



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

January 9, 2024 - 6:30 PM

Donald E. Carroll City Commission Chambers
City Hall, 1376 E. Ninth Street

Susan L. Payne Mayor
Nick Paul District 1
Stephen Burnett District 2
Warren Robinson District 3
Josh Rardin District 4
Sharon McDonald District 5
Mark Tapley District 6

Rick Holden 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 east bulletin board located in the south of the City Hall and in the glass case located outside 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

ADMINISTRATION OF THE OATH OF OFFICE FOR ELECTED OFFICIALS

1. Ceremonial administration of the Oath of Office to the newly elected City Commissioners. (*David Overstreet, Municipal Judge*)

REORGANIZATION OF THE COMMISSION

2. Selection of the Mayor Pro-Tem. *(Rachel Hughs, City Clerk)*
3. Selection of Seating Order. *(Rachel Hughs, City Clerk)*
4. Approve the Order of Business. *(Rachel Hughs, City Clerk)*

PRESENTATIONS

5. Presentation of the Jill Robinson Award to the City of Alamogordo Code Enforcement Department, and the Presidential Certificate of Recognition to Joshua Sides, Code Enforcement Manager. *(Rick Holden, City Manager, and Dave Nunnelley, Acting Public Works Director)*
6. Swearing in of the Alamogordo Police Department's non-certified Officers Ian Beatrice, Aaron Ramirez, and Sam Roybal and of Animal Control Officer Frank Webb. *(David Overstreet, Municipal Court Judge)*
7. Announce the Alamogordo Police Department promotions, Officer Mauricio Puente to Sergeant, Officer Christoph Wallenstein to Sergeant, Sergeant Ray Brown to Lieutenant, and Lieutenant Ryan Glidden to Deputy Chief. *(David Kunihiro, Police Chief)*

PUBLIC COMMENT

Residents must sign up with the City Clerk to address the City Commission. The standard allotted time is 3 minutes, but the Mayor reserves the right to change depending on the number of public comments.

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

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

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

8. Approve the minutes for the Regular Commission meeting on December 5, 2023. *(Rachel Hughs, City Clerk)*
9. Consider, and act upon Resolution No. 2024-02, updating the makeup of the Senior Volunteer Programs Advisory Council membership from eleven members down to a minimum of five and a maximum of eight members, with one member representing either the Foster Grandparent or Senior Companion programs. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)* **(Roll Call Vote Required)**
10. Consider, and act upon, the award of RFP 2023-006 Uniform and Linen Services to Unifirst Corporation. *(Evelyn Huff, Finance Director)*
11. Consider, and act upon, an emergency funds appropriation of \$23,958.09 through the Capital Outlay Bureau with the Aging & Long-Term Services Department for the purchase and installation of a gas convection oven for the Senior Center kitchen. *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*
12. Consider, and act upon, Ordinance 1689, for final publication and adoption amending Chapter 11, Article 03, Section 040, Curfew. *(Susan L. Payne, Mayor and Ashley Smith, City Attorney)* **(Roll Call Vote Required)**
13. Consider, and act upon, Ordinance 1690, for final publication and adoption amending Chapter 11, Article 06, Section 160, Unauthorized presence in drainage channels, arroyos and irrigation channels. *(Susan L. Payne, Mayor and Ashley Smith, City Attorney)* **(Roll Call Vote Required)**

14. Consider, and act upon, Resolution 2024-03 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 January 9, 2024. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

15. Consider, and act upon, Resolution 2024-04, declaring 311 Virginia Avenue to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

16. Consider, and act upon, Resolution 2024-05 declaring 800 Virginia Avenue to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

17. Consider, and act upon, Resolution 2024-06 declaring 1110 Uranus Dr. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

18. Consider, and act upon, Case SP-2023-0008(A), property owner Steven Valdez is requesting to be granted a special permit to allow his son to continue residing within a Recreation Vehicle (RV) on the property located at 795 Post Ave. (*Stella Rael, City Planner*)

19. Consider, and act upon, Ordinance 1692 for first publication to amend sections of Chapter 2 of the Code of Ordinances concerning the City Commission Districts and Mayor Selection; term to be aligned with the City Charter amendment made in 2012. (*Rachel Hughs, City Clerk*) **(Roll Call Vote Required)**

20. Consider, and act upon, Ordinance 1693 for first publication to add Chapter 11, Article 06, Section 330 concerning Obstructing, Impeding Movement, or Camping in Public Rights-of-way. (*Ashley Smith, City Attorney*) **(Roll Call Vote Required)**

21. Consider, and act upon, Ordinance 1694 for first publication to amend Chapter 19, Article 04, Section 010 concerning Parks Closure Hours. (*Ashley Smith, City Attorney*) **(Roll Call Vote Required)**

22. Consider, and act upon, Ordinance 1695, Z-2023-0008(A) for first publication, a map amendment to change the current zoning of the property located at 2405 Holly Ave from MH-1 Manufactured Housing Subdivision District to R-4 Multi-Family Dwelling District. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

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

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/02/2024

Report No: 1.

Submitted By: Rachel Hughs

Subject: Ceremonial administration of the Oath of Office to the newly elected City Commissioners. (*David Overstreet, Municipal Judge*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background:

City Clerk Hughs administered the Oath of Office to Nicholas Allan Paul on December 29, 2023, and on January 2, 2024, to Warren L. Robinson, Sharon A. McDonald, and Mark Wayne Tapley for their new commission term.

Judge David Overstreet will perform the ceremonial oath of office at this Commission Meeting for the benefit of the media and the family members of the newly elected officials.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/02/2024

Report No: 2.

Submitted By: Rachel Hughs

Subject: Selection of the Mayor Pro-Tem. (*Rachel Hughs, City Clerk*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Select a Mayor Pro-tem.

Background:

Article VIII Section.of the City Charter,

A. An organizational meeting shall be held as soon as practicable after each Regular City election in which Commissioners are elected.

B. The Commission and Mayor shall elect one of its members to serve as Mayor Pro-Tem. The term of office for the Mayor Pro-Tem shall be until the next organizational meeting of the Commission.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/02/2024

Report No: 3.

Submitted By: Rachel Hughs

Subject: Selection of Seating Order. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Select seating order.

Background:

Per Resolution 2018-08 Rules of Conduct for City Commission Meetings

RULE 16. SEATING ORDER

After each municipal election, seating order will be determined by seniority. However, the Mayor and MayorPro-Tem shall be seated in the center of the dais.

Seniority

Josh Rardin

Sharon McDonald

Nick Paul

Stephen Burnett

Warren Robinson

Mark Tapley

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/02/2024

Report No: 4.

Submitted By: Rachel Hughs

Subject: Approve the Order of Business. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Order of Business.

Background:

Per Resolution 2018-08 Rules of Conduct for City Commission Meetings.

RULE 6. CATEGORIES AND ORDER OF BUSINESS.

The business of the City Commission shall be conducted in the order and manner specified. The order of business will be approved at each organizational meeting of the City Commission.

Order of Business will be as follows:

CALL TO ORDER & ROLL CALL

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

PUBLIC COMMENT

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

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

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

NEW BUSINESS

UNFINISHED BUSINESS

PUBLIC COMMENT (Continued if needed)

EXECUTIVE SESSION (Roll Call Vote Required)

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 11/21/2023

Report No: 5.

Submitted By:

Subject: Presentation of the Jill Robinson Award to the City of Alamogordo Code Enforcement Department, and the Presidential Certificate of Recognition to Joshua Sides, Code Enforcement Manager. *(Rick Holden, City Manager, and Dave Nunnelley, Acting Public Works Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Presentation only.

Background: The City of Alamogordo Code Enforcement Office has been awarded the 2023 Jill Robinson Award from the Code Enforcement Officer Safety Foundation. The Foundation is an internationally recognized 501c3 nonprofit charity committed to improving safety of Code Officials across the world. The Jill Robinson Award is in honor of Officer Jill Robinson from West Valley, Utah, who was tragically murdered at an inspection in 2018. Her senseless murder led to the founding of this 501c3 Foundation. This award is bestowed upon one government agency per year that has gone above and beyond to mitigate risk of their Code Enforcement staff. This includes training, equipment, policies, and any other steps to improve safety. In addition, the Foundation has awarded Code Enforcement Manager Joshua Sides with the Presidential Certificate of Recognition for his initiative and leadership to ensure his team has the training and equipment to be safer on the job.



CODE ENFORCEMENT OFFICER SAFETY FOUNDATION

AWARD LETTER

www.codeofficersafety.org

City of Alamogordo
1376 E. Ninth Street
Alamogordo, NM 88310

Dear City Commissioners,

On behalf of the Board of Directors, I would like to congratulate you for receiving our highest international award for officer safety and risk management. I am honored to announce that the City of Alamogordo has received the 2023 Jill Robinson Award from the Code Enforcement Officer Safety Foundation. The Foundation is an internationally recognized 501c3 nonprofit charity committed to improving safety of Code Officials across the world. We are supported by the International Code Council, American Association of Code Enforcement, National Animal Care & Control Association, and numerous other organizations.

The Jill Robinson Award is in honor of Officer Jill Robinson from West Valley, Utah who was tragically murdered at an inspection in 2018. Her senseless murder led to the founding of this 501c3 Foundation. We bestow this award upon one government agency per year that has gone above and beyond to mitigate risk of their Code Enforcement staff. This includes training, equipment, policies, and any other steps to improve safety.

In addition to the City of Alamogordo receiving the 2023 Jill Robinson Award, the Foundation has awarded Code Enforcement Manager Joshua Sides with the Presidential Certificate of Recognition for his initiative and leadership to ensure his team has the training and equipment to be safer on the job.

Congratulations City of Alamogordo on receiving this prestigious international award!

Respectfully,

Justin Edson

Justin Edson, CCEA, COSS
President - Board of Directors



Presidential
CERTIFICATE
OF RECOGNITION

PROUDLY PRESENTED TO

Joshua Sides

for your leadership and commitment to staff safety through risk management that includes new training, equipment, and procedures. The Board of Directors commends you for protecting your team and supporting our mission of officer safety.

NOVEMBER 13, 2023

J. Ed
PRESIDENT
BOARD OF DIRECTORS

Alexandra M.
EXECUTIVE DIRECTOR

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/29/2023

Report No: 6.

Submitted By: David Kunihiro

Subject: Swearing in of the Alamogordo Police Department's non-certified Officers Ian Beatrice, Aaron Ramirez, and Sam Roybal and of Animal Control Officer Frank Webb. *(David Overstreet, Municipal Court Judge)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Swearing in only.

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/29/2023

Report No: 7.

Submitted By: David Kunihiro

Subject: Announce the Alamogordo Police Department promotions, Officer Mauricio Puente to Sergeant, Officer Christoph Wallenstein to Sergeant, Sergeant Ray Brown to Lieutenant, and Lieutenant Ryan Glidden to Deputy Chief. *(David Kunihiro, Police Chief)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Announcement only.

Background:

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/29/2023

Report No: 8.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the Regular Commission meeting on December 5, 2023. *(Rachel Hughs, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the minutes.

Background: This is required by the Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
December 5, 2023**

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

**DUSTY WRIGHT, MAYOR PRO-TEM
KARL MELTON, COMMISSIONER
RICK HOLDEN, CITY MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Payne called the meeting to order at 6:30 p.m. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present. Invocation was given by Pastor Tyler Grace, and the Pledge of Allegiance was led by Mayor Pro-Tem Dusty Wright.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation of plaques for outgoing Commissioners. (Susan L. Payne, Mayor)

Mayor Payne presented plaques to Commissioner Melton and Mayor Pro-Tem Dusty Wright in recognition and appreciation of their service to the community.

Mayor Pro-Tem Wright said that in his time, he has seen many projects finish up, and it has been awesome to be part of that. He is taking time to step back and wants to be there for his kids. He enjoyed this and wanted to thank everyone. He challenged everyone to keep this going and steer everything in the right direction.

Mayor Payne introduced City Manager Holden and welcomed him to his first meeting.

PUBLIC COMMENT

Denatra Thomas spoke in regard to Ordinance 1689. She said is out here with these children, broken homes, drug addicts, and domestic violence. The parents have told her about the \$250 to \$500 fines. Alamogordo is a town of prosperity and poverty. The parents cannot afford that. It is punishing the parents because their kids are making mistakes. We have to give children hope that they will be someone one day. She said her kids were raised here and went to high school. They smoked weed and drank because they had nothing else to do. Why can't we get an old building and remodel it for kids to do culinary arts, swim, or get help? There are so many kids in high school who can barely read and are ashamed to ask for help. It is our job to know our community. The people in Alamogordo are suffering. Enforcing a \$250 or \$500 fine if kids go out is wrong. You also have to think about people with children moving to Alamogordo. These fines will stop people from wanting to come to Alamogordo. This community is beautiful and loving. We have to take the time to do what is right for the people.

Let's make sure these kids have somewhere to go. If we make a project about them, we are giving them hope.

Courtney McCary Squyres said she is here to represent a grassroots organization in Alamogordo called With Many Hands. We are a community-based nonprofit organization focused on uniting working-class people to accomplish positive change in our community. We are focused on addressing the issue of food sovereignty, helping eliminate the concern of food insecurity, increasing access to locally grown produce, and helping to strengthen Alamogordo's local food economy. We have been working on a campaign known as Public Land for Food for the better part of a year. In that time, we assembled a leadership team, amassed over five hundred signatures of support, and cultivated a Facebook community of over three hundred residents. Several supporters of the campaign are in attendance today to express our gratitude. The campaign's premise was to request that the City of Alamogordo designate several parcels of vacant land, primarily empty residential lots transferred to the City's possession after abatement, as community gardens. Our organization requested access to the City-owned properties to regenerate them and make them activated spaces to benefit the population of Alamogordo. Our goal is to install free-to-the-public community gardens where With Many Hands can offer fresh, locally grown produce to the community free of charge. Our intention will be to host free community classes on how to grow, harvest, cook, and preserve the produce from these gardens. These properties will fall under the jurisdiction of the Parks and Recreation Department so that the general public will have access to this land in the same manner as any public park in Alamogordo. I am here to express gratitude for the official completion, signing, and filing of the memorandum of understanding between the City of Alamogordo and With Many Hands. This memorandum will allow our organization to install our first garden at 601 Maryland Avenue and utilize the Dudley School Facility to host various relevant classes.

Ryan Sauers said senior citizens are having issues getting to their doctor's appointments because they are out of town. Some are afraid of driving at night or unable to drive that far or that long due to medical issues. Maybe there could be coordination with the VFW or the American Legion to have something come together, maybe as a sort of shuttle bus or assistance. Even if they have to pay \$5 to \$10 per ride, if there is something to help them out, they would appreciate it. Since I started volunteering with the Zoo, I have seen a struggle with getting the animals a wide variety of food. They are getting the basics like vegetables and proteins, but they need variety. I don't have a solution other than to suggest an organization like Misfit Foods or Imperfect Produce, who will go around to local groceries and take the produce we don't like because it does not look right. They will take them in, give them to food banks, or sell them to people like us. We could do that to support the Zoo.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne moved Remarks and Inquiries by the City Commission to come before the City Manager's Report.

Mayor Payne made the following comments:

She presented Assistant City Manager Stephanie Hernandez with the Mayor's Commendation in recognition of her unwavering commitment to the citizens of Alamogordo under extraordinary circumstances.

Commissioner Burnett made the following comments:

He said on Florida & Dewey, turning east onto Dewey, there was a water break. We need to refill the dirt because it is creating a crater. Also, on Indiana, between 13th and 14th.

Commissioner Rardin made the following comments:

I have had calls on patches and water leaks in the past couple of weeks. Over the last year, the time it has taken us to patch these water breaks is increasing. I do not know if you would be able to compile

a list. I have heard upwards of almost five hundred holes that we have in the road that have not been patched. Maybe we could have a reason why it is taking so long; is it a staffing issue, a material supply issue, or whatever is contributing to that. Mayor Pro-Tem Wright said I had the same question and spoke with Assistant City Manager Hernandez last week. A couple of months back, we looked into putting it out into an RFP to catch up on all of our asphalt patches because we had fallen behind. I think that RFP is out. Assistant City Manager Hernandez said we were working on it. She asked City Manager Holden if he had approved the RFP, and he said yes. Commission Rardin said we have been talking about doing that RFP for about eight months. City Manager Holden said he signed it, so it should be in the middle right now. Commissioner Rardin asked if we were getting ourselves caught up. City Manager Holden said yes sir.

Commissioner Rardin said on Florida and 10th Street, between John Wheeler's Office and the old Save-o-mat, we had a water leak at the curb. For the longest time, it was just filled with base course. They finally went in there and patched it, but it still had a bunch of waves, and the curb was sinking. City Manager Holden said we could look at that. I have been briefed on some of our street issues and have driven on some of the same streets you are talking about. That will become one of our priorities. We will get on those and get back a report appropriately to the Commission and Mayor.

CITY MANAGER'S REPORT

City Manager Holden made the following remarks:

1. I officially started on November 27th, but I have been coming in on a regular basis since September. I have been participating in meetings, learning about the community, and figuring out what was going on. I hit the ground running on the 27th. We began with an early morning staff meeting and went into department visits from there. Part of my goal is to be a visible City Manager in our community; I am going to the employees and meeting them. I have learned a tremendous amount about this community, its needs, and what is going on from Assistant City Manager Hernandez.
2. I met with Finance Director Huff about the budget before tonight's meeting. Our budget process is one of the best I have seen in any city. As we become involved in this process throughout the early summer, we will be very busy.
3. On my first day, I presided over a personnel hearing involving a number of terminated people appealing that decision.
4. On my fifth day, we inherited a bowling recreation center. We secured it, took possession of it, and are now working with City Attorney Smith to appropriately notify the respondent of the defaults and the action we must take as a community to get that center back in the hands of something productive for our community. That is a vital part of our community we now own. We will work with the community and Commission to get this resolved.
5. We have development issues in the community I wish to address with the Commission soon, such as drainage issues and partially done streets. When we plat properties, we need to follow those guidelines and ensure we put things in like they need to be so we protect our citizens from flooding and over things we have control over.
6. We also have substandard buildings; I walked through a building downtown that I would encourage no one to walk into until we take action to get that resolved.
7. Last Saturday night, I attended the MainStreet Festival downtown. It showcased our downtown and its history. I am surprised at the vast history and the amount of work done down there.
8. I will be a judge in the Christmas Parade.
9. My office is an open one. Unless I am in a meeting or have the door shut, Executive Assistant to the City Manager Gutierrez has been instructed to allow you to come into my office. I want to hear the things going on in this community that affect you. Can I fix them all? No, I cannot. In the Commission-Manager form of government, my job is to operate the day-to-day operation of this community. In order to do so effectively, I need to know the things going on, and I have heard a lot in a week's time. I feel certain we will be highly visible and busy. Thank you for the opportunity to serve this community; I look forward to it.

CONSENT AGENDA

- 2. Approve the minutes for the Regular Commission meeting on November 14, 2023. (Rachel Hughs, City Clerk)**
- 3. Consider, and act upon, the award of IFB 2023-04 Bromaine Tablets to RK Water, LLC. (Barbara Pyeatt, Purchasing Manager)**
- 4. Consider, and act upon, the receipt of \$10,352.38 in State Grants-in-Aid funding from the NM State Library for the Alamogordo Public Library. (Kimberly Underwood, Library Manager)**
- 5. Consider, and act upon, Resolution 2023-54 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of December 5, 2023. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**
- 6. Consider, and act upon, Ordinance 1685, for final publication amending Chapter 24, Article 01, Section 010, Schedule of Penalty Assessments. (Ashley Smith, City Attorney) (Roll Call Vote Required)**
- 7. Consider, and act upon, approval of CDBG Amendment No. 5, to extend the length of the agreement from December 31, 2023 to March 15, 2024 and revise Exhibit 1-B, Project Schedule, to reflect this change. (Debbie Osborne, Grant Coordinator)**
- 8. Consider, and act upon, approval of a Binding Commitment Letter to NMFA committing to a \$12,000,000 DWSRF loan for construction on Phase 1 of the Well Transmission line. (Debbie Osborne, Grant Coordinator)**
- 9. Consider, and act upon, approval of Resolution No. 2023-56 Certifying the City of Alamogordo Fixed Asset Inventory Count for FY 2023. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**
- 10. Consider, and act upon, Resolution 2023-57 relating to a rate increase of 3.50% effective January 1, 2024 for residential solid waste collection through Southwest Disposal. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**
- 11. Consider, and act upon, the Investment Report for the quarter ending September 30, 2023 in accordance with the City of Alamogordo Investment Ordinance. (Sue Ashe, Accounting Manager)**
- 12. Consider, and act upon, award of Public Works Bid No. 2023-002, to D&R Tank Company related to the Foothills & Lower Heights Tank Rehab Project in an amount not to exceed \$5,000,000. (Patrick Riele, Project Manager)**

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

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

13. Consider, and act upon, prioritizing dilapidated structures. (Josh Sides, Code Enforcement Manager and Stephanie Hernandez, Assistant City Manager)

Code Enforcement Manager Sides gave his presentation and asked the Commission for direction.

Commissioner Rardin said we should wait on this because the new Commission will be seated in January. It is a little unfair.

Commissioner Paul asked Code Enforcement Manager Sides what his recommendation was. Do you think there is a mesh or meld between these different programs? Is it better to focus on one specific one? Code Enforcement Manager Sides said these were just the highlights of several different programs I have seen. The highest-ranking ones are administrative fees and rehab over demolition. We are not going to do wrong with those. It is starting to let the community know we take their public health, safety, and comfort seriously. Up to nine-point-two percent of value can be lost within five hundred feet of a dilapidated structure, so if you have a \$100,000 house, there goes \$9,200.

Commissioner Burnett said he agreed with Commissioner Rardin. We should wait before we take any action. Commissioner Rardin said this will be a heated topic because our ideas of what is dilapidated all vary. Again, we are losing Commissioner Melton and Mayor Pro-Tem Wright, with two coming on board. Letting the new Commission decide how we want to proceed would be fair.

Commissioner McDonald said this has been ongoing and is not anything new. I believe the new Commissioners will want to clean up things in their districts. We all experienced what Code Enforcement Manager Sides said about the value in District Five. As far as health and safety, we have a couple of places infested with mice. We have one where the roaches, mice, and other things were going to a house that can be valued at \$100,000. You have people waiting for a decision to be made, and I do not think the two new Commissioners will be changing anything that has been developed. I am just speaking for District Five. Out of all the districts, we lack a lot of help in the community with abandoned buildings. I have previously expressed that we have a lot of single-parent homes, widows, and women living in the homes. When you have an abandoned house, and a squatter moves in next door and takes over the house, that creates danger for people living next door. I would hate to tell the people in my district that we are going to wait another couple of months. We have been putting off a lot of the things that could happen to people living there. They pay taxes and want to be protected. It is not fair for people in District Five to continue to wait for decisions to be made. A house in the 800 block has been sitting there for years, and I do not know how much longer it has to sit there. Some houses have been in that condition for over twenty years. The summers we have here dry out the wood, which could easily be a fire. They were building fires in the house taken down on the 3rd block of Texas. We were at the same place we were last winter, where people were moving into the house, setting fires, and then the Fire Department had to come and put out the fire. They were using buckets and things like that, but it could turn over in the house and burn it down with the people in it. Mayor Payne said there was a camper fire today down on Maryland. I thought someone squatted in the house and started a fire.

Commissioner Paul said as Commissioner McDonald said, these items have been continued to be brought before the Commission. I do not see why there is any difference between waiting for the new Commissioners to be seated or discussing and getting some form of direction. I do not see the point in waiting until January to address it when we have seven able-bodied people here to do that right now.

Commissioner Rardin said regarding protective coatings on the outside, every house in Alamogordo has peeling paint on it. Where are we going to draw the line? How are we going to stop that? Commissioner Paul said if somebody's house has flaking paint, I do not feel we are going to go and cite them for violation. Commissioner Rardin said we could. Code Enforcement Manager Sides said

that is why he included the definitions of hazardous, dangerous, and unsafe for human occupancy and read them aloud to you, so we all know what code defines as dilapidation. That way, we do not have fifteen different opinions on what dilapidation is. Do I go based on peeling paint? No. Like Commissioner Rardin said, and he has a point, there is peeling paint everywhere. However, when it is that bad, it catches my eye. I am not going to send a violation letter condemning a house because you have paint peeling. If it is unsafe, dilapidated, and deteriorated to the point it is a public nuisance where it could potentially have criminal activity within it, like we often see and even today's fire. I am going to do something about it.

Mayor Payne asked the other Commissioners if they had received calls about abandoned properties and dilapidated structures. Commissioner Rardin said he usually did not. Commissioner Burnett said he had not. Mayor Payne said I get them all the time for both of your districts. Commissioner Rardin said they were not calling him. The next time you get called, could you tell them to call me directly, so I know about it? Mayor Payne said I have. I document everything with names and addresses. I typically pass that on directly to Code Enforcement Manager Sides, and he can verify I call quite often with issues on properties. There are a lot of them. I agree with Commissioner Rardin that we have had this discussion in the past and have different ideas about it, but we both own several properties. My husband and I fix up properties and sell them. When we are looking at properties, we look at properties around them because if the ones around them are bad, we will have a hard time selling them. One had mice and roaches. When you take the time to care for your property and invest in it, you do not want to live next door to garbage. I heard what Commissioner Rardin said about waiting, and if we are going to wait until the first meeting in January, I am okay with it. However, if we are kicking the can down the road, I am not okay with that. We have to clean the city up. You cannot live somewhere else and own a dilapidated structure in Alamogordo that you have no attachment to and expect the rest of the taxpayers to put up with that.

Commissioner Rardin said none of us have a problem with buildings that cannot be rehabilitated. We all know people who live in run-down homes and may not be able to afford to fix them but are still in livable condition by their standards. That is where I have the issue. Commissioner McDonald said nobody is moving anyone out of the home. Commissioner Rardin said we have not yet, but that was always the discussion years ago with these. We agree we need to clean Alamogordo up, but there are hundreds of uninhabited structures we could look at going after. Sooner or later, we will get to ones that have people living in them. They may not meet our criteria of what is livable, but it meets theirs, and we need to protect their interest as well. Commissioner McDonald said we are protecting the interest because the definition has been read. Nothing I saw said anything about going into a home where people are living, where it is their standard, and they are keeping things up. Mayor Payne said not only that but what is their standard? We had a house on Michigan that we declared dilapidated where a man was living in it, the owner was living behind him, and there was dog feces all over the place. That is nobody's standard, and it is inhumane. Shame on us if we allow that to happen. Commissioner Rardin said that once he closes that door, it is none of our business what he does inside the house. Mayor Payne said except for the neighbors who smell it and live with mice, roaches, and other stuff. Then it becomes our business. Commissioner Rardin said we are going to agree to disagree on this one. Where do we draw the line of where we should get involved and where we should not? Mayor Payne said I believe in individual property rights, but when those rights infringe on my property rights, I have an issue with it. Commissioner Paul said there are certain expectations when you move into a city. You are living within a community. Commissioner Rardin said we have fifty years of dilapidated buildings we need to get caught up on. Commissioner Paul said so, where is the issue in trying to move this forward? We are not going to go and take people out of their homes. We do not know how many years it will take us to get to that point. So, let's take action today or at the first meeting in January to move this forward and start cleaning up our city. Commissioner Rardin said we only authorize \$250,000 a year for cleanups. Commissioner Paul said there is more reason to start moving and take action. Commissioner Rardin said that Code Enforcement Manager Sides said they were around \$50,000 each, so bring four to five a year. That is all the money we have budgeted to start

tearing these down. Commissioner Paul said unless you started putting things into place. Let's start assessing fees to people. Put the onus on them to keep their properties up. Why do we want to set our standards low here in Alamogordo? At the end of the day, that does not serve anybody well.

Commissioner Burnett asked if Las Cruces had any programs to help with fixing up or rehabilitation. Code Enforcement Manager Sides said they started a rehab program pre-COVID, but it never got off the ground because of COVID. Albuquerque and Las Cruces had programs where they had all the paperwork, and everything was ready to go, but COVID hit. Commissioner Burnett asked if they had any intentions of moving forward. Code Enforcement Manager Sides said they never got feet underneath them again. Commissioner Rardin said we started the Revolving Loan Fund for sidewalks years ago. We were forcing people to install sidewalks on the front of the house, but a lot of people could not afford it. We started a low-interest loan where it was tied to your water bill or something, but I do not remember exactly. Maybe we can look into a program like that where we can help people get their homes brought up to standard instead of condemning and taking. There are a lot in Commissioner McDonald's district that are too far gone and cannot be fixed. Commissioner McDonald asked why we could not start with those; why not take those out instead of waiting for two more people to come on board who will probably agree? We have people moving into those homes.

Mayor Pro-Tem Wright said he agreed with cleaning up the city of dilapidated structures but would abstain from voting tonight because the item is to give direction on this. I would agree with the first meeting in January and have the Commission give direction. We have been condemning these structures, and there are a couple of items tonight that I may or may not vote on, but that is because it is something we already have in motion.

Mayor Payne said when we condemn it, if it is not boarded up, the homeowner has two years to make those repairs before anything is done. That is the law. It is not like we condemn them and then go out the next day to tear them down. Two years is plenty of time to clean your property up. All this does is ensure the City has done something, we can keep an eye on it, and we have checks and balances in place. If we let it go and decide to revisit it in six months, and then we revisit it, and they have done nothing, that is six more months wasted. I don't see the problem with protecting our city and giving them two years to take care of it.

Commissioner Burnett asked if we have any upcoming demolitions on houses. Code Enforcement Manager Sides said he will meet with a contractor on Thursday to look at 1218 Post, which has been condemned. Commissioner Burnett asked him if that was the burnt one. He answered yes. Commissioner Burnett asked him how long they had. He said has no contact with anyone there. The last address is 1218 Post. Commissioner Burnett asked if we did that one earlier this year. Code Enforcement Manager Sides said yes. Commissioner Burnett asked him if we still had two years before we could do anything. Code Enforcement Manager Sides said not necessarily. By resolution, they have ten days to commence. I take that as, hey, you called the contractor, or you have called me and said it is going to take a little while because the property is in probate. You have called me, and we are talking about it. Take your time, let me know, and keep me informed. Our goal is to work with people. We do not want to go tearing things down, but that is ultimately where we have to go sometimes. I have identified sixty-two dilapidated structures in Alamogordo as of today. The ones you have seen are the worst. I rank them by three, two, and one. Threes are the worst where they have had fires or a bunch of junk. All the ones I have brought to you are clearly dilapidated structures, and we need to do something about them.

Commissioner Melton said dilapidated structures are probably the most frequent calls I get behind weeds and roads. This is an issue in District Three, and I want them to have a voice, so I will vote. We need to address this today, but in the worst case, push this to the first meeting in January. We have been delaying this long enough, and the people want action on this.

City Manager Holden said that by virtue of ordinances and the property code, Code Enforcement Manager Sides and the inspectors can still go out. They are not being stopped from identifying these structures. Going forward, there are real issues. These are policy decisions that different commissions and councils around the country have different ideas about how it should work. You have the authorities already in place to continue. Some budgeted funds are already available to destroy some properties that have gone through a lengthy process where nobody has done or is willing to do anything. The properties need to be demolished because they cannot be brought up to standard anytime soon. The problem we have, as we always will have, is there are more properties that need to be demolished than money you can spend to tear them down. While we have liens, and we file those appropriately, you may or may not ever collect money on them, so you are out money from our General Operating Fund to pay for those improvements to the community. It is a difficult proposition. There are a couple of very large buildings that need to be destroyed, but because of asbestos abatement and other things required, you could spend upwards of eight or nine years of the normally allocated funds, and we would not have money left to do anything. We have outgoing commissioners and new ones coming in, and it is probably a good opportunity to get the vision of that newly seated Commission of how they want to move forward. This is not a new topic or one with new revolutionary ways to fix it, but we can continue to identify these properties. The goal is to get people to fix the ones that are not so bad. The goal is not to tear down properties, but you have people living next door. These are primarily abandoned structures and not homes anybody lives in or would live in. None of you would live in or expect anyone to live in some of the homes I have seen and looked at. From plumbing to electrical, many of those are accidents waiting to happen. From a staff standpoint, we will continue to move forward and identify these. We will bring this back in January if you choose to do so. With regards to the fee structure and other things Code Enforcement Manager Sides brought up, we cannot arbitrarily set a fee structure because we have to determine by ordinance what fees we are going to change for various services and what we are going to do if someone does not pay those fees. There are also a number of ordinance issues we need to address if you consider this in January. Feel free to come by my office if we need to clarify and arrive at an understanding, but somehow, you have to give something to Code Enforcement, so they know what their goals and expectations are from the community and the Commission's standpoint. We do not set the policies; you do. We administrate the policies you bring to us.

Commissioner Rardin made a motion to table this until January 9th.

Commissioner Burnett seconded the motion.

Motion carried with a vote of 6-0-1. Mayor Pro-Tem Wright abstained.

14. Consider and act upon Resolution 2023-58, declaring 923 N. New York Ave. 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. There is a structural beam supporting the second floor, and because of the elements and rain, it has compressed in on itself and twisted. A wall on the first floor and above it on the second floor are starting to compound on each other and convexing out. They are protruding, meaning the middle of this building is falling in. Commissioner Rardin asked if this was on the addition or the actual main structure. He answered the actual main structure. If you go through the museum and hang a left through another door, it is right there. None of the properties I have brought to you so far have kept me up at night, but this one has. With as much traffic as that neighborhood has, this structure's potential for collapse is very real.

Assistant City Manager Hernandez said it had worsened significantly since 2019 when staff last went into it. Fire pulled up the pictures. I brought this to the attention of Code Enforcement Manager Sides because I would like you to consider a few things when voting on this item. We were working with Fire to change ordinances, sides, and setbacks, which is where I started really thinking about this. Nothing

separates this building from that side of the main street if something happens to it. All of those shops are going to go down. The second thing that was a huge concern was the start of the Great Blocks. With the structural integrity of this building, and when they start tearing up the streets and drilling for the infrastructure underneath, I am afraid of this imploding and potentially something that could happen. I spoke with the Executive Director of MainStreet, Nolan Ojeda, about this because it is in his area. He is willing to work with the owners of it if there is anything that can be done. We are not trying to tear this down, but it may go down that road. We really need to secure this before the Great Blocks program gets up and running.

Commissioner Burnett asked where the intentions were if you did not want to tear it down. Assistant City Manager Hernandez said it was not her decision to tear it down. It is one of those we will try to work with. I do not know if Mr. Ojeda has any additional resources he can help with. I want it to be structurally sound when we go into the Great Blocks project. We spoke to the occupants of the building, and they have safety concerns as well. Mayor Payne said you want it secured and the owner to do something to secure it. Assistant City Manager Hernandez said yes, something needs to be done with the building. Mayor Payne said so, not the City, the owner. From the City's standpoint, what is our alternative if the owner is unwilling or cannot do something? To tear it down? Code Enforcement Manager Sides said that based on his training, he does not see it as if it comes down; it is when. With the amount of pedestrian and motorist traffic and businesses on this block, you are looking at a total catastrophe. Not only great bodily injury but how many deaths will occur when this building comes down. Mayor Payne asked him if that could be effectively done without touching the other buildings. We know they are all attached. He said it would be up to the contractor looking at that for demo. District Court staff use the 100 block to get to Walgreens, not to mention all the patrons there just this last weekend.

Public Comment

Louis Vazquez said the building is historical and was made back when Alamogordo was just starting. The walls on the outside look good. It's the inside structure. Back in those days, they did not have concrete, so they did wooden floors for everything, which gave them access to plumbing and electrical. The building is beautiful, but they let the roof go, so the damage started from the top down. We ought to get knowledgeable repair people to rebuild the inside but leave the outside wall, as that is what makes it look historical. Mayor Payne asked Mr. Vazquez if he was the owner. He said he was not. Code Enforcement Manager Sides said when this property came to his attention, he looked into code and the national and state registries. This building is not registered as a historic building. It does not fall under any historical codes, and even then, the codes say it has to be maintained to code. It may be historic to Alamogordo, but it is not as historic as it needs to be. City Manager Holden said the goal is not to remove or tear the building down. We want to give the owners the opportunity to have it checked out from a structural integrity standpoint through an architectural engineer certified to do that. Contrary to what we heard, one of those outside walls is bowed out. It is not a matter of if. It will if something is not done. The appropriate people can come in and assist folks who have an interest in the building, and they can find out what they have to do to bring the building up to minimum code. As Code Enforcement Manager Sides said, it is not a historic building; it is an old building that needs to be restored. Mayor Payne said that it would be up to the owners to do that. City Manager Holden said absolutely. We are not an advocate of us going in there and trying to bring it up to standards ourselves or even demolish it until someone can categorically say they cannot afford to bring the building up to code and make it safe. As it sits now, it is a very dangerous building in the downtown area.

Connie Garcia said the building is owned by a nonprofit. The board of it is not any one person. At the moment, I am the president of the board, and I am the one who showed them the building. The building became deteriorated when we were not the owners. The owners were Pedro and Rosie Montoya. They gifted it to us three years ago when it was already in bad shape. We knew the roof was leaking, and I have photographs showing people putting whitewash on so it would stop leaking. The strong

winds have blown the roofing paper and waterproof stuff off. We have been trying to raise money to redo the roof. We figured that was the first thing we needed to do. We also know we need to put heating and cooling in there. We have a proposal from Anderson that was going to do one. We also have a proposal from a roofing company, Bishop, in Law Cruces. We took down the ceiling panels and the middle wall to rebuild it. When we saw that it was twisted, I called the board and said we needed to have an emergency meeting because we did not know that was underneath the sheet rock. We had boards we painted to look like windows with people looking out, but we wanted to put them up when we got all the building materials up there. We do not make a lot of money. We bring thousands of people to Alamogordo to see the Shroud of Turin. We know that from access to our webpage. We make somewhere from \$100 to \$300 a week, which is enough to keep us in business and keep our utilities going. We planned to fix the roof, then the heating and cooling, and the next thing would be the floor and the interior walls. The area we use is in great shape. We discovered the other stuff when we tore down the walls in the back. The roof has always been an issue. We have only been the owners of the building for about three years. We didn't know about all the uncovered stuff when we knocked down the walls in the middle. We knocked them down to put up new ones. When Code came in to see, we had purposely knocked stuff down already. Mayor Payne said to be clear, a nonprofit owns the building. Ms. Garcia said yes, and it was gifted to us in that bad shape. We were told the center wall was not a load-bearing wall. Mayor Payne asked if Ms. Garcia felt safe in the building. She said I always felt safe until I saw that twisted board. We called in a building man who said all that could be replaced. I do not know how this will go over with the timing you all have and tearing up the road. We had intended to restore it; we were not ignoring the damage.

Peter Schumacher said most of the situations with the building can be addressed, but it will take an investment. Ms. Garcia is good at getting grants, but those things take time. The timeline we have from Code Enforcement Manager Sides gives thirty days for this and fifteen days for that. Those are not possible things to do. I hope Code Enforcement Manager Sides will work with us on that. I am not on the board of directors but founded the museum fifteen years ago. We have brought tens of thousands of people to Alamogordo over that time to research the Shroud of Turin. There is a connection between New Mexico's history and the Shroud's history. It is part of the largest scientific investigation ever launched to study a single artifact. That began in New Mexico because of the discovery at Sandia Laboratories in Albuquerque. It is a big part of New Mexico's history and our community in terms of what it brings here for dollars. We have people from Florida, Panama, Italy, France, and Canada who sometimes come and spend weeks at a time helping us out and doing research. My purpose today is to try to ensure that continues, whether in that building or another. We need time, patience, and help to find resources.

Mayor Payne asked Ms. Garcia if the building was insured. Ms. Garcia said yes, but I do not think it insures the building. I think we have a liability like it insures liability if people get hurt there, but the building itself is not insured. We have liability insurance that insures the patrons that visit there and the property we have in there. Mayor Payne said so if someone comes in and that building comes crashing down and kills somebody, are you guys insured? Ms. Garcia said the liability would cover our patrons. If the building catches fire, it will not pay for the building. Mayor Payne said if someone is in the building, and the building catches fire, and the fire jumps over to the next building, are you insured for that? Ms. Garcia said she was not sure but could look it up and call their insurance. Mayor Payne said that is a huge concern. It is critically important that everybody is protected; that is why I am asking the question. It is clearly not on the City, though I would suggest if that building came down and injured someone on the sidewalk, we would probably see a lawsuit. You do not have control over that part. It is critically important that you find out if you are insured. From what I am hearing, it seems like that is a huge liability. If that happens, as a board of directors, you should have directors' and operators' insurance, which it does not sound like you do.

Assistant City Manager Hernandez said when we start the Great Blocks and that building falls down, the City is now responsible for that building. We need to keep all of this in perspective. The historic

and sentimental value is there, and it would be a shame, but we have to protect the City and its liability. This is one hundred percent where all this is coming from. We really need to be careful and take a look at that because the city will get sued if something happens and falls on the street. We are named in everything that happens. Commissioner Rardin asked when we were starting the Great Blocks. Mr. Ojeda said it would probably be late summer. Commissioner Rardin said so we have a couple of months. Assistant City Manager Hernandez said yes, but passing the resolution ensures they will continue to make progress on this. That is where the City needs to protect ourselves. I am not saying they won't; I am saying we really need to be careful because this will be a huge liability for the City. City Attorney Smith said she agreed with Assistant City Manager Hernandez. If and when this building comes down, and someone is killed or severely injured, not only will we be named in the lawsuit, but we are going to be held liable if we do not take any action. Mayor Payne said especially now that we know about it. City Attorney Smith agreed.

Commissioner Burnett asked Ms. Garcia if they had spoken to any contractors and had an estimated cost. Ms. Garcia said we did not know about that twisted wall until we removed the sheetrock, but we had a roofer in there and a proposal from him. We had a meeting when we saw the wall, and the board decided not to cover it up because it was a liability. Commissioner Burnett asked what the estimate of the roof was. Ms. Garcia said \$55,000. The heating and cooling were \$12,000. Commissioner Burnett said when you make \$300 a week, you have to look at that. Ms. Garcia said they were not collecting money to fix the roof because the building was not ours. We were just being loaned that one room. The person who gave us the building did not vacate it. We had to pressure them to come and vacate the building one piece at a time. When Code was coming out, he barely took stuff out that day. I told them the barbershop was a mess. He came and took the good stuff and left his trash there. We did not have access to the barbershop until the day he took his stuff. He had put the building in our name three years ago but did not vacate it, so we did not have access to a lot of stuff to see what it was like. The rubbish he is talking about is on the second floor and barbershop. What we could access, we cleaned.

Mayor Payne said if we do this, what is the next step? Commissioner Rardin said we should give them thirty days to get with a contractor to come in, look at this, and give them an opinion on structural integrity. The building has been standing there for one hundred and twenty-two years. I do not see it coming down tomorrow. Commissioner Melton said anything could happen in thirty days. Commissioner Rardin said an airplane could crash through this building in thirty days. Anything can happen. If we condemn this, what is to say that their insurance company cancels their policy tomorrow morning? Mayor Payne said they do not have insurance; they have a liability policy. That's it. Commissioner Rardin said they have liability for the use of that floor of that building. If it is as bad as you say, I am surprised that the roofer gave them a bid to be up on that roof. We should give them the opportunity to fix their building, not just declare it dilapidated. In thirty or forty-five days from now, if they have not done anything, then yes, we should. This one will create issues because it is so old and in the downtown district. We have time before the Great Blocks start. Give them time to get an opinion from a contractor.

Code Enforcement Manager Sides said should the resolution be passed, they would have ten days to commence demolition or rehabilitation. So, within ten days, they can call a contractor. Once they called one contractor in the ten days, that satisfies their ten-day mark, and now they have two years. They get more than thirty days; they get two years. Commissioner Rardin said so the liability does not expire on us if they get to the two-year mark? We are worried about the City's liability because we know of the issue, but if they call a contractor within ten days and assess it, they have fulfilled what they need to do now and have two years. Code Enforcement Manager Sides said for the ten-day mark. City Attorney Smith said he is talking about the liability. As the City has taken action, we have a defense. Legally and statutorily, we have to give two years. At least we did the action, limiting our liability and making it less because we have a defense. We can say that as soon as the City found out how bad it was, we took action and followed state statute as to the process. If we take action, our liability goes

down. If the Commission decides not to take action or deny it, our liability increases. Commissioner Rardin said even though it is private property. She said even though it is private property, we knew how bad it was, and we have a duty to the citizens and the public.

Commissioner Paul said he had a meeting with a local who really appreciated the architecture of that building. They would love to see it remain in the community. To the board members here, regardless of how the Commission votes, if it is worthwhile, I could get you in contact with that person. I do not know if you would have interest in renting space from them, but they have the means and ability to come in and restore that potentially in a short period of time. I will be around after the meeting if you want that contact info. Commissioner Rardin said he felt that was a better option. Mayor Payne said if we do this tonight, you can get with that person or a contractor within ten days, then that satisfies the ten days, and you have two years.

Commissioner Burnett said if we condemn this, do they have to leave the building? Code Enforcement Manager Sides said they cannot occupy that space unless they are there to correct the violations. Commissioner Burnett said so the museum goes away. Code Enforcement Manager Sides said its occupancy is prohibited.

Peter Schumacher said that Commissioner Paul mentioned that the person may have something they could move the museum into. Commissioner Paul said you would have to have a conversation with them. I know they are interested in that building for a venture they want to do and be part of. I do not know if that would entail being able to stay there or not; that would be a conversation between you and them. Mr. Schumacher said he believed there would be concern if the building was already condemned, but the occupancy is for repair, so that is not a major issue. City Attorney Smith said it was mentioned that if we condemn it, they cannot occupy it. That is per statute. The reason behind that is to limit liability. If something is this bad, it is a way for the government to limit liability as much as it physically can by taking people out of that building. It is another defense. If something were to happen, we could say we did everything we could and tried to limit the people being in there. I just wanted to put down the reason and thought process for condemning stuff when the State legislature was thinking this out.

Mayor Payne said her issue is there is no insurance on this building. Liability insurance only counts if someone trips and falls in the building. If this building crashes down and someone is walking on the sidewalk and gets killed, the only people they have to go back on is the City because you do not have anything. Now, we are on public record, and we know about this. The liability is just too great for our City and citizens. Commissioner Rardin said we have known about this since 2019. Mayor Payne said she had not known much about it. I did not know they did not have insurance. Commissioner Rardin said she said she may have the insurance on that, but she was not one hundred percent certain. Commissioner Rardin said he would like to explore what Commissioner Paul mentioned if they have an investor willing to help or purchase and renovate the building. Commissioner Melton said they could do that while we pass this.

Commissioner Paul moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-1-0. Commissioner Rardin voted nay.

Commissioner Rardin stepped out at 8:44 p.m.

**15. Consider, and, act upon canceling the December 19, 2023, regular commission meeting.
(Susan L. Payne, Mayor)**

Mayor Payne said we typically do this for the last meeting every year. It is normally later than this December 19th timeframe.

Commissioner Burnett moved to approve.

Commissioner McDonald seconded the motion.

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

A break was called at 8:46 p.m. with the session to resume at 8:55 p.m.

16. Consider, and act upon, Ordinance 1687, for first publication amending Chapter 11, Article 7, Sections 010-060, Alcoholic Beverage Regulations. (Ashley Smith, City Attorney) (Roll Call Vote Required)

City Attorney Smith said we had this ordinance on the books under permits and business licenses. I believe we struck that ordinance sometime last year. We are only bringing it back under the Criminal Code because the part of selling to minors was more appropriate there.

Commissioner Rardin said 11-07-20, location regulations, states public dance halls, pool rooms, and bowling alleys. Is that going to affect us when we get ours back up and running? Are we allowed to sell alcohol in our own facilities? Assistant City Manager Hernandez said not to minors. Commissioner Rardin said that it is not for minors. That is under location regulations. Same thing with our golf course. Are we going to limit ourselves to whether we can sell alcohol? That is a public space as well. Lieutenant Glidden said location regulations say except public places having a license to dispense alcoholic beverages. Commissioner Rardin said okay, I wanted to make sure we are not limiting ourselves on that.

Commissioner Burnett asked if the temporary alcohol beverage permits were being struck out. City Attorney Smith said this was the licensure. That used to be under City Clerk Hughs. Assistant City Manager Hernandez said in the effort to clean up the ordinances, this was under the business licenses and regulations. We are trying to get everything aligned into the appropriate place. This belongs in the Criminal Code so that the Alamogordo Police Department can enforce it. I do not believe we do Temporary Alcoholic Beverage Dispenser Licenses anymore. Deputy City Clerk Aleshire said we no longer do the temporaries.

Commissioner Rardin asked if the minors allowing self to be served was in state law, in the selling or giving of alcohol. Lieutenant Glidden said it was. Commissioner Rardin said so you can cite it already in court under state law. Lieutenant Glidden said yes, we can cite it under the Municipal Court. Commissioner Rardin said so we will send them to our court instead of the Magistrate. Lieutenant Glidden said in Magistrate Court, officers have to do self-prosecution. If we cite it here locally, we have a counsel who can help us through the process to have better conviction rates. Commissioner Rardin asked if there was a higher penalty through us than the Magistrate. City Attorney Smith said it was the same. The Municipal Court only does City ordinances. We cannot really enforce state statutes. Depending on the level, that has to go to either the Magistrate or District Court. The State and Municipal would be equivalent; there is no higher punishment.

Commissioner Burnett said under the temporaries, like when Bill does stuff for the Flickinger Center, is that just going to be allowed through the State now? Assistant City Manager Hernandez said that Deputy City Clerk Aleshire could better explain that process. Deputy City Clerk Aleshire said the way it works now is that the City Clerk's Office does not do any sort of temporaries. What we do see come through are the Public Celebration Permits. That paperwork goes through the State, but what they need from us is local governing body approval and sometimes approval of property owner. We do not keep a copy of that. We give it to them to move forward to the State; we do not do that on their behalf. Assistant City Manager Hernandez said there was a lot of holdups back at the Balloon Fest, where

they were unable to get the Temporary Liquor License from us, and it had to be within two weeks, and there were two weeks from the State. We took that out because the State already regulates it, so we removed the Temporary Licenses. Commissioner Burnett said that makes sense.

Commissioner Rardin asked if Fourth Fridays would be exempt. Assistant City Manager Hernandez said we have the liquor license. Commissioner Rardin said it does have "public places" here. Assistant City Manager Hernandez said we have our liquor license and that establishment on the back build of Griggs Field. Lieutenant Glidden said any establishment that has a liquor license will be exempt. This is basically for people drinking at Walmart, in parking lots, at liquor establishments, and things like that. Commissioner Rardin asked if any organized events should be exempt. Lieutenant Glidden said those should be covered.

Commissioner Burnett moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

17. Consider, and act upon, Ordinance 1686, for first publication amending Chapter 11, Article 8, Sections 010-040, Peddler and Solicitor Regulations. (Ashley Smith, City Attorney) (Roll Call Vote Required)

City Attorney Smith said this was like the previous ordinance where it was under City Clerk Hughs, and we are moving it to the Criminal Code because we feel it is a better fit.

Commissioner Burnett asked if this was for the people standing on the side of the roads. City Attorney Smith said correct. Mayor Payne said or going door to door. I am glad to see this back because I was never in favor of getting rid of it. I get quite a few calls about this. Commissioner Melton asked if registered businesses could still go door to door, like the solar people. Commissioner Rardin said he has the biggest problems with the solar guys, and they get aggressive. They will come to my door, and I will tell them I am not interested, and it is rebuttal after rebuttal. Commissioner Melton said they annoy him, too, but they have a right to make a living. Commissioner Rardin said they do, but once you tell them I am not interested, thank you? Assistant City Manager Hernandez said this is where if you have no trespassing or no soliciting posted, then they cannot go onto your property. That allows people to give APD a call to get them removed from their property. One of the biggest complaints we get is about the solar companies. Commissioner Melton asked if they could knock on other doors that do not have no soliciting. Assistant City Manager Hernandez said yes. The reason this was under City Clerk Hughs was because we required them to have a solicitation permit, but we took that away. We do not have a solicitation permit. We probably started cleaning this up in March. I do not think this allows them to do that.

Commissioner Melton asked about Boy and Girl Scouts, or anybody going door to door selling something. Assistant City Manager Hernandez said that juveniles are exempt from this. Commissioner Melton said he did not like taking someone's means to provide for themselves. Commissioner Rardin said he understood the aggressive part of solicitation but agreed. Even the young kids selling candy bars for school. What section says that juveniles are exempt? Assistant City Manager Hernandez said peddlers shall not include persons exempt from licensing under Section 23-1 of NMSA. City Attorney Smith said it seems to have guidelines. The first part, 020, solicitation is prohibited as follows: aggressive manner in a public area, within fifteen feet of the entrance or exit of a bank. It sets parameters. Assistant City Manager Hernandez said right now, there is no authority for APD if someone is outside of Walmart and they step into our street; we really do not have that ordinance on the books that says you are obstructing traffic flow. There is really no ticketing or even anything to have them get off the street. Lieutenant Glidden said also people posting up in meetings. We had protestors over there on 10th Street in the medians. Commissioner Rardin said in the section with the

minors, is that 17-08-020 A, but it is struck out. Is that what you are thinking? So, anyone under the age of eighteen are exempt from licensing requirements. Assistant City Manager Hernandez said yes, I think that is where I was thinking. Commissioner Rardin said that is struck out, though. Assistant City Manager Hernandez said that just means they do not need the City license. That means that kids can pop up lemonade stands. We used to get calls that kids were selling lemonade without a business license. City Attorney Smith said this does not prohibit someone from coming and knocking on your door. However, in the one section, it does say it is prohibited on private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property or has posted a sign fairly indicated solicitation are not welcome on the property. So if someone knocks on your door, and you say I do not want to hear you, and they refuse, you can call the cops, and they can cite them under this now. It does not prevent them from initially starting. Commissioner Rardin said yes. They are allowed to come knock on the door and sell their product, but once they are asked to leave, they need to leave. City Attorney Smith said that is correct.

Commissioner Rardin said he would like to see a deal in there saying that minors are excluded. We all agree with that and know it, but have it in writing the minors are exempt. Not that many kids go door to door anymore. City Attorney Smith asked where Commissioner Rardin would like that, under a 11-08-020 Subsection C that says exemptions? Commissioner Rardin said if you just added "A" back in there and maybe take out the license requirements. Say they are exempt from the article except for when they are acting as agents of adults. 17-08-020 A says the intent. Maybe take out the license requirements portion of it in the event they are selling Girl Scout cookies or candy bars or whatever fundraisers they do. We are not arresting children. Assistant City Manager Hernandez said if she is understood Commissioner Rardin correctly, minors under the age of eighteen participating in solicitation activities are exempt from this article except when they are acting as agents of adults covered by this article? Commissioner Rardin asked if that made sense to everybody. That way, it is in writing, and there is no question. What about the foreign exchange students selling books? Will they be exempt from this? Assistant City Manager Hernandez said if they are under eighteen. City Attorney Smith said the next thing we have is what was 17-08-071, which is where we really get into what was prohibited. It really just sets guidelines like no aggressive manner in public areas, not within fifteen feet of banks or private property if you say you want them to leave. It does not prohibit them from knocking on your door, but if they are asked to leave, they have to leave, also, from any occupant of a motor vehicle that is traffic. So if you are on White Sands, they cannot come up to your car. What was 17-08-072, no solicitation on or near a street or highway, again, they cannot walk into the street and interrupt the flow of traffic. Commissioner Rardin asked if we were trying to regulate the panhandlers down on White Sands Boulevard with this portion. Assistant City Manager Hernandez said this was still there; we always had obstruction of flow. So, I don't think it is specific. Protestors or even people with car wash signs, it is not necessarily just for panhandlers. It is for anybody in that area who is obstructing the flow. Commissioner Rardin asked if the car wash people would be potentially cited. Assistant City Manager Hernandez said they would not be cited; they just cannot obstruct the flow. City Attorney Smith said they could be on the sidewalks, but they cannot be in the streets. Commissioner Melton said so they cannot impede traffic. Assistant City Manager Hernandez said yes. City Attorney Smith said nothing in this stops someone from actually going door to door, necessarily approaching people per se; they just have a certain way they have to do it. That is what this is saying. Commissioner McDonald said you said this does not affect people over at Walmart if they are stepping out of the curb. City Attorney Smith said if they are stepping out on the curb, it would. Assistant City Manager Hernandez said if they are stepping off the curb and into our streets, whereas obstruction or impeding the flow, yes, this is what that pertains to. Lieutenant Glidden said the thing about Walmart is that the majority of it is private property. If they are stepping out, say, just south of 1st Street. Commissioner McDonald said that is at the light and they are impeding traffic. Assistant City Manager Hernandez said it is not between Walmart and Margos, correct? It is if they come out onto 1st Street. Lieutenant Glidden said if they come out onto 1st Street, yes. The driver is responsible as well. So the driver is stopping the flow of traffic in order to hand money or whatever. They can be cited for this as well. I cannot remember ever citing a driver for being charitable in the past, but that is an option.

Commissioner Rardin asked if we need an exemption in there. The firefighters used to do Pass the Boot or Fill the Boot. They impede the flow of traffic when they do that. I have not seen one in ten years or so, and I do not know if they still do that. Mayor Payne said if you put an exemption like that in there, you are opening up another can of worms. Then you will have someone else asking why they are exempt, and we are not. City Attorney Smith said officers have some discretion if we do a fundraiser like that. Commissioner Burnett said a church does something similar to that.

Commissioner Melton said going back to door-to-door salespeople, to be clear, if the police get a call that there is some guy in the neighborhood knocking on doors trying to sell, and he was acting aggressive, and then you get there, and he is five houses down, you do not have anyone's word. Are we going to take these people off the street and not let them do their business? Lieutenant Glidden said we have to have probable cause to cite. A lot of people have ring doorbells. If you show me your ring doorbells, show me this guy was being aggressive, and you told him to leave multiple times. Not only do we have a soliciting ordinance to fall on, but we also have possible trespassing as well. If they are aggressive, there is a lot of different aggressive behavior listed here. We could cite for that and potentially trespassing. In order for us to arrest on it, we would have to actually see it happen. In order to take action and cite them, all we need is probable cause and any sort of proof. Video camera, or maybe we see them having a conversation with the neighbor across the street, and we are five doors down. We can keep an eye on him or something like that, or we are getting multiple calls. It depends. Commissioner Melton said he is worried. The first thing you learn in sales is never stop at the first no. That is the number one rule. There will be people coming into town who will continue to push after the first no. That does not mean they should, but that is sales. Commissioner Rardin said he usually gets three or four rebuttals from them. Commissioner Melton said they usually stop at two or three, but I have never met a single salesperson who stops at no. That is not in their DNA.

Commissioner Rardin said he knows this is trying to go after the panhandlers when they step out into the road and impede traffic, but unless you actually see them do that, how are we going to enforce that part of it? You need to see them for us to cite them, correct? Lieutenant Glidden said yes. We get a call, we can park and observe it. Commissioner Rardin asked if we get a lot of calls for that. Lieutenant Glidden said we get a few calls over at Walmart. A guy over there is pretty aggressive, but he likes to float on private property. Part of this says if the business puts up no soliciting or trespassing signs, we can enforce that, but it has to be the business restricting them from the property. Mayor Payne said therein lies the issue.

City Attorney Smith asked if the Commission wanted to add an exemption in here or are we good with the language as it is? Commissioner Rardin said he would like the minors to be exempted in writing, just so there is no question about it. Lieutenant Glidden said if we exempt them, are we exempting them from the whole thing? Commissioner Rardin said no, you know what I mean, just the school fundraisers, the candy bars, they do cakes, that kind of stuff, or the Girl Scouts selling cookies. Lieutenant Glidden said we are not restricting anybody at this point, so if everybody can do it, I do not see why we would exempt them. Commissioner Melton said do you mean exempting them from the no soliciting sign? Commissioner Burnett said we really cannot do that. City Attorney Smith said pursuant to this, we are not saying they cannot. We are saying that if you are going to do this, you have to follow certain things. That is why I wanted clarification. Do you guys want me to add something in there or bring this back? Commissioner Rardin said just leave it the way it is. I just do not want to see arresting children for selling candy bars. We would make front-page news. Lieutenant Glidden said technically, we cannot cite juveniles in this report either. So, it would not really be enforceable.

Commissioner Burnett moved to approve.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

18. Consider, and act upon, Ordinance 1690, for first publication amending Chapter 11, Article 06, Section 160, Unauthorized presence in drainage channels, arroyos and irrigation channels. (Susan L. Payne, Mayor and Ashley Smith, City Attorney) (Roll Call Vote Required)

City Attorney Smith said this is one of several ordinances we are bringing forth as a result of the City's work with other agencies coming from the juvenile shooting at our parks. On meeting with the DA's Office, Scott Key, the Police Department, Assistant City Manager Hernandez, the Mayor, and myself, we were all trying to figure out what we could do concerning some of the issues we have seen, especially with juveniles. One of the things brought up is that juveniles and others have been going into our ditches and vandalizing. They have been graffitiing stuff and hanging out there. The original ordinance, as you see, only involved people who were driving vehicles in our ditches and arroyos, whereas the new ordinance encompasses more. It is unlawful for any person to enter or remain in a water convenience system. We define what a water convenience system is in the definitions; irrigation channels, engineered and natural channels intending to transport water including an arroyo, drainage canal, irrigation canal, or piping. People cannot just be going in our canals unless they are authorized. Additionally, we will be posting no trespass signs throughout those areas. It will be a trespassable offense. After speaking with multiple agencies, there is language we would like to change or add. Section F says the penalties set forth in Section 1-01-100 shall apply for violation of the section. We would like to add language that says, the officer shall issue a criminal trespass citation to a person for violating this section. This just clarifies it for our police officers if they see someone in our canals. They are not authorized to be there. They need to be trespassing them. This is also a safety thing too. If we have a big rainstorm, or if there is rain up the mountains, water comes through, and we do not want anyone hurt. Additionally, we would like to add Section G. This deals more specifically with juveniles. We would like to add this section, which was recommended by the Juvenile Probation Office. Adding, minors under eighteen years of age in violation of this ordinance shall be issued a criminal trespass under New Mexico Statutes Annotated Section 30-14-1. Juveniles shall be referred to the Juvenile Probation Office. What this does is, as mentioned before, we cannot cite juveniles into Municipal Court. We have to cite them under state statute. Listing the state statute helps our officers because then they are not searching for the statute. Should that statute ever change, like their definitions of criminal trespass, it is still covered for the juveniles, and we will still be citing the juveniles under that criminal trespass. Referring it to the Juvenile Probation Office is the standard requirement when you are a citing a juvenile. Again, I am just making it clear to our officers that this is the process we want to be handled when they catch any juveniles in these water channels.

Commissioner Rardin said when he was a kid, we would use to play in that ditch over in Washington Street when it rained. I understand the intent of what we are trying to do here; it is mainly down the by high school, but if the officers see kids playing rainwater in the ditch, are we going to have some sort of leeway in this, or will we just start sending a bunch of kids over to Junior Probation? City Attorney Smith said one of things is that we are going to have the signage. A part of criminal trespass is that they should know or have known they were not permitted to be there. The way we get around that is by having the signs. If there are no signs, they are going to have a defense. We are putting signs on the big canal over here. Commissioner Rardin said yes, the Corps project. Say this ditch here on Washington Street. I lived on 17th Street when I was a kid and I rode my bicycle by the tennis courts, went over the hill, and across the ditch to 18th Street. You catch me in the ditch, just crossing it. Are we going to be cited into the Juvenile Probation Office? City Attorney Smith said that technically, the way the ordinance is written as it is, you would not be able to ride your bicycle. That could be considered a vehicle. Commissioner Rardin said it is not a motorized vehicle, though. Do you understand where I am going with that? I do not want to penalize good kids just for playing and having a good time. They may be in a drainage ditch or on the edge of it. She said that is what a lot of Juvenile Probation Office, or JPO, does. They assess all that stuff. Commissioner Rardin said but do we really need to be sending them to JPO? I know you guys would use discretion to some extent. I am not worried about the ones we have now but in the future. Assistant City Manager Hernandez said this was at the request of both Chief Kunihiro and the JPO. This is not something we just put in there. We

had a collaborative effort with them and the District Attorney. If a kid is playing in a ditch, they should not be playing in a ditch because we could have, as you remember, the flooding that happened on Florida. We got the calls that it was flooding even though it was sunny skies, and they were right. Technically, they should not be playing in a ditch because it is unsafe. Is Lieutenant Glidden going to go in and arrest every kid? No, there is still officer discretion in that. Commissioner Rardin said our intent here is to deal with the issue at the high school for the most part. Assistant City Manager Hernandez said our intent is this came as a result of Chief Kunihiro asking us if we could look at the ditches ordinance. They are getting calls not just about the juveniles in the ditch. They are getting homeless people and other people in there. They are getting calls, and there is nothing they can do right now. This is going to take care of issues where even our School Resource Officer was out there saying they had to go in and look in ditches for kids to make sure they were not smoking pot. That is one side of it. The other is, that there are other people in the ditches, and they do not have the authority to do anything about it. Mayor Payne said this applies to everybody; that is what I like about it. That is another thing we need to get a handle on. Commissioner Rardin said he did not know it was such a problem. Mayor Payne said it is an absolutely huge problem. Commissioner Rardin said he was guilty of riding his four-wheeler in the ditch. Mayor Payne said no, people are pitching tents in the ditch, sleeping in them, and living in them. It will get worse if we do not get a handle on it. Commissioner Rardin asked if we had locations and knew where in town. He said there is one on Lavelle Road. It is a tent on the big drainage ditch. It may be a large tumbleweed, but it looks like a tent. Mayor Payne said there is one by the high school. Another one I get calls about is by Walmart. They tell me they do not like to stand outside because people congregate in that ditch. It is an issue at Oregon Park; that ditch there is an issue. Commissioner McDonald said the BBQ place on White Sands has a couple of places there because you can see their stuff. Mayor Payne said the one up by Foothills Park is pretty bad too. There is a property that was just traded, and there are people living there. They have their tent and all their stuff. White Sands is a major thoroughfare, and people are coming into our town and that is what they have to see. Commissioner Rardin said that is private property though. Mayor Payne said it is still an issue. Commissioner Burnett said we were looking at the property boundaries, and you can see where Murphy's ends and the City begins. Mayor Payne said she understood that, but even with private property, it is not a campground, and it is not safe either. I get a lot of calls about these ditches, and this is not just for juveniles. Things are not the same as when you were a kid. They are not even close, and I do not think it is safe anymore. Commissioner Rardin said I took my daughter to the park that was Kid's Kingdom, and some kids walk across Washington and through the ditch to come to the park. They are not doing anything wrong; they are just taking a shortcut. Hopefully, our officers will use discretion on that and won't cite them for that. Lieutenant Glidden said he did not think any of our officers would cite for something like that. Commissioner Rardin said if you have one sitting down there smoking a doobie and causing trouble, then yes. Lieutenant Glidden said we have discretion, and so does JPO. Commissioner Rardin said the trauma of a good kid getting cited into JPO, well, I do not want to see them go down that road. Lieutenant Glidden said I see this mainly being enforced by the high school. Kids are going down there to smoke pot, fight, and do whatever. Commissioner Rardin said that is what we did when we were in high school. Lieutenant Glidden said now they have guns. Mayor Payne said and they use them. It does not seem to stop as an adult, either.

City Attorney Smith said I am asking you to pass this with the proposed changes verbally outlined. Additionally, I emailed them to you all the other night too.

Commissioner McDonald moved to approve with the stated changes.

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

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

19. Consider, and act upon, Ordinance 1689, for first publication amending Chapter 11, Article 03, Section 040, Curfew. (Susan L. Payne, Mayor and Ashley Smith, City Attorney) (Roll Call Vote Required)

City Attorney Smith said this was another ordinance we are bringing in response to the juvenile crime that has been happening. We already have a curfew ordinance on the books. We are simply amending this and only changing a few things. There are some changes I would like to make verbally to this based on conversations we had yesterday at the joint meeting with several agencies throughout the City. In Section A, the only thing we are changing is it was sixteen years of age, and we are changing it to eighteen years of age. Under Section B, the exceptions, we are adding: or a minor with emancipated documentation. If you have that documentation, you are no longer really considered a minor. In Section C, right now, it states: it shall be the duty of peace officers to apprehend and take into custody. I would like to strike out the language that says apprehend and take into custody and add language that says: detain and investigate. The reason behind that is we cannot take juveniles into custody anymore, especially based on this. So stop the juvenile, and the officers can investigate to find out why they are out past the curfew. Additionally, on Section D towards the end, it says: the proper juvenile authorities. I would like to strike that language and change it to: Child, Youth, and Families Department. Commissioner Rardin asked if we were going to send them to CYFD. City Attorney Smith said that is the proper juvenile authority. We had this conversation during our meeting yesterday where JPO was involved. JPO's concern was they are not the appropriate authority because this deals with procedure when parent or guardian cannot be located. We are not going to call JPO when a parent cannot be located. If we cannot locate a parent, the appropriate person to call is CYFD, and then they will try to find the parents or figure out the situation going on. We wanted to make that clear again, so there are no misunderstandings with our officers or anything.

Commissioner Melton said he was looking at what Santa Fe and Albuquerque do, and they also have the \$500 fine, but that is on each violation. It does not build up to that. Is there a reason why we started at \$250? City Attorney Smith said we felt that for the first violation, we would give people a little slack, and hopefully, things get resolved with the first violation. The second violation is the maximum we can do, which is \$500. Mayor Payne asked if we decided to keep the warning. I think we were supposed to take that out. Commissioner Rardin said he agreed with the warning on the first one. City Attorney Smith said the warning we took out dealt with the ditches. Mayor Payne said we decided the signs were the warning. City Attorney Smith said correct. We decided that for the first offense, you may have a reason. There may be a little bit more flexibility. Our officers will have discretion. We do have exceptions in here if they are going to and from work. There might be an emergency situation where I guarantee our officers will not be citing people for this. The first offense is a warning, the second offense is a \$250 fine, and the third offense is the maximum our courts can do, which is the \$500 fine. We are cutting people some slack the first time, but the second time will be a tougher punishment, especially on the parents. In our minds, there is very little excuse for the third offense. Commissioner Melton said he felt that may lead to confusion. People think they get fined \$250, okay, they do it again, \$500, they will think we just changed it on them. They are not going to read the ordinance. City Attorney Smith said we have progressive penalties for other things, too. Mayor Payne asked if officers would tell them that. They are getting a warning the first time. Will they tell them what the progression is, as far as the penalty, if it continues? Do they do that or not? Lieutenant Glidden said usually not. Usually, the courthouse records how many times they have been cited, unless that particular officer has dealt with that parent several times and knows you are on your third strike. Mayor Payne said if they give them a warning the first time, they would not necessarily say to them, we are just giving you a warning this time, but the next time, there will be a \$250 fine or something like that. Lieutenant Glidden said we typically say next time you are going to be cited. This is going to be a non-traffic, so it will go to court. We do not assign the penalty assessment; the judge does. So we will have knowledge of what the fine amount is. City Attorney Smith said this is basically going to be a penalty assessment. There will be a \$250 fine on the second violation. The way I think of it is it is like our DWI's. Your first DWI, it is like seven days incarceration max. The second DWI goes up to ninety days. The third offense is

getting into felony territory. When it comes to me, as a prosecutor, if it is your third offense and you maybe have a good reason, I can plea you down to a second offense. I have the authority to do that at my discretion. If we are saying it is the third offense, and they are charged, found guilty, and convicted of a third offense, then it shall be a \$500 fine. Commissioner Melton said that is too lenient compared to what other cities are doing.

Commissioner Rardin asked what our current curfew ordinance was. Mayor Payne said this is it. They are just striking some things off. City Attorney Smith asked Commissioner Rardin if he was talking about for the violations. Commissioner Rardin asked if it was exactly word per word. City Attorney Smith said yes, it is what I struck out. So for the violation of this section, the minor shall be released to the custody of his parent or guardian or other person having care custody of the minor upon written promise that such parent or guardian will assume the responsibility. That said, the child will comply with the provisions of this section. The juvenile authority shall make a written report, and there is no juvenile authorities, and shall keep a record of each violation. Any parent, guardian, or other adult person having the care and custody of a minor violating this section shall be punished in accordance with section 11-01-050. That is what is on the books right now. Commissioner Rardin said that is correct. City Attorney Smith said yes, I have struck that, and have added where I am basically saying, this is first offense, warning. Second offense, \$250 fine. Third offense, \$500 fine. That is the max we can even do.

Commissioner Burnett asked if this fell under school hours. City Attorney Smith said no, but it says it is from weekdays, which is Sunday through Thursday, from 11 p.m. to 6 a.m., so your school nights. On weekends from twelve midnight to 6 a.m. We will bring a Parks ordinance dealing with juveniles during school, which may address some of your concerns.

Mayor Payne said a few weeks ago, she thought we should rethink this, but then we had five juveniles tear up our City. They did tens of thousands of dollars in damage. I heard what Ms. Thomas said earlier, but I do not agree with it. I do not think it is our job to provide childcare. There are a lot of things to do within the City other than knock over motorcycles, crash cars, and break people's windows. Commissioner Burnett said my sister-in-law's car was stolen, so I completely get it. Commissioner Melton said this goes to his point. Why issue a warning? This is a serious issue that is already victimizing people. Commissioner Rardin asked how many times in the past few years have we enforced our current curfew? Do we have the numbers on that? Lieutenant Glidden said he did not know of any. We may have picked up kids and brought them home, but as far as citing parents, I do not recall any. City Attorney Smith said under the current ordinance we cannot cite parents. It really is not punishable. We mentioned the juvenile authorities doing a written report, but we no longer have juvenile authorities. This ordinance was done in 1960, and it definitely needs to be brought back.

Commissioner Burnett asked if the fines were going towards the children or parents. City Attorney Smith said we cannot fine the kids. The only person we can go to is the parents. We are saying parents or legal guardians, you are responsible for your kids. In the eyes of the court, they are responsible for their kids and always have been. We are going after the parents for this.

Mayor Payne said through this process, I learned that in the state of New Mexico, there are four juvenile facilities. For example, the kids that were caught the other night. I asked Chief Kunihiro about their reaction when they were caught, and he said they laughed at him. They did not have beds for five kids, so all of those kids got to go home to their parents. Will their parents be held liable? Probably, as far as paying for the damage, but they do have the money for it? The kids tore up not just our City, Tularosa, and everything in between, and they are laughing at our officers and getting to go home to their parents. What have we taught them? Commissioner Rardin said that's you; I would have rather gone to a juvenile facility than go home. Mayor Payne said why are thirteen-year-olds running our streets unsupervised at 3 o'clock in the morning? Commissioner Rardin said it is their parents. Mayor Payne said yes. They all went home to their parents, so we know they have parents.

City Attorney Smith said I hear Commissioner Melton and his concern is the progression. Do we want to do away with that? A warning for the first violation, and then the second violation is a \$500 fine? Do we like the progression? I can change this if you want. Commissioner Melton said we have established this is common sense. The parents have to care for their children. We are not babysitters. Commissioner Rardin said he felt like a warning on the first offense. Commissioner Melton said this is why they laugh when they get away. We are not serious, and this is serious. Commissioner Burnett said it depends on what they are doing. If they are just out and about roaming, or if they are destroying someone's property. Commissioner Melton said this is getting worse year by year. Commissioner Rardin asked if we could put that in the ordinance. If you are out tearing up people's property and breaking windows, can we fine you automatically on the first offense? But if you are just out wandering around, not creating any big issue, can we do that? City Attorney Smith said that would make it a lot more complicated. In that situation where they are vandalizing, stealing, breaking into cars, they are going to be cited by the officers. The kids are going to be punished that route. The question is, what is going to happen to the parents? I will say, from experience, if the juveniles are getting a criminal course in juvenile court, the parents are going to have to go to court. Most of the judges will make the parents a party of the case. Commissioner Rardin said I think we should leave the warning in there for the first offense. Commissioner Melton said they could always come before the Commission and make a case if it truly was a misunderstanding. Commissioner Rardin said he knew kids that would sneak out of the house when mom and dad were asleep. They may not even know their kids were out. Mayor Payne said they would find out real quick, wouldn't they? Commissioner Rardin said you do, but kids are going to be kids. City Attorney Smith said in that situation, I have prosecutorial discretion too. If it is a one-off, yeah, if it is a second time, we need to figure something out. What is going on with the parents? What do you guys need to figure out? It might be something where I have to refer some families to CYFD because they have resources. This is not a cure-all and will not fix everything. In yesterday's meeting, we had JPO, the County, the school board, and some commissioners. We all have to work together in order to accomplish our general goal, which is to fix the juveniles running rampant through the City. Commissioner Rardin said it is sad that the government has to get involved in that. City Attorney Smith said it is, but unfortunately, that is where we are at. Assistant City Manager Hernandez said this was a request from Chief Kunihiro, to give them some authority they do not currently have.

Commissioner Burnett said he would like to change the second time to a \$500 fine. You got your warning, and now you have to pay up. Mayor Payne said she was good with that. Commissioner Rardin said just strike \$250. Commissioner Melton said that works. City Attorney Smith said she would just put a \$500 on each subsequent violation. Commissioner Rardin said so a warning for the first one, and then \$500 after. City Attorney Smith said yes. It will read: parents, legal guardians, or any other person having care or custody of a minor under the age of eighteen years who violate this section will be given a warning on the first violation and a \$500 fine on each subsequent violation. Commissioner Melton asked if it was a warning per parent or child, like if they have multiple teenagers? Mayor Payne said I say per child. City Attorney Smith said that we have custody of a minor right now. Mayor Payne said that covers the kid sneaking out the window.

Commissioner Burnett moved to approve as amended.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

20. Consider, and act upon, Ordinance 1688, for first publication adding Chapter 11, Article 06, Section 160, Truancy. (Susan L. Payne, Mayor and Ashley Smith, City Attorney) (Roll Call Vote Required)

Mayor Payne said we are going to table this. We had a stakeholders meeting here in the Commission Chambers yesterday with various law enforcement agencies, the public schools, and juvenile probation. Commissioners Paul and McDonald also came. Based on that conversation, we decided to table the truancy ordinance and will be bringing it back up in the parks ordinance. The idea behind this is that it was misleading because people thought we were going to be regulating truancy, which was not the purpose. The purpose of this was if nobody is going to regulate truancy, and apparently, based on state law, it is nearly impossible, then we need to limit the City's liability. We will keep them out of our parks during times when they should be in school. We will add a section to our parks ordinance that, if juveniles are in our parks during the day, during times when they should be in school, and they follow the APS calendar, they will be cited for trespassing. Under the way we had it, it could not really refer them to Juvenile Probation. They could not really be cited, but they could call their parents and tell them to come get them. So if we bring it back under a parks ordinance where they can be cited for trespassing, then they have to go to court, and they can be referred to Juvenile Probation. Obviously, we did not have time to do that, but I believe City Attorney Smith emailed everyone a copy of what we were thinking. We are going to bring that back on January 9th. Commissioner Melton asked if that addressed homeschool kids. City Attorney Smith said it would be any. Mayor Payne said the key is unsupervised. If you are a kid in the park with your parents because you are homeschooled, that is fine. We do not have the ordinance yet, but it will be similar to that. If you are a kid in the park during the day unsupervised at a time when you should be in school, you are probably going to be cited. There is no way to distinguish. You really cannot do that. Commissioner Burnett said my daughter goes to school for two hours a day. Mayor Payne said we can talk about this in January, but keep in mind the operative word is unsupervised.

Commissioner Rardin moved to table.

Commissioner Burnett seconded the motion.

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

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

Mayor Payne appointed Antonio G. Castro to the Mayor's Committee on Aging and Rose Mary Gomez-Meade to the Airport Zoning Board. No one was opposed.

Commissioner Rardin moved to adjourn at 10:02 p.m.

Commissioner McDonald seconded the motion.

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

ADJOURNMENT

Mayor Susan L. Payne

ATTEST:

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on January 9, 2024.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 11/21/2023

Report No: 9.

Submitted By: Britney Ybarra

Subject: Consider, and act upon Resolution No. 2024-02, updating the makeup of the Senior Volunteer Programs Advisory Council membership from eleven members down to a minimum of five and a maximum of eight members, with one member representing either the Foster Grandparent or Senior Companion programs. (*Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve Resolution # 2024-02

Background: The Senior Volunteer Programs Advisory Council is one of the larger councils with an 11-member capacity. A minimum of five members with an eight-member capacity is much more practical, especially with the elimination of the RSVP program in 2021. One member must represent either the Foster Grandparent or Senior Companion programs.

RESOLUTION NO. 2024-02

**AMENDING THE NUMBER OF MEMBERS OF THE SENIOR
VOLUNTEER PROGRAMS ADVISORY COUNCIL**

WHEREAS, the Senior Volunteer Program Advisory Council consists of eleven (11) members; and

WHEREAS, the Senior Volunteer Program Advisory Council By-Laws state the membership is a minimum of five (5) members, not to exceed eight (8) members; and

WHEREAS, the City of Alamogordo deems it necessary to reduce the membership of the Senior Volunteer Program Advisory Council to have a practical size and to be consistent with their By-Laws.

BE IT THEREFORE RESOLVED by the City Commission of the City of Alamogordo, New Mexico, that the Senior Volunteer Programs Advisory Council shall consist of a minimum of five (5) members, not to exceed eight (8) members, with one (1) member representing either the Foster Grandparent Program or the Senior Companion Program.

PASSED, APPROVED, AND ADOPTED this 9th day of January, 2024.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susan L. Payne, Mayor

ATTEST:

Rachel Hughs, City Clerk

APPROVED AS TO FORM:

Ashley Smith, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/18/2023

Report No: 10.

Submitted By: Barbara Pyeatt

Subject: Consider, and act upon, the award of RFP 2023-006 Uniform and Linen Services to Unifirst Corporation. (*Evelyn Huff, Finance Director*)

Fiscal Impact: 65,000

Amount Budgeted: \$65,000

Fund: Varies by Department

Additional Fiscal Impact:

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

Background: RFP 2023-006's scope of work is to provide uniform and linen rental services, including but not limited to floor mats, linen, and uniform rental, as well as timely pickup and delivery. RFP was advertised on October 22, 2023. Proposals were due in the Purchasing office by November 17, 2023, at 3:00 PM. One proposal was received and deemed to be responsive.

The contract will be for an initial one (1) year. The City reserves the right to exercise the option to extend the service agreement for up to three (3) additional one (1) year periods for a maximum term of four (4) years.

The proposal for RFP 2023-006 is available at the Purchasing office.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/20/2023

Report No: 11.

Submitted By: Britney Ybarra

Subject: Consider, and act upon, an emergency funds appropriation of \$23,958.09 through the Capital Outlay Bureau with the Aging & Long-Term Services Department for the purchase and installation of a gas convection oven for the Senior Center kitchen. (*Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

The total amount budgeted is \$23,958.09.

Recommendation: Approve the emergency funding.

Background: Currently, only one of the kitchen's two ovens is in working condition. To compensate, kitchen staff must work harder to prepare the 340 daily meals required for our consumers.



APPROPRIATION RECIPIENT:

Grantee: City of Alamogordo, Rick Holden, City Manager
Title: Alamo Senior Center – purchase and equip gas convection oven
Address: 1376 9th St., Alamogordo, New Mexico 88310
Email: mmorales@ci.alamogordo.nm.us Telephone: 575-439-4150 ext. 4291

<u>APPROPRIATION NUMBER:</u>	<u>APPROPRIATION AMOUNT:</u>	<u>APPROP TERM DATE:</u>
A22G2019-G602	\$ 23,958.09	June 30th, 2026

APPROPRIATION LANGUAGE

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

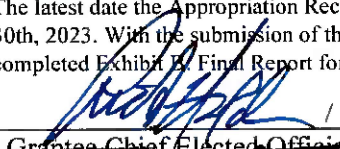
CERTIFICATION

I hereby certify that the City of Alamogordo

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

APPROPRIATION REIMBURSEMENT

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



Grantee Chief Elected Official Signature / Printed Name

12/13/23

Date



City Manager
AUTHORITY

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

A22G2019-G602 Alamo Senior Center – purchase & install equipment - \$23,958.09



Agency Designee signature

12/18/2023

Date

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/05/2024

Report No: 12.

Submitted By: Ashley Smith

Subject: Consider, and act upon, Ordinance 1689, for final publication and adoption amending Chapter 11, Article 03, Section 040, Curfew. (*Susan L. Payne, Mayor and Ashley Smith, City Attorney*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends adopting the ordinance

Background:

ORDINANCE NO. 1689

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 03-040 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING CURFEW

WHEREAS, the City Commission of the City of Alamogordo, New Mexico deems it necessary to amend Article 03-040 concerning curfew.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico recognizes that the ordinances regarding curfew have not been updated since 1960.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Chapter 11, Article 03-040 of the Code of Ordinances is repealed in part and amended in part.

11-03-040. – Curfew.

- (a) Restrictions. It shall be unlawful for any parent, guardian or any other person having care or custody of a minor under the age of ~~sixteen (16)~~ eighteen (18) years, to permit or allow such minor to be upon any public thoroughfare or any public place without adequate supervision, on weekdays (Sunday through Thursday) from 11:00 p.m. to 6:00 a.m. and on weekends from 12:00 midnight to 6:00 a.m.
- (b) Exceptions. The restrictions mentioned above shall not apply to any minor who shall be accompanied by a parent, guardian, or adult acting with the authority of the parent or any minor upon any errand of necessity or in the performance of duty directed by any parent or guardian or other person acting with the authority of the parent or to any minor attending any school or church-sponsored event or to any minor coming from or going to work, or a minor with emancipated documentation.
- (c) Parent or guardian liable. It shall be the duty of peace officers to ~~apprehend and take into custody~~ detain and investigate any minor found in violation of this section. Such officers shall thereupon notify the parent or guardian and such parent or guardian shall be deemed guilty of permitting a violation of this section.
- (d) Procedure when parent or guardian cannot be located. In the event that the parent or guardian cannot be located, the child shall be remanded to the custody of ~~the proper juvenile authorities~~ Child, Youth and Families Department (CYFD).

(e) Violation. ~~For the violation of this section, the minor shall be released to the custody of his parent or guardian or other person having care or custody of the minor, upon written promise that such parent or guardian will assume the responsibility that said child will comply with the provisions of this section. The juvenile authorities shall make a written report and keep a record of each such violation. Any parent, guardian or other adult person having the care and custody of a minor violating this section shall be punished in accordance with section 11-01-050.~~ Parent(s), legal guardian, or any other person having care or custody of a minor under the age of eighteen (18) years who violate this section will be given a warning on the first violation, and a \$500.00 fine on each subsequent violation.

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/03/2024

Report No: 13.

Submitted By: Ashley Smith

Subject: Consider, and act upon, Ordinance 1690, for final publication and adoption amending Chapter 11, Article 06, Section 160, Unauthorized presence in drainage channels, arroyos and irrigation channels. (*Susan L. Payne, Mayor and Ashley Smith, City Attorney*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: The City recommends adopting the ordinance.

Background:

ORDINANCE NO 1690.

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 06-160 OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING GENERALLY – PROTECTION OF DITCHES

WHEREAS, the City Commission of the City of Alamogordo, New Mexico deems it necessary to amend Chapter 11, Article 06-160 concerning the protection of ditches.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, recognizes that the ordinances regarding the protection of ditches have not been updated in many years.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico, that Chapter 11, Article 06-160 of the Code of Ordinances is repealed in part and amended in part.

~~11-06-160. – Generally – Trespassing.~~

~~It shall be unlawful for any person to drive any vehicle of any description across any of the ditches inside the city except where they are crossed by streets, avenues, or alleys, or in any manner which may injure such ditches.~~

11-06-160.- Unauthorized presence in drainage channels, arroyos and irrigation channels.

- (a) *Definitions.* For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Arroyo. A natural or naturalistic watercourse formed by the action of fast-flowing water that is owned and maintained by a public agency.

Camping. The setting up of any tent, shack, or other permanent or temporary structure or shelter or preparing a sleeping bag or other bedding material for use in a water conveyance system.

Drainage channel or piping. Engineered structures designed to convey water flow that is owned, maintained, or under the authority of a public agency and that may consist of earthen, concrete, metal, rock, brick, and/or heavy-duty plastic or other materials.

Irrigation channel. An engineered waterway structure used for the purpose of carrying water from a source to soil used for farming or landscaping that is owned, maintained, or under the authority of a public agency and that may consist of earthen, concrete, metal, rock, brick and/or heavy-duty plastic or other materials.

Public agency. The City of Alamogordo, the County of Otero.

Right-of-way. Includes all land within the parameters of the area within which the public agency owns, operates, or maintains the drainage channel, arroyo, irrigation channel, or piping and is not restricted to the drainage channel, arroyo, irrigation channel, or piping.

Water conveyance system. An engineered or natural channel intended to transport water, including an arroyo, drainage channel, irrigation channel, and piping.

- (b) It is unlawful for any person to enter or to remain in a water conveyance system which is owned, maintained or operated by a public agency and which is not designated as an open space area or recreational path, except for public safety personnel and employees of the public agency

that owns, maintains or operates said water conveyance system, or those persons authorized by such agency.

- (c) It is unlawful for any person to camp or loiter upon any part of the right-of-way in which a water conveyance system owned, maintained or operated by a public agency is located, including any portion of such right-of-way designated as open space.
- (d) It is unlawful for any person to remain in an open space or recreational trail that is within the right-of-way of a water conveyance channel after having been instructed to leave by an employee of the public agency that controls the water conveyance system, their designated representative, or a law enforcement official, due to a public safety issue or to allow the agency to conduct facility maintenance.
- (e) It is unlawful for any person to operate a motor vehicle or an off-highway vehicle in the right-of-way of a water conveyance system that is owned, maintained, or operated by a public agency, including any water conveyance system designated as open space or as a recreation trail, except for public safety personnel and employees of the public agency that owns, maintains or operates said water conveyance system, or those persons authorized by such agency.
- (f) The penalties outlined in § 1-01-100 shall apply for violating this section. A Criminal Trespass citation shall be issued for violation of this ordinance.
- (g) Juveniles, minors under the age of 18 years of age, in violation of this ordinance shall be issued a Criminal Trespass under NMSA §30-14-1. Juveniles shall be referred to the Juvenile Probation Office (JPO).

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/03/2024

Report No: 14.

Submitted By: Evelyn Huff

Subject: Consider, and act upon, Resolution 2024-03 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 January 9, 2024. (*Evelyn Huff, Finance Director*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: Beginning Cash Balances - \$92,951,619

Revenues - \$2,793,959, Increase

Expenditures - \$4,797,900 Increase

Transfers In - \$1,545,326 Increase

Transfers Out - \$1,545,326 Increase

Recommendation: Approve the Resolution Request

Background: The City Commission adopted the FY 2023-2024 budget on July 28, 2023. The Department of Finance & Administration granted approval of the City of Alamogordo's Fiscal Year 2023-2024 Annual Budget on August 15, 2023. Resolution 2024-03 amends the budget to reflect a more true and accurate projection of the actual revenues and expenditures. A summary and explanation of the revisions are attached for your review.

RESOLUTION NO. 2024-03

A RESOLUTION REQUESTING THE DEPARTMENT OF FINANCE AND ADMINISTRATION, STATE OF NEW MEXICO, APPROVE REVISED BUDGET FIGURES FOR CERTAIN LINE ITEMS IN THE CITY'S BUDGET FOR FISCAL YEAR 2023-2024.

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

WHEREAS, the Department of Finance and Administration, State of New Mexico, gave its written final approval to the City of Alamogordo, New Mexico's annual budget on August 15, 2023, for fiscal year 2023-2024; and

WHEREAS, the City of Alamogordo, New Mexico, has tabulated on the following pages the additional resources and expenditures for fiscal year 2023-2024.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the City's annual budget for fiscal year 2023-2024 be and hereby is revised as of January 9, 2024, to reflect a more true and accurate projection of the actual revenues and expenditures for fiscal year 2023-2024 as shown on the following pages.

NOW, BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO, that the Department of Finance and Administration, State of New Mexico, be requested to give its written approval to the revised budget figures computed on January 9, 2024, as a more true and accurate projection of the actual revenues and expenditures for fiscal year 2023-2024.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Alamogordo, New Mexico, at a Regular Meeting held this 9th. day of January 2024.

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 N. Smith, City Attorney

**ALL FUNDS SUMMARY
BUDGET 2023-2024**

1/12TH REQ RSRV
1,769,413
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
2,469,088

FY24 BUDGET - RESOLUTION 2024-03 (#7) JANUARY 9, 2024

FUND NO.	FY 2023-2024 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	15,423,967	22,128,273	311,577	11,923,618	(11,612,041)	21,232,953	4,707,246	2,238,158	2,469,088
12	INTERNAL SERVICE FUND	10,000	241,739	5,160,056	0	5,160,056	5,411,692	103		\$103
15	CORRECTIONS-JAIL	90,675	54,734	0	0	0	113,240	32,169		\$32,169
16	LODGER'S TAX-PROMOTIONAL FUND	353,179	2,067	0	0	0	213,750	141,496		\$141,496
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		\$8,638
19	COURT AUTOMATION FUND	6,033	35,000	37,089	0	37,089	71,709	6,413		\$6,413
20	LODGER'S TAX-CITY	536,427	80,898	183,295	87,553	95,742	598,393	114,674		\$114,674
21	D.A.R.E. DONATIONS FUND	21,005	2,195	0	0	0	13,092	10,108		\$10,108
24	GRANT CAPITAL IMPROVEMENT	0	8,584,624	1,579,500	0	1,579,500	9,651,489	512,635		\$512,635
27	MUNICIPAL COURT OPERATIONS	5,000	13,000	506,784	0	506,784	524,732	52		\$52
28	POLICE CONTINGENCY	75,078	650	0	0	0	10,000	65,728		\$65,728
31	CEMETERY-PERPETUAL CARE	860,280	21,642	0	40,000	(40,000)	0	841,922		\$841,922
32	COMMUNITY SERVICES	13,775	504,839	6,626,436	0	6,626,436	7,141,532	3,518		\$3,518
33	FIRE PROTECTION	1,113,851	1,203,473	0	0	0	2,236,012	81,312		\$81,312
35	HIDTA GRANT FUND	780	0	0	0	0	0	780		\$780
36	LAW ENFORCEMENT FUND	68,724	159,500	0	0	0	228,224	(0)		(\$0)
37	STATE HIGHWAY FUND	115,832	51,280	0	0	0	57,316	109,796		\$109,796
38	TRAFFIC SAFETY FUND	77,507	14,581	0	0	0	10,000	82,088		\$82,088
39	STATE JUDICIAL	2,393	34,000	0	0	0	34,000	2,393		\$2,393
42	1984 GROSS RECEIPTS TAX	3,872,525	2,121,677	0	4,056,487	(4,056,487)	37,016	1,900,699	252,119	\$1,648,580
44	TRANSPORTATION FUND	22,581	1,200,328	5,113,144	361,436	4,751,708	5,974,285	332		\$332
48	NEW MEXICO C.D.B.G.	0	382,515	1,161,308	0	1,161,308	1,407,044	136,779		\$136,779
49	1986 GROSS RECEIPTS TAX	4,547,832	2,129,102	0	896,490	(896,490)	279,812	5,500,632	268,391	\$5,232,241
50	PROPERTY ACQUISITION	85,010	0	0	0	0	0	85,010		\$85,010
53	GENERAL OBLIGATION	989,996	1,201,162	0	0	0	1,183,245	1,007,913	557,029	\$450,884
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	0	0	0	10,447	11,520		\$11,520
56	99 GRT FLOOD CONTROL BOND PROJ	8	0	269,404	0	269,404	269,404	8		\$8
59	REVENUE BOND P & I FUND	172,412	8,300	2,357,973	0	2,357,973	2,357,973	180,712		\$180,712
61	MUNICIPAL INFRASTRUCTURE .0625%	1,872,040	530,855	0	260,000	(260,000)	9,254	2,133,641		\$2,133,641
63	COMMUNITY DEVELOPMENT	2,500	0	462,723	30,105	432,618	432,712	2,406		\$2,406
69	1994 GROSS RECEIPTS	4,040,006	2,114,548	0	2,401,640	(2,401,640)	37,016	3,715,898	553,051	\$3,162,847
71	ALAMO SENIOR CENTER	14,430	897,856	785,907	0	785,907	1,689,631	8,562		\$8,562
74	ALAMO SENIOR CENTER GIFT	136,021	11,078	0	0	0	26,286	120,813		\$120,813
75	SENIOR VOLUNTEER PROGRAM	10,107	139,307	1,400	0	1,400	150,530	284		\$284
81	WATER/SEWER OPERATING	16,271,347	11,262,553	658,461	3,795,718	(3,137,257)	14,349,911	10,046,732	1,463,850	\$8,582,882
82	98 JT WATER/SEWER BOND P&I	1,149,309	15,226	1,863,751	0	1,863,751	1,863,751	1,164,535		\$1,164,535
86	SOLID WASTE COLLECTION SYS.	996,061	2,495,198	240,000	158,629	81,371	2,771,383	801,247	178,583	\$622,664
88	BONITO CAMPGROUND	395,878	4,138	150,000	0	150,000	174,456	375,560		\$375,560
89	ESGRT .0625%	1,800,843	542,623	0	278,683	(278,683)	1,153,142	911,641		\$911,641

**ALL FUNDS SUMMARY
BUDGET 2023-2024**

1/12TH REQ RSRV
1,769,413
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
2,469,088

FY24 BUDGET - RESOLUTION 2024-03 (#7) JANUARY 9, 2024

FUND NO.	FY 2023-2024 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
90	GOLF COURSE	0	1,715,450	246,082	0	246,082	1,960,026	1,506		\$1,506
91	AIRPORT	20,000	260,112	191,500	45,736	145,764	421,064	4,812		\$4,812
94	OTERO GREENTREE REG LANDFILL	3,444,133	1,418,772	0	5,000	(5,000)	2,637,694	2,220,211		\$2,220,211
96	SELF-INSURED FUND	581,219	140,317	0	276,600	(276,600)	181,121	263,815		\$263,815
98	PAYROLL CLEARING	242,872	0	0	0	0	0	242,872		\$242,872
104	UTILITY DEPOSITS	628,617	0	0	0	0	0	628,617		\$628,617
105	ECONOMIC DEVELOPMENT	6,821,364	1,133,468	0	0	0	1,232,143	6,722,689		\$6,722,689
107	SELF INSURED/LIABILITY	1,081,582	8,050	0	0	0	535,000	554,632		\$554,632
109	2004 GRT CAPITAL OUTLAY	15,640,173	4,335,972	0	3,288,695	(3,288,695)	4,822,897	11,864,553	534,452	\$11,330,101
114	SIDEWALKS REVOLVING LOANS	146,446	1,722	0	0	0	0	148,168		\$148,168
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		\$1,000
119	2012 GRT REF/IMP REVBD	199,317	3,085	0	0	0	192,557	9,845		\$9,845
121	2015 GO BONDS-FUN CENTER	92,226	1,081	0	0	0	0	93,307		\$93,307
122	2015 GO BONDS-STREETS	178,708	2,095	0	0	0	0	180,803		\$180,803
124	AMERICAN RESCUE PLAN ACT	7,226,672	75,043	0	0	0	7,119,553	182,162		\$182,162
125	CANNABIS GRT	0	204,000	0	0	0	202,238	1,762		\$1,762
901	HOUSING LOW RENT OPERATING	899,290	0	0	0	0	0	899,290	86,881	\$812,409
903	HOUSING HOMEOWNERSHIP OPER	18	0	0	0	0	0	18		\$18
904	HOUSING CAPITAL FUND PROJECTS	563,966	0	0	0	0	0	563,966		\$563,966
TOTALS FY2024		92,951,619	67,488,128	27,906,390	27,906,390	0	101,029,725	59,410,022	6,132,514	53,277,508

ALL FUNDS SUMMARY

BUDGET 2023-2024

1/12TH REQ RSRV
1,769,413
1/12TH REQ RSRV
0
Fund Reserve Policy
468,745
Bal. Remaining
2,469,088

FY24 BUDGET - RESOLUTION 2024-03 (#7) JANUARY 9, 2024

FUND NO.	FY 2023-2024 FUND DESCRIPTION	UNAUDITED BEGINNING CASH BALANCE	ESTIMATED REVENUES	TRANSFERS IN	TRANSFERS OUT	NET CASH TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
11	GENERAL OPERATING FUND	15,423,967	22,128,273	311,577	11,909,141	(11,597,564)	21,276,628	4,678,048	2,238,158	2,439,890
	Revision #3-Insurance Premium Increases				4,477	(4,477)	(43,675)	39,198		39,198
	Revision #8-Public Works Yard Entrance Project				10,000	(10,000)		(10,000)		(10,000)
	Total Revised Fund 11	15,423,967	22,128,273	311,577	11,923,618	(11,612,041)	21,232,953	4,707,246	2,238,158	2,469,088
12	INTERNAL SERVICE FUND	10,000	241,739	5,149,714	0	5,149,714	5,401,350	103		103
	Revision #3-Insurance Premium Increases			342		342	342	0		0
	Revision #8-Public Works Yard Entrance Project			10,000		10,000	10,000	0		0
	Total Revised Fund 12	10,000	241,739	5,160,056	0	5,160,056	5,411,692	103		103
15	CORRECTIONS-JAIL	90,675	54,734	0	0	0	113,240	32,169		32,169
	Total Revised Fund 15	90,675	54,734	0	0	0	113,240	32,169		32,169
16	LODGER'S TAX-PROMOTIONAL FUND	353,179	2,067	0	0	0	213,750	141,496		141,496
	Total Revised Fund 16	353,179	2,067	0	0	0	213,750	141,496		141,496
17	POLICE COURT BOND	8,638	0	0	0	0	0	8,638		8,638
	Total Revised Fund 17	8,638	0	0	0	0	0	8,638		8,638
19	COURT AUTOMATION FUND	6,033	35,000	37,089	0	37,089	71,709	6,413		6,413
	Total Revised Fund 19	6,033	35,000	37,089	0	37,089	71,709	6,413		6,413
20	LODGER'S TAX-CITY	536,427	80,898	183,295	87,553	95,742	567,854	145,213		145,213
	Revision #3-Insurance Premium Increases					0	10,204	(10,204)		(10,204)
	Revision #4-Administrative Fees					0	20,335	(20,335)		(20,335)
	Total Revised Fund 20	536,427	80,898	183,295	87,553	95,742	598,393	114,674		114,674
21	D.A.R.E. DONATIONS FUND	21,005	2,195	0	0	0	13,092	10,108		10,108
	Total Revised Fund 21	21,005	2,195	0	0	0	13,092	10,108		10,108
24	GRANT CAPITAL IMPROVEMENT	0	6,090,665	49,500	0	49,500	5,627,530	512,635		512,635
	Revision #1-Tenth St./Washington Bridge Repair Grant Award		570,000	30,000		30,000	600,000	0		0
	Revision #7-ALTSD State Grant Senior Center Convection Oven		23,959			0	23,959	0		0
	Revision #10-Great Blocks Grant Alamogordo Mainstreet		1,900,000	1,500,000		1,500,000	3,400,000	0		0
	Total Revised Fund 24	0	8,584,624	1,579,500	0	1,579,500	9,651,489	512,635		512,635
27	MUNICIPAL COURT OPERATIONS	5,000	13,000	506,600	0	506,600	524,548	52		52
	Revision #3-Insurance Premium Increases			184		184	184	0		0
	Total Revised Fund 27	5,000	13,000	506,784	0	506,784	524,732	52		52
28	POLICE CONTINGENCY	75,078	650	0	0	0	10,000	65,728		65,728
	Total Revised Fund 28	75,078	650	0	0	0	10,000	65,728		65,728
31	CEMETERY-PERPETUAL CARE	860,280	21,642	0	40,000	(40,000)	0	841,922		841,922
	Total Revised Fund 31	860,280	21,642	0	40,000	(40,000)	0	841,922		841,922
32	COMMUNITY SERVICES	13,775	504,839	6,622,485	0	6,622,485	7,137,581	3,518		3,518
	Revision #3-Insurance Premium Increases			3,951		3,951	3,951	0		0
	Total Revised Fund 32	13,775	504,839	6,626,436	0	6,626,436	7,141,532	3,518		3,518
33	FIRE PROTECTION	1,113,851	903,473	0	0	0	1,936,012	81,312		81,312
	Revision #9-State Fire Marshal Vehicle Grant		300,000			0	300,000	0		0
	Total Revised Fund 33	1,113,851	1,203,473	0	0	0	2,236,012	81,312	0	81,312

35	HIDTA GRANT FUND	780	0	0	0	0	0	780		780
	Total Revised Fund 35	780	0	0	0	0	0	780		780
36	LAW ENFORCEMENT FUND	68,724	159,500	0	0	0	228,224	(0)		(0)
	Total Revised Fund 36	68,724	159,500	0	0	0	228,224	(0)		(0)
37	STATE HIGHWAY FUND	115,832	51,280	0	0	0	57,316	109,796		109,796
	Total Revised Fund 37	115,832	51,280	0	0	0	57,316	109,796		109,796
38	TRAFFIC SAFETY FUND	77,507	14,581	0	0	0	10,000	82,088		82,088
	Total Revised Fund 38	77,507	14,581	0	0	0	10,000	82,088		82,088
39	STATE JUDICIAL	2,393	34,000	0	0	0	34,000	2,393		2,393
	Total Revised Fund 39	2,393	34,000	0	0	0	34,000	2,393		2,393
42	1984 GROSS RECEIPTS TAX	3,872,525	2,121,677	0	4,055,638	(4,055,638)	37,016	1,901,548	252,119	1,649,429
	Revision #3-Insurance Premium Increases				849	(849)		(849)		(849)
	Total Revised Fund 42	3,872,525	2,121,677	0	4,056,487	(4,056,487)	37,016	1,900,699	252,119	1,648,580
44	TRANSPORTATION FUND	22,581	1,200,328	5,112,295	361,436	4,750,859	5,973,436	332		332
	Revision #3-Insurance Premium Increases			849		849	849	0		0
	Total Revised Fund 44	22,581	1,200,328	5,113,144	361,436	4,751,708	5,974,285	332		332
48	NEW MEXICO C.D.B.G.	0	382,515	1,161,308	0	1,161,308	1,407,044	136,779		136,779
	Total Revised Fund 48	0	382,515	1,161,308	0	1,161,308	1,407,044	136,779		136,779
49	1986 GROSS RECEIPTS TAX	4,547,832	2,129,102	0	896,490	(896,490)	279,812	5,500,632	268,391	5,232,241
	Total Revised Fund 49	4,547,832	2,129,102	0	896,490	(896,490)	279,812	5,500,632	268,391	5,232,241
50	PROPERTY ACQUISITION	85,010	0	0	0	0	0	85,010		85,010
	Total Revised Fund 50	85,010	0	0	0	0	0	85,010		85,010
53	GENERAL OBLIGATION	989,996	1,201,162	0	0	0	1,183,245	1,007,913	557,029	450,884
	Total Revised Fund 53	989,996	1,201,162	0	0	0	1,183,245	1,007,913	557,029	450,884
54	REVERSE OSMOSIS PROJECT RSV	21,967	0	0	0	0	10,447	11,520		11,520
	Total Revised Fund 54	21,967	0	0	0	0	10,447	11,520		11,520
56	99 GRT FLOOD CONTROL BOND PROJ	8	0	269,404	0	269,404	269,404	8		8
	Total Revised Fund 56	8	0	269,404	0	269,404	269,404	8		8
59	REVENUE BOND P & I FUND	172,412	8,300	2,357,973	0	2,357,973	2,357,973	180,712		180,712
	Total Revised Fund 59	172,412	8,300	2,357,973	0	2,357,973	2,357,973	180,712		180,712
61	MUNICIPAL INFRASTRUCTURE .0625%	1,872,040	530,855	0	260,000	(260,000)	9,254	2,133,641		2,133,641
	Total Revised Fund 61	1,872,040	530,855	0	260,000	(260,000)	9,254	2,133,641		2,133,641
63	COMMUNITY DEVELOPMENT	2,500	0	462,723	30,105	432,618	432,458	2,660		2,660
	Revision #3-Insurance Premium Increases					0	254	(254)		(254)
	Total Revised Fund 63	2,500	0	462,723	30,105	432,618	432,712	2,406		2,406
69	1994 GROSS RECEIPTS	4,040,006	2,114,548	0	2,401,640	(2,401,640)	37,016	3,715,898	553,051	3,162,847
	Total Revised Fund 69	4,040,006	2,114,548	0	2,401,640	(2,401,640)	37,016	3,715,898	553,051	3,162,847
71	ALAMO SENIOR CENTER	14,430	897,856	785,907	0	785,907	1,688,143	10,050		10,050
	Revision #3-Insurance Premium Increases					0	1,488	(1,488)		(1,488)
	Total Revised Fund 71	14,430	897,856	785,907	0	785,907	1,689,631	8,562		8,562
74	ALAMO SENIOR CENTER GIFT	136,021	11,078	0	0	0	26,286	120,813		120,813
	Total Revised Fund 74	136,021	11,078	0	0	0	26,286	120,813		120,813
75	SENIOR VOLUNTEER PROGRAM	10,107	139,307	1,400	0	1,400	150,430	384		384
	Revision #3-Insurance Premium Increases					0	100	(100)		(100)
	Total Revised Fund 75	10,107	139,307	1,400	0	1,400	150,530	284		284
81	WATER/SEWER OPERATING	16,271,347	11,262,553	658,461	2,295,718	(1,637,257)	13,881,040	12,015,603	1,463,850	10,551,753
	Revision #1-Tenth St./Hubbard CBC Engineering Funding					0	18,500	(18,500)		(18,500)
	Revision #3-Insurance Premium Increases					0	4,904	(4,904)		(4,904)
	Revision #5-DP220/DP806 Compliance Carryover Funding WWTP					0	55,467	(55,467)		(55,467)
	Revision #6-Lead/Copper Rule Revision Compliance					0	390,000	(390,000)		(390,000)
	Revision #10-Great Blocks Grant Alamogordo Mainstreet				1,500,000	(1,500,000)		(1,500,000)		(1,500,000)
	Total Revised Fund 81	16,271,347	11,262,553	658,461	3,795,718	(3,137,257)	14,349,911	10,046,732	1,463,850	8,582,882
82	98 JT WATER/SEWER BOND P&I	1,149,309	15,226	1,863,751	0	1,863,751	1,863,751	1,164,535	0	1,164,535
	Total Revised Fund 82	1,149,309	15,226	1,863,751	0	1,863,751	1,863,751	1,164,535	0	1,164,535

86	SOLID WASTE COLLECTION SYS.	996,061	2,495,198	240,000	158,629	81,371	2,771,246	801,384	178,583	622,801
	Revision #3-Insurance Premium Increases					0	137	(137)		(137)
	Total Revised Fund 86	996,061	2,495,198	240,000	158,629	81,371	2,771,383	801,247	178,583	622,664
88	BONITO CAMPGROUND	395,878	4,138	150,000	0	150,000	174,456	375,560		375,560
	Total Revised Fund 88	395,878	4,138	150,000	0	150,000	174,456	375,560	0	375,560
89	ESGRT .0625%	1,800,843	542,623	0	278,683	(278,683)	1,153,142	911,641		911,641
	Total Revised Fund 89	1,800,843	542,623	0	278,683	(278,683)	1,153,142	911,641	0	911,641
90	GOLF COURSE	0	1,715,450	246,082	0	246,082	1,959,632	1,900		1,900
	Revision #3-Insurance Premium Increases					0	394	(394)		(394)
	Total Revised Fund 90	0	1,715,450	246,082	0	246,082	1,960,026	1,506	0	1,506
91	AIRPORT	20,000	260,112	191,500	45,736	145,764	420,810	5,066	0	5,066
	Revision #3-Insurance Premium Increases					0	254	(254)		(254)
	Total Revised Fund 91	20,000	260,112	191,500	45,736	145,764	421,064	4,812	0	4,812
94	OTERO GREENTREE REG LANDFILL	3,444,133	1,418,772	0	5,000	(5,000)	2,637,441	2,220,464		2,220,464
	Revision #3-Insurance Premium Increases					0	253	(253)		(253)
	Total Revised Fund 94	3,444,133	1,418,772	0	5,000	(5,000)	2,637,694	2,220,211	0	2,220,211
96	SELF-INSURED FUND	581,219	140,317	0	276,600	(276,600)	181,121	263,815		263,815
	Total Revised Fund 96	581,219	140,317	0	276,600	(276,600)	181,121	263,815	0	263,815
98	PAYROLL CLEARING	242,872	0	0	0	0	0	242,872		242,872
	Total Revised Fund 98	242,872	0	0	0	0	0	242,872	0	242,872
104	UTILITY DEPOSITS	628,617	0	0	0	0	0	628,617		628,617
	Total Revised Fund 104	628,617	0	0	0	0	0	628,617	0	628,617
105	ECONOMIC DEVELOPMENT	6,821,364	1,133,468	0	0	0	1,232,143	6,722,689		6,722,689
	Total Revised Fund 105	6,821,364	1,133,468	0	0	0	1,232,143	6,722,689		6,722,689
107	SELF INSURED/LIABILITY	1,081,582	8,050	0	0	0	535,000	554,632		554,632
	Total Revised Fund 107	1,081,582	8,050	0	0	0	535,000	554,632	0	554,632
109	2004 GRT CAPITAL OUTLAY	15,640,173	4,335,972	0	3,258,695	(3,258,695)	4,822,897	11,894,553	534,452	11,360,101
	Revision #1-Tenth St./Washington Bridge Repair Grant Award				30,000	(30,000)		(30,000)		(30,000)
	Total Revised Fund 109	15,640,173	4,335,972	0	3,288,695	(3,288,695)	4,822,897	11,864,553	534,452	11,330,101
114	SIDEWALKS REVOLVING LOANS	146,446	1,722	0	0	0	0	148,168		148,168
	Total Revised Fund 114	146,446	1,722	0	0	0	0	148,168	0	148,168
115	CORP ESCROW ACCOUNT RESERVE	1,000	0	0	0	0	0	1,000		1,000
	Total Revised Fund 115	1,000	0	0	0	0	0	1,000	0	1,000
119	2012 GRT REF/IMP REV BOND	199,317	3,085	0	0	0	192,557	9,845		9,845
	Total Revised Fund 119	199,317	3,085	0	0	0	192,557	9,845		9,845
121	2015 GO BONDS-FUN CENTER	92,226	1,081	0	0	0	0	93,307		93,307
	Total Revised Fund 121	92,226	1,081	0	0	0	0	93,307		93,307
122	2015 GO BONDS-STREETS	178,708	2,095	0	0	0	0	180,803		180,803
	Total Revised Fund 122	178,708	2,095	0	0	0	0	180,803		180,803
124	AMERICAN RESCUE PLAN ACT	7,226,672	75,043	0	0	0	7,119,553	182,162		182,162
	Total Revised Fund 124	7,226,672	75,043	0	0	0	7,119,553	182,162		182,162
125	CANNABIS GRT	0	204,000	0	0	0	202,238	1,762		1,762
	Total Revised Fund 125	0	204,000	0	0	0	202,238	1,762		1,762
901	HOUSING LOW RENT OPERATING	899,290	0	0	0	0	0	899,290	86,881	812,409
	Total Revised Fund 901	899,290	0	0	0	0	0	899,290	86,881	812,409
903	HOUSING HOMEOWNERSHIP OPER	18	0	0	0	0	0	18		18
	Total Revised Fund 903	18	0	0	0	0	0	18	0	18
904	HOUSING CAPITAL FUND PROJECTS	563,966	0	0	0	0	0	563,966		563,966
	Total Revised Fund 904	563,966	0	0	0	0	0	563,966		563,966
TOTALS FY2024		92,951,619	67,488,128	27,906,390	27,906,390	0	101,029,725	59,410,022	6,132,514	53,277,508

FY24 Budget Resolution # 2024-03 (#7) - January 9, 2024

FUND NO. JOURNAL NO.	PROJECT NO.	LINE ITEM NO.	LINE ITEM DESCRIPTION	ORIGINAL BUDGET AMOUNT	INCREASE (DECREASE)	REVISED BUDGET AMOUNT
REVISION #1						
This budget revision is to account for a Grant Award from the Department of Transportation to repair bridge at Tenth St. & Washington Ave..						
24	GRANT CAPITAL IMPROVEMENT FUND					
Revenues						
1870	PW2404.GRNT.STTE	024.000.0000.0000.40702.	Grants-State	6,089,770	570,000	6,659,770
Total Revenues				6,089,770	570,000	6,659,770
Transfers In						
1870	PW2404.TRNI.GGRT	024.000.0000.0000.49109.	Trans fr (109) 2004 GRT	49,500	30,000	79,500
Total Transfers In				49,500	30,000	79,500
Expenditures						
1870	PW2404.CAPT.INFA	024.000.0000.0000.57033.	Capital-Infrastructure	48,500	600,000	648,500
Total Expenditures				48,500	600,000	648,500
109	STREET CAPITAL GRT FUND					
Transfers In						
1870		109.000.0000.0000.59024.	Trans to (24) Grant Capital Improvement	49,500	30,000	79,500
Total Transfers In				49,500	30,000	79,500
REVISION #2						
This budget revision is to provide additional funding for completion of engineering on Tenth St. & Hubbard CBC.						
81	WATER/SEWER FUND					
Expenditures						
67	EN1904.CAPT.PIPE.LOCL	081.600.9303.0000.57035.	Capital-Water Line Improvement	109,499	18,500	127,999
Total Expenditures				109,499	18,500	127,999
REVISION #3						
This budget revision is to adjust budget amounts to actual for General Liability, Errors & Omissions, Commercial Property, Flood, Airport Insurances, respectively, for FY2023-						
11	GENERAL FUND					
Transfers Out						
740		011.000.0000.0000.59012.	Trans to (12) Internal Service	3,896,561	342	3,896,903
740		011.000.0000.0000.59027.	Trans to (27) Corrections	506,600	184	506,784
740		011.000.0000.0000.59032.	Trans to (32) Community Services	6,004,497	3,951	6,008,448
Total Transfers Out				10,407,658	4,477	10,412,135
Expenditures						
740		011.000.2400.0000.55001.	Insurance-General Liability (2400 Non-Departmental)	56,933	4,712	61,645
740		011.000.2400.0000.55003.	Insurance-Errors & Omissions (2400 Non-Departmental)	130,699	(55,336)	75,363
740		011.000.2400.0000.55006.	Insurance-Commercial Property (2400 Non-Departmental)	46,200	5,423	51,623
740		011.100.2001.0000.55006.	Insurance-Commercial Property (2001 City Clerk)	350	18	368
740		011.400.3804.0000.55006.	Insurance-Commercial Property (3804 Animal Control)	1,620	115	1,735
740		011.400.4104.0000.55006.	Insurance-Commercial Property (4104 Police)	8,950	670	9,620
740		011.400.4204.0000.55006.	Insurance-Commercial Property (4204 Fire)	10,500	723	11,223
Total Expenditures				255,252	(43,675)	211,577
12	INTERNAL SERVICE FUND					
Transfers In						
740		012.000.0000.0000.49011.	Trans fr (11) General	3,896,561	342	3,896,903
Total Transfers In				3,896,561	342	3,896,903
Expenditures						
740		012.200.1602.0000.55006.	Insurance-Commercial Property (1602 Purchasing)	2,500	187	2,687
740		012.200.3303.0000.55006.	Insurance-Commercial Property (3303 Facility Maintenance)	2,600	116	2,716
740		012.200.3503.0000.55006.	Insurance-Commercial Property (3503 Fleet Maintenance)	2,500	39	2,539
Total Expenditures				7,600	342	7,942
20	LODGER'S TAX - CITY'S SHARE FUND					
Expenditures						
740		020.800.0407.0000.55001.	Insurance-General Liability (0407 Civic Center)	10,818	9,496	20,314
740		020.800.0407.0000.55006.	Insurance-Commercial Property (0407 Civic Center)	7,600	509	8,109
740		020.800.0407.0000.55007.	Insurance-Flood Insurance (0407 Civic Center)	1,263	199	1,462
Total Expenditures				19,681	10,204	29,885
27	MUNICIPAL COURT FUND					
Transfers In						
740		027.000.0000.0000.49011.	Trans fr (11) General	506,600	184	506,784
Total Transfers In				506,600	184	506,784
Expenditures						
740		027.700.1201.0000.55001.	Insurance-General Liability (1201 Judicial)	2,215	184	2,399
Total Expenditures				2,215	184	2,399

32 COMMUNITY SERVICES FUND

		<i>Transfers In</i>			
740		032.000.0000.0000.49011.	Trans fr (11) General	6,004,497	3,951 6,008,448
			Total Transfers In	6,004,497	3,951 6,008,448
		<i>Expenditures</i>			
740		032.300.6006.0000.55001.	Insurance-General Liability (6006 Cemetery)	680	57 737
740		032.300.6006.0000.55006.	Insurance-Commercial Property (6006 Cemetery)	800	45 845
740		032.300.6106.0000.55001.	Insurance-General Liability (6106 Recreation Center)	10,218	846 11,064
740		032.300.6106.0000.55006.	Insurance-Commercial Property (6106 Recreation Center)	8,700	443 9,143
740		032.300.6206.0000.55001.	Insurance-General Liability (6206 Parks)	7,840	649 8,489
740		032.300.6206.0000.55006.	Insurance-Commercial Property (6206 Parks)	6,970	429 7,399
740		032.300.6306.0000.55001.	Insurance-General Liability (6306 Zoo)	2,149	178 2,327
740		032.300.6306.0000.55006.	Insurance-Commercial Property (6306 Zoo)	2,700	143 2,843
740		032.300.7101.0000.55001.	Insurance-General Liability (7101 Library)	4,860	403 5,263
740		032.300.7101.0000.55006.	Insurance-Commercial Property (7101 Library)	11,500	758 12,258
			Total Expenditures	56,417	3,951 60,368

42 1984 GRT FUND

		<i>Transfers Out</i>			
740		042.000.0000.0000.59044.	Trans to (44) Transportation	3,785,136	849 3,785,985
			Total Transfers Out	3,785,136	849 3,785,985

44 TRANSPORTATION FUND

		<i>Transfers In</i>			
740		044.000.0000.0000.49042.	Trans fr (42) 1984 GRT	3,785,136	849 3,785,985
			Total Transfers In	3,785,136	849 3,785,985
		<i>Expenditures</i>			
740		044.500.5203.0000.55001.	Insurance-General Liability (5203 Streets Maintenance)	4,945	410 5,355
740		044.500.5203.0000.55006.	Insurance-Commercial Property (5203 Streets Maintenance)	380	28 408
740		044.500.5303.0000.55001.	Insurance-General Liability (5303 Drainage/Weed Maintenance)	4,958	411 5,369
			Total Expenditures	10,283	849 11,132

63 ENGINEERING FUND

		<i>Expenditures</i>			
740		063.600.5005.0000.55001.	Insurance-General Liability (5005 Engineering)	3,058	254 3,312
			Total Expenditures	3,058	254 3,312

71 SENIOR CENTER FUND

		<i>Expenditures</i>			
740	SCLO24.INSR.GENL.LOCL	071.300.8020.0000.55001.	Insurance-General Liability (SC Local)	3,734	659 4,393
740	SCCM24.INSR.CMPR.LOCL	071.300.8020.0000.55006.	Insurance-Commercial Property (SC Congregate Meals)	2,298	173 2,471
740	SCTR24.INSR.CMPR.LOCL	071.300.8020.0000.55006.	Insurance-Commercial Property (SC Transportation)	438	33 471
740	SCHD24.INSR.CMPR.LOCL	071.300.8020.0000.55006.	Insurance-Commercial Property (SC Home Delivered Meals)	2,625	199 2,824
740	SCLO24.INSR.CMPR.LOCL	071.300.8020.0000.55006.	Insurance-Commercial Property (SC Local)	5,577	424 6,001
			Total Expenditures	14,672	1,488 16,160

75 SENIOR CENTER RSVP FUND

		<i>Expenditures</i>			
1747		075.300.8020.0000.55001.	Insurance-General Liability (8020 Senior Center RSVP)	1,203	100 1,303
			Total Expenditures	1,203	100 1,303

81 WATER/SEWER FUND

		<i>Expenditures</i>			
740		081.600.2202.0000.55001.	Insurance-General Liability (2202 Utility Billing)	2,031	169 2,200
740		081.600.5503.0000.55001.	Insurance-General Liability (5503 Utility Maintenance)	544	46 590
740		081.600.5503.0000.55006.	Insurance-Commercial Property (5503 Utility Maintenance)	3,700	152 3,852
740		081.600.5603.0000.55001.	Insurance-General Liability (5603 Water Reclamation Plant)	1,545	128 1,673
740		081.600.5603.0000.55006.	Insurance-Commercial Property (5603 Water Reclamation Plant)	2,100	137 2,237
740		081.600.5703.0000.55001.	Insurance-General Liability (5703 Water Production Plant)	5,080	354 5,434
740		081.600.5703.0000.55006.	Insurance-Commercial Property (5703 Water Production Plant)	52,500	3,918 56,418
			Total Expenditures	67,500	4,904 72,404

86 SOLID WASTE FUND

		<i>Expenditures</i>			
740		086.600.1003.0000.55001.	Insurance-General Liability (1003 Convenience Center)	1,356	113 1,469
740		086.600.1003.0000.55006.	Insurance-Commercial Property (1003 Convenience Center)	515	24 539
			Total Expenditures	1,871	137 2,008

90 GOLF COURSE FUND

		<i>Expenditures</i>			
740		090.300.0101.0000.55001.	Insurance-General Liability (0101 Golf Course)	3,304	274 3,578
740		090.300.0101.0000.55006.	Insurance-Commercial Property (0101 Golf Course)	3,100	120 3,220
			Total Expenditures	6,404	394 6,798

91 AIRPORT FUND					
		Expenditures			
740	091.300.2400.0000.55006.	Insurance-Commercial Property (2400 General Administration)	3,200	169	3,369
740	091.300.2400.0000.55012.	Insurance-Airport (2400 General Administration)	2,255	85	2,340
		Total Expenditures	5,455	254	5,709

94 LANDFILL FUND					
		Expenditures			
740	094.600.0903.0000.55001.	Insurance-General Liability (0903 Landfill)	2,368	196	2,564
740	094.600.0903.0000.55006.	Insurance-Commercial Property (0903 Landfill)	1,400	57	1,457
		Total Expenditures	3,768	253	4,021

(20,361)

REVISION #4

This budget revision is to provide funding for Administrative Fees inadvertently left off original budget.

20 LODGER'S TAX-CITY'S SHARE					
		Expenditures			
827	020.800.0407.0000.54524.	Services-Administrative	0	20,335	20,335
		Total Expenditures	0	20,335	20,335

REVISION #5

This budget revision is to carryover funding from FY23 to FY24 for DP220/DP806 Compliance Testing (Project UW2203) at the Water Reclamation Plant.

81 WATER/SEWER FUND					
		Expenditures			
870	UW2203.FEES.ENGN.	Capital-Engineering (DP220/DP806 Compliance PO 105465)	0	55,467	55,467
		Total Expenditures	0	55,467	55,467

REVISION #6

This budget revision is provide funding for Lead and Copper Rule Revision Compliance.

81 WATER/SEWER FUND					
		Expenditures			
1266	UP2402.UTIL.ENGN.LOCL.	Services-Engineering (LCRR Compliance Plan)	1,385	390,000	391,385
		Total Expenditures	1,385	390,000	391,385

REVISION #7

This budget revision is to account for a ALTSD State Grant for emergency purchase of a convection oven at the Senior Center.

24 GRANT CAPITAL IMPROVEMENT FUND					
		Revenues			
1558	024.000.0000.0000.40702.	Grants-State	636,597	23,959	660,556
		Total Revenues	636,597	23,959	660,556
		Expenditures			
1558	024.000.0000.0000.57011.	Capital-Equipment	880,818	23,959	904,777
		Total Expenditures	880,818	23,959	904,777

REVISION #8

This budget revision is to provide additional funding for completion of the Public Works Fence Yard Entrance Project off of 26th. Street.

12 INTERNAL SERVICE FUND					
		Transfers In			
31	012.000.0000.0000.49011.	Trans fr (11) General	3,896,561	10,000	3,906,561
		Total Transfers In	3,896,561	10,000	3,906,561
		Expenditures			
31	012.200.3303.0000.57004.	Capital-Site Improvement	50,000	10,000	60,000
		Total Expenditures	50,000	10,000	60,000

11 GENERAL FUND					
		Transfers In			
31	011.000.0000.0000.59012.	Trans to (24) Grant Capital Improvement	3,896,561	10,000	3,906,561
		Total Transfers In	3,896,561	10,000	3,906,561

REVISION #9

This budget revision is to account for a Grant received from the State Fire Marshal for purchase of a new fire vehicle.

33 FIRE PROTECTION FUND					
		Revenues			
34	FD2306.GRNT.STTE.	Grants-State (Fire Truck Replacement)	0	300,000	300,000
		Total Revenues	0	300,000	300,000
		Expenditures			
34	FD2306.CAPT.VEHL.	Capital-Equipment (Fire Truck Replacement)	949,747	300,000	1,249,747
		Total Expenditures	949,747	300,000	1,249,747

REVISION #10

This budget revision is to recognize a Great Blocks Grant awarded to Alamogordo Main Street with the City serving as lead fiscal agent and also providing \$ 1.5 million of in-kind work on the water and sewer system in the New York Ave. area.

24		GRANT CAPITAL IMPROVEMENT FUND					
					<i>Revenues</i>		
37	EN2306.GRNT.STTE	024.000.0000.0000.40702.	Grants-State (Great Blocks Mainstreet)		6,014,770	1,900,000	7,914,770
					Total Revenues		
					6,014,770	1,900,000	7,914,770
					<i>Transfers In</i>		
37	EN2306.TRNI.LOCL	024.000.0000.0000.49081.	Trans fr (81) Water/Sewer (Great Blocks Mainstreet)		0	1,500,000	1,500,000
					Total Transfers In		
					0	1,500,000	1,500,000
					<i>Expenditures</i>		
37	EN2306.CAPT.SITE.STTE	024.000.0000.0000.57033.	Capital-Infrastructure (Great Blocks Mainstreet)		48,500	1,900,000	1,948,500
37	EN2306.CAPT.SITE LOCL	024.000.0000.0000.57033.	Capital-Infrastructure (Great Blocks Mainstreet W/S)		1,948,500	1,500,000	3,448,500
					Total Expenditures		
					1,997,000	3,400,000	5,397,000
81		WATER/SEWER FUND					
					<i>Transfers In</i>		
37		081.000.0000.0000.59024.	Trans to (24) Grant Capital Improvement		0	1,500,000	1,500,000
					Total Transfers In		
					0	1,500,000	1,500,000

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/27/2023

Report No: 15.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2024-04, declaring 311 Virginia Avenue to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve and order the property's abatement.

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

RESOLUTION NO. 2024-04

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 311 VIRGINIA 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 Virginia 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. Williard L. Avery, 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 _____ 2024.

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

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Exhibit "1"

Account: R011015

Location

Account Number *R011015*

Situs Address 311 VIRGINIA AVE

Previous Parcel ID 01-01355

Parcel Sequence

Neighborhood A1 - South Central Alamogordo

Tax Area 01_R

Parcel Number 01N4055094216404

Legal Summary Subd: ALAMO BLOCKS Lot:
9 Block: 35

Appraiser Sheldon Compton

Owner Information

Owner Name AVERY, WILLARD L

Owner Address 811 MIAMI
ALAMOGORDO, NM 88310

Assessment History

Actual (2023 - Residential Cap applied) \$29,339

Primary Taxable \$9,780

Tax Area: 01_R **Mill Levy:** 25.844000

Type	Actual	Assessed	Acres	SQFT
Residential Land	\$3,300	\$1,100	0.172	
Residential Improvement	\$26,039	\$8,680		1200.000

Transfers

Sale Date

Sale Price

Doc Description

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

Tax History

Images

Tax Year	Taxes	
2023		\$252.76
2022		\$247.16

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

Focusing On: 311 VIRGINIA AVE ALAMOGORDO 88310



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City of Alamogordo

Public Works Division/Code Enforcement Department

2600 North Florida Ave. Alamogordo, New Mexico 88310

Public Works: 575-439-4240 / Code Enforcement 575-439-4375

December 7, 2023

RE: 311 Virgina Ave., Alamogordo, New Mexico

To whom it may concern:

On July 3, 2023, the City of Alamogordo Fire Department and the City of Alamogordo Code Enforcement Department conducted a fire safety and structural walk-thru of the above-mentioned property. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code, were discovered and are listed below:

International Property Maintenance Code:

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

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

The exterior of structures must perform four primary functions:

- It must be in good repair. There should be no evidence of deterioration, or damaged or loose elements.
- It must be structurally sound. There should not be any loose or collapsing pieces. Stairways, porches, balconies, and similar structural elements must safely perform their intended functions.
- It must be kept in a sanitary condition. There shall be no accumulation of litter or debris on porches and other parts of the exterior structure.
- It must be capable of preventing the elements (rain, snow and wind) and rodents from entering the interior areas.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be

eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

304.7 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.

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

Exterior:

- 1) The exterior of the property is exhibiting signs of neglect and deterioration with missing, peeling, flaking, and chipping paint, cracked, loose, or missing exterior wall components, and roofing components that are worn and deteriorated.
- 2) Exterior walls have cracks, deterioration, and missing pieces.
- 3) Windows are broken, with window frames showing signs of decay.
- 4) The roof and components thereof are deteriorated, and rain water and elements are being admitted into the residence.
- 5) The protective treatment including paint or coating to protect the exterior walls has reached its limit state.

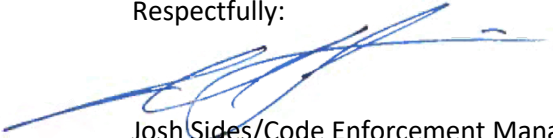
Interior:

- 1) The interior of the structure is unsanitary with pieces of sheetrock that have fallen from the ceiling throughout the residence. There is a musky odor from the rain and elements that have gotten into the building.
- 2) The ceiling joists have signs of decay with cracks and some have broken in half.
- 3) Interior wallboards are deteriorating due to the water that has been admitted into the residence through the roof.

In Closing:

Until this structure is brought up to code, it is unfit for habitation or occupancy. The roof will need to be completely rehabilitated. This property is an attractive nuisance to the neighborhood.

Respectfully:

A handwritten signature in blue ink, appearing to read 'Josh Sides', is written over the first line of the typed name.

Josh Sides/Code Enforcement Manager

Property Maintenance and Housing Inspector (Certification #10314331)

Zoning Inspector (Certification # 10314331)

AACE/ICC Code Enforcement Officer

Dilapidated Structure

311 Virginia Avenue



Laws and Codes

- 3-18-5 NMSA 1978- Dangerous building or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the governing body of the municipality.
- 8-03-170- Unsafe Structure or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the City Commission.
- IPMC 113.1 General-
 - Property owner may board up the structure for future repair or demolition for one (1) year. Property owner has two (2) years to complete rehabilitation or demolition.

Timeline

311 Virginia Avenue

- On 06/28/2023, the Code Enforcement Department was made aware of a potentially dilapidated structure and conducted an investigation.
- On 07/27/2023, 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 08/23/2023, the certified IPMC letter was returned unclaimed and was posted on the front door of the property.
- On 08/28/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 09/11/2023, the Administrative Search Warrant was executed on the property.

International Property Maintenance Code Violations

311 Virginia Avenue

- 304.1 General- Exterior of the structure shall be maintained in a good repair, structurally sound, and sanitary.
- 304.2 Protective Treatment- Exterior surfaces shall be maintained in good condition with a paint or protective sealant applied.
- 304.6 Exterior Walls- Shall be free from holes, breaks, and loose or rotting materials.
- 304.7 Roofs and Drainage- shall be sound, tight, and not have defects that admit rain.
- 304.13- Windows, Skylights, and Door Frames- Kept in sound condition, good repair, and weather tight.

Condition of the Property at 311 Virginia Avenue



Condition of the Property at 311 Virginia Avenue



Condition of the Property at 311 Virginia Avenue



Condition of the Property at 311 Virginia Avenue



Condition of the Property at 311 Virginia Avenue



Condition of the Property at 311 Virginia Avenue



Questions

Josh Sides

Code Enforcement Manager



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/27/2023

Report No: 16.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2024-05 declaring 800 Virginia Avenue to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (*Josh Sides, Code Enforcement Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve and order the property's abatement.

Background: 800 Virginia Ave. is so ruined and dilapidated that it is currently a risk to public health and safety.

RESOLUTION NO. 2024-05

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 800 VIRGINIA 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 800 Virginia 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 Mrs. Crystal Vonfintel, 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 _____ 2024.

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

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Exhibit "1"

Account: R011038

Location

Account Number R011038

Situs Address 800 VIRGINIA AVE

Previous Parcel ID 01-01382

Parcel Sequence

Neighborhood A1 - South Central Alamogordo

Tax Area 01_NR

Parcel Number 01N4055094239242

Legal Summary Subd: ALAMO BLOCKS Lot:
1 Block: 41

Appraiser STEVE BOYLE

Owner Information

Owner Name VONFINTEL, CRYSTAL

Owner Address 802 2ND ST
ALAMOGORDO, NM 88310

Assessment History

Actual (2023) \$10,349

Primary Taxable \$3,450

Tax Area: 01_NR **Mill Levy:** 33.156000

Type	Actual	Assessed	Acres	SQFT
Non-Residential Land	\$9,000	\$3,000	0.172	
Non-Residential Improvement	\$1,349	\$450		1088.000

Transfers

Sale Date

Sale Price

Doc Description

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

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[Deed](#)

[Deed](#)

[Warranty Deed](#)

[Probate](#)

[Warranty Deed](#)

[Warranty Deed](#)

[01/16/2018](#)

Tax History

Images

Tax Year

Taxes

2023 \$114.40

2022 \$114.72

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

Focusing On: 800 VIRGINIA AVE ALAMOGORDO 88310



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This page didn't load Google Maps correctly. See the JavaScript console for technical details.

City of Alamogordo

Public Works Division/Code Enforcement Department

2600 North Florida Ave. Alamogordo, New Mexico 88310

Public Works: 575-439-4240 / Code Enforcement 575-439-4375

December 7, 2023

RE: 800 Virginia Ave., Alamogordo, New Mexico

To whom it may concern:

On July 3, 2023, the City of Alamogordo Fire Department and the City of Alamogordo Code Enforcement Department conducted a fire safety and structural walk-thru of the above-mentioned property. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code, were discovered and are listed below:

International Property Maintenance Code:

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

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

The exterior of structures must perform four primary functions:

- It must be in good repair. There should be no evidence of deterioration, or damaged or loose elements.
- It must be structurally sound. There should not be any loose or collapsing pieces. Stairways, porches, balconies, and similar structural elements must safely perform their intended functions.
- It must be kept in a sanitary condition. There shall be no accumulation of litter or debris on porches and other parts of the exterior structure.
- It must be capable of preventing the elements (rain, snow and wind) and rodents from entering the interior areas.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be

eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

304.7 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.

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

Exterior:

- 1) The exterior of the property is exhibiting signs of neglect and deterioration with missing, peeling, flaking, and chipping paint, cracked, loose, or missing exterior wall components, and roofing components that are worn and deteriorated.
- 2) Exterior walls have cracks, deterioration, and missing pieces.
- 3) Windows are broken or missing, with window frames showing signs of decay.
- 4) The roof and components thereof are deteriorated, and rainwater and elements are being admitted into the residence.
- 5) The protective treatment, including paint or coating to protect the exterior walls has reached its limit state.

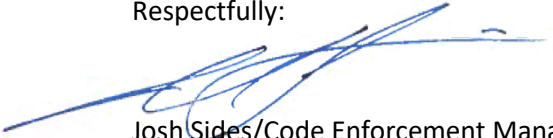
Interior:

- 1) The interior of the structure is unsanitary with pieces of sheetrock that have fallen from the ceiling throughout the residence. There is a musky odor from the rain and elements that have gotten into the building.
- 2) The ceiling joists have signs of decay with cracks and some have broken in half.
- 3) Interior wallboards are deteriorating due to the water that has been admitted into the residence through the roof.

In Closing:

Until this structure is brought up to code, it is unfit for habitation or occupancy. The roof will need to be completely rehabilitated in areas. This property is an attractive nuisance to the neighborhood.

Respectfully:

A handwritten signature in blue ink, appearing to read 'Josh Sides', with a long horizontal flourish extending to the right.

Josh Sides/Code Enforcement Manager

Property Maintenance and Housing Inspector (Certification #10314331)

Zoning Inspector (Certification # 10314331)

AACE/ICC Code Enforcement Officer

Dilapidated Structure

800 Virginia Avenue



Laws and Codes

- 3-18-5 NMSA 1978- Dangerous building or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the governing body of the municipality.
- 8-03-170- Unsafe Structure or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the City Commission.
- IPMC 113.1 General-
 - Property owner may board up the structure for future repair or demolition for one (1) year. Property owner has two (2) years to complete rehabilitation or demolition.

Timeline

800 Virginia Avenue

- On 06/28/2023, the Code Enforcement Department was made aware of a potentially dilapidated structure and conducted an investigation.
- On 07/27/2023, 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 08/23/2023, the certified IPMC letter was returned unclaimed and was posted on the front door of the property.
- On 08/28/2023, 12th Judicial District Court Judge Jessen granted an Administrative Search Warrant.
- On 08/30/2023, the Administrative Search Warrant was executed on the property.

International Property Maintenance Code Violations

800 Virginia Avenue

- 304.1 General- Exterior of the structure shall be maintained in a good repair, structurally sound, and sanitary.
- 304.2 Protective Treatment- Exterior surfaces shall be maintained in good condition with a paint or protective sealant applied.
- 304.6 Exterior Walls- Shall be free from holes, breaks, and loose or rotting materials.
- 304.7 Roofs and Drainage- shall be sound, tight, and not have defects that admit rain.
- 304.13- Windows, Skylights, and Door Frames- Kept in sound condition, good repair, and weather tight.

Condition of the Property at 800 Virginia Avenue



Condition of the Property at 800 Virginia Avenue



Condition of the Property at 800 Virginia Avenue



Condition of the Property at 800 Virginia Avenue



Condition of the Property at 800 Virginia Avenue



Condition of the Property at 800 Virginia Avenue



Questions

Josh Sides

Code Enforcement Manager



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/27/2023

Report No: 17.

Submitted By: Josh Sides

Subject: Consider, and act upon, Resolution 2024-06 declaring 1110 Uranus Dr. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. *(Josh Sides, Code Enforcement Manager)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve and order the property's abatement.

Background: 1110 Uranus was subject to a fire within the structure on November 9, 2023, which caused heavy smoke and fire damage. The property's backyard was filled with rubbish and garbage, and someone was living in the shed. A violation letter was mailed to the property owner and then subsequently posted on the property.

RESOLUTION NO. 2024-06

A RESOLUTION DECLARING THE BUILDING OR STRUCTURE, OR THE PREMISES LOCATED AT 1110 URANUA DRIVE 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 1110 Uranus Drive, 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 Mrs. Judy Perkins, the record owner of the Property, or William C. Bynum, identified as personal representative to the estate, 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 _____ 2024.

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

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Exhibit "1"

Account: R016572

Location

Account Number R016572
Situs Address 1110 URANUS DR
Previous Parcel ID 01-07145
Parcel Sequence
Neighborhood A20E - Panorama Blvd
Tax Area 01_R
Parcel Number 01N4055095198437
Legal Summary Subd: PANORAMA
 TERRACE Lot: 131
Appraiser Sheldon Compton

Owner Information

Owner Name PERKINS, JUDY N
Owner Address 1110 URANUS DR
 ALAMOGORDO, NM 88310

Assessment History

Actual (2023 - Residential Cap applied) \$72,141
Primary Taxable \$24,047
Tax Area: 01_R **Mill Levy:** 25.844000

Type	Actual	Assessed	Acres	SQFT
Residential Land	\$10,383	\$3,461	0.185	
Residential Improvement	\$61,758	\$20,586		1352.000

Transfers

Sale Date

Sale Price

Doc Description

[10/05/2020](#)

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

[Deed](#)

[Warranty Deed](#)

[Probate](#)

[Affidavit of Death Certificate](#)

Tax History

Tax Year	Taxes
2023	\$621.48
2022	\$607.72

Images

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



City of Alamogordo

Public Works Division/Code Enforcement Department

2600 North Florida Ave. Alamogordo, New Mexico 88310

Public Works: 575-439-4240 / Code Enforcement 575-439-4375

December 6, 2023

RE: 1110 Uranus Dr., Alamogordo, New Mexico

To whom it may concern:

On November 9, 2023, the City of Alamogordo Fire Department and the City of Alamogordo Code Enforcement Department conducted a fire safety and structural walk-thru of the above-mentioned property. During the walk-thru, the following deficiencies and hazards, in violation of the International Property Maintenance Code and International Residential Code, were discovered and are listed below:

International Property Maintenance Code:

111.1 Unsafe conditions.

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

111.1.1 Unsafe structures.

An unsafe *structure* is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

111.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

111.1.3 Structure unfit for human occupancy.

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

111.1.5 Dangerous structure or premises.

For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, *structure* or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or *structure*, or part of the building or *structure*, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or *structure* is likely to fail or give way.
6. The building or *structure*, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or *structure* is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or *structure* to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or *structure* for committing a nuisance or an unlawful act.
8. Any building or *structure* has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or *structure* provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or *structure*, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or *structure*, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or *structure* or whenever any building or *structure* is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

111.6 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise

dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

301.2 Responsibility.

The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as *owner-occupant* or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* they occupy and control.

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.3 Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.8 Motor vehicles.

Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

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.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

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.

304.6 Exterior walls.

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

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.13 Window, skylight, and door frames.

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

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

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.

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* that 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*.

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
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.
3. Structures or components thereof that have reached their limit state.
4. Structural members are incapable of supporting nominal loads and load effects.
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.
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.

Exceptions:

1. Where substantiated otherwise by an *approved* method.

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

305.3 Interior surfaces.

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

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.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

306.1 General.

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions.

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:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system.
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
 - 1.4. Inadequate soil as determined by a geotechnical investigation.
 - 1.5. Where the allowable bearing capacity of the soil is in doubt.
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. Deterioration.
 - 2.2. Ultimate deformation.
 - 2.3. Fractures.
 - 2.4. Fissures.
 - 2.5. Spalling.
 - 2.6. Exposed reinforcement.
 - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. Deterioration.
 - 3.2. Corrosion.
 - 3.3. Elastic deformation.
 - 3.4. Ultimate deformation.

- 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.

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Garbage facilities.

The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.

404.4.4 Prohibited occupancy.

Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

504.1 General.

Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

506.1 General.

Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a

means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

703.1 Fire-resistance-rated assemblies.

The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

703.2 Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 114.1.1 of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or

altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 114.2 of the International Fire Code.

703.3 Maintenance.

The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

704.6 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

704.6.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.2 Groups R-2, R-3, R-4 and I-1.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.6.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.7 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

705.1 General.

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

705.2 Carbon monoxide alarms and detectors.

Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

International Residential Code:

R314.1 General.

Smoke alarms shall comply with NFPA 72 and Section R314.

R314.1.1 Listings.

Smoke alarms shall be listed in accordance with UL 217. Combination smoke and carbon monoxide alarms shall be listed in accordance with UL 217 and UL 2034.

R314.2 Where required.

Smoke alarms shall be provided in accordance with this section.

R314.2.2 Alterations, repairs and additions.

Where alterations, repairs or additions requiring a permit occur, the individual dwelling unit shall be equipped with smoke alarms located as required for new dwellings.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, the addition or replacement of windows or doors, or the addition of a porch or deck.
2. Installation, alteration or repairs of plumbing or mechanical systems.

R314.3 Location.

Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by this section.
5. In the hallway and in the room open to the hallway in dwelling units where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches (610 mm) or more.

R314.4 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

R314.5 Combination alarms.

Combination smoke and carbon monoxide alarms shall be permitted to be used in lieu of smoke alarms.

R314.6 Power source.

Smoke alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Smoke alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Smoke alarms installed in accordance with Section R314.2.2 shall be permitted to be battery powered.

R315.1 General.

Carbon monoxide alarms shall comply with Section R315.

R315.1.1 Listings.

Carbon monoxide alarms shall be listed in accordance with UL 2034. Combination carbon monoxide and smoke alarms shall be listed in accordance with UL 217 and UL 2034.

R315.2 Where required. Carbon monoxide alarms shall be provided in accordance with Sections R315.2.1 and R315.2.2.

R315.2.2 Alterations, repairs and additions.

Where alterations, repairs or additions requiring a permit occur, the individual dwelling unit shall be equipped with carbon monoxide alarms located as required for new dwellings.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck.
2. Installation, alteration or repairs of plumbing systems.
3. Installation, alteration or repairs of mechanical systems that are not fuel fired.

R315.3 Location.

Carbon monoxide alarms in dwelling units shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuelburning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

R315.4 Combination alarms.

Combination carbon monoxide and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms.

R315.5 Interconnectivity.

Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit in accordance with Section R315.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Physical interconnection of carbon monoxide alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Interconnection of carbon monoxide alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

R315.6 Power source.

Carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Carbon monoxide alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Carbon monoxide alarms installed in accordance with Section R315.2.2 shall be permitted to be battery powered.

R315.7 Carbon monoxide detection systems.

Carbon monoxide detection systems shall be permitted to be used in lieu of carbon monoxide alarms and shall comply with Sections R315.7.1 through R315.7.4.

R315.7.1 General. Household carbon monoxide detection systems shall comply with NFPA 720. Carbon monoxide detectors shall be listed in accordance with UL 2075.

R315.7.2 Location.

Carbon monoxide detectors shall be installed in the locations specified in Section R315.3. These locations supersede the locations specified in NFPA 720.

R315.7.3 Permanent fixture.

Where a household carbon monoxide detection system is installed, it shall become a permanent fixture of the occupancy and owned by the homeowner.

R315.7.4 Combination detectors.

Combination carbon monoxide and smoke detectors installed in carbon monoxide detection systems in lieu of carbon monoxide detectors shall be listed in accordance with UL 268 and UL 2075.

R319.1 Address identification.

Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

M1202.3 Maintenance.

Mechanical systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or

safeguards that are required by this code shall be maintained in compliance with the code edition under which such devices and safeguards were installed. The owner or the owner's designated agent shall be responsible for maintenance of the mechanical systems. To determine compliance with this provision, the building official shall have the authority to require a mechanical system to be reinspected.

G2419.4 (408.4) Sediment trap.

Where a sediment trap is not incorporated as part of the appliance, a sediment trap shall be installed downstream of the appliance shutoff valve as close to the inlet of the appliance as practical. The sediment trap shall be either a tee fitting having a capped nipple of any length installed vertically in the bottommost opening of the tee as illustrated in Figure G2419.4 or other device approved as an effective sediment trap. Illuminating appliances, ranges, clothes dryers, decorative vented appliances for installation in vented fireplaces, gas fireplaces and outdoor grills need not be so equipped.

P2801.6 Required pan.

Where a storage tank-type water heater or a hot water storage tank is installed in a location where water leakage from the tank will cause damage, the tank shall be installed in a pan constructed of one of the following:

1. Galvanized steel or aluminum of not less than 0.0236 inch (0.6010 mm) in thickness.
2. Plastic not less than 0.036 inch (0.9 mm) in thickness.
3. Other approved materials. A plastic pan beneath a gas-fired water heater shall be constructed of material having a flame spread index of 25 or less and a smoke-developed index of 450 or less when tested in accordance with ASTM E84 or UL 723.

P2801.6.1 Pan size and drain.

The pan shall be not less than 11/2 inches (38 mm) deep and shall be of sufficient size and shape to receive dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe of not less than 3/4 inch (19 mm) diameter. Piping for safety pan drains shall be of those materials indicated in Table P2906.5. Where a pan drain was not previously installed, a pan drain shall not be required for a replacement water heater installation.

P2801.6.2 Pan drain termination.

The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor or shall extend to the exterior of the building and terminate not less than 6 inches (152 mm) and not more than 24 inches (610 mm) above the adjacent ground surface.

P2804.6.1 Requirements for discharge pipe.

The discharge piping serving a pressure relief valve, temperature relief valve or combination valve shall:

1. Not be directly connected to the drainage system.
2. Discharge through an air gap located in the same room as the water heater.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or to the outdoors.
6. Discharge in a manner that does not cause personal injury or structural damage.
7. Discharge to a termination point that is readily observable by the building occupants.
8. Not be trapped.

9. Be installed to flow by gravity.
10. Terminate not more than 6 inches (152 mm) and not less than two times the discharge pipe diameter above the floor or waste receptor flood level rim.
11. Not have a threaded connection at the end of the piping.
12. Not have valves or tee fittings.
13. Be constructed of those materials indicated in Section P2906.5 or materials tested, rated and approved for such use in accordance with ASME A112.4.1.
14. Be one nominal size larger than the size of the relief-valve outlet, where the relief-valve discharge piping is installed with insert fittings. The outlet end of such tubing shall be fastened in place.

P2901.1 Potable water required.

Potable water shall be supplied to plumbing fixtures and plumbing appliances except where treated rainwater, treated graywater or municipal reclaimed water is supplied to water closets, urinals and trap primers. The requirements of this section shall not be construed to require signage for water closets and urinals.

E3902.1 Bathroom receptacles.

125-volt through 250-volt receptacles installed in bathrooms and supplied by singlephase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.6 Kitchen receptacles.

125-volt through 250-volt receptacles that serve countertop surfaces and are supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.7 Sink receptacles.

125-volt through 250-volt receptacles that are located within 6 feet (1829 mm) of the top inside edge of the bowl of the sink and supplied by singlephase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.9 Laundry areas.

125-volt through 250-volt receptacles installed in laundry areas and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.10 Indoor damp and wet locations.

125-volt through 250-volt receptacles installed in indoor damp and wet locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

E3902.19 Location of arc-fault circuit interrupters.

Arcfault circuit interrupters shall be installed in readily accessible locations.

E3902.20 Arc-fault circuit interrupter protection.

Branch circuits that supply 120-volt, single-phase, 15- and 20- ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreations

rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected by any of the following:

1. A listed combination-type arc-fault circuit interrupter, installed to provide protection of the entire branch circuit.
 2. A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
 3. A listed supplemental arc-protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit-type arc-fault circuit-interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
 - 3.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
 - 3.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.
 - 3.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
 4. A listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:
 - 4.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
 - 4.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.
 - 4.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
 - 4.4. The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.
 5. Where metal raceways, metal wireways, metal auxiliary gutters or Type MC or Type AC cable meeting the applicable requirements of Section E3908.9 with metal boxes, metal conduit bodies and metal enclosures are installed for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit. [210.12(A)(5)]
 6. Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 2 inches (50.8 mm) of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit-type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.
- Exception:** AFCI protection shall not be required for an individual branch circuit supplying a fire alarm system where the branch circuit is installed in a metal raceway, metal auxiliary gutter, steel-armored cable, Type MC or Type AC, meeting the requirements of Section E3908.9, with metal boxes, conduit bodies and enclosures.

E4003.3 Exposed conductive parts.

Exposed conductive parts that are accessible to unqualified persons shall be connected to an equipment grounding conductor or be separated from all live parts and other conducting surfaces by a listed system of double insulation. Small isolated parts, such as mounting screws, clips and decorative bands on glass spaced at least 11/2 inches (38 mm) from lamp terminals, shall not require connection to an equipment grounding conductor. Portable luminaires with a polarized attachment plug shall not require connection to an equipment grounding conductor. (410.42)

Exterior:

- 1) The property's exterior is covered in rubbish and garbage collected over a long period.
- 2) A refrigerator in the backyard is not in use and still has the doors attached to it.
- 3) The backyard's accessory structure (shed) has been converted to a bedroom.
- 4) A motorcycle in the backyard appears not to be running.
- 5) There are no address numbers on the residence.
- 6) Multiple windows have been broken.

Interior:

- 1) The residence's interior has heavy smoke and fire damage, and throughout is unsanitary.
- 2) Receptacles (outlets) and junction boxes are missing faceplates and are not properly anchored to walls.
- 3) There is peeling, chipping, and flaking paint and plasterboard within the structure. There are signs of water damage to the plasterboard on the ceilings throughout.
- 4) There are no GFCI outlets/ breakers installed where required.
- 5) There are no AFCI outlets installed where required.
- 6) There are ceiling lamps hanging by wiring, exposing the wires.
- 7) No sediment traps are installed on the gas line for the water heater.
- 8) There is no discharge pipe for the water heater.
- 9) There is no potable water in the residence.
- 10) The backdoor glass has been shattered due to the fire.
- 11) In its current condition, the kitchen is not usable and unsanitary.
- 12) No water in the residence leaves the bathroom unusable.
- 13) No smoke, carbon monoxide, or combination detectors are in the residence.

In Closing:

Until this structure is brought up to code, it is unfit for habitation or occupancy.

Respectfully:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Josh Sides/Code Enforcement Manager
Property Maintenance and Housing Inspector (Certification #10314331)
Zoning Inspector (Certification # 10314331)
ICC/AACE Code Enforcement Officer (Certification # 10314331)

Dilapidated Structure

1110 Uranus Drive



Laws and Codes

- 3-18-5 NMSA 1978- Dangerous building or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the governing body of the municipality.
- 8-03-170- Unsafe Structure or debris-
 - Property owner has ten (10) days to commence demolition or file a written objection to appear before the City Commission.
- IPMC 113.1 General-
 - Property owner may board up the structure for future repair or demolition for one (1) year. Property owner has two (2) years to complete rehabilitation or demolition.

Timeline

1110 Uranus Drive

- On 11/09/2023, the Code Enforcement Department was made aware of a potentially dilapidated structure and conducted an investigation just after a fire was extinguished within the residence.
- On 11/28/2023, 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 12/21/2023, the certified IPMC letter was returned unclaimed and was posted on the property.

Code Violations

1110 Uranus Drive

- There are a total of 96 total violations of the International Property Maintenance Code and the International Residential Code.
 - 61 violations of the International Property Maintenance Code.
 - 35 violations of the International Residential Code.

Condition of the Property at 1110 Uranus Drive



Condition of the Property at 1110 Uranus Drive



Condition of the Property at 1110 Uranus Drive



Condition of the Property at 1110 Uranus Drive



Condition of the Property at 1110 Uranus Drive



Condition of the Property at 1110 Uranus Drive



Questions

Josh Sides

Code Enforcement Manager

ICC/AACE Certified Code Enforcement Officer



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/18/2023

Report No: 18.

Submitted By: Stella Rael

Subject: Consider, and act upon, Case SP-2023-0008(A), property owner Steven Valdez is requesting to be granted a special permit to allow his son to continue residing within a Recreation Vehicle (RV) on the property located at 795 Post Ave. (*Stella Rael, City Planner*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: N/A

Recommendation: Staff Recommends denial of Special Permit Request

Background: Consider and act upon, Case SP-2023-0008(A), property owner Steven Valdez is requesting to be granted a special permit to allow his son to continue residing within a Recreation Vehicle (RV) on the property located at 795 Post Ave. (*Stella Rael, City Planner*)

SPECIAL PERMIT APPLICATION

CITY OF ALAMOGORDO
PLANNING & ZONING DEPARTMENT
PROPERTY OWNERSHIP DATA
1376 E. NINTH STREET • ALAMOGORDO, NEW
MEXICO 88310-5938
(575)439-4220 FAX (575)439-4343
pnz@ci.alamogordo.nm.us



PF-011-3705-312.11-06
CASE: SP- 2023 -0008(A)
Fee: 250.00

DATE: NOV 20 2023
Receipt No. 1951

SPECIAL PERMIT APPLICATION

(Please Type or Print)

1. Applicant: Steven Valdez 795 Post Ave 575-921-4752
Name Address Phone
2. Property Owner: Steve & Theresa Valdez 785 Post Ave 575-430-3406
Name Address Phone
3. Request Special Permit for living in an RV for 2 years
4. Present Use: living in RV until I can afford mobile home
5. If Applicant is not property owner, explain: _____
6. Reason for request: Only able to afford RV on property
Saving money for down payment on mobile home
7. Property Description: A legal survey showing property SHOULD be submitted with the correct legal description. It is the responsibility of the applicant to ensure that the survey is correct. This information becomes a part of the permanent case file.
 - a. Size of property (acres or square feet) 120 x 60 lot
 - b. Address or general location 795 Post Ave
 - c. Legal description: (If Metes & Bounds, Attach Copy to Application)
Lot 1 Block 1 Subdivision Lady of the Mountain

Steven Valdez
Applicant/Agent Signature

Steven Valdez
Owner Signature

For use by the City of Alamogordo (do not write below)

ZONING DISTRICT(S) _____
CITY COMMISSION DECISION REQUIRED: APPROVED _____ DENIED _____
CITY COMMISSION MEETING DATE _____

25-01-020. - Location; permits; exceptions.

- (a) It is unlawful for any person to use within the City of Alamogordo any mobile housing unit, or recreational vehicle, for habitation or commercial purposes unless it is located in an area where the city zoning ordinance specifically permits its location, or except as otherwise provided in this section.
- (b) The city commission may authorize temporary permits for mobile housing units in other zoning districts where the following conditions are met:
 - (1) Notice of the time, place and purpose of the hearing on the issuance of the permit has been published, at least fifteen (15) days before the meeting, in a newspaper of general circulation, and sent by first class mail to all property owners of record within two hundred (200) feet, excluding all public right-of-way, of the property for which the permit is sought;
 - (2) The applicant must show some hardship which is not self-inflicted, but which arises from the character of the property for which the permit is sought, character of surrounding properties, or extreme and unusual personal circumstances; and
 - (3) The temporary placement of a mobile housing unit is not detrimental to the surrounding properties.

Applications for a special mobile housing unit permit shall be reviewed by the planning and zoning commission, with its recommendation forwarded to the city commission. Duration of the permit shall be one year, and not more than one renewal of the permit shall be allowed. Within ninety (90) days of the date the renewal is to expire, the permit holder may apply for a new permit, which may be renewed once.

- (c) A mobile housing unit or a recreational vehicle may be used for a temporary construction office at a site where construction work is being carried on.
- (d) A recreational vehicle or mobile housing unit, not more than ten (10) feet wide nor forty (40) feet long, may be stored on residential property under the following circumstances:
 - (1) It shall not be used for occupancy in any manner while stored except as provided in paragraphs (j) and (k) of this section.
 - (2) It shall not be connected to gas, water or sewer except when used pursuant to paragraph (j) of this section; and

UT220G01

CITY OF ALAMOGORDO, NEW MEXICO

12/15/23

A Customer at a Glance

Cust exempt

09:49:17

Acct #:16133.....11826 Status: A NSF #:..... Tax: N Penalty: N
Service Address Cyc/Rte: 04 50 Mailing Address Phone: 575 - 4303382
VALDEZ, THERESA A & STEVE B 785 POST AVE Cash?: N
795 POST AVE Enote: N

ALAMOGORDO NM 883105638 ALAMOGORDO NM 883107363

SS#: *****8161 DL#: ***** NM Reinst.: N A-pay: N Dep.: N

SW WQ A Start: 12/15/21 Term: AL/R/I

More...

Amt due: \$48.83 Pending: \$0.00 Delq amt: \$0.00

Last notice: Cut date: Payment plan: Budget: , ,

Bill Date	Amount	Pymt Date	Amount	Current A/R Code/Desc/Amount
-----------	--------	-----------	--------	------------------------------

12/13/23	\$48.83	11/21/23	\$48.89	C, , CURRENT \$48.83
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11/15/23	\$48.89	10/25/23	\$49.13	30, , OVER 30 \$0.00
----------	---------	----------	---------	----------------------

More...

Comment NOTE 8/22/22 LOC 11828 RCVD STUB W/ NO PMNT, MA BCK

NOTE 8/22/22 8/22/22..CP

More...

F3=Exit F10=Zoom F12=Cancel F20=Cst/loc functions



City of Alamogordo

City Commission



SP-2023-0008(A)

Stella Rael, City Planner
January 09, 2024

Special Permit Case: SP-2023-0008(A)

2

Request:

The property owner is requesting a special permit to allow his son to continue residing in a Recreational Vehicle (RV) on their property located at 795 Post Ave.

The RV is 32 x12 ft with slide closed, and 32 x16 ft with slide open.

Applicant/Property Owners:

Steven Valdez

795 Post Ave

Alamogordo, NM 88310

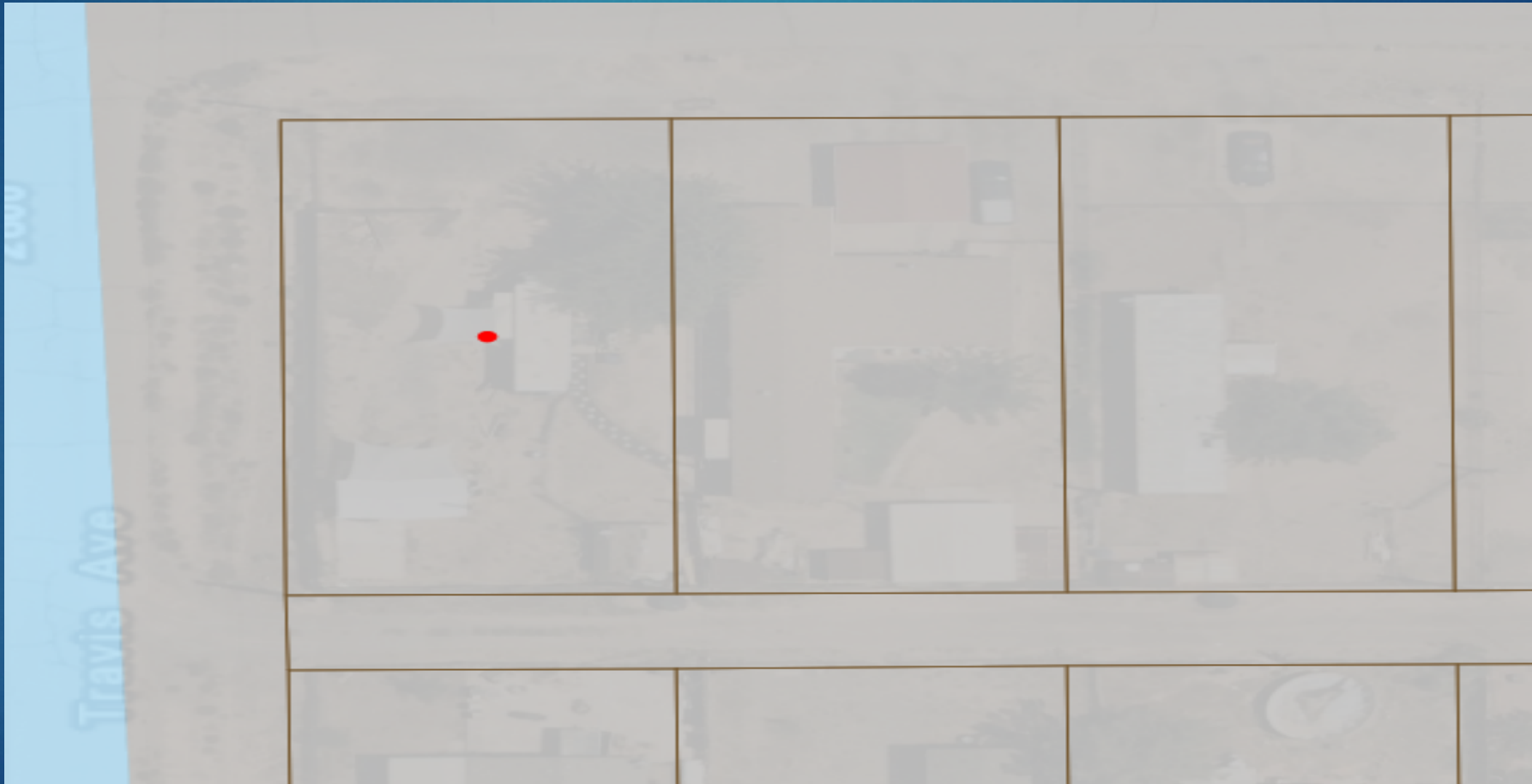
795 Post Ave.

3



Zoning Aerial

MH-1 Manufactured Housing Subdivision



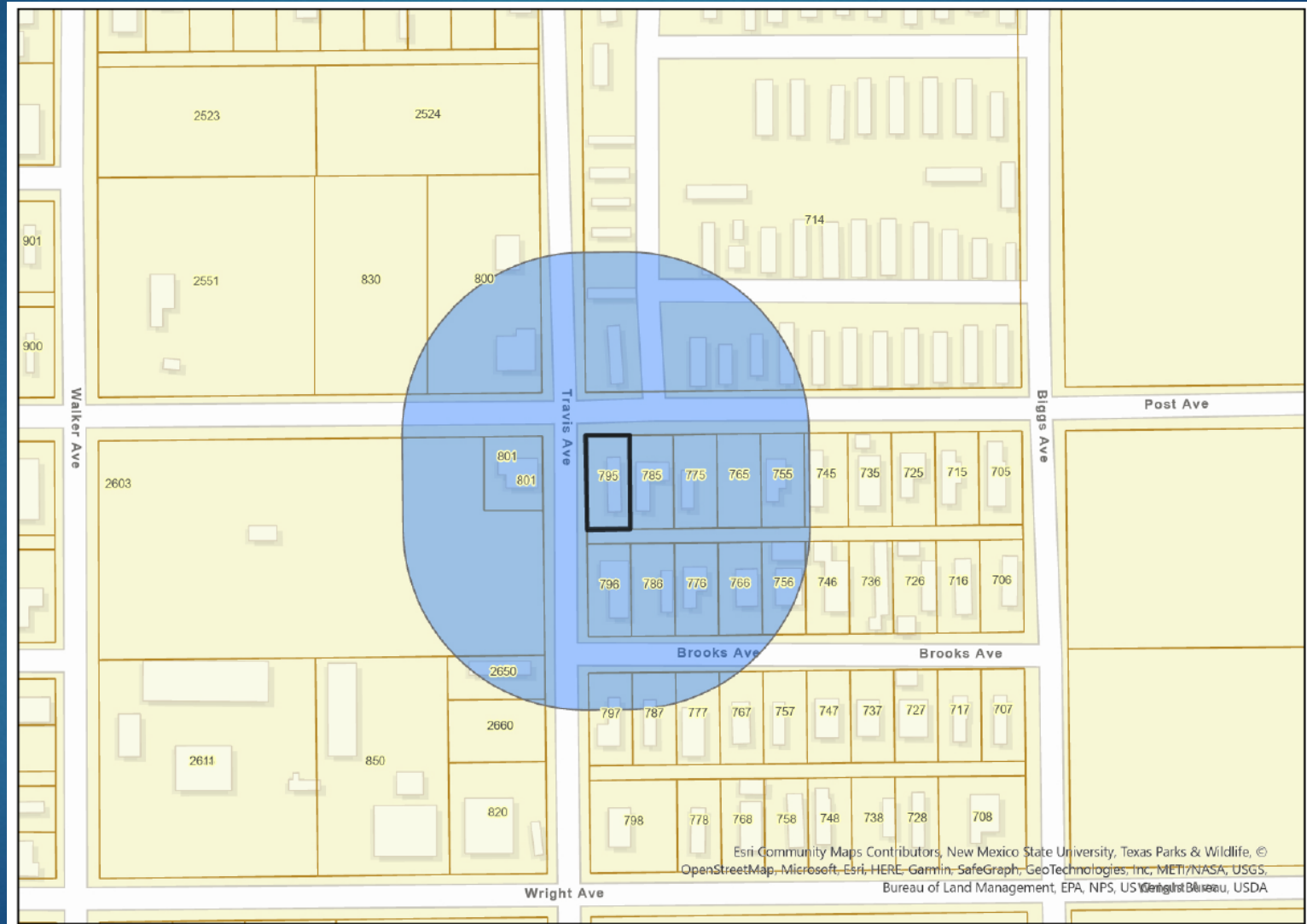
Zoning Aerial Surrounding Area

5



Protest Area

6



Findings of Fact

- ◆ 1. The application was filed and all fees were paid.
- ◆ 2. Legal ad was placed in the Alamogordo Daily News on December 3, 2023 and on December 17, 2023.
- ◆ Seventeen (17) letters were mailed to all property owners of record within (200) feet from the property, excluding public right-of-way.
- ◆ 4. As of December 14, 2023, there have been 0 letters returned undeliverable, and I have received three phone calls from surrounding property owners stating that they are in favor of Mr. Valdez being allowed to continue living in the recreation vehicle (RV). All property owners stated that Mr. Valdez keeps the lot clear of debris and is a very pleasant neighbor. No letters or phone calls of opposition have been received.

785 Post Ave.
Steve B. & Theresa A. Valdez
Owners

8



795 Post Ave.
Valdez & Valdez & Valdez
Owners

9



785 and 795 Post Ave.

10



795 Post Ave. Rear Property

11



Staff Recommendation

12

- ◆ Staff Recommends Denial

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/03/2024

Report No: 19.

Submitted By: Rachel Hughs

Subject: Consider, and act upon, Ordinance 1692 for first publication to amend sections of Chapter 2 of the Code of Ordinances concerning the City Commission Districts and Mayor Selection; term to be aligned with the City Charter amendment made in 2012. *(Rachel Hughs, City Clerk)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve the Ordinance for first publication.

Background:

During the election of March 6, 2012, a City Charter amendment was placed on the ballot for the qualified electors, concerning the number of commissioners, districts, and the selection of the mayor. The qualified electors voted in favor of the amendment.

Although changes were made to the City Charter in the Code of Ordinances, amendments were not made to Chapter 2 of the Code of Ordinances. Attached is the canvass of the election with the city charter amendment.

Ordinance 1692 is to align the language with the amendment that was passed by the voters.

ORDINANCE NO. 1692**AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION OF THE ALAMOGORDO CODE OF ORDINANCES CONCERNING ARTICLE 2-02 CITY COMMISSION SECTION 2-02-010 DISTRICTS, AND ALSO ARTICLE 2-03 OFFICERS AND EMPLOYEES SECTION 2-03-030 MAYOR SELECTION; TERM**

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that on March 6, 2012, held a Municipal election; and

WHEREAS, a City Charter amendment question was put on the ballot to the qualified electors concerning the number of the commission, the number of districts, and also the mayor selection and the mayor's term; and

WHEREAS, the ballot question was to propose to amend the City Charter to provide that the governing body of the city shall be comprised of six members to be known as commissioners and one member to be known as mayor. The six commissioners shall be nominated and elected by the qualified voters of each of the six single-member districts. The mayor shall be nominated and elected at large; and

WHEREAS, the amendment on the ballot was passed by the qualified electors; and

WHEREAS, the sections of the Code of Ordinance in Chapter 2, Articles 2-02 and 2-03 were not amended in 2012 to align with the City Charter amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico, to amend Chapter 2 Administration, Article 2-02 City Commission section 2-02-010 Districts, and also Article 2-03 Officers and Employees section 2-03-030 Mayor – Selection Term of the Code of Ordinances to read as follows:

CHAPTER 2 – ADMINISTRATION**ARTICLE 2-02. - CITY COMMISSION****2-02-010. - Districts.**

The City of Alamogordo is divided into ~~seven (7)~~ **six (6)** districts, according to a map which is made a part of this article, and which shall be kept in the office of the city clerk. All district boundaries shall be physically ascertainable, such as streets, alleys, arroyos, etc.

ARTICLE 2-03. - OFFICERS AND EMPLOYEES**2-03-030. - Mayor—Selection; term.**

~~The city commission, at the first meeting of the new commission after each election, or as soon thereafter as practical, shall select one of their members as mayor, who shall act as mayor for two~~

~~(2) years or until a successor is appointed and qualified, unless sooner removed by death, resignation or removal from office.~~

The mayor shall be nominated and elected at large, who shall act as mayor for four (4) years, or unless sooner removed by death, resignation, or removal from office.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2024.

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 Regular Municipal Election held on Tuesday, March 6, 2012
Official Canvass of Election Returns held on Thursday, March 8, 2012 at 3:00 p.m.

CANDIDATES & QUESTIONS	District 1 - Commissioner					District 3 - Commissioner					District 5 - Commissioner								District 7 - Commissioner					Charter Amendment Districts 1-7				G.O. Bond Question Districts 1-7				Total Votes Cast																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
	Richard Decker	Jason Baldwin	William Pollard	Over	Under	Robert Rentschler	Maria Alicia Rios	Andrew Baker	Over	Under	Al Hernandez	Jesse Carr	Roberto Valdez	Joe Ferguson	Chris Lujan	Miguel Rosales	Over	Under	Susie Galea	Thomas Olive	Richard Chapel	Over	Under	For	Against	Over	Under	For	Against	Over	Under																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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Absentee Voters (By Mail)	0	3	1	0	0	7	4	0	0	1	1	0	0	0	0	0	0	1	1	0	2	0	0		D - M 1-4 2-2 3-7 4-0 5-0 6-1 7-1 15	D - M 1-0 2-5 3-5 4-0 5-1 6-1 7-2 14	D - M 1-0 2-0 3-0 4-0 5-1 6-0 7-0 0	D - M 1-0 2-0 3-0 4-0 5-1 6-0 7-3 1	D - M 1-1 2-6 3-2 4-0 5-0 6-2 7-0 3	D - M 1-3 2-6 3-10 4-0 5-1 6-0 7-3 25	D - M 1-0 2-0 3-0 4-0 5-0 6-0 7-0 0	D - M 1-0 2-1 3-0 4-0 5-1 6-0 7-0 2																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	</

D=District & M=Machine Total

*VCC #1 - Civic Center report showed Computer Count as 919. One voter signed and received ballot and threw it in the trash and fled the polling place. Correct public counter number of 918 was shown on the tabulator.

Candidates total: 1358

Districts 2, 4, 6, & NR Total: 716

Total: 2074

Voter Turnout Rate: 12.32%

James Scott Newton, Magistrate Judge, Div II

Stephen P. Thies, City Attorney

Renee L. Cantin, OMC, City Clerk 03/08/2012

Registered Voters, Eligible to Vote in the Election: 16830

Breakdown Per District: District 1: 364; District 2: 261; District 3: 433; District 4: 235; District 5: 248; District 6: 212; District 7: 313; Non-Resident Voters: 8 = 2074

Summary of Items included on the Ballot for the March 6, 2012 Regular and Special Municipal Election:

A. Four City Commissioners will be elected (for a four-year term) for the districts listed below along with the candidates who have filed for the positions:

- 1. District One (1): Richard B. Decker, Sr., Jason R. Baldwin, William D. Pollard.
- 2. District Three (3): Robert G. Rentschler (Incumbent), Maria Alicia Rios, Andrew L. Baker.
- 3. District Five (5): Alfonso "AL" C. Hernandez, Jesse Carr, Roberto Luis Valdez, Joe C. Ferguson (Incumbent), Chris Lujan, Miguel P. Rosales.
- 4. District Seven (7): Susie A. Galea, Thomas M. Olive, Richard Lerry Chapel.

AMENDMENT NO. 1 – SUMMARY FOR BALLOT (RESOLUTION NO. 2011-38)

Proposal to amend the City Charter to provide that governing body of the city shall be comprised of six (6) members to be known as commissioners and one (1) member to be known as mayor. The six (6) commissioners shall be elected by the qualified voters of each of the six (6) single-member districts. The mayor shall be elected at large.

FOR the amendment ☐

AGAINST the amendment ☐

GENERAL OBLIGATION BOND QUESTION (RESOLUTION NO. 2011-39)

Shall the City of Alamogordo issue up to \$6,000,000 of general obligation bonds, to be repaid from property taxes, for the purpose of acquiring, constructing, equipping, furnishing and otherwise improving land and a building for a family entertainment center?

FOR Family Entertainment Center General Obligation Bonds ☐

AGAINST Family Entertainment Center General Obligation Bonds ☐

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/03/2024

Report No: 20.

Submitted By: Ashley Smith

Subject: Consider, and act upon, Ordinance 1693 for first publication to add Chapter 11, Article 06, Section 330 concerning Obstructing, Impeding Movement, or Camping in Public Rights-of-way. (*Ashley Smith, City Attorney*) (**Roll Call Vote Required**)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval of this ordinance

Background:

ORDINANCE NO. 1693

**AN ORDINANCE ADDING CHAPTER 11, ARTICLE 06-330 TO THE
ALAMOGORDO CODE OF ORDINANCES CONCERNING
OBSTRUCING, IMPEDING MOVEMENT, OR CAMPING IN PUBLIC RIGHTS-OF-
WAY**

WHEREAS, the City Commission of the City of Alamogordo, New Mexico
deems it necessary to add Article 03-060 concerning obstructing, impeding movement, or
camping in public rights-of-way.

WHEREAS, the City Commission of the City of Alamogordo, New Mexico recognize that it is
important for the flow of traffic and our citizens to protect the rights-of-way and keep them clean
from obstructions.

BE IT THEREFORE ORDAINED by the City Commission of the City of
Alamogordo, New Mexico, that Chapter 11, Article 06-330 of the Code of Ordinances is added
in its entirety.

**11-06-330. - OBSTRUCING, IMPEDING MOVEMENT, OR CAMPING IN PUBLIC
RIGHTS-OF-WAY**

- (a) *Definitions*. As used in this section, the following definitions shall apply:
- (1) *Camping* means the setting up of any tent, shack, or other permanent or temporary structure or shelter, or preparing a sleeping bag or other bedding material for use in a public right-of-way, including a setback area.
 - (2) *Impeding movement* means any act which interferes with or slows the progress of pedestrians in a public right-of-way.
 - (3) *Obstructing movement* means any act which blocks or prevents the progress of pedestrians in a public right-of-way.
 - (4) *Public right-of-way* includes all land owned, deeded, reserved by plat, defined by statute, declared by court order, or otherwise acquired by a public agency primarily for the use of the public for the purposes of vehicular and pedestrian traffic.
 - (5) *Setback area* means that part of a public right-of-way which is not occupied by a street, curb, gutter or sidewalk.
- (b) *Obstructing or impeding movement prohibited*. It is unlawful for any person to obstruct or impede the movement of any persons passing along any street, sidewalk, median, crosswalk or any other public way, including a setback area, at any dangerous streets or intersections.
- (c) *Camping in right-of-way prohibited*. It is unlawful for any person to camp upon any part of a public right-of-way, including a setback area.
- (d) *Penalty*. Violations of subsections (b) through (c) shall be punishable as provided in §1-01-100; provided, however, that a law enforcement officer shall first verify that a

warning has been given, otherwise, the officer shall issue a criminal trespass notification to a person for violating this section in lieu of a citation or conducting an arrest.

(e) *Exemptions.* The provisions of this section shall not apply to:

- (1) Law enforcement officers or to the employees of a public agency that owns, maintains or operates a public right-of-way, or the persons authorized by such agency;
- (2) Any person using a public right-of-way, including for expressive speech or conduct, whose use does not obstruct or impede movement or constitute camping.

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

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 01/03/2024

Report No: 21.

Submitted By: Ashley Smith

Subject: Consider, and act upon, Ordinance 1694 for first publication to amend Chapter 19, Article 04, Section 010 concerning Parks Closure Hours. *(Ashley Smith, City Attorney)* **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Staff recommends approval of this ordinance

Background:

ORDINANCE NO. 1694

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 04-010 TO THE ALAMOGORDO CODE OF ORDINANCES CONCERNING PARKS CLOSURE HOURS

WHEREAS, on October 13, 2023, during school hours, a shooting involving four school-aged citizens occurred at a City of Alamogordo public park known as South Oregon Park.

WHEREAS, as a result of the shooting, an 8th-grade student succumbed to his injuries, and an outpouring of Alamogordo citizens called on the city's leadership to review current policies and ordinances regarding city properties.

WHEREAS the City Commission of the City of Alamogordo, New Mexico, recognizing the importance of children attending school, receiving an education, and wishing to assist in keeping children in school deems it necessary to amend Article 04-010 concerning park closure hours.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo, New Mexico, that Chapter 19, Article 04-010 of the Code of Ordinances is amended in its entirety.

19-04-010. - Park closure hours.

- (a) No person shall be in or remain in any park between the hours of 10:00 p.m. and 6:00 a.m., unless taking part in an activity conducted by, or pursuant to a permit issued by, the city. Parking a motor vehicle or trailer in any designated parking area located in or adjacent to a park during park closure hours is prohibited unless in an area where specifically allowed by posted signs. This section shall not apply to those who, without delay, are traveling upon those established walks, paths, and parkways which are illuminated with artificial lighting.
- (b) No person under the age of 18 years of age, unaccompanied by an adult, shall congregate or be in any park between the hours of 8:00 a.m. and 4:00 p.m. while school is in session as outlined by the Alamogordo Public Schools calendar. Juveniles, minors under the age of 18, shall be issued a Criminal Trespass under NMSA §30-14-1. Juveniles shall be referred to the Juvenile Probation Office (JPO). This section shall not apply to minors with emancipation documentation.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date: 12/29/2023

Report No: 22.

Submitted By: Sean McGranaghan

Subject: Consider, and act upon, Ordinance 1695, Z-2023-0008(A) for first publication, a map amendment to change the current zoning of the property located at 2405 Holly Ave from MH-1 Manufactured Housing Subdivision District to R-4 Multi-Family Dwelling District. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Approve for first publication.

Background: Consider, and act upon, Ordinance 1695, Z-2023-0008(A) for first publication, a map amendment to change the current zoning of the property located at 2405 Holly Ave from MH-1 Manufactured Housing Subdivision District to R-4 Multi-Family Dwelling District.

ORDINANCE No. 1695

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 2405 HOLLY AVE FROM ITS PRESENT DESIGNATION AND ZONING DISTRICT: MH-1 MANUFACTURED HOUSING SUBDIVISION TO: R-4 MULTIPLE-FAMILY DWELLING DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, John C. Pacheco (hereinafter referred to as "the Owner") is the owner of certain real properties 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

2405 HOLLY AVE

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

Z-2023-0008(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:

2405 HOLLY AVE

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

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2024.

**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-2023-0008(A)

Stella Rael, City Planner
January 09, 2024

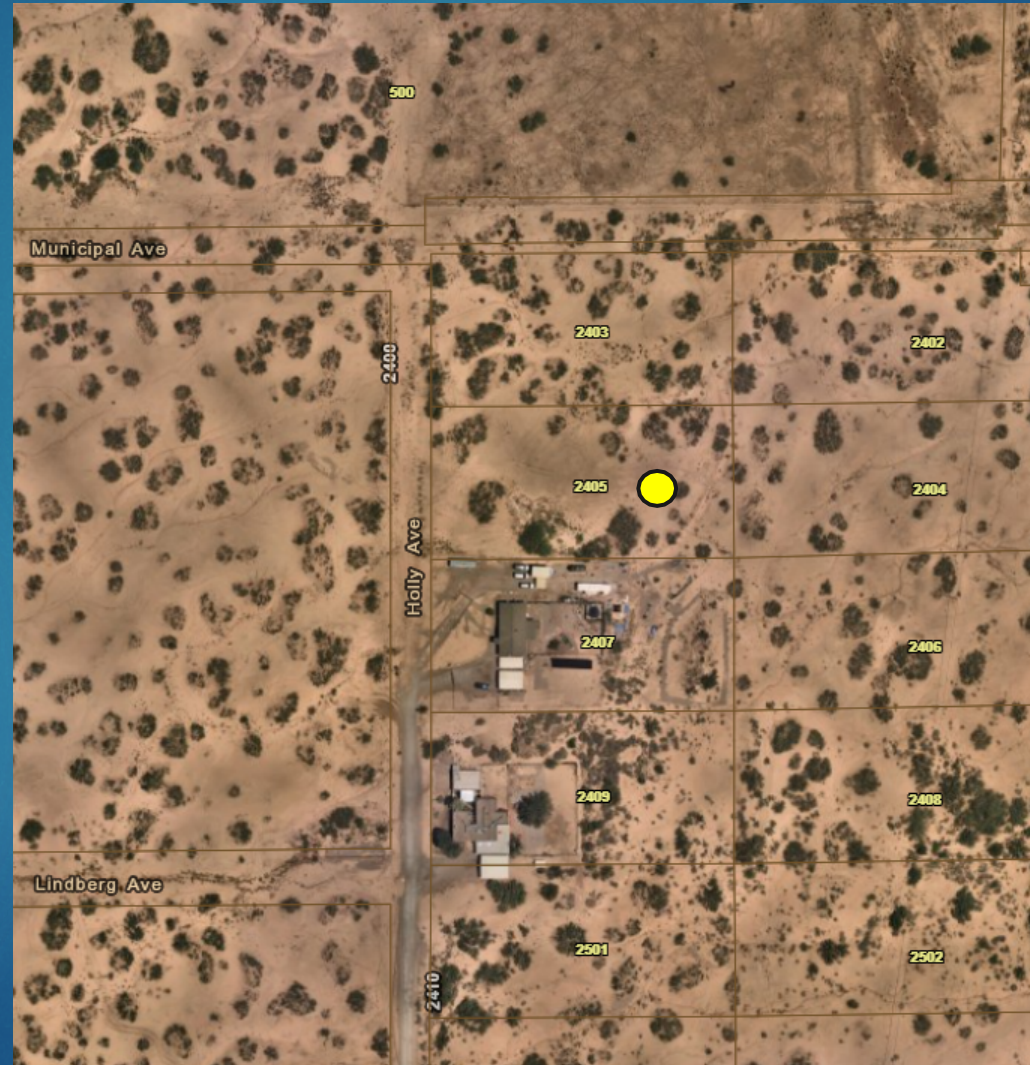
Zoning Map

2



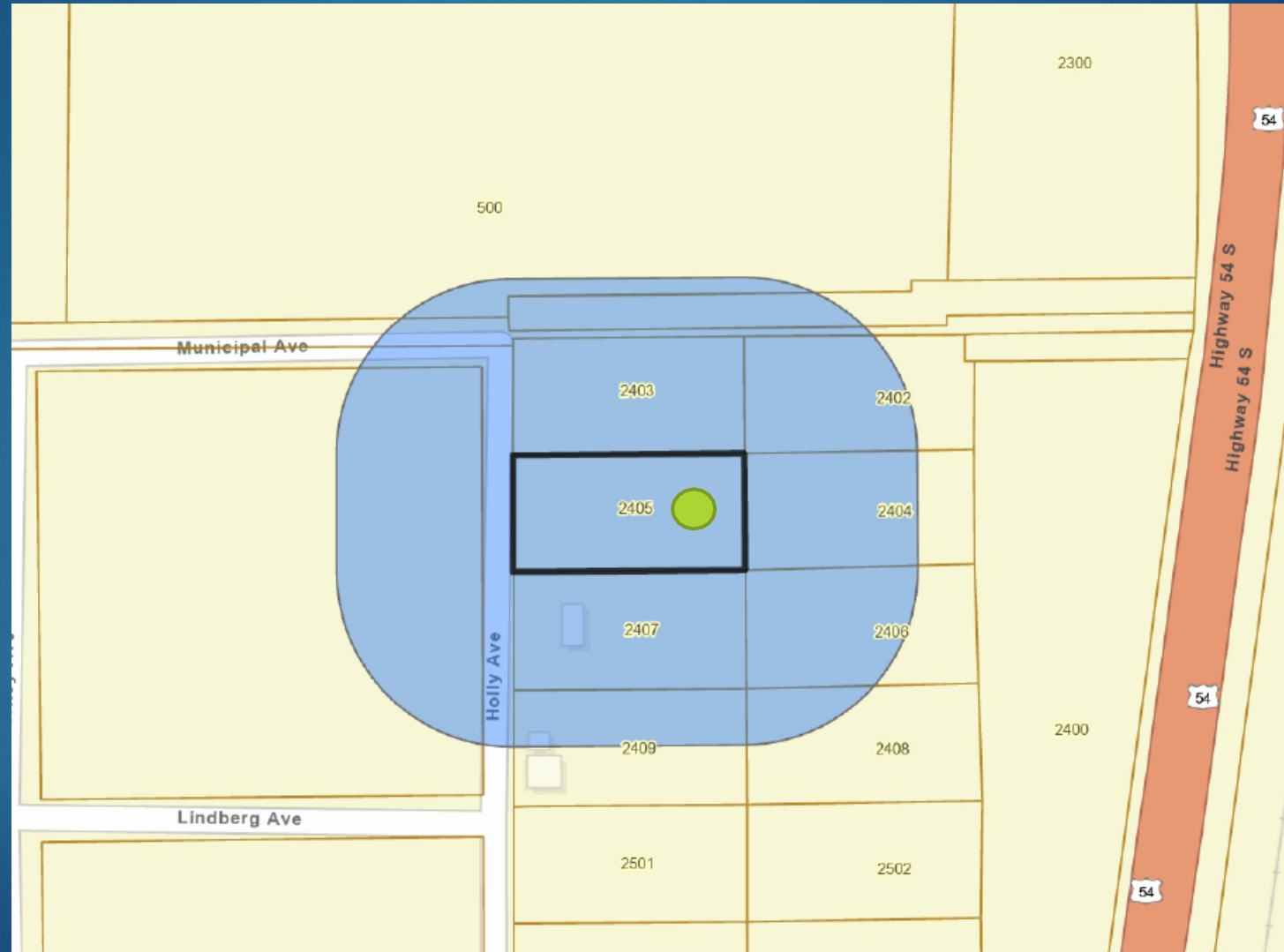
AERIAL

3



Protest Area

4



Zoning Request Case: Z-2023-0008(A)

5

Request:

The property owner is requesting for a map amendment to change the zoning of the property located 2405 Holly Ave from MH-1 Manufactured Housing Subdivision District to R-4 Multi-Family Dwelling District.

Owner:

John C. Pacheco

4280 County Road 145

Alvin, TX 77511

Findings of Fact

- ◆ 1. The application was filed, and all fees were paid.
- ◆ 2. Legal ad was placed in the Alamogordo Daily News
- ◆ 3. Eight(8) 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.
- ◆ 4. As of December 29, 2023, there have been 0 letters returned undeliverable, and I have not received any letters or phone calls of opposition.

Z-2023-0008(A)

7

- ◆ 7. Staff recommends approval.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 1/9/2024

Report Date:

Report No: 23.

Submitted By: Beau Dylan Aleshire

Subject: Appointments to Boards and Committees. (*Susan L. Payne, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Seven applications were received. Staff recommends two appointments to the Airport Advisory Board, one appointment to the Airport Zoning Board, two appointments to the Mayor's Committee on Aging, one appointment to the Public Library Board, and one appointment to the Senior Volunteer Programs Advisory Council.

Background:

Airport Advisory Board

- Two upcoming vacancies due to the expiring terms of Lance Grace and Robert Hicks. Applications by Lance Grace and Robert Hicks were received. If reappointed, this would be Lance Grace's ninth term and Robert Hick's fifth term.

Airport Zoning Board

- Two current vacancies. There is an upcoming vacancy due to the expiring term of Lee Scholes. An application by Lee Scholes was received. If reappointed, this would be his third term.

Mayor's Committee on Aging

- Two current vacancies. Applications by Sue Kent and Sandra Purrington were received. If appointed, this would be Sue Kent's third term and Sandra Purrington's first term. Sandra Purrington was previously appointed to the Airport Zoning Board at the 10/10/2023 Commission meeting but declined her appointment.

Public Library Board

- One upcoming vacancy due to the expiring term of Richard Warren. An application by Richard

Warren was received. If reappointed, this would be his third term.

Senior Volunteer Programs Advisory Council

- One current vacancy. An application by William M. Butler was received. If appointed, this would be his first term. If Res. 2024-02 passed, Mr. Butler would be the eighth member of this Council.

Alamogordo Disability Council

- Four current vacancies. No applications were received.

Print**Application to Serve on a Board/Committee - Submission #6812****Date Submitted: 12/16/2023****City of
ALAMOGORDO****City of Alamogordo Application to Serve on a City
Board/Committee****First Name:***

Lance

Last Name:*

Grace

Phone Number:*

15754914260

Email Address:*

lancecgrace@gmail.com

Physical Address:*

44 Marble Canyon Drive

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☐ Yes
☒ No

Mailing Address:*

44 Marble Canyon Drive

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

Self

Job Title:

Business Owner

Board/Committee you would like to serve on (1st choice):*

Airport Advisory Board ▼

Are you related to anyone who is presently employed by the City of Alamogordo?*

- ☐ Yes
☒ No

Board/Committee you would like to serve on (2nd choice):

-- Select One -- ▼

If so, what is their relation to you?**Are you related to an Elected Official of the City of Alamogordo?***

- ☐ Yes
☒ No

If so, what is their relation to you?**Experience and education relating to the Board/Committee:***

Education: - Two Engineering degrees related to aviation - Multiple USAF Pilot training programs in a variety of jet fighter aircraft including USAF Test Pilot School - Multiple FAA Training Programs/Certifications including Airline Transport Pilot (ATP) and Certified Flight Instructure (CFI)
Experience: - Close to 50 years of military and commercial flying. - Member of White Sands Soaring Association and President of White Sands Soaring Foundation. - Partial owner of 8 aircraft and 4 hangars on ALM. - Owner of three aircraft on ALM. - Member of AAB for 16 years and former Chairman of AAB for almost 15 years.

Please indicate your interest in serving on a City Board/Committee:*

The timing, conditions and people are finally in place to help the Alamogordo - White Sands Regional Airport become an integral part in the development of a vibrant and thriving Alamogordo. I have the background, knowledge, experience, temperament and passion to help make that happen!

[Print](#)**Application to Serve on a Board/Committee - Submission #6817****Date Submitted: 12/19/2023****City of Alamogordo Application to Serve on a City Board/Committee****First Name:***

Robert

Last Name:*

Hicks

Phone Number:*

15754912949

Email Address:*

rhicks@zianet.com

Physical Address:*

3251 N. Scenic Drive

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☐ Yes
☒ No

Mailing Address:*

3251 N. Scenic Drive

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

Holloman Aero Club

Job Title:

Chief Instructor

Board/Committee you would like to serve on (1st choice):*

Airport Advisory Board ▼

Are you related to anyone who is presently employed by the City of Alamogordo?*

- ☐ Yes
☒ No

Board/Committee you would like to serve on (2nd choice):

-- Select One -- ▼

If so, what is their relation to you?**Are you related to an Elected Official of the City of Alamogordo?***

- ☐ Yes
☒ No

Is so, what is their relation to you?**Experience and education relating to the Board/Committee:***

I have served four terms with the Airport Advisory Board. I'd like to serve another term. I've been a licensed pilot for over 50 years, with 30 years in Alamogordo. I'm the Chief Instructor for the Holloman Aero Club as well as the Chief Tow Pilot for the White Sands Soaring Association. I'm a Flight Advisor for the local chapter of the Experimental Aircraft Association. I own an airplane and have it hangared at the Alamogordo White Sands Regional Airport.

Please indicate your interest in serving on a City Board/Committee:*

I am involved with the airport on a daily basis. I care deeply about making our airport the best that it can be.

[Print](#)**Application to Serve on a Board/Committee - Submission #6815****Date Submitted: 12/18/2023****City of
ALAMOGORDO****City of Alamogordo Application to Serve on a City
Board/Committee****First Name:***

Lee

Last Name:*

Scholes

Phone Number:*

5758387498

Email Address:*

Leescholes1@gmail.com

Physical Address:*

2336 Union Ave

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☒ Yes
☐ No

Mailing Address:*

2336 Union Ave

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

New Mexico Outdoor Properties

Job Title:

**Board/Committee you would like to serve on
(1st choice):***

Airport Zoning Board ▼

**Are you related to anyone who is
presently employed by the City of
Alamogordo?***

- ☐ Yes
☒ No

**Board/Committee you would like to serve on
(2nd choice):**

Airport Zoning Board ▼

If so, what is their relation to you?**Are you related to an Elected Official of
the City of Alamogordo?***

- ☐ Yes
☒ No

Is so, what is their relation to you?**Experience and education relating to the Board/Committee:***

50 year pilot Military, Private, and Commercial. 2 terms on the Board.

Please indicate your interest in serving on a City Board/Committee:*

The city has a real asset and having a stable group handling the details of the FAA, State, and Federal Regs is to everyone's benefit.

RECEIVED

DEC 15 2023

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Sue Kent
Cell Phone: 575-921-3076 Work Phone: n/a
Home Phone: n/a Fax No: n/a
e-mail address: suecrk@yahoo.com
Physical Address: 1101 Jefferson Ave, Alamogordo, NM 88310
Is the above address within City limits? Yes ☒ No ☐
Mailing Address: same as physical address
Present Employer: retired Job Title: n/a

Board/Committee you wish to serve on:

First choice: Mayor's Council on Aging
Second choice: n/a

Are you related to anyone who is presently employed by the City of Alamogordo:

Yes ☐ No ☒ If so, what is their relation to you? _____

Are you related to any Elected Official of the City of Alamogordo?

Yes ☐ No ☒ If so, what is their relation to you? _____

Experience and education relating to the Board/Committee: I have served on this cmte. since 1/20 and wish to continue. I have advocated for youth and families in 12th Judicial Ct. in El Paso Cty., Colorado Springs, CO (1999-2010); advocated for youth in BBBS as Program Specialist in Alamogordo (2013-2018).

Please indicate your interest in serving on a City Board/ Committee: _____

This cmte has recently come under new chairperson guidance, and we have some exciting plans already to help to improve the lives of our aging community members. I wish to continue

Please return completed application to:

to be involved in that mission.

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575)439-4205
FAX: (575)439-4396

Education:
BA, Soc (2005)
MA, Soc (2009)
Univ Colorado
@ Colo. Sprgs.

sent
12/14/23

RECEIVED

DEC 08 2023

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: Sandra Sanchez Purrington

Phone: 505-670-4529

E-mail address: sspurrington@aol.com

Physical Address: 2473 Desert Hills Drive Alamo 88310

Is the above address within City limits? Yes X No

Mailing Address: 2473 Desert Hills Drive Alamo, 88310

Present Employer: retired Job Title: Public Schools SF administration

Board/Committee you wish to serve on:

First choice: Senior Citizen Advisory

Second choice: Mayor's Committee on Aging

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 am a senior!

Please refer to enclosed resume

Please indicate your interest in serving on a City Board/ Committee: I am

deeply interested in serving the community of
Alamogordo and the senior citizens of this area.

Please return completed application to:

City Clerk's Office
1376 E. Ninth Street
Alamogordo, NM 88310
PHONE: (575) 439-4100
FAX: (575) 439-4396

Sandra Sanchez Purrington
2423 Desert Hills Drive
Alamogordo, New Mexico 88310

EDUCATION: Notre Dame College, Staten Island,, New York BA 1962
Hunter College, New York additional professional studies
Saint John's College, Santa Fe MA 1968

PROFESSIONAL EXPERIENCE: Teacher New York City Public Schools 1962-1967
Teacher Santa Fe Public Schools 1967 - 1990
Administrator Santa Fe Public Schools 1985-1995
Vice Principal , Principal
Instructor Santa Fe Community College 1995-1997
Instructor Northern New Mexico Community College 1995-1998
Program Director for Elementary School Innitave, Hispanic Cultural
Foundation / Rockefeller Foundation

PROFESSIONAL PUBLICATIONS: Position papers: The Rockefeller Education Initiative
Position paper : Coalition for Arts Education
Curriculum grades 1-12 "Music, Words, Opera!" Opera America
Various articles on Educational Reform Aspen Institute,
American Council of Learned Societies

COMMUNITY SERVICE: Board Memberships:

Santa Fe Little Theatre
Notre Dame College Board of Trustees
United Way of Northern New Mexico
Santa Fe Opera Chair Education Committee
Founding Board Member Monte del Sol Charter School
Opera Southwest
Tanoan Homeowners Association
Bosque Encantado Homeowners Association Vice President

Commissions:

New Mexico Arts Commission
Santa Fe Arts Commission
Mayor's Commission on Education (Albuquerque)
Urban Enhancement Commission (Albuquerque)

HONORS and DISTINCTIONS: Who's Who in American Colleges
Outstanding Young Women of America
Who's Who in Education
Aspen Institute Fellow 2 appointments
Teacher of the Year Santa Fe Public Schools 1998
Outstanding Instructor Santa Fe Community College 1999
Golden Apple Foundation three awards 1997-1998
Program Development, Administration, School Reform

LANGUAGES: Fluent English, Spanish
Reading French

Print**Application to Serve on a Board/Committee - Submission #6818****Date Submitted: 12/22/2023****City of Alamogordo Application to Serve on a City Board/Committee****First Name:***

Richard

Last Name:*

Warren

Phone Number:*

15415515209

Email Address:*

rickwar_98@yahoo.com

Physical Address:*

1508 Walnut Dr

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Is the above address within City Limits?*

- ☒ Yes
☐ No

Mailing Address:*

1508 Walnut Dr

City:*

Alamogordo

State:*

NM

Zip Code:*

88310

Present Employer:*

Retired

Job Title:

N/A

**Board/Committee you would like to serve on
(1st choice):***

Public Library Board ▼

**Are you related to anyone who is
presently employed by the City of
Alamogordo?***

- ☐ Yes
☒ No

**Board/Committee you would like to serve on
(2nd choice):**

Public Library Board ▼

If so, what is their relation to you?

N/A

**Are you related to an Elected Official of
the City of Alamogordo?***

- ☐ Yes
☒ No

Is so, what is their relation to you?

N/A

Experience and education relating to the Board/Committee:*

Serve on Library Board now, previous chairperson. I have served on city and county Library boards and Commissions, for over 40 years in 3 states. I have owned a bookstore and served as a city councilman in Iowa

Please indicate your interest in serving on a City Board/Committee:*

I am interested in continuing on the Library Board.

RECEIVED

DEC 28 2023

CITY CLERK

City of Alamogordo
APPLICATION TO SERVE ON A
CITY BOARD/COMMITTEE

Name: William M Butler

Home Phone: Work Phone:

* Cell Phone: 970-846-3736 Fax No:

E-mail address: notairbille@yahoo.com

Physical Address: 22 Camino Valera Verde 88310-9308

* Is the above address within City limits? Yes * No X

Mailing Address: Same

Present Employer: RETIRED Job Title:

Board/Committee you wish to serve on:

First choice: AIRPORT BOARD

Second choice: SENIOR BOARD

Are you related to anyone who is presently employed by the City of Alamogordo?

Yes X No If so, what is their relation to you? WIFE

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: COMMERCIAL LTA

PILOT RETIRED POSTMASTER, RETIRED LPN

RETIRED MSG US ARMY

Please indicate your interest in serving on a City Board/ Committee:

OTHER APPROPRIATE BOARDS THAT WILL

HELP THE CITY + MATCH my skills &

BACKGROUND.

Please return completed application to:

City Clerk's Office

1376 E. Ninth Street

Alamogordo, NM 88310

PHONE: (575) 439-4100

FAX: (575) 439-4396

* 113 North Florida
- address within
City limits