



Alamogordo City Commission

NOTICE OF MEETING

Regular Meeting Agenda

February 10, 2015 - 7:00 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Susie Galea Mayor
Robert Rentschler Mayor Pro-Tem, District 3
Jason Baldwin District 1
Nadia Sikes District 2
Jenny Turnbull District 4
Al Hernandez District 5
Dr. George Straface District 6

Jim Stahle City Manager
Stephen Thies City Attorney
Renee Cantin City Clerk

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

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

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

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside 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 575-439-4205.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENT

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

CONSENT AGENDA (Roll Call Vote Required for an Items No. 3 &4)

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 Minutes of the January 27, 2015 Regular Meeting of the Alamogordo City Commission. *(Renee Cantin, City Clerk)*

2. Approve statement related to the Executive Session of January 27, 2015. *(Renee Cantin, City Clerk)*

3. Approve the final publication of Ordinance No. 1487 amending Section 13.020 of the Code of Ordinances concerning Group Insurance for Part Time Employees. [Roll call vote required] *(Katie Josselyn, Human Resources Director)*

4. Approve the final publication of Ordinance No. 1488 amending Article 2-13 of Chapter 2 of the Alamogordo Code of Ordinances to authorize Construction Manager At-Risk and Design Build Project Delivery Methods for local preference. [Roll call vote required] *(Stephen Thies, City Attorney)*

5. Accept the Investment Report for the quarter ending December 31, 2014, in accordance with the City of Alamogordo Investment Ordinance. *(LeeAnn Nichols, Finance Director)*

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARINGS

6. Hold a public hearing, and act upon, a variance to Alamogordo Municipal Code §29-03-500 to allow one 98.03 x 110.04 lot to be split into two (2) separate 49.015 x 110.04 lots. If approved applicant/owner Thomas Gonzalez will place an additional mobile home on the lot at 2215 Garcia Ave. [Case V-2014-003(A)]. *(Stella Rael, Planning & Zoning Coordinator)*

NEW BUSINESS

7. Consider, and act upon, Resolution No. 2015-07 amending the fees for services at the Desert Lakes Golf Course. *(Matt McNeile, Assistant City Manager)*

8. Consider, and act upon, the first publication of Ordinance No. 1490 amending Section 2-13-180 of the Alamogordo Code of Ordinances related to Bid evaluation criterion for area businesses related to local preference. *(Susie Galea, Mayor and Stephen Thies, City Attorney)*

9. Discussion, and possible action, related to a request for the proceeds from the recent Atari game auctions in a non-departmental fund to remain unassigned. *(Susie Galea, Mayor and Brian Cesar, Public Works Director)*

10. Discussion, and possible action, related to moving forward with the trademark and logo design for the Discover, Explore, Launch branding. *(Susie Galea, Mayor)*

11. Consider, and act upon, (1) an agreement with the owner of the Oasis Mobile Home Park to remove the culverts located in the drainage ditch and (2) an agreement with Shyne and Williams to grant the City an easement for street and utility purposes. *(Stephen Thies, City Attorney)*

12. Consider, and act upon, a statement of support for the Employer Support for the Guard & Reserve. *(Susie Galea, Mayor)*

13. Appointments to Boards & Committees. *(Susie Galea, Mayor)*

PUBLIC COMMENT (Continued if needed)...

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

EXECUTIVE SESSION

14. Adjourn into Executive Session to discuss: Threatened or Pending Litigation (Sahara Apts.) *(None)*

ADJOURNMENT

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 2/2/2015

Report No: 1.

Submitted By: Renee Cantin, City Clerk

Subject: Approve Minutes of the January 27, 2015 Regular Meeting of the Alamogordo City Commission. *(Renee Cantin, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Recommendation: Approve the minutes.

Background: This action is required by the NM Open Meetings Act.

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
JANUARY 27, 2015**

**SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
AL HERNANDEZ, COMMISSIONER**

**ROBERT RENTSCHLER, MAYOR PRO-TEM
DR. GEORGE STRAFACE, COMMISSIONER
JIM STAHLE, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

CALL TO ORDER, ROLL CALL, INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Invocation by Rev. Darren Wilhite and the Pledge of Allegiance was led by Commissioner Hernandez.

APPROVAL OF AGENDA

Mayor Pro-Tem Rentschler moved to approve adding the addendum to the agenda. Commissioner Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

Mayor Pro-Tem Rentschler moved to approve the amended agenda. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

PRESENTATIONS

- 1. Presentation of the FY2014 Audited Financial Statement and consider, and act upon the approval of the FY2014 Audit. *(Farley Vener, Hinkle & Landers)***

Mr. Farley Vener, CPA, CFE President & Managing Shareholder of Hinkle and Landers gave his presentation (see Agenda Book for Power Point presentation).

City Manager Stahle thanked the auditors and the Finance Department for their work with this. He said this audit has its issues, but was proud of where the City of Alamogordo is headed. He thought this audit reasonably showed the condition of the City.

Commissioner Straface asked the City Clerk to put a copy of this Power Point in his box. He asked for a work session in order to go over the audit in depth. There were not any objections to this so Mayor Galea asked the city manager to schedule a work shop.

Mayor Pro-Tem Rentschler moved to accept the audit. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

- 2. Presentation by the Inaugural Junior Leadership Otero (JLO) Class thanking the City Police Dept. & Fire Dept. for their involvement in the inaugural JLO Class.**

Scotty Courvoisier, student at Cloudcroft High School, Jason Orwoll, home schooled student, and Tryston Barela gave a short presentation to the Commission. Scotty thanked the Alamogordo Police and Fire Departments for taking time to work with them. Jason noted the 2013 Leadership Otero County Class extended the opportunity to younger community members in hopes of encouraging them to become future leaders within Otero County. He was most impressed with Law Enforcement Day. Scotty noted his favorite day was Science and Technology. Tryston stated they had all learned to be better leaders, and she talked about the time spent at Gerald Champion Regional Medical Center.

Mayor Galea presented a Certification of Appreciation to the Jr. Leadership Class of 2014-2015.

Commissioner Straface remarked on the 2013 Leadership Otero Class individuals who began the JLO program, Doyle Syling, Barry Thorp, Megan Wade, Renee Cantin and Laurie Anderson along with the support of Mike Espiritu.

3. Presentation related to the Environmental Assessment of a proposed photovoltaic development on HAFB, and solicit comment from the City and public. *(Andrew R. Gomolak, Jr. Geologist, Archaeologist, NEPA Technical Advisor for HAFB)*

Mr. Andrew Gomolak, Jr. who is the Geologist, Archaeologist, NEPA Technical Advisor for HAFB made a presentation related to Proposed Photovoltaic Development at HAFB. Mr. Gomolak is also a member of the Planning & Zoning Commission for the City of Alamogordo. (Presentation is in Agenda Book).

Mayor Pro-Tem Rentschler asked when this project would be started and Mr. Gomolak hoped it would be the end of this year. Mayor Pro-Tem Rentschler commented that our area is considered one of the best areas in the world for this technology.

Commissioner Baldwin asked when this would be completed, and Mr. Gomolak told him it would be completed when the 400 acres were filled; he did not have a specific date.

4. Presentation of the December 31, 2014 Quarterly Report for Otero County Economic Development Council (OCEDC). *(Mike Espiritu, President & CEO)*

Mr. Mike Espiritu, President/CEO of OCEDC gave his presentation (refer to Power Point presentation in Agenda Book). He remarked that tonight's presentation had been emailed to the commissioners.

PUBLIC COMMENT

A. Stephen Morgan commented on the following:

1. Mr. Morgan lives at 2449 Desert Bloom Court which is on the end of South Florida. He had some pictures he had taken of this area and showed them on the screen. He said this was a temporary road, approximately 700' long running north from Oakmont to the permanent part of Florida. He told the commission there were 216 potholes that had been repaired on this area of temporary road, and about 800 total potholes. This has been an issue since 2002 and he was requesting that a permanent road be put in its place. He had spoken to 22 of his neighbors within two blocks and received 100% agreement that they wanted the road fixed. Mr. Morgan showed before and after pictures of the road when potholes were fixed and the problems after a rain or snow storm. Drainage is also a problem.

B. Dr. Alan Berg commented on the following:

1. Dr. Berg also lives on Desert Bloom Ct. in the first house completed on that street. He remarked that during the time of construction of his house, Hamilton Rd. flooded in such a way that made accessing this section of the community very difficult. This is not only a convenience issue, it is a safety issue. He also asked the City do something to resolve this issue.

C. Miles Walston commented on the following:

1. Mr. Walston lives at 2401 Sedona Ridge which is around the corner from Oakmont. He said the commissioners were stewards of many things and this causes an image issue. People move here from all over the world, and this road issue has to be addressed for both safety concerns and image.

Commissioner Straface commented he had met with Mr. Morgan and then met with the city manager. He felt the city had assumed responsibility for this a number of years ago. The developer had been

allowed not to put the street in, and Commissioner Straface was feeling lots of pressure from his constituents over this concern. He was in support of what they were requesting.

City Manager Stahle gave a brief history on this. The original sub divider of this area west of S. Florida looked at the prospect of developing east of S. Florida. At that time, the commission allowed them to build a chip seal roadway instead of a full-on road. The requirement at the time was that within five years or a certain build-out of the neighborhood, they would have to build the road as it was supposed to be; that never occurred. The biggest challenge we have with this is the wash, and the pipe originally put there has been filled with silt. This is a unique situation because we allowed the developer not to build the road. We have some responsibility, but he pointed out there were many streets in the city that also need repair. The big difference is how much of the population is served by this exit/entry to this neighborhood. Other bad streets in town may serve a smaller area. He told the commission they would need to discuss the Capitol Improvement Program and in particular, the SMP- Street Maintenance Program. The Mayor has asked to have this conversation at the next meeting. He had information of the various options for this stretch of road, and he would give this information to anyone who needed it. Commissioner Hernandez has indicated to Staff some roads to be looked at, and we can talk about these, and he asked the commissioners to let him know of any others. City Manager Stahle told how they identify for the SMP the roads that need work the most and also those most capable of being repaired. In most situations, there are underground utilities even older than the street that need repair, but not in this case.

Commissioner Hernandez said Staff has been doing research on this road. He remembered this temporary road when it was used for construction access. He knew there were other streets around town that needed to be paved, because the contractors had been allowed to put them in without paving; he felt we need to look at that. He wanted Staff to be diligent on their research.

City Manager Stahle said everything he had seen did not suggest the road would be closed. From what he has seen, the road was intended to be a full, two lane with gutters and sidewalks.

Mayor Pro-Tem Rentschler was in favor of what Commissioner Hernandez had said. He said he could take you to many streets in his district that were much worse than this one. Some have not been paved since the 1950's. He said the ADA improvements would have to be paid for by one of the properties, and that the sidewalk is their responsibility. He appreciated that this road needed to be fixed, but there is an alternate access to the area. He did believe this needed to be fixed, but there are other things that go along with it.

Mayor Galea said there have been people who have been flooded in. The road needs to be built to standard as well as the drainage, because this is a public safety issue.

Mr. Morgan responded to Mayor Pro-Tem Rentschler's and Commissioner Hernandez's remarks. He said this road was contracted by the developer and was factored in on the cost of us buying lots on which to build our houses. They have the signed contract that says they should pave and make this a permanent road. Mr. Morgan had talked to the city attorney who told him some staff quit over this because the City allowed the contractor to do an inferior job on the road. The temporary road was put in about 2008 and should have been put in 2002 as the contract states. When it came time for the permanent road, they were allowed to make a temporary road. He noted part of the lot price included building roads, and the City excused them from doing this. They should have sent letters to all the residents of the area. Mr. Morgan said he used to live on Walker and it cost him about \$1,200 for his section of the road. It has been there for almost 30 years and has not fallen apart.

Commissioner Hernandez repeated that he wanted staff to do research to see what was done and needs to be done.

Commissioner Straface wanted Staff to come back to the commission with their recommendations so we can move forward to solve this problem as quickly as we can. It isn't just one street, but the whole city. We owe our citizens more than dirt roads.

Mayor Galea noted we need to approve the audit previously presented. Commissioner Straface didn't know how this could be done if you hadn't had the chance to interact with it, so he wanted to let it stand until they could go over it during the work session.

Mayor Pro-Tem Rentschler moved to approve the 2014 audit. Commissioner Baldwin seconded the motion. 5-1-0. Commissioner Straface voted nay and Commissioner Hernandez was out of the room during the vote.

CONSENT AGENDA

5. **Approve Minutes of the January 13, 2015 Regular Meeting of the Alamogordo City Commission.** (*Renee Cantin, City Clerk*)
6. **Approve statement related to the Executive Session of January 13, 2015.** (*Renee Cantin, City Clerk*)
7. **Accept the Annual Reports from City Boards, Commissions and Committees for Calendar Year 2014.** (*Nancy Jacobs, Deputy Clerk*)
8. **Review and authorize all Resident Parking Only, Mobility Disabled Resident Parking Only, and Commercial Mobility Disabled Parking Only sign locations to continue to be posted and authorize the removal of the signs on Exhibit C.** (*Jim Stahle, City Manager and Renee Cantin, City Clerk*)
9. **Approve the final publication of Ordinance No. 1479 amending the official zoning map of the City of Alamogordo, changing the classification of the lot located at 1101 Eddy Drive, and the five (5) lots located west of that lot on the north side of, and facing 11th Street from M-2 Single-Family Dwelling District to R-1 Single-Family Dwelling District. (Case # Z-2014-0005)(A)) [Roll call vote required]** (*Renee Cantin, City Clerk*)
10. **Approve the final publication of Ordinance No. 1480 approving a Local Economic Development Act Project for secured financial assistance proposed by Neptune Aviation Services, Inc. [Roll call vote required]** (*Renee Cantin, City Clerk*)
11. **Approve Resolution No. 2015-06 amending Resolution No. 2014-56 approving a Grant Agreement between the City of Alamogordo and the New Mexico Environment Department for Special Appropriation Project No.14-1726-STB in the amount of \$4,000,000 to plan, design, and construct the Alamogordo Desalination System Project and adding signatories. [Roll call vote required]** (*Ruben Segura, Grants Coordinator & Brian Cesar, Public Works Director*)
12. **Approve the award of RFP 2014-008 for In House/On-call Engineering Services to Wilson & Company and authorize the negotiations of price and other contract terms.** (*Stephen Thies, City Attorney*)
13. **Approve the award of IFB No. 2014-16 to PC Quest Inc., related to the Re-Bid Municipal Court Server Replacement, in an amount not to exceed \$20,597.00.** (*Steve Lee, Municipal Judge*)

Mayor Pro-Tem Rentschler moved to approve items # 5, 6, 7, 8, 9, 10, 11, 12, 13 of the consent calendar. Commissioner Straface seconded the motion. Roll call was taken for items #9, 10, & 11. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

None.

UNFINISHED BUSINESS

- 14. Request to bring back the item for Change Order No. 3, RFQ No. 2013-05 to CDM Smith, Inc. related to the engineering and design services for the 1MGD Interim Desalination Plant project, in an amount not to exceed \$111,622.40, including tax. (Nadia Sikes, Commissioner)**

Commissioner Sikes read a statement saying in part that in November the City Commission considered Change Order #3, RFQ 2013-05 to CDM Smith related to the Interim Desalination Plant engineering and design services that included four major changes. She read the proposed changes and said that from her experience, projects of this magnitude commonly have change orders. The change order amount was \$111,622.40 exclusively for the engineering portion of the project. Further discussion among her colleagues resulted in her understanding that this change order would require additional construction of approximately \$884,000. Through further discussion by the Commission, it was determined that if the City of Alamogordo was going to pay almost a million more dollars, we should do our due diligence and consider an alternate location. The city manager and staff were directed to investigate the possibility of moving the Desalination Plant from the existing location to an alternate location, and in the meantime, reports back to the Commission and further investigation on her part indicate to her that any potential alternative location could potentially end up being much more costly, further the additional time required to acquire a location, the time to do the environmental studies and gain all permits could jeopardize the existing funding and losing any of the existing funding would essentially stop the project.

City Staff and this Commission have done their due diligence and satisfied all the safety issues and received assurance from City Staff, CDM Smith and the State Environmental Agencies that the safety issues have been answered. Consequently, she found no compelling reason to move the Desal Plant, and would like to restart the process to build the Plant.

City Manager Stahle said it is time to take action in whatever direction you want.

Mayor Pro-Tem Rentschler said when this first came up to us we realized it would be a million dollars in change orders. First of all, it was on Consent and never should have been there. Secondly, he never heard anyone say you will lose it. He felt the long-term prognosis of this plant will be problematic; we are putting venting underneath, acres of large evaporation ponds filled and drained, filled and evaporated out, filled and the salt left over will be collected by heavy equipment. He felt we were looking at long term problems. Mayor Pro-Tem Rentschler understood where Commissioner Sikes was coming from – the concern of losing funding. We just approved four million dollars on the Consent Agenda, and he did not believe we would have lost it.

Commissioner Sikes said one of our fears was that we could potentially lose the funding, and one of the things brought up numerous times before the Legislative Session began, and in the news almost daily now that the Legislative Session is in session, is that the State of New Mexico is incurring budget deficits. We want to celebrate the fact gas prices are down, but on the other hand we don't have money. We have been warned Capital Outlay Projects will probably not be funded as thoroughly as in the past. We know, historically, that when the State has chosen to take back money, they do. Not many years ago we had money allocated for a Library Project and the State did not hesitate to take the money back when we were not shovel-ready and they needed the money for something else. We might not lose the money, but if we got involved in doing this project and then we lost the \$4 million, it would be a disaster. She felt it was something we really should consider.

Commissioner Sikes moved to reconsider the item. Commissioner Baldwin seconded the motion. Motion carried by a vote of 4-3-0. Commissioner Turnbull, Commissioner Hernandez, and Mayor Pro-Tem Rentschler voted nay.

Commissioner Sikes moved to approve the Change Order No. 3, RFQ No. 2013-05 to CDM Smith, Inc. related to the engineering and design services for the 1MGD Interim Desalination Plant project, in an amount not to exceed \$111,622.40, including tax. Commissioner Straface seconded the motion. Motion carried with a vote of 4-3-0. Mayor Pro-Tem Rentschler, Commissioner Turnbull, and Commissioner Hernandez voted nay.

NEW BUSINESS

- 15. Consider, and act upon, the first publication of Ordinance No.1489, an amendment to Ordinance No. 1370 related to the Water Project Fund Loan/Grant Agreement (WTB-80) with the New Mexico Water Trust Board and the New Mexico Finance Authority for a seven month extension. (*Ruben Segura, Grants Coordinator*)**

City Manager Stahle told the commission the Water Trust Board arrangement is good through the end of this fiscal year, and we would like to get permission to extend that time.

Mayor Pro-Tem Rentschler moved to approve the first publication of Ordinance No.1489, an amendment to Ordinance No. 1370 related to the Water Project Fund Loan/Grant Agreement (WTB-80) with the New Mexico Water Trust Board and the New Mexico Finance Authority for a seven month extension. Commissioner Straface seconded the motion. Motion carried with a vote of 7-0-0.

- 16. Consider, and act upon, the creation of a city appointed military affairs committee. (*Susie Galea, Mayor*)**

Mayor Galea read the background of the agenda report (in the agenda book). The five members would be made up of a chairman, community/veteran coordinator, communications member, HAFB coordinator/protocol, and hospitality member. They would advise the City Commission and City Staff. The city needs a committee that works with us to bridge the gap of communication between the city administrative offices and the military community. It could be supported through funding locally similarly as at the state level, where the City has an established local option gross receipts tax for economic development related to infrastructure. Holloman Air Force base is the economic engine of Alamogordo with an impact of more than 40% of the revenues received to provide local services. The establishment of a Military Affairs Committee would be based on supporting nominations and will be subject to by-laws and the open meetings act. Suggested staff liaison should be appointed by the City Manager.

Commissioner Turnbull felt committees we currently have in the city are doing a good job, and she thought this one seems to be doing the same thing.

Commissioner Straface thought the Committee of 50 was already doing many of these things, and they had liaisons in high places in Washington who would help us with BRAC. He saw this as undermining the Committee of 50.

Mayor Galea commented the current committees do not have a strategy for BRAC. Commissioner Straface disagreed and had participated with at least three other groups who participated in this way. The mayor didn't think anyone had come to advise the city commission on items that might affect the military value. Commissioner Straface felt there had been a lot of communication in this way, and that we were represented well.

Mayor Galea moved to approve to create a military affairs committee. Motion died for the lack of a second.

17. Consider, and act upon, a revision to the Code Enforcement ordinance making complaints against commercial properties not anonymous. (Susie Galea, Mayor)

Mayor Galea noted the recommendation in the agenda book was to accept anonymous code enforcement complaints for commercial properties.

Mayor Pro-Tem Rentschler thought what we have now works well.

Commissioner Straface asked her to clarify what we are voting on. She remarked it was an internal policy change. Currently, Code Enforcement contacts a property owner for a violation and it sometimes causes irritation. The complainer could remain anonymous.

Commissioner Baldwin asked Fire Chief Ward what the current procedure was. He told the commission his officers simply address the violation and don't tell the offender who made the complaint. Chief Ward said we do address complaints when received by our office. This would issue a directive to his staff to simply address the violation and not say how the complaint was received by their office.

City Manager Stahle said the first question asked by a violator is who reported him/her, and we don't want to go there. Also, the extra eyes of our citizens are important to Code Enforcement, and we don't want to lose that. The important part is that there is a violation, how long do they have to take care of it, and how can the city help them do that.

Commissioner Hernandez had an issue with Code Enforcement not getting back to the person who complained after they had taken care of the problem, but he commented that they do a really good job.

Fire Chief Ward said we offer to the person who complains that we will follow up with them by phone.

Mayor Galea asked the commission if they would support this recommended revision and all agreed.

A-1. Consider, and act upon, changing the date of the February 24th Regular City Commission Meeting to be held on Monday, February 23rd at 7:00 p.m. (Jim Stahle, City Manager)

City Manager Stahle relayed to the commission there was a reception to kick off Municipality Day in Santa Fe on the same day as the second meeting in February, so he asked if they would mind moving the regular city commission meeting to Monday, Feb. 23rd at 7:00p.m.

Mayor Pro-Tem Rentschler moved to approve changing the date of the February 24th Regular City Commission Meeting to be held on Monday, February 23rd at 7:00 p.m. Commissioner Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

18. Appointments to Boards & Committees. (Susie Galea, Mayor)

Mayor Galea announced the Boards and Committees with current vacancies and with no objections from the Commission she appointed Joel Hamilton to the Public Library Advisory Board. She will consider the appointment to the Community Development Advisory Committee at the next commission meeting.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT**City Manager Stahle commented on the following:**

- 1) He reported that the Fun Center Committee has been assembled and met yesterday at 5:00 p.m. They will meet again on Thursday. There are five on that committee - Peggy O'Neil, Josh Rardin, G.B. Oliver, Grant Dalpes, and Gene Rayheart.
- 2) City Manager Stahle announced Grants Coordinator Ruben Segura had been appointed to the position of City Planner. He will continue handling grants as well.
- 3) He reminded all Albertson's opens at 6:00 a.m. tomorrow morning and the Grand Opening would be at 9:00 a.m.

REMARKS AND INQUIRIES BY THE CITY COMMISSION**Mayor Pro-Tem Rentschler commented on the following:**

- 1) Mayor Pro-Tem Rentschler talked about the Washington Land Acquisition for the continuation of Washington. He would like it put on the agenda if we need to.
- 2) He asked if the Zipper Machine had been purchased. City Manager Stahle told him it had been ordered but not yet delivered.
- 3) Mr. Rentschler had heard the pool was being filled as of today, and he assumed the cover would be put up. City Manager Stahle said we have discussed putting the cover up after the pool is filled.
- 4) He drove the right turn lane going south onto Washington from Indian Wells and commented that it was much better than it had been. He thinks until we turn Washington into a four lane road, it will have to suffice, and he appreciated all the Staff had done to get this accomplished.

Commissioner Hernandez commented on the following:

- 1) He thanked Public Works Director Cesar on his response to the road issues in his district he has called him about.
- 2) Commissioner Hernandez would like to see if Staff can research or have a committee or hold a public hearing on making Alamogordo a Quiet Zone. He had asked this be done years ago when he was on the commission. The Martin Luther King crossing was a Quiet Zone, and he wanted to see that the whole town becomes the same. Quiet Zone means the train would not blow the whistle at the crossings, and he felt that would be an improvement to life in Alamogordo.
City Manager Stahle said he would look into this and get him the material on what all is entailed. Mayor Pro-Tem Rentschler noted the cost was \$300,000 to \$400,000 per crossing, and the costs were discussed.

Mayor Pro-Tem Rentschler commented on the following:

- 1) He told the commissioners he would not be in attendance for the February 10th commission meeting because of a medical procedure. He would try to attend the meeting by phone.

Mayor Galea commented on the following:

- 1) She attended a hydrology study in Las Cruces.
- 2) She got to participate in the Faces of New Mexico as a military spouse.
- 3) The Martin Luther King, Jr. Day March was well attended by the community and sponsored by the NAACP. She especially thanked the Chamber, sponsors, and local law enforcement. She announced the NAACP would hold their state banquet in Alamogordo for the first time in October of 2015.
- 4) The mayor met with General Twitty at Ft. Bliss last week, and asked him to meet with her and the Committee of 50 Chair, Dave Gonzalez. She noted the city would be hosting him at the Civic Center during the next quarter.
- 5) Mayor Galea has presented items of interest to the Otero County Marketing Association, which she also sent to the commissioners via email.

- 6) She will be meeting with the APS Superintendent regarding the decline of students over the last few years.
- 7) She met with Grant Coordinator/City Planner Ruben Segura regarding Economic Adjustment grants.
- 8) The mayor will attend the Southeastern NM Cluster event in Roswell on Friday at 8:00 a.m at ENMU-R.
- 9) HAFB will have their annual awards on February 6th.
- 10) She will be presenting at the Otero County Realtor's Association to let them know there is great opportunity to improve our consumer base.

EXECUTIVE SESSION

- Sale, Acquisition, or Disposal of Real Property (Lot 2B, Replat B, Industry Center Subdivision/Oasis Trailer Park)
- A-2. Limited Personnel Matters (City Manager Direction)

Mayor Pro-Tem Rentschler moved to recess into Executive Session to discuss Sale, Acquisition, or Disposal of Real Property (Lot 2B, Replat B, Industry Center Subdivision/Oasis Trailer Park) and Limited Personnel Matters (City Manager Direction) at 915 p.m. Commissioner Straface seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

RECONVENE INTO OPEN SESSION

Reconvened from Executive Session at 10:29 p.m.

Mayor Galea announced there will be no action.

ADJOURNMENT

Commissioner Straface moved to adjourn at 10:29 p.m. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 7-0-0.

Mayor Susie Galea

ATTEST:

City Clerk Reneé L. Cantin

*(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on February 10, 2015.*

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 1/30/2015

Report No: 2.

Submitted By: Renee Cantin, City Clerk

Subject: Approve statement related to the Executive Session of January 27, 2015. *(Renee Cantin, City Clerk)*

Fiscal Impact:

Amount Budgeted:

Fund:

Recommendation: Approve the following statement and authorize it to be included in the minutes of February 10, 2015: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that on January 27, 2015 a Closed Executive Session was held during the Regular Meeting and the matters discussed in the closed meeting were limited only to: Sale, Acquisition, or Disposal of Real Property (Lot 2B, Replat B, Industry Center Subdivision/Oasis Trailer Park) and Limited Personnel Matters (City Manager direction) as posted on the agenda."

Background: This item is required in accordance with the Open Meetings Act.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 1/30/2015

Report No: 3.

Submitted By: Renee Cantin, City Clerk

Subject: Approve the final publication of Ordinance No. 1487 amending Section 13.020 of the Code of Ordinances concerning Group Insurance for Part Time Employees. *(Katie Josselyn, Human Resources Director)*

Fiscal Impact: Fiscal Impact: FY15 \$1,300 (\$2,600 in future fiscal year budgets)

Amount Available: \$1,300

Fund: Employee Dept Fund, or 012-1701415 if needed

Amount Budgeted:

Fund:

Recommendation: Approve Ordinance for final publication.

Background: At the Regular Meeting of January 13, 2105, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the Alamogordo Daily News on Sunday, January 18th, 2015. If approved for final adoption, the summary will be published a second time on Sunday, February 15th, 2015 and will be effective February 20th, 2015.

The following information was provided by Katie Josselyn, Human Resources Director) at the time it was brought for first publication: Historically, group life and disability insurance have been packaged together. Effective July 1, 2013 the State of New Mexico insurance pool implemented a requirement that all participating groups pay 100% of basic life premiums for all employees eligible to participate. Further, the pool requires that all employees working at least 20 hours per week, and 52 weeks per year be eligible to participate. Disability insurance benefits based on the cost share of the premium are taxable benefits. Therefore, the State Risk Management Division implemented this new requirement to eliminate the requirement to track and report taxable benefits.

Effective July 1, 2013, the City of Alamogordo began paying 100% of the basic and dependent life premiums for all insurance eligible employees working forty (40) hours per week; and the employees began paying 100% of disability insurance premiums. The previous cost share for the bundled life and disability package was 60% City and 40% employee. This resulted in a fair share split in cost of the package, as well as compliance with the new State requirement.

City Code 13.020 Group Insurance, allows City employees working a minimum of twenty (20) hours per

week to participate in the City's group insurance coverage. However, the employee is required to pay 100% of the premium. We currently have four part-time employees participating in the basic and dependent life insurance, and they are paying their own premiums.

The State has offered a short period to allow current part-time employees the opportunity to enroll in basic and dependent life insurance benefits; and to allow the City group to come into compliance with their requirements. Additionally, they are waiving the health statement requirement that is generally required for late enrollees. Future regular part-time new hires must be offered this coverage, and either elect to participate or waive the coverage. The group plan requires the employer pay 100% of the premiums should the employee choose to participate.

We are seeking Commission approval to amend Personnel Code 3.020 Group Insurance effective January 1, 2015, allowing the City to fund 100% of basic and dependent life premiums for 33 regular part-time positions. The maximum annual cost to the City should all of these employees choose to participate is \$2,600. This will bring the City into compliance with the State of New Mexico insurance pool requirements. Additionally, this is a de minimus cost to the City to provide an essential benefit to our highly dedicated part-time employees.

Breakdown of premium and coverage is as follows:

Basic Life \$50,000 Employee \$4.20/month
Dependent Life \$10,000 Spouse/\$5,000 Children \$2.35/month
Total Monthly Premium \$6.55/month
Total Annual Premium \$78.60/year

X 33 Positions \$2,593.80/year

ORDINANCE NO. 1487

AMENDING SECTION 13.020 OF THE PERSONNEL MANUAL CONCERNING BASIC AND DEPENDENT LIFE GROUP INSURANCE PREMIUMS FOR REGULAR PART-TIME EMPLOYEES

WHEREAS, the City of Alamogordo adopted a personnel manual effective December 3, 1993, and;

WHEREAS, this amendment will provide for the City to pay 100% of basic and dependent life coverage for regular part-time employees working at least 20 hours per week; and,

WHEREAS, the City Commission of the City of Alamogordo, New Mexico deems it in the best interests of the citizens of the community and the employees of the City to make revisions in the personnel manual.

BE IT THEREFORE ORDAINED by the City Commission of the City of Alamogordo that Section 13.020 of the Personnel Manual be amended to read as follows:

SECTION ONE

13.020 - GROUP INSURANCE

All regular full time employees are eligible to join the City's Group Insurance Plan, which provides coverage for the employee and the employee's dependents. Participation is subject to the City's and the Carrier's Agreement which is on file with the Personnel Department. The City's participation in providing Group Medical Insurance is subject to modification, termination, or change of carrier at any time. The City pays a portion of the plan as approved by the City Commission in the annual salary and compensation plan.

Participation is on a voluntary basis and the employee may join or withdraw from the plan at any time the plans and IRS rules allow. However, unless the employee applies for coverage within the first thirty (30) days of employment, the carrier may deny admittance until open enrollment or a qualifying event has occurred.

Continuation of medical coverage will be in compliance with any applicable laws.

The City of Alamogordo will allow regular part time employees that work a minimum of twenty (20) hours per week to enroll in the City's group insurance plans. Regular part time employees will be responsible for 100% of the premium costs.

The City will be responsible for 100% of the premium costs for basic and dependent life coverage for all regular full-time and regular part-time employees that work at least twenty (20) hours per week

SECTION TWO

EFFECTIVE DATE. This ordinance shall take effect upon its adoption and publication.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

First Publication Approval: 01/13/2015
First Publication: 01/18/2015
Final Publication Approval: 02/10/2015
Final Publication: 02/15/2015
Effective Date: 02/20/2015

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 1/30/2015

Report No: 4.

Submitted By: Renee Cantin, City Clerk

Subject: Approve the final publication of Ordinance No. 1488 amending Article 2-13 of Chapter 2 of the Alamogordo Code of Ordinances to authorize Construction Manager At-Risk and Design Build Project Delivery Methods for local preference. (Stephen Thies, City Attorney)

Fiscal Impact: None.

Amount Budgeted:

Fund:

Recommendation: Approve the Ordinance for final publication.

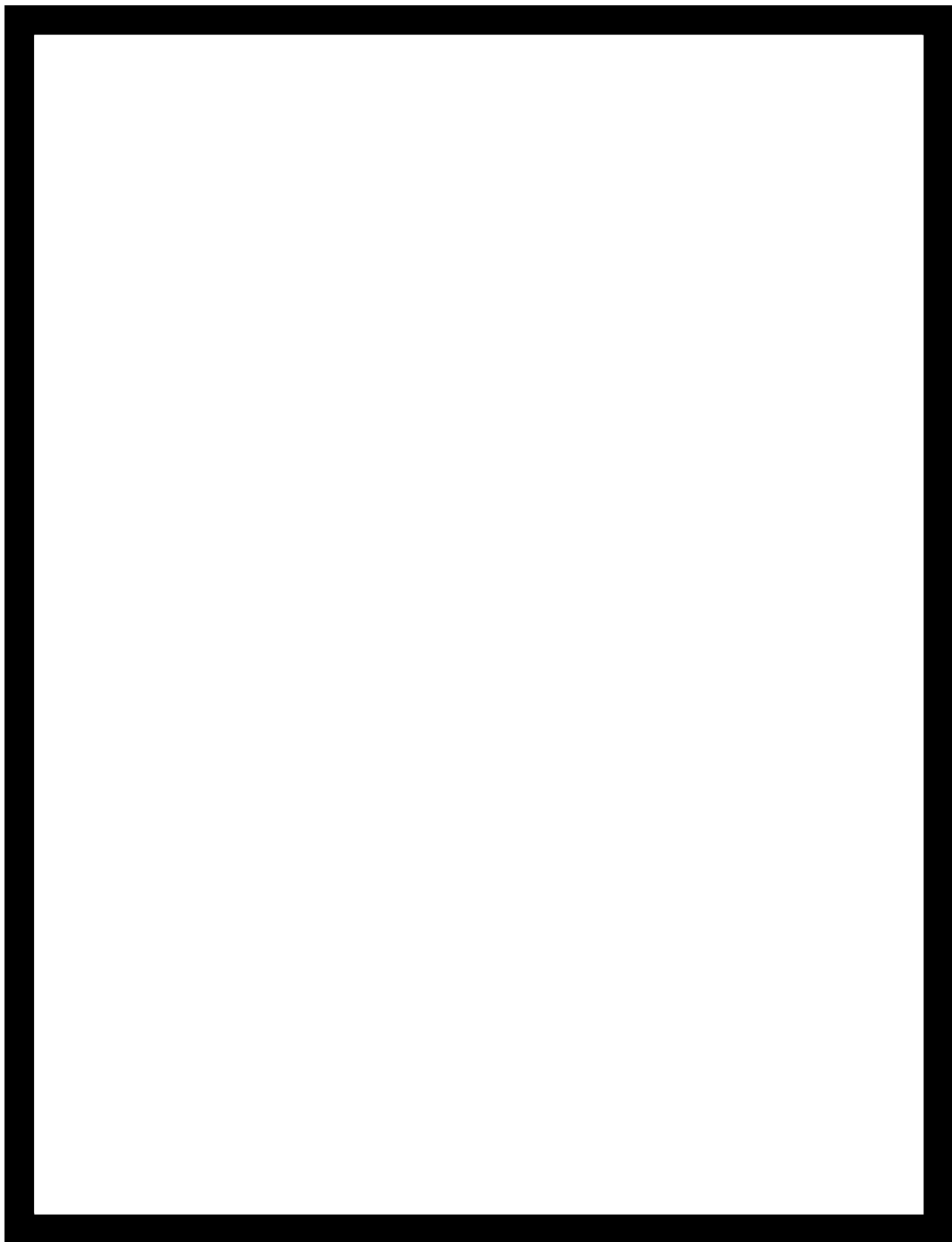
Background: At the Regular Meeting of January 13, 2105, the City Commission approved the Ordinance for first publication. A summary of the Ordinance was published in the Alamogordo Daily News on Sunday, January 18th, 2015. If approved for final adoption, the summary will be published a second time on Sunday, February 15th, 2015 and will be effective February 20th, 2015.

The following information was provided by Stephen Thies, City Attorney at the time it was brought for first publication: Attached for the Commission's consideration is an ordinance which would amend the City Purchasing Ordinance to authorize the following project delivery methods:

- construction management at-risk;
- design-build;
- design-build-operate-maintain; and
- design-build-finance-operate-maintain.

None of these delivery methods are currently authorized by the City Purchasing Ordinance. The state procurement code allows only a limited use of the construction management at-risk and design-build delivery methods. However, as a home rule charter city, Alamogordo has the ability to elect not to follow the state procurement code by enacting its own procurement code, which the City has done. In doing so, the City has the ability to utilize these delivery methods to a greater degree than allowed by state statute. Two other home rule charter municipalities have included these methods in their procurement code.

Similar to the ordinance enacted by the City of Hobbs, the construction management at-risk process set forth in the proposed ordinance is the same process contained in the state procurement code. The design-build process contained in the proposed ordinance is much more developed than the process contained in the state procurement code. The proposed ordinance is modeled after the process enacted by the City of Santa Fe.



ORDINANCE NO. 1488
AMENDING ARTICLE 2-13 OF CHAPTER 2 OF THE ALAMOGORDO CODE OF
ORDINANCES, TO AUTHORIZE CONSTRUCTION MANAGER AT RISK AND
DESIGN BUILD DELIVERY METHODS

BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico, as follows:

SECTION 1: Article 2-13-260 of Chapter 2 of the Alamogordo Code of Ordinances is hereby amended to read as follows:

2-13-260. Approval of purchases. The following purchases must be approved by the city commission:

(1) All purchases of goods or construction for amounts exceeding twenty thousand dollars (\$20,000.00) except those purchases made within budget for projects previously approved by the commission and made through a government contract pursuant to section 2-13-150, procurement under existing contracts;

(2) All purchases of services for architects or engineers for public works projects in amounts exceeding fifty thousand dollars (\$50,000.00); or landscape architects or surveying services exceeding ten thousand dollars (\$10,000.00);

(3) All purchases of other professional services in amounts exceeding (fifty thousand dollars (\$50,000.00);

(4) All contracts for construction management at-risk; and

(5) All design and build, design-build-operate-maintain, or a design-build-finance-operate-maintain contracts.

SECTION 2: Article 2-13 of Chapter 2 of the Alamogordo Code of Ordinances is hereby amended to add the following sections:

Section 2-13-340.

(1) Definitions. For the purpose of sections 2-13-260, 2-13-350, 2-13-360, 2-13-370, 2-13-380 and 2-13-390, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) *Construction management at-risk* means a project delivery method in which the City of Alamogordo awards separate contracts, one for architectural and engineering services to design a public infrastructure facility and the second to a construction manager at-risk for both construction of the public infrastructure facility according to the design and construction management services.

(b) *Design-bid-build* means a project delivery method in which the City of Alamogordo sequentially awards separate contracts, the first for architectural or engineering services to design a public infrastructure facility and the second for construction of the public infrastructure facility according to the design.

(c) *Design-build* means a project delivery method in which the City of Alamogordo enters into a single contract for design and construction of a public infrastructure facility.

(d) *Design-build-finance-operate -maintain* means a project delivery method in which the City of Alamogordo enters into a single contract for design, construction, finance, maintenance, and operation of a public infrastructure facility over a contractually defined period.

(e) *Design-build-operate-maintain* means a project delivery method in which the City of Alamogordo enters into a single contract for design, construction, maintenance, and operation of a public infrastructure facility over a contractually defined period.

(f) *Design-Build Contract* means a contract between the City and a Design-Build Entity to furnish the architecture, engineering, and related services as required for a given public infrastructure facility project, and to furnish the labor, materials and other construction services for the same project.

(g) *Design-Build Entity* means the entity (whether a natural person, partnership, joint venture, corporation, business association, or other legal entity) that proposes to enter into a design and build, design-build-operate-maintain, or a design-build-finance-operate-maintain contract. This entity shall be able to provide appropriately licensed contracting, architectural, and/or engineering services as required by the Request for Proposals.

(h) *Proposal* means an offer to enter into a Design-Build Contract by a Design-Build Entity in response to a Request for Proposals.

(i) *Public infrastructure facility* means any public structure, public building, or other public improvements of any kind which is used to provide a public service such as water and sanitary sewer services, flood protection, transportation services, solid waste, parks and recreational, and fire or police services.

(2) The following project delivery methods are authorized for procurements relating to construction of any public infrastructure facility:

- (a) design-bid-build;
- (b) construction management at-risk;
- (c) design-build;
- (d) design-build-operate-maintain; and
- (e) design-build-finance-operate-maintain.

(3) Multi-term Contracts for Operation and/or Maintenance. Notwithstanding section 2-13-200, a multi-term contract for the operation and maintenance of a public infrastructure facility procured through either the design-build-operate-maintain or design-build-finance-operate-maintain project delivery methods may be entered into for any period of time deemed to be in the best interests of the City but not to exceed twenty (20) years.

Section 2-13-350. Source selection methods assigned to project delivery methods.

(1) Scope. This section specifies the source selection methods applicable to procurements for the project delivery methods identified in section 2-13-340, except

as otherwise provided by this Article for small purchases, sole source procurements, procurements under existing contracts, and special purchase procurements.

(2) Design-bid-build.

(a) **Professional Services.** The purchase of the services of architects or engineers, construction management, land surveying services or other professional services, as defined in section 2-13-030, for a design-bid-build project shall be purchased in the manner provided by sections 2-13-120 and 2-13-130 of the City Purchasing Ordinance.

(b) **Construction.** Competitive sealed bidding must be used to procure construction in design-bid-build procurements.

(3) Construction Management at-risk. Contracts for construction management at-risk must be procured by using the multiphase selection procedure described in Section 2-13-360.

(4) Design-build. Contracts for design-build must be procured by the selection process described in Section 2-13-370.

(5) Design-build-operate-maintain. Contracts for design-build-operate-maintain must be procured by the selection process described in Section 2-13-370.

(6) Design-build-finance-operate-maintain. Contracts for design-build-finance-operate-maintain must be procured by the selection process described in Section 2-13-370.

2-13-360. Construction Management at-risk multiphase selection procedure.

(1) A department seeking to use the construction management at-risk delivery system for a specific project shall submit a written report to the Chief Procurement Officer stating the facts and considerations leading to the selection of this particular project delivery method. The Chief Procurement Officer shall submit the proposed use to the City Commission for approval. If the City Commission determines that it is in the City's interest to use the construction manager at-risk on the project, the Chief Procurement Officer shall form a selection committee of at least three members with at least one member being an architect or engineer. If the City contracts with an outside service provider for these services, the design/engineering professional or the related firm cannot later participate in submitting a proposal in any capacity to the request for qualifications. The selection committee shall develop an evaluation process, including a multiphase procedure consisting of two or three steps. A two-step procedure may be used when the total amount of money available for the project is less than one hundred thousand dollars (\$100,000) and shall include a request for qualifications and an interview. A three-step procedure shall consist of a request for qualifications, a request for competitive sealed proposals and an interview.

(2) A request for qualifications shall be published in accordance with Section 13-1-104 NMSA 1978 and shall include at a minimum the following:

(a) a statement of the minimum qualifications for the construction manager at risk, including the requirements for:

- i. a contractor's license for the type of work to be performed, issued pursuant to the Construction Industries Licensing Act [Chapter 60, Article 13 NMSA 1978];
 - ii. registration pursuant to Section 13-4-13.1 NMSA 1978; and
 - iii. a minimum bond capacity;
- (b) a statement of the scope of work to be performed, including:
 - i. the location of the project and the total amount of money available for the project;
 - ii. a proposed schedule, including a deadline for submission of the statements of qualification;
 - iii. specific project requirements and deliverables;
 - iv. the composition of the selection committee;
 - v. a description of the process the selection committee shall use to evaluate qualifications;
 - vi. a proposed contract; and
 - vii. a detailed statement of the relationships and obligations of all parties, including the construction manager at risk, agents of the governing body, such as an architect or engineer, and the governing body;
 - viii. a verification of the maximum allowable construction cost; and
 - ix. a request for a proposal bond as required by Section 13-1-146 NMSA 1978.
- (c) The selection committee shall evaluate the statements of qualifications submitted and determine the offerors that qualify for the construction manager at risk. If the selection committee has chosen a three-step procedure, the committee shall issue a request for proposals to the offerors that qualify.
- (d) If the selection committee has chosen a two-step procedure, the committee shall rank the persons that qualify based upon the statements of qualification and interview up to three of the highest-ranked offerors.
- (e) In a three-step procedure, the selection committee shall issue a request for proposals and evaluate the proposals pursuant to Sections 13-1-112 through 13-1-117 NMSA 1978 except that:
 - (a) the request for proposals shall be sent only to those determined to be qualified pursuant to section 2-13-260(3);
 - (b) the selection committee shall evaluate the proposals and conduct interviews with up to three of the highest-ranked offerors instead of negotiating with responsible offerors found to be reasonably likely to be selected; and
 - (c) pursuant to section 2-13-260(6), the contract award may be made after the interviews.

(3) After conducting interviews with the highest-ranked offerors and after considering the factors listed in section 2-13-260(7), the selection committee shall recommend to the governing body the offeror that will be most advantageous to the governing body. Should the governing body or designee be unable to negotiate a satisfactory contract with the offeror considered to be the most qualified at a price determined to be fair and reasonable, negotiations with that offeror shall be formally terminated. The governing body or designee shall then undertake negotiations with the second most qualified offeror. Failing accord with the second most qualified offeror, the governing body or designee shall formally terminate negotiations with the offeror. The governing body or designee shall then undertake negotiations with the third most qualified offeror. Should the governing body or designee be unable to negotiate a contract with any of the offerors selected by the committee, additional offerors shall be ranked in order of their qualifications and the governing body or designee shall continue negotiations in accordance with this section until a contract is signed with a qualified offeror or the procurement process is terminated and a new request for proposals is initiated.

(4) In evaluating and ranking statements of qualifications, proposals and results of interviews, and in the final recommendation of a construction manager at risk, the selection committee shall consider:

- (a) the offeror's experience with construction of similar types of projects;
- (b) the qualifications and experience of the offeror's personnel and consultants and the role of each in the project;
- (c) the plan for management actions to be undertaken on the project, including services to be rendered in connection with safety and the safety plan for the project;
- (d) the offeror's experience with the construction manager at risk method; and
- (e) all other selection criteria, as stated in the request for qualifications and the request for proposals.

(5) Nothing in this section precludes the selection committee from recommending the termination of the selection procedure pursuant to Section 2-13-380 and repeating the selection process pursuant to this section. Any material received by the selection committee in response to a solicitation that is terminated shall not be disclosed so as to be available to competing offerors.

(6) After a contract is awarded, the selection committee shall make the names of all offerors and the names of all offerors selected for interview available for public inspection along with the selection committee's final ranking and evaluation scores. Offerors who were interviewed but not selected for contract award shall be notified in writing within fifteen days of the award.

2-13-270. Responsibilities of construction manager at risk following award of project.

- (1) The contract with the construction manager at risk shall specify:
 - (a) the guaranteed maximum price; and

(b) the percentage of the guaranteed price that the construction manager at risk will perform with its own work force.

(2) The construction manager at risk, in cooperation with the governing body, shall seek to develop subcontractor interest in the project and shall furnish to the governing body and any architect or engineer representing the governing body a list of subcontractors who state in writing that they are a responsible bidder or a responsible offeror, including suppliers who are to furnish materials or equipment fabricated to a special design and from whom proposals or bids will be requested for each principal portion of the project. The governing body and its architect or engineer shall promptly reply in writing to the construction manager at risk if the governing body, architect or engineer knows of any objection to a listed subcontractor or supplier, provided that the receipt of the list shall not require the governing body, architect or engineer to investigate the qualifications of proposed subcontractors or suppliers, nor shall it waive the right of the governing body, architect or engineer later to object to or reject any proposed subcontractor or supplier.

(3) The construction manager at risk shall:

- (a) conduct pre-bid or pre-proposal meetings;
- (b) advise the governing body about bidding or proposals;
- (c) enter into contracts; and
- (d) assist the governing body in evaluating submissions by responsible bidders and offerors.

2-13-280. Design-Build Projects.

(1) Application. A design and build, a design-build-operate-maintain, or a design-build-finance-operate-maintain project delivery system (collectively, design-build), may be authorized when the delivery system is advantageous to the City and results in the most timely, economical, and successful completion of the project.

(2) Written Determination. A department seeking to use a design and build, a design-build-operate-maintain, or a design-build-finance-operate-maintain delivery system for a specific project shall submit a written recommendation to the Chief Procurement Officer. The primary factors that should be addressed in the memo include:

- (a) Summary of project:
 - (i) Description of project, goals and requirements.
 - (ii) Estimated design costs.
 - (iii) Estimated construction costs.
 - (iv) Estimated project schedule.
 - (v) City staff on the design-build team to formulate, evaluate, and administer Request for Proposals.
 - (vi) Funding source and amount.

- (b) Summary of why would it be advantageous for the City to use design-build and the reasons for the potential benefits, such as:
- i. Significant time savings.
 - ii. Higher quality realized through designs tailored to contractor capability, design and builder work together to enhance each capabilities and methods, and/or combined expertise of contractor with designer to maximize potential benefits.
 - iii. Less impact on the public with the use of expedited construction processes.
 - iv. Unusual or unique requirements that could be effectively addressed by design-build.
 - v. Specialty skills needed for design or construction.
 - vi. Reduction of total costs.
 - vii. Best value solution with value engineering
 - viii. Summary of potential risks or problems due to using design-build for specific project and mitigation solutions.
 - ix. Capability of City staff (with consultant, as applicable) to effectively administer and manage the design-build project, and a statement as to who will ultimately be responsible for the management of the project.

(3) Commission Approval. The proposed use of the design-build delivery system shall be submitted to the City Commission for concept approval prior to proceeding with the procurement process.

(4) Process. If approved by the City Commission, the following process shall be used when initiating and planning a design build project.

- (a) Identify the goal
- (b) Assign the City project manager
- (c) Assemble project team, including consultant if advisable
- (d) Develop project requirements:
 - i. Project scope
 - ii. Project goals
 - iii. Quality expectations
 - iv. Final project expectations
 - v. Technical requirements
 - vi. Contract development
 - vii. Decision making process
- (e) Plan the project schedule
- (f) Determine clear and complete definition of project and technical areas
- (g) Provide equal platform of information for proponents to be able to prepare competitive proposals.

(5) Determinations Prior To Requests For Proposals. The City project team shall clearly determine what will be done by City staff and what tasks are included in the Requests for Proposals, including but not limited to the following:

- (a) Environmental studies
- (b) Public participations through public hearings and other input
- (c) Interagency agreements
- (d) Utility agreements/relocations
- (e) Right-of-way acquisition
- (f) Handling and resolution of hazardous materials
- (g) Cultural and archeological resource site investigation
- (h) Endangered species investigations
- (i) Permit requirements
- (j) Determine risks and clarify mitigation and responsibility
- (k) Surveys
- (l) Mapping
- (m) Hydraulic analysis
- (n) Geotechnical investigations

(6) Other areas and expectations that should be addressed in the Request for Proposals may include the following:

- (a) Legal description of site
- (b) Maximum Available Construction Costs (MACC)
- (c) Aesthetic considerations and compatibility with existing facilities
- (d) Site development requirements
- (e) Special codes, regulations, ordinances or statutes
- (f) Utilities, parking and landscaping requirements
- (g) Future expansion requirements
- (h) Special materials
- (i) Space requirements
- (j) Special equipment and systems requirements
- (k) Construction administration
- (l) Labor disputes
- (m) Weather conditions
- (n) Inflation
- (o) Schedule requirements
- (p) Incremental acceptance of work
- (q) Performance guarantees/warranties
- (r) Design reviews/approvals
- (s) Liability for design
- (t) Site conditions
- (u) Contract changes
- (v) Liquidated damages
- (w) Ownership during phases
- (x) Payment methodology
- (y) Incentives and disincentives
- (z) Bonding requirements
- (aa) Errors and omissions insurance
- (bb) Guaranteed completion date
- (cc) Warranties
- (dd) Determination of criteria for completion of contract

(7) Request For Proposals. The City project team shall prepare a Request for Proposals setting forth the scope of the project that should include, but is not limited to:

- (a) The desired design requirements.
- (b) Performance specifications covering the quality of materials, equipment, and workmanship, durability, life cycle costs, conceptual plans, or any other information deemed necessary to adequately and clearly describe the City's needs.
- (c) The performance specifications and plans shall be reviewed by a registered engineer or architect professional licensed by the State of New Mexico, which may be a City employee or outside provider. It is intended for this review to ensure the validity of technical areas and that the information in the Request for Proposals will provide for a fair and complete Request for Proposals process. If an outside provider contracts for these review services, the design/engineering professional or the related firm cannot later participate in submitting a proposal in any capacity to the Request for Proposals.

(8) Step One of Request for Proposals. The Request for Proposals issued shall include:

- (a) the project scope and requirements;
- (b) submittal requirements from proponents;
- (c) composition of selection committee, with statement that the City retains the option to change committee members, if necessary;
- (d) evaluation criteria for each step of the process (step on, step two, interviews, and best and final offers, as applicable);
- (e) description of step two and/or interviews;
- (f) pre-proposal meeting (optional);
- (g) number of Design-Build Entities that will be short listed (a minimum of 2 and a maximum of 4);
- (h) estimated procurement and approval schedule;
- (i) any and all further steps in the selection process;
- (j) any independent outside consultant or other qualified outside representative(s) who will serve on the selection committee;
- (k) a listing threshold for design disciplines, construction trades or other types of subcontractors that must be listed by the Design-Build Entity in its Proposal. The listing threshold shall be five thousand dollars (\$5,000) or one-half of one percent of the architect's or engineer's estimate of the total project cost, not including alternates, whichever is greater; and
- (l) any programming and schematic design including recommended or required building systems, elevations, areas, floor plans and cross sections in limited detail to be used for further development by offerors.

(9) Submittal Requirements. The submittal requirements shall include:

- (a) information on the qualifications of the proponent as to capability, capacity, availability, and experience of each member of the Design-Build Entity, including a listing of all key staff and their professional licenses who will be assigned to this project;
- (b) a description of similar contracts with other municipalities;

- (c) a certification regarding all insurance and bonding requirements/certification of the Request for Proposal;
- (d) a statement of no debarment, disqualification, default, or early termination from any contract by any member of the Design-Build Entity in the last 5 years;
- (e) a certification of no commercial bankruptcy in the last 5 years by any member of the Design-Build Entity;
- (f) information on any settled adverse claims, disputes or lawsuits with an owner of any public works project involving any member of the Design-Build Entity;
- (g) a description of any OSHA violations, worker's compensation claims, or safety claims made against any member of the Design-Build Entity within the prior 2 years;
- (h) a description of any adverse state licensing action taken against any member of the Design-Build Entity within the prior 3 years;
- (i) the name and the city or county of the place of business of each subcontractor who will perform work or labor or render service to the Design-Build Entity in or about the construction of the public infrastructure facility project in an amount in excess of the listing threshold, and the category of the work that will be done by each subcontractor. The Design-Build Entity shall list only one subcontractor for each category as defined by the contractor in its Proposal; and
- (j) any additional information requirements that may be included at the discretion of the City.

(10) Receipt of Step One Proposals. The proposals shall be received as a formal sealed proposal at the Purchasing Office.

(11) Evaluation Under Step One of Request for Proposals. All responsive submittals shall be evaluated based on the evaluation criteria. Step One evaluates experience, technical competence, capability to perform, past performance and preliminary project plans. The top rated Design-Build Entity shall be short listed based on the totals of the ratings of the committee.

(12) Step Two of Request for Proposals.

- (a) The short-listed of Design-Build Entity will be invited to submit detailed specific technical concepts or solutions, costs and scheduling as a formal sealed proposal to the Purchasing Office. If at least 3 Design-Build Entities do not submit responsive proposals, the short list may be composed of the number of responsive proposals received.
- (b) Cost shall be at least 60% of the evaluation criteria. Cost may include life cycle costs, if so stated and explained in the Requests for Proposals over an appropriate period of time. Other criteria may include technical expertise, skilled labor force availability, safety record, time schedule. Additional information requirements may be included at the discretion of the City.
- (c) For a complex project or a project in which more detailed proposals are requested, a stipend may be paid to cover costs of the preparation of this phase. The amount shall be determined in advance, although a stipend is not required and is at the sole option of the City.
- (d) Interviews may be conducted, but are not required and are at the sole option of the City.

(e) Based on evaluation of step two proposals, new information may be issued by the City and best and final offers may be submitted. The best and final offers shall be evaluated based on the evaluation criteria for step two, unless otherwise specified in writing to the top listed offerors.

(f) All information is deemed to be confidential to the evaluation committee and City administration until a recommendation is made to the first review committee prior to City Commission consideration.

(13) Evaluation Under Step Two of Request for Proposals. The submittals are evaluated unless determined to be non-responsive. This step evaluates qualifications, quality of proposed design and technical submittals, quality of construction approach, demonstrated response to program requirements, management plan for constructing the project, cost, and schedule. Final contract negotiations shall be conducted with the top rated Design-Build Entity. There shall be a single contract for design services, construction services, and any other requested services. If negotiations are successful, the top rated Design-Build Entity based on the totals of the ratings of the committee shall be recommended to the applicable committees and City Commission.

(14) Other Services. Finance services, maintenance services, operations services, and other related services may be included, but must be clearly stated in the Request for Proposals. Such services may be included as an optional component, such that a basic design-build contract could be awarded or a contract be awarded which includes the other services. The Request for Proposal must be very clear as to the evaluation process and criteria and how optional services would be evaluated and considered as part of the contract awarded.

2-13-390. Rejection or cancellation of bids or requests for proposals;

negotiations. An invitation for bids, a request for proposals or any other solicitation may be canceled or any or all bids or proposals may be rejected in whole or in part when it is in the best interest of the City. A determination containing the reasons for cancellation shall be made part of the procurement file. If no bids are received or if all bids received are rejected and if the invitation for bid was for any tangible personal property, construction or service, then new invitations for bids shall be requested. If upon rebidding the tangible personal property, construction or services, the bids received are unacceptable, or if no bids are secured, the Chief Procurement Officer may purchase the tangible personal property, construction or services in the open market at the best obtainable price.

SECTION 3: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5: EFFECTIVE DATE. This ordinance shall be effective upon its passage, approval, and publication as provided by law.

PASSED, APPROVED AND ADOPTED this _____ day of February, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

First Publication Approval: 01/13/2015
First Publication: 01/18/2015
Final Publication Approval: 02/10/2015
Final Publication: 02/15/2015
Effective Date: 02/20/2015

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 1/30/2015

Report No: 5.

Submitted By: Renee Cantin, City Clerk

Subject: Accept the Investment Report for the quarter ending December 31, 2014, in accordance with the City of Alamogordo Investment Ordinance. *(LeeAnn Nichols, Finance Director)*

Fiscal Impact:

Amount Budgeted:

Fund:

Recommendation: Accept the Quarterly Investment Report for the period ending December 31, 2014.

Background: The City of Alamogordo ended the quarter with an investment portfolio totaling \$57,050,636. The portfolio was made up of:

State Investment Pool \$ 207,100 or 0.36%
Short Term Investments \$ 2,199,299 or 3.85%
US Treasury Notes/Agency Bonds \$ 31,992,460 or 56.08%
Certificates of Deposits \$ 22,651,777 or 39.70%
Total Investments: \$ 57,050,636

Total gains (losses) for the quarter ended December 31, 2014, on maturities and/or called agency notes were \$0. Interest earned during the quarter on a cash basis was \$164,636.

Interest Income Budget Comparison for all Funds is as follows:

Interest Earned Budget \$ 386,479
Interest Received to Date \$ 301,959 78.13% of budget

Note: The investments mature at different times through out the year and 40% of the investments mature within three years. They are reinvested as they mature, so that they continue to roll over to be available for projects when needed.

CITY OF ALAMOGORDO INVESTMENT REPORT

12/31/14

ID #	ORIGINAL FACE	CURRENT FACE	BOOK PRICE	BOOK VALUE	MARKET PRICE	MARKET VALUE	Date Of Maturity	Purchased Through	Date Of Purchase	FY 14 - 15 Y-T-D Earnings
US TREASURY NOTES/AGENCY BONDS										
Wells Fargo (Santa Fe TX Wtr Impt Rev Ser)	336,322	323,674		323,674		318,835	6/1/2022	Wells Fargo	06/15/12	3,776
Wells Fargo (N Mexico Dona Ana Brh Cmnty College G	116,857	113,375		113,375		110,207	8/1/2022	Wells Fargo	08/13/12	1,149
Wells Fargo (San Juan Cnty N Mex Cent Consindpt S/E	273,275	261,221		261,221		259,763	8/1/2016	Wells Fargo	08/21/12	805
Wells Fargo (Carlsbad NM Jt Wtr & Swr)	175,616	166,604		166,604		166,662	6/1/2015	Wells Fargo	09/04/12	533
Wells Fargo (Central N Mexico Cmnty Coll GO Series 2	148,378	143,117		143,117		142,385	8/15/2019	Wells Fargo	09/07/12	942
Wells Fargo (New Mexico St Hosp Equip Rev Ser 2008	129,162	119,420		119,420		118,479	8/1/2016	Wells Fargo	09/10/12	552
Wells Fargo (Los Alamos NM Public Sch Dist Ref)	260,938	253,520		253,520		252,493	8/1/2015	Wells Fargo	09/27/12	567
Wells Fargo (Alamogordo NM S/D #1)	357,452	0		0		0	8/1/2014	Wells Fargo	10/10/12	902
Wells Fargo (Bernalillo NM Muni Sch Dist #1)	523,195	0		0		0	8/1/2014	Wells Fargo	10/31/12	2,080
Wells Fargo (University N Mex Gallup Branch Cmnty C	157,202	155,428		155,428		153,026	10/15/2020	Wells Fargo	11/21/12	1,041
Wells Fargo (Centrl New Mexico Cmnty Clg UND - E6)	103,383	0		0		0	8/15/2014	Wells Fargo	01/18/13	265
Wells Fargo (Dona Ana Branch Cmnty Clg NM LTD Tax	520,425	0		0		0	8/1/2014	Wells Fargo	01/18/13	1,913
Wells Fargo (Fannie Mae)	1,000,000	1,000,000		1,000,000		995,387	1/30/2018	Wells Fargo	01/30/13	3,500
Wells Fargo (Fed Home Loan Bk Bond)	1,000,000	1,000,000		1,000,000		985,852	7/25/2018	Wells Fargo	02/08/13	5,750
Wells Fargo (Fannie Mae Unsecdnt Call)	500,000	500,000		500,000		495,401	1/15/2019	Wells Fargo	02/15/13	2,500
Wells Fargo (Fannie Mae)	500,000	500,000		500,000		497,825	2/20/2018	Wells Fargo	02/20/13	1,875
Wells Fargo (Fannie Mae Unsecdnt Call)	500,000	500,000		500,000		498,273	2/21/2018	Wells Fargo	02/21/13	1,750
Wells Fargo (Fannie Mae Unsecdnt Call)	500,000	500,000		500,000		494,611	1/30/2019	Wells Fargo	02/22/13	3,125
Wells Fargo (Rio Rancho NM Wtr & Wstwr Sys Rev Re	118,170	114,743		114,743		112,995	5/15/2022	Wells Fargo	03/12/13	1,509
Wells Fargo (San Juan County NM Junior College Dist	57,575	55,084		55,084		54,206	8/15/2017	Wells Fargo	03/25/13	384
Wells Fargo (Rio Rancho N Mex Pub Sch Distno 94 Ult	108,638	105,535		105,535		102,125	8/1/2019	Wells Fargo	03/25/13	821
Wells Fargo (Federal Farm Credit Banks Funding Corp	150,000	150,000		150,000		148,962	10/2/2018	Wells Fargo	04/23/13	938
Wells Fargo (Federal Home Loan Bank)	999,500	999,583		999,583		995,795	12/27/2018	Wells Fargo	12/27/13	8,950
Wells Fargo (Fannie Mae Unsecdnt)	350,000	350,000		350,000		349,014	8/28/2017	Wells Fargo	02/05/14	1,925
Wells Fargo (Federal Home Loan Bank)	844,586	846,768		846,768		845,793	6/13/2018	Wells Fargo	02/05/14	5,691
Wells Fargo (Fed Home Loan Bk Bond)	828,717	830,200		830,200		834,856	7/11/2019	Wells Fargo	02/05/14	6,976
Wells Fargo (Federal Home Loan Bank)	507,489	509,277		509,277		511,411	11/21/2019	Wells Fargo	02/05/14	5,058
Wells Fargo (Federal Farm Credit Bank)	2,021,231	2,023,455		2,023,455		2,022,611	7/24/2020	Wells Fargo	03/20/14	15,280
Wells Fargo (Federal Farm Credit Banks Funding Corp	892,270	892,788		892,788		894,101	3/6/2017	Wells Fargo	03/20/14	3,531
Wells Fargo (Fannie Mae)	983,030	985,572		985,572		984,684	4/30/2018	Wells Fargo	03/30/14	7,079
Wells Fargo (Fannie Mae)	989,680	990,532		990,532		991,582	8/28/2019	Wells Fargo	03/30/14	8,313
Wells Fargo (Fannie Mae)	980,870	982,320		982,320		984,768	2/21/2020	Wells Fargo	03/20/14	8,790
Wells Fargo (Federal Home Loan Bank)	998,000	998,224		998,224		992,853	8/16/2017	Wells Fargo	04/17/14	3,418
Wells Fargo (Federal Farm Credit Bank)	992,900	994,114		994,114		992,128	6/4/2018	Wells Fargo	04/17/14	6,966
Wells Fargo (Fannie Mae)	990,060	991,041		991,041		992,641	10/4/2019	Wells Fargo	04/17/14	8,678
Wells Fargo (Federal Farm Credit Bank)	990,410	991,431		991,431		996,330	12/4/2020	Wells Fargo	04/17/14	11,353
Wells Fargo (Fannie Mae)	987,840	989,123		989,123		982,058	12/27/2019	Wells Fargo	06/02/14	8,598
Wells Fargo (Federal Home Loan Bank)	998,611	1,000,414		1,000,414		995,866	5/20/2020	Wells Fargo	06/02/14	9,182
Wells Fargo (Fannie Mae)	991,580	991,898		991,898		987,839	2/22/2021	Wells Fargo	06/02/14	4,763
Wells Fargo (Federal Home Loan Bank)	539,407	539,780		539,780		539,886	8/20/2021	Wells Fargo	06/02/14	2,757
Wells Fargo (Freddie Mac)	994,340	994,860		994,860		993,979	4/17/2018	Wells Fargo	06/26/14	3,912
Wells Fargo (Fannie Mae)	1,164,161	1,164,268		1,164,268		1,159,293	11/15/2017	Wells Fargo	06/26/14	4,830
RBC (FHLMT MTN)	838,928	759,623		759,623		751,181	1/15/2015	RBC	07/29/11	4,161
RBC (FNMA MTN)	842,895	769,255		769,255		774,290	10/15/2015	RBC	07/29/11	5,300
RBC (FHLMT MLTCL MTG)	249,993	0		0		0	12/19/2014	RBC	11/17/11	939
RBC (FHLMT MTN)	149,591	0		0		0	12/29/2014	RBC	12/16/11	536

ID #	ORIGINAL FACE	CURRENT FACE	BOOK PRICE	BOOK VALUE	MARKET PRICE	MARKET VALUE	Date Of Maturity	Purchased Through	Date Of Purchase	FY 14 - 15 Y-T-D Earnings
RBC (FNMA)	51,020	46,567		46,567		46,513	8/1/2015	RBC	03/09/12	295
RBC (FNMA MTN)	500,195	0		0		0	10/30/2014	RBC	03/16/12	1,531
RBC (FNMA)	25,262	25,117		25,117		25,320	4/1/2017	RBC	04/23/12	190
RBC (FNMA DEB)	149,507	149,855		149,855		150,140	7/2/2015	RBC	05/21/12	453
RBC (FHLB DEB)	249,920	249,978		249,978		250,368	11/20/2015	RBC	08/23/12	637
RBC (FHLMT MTN)	504,515	0		0		0	11/25/2014	RBC	08/30/12	1,064
RBC (FNMA)	63,686	499		499		277	3/1/2015	RBC	09/20/12	(567)
RBC (FNMA GTD. REMIC)	479,738	432,620		432,620		429,776	8/25/2017	RBC	09/28/12	2,805
RBC (FANNIEMAE ACES)	176,748	171,197		171,197		170,703	2/25/2017	RBC	10/30/12	826
RBC (FNMA MTN)	1,231,387	1,145,268		1,145,268		1,133,662	3/15/2016	RBC	12/18/12	2,704
RBC (US TREASURY NT)	995,121	997,205		997,205		987,188	11/30/2017	RBC	12/21/12	3,622
RBC (US TREASURY NT)	996,449	0		0		0	12/15/2015	RBC	12/21/12	1,818
RBC (FHLMT MLTCL MTG)	351,322	0		0		0	7/15/2014	RBC	12/27/12	(5,846)
RBC (FHLB DEB)	723,628	509,877		509,877		519,710	9/15/2017	RBC	12/27/12	7,663
RBC (FNMA #468957)	313,875	306,326		306,326		305,743	9/1/2016	RBC	01/07/13	1,462
RBC (FNMA #469817)	179,710	169,181		169,181		168,553	12/1/2016	RBC	01/08/13	840
RBC (FNMA #469673)	260,527	250,197		250,197		249,218	12/1/2016	RBC	01/11/13	1,245
RBC (FNMA #AM0254)	481,012	475,194		475,194		471,361	8/1/2017	RBC	01/15/13	2,541
RBC (FNMA #466534)	310,781	303,227		303,227		300,472	11/1/2015	RBC	01/22/13	1,164
RBC (FNMA GTD. REMIC)	252,500	203,905		203,905		203,174	11/25/2016	RBC	01/30/13	1,490
TOTAL GOVERNMENT AGENCIES		31,992,460		31,992,460	0	31,892,620				209,599
STATE INVESTMENT POOL										
STATE OVERNIGHT POOL - COA	0	0		0		0	Open	State of NM		-
STATE OVERNIGHT POOL - PHA	706,719	207,100		207,100		207,100	Open	State of NM		128
TOTAL STATE INVESTMENT POOL	706,719	207,100		207,100		207,100				128
CERTIFICATE OF DEPOSITS										
Western Bank (CD# 81186796)	250,000	255,469		255,469		255,469	2/6/2018	Western Bank	02/06/13	1,589
Western Bank (CD# 81186879)	250,000	255,487		255,487		255,487	3/11/2018	Western Bank	03/11/13	1,581
Western Bank (CD# 81186944)	750,000	765,924		765,924		765,924	3/22/2018	Western Bank	03/22/13	4,587
Western Bank (CD# 81187231)	500,000	506,385		506,385		506,385	2/10/2019	Western Bank	02/10/14	4,312
First Savings Bank (CD#13312297)	250,000	255,469		255,469		255,469	2/7/2018	First Savings Bank	02/07/13	1,589
First Savings Bank (CD# 13401520)	1,000,000	1,017,667		1,017,667		1,017,667	3/12/2018	First Savings Bank	03/12/13	5,083
Bank '34 (CD#0101004984)	250,000	250,000		250,000		250,000	2/8/2018	Bank '34	02/08/13	1,878
First American Bank (CD#603372527)	250,000	252,875		252,875		252,875	2/12/2018	First American Bank	02/12/13	0
First American Bank (CD# 603372528)	1,000,000	1,010,500		1,010,500		1,010,500	3/22/2018	First American Bank	03/22/13	0
Pioneer Bank (CD#30100640)	250,000	254,723		254,723		254,723	2/12/2018	Pioneer Bank	02/12/13	1,279
Bank of the West (CD#029771907)	250,000	254,256		254,256		254,256	3/20/2018	Bank of the West	03/20/13	1,224
Washington Federal (CD# 172-200282-9)	250,000	256,892		256,892		256,892	3/22/2018	Washington Federal	03/27/13	1,985
Washington Federal (CD# 172-200283-7)	1,000,000	1,021,756		1,021,756		1,021,756	4/9/2018	Washington Federal	04/09/13	6,382
Wells Fargo ST Inv (CD#2306210390)	1,303,413	0		0		0	7/8/2014	Wells Fargo ST Inv	04/09/14	259
Wells Fargo ST Inv (CD#8894479271)	1,207,534	0		0		0	7/22/2014	Wells Fargo ST Inv	04/23/14	230
Wells Fargo ST Inv (CD#2306210283)	1,207,644	0		0		0	7/22/2014	Wells Fargo ST Inv	05/23/14	211
Wells Fargo ST Inv (CD#2306210416)	1,303,959	0		0		0	8/7/2014	Wells Fargo ST Inv	06/08/14	515
Wells Fargo ST Inv (CD#2306210408)	1,303,917	0		0		0	9/6/2014	Wells Fargo ST Inv	06/08/14	804
Wells Fargo ST Inv (CD#8894479289)	1,207,991	0		0		0	7/22/2014	Wells Fargo ST Inv	06/22/14	218
Wells Fargo ST Inv (CD#2306210390)	1,304,217	0		0		0	9/6/2014	Wells Fargo ST Inv	07/08/14	515

ID #	ORIGINAL FACE	CURRENT FACE	BOOK PRICE	BOOK VALUE	MARKET PRICE	MARKET VALUE	Date Of Maturity	Purchased Through	Date Of Purchase	FY 14 - 15 Y-T-D Earnings
Wells Fargo ST Inv (CD#2306210283)	1,208,080	0		0		0	8/21/2014	Wells Fargo SI	07/22/14	209
Wells Fargo ST Inv (CD#8894479271)	1,208,249	0		0		0	9/20/2014	Wells Fargo SI	07/22/14	437
Wells Fargo ST Inv (CD#8894479289)	1,208,210	0		0		0	10/20/2014	Wells Fargo SI	07/22/14	685
Wells Fargo ST Inv (CD#2306210416)	1,304,474	0		0		0	9/6/2014	Wells Fargo SI	08/07/14	257
Wells Fargo ST Inv (CD#2306210283)	1,208,289	0		0		0	11/19/2014	Wells Fargo SI	08/21/14	685
Wells Fargo ST Inv (CD#2306210390)	1,304,731	0		0		0	10/6/2014	Wells Fargo SI	09/06/14	247
Wells Fargo ST Inv (CD#2306210408)	1,304,721	0		0		0	11/5/2014	Wells Fargo SI	09/06/14	515
Wells Fargo ST Inv (CD#2306210416)	1,304,731	0		0		0	12/5/2014	Wells Fargo SI	09/06/14	805
Wells Fargo ST Inv (CD#8894479271)	1,208,686	0		0		0	10/20/2014	Wells Fargo SI	09/20/14	199
Wells Fargo ST Inv (CD#2306210390)	1,304,978	1,305,502		1,305,502		1,305,502	1/4/2015	Wells Fargo SI	10/06/14	524
Wells Fargo ST Inv (CD#8894479289)	1,208,895	0		0		0	12/19/2014	Wells Fargo SI	10/20/14	438
Wells Fargo ST Inv (CD#8894479271)	1,208,885	1,209,350		1,209,350		1,209,350	1/18/2015	Wells Fargo SI	10/20/14	465
Wells Fargo ST Inv (CD#2306210408)	1,305,235	0		0		0	12/5/2014	Wells Fargo SI	11/06/14	236
Wells Fargo ST Inv (CD#2306210283)	1,208,974	1,209,183		1,209,183		1,209,183	1/18/2015	Wells Fargo SI	11/19/14	209
Wells Fargo ST Inv (CD#2306210408)	1,305,471	1,305,471		1,305,471		1,305,471	3/5/2015	Wells Fargo SI	12/05/14	0
Wells Fargo ST Inv (CD#2306210416)	1,305,536	1,305,536		1,305,536		1,305,536	2/3/2015	Wells Fargo SI	12/05/14	0
Wells Fargo ST Inv (CD#8894479289)	1,209,333	1,209,333		1,209,333		1,209,333	1/18/2015	Wells Fargo SI	12/19/14	0
Wells Fargo (Beacon Federal)	250,000	0		0		0	7/14/2014	Wells Fargo B:	07/13/11	212
Wells Fargo (Prudential B-T Hartford CT)	250,000	250,000		250,000		250,164	2/19/2015	Wells Fargo B:	08/19/11	1,253
Wells Fargo (Camden Natl Bank)	250,000	250,000		250,000		257,183	9/15/2017	Wells Fargo B:	09/16/11	2,131
Wells Fargo (The City NB of Metropolis)	250,000	250,000		250,000		250,426	4/28/2015	Wells Fargo B:	09/28/11	1,253
Wells Fargo (Luana Savings Bank)	250,000	250,000		250,000		250,611	10/5/2016	Wells Fargo B:	10/05/11	1,504
Wells Fargo (Ally Bank UT)	250,000	250,000		250,000		252,734	11/9/2015	Wells Fargo B:	11/09/11	1,953
Wells Fargo (Safra Nat'l Bk NY)	250,000	0		0		0	11/17/2014	Wells Fargo B:	11/16/11	1,267
Wells Fargo (GE Capital Financial Int)	250,000	250,000		250,000		254,455	11/16/2016	Wells Fargo B:	11/16/11	2,647
Wells Fargo (Discover Bank DE)	250,000	250,000		250,000		252,895	5/16/2017	Wells Fargo B:	05/16/12	2,205
Wells Fargo (Goldman Sachs Bank)	250,000	250,000		250,000		253,111	5/16/2017	Wells Fargo B:	05/16/12	2,268
Wells Fargo (GE Capital Retail)	250,000	250,000		250,000		252,306	5/18/2017	Wells Fargo B:	05/18/12	2,205
Wells Fargo (Peapack Gladstone Bk)	250,000	250,000		250,000		252,846	6/12/2017	Wells Fargo B:	06/12/12	1,253
Wells Fargo (Lone Star Natl Bk TX)	250,000	250,000		250,000		250,018	6/15/2015	Wells Fargo B:	06/15/12	627
Wells Fargo (State Bk of India NY)	250,000	0		0		0	6/22/2017	Wells Fargo B:	06/22/12	2,707
Wells Fargo (Bank Holland Mich)	250,000	250,000		250,000		241,956	12/27/2018	Wells Fargo B:	06/27/12	1,567
Wells Fargo (Mbank)	250,000	250,000		250,000		252,077	6/26/2016	Wells Fargo B:	06/29/12	1,003
Wells Fargo (First Business Bank)	250,000	250,000		250,000		250,198	7/17/2015	Wells Fargo B:	07/17/12	806
Wells Fargo (Flushing SB)	250,000	250,000		250,000		250,348	7/27/2015	Wells Fargo B:	07/27/12	940
Wells Fargo (Sallie Mae Bk)	250,000	250,000		250,000		252,180	8/22/2017	Wells Fargo B:	08/22/12	2,108
Wells Fargo (World Finl Cap Bk)	250,000	250,000		250,000		242,710	8/26/2019	Wells Fargo B:	08/24/12	2,006
Wells Fargo (Citizens St Bk)	250,000	0		0		0	9/22/2014	Wells Fargo B:	09/21/12	318
Wells Fargo (Banco Popular North Amer)	125,000	125,000		125,000		125,317	3/7/2016	Wells Fargo B:	03/06/13	315
Wells Fargo (Banco Popular North Amer New York)	125,000	125,000		125,000		124,701	3/6/2017	Wells Fargo B:	03/06/13	441
Wells Fargo (BMW Bank of NA)	250,000	250,000		250,000		245,843	6/28/2018	Wells Fargo B:	06/28/13	1,692
Wells Fargo (American Express)	250,000	250,000		250,000		250,245	8/8/2018	Wells Fargo B:	08/08/13	2,355
Wells Fargo (Citi Bank)	250,000	250,000		250,000		250,173	8/14/2018	Wells Fargo B:	08/14/13	2,232
Wells Fargo (Bank of Baroda)	250,000	250,000		250,000		250,030	10/9/2018	Wells Fargo B:	10/08/13	2,507
Wells Fargo (First Bank of Highland)	250,000	250,000		250,000		249,313	11/27/2018	Wells Fargo B:	11/27/13	2,268
Wells Fargo (Marlin Business Bank)	250,000	250,000		250,000		247,964	12/4/2018	Wells Fargo B:	12/04/13	2,319
Wells Fargo (Third Federal S&L Assn)	250,000	250,000		250,000		248,669	11/26/2018	Wells Fargo B:	02/26/14	1,984
Wells Fargo (Oriental Bank)	160,000	160,000		160,000		159,359	7/11/2016	Wells Fargo B:	07/11/14	436
Wells Fargo (Merrick Bk South Jordan Utah)	250,000	250,000		250,000		248,828	7/18/2016	Wells Fargo B:	07/18/14	681
Wells Fargo (Customers Bank)	250,000	250,000		250,000		248,810	7/25/2016	Wells Fargo B:	07/23/14	0
Wells Fargo (Americanwest Bk)	250,000	250,000		250,000		248,810	7/25/2016	Wells Fargo B:	07/25/14	0

ID #	ORIGINAL FACE	CURRENT FACE	BOOK PRICE	BOOK VALUE	MARKET PRICE	MARKET VALUE	Date Of Maturity	Purchased Through	Date Of Purchase	FY 14 - 15 Y-T-D Earnings
Wells Fargo (Town North Bk)	90,000	90,000		90,000		89,585	7/26/2016	Wells Fargo B	07/25/14	0
Wells Fargo (Capital One Bk)	250,000	250,000		250,000		249,487	10/11/2016	Wells Fargo B	10/08/14	0
Wells Fargo (Peoples Utd Bk)	250,000	250,000		250,000		249,053	10/11/2016	Wells Fargo B	10/08/14	0
Wells Fargo (Bk of Clarke Cnty Berryville VA)	250,000	250,000		250,000		247,778	4/10/2017	Wells Fargo B	10/09/14	460
Wells Fargo (United Cmnty Bk Chatham IL)	250,000	250,000		250,000		247,748	4/13/2017	Wells Fargo B	10/14/14	418
Wells Fargo (Community Finl Svcs Bk KY)	250,000	250,000		250,000		248,865	10/17/2016	Wells Fargo B	10/17/14	334
Wells Fargo (State Bk India NY)	250,000	250,000		250,000		247,215	10/17/2019	Wells Fargo B	10/17/14	0
TOTAL CERTIFICATE OF DEPOSITS		22,651,777		22,651,777		22,645,783				90,829
MONEY MARKET ACCOUNTS										
Wells Fargo Brokerage Money Market	0	0		0		0	Open	Wells Fargo	11/01/00	0
Wells Fargo ST Money Market 6810881786 - changed to	2,199,299	2,199,299		2,199,299		2,199,299	Open	Wells Fargo	01/25/13	1,403
TOTAL MONEY MARKET ACCOUNTS	2,199,299	2,199,299		2,199,299		2,199,299				1,403
Total Interest										301,959
GRAND TOTALS		57,050,636	0	57,050,636		56,944,803				

BOOK VALUE OF INVESTMENTS	57,050,636
MARKET VALUE OF INVESTMENTS	56,944,803
MARKET GAIN / (LOSS)	(105,833)
Loss/Gain Percentage of Investment Portfolio	-0.19%

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 2/2/2015

Report No: 1.

Submitted By: Renee Cantin, City Clerk

Subject: Hold a public hearing, and act upon, a variance to Alamogordo Municipal Code §29-03-500 to allow one 98.03 x 110.04 lot to be split into two (2) separate 49.015 x 110.04 lots. If approved applicant/owner Thomas Gonzalez will place an additional mobile home on the lot at 2215 Garcia Ave. [Case V-2014-003(A)]. *(Stella Rael, Planning & Zoning Coordinator)*

Fiscal Impact: None.

Amount Budgeted:

Fund:

Recommendation: Staff recommended approval and the Planning and Zoning Commission recommended approval of the requested variance by a vote of 4-0-0, at their January 8, 2015 regular meeting.

Background: Property owner requests a variance to Alamogordo Municipal Code §29-03-500 to allow one 98.03 x 110.04 lot to be split into two (2) separate 49.015 x 110.04 lots. If approved, applicant /property owner Thomas Gonzalez will place an additional mobile home on the lot at 2215 Garcia Ave.

Staff recommended approval and the Planning and Zoning Commission recommended approval of the requested variance by a vote of 4-0-0, at their January 8, 2015 regular meeting.

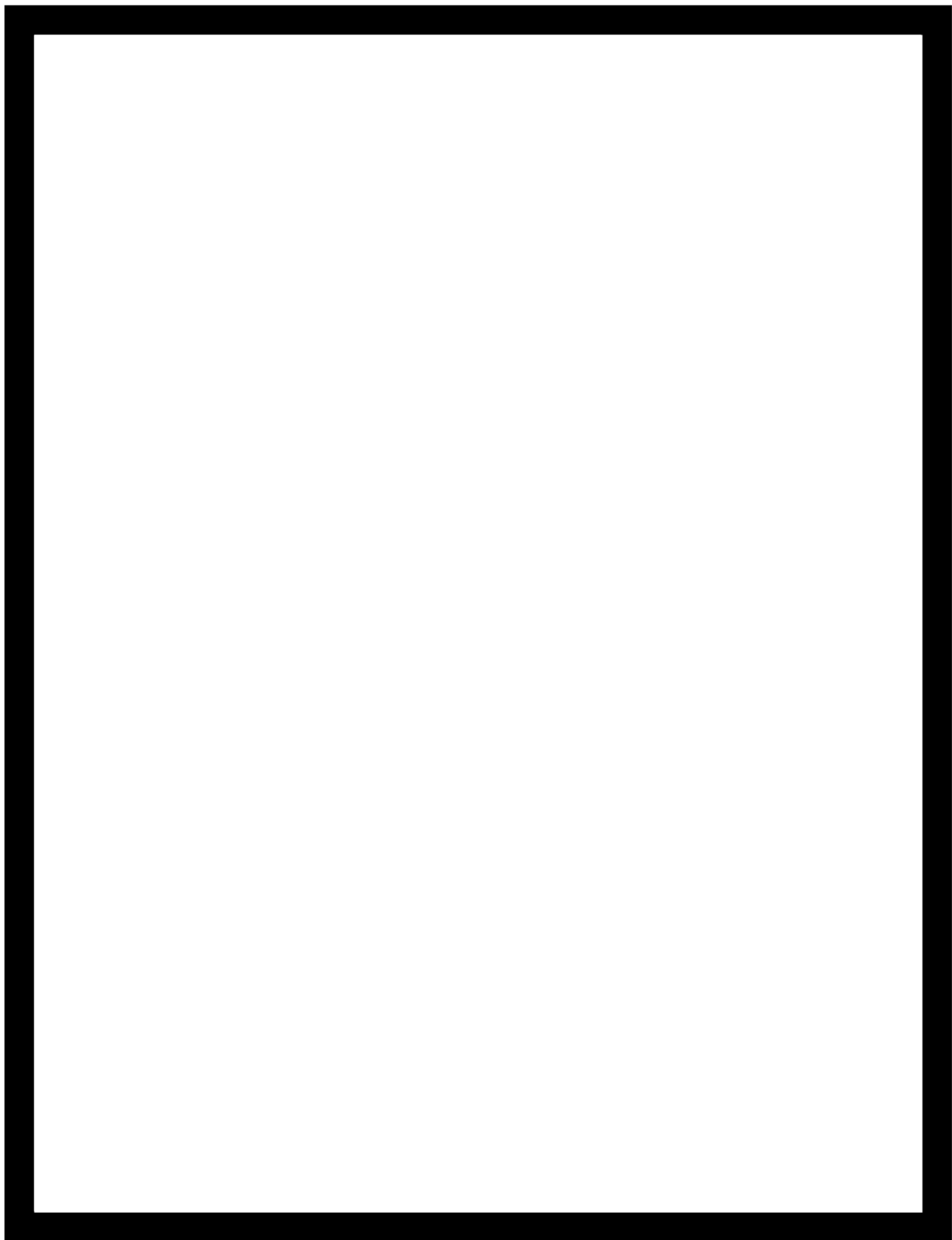
Staff is aware that the variance does not meet the criteria established in the following sections but believes that this will not cause any harm to surrounding properties which are owned by applicant or other family members. Staff also believes that this will be an aesthetic improvement to the area 29-03-500. - Yards—District MH-1.

The yard regulations shall be the same as in the single-family dwelling district.

29-03-050. - Lot width and areas—District R-1.

Every lot shall have a width of at least sixty (60) feet at the building setback line and shall have an area of not less than six thousand (6,000) square feet per family; except that if a lot has less area than herein required and was a lot of record prior to the effective date of this chapter, such lot may be used for one (1) single-family dwelling, and the yard regulations shall not apply; provided, however, that all other district regulations are observed and complied with.

The Alamogordo Daily News published notice of this hearing on December 14, 2014. Staff mailed 16 notices to surrounding property owners. As of this writing, staff has received no letters returned as undeliverable and no written responses to this notice.



APPLICATION FOR A ZONING VARIANCE

City of Alamogordo
Community Development Department
Application for Zoning Variance
1376 E. 9th St Alamogordo, New Mexico 88310
575.439.4231 Fax: 575.439.4343

SRAEL@CI.ALAMOGORDO.NM.US



Case #: V - 2014-0003(A)

Date Received: DEC 08 2014

Fee: \$150.00

Deposit: \$50.00

Receipt #: 53818

PF-011-0000-312.11-06

CZ-011-0000-229.04-69

A. Property address (or location if no address): 2215 Garcia

B. Applicant's name: TOMAS GARCIA

C. Complete the following table indicating the specific sections of the Zoning Ordinance to which you are seeking variations, what the Zoning Ordinance section requires, and what exception to this regulation you are requesting the City to grant.

Zoning Section	This section requires the following:	I request a variation to allow the following:
<u>MH-1</u>	<u>60' (w) building setback line</u>	<u>50' (w) building setback line</u>

D. Municipal Code Section 29-01-070 defines "variance" as "a dispensation permitted by the City of Alamogordo of the dimensional regulations of the Code of Ordinances" provided the City finds that the proposal meets certain circumstance. Please, explain how your variance request meets the following standards.

1. Construction or other activity authorized by the requested variance will not be materially detrimental to the public interest. _____

2. Construction or other activity authorized by the requested variance will not grant a discriminatory benefit to the land owner and/or harm neighboring properties. _____

APPLICATION FOR A ZONING VARIANCE

3 This variance request is owing to conditions peculiar to the property or the neighborhood is not the result of actions or the situation of the applicant. This is true because of the following. _____

Surround by MH-110TS

4. Owing to the above conditions peculiar to the property or the neighborhood a literal enforcement of the Code of Ordinances of the City of Alamogordo, New Mexico would result in practical difficulties or unnecessary hardship. This is true because of the following. _____

5. I affirm that to the best of my knowledge that construction or other activity authorized by the requested variance will not be in conflict with any other adopted code, ordinance, statute, regulation, or other restrictions, including covenants or deed restrictions that may limit my use of the subject property. _____

6. The City, after public notice and hearing, may approve variances and may require conditions as will secure substantially the objectives of the regulations varied. Please indicate conditions, if any, that you can suggest that would allow the City to grant your requested variance while at the same time securing substantially the objectives of the regulations. _____

I accept that if the amount of the deposit provided for the processing of the application is insufficient to cover costs incurred by the City, I will be responsible for providing any additional amounts arising from this application. A failure to reimburse the City all amounts owed will render the applicant subject to whatever legal steps the City determines are necessary and proper to collect the amount owed.

I certify that all of the above statements and all statements, information, and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance are true to the best of my knowledge.

Tommy Gonzalez
Applicant's signature

12-8-14
Date

Maria Gonzalez
Applicant's signature

12-8-14
Date

Applicant's signature

Date

PROPERTY OWNERSHIP DATA/ AFFIDAVIT

CITY OF ALAMOGORDO
COMMUNITY DEVELOPMENT DEPARTMENT
PROPERTY OWNERSHIP DATA
1376 E. NINTH STREET ALAMOGORDO, NEW MEXICO 88310
575/439-4220 FAX: 575/439-4231

SRAEL@CI.ALAMOGORDO.NM.US



Case #: V-2014-2003(A)

Date Received: 12.8.14

The Alamogordo Municipal Code allows real property owners or their agents to apply for authorization for certain activities that require an extraordinary approval. This form is a self-certification that the applicant has standing to apply for the following specific applications. Please, reference the Municipal Code section numbers indicated for further information regarding the type of extraordinary approval.

1. Zoning Amendment (§29-01-020) - The owners of a tract of land or the agent of the owners may petition for an amendment to the zoning map or text.
2. Variances (§29-01-070) - The owners of a majority of a tract of land or the agent of these owners may petition for a variance to the requirements of Municipal Code, Chapter 29, Zoning.
3. Special event permit (§29-01-090) - All owners of a subject property must sign an application for the temporary location of a land use at a location otherwise prohibited by Municipal Code, Chapter 29, Zoning.
4. Special land use permit (§29-05-040) - The owners of a tract of land or the agent of the owners may petition for authorization to locate any of the buildings or uses listed in §29-05-040 in a district from which they are otherwise prohibited.
5. Annexation (§2-07-010) - The owners of the majority of an area considered for annexation must sign an annexation petition.
6. Special permit for temporary structures (§8-01-170) - The owners of a tract of land or the agent of the owners may petition for a special permit for certain temporary structures.

Please, check the boxes that apply.

☐ Title is held in one person's name.	☐ Title is held by one or more persons.	☐ Title is held by a married person as a separate property.	☐ Title is held by married persons in common or jointly.
☐ Title is held by a corporation.	☐ Title is held by a partnership.	☐ Title is held by some other type of business entity, described as follows _____	
☐ Title is held by another party. I am the agent of that party. I have provided an acknowledged power of attorney from the owner.			

Property address (or location if no address): 2215 Garcia

Property ID or Property Code from real estate tax bill: _____

Map Code or Universal Property Code from real estate tax bill: _____

PROPERTY OWNERSHIP DATA/ AFFIDAVIT

CERTIFICATION

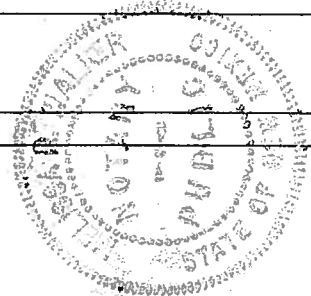
Legal description of property: (Use an attached sheet if needed and check, ☐ See Attachment.)

PROPERTY address 2215 Garcia

Collins Resub of Tract 14 LOT: 6

I certify that I am the owner of the above legally described property.

Owner's Signature:	<u>Tomas Gonzalez</u>	<u>Maria Gonzalez</u>	
Owner's Name (print):	<u>Tomas Gonzalez</u>	<u>Maria Gonzalez</u>	
Date:	<u>12-8-14</u>	<u>12-8-14</u>	



OWNERSHIP BY INDIVIDUAL(S)

State of New Mexico)
County of Otero) ss.

The foregoing document was subscribed and sworn to before me this 8th day of December 2014, by (Owner/s) Tomas Gonzalez, Maria Gonzalez,

who stated that the information contained therein is true and correct to the best of the Owner's knowledge.

My commission Expires:

Notary Public:

June 5th, 2018

[Signature]

OWNERSHIP BY BUSINESS

State of New Mexico)
County of Otero) ss.

The foregoing document was subscribed and sworn to before me this ____ day of _____ 20____, by (Name) _____, who stated that s/he is the (Title) _____ of the

(Owner) _____ and that s/he is authorized to sign this document on Owner's behalf and who

further states that the information contained in the foregoing document is true and correct to the best of the Owner's knowledge.

My commission Expires:

Notary Public:

- You will need to provide proof of ownership and standing, such as a title insurance policy or deed or lease, linking the applicant to the owner and the owner to the property.
- If the applicant is not the property owner, we require a consent statement from the property owner.

GENERAL INFORMATION FORM

CITY OF ALAMOGORDO
COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL INFORMATION FOR LAND USE REVIEW
1376 E. NINTH STREET ALAMOGORDO, NEW MEXICO 88310
575/439-4220 Fax: 575/439-4343



SRAEL@CI.ALAMOGORDO.NM.US

Case #: V- 2014-0003(A)

Date Received: 12-8-14

Property address (or location if no address): 2215 Garcia

Legal description of property: Collins Resub of
TACT 14 LOT: 6

Property ID or Property Code from real estate tax bill: _____

Map Code or Universal Property Code from real estate tax bill: _____

APPLICANT/PROFESSIONAL REPRESENTATIVE INFORMATION:

Applicant's Name /Organization: TOMAS GONZALEZ

Applicant's Address: 711 MACS

Applicant's City, State, Zip: Alamogordo, NM 88310

Applicant's phone: Work 437-2811; Home/Cell: 491-5047; Fax: _____

Applicant's E-mail: gonzalez13.Tg@gmail.com

What is the relationship of the applicant for zoning relief to the property owner?

☐ same	☐ beneficiary of trust	☐ lessee	☐ architect, engineer or surveyor of property owner
☐ co-owner	☐ officer of corporation	☐ potential lessee	☐ real estate agent of property owner
☐ trust officer	☐ contract purchaser	☐ attorney of property owner	☐ other: _____

PROPERTY OWNER INFORMATION:

Owner's Name/Organization: TOMAS GONZALEZ

Owner's Address: 711 MACS

Owner's City, State, Zip: Alamogordo, NM 88310

Owner's phone: Work 437-2811; Home/Cell: 491-5047; Fax: _____

Owner's E-mail: gonzalez13.Tg@gmail.com

- ☒ You will need to provide proof of ownership and standing, such as a title insurance policy or deed or lease, linking the applicant to the owner and the owner to the property.
- ☒ If the applicant is not the property owner, we require a consent statement from the property owner.

I am requesting the following type of review:

GENERAL INFORMATION FORM

☐ Map Amendment Unconditional (§29-01-020)	☐ Map Amendment Unconditional (§29-01-020)	☐ Text Amendment (§29-01-020)	☐ Appeal of Administrative Decision (§29-08)
☒ Variance P & Z hearing (§29-01-070)	☐ Variance P & Z hearing (§29-01-070)	☐ Special Event Permit (§29-01-090)	☐ Special Land Use Permit (§29-05-040)
☐ Temporary Structure Special Permit (§8-01-170)	☐ Summary Plat (§22-01-170)	☐ Preliminary Plat (§22-01-030)	☐ Final Plat (§22-01-050)
☐ Exempted Subdivision (§22-01-180)	☐ Annexation (§2-07)	☐ Mobile Home Park Development Plan (§25-02)	☐ other: _____

Describe below, or on an attachment, the development, use, or project that is the subject of your request.

would like to split property in half
 to accommodate another mobile home

I certify that all of the above statements and all statements, information, and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance are true to the best of my knowledge.

TOMAS GONZALEZ
 Applicant's signature

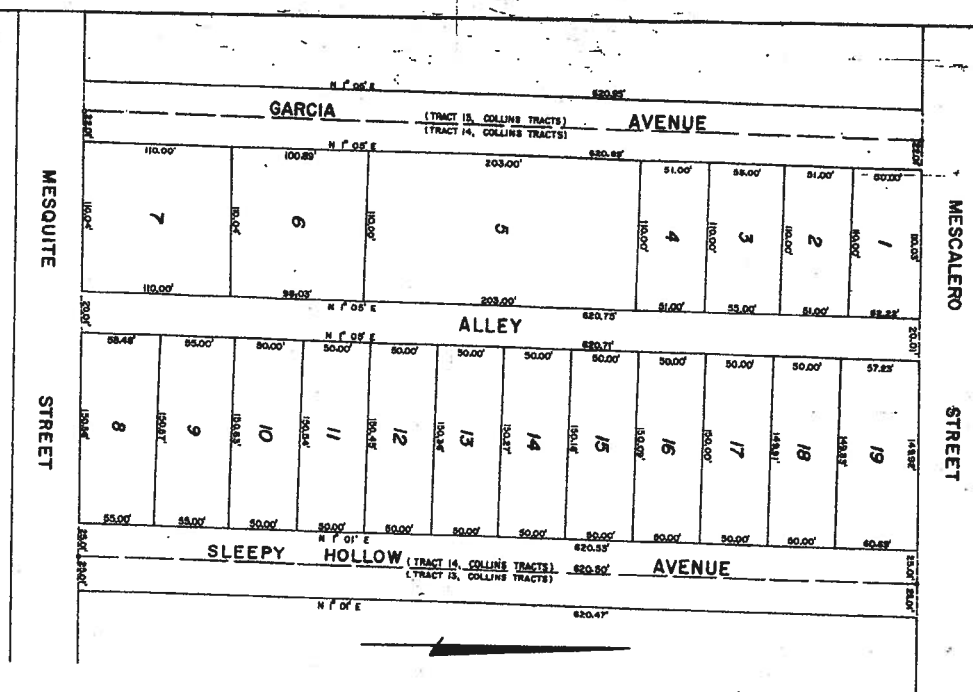
12-8-14
 Date

Maria Gonzalez
 Applicant's signature

12-8-14
 Date

Applicant's signature

Date



RESUBDIVISION OF
TRACT 14, COLLINS TRACTS
 ALAMOGORDO, OTERO COUNTY, NEW MEXICO
 SCALE: 1" = 40'

TESTIMONY

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED, HAD GARCIA AND PHILLIP GARCIA, HIS WIFE, J. I. COLLINS, A SINGLE PERSON, V. L. COLLINS AND RAYMOND COLLINS, HIS WIFE, MARY JONES, WIFE OF RICHARD S. JONES, OLIVE V. HANLEY AND MARY ANN HANLEY, HIS WIFE, H. M. HANLEY, A SINGLE PERSON, FRANKLIN P. HANLEY AND MARY ANN HANLEY, HIS WIFE, GEORGE COATES AND QUINCY COATES, HIS WIFE, A. V. CAPTAN AND CATHA CAPTAN, HIS WIFE, JOHN P. THOMAS AND JEROME THOMAS, HIS WIFE, BEING ALL OF THE OTERO AND PROPERTIES OF A CERTAIN TRACT OF LAND BELIEVED TO BE THE NORTH HALF OF THE SOUTHWEST CORNER OF SECTION 8, TOWNSHIP 27 NORTH, RANGE 9 WEST, S.W. 1/4, OTERO COUNTY, NEW MEXICO, BEING THE WEST TWENTY FIVE (25) PERCENT OF TRACT NUMBER 13, ALL OF TRACT NUMBER 14, AND THE EAST TWENTY TWO (22) PERCENT OF TRACT NUMBER 15 OF THE COLLINS TRACTS, A RESUBDIVISION OF SAID TRACTS, AS SHOWN IN THE OFFICE OF THE COUNTY CLERK OF OTERO COUNTY ON APRIL 3, 1957, UNDER RESUBDIVISION NUMBER 6098, AND BEING TO RESUBDIVIDE SAID TRACT INTO SEVEN VINEYARD AND ALLIEN, AND WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR SAID DEEDS, HAVE SIGNED THE FOREGOING MAP ON PLAT OF THE RESUBDIVISION OF TRACT 14, COLLINS TRACTS, TO BE MADE AND ENTERED IN THE OFFICE OF THE CLERK AND RE-OPENED RECORDS OF OTERO COUNTY, NEW MEXICO, AND WE SO HEREBY INDICATE SAID TRACTS ARE ALIEN TO THE USE OF THE PUBLIC.

IN WITNESS WHEREOF, WE HAVE SIGNED OUR MAPS AND THESE THESE 2nd DAY OF OCTOBER 1957.

<u>W. L. Collins</u>	<u>A. T. Coates</u>
<u>J. I. Collins</u>	<u>Mrs. J. T. Coates</u>
<u>Raymond Collins</u>	<u>Mary Jones</u>
<u>C. A. Coates</u>	<u>Oliver V. Bartlett</u>
<u>Lawrence Coates</u>	<u>Marjorie Bartlett</u>
<u>Mary Jones</u>	<u>Charles Coates</u>
<u>Quincy P. Coates</u>	<u>John P. Thomas</u>
<u>Mary E. Thomas</u>	<u>Jerome Thomas</u>
<u>A. V. McElroy</u>	

ACCEPTANCE

STATE OF NEW MEXICO)
 COUNTY OF OTERO)
 ON THIS 2nd DAY OF October, 1957, BEFORE ME PERSONALLY APPEARED HAD GARCIA, PHILLIP GARCIA, J. I. COLLINS, V. L. COLLINS, RAYMOND COLLINS, MARY JONES, OLIVE V. HANLEY, MARY ANN HANLEY, H. M. HANLEY, FRANKLIN P. HANLEY AND MARY ANN HANLEY, HIS WIFE, GEORGE COATES, QUINCY COATES, A. V. CAPTAN, CATHA CAPTAN, JOHN P. THOMAS AND JEROME THOMAS, TO ME KNOWN TO BE THE PERSONS INDICATED IN AND WHO RECEIVED THE FOREGOING INSTRUMENT, AND AD- VOLUNTEERED THAT THEY RECEIVED THE SAME AS THEIR OWN AND TRUE.

WITNESS MY HAND AND OFFICIAL SEAL ON THIS DAY AND THIS LAST ABOVE WRITTEN.

Mrs. Tom Charles, COUNTY CLERK.

MY COMMISSION EXPIRES 2-3-1971

CERTIFICATE OF SURVEY

STATE OF NEW MEXICO)
 COUNTY OF OTERO)

I, JAMES H. THOMPSON, A NOTY QUALIFIED LAST NOVEMBER, LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING MAP ON PLAT OF THE RESUBDIVISION OF TRACT NUMBER 14, COLLINS TRACTS, WAS MADE FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME ON BEING MY INSTRUMENT, AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WITNESS MY HAND AND OFFICIAL SEAL ON THIS 14 DAY OF December, 1957.

NEW MEXICO RESUBDIVISION No. 1095

THE LAND DESCRIBED HEREIN LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF ALAMOGORDO, NEW MEXICO

ACCEPTANCE

STATE OF NEW MEXICO)
 COUNTY OF OTERO)

THIS MAP ON PLAT OF THE RESUBDIVISION OF TRACT 14, COLLINS TRACTS, A TRACT OF LAND SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ALAMOGORDO, NEW MEXICO, WAS ON THIS 26 DAY OF SEPTEMBER, 1957, SUBMITTED TO THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMOGORDO, AND WAS APPROVED BY A MAJORITY OF THE BOARDING TRACTED HEREIN.

RECEIVED BY AUTHORITY OF THE BOARD OF COMMISSIONERS OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

Amber A. Ollinger, MAYOR.
Marjorie J. Bartlett, City Clerk.

I CERTIFY THIS IS A TRUE COPY OF THE ORIGINAL

PLAT: DATE: 14 Dec 1957 James H. Thompson

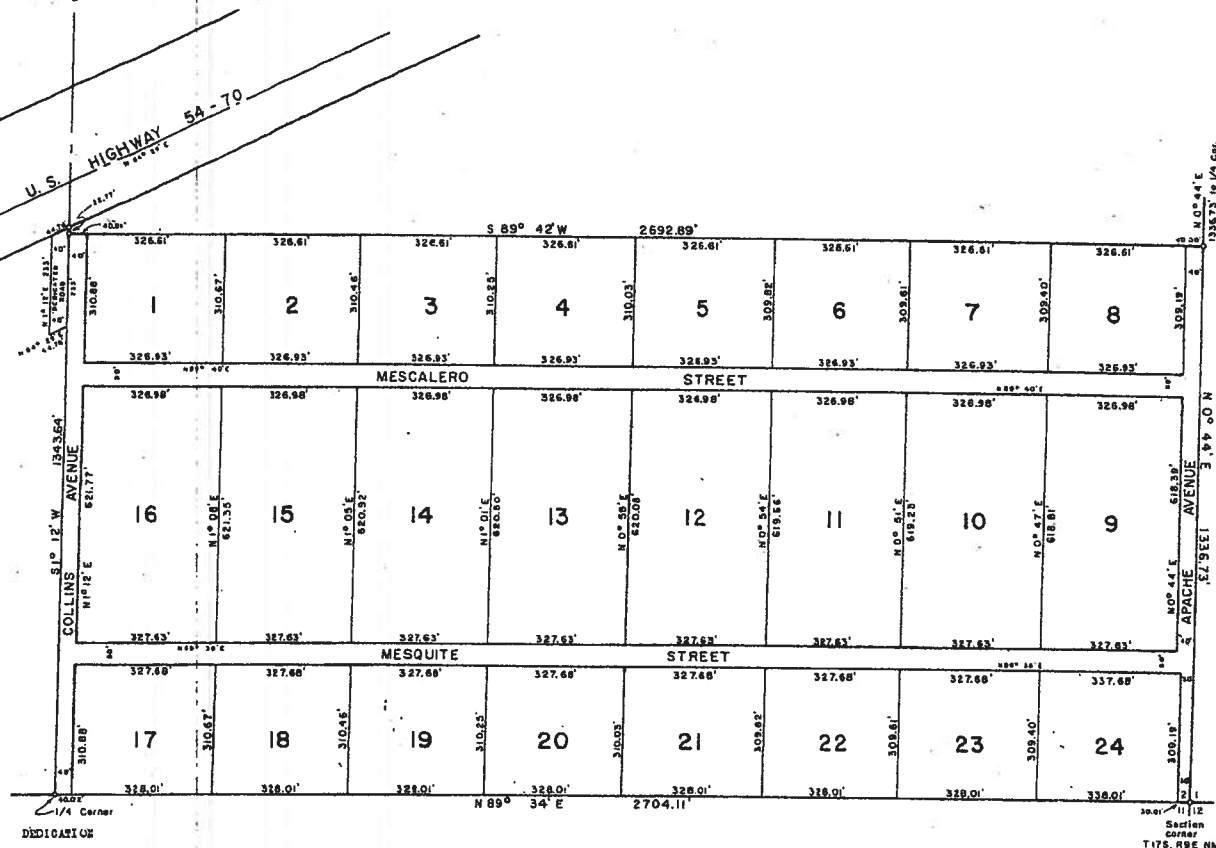
FILING DATA

STATE OF NEW MEXICO)
 COUNTY OF OTERO)

FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RE-OPENED RECORDS OF THE COUNTY OF OTERO, NEW MEXICO, AT Alamogordo, N.M. ON THE 14 DAY OF May, A.D. 1958. 12 35-34

Virginia, COUNTY CLERK.

RECEPTION NUMBER 6541 James H. Thompson



SCALE: 1" = 200'

SEAL AND APPROVED THIS 1 DAY OF APRIL, 1957.

James E. Dwyer
COUNTY SURVEYOR, OTERO COUNTY

STATE OF NEW MEXICO)
COUNTY OF OTERO) ss

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED, W. L. COLLINS AND KATHY ANN COLLINS, HIS WIFE, FRED L. EAST, AND J. I. COLLINS, BEING THE OWNERS AND PROPRIETORS OF THE SOUTHEAST QUARTER OF SECTION 2, T 1 S, R 9 E NMPM, AND DESIRING TO SUBDIVIDE SAID TRACT OF LAND INTO STREETS AND LOTS, AND WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR SAID DEEDS, HAVE CAUSED THE FOREGOING MAP OR PLAN OF THE COLLINS TRACTS TO BE MADE AND FILED IN THE OFFICE OF THE CLERK AND EX-OFFICIO RECORDS OF THE COUNTY OF OTERO, NEW MEXICO, AND WE DO HEREBY DEDICATE SAID STREETS TO THE USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS DAY OF APRIL, 1957.

W. L. Collins
Kathy Ann Collins
Fred L. East
J. I. Collins

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
COUNTY OF OTERO) ss

ON THIS DAY OF APRIL, 1957, BEFORE ME PERSONALLY APPEARED W. L. COLLINS, KATHY ANN COLLINS, FRED L. EAST, AND J. I. COLLINS, SO LE KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

WITNESS MY HAND AND SEAL OF THIS DAY AND YEAR LAST ABOVE WRITTEN.

Notary Public.

MY COMMISSION EXPIRES 7-24-60

COLLINS TRACTS

OTERO COUNTY, NEW MEXICO

CERTIFICATE OF SURVEY

STATE OF NEW MEXICO)
COUNTY OF OTERO) ss

I, JAMES H. THOMPSON, A DULY QUALIFIED LAND SURVEYOR, LICENSED UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE FOREGOING PLAT OR MAP OF THE COLLINS TRACTS, OTERO COUNTY, NEW MEXICO, WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY SUPERVISION, AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LICENSE NUMBER 1099

James H. Thompson

STATE OF NEW MEXICO)
COUNTY OF OTERO) ss

THIS MAP WAS, ON THE DAY OF APRIL, 1957, APPROVED BY A MAJORITY OF THE BOARD OF COUNTY COMMISSIONERS OF OTERO COUNTY, NEW MEXICO.

Margaret B. Sanchley
CLERK

William J. Hargis
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS,
OTERO COUNTY, NEW MEXICO.

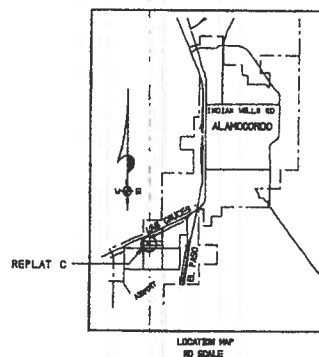
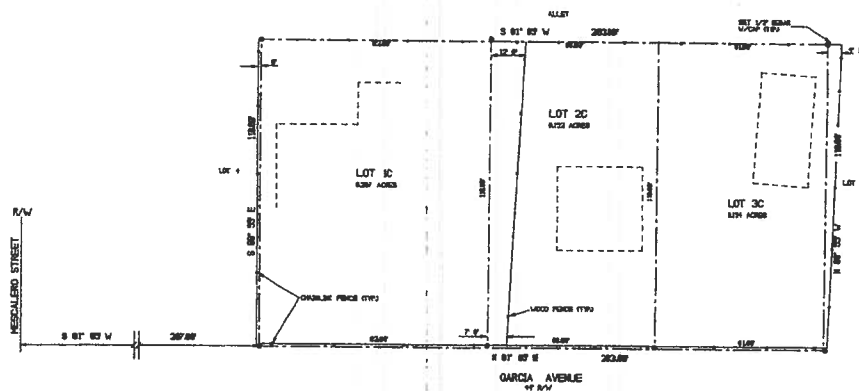
STATE OF NEW MEXICO)
COUNTY OF OTERO) ss

FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDED IN THE COUNTY OF OTERO, NEW MEXICO AT 4:30 O'CLOCK P. M. THIS DAY OF APRIL, A. D., 1957.

RECEIPTION NUMBER 6059

Margaret B. Sanchley
COUNTY CLERK

REPLAT C TRACT 14, COLLINS TRACTS ALAMOGORDO, OTERO COUNTY, NEW MEXICO



NOTE: DIMENSIONS ARE SHOWN IN FEET APPROXIMATELY MAY VARY FOR REFERENCE

BURKE & ASSOCIATES, P.C.



CONSULTING ENGINEERS
SURVEYORS
1909 CUBA AVE., SUITE 8
ALAMOGORDO, NEW MEXICO
88501

DEDICATION

STATE OF NEW MEXICO
COUNTY OF OTERO

I, MARY E. MORTGAGE, OF THE COUNTY OF OTERO, STATE OF NEW MEXICO, DO HEREBY DEDICATE TO THE PUBLIC THE TRACT 14, COLLINS TRACTS, ALAMOGORDO, OTERO COUNTY, NEW MEXICO, SAID TRACT BEING THE TRACT 14, COLLINS TRACTS, ALAMOGORDO, OTERO COUNTY, NEW MEXICO, AS SHOWN HEREON, ON THIS PLAT AND DOES HEREBY CHARGE A DEDICATION OF ALL STREETS, ALLEYS AND EASEMENTS VESTED AND ADJACENT TO THE DESCRIBED SUBDIVISION IS ALL RESPECTS, AS SHOWN HEREON.

IN WITNESS WHEREOF THE OWNER HAS SET HER HAND AND SEAL, THIS 17th DAY OF JULY, 1983.

MARY E. MORTGAGE

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF OTERO

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 17th DAY OF JULY, 1983, BY MARY E. MORTGAGE.

WITNESS MY HAND AND SEAL, ON THIS DAY AND YEAR LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES 2-1-87

ACCEPTANCE OF THE CITY OF ALAMOGORDO
THIS SUMMARY PLAT OF 'REPLAT C, TRACT 14, COLLINS TRACTS', ALAMOGORDO, OTERO COUNTY, NEW MEXICO, IS ON THIS 17th DAY OF JULY, 1983, SUBMITTED AND APPROVED.

CITY MANAGER
CITY CLERK

CERTIFICATE

I, ELAD JIMENEZ, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR OF THE STATE OF NEW MEXICO, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY DIRECTION AND THAT THIS SURVEY AND PLAT MEETS THE MINIMUM STANDARDS FOR SURVEYS IN NEW MEXICO AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NEW MEXICO REGISTRATION NO. 6234

STATE OF NEW MEXICO
COUNTY OF OTERO

RECORDED IN THE OFFICE OF THE COUNTY CLERK AND EX-OFFICIO RECORDER OF OTERO COUNTY, NEW MEXICO, AT 9:00 A.M. ON THIS 17th DAY OF JULY, 1983.

MARY E. MORTGAGE
COUNTY CLERK

BY: [Signature]
RECEPTION NO. 11491

BOOK: 46 PAGE: 18-19



COLLINS TRACTS REP. C TRT 14

CATHE PRATHER
OTERO COUNTY TREASURER
 1104 N. White Sands Blvd. Suite A
 Alamogordo, NM 88310-6901
 (575)437-2030

2014 TAX BILL

Please retain this bill for your records. Your canceled check is your receipt unless you provide us with a stamped, self-addressed envelope for your returned receipt. We now accept debit and credit card payments with a fee in the office; or you can pay online at www.co.otero.nm.us.

Page 2 of 6

ACCOUNT ID NO. ➔ R013494

148190



GONZALEZ, TOMAS A & MARIA G
 711 MARS AVE
 ALAMOGORDO NM 88310-7261

31532
 R013494

PROPERTY DESCRIPTION

2215 GARCIA AVE
 Subd: COLLINS RESUB OF TRACT 14 Lot: 6

PROPERTY	FULL VALUE	TAXABLE VALUE
RESIDENTIAL LAND	11,638	3,879

DISTRIBUTION	TAX RATES	TAXABLE VALUE	AMOUNT DUE
MUNICIPAL DEPT SERVICE 01	1.981	3,879	7.68
MUNICIPAL OPERATIONAL 01-	4.991	3,879	19.36
NMSU ALAMOGORDO BRANCH DE	0.800	3,879	3.10
NMSU ALAMOGORDO BRANCH OP	0.757	3,879	2.94
COUNTY OPERATIONAL ALL DI	6.946	3,879	26.94
STATE DEBT SERVICE ALL DI	1.360	3,879	5.27
SCHOOL DIST CAP IMPROVEME	1.864	3,879	7.23
SCHOOL DISTRICT DEBT SERV	5.693	3,879	22.08
SCHOOL DIST EDUC TECH DEB	0.379	3,879	1.47
SCHOOL DISTRICT OPERATION	0.323	3,879	1.25

TOTAL 2014 TAXES DUE ➔

First Half	Second Half	TOTAL
\$48.66	\$48.66	\$97.32

Prior taxes, if any, must be paid before accepting current year payment.

YEAR	INTEREST	PENALTY	AMOUNT DUE
INTEREST IS 1% PER MONTH ON DELINQUENT TAXES IN ADDITION, A 1% PENALTY WILL ALSO BE CHARGED ON EACH HALF UP TO 5%			
TOTAL AMOUNT DUE (Including delinquencies)			\$97.32

SPECIAL WARRANTY DEED

NORMA BARBOSA SURVIVING JOINT TENANT
OF LEONARDO VILLA, for consideration paid, grant to
MARTA G GARCIA AND TOMAS A GARCIA HER HUSBAND JOINT
whose address is 2215 Garcia Alamosa, NM 82570
the following described real estate in OTERO County, New Mexico:

A TRACT OF LAND LOCATED IN LOT 14, COLLINS
TRACTS; A RECORDED PLAT FILED ON APRIL 3, 1957
IN THE COUNTY OF OTERO STATE OF NEW MEXICO,
MORE PARTICULARLY DESCRIBED AS FOLLOWS.
LOT NO. 6 RESUBDIVISION OF TRACT 14 COLLINS
TRACTS

Subject to patent reservations, restrictions, and easements of record and taxes for the current year and subsequent years.

with special warranty covenants.

WITNESS our hands and seals this 16 day of December, 2010

Norma Barbosa (Seal) _____ (Seal)

_____ (Seal) _____ (Seal)

Individual Capacity:

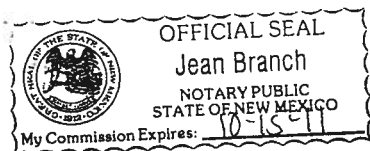
State of New Mexico)
County of OTERO) SS.

This instrument was acknowledged before me on the 16th day of DECEMBER, 2010 by
Norma Barbosa

My commission expires: 10-15-11

Jean Branch
Notary Public

(Seal)



REC DATE: 12/16/10 REC TIME: 1:09:55 PM INSTR#: 201011738 CLK: Joe
OTERO COUNTY, ROBYN HOLMES COUNTY CLERK PAGE 1 OF 1

City of Alamogordo City Commission

10 February 2015

Variance

V-2014-0003(A)

- **2215 GARCIA LANE**

V-2014-0002(A)

- Property owner requests a variance to Alamogordo Municipal Code §29-03-500 to allow one 98.03x 110.04 lot to be split into two(2) separate 49.015 x 110.04 lots.

29-01-070

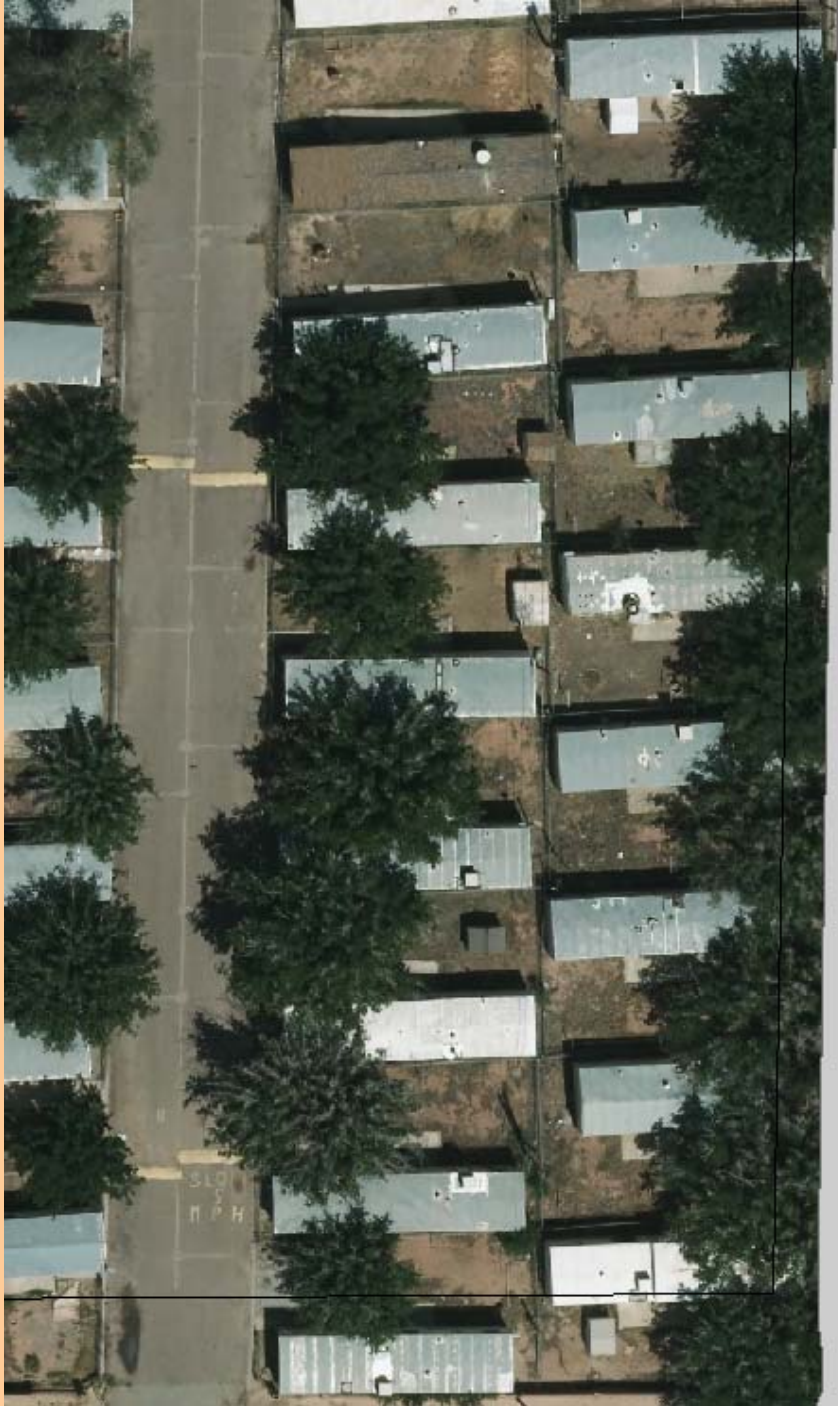
VARIANCES

- 1. Such action will not be materially detrimental to the public interest; and
- 2. Such action will not grant a discriminatory benefit to the land owner and/or harm neighboring properties; and
- 3. Such action, owing to conditions peculiar to the property or the neighborhood and not the result of actions or the situation of the applicant, a literal enforcement of the Code of Ordinances of the City of Alamogordo, New Mexico, and not in conflict with any other adopted code, would result in practical difficulties or unnecessary hardship.

- 29-03-500. - Yards—District MH-1.
- The yard regulations shall be the same as in the single-family dwelling district.
- (*Ord. No. 625-81, § 1(11-9-3), 5-26-81; Ord. No. 1234, § 1, 3-22-05*)
- 29-03-050. - Lot width and areas—District R-1.
- Every lot shall have a width of at least sixty (60) feet at the building setback line and shall have an area of not less than six thousand (6,000) square feet per family; except that if a lot has less area than herein required and was a lot of record prior to the effective date of this chapter, such lot may be used for one (1) single-family dwelling, and the yard regulations shall not apply; provided, however, that all other district regulations are observed and complied with.
- (*Code 1960, § 11-2-5; Ord. No. 802, § 2, 10-23-90; Ord. No. 1234, § 1, 3-22-05*)

VARIANCE

- **Staff Recommends Approval**
- **PNZ Approved 4-0-0**



GARCIA AVE











53

Suncraft



AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 1/30/2015

Report No: 1.

Submitted By: Renee Cantin, City Clerk

Subject: Consider, and act upon, Resolution No. 2015-07 amending the fees for services at the Desert Lakes Golf Course. *(Matt McNeile, Assistant City Manager)*

Fiscal Impact: Fiscal Impact: TBD
Amount Budgeted: N/A
Fund: 90

Amount Budgeted:
Fund:

Recommendation: Approve the resolution.

Background: Grant Dalpes, General Manager and President of G & L Golf, Inc. has submitted a proposal to increase certain fees at the Desert Lakes Municipal Golf Course. The fee increase includes the introduction of FootGolf and changes to the fee structure of privately owned carts utilized at the golf course.

Local players will be invited to join enthusiasts from throughout New Mexico in a game where athletes use soccer balls on a traditional golf course with 21-inch diameter cups. The rules largely correspond to the rules of golf. The Desert Lakes FootGolf Course will entail 18 holes built within the first nine holes at Desert Lakes. The basic fee for FootGolf will be \$10 for 18 holes and \$5 for 9 holes. Please refer to the FootGolf attachments for a detailed breakdown of the fees and income analysis.

FootGolf uses golf's basic model including tee boxes, greens, bunkers, hazards and 18 holes of play. Holes are roughly half the distance of a regular golf hole. While the soccer ball doesn't travel as far in the air as a golf ball, it will roll much farther in the fairways. Holes are designed using the existing layout and incorporating one, two or three FootGolf holes per each regular golf hole. I.e. existing par 3's would have one FootGolf hole, par 4's would have two and par 5's would have three. The actual holes for FootGolf are placed in the fairway area do not interfere with the existing golf green.

Private carts are carts that are owned by individuals and not by the course contractor. These private cart owners pay a "Trail Fee" to use the cart at Desert Lakes Golf Course while playing. This is an annual fee, not a per-use fee. Currently we have 38 private carts at Desert Lakes which is our limit. We also have a waiting list of 10 people. The pressure from these people to allow more private carts is increasing and we also feel there is an opportunity to increase revenue as there is a true demand for this item.

The current rates for private carts are as follows:

- a. Private cart trail fees - \$700, may be paid quarterly at \$200 per quarter.
- b. Shed Fees - \$275 – Must be paid at one time.

The new proposed rates are as follows:

a. Existing Private Carts: (Those on the current list)

i. Many of the current private cart owners have supported the course for many years. It is our opinion that their rates should go up but at a reasonable and consistent rate. In July of 2015 we suggest that tax not be included in the \$700. This would be a raise of .07875% or \$55.13 per cart annually. The rate would then be raised automatically \$50 per year for the following 3years (FY2017-2019). Any further rate increases would be done as normal through market analysis.

ii. The existing private cart owners stay in at the current rate with the above scheduled raises, but only as long as they pay annually for their cart. They cannot skip a year or they lose their spot and would have to come back in at the higher rate.

b. Allow NEW private carts to come in with NO LIMIT to the number but at a substantially higher rate.

i. The rate for any NEW private carts would be \$1200 + tax and would be raised if and when we think the market will allow. We know of 4 people that will purchase a new cart and pay the new trail fee at that rate as soon as we allow them too.

c. Increase the Shed fees from \$275 to \$300.

d. All private cart owners will be subject to new rules about private carts.

i. They must purchase not only the private cart trail fee but also an annual pass. Currently, we have a few that pay green fees as they go and this would end. This is for monitoring purposes and will also help limit those who are not truly committed to supporting the course.

ii. All fees must be paid in advance. No quarterlies.

iii. No use of private carts would be allowed at Desert Lakes without paying the Annual Fee. I.e. occasionally we have individuals bring a cart to the course and want to pay just for that day. We would not allow that going forward.

Please refer to the Private Cart Report and Proposal attachments for a detailed analysis of the issues related to private cart fees.

RESOLUTION 2015-07
REQUESTING INCREASES IN CERTAIN FEES AT THE DESERT LAKES
MUNICIPAL GOLF COURSE

WHEREAS, the City of Alamogordo provides a wide range of activities through its Community Services Department Desert Lakes Municipal Golf Course Division, and;

WHEREAS, it is the City's goal to provide these services at a rate which will enable the city to provide the widest range of activities possible at the most reasonable cost possible, and;

WHEREAS, the cost of operating the various activities has increased, and;

WHEREAS, the City Commission desires to continue providing services at the current level.

BE IT THEREFORE RESOLVED by the City Commission of the City of Alamogordo, New Mexico that the fees charged by the Community Services Department at the Desert Lakes Municipal Golf Course are adjusted to the rates shown on the attached charts as of February 11, 2015.

DONE this 10th day of February, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
A New Mexico Municipal Corporation

By: _____
Susie Galea, Mayor

ATTEST:

Renee L. Cantin, City Clerk

Stephen P. Thies, City Attorney



2015 FootGolf introduction & rates:

The following suggested rates were developed with “best guess” analysis by Desert Lakes Golf Staff; survey’s of golf courses in the region that are adding FootGolf to their courses and demographic research of possible soccer players that would be interested in playing FootGolf.

Overview

Local players will be invited to join enthusiasts from throughout New Mexico in a game where athletes use soccer balls on a traditional golf course with 21-inch diameter cups. The rules largely correspond to the rules of golf. The Desert Lakes FootGolf Course will entail 18 holes built within the first nine holes at Desert Lakes.

FootGolf uses golf’s basic model including tee boxes, greens, bunkers, hazards and 18 holes of play. Holes are roughly half the distance of a regular golf hole. While the soccer ball doesn’t travel as far in the air as a golf ball, it will roll much farther in the fairways. Holes are designed using the existing layout and incorporating one, two or three FootGolf holes per each regular golf hole. i.e. Existing par 3’s would have one FootGolf hole, par 4’s would have two and par 5’s would have three. The actual holes for FootGolf are placed in the fairway area do not interfere with the existing golf green. The FootGolf greens are simply designated by a closely mown area or paint.

Scorecards display par scores for each hole as in regular golf. The sport is governed by the Federation for International FootGolf and has grown primarily internationally. The sport is played in the traditional format of up to four players per group with FootGolfers either walking the course or using golf carts. There will be designated times for FootGolf and regular golf. FootGolf will not be played on the course at the same time, as FootGolf plays faster because the ball does not go as far and does not get lost as easily as a golf ball. Introduction of the game at DLGC is scheduled for February in which we would allow free play for two weeks to one month as an incentive. We will also host a open tournament to introduce the game on a wider basis.

We are excited to launch this new sport and initiative at DLGC because it will allow us to utilize the facility in a broader aspect and show it’s benefits to more citizens and also increase revenues. Desert Lakes will be the 239th course in the USA and the 3rd in New Mexico to introduce FootGolf. DLGC will be the ONLY “certified” course in New Mexico. Certification means that our layout has been approved by FootGolf for tournament and handicapping purposes which makes it more attractive to the larger FootGolf community. Additionally, Soccer continues to aggressively compete with the golf industry’s ability to grow the game of golf among our youth. FootGolf is well aligned with growth of the game initiatives offered at Desert Lakes. With a large soccer complex a short distance away at Mountain View Middle School, we feel there is an enormous opportunity to market this to a captive soccer audience.

Grant Dalpes, PGA
General Manager
Desert Lakes Golf Course

Inclusions:

Attachment #1 – FootGolf ProForma & Rates

DLGC FootGolf**Overall Pro Forma amount****COA Pro forma amount**

				Year 1	Year 2	Year 3				
				750	1,000	1,250				
				Rounds	Rounds	Rounds				
				Per Round						
					</					

Desert Lakes Golf Course
Private Cart Report and Proposal

Current Situation:

Private carts are carts that are owned by individuals and not by the course contractor. These private cart owners pay a "Trail Fee" to use the cart at Desert Lakes Golf Course while playing. This is an annual fee, not a per-use fee. Currently we have 38 private carts at Desert Lakes which is our limit. We also have a waiting list of 10 people. The pressure from these people to allow more private carts is increasing and we also feel there is an opportunity to increase revenue as there is a true demand for this item.

Important Information:

1. Private carts are a benefit to a golf course in the following manner:
 - a. A consistent stream of revenue with very little upkeep.
 - b. Having balance between private carts and fleet allows a course to host larger events that the fleet cannot accommodate. We occasionally have events that max out the course fleet and also have several private cart owners playing in the event as well. In addition, when we do have a large outside event with no private cart owners playing, we will "rent" their carts in that event and pay them the revenue. This happens 2-3 times a year and prevents us from having to lease an additional fleet at very high rates just to accommodate a few more players.
 - c. A community that does allow private carts at the public golf course is attractive and it creates an atmosphere that some are looking for when they are deciding where to retire. We have many owners that drive their carts to and from the course and this is a very attractive benefit as well.
2. Private carts are a draw-back to a golf course in the following manner:
 - a. Private carts pay an annual fee and can use their cart as often as they like. Most private cart owners therefore play a great deal which drives down their cost.
 - b. Private carts take away from the course fleet revenue. The balance between the course fleet and the private carts is very important.
 - c. Enforcement of cart rules is more difficult because of the perception of ownership. The privilege is often times mistaken as a right and they believe they can drive their cart anywhere they like. We have to monitor private carts very actively.
 - d. The current cart rates are a good deal. This means we are allowing the Private cart owners to experience a "luxury" item at a discount. As stated earlier, the balance between fleet carts and private carts is imperative for the health of the facility. This balance can be achieved through a more aggressive rate structure while still giving individuals the opportunity to use their private cart at Desert Lakes.
3. Current rates
 - a. Private cart trail fees - \$700, may be paid quarterly at \$200 per quarter.
 - b. Shed Fees - \$275 – Must be paid at one time.

4. Proposal

- a. Existing Private Carts: (Those on the current list)
 - i. Many of the current private cart owners have supported the course for many years. It is our opinion that their rates should go up but at a reasonable and consistent rate. In July of 2015 we suggest that tax not be included in the \$700. This would be a raise of .07875% or \$55.13 per cart annually. The rate would then be raised automatically \$50 per year for the following 3 years (FY2017-2019). Any further rate increases would be done as normal through market analysis.
 - ii. The existing private cart owners stay in at the current rate with scheduled raises, but only as long as they pay annually for their cart. They cannot skip a year or they lose their spot and would have to come back in at the higher rate.
- b. Allow NEW private carts to come in with NO LIMIT to the number but at a substantially higher rate.
 - i. The rate for any NEW private carts would be \$1200 + tax and would be raised if and when we think the market will allow. We know of 4 people that will purchase a new cart and pay the new trail fee at that rate as soon as we allow them too.
- c. Increase the Shed fees from \$275 to \$300.
- d. All private cart owners will be subject to new rules about private carts.
 - i. They must purchase not only the private cart trail fee but also an annual pass. Currently, we have a few that pay green fees as they go and this would end. This is for monitoring purposes and will also help limit those who are not truly committed to supporting the course.
 - ii. All fees must be paid in advance. No quarterlies.
 - iii. No use of private carts would be allowed at Desert Lakes without paying the Annual Fee. i.e. Occasionally we have individuals bring a cart to the course and want to pay just for that day. We would not allow that going forward.
 - iv. Private carts are a luxury and a privilege and owners shall be held to a higher standard. All private cart owners must abide by all cart rules and future changes or additions. A Private cart owner will be given only two written warnings after which they will permanently lose their privileges to use a private cart at Desert Lakes. Desert Lakes Management has the discretion to determine when an infraction warrants a written warning.

5. Impact

- a. The rate raise on current carts would be approximately \$2,000 increase annually through FY2019. It could be slightly less if some drop out and we do anticipate a few. Normal attrition is 1-2 per year.
- b. The new carts coming in would be approximately \$5,000 to the FY 2016 budget for those that we know of. This could be more but will also allow us to market to get more.
- c. Shed Fees would be a \$250 impact to the FY 2016 budget.

Additional Information:

History of Private carts at Desert Lakes

Private carts have been allowed at DLGC since the City of Alamogordo took control in 1984. Nineteen carts were grandfathered when G & L Golf was first contracted to manage the facility. As of 2014 only three of those originally grandfathered carts still exist and they all currently use their carts.

G & L Golf was given the right in their original contract (1992) to eliminate private carts with the exception of those originally grandfathered. We attempted to do this in 1995 because at that time G & L only received 25% of the Private Cart revenue (trail fees) and the City received 75%. There were more than 60 private carts at the time and the trail fee rate was approximately \$200. This made operating a course fleet very difficult. The attempt to eliminate Private Carts was thwarted by developers who threatened a law suit because they were “verbally” promised by the Commission in a public meeting that private carts would always be allowed. Although this claim was never completely confirmed, we have operated under that assumption ever since.

After this incident the contract was changed to make it more equitable for G & L Golf. From that point until 2008, G & L Golf received 75% of private cart trail fees and the City 25%. It was also agreed, at that time, that we would aggressively raise the rates to be more in-line with other courses in the region and to also help offset the City's share that was given up.

In the 2008 contract with G & L Golf, all the rate sharing was changed dramatically. Now the City receives 60% of Private Cart revenue and 100% of the shed fees. Therefore the City controls the rate on Private carts and the shed fees. Contracts prior to the 2008 contract, G & L Golf controlled rates on any revenue they received the majority of, which included private carts.

Also during the 2008 contract talks, it was also discussed that a limit on private carts needed to be put in place to protect the revenues of the course fleet. This was a verbal agreement of roughly 80% to 90% of the course fleet, which is 48 rentable carts. That makes the private cart number roughly 40. This is the number we have been at or close to for several years now.

- a) FYI: The cart barn has room for 10 private carts and it has been maxed out for years. All other carts must be stored off property.
- b) The last rate increase for private carts was July 2012. The rate went from \$675 to \$700. Previously the private cart rates have increased approximately every 2 years at various amount depending on the time frame of the last rate change, our survey of other courses and the market demand.

Private Carts Regionally & Nationally

- a) Private carts regionally are all over the board. Overall, private carts at municipal golf courses are rare and they do not exist at daily fee golf courses in this region. Country clubs are another issue and private carts are common at approximately 30% of private courses.
- b) The only two municipal golf courses in New Mexico that allow private carts are Lake Carlsbad and Scott Park in Silver City. All other courses that have private carts are country clubs or semi-private.
- c) The rates of those two courses are exceptionally low and the courses are also significantly subsidized. Coincidentally they also struggle with play and conditioning of their courses.

<u>Activity</u>	<u>Existing Fee</u>	<u>Proposed Fee</u>	<u>Difference</u>
FootGolf 18 Holes	\$ -	\$ 10.00	\$ 10.00
FootGolf 9 Holes	\$ -	\$ 5.00	\$ 5.00
FootGolf Cart Fees	\$ -	\$ 6.00	\$ 6.00
FootGolf Soccer Ball Rentals	\$ -	\$ 3.00	\$ 3.00
Private Cart Trail Fee	\$ 700.00	\$ 750.00	\$ 50.00
New Private Cart Trail Fee	\$ -	\$ 1,200.00	\$ 1,200.00
Shed Fee	\$ 275.00	\$ 300.00	\$ 25.00

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 1/30/2015

Report No: 2.

Submitted By: Renee Cantin, City Clerk

Subject: Consider, and act upon, the first publication of Ordinance No. 1490 amending Section 2-13-180 of the Alamogordo Code of Ordinances related to Bid evaluation criterion for area businesses related to local preference. (*Susie Galea, Mayor and Stephen Thies, City Attorney*)

Fiscal Impact: None.

Amount Budgeted:

Fund:

Recommendation: Approve Ordinance for first publication.

Background: The City Commission requested a review and possible amendment to the provision in the Alamogordo Purchasing Ordinance which provides a local preference for area businesses. Currently, an area business is given a 5% preference when submitting a sealed bid or proposal.

During the 2011 1st Special Session, the legislature created a 5% resident businesses and contractors preference. The following year, during the 2012 Regular Session, the legislature created a Resident Veteran Preference. The amount of the preference varies depending on the contractor's annual revenues. The preferences are as follows:

- 10% of the total possible points to a resident veteran business that has annual revenues of one million dollars (\$1,000,000) or less;
- 8% of the total possible points to a resident veteran business that has annual revenues of more than one million dollars (\$1,000,000) but less than five million dollars (\$5,000,000);
- 7% of the total possible points to a resident veteran business that has annual revenues of five million dollars (\$5,000,000) or more.

By statute, both preferences apply to home-rule municipalities.

As a result of these two preferences, the area preference enacted by the City of Alamogordo is effectively eliminated.

Attached is a proposed ordinance which would increase the local preference to 10%. It would apply to both bids and requests for proposals.

The proposed ordinance also contains a preference for using area sub-contractors. Although the

preference states is 10%. However, unless a subcontractor does 100% of the work, the actual preference will be less than 10%.

Preferences would not be cumulative.

Granting a preference to an area business has been criticized due to the belief they as restrict the local market resulting in less competition which eventually results in the local government paying more for the goods or services. Local preferences have also been legally challenged as a violation of the negative commerce clause of the U.S. Constitution on the basis that such a preference interferes with or imposes burdens on instate commerce. Similarly, they have been challenged as a violation of equal protection. Such challenges have had mixed results.

ORDINANCE NO. 1490

AMENDING SECTION 2-13-180 OF THE ALAMOGORDO CODE OF ORDINANCES RELATED TO BID EVALUATION CRITERION FOR AREA BUSINESSES

BE IT ORDAINED by the City Commission of the City of Alamogordo as follows:

SECTION ONE. Section 2-13-180-Bid evaluation criterion for area businesses, of the *Alamogordo Code of Ordinances* is hereby amended to read as follows:

2-13-180. - Bid evaluation criterion Local preference for area businesses.

~~The city commission of the city hereby finds that the public interest would be best served by encouraging business to locate and remain in and nearby the corporate limits of the city and hereby provides a minimal good faith preference to local businesses in the awarding of city contracts.~~

(1) Intent. The City recognizes that the intent of the New Mexico Procurement Code's, Section 13-1-1 et seq. NMSA 1978, State resident preference statute is to give New Mexico businesses and contractors an advantage over those businesses, manufacturers and contractors from outside the State of New Mexico. The underlying policy is to give a preference to those persons and companies who contribute to the economy of the State of New Mexico by maintaining businesses and other facilities within the state and giving employment to residents of the state (1969 OP. Attorney Gen. No. 69-42.) Further, the City annually spends significant amounts on purchasing supplies, materials, and equipment, and contractual and professional services. The dollars used in making these purchases are derived in large measure from taxes and fees paid by local businesses and the residents of the community. The City Commission has determined that funds generated in the community should, to the extent possible, be placed back in the local economy. The City also therefore has adopted a policy to include a local preference for those persons and companies who contribute to the economy of the City and/or County of Otero by maintaining businesses and other facilities within the City and/or County and giving employment to residents of the City and/or County.

~~(1)~~ **(2)** An area business is one which:

- a. Is authorized to do and is doing business under the laws of the state;
- b. Possesses a current city business registration;
- c. Maintains fixed offices or distribution points within fifteen (15) miles of the corporate limits of the city. Post office box number or residential addresses may not be used solely to establish status as an area business; and
- d. Agrees to furnish evidence, in a form suitable to the city, of its payment of New Mexico gross receipts tax.

(2) Local preference. ~~In addition to any other criteria which may be used in evaluating a competitive bid, or written quotation, a criterion will be applied for any business which meets the above requirements in awarding a contract for the purchase of goods, services, or construction. Except where otherwise provided by federal or state law or other funding source restrictions, purchases of goods, general services, construction services, or professional services under the City Purchasing Ordinance shall give preference to area businesses in the following manner:~~

~~— a. If, in any city purchase, competitive sealed bids or written quotations are received from only Alamogordo area businesses, or if an Alamogordo area business is the lowest responsible bidder, then the contract shall be awarded to the lowest responsible bidder.~~

~~— b. If, in any city purchase, one (1) or more competitive sealed bids or written quotations are received from the city area businesses and one (1) or more bids are received from other business entities, and the lowest responsible bid or written quote is from a business entity which is not an Alamogordo area business, then contract shall be evaluated as follows:~~

~~1. Multiply the competitive sealed bid or written quotation of the Alamogordo area business whose bid is nearest to the bid of the lowest responsible bidder by a factor of 0.95.~~

~~2. If the competitive sealed bid or written quotation of the Alamogordo area business after being multiplied by a factor of 0.95 exceeds the competitive sealed bid or written quotation of the lowest responsible bidder, award the contract to the lowest responsible bidder.~~

~~3. If the competitive sealed bid or written quotation of the Alamogordo area business after being multiplied by a factor of 0.95 is less than or equal to the competitive sealed bid or written quotation of the lowest responsible bidder, offer the contract to the Alamogordo area business at the price bid by the lowest responsible bidder. If the Alamogordo area business accepts the offer, award the contract to the Alamogordo area business. If the Alamogordo area business rejects the offer, award the contract to the lowest responsible bidder.~~

a. **Bids for Goods and Services.** When bids for the purchase of goods or services are received, the lowest responsive bid received from an Area Business one shall be multiplied by a Local Preference Factor of 0.90. If the resulting price of the Area Business is lower than or equal to the lowest bid of all bids received, the Area Business shall have an opportunity to submit a best and final bid equal to or lower than the low bid. If an Area Business submits a bid equal to or lower than the low bid, the award of the contract, if made, shall be made to the Area Business. If an Area Business does not submit a best and final bid equal to or lower than the low bid, the award of the contract, if made, shall be to the lowest responsive and responsible low bidder.

b. Proposals for Goods and Services. When proposals for the purchase of goods or services are received, following the completion of final rankings, if a non-Area Business is the highest ranking proposer, the evaluation score of the proposal submitted by an Areas Business shall be multiplied by a Local Preference Factor of 1.10. If the resulting score of the Area Business receiving the Local Preference is higher than or equal to the highest score of all proposals received, the contract shall be recommended to be awarded the Area Business receiving the preference. If no proposals are received from an Area Business, or if the proposal received from an Area Business does not qualify for an award after multiplication by the Local Preference Factor, the contract shall be recommended to be awarded the highest ranking proposer.

c. Local Subcontractor Preference.

(1) Non-area primary contractors that do not qualify for the local preference are eligible to receive a percent preference if qualified local subcontractors are identified and used as subcontractors for the non-area primary contractor on City Bids and Request for Proposals in the following manner.

(a) Local subcontractors identified and used as subcontractors for the non-area primary contractor must qualify as an area business as defined in section 2-13-180 of this purchasing ordinance.

(b) Local subcontractors identified and used as subcontractors for the non-local primary contractor must be registered with the State of New Mexico in accordance with Section 13-1-22, NMSA 1978.

(c) All local subcontractor documentation must be received at the time of submittal of the Request for Bid or Request for Proposals.

(d) The local subcontractor must have been registered with the City of Alamogordo and the State of New Mexico for a period of one calendar year before the Bid or Request for proposal is publicly advertised.

(e) The percentage for local subcontractor preference shall be based on the amount of work to be preformed by the various subcontractors. The maximum allowable percentage for local subcontractor preference is 10%. Example: on a construction project of \$100,000, the stated dollar amount of work to be completed by the local subcontractor is \$40,000 or 40%. The percentage for local subcontractor preference in this Example would be 4%.

(2) The primary non-area contractor must not replace the local subcontractor without authorized approval from the City Project Manager or the Chief Procurement Officer.

d. Administrative Rules. The Chief Procurement Officer is authorized to adopt administrative rules that supplement the provisions of the section and that are necessary or appropriate to implement the provisions of the Local Preference. The provisions of this Section and the rules adopted by the Chief Procurement Officer

shall be provided to potential bidders, vendors, offerors, and contractors to the widest extent practicable.

e. Limitation. A bidder/proponent may not claim cumulative preferences.

f. Waiver. Applicable of the local preference to a particular purchase, offer, contract, or category of contracts for which the Alamogordo City Commission is the awarding authority may be waived upon written justification and recommendation of the City Manager and approval of the City Commission. Further, the preference established by this Section shall in no way prohibit the right of the City from giving any other preference permitted by law which is in addition to the Local Preference.

SECTION TWO. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional. The City Commission hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION THREE. EFFECTIVE DATE. This ordinance shall be effective upon its passage, approval, and publication as provided by law.

DONE this _____ day of _____, 2015.

CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 1/30/2015

Report No: 3.

Submitted By: Renee Cantin, City Clerk

Subject: Discussion, and possible action, related to a request for the proceeds from the recent Atari game auctions in a non-departmental fund to remain unassigned. (*Susie Galea, Mayor and Brian Cesar, Public Works Director*)

Fiscal Impact:

Amount Budgeted:

Fund:

Recommendation: Accept the proceeds to-date presentation, request the funds remain frozen while being unassigned in a non-departmental fund, and give staff direction to bring concepts to the Commission as provided by staff and citizens for ways to appropriate funds to improve quality of life.

Background: \$30,000 in proceeds to be collected is not the final total as additional auctions are planned. The funding can remain unassigned and frozen from appropriation until all proceeds are received in full. The purpose is to provide the community with an improvement to quality of life as the benefactors to the Atari Dig.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 2/6/2015

Report No: 4.

Submitted By: Renee Cantin, City Clerk

Subject: Discussion, and possible action, related to moving forward with the trademark and logo design for the Discover, Explore, Launch branding. (*Susie Galea, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Recommendation: Provide direction to staff.

Background: Mayor Galea requested this item to be added to the agenda for discussion and possible action.

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 2/6/2015

Report No: 5.

Submitted By: Renee Cantin, City Clerk

Subject: Consider, and act upon, (1) an agreement with the owner of the Oasis Mobile Home Park to remove the culverts located in the drainage ditch and (2) an agreement with Shyne and Williams to grant the City an easement for street and utility purposes. *(Stephen Thies, City Attorney)*

Fiscal Impact: N/A

Amount Budgeted:

Fund:

Recommendation: Approve (1) agreement with the Alvillars to remove certain culverts; and (2) agreement with Shyne and Williams to grant an easement.

Background: The attached agreements relate to an issue that dates back to 1997. The City possesses a drainage channel easement that runs through the Oasis Mobile Home Park. The drainage channel runs through the entire depth of the Oasis Mobile Home Park in a north/south direction. In 1997, the owner of the mobile home park filed an application to expand the park. In conjunction with the expansion, the park owner sought permission to install 2 large culverts in the drainage channel in order to allow access to that part of the mobile home located on the east side of the drainage channel. The City approved the expansion project and the owner installed the culverts.

In 2007, an adjacent property commenced legal action against the owner of the mobile home park alleging that the culverts were causing the drainage channel to overflow and flood his property. In April of 2008, the both parties appeared before the City Commission requesting the City to investigate its responsibility for the increased flooding. The City has been attempting to address this problem since that time.

The latest attempt at resolving this problem involves removing the existing culverts and building a new crossing north of the existing one. Discussions have been ongoing with both the owner of the mobile home park and the adjacent property owner. The adjacent property owner has agreed to grant the City a right-of-way easement over the southern 60 feet of their property. The easement is highlighted on the attached diagram as 27th Street. The City has an agreement in principle with the owner of the mobile home park. Discussions are on-going relating to the wording of the agreement. The most recent draft is attached. Attempts were made to reach an agreement with the current owners of the property identified on the attached diagram as being owned by Rachel Dugan. Those efforts were unsuccessful.

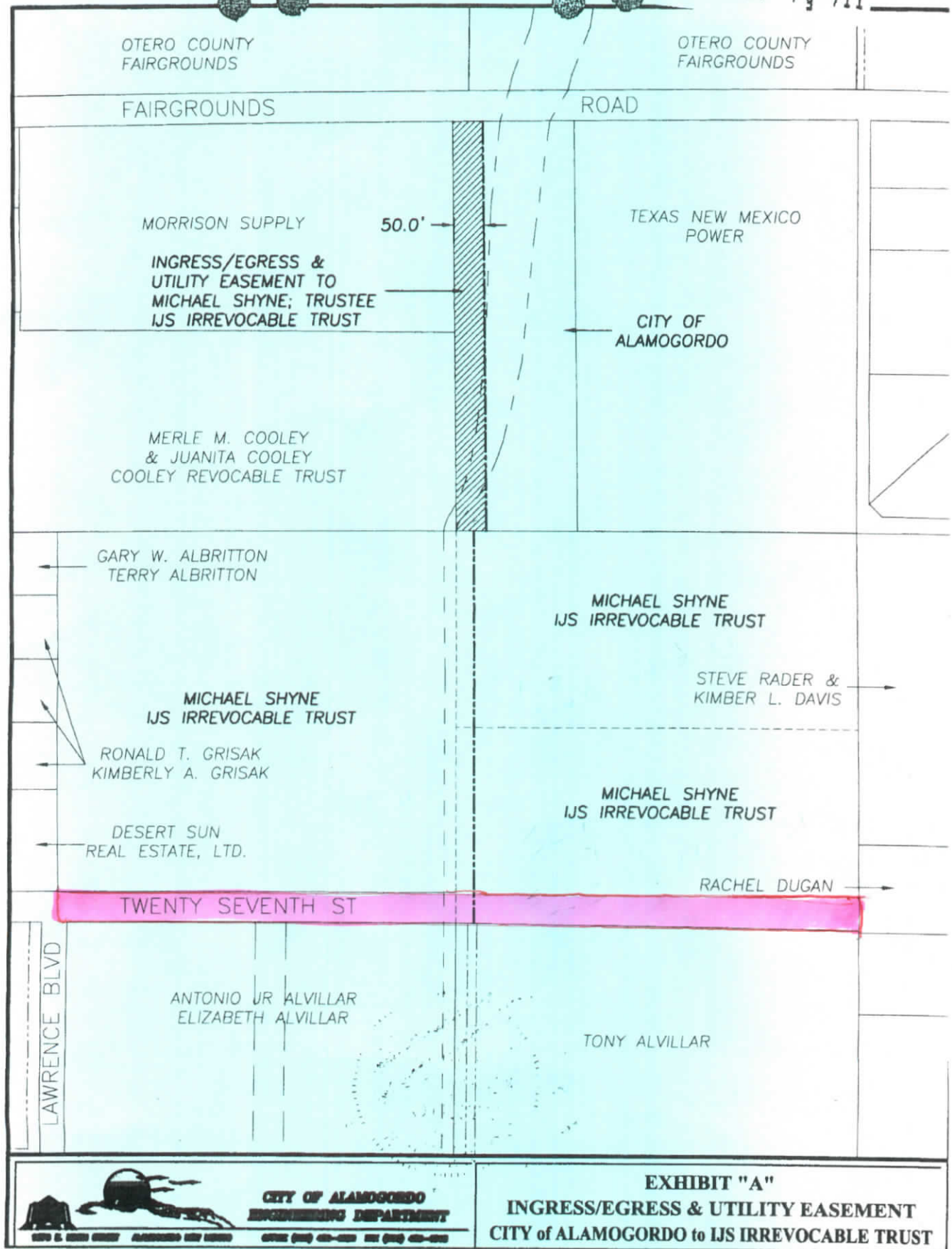
Two agreements are attached for the Commission's consideration.

1st, an agreement with the Alvillars to remove the existing culverts. As noted, final wording of the

agreement is still being discussed. The final version will be made available for the Commission at Tuesday's meeting.

2nd, an agreement with Michael Shyne and Christina Williams. The agreement provides they will grant the City a permanent easement after a survey and other preliminary constructions issues have been addressed. Please note that both agreements provide that the City will not levy a special assessment against either property owner relating to any future construction of 27th Street.

Staff recommends approval of both agreements. The agreements should be considered separately.



AGREEMENT TO REMOVE CULVERTS

THIS AGREEMENT is made and entered into by and between the City of Alamogordo, a New Mexico municipal corporation (the "City"), and Antonio P. Alvillar, Jr. and Elizabeth Alvillar, husband and wife ("Alvillar").

The Parties agree as follows:

1. Condition Precedent. The parties agree that this Agreement shall only become effective once the City has reached an agreement to obtain the necessary right-of-way from the owner of the Adjacent Property. Once that condition precedent has been met, the rights and obligations of the parties pursuant will automatically take effect.
2. Ownership and Grant of Right of Entry. Alvillar hereby certifies and warrants that they are the title owners of the owner of the Oasis Park, and hereby grants the City, and any of their respective officers, employees, agents, contractors, subcontractors and volunteers, a right of entry onto the Oasis Park for the purpose of demolishing, removing and disposing of the culverts currently located within the Drainage Easement. The City, and their contractors and agents, will have a full, free and uninterrupted right to go on and cross any part of the Oasis Park for the purpose of gaining access to and removing the culverts, and will be entitled to use and occupy the Oasis Park for all purposes incidental to the rights granted by this Agreement.
3. City Responsibilities. The City of shall:
 - Secure any required demolition permits and pay all required fees for such permits.
 - Furnish all work, labor, services, and equipment required for the prompt and efficient removal of the culverts.
 - Shall be responsible for the supervision, safety and coordination of the work and work site, including the demolition means, methods, techniques, sequences and procedures utilized.
 - Shall be responsible for the removal from the site and proper disposal at its cost of all debris.
 - Shall contact all applicable utility companies in order to arrange for proper disconnections and removal from the proposed demolition site.
 - Grade the site to a smooth uniform condition that will provide adequate surface drainage without ponding.
 - At the its sole cost and expense, the City shall promptly restore any portion of the Oasis Park that is in any way disturbed or damaged by the removal of the culverts, to as good or better a condition as such property was in immediately prior to the disturbance or damage.
 - Construct a concrete box culvert, bridge or similar structure (the "New Crossing"), with the recommended capacity but locate the New Crossing upstream from the existing culverts a distance of approximately 400 feet.
 - Not levy any special assessment against the Oasis Park for any future construction of 27th Street across the northern boundary of the park or the New Crossing.

The City will exercise its rights under this Agreement reasonably, and in a proper and workmanlike manner so as to:

- minimize any damage to the Oasis Park; and
- minimize its interference with Alvillar's or their tenants use of the Oasis Park.

4. Alvillar Not Obligated for any Costs. The City agrees to pay all costs associated with the demolition, removal and disposal of all debris, utility removal and/or relocation, and other restoration work.

5. Duration of Grant of Right of Way and Removal of Works. The grant and transfer of a right of entry under this Agreement will commence on the effective date of this Agreement and shall automatically terminate and expire upon (i) the date the City indicates in writing to Alvillar that the City no longer desire to use the rights granted, or (ii) one hundred eighty-five (185) calendar days after the effective date of this agreement, whichever date shall first occur.

6. Execution and Delivery of Agreement. The date upon which this Agreement shall be finally executed by the authorized representative of the City and Alvillar shall be the effective date ("Effective Date") hereof.

7. All Prior Agreements Superseded. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document or its designated exhibits. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

8. Modifications, Amendments or Alterations. No modification, amendment or alteration in the terms or conditions contained herein shall be effective unless agreed to and executed in writing by both parties to this Agreement in a form acceptable to both parties.

9. Independent Contractor. Nothing stated in this Agreement is intended or should be construed in any manner as creating or establishing a relationship of co-partners between the parties.

10. Governing Law and Venue. This Agreement shall be governed in all respects by the laws of the State of New Mexico and any litigation with respect thereto shall be brought only in the courts of Otero County, New Mexico.

11. Ratifications and Appropriations. This Agreement shall not become effective, or binding, until approved by the City's governing body and appropriations are made for the performance of this agreement.

12. Notice. Notice under this Agreement shall be delivered by certified mail, return receipt requested and facsimile as follows:

13.

City Manager
City of Alamogordo
1376 East 9th Street,
Alamogordo, NM 88310.

Antonio P. Alvillar, Jr.
2800 Lawrence Boulevard, SP#517
Alamogordo, NM 88310

IN WITNESS HEREOF the undersigned, being duly authorized, have caused this Agreement to be executed on the dates shown below.

Date: _____

By: _____
Antonio P. Alvillar, Jr.

Date: _____

By: _____
James R. Stahle, City Manager

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 2/6/2015

Report No: 6.

Submitted By: Renee Cantin, City Clerk

Subject: Consider, and act upon, a statement of support for the Employer Support for the Guard & Reserve. (*Susie Galea, Mayor*)

Fiscal Impact:

Amount Budgeted:

Fund:

Recommendation: Approve the letter of support.

Background: We will be joined by local Alamogordo business and civic leaders that will have previously enjoyed at "Bosslift" by Black Hawk on February 20th, 2015.

They have requested the Mayor to sign a "Statement of Support" through ESGR, and we are bringing to the Commission for approval. More than symbolically and with words, Mayors in our region demonstrate support for Guard/Reserve members, Veterans, and active duty spouses.

<http://www.esgr.mil/Employers/Statement-of-Support.aspx>

Statement of Support Program

The Statement of Support Program is the cornerstone of ESGR's effort to gain and maintain employer support for the Guard and Reserve. The intent of the program is to increase employer support by encouraging employers to act as advocates for employee participation in the military. Supportive employers are critical to maintaining the strength and readiness of the nation's Guard and Reserve units.

The first Statement of Support was signed December 13, 1972 in the Office of the Secretary of Defense by the Chairman of the Board of General Motors. President Nixon was the first president to sign a Statement of Support, and in 2005 every federal Cabinet Secretary and all federal agencies signed a Statement of Support to signify their continuing efforts to be model employers. Since its inception, hundreds of thousands of employers have signed Statements of Support, pledging their support to Guard and Reserve employees.

Employers signing a statement of support pledge that:

We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).

We will provide our managers and supervisors with the tools they need to effectively manage those employees who serve in the Guard and Reserve.

We appreciate the values, leadership and unique skills service members bring to the workforce and will encourage opportunities to employ Guardsmen, Reservists, and Veterans.

We will continually recognize and support our country's Service members and their families in peace, in crisis, and in war.

Join thousands of employers by signing a Statement of Support for the Guard and Reserve and display it prominently for all your employees and visitors to see. To participate, please complete our **Statement of Support form**.

Statement of Support Form

Support your National Guard and Reserve member employees by signing and displaying a Statement of Support!

Say "Yes, I pledge my support to the National Guard and Reserve Members" by filling in and submitting this form. An ESGR Volunteer will contact you about signing a personalized Statement of Support and presenting you with the certificate for mounting and display in your company offices!

Please note: (*) are required fields.

Contact Information

* First Name

* Position

Fax

Address

City

* Last Name

* Phone

* Email

Apt/Suite

State ZIP

Organization Information

* Organization Name

* Address

* City

* Zip

Apt/Suite

State/Territory/APO/FPO

* Number of Guard or Reserve employees in your organization

Website

AGENDA REPORT

CITY OF ALAMOGORDO

CITY COMMISSION

Meeting Date: 02/10/2015

Report Date: 1/30/2015

Report No: 7.

Submitted By: Renee Cantin, City Clerk

Subject: Appointments to Boards & Committees. *(Susie Galea, Mayor)*

Fiscal Impact:

Amount Budgeted:

Fund:

Recommendation: Mayor Appoints members to serve on various Boards & Committees. Requires no objection from the Commission.

Background: Airport Zoning Board. Two (2) vacancies. Staff Liaison - Jan Wafful

(Opening due to the resignation of Fran Nelson, Paul Vigneault and Randel Wilson)

No nominations received.

Alamogordo Disability Council. Two (2) vacancies. Staff Liaison - Edward BalderramaA

(Openings due to the resignation of Bradley Mauger and the passing of Ed Grabman.)

No nominations received.

Cemetery Board. One (1) vacancy. Staff Liaison - Jan Wafful

(Opening due to the passing away of Mary Eastman and the expiring term of Larry T. Rachel)

No nominations received.

Community Development Advisory Committee. Four (4) vacancies. Staff Liaison - Ruben Segura

(Opening due to the expiring term of Albert Simon, Tony Alger and Melanie Hall and the resignation of Arthur Alterson.)

The following existing board member is interested in being reappointed:

Albert Simon - if appointed this will be his fourth term.

Housing Authority Advisory Board. One (1) vacancy. Staff Liaison - Maggie Paluch

One of the members appointed on December 3rd has not returned his acceptance letter, therefore another person needs to be appointed.

No nominations received.

Parks and Recreation Board. One (1) vacancy. Staff Liaison - Jan Wafful

(Opening due to the expiring term of Lena Wiley)

No nominations received.

Senior Volunteer Programs Advisory Council. Three (3) vacancies. Staff Liaison - Maria Roque
(Openings due to the expiring term of James W. Rogers and the resignations of William Whitley and Thomas Rich V.)

The following existing board member is interested in being reappointed:
James W. Rogers - if appointed this will be his second term.

**COMMUNITY DEVELOPMENT
ADVISORY COMMITTEE**

RECEIVED

DEC 31 2014

CITY CLERK

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

Name: ALBERT M SIMON
Home Phone: 575-437-2389 Work Phone: 575-812-0500
Cell Phone: 575-442-1835 Fax No: _____
e-mail address: AM.SIMON@GMAIL.COM
Physical Address: 360 COTTONWOOD DR
Is the above address within City limits? Yes X No _____
Mailing Address: SAME
Present Employer: ALAMOGORDO PUBLIC SCHOOLS Job Title: TEACHER

Board/Committee you wish to serve on:

First choice: COMMUNITY DEVELOPMENT BOARD
Second choice: _____

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

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

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

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

Experience and education relating to the Board/Committee: ON PRESENT BOARD FOR PAST 3 TERMS. HOLD A MBA + MASTER OF SCIENCE EDUCATION.

Please indicate your interest in serving on a City Board/ Committee: FOR THE TIMES I SERVE, THE ACTIVITY AND PURPOSE IS OF GREAT INTEREST.

Please return completed application to:

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

**SENIOR VOLUNTEER
PROGRAMS ADVISORY
COUNCIL**



RECEIVED
JAN 22 2015
CITY CLERK

CITY OF ALMOGORDO
APPLICATION FOR
SENIOR ADVISORY COUNCIL

Name: James W Rogers Birth Date: 03/20/48

Home Phone: 437-8088 Cellular or
Work Phone: 443-3265

Home Address: 30 Bonito Blvd

Do you live within City limits? No

Present Employer: Retired Job Title: _____

Board/committee you wish to serve on is: Senior Advisory Council for the Senior Volunteer Programs. Are you currently serving on any other City of Alamogordo boards? No

Are you related to anyone who is presently employed by the City of Alamogordo? No

If yes, their name and relationship to you: _____

Are you related to any Elected Official of the City of Alamogordo? No

If yes, their name and relationship to you: _____

Experience and education relating to the Board /Committee: Serving on Lions Eye Foundation Board, Earth Day Board, Twice Blessed Board, & Senior Council

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

Please return or mail to: City Clerk
City of Alamogordo
1376 E. Ninth Street
Alamogordo, New Mexico 88310