waste**

- 204 trucks were scaled at the Otero/Greentree Regional Landfill.
- 1565.62 tons of Municipal Solid Waste (MSW) was received and processed per permit requirements.
- 12 loads of asbestos waste were received.
- 76.44 tons of asbestos waste was processed per permit requirements.
- 100,000 gallons of water was applied for dust control per permit requirements.
- 816.5 gallons of diesel was used to operate all heavy equipment.
- T-2408 Landfill Well Meter Reading :10828875.5
- 623K has been repaired and is back in service.
- The West side of cell 5 has been leveled and is being covered.
- The windscreens are being repaired.
- Litter control continues.
- 621 vehicles were scaled this week at the Collection Center.
- 152.92 tons of Municipal Solid Waste (MSW) was received and processed.
- 11.0 open top roll-off dumpster containers were transported to the landfill.
- 14.83 tons of white goods were recycled, preserving valuable landfill space.
- 450.00 gallons of motor oil/antifreeze were recycled.
- A water service leak was discovered at the main entrance of the Collections Center facility. Traffic will be diverted while repairs are made.

### **Utilities Administration**

- Prepared an amendment to Cummins service contract for La Luz Filter Plant generator repair.
- Prepared a task order for the Golf Course Booster Pump Station.
- Prepared amendment to Cummins service contract for purchase and installation of Lower Alamo backup generator.

### **Utility Maintenance**

- 26 phone calls were received this week.
- 164 dispatch calls were made this week.
- 64 utility line locates were completed with positive responses provided per compliance with New Mexico Stat. § 62-14.
- Four service line breaks were repaired at 318 Yellow Stone, 1464 Post Ave, 1013 Lindberg, and 308 Maryland.
- Six service lines were replaced at 2403 Byrd, 2612 Highland, 2400 Alaska, 223 New York, 412 Catalina, and 281 Bosque.
- Twelve repair locations were backfilled at 1456 Challenger, 2403 Byrd, 1013 Lindberg, 1105 Catalina, 1302 Fillmore, 2612 Highland, 2400 Alaska, 904 Cauthen, 2307 Rancho Ln, 223 New York, 412 Catalina, and 281 Bosque.
- Seven water services were turned off at 113 N Florida, 314 19th St, 223 New York, 1510 N Scenic, 714 Post, 810 5th St, and 281 Bosque.
- Nine curb stop/risers were replaced at 2531 Hamilton Rd # 19, 1103 Rose Ave, 2403 Byrd, Lindberg, 2612 Highland, 223 New York, 412 Catalina, 1304 Ohio, and 281 Bosque.

No reportable injuries occurred within the Utilities Department this week.

Two Operator Trainees completed their Entry Level Driver Training (ELDT) portion of their CDL (Commercial Driver's License) program. Both Trainees received their Commercial Driver Permit. One employee is scheduled to perform CDL skills test in Roswell on 09/02/2023.

One Water Reclamation employee completed two safety training classes on Drug-free Workplace and Alcohol-free Workplace.

Two Landfill employees are currently attending Petro certifications classes.

- Eight meter cans were replaced at 1800 Lamar Cr, 1305 Dewey, 2403 Byrd, 1308 19th St, 2612 Highland, 904 Cauthen, 2307 Rancho and 1510 New York.
- Three meter can leaks were repaired at 2225 Cherry Hills, 1206 8th St, and 2401 Duran.
- Ridgecrest SMP inspections.
- Water tap inspection at 1206 Maple.
- Five backflow assembly inspections at North McDonalds, Zips on North White Sands Blvd., Leslie Animal Clinic, Popeyes, and Wingstop 130 South White Sands Blvd.
- Two manhole cover inspections at 1209 19th st. and 1305 Dewey Ln.
- Inspection for Facility Maintenance on docking station antenna.

#### Wastewater Reclamation

- The average seven-day influent sewage flow is 0.0 million gallons per day (MGD).
- The average seven-day reclaimed water usage is 0.0 million gallons per day (MGD). All reclaimed water is treated to Class-A standards per discharge permit 220 (DP220) requirements.
- 50.00 tons of Biosolids (sludge) were processed and land applied per discharge permit 806 (DP806) requirements.
- 2500.0 gallons of septage was received and processed.
- Completed 10 PMs.
- Pulled Mesa Verde pump #2 to check rotation and fluid in the water jacket. The pump is unable to run in auto with pump #1 off. Will need to have I/O checked for contactors 2 and 3.
- Poured collar on the manhole at the end of West 5th St.
- Excavated and replaced 10' of 2" Effluent hydrant line. Installed valve, put back online, backfilled, and tamped.
- Replaced leaking radiator pressure tank on John Deere tractor.
- The effluent pond-level transducer losing connection. Checking connections between the transducer and SCADA room.
- Cleaned all basin probes, Total Suspended Solids (TSS) (9), Dissolved Oxygen (DO) (9), Mixed Liquor Suspended Solids (MLSS) (9).
- Triweekly influent and effluent biochemical oxygen demand (BOD), Alkalinity, total Kjeldahl nitrogen (TKN), anhydrous ammonia (NH3), total suspended solids (TSS), pH, nitrate (NO3), total dissolved solids (TDS), total residual chlorine (TRC), and ph samples were collected for analysis.
- Weekly total dissolved solids (TDS), total solids (TS), and fecal coliform samples were collected from the digester for analysis.
- Staff collected 2 COVID samples for the New Mexico Department of Health.

#### Water Production

- The average seven-day water usage is 5.4 million gallons per day (MGD).
- The Bonito Lake Reservoir is currently at 7381.0 ft elevation or full and running over the spillway.
- Reservoir storage at La Luz is approximately 158.3 million gallons (MG). This is 84.6% of usable storage capacity. Staff have increased well production to keep up with the increased demand. If usage continues at the current rate, it is anticipated that the City will not have water rationing this season.
- Inspected all pressure reducing valves (PRV) and recorded pressures.



- Shutdown Prather and Ocotillo booster pump stations for the week to give them a break and because the level of the La Luz East Reservoir has increased two feet in the past two weeks.
- Replaced valve number 3 actuator on the East backwash bridge at La Luz Water Treatment Plant due to a suspected faulty limit switch. Limit switches have been ordered, and the faulty actuator will be rebuilt.
- Adjusted the travel limit switches on the valve actuator for Well 6's waste line. The valve now opens/closes automatically.
- Inspected and repaired the sodium hypochlorite pump at Green Wellfield. Cleared a blocked injector and replaced a cracked tubing fitting.
- Inspected the CL17 chlorine analyzer at Green Wellfield. Restored flow to the analyzer.
- Started and tested Snake Tank Well 5 with Statewide Drilling onsite. The well is operational again.
- Completed monthly sanitary inspections on wells.
- Performed two fire hydrant inspections.
- Performed routine building and grounds maintenance at facilities throughout the water system.
- Performed monthly residential and spring meter reads.
- Utility Maintenance responded to a line break at Prather Booster Pump Station (BPS). The break turned out to be an old saddle tap that corroded and broke off. They repaired the tap with a full circle repair clamp and Prather BPS is fully operational and ready to be used when needed.
- Collected 10 bacteriological samples per Revised Total Coliform Rule (RTCR).
- Conducted routine comparison analysis on all chlorine residual monitors (4) at both surface plants.
- Cleaned and verified all NTU (Nephelometric Turbidity Unit) analyzers (6) at both surface plants.
- Accompanied Rocio Galvan from the New Mexico Environmental Department's Drinking Water Bureau while she collected regulatory samples from La Luz Water Treatment Plant and Alamo Water Treatment Plant.
- Performed weekly Bonito Dam inspection.

## WEEK AHEAD

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- Perform monthly Bonito Dam inspection, building, and grounds maintenance.
- Perform beginning of the month inspections on all vehicles and equipment.
- Start and continue to test Snake Tank Well 5.
- Start and test Brackish Water Reverse Osmosis Treatment Plant (BWROTP).
- Update and continue to develop written SOPs at BWROTP.
- Complete concrete repairs at Fresnal Sandtrap.
- Contact Idesaa Inc. to look at Mesa Verde controls for pump #2.
- Replace valves on emergency eyewash and shower in the lab at Wastewater Reclamation Facility.
- Excavate manholes 1767 and 1781 for collars.
- Install utility sink in Disc filter building at Wastewater Reclamation Facility.
- Install a 4 valve cluster at New York and 3rd st.
- Install a 6" valve on Wright and Holly.
- Purchase diagnostic scanner for Landfill Heavy Equipment Mechanic.
- Make travel arrangements for Landfill manager to attend in-person Landfill Operator Class
- Prepare Cummins Service Contract Amendment for Wastewater Reclamation generator repair.
- Repair packer and dozer at Landfill and return to service.

## **Finance Department (Evelyn Huff, Director)**

### ***Customer Service***

#### **CUSTOMER SERVICE 08/21/2023 - 08/25/2023**

|                                          |       |
|------------------------------------------|-------|
| Utility Billing Mail Payments            | 701   |
| Utility Billing Over Counter Payments    | 366   |
| Miscellaneous Over Counter Payments      | 158   |
| BDS Online Payments                      | 1,012 |
| Wells Fargo Payments                     | 325   |
| New Service Applications                 | 31    |
| Account Transfers                        | 9     |
| Leak Abatements                          | 3     |
| Accounts reported to collection agency   | 56    |
| Final Billing Statements                 | 45    |
| Cycle Billing Statements                 | 2,872 |
| Cut-off for Non-Pay Service Orders       | 200   |
| ETR Replacement Service Orders           | 27    |
| Final Read Service Orders                | 39    |
| High Audit Service Orders                | 20    |
| Lock Meter Service Orders                | 1     |
| Manual Reading Service Orders            | 42    |
| Meter Installation Service Orders        | 3     |
| Meter Replacement Service Orders         | 5     |
| Returned Payment Turn-off Service Orders | 1     |
| Recheck Service Orders                   | 11    |
| Radio Read Maintenance Service Orders    | 37    |
| Turn-on Service Order                    | 114   |
| Turn-off Service Order                   | 1     |

### ***Accounting & Payroll***

- ❖ Audit entrance conference held 8/30. Mayor, Accounting Manager, Finance Director, & Acting City Manager attended.

## **Community Services (Veronica Ortega, Director)**

- ❖ Had monthly 1-on-1 meeting with the Library manager.
- ❖ Conducted monthly Community Services manager's meeting.
- ❖ Assisted department managers with department issues.

### ***Airport***

- ❖ The Airport Custodian voluntarily terminated his position.
- ❖ Mark from YUCCA dropped off 50lbs FE for FL.
  - Mark gave me an updated list for hangar FE Inspections.
- ❖ Fleet fixed AWOS light and the electrical plate in the Airport Grille.
- ❖ Removed deceased wildlife from the active runway.

### ***Community Affairs***

- ❖ Vendors for the Balloon Glow are at 65% capacity.
- ❖ Solicited laser show for Balloon Glow. We are requesting a \$1K down payment for any companies interested.
- ❖ Setup for the County and a 150-person private party.
- ❖ Pre-hire actions have been initiated for the civic center supervisor and civic center maintenance positions.

### ***Marketing/Communications***

- ❖ Working on water bill insert.
- ❖ Added the 9-11 Stair Climb to our Facebook page.
- ❖ Captured photos for APD testing.
- ❖ Posted Employee Newsletter.
- ❖ Published Balloon Fest ads.

### ***Tourism***

- ❖ Coordinated community involvement for the Balloon Glow via email invitations. This is to have individual Alamogordo attraction booths.
- ❖ Scheduled to attend Albuquerque's Balloon Fiesta for Alamogordo Tourism.
- ❖ Scheduled video shoot for New Mexico True advertising.
- ❖ Acquired drone services for tourism advertising material.

### ***Library***

- ❖ Mini Book Sale ~ August 14, 2023 'til...? (Sacramento Room); \$5 APL Bag or \$0.10/book.
- ❖ City Commission Agenda Item ~ Approval to Receive Otero County CS Reimbursable Grant for FY24.
- ❖ APL Partnering with Arts/Cult District Jumpstart Task Force; Last Meeting August 29, 2023.
- ❖ Creation of Teen Area ~ Furniture/Painting/Shifting Collections: Weeding Phase/Furniture Selection Occurring.
- ❖ 1-on-1 Computer Classes weekly for Adults Tues/Thurs 3 – 4 pm & Wed 11- 12 pm.

***Popular Service:*** Notary Public Service ~ 14 notarizations for Week of August 28th

***Promoting:*** Mini Book Sale.

- ❖ For this week, 1,465 entered the library, checking out 2,410 items. 153 holds were placed, and 90 were picked up (this could be curbside or inside.) 33 new borrowers were added during the week.



### ***Senior Center***

- ❖ The ASC Manager met with the AmeriCorp portfolio manager for another TEAMS meeting/update. The portfolio manager plans to conduct an on-site visit in September.
- ❖ Styles to Smiles by Erica was provided to approximately 25 consumers at \$10.00 per haircut. Erica has been scheduling haircuts at the Center since February for our consumers. This has become a very popular event!
- ❖ The Information & Resource Coordinator attended the radio show on August 25<sup>th</sup>.
- ❖ VIP Insurance Advocates
- ❖ Senior Center Meals Total 1,470

|                          | Monday | Tuesday | Wednesday | Thursday | Friday |
|--------------------------|--------|---------|-----------|----------|--------|
| Transportation UOS - 228 | 34     | 99      | 36        | 26       | 33     |

### ***Zoo***

- ❖ Our education coordinator met with Sven Sears from KAB about a possible tree project in the future. Sarah has been working on revamping the volunteer and docent initiatives.
- ❖ The zoo will be hosting ZooBoo on October 28, 2023, and we are changing the hours of operation from noon to 8 p.m. on October 31, 2023.
- ❖ The Zoo has loaned their van to the Rec Center to use for the next couple of weeks.
- ❖ One of the gray foxes was treated for ear mites and moved back on to exhibit. This Sunday, staff will move the Mexican gray wolves to the off-exhibit area in preparation for construction with the new back quarters on September 5<sup>th</sup>.
- ❖ Total Zoo Attendance 702



### **Parks & Recreation Services (Belinda Bass, Director)**

#### ***Cemetery***

- ❖ Two casket services
- ❖ Two cremation services
- ❖ Routine mowing, edging, and trimming

#### ***Golf Course***

- ❖ The golf course is now only watering the greens on the back 9
- ❖ Machinery for bunker edging has been located and will be purchased on Sept. 1
- ❖ Sand samples and sieve test analysis received. Chaparral Sand's #1 & #2 will work well for golf course needs.

- ❖ Weekly meeting between the pro shop and course superintendent went well.
- ❖ Driving range tee was top dressed heavily twice this week in preparation for overseeding.
- ❖ Soil amendments are being added to help in the speedy recovery from the greens aeration and to help the seeding process go well.
- ❖ Soil samples will need to be taken for testing next week.
- ❖ Bunker's to be edged soon and sand will be added shortly after

#### **Issues-**

- Still having issues with getting enough water to fill ponds.
- Irrigation pumps are failing rapidly and are requiring repairs (new pumps are due to be installed this fall. We are reluctant to spend a lot of money to repair these, but also need them to keep watering)
- One employee has resigned. Golf Course is now two positions short of what it needs to effectively operate.

#### ***Parks***

- ❖ Replaced 72 tines on Aera-Vator
- ❖ Replaced Deck on Hockey rink ticket booth building.
- ❖ Completed installation of sleeves for last 2 pickleball courts
- ❖ Ongoing gopher control
- ❖ Irrigation repairs:
  - Balloon Park
    - Wiring repairs on zone 23
    - Replaced 1 sprinkler.
  - Tierra De Suenos.
    - Repaired stuck valve.
- ❖ Graffiti removal at:
  - Skate Park
  - Hockey Rink restrooms
- ❖ Tree Removals:
  - Large cottonwoods at Alameda are at the end of their natural life span and are rapidly failing. (Cottonwood tree lifespan is fairly short, for a tree, at 70-120 years)
    - One large cottonwood fell during recent winds and was removed.
    - Several other cottonwood trees are also failing and will become a hazard.
      - These trees are being removed one at a time.
      - Replacement trees will be replanted in the fall.
      - Replacement trees will include cottonwood and other desert-tolerant species.
  - Watering: City Hall planters, Oregon roses, Tree stock
- ❖ Decorative landscaping completed on 2<sup>nd</sup> median at Indian Wells and Washington
  - Trimming, weed and litter removal, cleanup: Scenic tree medians, City Hall, Fireman's Park, 10<sup>th</sup> St. medians, Plaza Del Prado, Mesa Village, Animal Control, Griggs Parking, Silverado, Hermosa del Sol, Valencia, Washington Park Sign

area, 1<sup>st</sup> St. Xeriscape medians, Civic Center landscaping, Indian Wells tree, Alamo Senior Center landscaping.

❖ **Griggs:**

- 4<sup>th</sup> Friday (Stage setup/removal & Site prep/cleanup)
- Daily restroom cleaning, litter pick up, recurring mowing, edging, and trimming
- Bark Park litter patrol
- Replaced sprinklers on Field 2

❖ **Hooser:**

- Daily restroom cleaning and litter pick up, recurring mowing, edging, & trimming
- Replaced sprinklers on Field 5
- Painted bleacher cover frames on Fields 5 & 6
- Lateral line repair in progress on Field 8

***Recreation Center***

- ❖ Alan is running Family Board Game Night on Mondays
- ❖ Regina is offering a Water Safety Instructor course to certify internal/external swim lesson instructors.
- ❖ Homeschool PE: Aquatic Games & Swim Lessons Registration
- ❖ Zoo Boo Costume 5K & Kids Mile Walk/Run Registration
- ❖ Adding Basketball Open Gym Sessions
- ❖ Public Swim Session on Monday, 9/4/23, 12-3pm
- ❖ Facility hours shift to 12-3pm this Saturday until the end of pool season (tentative date: 10/27/23)
  - Public swim session will shift from 1:30-4:30 pm to 12-3pm starting this Saturday.
  - Lap swim session will shift from 11am-12:30pm to 12-1:30pm starting this Saturday.
  - Open gym basketball session will shift from 2-4pm to 12:30-2:30pm starting this Saturday.
  - No more Family Swim on Saturdays
  - No more morning basketball session on Saturdays

***Keep Alamogordo Beautiful***

- ❖ Budget line has funds for part time employee- but there is no position created.
  - Job description created and submitted to HR.
- ❖ Inquiry to transfer funds from employee line to other lines to fund other projects.
- ❖ Adopt-A-Spot training 8-30-23 was attended by 7 volunteers.
- ❖ Otero County Fair and Rodeo has requested volunteers for their event September 21-24
- ❖ Meeting with Community Affairs regarding social media/volunteer collaboration
  - Community Services has access to their own volunteer and may use them for many of their events.

## Human Resources (Kim Torres, Director)



### HUMAN RESOURCES

Aug 26 – Sept 1, 2023

#### RECRUITING

| Current Vacancies* | In Pre-Hire Process | Position Interviews Held | New Hires in Process | Employees Out Processed |
|--------------------|---------------------|--------------------------|----------------------|-------------------------|
| 58                 | 14                  | 6                        | 2                    | 1                       |

\*Includes all vacant positions, including those on hold.

- ❖ City Manager candidate preliminary agreed upon, will take action on 9/12. Background being conducted and draft contract being prepared for tentative offer after 9/12.
- ❖ Movie theatre ads break on Monday, September 4.
- ❖ FY23 Affirmative Action Plan completed and filed.
- ❖ Right-to-Know boards update completed.
- ❖ 90 HR personnel hours spent online with Tyler preparing employee data for payroll parallel.
- ❖ Received one five-year commitment from a newly hired Police Officer.
- ❖ The Department of Labor is proposing a salary threshold amount increase from \$35,568 to \$42,594, which is one of the test requirements for determining a non-exempt employee vs. an exempt employee.

#### *Safety*

#### SAFETY

| Active WC Claims/Current Employees | Active WC Claims/Termed Employees | New WC Claims | Facility Inspections Performed | Job Site Inspections/Observation Reports |
|------------------------------------|-----------------------------------|---------------|--------------------------------|------------------------------------------|
| 11                                 | 2                                 | 2             | 0                              | 0                                        |

- ❖ Arc Flash/Arc Blast, Electric Safety, Back Injury Prevention, and Personal Protective Equipment training scheduled for September 19, 2023.
- ❖ Two safety orientations were performed.
- ❖ Two new accident investigations.
- ❖ Heavy WC case maintenance.
- ❖ Second draft of the post-offer physicals policy submitted.
- ❖ Open enrollment floor layout prepared.
- ❖ Safety flyer submitted for the newsletter.
- ❖ Vector training was set up for two new employees.
- ❖ Began daily vehicle inspection form for non-commercial vehicles.

**City Clerk (Rachel Hughs, City Clerk)**

- ❖ The first campaign disclosure report is due October 26, 2023, which is 12 days prior to the Election.
- ❖ Popular topics of citizen questions gathered via walk-ins, calls, and emails: 2023 Regular Location Election Candidates, White Sands Balloon and Music Festival, Business Registration Conversion Progress (HTE to Tyler Technologies), and Otero County Fair.
- ❖ Increase in Food Vendor License and Business Registration questions regarding potential participation at upcoming CoA Special Events.

**Archiving:**

- ❖ 20 - Boxes in Progress
- ❖ 0 - Boxes Archived
- ❖ 0 - Records to Oregon
- ❖ 3 - Records from Oregon
- ❖ 15 - Agreements Entered

**Business Registrations, Permits, & Licenses:**

- ❖ 3 - New Business Registrations
- ❖ 0 - New Food Vendors
- ❖ 3 - Special Permits Issued
- ❖ 3 - Street Closure Permits Issued

**IPRA:**

- ❖ 5 - New IPRA Requests Received
- ❖ 7 - IPRA Requests Completed
- ❖ 3 - IPRA Requests Active

## Other-ACM Calendar

# August 28, 2023 - September 3, 2023

| August 2023 |    |    |    |    |    |    |
|-------------|----|----|----|----|----|----|
| Su          | Mo | Tu | We | Th | Fr | Sa |
|             |    | 1  | 2  | 3  | 4  | 5  |
| 6           | 7  | 8  | 9  | 10 | 11 | 12 |
| 13          | 14 | 15 | 16 | 17 | 18 | 19 |
| 20          | 21 | 22 | 23 | 24 | 25 | 26 |
| 27          | 28 | 29 | 30 | 31 |    |    |

| September 2023 |    |    |    |    |    |    |
|----------------|----|----|----|----|----|----|
| Su             | Mo | Tu | We | Th | Fr | Sa |
|                |    |    |    |    | 1  | 2  |
| 3              | 4  | 5  | 6  | 7  | 8  | 9  |
| 10             | 11 | 12 | 13 | 14 | 15 | 16 |
| 17             | 18 | 19 | 20 | 21 | 22 | 23 |
| 24             | 25 | 26 | 27 | 28 | 29 | 30 |

### Monday, August 28

- 12:00am Rachel Off →
- 8:00am - 5:30pm PTO-Sick
- 6:00pm - 8:15pm Cruz-Soccer Practice ☹

### Tuesday, August 29

- ← Rachel Off →
- 7:00am - 7:30am Filing Date for Candidacy Between 9 & 5 @
- 10:00am - 11:00am Meeting w/ Chambers (CM Office)
- 2:00pm - 2:30pm Updated invitation: Alamogordo, NM | Placer.ai Onboarding Session @ Tue Aug 29, 2023 2pm - 2:30pm (MDT) (shernandez@ci.alamogordo.nm.us) - brittany.kovacevich@placer.ai
- 4:30pm - 6:00pm Cruz-Swim ☹
- 6:00pm - 8:15pm Cruz-Soccer Practice ☹

### Wednesday, August 30

- ← Rachel Off →
- 9:00am - 10:00am Execute Search Warrant (800 Virginia Ave, Alamogordo, New Mexico 88310, United States) - Joshua Sides
- 10:00am - 11:00am Execute Search Warrant (801 Virginia Ave, Alamogordo, New Mexico 88310, United States) - Joshua Sides
- 11:00am - 11:30am 2318 19th Concerned Citizen Street Question (19th Street)
- 1:00pm - 2:00pm EnerGov/Alamogordo PM Bi-Weekly Meeting (Microsoft Teams Meeting) - Hough, Haley ☹
- 1:30pm - 2:00pm Audit Entrance Conference (Microsoft Teams Meeting) - Evelyn Huff
- 6:00pm - 8:15pm Cruz-Soccer Practice ☹

### Thursday, August 31

- ← Rachel Off →
- 4:30pm - 6:00pm Cruz-Swim ☹

### Friday, September 1

- ← 12:00am Rachel Off
- 11:30am - 12:00pm Elementary Schools release 11:50
- 1:00pm - 1:30pm HS release at 1:00
- 3:00pm - 4:00pm Homecoming Parade-bock Traffic (- 9th St: and then Texas)
- 6:00pm - 8:15pm Cruz-Soccer Practice ☹

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 08/17/2023

**Report No:** 6.

**Submitted By:** Veronica Ortega

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**Subject:** Consider, and act upon, agreement with Otero County for receipt of the \$50,000 reimbursable grant award for the Alamogordo Public Library services to County residents. *(Kim Underwood, Library Manager)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact: Increase of \$50,000 to FY24 approved revenue budget for the Library to provide library materials to the benefit of Otero County residents.

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**Recommendation:** Approve award of \$50,000 for library materials to Otero County residents.

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**Background:** This Community Services Agreement is a Memorandum of Understanding to provide library services to Otero County residents.

ADMINISTRATION  
1101 NEW YORK AVENUE  
ALAMOGORDO, NM 88310



WWW.CO.OTERO.NM.US  
☎ (575) 437-7427  
📠 (575) 443-2928

August 9, 2023

Alamogordo Public Library  
Kim Underwood  
920 Oregon Avenue  
Alamogordo, NM 88310

Dear Ms. Underwood:

Congratulations! The Otero County Board of Commissioners has allocated \$50,000.00 for continuing educational, information and recreational resources to Otero County.

Enclosed you will find two original agreements for reimbursable community services funding between Otero County and Alamogordo Public Library. Please sign and return one copy to my attention and keep one for your records.

Thank you for your service to our community. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Sylvia Tillbrook  
Executive Assistant  
Contract Monitor



ADMINISTRATION  
1101 NEW YORK AVENUE  
ALAMOGORDO, NM 88310



WWW.CO.OTERO.NM.US  
☎ (575) 437-7427  
📠 (575) 443-2928

**Agreement for Reimbursable Community Services Funding  
Between the Board of County Commissioners of  
Otero County, New Mexico,  
and  
Alamogordo Public Library**

*I. General Provisions.*

**A. Parties**

The parties to this agreement are:

1. the Board of County Commissioners of Otero County, New Mexico, a political subdivision of the State of New Mexico established under N.M.S.A. 1978, § 4-19-1 (1899), to be referred to as "Otero County," and
2. **Alamogordo Public Library**, a unit of Local Government/A Local Non-profit, to be referred to as "Recipient."

**B. Parties Includes Officials, Employees, Agents, Etc.**

The parties agree that references to "parties," "Otero County" and "Recipient" shall be understood, where the context is appropriate, as including all their elected officials, directors, officers, employees, agents, contractors, licensees, invitees, and visitors.

**C. Purpose**

The purpose of this agreement for Otero County to provide community services funding to Recipient so that it may provide community services in Otero County in accordance with the legislative premise established by NMSA 4-38-13.2. These services are detailed in Exhibit A, which is attached to this agreement.

*II. Essential Provisions.*

**A. Term & Effective Date**

The term of this agreement shall be a term of one year, which shall be Otero County's fiscal year 2024.

This agreement shall commence upon July 1st, 2023, and this agreement shall terminate on June 30th, 2024, the last day of Otero County's fiscal year 2024. This agreement is not renewable.

**B. Amount of Funding**

The parties agree that the community services reimbursable funding shall not exceed **\$50,000.00** for the fiscal year.

**C. Payments**

Otero County will make payments by check or warrant.

**D. No Use of County Purchasing Department**

Recipient may not purchase any goods or services through Otero County or its purchasing department. If Recipient chooses to use funding provided by this agreement for the purchase of goods or services, it shall do so on its own account and with its own personnel.

**E. Receipts for Payments**

The Recipient agrees to submit receipts to Otero County for the reimbursement of payment paragraph II-C. The receipt shall reference this agreement's approved expenses, recipient's name, and the mailing address to which payment is to be sent. Receipts shall be sent to:

County of Otero  
Attn: Sylvia Tillbrook, Contract Monitor  
1101 New York Avenue  
Alamogordo, New Mexico 88310

Receipts must be must be dated prior to June 30, 2024 and submitted to Otero County no later than 7/17/2024.

Recipient agrees to supply additional information to the Finance Department if the invoice information submitted is determined to be deficient. Such additional information shall be supplied by Recipient within fourteen days of the request.

**F. Report on Activities**

During the months of September 2023, December 2023, March 2024, and June 2024, in addition to Recipient's submission of receipts/invoices, an activities report shall be submitted to Otero County describing the use of funding during the corresponding quarter as described under this agreement. The receipts/invoices and the activities report must reflect the services provided to the community as outlined in the approved application.

The report shall be submitted to:

County of Otero  
Attn: Sylvia Tillbrook, Contract Monitor  
1101 New York Avenue  
Alamogordo, New Mexico 88310

Recipient agrees to make its report in a form acceptable to the Contract Monitor and to supply additional information to the Contract Monitor if the Contract Monitor believes the report as submitted is deficient. Such additional information shall be supplied by Recipient within fourteen days of the Contract Monitor's request.

**G. W-9 and Vendor ID Forms**

Recipient agrees to supply Otero County with both (1) a completed and signed Internal Revenue Service Form W-9, Request for Taxpayer Identification Number and Certification and (2) a completed Otero County vendor identification form.

Recipient agrees that these forms must be supplied annually even if Recipient had completed them in a prior year.

Recipient agrees that no payment can be made by Otero County until these forms are completed and returned to Otero County.

**H. No Receipts Accepted After June 30<sup>th</sup>, 2024**

Recipient agrees that no request for payment shall be honored by Otero County if it is invoice documentation is dated after June 30<sup>th</sup>, 2024.

Recipient understands that Otero County must close its fiscal year on June 30<sup>th</sup>, 2024 and is unable to accept invoices dated after June 30<sup>th</sup>, 2024.

Recipient agrees that any receipts dated prior to July 1, 2023 or dated after June 30<sup>th</sup>, 2024 will be rejected.

Recipient agrees any request for payment received after July 17, 2024 will be rejected.

Recipient agrees that any balance under this agreement that was unpaid due to failure to submit timely requests for payment will be forfeited.

**I. Non-transferrable**

The parties agree that this agreement is non-transferable and it may not be assigned or sub-contracted to any other party.

Recipient may not pledge the funding provided under this agreement to another party.

**J. Termination**

The parties agree that this agreement may be terminated at any time.

### *III. Compliance with Laws.*

#### **A. Taxes**

Recipient acknowledges that it may be subject to Federal, state, and local taxes. Recipient agrees that it is solely responsible for paying such taxes as well as any interest and penalties that may arise from its failure to do so.

Recipient agrees that upon demand of the County Commissioners, it shall provide evidence that it is current in its payment of Federal, State, and local taxes, including payments required under: (1) the Federal Insurance Contributions Act, 26 U.S.C. § 3101 et seq.; (2) the Unemployment Compensation Law, N.M.S.A. 1978, § 51-1-1 et seq.; (3) the Workers' Compensation Act, N.M.S.A. 1978, § 52-1-1 et seq.; and (4) the Gross Receipts and Compensating Tax Act, N.M.S.A. 1978, § 7-9-1 et seq.

Recipient agrees to indemnify Otero County for any action against the Otero County arising from Recipient's failure to pay any tax or make any payment required by law.

#### **B. Licenses and Permits**

Recipient agrees to obtain all licenses or permits necessary for the conduct of its operations and will be solely responsible for the costs of the licenses or permits. Recipient agrees to indemnify Otero County against any action arising from Recipient's failure to obtain any licenses or permits.

Recipient agrees to provide copies of all its licenses or permits to Otero County Commissioners upon demand.

#### **C. Corporate Status**

Recipient warrants that it is either (a) a non-profit corporation in good standing with the New Mexico Secretary of State or (b) a unit of a local government.

If Recipient is a non-profit corporation, Recipient agrees that it shall keep its corporate status in good standing with the New Mexico Secretary of State.

Recipient shall give Otero County notice of any change in its corporate status within fourteen days.

Recipient agrees to provide Otero County a copy of a certificate of good standing upon demand.

#### **D. Non-profit Tax Status**

Recipient warrants that it has tax-exempt status with the Internal Revenue Service because it is either (a) a non-profit corporation certified as tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 or (b) a unit of a local government.

If Recipient has tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, Recipient agrees that it shall keep this status with the Internal Revenue Service.

Recipient shall give Otero County notice of any change in its tax-exempt status under the Internal Revenue Code of 1986 within fourteen days.



Recipient agrees to provide Otero County proof of its tax status upon demand.  
Recipient agrees to provide Otero County with a copy of its Internal Revenue Service Form 990 or audited financial statements upon demand.

#### **E. Anti-discrimination Laws**

Recipient agrees that it shall comply with all Federal, state, and local anti-discrimination laws, including:

- 1) the Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 741;
- 2) the Age Discrimination in Employment Act of 1967, Pub. L. 90-202, 81 Stat. 602;
- 3) the Rehabilitation Act of 1973, Pub. L. 93-112, 87 Stat. 355;
- 4) the Older Americans Amendments Act of 1975, Pub. L. 94-135, 89 Stat. 713;
- 5) the Americans with Disabilities Act of 1990, Pub. L. 101-336, 104 Stat. 327;
- 6) the Civil Rights Act of 1991, Pub. L. 102-166, 105 Stat. 1071;
- 7) the ADA Amendments Act of 2008, Pub. L. 110-325, 122 Stat. 3553;
- 8) the Human Rights Act, N.M.S.A. 1978, § 28-1-1 et seq.; and
- 9) the Fair Pay for Women Act, N.M.S.A. 1978, § 28-23-1 et seq.

#### **F. Federal, State, and Local Laws**

Recipient acknowledges that it is subject to Federal, state, and local laws and will comply with them.

Recipient agrees that will indemnify Otero County for any violation of Federal, state, or local law committed by it.

### ***IV. Contract Interpretation Provisions.***

#### **A. Entire Agreement**

The parties agree that this document constitutes the entire agreement between them and any prior agreements or understandings between them have been merged into this document.

#### **B. Amendments**

The parties agree that amendments to this agreement shall be done in writing and signed by representatives of them in the same manner that this contract was executed.

#### **C. Severability**

The parties agree that if any part of this agreement is found to be unenforceable under present laws or those enacted during the term of this agreement, then the illegal parts of this agreement shall be severed from the agreement and the remaining parts shall continue in force.

**D. Waivers**

No waiver or any breach or default by Recipient shall constitute a waiver of any subsequent default or breach by it.

**E. Choice of Law**

The parties agree that the laws of the State of New Mexico shall govern the interpretation of this agreement.

**F. Forum-Selection**

The parties agree that the exclusive forum for disputes under this agreement shall be the Twelfth Judicial District Court of the State of New Mexico sitting in Otero County.

If the Twelfth Judicial District Court finds that the amount in question in the suit is below its jurisdictional limits, the parties agree that the exclusive forum for disputes shall lie instead with the Otero County Magistrate Court.

**G. Submission to Jurisdiction**

The parties agree to submit to the jurisdiction of both the Twelfth Judicial District Court and the Otero County Magistrate Court.

**H. Federal Court**

The parties hereby waive their rights to file in or remove to Federal court any suit brought under this agreement.

**J. Running of Time**

If the deadline for any act required under this agreement falls upon a Saturday, Sunday, legal holiday, or other day that the Otero County offices are closed, then the act shall be timely if done on the next weekday that Otero County offices are open.

**K. Non-appropriation**

If the performance of Otero County is contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico and sufficient appropriations and authorizations are not made by the Legislature of New Mexico, this agreement shall terminate upon written notice being provided by the Otero County to Recipient. Otero County's decision as to whether sufficient appropriations are available shall be accepted by Recipient and shall be final.

**L. Status of Recipient**

Recipient agrees that it is an independent contractor of Otero County.

Recipient agrees that none of its employees or volunteers are employees of Otero County and therefore they shall not be entitled to any salary or benefits from Otero County.

**M. Notices**

The parties agree to make any notices required under this agreement in writing. Any notices declaring a default or terminating this agreement shall be sent to the parties at the addresses below by the U.S. Postal Service or commercial carrier using a method of delivery that requires the addressee to sign for the item. Examples of such methods are certified mail, registered mail, and express mail.

Notices shall be sent to Otero County as follows:

County of Otero  
Attn: Sylvia Tillbrook, Contract Monitor  
Otero County Administration Building  
1101 New York Avenue  
Alamogordo, New Mexico 88310

Notices shall be sent to Recipient as follows:

Alamogordo Public Library  
Attn: Kim Underwood  
920 Oregon Avenue  
Alamogordo, NM 88310

**OTERO COUNTY, NEW MEXICO**

By:  Date: 8.8.23  
Pamela Heltner  
County Manager

Attest:  (SEAL)  
Robyn Holmes  
Otero County Clerk



**Alamogordo Public Library**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Authorized Representative

**Exhibit A**

Recipient agrees to provide community services as follows:

(See Attached Pages)



# Exhibit A

## OTERO COUNTY COMMUNITY SERVICES GRANT APPLICATION FY 2023-2024

All grant applications will be reviewed and considered for approval by the Otero County Board of County Commissioners.

***Grants will be paid on a reimbursement basis.***

Please complete the following information:

Organization Name: Alamogordo Public Library

Mailing Address: 920 Oregon Avenue  
Alamogordo, New Mexico 88310

Primary Contact Name: Kim Underwood, Library Manager  
Phone: 575.439.4140 #4165  
Email: kunderwood@ci.alamogordo.nm.us

Secondary Contact Name: Evelyn Huff, Finance Director  
Phone: 575.439.4268  
Email: ehuff@ci.alamogordo.nm.us

Federal TIN: 85-6000099

Amount of Funding  
Requested: \$ 50,000.00

What is the mission of your organization? (attach add'l page if needed)

(see attached)

What services do you provide to Otero County citizens? (attach add'l page if needed)

(see attached)

## I. ALAMOGORDO PUBLIC LIBRARY MISSION

The mission of the Alamogordo Public Library is to provide educational, informational and recreational resources in the form of print and non-print formats to residents of all ages and socio-economic backgrounds in order that they might have equal access to information representing all points of view.

Previous funding from Otero County has been used to purchase books in various formats to supplement the circulating collection for citizens. For FY 23, the \$50,000 has been allocated to these categories: Juvenile, Young Adult, Braille (children's), Large Type, Audiobooks, DVDs, Graphic Novels, Databases, Periodicals, Fiction, and Non-Fiction.

## II. COMMUNITY SUPPORT

The Alamogordo Public Library provides the citizens of Alamogordo and Otero County educational, informational, and recreational resources in the form of books, magazines, newspapers, movies, music, online access, databases and materials in diverse formats for all ages.

The continued financial support from Otero County has facilitated a plethora of opportunities in library offerings over the last several years for residents of Alamogordo, Holloman AFB, Clondcroft, Tularosa, La Luz, Mescalero, High Rolls, Mayhill and many other census-designated places throughout our county. The Alamogordo Public Library has now increased its open hours to better serve citizens in Otero County, new programs and services which include additions in youth programming plus the latest availability of notary service, free of charge to the adult population of our community. By April 2023 our new Self-Checkout kiosk will be up and running to assist patrons who desire the convenience of express service because the library is just one stop on their list when they make the trek to downtown Alamogordo.

The library is now open: Monday & Tuesday – 10:00am-6:00pm; Wednesday & Thursday – 10:00am-5:00pm; Saturday – 11:00am-5:00pm; Curbside Service on Friday – 10:00am-4:00pm.

Since July 2021, as an ongoing service created during the pandemic, patrons can still continue to reserve books online using our catalog hold system, or by email, or telephone. Library staff pulls the items and patrons are notified that their materials are available for pickup either during in-house open days, or during our designated curbside service day which is every Friday from 10:00am – 4:00pm.

Our physical circulation numbers have increased 13.44% from February 2023 compared to May 2021, when we first reopened the library after the pandemic break. During the 2022 calendar year, 3,401 Otero County residents checked out 15,454 library books and materials from the Alamogordo Public Library. Nearly 1/4 of all items circulated by the library in 2022 have served county residents who do not live inside the city limits.

Summer Reading 2022 was truly a success with 695 Otero County youth registered, 2,822 prizes earned and handed out, plus 31 programs facilitated with a total attendance of 1,148 persons. These children with another 147 adults participated in the programs and activities winning t-shirts and other prizes for achieving their reading goals. Other virtual and self-directed programming events have been offered for both adults and children throughout the year.

During the peak of the pandemic and as a continued popular offering, the library avails a unique and diverse set of STEAM (Science, Technology, Electronics, Arts, Mathematics) kits for our youth patronage with materials and instructions to be used for family projects at home. Each year a new batch of themed kits is constructed and made available.

The library's three-day arts and cultural event "A New Chapter" featuring an interview with renowned artist Angus MacDonald of Taos, a writing workshop with award winning author Amy Rivers and a special treat of hosting the Scandinavian/Celtic music duo Hongell-Darsee in January of this year, plus various book signings and other musical programs has managed to increase the number of resident visits to their library for adult programming and educational events. Also, bringing in another adult demographic to the library is the 1-on-1 Basic Computer Instruction which is offered 3 times a week for those who need beginning computer skills training for that special job interview, accessing their email for the first time, or for who want to spend their free time researching their genealogy.



We continue to offer Wi-Fi throughout the building and on the grounds 24 hours a day, 7 days a week. As our digital usage has doubled, the library has increased its offerings in downloadable audiobooks, eBooks, streaming music, streaming video, downloadable music, foreign language instruction, and databases for online usage. Due to our increased demand for digital services, we used some of the county funds to purchase more titles for our digital book collections. We also purchased DVDs and audio books and have also added more Braille books for young children and adults.

Lending of the laptops and hotspots has been a very popular and successful service opportunity, especially in providing electronics for our military base personnel, school children needing online learning capabilities, and the reporting needs of our many traveling nurses that graciously attend to the medical care of our city and county residents. At this time, we are currently in the process of changing our ISP contracts for this very popular service and increasing the number of available devices.

Located near the entrance, the library also offers a couple of bookshelves of donated books and magazines free for the taking for our public. This little free library area is available to anyone who enters our library, whether they are from this city/county, or if they are just passing through our area.

With the addition in 2021 of security cameras throughout the library building, plus a dedicated phone line for the library fire alarm system, the Alamogordo Public Library offers a safe venue for our community to gather and pursue their educational and recreational needs.

### III. ASSESSMENT OF NEEDS

The public library is a community resource that continues to be in high demand for books and information in all formats for the City of Alamogordo and Otero County residents. The Alamogordo Public Library strives to acquire the bestseller books in all available formats gearing collection development to what is pertinent and relevant to the desires and needs of the residents in all Otero County. Electronic and computer services are very popular and necessary for our workforce and retired citizenry. Digital eBooks, audiobooks and database services continue to be more popular than ever for all ages. Services such as notary public access, tax forms retrieval, and personalized referrals to area agencies are heavily utilized. Also, our meeting spaces are not just for library programming, but also for community meetings and social and educational gatherings. The library not only serves a recreational purpose, but also plays a vital role in maintaining a well-informed constituency for all. One of the primary goals of the annual Summer Reading Program is to keep children and adults intellectually engaged during the summer months away from school or during vacation time.

### IV. GOALS AND OBJECTIVES

1. Goal – To provide library users with current, relevant and accurate information to meet their needs, as well as provide access to books and other materials across a broad spectrum of interests. The library staff will strive to obtain materials in a cost-effective manner.

Objective – Continually update library collection to follow guidelines of the American Library Association pertaining to age and scope of materials and adding materials to areas of the collection in high demand.

2. Goal – To promote reading, literacy, and library use through educational and recreational programs in collaboration with local area organizations.

Objective – Continue to provide innovative programming, reflecting community interests and arts and cultural awareness in association with local partners.

### V. EVALUATION

The success of the funding will be reflected in usage statistics for the library, as submitted in the annual report to the State Library of New Mexico.

Actuals for FY 2022 (July 2021 through June 2022):

- 54,782 visits to the library
- 4,198 computer sessions
- 31,239 website visits
- 85,306 physical items checked out
- 22,161 electronic items checked out/used
- 8,731 database uses
- 3,777 program attendees

Projected for FY 2023, trending indicates:

- 61,386 visits to the library
- 4,432 computer sessions
- 31,863 website visits
- 97,614 physical items checked out
- 32,328 electronic items checked out/used
- 12,311 database uses
- 4,158 program attendees

#### VI. FY 2021 – 2022 FUNDING

The Alamogordo Public Library is funded primarily by the City of Alamogordo. In FY 2022, the operating cost of the library was \$854,957, as reported to the New Mexico State Library. That can be broken down here:

- \$677,457 from the City of Alamogordo (79.24%)
- \$50,000 from Otero County grant (5.85%)
- \$39,968 from one-time donations (\$28,232 donations for public area furniture, technology equipment & Summer Reading Program) and regular miscellaneous income (4.67%)
- \$87,532 from other grant sources (\$17,828 in one-time ARPA Funds for public area furniture) (10.24%)

#### VII. BUDGET PROPOSAL

See adjusted FY 2023 budget at end of the request. This is the current available information, as the FY 2024 budget process is incomplete.

#### VIII. APPENDICES

1. Cover sheet (1 page)
2. FY2024 Funding Request (4 pages)
3. Library Borrower counts by city and county users (1 page)
4. Library Circulation counts by city and county users (1 page)
5. Summer Reading Program 2022 (2 pages)
6. State Library Grants-In-Aid Award/Endorsement (2 pages)
7. Mayor's Proclamation (1 page)
8. Adjusted Library Budget for FY 2023 (1 page)
9. Program Flyer Samples for FY 2023 (2 pages)

(Total – 15 pages)

Adjusted Alamogordo Public Library Budget – FY 2023

Revenues

|                       |                  |
|-----------------------|------------------|
| User Fees             | \$ 24,550        |
| Miscellaneous Revenue | \$ 51,400        |
| Grants                | <u>\$ 90,444</u> |
| Total Revenues:       | \$166,394        |

Appropriations/Expenditures

|                     |                    |
|---------------------|--------------------|
| Salaries & Benefits | \$708,395          |
| Supplies            | \$249,853          |
| Maintenance         | \$ 15,340          |
| Utilities           | \$ 39,164          |
| Other Services      | \$102,373          |
| Insurance Premiums  | \$ 19,908          |
| Capital Outlay      | <u>\$ 90,637</u>   |
| Total Expenditures: | <u>\$1,225,670</u> |



**OTERO COUNTY COMMUNITY SERVICES GRANT FUNDING FY24**

Please provide a breakdown of how the grant funds will be used, (dollar amount by program or expense type):

|     | Amount       | Program/Project                                                                              |
|-----|--------------|----------------------------------------------------------------------------------------------|
| 1.  | \$ 50,000.00 | Public library materials: books (all genres); youth STEM kits; DVDs; databases; periodicals; |
| 2.  |              | subscriptions; braille materials; large type books; eBooks; and audiobooks.                  |
| 3.  |              |                                                                                              |
| 4.  |              |                                                                                              |
| 5.  |              |                                                                                              |
| 6.  |              |                                                                                              |
| 7.  |              |                                                                                              |
| 8.  |              |                                                                                              |
| 9.  |              |                                                                                              |
| 10. |              |                                                                                              |
|     | \$ 50,000.00 | <b>Total Funding Request</b>                                                                 |

The following items will be **required** to be submitted as part of your application packet:

- Completed W-9 Form
- Completed Vendor Master Request Form
- Copy of IRS Determination Letter designating your organization as tax-exempt (not applicable for units of local/state/tribal government)
- Amounts and description of other current funding sources and how they are used by your organization, (grants, etc...)

The following items are **optional** to submit with your application packet:

- Letters of support or endorsement of your organization
- Photos/printed programs/newsletters of past program events or projects

By signing this application, I hereby attest that the information contained within and attached to this application is a true and correct representation of the organization requesting community services grant funding from Otero County.

Authorized Representative Printed Name: Kim Underwood

Signature: 

Date: March 17, 2023

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

---

**Meeting Date:** 9/12/2023

**Report Date:** 08/25/2023

**Report No:** 7.

**Submitted By:** Patrick Riele

---

**Subject:** Consider, and act upon, approval of Change Order No. 1 in the amount of \$61,054.45, including NMGR, to La Luz Dirt & Paving, LLC related to the FY21 Street Maintenance Program - Ridgecrest Drive project. (*Patrick Riele, Project Manager*)

---

**Fiscal Impact:** 61,054.45

Amount Budgeted: \$3,912,583.00

Fund: 109

Additional Fiscal Impact: Increase original agreement by \$61,054.45

---

**Recommendation:** Approve Change Order 1 in the amount of \$61,054.45, including NMGR, to La Luz Dirt & Paving, LLC related to the FY21 SMP-Ridgecrest Drive project.

---

**Background:** Public Works Bid No. 2022-006 was awarded to La Luz Dirt & Paving, LLC on September 27, 2022, for work related to the FY21 Street Maintenance Program – Ridgecrest Drive. The street is being rebuilt and the original design did not address many areas along the roadway with failed adjacent curb, gutter, and sidewalk. We must replace this adjacent curb, gutter, and sidewalk or the street grades will be negatively impacted.



# City of Alamogordo

ENGINEERING DEPARTMENT  
1376 East Ninth St. • Alamogordo, NM 88310  
OFFICE PHONE (575) 439-4235, EXT 1  
FAX (575) 439-4343

**CONTRACT CHANGE ORDER**  
**CHANGE ORDER NO. 1**  
**FY21 STREET MAINTENANCE PROGRAM-RIDGECREST DRIVE**  
**PUBLIC WORKS PROJECT NO. 2022-06**

**DATE:** SEPTEMBER 12, 2023

**CONTRACTOR:** LA LUZ DIRT & PAVING, LLC  
166 HIGHWAY 82  
ALAMOGORDO, NM 88310

**OWNER:** CITY OF ALAMOGORDO  
1376 E. NINTH ST.  
ALAMOGORDO, NM 88310

**THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:**

Replace adjacent curb, gutter, and sidewalk to prevent the street grades from being negatively impacted.

| ITEM NO.                       | ITEM DESCRIPTION                    | AS-BID<br>QUANTITY | AS-BID<br>UNIT PRICE | UNIT | @ | QTY.<br>CHANGE | = | FINAL<br>QUANTITY | AMOUNT      |        |
|--------------------------------|-------------------------------------|--------------------|----------------------|------|---|----------------|---|-------------------|-------------|--------|
|                                |                                     |                    |                      |      |   |                |   |                   | (+)         | (-)    |
| 6                              | 4-INCH THICK CONCRETE PAVEMENT      | 120                | \$117.62             | SY   | @ | 270.00         | = | 390.00            | \$31,757.40 | \$0.00 |
| 8                              | 24-INCH CURB AND GUTTER (ALL TYPES) | 65                 | \$51.75              | LF   | @ | 480.00         | = | 545.00            | \$24,840.00 | \$0.00 |
| AMOUNT ADDED THIS CHANGE ORDER |                                     |                    |                      |      |   |                |   |                   | \$56,597.40 |        |

TOTAL CHANGE ORDER COST = \$56,597.40 + \$4,457.05 (NMGRT) = \$61,054.45

The contract performance period is increased by 60 calendar days, which is inclusive of three (3) days for inclement weather. The revised substantial completion date is October 19, 2023.

**REVISED CONTRACT AMOUNT**

- Original Contract Amount ..... \$ 356,036.29
- Total Contract Amount Including Previously  
Approved Change Orders..... \$ 356,036.29
- Amount of this Change Order (**increase**) ..... \$ 56,597.00\*
- Total Revised Contract Amount to Date ..... \$ 412,633.69\*



\* excludes New Mexico Gross Receipts Tax.

The work covered by this order shall be performed under the same terms and conditions as that included in the original contract.

**CHANGE ORDER RECOMMENDATION FOR APPROVAL:**

**BY:** \_\_\_\_\_  
Project Manager Date

**CHANGE ORDER ACCEPTED AND APPROVED:**

**BY:** \_\_\_\_\_  
LA LUZ DIRT & PAVING, LLC Date

**CHANGE ORDER APPROVED BY ACTING CITY MANAGER:**

**BY:** \_\_\_\_\_  
Stephanie Hernandez, Acting City Manager Date

**BY:** \_\_\_\_\_  
Ashley Smith, City Attorney Date

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

---

**Meeting Date:** 9/12/2023

**Report Date:** 09/01/2023

**Report No:** 8.

**Submitted By:** Deborah Osborne

---

**Subject:** Consider, and act upon, acceptance of the FY24 New Mexico Department of Tourism's Clean and Beautiful grant award in the amount of \$25,495.84. (*Sven Sears, Parks & Recreation Executive Assistant/KAB*)

---

**Fiscal Impact:** \$25,495.84

Amount Budgeted: \$0.00

Fund: 037

Additional Fiscal Impact: The grant award will increase Fund 37 by \$25,495.84.

---

**Recommendation:** Accept the FY24 New Mexico Department of Tourism Clean and Beautiful grant award.

---

**Background:**

**STATE OF NEW MEXICO  
TOURISM DEPARTMENT  
Litter Control and Beautification  
“Clean & Beautiful” Grant Program Agreement**

THIS AGREEMENT, numbered **24-418-6002-00001-00**, is made and entered into by the **State of New Mexico Tourism Department**, hereinafter referred to as the “NMTD,” and **CITY OF ALAMOGORDO**, hereinafter referred to as the “Partner” (collectively the “Parties”) and is effective as set forth below.

RECITALS

WHEREAS, the purpose of the New Mexico “Litter Control and Beautification Act,” NMSA 1978, § 67-16-1 et seq. (hereinafter “the Act”) is to control litter by authorizing NMTD to eliminate litter from the state to the maximum practical extent through a state-coordinated plan of education, control, prevention, and elimination; and

WHEREAS, the “Litter Control and Beautification Fund,” hereinafter “the Fund,” is appropriated to NMTD for the purpose of carrying out the provisions of the Act; and

WHEREAS, the Act provides that NMTD may contract with other state and local government agencies to carry out the provisions of the Act;

AGREEMENT

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES, in consideration of the mutual covenants and obligations contained herein, as follows:

**I. Obligations of Partner.**

- A. Perform and complete the projects and programs, expending all related funds, as outlined in the Project Award Schedule, as approved by NMTD and attached hereto as *Exhibit A*.
- B. Acknowledge that the NMTD Tourism Development Division Director reserves the right to unilaterally adjust, modify or cancel any and all awards as outlined in *Exhibit A* in order to ensure the expenditure of all funds.
- C. Acknowledge and comply with all Grant Program Guidelines, as approved by NMTD and attached hereto as *Exhibit B*.
- D. Complete and submit all required documentation for Initial Disbursement and Final Reimbursement in accordance with the requirements described in *Exhibit B*.
- E. Acknowledge that any failure to adhere to the parameters set forth herein may affect Partner’s eligibility for future awards.

F. Acknowledge Partner is responsible for attending one (1) Tourism Exchange USA (TXUSA) Webinar during the term of this agreement.

1. If a Partner is unable to attend a live Webinar, they may view a recording at a later date and provide an attestation that this requirement has been fulfilled.

## **II. Obligations of NMTD.**

- A. Provide award funds for all eligible expenses in accordance with the Act and according to *Exhibit A* and *Exhibit B*.
- B. Provide access to all forms required for submission for Initial Disbursement and Final Reimbursement in accordance with the requirements described in *Exhibit B*.
- C. Provide attendance information or additional resources necessary for Partner to meet the requirements of paragraph I(F).

## **III. Additional Terms & Conditions:**

- A. The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico. If sufficient appropriations and authorization are not made, this Agreement shall terminate upon written notice given by NMTD to the Partner. NMTD's decision as to whether sufficient appropriations are available shall be accepted by the Partner and shall be final.
- B. This Agreement shall become effective upon its execution by both Parties and shall terminate on **June 30, 2024**. Either party may terminate or seek to further negotiate this Agreement upon ninety (90) days written notice to the other. In the event of termination, neither party may nullify obligations already incurred for performance or failure to perform, prior to the date of termination and any outstanding reimbursements shall be made pro rata.
- C. This Agreement shall not be altered, changed, or amended except by instrument of writing executed by the Parties hereto.
- D. A "Force Majeure Event" is defined as an event or effect that can be neither anticipated nor controlled which renders performance of the terms of this Agreement impossible, impracticable, or unsafe, including, but not limited to, acts of God, pandemic-related public health orders, acts of civil or military authority, embargoes, epidemics, war, acts of terrorism, riots, insurrections, fires, explosions, earthquakes, floods, loss of power, strikes or lockout. If a Force Majeure Event occurs, neither Party will be deemed in default of this Agreement. If any Force Majeure condition affects Partner's ability to perform its obligations, Partner shall give written notice to NMTD, and Partner will offer mutually agreeable amendments to Exhibit A. Until such time as this Agreement is amended, NMTD will withhold payment of award funds as set forth in Exhibit A.

- E. Partner shall obtain prior approval from NMTD for any and all use of the Keep New Mexico True Brand. NMTD reserves the right to inspect any usage of the Brand to ensure proper quality and consistency.
- F. In the event that this Agreement will be performed during a public health emergency, Partner shall ensure that any activities are carried out in accordance with all laws, rules, regulations, safe practices and protections.
- G. The Parties shall not be jointly liable. Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred by either party in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, §41-4-1, et seq., NMSA 1978, as amended.
- H. This Agreement is governed by the laws of the State of New Mexico.
- I. This Agreement is not intended to and does not create any rights in any persons or entity not a party hereto.
- J. Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service, by electronic mail or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:
- To NMTD:           New Mexico Tourism Department  
                          Chantal Sandoval, Clean & Beautiful Program Coordinator  
                          491 Old Santa Fe Trail | Santa Fe, NM 87501  
                          (505) 670-8059 | chantal.sandoval@td.nm.gov
- To Partner:        Brian Cesar  
                          City of Alamogordo  
                          1376 East 9<sup>th</sup> Street  
                          Alamogordo, NM 88310  
                          (575) 439-4203 | bcesar@ci.alamogordo.nm.us
- K. The individual signing below on behalf of the Partner represents and warrants that he or she has the authority to bind the Partner, and that no further action, resolution or approval from the Partner is necessary to enter into a binding agreement.

**THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY.**

**IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of signature by the NMTD Deputy Secretary listed below.**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Stephanie Hernandez, City of Alamogordo  
PARTNER

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Rayline Sebay, CPO, ASD NMTD

Approved for legal sufficiency:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Novela Salazar, NMTD General Counsel

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Antoinette Vigil, NMTD Deputy Secretary

The records of the Taxation and Revenue Department reflect that the Partner is registered with the Taxation and Revenue Department of the State of New Mexico to pay gross receipts and compensating taxes.

ID Number: **01-406012-004**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Taxation and Revenue Department

**EXHIBIT A  
PROJECT AWARD SCHEDULE  
CITY OF ALAMOGORDO**

|                                                            | Goal 1      | Goal 2 | Goal 3     | Goal 4      | Goal 5     |
|------------------------------------------------------------|-------------|--------|------------|-------------|------------|
| End Littering                                              |             |        |            |             |            |
| 1.2 Pet Waste Receptacles                                  | \$1,019.96  |        |            |             |            |
| 1.3 Clean-up Activities                                    | \$1,230.88  |        |            |             |            |
| Reduce Waste                                               |             |        |            |             |            |
| Beautify Communities                                       |             |        |            |             |            |
| 3.2 Sustainable Green Spaces Program                       |             |        | \$1,440.00 |             |            |
| 3.4 Graffiti Eradication                                   |             |        | \$1,040.00 |             |            |
| Empower Youth                                              |             |        |            |             |            |
| 4.2 Youth Groups                                           |             |        |            | \$5,400.00  |            |
| 4.3 Youth Interns                                          |             |        |            | \$12,500.00 |            |
| Increase Program Capacity                                  |             |        |            |             |            |
| 5.2 KAB Dues                                               |             |        |            |             | \$170.00   |
| 5.3 KAB Conference                                         |             |        |            |             | \$2,300.00 |
| 5.3 NMRC Conference                                        |             |        |            |             | \$395.00   |
|                                                            |             |        |            |             |            |
| Subtotals                                                  | \$2,250.84  | \$0.00 | \$2,480.00 | \$17,900.00 | \$2,865.00 |
|                                                            |             |        |            |             |            |
| Total Award                                                | \$25,495.84 |        |            |             |            |
|                                                            |             |        |            |             |            |
| Lancing Adams                                              |             |        | 8/4/23     |             |            |
| Approved by:<br>NMTD Tourism Development Division Director |             |        | Date       |             |            |

## **EXHIBIT B**

### **NEW MEXICO TOURISM DEPARTMENT CLEAN AND BEAUTIFUL GRANT PROGRAM FY24 GUIDELINES**

#### **GRANT PURPOSE**

The purpose of the New Mexico “Litter Control and Beautification Act,” NMSA 1978, § 67-16-1 et seq., is to accomplish litter control by vesting in the New Mexico Tourism Department (Department) the authority to eliminate litter from the state to the maximum practical extent. The Department shall aid in establishing a statewide Keep America Beautiful Program through the New Mexico Clean and Beautiful Grant Program to end littering, improve recycling, and beautify New Mexico communities.

#### **ELIGIBILITY**

All New Mexico municipalities, counties, and Tribal Governments in good standing with New Mexico Taxation and Revenue Department are eligible for funding (correct CRS numbers are required within the application process). Entities need not be Keep America Beautiful affiliates to apply.

#### **ELIGIBLE EXPENDITURES**

Projects and initiatives that contribute to the following goals and objectives, as identified through Keep America Beautiful and the Litter Control and Beautification Act, may be eligible for funding:

##### **Goal #1 - End Littering**

Objective 1.1 – Prevent littering.

Objective 1.2 – Provide access to proper waste disposal.

Objective 1.3 – Remove litter.

##### **Goal #2 – Reduce Waste**

Objective 2.1 – Reuse.

Objective 2.2 – Repair.

Objective 2.3 – Repurpose.

Objective 2.4 – Improve composting and sustainable organics management.

Objective 2.5 – Improve recycling and sustainable materials management.

##### **Goal #3 - Beautify Communities**

Objective 3.1 – Improve green spaces through sustainable park design.

Objective 3.2 – Maximize sustainable landscaping throughout communities.

Objective 3.3 – Prevent graffiti.

Objective 3.4 – Eradicate graffiti.

##### **Goal #4 – Empower Youth**

Objective 4.1 – Educate students.

Objective 4.2 – Provide service opportunities for youth groups.

Objective 4.3 – Employ youth interns.

Objective 4.4 – Provide youth leadership opportunities.

- Youth initiatives must directly contribute to at least one of the above-mentioned goals.
- Applicants may either hire a youth group as a subcontractor or hire individual youths.
- For individual youth interns:
  - a) Individuals must be between 14 to 25 years of age.
  - b) Salary range = at least local minimum wage.
  - c) Youth Employment Verification forms are required for each youth employed.

##### **Goal #5 – Increase Program Capacity**

Objective 5.1 – Recruit and engage volunteers.

Objective 5.2 – Build coalitions through professional affiliations.

Objective 5.3 – Increase knowledge through professional development.

- Activities must directly contribute to at least one of the above-mentioned goals.



## **EXHIBIT B**

### **MATCHING REQUIREMENTS**

This grant requires a 25% match. The following sections may be used to determine the costs and calculate totals for In-Kind & Monetary Donations, which must be reported in the End-of-Year Report.

#### **Donated Goods or Services:**

Entities may receive non-monetary contributions of goods or services, often referred to as “in-kind donations” from businesses, groups, and individuals. Examples include private waste hauler services, “pro-bono” accounting services, food/drinks, donated advertising space, or office space in a non-government building. The dollar value of any donated goods or services is equal to the market price of the goods or services contributed. Whenever possible, submit the dollar-value in writing.

#### **How to Calculate Government Costs:**

Government employee time and services for which they receive government salary, overtime or compensatory time are considered a cost. If a government employee is working on a project on their own time, as a volunteer or board member, calculate their time as a volunteer hour.

Government in-kind goods include hauling by sanitation vehicles, printing, and the use of consumable supplies. To calculate the value of in-kind government agency costs, estimate the market value of the goods or services provided to your affiliate and add to that the dollar-value for each hour of work given by government employees.

#### **Volunteer Hours:**

All volunteer hours should be documented on a Volunteer Sign-In Sheet. Each volunteer hour should be assigned the applicable state value provided by Independent Sector unless a professional provides a specific value for professional services. Current value for volunteer hours is available at

[https://www.independentsector.org/volunteer time](https://www.independentsector.org/volunteer-time).

### **GRANT AGREEMENT**

The grant award will be officially executed upon receipt by the Department of the signed grant agreement. Agreements will include two accompanying exhibits: Project Award Schedule (*Exhibit A*) and these Grant Program Guidelines (*Exhibit B*).

### **INITIAL DISBURSEMENT OF FUNDS**

For FY24 grant awards, Partners will be eligible to receive 50% of the total award amount following the execution of the grant agreement and submission of the Initial Disbursement Invoice. This form is available for download at the [NM Clean & Beautiful Grant Resources webpage](#).

### **REIMBURSEMENT REQUIREMENTS**

In order to receive reimbursement for the remaining 50% of the total award amount, Partners must submit the Final Reimbursement Request Packet at project end.

Final Reimbursement Request Packet should include, submitted no later than June 15, 2024:

- Final Reimbursement Invoice
- Total Project Expense Worksheet with back-up documentation\*
- Youth Employment Verification forms, if applicable
- Event and trainings registration confirmations, and KAB Affiliate dues receipt, if applicable

Final Reimbursement Request Packet should include, submitted no later than July 5, 2024:

- End-of-Year Report
- Volunteer Sign-in Sheet, if applicable

\*Eligible back-up documentation includes:

1. Invoices *or* receipts

**AND**

## **EXHIBIT B**

2. Cleared checks, warrants, bank statements *or* an attestation by Partner's CFO or equivalent financial authority.

### **SUBMISSION REQUIREMENTS**

- All required forms are available for download at the NM Clean & Beautiful Grant Resources webpage at: <https://nmtourism.smaply.io/res/p/nmcbresources/>
- Submission of all required forms and back-up documentation must be submitted via upload to the Survey Monkey Apply portal located at: <https://nmtourism.smaply.io/> or by email to [chantal.sandoval@td.nm.gov](mailto:chantal.sandoval@td.nm.gov)

### **PROGRAM ASSISTANCE**

Clean & Beautiful Grant Program Coordinator (Chantal Sandoval) will establish communication schedules and provide technical assistance for all awardees. She can be reached by email at [chantal.sandoval@td.nm.gov](mailto:chantal.sandoval@td.nm.gov) or by phone at 505-670-8059.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 08/30/2023

**Report No:** 9.

**Submitted By:** David Kunihiro

---

**Subject:** Approve Resolution 2023-42 designating the Administrative Manager as the Custodian of Records for the Alamogordo Police Department and including the method of destruction of City records as witnessed shredding. *(David Kunihiro, Chief of Police)* **(Roll Call Vote Required)**

---

**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

---

**Recommendation:** Approve Resolution 2023-42.

---

**Background:** The Police Department uses shredding as the method of destruction. The number of boxes to be destroyed is 39.

**RESOLUTION NO. 2023-42**

**DESIGNATING THE ADMINISTRATIVE MANAGER AS THE CUSTODIAN OF RECORDS FOR THE ALAMOGORDO POLICE DEPARTMENT AND DESIGNATING THE METHOD OF DESTRUCTION OF RECORDS AS WITNESSED SHREDDING BY A BONDED DESTRUCTION VENDOR**

**WHEREAS**, the destruction of obsolete records is necessary for efficient records maintenance by the City of Alamogordo; and

**WHEREAS**, in the interest of sound records management principles, the Administrative Manager has established procedures for the retention and disposition of department records; and

**WHEREAS**, the City of Alamogordo adopted the New Mexico Municipal Records Retention Schedule on October 13, 2020; and

**WHEREAS**, the City of Alamogordo desires to use witnessed shredding by a bonded destruction vendor as the approved method of destruction of records.

**NOW, THEREFORE, BE IT RESOLVED:** that the Administrative Manager is designated as the Custodian of Records and the Manager or her designee, is hereby authorized and directed to maintain the program for the department and to apply the retention period assigned by said records retention and disposition schedules to all records and files of the department.

**BE IT FURTHER RESOLVED:** the official method for destruction of records will be designated as witnessed shredding by a bonded destruction vendor and the Administrative Manager is authorized to proceed with shredding of approved records.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

\_\_\_\_\_  
Susan L. Payne, Mayor

SEAL

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Rachel Hughs, City Clerk

\_\_\_\_\_  
Ashley Smith, City Attorney

**FIRST AMENDMENT TO  
SUN CITY SHREDDING  
SERVICES AGREEMENT**

THIS AMENDMENT is made by and between the City of Alamogordo, New Mexico "City" and Sun City Shredding, "Contractor" who previously entered into a Shredding Services Agreement on July 10, 2023, and both of whom agree to amend said agreement as follows:

**RECITALS**

The parties desire to amend the Agreement as set forth below.

NOW, THEREFORE, the parties agree as follows:

2. **Compensation.** The City shall pay the Contractor for said services an additional \$280.00 annually as shown on Exhibit "A," exclusive of NMGRT (See Exhibit "A").

This amendment will add the Alamogordo Police Department at 700 Virginia Avenue Alamogordo, NM 88310.

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

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

Sun City Shredding

Date: Aug 4, 2023

By:   
Tyler Cope

CITY OF ALAMOGORDO

Date: Aug 4, 2023

By: David Kunihiro  
David Kunihiro  
Alamogordo Police Chief

ATTEST:



Rachel Hughes, City Clerk

APPROVED AS TO FORM:

  
Ashley Smith (Aug 4, 2023 08:40 MDT)

Ashley Smith, City Attorney





## STORAGE AND SERVICES AGREEMENT

### RECORDS MANAGEMENT

August 2, 2023

September 2023 through August 2024

Alamogordo Police Department  
Maria Herndon Administrative Manager  
Mherndon@ci.alamogordo.nm.us

**1(96) gal bins @ \$70 per ON-SITE service (quarterly ) = \$70 per service**

**Total \$280 annually**

**One time shred \$7 per box ON-SITE**

Odd sized containers may be equated into standard storage containers 1.2 cuft. All our employees are background checked, drug tested, immunized, bonded as of November 1st 2022. We use a scanning software to electronically track to the second in which each unit was emptied/exchanged/checked. This is also helpful for providing certificates of destruction on demand.

Our facility has surveillance inside and out, with security guard in place 365 days a year outside of business hours. We do not share our facility in any capacity with anyone other than the employees of Sun City Shredding.

Material is shredded and commingled into bales which are compressed with 35,000 lbs of force and picked up by a private recycler.

If you have any other questions please feel free to contact me anytime.

Tyler Cope  
Sun City Shredding  
915-542-1111

# Sun City Shredding 1st Amendment

Final Audit Report

2023-08-04

|                 |                                             |
|-----------------|---------------------------------------------|
| Created:        | 2023-08-03                                  |
| By:             | Audra Smith (asmith@ci.alamogordo.nm.us)    |
| Status:         | Signed                                      |
| Transaction ID: | CBJCHBCAABAAbfZHXyCMbcKL88la_YOIKsuDfUxfDUG |

## "Sun City Shredding 1st Amendment" History

-  Document created by Audra Smith (asmith@ci.alamogordo.nm.us)  
2023-08-03 - 9:46:40 PM GMT
-  Document emailed to David Kunihiro (dkunihiro@ci.alamogordo.nm.us) for signature  
2023-08-03 - 9:48:14 PM GMT
-  Email viewed by David Kunihiro (dkunihiro@ci.alamogordo.nm.us)  
2023-08-04 - 2:34:14 PM GMT
-  Document e-signed by David Kunihiro (dkunihiro@ci.alamogordo.nm.us)  
Signature Date: 2023-08-04 - 2:34:34 PM GMT - Time Source: server
-  Document emailed to Ashley Smith (ashsmith@ci.alamogordo.nm.us) for signature  
2023-08-04 - 2:34:36 PM GMT
-  Email viewed by Ashley Smith (ashsmith@ci.alamogordo.nm.us)  
2023-08-04 - 2:40:22 PM GMT
-  Document e-signed by Ashley Smith (ashsmith@ci.alamogordo.nm.us)  
Signature Date: 2023-08-04 - 2:40:56 PM GMT - Time Source: server
-  Document emailed to Tyler Cope (tylercope64@yahoo.com) for signature  
2023-08-04 - 2:40:58 PM GMT
-  Email viewed by Tyler Cope (tylercope64@yahoo.com)  
2023-08-04 - 3:29:54 PM GMT
-  Document e-signed by Tyler Cope (tylercope64@yahoo.com)  
Signature Date: 2023-08-04 - 3:30:22 PM GMT - Time Source: server
-  Document signing automatically delegated to Dylan Aleshire (daleshire@ci.alamogordo.nm.us) by Rachel Hughs (rhughs@ci.alamogordo.nm.us)  
2023-08-04 - 3:30:23 PM GMT

 Document emailed to Dylan Aleshire (daleshire@ci.alamogordo.nm.us) for signature

2023-08-04 - 3:30:24 PM GMT

 Document emailed to Rachel Hughs (rhughs@ci.alamogordo.nm.us) for signature

2023-08-04 - 3:30:24 PM GMT

 Document e-signed by Rachel Hughs (rhughs@ci.alamogordo.nm.us)

Signature Date: 2023-08-04 - 4:18:27 PM GMT - Time Source: server

 Agreement completed.

2023-08-04 - 4:18:27 PM GMT



# CITY OF ALAMOGORDO, NEW MEXICO

Alamogordo Police Department  
700 Virginia Avenue, Alamogordo, NM 88310  
(575)439-4000 (575) 439-4320 fax

**2023**

## NOTIFICATION OF RECORDS DESTRUCTION

The following records stored at the Alamogordo Police Department have been identified as eligible for destruction according to the Records Retention and Disposition Schedule:

| DEPT WHERE<br>RECORD<br>ORIGINATED | DESCRIPTION OF RECORD     | DATE OF<br>RECORD | ITEM NO:<br>AUTHORIZING<br>DESTRUCTION | ARCHIVE BOX<br>NUMBER | DESTROY<br>DATE |
|------------------------------------|---------------------------|-------------------|----------------------------------------|-----------------------|-----------------|
| Police Dept<br>(Admin)             | Overtime Cards            | 2014-2015         | 18.03.018                              | PD-1                  |                 |
| Police Dept<br>(Admin)             | Overtime Cards            | 2015-2016         | 18.03.018                              | PD-2                  |                 |
| Police Dept<br>(Admin)             | Overtime Cards            | 2016-2017         | 18.03.018                              | PD-3                  |                 |
| Police Dept<br>(Admin)             | Overtime Cards            | 2017-2018         | 18.03.018                              | PD-4                  |                 |
| Police Dept<br>(Admin)             | Overtime Cards            | 2018-2019         | 18.03.018                              | PD-5                  |                 |
| Police Dept<br>(Admin)             | Payroll Exception Reports | 2018-2019         | 18.03.018                              | PD-6                  |                 |
| Police Dept<br>(Admin)             | Duty Roster               | 2013-2015         | 18.03.018                              | PD-7                  |                 |
| Police Dept<br>(Admin)             | Duty Roster               | 2016              | 18.03.018                              | PD-8                  |                 |
| Police Dept<br>(Admin)             | Purchase Orders           | 2013-2017         | 18.03.021                              | PD-9                  |                 |
| Police Dept<br>(Admin)             | Purchase Orders           | 2014-2015         | 18.03.021                              | PD-10                 |                 |
| Police Dept<br>(Admin)             | Purchase Orders           | 2015-2016         | 18.03.021                              | PD-11                 |                 |
| Police Dept<br>(Admin)             | Purchase Orders           | 2016-2017         | 18.03.021                              | PD-12                 |                 |
| Police Dept<br>(Admin)             | Purchase Orders           | 2017-2018         | 18.03.021                              | PD-13                 |                 |
| Police Dept<br>(Admin)             | Purchase Orders           | 2018-2019         | 18.03.021                              | PD-14                 |                 |
| Police Dept<br>(Admin)             | Cell Phone Invoices       | 2010-2014         | 18.03.021                              | PD-15                 |                 |
| Police Dept<br>(Admin)             | Cell Phone Invoices       | 2011-2017         | 18.03.021                              | PD-16                 |                 |
| Police Dept<br>(Admin)             | Accreditation Files       | 2010              | 18.01.002                              | PD-17                 |                 |
| Police Dept<br>(Admin)             | Grants                    | 1995-2014         | 18.03.014                              | PD-18                 |                 |
| Police Dept<br>(Admin)             | Stat Reports              | 2008-2009         | 18.01.042                              |                       |                 |
| Police Dept<br>(Admin)             | Grants                    | 2001-2005         | 18.03.014                              | PD-19                 |                 |
| Police Dept<br>(Admin)             | Grants                    | 2010-2016         | 18.03.014                              | PD-20                 |                 |
| Police Dept<br>(Admin)             | Letters & Memos           | 2005-2011         | 18.01.004                              | PD-21                 |                 |
|                                    | News Releases             | 2010-2011         | 18.01.004                              |                       |                 |
|                                    | Federal Firearm License   | 2003-2008         | 18.01.004                              |                       |                 |



**CITY OF ALAMOGORDO, NEW MEXICO**

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**2023**

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|------------------------------------|-------------------------|-------------------|----------------------------------------|-----------------------|-----------------|
|                                    | Fire Letters & Memos    | 2010-2011         | 18.01.004                              |                       |                 |
|                                    | Taxi Cab checks         | 2011              | 18.01.004                              |                       |                 |
|                                    | LEA Registry            | 2010-2011         | 18.01.004                              |                       |                 |
|                                    | Legal Monthly Report    | 2010-2011         | 18.01.042                              |                       |                 |
|                                    | Fire Monthly            | 2010              | 18.01.042                              |                       |                 |
|                                    | PT tests                | 2009-2011         | 18.01.004                              |                       |                 |
|                                    | Patrol Schedules        | 2010-2011         | 18.01.004                              |                       |                 |
| Police Dept<br>(Admin)             | Federal Firearm License | 2009-2013         | 18.01.004                              | PD-22                 |                 |
|                                    | Letters & Memos         | 2012-2014         | 18.01.004                              |                       |                 |
|                                    | Ridealong Forms         | 2014              | 18.01.004                              |                       |                 |
| Police Dept<br>(Admin)             | Code Enforcement Notes  | 2004-2005         | 18.01.004                              | PD-23                 |                 |
|                                    | Grants                  | 1998-2011         | 18.03.014                              |                       |                 |
|                                    | Service Contract        | 2013              | 18.03.021                              |                       |                 |
|                                    | Service Contract        | 1995              | 18.03.021                              |                       |                 |
|                                    | Service Contract        | 2002-2010         | 18.03.021                              |                       |                 |
|                                    | Patrol Schedules        | 2012-2016         | 18.01.004                              |                       |                 |
| Police Dept<br>(Admin)             | Quality Control Survey  | 2001-2009         | 18.01.004                              | PD-24                 |                 |
|                                    | Tuition Forms           | 2003-2008         | 18.01.042                              |                       |                 |
|                                    | Hep B forms             | 1993-2005         | 18.03.001                              |                       |                 |
|                                    | Domestic Violence Stats | 2002-2007         | 18.01.004                              |                       |                 |
|                                    | Firearm letters         | 2001-2005         | 18.01.004                              |                       |                 |
|                                    | Volunteer Fire reports  | 2008              | 18.01.042                              |                       |                 |
|                                    | Fire Schedules          | 2008              | 18.01.008                              |                       |                 |
|                                    | Patrol Schedules        | 1997-2008         | 18.01.008                              |                       |                 |
| Police Dept<br>(Admin)             | Evidence Audit Notes    | 2005-2006         | 18.01.004                              | PD-25                 |                 |
| Police Dept<br>(Admin)             | Evidence Audit Notes    | 2005-2006         | 18.01.004                              | PD-26                 |                 |
| Police Dept<br>(Records)           | Abandoned vehicles      | 1994-1999         | 18.10.017                              | PD-27                 |                 |
|                                    | Abandoned vehicles      | 2001-2006         | 18.10.017                              |                       |                 |
|                                    | Impound Sheets          | 2000-2006         | 18.10.017                              |                       |                 |
|                                    | Deposits                | 2000-2006         | 18.03.002                              |                       |                 |
|                                    | Voided Citations        | 2000-2006         | 18.10.005                              |                       |                 |
|                                    | Public Records Requests | 2000-2006         | 18.01.039                              |                       |                 |
|                                    | Background Checks       | 2003-2006         | 18.10.017                              |                       |                 |
|                                    | DWI Subpoenas           | 2000-2006         | 18.01.004                              |                       |                 |
|                                    | Cope Requests           | 1995-2003         | 18.01.004                              |                       |                 |
|                                    | Crime Stoppers          | 1995-2003         | 18.01.004                              |                       |                 |
|                                    | Sex Offenders           | 1995-2003         | 18.01.004                              |                       |                 |
| Police Dept<br>(Records)           | Abandoned Vehicles      | 2010-2013         | 18.10.017                              | PD-28                 |                 |
|                                    | Impound Sheets          | 2010              | 18.10.017                              |                       |                 |
|                                    | Fire Reports            | 2010-2013         | 18.10.017                              |                       |                 |
|                                    | Public Records Requests | 2010-2013         | 18.01.039                              |                       |                 |
|                                    | Deposits                | 2010-2013         | 18.03.002                              |                       |                 |



**CITY OF ALAMOGORDO, NEW MEXICO**

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**2023**

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|------------------------------------|----------------------------|-------------------|----------------------------------------|-----------------------|-----------------|
|                                    | DA Report Log/Receipts     | 2013              | 18.01.004                              |                       |                 |
| Police Dept<br>(Records)           | Abandoned Vehicles         | 2007-2009         | 18.10.017                              | PD-29                 |                 |
|                                    | Impound Sheets             | 2007-2009         | 18.10.017                              |                       |                 |
|                                    | Public Records Requests    | 2007-2009         | 18.01.039                              |                       |                 |
|                                    | Deposits                   | 2007-2009         | 18.03.002                              |                       |                 |
|                                    | Animal Control Attachments | 2007-2009         | 18.10.001                              |                       |                 |
|                                    | Background checks          | 2007              | 18.10.017                              |                       |                 |
|                                    | DWI Subpoenas Copies       | 2007-2008         | 18.10.017                              |                       |                 |
|                                    | Background checks          | 2008              | 18.10.017                              |                       |                 |
|                                    | Briefing Sheet Copies      | 2008              | 18.01.004                              |                       |                 |
|                                    | Voided DWI Citations       | 2007              | 18.10.005                              |                       |                 |
|                                    | Bicycle Registration       | 2008              | 18.01.004                              |                       |                 |
| Police Dept<br>(Records )          | Public Records Requests    | 2015-2016         | 18.01.039                              | PD-30                 |                 |
| Police Dept<br>(Records)           | Abandoned Vehicles         | 2014-2017         | 18.10.017                              | PD-31                 |                 |
|                                    | Impound Sheets             | 2014-2017         | 18.10.017                              |                       |                 |
|                                    | Deposits                   | 2014-2017         | 18.03.002                              |                       |                 |
| Police Dept<br>(Records)           | Public Records Requests    | 2018-2020         | 18.01.039                              | PD-32                 |                 |
| Police Dept<br>(Records)           | Crash Reports              | 2005              | 18.10.028                              | PD-33                 |                 |
| Police Dept<br>(Records)           | Crash Reports              | 2006              | 18.10.028                              | PD-34                 |                 |
| Police Dept<br>(Records)           | Crash Reports              | 2007              | 18.10.028                              | PD-35                 |                 |
| Police Dept<br>(Records)           | Crash Reports              | 2008              | 18.10.028                              | PD-36                 |                 |
| Police Dept<br>(Records)           | Crash Reports              | 2009              | 18.10.028                              | PD-37                 |                 |
| Police Dept<br>(Records)           | Crash Reports              | 2010              | 18.10.028                              | PD-38                 |                 |
| Police Dept<br>(Records)           | Crash Reports              | 2011              | 18.10.028                              | PD-39                 |                 |

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 08/24/2023

**Report No:** 10.

**Submitted By:** Josh Sides

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**Subject:** Consider and act upon Resolution 2023-20, declaring 308 N. White Sands Blvd. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve and order the property's abatement.

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**Background:** This property was brought before the Commission on June 13, 2023. The property owner was given until September 12, 2023 to show improvement.

308 N. White Sands Blvd. is so ruined and dilapidated that it is currently a risk to public safety. The northeast corner, as well as the southwest corner, show signs of impending structural collapse. Upon closer inspection via an Administrative Search Warrant, the northeast corner showed the corner of the structure to be displaced approximately three inches from the rest of the wall. The southwest corner of the structure was displaced approximately two inches from the rest of the wall. There is an abundance of graffiti on the south wall, the west wall, the east wall, and garage doors. The roof of the structure had areas of collapse, allowing rain and elements into and throughout the interior of the building.

## **RESOLUTION NO. 2023-20**

### **A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 308 NORTH WHITE SANDS BOULEVARD ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT**

**WHEREAS**, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 308 North White Sands Boulevard, as more particularly described on the attached Exhibit 1 (the “Property”); and,

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

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

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

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

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

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

**PASSED, APPROVED AND ADOPTED**, this \_\_\_\_ day of September 2023.

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

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

Exhibit "1"

## Account: R010833

### Location

**Account Number** R010833

**Situs Address** 308 N WHITE SANDS BLVD

**Previous Parcel ID** 01-01156

**Parcel Sequence**

**Neighborhood** C31 - Commercial White Sands

**Tax Area** 01\_NR

**Parcel Number** 01N4055094095407

**Legal Summary** Subd: ALAMO BLOCKS Lot: 5, 6 Block: 8

**Appraiser** Ricardo Heredia

### Owner Information

**Owner Name** DOUGLASS, CHRISTOPHER

**Owner Address** 2405 PRINCETON  
ALAMOGORDO, NM 88310

### Assessment History

|                             |          |                      |       |          |
|-----------------------------|----------|----------------------|-------|----------|
| Actual (2023)               |          | \$47,527             |       |          |
| Primary Taxable             |          | \$15,842             |       |          |
| Tax Area: 01_NR             |          | Mill Levy: 33.247000 |       |          |
| Type                        | Actual   | Assessed             | Acres | SQFT     |
| Non-Residential Land        | \$36,000 | \$12,000             | 0.138 |          |
| Non-Residential Improvement | \$11,527 | \$3,842              |       | 4452.000 |

### Transfers

| Sale Date | Sale Price | Doc Description               |
|-----------|------------|-------------------------------|
|           |            | <a href="#">Deed</a>          |
|           |            | <a href="#">Deed</a>          |
|           |            | <a href="#">Deed</a>          |
|           |            | <a href="#">Deed</a>          |
|           |            | <a href="#">Warranty Deed</a> |

### Tax History

### Images

| Tax Year | Taxes    |  |
|----------|----------|--|
| *2023    | \$526.68 |  |
| 2022     | \$524.16 |  |

- [Map](#)
- [Photo](#)
- [Sketch](#)
- [GIS](#)

\* Estimated

Focusing On: 308 N WHITE SANDS BLVD ALAMOGORDO 88310



Map data ©2023 Google Report a map error



Exhibit "2"

Case #: 202300926

Case Date: 04/20/23

Address Number: 308

Street Name: N. White Sands Blvd

Complainant Phone: (575)439-4375

Description: Dilapidated Structure

Complainant Address: 2010 Oregon Ave.

Complainant Name: Sides

Reinspection: 05/12/2023

Compliance Inspection :

Property Owners : Christopher Douglass

Court case number:

DOB: 05/27/1966

ID #:

Court Date:

Status: Mailed IPMC Letter

Assigned To: JOSH SIDES

## Property

| Parcel #         | Address                   | Legal Description                        | Owner Name               | Owner Phone | Zoning |
|------------------|---------------------------|------------------------------------------|--------------------------|-------------|--------|
| 01N4055094095407 | 308 N WHITE SANDS<br>BLVD | Subd: ALAMO BLOCKS<br>Lot: 5, 6 Block: 8 | DOUGLASS,<br>CHRISTOPHER |             |        |

## Activities

| Date | Activity Type | Description | Employee | Status |
|------|---------------|-------------|----------|--------|
|------|---------------|-------------|----------|--------|



|            |               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |                |
|------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------|
| 04/20/2023 | Inspection    | <p>On 04/20/2023, I, Code Enforcement Manager Josh Sides, was informed of a dilapidated structure at 308 N. White Sands Blvd., Alamogordo, Otero County, New Mexico.</p> <p>I met with Code Enforcement Officer Otero at the property to discuss it. Officer Otero took me to the east side of the property in the alleyway. He informed me that the large cracks in the northeast corner had grown exponentially in the past few weeks. The cracks ran from the ground to the top of the exterior wall and were approximately two inches wide in the most severe areas. There were also cinder blocks missing from the wall in some places. I observed there to be numerous amounts of graffiti on the back side of the building as well. The front side of the building had cracks in the exterior walls and graffiti on them. The south side of the building's exterior wall had numerous cracks and an abundance of graffiti. The fascia on the building was pulled off in some areas and rusted. The electrical box had been pulled off the building and was hanging from the wiring inside the conduit. There was paint on some areas of the building, but in others, there was no paint or protective coating on the cinder block. I photographed the condition of the property.</p> <p>I requested help from Paul Bennett, Facility Maintenance Manager for the City of Alamogordo, to look at the property as he holds his General Contractors License. Paul stated that the cinder block structure is settled on the northeast and southwest corners and is separating/falling away, causing both corners of the building to be unstable. Paul stated the cracking on the northeast and southwest corners is causing a potential collapse hazard.</p> <p>On 04/24/2023, I met with the City of Alamogordo Attorney's Office, the City of Alamogordo Engineering Department, and the Public Works Director for the City of Alamogordo to discuss this property. I learned that in 2022, an Administrative Search Warrant was executed on the property. However, there was no documentation as to the condition of the property. It was determined that declaring the property as unsafe pursuant to the City of Alamogordo Code of Ordinances 8-03-170 will start from the beginning.</p> <p>On 04/24/2023, I drafted an International Property Maintenance Code Violation Letter to give to the Property owner, which through research of the Otero County Assessors Office, was identified as Mr. Christopher Douglass.</p> <p>I attempted to contact Mr. Douglas at his listed address on 04/25/2023 and again on 04/26/2023 but was unsuccessful. The letter was mailed certified to Mr. Douglas on 04/26/2023.</p> <p>The photographs I took of the property, a copy of the letter mailed, and copies of the certified letter envelope were uploaded to iWorQ.</p> | JOSH SIDES | Non-Compliance |
| 05/22/2023 | Re-Inspection | On 05/22/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted an Administrative Search Warrant by 12th Judicial District Court Judge Bryant for the property at 308 N. White Sands Blvd.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | JOSH SIDES | Closed         |
| 05/23/2023 | Re-Inspection | <p>On 05/23/2023, I, Code Enforcement Manager Josh Sides, executed an Administrative Search Warrant on the property at 308 N. White Sands Blvd., Alamogordo, Otero County, New Mexico, at approximately 2:00 PM MST.</p> <p>Assisting me with the execution of the search warrant were:<br/> Paul Bennett- Facility Maintenance Manager (COA)<br/> Jeremy Otero- Code Enforcement Officer (COA)<br/> Rocky Chavez- Code Enforcement Officer (COA)<br/> Sgt. Brown (APD)<br/> Ofc. Puente (APD)<br/> Ofc. Buffington (APD)<br/> Nancy Beshaler- Public Works Director (COA).</p> <p>The front door of the property was locked with a padlock that was cut to allow us entry into the property's interior. Upon entry, APD officers made sure there were no people inside or obvious hazards to the rest</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | JOSH SIDES | Closed         |

of the employees. Once APD officers declared the building safe, the rest of the employees made entry. I began to take photographs of the state of the interior of the building along with Code Officers Chavez and Otero, while Paul Bennett began to inspect the building., I observed there to be numerous hazards and violations of the International Property Maintenance Code associated with the building. The violations of the International Property Maintenance Code were 305.1.1 Unsafe Conditions, 304.7 Roofs and Drainage, 305.4 Stairs and Walking Surfaces, and 305.1 General. All the pictures taken were uploaded to iWorQ. I posted the Search Warrant on the window of the property and mailed a copy of the Search Warrant to the property owner.

## Violations

| Date       | Violation                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Notes                                                                                                                                                      | Status |
|------------|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 04/20/2023 | *8-03-080- International Property Maintenance Code Adopted | (a)With the exceptions and amendments set forth below, the city hereby adopts by reference the conditions, provisions, limitations and terms of the International Property Maintenance Code, 2006 Edition, published by the International Code Council, including any amendments thereto which are adopted by the state as of the date of or subsequent to the date of this section.(b)Except as specified within section 8-03-150 and 8-03-160 of this section appeals from orders, decisions or determinations of the code official relative to the application and interpretation of this code shall be submitted to the International Code Council for official interpretation. The official interpretation shall constitute the final decision on any appeal. | Several violations of the International Property Maintenance Code.                                                                                         | *Open  |
| 04/20/2023 | IPMC 301.3 Vacant Structures and Land.                     | All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Building has not been maintained in a clean, safe, secure, and sanitary condition. Several cracks to walls and settling of the building.                   | *Open  |
| 04/20/2023 | IPMC 302.9- Defacement of Property                         | No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.                                                                                                                                                                                                                                                                                                                                                                                                                                      | Several areas of graffiti on the building on all sides.                                                                                                    | *Open  |
| 04/20/2023 | IPMC 304.1 - General                                       | The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | The structure's exterior is not in good repair, structurally sound, or sanitary and poses a threat to public health, safety, and welfare.                  | *Open  |
| 04/20/2023 | IPMC 304.13 Window, skylight and door frames               | Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Windows, doors, and frames are not in sound condition, good repair, or weather tight.                                                                      | *Open  |
| 04/20/2023 | IPMC 304.2 - Protective Treatment                          | Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those                                                                                                                                                                                                                                                                                            | The exterior walls of the structure to include doors, window frames, and trim are not in good condition and are not protected from the elements with paint | *Open  |

|            |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                       |       |
|------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------|
|            |                                   | between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | or other protective covering. Masonry joints are failing in some areas.                                                               |       |
| 04/20/2023 | IPMC 304.4 - Structural Members   | All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | The northeast and southwest corners of the structure are exhibiting signs of settling and are posing a potential hazard for collapse. | *Open |
| 04/20/2023 | IPMC 304.6 - Exterior Walls       | All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Exterior walls of the structure have breaks, cracks, and loose materials and are not weatherproof or properly surface-coated.         | *Open |
| 05/23/2023 | IPMC 304.7 - Roofs and Drainage   | The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Large hole in the roof over the northwest room that admits rain into the interior of the building.                                    | *Open |
| 05/23/2023 | IPMC 305.1 - General              | The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The Interior of the building is not in a sanitary condition.                                                                          | *Open |
| 05/23/2023 | IPMC 305.1.1. - Unsafe Conditions | <p>The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:</p> <ol style="list-style-type: none"> <li>1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.</li> <li>2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.</li> <li>3. Structures or components thereof that have reached their limit state.</li> <li>4. Structural members are incapable of supporting nominal loads and load effects.</li> <li>5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.</li> <li>6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.</li> </ol> <p>Exceptions:</p> <ol style="list-style-type: none"> <li>1. Where substantiated otherwise by an approved method.</li> </ol> | Sheetrock in the northwest and southwest rooms have fallen from the rafters.                                                          | *Open |

2. Demolition of unsafe conditions shall be permitted where approved by the code official.

|            |                                          |                                                                                                                                   |                                                                                               |       |
|------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------|
| 05/23/2023 | IPMC 305.4 - Stairs and Walking Surfaces | Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. | Carpet in northwest and southwest rooms are not maintained in sound condition or good repair. | *Open |
|------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------|

## Uploaded Files

| Date       | File Name                                                                           |
|------------|-------------------------------------------------------------------------------------|
| 05/24/2023 | <a href="#">15529013-JoshSides-05-23-2023-20-10-17-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529007-JoshSides-05-23-2023-20-11-11-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529008-JoshSides-05-23-2023-20-11-03-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529009-JoshSides-05-23-2023-20-10-53-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529010-JoshSides-05-23-2023-20-10-43-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529011-JoshSides-05-23-2023-20-10-34-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529012-JoshSides-05-23-2023-20-10-24-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529001-JoshSides-05-23-2023-20-09-39-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529003-JoshSides-05-23-2023-20-09-29-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529004-JoshSides-05-23-2023-20-09-22-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529005-JoshSides-05-23-2023-20-09-14-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529006-JoshSides-05-23-2023-20-08-28-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528998-JoshSides-05-23-2023-20-10-00-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528999-JoshSides-05-23-2023-20-09-48-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15529000-JoshSides-05-23-2023-20-09-44-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528937-JoshSides-05-23-2023-20-14-41-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528938-JoshSides-05-23-2023-20-14-32-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528931-JoshSides-05-23-2023-20-12-21-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528932-JoshSides-05-23-2023-20-12-12-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528933-JoshSides-05-23-2023-20-12-05-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528934-JoshSides-05-23-2023-20-11-55-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528935-JoshSides-05-23-2023-20-11-47-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528936-JoshSides-05-23-2023-20-11-19-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528930-JoshSides-05-23-2023-20-12-45-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528826-JoshSides-05-23-2023-20-18-27-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528827-JoshSides-05-23-2023-20-17-10-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528820-JoshSides-05-23-2023-20-28-34-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528821-JoshSides-05-23-2023-20-28-18-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528822-JoshSides-05-23-2023-20-19-26-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528823-JoshSides-05-23-2023-20-19-08-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528824-JoshSides-05-23-2023-20-18-43-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528825-JoshSides-05-23-2023-20-18-33-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528814-JoshSides-05-23-2023-20-15-32-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528815-JoshSides-05-23-2023-20-15-13-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528816-JoshSides-05-23-2023-20-15-03-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528817-JoshSides-05-23-2023-20-14-49-UTC-308_N_White_Sands_SW.jpg</a> |

|            |                                                                                     |
|------------|-------------------------------------------------------------------------------------|
| 05/24/2023 | <a href="#">15528818-JoshSides-05-23-2023-20-28-43-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528819-JoshSides-05-23-2023-20-28-38-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528808-JoshSides-05-23-2023-20-16-45-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528809-JoshSides-05-23-2023-20-16-40-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528810-JoshSides-05-23-2023-20-16-30-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528811-JoshSides-05-23-2023-20-16-23-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528812-JoshSides-05-23-2023-20-16-01-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15528813-JoshSides-05-23-2023-20-15-48-UTC-308_N_White_Sands_SW.jpg</a> |
| 05/24/2023 | <a href="#">15527229-FILED Search Warrant 308 N White Sands Blvd.pdf</a>            |
| 05/23/2023 | <a href="#">15512899-White Sands N 308 search warrant signed &amp; dated.pdf</a>    |
| 05/02/2023 | <a href="#">15226905-N White Sands 308 Certified mail label signed.pdf</a>          |
| 04/26/2023 | <a href="#">15176819-North Whitesands 308 IPMC paperwork.pdf</a>                    |
| 04/26/2023 | <a href="#">15176793-N. White Sands 308 Certified label pre-mailing.pdf</a>         |
| 04/26/2023 | <a href="#">15176794-N. White Sands 308 Certified mail scan IPMC.pdf</a>            |
| 04/26/2023 | <a href="#">15166766-JoshSides-04-20-2023-16-02-03-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166760-JoshSides-04-20-2023-16-05-20-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166761-JoshSides-04-20-2023-16-07-06-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166762-JoshSides-04-20-2023-16-07-21-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166763-JoshSides-04-20-2023-16-01-28-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166764-JoshSides-04-20-2023-16-01-42-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166765-JoshSides-04-20-2023-16-01-54-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166754-JoshSides-04-20-2023-16-03-46-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166755-JoshSides-04-20-2023-16-04-01-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166756-JoshSides-04-20-2023-16-04-09-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166757-JoshSides-04-20-2023-16-04-14-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166759-JoshSides-04-20-2023-16-05-09-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166748-JoshSides-04-20-2023-16-02-11-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166749-JoshSides-04-20-2023-16-02-29-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166750-JoshSides-04-20-2023-16-02-40-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166751-JoshSides-04-20-2023-16-03-01-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166752-JoshSides-04-20-2023-16-03-08-UTC-308_N_White_Sands_Bl.jpg</a> |
| 04/26/2023 | <a href="#">15166753-JoshSides-04-20-2023-16-03-33-UTC-308_N_White_Sands_Bl.jpg</a> |



Dilapidated Structure

308 N. White Sands  
Blvd.







# Timeline

308 N. White Sands Blvd.

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- On 04/20/2023, I was made aware of a potentially dilapidated structure and conducted an investigation.
- On 04/21/2023, Paul Bennett, Facility Maintenance Manager, conducted a walk-around of the building and found the northeast and southwest corners unstable and at risk of potential collapse.
- On 04/24/2023, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing six violations of IPMC and how to correct them, as well as my contact information.
- On 05/11/2023, Code Enforcement received the certified mail receipt, which was signed, showing the property owner had received the letter.
- On 05/22/2023, 12th Judicial District Court Judge Bryant granted an Administrative Search Warrant.
- On 05/23/2023, the Administrative Search Warrant was executed on the property.



# International Property Maintenance Code Violations

308 N. White Sands Blvd.

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- 301.3- Vacant Structures and Land- Clean, safe, secure, and sanitary condition.
- 302.9- Defacement of Property- No marking, carving, or graffiti on exterior surfaces.
- 304.1- General- Exterior in good repair, structurally sound, and sanitary.
- 304.2- Protective Treatment- Paint or protective treatment to the exterior.
- 304.4- Structural Members- Maintained free from deterioration and support loads.
- 304.6- Exterior Walls- Free from holes, breaks, and loose materials.
- 304.13- Windows, Skylights, and Door Frames- Kept in sound condition, good repair, and weather tight

# Condition of the Property at 308 N. White Sands Blvd.





# Condition of the Property at 308 N. White Sands Blvd.





# Condition of the Property at 308 N. White Sands Blvd.





# Condition of the Property at 308 N. White Sands Blvd.





# Condition of the Property at 308 N. White Sands Blvd.





# Condition of the Property at 308 N. White Sands Blvd.





# Condition of the Property at 308 N. White Sands Blvd.





# Condition of the Property at 308 N. White Sands Blvd.





# Condition of the Property at 308 N. White Sands Blvd.

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# Condition of the Property at 308 N. White Sands Blvd.

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# Condition of the Property at 308 N. White Sands Blvd.

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# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:**

**Report No:** 11.

**Submitted By:** Sean McGranaghan

---

**Subject:** Consider, and act upon, Ordinance 1681, Z-2023-0005(A) for first publication, a map amendment to change the current zoning of the property with the legal description of S: 8 T: 16 R: 10 TR IN N1/2SE1/4 from R-1 Single-Family Dwelling District, to R-4 Multi-Family Dwelling District. (*Sean McGranaghan, Assistant City Planner*) **(Roll Call Vote Required)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

---

**Recommendation:** Approve for first publication.

---

**Background:** Consider, and act upon, Ordinance 1681, Z-2023-0005(A) for first publication, a map amendment to change the current zoning of the property with the legal description of S: 8 T: 16 R: 10 TR IN N1/2SE1/4 from R-1 Single-Family Dwelling District, to R-4 Multi-Family Dwelling District.



**ORDINANCE No. 1681**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY WITH THE LEGAL DESCRIPTION OF S: 8 T: 16 R:10 TR IN N1/2SE1/4, FROM ITS PRESENT DESIGNATION AND ZONING DISTRICT: R-1 SINGLE-FAMILY DWELLING TO: R-4 MULTIPLE-FAMILY DWELLING WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.**

**WHEREAS**, Sean & Margret Little (hereinafter referred to as "the Owners") are the owners of certain real property legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

**S: 8 T: 16 R:10 TR IN N1/2SE1/4**

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

**Z-2023-0005(A)** to change the zoning of the Property, and

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

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

**S: 8 T: 16 R:10 TR IN N1/2SE1/4**

Is hereby changed from R-1 Single-Family Dwelling Zoning District to R-4 Multiple-Family Dwelling Zoning District; and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**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



# City of Alamogordo

# City Commission



**Z-2023-0005(A)**

Sean McGranaghan, Assistant City Planner  
September 12, 2023

# Zoning Request Case: Z-2023-0005(A)

2

## **Request:**

The property owner is requesting for a map amendment to change the zoning of the property with the legal description of S: 8 T: 16 R: 10 TR IN N1/2SE1/4, from R-1 Single-Family Dwelling District to R-4 Multiple-Family Dwelling District

Sean & Margret Little

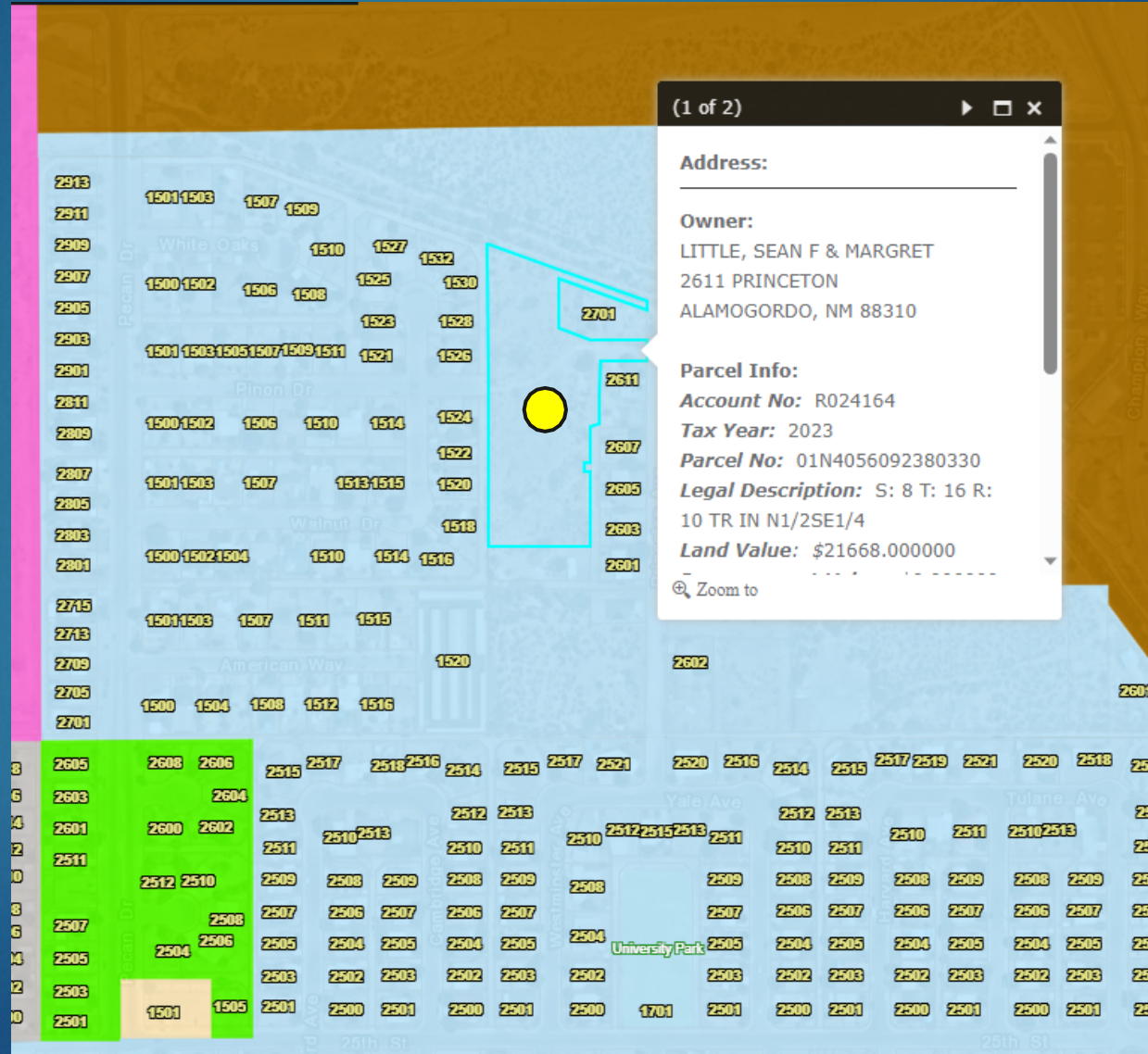
2611 Princeton Ave

Alamogordo, NM 88310



# Zoning Map

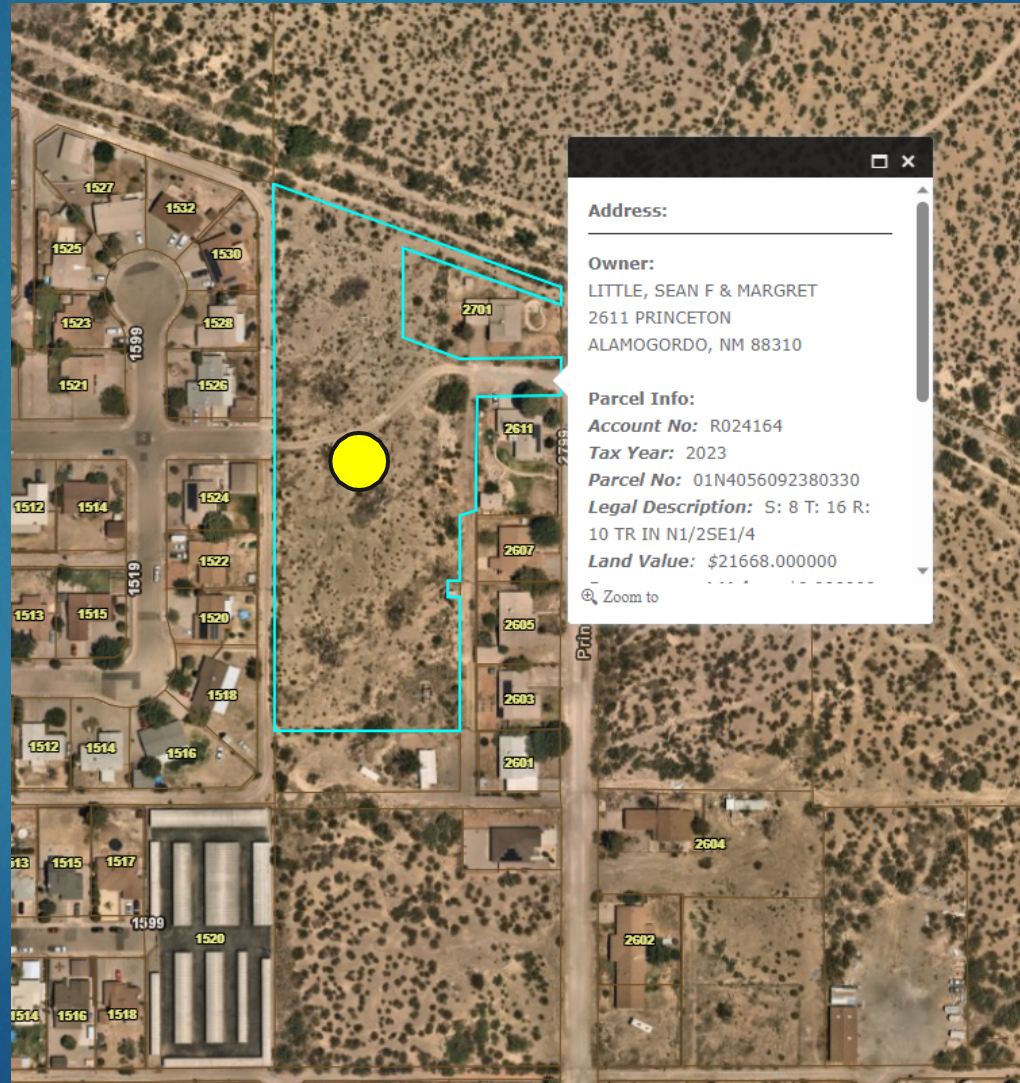
3





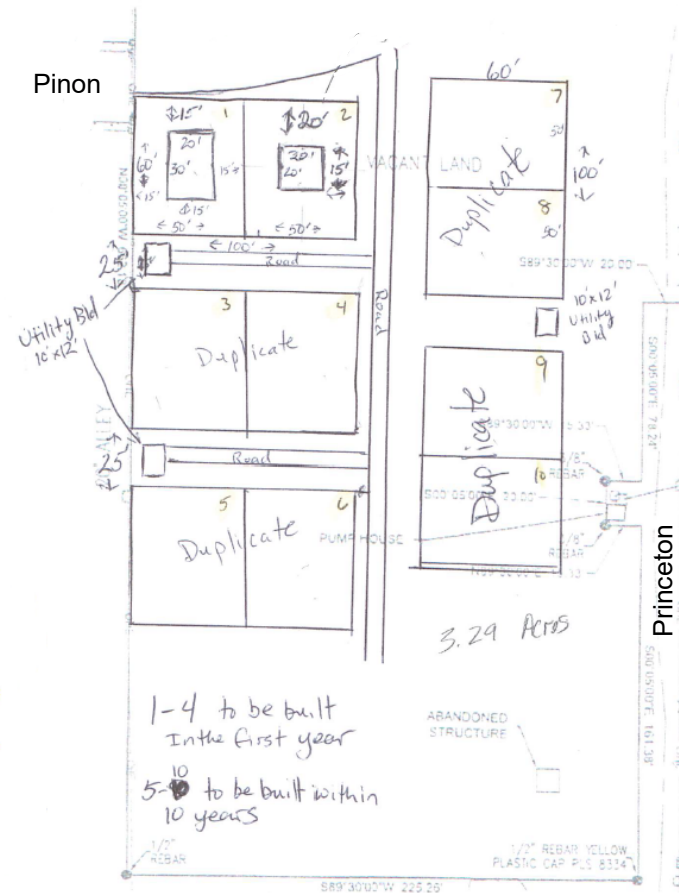
# AERIAL

4





## 5



# Protest Area Map

6



## Findings of Fact

- ◆ 1. The application was filed and all fees were paid.
- ◆ 2. Legal ad was placed in the Alamogordo Daily News
- ◆ 3. Twenty-Eight (28) letters were mailed by certified/returned receipt mail to all property owners of record within two hundred (200) feet from the property excluding public right-of-way, of the property.
- ◆ 4. As of September 5<sup>th</sup>, 2023, there have been 0 letters returned undeliverable, and I have not received any letters or phone calls of opposition.



# Z-2023-0005(A)

8

- ◆ 7. Staff recommends approval.



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 07/13/2023

**Report No:** 12.

**Submitted By:** Josh Sides

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**Subject:** Consider, and act upon, Resolution 2023-29, declaring 311 New York Avenue to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve and order the property's abatement.

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**Background:** 311 New York Ave. is so ruined and dilapidated that it is currently a risk to public health and safety.

## **RESOLUTION NO. 2023-29**

### **A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 311 NORTH NEW YORK AVENUE ALAMOGORDO, OTERO COUNTY, NEW MEXICO, TO BE RUINED, DAMAGED, AND DILAPIDATED TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY, AND ORDERING ITS ABATEMENT**

**WHEREAS**, the governing body of the City of Alamogordo, New Mexico, finds that there is located within the City a certain building, structure, or premises at 311 North New York Avenue, as more particularly described on the attached Exhibit 1 (the “Property”); and,

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

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

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

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

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

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

**PASSED, APPROVED AND ADOPTED**, this \_\_\_\_ day of September 2023.

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

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

Exhibit "1"

Account: R010829

| Location                                          | Owner Information                | Assessment History                                |
|---------------------------------------------------|----------------------------------|---------------------------------------------------|
| Account Number R010829                            | Owner Name TREVIZO, JOSE EMANUEL | Actual (2023 - Residential Cap applied) \$26,384  |
| Situs Address 311 NEW YORK AVE                    | Owner Address PO BOX 2335        | Primary Taxable \$8,795                           |
| Previous Parcel ID 01-01152                       | LAS CRUCES, NM 88004             | Tax Area: 01_R Mill Levy: 26.030000               |
| Parcel Sequence                                   |                                  | Type Actual Assessed Acres SQFT                   |
| Neighborhood A1 - South Central Alamogordo        |                                  | Residential Land \$1,485 \$495 0.069              |
| Tax Area 01_R                                     |                                  |                                                   |
| Parcel Number 01N4055094108404                    |                                  | Residential Improvement \$24,899 \$8,300 1110.000 |
| Legal Summary Subd: ALAMO BLOCKS Lot: 18 Block: 8 |                                  |                                                   |
| Appraiser Sheldon Compton                         |                                  |                                                   |

Transfers

| Sale Date | Sale Price | Doc Description                       |
|-----------|------------|---------------------------------------|
|           |            | <a href="#">Deed</a>                  |
|           |            | <a href="#">Deed</a>                  |
|           |            | <a href="#">Deed</a>                  |
|           |            | <a href="#">Deed</a>                  |
|           |            | <a href="#">Deed</a>                  |
|           |            | <a href="#">Deed</a>                  |
|           |            | <a href="#">Deed</a>                  |
|           |            | <a href="#">Deed</a>                  |
|           |            | <a href="#">Deed</a>                  |
|           |            | <a href="#">Probate</a>               |
|           |            | <a href="#">Probate</a>               |
|           |            | <a href="#">Special Warranty Deed</a> |
|           |            | <a href="#">Special Warranty Deed</a> |
|           |            | <a href="#">Special Warranty Deed</a> |

| Tax History                                                                                                                            | Images   |       |       |          |      |          |                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------|----------|-------|-------|----------|------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <table><tr><th>Tax Year</th><th>Taxes</th></tr><tr><td>*2023</td><td>\$228.92</td></tr><tr><td>2022</td><td>\$222.28</td></tr></table> | Tax Year | Taxes | *2023 | \$228.92 | 2022 | \$222.28 | <ul style="list-style-type: none"><li><a href="#">Map</a></li><li><a href="#">Photo</a></li><li><a href="#">Sketch</a></li><li><a href="#">GIS</a></li></ul> |
| Tax Year                                                                                                                               | Taxes    |       |       |          |      |          |                                                                                                                                                              |
| *2023                                                                                                                                  | \$228.92 |       |       |          |      |          |                                                                                                                                                              |
| 2022                                                                                                                                   | \$222.28 |       |       |          |      |          |                                                                                                                                                              |
| * Estimated                                                                                                                            |          |       |       |          |      |          |                                                                                                                                                              |

Focusing On: 311 NEW YORK AVE ALAMOGORDO 88310









Exhibit "2"

Case #: 202301008

Case Date: 05/08/23

Address Number: 311

Street Name: N. New York

Complainant Phone: 5754393337

Description: Dilapidated Structure

Complainant Address: 2010 Oregon Ave.

Complainant Name: Sides

Reinspection: 05/24/2023

Compliance Inspection :

Property Owners : Trevizo, Jose Emanuel

Court case number:

DOB:

ID #:

Court Date:

Status: Signed Search Warrant

Assigned To: JOSH SIDES

**Property**

| Parcel #         | Address          | Legal Description                      | Owner Name               | Owner Phone | Zoning |
|------------------|------------------|----------------------------------------|--------------------------|-------------|--------|
| 01N4055094108404 | 311 NEW YORK AVE | Subd: ALAMO BLOCKS<br>Lot: 18 Block: 8 | TREVIZO, JOSE<br>EMANUEL |             |        |

**Activities**

| Date | Activity Type | Description | Employee | Status |
|------|---------------|-------------|----------|--------|
|------|---------------|-------------|----------|--------|

|            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |                |
|------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------|
| 05/08/2023 | Inspection | <p>On 05/08/2023, I, Code Enforcement Manager Josh Sides, was made aware of a property on the Delapidated Structures list for Code Enforcement. The property listed was 311 N. New York Ave., Alamogordo, Otero County, New Mexico. I proceeded to the address to inspect the property. Upon arrival, I observed the building in violation of the City of Alamogordo Code of Ordinances 8-03-080- International Property Maintenance Code (IPMC) Adopted, as well as multiple IPMC violations, including 301.3 Vacant Structures and Land, 302.7 Accessory Structures, 302.9 Defacement of Property, 304.1.1 Unsafe Conditions-subsections 3, 5, 7, 8, and 11, 304.2 Protective Treatment, 304.4 Structural Members, 304.6 Exterior Walls, 304.10 Stairways, Decks, Porches, and Balconies, 304.13 Window, Skylight, and Door Frames, 304.15 Doors, and 306.1.1 Unsafe Conditions subsections 4 and 6.</p> <p>I took photographs of the residence, which were uploaded to iWorQ. I drafted an IPMC letter to send to the property owner, identified as Jose Trevizo.</p> | JOSH SIDES | Non-Compliance |
| 06/02/2023 | Inspection | On 06/02/2023, I, Code Enforcement Manager Josh Sides, learned Code Enforcement received the return receipt showing the property owner received the IPMC letter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | JOSH SIDES | Closed         |
| 06/22/2023 | Inspection | On 06/22/2023, I, Code Enforcement Manager Josh Sides, applied for and was granted a 12th Judicial District Court Administrative Search Warrant for 311 New York Ave. by Judge Jessen.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | JOSH SIDES | Closed         |

## Violations

| Date       | Violation                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Notes | Status |
|------------|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| 05/12/2023 | *8-03-080- International Property Maintenance Code Adopted | (a)With the exceptions and amendments set forth below, the city hereby adopts by reference the conditions, provisions, limitations and terms of the International Property Maintenance Code, 2006 Edition, published by the International Code Council, including any amendments thereto which are adopted by the state as of the date of or subsequent to the date of this section.(b)Except as specified within section 8-03-150 and 8-03-160 of this section appeals from orders, decisions or determinations of the code official relative to the application and interpretation of this code shall be submitted to the International Code Council for official interpretation. The official interpretation shall constitute the final decision on any appeal. |       | *Open  |
| 05/12/2023 | IPMC 301.3 Vacant Structures and Land.                     | All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |       | *Open  |
| 05/12/2023 | IPMC 302.7 - Accessory Structures                          | Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       | *Open  |
| 05/12/2023 | IPMC 302.9- Defacement of Property                         | No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.                                                                                                                                                                                                                                                                                                                                                                                                                                      |       | *Open  |
| 05/12/2023 | IPMC 304.1.1 Unsafe Conditions                             | <p>The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:</p> <ol style="list-style-type: none"> <li>1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.</li> <li>2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or</li> </ol>                                                                                                                                                                                            |       | *Open  |

load effects.

3. Structures or components thereof that have reached their limit state.

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.

5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.

2. Demolition of unsafe conditions shall be permitted where approved by the code official.

|            |                                                         |                                                                                                                                                                                                                      |       |
|------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 05/12/2023 | IPMC 304.10. - Stairways, Decks, Porches, and Balconies | Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. | *Open |
|------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|

|            |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |
|------------|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 05/12/2023 | IPMC 304.13 Window, skylight and door frames | Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | *Open |
| 05/12/2023 | IPMC 304.15. - Doors                         | Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | *Open |
| 05/12/2023 | IPMC 304.2 - Protective Treatment            | Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | *Open |
| 05/12/2023 | IPMC 304.4 - Structural Members              | All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | *Open |
| 05/12/2023 | IPMC 304.6 - Exterior Walls                  | All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | *Open |
| 05/12/2023 | IPMC 306.1.1. - Unsafe Conditions            | <p>Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:</p> <ol style="list-style-type: none"> <li>1. Soils that have been subjected to any of the following conditions: <ol style="list-style-type: none"> <li>1.1. Collapse of footing or foundation system.</li> <li>1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.</li> <li>1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.</li> <li>1.4. Inadequate soil as determined by a geotechnical investigation.</li> <li>1.5. Where the allowable bearing capacity of the soil is in doubt.</li> <li>1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.</li> </ol> </li> <li>2. Concrete that has been subjected to any of the following conditions: <ol style="list-style-type: none"> <li>2.1. Deterioration.</li> <li>2.2. Ultimate deformation.</li> <li>2.3. Fractures.</li> <li>2.4. Fissures.</li> <li>2.5. Spalling.</li> <li>2.6. Exposed reinforcement.</li> <li>2.7. Detached, dislodged or failing connections.</li> </ol> </li> <li>3. Aluminum that has been subjected to any of the following conditions: <ol style="list-style-type: none"> <li>3.1. Deterioration.</li> <li>3.2. Corrosion.</li> <li>3.3. Elastic deformation.</li> <li>3.4. Ultimate deformation.</li> </ol> </li> </ol> | *Open |

- 3.5. Stress or strain cracks.
- 3.6. Joint fatigue.
- 3.7. Detached, dislodged or failing connections.
- 4. Masonry that has been subjected to any of the following conditions:
  - 4.1. Deterioration.
  - 4.2. Ultimate deformation.
  - 4.3. Fractures in masonry or mortar joints.
  - 4.4. Fissures in masonry or mortar joints.
  - 4.5. Spalling.
  - 4.6. Exposed reinforcement.
  - 4.7. Detached, dislodged or failing connections.
- 5. Steel that has been subjected to any of the following conditions:
  - 5.1. Deterioration.
  - 5.2. Elastic deformation.
  - 5.3. Ultimate deformation.
  - 5.4. Metal fatigue.
  - 5.5. Detached, dislodged or failing connections.
- 6. Wood that has been subjected to any of the following conditions:
  - 6.1. Ultimate deformation.
  - 6.2. Deterioration.
  - 6.3. Damage from insects, rodents and other vermin.
  - 6.4. Fire damage beyond charring.
  - 6.5. Significant splits and checks.
  - 6.6. Horizontal shear cracks.
  - 6.7. Vertical shear cracks.
  - 6.8. Inadequate support.
  - 6.9. Detached, dislodged or failing connections.
  - 6.10. Excessive cutting and notching.
- Exceptions:
  - 1. Where substantiated otherwise by an approved method.
  - 2. Demolition of unsafe conditions shall be permitted where approved by the code official.

## Notes

| Date       | Note                                             | Created By:  |
|------------|--------------------------------------------------|--------------|
| 2023-06-02 | Signed certified mail label returned 06/02/2023. | Jessica Wing |

## Uploaded Files

| Date       | File Name                                                                     |
|------------|-------------------------------------------------------------------------------|
| 06/02/2023 | <a href="#">15617451-New York. 311. Trevizo. Signed Certified..pdf</a>        |
| 05/23/2023 | <a href="#">15506035-New York. 311. IPMC. pre-mailing.pdf</a>                 |
| 05/08/2023 | <a href="#">15334341-JoshSides-05-08-2023-16-32-13-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334342-JoshSides-05-08-2023-16-34-17-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334343-JoshSides-05-08-2023-16-34-30-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334335-JoshSides-05-08-2023-16-31-01-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334336-JoshSides-05-08-2023-16-31-27-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334337-JoshSides-05-08-2023-16-31-33-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334338-JoshSides-05-08-2023-16-31-43-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334339-JoshSides-05-08-2023-16-31-49-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334340-JoshSides-05-08-2023-16-32-05-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334330-JoshSides-05-08-2023-16-34-45-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334331-JoshSides-05-08-2023-16-34-52-UTC-311_N_New_York.jpg</a> |



|            |                                                                               |
|------------|-------------------------------------------------------------------------------|
| 05/08/2023 | <a href="#">15334333-JoshSides-05-08-2023-16-35-00-UTC-311_N_New_York.jpg</a> |
| 05/08/2023 | <a href="#">15334334-JoshSides-05-08-2023-16-35-14-UTC-311_N_New_York.jpg</a> |

Dilapidated Structure

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311 N. New York Ave.







# Timeline

311 N. New York Ave.

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- On 05/08/2023, I was made aware of a potentially dilapidated structure and conducted an investigation.
- On 05/23/2023, a certified International Property Maintenance Code (IPMC) letter was sent to the owner listing violations of IPMC and how to correct them, as well as my contact information.
- On 06/02/2023, Code Enforcement received the certified mail receipt, which was signed, showing the property owner had received the letter.
- On 06/16/2023, Paul Bennett, Facility Maintenance Manager, conducted a walk-around of the building and found the porch of the residence was about to collapse, there were shingles missing and it appeared to be structurally unstable. There were large holes in flooring of the residence, and the sheds were not structurally sound and a potential for collapse.
- On 06/22/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 06/29/2023, the Administrative Search Warrant was executed on the property.

# International Property Maintenance Code Violations

311 N. New York Ave.

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- 301.3- Vacant Structures and Land- Clean, safe, secure, and sanitary condition.
- 302.7- Accessory Structures- Shall be maintained, structurally sound, and in good repair.
- 302.9- Defacement of Property- Any carving, mark, or graffiti shall be removed by the property owner.
- 304.1- General- Exterior in good repair, structurally sound, and sanitary.
- 304.1.1 Unsafe Conditions- Structures or components have reached their limit state, masonry joints and siding not maintained, weather resistant, or watertight, structural members have evidence of deterioration, roofing or components have defects that admit rain, overhang extensions not capable of supporting nominal loads
- 304.2- Protective Treatment- Paint or protective treatment to the exterior.
- 304.4- Structural Members- Maintained free from deterioration and support loads.
- 304.6- Exterior Walls- Free from holes, breaks, and loose materials.
- 304.7- Roofs and Drainage- Shall be sound, tight, and not have defects that admit rain into the interior.
- 304.13- Windows, Skylights, and Door Frames- Kept in sound condition, good repair, and weather tight



# Condition of the Property at 311 N. New York Ave.





# Condition of the Property at 311 N. New York Ave.





# Condition of the Property at 311 N. New York Ave.





# Condition of the Property at 311 N. New York Ave.





# Condition of the Property at 311 N. New York Ave.





# Condition of the Property at 308 N. White Sands Blvd.





# Condition of the Property at 311 N. New York Ave.



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 08/22/2023

**Report No:** 13.

**Submitted By:** Josh Sides

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**Subject:** Consider, and act upon, Ordinance 1682 for first publication amending Chapter 26, Article 03, Sections 010 Definitions, 030 Unlawful growth or accumulation on lots, and 040 Unlawful growth or accumulation on tracts. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve for first publication.

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**Background:** On or about July 24, 2023, 12th Judicial District Court Judge Schneider ruled in Cause Number D-1215-LR-2022-00009 the City of Alamogordo Ordinance 26-03-030 Unlawful growth or accumulation on lots is so vague that the ordinance is unconstitutional and violative of any defendant's right to Due Process. After researching other municipal ordinances in the State of New Mexico and research through New Mexico State University's Agricultural Department, amendments to 26-03-010 Definitions, 26-03-030 Unlawful growth or accumulation on lots, and 26-03-040 Unlawful growth or accumulation on tracts has been drafted for consideration.



**ORDINANCE NO. 1682****AN ORDINANCE AMENDING CHAPTER 26  
OF THE ALAMOGORDO CODE OF ORDINANCES  
CONCERNING VEGETATION**

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

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico, acknowledges that the process for denial or revoked licenses must come before the City Commission.

**WHEREAS**, the City Commission of the City of Alamogordo, New Mexico, considers it necessary to amend sections of Chapter 26 of the Code of Ordinances; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Alamogordo, New Mexico, to amend sections 26-03-010, 26-03-030 and 26-03-040 of Chapter 26 of the Code of Ordinances to read as follows:

**Chapter 26 VEGETATION****ARTICLE 26-03. WEEDS**

26-03-010. - Definitions.

As used in this section:

*Interested parties* means a property owner, resident, tenant, or person in possession or in control of the property.

*Lot* shall mean any occupied or unoccupied piece of land of one-half (½) acre or less which is located within one-quarter (¼) of a mile of an occupied structure.

*Notice* means any method of communication reasonably calculated to inform interested parties that a violation of ordinance is observed and includes, but is not limited to: in-person notification, posting a notice on property and notification via U.S. Mail.

*Property owners* mean the record holder of legal title as shown by the official records of the County of Otero unless there exists a contract purchaser of record, in which case it means the contract purchaser.

*Tract* shall mean any piece of occupied or unoccupied land with an area of more than one-half (½) acre.

*Weeds* shall mean all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive or unsightly nature, or which is deleterious to health, and shall include but is not limited to the following named plants **or any other species of weeds as identified by the New Mexico State University (NMSU) Department of Agriculture:**

~~Pigweed (Amaranthus retroflexus)~~

~~Russian Thistle (Salsola pestifer)~~

~~Ragweeds (Ambrosia spp.)~~

~~Lambsquarter (Kenopodium spp.)~~

~~Kochia~~



**African Rue (*Peganum Harmala*)**  
**Arundo (*Arundo Donax*)**  
**Black Henbane (*Hyoscyamus Niger*)**  
**Bull Thistle (*Cirsium Vulgare*)**  
**Camelthorn (*Alhagi Maurorum*)**  
**Canada Thistle (*Cirsium Arvense*)**  
**Cheatgrass (*Bromus Tectorum*)**  
**Crimson Fountaingrass (*Pennisetum Setaceum*)**  
**Dalmatian Toadflax (*Linaria Dalmatica*)**  
**Diffuse Knapweed (*Centaurea Diffusa*)**  
**Dryers Woad (*Isatis Tinctoria*)**  
**Eurasian Watermilfoil (*Myriophyllum Spicatum*)**  
**Field Bind Weed (*Convolvulus arvensis*)**  
**Flix Weed (*Descurainia sophia*).**  
**Giant Salvinia (*Salvinia Molesta*)**  
**Green Foxtail (*Setaria Viridis*).**  
**Halogeton (*Halogeton Glomeratus*)**  
**Hoary Cress. (*Caldaria Spp.*)**  
**Hydrillia (*Hydrilla Verticillata*)**  
**Kochia (*Kochia scoparia*)**  
**Lambsquarter. (*Kenopodium spp.*)**  
**Leafy Spurge (*Euphorbia Esula*)**  
**Locoweed (*Astragalus spp.*)**  
**London Rocket (*Sisymbrium irio*)**  
**Malta Starthistle (*Centaurea Melitensis*)**  
**Meadow Knapweed (*Centaurea Pratensis*)**  
**Musk Thistle (*Carduus Nutans*)**  
**Onionweed (*Asphodelus Fistulosus*)**  
**Oxeye Daisy (*Leucanthemum Vulgare*)**  
**Parrotfeather (*Myriophyllum Aquaticum*)**  
**Perennial Pepperweed (*Lepidium Latifolium*)**  
**Pigweed (*Amaranthus spp.*)**  
**Poison Hemlock (*Conium Maculatum*)**  
**Puncture Vine. (*Tribulus Terrestris*)**  
**Purple Loosestrife (*Lythrum Salicaria*)**  
**Purple Starthistle (*Lythrum Salicaria*)**  
**Purslane (*Portulaca oleracea*)**  
**Quackgrass (*Elytrigia Repens*)**  
**Ragweeds (*Ambrosia spp.*)**  
**Russian Knapweed (*Acroptilon Repens*)**  
**Russian Olive (*Elaeagnus Angustifolia L.*)**

**Russian Thistle (*Salsola pestifer*).**

**Sahara Mustard (*Brassica Tournefortii*)**

**Salt Cedar (*Tamarix* Spp.)**

**Scotch Thistle (*Onoprodum Acanthium*)**

**Siberian Elm (*Ulmus Pumila*)**

**Silverleaf Nightshade (*Solanum elaeagnifolium*).**

**Spotted Knapweed (*Centaurea Biebersteinii*)**

**Spurge (*Euphorbia esula*)**

**Tansy Mustard (*Descurainia pinnata*)**

**Tree of Heaven (*Ailanthus altissima*)**

**Yellow Foxtail (*Setaria glauca*)**

**Yellow Starthistle (*Centaurea Solstitialis*)**

**Yellow Toadflax (*Linaria Vulgaris*)**

26-03-030. - Unlawful growth or accumulation on lots.

- (a) It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten (10) feet outside the property line where there is no curb, any growth of weeds to a greater height, **width, or spread** than six (6) inches, or any other accumulation of weeds. It shall also be unlawful for a person having charge or control of any tract within the city to allow any growth of weeds to a greater height, **width, or spread** than six (6) inches on curbs and sidewalks located on their property as well as the area adjacent to and five (5) feet back of the curbs, sidewalks and streets. **Any accumulation of weeds, which in the opinion of the Code Official is a fire hazard.**
- (b) **For the purposes of this ordinance, weeds shall be defined as:**  
**all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive or unsightly nature, or which is deleterious to health, and shall include but is not limited to the following named plants or any other species of weeds as identified by the New Mexico State University (NMSU) Department of Agriculture:**
- 1) **African Rue (*Peganum Harmala*)**
  - 2) **Arundo (*Arundo Donax*)**
  - 3) **Black Henbane (*Hyoscyamus Niger*)**
  - 4) **Bull Thistle (*Cirsium Vulgare*)**
  - 5) **Camelthorn (*Alhagi Maurorum*)**
  - 6) **Canada Thistle (*Cirsium Arvense*)**
  - 7) **Cheatgrass (*Bromus Tectorum*)**
  - 8) **Crimson Fountaingrass (*Pennisetum Setaceum*)**
  - 9) **Dalmatian Toadflax (*Linaria Dalmatica*)**
  - 10) **Diffuse Knapweed (*Centaurea Diffusa*)**
  - 11) **Dryers Woad (*Isatis Tinctoria*)**
  - 12) **Eurasian Watermilfoil (*Myriophyllum Spicatum*)**
  - 13) **Field Bind Weed (*Convolvulus arvensis*).**

- 14) Flix Weed (*Descurainia sophia*).
- 15) Giant Salvinia (*Salvinia Molesta*)
- 16) Green Foxtail (*Setaria Viridis*).
- 17) Halogeton (*Halogeton Glomeratus*)
- 18) Hoary Cress. (*Caldaria Spp.*)
- 19) Hydrillia (*Hydrilla Verticillata*)
- 20) Kochia (*Kochia scoparia*)
- 21) Lambsquarter. (*Kenopodium spp.*)
- 22) Leafy Spurge (*Euphorbia Esula*)
- 23) Locoweed (*Astragalus spp.*)
- 24) London Rocket (*Sisymbrium irio*)
- 25) Malta Starthistle (*Centaurea Melitensis*)
- 26) Meadow Knapweed (*Centaurea Pratensis*)
- 27) Musk Thistle (*Carduus Nutans*)
- 28) Onionweed (*Asphodelus Fistulosus*)
- 29) Oxeye Daisy (*Leucanthemum Vulgare*)
- 30) Parrotfeather (*Myriophyllum Aquaticum*)
- 31) Perennial Pepperweed (*Lepidium Latifolium*)
- 32) Pigweed (*Amaranthus spp.*)
- 33) Poison Hemlock (*Conium Maculatum*)
- 34) Puncture Vine. (*Tribulus Terrestris*)
- 35) Purple Loosestrife (*Lythrum Salicaria*)
- 36) Purple Starthistle (*Lythrum Salicaria*)
- 37) Purslane (*Portulaca oleracea*)
- 38) Quackgrass (*Elytrigia Repens*)
- 39) Ragweeds (*Ambrosia spp.*)
- 40) Russian Knapweed (*Acroptilon Repens*)
- 41) Russian Olive (*Elaeagnus Angustifolia L.*)
- 42) Russian Thistle (*Salsola pestifer*).
- 43) Sahara Mustard (*Brassica Tournefortii*)
- 44) Salt Cedar (*Tamarix Spp.*)
- 45) Scotch Thistle (*Onoprodum Acanthium*)
- 46) Siberian Elm (*Ulmus Pumila*)
- 47) Silverleaf Nightshade (*Solanum elaeagnifolium*).
- 48) Spotted Knapweed (*Centaurea Biebersteinii*)
- 49) Spurge (*Euphorbia esula*)
- 50) Tansy Mustard (*Descurainia pinnata*)
- 51) Tree of Heaven (*Ailanthus altissima*)
- 52) Yellow Foxtail (*Setaria glauca*)
- 53) Yellow Starthistle (*Centaurea Solstitialis*)
- 54) Yellow Toadflax (*Linaria Vulgaris*)

26-03-040. - Unlawful growth or accumulation on tracts.

- (a) It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having charge or control of any tract within the city to permit or maintain on any such tract, including the area located between the property line and the middle of the alley adjacent to the property line and curb and the area located ten (10) feet

outside the property line where there is no curb, any accumulation of weeds, which in the opinion of the ~~code enforcement supervisor~~ **Code Official** is a fire hazard; it shall also be unlawful for a person having charge or control of any tract within the city to allow any growth of weeds to a greater height, **width, or spread** than six (6) inches on curbs and sidewalks located on their property as well as the area adjacent to and five (5) feet back of the curbs, sidewalks and streets and from all property lines. If a tract has been completely cleared, it must be kept in the same condition as a lot thereafter.

**(b) For the purposes of this ordinance, weeds shall be defined as:**

**all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive or unsightly nature, or which is deleterious to health, and shall include but is not limited to the following named plants or any other species of weeds as identified by the New Mexico State University (NMSU) Department of Agriculture:**

- 1) African Rue (*Peganum Harmala*)
- 2) Arundo (*Arundo Donax*)
- 3) Black Henbane (*Hyoscyamus Niger*)
- 4) Bull Thistle (*Cirsium Vulgare*)
- 5) Camelthorn (*Alhagi Maurorum*)
- 6) Canada Thistle (*Cirsium Arvense*)
- 7) Cheatgrass (*Bromus Tectorum*)
- 8) Crimson Fountaingrass (*Pennisetum Setaceum*)
- 9) Dalmatian Toadflax (*Linaria Dalmatica*)
- 10) Diffuse Knapweed (*Centaurea Diffusa*)
- 11) Dryers Woad (*Isatis Tinctoria*)
- 12) Eurasian Watermilfoil (*Myriophyllum Spicatum*)
- 13) Field Bind Weed (*Convolvulus arvensis*).
- 14) Flix Weed (*Descurainia sophia*).
- 15) Giant Salvinia (*Salvinia Molesta*)
- 16) Green Foxtail (*Setaria Viridis*).
- 17) Halogeton (*Halogeton Glomeratus*)
- 18) Hoary Cress. (*Caldaria Spp.*)
- 19) Hydrillia (*Hydrilla Verticillata*)
- 20) Kochia (*Kochia scoparia*)
- 21) Lambsquarter. (*Kenopodium spp.*)
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- 23) Locoweed (*Astragalus spp.*)
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- 54) Yellow Toadflax (*Linaria Vulgaris*)

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

STATE OF NEW MEXICO  
COUNTY OF OTERO  
TWELFTH JUDICIAL DISTRICT

FILED  
12th JUDICIAL DISTRICT COURT  
Otero County  
7/24/2023 3:10 PM  
AUDREY HUKARI  
CLERK OF THE COURT  
Susan Diane Medina

STATE OF NEW MEXICO  
Plaintiff,  
vs.

CARL L. CANTRELL,  
Defendant

Cause No. D-1215-LR-2022-00009  
Judge Angie K. Schneider

**ORDER FINDING DEFENDANT NOT GUILTY AS TO COUNT I; UNLAWFUL  
GROWTH OR ACCUMULATION ON LOTS, COA 26-03-030; GUILTY AS TO COUNT  
II; ACCUMULATION OF GARBAGE, REFUSE AND DEBRIS, REMOVAL, COA 14-  
01-020, AND DECLARING CITY OF ALAMOGORDO ORDINANCE 26-03-030  
UNCONSTITUTIONAL AND VOID FOR VAUGENESS**

This case having come before the Court on Defendant's appeal *de novo* from the Municipal Court of the City of Alamogordo, New Mexico and having been adjudicated guilty in the lower court as to Count I: Unlawful Growth or Accumulation on Lots in violation of 26-03-030 (*Weeds*); guilty as to Count II: Accumulation of Garbage, Refuse and Debris, Removal in violation of 14-01-020 (*Debris*); the City of Alamogordo (COA) being represented by City Attorney Ashley Smith appearing by video; the Defendant appearing by video *pro se*; the matter having proceeded to bench trial; and the parties having filed their written closing arguments: the court **FINDS AND CONCLUDES:**

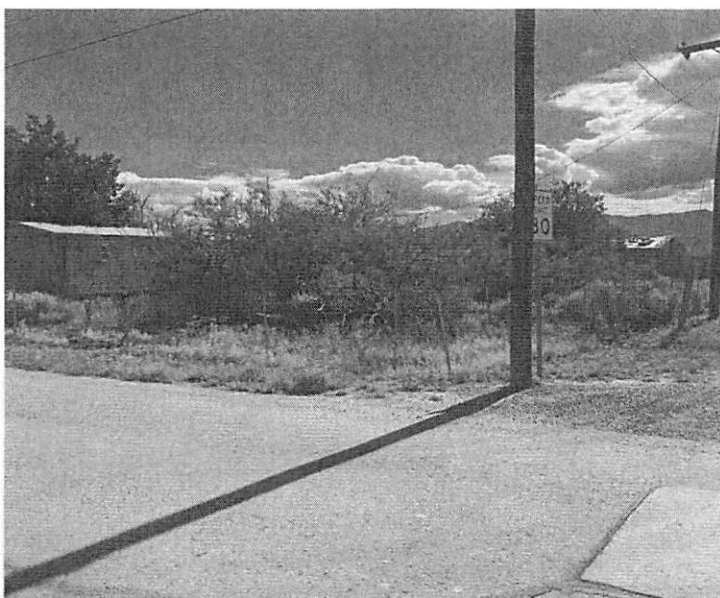
**PROCEDURAL HISTORY**

1. Defendant was charged in Municipal Court on August 15, 2022, via criminal complaint, for Count I; Unlawful growth or accumulation on lots, COA 26-03-030 (*Weeds*); Count II: Accumulation of garbage, refuse and debris, removal, COA 14-01-020 (*Debris*).
2. On October 5, 2022, defendant was found guilty in municipal court on both counts.

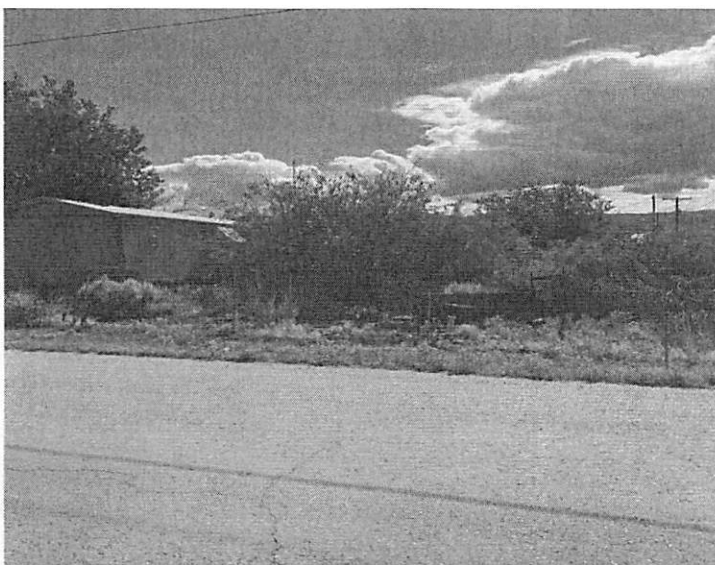
3. On October 7, 2022 defendant properly filed *Notice of Appeal* in the 12th Judicial District of New Mexico.
4. On March 22, 2023, a bench trial was held in District Court with the defendant appearing *pro se*.
5. Subsequent to trial, the court found the defendant guilty of Count II: Accumulation of garbage, refuse and debris, removal, in violation of COA 14-01-020.
6. The court reserved ruling on Count I pending written closing arguments to be filed by the parties.
7. The COA filed a written closing argument on March 23, 2023.
8. The defendant filed a written closing argument on April 26, 2023.

### STATEMENT OF FACTS

In May of 2022, COA Code Enforcement Officer (CEO) Jeremy Otero inspected the property of Defendant located at 1217 and 1219 Brooks Ave. Alamogordo, NM and determined Defendant was in violation *Weeds* and *Debris*. At trial, Code Enforcement Officer (CEO) Otero testified there was an overgrowth of weeds on Defendant's property and further described anything over six-inches (6"), as in city code, would be in violation of *Weeds*. *See Record* at 1:50:37. CEO Otero took photographs of the alleged violations. The photographs were entered into the COA database and a compliance letter was sent to Defendant. *Id.* at 1:51:00. No response was received from Defendant. *Id.* At a later date, CEO Otero returned to Defendant's property and observed the violations were not remedied. *Id.* at 1:51:31. Defendant was charged with violating the *Weeds* and *Debris* ordinances. The court admitted into evidence the COA's five (5) photographs of Defendant's property. *Infra*.

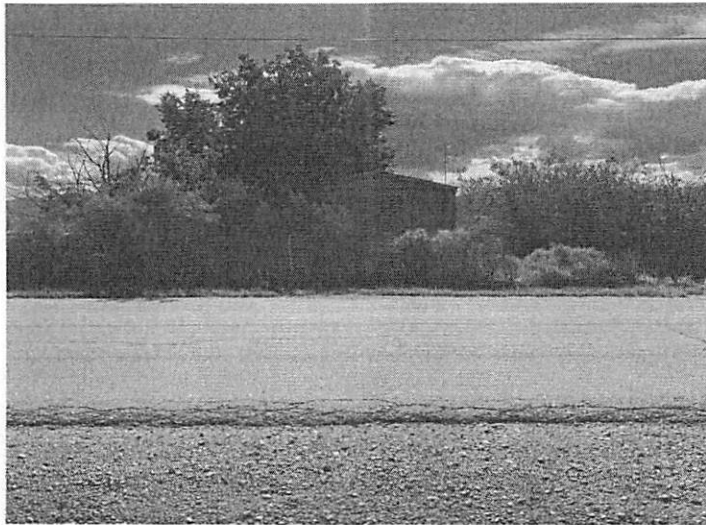
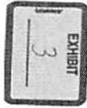


COA Exhibit 1



COA Exhibit 2

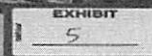
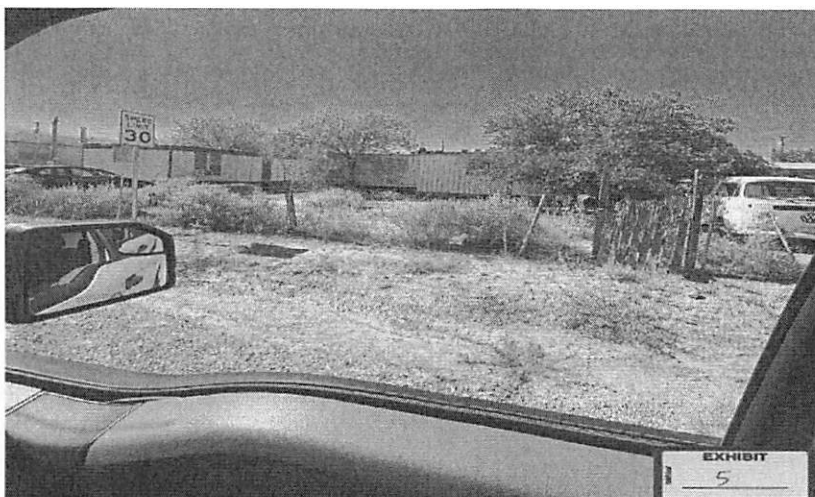




COA Exhibit 3



COA Exhibit 4



COA Exhibit 5

The “weeds” described by CEO Otero were at least one-foot (12”) in height. In addition to the described overgrowth, the violation also consisted of “tumbleweeds piled up”. *Id.* at 2:06:11. The “weeds”, at the time of trial, were two-feet (2’) tall. *Id.* at 2:01:39. There is also debris on the property consisting of “scrap wood and bricks laying around in the yard”. *Id.* at 2:05:30. The court observed noticeable debris in the photographs which appear to be the remnants of a burned structure. The court declared the remaining sections of the building to be debris and made a finding that the Defendant had in fact violated the COA *debris* ordinance. This leaves only the *Weeds* violation at issue.

Defendant challenges COA 26-03-030 as unconstitutionally vague as applied to his conduct in this case. *Id.* at 2:35:37. Defendant describes the “weeds” as indigenous plants, necessary for ground cover, and part of his “New Mexico Garden”. *Id.* at 2:29:19; 2:31:06; and 2:48:58. The COA relies on the ordinance’s definition of weeds to establish a *per se* violation. *Id.* at 3:25:07. The court admitted the language of COA 26-03-030 into evidence.

## ISSUE

The issue presented before the Court, is whether COA Ordinance 26-03-030 (*Weeds*) is constitutional on its face. The short answer is no, COA 26-03-030 is unconstitutional, as a matter of law, and as a result void for vagueness. As described below, *Weeds* is, as a matter of law, violative of any Defendant’s right to Due Process.

## ANALYSIS

As a matter of law, a “[s]trong presumption of constitutionality underlies each legislative enactment, and the party challenging constitutionality has the burden of proving a statute is unconstitutional beyond all reasonable doubt. *See State v. Duttie*, 2017-NMCA-001, ¶ 13. Here, Defendant has the burden of establishing *Weeds* is unconstitutional beyond all reasonable doubt because he is the challenging party. The presumption is *Weeds* is constitutional. *Duttie* at ¶ 13. Viewing the entirety of the testimony and evidence presented at trial, Defendant has satisfied his burden beyond all reasonable doubt.

Although not recognized as an expert, Defendant was permitted, without objection, to explain how the ordinance “defied science” *See record* at 2:28:17. Defendant also presented evidence, through testimony which was not objected to, that the weeds in question were indigenous plants. *Id.* at 2:29:19. Defendant testified the “weeds” were part of his “New Mexico garden”. *Id.* at 2:41:26. While the above testimony does not support proof beyond a reasonable doubt, more than sufficient evidence was admitted through the state’s recalling of CEO Otero which requires this court to declare COA 26-03-030 unconstitutional for vagueness.

### **I. Defendant’s right to due process is violated by vague terminology within COA 26-03-010.**

A statute denies constitutional due process if it is so vague that persons of common intelligence must necessarily guess at its meaning. U.S.C.A. Const. Amend. 14. *See also Duttie*, 2017-NMCA-001, ¶ 12. Vagueness doctrine is based on the principle of fair notice in that no one may be held criminally responsible and subject to criminal sanctions for conduct without fair warning as to the nature of the proscribed activity. *Id.* at ¶ 12. Here, the definition of weeds within

26-03-010, as discussed *infra*, impermissibly requires a person of common intelligence to necessarily guess at its meaning.

Courts “have a duty to construe a statute in such a manner that it is not void for vagueness if a **reasonable and practical** construction can be given to its language” (emphasis added). *Duttle* at ¶ 13 (citing *State v. Segotta*, 1983–NMSC–092, ¶ 5). The Court’s “ultimate goal in statutory construction is to ascertain and give effect to the intent of the [governing body].” See *State v. Smith*, 2004–NMSC–032, ¶ 8 (internal quotation marks and citation omitted). The court begins “by looking first to the words chosen by the [governing body] and the plain meaning of [their] language.” *State v. Davis*, 2003–NMSC–022, ¶ 6. (internal quotation marks and citation omitted). “When a statute contains language which is clear and unambiguous, [the court] must give effect to that language and refrain from further statutory interpretation”. *State v. Johnson*, 2001–NMSC–001, ¶ 6.

COA 26-03-030 reads as follows:

*“It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten (10) feet outside the property line where there is no curb, **any growth of weeds** to a greater height than six (6) inches, **or any other accumulation of weeds**. It shall also be unlawful for a person having charge or control of any tract within the city to allow **any growth of weeds** to a greater height than six (6) inches on curbs and sidewalks located on their property as well as the area adjacent to and five (5) feet back of the curbs, sidewalks and streets. COA 26-03-030 (emphasis added).*

Here, the *Weeds* ordinance cannot be given reasonable and practical construction as required under *Duttle* because as is also required under *Johnson*, the language describing the definition of weeds is far from clear and unambiguous. In many cases, courts have upheld weed laws as satisfying the test for vagueness based on the law’s definition of “weed”. Where the term

“weed” is statutorily defined, it is that definition, and not the relative common definition that applies. Bret Rappaport, AS NATURAL LANDSCAPING TAKES ROOT WE MUST WEED OUT THE BAD LAWS –HOW NATURAL LANDSCAPING AND LEOPOLDS’S LAND ETHIC COLLIDE WITH UNENLIGHTENED WEED LAWS AND WHAT MUST BE DONE ABOUT IT, Vol. 26 J. Marshall L. Rev. 865, 1993. Under COA 26-03-010 weeds are defined as:

*“Weeds shall mean all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive or unsightly nature, or which is deleterious to health, and shall include but is not limited to the following named plants: Pigusweed (Amaranthus retroflexus) Russian thistle (Salsola pestifer) Ragweeds (Ambrosia ssp.) Lambsquarter (Kenopodium spp.) Kochia”*. COA 26-03-010 (emphasis added).

In giving the ordinance its plain meaning, the court finds it helpful to utilize the common definition of *offensive* and *unsightly*. According to Merriam-Webster, “offensive” includes the following meanings; (a) making attack; aggressive, (b) of relating to, or designed for attack, (c) of or relating to an attempt to score in a game or contest, (e) of or relating to a team in possession of the ball or puck, (f) giving painful or unpleasant sensations, (g) causing displeasure or resentment. *Offensive*, MERRIAM-WEBSTER DICTIONARY ONLINE, <https://www.merriam-webster.com/dictionary/offensive>, 11Ed. 2023. *Unsightly* means “not pleasing to the sight; not comely”. *Unsightly*, MERRIAM-WEBSTER DICTIONARY ONLINE, <https://www.merriam-webster.com/dictionary/unsightly>, 11Ed. 2023. Of the possible relevant definitions for *offensive*, the only plausible uses of the words within the ordinance are either “giving painful or unpleasant sensations”, or “causing displeasure or resentment”. *Supra*.

When analyzing a vagueness challenge to the constitutionality of a statute, the court applies a two-part test. *See State v. Tsosie*, 2011–NMCA–115, ¶ 31. The court considers whether the statute “(1) fails to provide persons of ordinary intelligence using ordinary common sense a fair



opportunity to determine whether their conduct is prohibited, or (2) fails to create minimum guidelines for ... enforcement ... and thus encourages subjective and *ad hoc* application of the law.”

*Id.* Notably, the test for vagueness is disjunctive; the ordinance can fail under either part of the two-part test. The *Weeds* ordinance fails under both parts.

**II. The Weeds ordinance fails to provide persons of ordinary intelligence using ordinary common sense a fair opportunity to determine whether their conduct is prohibited**

In this case, Defendant describes his “weeds” as being part of his “New Mexico” garden. Regardless of the weight the court gives that testimony, the fallacy of the ordinance is made clear. What one considers to be a garden, others consider to be weeds, indigenous or otherwise. In fact, that is precisely what occurred in this instance. Defendant apparently has a fond liking to New Mexico indigenous plants and CEO Otero views the indigenous plants to be offensive and unsightly especially given their height. Just like in *Arlington Heights*, discussed *infra.*, the determination of a violation is wholly dependent upon who is viewing the plant in question.

There is not much in the way of case law in New Mexico which addresses the matter before the court. However, in reviewing weed ordinances, the court notes that other courts disfavor subjective standards. For example, in *Arlington Heights*, the court struck down the city’s weed ordinance because improper growth was overgeneralized as all weeds or grasses over twelve-inches in height from the ground. *Arlington Heights v. Schroeder* 328 N.E. 2d 74, 76 (Ill. Ct. App. 1975). There, the court used an insightful analogy by observing that under the city ordinance “an asparagus growing in a rose garden or in a corn field could be considered a weed”. J. Marshall L. Rev at 915, fn. 153. In *Newark v. Garfield Development Corp.*, the court struck down an ordinance that stated “all areas shall be kept free from weeds or plant growth which are noxious or detrimental to public health and welfare or a public nuisance defined in article 2”. *Newark v. Garfield*

*Development Corp.*, 495 N.E.2d 480, 484 (Ohio Misc. 1986).<sup>1</sup> Even though, 26-03-010 includes a list of particular prohibited vegetation, the language contained in the definition of weeds is a bridge to far.

Similar to *Arlington Heights*, the *Weed* ordinance impermissibly includes any growth whatsoever, of an offensive or unsightly nature. But contrary to *Arlington Heights*, the COA's tolerance level is much less; six-inches (6") as opposed to twelve-inches (12"). And just as in *Arlington Heights*, the court finds this terminology to be an overgeneralization resulting in overbroad language prohibiting a person of ordinary intelligence using ordinary common sense a fair opportunity to determine whether their conduct is prohibited.

**III. The Weeds ordinance fails to create minimum guidelines for enforcement and thus encourages subjective and ad hoc application of the law.**

In searching for cases pertaining to weed ordinances, the court agrees that the authority given to weed enforcers is broad and places great responsibility upon their supervisors. They must exercise caution and discretion in the use of such authority in order to afford protection to themselves as public officers and to the landowners whose property is affected. *See* Opinion of the Attorney general No. 466, (MT. 1942), p.80

The *Weed* ordinance is absent guidelines necessary to assist a CEO in determining unsightliness. Without an exact definition of what type of vegetation is prohibited (any growth), weed laws violate due process because they allow law enforcement officials and judges to rely on their own notions of what is right and wrong. *See* J. Marshall L. Rev at 916 (citing *Kolender v. Lawson*, 461 U.S. 352 358 (1983)). Additionally, the CEO lacks sufficient training to perform the

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<sup>1</sup> The Newark court held that which appears to be contained without exception in all weed control legislation but which is lacking in the ordinance in question is the *definition of the particular vegetation which is sought to be controlled or a mechanism by which the particular vegetation is designated to be noxious* and therefore subject to government control. *Id.* at 483 (emphasis added).

necessary function of weed enforcement. For example, CEO Otero testified that any growth over 6” would be violative of the COA ordinance. *See Record* at 1:50:07. While this is true under a strict reading of the ordinance, any growth arbitrarily brings many landowners into potential litigation at the whim of any CEO. Moreover, CEO Otero was unable to identify the “weeds” central to this dispute. *Id.* at 3:38:41. This clearly demonstrates the vagueness created by the definition. Even though CEO Otero could not determine the identity of the “weeds”, he deemed them unsightly vegetation exceeding a height of over six-inches 6”. This forces the court to surmise, if CEO Otero were also to view oleanders, rose bushes, or perhaps cacti to be unsightly, then those plants would also be subject to enforcement once their height reached six-inches (6”).

The sole guideline in the *Weed* ordinance, helpful in determining the overgrowth of weeds, merely states “any growth of weeds to a greater height than six (6) inches”. And as described above, the portion of the ordinance stating “any growth whatsoever of an offensive or unsightly nature” is an overgeneralization.

Thus, the overgeneralization and lack of clearly defined standards in the *Weed* ordinance impermissibly encourages subjective and *ad hoc* application of the law. *See Duttie* ¶ 13 (holding minimum guidelines for enforcement is the second part of the two-part test under vagueness); *See also State ex rel. Children, Youth & Families Dep't v. Shawna C.*, 2005–NMCA–066, ¶ 32, 137 N.M. 687, 114 P.3d 367 (noting that due process also requires that the statute not encourage arbitrary or discriminatory enforcement).

**IT IS THE FINDING OF THE COURT** that Defendant is GUILTY as to Count II:  
Debris; the City of Alamogordo Ordinance 26-03-030 is unconstitutional and void for vagueness;  
the Defendant is NOT GUILTY as to Count I: Weeds.

**IT IS THEREFORE ORDERED** the matter is remanded to the Municipal Court of  
Alamogordo for imposition of a final judgement consistent with this order.

  
\_\_\_\_\_  
Angie K. Schneider  
District Court Judge, Division IV

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:**

**Report No:** 14.

**Submitted By:**

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**Subject:** Consider and act upon, selecting Rick Holden as City Manager and allowing Human Resources and City Attorney to begin contract negotiations. (*Stephanie Hernandez, Acting City Manager*) **(Roll Call Vote)**

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:**



# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:**

**Report No:** 15.

**Submitted By:**

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**Subject:** Consider, and act upon approving 3 agenda items and 2 alternatives for the 10/31/2023 Joint City/County Commission Meeting. (*Stephanie Hernandez, Acting City Manager*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:**



## Meeting Information

Meeting: Special Joint City/County Commission Meeting  
Purpose: Workshop  
Date: Tuesday, October 31, 2023  
Time: 2:00 pm  
Place: Sgt Willie Estrada Memorial Civic Center  
800 E 1<sup>st</sup> street  
Alamogordo, NM 88310  
Livestream: YouTube

## Potential Items to Discuss

- Broadband for Otero County
- Joint effort to create change in the catch and release law in honor of especially after the death of one of our officers.
- Property tax money that comes to the City used for our citizen's quality of life?
- Efforts for mental help facilities to help with problems within our community.
- Affordable housing
- Combining animal controls
- The combining conveniences centers.
- Flooding between Scenic and Florida
- Securing the Rocks & Pipeline off HW 82



## Meeting Information

Meeting: Special Joint City/County Commission Meeting  
Purpose: Workshop  
Date: Tuesday, October 31, 2023  
Time: 2:00 pm  
Place: Sgt Willie Estrada Memorial Civic Center  
800 E 1<sup>st</sup> street  
Alamogordo, NM 88310  
Livestream: YouTube

## Potential Items to Discuss

- Crime reduction and community safety
- Homelessness prevention and support services
- Animal control and welfare
- Flood prevention and mitigation
- Mental illness support and outreach
- Enhancements to public library services
- Senior center improvements
- Solid waste management and sustainability initiatives

### Discussion on Funding Mechanisms

Exchange of ideas and exploration of potential funding sources for the identified priority areas

Consideration of grants, partnerships, community fundraising, and government allocations

### Collaborative Strategies

Interactive discussion on how the city and county can work together effectively to address each priority area

Identification of shared resources, staff, and expertise for maximum impact

### Financial Planning and Allocation

Deliberation on the allocation of funds for each priority area

Establishment of a proposed budget and funding breakdown for collaborative initiatives

Agreement on specific action steps, responsibilities, and timelines for each priority area

### Next Steps

Discussion on how progress will be tracked, monitored, and reported

Scheduling of follow-up meetings or updates on the collaborative initiatives

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 9/12/2023

**Report Date:** 09/05/2023

**Report No:** 16.

**Submitted By:** Dylan Aleshire

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**Subject:** Appointments to Boards and Committees. (*Susan Payne, Mayor*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** One application was received. Staff recommends appointing Mark Alan Carter to the Mayor's Committee on Aging.

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**Background: Mayor's Committee on Aging**

- One current vacancy. An application by Mark Alan Carter was received. If appointed, this will be his 1st term.

**Airport Zoning Board**

- Three current vacancies.

**Senior Volunteer Programs Advisory Council**

- Two current vacancies. No applications were received.

If interested in serving on a Board or Committee, you may apply in person at the City Clerk's office, or online via the City website.

URL Link: <https://ci.alamogordo.nm.us/353/Boards-Committees>

RECEIVED

AUG 29 2023

CITY CLERK

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

Name: Mark Alan Carter  
Home Phone: 575 295 4456 Work Phone: N/A  
Cell Phone: 575 295 4456 Fax No: N/A  
e-mail address: mark.carter.2023@yahoo.com  
Physical Address: 2200 N. Florida Ave Unit 6 Alamogordo NM  
Is the above address within City limits? Yes X No         
Mailing Address: Same as above  
Present Employer: Retired Job Title:       

Board/Committee you wish to serve on:

First choice: Committee on Aging  
Second choice:       

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

Yes        No X If so, what is their relation to you?       

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

Yes        No X If so, what is their relation to you?       

Experience and education relating to the Board/Committee: I have

no specific experience, but I am  
knowledgeable of community programs, resources  
& organizations that support seniors. I often  
volunteer at the Alamo Sr. Center & visit daily, to

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

I intend to bring a fresh new outlook to the  
committee. I am open minded & progressive in  
my thinking. I enjoy helping seniors  
live more fulfilling lives.

work  
out  
&  
eat.

Please return completed application to:

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