



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

February 11, 2025 - 6:30 PM

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

Susan L. Payne Mayor
Sharon McDonald Mayor Pro-Tem, District 5
Vacant District 1
Stephen Burnett District 2
Warren Robinson District 3
Josh Rardin District 4
Mark Tapley District 6

Stephanie Hernandez Acting City Manager
Ashley Smith City Attorney
Rachel Hughs City Clerk

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

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

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

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the 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

PRESENTATIONS

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.

1. Approve the minutes for the Regular Commission meeting on January 28, 2025. *(Rachel Hughs, City Clerk)*
2. Consider, and act upon, Ordinance 1707 Case Z-2024-0005(A) for adoption and final publication of a map amendment to rezone 1701 Cuba Ave. from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District. *(Stella Rael, City Planner)* **(Roll Call Vote Required)**
3. Consider, and act upon, Ordinance No. 1698 for adoption and final publication to remove listed parking, overnight, and landing fees from Chapter 4 of the Code of Ordinances. *(Troy Orr, Airport Manager)* **(Roll Call Vote Required)**

ITEMS REMOVED FROM CONSENT AGENDA

NEW BUSINESS

4. Discussion of the Pricing Certificate and finalized rates for the City's utility projects financing through the New Mexico Finance Authority, including loan terms. *(Chris Muirhead, Modrall Sperling)*

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/11/2025

Report Date:

Report No: 1.

Submitted By: Rachel Hughs

Subject: Approve the minutes for the Regular Commission meeting on January 28, 2025. *(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 DRAFT MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
January 28, 2025**

**SUSAN PAYNE, MAYOR
SHARON MCDONALD, MAYOR PRO-TEM
NICHOLAS PAUL, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**JOSHUA RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING CITY
MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER & ROLL CALL

Mayor Payne called the meeting to order at 6:30 PM. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Crispin from the Worship Center, and the Pledge of Allegiance was led by Commissioner Robinson.

APPROVAL OF AGENDA

Mayor Payne said the City Manager's Report would be moved before Presentations, and the Presentation would be moved after New Business.

Mayor Pro-Tem McDonald moved to approve the agenda as amended.

Commissioner Robinson seconded the motion.

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

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following comments:

1. On Saturday, January 18, 2025, our Senior Project Manager was notified by the contractor that, after some milling was done, a six-inch gap was found. I met with them that Saturday. All of last week was a triage of the situation to figure out what was happening and why we did not know. On Saturday, January 25, 2025, we came across a report from Terracon that said in 2019, the bridge needed to be replaced and was deemed unsafe. We applied for a grant in 2023 that focused on the maintenance of the bridge, not the replacement of the bridge. That is why it was not found, so we started the current scope of work. We were just maintaining the top of the bridge and the wing walls. I do not know why we went down that route. I can only infer that there was another project we wanted to get to, where there was a concrete channel that goes from 1st Street to Indian Wells, which would have addressed the bridges along that channel. We believe that is where it got caught up with the maintenance. So yes, the City did know at some point. I cannot speak to the past, but now that we know, we are taking ownership of it and moving forward. At this point, we are rectifying the situation and ensuring all other bridges are safe. On Monday, February 3, 2025, we will work with Smith Engineering and the current contractor to discuss the timeline. We know it is inconvenient for citizens to have that intersection closed for so long, so we will try to push the timeline up, but we want this done correctly. Utilities will oversee the bigger bridge project. Senior Project Manager Boyle created a map with all our bridges. We are still taking inventory of them; we currently have about forty of them we are looking at. We will assess them. NMDOT will assess the bridges for which they are responsible. NMDOT has been extremely helpful; they will help us look for funding if our bridges are in terrible condition.
2. There is a detour from Oregon to 9th Street. We have put no parking in front of the library and are asking people to park in City Hall because of congestion. We also put the LVT Trailer out there because there is more traffic and a chance for accidents in the area.
3. The State of California, through the State of New Mexico, reached out to us to see how we managed and mitigated the fires at Bonito Lake because we did an excellent job. That is a testament to the current administration. We are not sticking our heads in the sand. We are trying to rectify things and make them public.

PUBLIC COMMENT

None. See Work Session for public comments specifically on that item.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne said Pam Lee passed away. She was very active in the community.

CONSENT AGENDA

2. Approve the minutes for the Regular Commission meeting on January 14, 2025. (Rachel Hughs, City Clerk)

Commissioner Rardin moved to approve the Consent Agenda.

Commissioner Burnett seconded the motion.

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

ITEMS REMOVED FROM CONSENT AGENDA

None.

PUBLIC HEARINGS

3. Consider, and act upon, the question of whether or not the Alcoholic Beverage Control Division should grant Transfer of Dispenser Type Liquor Licenses to New Mexico Company Operations LLC for locations at 723 N. White Sands Boulevard, Alamogordo, NM 88310, and 1445 Hwy 70 W., Alamogordo, NM 88310. (Rachel Hughs, City Clerk)

City Clerk Hughs said the Alcohol Beverage Control Division sent two applications for approval or disapproval of transfers of dispenser-type ownership for existing locations. The transfer is from the Brewer Oil Company to the New Mexico Company Operations LLC. One location is 1445 US Hwy, currently known as 70 West, and the other is 723 N. White Sands Blvd., known as the Midtown Shell. Both locations are more than 300 feet from a church or school.

Commissioner Burnett moved to approve.

Commissioner Tapley seconded the motion.

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

NEW BUSINESS

4. Consider, and act upon, Ordinance 1711 Case Z-2025-0001(A) for first publication of a map amendment to rezone the property located at 523 Maryland Ave. from R-4 Multiple Family Dwelling to C-3 Business District. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael said the property owner, the City of Alamogordo, requested this amendment. This is the Dudley School property. The zoning map shows R-4 Multiple Family Dwelling in green, which is the property in question. Once the construction is done and we are getting ready to open up Dudley School, it will be used as a miniature Civic Center, and we will be renting out space for small venues. That would not fit in with the current R-4 Multiple Family Dwelling zoning; it would need to be a C-3 Business District. I am required to send out certified returned receipt letters to property owners within two hundred feet of the property in question, excluding public right-of-way. I sent out six letters. As of today, I have not received any letters returned undeliverable or received any phone calls of opposition. Two property owners came in to request more information. Staff recommends approval from R-4 Multiple Family Dwelling to C-3 Business District because it would not be materially detrimental to surrounding property owners or the public.

Commissioner Rardin said once this is done, will it have access to our liquor license? Acting City Manager Hernandez said no. We would have to apply for a separate liquor license at that location.

Mayor Pro-Tem McDonald moved to approve.

Commissioner Robinson seconded the motion.

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

PRESENTATIONS

1. Overview of Projects, Utilities Department - Engineering. (Justen Boyle, Senior Project Manager)

Senior Project Manager Boyle said this slideshow was for the bigger projects. I am also working on smaller projects, but those are under \$60,000. In under a year, I have completed nine projects. During this time, the Engineering Division has been rebuilding from the ground up. We have identified several gaps and areas for improvement in existing policies and procedures and refined the project submission process and construction phase to uphold the highest standards moving forward. This presentation marks the beginning of a new initiative to better educate both the City and citizens of Alamogordo to enhance overall transparency, clearer communication, and a better understanding of each project's scope and progress.

Pre-Design Phase

The pre-design phase is before I send it out to design, where I ensure I have all my scope of work prepared for any engineer or architect.

1. Landfill Fencing - Utilities Department. Even though the landfill meets all standard requirements, the wind is unpredictable, and sometimes waste flies past the property. This project will consist of one hundred feet of netting fencing around the perimeter to keep garbage in.

2. Convenience Center Rehabilitation - Utilities Department. This design seeks to update a section of the existing tipping floor and enhance the efficiency of brush and metal disposal by installing a new tipping floor to better manage the distribution of vegetation and chipping materials.

3. Traffic Head Replacement - Public Works Department. The majority of traffic heads are outdated. This design aims to replace all existing traffic heads and establish a standard for the City to use in the future as new traffic light intersections are introduced. Mayor Payne asked if these were traffic lights. He said yes, traffic heads are traffic lights.

4. Bonito Lake ADA Walkway - Parks and Recreation Department. Parks maintains the area and will productively progress the Lake's property area for future camping. The Parks and Recreation Department will create eighty-eight walkways to access the Lake.

5. RC2201 Natatorium - Parks and Recreation Department. There were years of discussion regarding the new pool and natatorium, and it will be entering the final stages of design. These final stages will take nine months to a year to ensure we give the public everything that was agreed upon. Construction will hopefully start sometime next year in March, depending on if the design and everything is where it needs to be.

6. Library Patio - Community Services Department. We received additional grants for different projects, the first of which is for this. It was a grant-funded rehab to improve the functionality of the north patio. It will give access to the newly constructed Telehealth area.

7. Playground Dudley School - Parks and Recreation Department. Another grant was provided this year for this. This project is in the final stages of getting into design. Once that happens, it shouldn't take too long to get into the design. Playground design usually takes a month or so.

8. Zoo (Bathroom) - Community Services Department. The north side of the Zoo does not have a bathroom. A bathroom on that side would make the Zoo more accessible to guests. Commissioner Rardin asked if this had already been designed. It had already been bid on once before. They did a bid when they did the restrooms at the Balloon Park. Acting City Manager Hernandez said we asked for money on the ICIP, but it was not designed. Commissioner Rardin asked how it was bid on if we did not have plans. Acting City Manager Hernandez said we had an estimate. Now, we are requiring to do designs when we ask for ICIP funding, but we did not have it at the time. That was when we only had funding to do one bathroom. Commissioner Rardin said they bid all three. They did the Zoo, that one, and another all at the same time. Senior Project Manager Boyle said if he had to design it, it would be out in construction right now.

9. Zoo (Bear Enclosure) - Community Services Department. This is another grant project. This project is to meet compliance standards and USDA requirements. It will also enhance guest education and viewing opportunities.

10. Water Sewer Replacement Program (WSRP). WSRP-003. (12th, 13th, 14th, 15th, and White Sands to Hawaii) - Utilities Department. This is for the water and sewer infrastructure in those areas, and it will go into design as soon as I complete WSRP-002, which is later under Design Phase.

11. Sewer Replacement (White Sands to North Florida, 16th Street to Indian Wells) - Utilities Department. The Water and Sewer Replacement Program concentrates on the problem sewer areas in these locations. These areas have numerous challenges, including encroachments, privately owned sewer lines, sewer lines lacking easements, manholes in backyards, and several locations that have experienced repeated failures. Given that the scope of the project covers a large portion of Alamogordo, the design process will take some time. The final design will include new and rehab sewer lines for properties within this area. This project was on the \$29,000,000 contract that the

Commission approved of. Mayor Payne asked if we were going to move the manholes in people's backyards out. Senior Project Manager Boyle said hopefully once, we get the designer and engineer involved. We will have to figure out how to do that part. I know there are water meters like this, too. We are trying to ensure that everything is in the right of way so we can locate and maintain them.

12. Rehabilitation of the Remainder Water Tanks - Utilities Department. This was also part of the \$29,000,000 approved. It is for four water tanks in Alamogordo. They will start the RFP sometime after February. It's for the Cullahan two-point-two-million-gallon storage tank, lower Alamo two-point-two million storage tank, Ocotillo three-million-gallon storage tank, and West Side five-point-five million-gallon storage tank.

Design Phase

13. FD2401 Fire Station 2 - Fire Department. This station is located on Walker Avenue, and it is a grant fund. After it had been sitting empty for a long time, I put this out for design right away. We are pushing to have this out in construction by or before May. We went over the plans today to make sure they have everything in there they need. This one is close to being done with the design phase.

14. UC2051 Valley View Drive Rehabilitation - Utilities Department. The road into the La Luz Plant has been severely damaged by more than two decades of washouts. This makes it nearly impassable at times. The road also serves as a primary access route for chemical delivery to the Water Plant, which is critical for our water system. Maintaining access to this road is essential for City staff to perform daily operations, and taking a chemical truck out there is not safe.

15. ZO2401 Zoo Duck Pond Upgrade - Community Services Department. This is also a grant fund. We are close to completing the design. There are some touch-ups they have to do before I get with the stakeholder, which is the Zoo Manager, and ensure it is up to her standards for USDA requirements. This requires a few things to upgrade the duck pond's scenery and ensure it meets the code.

16. PW2502 WSRP-002 - Utilities Department. I mentioned this earlier under WSRP-003. It is Hawaii from 10th Street to 15th Street. It's a water replacement from Alaska to 10th to 12th. It is from the north of Hubbard Bridge to the next intersection and all across 18th, then going around to the street next to Hubbard that connects into a circle. Commissioner Rardin asked if that street was Miracerros Lane. Senior Project Manager Boyle said yes. It will also be 19th Street, where Oregon is at now, and it will tie in from a line on Oregon going west, all the way past Cuba, and continue on until it gets to another cul-de-sac in that direction.

17. PW2307 Basin Sediment Removal - Public Works Department. This was in sixty-five percent of design when I got here. There were some problems with the design and CAD drawing with the engineer. I turned to a different engineer to ensure we got it completed. This is for Marble Basin and Washington Basin. Washington Basin is by Mountain View Middle School, and Marble Basin is by Foothills.

18. UW2501 WRF Sludge Disposal Area Expansion - Utilities Department. In accordance with the current Sludge Discharge Permit 806 requirements, the City must establish individually marked disposal cells divided into ten-acre cells each. It is to be monitored and calculated nitrate-loading. The City has been disposing of sludge in this area for three decades, and certain zones are hotspots due to elevated nitrate levels. In response to a recent letter from the New Mexico Environment Department, we developed a corrective action plan. We will move forward in clearing, grubbing, addressing concerns, constructing berms to manage flow in and out of cells, installing signage to identify each cell number, and replacing perimeter fencing to prevent cattle from entering the area.

19. HWY 54/70 Main Grid Replacement - Utilities Department. This project was on the previously mentioned list. It aims to address the longstanding issues associated with aging pipelines and frequent waterline failures along Highway 70 between 54 and Airport Road. It will enhance water quality, water pressure, and water volume by replacing over thirteen thousand feet of twelve-inch pipe. Four pressure control stations will be installed, incorporating an additional feed from the path transmission pipeline and creating pressure zone five. These upgrades will significantly improve the system's capacity to meet fire flow requirements and strengthen the overall water infrastructure.

20. Well Transmission Line - Utilities Department. This project was on the previously mentioned list. The Well Transmission project is an ongoing initiative that began over two decades ago. Three phases have been completed, and three remain. The next phase starts approximately one mile south of Snake Tank Road, and it involves the installation of five miles of twenty-four-inch round water pipeline extending towards Alamogordo. The ultimate goal is to establish a transmission pipeline capable of transporting water from the Snake Tank Wellfield to the City. This would ensure the City's ability to meet future water demands and address potential water supply challenges. Mayor Pro-Tem McDonald asked why there were red asterisks on the PowerPoint slide for this project and the previous

one. Senior Project Manager Boyle said those are to let people know that those projects were part of the \$29,000,000.

Bidding Process

The three below are ready to go for bidding. It is just a matter of when I do that. I may pull Granada Hills off this list.

21. ZO2402 Zoo Fencing - Community Services Department. This is grant-funded. The Zoo's south and west walls are outdated and need improvements. These two sides are the last exterior walls to be completed for the Zoo. Once those sides are completed, we will finally have an entire wall around the Zoo.

22. UC2403 Granada Hills WSRP-007 - Utilities Department. This is 15th Street to 18th Street, Scenic to La Cresta. This one will be all new water infrastructure and roads to be repaved in that subdivision.

23. PW2002 Bonito Lake Reservoir RTU - Utilities Department. As part of the Bonito Lake Reservoir Emergency Response Plan and the requirements of owning and operating a high-hazard dam, the City must maintain a working watch and warrant system. This project aims to upgrade the existing outdated system to meet current standards, enabling plant operators to remotely monitor flow, pressure, and levels. It will additionally enhance security by introducing camera systems, increasing the number of alarms, and sending notifications not only to Lincoln County Dispatch but also directly to our operators.

Construction Process

24. CE2301 Monte Vista Cemetery Renovation - Parks and Recreation Department. At the moment, they have dug out the footings. They tested for compaction yesterday and passed. They are working on tying the rebar and they are scheduled to pour concrete for the footings this week. If everything goes smoothly this week, they should start building the wall at the Cemetery next week. After that, there is the installation of gates, metals, and whatever else is needed.

25. PW2307 Basin Sediment Removal Phase 1 (Griggs Basin) - Public Works Department. No comments.

26. IT2501 Zoo IT Infrastructure - Finance Department. No comments.

27. EN2305 New York SMP - Engineering Department. General Hydronics Utilities is the contractor on that project. They are two weeks away from getting away from 9th and 10th Streets and just working only on the 800 Block. Sometime next week, we will start doing testing on the water lines. All they have left is the 800 Block and tying into existing water lines.

28. PW2404 10th Street CBC Remediation - Public Works Department. Acting City Manager Hernandez has already provided you with information about the 10th Street bridge. I have contractors working on that project until we get something handled. Right now, they are relocating the reclaimed water line that I brought to you via a change order at the last meeting. It was to make sure it was out of the bridge's way so we would not have to worry about encasements under the bridge anymore regarding water lines. Commissioner Rardin asked what timeline we are looking at for this. I know it is an emergency, but will we be able to streamline the process, design, and bid? Senior Project Manager Boyle said that Rusty and the contractor will be meeting with us on Monday. Rusty is from Smith Engineering, and Smith Engineering understands how important this is. Some of the designs I have with them may be put on hold for a little bit while his engineering company works only on this bridge. Luckily for us, NMDOT has its own standards when it comes to bridges and cover boxes, so it should not take too long. However, I cannot give you a time frame for that because I have not met with the engineer yet. Commissioner Rardin said so the engineer would streamline the design on it. Are we going to try to CES it with the existing contractor to get it done quickly? Senior Project Manager Boyle said yes. Commissioner Rardin asked about a change order on the existing contract. Senior Project Manager Boyle said we have to just meet on Monday when it comes to all of that. Once we talk to the engineer and contractor, we will be able to announce another update. Acting City Manager Hernandez said either way, it will come in front of the Commission, but we have to meet with them on Monday to push and get an accurate timeline. I think everyone knows the urgency is there. Commissioner Rardin said he would like to see that one, even if stuff has to be put on hold. It is our main arterial through town, and it is a nightmare. Are we going to do any different traffic patterns here while it is being routed around? Acting City Manager Hernandez said we talked about different traffic studies, but we have not settled on anything. We need to meet with the engineer to see what we are going to do. Commissioner Rardin said maybe four-way stops or something. Senior Project Manager Boyle asked if he was referring to the detours. Commissioner Rardin said yes, like 9th and Washington. Acting City Manager Hernandez said she did not think we could do a four-way stop right here. Senior Project Manager Boyle said it probably would not be best to put a four-way stop at 9th and Washington. For anybody coming southbound from that intersection of 10th and Washington, putting a stop sign there will back up traffic all the way to 10th Street, and then you have even more backup traffic. I'll make sure that I get something going with an engineer to see their thoughts on that. At the moment,

I have to wait until I talk to somebody about that.

29. EN2306 Great Blocks - Engineering Department. This will start after General Hydronics Utilities jumps into the 800 Block and steps away from 10th Street. It was supposed to start next week on Monday, but due to tying into 10th Street, I cannot have detours overlapping. I want to make sure they are out of the way. February 10th will be the starting date for the Great Blocks. I spoke to the contractor and confirmed that date. I have been putting this on PSAs, but there will be a median from White Sands going to the alley on the east side of the 900 Block. There will be no left turn going northbound on New York Street coming in from White Sands. It will be eastbound. The stop signs and stoplight will be removed. There will no longer be stopping unless pedestrians are crossing. We will be using a Hawk system for that. From 10th Street to 12th Street, northbound, it will be one-way. It will be a one-way southbound from 10th to 8th Street. It is critical that everyone knows about this because while everyone is used to a certain way of traffic, changes take time to get used to. Mayor Payne said everyone will get used to it eventually.

30. PW2503 Hubbard Bridge Replacement - Public Works Department. The project started three weeks ago. They have installed a new water line tied into the existing one. They also installed a storm drain pipe, completely demolished the entire bridge, and are prepping for the drilling of the new shafts to be put into the bridge.

31. UC2401 SMP FY2024 (Oregon) - Utilities Department. This is on Oregon. There was a little setback in the beginning, but now we are moving along. They passed 19th Street today, and we are moving along on the first phase of the construction phase.

32. PW2307 Basin Sediment Removal Phase 1 (Public Works Basin) - Public Works Department. After October, it rained a lot. This basin gets water from the Griggs Basin, which is more east. It continued to have water flowing into it, so it took longer, and I had to stop the project. I looked at this on Friday, and it looked dry, so it should be ready to go for construction. I am meeting with the contractor tomorrow on the job site to ensure he will drive his dozer into the basin to ensure it does not sink. It could look dry on top, but it still could be wet underneath.

33. UP2401 Foothills and Lower Heights Water Tanks - Utilities Department. The Foothills Water Tank has been completed. The Lower Heights Tank is about fifty percent done with welding. Once welding is completed, they will start sandblasting, painting, and then cleaning. Mayor Payne asked where Lower Heights was for clarification. Senior Project Manager Boyle said it was on the east side of Thunder Road, next to McKinley Channel.

Shovel Ready Projects

These are projects that have completed designs. It is just a matter of putting them out for bidding. I cannot put them out all for bidding at once because no one would be able to drive downtown.

34. UC2209 La Luz South Reservoir - Utilities Department. This is by the Water Plant. There are three reservoirs over there, and this would complete the third one.

35. PW2501 Road Striping FY 25 (Phase 1) - Public Works Department. This is a Scenic extension from 1st Street to Indian Wells, 1st Street Scenic to White Sands, Cuba from 1st Street to Indian Wells, and north Florida from 1st Street to another road.

36. PK2202 Balloon Park - Parks and Recreation Department. This upgrades the Balloon Park with a new parking lot, bathrooms, and a fenced-in stage for concerts and events. Commissioner Rardin asked if additional restrooms were being added to the Balloon Park. Senior Project Manager Boyle said yes, one more bathroom was in design for that. Commissioner Rardin asked where the restroom would go. Senior Project Manager Boyle said the northeast corner. Commissioner Rardin said there is already one on the north side. Senior Project Manager Boyle said it would be on the opposite side. Commissioner Rardin asked if the design would be the same or similar to what is there. Senior Project Manager Boyle said correct.

37. ZO2501 Sewer and Storm Drain - Utilities Department. This is located in the Zoo parking lot. The storm drain right in front of the Zoo on White Sands does not take in a lot of water. The storm drain is from White Sands to the Union Pacific property line. There will also be a new sewer line from the sewer manhole in the Zoo parking lot. It will go eastbound to 10th Street. Commissioner Rardin asked if this would address the flooding in the area north of Walgreens, east of the tracks. Senior Project Manager Boyle said he could not give a complete answer. There is some collapse under the tracks with the storm drain. I spoke to an engineer with Union Pacific about that, and I am working with them to see what they can do on their side. I am not sure how all the storm drain looks, but since it dips under White Sands, you can imagine it collapsed a little. The best thing to do is replace the entire thing and work with Union Pacific on their side. Hopefully, that will take care of the flooding, but I cannot guarantee it.

38. UC2401 SMP FY2024 (Oregon Ave - Phase 2 & 3) - Utilities Department. This is for phases two and three of the WSRP for Oregon Avenue. This will take place from 10th Street going south and in the surrounding neighbors on the south side. It will be a new water line and new pavement.

39. UC2210 Upper and Lower Heights Waterline Replacement - Utilities Department. This is for the pipeline

between the Upper Heights and Lower Heights water tanks. Mayor Payne asked if this was part of the \$29,000,000. Senior Project Manager Boyle said correct.

40. Canal Ditch - Public Works Department. This is one hundred percent completed, but it was done in 2022 or 2023. There are one hundred percent drawings on this, but I want to take them back to the engineer to ensure they meet all requirements. I am not sure what the requirements were before the new Technical Standards.

41. Hamilton Road and Ditch - Public Works Department. This is also one hundred percent completed, but it was done in 2022 or 2023. There are one hundred percent drawings on this, but I want to take them back to the engineer to ensure they meet all requirements. I am not sure what the requirements were before the new Technical Standards.

42. Zoo Irrigation - Community Services Department. This is one hundred percent completed. It is for irrigation throughout the Zoo. It is in the grassy area of the park next to the Zoo.

Completed Projects

43. EN2013 CDBG Sidewalk Improvements. This was in construction when I started, but I completed the project and ensured the testing was completed with Smith Engineering.

44. PK2301 Oregon Courts Resurfacing. This is for the new pickleball courts on 14th and Oregon, as well as the resurfacing of the Oregon basketball courts.

45. ZO2301 Zoo (Wolf Enclosure). This was in construction when I started, but I completed the project and ensured it met the requirements.

46. LF2401 Landfill Water Fill Station. The landfill's water truck was going inside a ditch to fill up. We created a new landfill station so it would be easier for the truck to fill up faster and keep debris down.

47. ZO2402 Zoo (Wall- Wolf and Wall in between Chambers & Education Building). This was in construction when I started, but I completed the project and ensured it met the requirements.

48. PD2407 APD Stairlift Installation. The stairlift was outdated, so we got a new stairlift for both sides of the building. There are wheelchairs both upstairs and downstairs.

49. PW2401 Alameda Park Shade Structure. These are the eight shade structures put in at Alameda Park. After this, Parks went in and planted one hundred trees.

50. PW2407 Road Striping Citywide FY24. Multiple roads have been striped recently.

51. Foothills and Lower Heights - Foothills Tank Completed. The Foothills Tank was completed.

Senior Project Manager Boyle said the total project count is twelve in the Pre-Design Phase, eight in the Design Phase, ten shovel-ready, three in the bid process, ten in the progress of construction, and nine completed since April 2024. There are fifty-two projects in total, not including anything below \$60,000. Every project over \$60,000 goes through a bidding process. He proceeded to explain the bidding process. After the bidding, it comes to the Commission for the notice of award, then back to me for pre-construction. Mayor Payne asked for a guess on the total money it cost for all these projects. Senior Project Manager Boyle said he would guess over \$150,000,000 for all projects. Mayor Payne asked if the \$29,000,000 was part of that. Senior Project Manager Boyle said correct; for the first few years. Anything with the asterisk notes being part of the \$29,000,000. Mayor Payne said if we were to break that down, it would be close to \$300,000,000, right? Senior Project Manager Boyle said pretty much, but do not quote me on that. Acting City Manager Hernandez said there are different funding sources for that, like grants and ICIP. It is not like we have \$150,000,000 in the bank.

WORK SESSION

5. Discuss and gather citizen input on Ordinance 1710, an ordinance amending Chapter 11 of the Criminal Code, Articles 06-330 Obstructing Impeding, or Camping in Public Rights-of-Way and Adding Article 09-010-060 Regulating Camping on Public and Private Property. (City Commission)

Mayor Payne said as a reminder, we are specifically talking about this ordinance. I have four emails here from Las Cruces residents who heard about this camping ordinance and gave us their input as well. I will read them into the record.

Public Comments

1. Courtney McCary-Squyres said I wanted to reiterate feelings I have heard in the community regarding residents being dissatisfied with the way the current ordinance is written. I received a draft of this ordinance, and I would highly encourage the Commission to genuinely look over it. It was drafted by residents of Alamogordo, and it is something

that could be more satisfactory to the City as a whole. I think the Commission should discuss this ordinance not only in this room, but within the community as well. I propose a potential working group to be initiated that leaders in the City can gather with community members to discuss and brainstorm satisfactory solutions with this ordinance. The City does not need to reinvent the wheel, there are already meetings happening. The 100% Otero Housing Sector meets monthly on the second Tuesday of every month at 3 PM at the Counseling Center. I invite City leadership to come and see what is being done behind the scenes along with conversations and tangible solutions. I invited the Executive Director of the Mesa Valley Community of and the Neighborhood Revitalization Administrator from the City of Las Cruces to come and give a presentation in front of the Commission on March 11th. They will share solutions that the City of Las Cruces successfully implemented to support their homeless population in a dignified manner. I challenge you to table the vote until after the March 11th meeting to hear the presentation. Acting City Manager Hernandez said that the Mayor will not be here at that meeting but wanted to be present for the presentation, so we will push the presentation so the Mayor can be present for it.

2. Mayor Payne read a letter from Sarah Smith, who I understand you are considering enacting an ordinance to prohibit camping in public places. Similar ordinances have already been passed in over one hundred municipalities nationwide in order to improve public safety and quality of life. Albuquerque recently passed such an ordinance in December 2024. The Supreme Court has ruled that such ordinances are constitutional because they are not aimed at any one segment of the population, but apply equally to all members of the community. Perhaps you know about the horrible situation at Coronado Park in Albuquerque, where a large encampment became a hot spot for drugs, stabbings, and homicides until the city was forced to completely close the park and remove the encampment. Here in Las Cruces, we are watching our community be destroyed by crime and drugs. Data from a public records request shows that seventy percent of our top forty repeat offenders are homeless. That includes an offender that has over one hundred and twenty plus charges for aggravated assault, dealing drugs - meth, battery, trespassing, shoplifting, and more. Another homeless repeat offender has been charged ninety-five plus times with offenses including criminal trespass, possession of illegal drugs, assault, property damager, indecent exposure, shoplifting, battery on a police officers, and unlawful carrying of a deadly weapon. Businesses and homes are vandalized, windows are broken, property is taken, and vehicles are stolen. Homeless people are camping out at businesses and homes, approaching people to ask for money, scaring children, threatening people, and leaving trash and feces all around. Drugged out people are wandering the streets, harassing people and leaving dangerous needles lying around where children can find them. No strings attached homeless shelters and services are not the solution either, as those have been tried here in Las Cruces and are not working well. Homeless people are given free housing, free medical care, free food, and cash disability payments from the government every month with no requirement for sobriety or accountability. Las Cruces has become a magnet for homeless people from across the country. The Las Cruces Point-in-Time (PIT) count of homeless people from 2022 found that over half of the homeless surveyed were not from New Mexico but from other states all over the country. Housing people who are trying to get sober right next to those allowed to continued using drugs is horribly short-sighted. We have seen the results of that at the Desert Hope housing project in Las Cruces, which was partially funded by the city and has housed at least two drug dealers over the last few years. One drug dealer was written about extensively by an independent journalist who moved into Desert Hope because he was struggling with finances and housing himself. He detailed that the environment at the Desert Hope apartment complex was filled with incessant drug use, fighting, and chaos. He wrote that he had seen this place, in the span of six months, go from a beautiful renovation to the very pit of hell, full of drugs and drug use. A cesspool of mentally ill persons. The drug dealer was evicted in late 2022, however by summer 2023 another drug dealer was living at Desert Hope. It is not compassionate to enable people to continue destroying their lives and health with drugs and crime. Furthermore, it is the duty of government to ensure that our communities are safe places to live and work, prohibiting camping in public places is for the good of the overall community, ensuring that parks, sidewalks, and other areas are safe for all community members.

3. Jeanette Borunda said she runs the Mobile Crisis Response Team out of the Police Department. I am the clinician there, and a licensed clinical social worker. Going back to the PIT count from 2024, there was a record high number of unsheltered across the nation, a twelve point one percent increase. If we start to talk about what is happening and going on in our nation, then nationwide, it is increasing and will continue increasing. For more than twenty-three percent of the unsheltered during that time, this was their first time ever experiencing homelessness. We had seventy-three people in Otero in 2024, and seventy-one point five percent of those are individuals are adults, and twenty-eight point five percent were people living with families with children. If we look at the numbers of people in the PIT count, thirty-eight point four percent of people in Otero County had a mental health condition, and thirty-six percent with a TBI. Looking at the population of Otero, we have to remember we have veterans also included. Otero County has the fourth highest population of veterans in New Mexico. There are several things in the camping ordinance I want to address. The Mobile Crisis Response Team is called out to assist with many people who fall underneath the camping definition. People who are sleeping outside, in tents, or in sleeping bags. I give those out to

people to have some sort of shelter as part of my duties. Under camping on properties, people without access to waste disposal facilities or sanitation, that puts anybody camping outside or sleeping outside in violation of this ordinance. We do not offer restrooms twenty-four hours a day. Our public restrooms here are closed at 10 PM. I recommend we have a City position put into place that holds a committee. For people for the committee, I recommend people from the school, the faith-based hospital, APD Social Services, etcetera. They can start with a root cause analysis as to why this is such an issue here. I understand that is less than one hundred people in Otero County, but when we look and put things in place for people with mobility issues, that is around the same percentage. We need to give everyone included here opportunity to live. Mayor Payne said I understand the intent of the Mobile Crisis Unit, but what are you doing for the people that have mental health issues? Jeanette Borunda said in those instances, we offer to anybody, with or without mental health issues, if we get called to someone who is unhoused or unsheltered, I am on call 24 hours a day. Anything I can offer, whether it be a hotel or a hot meal, assistance going to the hospital, set up with a counselor, or set up with somebody who can do men management. There are people in town who will take an emergency intake the next day. We will set up a meeting with somebody and go over with them to the Counseling Center or wherever it is. We also help people at the Independent Living Resource Center to help them get set up with services. We want to help get them set up with Medicaid. One issue is that you need someplace to send mail. Without that, folks are not able to set up those resources. If I can take my laptop, we can meet at the Police Department and do all their application stuff together. Mayor Payne asked how many with mental illness took her up on that. Jeanette Borunda said overall, with all my intakes, thirty percent of people take me up on that. Mayor Payne said if they do not take you up on that, then what? Jeanette Borunda said then they do not. They have civil rights to not. We have disability rights in New Mexico. Do I think, in some cases, should people be mandated for services? Yes. That is one of the goals for assisted outpatient treatment, which Otero County and Alamogordo are getting ready to receive funds for. That has been in the works for about five years. Alamogordo was one of the chosen cities within New Mexico to receive funding regarding the Assisted Outpatient Treatment Act. Mayor Payne asked what that would do. Jeanette Borunda said if someone is taken to court and if there are mental health issues, it is up to a judge to decide whether or not they are mandated to receive treatment. In addition, we also have the competency diversion program which started four months ago. In that case, if somebody received a misdemeanor, and according to this ordinance would be a misdemeanor, then if they have had competency raised in a previous case, they are eligible to go into this program. Before, if you don't have competency and you get a citation, misdemeanor, or felony, and you go into court, then because of the competency issue, it is let go. Within the Competency Diversion Program, if they are accepted in, and it is up to the judge, they will receive a case manager and get a treatment plan. From there, if they follow the program, that misdemeanor will go away. Mayor Payne said the misdemeanor is not in Municipal Court, it has to be in Magistrate Court. Jeanette Borunda said correct. Mayor Payne asked where we are at with that. I know there is an issue. Jeanette Borunda said we are losing people with that situation. I know the program is working on that, and they want to include Municipal Court or get it moved over. We are having monthly meetings to see if there is a way to move people from one court to another to qualify for that program. Mayor Payne said to be clear, you are saying a judge can order them into mental health if there is a competency hearing? Jeanette Borunda said with Assisted Outpatient Treatment, yes. If the judge deems they are unable to make their own decisions and this would benefit them, yes. Under the Competency Diversion Program, the judge can say, you qualify for the program and we want you for it, but the person still has to agree and follow through. There are two separate programs here. Mayor Payne asked how a judge would determine that. Are there guidelines? Jeanette Borunda said absolutely. Albuquerque and Las Cruces has Assisted Outpatient Treatment Programs in the court. It is something we have been trying to get for the last five years and we are finally able to get funding for it. It is essentially a mental health treatment court. Mayor Payne said she had an incident where a homeless woman was competitive with her staff and had to be removed. Jeanette Borunda said the ordinance is talking about moving one person from one place to another instead of working. My recommendation would be to have that committee work on a root cause analysis to include all of that. Mayor Payne said we are here because we have a camping ordinance. This is a broad camping ordinance not only for the homeless, it is anybody. Not everyone that is homeless has a mental health issue. What do we do about people that just want to sleep on sidewalks? Jeanette Borunda said that was another thing for the committee to do as a community. I sat through a presentation and Las Cruces had a lot of really good solutions. But we are different from Las Cruces. I created the Mobile Response Team to fit Alamogordo, not other cities. When we look at what Alamogordo needs, I think all the entities that need to be in that group will represent that. Look for solutions for our community rather than saying we do not want x, y, or z. It may work here.

4. Heather Flodin said I know this was spoken as a camping ordinance, and it was referred to as being constitutional in the email, but I believe this camping ordinance will disproportionately affect the homeless in our community. I support taking a resource-based approach rather than a penalty-based approach when addressing the homeless population in Alamogordo. Through my experience in dealing with housing insecurities, I can say for certain that it

was resources rather than penalties that helped rectify the situation. I appreciate the Commissioners who acknowledged that fines, jail time, and other unrealistic penalty expectations make it more difficult for a person experiencing homelessness to overcome their situation. The National Coalition for the Homeless states that the criminalization of homelessness is aimed at the visible ramifications, not the root causes. Not only does it fail to address the underlying causes, but it further undermines the challenges of homelessness. I believe it is important to address the root causes of homelessness rather than add extra barriers to it. Having alternate living solutions, addiction, mental health support, job training, and other social services readily available will be a more productive and lasting solution. I suggest we that, instead of handing out fines and jail sentences, we hand out referrals to organizations that can help. I ask that the City work in conjunction with non-profits in the area to help ensure that they are able to provide our homeless community with access to comprehensive and up-to-date services available. I am also asking that the City acts in all possible capacities to help strengthen and expand these organizations with a major focus being the establishment of a year-round shelter. Readily available resources increase an individual's likelihood of success. Penalties increase hopelessness. I am asking that we are focused on providing help instead of penalties that hinder progress.

5. Mayor Payne read a letter from Shawna Piper, who said she was a resident of Las Cruces, and wrote about her experience as a business owner with the homeless. "I strongly believe that a camping ordinance will prompt homeless folks to seek designated service providers so they can continue to live how they want but be accessible to those that can help them."

6. Beth Crabbe said she was a realtor, and her concern was not just about camping, it was about homelessness in general and how it was created. We have a real problem. Rent can go up considerably, and a person can become homeless. This ordinance is an accident waiting to happen. This is not just about camping, it also says obstructing or impeding movement is prohibited. That means if I am walking down the street, and bump into someone, am I in trouble? Commissioner Burnett said he did not think that was the meaning. Impeding is usually physically hindering somebody from moving. It is not that you run into somebody. That is not the implication of impeding. Mrs. Crabbe said clarification should be made unless you wish to get sued. Impeding movement means any act which interferes with, or slows, the progress of pedestrians in a public right of way. We need to look at providing housing for our homeless. Acting City Manager Hernandez said for clarification, impeding an obstruction is currently in our ordinance. Mayor Payne said that is nothing new, and it has been there for a long time. Only part of this is rewritten. I agree we need to provide resources.

7. Cory Schmidt said at a previous meeting, it was brought up that the homeless leave when it gets warmer. I think they are here regardless of the season and cannot go anywhere. It was also brought up that 100% Otero works to support the homeless. How long have they been working towards that? About five years? Where is the solution? Another point was about not fining the homeless because they cannot pay for it. Twenty-five hours of community service was brought up. That is less than the average workweek. The next point is that the homeless do not complete their full community service. They made their choice with the fair option of community service and chose not to. Regarding property rights, who is this ordinance affecting? It applies to everyone, not just people living on the streets. I cannot camp on a Commissioner's lawn without permission to do so. If you have someone on your property with written permission to do so, it is fine. If you do not have the permission, you are in violation of this ordinance. If you do not have permission to be there, do not be there. It is not targeting any one group. It applies to me. In regard to trespassing, we have an Assistant District Attorney who refuses to prosecute things like that. Commissioner Burnett asked when this ordinance was originally written. Acting City Manager Hernandez said parts of it were in another section and we are putting it into this one. The City Attorney can get that information for you. City Attorney Smith said we would need to review the archives for that information.

8. Stan Hernandez said he was part of Otero County Lulac #8105. While we understand the concerns about the homeless in our community, criminalizing camping is not the solution. There are one hundred and fifty homeless children within seventy-five homeless families in Alamogordo who qualify under the McKinney-Vento Act. These people are in a crisis and outlawing camping does nothing to solve the root causes of their situation. It creates more barriers and marginalizes vulnerable people. Per numbers the Mayor mentioned, incarcerating them would cost taxpayers \$7,300,000 a year. Housing them in a local hotel would cost about \$62 a day, or \$2,300,000 annually. That saved money could go towards other supportive services. There are enough nonprofits, people, and resources in Alamogordo and Otero County to help run and maintain a homeless shelter. Alamogordo is home to nine hundred and fifty-three businesses. If each contributed \$1,000, we'd raise \$953,000, and that could jump start a public-private partnership to address homelessness in a meaningful way. Outlawing camping does not align with the values of a community that cares for its own. Mayor Payne said she had guessed at the numbers per person mentioned earlier. It sounds like everyone is concerned about the fines. Commissioner Rardin said that and also the private property. Mayor Payne said regarding the one hundred and fifty number mentioned earlier, we are not talking about children living on the street. We are talking about children without a home of their own. Mayor Payne called upon Lisa Patch

to speak. Lisa Patch said there is a specific definition from the McKinney-Vento Act for homeless students. They can be living on the streets, in a storage unit, in a dwelling with multiple families, or they do not have running water, heat, or holes in the roof. It is actually about one hundred and eighty now. Mayor Payne asked if that included living with grandparents. Mrs. Patch said it has to be for financial reasons, not just living with another family member for convenience. Mayor Payne said she wanted to be clear that we do not have one hundred and fifty children living on the street. Mrs. Patch said the number changes every day, but we recently had about ten families living in hotels that community members pay for.

9. Mayor Payne read a letter from Donna Striker, who she said she worked with others last year after Officer Jonah Hernandez was murdered about a block from my commercial property and business, Business for a Safe Las Cruces. We started due to numerous break-ins, vandalism, and repeated violence against local businesses and their owners. The issues are still in Las Cruces. Our city does not have a camping ordinance but we are working on one. We are a welcoming community based on a resolution years ago. Locals have brought forward suggestions for a change in current philosophy for our current council. We must change the way that we do not deal with the homeless, Catch-and-Release, and violence against our citizens. We hope to see your ordinance pass.

10. Joann Vullo said she was with Otero County Lulac #8105. She asked how many people currently in tents committed these kinds of crimes. Why did the City and County Commissioners refuse \$6,000,000 from Congressman Gabe Vaquez? These resources are important, and it does not make sense that they were refused. It could have gone towards a shelter. It is infrastructure money, but people need to know why it is refused. I know for a fact he offered it. He said he met with you. I met with him in October. Mayor Payne said that did not happen. Acting City Manager Hernandez said the City has never refused money. I do not know what that is. Mrs. Vullo said it was the infrastructure money. Mayor Payne said she would call Cody in the morning and ask him what that is about. That absolutely did not happen. The last time we applied for money, because we were accused of playing politics and not applying for it, we jumped through hoops and were turned down. Acting City Manager Hernandez said that was correct. Mayor Payne said we have applied for money many times that was supposedly available, and we were turned down. Mrs. Vullo said he offered the money to soil and water conservation. If that is not true, he is going to offer the money to them. I will not argue with you. How many people that are living in tents have murdered anyone, or committed a felony? Las Cruces is a bigger city, and they will have more crime. How many regular people have committed crimes? Mayor Payne said I do not think we suggested that they have. Mrs. Vullo said you are allowing the letters to reflect what happens with people in tents. Acting City Manager Hernandez said Fire Chief Ramirez is here, and arson is a felony. Mayor Payne said she would call Congressman's Vasquez's Office in the morning. I would like him to demonstrate where we turned down \$6,000,000. Acting City Manager Hernandez said we worked with him on an Airport project, but that is the only thing I have had contact with him about. Fire Chief Ramirez said since the last Commission meeting we spoke at, we have had another structure fire at a dilapidated structure. Thankfully, no one was injured, and there were no utilities or surrounding structures to continue passing along and burning other homes in the area. On the day after January 23rd, we had a warming fire around 5:45 AM, right behind the O'Reilly's on South White Sands Boulevard. The fire was getting ready to spread into the underlying brush, and would then have proceeded into a brush fire. We have large propane tanks out there. There was previously a large warehouse in that area that burned down due to transients. It is a protected area because of the propane tanks. A potential brush fire would have been catastrophic. As of today, around 8:13 AM, a transient was crossing White Sands Boulevard and was struck by a vehicle. Fortunately, he is alive with minor injuries and nobody passed away. There was more trauma to the person that hit him. I understand this is a major issue across the nation, and not to say that everything is bad, but something needs to be done. A coalition between the City and County needs to happen. There was talk at the last Commission meeting where it was said that once it warms up, they will go away, or we will have minimal fires. That is not true. We have personally seen where they get struck over by the train tracks near Alameda Park. This is something that is continuing to grow rapidly. Over at the City of Las Cruces, on Saturday morning, a very large abandoned motel was set on fire. Then on Monday morning a laundromat was set on fire. I do not want to pull someone out of a home that was trapped inside of a dilapidated structure or overcome by smoke.

11. Peg Crim said she was the co-founder and President of 100% Otero, and she explained what they do. Housing is a vital service. At our Day of Hope last week, we heard from the unhoused. All their energy is focused on surviving. They will be affected by the proposed ordinance. They may not have money. Incarceration may work for a while, but when they get out, they will be in the same situation. It is a costly and inefficient use of taxpayer dollars. Please do not punish those that do not have options. We need one person or office in Alamogordo dedicated to creating housing solutions; several are doing parts, but no one entity brings it all together. The City needs an Office of Housing that leads the charge.

12. Jen Gruger said she was the co-chair of the Medical-Dental sector for 100% Otero and also worked for Christus Southern New Mexico and led the Community Connections Program. A great percentage of the clients we work with are homeless or near it. We have been doing this work since February 2022. Christus Southern New Mexico is

looking at ways to collaborate with others to support the community, either by supporting homeless shelters or developing additional options. Real solutions are possible. Threatening people with expenses and/or incarceration at the risk of losing the only things they own is not a real solution. I ask two things. One, postpone any further discussion on the ordinance until all comments tonight have been considered, and you have had the chance to hear from Natalie Green from the City of Las Cruces. Two, take action to come into compliance with the 2018 Comprehensive Plan's housing and neighborhood goals that provide temporary housing for the homeless population in Alamogordo. Perhaps create a City position that would focus on housing.

13. Evan Lambert said there were multiple issues. There is dehumanizing language, like protecting the aesthetic value of neighborhoods, public nuisances, and protecting property. In certain circumstances, that is true. This ordinance is going to obviously disproportionately affect people based on poverty, lack of housing, lack of shelter, and lack of safety. I suggest including a definition of homelessness. Along with others, we rewrote this entire ordinance. I believe Mayor Pro-Tem McDonald and Jeanette Borunda have copies of that. This would enable you, within this ordinance, to codify ethical means of dealing with folks who are unable to do anything else. There is also the legality of this. In our ordinances, specifically 11-01-100, the general penalty for a municipal code violation cannot exceed ninety days. In New Mexico Statute 3-17-1, it says the same thing, no more than ninety days unless it is a DUI or wastewater violation. Six months seems a little longer than that. In Article 2 of the New Mexico Constitution, Section 18, Equal Protection under the Law, when this disproportionately affects people that are not able to do anything else due to extreme poverty. That would not be equal protection, in my opinion. There is also Article 2, Section 4, which protects the right to seek and obtain safety. If you do not have a car, cannot drive to town, and it's raining or cold, what would you do? You would catch a charge in this case. Lastly, and this is Florida, but in *Pottinger v. City of Miami*, it was ruled that it was an Eighth Amendment violation of the Federal Constitution, and it was cruel and unusual punishment to punish somebody for being homeless and not having access to alternate means of shelter when they are sheltering in public.

14. Jacob Justus said he previously spoke about the SCOTUS decision that made this all legal to enforce on homeless people, and that overruled the cruel and unusual punishment clauses. What entities were discussed with before putting this together and shunting responsibility onto first responders? We have creativity on this ordinance, but why do we not have creativity on how we can house the homeless? It is important to realize how we got here. Since the last commission meeting where this ordinance was brought, we have come together to say that we do not want these ideas to alienate our homeless. We ask for solutions that recognize the economic realities of Alamogordo, where many are closer to homelessness than stability. We ask for laws that uplift people, methods not prone to abuse, and penalties that will not cycle our neighbors back and forth from the street to prison. We demand better than what we are getting. The town can do better than what it is doing.

15. Amber Mayhall said she is the Otero County Healthcare Services Director. I was made aware there was recently a meeting between the County and City Attorneys in regard to concerns the County has. I am not aware of the details. I had a meeting with our Detention Center leadership and their medical staff to better understand what they deal with when working with the unhoused. I want to share their thoughts in brief, and I will share an expanded note of my meeting with the City. They have some proposed solutions. One, they want the City to work with local nonprofits to invest in shelters, encampments, and transitional housing, along with developing a day worker program. You guys pay \$20 an hour for community service, which is phenomenal, but you should not have to do community service as part of the penalty. If you are going to pay them that much, just hire them for the day. Give them the option to earn a living. The ordinance needs to be reviewed closer to avoid criminalizing non-disruptive behaviors like sleeping in vehicles. If someone commits a violent crime or property damage, yes, they will go to jail for the crime. The big priority here is people just trying to survive, who we do not want to see our Detention Center or in a loop of homelessness. Once you are at the Detention Center, it is on your record, and that follows you forever. We do not want to perpetuate a cycle. Acting City Manager Hernandez said she spoke with Otero County Attorney R.B. Nichols, and would incorporate some of the language he was requesting. He will be giving me the proposed language that the County has in their ordinances. Mrs. Mayhall can email the notes she has. Mayor Payne said she spoke with a social worker at the jail, so I am aware of it and I understand the financial burden. Our officers do not want to put people in jail for this. Mrs. Mayhall said the Detention Center does not want to take on this responsibility, specifically for people who will be caught in the language of this ordinance and who are not really being disruptive. The language in the ordinance will get those people tangled up in the criminal justice system, which I do not believe is the City's intent, correct? Mayor Payne said no, definitely not. Mrs. Mayhall said there would be a financial tax burden to the City of Alamogordo because the rate the City pays to incarcerate will go up. There will also be a tax burden on the County. The real issue is the human cost of what this ordinance can potentially do.

16. Bryan Martinez said he wanted to humanize this issue. I am one person running a food truck who feeds between two and ten people a day out-of-pocket. Everybody is talking about resources and cost, but I can feed ten people by myself. I talk to people living on our streets, and I have their opinion on the services they need. It comes down to

mental health, addiction, legal aid, and incentives. They would be willing to clean up streets if we had financial incentives for them. A solution would have to be long term. If we pass this law, great, it is necessary, but enforcing it will drive people further underground. I can offer my services to 100% Otero or Mrs. Borunda or whomever.

17. Charlotte Ridge said these people are in need and rely on you. They are the most disenfranchised of our community. I believe this ordinance will do terrible things to those people. Why not try something restorative instead of punitive justice? Hold up the weakest members of the community when they cannot do it on their own. You are being provided with resources on a silver platter. I lived in Denver for fifteen years and saw horrifying homeless. Proposition 300 stated that, if voted yes upon, people would be allowed to camp publicly and exchange food with one another. It was struck down almost unanimously. The homeless in Denver are put out on the streets, they are hosed, and their things are taken and burned. I do not say that is the intention of Alamogordo, but I am giving fair warning that one thing leads to another. Connect with Mrs. Borunda, she knows what she is doing. I highly recommend looking into the Star Unit of northern Colorado. They are incredibly effective and successful. Remember that need offers few choices.

18. Rich Hernandez said he was with Runner's Refuge, which primarily serves the community through meals and other different things. I would like to point out three things in this ordinance. In Section 11-09-010, it references a vehicle. I thought that a vehicle was an extension of our home in New Mexico, so I do not know how you can enforce that. I do not know how a licensed and insured vehicle is a detriment to the City on the streets, whether someone is sleeping in it or not. In Section 11-09-050, it says immediate removal and maybe issue a citation. What does that maybe mean? Should there be two words, as in may be? I would like to offer solutions. We have a whole park where we are going to build Chapparral Middle School, Hang Glider Park over by Griggs. Why can't we let them camp there legally? Let's put up a fence, facilities, showers, toilets, and fulfill everything that it says in here. The City can lease it to us for \$1 for one hundred years. Whatever you need to do. You cannot give it to us, but you can lease it to us at a cost-effective number. Or how about La Placita? That is already made up as cubicles we could use as transitional housing for people to put up at an affordable rate, \$10 a day or \$300 a month. Everyone keeps saying we need to do this or that, but I want to offer solutions. We have a park and City properties that are not being used. Why don't we use them? This ordinance will affect a lot of homeless people in our community and drive them underground. It will cause more violence because the more you put them in a corner, the more defensive they will get.

19. Anthony Torres said he was from Mountain View Church. When you look at this ordinance, you have to think of it from the perspective of, what if I was out on the streets? Where could I go? I know what it is like to be on the streets. I had thought it would never happen to me. I do not think reading letters from Las Cruces is relevant. I agree with Mrs. Borunda. If it didn't work in Las Cruces, it could probably work here. If you pass this ordinance, there needs to be a solution in place. We have a lot of meetings, but there is never action. People on the streets are looking for a hub. A place they can go to shower, eat, sleep, maybe camp. This is not a one-person show. The whole community will have to do their part. I believe it is the city's duty to put something in order if this is adopted. The homeless are still citizens within the city, and it is our duty to take care of them. This topic will not go away. For ten years it has just been band-aids. We have to take action.

Patrick Fuller requested that Mayor Payne recognize the speaker and yield the floor for a question. Mayor Payne said that she would allow it. Mr. Fuller asked if this ordinance could be used to intimidate property owners that are allowing homeless people to camp on their property. Mayor Payne said the ordinance states that if they have written permission from the property owner, it is okay. With that, they are addressing vacant properties where the homeowner does not live in Alamogordo, and the property has become dilapidated and people break into them. As heard from our Fire Chief, they are starting fires. So what do we do if someone's house goes up in flames? I understand it is cold, but we have to address that. I think the group here tonight is focused on a certain population, but we were elected to represent the entire city, not just the homeless population. I have to weigh that. It sometimes appears we are heartless or do not care, but in this position, you have to consider the entire community. I understand that the homeless go into abandoned buildings to get out of the cold, but it is dangerous; it does not belong to them, and it puts everyone around them in danger. I know what it is like to be homeless with a baby in a tent. I understand how they feel. As a community, we have to come up with a solution, but why is it incumbent upon the City and not the County? I see this as an issue for Otero County as a whole, of which Alamogordo is a part of. It has to be a solution where we all work together. I am not in favor of putting tents up at Hang Glider Park.

Acting City Manager Hernandez said she wanted to clear up a misconception. CIT Clinical Director Borunda is with the City. This Commission approved the department's application for the initial funding for the MCRT. This Commission approved keeping that department when the initial funding source ran out. The County also funds that. So when you say the City and then Mrs. Borunda, there is no difference. She is part of the City and reports to the Chief of Police. She is on these boards as a City member. Also, I do not think the intent of the ordinance is to

criminalize the homeless. The intent is the frustration with the Public Safety aspect. I have received many productive phone calls to incorporate some language. As far as homelessness and a shelter, we have discussed it. I spoke with Otero County Attorney R. B. Nichols today and told him this is not the City's sole responsibility because the City cannot afford this. We have bridges over forty years old that we have to replace. As I told Mr. Nichols, public-private partnerships are successful, regardless if you look inside or outside the state. The Housing Authority of Truth or Consequences created a separate non-profit to work through it. The City and County working together with a private partnership will be more successful than anybody putting it just on the County or City. One of our employees is going to a conference that will overview housing, including affordable housing, homeless housing, and workforce housing. I will apply by phone call today for a housing strategy to see what the City wants to do. I was in a meeting with them after I spoke to Mr. Nichols, and I asked them if the County could be involved in this. They said absolutely, and so I will be inviting the County. The next aspects are mental health and substance abuse. Neither the City nor County are equipped for that, and so that is where another public-private partnership has to come in. Christus Hospital has that in its wheelhouse. There are opportunities for the City to provide resources and land, but it has to be a proposal that all of us buy into. As much as I would like to fund a whole housing department, the reality is that we got out of the housing business because we could not do it. That was back when we turned our housing authority over to the Eastern Regional Housing Authority. There is no good solution, but I believe a public-private partnership is needed for two aspects of this.

Mr. Fuller said that, as a community, we have shown that we cannot really find solutions to this. I made the decision to invite a homeless, disabled veteran to live on my property, where he has been for the last five months. He had nowhere to go. He is waiting for institutional Medicaid to be passed. It is uncomfortable, but it costs money. I feel there is an internal solution.

Acting City Manager Hernandez said there are short-term and long-term solutions. For the short-term, we have reached out to Las Cruces, El Paso, and neighboring communities that have shelters. In the short-term, if this ordinance or another version goes into effect, we can say the City of Alamogordo is willing to pay these entities to help until there is a long-term solution. A lot of that is being done using the capabilities we have now. We have worked with the State, HUD, and more. I think this ordinance can be rewritten and things need to be taken out and changed. But our Public Safety individuals who keep you all safe need help and relief, too. That is where the frustration on the City's side comes in. We acknowledge there is a homeless population, but also that our resources and Public Safety people are strained, like our Fire Department, Police Department, and Code Enforcement.

Anthony Torres requested that Mayor Payne recognize the speaker and yield the floor. Mayor Payne allowed it. Mr. Torres said there is an old saying where they say, show me your checkbook, and I'll show you your priorities. We have to change our verbiage from where it cannot happen to where it can happen. Acting City Manager Hernandez said I am saying that the City cannot do it alone, not that we cannot do it. Mr. Torres said there needs to be a meeting where we will ask where all this pool of resources with the County and City is going. There are over forty churches here, and we need to put this on them, too. Mayor Payne said you would have to talk to the churches about that. Mr. Torres said we need to put this on people that want to help, like non-profits. Acting City Manager Hernandez regarding the checkbook, the City's budgets are coming up. There will be a presentation of what our departments are doing that will show what our priorities are. Priorities include water, sewers, streets, even bridges now, and other types of infrastructure. We are not wasteful in what we do. We provide quality of life for the community. We live stream the meetings, and there will be a livestream for three days. You are more than welcome to come and provide input. Mr. Torres said we know there is grant money out there. If we have fifty-five projects, put fifty-six in and put grants on that. That is what we see. I have ten thousand ideas for mental health and addiction, but we do not have any money. When we put everything together, we can make it happen.

Sasha Torres requested that Mayor Payne recognize the speaker and yield the floor. Mayor Payne allowed it. Mrs. Torres said the Mayor has the responsibility to pay attention to the narrative she was trying to create tonight. You are reading letters from people not in our community and talking about drugs, crime, and killing. Yet later, you stated you had letters from the business owners, but you are not reading them. You are not making it clear what you are trying to do with the ordinance. Mayor Payne said that is not what I meant. Just because people do not show up for a meeting does not mean that they are not communicating. Acting City Manager Hernandez said to be clear, we are bringing people in from Las Cruces to talk about what they have done there. To be fair, there are two sides to every story. I think it is appropriate if we are going to allow them to come in here and talk about their homeless as well. Mrs. Torres said if you are receiving emails from people in this community, we would like to hear them. I understand they are struggling in Las Cruces, and we have helped over there. The responsibility is to create a narrative that

shows you care about people in your community. We are asking for help from a different community, and that is just confusing. We are hearing about what is going on in Las Cruces, but Las Cruces does not have anything to do with Alamogordo's homelessness. Mayor Payne said if that is the case, we should not have the Community of Hope come either. Mrs. Torres said that is on you and that is not what I am saying. You have to be clear. You promised people who do not live here that you would give their voices when you are not sharing the voices of the community that are complaining to you through email. Mayor Payne said I do not have any emails to share. Mrs. Torres said that you said you did. We are trying to find a solution. This ordinance states that if a person has permission to camp on another person's property, they are allowed to. I guarantee you that if I ask men to come and stay on my property, our neighborhood will not be okay with that. I want to help people. The community will call the police on me for allowing the homeless to sleep on my sidewalk. Mayor Payne said what I was trying to say earlier was that when I consider something, I have to consider the community as a whole, even if they are not here. They may have sent an email or text, but I was not talking about this; I was talking in general. I was trying to explain that is where we are coming from. As far as reading emails from Las Cruces, I read them. Sometimes, when we look at ordinances in general, we look at other communities to see what they are doing. I did not find it to be inappropriate because Las Cruces would have been a community we looked at for various things, not just a camping ordinance. We often look at Las Cruces, Roswell, or Carlsbad and ask what they are doing. Those letters were their experiences. Many of us up here do care. I want solutions, but it is very difficult. It is a conflict for me in some ways, but I have to separate that. I agree with Acting City Manager Hernandez that it has to be a partnership with the County. It is too much money just to be on the city, and other city projects, like tap water, are incredibly important. The projects we are working on are the ones that we have to do as a municipality. The State would come down on us if we were not. Our officers do not want to be put in a position to take people to jail because they are camping on our sidewalks, but we have to have this discussion and come up with another solution. The solution is not to just let them exist.

Greg Gutierrez requested that Mayor Payne recognize the speaker and yield the floor. Mayor Payne allowed it. Mr. Gutierrez said that he was committed to finding solutions and an Otero County resident. I would like to invite anybody who is committed to finding solutions to contact me. Let's talk about it, find grant writers, and get grants going. My phone number is (480) 489-1111. I am willing to do whatever it takes, and looking to form my own non-profit or piggyback off another. Whatever I need to do. I understand that people want to clean up the City, and I am not against that, but we also need to take care of our homeless people.

Maya Sosa requested that Mayor Payne recognize the speaker and yield the floor. Mayor Payne allowed it. Ms. Sosa said she had been a resident here for twelve years. I am a college student, and I have had financial issues, but I am thankful that I am able to stay in a house because of my roommates. This was my first meeting, and it was negative in nature. That is not by anybody's intention; that is just all the stress on everyone at this moment. I want to say I am grateful we have resources in town like 100% Otero, Lulac, Mountain View Church, and everyone who came here and offered their support for resources. I agree that having a support-based system would be more beneficial for everyone than one over penalty. I hope the consensus is that we want to provide support. Mayor Payne said these subjects can be very contentious, but it is an important discussion. There was a lot of great input tonight, and we will continue talking about this and working on it. I have heard the Community of Hope presentation before, and they are doing some great things down there.

ADJOURNMENT

Commissioner Rardin moved to adjourn at 9:41 PM.

Mayor Pro-Tem McDonald seconded the motion.

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

ATTEST:

Mayor Susan Payne

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)

Approved at the Regular Meeting held on February 11, 2025.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/11/2025

Report Date: 01/28/2025

Report No: 2.

Submitted By: Stella Rael

Subject: Consider, and act upon, Ordinance 1707 Case Z-2024-0005(A) for adoption and final publication of a map amendment to rezone 1701 Cuba Ave. from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District. (*Stella Rael, City Planner*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact: N/A

Recommendation: Approve for final publication

Background: The Ordinance was approved for first publication by the commission by a vote of 6-0 on January 14, 2025.

The property owner is requesting that the city amend the zoning map to change the zoning of the property known as 1701 Cuba Ave. from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District to convert the existing garage/shop into a one-bedroom apartment to utilize as rental space. This request was presented to the City Commission on 9-24-2024 and the item was tabled by a vote of 7-0-0 and staff was directed to bring the item back to City Commission with more information.

City of Alamogordo



1

City Commission



Z-2024-0005(A)

Stella Rael, City Planner
January 14, 2025

Map Amendment Request Case: Z-2024-0005(A)

Request:

The Property owners request a map amendment to change the zoning of the property know as 1701 Cuba Ave. from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District.

Applicants:

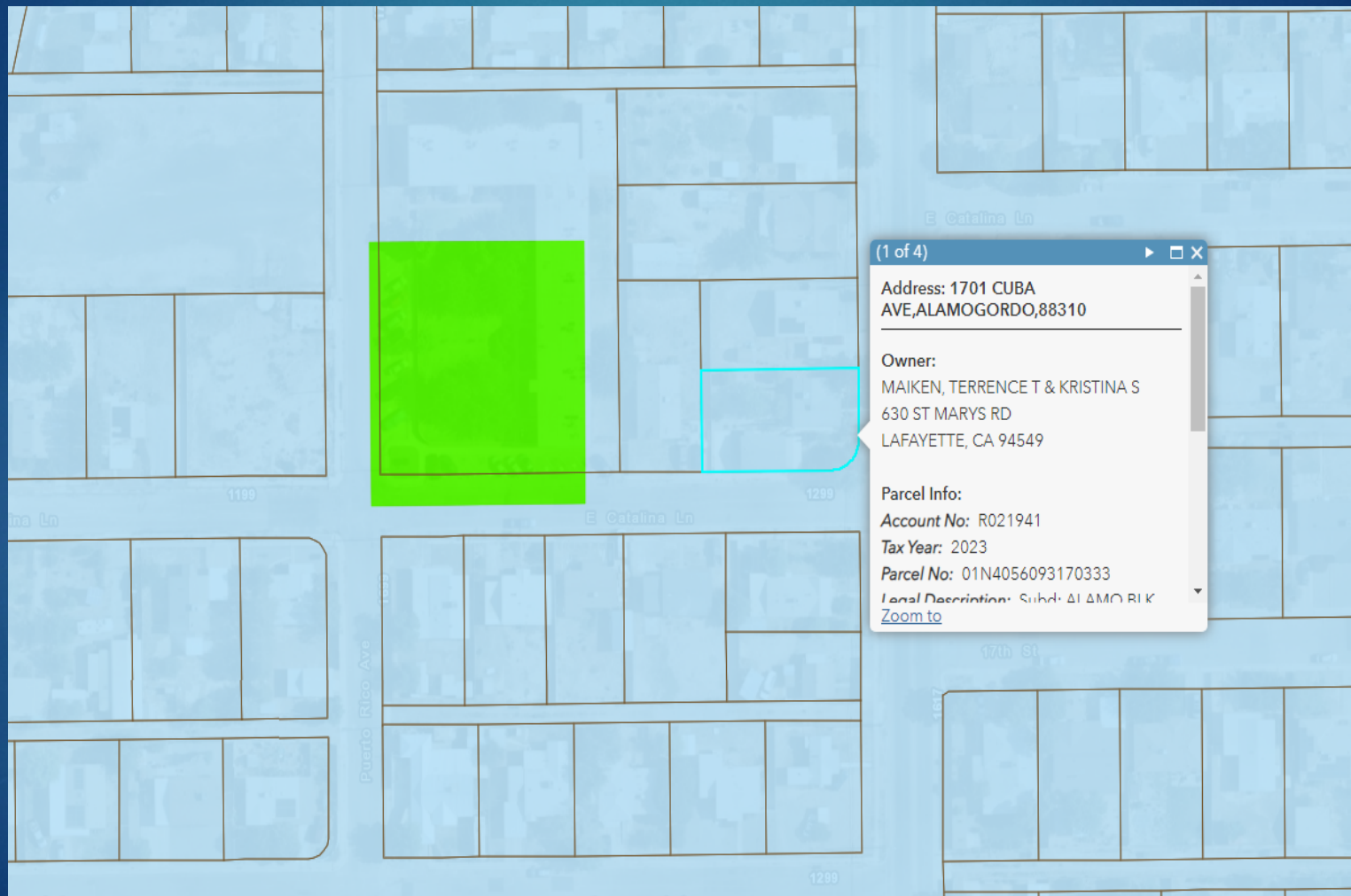
Terrence T. & Kristina S. Maiken
630 Saint Marys Rd.
Lafayette, CA. 94549

Representative:

Anthony Maiken

ZONING MAP

3



4



1701 Cuba Ave
Protest Area Map

628 SF GARAGE/WORKSHOP

5



CURRENT PHOTOS

9-30-2024

6



CURRENT PHOTOS

9-30-2024

7



CURRENT PHOTOS

9-30-2024

8



CURRENT PHOTOS

9-30-2024

9



Z-2024-0005(A)

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Findings of Fact

- ◆1. The property is located at 1701 Cuba Ave.
- ◆2. The request is to change the zoning from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District to convert the existing garage/shop into a rental unit.
- ◆3. The application was filed on August 14, 2024
- ◆4. The legal notice was published in the Alamogordo Daily News
- ◆5. Thirty- four (34) letters were mailed by certified/returned receipt mail to all property owners of record within two hundred (200) feet from the property, excluding public right-of-way, of the property for which the rezoning is sought.
- ◆6. As of January 7, 2025, there have been two letters returned undeliverable. No letters of opposition have been received.
- ◆7. Two phone calls have been received requesting further information.
- ◆8. This case was brought before the Commission on September 24, 2024, and by a vote of 7-0-0, it was tabled. Staff was directed to bring it back at a later date with more information regarding the current state of the proposed converted garage.

Z-2024-0005(A)

11

- ◆ Findings of Facts Continued
- ◆ 8. City Planner conducted a site visit of the property on 9-30-24.

Z-2024-0005(A)

12

- ◆ Staff recommends approval since this request will not be materially detrimental to surrounding property owners or the public and will correct the zoning designation for the two existing residential dwellings.

ORDINANCE No. 1707

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN PROPERTY COMMONLY KNOWN AS 1701 CUBA AVE. FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT OF R-1 SINGLE FAMILY DWELLING DISTRICT TO R-3 TWO FAMILY DWELLING DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Terrence T. and Kristina S. Maiken (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 1701 Cuba Ave. and 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

1701 CUBA AVE.

WHEREAS, an application has been filed in the Owner's name under Case No. **Z-2024-0005(A)** to change the zoning of the Property, and

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

1701 CUBA AVE.

Is hereby changed from R-1 Single Family Dwelling District to R-3 Two 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 _____, 2025

**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

1701 Cuba Ave.

Z-2024-0005(A)

The applicant has submitted an application to rezone the property located at 1701 Cuba Ave. from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District.

The property owner intends to convert the garage/workshop into a one-bedroom rental. The bedroom space will be located within the garage portion of the building and the garage door will not be replaced since the entry to the building is on the north side. There is currently a restroom that has a toilet and a sink. If the request is approved the property owner intends to enlarge the restroom space and add a shower. There is currently electricity, gas, and water available to the garage/workshop and a mini-split system serves as the heat/air conditioner. There is one electric meter, one water meter, and one gas meter

serving both the main house and the shop.

Currently, the main home on the property is a rental and is occupied. The rear yard will be a shared space between the tenants occupying both spaces.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 2/11/2025

Report Date: 02/03/2025

Report No: 3.

Submitted By: Troy Orr

Subject: Consider, and act upon, Ordinance No. 1698 for adoption and final publication to remove listed parking, overnight, and landing fees from Chapter 4 of the Code of Ordinances. (*Troy Orr, Airport Manager*) **(Roll Call Vote Required)**

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation: Adopt the Ordinance.

Background:

The Ordinance was approved for first publication by the commission by a vote of 6-0 on January 14, 2025.

We are proposing the recommended changes to Chapter 4 of the Code of Ordinances with the intent to create a Rates & Fees document at a later date.

ORDINANCE NO. 1698
AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 4-06-060
AIRCRAFT AND AIRPORT OF THE ALAMOGORDO CODE OF
ORDINANCES CONCERNING FEES AND CONDITIONS

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that the Alamogordo-White Sands Regional Airport provides valuable services to the citizens of Alamogordo; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, acknowledges that streamlining the current process would be favorable to managing rates and fees at Alamogordo-White Sands Regional Airport; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico recognizes the need to establish a Rates & Fees document; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico, considers it necessary to amend sections of Chapter 4 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico, that Chapter 4, Article 4-06-060 of the Code of Ordinances be amended to read as follows:

CHAPTER 4 AIRCRAFT AND AIRPORT

4-06-060. Fees and conditions.

- (a) *Fees*: The following rates are fees will be published on a Rates & Fees document and shall be reviewed annually for approval by resolution by the City Commission.
 - (1) Rates and fees will be reviewed by the Airport Manager and the Airport Advisory Board and shall be reviewed by the City Manager prior to final approval by the City Commission.
- (b) *Monthly parking fees*: All aircraft parked at the airport shall pay parking fees except where parking and tiedown spaces are specifically provided for in the lease or operating agreement. All monthly parking fees are payable in advance on the first of each month.
- (c) *Transient or overnight fees*: These fees shall be collected by the fixed base operators, who shall be authorized to retain one-third (1/3) of all the overnight or transient fees collected to cover administrative costs and shall remit the balance to the airport manager each month. These fees may be waived by the airport manager with the purchase of fuel from an authorized vendor.
- (d) *Airport users' fees*: Commercial operators not covered by lease or agreement shall pay airport users fees for landing at the airport.

- (e) Landing weight used in providing the basis for the computation of landing fees shall be the maximum certificated gross landing weight of the airplane involved in accordance with the certification thereof.
- (f) *Parking permit required:* Each owner or operator of an aircraft parking said aircraft at the Alamogordo-White Sands Regional Airport on a permanent basis or desiring to reserve a space for parking shall obtain and execute a parking permit and be subject to all the terms and conditions thereof.
- (g) *Delinquent parking and tiedown fees:* If an aircraft is parked at the airport for more than thirty (30) days and the fees have not been paid, the airport manager shall give written notice to the person obtaining the parking permit at the last written address provided to the manager. If the fees remain unpaid for a period of fifteen (15) days after written notice is sent, the manager may arrange for removal of the aircraft from the airport premises, at the expense of the permit holder and without liability to the city for any damage which may result from the removal.
- (h) Any parties entering a commercial permit with the city or any other type of permission to provide commercial services at the airport shall pay a minimum of two (2) percent of the gross revenue received from operation of the commercial activities to the city in a fashion and timeline mirroring the requirements for gross receipt payments to the state.
- (i) In order to offset the time needed to review a new application and the cost of producing copies of the materials for review, the applicant for an initial hangar lease or initial commercial permit shall pay an application fee.
- (j) Applications for additional terms or extensions of existing commercial permit agreements that do not involve services substantially different from those approved in the permit to which the additional term or extension is applicable originally applied for, shall pay a processing fee.
- (k) The fees referenced in paragraphs (b), (c), (d), and (i) are detailed on the Rates & Fees document.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2025.

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: 2/11/2025

Report Date:

Report No: 4.

Submitted By:

Subject: Discussion of the Pricing Certificate and finalized rates for the City's utility projects financing through the New Mexico Finance Authority, including loan terms. *(Chris Muirhead, Modrall Sperling)*

Fiscal Impact:

Amount Budgeted:

Fund:

Additional Fiscal Impact:

Recommendation:

Background: This first round of financing will fund these projects.

- Sewer replacement (Whitesands – N. Florida, 10th Street – Indian Wells).
- Rehabilitation of the remainder of the water tanks.
- Hwy 54/70 main grid replacement.
- Well transmission line.
- Granada Hills WSRP- WSRP-007.
- Upper and Lower Height's waterline replacement.

\$28,070,000
CITY OF ALAMOGORDO, NEW MEXICO
NEW MEXICO FINANCE AUTHORITY LOAN
Loan No. PPRF-6510

STATE OF NEW MEXICO)
COUNTY OF OTERO) ss.
CITY OF ALAMOGORDO)

PRICING CERTIFICATE

All terms not defined herein shall have the meanings given them in Governmental Unit Ordinance No. 1706 adopted on December 17, 2024 (the “Ordinance”) by the City Council of the City of Alamogordo, New Mexico (the “Governmental Unit”), and in the Loan Agreement by and between the Governmental Unit and the New Mexico Finance Authority dated February 25, 2025.

WHEREAS, the Ordinance authorizes the Governmental Unit to execute and deliver the Loan Agreement and delegates authority to the Mayor to determine the final terms of the Loan Agreement, subject to the parameters of the Ordinance; and

WHEREAS, the undersigned has determined that it is in the best interest of the Governmental Unit to proceed with the execution and delivery of the Loan Agreement subject to the terms of the Ordinance and this Certificate.

NOW THEREFORE, the undersigned hereby certifies as follows:

1. Details of the Loan Agreement. The Loan Agreement shall be executed and delivered in the aggregate principal amount of \$28,070,000, shall be dated upon delivery to the Finance Authority, shall bear interest from the date of delivery, at the rates described below, payable semiannually on June 1 and December 1 of each year until maturity, commencing June 1, 2025, and shall mature on June 1 in each of the designated amounts and years as set forth below:

Year Maturing (<u>June 1</u>)	Amounts <u>Maturing</u>	Interest Rate (<u>Per Annum</u>)
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		

<u>Year Maturing (June 1)</u>	<u>Amounts Maturing</u>	<u>Interest Rate (Per Annum)</u>
2037		
2038		
2039		
2040		
2041		
2042		
2043		
2044		
2045		
2046		
2047		
2048		
2049		
2050		
2051		
2052		
2053		
2054		

2. Prior Redemption. The Loan Agreement are callable, in whole or in part, at any time on or after February 25, 2035 at par.

3. Net Effective Interest Rate. The net effective interest rate on the Loan Agreement is _____%, which is less than 12% as required by the Ordinance.

4. Disposition of Proceeds. The proceeds of the Loan in the amount of \$28,070,000 shall be applied as follows:

- (i) \$_____ shall be deposited in the Program Account and used for payment of the costs of the Project.
- (ii) \$_____ shall be used to pay Expenses related to the Loan.

5. Terms of Loan Agreement within Parameters of Ordinance. It is hereby found and determined that the above terms established for the Loan Agreement are within the parameters established by the Ordinance.

6. Presentation of Pricing Certificate. Pursuant to the Supplemental Public Securities Act, the City Manager shall present this Pricing Certificate to the Governing Body in a timely manner, before or after delivery of the Bond, at a regularly scheduled public meeting of the Governing Body.

[Signature Page Follows]

WITNESS my hand this 11th day of February, 2025.

CITY OF ALAMOGORDO, NEW MEXICO

By: _____
Mayor