



Alamogordo City Commission NOTICE OF MEETING

Addendum to

Regular Meeting Agenda

Tuesday, May 27, 2014 – 7:00 pm
City Hall, City Commission Chambers
1376 E. Ninth St.

- Susie Galea** Mayor, At-Large
- 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

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 a 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>

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Addendum to Regular Meeting Agenda

PRESENTATIONS

- A-1. Presentation by the U.S. Forest Service related to the issue of fencing in Otero County.**
(Lincoln NF Supervisor Travis Moseley, Presenter)

CONSENT AGENDA

UNFINISHED BUSINESS

NEW BUSINESS

- A-2. Consider and Act Upon Resolution No. 2014-27 to Support Cooperative Efforts Between Local Governments. [Roll call vote required] (Robert Rentschler)**

EXECUTIVE SESSION (Roll Call Vote Required)

Adjourn/Recess into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement), to discuss:

A-3. Threatened and Pending Litigation (Marietta Biscuits Co. PPA Default)

A-4. Sale, Acquisition, or Disposal of Real Property (Lot 12, Block 14, Alamo Blocks – Ninth & White Sands Blvd.)

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 14, 2014

Report No: A-1

Submitted By: Susie Galea
Mayor

Approved For Agenda: 

Subject: Presentation by the U.S. Forest Service related to the issue of fencing in Otero County.

Background: Travis Mosely will discuss why the fence is up, how long it will remain, the plan to remove it, and work with the cattlemen.

Reviewed By:

City Attorney  City Clerk _____ Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel  Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 22, 2014

Report No: A-2

Submitted By: Robert Rentschler
Commissioner

Approved For Agenda: 

Subject: Consider and act upon Resolution No. 2014-27 to support cooperative efforts between local governments. [Roll call vote required]

Background: Commissioner Rentschler has requested the attached Resolution No. 2014-27 be considered by the Commission.

Reviewed By:

City Attorney SPI City Clerk _____ Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager 

RESOLUTION NO. 2014-27

A RESOLUTION OF THE COMMISSION OF THE CITY OF ALAMOGORDO, COUNTY OF OTERO, STATE OF NEW MEXICO, SUPPORTING COOPERATIVE EFFORTS BETWEEN GOVERNMENTAL ENTITIES AND THEIR STAFF

WHEREAS, the Otero County Board of Commissioners has recently taken action in support of the private property rights of the citizens of Otero County; and

WHEREAS, the City Commission recognizes the importance of private property rights and endorses the concept that landowners be provided the maximum right of self determination; and

WHEREAS, as the governing body for the City of Alamogordo, the City Commission wishes to encourage its individual members to recognize the importance of working cooperatively and being supportive of the actions of the governing body for the County of Otero, the Otero County Board of Commissioners; and

WHEREAS, at the same time, the City Commission acknowledges the benefits and value for its residents in City staff maintaining a cooperative and productive working relationship with various federal agencies; and

WHEREAS, the City Commission wishes to encourage City staff to continue to nurture that cooperative relationship;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ALAMOGORDO that the City Commission hereby expresses its support of the actions of the Otero County Board of Commissioners in taking a stand in support of private property rights.

BE IT FURTHER RESOLVED, that the City Commission adopts the policy that the governing body and its individual members should not interfere directly or indirectly with the actions of the Otero County Board of Commissioners in a manner that fails to recognize the importance of working cooperatively and being supportive of the actions of the Otero County Board of Commissioners.

AND, BE IT FURTHER RESOLVED, that the City Commission hereby encourages staff to continue to develop a cooperative and productive working relationship with various federal agencies in a manner that is beneficial for the residents of this community while being cognizant of the need for the City Commission to maintain a cooperative and supportive relationship with the Otero County Board of Commissioners.

PASSED, APPROVED AND ADOPTED, at the regular meeting of the City Commission of the City of Alamogordo, New Mexico, held on the 27th day of May, 2014.

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



Alamogordo City Commission NOTICE OF MEETING

Regular Meeting Agenda

May 27, 2014 – 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 a 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>

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CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PRESENTATIONS

A-1. Presentation by the U.S. Forest Service related to the issue of fencing in Otero County. (Lincoln NF Supervisor Travis Moseley, Presenter)

1. **Presentation to the City of Alamogordo Recreation Center from the Tularosa Basin Wine & Music Fest held by the Alamogordo, Tularosa, and White Sands Rotary Clubs on September 21 & 22, 2013 to be used to help pay for some kids who may not be able to pay for the programs offered.** *(Renee Cantin, City Clerk)*
2. **Presentation related to the Status & Timeline of Airport Projects.** *(Jim Talbert, Airport Manager)*
3. **Presentation related to Fund 118 projects.** *(Jason Thomas, City Engineer)*

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 Item No. 6)

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.

4. **Approve Minutes of the May 13, 2014 Special Meeting and the May 13, 2014 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
5. **Approve the Lodger's Tax Expenditures for Tourism & Travel.** *(Jan Wafful, CS Admin. Assistant)*
6. **Approve Resolution No. 2014-25 of the Governing Body of the City of Alamogordo, New Mexico declaring its official intent to reimburse itself with the proceeds of a future Tax-Exempt borrowing for certain capital expenditures undertaken or to be undertaken by the city; identifying the capital expenditures and the funds to be used for such payment; and providing certain other matters in connection therewith. [Roll call vote required]** *(Stephen Thies, City Attorney and LeeAnn Nichols, Contract Finance Operations Consultant)*
7. **Approve the award of IFB No. 2014-04 Miscellaneous Fire Department Uniforms to Neve's Uniforms & Equipment in the amount of \$32,414.00.** *(Mikel Ward, Fire Chief)*
8. **Approve a Weed Abatement Request for 1203 Puerto Rico.** *(Ms. Velma Morgan, Requestor)*

ITEMS REMOVED FROM CONSENT AGENDA

UNFINISHED BUSINESS

9. **Consider, and act upon, the dispensation of the contents retrieved from the Landfill related to the Atari Games.** *(Brian Cesar, Public Works Director)*

NEW BUSINESS

- A-2. Consider and Act Upon Resolution No. 2014-27 to Support Cooperative Efforts Between Local Governments. [Roll call vote required]** *(R. Rentschler)*
10. **Consider, and act upon, the first publication of Ordinance No. 1468 amending the Alamogordo Code of Ordinances to add a new section in Chapter 24 concerning vehicle forfeiture.** *(Stephen Thies, City Attorney)* **WITHDRAWN BY STAFF**
11. **Consider, and act upon, the first publication of Ordinance No. 1469 amending the official zoning map of the City of Alamogordo, changing the classification of a certain area consisting of Alamo Blocks Block 84 Lot 12, the South half of Lot 13, and Lot 14 (commonly known as 1121 and 1115 North Florida Avenue) from their present designation and zoning district of R-4, Multiple Family Dwelling District to C-3, Business District. (Case # Z-2014-0001(A))** *(Marc South, City Planner)*

12. Consider, and act upon, the first publication of Ordinance No. 1470 amending the official zoning map of the City of Alamogordo, changing the classification of a certain area consisting of Quail Hollow Subdivision Lots 7-11, and Quail Hollow 2 Subdivision Replat A Lots 2A-8A (commonly known as 1150, 1200, 1210, 1220, 1230, 1240, 1250, 1300, 1310, 1320, 1330, and 1340 San Carlos Street) from their present designation and zoning district of R-1, Single Family Dwelling District to R-2, Townhouse Dwelling District, within the corporate boundaries of the City of Alamogordo, Otero County, New Mexico. (Case # Z-2014-0002(A)) *(Marc South, City Planner)*
13. Consider, and act upon, the first publication of Ordinance No. 1471 modifying the composition of the Airport Advisory Board. *(Robert Rentschler, Mayor Pro-Tem)*
14. Consider, and act upon, approval to proceed with applications for Governmental Liquor Licenses for the Ed Brabson Balloon Park and Hoosier Field B Complex. *(Matt McNeile, Assistant City Manager)*
15. Discussion and possible direction to the Street and Facility Naming Committee to prepare a list of possible city properties that would benefit the community by renaming them in honor of some residents for their legacy of service. *(Susie Galea, Mayor)*
16. Notification of Boards & Committees Vacancies. *(Susie Galea, Mayor)*

PUBLIC COMMENT *(Continued if needed)*

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY THE CITY COMMISSION

EXECUTIVE SESSION *(Roll Call Vote Required)*

Adjourn into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement), to discuss:

- **A-3. Threatened and Pending Litigation (Marietta Biscuits Co. PPA Default)**
- **A-4. Sale, Acquisition, or Disposal of Real Property (Lot 12, Block 14, Alamo Blocks – Ninth St. & White Sands Blvd.)**
- Sale, Acquisition, or Disposal of Real Property (W 1/2 of the SW 1/4 Section 29, T16S, R10E - Land north of Ocotillo Dr. & east of Sendero Dr.)
- Discussion of Purchase or Acquisition of Water Rights (BLT Farms & Martinez)

ADJOURNMENT

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 14, 2014

Report No: 1

Submitted By: Reneé Cantin
City Clerk

Approved For Agenda: 

Subject: Presentation and donation of \$1,464 to the City of Alamogordo Recreation Center by the Tularosa Basin Wine Festival Committee on behalf of the Alamogordo, Tularosa, and White Sands Rotary Clubs.

Background: The Wine Festival Committee for the 3 local Rotary Clubs would like to say an Official thank you to the City Parks and Recreation Staff and present a check for \$1,464 to the Recreation Center to be used to pay for kids who may not otherwise be able to be a member of the Rec. Center to use the facilities and enjoy the programs offered.

This donation is being given from \$1 per person who attended the Wine Festival which was held on September 21st & 22nd.

A message from the Committee: The City of Alamogordo was instrumental in the success of this event and we want to thank the City Manager, and the entire Parks and Recreation Department for their assistance, use of equipment and labor and cheerful and supportive attitude. No task was too large for this crew! They are a pleasure to work with and truly an asset to the community!

Reviewed By:

City Attorney _____ City Clerk RC Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 14, 2014

Report No: 2

Submitted By: Matt McNeile

Approved For Agenda: 

Jim Talbert, Airport Manager

Subject: Presentation related to the Status & Timeline of Airport Projects.

Background: Mayor Pro-Tem Rentschler requested this update on the airport. Jim Talbert, Airport Manager will make the presentation.

The presentation will be included next Friday.

Reviewed By:

City Attorney _____ City Clerk RC Assistant City Manager RC Community Services _____
Finance _____ Housing Authority _____ Planning _____ Police Chief _____ Fire Chief _____
Public Works _____ Purchasing _____ City Engineer _____ Human Resources _____



U.S. Department
of Transportation
**Federal Aviation
Administration**

Southwest Region, Airports Division
Arkansas/Oklahoma Airports Development Office

2601 Meacham Blvd.
Fort Worth, Texas 76137

March 11, 2014

Mr. Jim Stahle
City Manager
C/O Alamogordo- White Sands Regional
Airport
1376 E. Ninth St.
Alamogordo, NM 88310

Dear Mr. Stahle:

You have informed us that the City of Alamogordo, New Mexico is presently negotiating with American Airlines to provide air carrier service to the airport using aircraft with a passenger seating capacity of more than 31 seats (70). If the negotiations are favorable, you will apply for an Airport Operating Certificate (AOC).

In response to your request, a general aviation airport site visit was conducted at Alamogordo-White Sands Regional Airport February 19-21, 2014. The site visit was conducted to identify improvements that may be required to meet the Part 139 requirements for the purpose of obtaining an 14 CFR Part 139 Airport Operating certificate.

The following observations and recommendations were developed as a result of the site visit.

A. General: The airport was found to be in fair condition with some general maintenance and service requirements. Glider operations are permitted at the airport with a landing and takeoff area adjacent to the parallel taxiway.

B. Runway Markings: The runway marking categories are non-precision for Runway 3 and basic visual for Runway 21. The marking are still in the old standard configuration and are extremely faded with little or no glass beads remaining. All runway markings will have to be repainted and the threshold markings will have to be changed to the new standard of two sets of six before issuance of an AOC.

C. Blast Pad marking: The chevrons for the blast pads are extremely faded or have eroded away in portions of the blast pad. These markings will have to be corrected.

D. Taxiway Marking:

1. The taxiway centerline and lead on/off lines are faded, or does not meet the straight line tolerance and have edge over spray causing the lines not to have a sharp and distinct edge. All taxiway centerline marking should be repainted. As a note, glass beads are not required but are recommended for the taxiway centerline.

2. There are indications that the hold position markings have been moved at least three times and are now located approximately 200-feet from the runway centerline. A determination will have to be made to confirm the runway safety area width before a decision is made on the acceptance of the present location and configuration of the hold position marking.
3. Enhanced taxiway centerlines will have to be installed in accordance with the marking standards at every taxiway/runway hold position marking.
4. Surface painted hold position signs will have to be installed in accordance with the marking standards at every taxiway/runway hold position marking.

E. General Marking: The edge of the taxi lanes located on the terminal ramp area are marked with solid edge markings. Based on the marking standards, solid taxilane edge marking would prohibit a pilot from accessing the tie down areas, and the terminal area. The taxi lane edge marking should be dashed where a pilot is permitted to cross the edge marking to access another area of the ramp.

F. Taxiway Guidance Signs: The existing sign system is based on a Class 3 airport operation with aircraft with less than 30 passenger seats. For a class 3 airport, the only signs required to be internally illuminated are the mandatory signs. All other taxiway directional and runway exit signs are retroreflective.

Based on the proposed air carrier aircraft of more than 30 passenger seats, the airport would change from a class 3 to a class 1 airport operation. The signing requirements for a class-1 airport require all signs to be internally illuminated. This would require the replacement of all retroreflective signs.

In addition to replacing the retroreflective taxiway directional signs, the existing signs do not meet the location requirements as it relates to the intersections or marking. With the relocation of the hold position marking, the majority of the mandatory signs are now located greater than the maximum distance of 10-feet from the hold position marking. The taxiway directional signs are located in various distances prior to the intersection or are located to combine directional information.

The distance remaining signs are not internally illuminated. We will research our guidance to determine if retroreflective distance remaining signs are acceptable. Our determination will be provided under a separate cover letter.

A proposed sign and marking plan should be submitted for our review and acceptance prior to any corrective actions for either the signs or marking.

G. Paved areas: Runway 3/21 appears to be showing signs of initial pavement distress with some raveling and some minor cracking. Taxiway Alpha and the connecting taxiways has had major crack work done and the crack sealant appears to be in good condition. Some over filling of cracks has occurred. The blast pad for Runway 21 has severe cracking with cracks ranging from ¼ inch to ½ inch in width that appear to extend down to the base material.

H. Safety Areas: Mold holes and mounds are located throughout the runway and taxiway safety area system. At the approach end of Runway 3, the open drainage system inlet appears to be located within the taxiway safety area. In some areas of Taxiway Alpha it appears that grade exceeds the design standard. A final determination of the width of the taxiway safety area will have to be made to determine if any corrective action is required. Correcting the taxiway safety area gradient requirements will also impact the edge lights, which were adjusted to the existing grade.

I. Runway/taxiway edge lighting: The runway and taxiways are lighted with a medium intensity edge light system. All systems were fully operational at the time of the inspection. Although fully operational, the lights required maintenance and repair to address conditions such as lights that were leaning, dirty, lights with the frangible point below grade or the metal base stakes more than an inch above grade, and lights that were too short. The standard height of an edge light is 14 inches above grade. The majority of the lights were heavily oxidized as a result of the effects of weather and the corrosive effects of aviation fuel.

J. Aircraft Rescue and Firefighting (ARFF): The city presently has an ARFF Index A capability using a model 2007 Ford Super Duty 550 ARFF vehicle with 500-gallons of water and 450 pounds of dry power. The vehicle was in good shape and only required some minor valve work to be fully operational.

All personnel to be assigned to ARFF duty at the airport will have to complete the required training in the 11 subject areas with a live fire prior to submitting an application for an AOC.

Based on the cities policy, none of the city's firefighters receive medical aid training. To meet the Part 139 requirements, all personnel assigned to the airport ARFF services must receive at minimum first responder medical aid training. If medical service is to be provided using a contractual service, the city will have to verify to the satisfaction of the Administrator, that the service will be able to respond within a reasonable time and be available at all times during air carrier operations with no exceptions.

K. Wind Direction Indicators: The wind cones are extremely faded and should be replaced. The segmented circle is constructed on drums and is faded and needs to be repainted. With the change of the safety area width and the relocation of the hold position marking, the wind cones appear to be located within the runway safety area.

L. Glider Operations: Glider operations are permitted off to the side of the parallel taxiway at the north end. An evaluation of this operation will have to be conducted to insure that the operation of gliders in this area does not impact the air carriers or the taxiway safety area and/or object free area.

M. Hazardous Materials: Discussions were held concerning Part 139 requirements for the fueling agent. It was advised that Part 139.321 identifies the safety requirements for both the certificate holder and the fueling agent. The fuel storage facilities and vehicles were either new or fairly new and in good condition. The fueling agent had also initiated fuel safety training for their fuel handlers that appeared to meet the training requirements through a training provider that has been accepted by the FAA.

Standards and procedures for the safe handling of hazardous material (aviation fuel) will have to be established and implemented prior to the issuance of an Airport Operating Certificate.

N. Administrative Requirements: The following documents will have to be completed prior to submitting an application for a AOC:

1. Airport Certification Manual (ACM), Refer to AC 150/5210-22
2. Airport Emergency Plan (AEP), AC 150/5200-31C
3. Airport Sign and marking Plan (is part of the ACM)
4. Wildlife Hazard Assessment (WHA) shall have verification and contract issued for the initiation of the WHA before issuance of an AOC. AC 150/5200-36A Qualifications for Wildlife Biologist conducting WHA and Training Curriculums for Airport personnel
5. Pedestrian/Drivers Training Program AC 150/5210-20 Ground Vehicle Operations on Airports
6. Training curriculum and training program for airport personnel assigned the duty of conducting the airport's daily safety self-inspection program
7. Training curriculum and training program for all ARFF assigned personnel AC 150/5210-17B Programs for training ARFF personnel
8. Training curriculum and Training program for personnel assigned the duties of conducting the hazardous material safety inspections
9. Training curriculum and training program for personnel that are assigned the duties of airfield maintenance. If they are the same personnel conducting the daily inspections, they will only need the daily inspection training.

O. Part 139 Regulations: Discussions were held members of the Airport Commission concerning the potential impacts the application for a Part 139 Airport Operating Certificate may have on the airport and the airport owner. The discussions were general in nature and included:

- a. An Airport Certification Manual and its contents
- b. An Airport Emergency plan
- c. Training program for the personnel conducting field maintenance and daily airport safety inspections.
- d. A safety and training program for those that handle aviation fuels

- e. Training and operating requirements for ARFF.
- f. The requirement to provide Sufficient qualified personnel

Additional related advisory circulars, information and guidance can be obtained on the FAA web site at <<http://www.faa.gov>> select airports/ airport safety then scroll down the left side under airports for topic desired.

P. Closing Comments: We are available to provide assistance or answer any questions you require or ask. I may be contacted at (817) 222-5621 or at bill.mitchell@faa.gov.

Sincerely,

Original signed by:

William E. Mitchell
Lead Airport Certification Safety Inspector

cc:
Director, Aviation Division
New Mexico Department of Transportation
P.O. Box 1149
Santa Fe, NM 87504-1149

ASW-640

AIR SERVICE AGREEMENT

This Air Service Agreement (this "Agreement") is made and entered into as of April 30, 2007, (the "Effective Date") by and between American Eagle Airlines Inc., a Delaware corporation with its principal offices at P. O. Box 619616, Dallas/Fort Worth International Airport, Texas 75261-9616 ("American Eagle"), and the City of Roswell, New Mexico, an incorporated New Mexico municipality with its principal offices at 425 N. Richardson, Roswell, New Mexico 88201 ("Guarantor").

1. Term.

This Agreement shall commence on April 30, 2007, and, unless sooner terminated in the manner provided for herein, shall remain in full force and effect until the end of the Air Service Period as described in Section 2.

2. Air Service.

American Eagle shall provide regularly scheduled passenger air service between Dallas/Fort Worth ("DFW") and Roswell ("ROW") in both directions (the "Air Service", and each round trip flight performed by American Eagle under the Air Service, an "Air Service Flight"), effective September 5, 2007 through September 4, 2009 (the "Air Service Period") in accordance with the schedule attached hereto as Schedule 2.

The September 5, 2007 – September 4, 2009 Air Service Period is contingent upon the following:

- a. Guarantor's posting of a Letter of Credit, as described in Section 6, prior to April 30, 2007.
- b. American Eagle's receipt of written confirmation from the Federal Aviation Administration ("FAA") and the Transportation Security Administration ("TSA") prior to May 15, 2007 that ROW airport will meet all Eagle's FAR Part 121 operational requirements prior to the September 5, 2007 effective date. Guarantor shall be responsible for causing the FAA and TSA to provide American Eagle with such written confirmation.

Should the above timelines not be met, American Eagle, at its sole discretion may elect to change the Air Service Period to December 14, 2007 – December 13, 2009, contingent upon the following:

- c. Guarantor's posting of a Letter of Credit, as described in Section 6, prior to June 15, 2007.
- d. American Eagle's receipt of written confirmation from the Federal Aviation Administration ("FAA") and the Transportation Security Administration ("TSA") prior to June 15, 2007 that ROW airport will meet all Eagle's operational requirements prior to the December 14, 2007 effective date. Guarantor shall be responsible for causing the FAA and TSA to provide American Eagle with such written confirmation.

American Eagle agrees to schedule an aircraft to perform the Air Service in accordance with the respective Schedule attached hereto. American Eagle reserves the right to make all operational decisions regarding the Air Service, including, but not limited to, aircraft type and configuration, timing of arrival/departure, frequency of service, and continued operation of the Air Service. Guarantor acknowledges that due to operating conditions, American Eagle may be required to publish available seating levels that are below total aircraft seating capacity due to weather or other conditions.

3. Minimum Revenue Requirement.

- a. The "Flight Charge" shall be specified in the respective Schedule.
- b. The "Settlement Period" shall be the Air Service Period.
- c. The "Minimum Revenue Requirement" shall mean the Flight Charge as set forth in the respective Schedule for each Air Service Flight multiplied by the actual number of Air Service Flights operated by American Eagle during the Settlement Period.
- d. American Eagle and Guarantor agree that the Total Revenue (as defined in Section 4.c below) for each Settlement Period must equal or exceed the Minimum Revenue Requirement.

4. Revenue Calculation.

- a. American Eagle and Guarantor agree that notwithstanding, and in addition to, the provisions of Section 10.a hereof, in the event of certain changes in the average price per gallon that American Eagle pays for jet fuel the Flight Charge for Air Service Flights during any period such changes are in effect shall be adjusted as provided in Schedule 1 hereto.
- b. For purposes of this Agreement, "Segment On-Board Revenue" for each Air Service Flight shall be the total amount paid by passengers in connection with the applicable Air Service Flight, less applicable taxes, and shall be rate-prorated by segment. A rate-prorate is used to divide total on-board revenue paid per Air Service Flight among the actual number of segments flown by an Air Service passenger according to the ratio of each segment's local fare to the sum of all the local fares applicable to the passenger's actual itinerary.
- c. For purposes of this Agreement, "Total Revenue" shall be the sum of the Net Revenues for all of the Air Service Flights operated by American Eagle during the Settlement Period.
- d. American's Marketing Information Reporting System ("MIRS") shall be the sole source of information for calculating Segment On-Board Revenue, Net Revenue and Total Revenue. Notwithstanding the foregoing, Guarantor shall have the right, upon providing at least five (5) business days prior written notice to American Eagle, to conduct, at Guarantor's sole expense, an audit, within sixty (60) days, following the receipt of the invoice referenced in Section 7. Such audit may examine the information and documents used to calculate Segment On-

Board Revenue received by American Eagle for Air Service Flights associated with this Agreement. Any such audit must be reasonable in all respects, and must be performed during regular business hours and without affecting American Eagle's regular business operations.

i. Revenue Reconciliation.

- a. American Eagle will reconcile the Total Revenue during each Settlement Period against the Minimum Revenue Requirement for such Settlement Period no later than the last business day of the calendar month following the end of the Settlement Period.
- b. If the Total Revenue is more than the Minimum Revenue Requirement for such Settlement Period, a "Revenue Excess" shall be deemed to have occurred. In such event, American Eagle will retain the Revenue Excess. In any event, Guarantor will be able to apply the Revenue Excess amount to any financial obligations to American Eagle during the term of the Agreement.
- c. If the Total Revenue is less than the Minimum Revenue Requirement for such Settlement Period, a "Revenue Shortfall" shall be deemed to have occurred. In such event, American Eagle will invoice Guarantor for the Revenue Shortfall. Guarantor's maximum liability for a Revenue Shortfall for the Air Service in the first fiscal year is \$2,100,000 and will not exceed \$4,200,000 USD during the term of the agreement.

i. Letter Of Credit

Guarantor shall post a Letter of Credit, in a bank acceptable to American Eagle, in the amount of \$1,600,000 USD, that may be drawn against by American Eagle in the event that Roswell fails to meet financial responsibilities as specified in the Air Service Agreement. Once air service has begun, Guarantor shall be allowed to use the Letter of Credit facility to satisfy its obligations to American Eagle under this Agreement.

i. Payment Reconciliation.

American Eagle shall provide a report of flights operated, revenue earned, and calculated revenue shortfall to Guarantor on a monthly basis. Within 30 days of the end of each calendar quarter, Guarantor will remit to American Eagle, via check or wire transfer pursuant to writing instructions given by American Eagle or by other means of payment agreed to in writing by American Eagle, an amount equal to the revenue shortfall for that calendar quarter. Guarantor agrees to pay interest on any overdue payment (including without limitation any Revenue Shortfall) from the date such payment is due hereunder until the date such payment is received by American Eagle at the lesser of the following (i) the highest rate permitted by applicable law or (ii) an annual rate of 12%.

i. Termination and Default.

This Agreement may be terminated by the party specified below (after having given any applicable notice specified below) upon the happening of any of the following events:

- a. By American Eagle, if (i) American Eagle is unable to obtain the governmental or

other approvals necessary to commence the Air Service or if American Eagle determines in its sole discretion that the operating facilities at ROW are inadequate for American Eagle to commence service at ROW; (ii) Guarantor fails to make any payment when due and does not make such payment within five (5) days after written notice or demand thereof; or (iii) any of the following events occur: (A) a forced or voluntary grounding of one or more of American Eagle's aircraft types or (B) a greater than 35% increase in the average price per gallon that American Eagle pays for jet fuel as compared to the average price per gallon that American Eagle paid as of the Effective Date.

- b. By either party, if the other party is in breach or default under any provision of this Agreement and such other party does not cure such breach or default within five (5) days after the non-breaching or non-defaulting party gives written notice to the other party specifying the breach or default.
- c. American Eagle, with or without cause or penalty upon not less than sixty (60) days prior written notice to the other party. The effective date of termination shall be as stated in such written notice of termination but not earlier than sixty (60) days following such written notice.
- d. In the event Guarantor's governing body (City Counsel) does not budget funds for this agreement, Guarantor will be allowed to terminate this Agreement with not less than ninety (90) days prior written notice to the other party. The effective date of termination shall be as stated in such written notice of termination but not earlier than ninety (90) days following such written notice.

9. Remedies Upon Termination.

- a. A termination pursuant to Section a or b shall not limit the non-breaching or non-defaulting party's right to pursue or enforce any of its rights under this Agreement or otherwise.
- b. Any termination or expiration of this Agreement shall not affect Guarantor's obligation to pay American Eagle all amounts owing to American Eagle as of the effective date of such expiration or termination.
- c. In the event of any termination or expiration of this Agreement for any reason, Guarantor shall pay all amounts owed to American Eagle, as of the effective date of expiration or termination, in accordance with the provisions of this Agreement, within three (3) business days after receipt of an invoice from American Eagle.
- d. Guarantor and its agents will not engage in any efforts, either through media or political channels, to prevent American Eagle from exercising its termination rights under Section 9(c) and exercising its rights to end air service at ROW after the expiration of the Agreement. Further Guarantor will make best efforts to prevent other interested parties from engaging in efforts to prevent American Eagle from exercising its termination rights and to its rights to end service after the expiration of the Agreement. Such best efforts include, but are not limited to, letters, public statements, and phone calls stressing support for American Eagle's decision to

either terminate the Agreement under Section 9(c) or to end service upon the Agreement's expiration decision. Guarantor's obligations under this Section 9(d) shall survive a termination of this agreement under Section 9(c). Non-performance of Guarantor under this Section 9(d) will cause Guarantor to be held financially responsible for any and all financial losses sustained by American Eagle due to its being politically pressured to operate air service at ROW against its wishes.

10. Confidential Information.

- a. Each party (the "Receiving Party") agrees to hold in strict confidence all confidential and proprietary information, either designated by the party disclosing such information to the other party (the "Disclosing Party") as such or under reasonable circumstances to be considered as such, whether in written, oral or other form, which it received from the Disclosing Party prior to, or in the course of, this Agreement (collectively, "Confidential Information"). Each party further agrees to use the Confidential Information solely to perform or to exercise its rights under this Agreement, and at a minimum to take all measures necessary to protect against the disclosure or use of the Confidential Information as it takes to protect its own proprietary or confidential information (but in any case no less than reasonable measures). Confidential Information includes, without limitation, (i) the terms of this Agreement, and (ii) flight and accommodations booking information related to the Air Service.
- b. Each party agrees that it will not disclose any Confidential Information to any third party without the prior written consent of the Disclosing Party, (i) except when required to do so by law (including without limitation State of New Mexico regulatory law) or by a court of competent jurisdiction; (ii) except to attorneys, accountants or lending institutions of either party which have been informed of the confidential nature of such information; or (iii) unless such provisions are publicly known through no disclosure that is prohibited hereunder.
- c. Either party may disclose the other party's Confidential Information in response to law, regulation or a valid court order or other governmental action, provided that (a) the Disclosing Party is notified in writing prior to disclosure of the information, and (b) the Receiving Party assists the Disclosing Party, at the Disclosing Party's expense, in any attempt by the other to limit or prevent the disclosure of the Confidential Information.

11. Promotional Materials.

As American Airlines, Inc. ("American") owns the intellectual property used by American Eagle, Guarantor shall submit to American Airlines and American Eagle for review and approval, prior to publication or use, the portion of any and all artwork, scripts, copy, advertising, promotional materials, direct mail, press releases, newsletters or other communications or any other publicity published or distributed by Guarantor (or at its direction or authorization) that specifically references this Agreement, American Eagle (or any of American Eagle's Affiliates, included but not limited to American Airlines), or uses

any trademark, service mark, logo or trade name of American Eagle or any of its Affiliates ("American Marks") (collectively, the "Promotional Materials"). All such Promotional Materials shall follow at a minimum the Corporate Graphics Standards available on <http://www.aadams.com>. American shall have the right, at its sole discretion, to modify the graphics standards and disclaimers from time to time. All promotional or informational material distributed or electronically transmitted by Guarantor using the American Marks will require the tag line listing the marks and stating "are registered trademarks of American Airlines, Inc." American agrees to respond to Guarantor within five (5) business days after receipt of the Promotional Materials with written approval or written request for changes. Guarantor further agrees that no changes will be made to any of the Promotional Materials after approval by American unless such changes are first approved by American in writing. For the purpose of this Agreement, "Affiliate" shall mean, with respect to either party, any person directly or indirectly controlling, controlled by, or under common control with, such party.

12. Fares and Inventory Management.

American Eagle agrees to establish and modify, as needed, the air fares for the Air Service and agrees to provide yield and inventory management services with respect thereto. Guarantor acknowledges that American Eagle has agreed to establish and modify these air fares and to provide yield and inventory management services as an accommodation to Guarantor and that American Eagle hereby disclaims all liability for, and Guarantor hereby waives all claims against American Eagle which may arise out of or in connection with, the establishment or modification of such air fares or the yield and revenue management services provided hereunder. American Eagle shall at all times have the unconditional right in its sole discretion to determine air fares and to manage seat inventory during the Air Service Period.

13. Governing Law.

This Agreement shall be construed in accordance with, and shall be governed by, the laws of the State of Texas without regard to any conflict of law rules. Venue for the settlement of any and all disputes shall be the State of Texas.

14. Jurisdiction.

Each party irrevocably submits to the nonexclusive jurisdiction of the United States District Court for Fort Worth, Texas and of any State Court sitting in Texas, for purposes of legal proceedings arising out of this Agreement or any transactions contemplated in this Agreement. Each party, to the fullest extent it may effectively do so under substantive governing law applicable to this Agreement, also irrevocably waives and agrees not to assert, by way of motion, as a defense or otherwise, any claim that it is not subject to the jurisdiction of any such court and any objection that it may have as to venue or inconvenient forum in respect of claims or actions brought in such court and any right of application or appeal to any court (in the U.S. or in any other jurisdiction).

15. Reserved.

16. Force Majeure.

Except as otherwise expressly provided in this Agreement, neither party shall be liable for performance hereunder to the extent such performance is prevented or delayed as a result of acts of God, severe weather, natural disaster, earthquake, fire, war, military action, terrorist action, labor disputes, or any court order or action of any governmental, administrative or judicial entity or by any other reason or circumstance, similar or dissimilar, beyond the reasonable control of such party; provided, however, such party shall (a) provide the other party with prompt written notice thereof, and (b) resume performance under the Agreement within fourteen (14) calendar days of the first non-performance. If either of the parties is unable to perform under the Agreement within fourteen (14) days of the first non-performance under this Section 16, then either party may terminate this Agreement.

17. Indemnification.

- a. American Eagle agrees to indemnify, defend and hold harmless Guarantor and its officers, directors, employees, agents and affiliates (the "Guarantor Indemnified Parties") from and against any and all third party liabilities, damages, losses, claims, suits, liens, demands, actions, causes of action, judgments, fines, penalties and expenses (including without limitation reasonable attorneys' fees) of any nature whatsoever (collectively, "Claims") arising out of or in connection with, or related to (i) the willful misconduct or grossly negligent acts, errors or omissions of American Eagle, its subcontractors, its affiliates or any person directly or indirectly employed by American Eagle, or any of them, while engaged in any activity associated with or related to American Eagle's performance under this Agreement; (ii) American Eagle's products or services supplied or performed in connection with this Agreement or otherwise; and (iii) American Eagle's breach of its obligations under this Agreement.
- b. Guarantor agrees to indemnify, defend and hold harmless American Eagle and its officers, directors, employees, agents and affiliates (the "American Eagle Indemnified Parties") from and against any and all Claims arising out of or in connection with, or related to (i) the willful misconduct or grossly negligent acts, errors or omissions of Guarantor, its subcontractors, its affiliates or any person directly or indirectly employed by Guarantor, or any of them, while engaged in any activity associated with or related to Guarantor's performance under this Agreement; and (ii) Guarantor's breach of its obligations under this Agreement.
- c. The rights and obligations of the parties under this Section 17 shall survive any termination or expiration of this Agreement.

18. Waiver of Consequential Damages.

Except with respect to each party's indemnification obligations hereunder, neither party shall be liable to the other for any special, incidental or consequential damages arising out of this Agreement, even if such party had been advised of the possibility of such damages.

19. Insurance.

At all times during the term of this Agreement, American Eagle shall carry and maintain, at its sole cost and expense, airline liability insurance with aggregate limits of at least

\$50,000,000 USD for personal injury (including without limitation bodily injury and death) and property damage. If so requested by Guarantor, American Eagle will furnish Guarantor within thirty (30) days of such request an insurance certificate.

20. Assignment.

Neither party may assign this Agreement or any interest herein without obtaining the prior written consent of the other party, except that American Eagle may assign or delegate this Agreement and the rights and obligations created hereunder to any wholly owned subsidiary of AMR Corporation without the consent of Guarantor.

21. Waivers and Modifications.

This Agreement embodies the entire agreement and understanding of the parties and, as of its effective date, terminates and supersedes all prior or contemporaneous agreements and understandings, whether written or oral, between the parties covering the subject matter hereof. The provisions of this Agreement shall govern all services to be provided hereunder by the parties, and no addition, amendment, waiver, or modification of (or execution of any document contrary to) these provisions shall be effective unless signed jointly by a duly authorized representative of both American Eagle and Guarantor.

22. Severability.

In the event that any one or more of the provisions of this Agreement shall be determined to be invalid, unenforceable or illegal, such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement, and this Agreement shall be construed as if such invalid, illegal and unenforceable provision had never been contained herein with the remainder of this Agreement being enforced to the fullest extent possible.

23. Relationship of the Parties.

For the purposes of this Agreement each of the parties is an independent contractor and neither party shall be deemed to be the agent, partner, employee or joint venture of the other party.

24. Notices.

Any notice required to be given by either party to the other pursuant to this Agreement shall be in writing and shall be deemed to have been properly given if delivered in person, transmitted by facsimile, sent by overnight delivery or sent by registered or certified mail, return receipt requested, addressed to the other party at the following address, and shall be deemed to have been given on the day so delivered, transmitted or mailed:

To American Eagle:

American Eagle Airlines, Inc.,
Attn: Gary Foss, Vice President, Marketing & Planning
4333 Amon Carter Boulevard, MD 5535
Fort Worth, Texas 76155
Fax No.: (817) 931-9325

To Guarantor:

City of Roswell, NM
Attn: John E. Capps, City Manager
425 N. Richardson
Roswell, NM 88201
Fax No.: (505) 629-6700

Either party will have the right to change their representative and address for notice to any other location by giving at least five (5) business days' prior written notice to the other party in the manner set forth above.

25. Headings/Construction.

The headings contained herein are for convenience of reference and are not intended to define or limit the scope of any provision of this Agreement.

26. Successors and Assigns.

This Agreement shall be binding upon and inure to the benefit of the parties, their successors and permitted assigns and there is no intent to benefit any third parties.

27. Further Assurances.

Each of the parties shall do and perform, at such party's expense, such further acts and execute and deliver such further instruments and documents as may be required by applicable law or as may be reasonably requested by the other party to effectuate the purposes of this Agreement.

28. Exhibits & Schedules.

The Exhibits and Schedules to this Agreement are incorporated into this Agreement and form a part hereof for all intents and purposes.

29. No Waiver.

No waiver of a breach of any provision of this Agreement by either party shall constitute a waiver of any subsequent breach of the same or any other provision hereof, and no waiver shall be effective unless made in writing and signed by a duly authorized representative of the waiving party. Except as expressly set forth herein, no delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

30. No Remedy Exclusive.

Except as expressly set forth herein, no remedy herein conferred upon or reserved to a party herein is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. In order to entitle a party to exercise any remedy reserved to it in this Agreement, it shall not

be necessary to give any notice other than such notice as may be herein expressly required.

31. Expenses.

Unless otherwise specified in this Agreement, each party to this Agreement agrees to be responsible for its own costs, expenses and charges (including, without limitation, legal fees, advisory fees and accounting fees) in connection with the preparation of this Agreement and the transactions contemplated hereunder.

Guarantor, at its sole cost, will undertake the following actions to mitigate or eliminate American Eagle's expenses at ROW during the term of the Agreement

- a. Roswell will waive all landing fees, ROW airport fuel flowage fees, office, counter and terminal rents, for a period of two years after the start of the service.
- b. Roswell assumes the cost to build out ticket counter, hold room, bagroom, back office space in keeping with other similar sized American Eagle cities.
- c. Roswell will cover the costs associated with computer/phone/data line installation.
- d. Roswell provides suitable ground equipment, to include deicing equipment, in keeping with normal American Eagle airport operations, free of charge. The sole exception to this is the ERJ specific tow bar which shall be provided by American Eagle.

32. Counterparts.

This Agreement may be executed (by fax or otherwise) in counterparts, each of which shall be deemed an original, and which together shall constitute one instrument.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their duly authorized representatives as of the date first above written.

City of Roswell, NM

American Eagle Airlines, Inc.

By: 
Name: John E. Capps
Title: City Manager

By: 
Name: Gary D. Foss
Title: Vice President, Planning & Marketing

Date: April 30, 2007

Date:

**SCHEDULE 1
TO AIR SERVICE AGREEMENT
BETWEEN AMERICAN EAGLE AIRLINES, INC. AND
GUARANTOR
FUEL ADJUSTMENTS**

1. American has determined the Flight Charge based upon jet fuel costs of US\$2.05 per gallon ("Average Fuel Price"). If the actual average price per gallon that American pays for jet fuel to service the Air Service Flight ("Actual Average Fuel Price") for any calendar month during the Air Service Period (each an "Air Service Month") changes, American will adjust the amount payable by Guarantor for such Air Service Month and will provide to Guarantor a summary for such Air Service Month indicating the adjustment as follows (each a "Fuel Adjustment"):
 - a. If the Actual Average Fuel Price for an Air Service Month is greater than US\$2.25 ("Upper Fuel Price") Guarantor will be charged an amount equal to the difference between the Flight Charge Average Fuel Price (\$2.05) and the Actual Average Fuel Price per gallon for the Air Service Month as determined by American in its sole discretion.
 - b. If the Actual Average Fuel Price is less than US\$1.90 ("Lower Fuel Price") during the Air Service Month Guarantor will be credited an amount equal to the difference between the Lower Fuel Price and the Actual Average Fuel Price per gallon for the Air Service month as determined by American in its sole discretion.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014 **Report Date:** May 14, 2014 **Report No:** 3

Submitted By: Jason Thomas, PE
City Engineer **Approved For Agenda:** 

Subject: Presentation on the Status of Fund 118 Projects

Fiscal Impact:

Amount Budgeted:

Fund: 118

Recommendation:

Background: The final 118 project award recommendation went before Commission on May 13, 2014 for the paving of North Scenic (10th to White Sands), Fairgrounds Rd (10th to White Sands), and Washington Ave (1st to 10th) – Public Works Bid 2014-007. The presentation will review the remaining fund balance, and the plan to use the remaining funds.

Reviewed By:

City Attorney _____ City Clerk RC Assistant City Manager _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Police Chief _____ Fire Chief _____
Public Works _____ Purchasing _____ City Engineer AAJ Human Resources _____

Fund 118 Project Re-Cap
5/13/2014

Project	Name	Budget	Projected Balance
EN1111	Pecan Extension to Fairgrounds Rd	1,519,730.00	436,564.84
EN1209	Pecan/Indian Wells Intersection	602,629.00	4,159.98
EN1219	10th St / White Sands Rt Turn Lane	39,100.00	0.90
EN1301	Washington/1st St Intersection	1,766,500.00	78,114.36
EN1303	Juniper Drive Widening	-	-
EN1306	Panorama/Hamilton Intersection	491,185.00	198,996.03
EN1308	Fairgrounds Rd Repaving	409,178.00	129,889.81
EN1309	North Scenic Repaving	842,000.00	117,907.33
EN1311	Washington Ave Repaving	250,822.00	46,013.39
EN1312	N. Florida Repaving	874,377.00	50,484.65
EN1404	Florida-Fairgrounds All-Way Stop	5,000.00	1,842.84

6,800,521.00

Total Remaining 118 Funds

1,063,974.13

044 Funds Spent on Pecan/Indian Wells (EN1209)

29,224.24

109 Funds Spent on Pecan/Indian Wells (EN1209)

730,719.06

109 Funds Spent on Washington/1st St (EN1301)

227,233.03

Remaining 118 Funds

76,797.80

Notes:

Remaining 118 Funds to be spent on In-House Engineering and Project Contingency.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 13, 2014

Report No: 4

Submitted By: Reneé Cantin
City Clerk

Approved For Agenda: _____



Subject: Approve Minutes of the May 13, 2014 Special Meeting and the May 13, 2014 Regular Meeting of the Alamogordo City Commission.

Recommendation: Approve the Minutes.

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

The minutes will be emailed to the Commission by Friday, May 23, 2014.

Reviewed By: _____

City Attorney _____ City Clerk RC Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION SPECIAL MEETING MINUTES
4:30 P.M., FIRE STATION No. 5, 1492 S. Florida Ave.
MAY 13, 2014**

**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 STAHL, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

CALL TO ORDER & ROLL CALL

Mayor Galea called the meeting to order at 4:30 p.m. Roll Call was taken by the City Clerk. All Commissioners were present. Clerk Cantin announced there was a quorum present.

NEW BUSINESS

- 1. Consider, and act upon, any recommended changes to the Fiscal Year 2015 Preliminary Budget.**

City Manager Stahle reminded the Commissioners that today was the time for them to get direction for any recommended adjustments to the budget. There was some information provided to the Commissioners and he told them it was important to remember when an adjustment was made it would either come out of existing available funds, or you would have to identify how to pay for it and that may include reductions on something else. There is an amount available to allow you some flexibility in here. In prior conversations we have heard about the zipper machine, the South Fork Canal cleanup, keeping our employees unaffected by the costs of health care and employee appreciation events. He said it was their choice to decide which to put on the table, and we need motions for amending what is recommended; that would be the direction to us. He noted the Public Hearing for the tentative budget would be tonight at 7:00 p.m. so whatever direction is given tonight will be noted in the final budget which will come back to you in July. He passed out the All Funds Summary which showed how much we started with, how much revenue will be added to it, transfers in and out, the net cash available, expenditures and the whole nine yards. City Manager Stahle asked Contract Finance Operation Consultant Nichols to go over this with them all, and asked her to particularly touch on the \$7,500 for the Employee Appreciation that included \$5,000 already in there and the possibility of having two events, and the zipper machine pavement milling device.

Contract Finance Operation Consultant Nichols said this is known as the recap – all the funds the City has. It shows your beginning cash balance, your estimated revenues, transfers in and out, the budgeting expenditures, the estimated ending cash balance, any reserve requirement from that, and an ending adjusted cash balance at the end. She pointed out at the bottom of the second page the total fiscal year 2015 budget that is \$54,436,847. The General Fund starts the year with \$5,404,000 and Estimated Revenues of almost \$16 million. That transfers out of \$6,127,000 and she noted on the net transfer out that 99% is your subsidized operating expenses to other funds. Total budget expenditures are \$12,808,205 and the estimated ending balance is \$2,459,909. From that, we are required to withhold \$1,067,350 and based on yesterday's discussion and the fund reserve policy we discussed, the input in here and recommendation of the staff which represents \$530,934, one quarter of the note we need to work into the reserve. Ms. Nichols pointed out the sheet showing four, five, six and seven year estimated fund balances. For June 30, 2015, the estimated amount is \$861,625 and all the funds fall right in line with that. We took out the reserves in all the areas we felt they needed to be taken out of, and your cash balances would be in that final adjusted ending balance column. She commented on the General Fund and that they failed to put the administrative fees in here. We've put the Employee Appreciation with an additional \$7,500; we included the zipper machine in Fund 42.

City Manager Stahle said both of those would need a motion to complete them. City Manager Stahle said the South Fork Cleanup was not included in there; it was a \$45,000 estimate and should come out of Fund 81.

Commissioner Hernandez agreed the South Fork needed to be cleaned up, but felt some PR work should be done before anything is done. He would send Brian up there to knock on some doors, and City Manager Stahle said yes, also send some letters. City Manager Stahle said we need to talk to people and make sure they understand what we are doing, why we are doing it, and by what authority.

Mayor Pro-tem Rentschler asked if we had already approached them. Public Works Director Cesar said they are aware that we are looking at this project. City Attorney Thies responded with how we would contact people.

City Manager Stahle said one of his concerns was if people did not sign, could we still do it. City Attorney Thies responded and City Manager Stahle said that just because we notify people doesn't mean we don't have a right to go on this easement and do what we need to do with the facility. It has been a long time so it is the right thing to do to get them all to sign it. If they don't sign it we have to contend with that.

Mayor Pro-tem Rentschler asked if it was the South or North Fork. Any time you are working on an acequia like that there is generally an organization to work with. He wasn't sure about the South Fork but noted there was an organization for the North Fork and they know us pretty well. City Manager Stahle thought they will realize that. Mayor Pro-tem Rentschler said it took about a year and we all teamed with the acequia and used state money so were able to do it for about half of what we are talking about right now.

Commissioner Straface asked what the undesignated fund balance was after the adjustments had been made. Contract Finance Operation Consultant Nichols said it was the \$861,625. City Manager Stahle said that is assuming a four year buildup of the reserve fund.

Commissioner Straface asked about the Washington Street project. City Manager Stahle told him the Washington extension was in this year's budget and would be carried forward.

Commissioner Hernandez asked if it would be better to put the money for the acequia in now and take it out if we can't use it. City Manager Stahle encouraged them to budget for it and reminded them this is only setting your financial plan. Almost everything in this budget is going to take some effort to get done. A project like the clean up of that canal will be done if we don't run into any other roadblocks; there are a bunch of projects like that. We won't spend it unless we are able to.

Commissioner Hernandez's concern was more that we work with the residents up there because he didn't want them to feel we were shoving it down their throats since it was approved. So for the record, he wanted it to show we approve it based on it all working out. City Manager Stahle said we are approving the funding for it, but not necessarily directing it to be done at this time. You will guard against the reaction some may have; we will communicate with them and make sure they are fine with it as best as we possibly can.

Commissioner Hernandez moved to approve the three items: zipper machine (\$135,000), South Fork acequia clean up (\$35,000), and employee appreciation events at (\$7,500). Mayor Pro-tem Rentschler seconded the motion.

Commissioner Sikes asked for clarification on the amounts. Contract Finance Operation Consultant Nichols told her you would be reducing the General Funds.

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

Commissioner Hernandez asked if we could do the four, five, six or seven year plans. He would like to discuss this as far as our reserves. Mayor Galea asked if we could also discuss salaries when we consider the reserves.

Mayor Galea didn't see a spreadsheet for how much we spend in salaries for this budget.

City Manager Stahle said one of the questions asked the other day was how much it would cost to give a 1% and up to 5%. In the big vote you have employee costs but they may include benefits as well as salaries.

Commissioner Hernandez said one of the reasons we don't budget and put it in this is because when we go to negotiations, this is all public information. If we budget 5% then they know we have 5% and they can negotiate up to 5%, but he was concerned we could go to negotiations without anything in our pockets. We have to figure out how to do that until we budget it, just as we do everything else.

Mayor Galea asked what if we set aside \$500,000 so there is something the staff can use to negotiate. Commissioner Hernandez said there is still a number tied to it and they know they can break it down to be negotiated by percentage. It is hard to negotiate when your hands are tied. It's up to us to negotiate the least and up to them to negotiate the most. He wanted to make it clear he does understand that, but still had the problem we are going to negotiations with nothing in our pockets.

City Manager Stahle said he would adjust that language ever so slightly to say it is in our best interest to pay a fair wage and fair benefits to our employees. Commissioner Hernandez said absolutely. City Manager Stahle said we aren't trying to cut them to nothing nor are they trying to get too much. Commissioner Hernandez agreed. The City Manager said everyone needs to be realistic. The fact is, the cat is out of the bag because we've had public meetings and will have a public hearing tonight. Witnessing what has been put into the budget may not be what the contract says. We may come back to you saying they want x,y and z that is not in this budget, and you will have to give some direction on that as well.

Mayor Pro-tem Rentschler asked if he was saying we are going to have to look at it as a budget adjustment, and City Manager Stahle agreed.

Mayor Galea asked him if we could be discussing employee wages between now and July 1st, and City Manager Stahle said you can discuss them now or in a future meeting. It would be good to know what your intentions are, but don't let the union negotiations bog you down too much. We are not trying to hide anything from the union; our records are there for everyone and we want that transparency. The union representatives have been listening to you and know our financial condition; they know in five years it looks kind of bleak and we have to plan for major expenses.

Mayor Galea said for that reason she would like to discuss a one time merit amount for this year of a certain percentage, because we don't have that amount for next year; it is not reoccurring. We are dipping almost \$4 million dollars in.

(City Manager Stahle got the word he had a healthy grandchild.)

Mayor Galea wanted to discuss multiple options of a dollar amount across the board, percentage or a one time merit; it would be pulling from non-reoccurring funds.

City Manager Stahle noted the HR Director was handing out information they might find helpful. We've had lots of conversations about the Affordable Care Act and the 10% increase in our health insurance premiums. In this handout, we will walk you through what those costs are and per your request of the other day, how much would it cost the City do a 1% across the board.

Commissioner Baldwin asked how long it's been since we've had a meeting in reference to the negotiations. City Manager Stahle said it has been a long time. Commissioner Baldwin asked how we can put something in the budget if we are not aware of what is going on in the negotiations. He understood and was fine that if something does happen in negotiations the budget will have to be adjusted.

Mayor Galea asked what about the employees that are not part of the union. Commissioner Baldwin said it would still be our decision at that time. Any discussions concerning negotiations are usually done during Executive Sessions, and we are trying to make a decision on negotiations we know nothing about.

Commissioner Hernandez said in the past we have based our employee increases on the GRT's. Since they are down and we know they are down, we know what we should do. He wanted to task that with whether there is something we can do. At least we will have tasked the staff to look into it for options so we don't have to use more tax dollars. Commissioner Baldwin thought that was smart but thought it a game time decision when the negotiations come to us.

Mayor Pro-tem Rentschler was concerned we know where we are, gross receipts wise, and he expected a better year but he could not guarantee it. Would you rather do something like this now and then get half way through the year and have to lay people off. His answer was no. If that means we have to hold the line now, then that's what it means. And then there is health care. We already have a \$250,000 increase and he was concerned about the next year. As long as he has been here no one has been laid off, but we know it has happened to us before. He urged caution when discussing people's livelihoods.

Human Resource Manager Josselyn pointed out different scenarios in the packet she passed out. The first one was a one time flat amount for each city employee, the other was a one time percentage amount to each employee based on their base salary. She put them in different groups because of different applied benefits. Commissioner Straface asked if that would include all of them. Human Resource Manager Josselyn said that in the past, if there was an across-the-board incentive implemented, it was to all regular full time and part time employees without including seasonal employees; the only way they were included is if they took our pay plan. She broke it out so they could look at it in that manner. She pointed out the total cost to pay a one time amount only to those eligible for insurance now and noted the numbers were the same as in the above table; it includes only full time positions. The 343 employees are positioned that are eligible for insurance right now.

City Manager Stahle said for clarity, if you look under the \$1,000 in Option 1, you will see the amount of \$497,120 which is assuming every employee whether seasonal, part time or whatever would get \$1,000. Under that is the amount \$392,840 which includes only the full time employees. You need to recognize part time and seasonal don't qualify for insurance, so the discussion the other day had to do with making the goal as a result of the increased cost of health insurance. He went through the rest of the table and then went on to the next Option table which had just percentages. He said these are based on our current numbers and things change; these are estimated costs.

Commissioner Straface said you wouldn't add positions and the City Manager said that was correct.

Commissioner Hernandez asked about the first one of 343 employees times \$1,000 that didn't come up to \$392,000. Human Resource Manager Josselyn explained it included associated benefits. Commissioner Hernandez said you would be getting them \$1,000 clear, and Human Resource Manager Josselyn said no. We would be giving them \$1,000 and then the employee would have FICA and tax taken out, and the City share would be the FICA, tax, etc.

Human Resource Manager Josselyn explained page 2 showing the one percent, the one time payment or if you applied one percent for the year. She showed the hourly rate for an employee in order to show the impact. For example, an employee making \$8.61 per hour would have an annual gross pay increase on their paycheck of \$179.00. She pointed out the considerations at the end of

the report concerning insurance rates.

City Manager Stahle said it's highly unlikely health insurance will go down. If you did a one time flat amount or percent amount, for example, insurance may go up again.

Human Resource Manager Josselyn pointed out other considerations; who gets the one-time payment, when do they get it, and what qualifying criteria to receive the payment. We will have to declare exactly how we want to do this.

Mayor Pro-tem Rentschler asked that when it comes to going forward, is there anything that stops us from changing what we do for future employees, as far as what share the city pays and what share the employee pays. Human Resource Manager Josselyn confirmed it's in here and in some of the other information we've had. Mayor Pro-tem Rentschler felt if it was outside the union and we offered jobs with these based on that and they joined a union, it would change the equation. City Attorney Thies said if they are union eligible they would be subject to renegotiate.

City Attorney Thies explained the three classifications. City Manager Stahle remarked if you negotiated, what you are saying is anyone in that union whether hired now or.....Mayor Pro-tem Rentschler interrupted to say couldn't the union negotiations we are talking about be for the regular members or will we negotiate down for the future members.

Human Resource Manager Josselyn went on to say another consideration is we could do a flat amount on the employee salary going forwards. On page 3 she pointed out the City's annual budget cost of 10% for the health increase and the Affordable Care Act (ACA). There is \$120,000 for the 10% increase, \$125,000 for the FY15 Budget contingent fund toward what we will do with the Affordable Care Act. She said that is a guess. City Manager Stahle said it's a wild guess based on that Option 12 we talked about.

Human Resource Manager Josselyn went to the next section of the Employee Impact – 10% Health Premium Increase. She had broken out the impact and showed that the 10% increase to the employee for the Employee Only Policy was \$207.00, and then the impact to the employee with a family. The City costs for employee insurance were to the right of the table. If you paid that flat amount to each employee with insurance plus the benefit payment, it would cost \$88,342.24. She noted this excludes employees who are not participating in insurance benefits, and she thought that was a problem which could cause moral issues. The last option was that employers are required to comply by January 1, 2015 to the ACA. That will be measured by the federal government in April 2015 when all our employees turn in their W-2's showing whether they had insurance or not. We could not do anything with the ACA and wait until July 1, 2015 to look at how much the City and employees will pay to meet those requirements. The \$3,000 penalty is based on a full year of us not meeting all the requirements for a particular employee. If we didn't meet that for six months of the year, it would bring the penalty down to \$1,500. She illustrated that in the last of the report, the 25% of the 86 employees we show don't meet that 1.5 percent, times the penalty would be \$33,000. She told them she has no idea how many employees will go to the exchange, pick up the insurance and get the credit. That is what the penalty is contingent on.

City Manager Stahle said the other day Commissioner Straface made the point many private companies will choose to pay the penalty instead of trying to comply. That is what this option does and our estimate, and it is only an estimate, for half the year of \$33,000 as compared with the \$125,000 has been put in the budget to cover the expense. First of all, we are in the middle of May and it doesn't take affect until January; we aren't the only jurisdiction facing the same dilemma. We will no doubt need some interpretations and clarifications from the Feds on this. Some of the things we will know more about by this time next year are how much fine we are likely to face and how many people are opting into some other insurance program. Right now we are guessing and will have more answers as we get into next fiscal year's budget discussions.

Human Resource Manager Josselyn said we have an open enrollment at the end of the year and that will give us a better idea of who will enroll in the plan.

City Manager Stahle said to keep in mind that if we are off and a lot more people get fined for it that number could go way up. It is possible for you to budget around \$35,000 for those fines and plug that into the budget.

Commissioner Straface asked if part of the problem is based on what you offer and not necessarily what people take. If they chose to go to another place for fewer dollars, they can do that on their own.

Human Resource Manager Josselyn said the key was if they can pick up a credit then we are going to get fined.

Mayor Galea said that prior to this you had included Option 12 – the 85/35 split – and you are suggesting we look at continuing on with the 60/40 split while reserving \$33,000. Human Resource Manager Josselyn said yes and we need to look at what we are going to do in a few years.

Mayor Galea asked how that would impact the employees. Human Resource Manager Josselyn said that on page 4 it shows in the top grid where it says Bi-Annual Impact. That is the 10% increase to the employee for this first six months and that will show what they will have to pay for the entire year.

Below that shows the impact of doing the ACA Option 12 for the last six months. If we chose not to do that, then on page 3 where it shows the annual impact on the employee, that is what it will cost them. He gave some examples.

Mayor Galea asked to discuss the one time merit and reserve that funding for staff to use in order to negotiate salaries with unions. We need to decide that one time merit amount. She thought it important to reserve the funding and designate it for that purpose, and she thought it would be beneficial to the employees even if we continue with the 60/40 split because the annual impact would be more than covered. If they had the one time merit pay of \$1,000 it would more than pay for the impact to the employee with a family and have additional money in their pocket; it would be more than what a raise would provide.

Mayor Galea moved to approve keeping the 60/40 split, eliminate the \$125,000 in the ACA, reserve only the \$33,000 for potential penalty payments for the ACA and include a designation of the reserve of the \$392,840 for future salary negotiations of the one time merit award for full time employees.

Commissioner Hernandez asked what fund this would come out of.

City Manager Stahle pointed out it included all employees in all funds. For example, if you did the \$1,000, the sum of the various funds would be \$392,840; it isn't just General Funds. The General Fund amount that you could do something with if you wanted to is \$861,625. If you did the \$1,000 it wouldn't necessarily all come out of the \$861,000; it would also come from other reserves.

Commissioner Turnbull asked if this was just to reserve that and this is not a decision right now. Mayor Galea affirmed.

Commissioner Turnbull seconded the motion.

Mayor Pro-tem Rentschler said what you have to look at is that everyone is facing this. He was concerned with reserving too much and he would rather see the \$1,000 reduced to \$500. Mayor Galea asked if that was for all employees or just full time employees. Mayor Pro-tem Rentschler said full time employees.

Commissioner Straface said there was the consideration for finding the dollars to support it. He went on to explain.

Mayor Galea agreed and saw it would also make employees whole and not penalize those that do or don't receive insurance; it would be fair across the board. She thought it important to designate that total sum so staff would still have opportunities to negotiate with the union.

Mayor Galea amended the motion to designate a total amount of reserve to \$294,630 instead of \$392,840 for the amount of \$750 one time merit awards for all full time employees, and to include a six year reserve. Commissioner Turnbull seconded the motion.

Commissioner Straface asked if the dollars to pay for that, would you move this to a six year? Mayor Galea thought a six year very prudent. Do we need to decide how many terms? City Manager Stahle said it would be helpful if you identified. Mayor Galea would like the six year so there is funding this year to afford that one time merit.

Mayor Pro-tem Rentschler said we keep a lot of fund balance anyway and we actually reserve 15% because that's what we've seen that we have in additional salary, because of what people might take later on.

Contract Finance Operation Consultant Nichols said she would just like to say that at 15% it won't be spending your budget; it is not necessarily salary. Mayor Pro-tem Rentschler thought it primarily benefits, correct? Commissioner Baldwin said there was a huge portion of it and not the whole thing. Ms. Nichols had not put a calculator to it – what percentage of that 15% is strictly for the benefits side. She would like to do this.

Mayor Pro-tem Rentschler said his point is we could use some amount in that. Since we've had this 15% cushion in there and our track history says we don't necessarily need it, we could look at taking that out and putting it somewhere else. His point was maybe we could put it in this reserve estimate. This year is particularly painful to consider doing this and we could change the years at any time. If there are more people in Alamogordo and our gross receipts go \$2 million more than we've got, we could change this. He felt we were double cushioning. When it comes to this reserve, he would rather see us go seven years and we could adjust that at any time. We know we already have an amount equal to 15% .

Commissioner Straface commented on this.

Mayor Galea said there was a motion and second on the table and then she would entertain a motion for the terms of the reserve fund balance.

Commissioner Hernandez asked what the general probationary period was for an employee. He was told it was about six months. He was looking at when you would pay out because you don't want to pay someone who has been here 15 years and then someone who had just started. He felt they should look at that at some point if we do this.

City Manager Stahle said he was hearing to put the money aside and not execute any plan to actually distribute the funds, so he agreed completely. That will be discussed at a later date.

Mayor Galea said it was just to put the funding aside, but she agreed with Commissioner Hernandez about seeing tenure of at least one year. That is for you to decide.

Mayor Galea amended her earlier motion to approve the insurance contribution will remain at the 60/40 split, eliminate the \$125,000 for the ACA, reserve only the \$33,000 for potential penalty payments for the ACA and include a designation the reserve of the \$294,630 which would include a \$750 one time merit payment for future salary negotiations.

Commissioner Baldwin asked about knowingly ignoring the ACA. Contract Finance Operation Consultant Nichols said it was a gamble. Commissioner Baldwin said it was weird to ignore it. City Manager Stahle agreed. Commissioner Baldwin asked about us doing it simply because others were.

Commissioner Straface said he wouldn't put it that way; he felt it was an option to consider. There is no question that it is a gamble, and right now we are in a dilemma since we don't know how many will go for health care through some other entity. It is cheaper to budget it. If you all decide to change your mind, you have to tell us by January 1, when we really have to decide it. Part of what he had looked at was as we have gotten into the whole health care issue, it has become clearer. This area is still fuzzy, but hopefully in the next six to eight months you will get some more clarity and then we can advise accordingly. You don't have to wait until the end of the fiscal year to decide what to do, but this does give us that option.

Commissioner Straface said we don't know and we have a federal election coming up in November that could affect this. By doing this we still have enough reserves to back up and say we need to change this.

Commissioner Sikes said she didn't think of this as a merit raise, because all we are doing is helping the employees with their health benefits. If she were on the other side as an employee and all you were doing was giving me a band aid, she wouldn't feel it was a merit raise.

Commissioner Straface said right now you are creating an escrow to serve in negotiations. We haven't decided what it will be called. Mayor Pro-tem Rentschler said you could call it something like a Health Care Saving Plan and it would be considered tax free. City Manager Stahle said there are some other consequences of that.

Commissioner Straface shared where Nadia was on the label. Mayor Galea thought it important that the fund was set aside so it wouldn't be spent on capital projects. Commissioner Straface agreed.

Commissioner Sikes said as we are going through the budget process, one of the things city employees think about is that this is the time we are discussing raises. Perception is a big thing and if we walk out of these meetings without having done something to benefit the employees, it won't be fair. We need to come up with something that looks like we are rewarding the employees, and she valued the fact we have decided to do two employee appreciation events in the year, but that won't help pay bills. This is a big deal for everyone who works for the city, perception wise.

Mayor Galea considered that in the impact; for example the 1% for someone making \$10.00 an hour would only be \$17.00. Commissioner Sikes agreed and said what we did last year was almost a slap in the face at 1.5%. If we are going to do something, it has to be significant enough that a \$10.00 employee could actually see a difference in their paycheck. We can do something to help our employees.

Commissioner Straface said you would escrow an 'X' amount of dollars and she affirmed. Commissioner Sikes said it has to do with attitude, longevity and the revolving door.

Mayor Pro-tem Rentschler said he didn't want to gamble with employee jobs and their individual jobs are much more important than a 1% or 2% raise. Unless we see that savings and reduced services to the citizens and reduce employees, at this point, he didn't know if next year would be better. He didn't want to lay anyone off.

Commissioner Straface said the way he would suggest it is to increase the dollar amount to put into escrow for negotiations. Commissioner Sikes agreed.

Mayor Galea said there is a motion on the floor and seconded that the escrow amount be \$294,630. She asked if they wanted to amend the motion for more.

Commissioner Sikes said if we could come up with a reasonable place to get it, could we take it from the \$852,000. Next year it would be one time money and the year after that it would be one time money again.

Mayor Pro-tem Rentschler said so you want to start laying employees off.

Ms. Nichols reminded them that the full impact would not just affect the General Fund; it would affect other funds and when that happens it is negotiated up to that limit and would be spread out accordingly. We are ok'ing those other funds so, yes, you can do that. It won't actually come out of the 861.

Commissioner Sikes said everyone will get more money in their paychecks and all will be out shopping.

Commissioner Baldwin stands with Mayor Pro-tem Rentschler; it's our job to make sure they get a paycheck first.

Commissioner Hernandez stated it is also appreciation. It makes it very difficult and he would write them a \$10,000 check, but we can't. We have to figure out how to keep all their jobs and keep them all in jobs with us.

Commissioner Baldwin said three years ago when he came back to Alamogordo and began working at the Golf Course, he had seen random applications for positions in the restaurant business and pro shop which are private contractors. They would receive one application every two or three weeks without any advertising; simply people looking for employment. It is about four to five applications a week now without any advertising. There are a lot out there looking for jobs. Having a job right now is a good thing and having a job with the City is a better thing. He said he was envious of the health care.

Mayor Galea said there is a motion and a second, and she asked for any other amendments or discussion. She read the motion again and asked the Clerk to call the roll.

Roll call was taken. Motion carried with a vote of 7-0-0.

Mayor Galea said we will now discuss and entertain a motion to explore the reserve fund balance and terms. It is four years and \$934,000 going into reserves which would leave a balance of \$861,625. If you go as far as seven years we will be reserving an estimate of \$303,391 which would then be \$1,089,168 left in that balance for a one time use.

Mayor Pro-tem Rentschler urged that we look at the estimated fund balance going to seven years. In saying that, if we have a big influx of growth we could increase it. What it does is start this situation.

Mayor Pro-tem Rentschler moved to approve to start the estimated fund balance of reserves at the seven year term. Commissioner Sikes seconded the motion.

Contract Finance Operation Consultant Nichols said that since we talked about the reserves, would this be just on the General Fund, and was told it would just be on the General Fund.

Commissioner Straface said to let the record show we can adjust it. All agreed.

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

Mayor Galea said that after visiting with Mike Espiritu, the parking apron may have an estimated cost of \$250,000 and will be a capital project. It will potentially need to come from the fund for economic development tax and will be needed at the Airport for the company who is trying to work there. Also, she wanted to talk about the Library Funding. There is less funding coming from Otero County and she asked the Commissioners if they would allow her attend a County meeting to request more library funding, or we could have a joint meeting with the County if more Commissioners were interested.

Commissioner Sikes said she was under the impression they reduced our funding, took away some

of the funding, were paying us through October and had decided that we would request the funding as we normally do and they would pay it. Mayor Pro-tem Rentschler said he was also under that impression especially since they got the Hold Harmless. Commissioner Sikes said they are rolling in dough.

Mayor Galea asked if there was an invoice that goes out to the County of \$33,000 for funding. Customer Services Manager Ortega said there was a Joint Powers Agreement that goes out every quarter.

Mayor Galea said that for the record, they are paying it. Commissioner Sikes suggested we ask for more.

Mayor Galea said OCEDC has only funded \$7,500 from the County and she would like them to match more of our \$100,000. Commissioner Sikes said that we finance close to \$900,000 for the Library; the County, even through the Joint Powers is doing \$44,000. Someone corrected that number to \$33,000. Customer Services Manager Ortega remarked he wasn't sure they were still paying that or that we were still billing them. He thought there was a time they stopped their portion of it and Commissioner Sikes said it was last October.

Mayor Galea wanted to discuss other funding such as the City pursuing a stronger condemnation policy in commercial zones and more dilapidated buildings being condemned. The City could create a demolition incentive and commercial companies could do the demolition at their cost. The City could then turn the property over for their development, as long as it was developed in two years.

Commissioner Hernandez had a serious problem with that. One of the issues in his neighborhood was half-way houses and he'd hate to have a group of half-way houses next to him. Mayor Galea asked about it being only in commercial property zones. He felt the issue was more in residential and said we have condemnation and demolition, and in his area they can get a property and build something cheap. If it is a single family lot, they don't have to follow that under the Federal rules, so you could have 25 sex offenders living across from you. They do not live under the same requirements covering anyone else.

Mayor Galea brought up the discussion to address areas just in commercial zones such as White Sands Blvd. or Tenth Street. A stronger condemnation policy would allow for those buildings to come down. Between First and Tenth Streets there are a number of them and it would allow an incentive for commercial companies to do the demolition at their cost and build new.

Mayor Pro-tem Rentschler asked the city attorney if that didn't sound convoluted when it comes to the legal wording of the thing. City Attorney Thies said he was working on the details.

Someone said the tear down process could take several months. City Attorney Thies said it was somewhat different than the normal process. We are determining if the structure is in such a state that it needs to come down.

Mayor Pro-tem Rentschler said that is what he was getting at. City Attorney Thies said we are proposing a modification of that process which would go to the property owner and say we are going to tear the property down or give the property to us, if he understood it correctly. He continued explaining the process.

Commissioner Hernandez said he was thinking of the properties from First to Tenth Streets that are dilapidated, and most are pretty small and have houses on them. You can tear the house down but what will you build on it? Commissioner Hernandez and City Attorney Thies talked about this. Commissioner Hernandez said he knew Allsup's was in negotiations to buy Taiwan Kitchen because they have already acquired property to the north, but he doesn't want to sell. That is probably one of those buildings that would fit under this. The lot itself is too small with the required 3-1 parking and everything else. You would end up with empty lots or them coming to us saying they do not meet the requirements, and then what would you put in there. At the same time, he didn't have a problem

doing this, but at some point we need to start looking at ordinances for what is allowed to be put back in there and for signage. You don't want metal buildings without frontage in town. It is a combination of things that would have to be worked out.

Mayor Galea agreed but brought it up in order to get started in the removal of blight or dilapidated buildings. We need to fund condemnation and strengthen that policy or look at our policy for condemning property through our definition of dilapidation.

Commissioner Baldwin said this is on our top three of the list we decided on last year to make Alamogordo look better and bring business in. It is time to pull the trigger on this process, as long as we go through the right process.

Mayor Pro-tem Rentschler asked how much money is in an account to do these things. Mayor Galea said zero. City Manager Stahle said there isn't any money in this program. City Attorney Thies said Code Enforcement has some money for this, and City Manager Stahle said that isn't good enough.

Mayor Pro-tem Rentschler asked how much we have in abatement. Fire Chief Ward told him they have \$100,000 in the coming budget year. He continued by saying much of the area we are focusing on is the direction you provided us with; we clean the area up and make it more business friendly. A lot of those buildings in that area are single family residences.

Mayor Galea said that is \$100,000 that could be used for demolition, but this program would have funding for just the condemnation policy to obtain the property and the demolition would be an incentive for a commercial company to do it on their dime because they would be given the property. It would benefit the community because they would be building new under terms agreeable with the City.

Commissioner Baldwin said let's start working this out. He wanted to see a list of all properties on White Sands that are close to this. We are talking about staff time and our time, and funding it might not be worth it, but there are areas in town that we can actually make to look good for something else.

Mayor Pro-tem Rentschler said there is a block of them across from NAPA, and Commissioner Baldwin said we all have ideas of what we could do there.

Commissioner Hernandez remembered Tiny's Tire Town where Martin Tire is now. When Tiny's Tire Town closed they knocked it down and put in a nice, pretty metal building. He felt we should put something in the ordinance at this time where a metal building could be built, but it must have a front.

Mayor Pro-tem Rentschler said this money would be for legal expenses. Mayor Galea said it would be for the condemnation process of obtaining the property; however much the property would be worth and the condemnation process which would be fair market value. She didn't know what that cost would be.

Commissioner Straface said you are suggesting that we would purchase these at fair market value and then developers can develop them at no cost to them. Mayor Galea said yes. Commissioner Straface asked if it could be any property and the Mayor said yes. He asked who would take down the building and the Mayor told him the developer. Commissioner Straface said we could own a lot of property in disrepair and the Mayor said that was accurate.

Commissioner Hernandez said it is White Sands Blvd. frontage and not 60 cents per square foot. It doesn't matter what is on it, it is still White Sands frontage property.

Commissioner Baldwin said let us start the process of identifying and the legal work before we decide whether or not we want to purchase, maybe at a later date.

Commissioner Straface asked where the money would come from to purchase property. City Manager Stahle told him you have a variety of options. There is the State Highway Fund with about \$80,000 for the Keep Alamogordo Beautiful program. You could also take it out of the \$861,000.

Commissioner Sikes asked if there was a committee or group with the Chamber of Commerce who might be interested. As we are discussing this, all the marketing lights are going off and it seems like a Main Street project where you could get the Chamber of Commerce and OCEDC involved. Commissioner Straface said a Beautification Committee was initiated about two years ago that worked with someone in the city. We couldn't see any progress with it because there weren't any dollars to support it. He felt the Chamber would at least be interested in talking about it, and if the City had some dollars the Chamber would work to help market some of those kinds of things.

Commissioner Sikes said the beneficiaries of all this work would be OCEDC and the Chamber who entice businesses to come here. Commissioner Straface said it would be a benefit to the City. He had been on that sub-committee and they didn't think it was good to raise Chamber dues because it was pretty substantial. There is not a committee at this point.

Mayor Galea asked if this could be brought to a future Commission meeting as a budget amendment.

Commissioner Straface said there was a Chamber meeting next month and he could bring it up at that time.

Mayor Galea said economic development was a community effort and could be anyone's game. She wanted to discuss utilizing the Economic Development Fund as a finder's fee. It could be 1% of the annual payroll costs of the company after they've been here for five years. A company like PreCheck has a payroll of about \$5 million, so 5% is \$50,000. Everyone in the community has networks to bring someone in. That would be a good incentive to bring in a qualified entity. Economic Development would be anyone's game who has developed a network. It would be \$50,000 of that \$4 million just sitting there.

Mayor Pro-tem Rentschler asked if we could support that in an ordinance, and City Attorney Thies told him it would be an eligible expense because it is related to a project.

Commissioner Hernandez said it couldn't be anyone directly employed to do that job, and City Attorney Thies said it could not be retail.

Commissioner Baldwin said instead of throwing ideas at a fund, let's find out exactly what we can spend that fund on. We've been tip-toeing around that idea to use the money and keep getting blocked; let's get a list of what we can do. He agreed that money works hard and there is \$4 million in that fund. How can we use that money to get people here? Mayor Galea asked if we can reserve a portion for a finders fee; maybe \$100,000 a year for a finders fee. Commissioner Baldwin said that at this point he just wanted to get things done.

Mayor Galea remarked this came up in discussion with Billie McMillan, an aviation technology person, who said he could bring us aviation jobs. We told him if he brought the jobs we would give him a finders fee and when he asked what the finders fee was, we didn't have one.

Commissioner Straface asked how this interacts with OCEDC and City Attorney Thies said there is \$75,000 in it. Commissioner Baldwin said the GRIP money comes out of that, and City Attorney Thies said that was not correct. Mayor Galea answered Commissioner Straface's question saying it is a designated GRT of 8% that brings in \$780,000 a year. If no new jobs come in nothing comes out of that fund, so that is why she spoke of an incentive finders fee to bring in those companies that qualify.

Commissioner Straface asked why we wouldn't do something with it. Mayor Pro-tem Rentschler

thought we said \$45,000, and Mayor Galea said there wasn't a finders fee.

City Manager Stahle said the devil is in the details as to how that program might work. Remember what you are doing now – earmarking some money for that kind of program and letting staff go develop the program. All you are doing tonight is saying whether or not you want to set any earmarked money for that out of the Economic Development fund.

Mayor Galea asked if there is \$4 million sitting there would anyone feel comfortable with \$100,000 being put aside as a finders fee or reserve, however the program is developed.

Commissioner Baldwin said yes, he thought that was good. Commissioner Hernandez said we could start there and work up or work down.

Mayor Galea said you all received an email from her concerning a project, a government contractor who is still looking at coming here who could potentially be the first in the industrial park area.

Mayor Galea moved to approve to reserve \$100,000 in fund 105 (Economic Development) for a future finders fee program. Commissioner Baldwin added to include a list of what it could be used for. Commissioner Straface added to direct staff to develop the details of this program. Commissioner Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

Mayor Galea asked the City Clerk Cantin how much time was left and it was noted they had an hour left.

Mayor Galea said there was potential for Branding Redesign of the City's logo with a potential cost to the City. The three words being considered were Launch, Discover, and Explore in whatever order, and it will tie the City logo in with the Chamber and OCEDC. The City would have the mother logo and the Chamber and OCEDC would be tied in. The design cost would be on the Chamber and OCEDC with the cost to the City being to change letterheads and other documents.

Commissioner Baldwin asked if the three logos would represent all three and Mayor Galea affirmed. She said it is supposed to promote tourism and economic development. She explained there was a Branding Committee who came up with this. Commissioner Straface thought they had decided on the order of the three words, but didn't remember what it was.

Mayor Pro-tem Rentschler asked if the atomic bomb would be used. Mayor Galea said that is where the word Launch came from. Mayor Pro-tem Rentschler said like it or not, that is what the world knows us for. Mayor Galea said we also discovered Atari. Mayor Galea said they did a poll to decide on this and added that Megan Wade did that poll. Megan Wade was in attendance and said the order was Discover, Explore, Launch with the idea you discover Alamogordo, explore what is here and you can launch anything here – career, business, family or whatever is important to you. The other option was going to be Launch to Alamogordo, and then Discover and Explore. The polls we put out with the Chamber, OCEDC, the City, WSMR and HAFB were overwhelming in support of the first – Discover, Explore, Launch. This committee has been meeting for seven months to work on this.

Mayor Galea said some money would need to be set aside to change letterhead and other documents in order to become more uniform with the Chamber and OCEDC.

City Manager Stahle said the change over of logos on all cars is very expensive, and suggested doing that on all new cars; it could be done fairly easily on letterhead. It is really for consistency between us and the Chamber, OCEDC and other entities who advertise for us and in our behalf. He didn't know how much it would cost, and he thought we could have further conversation on this as it matures. It would be fine to put money aside for that and it would probably come out of the General Fund of \$861,000. The amount of \$10,000 would probably be enough to wet our whistle.

Commissioner Straface said the School District re-branded about two and a half years ago, and it was done over time because of the expense. As each new vehicle came out we would put on the new stickers. We were worried about the waste of stationary, so as it ran out it was replaced with the new. This took about 18 months. City Manager Stahle said that makes perfect sense and it doesn't cost you that much. Mayor Galea said that make sense and said that is what the Chamber is talking about, on a smaller scale. As things are used up, they are replaced with the new.

Mayor Galea brought up the parking apron at \$250,000 and that it would be money set aside in the Economic Development fund for infrastructure improvement at the Airport in order to facilitate the improvements for a new business out there.

ADJOURNMENT

Mayor Pro-tem Rentschler moved to adjourn at 6:10 p.m. Commissioner Hernandez 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 May 27, 2014.*

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
MAY 13, 2014**

**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 STAHL, 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 given by Pastor James Forney and the Pledge of Allegiance was led by Commissioner Straface.

APPROVAL OF AGENDA

Commissioner Baldwin moved to approve the agenda. Commissioner Straface seconded the motion. Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. Presentation by the Freshman Academy who were winners of the Young Entrepreneurs Award. (Nadia Sikes, Commissioner)

Commissioner Sikes welcomed parents who came to see the presentation and she expressed that everyone was in for a treat. About two months ago she began working with the Freshman Academy at Alamogordo High School (AHS) who were doing a project called Authentic Learning. These students worked for two months putting this together and last night at the Community Night for AHS, 127 students broken up into 27 groups were judged on their outstanding work. She reminded everyone we had passed a bond issue at the last election to build a Family Fun Center. In the course of doing this student project, they came up with ideas for this Family Fun Center. Commissioner Sikes then introduced the students who presented: AnnaLee Rahovec, Robert Ragan, Steven Guilez and Mariana Woosley. The teachers involved were Trude Trudell, William Hays, Aliza Kazmi, Jennifer Wisecup, Chris Senior, Ricardo Rendon, Clara Clark and Ben Lukowski.

AHS teacher Aliza Kazmi explained the project saying it was a cross-curricular project with the challenge of, 'There is Nothing to Do in Alamogordo'. In response to that challenge, the students had to put together a survey they designed on their own, conducted that survey within the high school, analyzed their data and put together a proposal similar to a policy memo where they had to draft out the problems being identified along with their ideas for a solution. Based on all the data, they all agreed on one idea which was that they needed a Teen Center for all teenagers to attend in order to engage in physical as well as other healthy and safe activities that are affordable. They presented the proposal in class and then they had to do three other core subjects which were Math, Science and English. In about three weeks they had to design a facility, draft the architectural plan and list how they would make sure the facility would be environmentally sustainable. They then conducted a cost benefit plan that would justify the plan surviving more than a couple of months, work out what product would be sold, decide how much money needed to be made and each student came up with a marketing product and advertising. The purpose of this is to give the students a real world experience, problem solving experience and working collaboratively in groups. Ms. Kazmi remarked when she was in 9th grade she was not expected to do anything at this level, and she was very pleased with the progress made by the students. This is the first time they had done this at AHS and

the students worked very hard. She asked the students to come forward to present their project. Mariana Woosley said she had the Social Studies and Health portion. For the Health component they created a survey and sent it to the high school students. The results showed the main problems for teens were alcohol and drugs, so to solve the problem they decided to create a place that would have activities such as lazar tag and drive-in movies.

Robert Ragan said he had the Math portion of the project. He told the Commission they had to figure out what to sell and how to make a profit. The decision was to create a snack bar with multiple kinds of foods and they expected a profit would be made in about 14 years.

Steven Guilez had the Science portion. They explored ways to make the facility environmentally sustainable. It was decided to use gray water to plant the Green Roof that would be very insulative, as well as using cork from trees because it is renewable and had insulating properties. He said there would be solar panels because of their potential here in New Mexico.

AnnaLee Rohovec had the English portion, and she told the Commission this portion was all about marketing. Without marketing there isn't any way for people to know what you are doing so we created a Prezi presentation and a website. Basically, they wanted a place for teenagers to have fun, be safe and responsible and provide an opportunity for teenage jobs. We have a drive-in that would charge \$5.00 per person, lazar tag in a basement setting, an area for dancing and simply sitting in order to listen to music and enjoy the food. It would all be eco-friendly.

Commissioner Straface commented that we talk about a concept of how you become more relevant in schools. What they had learned is subjects taken independently do not always have meaning for the students because it doesn't tie in to real life so we are moving to Project Based Learning (PBL). The concept is to integrate all subjects into one project in order for the students to see the relevance and rigor. He attended the presentation last night and thought it was exciting; he congratulated the students for winning the competition. He said PBL is the way this school district is moving.

Commissioner Sikes commented the community had become very involved in this project along the way. City Engineer Thomas spoke to the group and she noted they all drew floor plans based on the information they received from him. It was very well done including landscaping and parking, and she felt they had gleaned a lot from this. She thanked everyone who participated. The Chamber of Commerce and OCEDC provided prizes for the students and felt the community really cared about what is going on at the schools. She thanked the students who presented tonight remarking that this presentation was one of the prizes of the competition. (Applause from all in attendance) Commissioner Straface said it's also important to recognize Commissioner Sikes for her support on this. (Applause)

Mayor Galea thanked them all for the fine presentation.

PUBLIC COMMENT

A. Janella Cruz commented on the following:

1) Ms. Cruz explained to the Commission her concerns about the shoulder at the corner of White Sands Blvd. turning right onto Indian Wells. She said many people use that shoulder as a turn lane despite the sign. They are crossing a white solid line and turning right onto Indian Wells when you are supposed to use the right lane to turn onto Indian Wells. She had been with her 83 year old mother who was driving and using the right lane to turn. Ms. Cruz told her that was not right. The other problem is when people turn they are not staying in their lane and her mother went into the far left lane while the people across from them had a green light and were turning left into the same lane. She had to tell her mother to stay in the right lane in order not to get hit by the truck turning into the left lane. Ms. Cruz found out the NMDOT was responsible for White Sands Blvd. and the City was responsible for Indian Wells, so she spoke to Kevin Norman in Transportation who sent an email to a man named Matt. Mr. Norman told her there is not a lane, it is a shoulder and the solid white line should not be crossed. She had seen a police officer in that right lane who went straight through

even though the sign says you must turn right so everyone is using that lane incorrectly. When she spoke to Matt he was looking at an aerial view and said it is a shoulder and didn't look wide enough to be used as a lane. He said they would look at it to see if anything could be done. Her suggestion to him was to either turn it into a lane.... Mayor Galea interrupted to tell Ms. Cruz this was a perfect conversation for the Transportation Committee and invited her to attend that meeting which is open to the public. Members of our City Staff along with NMDOT representatives attend along with the Chamber of Commerce. It is held at the Sunset Run restaurant the last Friday of the month at 11:30 a.m. Ms. Cruz said she would do so. Mayor Galea noted it would be listed on the Chamber of Commerce website, also.

Mayor Pro-Tem Rentschler said the right lane there was a real problem in Alamogordo, and his father used to say if he was a police officer he could give tickets out all day for this. If Ms. Cruz's mother had turned into that far left lane and been in an accident, she would have received the ticket. He thought we needed to look into this.

Commissioner Hernandez would agree, but disagree; right where the sign says Right Turn Only, there is a break in the white line. Ms. Cruz disagreed saying the break in the white line was to go into the Blind School. Commissioner Hernandez said intention isn't necessarily perception. The sign is there and there is a break in the white line right before it; maybe this is the problem. Ms. Cruz disagreed.

Mayor Galea again referred her to the Transportation meeting and Ms. Cruz said she would attend.

CONSENT AGENDA (Roll Call Vote Required for items No. 7, 9 & 10)

2. **Approve Minutes of the April 22, 2014 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
3. **Approve statement related to the Executive Session of April 22, 2014.** *(Renee Cantin, City Clerk)*
4. **Approve the Lodger's Tax Expenditures for Tourism & Travel as presented on April 22, 2014.** *(Jan Wafful, Community Services Admin. Assistant)*
5. **Accept the Investment Report for the quarter ending March 31, 2014, in accordance with the City of Alamogordo Investment Ordinance.** *(Helen Viscarra-Reno, Assistant Finance Director)*
6. **Approve the DFA Quarterly Report for the period ending March 31, 2014.** *(Helen Viscarra-Reno, Assistant Finance Director)*
7. **Approve Resolution No. 2014-21 authorizing the submission of a New Mexico Community Development Block Grant Program Application and designating the Mayor to act as signatory authority in all matters pertaining to the municipality's participation in the Community Development Block Grant Program for the City of Alamogordo Domestic Violence Improvement Project. [Roll call vote required]** *(Ruben Segura, Grant Coordinator)*
8. **Approve a Memorandum of Understanding (MOU) between the Center of Protective Environment (COPE) and the City of Alamogordo, New Mexico.** *(Ruben Segura, Grants Coordinator)*
9. **Approve Resolution No. 2014-22 authorizing execution of a Gross Receipts Investment Program (GRIP) Agreement between the City of Alamogordo and MDDC Investments, LLC (Carl's Jr. Restaurant). [Roll call vote required]** *(Stephen Thies, City Attorney)*

10. **Approve Resolution No. 2014-23 authorizing execution of a Gross Receipts Investment Program (GRIP) Agreement between the City of Alamogordo and MDDC Investments, LLC (Buffalo Wild Wings). [Roll call vote required] (Stephen Thies, City Attorney)**
11. **Approve the award of IFB No. 2014-02 SCBA (Self-Contained Breathing Apparatus) Spare Cylinders to NASCO, LLC. in an amount not to exceed \$20,069.40. (Mikel Ward, Fire Chief)**
12. **Approve the award of IFB No. 2014-03 to Southwest Carpet & Floors, Inc. related to the Replace Carpet - Alamogordo Public Library project, in an amount not to exceed \$36,490.26, including tax. (Brian Cesar, Public Works Director and Matt McNeile, Assistant City Manager)**

Items # 13 & 14 were removed from the consent calendar by Mayor Pro-Tem Rentschler. Commissioner Hernandez would like to switch items #7 & #8 because he felt the MOU should come before the Resolution.

Commissioner Hernandez moved to approve items # 2, 3, 4, 5, 6, 8, 7, 9, 10, 11, 12, of the consent calendar. Commissioner Baldwin seconded the motion. Roll call was taken for items #7, 9, & 10. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

13. **Approve the award of Public Works Bid No. 2014-007 to Mesa Verde Enterprises, Inc. related to 2014 Street Paving Improvements in an amount not to exceed \$924,612.25, including NMGRT. (Jason Thomas, City Engineer)**

Mayor Pro-Tem Rentschler moved to approve the award of Public Works Bid No. 2014-007 to Mesa Verde Enterprises, Inc. related to 2014 Street Paving Improvements in an amount not to exceed \$924,612.25, including NMGRT. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

14. **Approve Change Order No. 3, Public Works Bid No. 2013-005 to Mesa Verde Enterprises, Inc., related to Street Paving Improvements – Phase I N. Florida Avenue – 10th Street – 16th Street in an amount not to exceed \$16,234.93, including NMGRT. (Jason Thomas, City Engineer)**

Mayor Pro-Tem Rentschler remarked to City Engineer Thomas this is the third change order for this particular project and he asked what they added up to.

City Engineer Thomas said it was the \$41,900 plus the \$16,200. Mayor Pro-Tem Rentschler asked if that included the two previous ones and City Engineer Thomas said that was correct. Mayor Pro-Tem Rentschler asked what this one was for and City Engineer Thomas told him it was for the final sub-grade excavation on the last area they just paved out. Mayor Pro-Tem Rentschler said we did that three times and City Engineer Thomas said there were three different areas. The pavement was replaced in four phases: 1) a soft spot in front of one of the schools, 2) another soft spot, 3) nothing was found in this phase, and 4) a final soft spot was found. He said when we negotiated the first change order we came up with some really good unit pricing from Mesa Verde and we were able to carry it through all the change orders. As we have got into a bad area, we could calculate how much it would be and whether we were in trouble or not with the project. Fortunately, we only found soft spots in three of four areas.

Mayor Pro-Tem Rentschler asked if this amounted to 5% or 10% of the total project. City Engineer Thomas said he wasn't sure but thought it was below 10%. Mayor Pro-Tem Rentschler wanted us to be sure we understood what was going on and learn from it so that next time we would include some of this in part of the scope. He realized some is unforeseeable and asked City Engineer Thomas to try and get it on the first shot and limit the change orders. City Engineer Thomas said he understood.

Mayor Galea said as she understands it, the soft costs are estimated in the construction cost and it is unknown what that soil is until ground is broken to do the major reconstruction. City Engineer Thomas said we knew the soils were bad and we had this conversation last September. He went on to say we did not know how they would perform under the heavy equipment. Once you see that, you can get a sense of what you can live with leaving and what you can't live with leaving. When you are back to sub-grade and you've re-scarified that eight inches and start to compact it, you find those areas you just can't live with. Those are the areas we needed to cut out in order not to have any alligator cracking within five years or so.

Mayor Pro-Tem Rentschler moved to approve Change Order No. 3, Public Works Bid No. 2013-005 to Mesa Verde Enterprises, Inc., related to Street Paving Improvements – Phase I N. Florida Avenue – 10th Street – 16th Street in an amount not to exceed \$16,234.93, including NMGR. Commissioner Straface seconded the motion.

Commissioner Hernandez commented it has been three weeks since our last meeting and this was probably done shortly after the last meeting. The contractor is taking a big chance in trusting us so we need to figure out some way to give them the OK to do it and get paid. If this Commission says they don't want to pay it, they don't have to. We need to have something in place for instances like this so the contractor is guaranteed payment; maybe put a contingency in the original contract.

Mayor Galea felt that was a good idea. When City Staff has estimated soft costs in the past and it has been over the cost of the project, she didn't want the Staff to be penalized when the cost comes in far under what is estimated. She thought it a good idea to have a portion set aside so there is a guarantee to the contractors when the soil is softer than what was estimated by Staff. Perhaps this is a policy we can bring before the Commission at the next meeting.

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

UNFINISHED BUSINESS

- 15. Consider, and act upon, the recommendation of the Street and Facility Naming Committee to name the Alamogordo Balloon Park the Ed Brabson Balloon Park. (Matt McNeile, Assistant City Manager)**

Assistant City Manager McNeile said pursuant to the policy itself, the committee got together to look at the request and unanimously decided to name the Balloon Park the Ed Brabson Balloon Park.

Commissioner Straface moved to approve the recommendation of the Street and Facility Naming Committee to name the Alamogordo Balloon Park the Ed Brabson Balloon Park. Commissioner Hernandez seconded the motion.

Mayor Galea said in the past this Commission has denied naming a portion of a city building after someone who had worked hard in our State Legislative body, stating we not name anything after an individual who is living. At the next meeting she would bring city facilities and properties that could be renamed because it would be beneficial to the community for those who have contributed so much. We are naming this park after a living person when we said we would not.

Mayor Pro-Tem Rentschler asked if the policy was particularly designed to not name things after living people and Assistant City Manager McNeile said the policy recommends you do not do that

unless there are extraordinary circumstances, or the individual nominated is worthy of the contributions. In this particular case, the committee felt that Mr. Brabson's commitment and work with the Balloon Festival over the years was deserving of renaming the park after him.

Mayor Pro-Tem Rentschler said he knew Mr. Brabson well and agreed with this, but he was concerned this change would cause a floodgate of this kind of thing and we would be renaming all kinds of stuff. Mayor Galea said that was ok. For the reason he had stated above, Mayor Pro-Tem Rentschler said he would oppose it.

Commissioner Hernandez said if you remember the last time this came in front of the Commission there was strong opposition to the naming of the room. He didn't think anyone opposed this, but that was the case. Mayor Pro-Tem Rentschler said that was the case and he felt we were starting to play favorites at that point.

Commissioner Straface asked if there was a Street and Facility Naming Committee which reviews those requests and makes a recommendation to the Commission, and Mayor Galea told him yes. Commissioner Straface said it would be their job to decide the uniqueness of the request, so most of those would be controlled at the Committee level. If they found something unique or exceptional they would bring it forward and he felt that was appropriate.

Mayor Galea said the one discussion item she remembers having was we were not ready to name a room in a city facility after a woman. There was nothing in the City named after a woman who had contributed much so she would bring to the next Commission meeting an item to look at all City facilities to see if there would be any benefit to the whole community to rename anything after any people in honor of what they had contributed to the community.

Commissioner Straface said he would be reluctant to bypass the Committee. Mayor Galea said we would not bypass the Committee.

Motion carried with a vote of 6-1-0. Mayor Pro-Tem Rentschler voted nay.

16. Discussion, and possible action, on the requested update related to the Bonito Lake/Westlake Campground. (Matt McNeile, Assistant City Manager)

Assistant City Manager McNeile noted that Commissioner Hernandez had tasked City Staff to bring information/background on the Bonito Lake Campground to the Commission with best estimates of cost and the potential revenue from the campgrounds. He showed a picture of the Lake and campgrounds area. Assistant City Manager McNeile noted that he had, along with the City Manager Stahle, Public Works Director Cesar and the previous Bonito Lake Campground Manager assessed the campground and felt there were several areas ready to be opened – the Main West Lake Campground Area with three restrooms, potable water, a dump station and some other water available to campers with possibly 89 campsites; Blue Hole/Apple Orchard Campground with about 50-60 campsites that may be ready. The Staff has estimated it might take up to 30 days to do all the cosmetics needed to get it ready. The big issue, unknown at this point, is what the condition is of the water system which is part of the West Lake Campground; it hasn't been utilized for about two years since the fire. That water system feeds the West Lake Campground and restrooms.

City Manager Stahle said part of the concern we have in opening these campgrounds is limited access in and out. When there is a significant rain event on the watershed above the campgrounds, particularly in the south area of the lake that hasn't had a significant rain event since the fire, there could be some serious flood and mud-slide issues and concerns. We need to be very cautious about when people can camp there and we need to study this more. He didn't think we were ready this summer to do this. He hoped we would have lots of rain up there to flush some of the debris off the mountain which would go into our lake. Eventually he hoped to open this because it is an important asset to the region and he would like to take his kids and grandkids there. City Manager Stahle said

he had a new grandchild as of today – Madison Lynn Stahle. The campground is wonderful and was not affected by the fire. The trees in the campground area itself have not been burned. The two facilities next to the lake are ideal places to camp, but we need to be cautious.

Mayor Galea appreciates the words of caution, but said there were Lincoln National Forest hydrologists that could estimate how much rain would create any catastrophic flooding. She also mentioned the Emergency Management Teams in Lincoln County with which we could cooperate in case of an evacuation. City Manager Stahle said the problem is how to evacuate campers in time, so he suggested we try to have it open next summer instead of this summer.

Mayor Galea asked about day use only and City Manager Stahle said the campgrounds were designed for overnight camping. He remarked there were other places down stream possible for day use only and the Forest Service had facilities in the area. We will coordinate with them and Lincoln County because they would be the first responders. Concerning the dollar issues, you have to keep a campground clean, orderly and safe, so we need to budget for some expenses. It is most important to make sure everyone is safe.

Assistant City Manager McNeile pointed out the item in the agenda package that stated how much it would cost to get up and running, as well as how much revenue we could potentially realize.

Mayor Galea asked if the \$90,000 was in this year's budget. Assistant City Manager McNeile said it was not included in this year's budget; we wanted to itemize it so we created a preliminary plan.

City Manager Stahle said another issue we need to be aware of was the dredging we will eventually perform to regain capacity. It will depend where the equipment is arranged and where the stockpiles will be put. We need to understand when that will occur and how it will be configured. It will be land-based equipment.

Mayor Pro-Tem Rentschler asked if the \$89,760 included revenue and how much revenue was estimated. Assistant City Manager McNeile said revenue was estimated from three years of historical data. Mayor Pro-Tem Rentschler asked if that was when it was a fishing lake and Assistant City Manager McNeile said yes. Assistant City Manager McNeile said there are not any fish in the lake now but that doesn't mean there won't be in the future. Mayor Pro-Tem Rentschler guessed if we are going to be doing any dredging, there won't be any fish in the near future. Bonito Lake equaled fishing in his estimation, and he felt most went up there for that reason; it is the major draw.

Assistant City Manager McNeile said we couldn't designate between campers and campers that fish.

City Manager Stahle noted they had spoken to the New Mexico Department of Game and Fish (NMDGF) and they are reluctant to restock before any dredging is done. He said there were lots of hiking opportunities up there.

Commissioner Hernandez asked if we know when the dredging would take place, and City Manager Stahle said we are waiting on the Feds to find out. Commissioner Hernandez said this is an important project not just for the lake and campground, but also to get our water source back.

City Manager Stahle remarked it was very important to the Ruidoso and Lincoln County economies as well, and he noted we would like to get it on line as soon as we can.

Mayor Galea said there would not be any direction given to Staff tonight.

NEW BUSINESS

- 17. Consider, and act upon, the first publication of Ordinance No. 1467 Amending Sections 28-02-100 and 28-03-080 of the Code concerning Water and Sewer Rates. (Armando**

Ortega, Customer Service Manager)

Customer Service Manager Ortega gave a presentation of the water & sewer rates. He said he had previously presented the 2015-2016 water and sewer rates at the Budget Hearings. He asked the Mayor if she thought he should give this presentation again and she affirmed. Customer Service Manager Ortega told the Commission that this year's rate review was done in conjunction with the City's Annual Budget Review. The Staff felt this would enhance our ability to budget and project rates more accurately. Annually, the City Manager is required to review the rate structure for the Water and Sewer Operations and report to the Commission as well as make recommendations for any rate changes. This report represents the annual review for fiscal year 2015-2016 for rate adjustments through June 2016. Staff must consider rate increases this year to cover current and future operational expenses. In addition, the rate structure should maintain 2-times the debt service coverage between operating revenue and expenditures. Per existing bond ordinance the debt service coverage must equal at least 1.3 times the debt service coverage. The City has worked diligently over the past 10 years to maintain the 2-times spread and set the rate structure efficiently to cover the cost of water and sewer operations, while maintaining an amount for pay as-you-go capital outside of bond and/or loan funded projects. Commission should keep in mind that the debt service coverage over the required amount enhances the City's ability to maintain or improve future bond ratings. The rate structure proposed keeps the debt service coverage as close to 2-times debt service coverage as possible. In addition to the rate increases, it is important that we recognize the current and future capital needs of the City of Alamogordo. Two examples are the Alamo Canyon Filter Plant and the La Luz Water Filter Plant that will have to be upgraded at some point. Staff knows it is in the City's best interests to start looking at possible funding sources for future purchases. One recommendation is to place a capital replacement surcharge on every utility bill; we recommend \$1.00 for this year. That will enhance our ability to have funds available for pay-as-you-go capital. Staff is looking for input and direction from the Commission on this matter.

Customer Service Manager Ortega showed a Power Point presentation. He said he would cover the financial forecast, the two year utility billing rate proposals asking for a rate increase on the water base and commodity, the estimated annual income from the rate increases, monthly impact on water bills and then the capital surcharge. He told the Commissioners he had the packets with the financial forecast in case anyone needed one, or he could simply explain it to them. Next he said we have to consider future operational costs for our RO operations and maintenance. It is important to let you know that when we were considering these increases we looked at different options on how to obtain revenues. One option was doing a three tiered billing system recommended by one of our Commissioners. We also looked at implementing it bi-yearly or over three years. We recommend doing it over two years in order to lessen the burden on the rate payer. He pointed out the financial forecast in the Commissioners' packets saying that in 2016 with the rate increase, we are going to make an additional \$150,000 and that will keep our debt service up to the required amount. Also, in 2016, we will recommend another rate increase to make an additional \$150,000. At that point, we will maintain the required debt service and operational needs. Customer Service Manager Ortega showed the operating revenues, operational expenses and debt service. All of this is considered when figuring rate increases. We still want to pay for the pay-as-you-go capital and there are some ICIP projects, also. He felt it was important they see the \$800,000 available for capital which is used for the utilities for water and street projects.

Next, Customer Service Manager Ortega showed the water base portion of the increase; the current rate for February 1, 2013. He noted they try not to use the base charges too much because they are used for the bond and loan payments. The DFA requires us to have guaranteed funds and this is the base charge for everyone whether they use water or not. We will increase the 3/4 inch meters that the majority of our customers have, from \$13.30 to \$13.60. On July 1, 2015 it will go up another 30 cents. He pointed out the increases and asked for questions.

He explained water commodity, a charge for the water you actually use, and that it is based on five tiers. They would like a rate increase in tiers 1-3 that would be very minimal. The tiers are based on usage and the majority of our customers are in tier 1. We've done a good job in maintaining our debt

service and planning the financial forecast to slowly phase in the increases needed to maintain our system. He explained the summary of the estimated annual income from rate proposals saying the estimated water based revenue effective July 1, 2014, is \$51,509, with the estimated water commodity revenue of \$100,000; that will get us the \$150,000 needed for FY15. July 1, 2015 has water base revenue of \$52,000 with an estimated water commodity revenue of \$103,000; that will get us the \$150,000 we need for that. These are all based off the assumption we will be using the normal amount of water we have used historically. There can be a drought. We have been able to maintain our projections through our actuals pretty consistently so we are banking on that.

Commissioner Baldwin told Customer Service Manager Ortega that he had mentioned several times in the Budget Hearings the debt services are in place because of past projects, money we've borrowed. What are some of the water projects you have been referring to?

Customer Service Manager Ortega said as far as capitol projects, the La Luz Water Filter Plant that will need some upgrades in the next seven years and the Alamo Canyon Water Filter Plant. The \$150,000 increase refers to our new RO system coming on line. All these are essential.

Customer Service Manager Ortega showed the affects on the residential accounts with and without the surcharge. With the surcharge, the monthly impact if you stay within tier 1 will be \$1.10; if you use more water and are in the top of tier 2 you will see a monthly impact of \$2.47 with an approximate annual impact of \$21.42. We have a system that works to maintain these minimal rate increases.

Commissioner Baldwin said this is the commodity change, not a combination of the commodity and the surcharge. Customer Service Manager Ortega said that was correct, it is the water base and water commodity. He will show the effects of adding one dollar capitol surcharge.

Mayor Pro-Tem Rentschler asked how we differentiate between commercial and residential. Customer Service Manager Ortega told him the commercial accounts were based off of meter size. When they structured the tiered billing system, they took commercial accounts into consideration. Commercials pay a larger base charge but are allowed more water. Mayor Pro-Tem Rentschler said he understood that, but urged him to look at going to a three tiered system for the $\frac{3}{4}$ inch meters. In the future, this might get people to use more water to make yards green.

Customer Service Manager Ortega remarked that in order to improve our ratings and to plan for future capital needs, we are suggesting a capital surcharge fee which will allow us to have better ratings and have cash on hand or pay-as-you-go capital, and allow us to plan and strategize how to go after these capital projects. With our current 12,500 customers we are recommending \$1.00 per customer per month this year on any utility users, whether water or sewer. That will help us maintain the ability to pay for the pay-as-you-go capitol. It will be \$1.00 per customer whether you pay for only water, only sewer or for both; it will be \$1.00 per account.

Commissioner Straface asked if this will be a new charge, and Customer Service Manager Ortega told him yes. The direction the Customer Service Manager had received was this would go into a dedicated account and anything they spend would be brought back to the Commission for consideration.

Commissioner Hernandez said about 25 years ago one was allowed to have two meters – one for irrigation and one for the house with a separate charge for each; the irrigation meter would be charged less. He asked if a person with two meters would be charged the surcharge for each and Customer Service Manager Ortega said yes.

Customer Service Manager Ortega pointed out the effects of a monthly bill. Tier 1 with the inclusion of the surcharge would be \$2.10 per month – an impact annually of \$24.00 for the average homeowner.

Mayor Galea said the Commission would need to consider whether to approve the ordinance and

whether they would want to add a surcharge to the ordinance.

Commissioner Hernandez asked how long the surcharge would be and Customer Service Manager Ortega said it would be every year until they got different direction from the Commission. Our capital needs would always be there so this would enhance their ability to have the pay-as-you-go capital and have the cash on hand for bond ratings.

Mayor Galea thought that important for financing and increasing our debt ceiling, as well as funding for capital water projects.

Commissioner Straface moved to approve the first publication of Ordinance No. 1467 Amending Sections 28-02-100 and 28-03-080 of the Code concerning Water and Sewer Rates and include the \$1.00 surcharge. Commissioner Baldwin seconded the motion. Roll call vote was taken by the Clerk. Motion carried with a vote of 7-0-0.

18. Hold Public Hearing, consider, and act upon, the adoption of Resolution No. 2014-24 adopting the Fiscal Year 2015 Preliminary Budget. [Roll call vote required] (LeeAnn Nichols, Contract Finance Operations Consultant)

LeeAnn Nichols, Contract Finance Operations Consultant told the Commission this Public Hearing was to consider Resolution 2014-24 for the adoption of the 2015 Preliminary Budget. After five days of Budget workshop hearings, the FY15 Budget before the Commission includes all the adjustments approved by the Commission at the Budget hearings and the total budget for FY15 of \$54,580,847.00. Once approved, Staff will submit to DFA by June 1st, 2014.

Mr. Joe Villarreal addressed the Commission saying City of Alamogordo members of the American Federation of State, County and Municipal Employees union (AFSCME) had attended the Budget Hearing sessions. He knew the City was facing hard times and that GRT's were down, but they were asking the Commission, as a moral issue, to look at this budget not just as numbers. Every one of these people represents a family here in Alamogordo and spends their money here. That money goes towards your economy and this is the biggest place to get bang for the buck – helping people. A lot of what we heard was not to find ways to help that group, but rather to find ways to balance the budget at the cost of our employees. He felt it important to note that a number of AFSCME employees are not people who come out of General Funds, but instead work out of Enterprise Funds and they need to be taken into consideration. He felt the City had many options and they were thinking about doing without health care and be in violation of Federal law in order to save money. He thought that was unfortunate and when you are looking at a budget it should reflect the expectations of your employees. What does that say to an employer coming in to see that their own city flaunts the law by not caring about health care for their employees and letting them take care of it themselves. The average person in our bargaining unit makes anywhere from \$8.50 to \$10.00 per hour and are having to pay for health care insurance out of their own pockets. The bottom dollar they take home isn't very much and we are asking you to take that into consideration. They are your employees and your responsibility, and we are asking for the City to look out for their employees like we look out for the City. Every day someone turns on the water or uses a road or calls for help from the police or fire departments, that is where we come in. You need to have enough respect to look at that when considering this; these people are more than just numbers.

Mr. JJ Lyons, acting President of AFSCME addressed the Commission. He said his 13 year old son asked him what the union was all about. He explained to him what the union does and then his son asked wasn't the City supposed to be a great place to work. Mr. Lyons said it was very disheartening to tell him all he had to go through as a union president in dealing with the City he works for and lives in. There 149 members in their bargaining unit and he is talking to guys making \$8.61 per hour and trying to figure out how to buy diapers while holding down two jobs in order to make ends meet. It is very disheartening and concerning. He said he and his wife are both City employees and their

children qualify for Medicaid; it is almost embarrassing. He felt it was irresponsible that the Commission would consider taking the fines on our insurance - to not cover our insurance. As a resident and employee he found that irresponsible. He didn't want his tax dollars going to penalties just because we don't want to cover our employees' insurance. He does understand putting money away for hard times, but not when your employees are near poverty.

City Manager Stahle corrected the record by making the point crystal clear that the City already pays 60% where we as staff pick up 40% of the health insurance. The Commission did not direct that we violate any law. We did have conversation about the Affordable Care Act and whether or not the City, not the employees, would bear any additional cost toward that. We did have conversation about placing a dollar amount in the budget to cover any fines the Federal government might apply should they find employees not able to secure health insurance at the rate required by that new law. He didn't want anyone thinking the City is irresponsible and not meeting its obligation. We have been paying 60% of the medical bills for both single employees and employees with a family.

Jonathan Sparks told the Commissioners he was not a City employee and was speaking on behalf of his wife who could not attend because she was working to insure the resources people need to keep safe in their homes and businesses get to where they need to be. She is a police dispatcher. She received a raise of only half the amount promised in her contract last year and for several years before that. He thought it was reprehensible that a commission would decide to spend their money on other things besides paying their employees what they are worth. When commissioners make statements like, 'They should be glad they have a job'. Mr. Sparks said the Commissioners should be glad they have a job. These are the men and women who make this city function and it can't be done without them. We need to pay them so they won't find jobs anywhere else. He reminded the Commissioners they should be glad they are sitting where they are; the citizens voted you in and the citizens can vote you out.

Anthony Backy thanked the Commissioner's for spending time on all of the numbers of the budget. He agreed with what had been said and told them it was unfortunate the Commission is offering \$100,000 finders fee to a business who may or may not come to this town and may or may not make it money, and not give raises this year. You are saying you want to spend \$135,000 on a Zipper machine to tear up concrete and have one of our employees operate it, but you can't give them a raise this year. We know the money is there and that these are hard times which we are all going through, but you need to look inside yourselves when making these decisions. Ultimately, the money is there and you need to decide to put it where it should be. He felt having two Employee Picnics a year was a great idea, but he knew his fellow members and employees would rather see a raise on their paychecks. A \$750 one time merit to cover the 10% increase in insurance was nice, but considering the amount of money the majority of them make, that \$750 is going to be gone almost instantaneously. He knew insurance goes up and that's out of the City's control; you have to consider the fact you can't tell us we cannot have a raise because you are raising our insurance. He felt the Commission was almost obligated to raise our pay; that was only fair. Mr. Sparks asked them to please think about the families this is affecting.

Mayor Galea, for the record, wanted to correct that the finders fee for Economic Development has nothing to do with wages. It comes from a fund of dedicated gross receipts taxes of 1/8% specifically for Economic Development. It is supposed to create more opportunities for jobs and employers in the community in order to have more gross receipts tax revenue to pay more salaries and wages in the future.

Eliza Fernandez, Secretary of APSOA said she had attended budget hearings for the last couple of days. She pointed out that in order keep the streets safe, buildings maintained and all other things they do as city employees, the Police and Fire Services are essential parts of the community. She thought it was disheartening many of these services are very limited and that there have been concerns of possible lay-offs if there are any raises in pay. She thought it was a non-issue given the turn-over rate in the city, not simply in Police and Fire. We are very limited in what we can offer a well-seasoned officer in comparison to other cities. Should something major happen she was

concerned as to whether there would be enough personnel necessary to properly and faithfully protect the citizens of the community. She heard about GRT's, Economic Development and that there was \$4 million in the Economic Development Fund. She understood the \$100,000 set aside in reserve, but believed APOSA and AFSCME members deserve a lot more than they are receiving. She felt Commissioner Hernandez made a good point when he noted having brand new cars and shiny fire trucks only goes so far when you don't have the personnel to operate them. Our fire services guys work 24 hour shifts and are not compensated for that full 24 hour period. Other cities throughout the United States recognize this. She has received compliments from citizens that their crime rate has gone down when a police unit is parked in the neighborhood. If the citizens of Alamogordo knew of the available manpower at any given time they would be astonished. It is a risk to officers and firemen to go to a scene and not have backup because there isn't funding available. When you have \$864,000 out there that is unallocated, it is a concern. She said any members here would like the 1% better than the \$750 one time pay because it affects their retirement long term and it benefits their family over the long haul. She asked the Commissioners to look at the budget again in order to find a way to better care for our city employees.

Ms. Sharis Lyons said she wanted to enforce that the insurance and a raise for employees would be greatly appreciated due to the fact we aren't making much money. She and her husband both work for the City, are making almost minimum wage and are in the lower class. They would like to be appreciated a little more than they are now. We have children to support and can only afford low rent housing; we cannot afford to do activities with our children because of the basic supplies we need to buy. Please consider these things as you look at the budget. We want to live here and work here.

Mike Christopher of the Alamogordo Parks Department said all he had been hearing was gross receipts taxes were down. He heard one gentleman say if a 1/8th tax was applied it would take care of that. He hadn't heard that tonight. Another thing he heard was that the Commission was presenting a very conservative budget – key word 'conservative'. He felt the truth lies in between those numbers and we are only asking for our fair share. He didn't think that was unreasonable. You approved a water rate increase. He didn't understand and hoped the Commission would find it in their heart to realize what the employees were going through.

Alejandro Chacon told the Commission he has worked at the Water Treatment Plant since 2007, and said he has dedicated a lot of time to the City. There have been a lot of opportunities for him to advance himself and he has taken advantage of those. He wondered what would induce an employee to stay with the City since you don't get paid very well. Yet, we continue to strive to serve the people of Alamogordo because we love this community. We want to stay here and give back to the community, but even if we get further certification, what is going to keep us here. If I get a CDL, what will keep me here for \$10.00 per hour? One can make twice as much elsewhere. We would like a little bit of incentive for the job we do.

Curtis Wayne of the Water Department said you might hear that city workers don't do much except stand around leaning on their shovels, but they don't see us at 2:00 in the morning when we get called out for a water break or have to work on 200 feet of a sewer line break. It is a lot of work and we do a lot. He questioned sometimes whether he makes enough to do some of those things.

Mayor Galea asked for discussion amongst the Commission. She remarked that she was hearing dissatisfaction with the \$750 one time merit and employees would prefer a 1% raise that we don't have the reoccurring revenue source for. She also heard comment of the 1/8% GRT increase to cover the cost as well as look at a pay scale adjustment. She has looked at a pay scale adjustment for communities the size of Alamogordo and it is the same. Our pay scale for police and fire is better than Clovis which has a greater population. She wasn't sure if the Commission would like to discuss any alternatives.

Commissioner Baldwin said he wanted to thank everyone from the union for coming and speaking tonight; he appreciated all their hard work. He reminded the Commission this was not the negotiation room. Mayor Galea said this is a Public Hearing to decide whether or not to approve the Preliminary Budget as it is, and this is not a negotiation with the union.

Mayor Pro-Tem Rentschler said those of you who were not at the budget meetings, I will repeat what I said. He has been blue collar his entire life and has done just what they have done; got up in the night while working at the National Solar Observatory for 25 years, answered water and sewer breaks, turned power back on, and to this day he still runs equipment and digs ditches with a shovel. He said you need to understand I am concerned about all city employees. If we were to give you all a 5% raise then in six months we would have to lay off five out of every one hundred. We are here and have been elected to be responsible. The citizens of Alamogordo elect to tax themselves this amount for one reason – Economic Development. If we gave that money to you we would be in violation of the NM Constitution and could potentially face criminal charges. There are certain rules we have to live by and we would like to give you everything you want, but it simply is not possible right now. GRT's were down almost a million dollars in February and have come back a little bit, but we are at the bottom of the bathtub. He was hopeful we would see the next two years come back up with the F-16's coming into HAFB. It is simply the wrong time now and we can't count on what has not yet happened. The GRT's we take in are a major part of what this city is able to do and you know we aren't just responsible to you guys. There are 36,000 other citizens out there we are responsible to. Most of us have been elected onto this Commission because we are conservative and have pledged to spend tax money wisely. That means we will not get ourselves into a hole. We have not been in a hole to the point people had to be laid off in a long time. Some of you remember that. We will do all we can, but you have to understand we are doing what we can with the resources we have and the information we have been given. We all do not see eye to eye, but as commissioners we have to look out for the ones calling about fixing roads and other issues. He noted some streets that are in bad shape and those citizens deserve better, but we do the best we can. He also understood you all do the best you can for your union and for your families and expressed his appreciation for them and their presence in Alamogordo. Mayor Pro-Tem Rentschler said he loves this place and will never leave, but he said there is only so much that goes only so far. The 8% is what Hold Harmless will do to us at the beginning of next year and this must be put into perspective. The money we are allowed to tax, according to the Legislature, without going to a referendum is 3/8% and that is a lot of money. It is meant to replace what we are going to start losing beginning July 1, 2015 and it isn't meant to do this kind of stuff. He felt what the County had done was wrong when they implemented it. What will they do when they lose it? They were one of the entities in the win-win situation and Alamogordo was one of the entities in a lose-lose. Even if we implement the 3/8%, at the end of the period we won't be made whole and will still be down. There is an awful lot that goes into one of these budgets and you guys are the biggest part of the budgets and the biggest consideration. We do all we can and he understood their position while asking them to understand the Commission's position.

Commissioner Hernandez appreciated all that the employees do from the bottom to the top. One thing that makes it tough for him is that he pretty much lives on the edge most of the time. He puts some money in the bank, but he doesn't have kids to leave anything to so he can spend everything he makes today and not worry about tomorrow if he chooses. As an elected official, he is tasked with something different; to watch what we have today in order to think about tomorrow since we don't know what will happen. He said we have one employee who is the City Manager, and his evaluation is coming up soon. We probably won't be able to give him a raise and that makes it tough. Commissioner Hernandez said he has tasked the City Manager and his staff to find out how we can do this in the future. He told the union people that the one time amount of \$750 is not a reoccurring thing because we don't know if we can afford it. If you figure out what you would make with a 1% - 1.5% raise you would probably find the \$750 would exceed that amount. Even though it is a one time thing and will be gone very quickly, it will probably exceed a 1% raise and is a good deal. We had to fight for that like we did last year when Commissioner Sikes and he barely snuck in the 1.5% raise. We do everything we can with what we have, but we are responsible to the taxpayers and we have to meet certain quotas and certifications for what we have on hand all the time. He again thanked them for all they do and said he would write them a check if he could. He will support this budget and would like to see more work done next year on doing something better for our employees.

Commissioner Straface asked City Manager Stahle to correct him if he's wrong. Today when we

were looking at the budget, we had an option to leave \$125,000 in the budget in lieu of the possibility of being fined if we did not meet the Affordable Care Act. His understanding was that we are uncertain of what that will look like in the long run and secondly, we would have time to adjust if we knew new rules would come. The purpose of the \$750 was to provide dollars to employees who would not suffer the increase of the Health Insurance that was coming. In fact, it was an increase over what the premium would be for families, which benefited single employees or people with double, and it certainly did help the families so the premium going up would not be tracked from them. We still had an opportunity as we looked through the year and learned more about the Affordable Care Act, to step in to insure our employees wouldn't be harmed by it.

City Manager Stahle told Commissioner Straface he was correct. The Affordable Care Act has all kinds of challenging considerations, and he reminded everyone that amount of money, whether it is the \$125,000 or the \$33,000 that was directed, would not be going to staff; it would be expenses the City incurs for staff.

Commissioner Straface said we choose to allocate that to our employees. We also lengthened the debt from four to seven years to find the dollars to fund that \$750; combining those things allowed us to do that, to benefit our employees. City Manager Stahle said that was correct.

Mayor Galea told the employees she needed them and the City of Alamogordo needs them, so we certainly did not tread lightly when discussing salaries and wages. It wasn't the bottom of the barrel we were scraping when talking about the lack of GRT. We did look at Health Insurance and how it would affect families, and we know the annual impact of the employee portion of 10% will cost an additional \$207 to employees this year. Family health premiums will increase by \$609 annually. We looked at what it would be if you just received the 1% increase to your salary. Someone making \$10.00 per hour will only be benefited monthly by an increase of \$17.00 and someone making \$20.00 per hour will have a monthly increase of only \$34.00. Multiplied by 12 that amount doesn't come close to \$750, and while the City Commission did not designate a \$750 annual merit, they did designate the \$294,630 which would be equivalent to the \$750 one time merit. She was sorry there wasn't more they could do this year but noted the Commission is committed and focused to work with the Chamber of Commerce and Economic Development and all citizens of Alamogordo to enhance our opportunities to survive and realize reoccurring GRT's in order to provide pay increases. You do deserve a fair living wage as you work hard for the citizens. This Commission has been dedicated to working for you, the citizens of Alamogordo and our employees, so we have spent hours working in Budget Hearings with our City Staff.

Commissioner Hernandez reiterated what Commissioner Baldwin said. We are not in negotiations now and you guys have the option to negotiate. This is what we've done today and put in our budget; we haven't ever budgeted raises for you guys, it has been negotiated. Put your negotiation shoes on and come to the table.

Commissioner Sikes was going to say what Commissioner Hernandez said, that this meeting wasn't designed to negotiate hourly wages for people. She thought we should take note of what some of the union representatives said, and she appreciated their heart-felt comments. She had been elected to provide services for the City and to represent her constituents. She thought the people she represented liked the idea of professional, well paid employees who do a good job. She remarked that she lives and works here and liked the idea the police and firefighters were happy and worked hard, the people getting up at 2:00 in the morning are doing what needs to be done and she likes to think they are happy about doing that. If they are not, she was glad they had told the Commission. To think we have dual income families who are making so little money is kind of embarrassing to her, and is like the stories she has heard of military families who have to use food stamps. She was interested in knowing how many city employees are filing for food stamps. As Commissioner Hernandez said, this is not the place to negotiate. As Mayor Pro-Tem Rentschler said, this is a serious problem for us. As you are well aware, we talked about having a little extra money in the budget. As a Commissioner she knew all this is not carved in stone and knew when we get to the point where you will be negotiating with the right people, we will probably be able to do something.

She hoped they would not leave here disheartened and reminded them that their comments had an effect on the Commissioners. She thanked them for being here and saying what they did.

Mayor Pro-Tem Rentschler moved to approve the adoption of Resolution No. 2014-24 adopting the Fiscal Year 2015 Preliminary Budget. Commissioner Baldwin seconded the motion. Roll call vote was taken by the Clerk. Motion carried with a vote of 7-0-0.

Mayor Galea asked for a recess at 8:56 p.m. and reconvened at 9:06 p.m.

- 19. Consider, and act upon, redefining the lease footprints of the north hanger section to ensure taxiway safety requirements and lease equity. (Stephen Thies, City Attorney and Matt McNeile, Assistant City Manager)**

Assistant City Manager McNeile told the Commission the City owns the land and then people lease the land and build hangers for their airplanes and space for others to park their airplanes. We have 15 hangers on the north end of the airport where, and we are not sure why, the City defined 'lease areas' that is beyond the actual physical location of the building. These 15 hangers were actually leasing additional space which poses a problem for the City because we have to maintain these taxiways between the buildings. If these people are leasing this space, the City cannot pursue Federal grants to maintain and improve these taxiways. It is also a safety issue. The lessees on the southern end of the airport are drip line to drip line, so they are not being treated the same as the lessees on the north end. Because we have Federal grants, we have to be sure to treat everyone equally, and more importantly we want to be able to maintain these taxiways. The Airport Advisory Board is making a recommendation to the Commission that we redefine these leases to drip line to drip line and let the people know the lease space is being reduced. There is a corresponding reduction in revenue we collect of about \$12,500. One way we are looking at combating that is, at the last meeting you passed a two cent increase on fuel flowage fees, and that should offset some of these costs. The recommendation is to reduce the lease line.

Mayor Pro-Tem Rentschler said he understood we aren't treating all the hanger lessees evenly. This is all part of 139 so we can actually get this all put together for the grants and what have you. He recommended approval.

Mayor Pro-Tem Rentschler moved to approve redefining the lease footprints of the north hanger section to ensure taxiway safety requirements and lease equity. Commissioner Baldwin seconded the motion.

Commissioner Baldwin asked if there is any opposition to this change from the lessees. Assistant City Manager McNeile said there was none.

Commissioner Straface asked if there was a negative consequence and Assistant City Manager McNeile said there was not. The negative consequence of a reduction in lease revenue would be offset with the fuel flowage fee.

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

- 20. Consider, and act upon, using Lodger's Tax money to sponsor the White Sands Pupfish team in the amount of \$2,500. (Susie Galea, Mayor)**

Mayor Galea felt the White Sands Pupfish team would have a representative here tonight, but they did not. She had talked to Wally Anderson, Vice President of Operations and he said there was a retail entity in the City who was going to sponsor the team, but they had backed out. Thus, the team is short by \$2,500 in sponsorship. It is a common practice in other cities to utilize the Lodger's Tax to

sponsor their local ball team. Both the Roswell Invaders and Las Vegas Train Robbers baseball teams are an example of this. Sponsorship is based on the fact the teams bring tourists to the municipality. A 5% occupancy tax on an \$80 motel room would be \$4.00 per night, and with a 35 home game schedule it would generate \$2,800 in Lodger's Tax. If the City Commission were to sponsor the team with \$2,500, there would still be a surplus in revenue and Lodger's Tax from the activity of the White Sands Pupfish.

Assistant City Manager McNeile said those are the guaranteed rooms for the visiting teams and does not include the families and friends who travel with the teams. Of course, they would also go out for entertainment and purchase goods and services in our city. The other communities have done this by advertising on the uniform which is seen at the nine other locations throughout Colorado, New Mexico, Arizona and Texas where they play. We would have our City of Alamogordo logo on the uniforms.

Mayor Pro-Tem Rentschler thought the Pupfish team was a good thing for Alamogordo. He asked Assistant City Manager McNeile if they all stayed in motel rooms and how many nights it would take to generate this money. Assistant City Manager McNeile said the visiting teams would have 20 rooms. Our local team has host families, and they stay at a local hotel and pay the Lodger's Tax when they travel out of town.

Commissioner Straface moved to approve using Lodger's Tax money to sponsor the White Sands Pupfish team in the amount of \$2,500. Commissioner Sikes seconded the motion.

Commissioner Baldwin asked for discussion. He wanted to make sure this is a one time sponsorship and would not be reoccurring. If they need a sponsor next year it could be brought back to the Commission for consideration. Assistant City Manager McNeile affirmed.

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

Assistant City Manager McNeile remarked there was one other Pupfish related item. Tomorrow, Wednesday, May 14th, is the ribbon-cutting with the Chamber of Commerce at the game and Thursday, May 15th is City of Alamogordo Appreciation Night at the game and he invited all Commissioners to come and to throw out the first pitch. If all seven come they will have seven balls and seven catchers. Also, on Thursday during the day it will be Alamogordo Public School Day at 10:00 a.m. and then in the evening at 6:00 p.m. it will be COA Appreciation Night.

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

Mayor Galea appointed Theda Harshey to the Parks & Recreation Board. Mayor Galea said Ms. Harshey is an active member of our community. There were no other nominations for any Boards or Committees. She welcomed anyone in the community to volunteer for a Board.

PUBLIC COMMENT

B. Eliza Fernandez commented on the following:

1) Ms. Fernandez noted that earlier she failed to mention her concern during the Budget Hearings of the lack of funding for the Sexual Assault Nurse Examiners program (S.A.N.E) for Lincoln and Otero Counties. Prior to going into law enforcement, she had volunteered at the District Attorney's office as an advocate who worked hands-on with victims. In law enforcement as an officer and detective she has worked hand-in-hand with these sexual assault nurses who are few but very dedicated. She asked the Commission to reconsider providing funding for this program. Ms. Fernandez thought it was good we could sponsor the Pupfish team because it was good for our community, but felt we should help sponsor S.A.N.E. who cared for the citizens we don't see. Many victims do not go to the hospital after an attack because this is a small community and everyone knows each other. The hospital will send victims to the S.A.N.E. nurses many times. These nurses will come after their shifts

at work with a minimum amount of sleep in order to insure the well-being of these victims. She asked for reconsideration in order to maintain the relationship with S.A.N.E.

Mayor Galea asked City Manager Stahle if there was still opportunity for discussion on the Final Budget and how it would be presented. City Manager Stahle told her they would not be agenda items on the City Commission Agenda, but would be included in any discussions on the Final Budget.

C. J. J. Lyons commented on the following:

1) Mr. Lyons brought up the Hold Harmless Tax which he had heard about since he became AFSCME president. What he got from Steve's presentation was that enacting 1/8% of the 3/8% tax would level out our GRT. He asked for clarification.

City Manager Stahle said he was mistaken on that. As Mayor Pro-Tem Rentschler mentioned earlier, when you look at the entire Legislative direction, they are basically taking away our Hold Harmless over a 15 year time period. Even if we enact all of the 3/8% tax the Legislature allowed local jurisdictions to enact, we still would not make up the loss.

Mr. Lyons said what he got from Steve's presentation was.....City Manager Stahle interrupted to say if we did it right now there would be a little bit of a bump for us, but over the next 15 years it doesn't make it up, in fact, we lose.

Mayor Galea added to the conversation that the 1/8% generates on average about \$750,000, but as the Hold Harmless is repealed over the 15 year period even if we enact 3/8%, we will still be short about \$600,000. If our expenses continue to increase and we do not have an increase in revenue we will be deficit spending.

Mayor Pro-Tem Rentschler said there are other things that have happened you need to be aware of and that is that the Hold Harmless Tax we are allowed by the State Legislature to enact could probably be done now. The citizens of Alamogordo have approved an ordinance, even though the Attorney General does not think that ordinance can be enforced, and you would be hard pressed to get this Commission to just enact it. We would have to go out for a referendum and then have the citizens of Alamogordo approve it, so there is a lot more to it.

Mr. Lyons said as a taxpayer he understood that, but thought it might be a solution. Mayor Pro-Tem Rentschler said it would be a temporary one.

Commissioner Straface said he would like to understand that better and asked to schedule a time with City Manager Stahle or have a workshop if need be. City Manager Stahle said he could do this. Commissioner Straface said he wanted to be clearer on how this works.

D. Joel Villarreal commented on the following:

1) He said there was perhaps a discrepancy between what the Finance Director and what the City Manager felt was going to be the outcome of that, but he was pretty clear as far as dealing with the Hold Harmless and felt it would become a non-issue. Mr. Villarreal said it was clearly stated that these budgets have been over budgeted by about 15% for the last few years. We find ourselves where the revenues have hit so hard, but time and time again it has been happening consistently. He found it hard to believe that over the next four to five years we are going to end up being \$100,000 short in GRT's every single year. People have to understand there is going to be a washing effect, and JJ Lyons' bigger point is there isn't cause for doom and gloom. We are in a hard time this particular moment, but for people to use this as an excuse to bring the whole sky falling down overstates the problem. He remarked the Commissioners are in a serious position and he understood that, but it is not as bad as it is being made out to be. He found it hard to believe you will be growing at the rate estimated. The reserves are not there for anyone to use, but he wanted people to realize they are there; you are above and beyond the 8% you are supposed to have for the emergency fund. You are there and are planning to double that so these concepts of turmoil are being extremely overstated. He felt it had more to do with the fact, as Mayor Pro-Tem Rentschler

was talking about, of whether there is an actual bill to do it or not, and that's what it will take. He thanked the Commissioners for thinking of the citizens of Alamogordo and reminded them the employees are citizens of Alamogordo, as well. They are in a closer relationship with you than anyone else since they work for you.

Commissioner Straface recalled there was \$800,000+ in undesignated reserves and City Manager Stahle agreed. Commissioner Straface said that represents approximately 1% of the Operating Budget. He noted the School District maintains a 5% reserve for the very same reasons. If we are at 1.5%, from his viewpoint that is dangerous. In the School District we maintain 5% in reserve because we don't know what is going to hit us and it has hit us during his tenure here. He said the snow storm about four years ago forced him to close schools and they lost pipes in every school costing the district about \$340,000 for three days. He felt it was wise to keep a savings account because it is one time money; if spent it wipes out your savings and you have no way to deal with an emergency.

Joel Villarreal replied that he did not intend to say the City should not have a fund, but the 1% savings was not true. You are required by law to have 8% and he knew it was there. The auditors were looking at \$9.5 million in the reserves and he thought it was now at \$4 million. Mayor Galea said the \$9 million was an accrual; actual cash on hand was \$7 million dollars and we deficit spent last year, so there was only \$5 million in that fund. This year, after we have spent over \$3 million dollars in deficit spending, there is less than \$2 million in that fund. If we are going to set aside any small reserve amount there will be only \$800,000 in that fund.

CITY MANAGER'S REPORT

1) None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Hernandez commented on the following:

1) He said that in hearing a lot of the comments tonight, he recommended putting together a quick spreadsheet on the funds and what they are used for. He commented on giving money to the Pupfish, Economic Development and salaries and the various types of funds and how they may be used. He would like to see an understandable spreadsheet everyone could understand and perhaps put it on the City website. City Manager Stahle said he had already written himself a note to do just that. Commissioner Hernandez said he had heard this too many times tonight and the City Manager agreed. He knew we had gotten in trouble in the past for moving money from one fund to another.

Mayor Pro-Tem Rentschler commented on the following:

1) He stated we still have two vacancies on the Airport Advisory Board. He asked City Clerk Cantin to put an item on the next agenda for us to go through and look at the requirements in particular for the Airport Advisory Board to expand the membership to County residents, with preference to City residents.

City Manager Stahle said the Advisory Board also tried to get on that topic, and Mayor Pro-Tem Rentschler said he expected it to be on tonight's agenda. City Manager Stahle it wasn't ready to be prepped as an ordinance, and it had to come before the Commission in that form so once it was adopted it would be policy. Mayor Pro-Tem Rentschler asked if it could be at the next Commission meeting, and City Manager Stahle said he would try. It may be after the packet is distributed, but we'll get it.

Commissioner Straface commented on the following:

1) He certainly was sensitive to where our employees are and said we have no reason not to compensate people as much as we can. We also have responsibilities not to put the City in a place where we either have to lay-off employees or cut programs deeply; we are responsible to the public. It isn't a we/they thing, it is how we can use our resources as wisely as we can. That is critical.

2) He addressed the other Commissioners concerning research about working on teams in a collaborative way. He saw three evidences today of that research in our work: 1) People working together and listening to each other with respect, 2) Commissioners trying to balance their inquiry and advocacy for certain positions; i.e. – why is this important and what do you stand for. That balance is needed so we can all hear it, and 3) Putting ideas on the table. He thanked the Commissioners.

Mayor Galea commented on the following:

1) She said there are still opportunities for strategic planning as a group and she hoped everyone would be open to an idea of a workshop in June. Strategic planning is very important for the well-being of the City we all serve.

2) Mayor Galea was glad to be a part of meetings this month. The Committee of 50 visited Washington, D.C. and their report was that all is well.

3) She also worked with the ARMS Committee – a regional group which will be presenting a workshop in August that should be beneficial to Alamogordo in preparation for the BRAC in 2017-2019.

4) She expressed her gratitude for all of the city staff and what they do for our community. She wished there was more tax revenue and economic development so our community would thrive. That is why the Commission is committed to working with OCEDC and the Chamber of Commerce.

5) This weekend is the Gus Macker Tournament and they need volunteers.

6) It will also be National Square Dance Days in Alamogordo with the Annual State Square Dance Festival being held at the Civic Center. She encouraged the citizens of Alamogordo to do-si-do and turn your partner round and round.

ADJOURNMENT

Commissioner Hernandez moved to adjourn at 9:45 p.m. Commissioner Straface 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 May 27, 2014.*

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014 **Report Date:** May 14, 2014 **Report No:** 5

Submitted By: Jan Wafful **Approved For Agenda:** _____
Community Services Admin. Assistant 

Subject: Consider, and act upon, the Lodger's Tax Expenditures for Tourism & Travel.

Fiscal Impact: \$50,337.36
Amount Budgeted: \$124,434.24
Fund: 016

Recommendation: Approve the expenditures for Tourism & Advertising Promotions presented April 22, 2014

Background: The following are a list of the expenditures in need of approval.

Hayduk-King Advertising, Inc. Advertising/Production Services	INV#HB042214	41,013.28
Comcast Spotlight	Monthly Billing INV# 2097638-9683	2,002.00
Lamar Companies	Monthly Billing INV# 104960122	1,265.00
CallSource	Monthly Billing (800#+1,000minits) INV 20058345	184.20
Time Warner	Monthly Billing INV# 103458-62	1,024.14
Certified Folder Display Brochure Dist.	Apr 2014-INV#480374	732.12
Lamar Companies	Billboard Production INV# 104239294	1,600.00
KOB TV	Gus Macker Reg 30 Sec TV spots INV#214714-1	423.14
KOB TV	Gus Macker Reg 30 Sec TV spots INV#214714-2	112.48
KJTV - FOX 34	Monthly Billing (Television & Web) INV# 40854A-F1	1,981.00

Reviewed By:

City Attorney STJ City Clerk RC Community Development _____ Community Services _____
Finance AW Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager AW

CITY OF ALAMOGORDO, NEW MEXICO

RESOLUTION NO. 2014-25

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF A FUTURE TAX-EXEMPT OR TAXABLE BORROWING FOR CERTAIN CAPITAL EXPENDITURES UNDERTAKEN OR TO BE UNDERTAKEN BY THE CITY; IDENTIFYING THE CAPITAL EXPENDITURES AND THE FUNDS TO BE USED FOR SUCH PAYMENT; AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Alamogordo (the "City"), in the State of New Mexico (the "State"), is a political subdivision duly organized and existing pursuant to the Constitution and laws of the State; and

WHEREAS, the City Commission (the "Governing Body") is the governing body of the City; and

WHEREAS, the Governing Body has determined that it is in the best interest of the City to make certain capital expenditures in connection with the Project (as hereinafter defined); and

WHEREAS, the City currently intends and reasonably expects to participate in a tax-exempt or taxable borrowing to finance such capital expenditures within 18 months of the date of such capital expenditures or the placing in service of the Project, whichever is later (but in no event more than three years after the date of the original expenditure of such moneys), including an amount not to exceed \$10,500,000 for reimbursing the City for the portion of such capital expenditures made no earlier than 60 days prior to the date hereof or to be made after the date hereof but before such borrowing; and

WHEREAS, the Governing Body hereby desires to declare its official intent, pursuant to 26 C.F.R. §1.150-2, to reimburse the City for such capital expenditures with the proceeds of the City's future tax-exempt or taxable borrowing.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALAMOGORDO, NEW MEXICO THAT:

Section 1. Declaration of Official Intent. The City presently intends and reasonably expects to finance some or all of the costs of acquiring and improving public parks and related recreational facilities and constructing, repairing and improving streets and bridges (collectively, the "Project") with moneys currently held in City's General Fund.

Section 2. Dates of Capital Expenditures. All of the capital expenditures within the scope of this Resolution were made no earlier than 60 days prior to the date of this Resolution.

Section 3. Issuance of Bonds or Notes. The City presently intends and reasonably expects to participate in a tax-exempt or taxable borrowing within 18 months of the date of the expenditure of moneys on the Project or the date upon which the Project is placed in service or abandoned, whichever is later (but in no event more than three years after the date of the original expenditure of such moneys), and to allocate an amount not to exceed \$10,500,000 of the proceeds thereof to reimburse the City for its prior expenditures in connection with the Project.

Section 4. Confirmation of Prior Acts. All prior acts of the officials, agents and employees of the City that are in conformity with the purpose and intent of this Resolution, and in furtherance of the Project, shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 5. Repeal of Inconsistent Resolutions. All other resolutions of the Governing Body or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

ADOPTED AND APPROVED this ____ day of May 2014.

CITY OF ALAMOGORDO, NEW MEXICO

By _____
Susie Galea, Mayor

ATTEST:

Renee Cantin, City Clerk

APPROVED AS TO FORM:

Steve Thies, City Attorney

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date:

Report No: 7

Submitted By: Mikel Ward
Fire Chief

Approved For Agenda: 

Subject: Consider, and act upon, the award of IFB No. 2014-04 Miscellaneous Fire Department Uniforms, to Neve's Uniforms & Equipment in the amount of \$32,414.00

Fiscal Impact: \$32,414.00

Amount Budgeted: \$35,000.00

Fund: 033-0000-421-3320

Recommendation: Award IFB No. 2014-04, to Neve's Uniforms & Equipment

Background: IFB No. 2014-04 "Miscellaneous Fire Department Uniforms was advertised on April 27th, 2014 and opened on May 13th, 2014 at 2:00 p.m. There was one responsive bid received.

This was a fixed price, estimated quantity multi-term contract which would commencing May 28, 2014 through May 27, 2015. This contract may be extended for three (3) additional (1) one-year terms. Bid is to be awarded on an "ALL OR NONE" basis to the lowest bidder who meets the specifications and requirements.

Award is to be based on estimated quantities, and that the City will reserves the right to increase or decrease quantities as necessary to meet it's needs.

Bid tabulation attached.

Reviewed By:

City Attorney  City Clerk  Community Development _____ Community Services _____
 Finance  Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing  Assistant City Manager _____

BID TABULATION
Misc Fire Dept Uniforms
IFB 2014-04
05/13/14 2:00 PM

	EST. QTY	DESCRIPTION	Neve's Uniform and Equipment
	1	TOTAL BASE BID	\$32,414.00
TOTAL BASE BID			

Addenda #2 Revised Bid Schedule

Item	Make	Model	Style - Brand - or Equal	Price
Shirt-Polo	Propper	F5321-72	Propper ICE Polo 94% polyester/6% spandex Durable fabric stands up to intense activity and resists fading, wrinkling, and pillings	\$29.85
Shirt-Polo	Propper	F5321-72	Emb Front Logo	\$38.50
Shirt-Polo	Propper	F5321-72	Name & Title	

Shirt-Polo-Short Sleeve	Vertex	VTX3000NV	Polo Shirt all cotton S/S Sizes S-XL Stay dry polo: dries 40% faster than ordinary cotton polos. 6.8 oz cotton, pique. Colorfast, wrinkle free, shrink resistant. 2000 Ultra Cotton™	\$35.70
Shirt-Polo-Short Sleeve	Vertex	VTX3000NV	Maltese Cross Left Chest, Name/Rank Right Incl	\$44.50
Shirt-Polo-Short Sleeve	Vertex	VTX3000NV	Sizes *2X-3X	\$49.50

Shirt-Polo	Propper	F5341-72	Propper Ice Polos Poly Assorted Colors Sizes XS-5XL	\$29.85
	Propper	F5341-72	Maltese Cross Left Chest, Name/Rank Right Incl	\$38.50

Shirt Polo	Propper	F5321-72	Propper ICE Polo 94% Polyester/6% Spandex Emb Left Front Chest Logo Right Chest 2 lines Name and Rank Sizes S-XL Sizes 2XL-4XL	\$38.50
Men				
Short Sleeve				
Women	Propper	F5327-72	Emb Left Front Chest Logo Right Chest 2 lines Name and Rank Sizes S-XL	\$38.50
Short Sleeve				

Men's	Vertex	VTX3000NV	Vertex Coldback Polo 100% Poly Size XS-XL Size 2XL-4XL Emb Left Chest Logo and Right Chest 2 Lines Name and Rank	\$44.50
Short Sleeve Polo				\$49.50
Men's	Vertex	VTX4020	Vertex Coldback Polo 100% Poly Size XS-XL Size 2XL-4XL Emb Left Chest Logo and Right Chest 2 Lines Name and Rank	\$55.50
Long Sleeve Polo				\$62.50
Women's	Vertex	VTX4010	Vertex Coldback Polo 100% Poly	
Short Sleeve Polo				

			Size XS-XL	
			Emb Left Chest Logo and Right Chest 2 Lines	
			Name and Rank	
				\$52.00
Women's	Vertex	VTX4030	Vertex Coldback Polo	
Long Sleeve Polo			100% Poly	
			Size XS-XL	\$55.00
			Emb Left Chest Logo and Right Chest 2 Lines	
			Name and Rank	

Shirt-Class B	5.11	46124-720	5.11 Station Shirt Class B Short Sleeve	\$44.00
			5.8 oz 100% cotton twill, Fabric resists fading, shrinking and wrinkling. Triple-stitched construction.	
Shirt-Class B	5.11	46124-720	5.11 Station Shirt Class B 3XL TALL Short Sleeve	\$48.00

Shirt-Tactical	5.11	71152-720	5.11 Tactical S/S Shirt	\$44.00
			5.4 oz weight, 100% Cotton Twill Canvas, Triple Stitched construction. 26 individual bartack reinforcements.	
			Melamine buttons won't burn, crack, or melt.	
Shirt-Tactical	5.11	71152-720	5.11 Tactical S/S Shirt Sizes 3XL	\$48.00

Shirt-Job	Elbeco	3730	Elbeco Job Shirt W/marine collar	\$46.00
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Shirt-Job	Elbeco	3732	Elbeco Job Shirts W/flaps collar	
			Rugged heavy weight fleece. High performance color and shape retention with minimal shrinkage.	\$46.00

T-Shirt-Long Sleeve	Gildan	G240	Gildon L/S T-shirt S-XL	
			100% preshrunk cotton. Double needle stitching throughout. Taped shoulder to shoulder.	\$13.30
T-Shirt-Long Sleeve	Gildan	G240	Gildon L/S T-shirt 2XL-3XL	\$14.95
			silk-screening depending on how many colors	

T-Shirt-Short Sleeve	Gildan	G200	Gildon S/S T-shirt X-XL	
			6.1 oz Ultra Cotton® 100% preshrunk cotton. Double needle stitching throughout. Navy-50/50 cotton/poly.	\$5.00
T-Shirt-Short Sleeve	Gildan	G200	Gildon S/S T-shirt Sizes 2XL-3XL	\$7.25

Shirt	Gildan	2000	Gildan	
			Ultra Cotton S/S	\$9.50
			W/Silk-screening	
			100 % Cotton Jersey. 6.0 oz weight. Preshrunk Jersey knit.	
Shirt	Gildan	2000	Maltese Cross Left Chest, Alamogordo FD Back	\$11.75

Men's	Gildan	5000	Classic Fit 100% Cotton	
T-Shirt			Size S-XL	\$9.00
Short Sleeve Shirt			Size 2XL- 3XL	\$11.35
			Screen print Left Chest Logo and Right Chest 2 Lines	
			Name and Rank	

Men's	Gildan	2400	Classic Fit 100% Cotton	
T-Shirt			Sizes S-XL	\$13.30
Long Sleeve Shirt			Sizes 2XI-3XL	\$14.95
			Screen print Left Chest Logo and Right Chest 2 Lines	
			Name and Rank	
Women's	Gildan	200L	Cotton Jersey ultra Cotton	
T-Shirt			100% Cotton	
Short Sleeve shirt			Size XS-XL	\$9.30
			Size 2XL-3XL	\$10.80
			Screen print Left Chest Logo and Right Chest 2 Lines	
			Name and Rank	
Women's	Gildan	5400L	Missy Fit 100% Cotton	
T-Shirt			Size S-XL	\$12.25
Long Sleeve Shirt			Size 2XL-3XL	\$13.90
			Screen print Left Chest Logo and Right Chest 2 Lines	
			Name and Rank	

Men's			Fecheimer	
Shirt L/S	Fecheimer	35W7800		
Shirt S/S		85R7800	7-7.5oz 100% visa system 3 polyster, plain weave.	
			Sizes S-XL	\$43.50
			Sizes 2XL-4XL	\$56.00
			Patches sew on 2 sleeves Left and Right S-XL	\$38.50
			Zipper sew on 2XL-4XL	\$49.50
Women's	Fecheimer	102W69	Fecheimer	
Shirt long sleeve			Deluxe tactical women's shirt with freedom collar	
			68%Poly/30%Rayon/12%Lycra	
			Sizes 28-38	\$65.40
			Sizes 40-54	\$84.20
			Patches sew on 2 sleeves Left and Right	
			Zipper sew on	
Women's			Fecheimer	
Shirt Short Sleeve	Fecheimer	152R69	Deluxe tactical women's short sleeve shirt with	
			Freedom collar	
			Sizes 30-38	\$56.95
			Sizes 40-52	\$70.25
			Patches sew on 2 sleeves Left and Right	
			Zipper sew on	

Men's	5.11	46124	Station Shirt B-Class non nfpa	
B Class Shirt			5.8oz 100% Cotton Twill	
Short Sleeve			Size S-XL	\$52.00
			Size 2XL-3XL	\$56.00
			Emb Left Chest Logo and Right Chest 2 lines	
			Length Short, Regular and Long	

			<i>Name and Rank</i>	
Men's	5.11	72366	Station Shirt B-Class non nfpa	
B Class Shirt			5.8oz 100% Cotton Twill	
Long Sleeve			Size S-XL	\$50.70
			Size 2XL-3XL	\$54.70
			Emb Left Chest Logo and Right Chest 2 lines	
			Length Short, Regular and Long	
			<i>Name and Rank</i>	
Women's			Taclite PDU Shirt B Class Women's	
B Class Shirt	5.11	61168	4.4oz Taclite ripstop Fabric	
Short Sleeve			Size XS-XL	\$50.70
			Length Reg and Tall	
			Emb Left Chest Logo and Right Chest 2 Lines	
			<i>Name and Rank</i>	
			Length Regular and Tall	
			Taclite PDU Shirt B Class Women's	
Women's	5.11	62065	4.4oz Taclite ripstop Fabric	
B Class Shirt			Size XS-XL	\$50.70
Long Sleeve			Length Reg and Tall	
			Emb Left Chest Logo and Right Chest 2 Lines	
			<i>Name and Rank</i>	
			Length Regular and Tall	
Men & Women-Unisex	5.11	72321	5.11 Tactical Job shirt	
Job Shirts			11.6 ounce Cotton/Fleece	
			Size XS-XL	\$61.40
			Size 2XL-3XL	\$68.00
			Emb Left Chest Logo and Right Chest 2 Lines	
			<i>Name and Rank</i>	
			Alternate: 3730 ELBECO	\$51.40
Shirt-Short Sleeve	Fecheimer	85R7800	Short Sleeve White Shirt Fecheimer	
			7-7.5 oz 100% VISA® System 3™ Polyester, Plain Weave.	
			XS-XL	\$36.50
			2XL-3XL	\$44.50
			Alternate: 3310N ELBECO	\$35.00
Pants	Fecheimer	93410	Trousers Black Fecheimer	
			11.5-12 oz. Serge Weave, Exclusive Freedom Fit® II	\$51.60
			waistband with 2-zone stretch comfort	
			Alternate: E320RN ELBECO	\$40.00
Pants-Cargo		74311-720	Pant Cargo Mens Station Fire 28-44	\$55.70
Men's	Fecheimer	47400	Valor	

Pants			men's pants 4 pocket pants with freedomflex waistband 65%Poly 35%Cotton	
			Size 28-38	\$47.00
			Size 40-56	\$51.50
			Alternate: E2804R ELBECO	\$35.00
Women's	Fecheimer	47400W	Valor	
Pants			women's pants 4 pocket pants with freedomflex waistband 65%poly 35%Cotton	
			Size 02-12	\$47.00
			Size 14-28	\$51.50
			Alternate: E2814LCD ELBECO	\$41.00

Men's	5.11	74310	5.11 7.25 Poly/Cotton twill	
Pants			Size 28-38	\$53.50
			Size 40-54	\$53.50
Women's	5.11	64301	5.11 7.25 Cotton/Poly twill	
Pants			Size 02-10	\$53.50
			Size 10-16	\$53.50

Jacket	Shoreline	J162	Shoreline Jacket Sizes S-2X Waterproof breathable jacket. Durable nylon with a special water-repellent finish. The interior body lining is 100% polyester mesh, with the sleeves and hood lined in nylon. Waterproof breathable laminated membrane. Fully taped waterproof seams.	
				\$96.00
Jacket	Shoreline	J162	Sizes *3X-4X	\$100.00

Jacket	Extreme	J133	Extreme Arctic Quilt Active Jacket S-2X On Back Large Maltese Cross Included. 1000-denier, heavyweight, Cordura nylon. Arctic-weight polyester lining, fully quilted with arctic-weight polyester insulation. Water repellent.	
				\$90.00
Jacket	Extreme	J133	*3X-4X	\$96.00

Jacket		C55	Jacket W/Maltese On Back S-2X	\$109.00
Jacket		C55	*3X-4X	\$116.00

Jacket	5.11	48063	5.11 Responder Parka Solid Sizes S-XL High performance, waterproof 10,000mm fabric. Reflective tape at sleeves and hem. Hook and loop fastener storm cuffs. Double storm flap. YKK® zipper hardware. Pym® snaps.	\$244.00
Jacket	5.11	48063	5.11 Responder Parka Solid Sizes 3XL/4X	\$257.00

Jacket	Viz-Guard	S588VT	Viz-Guard 2 Tone Parka	\$179.95
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Men's	Carhartt	J162	Shoreline jacket 100% poly mess	
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Jacket			Size S-2XL	\$101.50
			Emb Left Chest Logo and Right Chest 2 Lines	
			Name and Rank	
Women's Jacket	Carhartt	100657	Sandstone Berkley jacket	
			100% Cotton	
			Size XS-XL	\$81.50
			Emb Left Chest Logo and Right Chest 2 Lines	
			Name and Rank	

Men's Hi-Vis Responder Parka	5.11	48073	Hi-Vis Responder Parka	
			5.11 non-slip shoulder	
			resistant to bloodborne pathogens	
			Size XS-XL	\$264.00
			Size 2X-4XL	\$277.00
Women's Hi-Vis Responder Parka	5.11	38073	Hi-Vis Responder Parka	
			5.11 non-slip shoulder	
			resistant to bloodborne pathogens	
			Sizes XS-XL	\$264.00

Men's Officer's Coat	Flying Cross	17B696C	Navy Dress Coat Double Breasted	
			Gold Buttons	
			FD Buttons	
			55% Poly 45% Wool	
			Badge Tab	
			Sleeve braid striping for dress coats and small Maltese	
			for Rank and years of service	
			Sew on Patches	
			Sizes 35-48	\$350.00
			Sizes 50-56	\$384.00
			Length - Reg to Tall	
Women's Officer's Coat	Flying Cross	17B696C	Navy Dress Coat Double Breasted	
			Gold Buttons	
			FD Buttons	
			55% Poly 45% Wool	
			Badge Tab	
			Sleeve braid striping for dress coats and small Maltese	N/A
			for Rank and years of service	
			Sew on Patches	
			Sizes 4-16 Junior Petite to Women Tall	
			Sizes 18-26 Junior Petite to Women Tall	
			Length - Petite to Tall	
Women's Firefighter Coat	Flying Cross	4800SDC	Navy Dress Coat Single Breasted	
			Silver Buttons	
			FD Buttons	
			55% Poly 45% Wool	
			Badge Tab	

			Sleeve braid striping for dress coats and small Maltese for Rank and years of service	
			Sew on Patches	
			Sizes 4-16 I	\$340.00
			Sizes 18-26	
			Length - Junior Petite to Women Tall	
Men's Firefighter Coat	Flying Cross	4800SDC	Navy Dress Coat Single Breasted Silver Buttons FD Buttons 55% Poly 45% Wool Badge Tab Sleeve braid striping for dress coats and small Maltese for Rank and years of service Sew on Patches Sizes 35-48 Sizes 50-56 Length - Reg to Tall	N/A

Collar Rank Insignia	Blackington	A2547	Chief 5 Bugles - Red Shield	\$27.90
		A2547	Chief 5 Bugles - Cutout	\$14.90
		A2905	Deputy Chief 4 Bugles - Red Shield Cutout	\$14.60
		A2988	Deputy Chief 4 Bugles - Red Shield	\$27.90
		A2994	Captain 2 Bugles - Crossed Red Shield	\$27.90
		J52	Captain 2 Bugles - Crossed Cutout	\$14.90
		A2952	Lieutenant Single Bugles - Red Shield	\$16.40
		A2817	Lieutenant Single Bugles - Cutout	\$16.75
		A3028	Firefighter Scramble	\$13.10

Name Bars	Blackington	A2450	Chief, Deputy Chief and Captain	\$13.70
		A2450	Lieutenant and Firefighter	\$13.70

Tie-Tac	Smith and Warren	AC3F	Rank Insignia or Fire Scramble	\$8.95
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Men's Dress Shoes	Bates	EE22141	Men's High Gloss Duty Oxford Size 6-14	\$50.50
Women's Dress Shoes	Bates	E22741	Women's High Gloss Duty Oxford Size 4-12	\$50.50

Men & Women-Unisex Work Boots	Danner	17311	Quarry 8" AT 100% water proof and breathable Gortex lining Fiberglass Shank Alloid Toe Non-conductive electrical shock resistant Reflectable Sizes 7 - 15	\$196.00
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Men's Work Boots	Thorogood	804-6379	Hell Fire EMS / Wildland 8" Composite Toe Front Zipper	
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			Sizes 5 Medium - 15 Wide Steel Triple Ladder Shank	\$88.60
Women's Work Boots	Thorogood	504-6379	Hell Fire EMS / Wildland 8" Composite Toe Front Zipper	
			Sizes 5.5 Medium - 11 Wide Steel Triple Ladder Shank	\$88.60
Men & Women-Unisex Work Boots	Haix	605113	Composite toe inside crosstech Men's Size 4.5-15 Half sizes as well Women's Size 5-10 Half sizes as well	\$243.50 N/A
Women's Tie	Sammuel Broome	W-45165	Poly/Wool Crossover tie Size up to 23"	\$3.50
Men's Tie	Samuel Broome	W-45015	Poly/Wool Clip on tie	\$3.50
T-Shirt Long Sleeve Shirt	5.11	511-40046-724	5.11 tactical utili-T 100% Cotton Sizes S-XL Sizes 2XL- 3XL Screen Print Left Chest Logo and Right Chest 2 Lines	\$21.50
Men & Women-Unisex Hooded sweatshirt	Badger Sport	BD1290	Name and Rank 60% Cotton 40%poly two ply hood with draw cord Size S-XL Size 2XL-4XL Emb Left Chest Logo and right Chest 2 Lines	\$28.50 \$32.50
Belts	Boston Leather	6605	Basket Weve and plain 1 3/4" wide Sizes 28-40	\$21.95 \$16.00
Belts	5.11	W-511-59501	Casual leather belt 1.5 wid Sizes 28-40	\$34.70
Hats	Flexfit	N/A	Name and Rank 98% Cotton 2% Spandex fitted hat Emb Front of cap Logo and Name on rear	\$17.25
Boonie hat	Truspec	N/A	Avaiable in any size Truespec Gen2 adjustable boonie hat 9 oz Emb Front of cap Logo	\$17.50
Watch Cap	Blauer	BLR-125	Emb Logo Blauer watch cap high performance 70/30 pill control blend fleece	\$22.00
Men & Women	Siegel's	9807	Soft-Air cushioned sweatband	

Bell Crown Cap			plastic strap black nylon mesh cap band	\$0.00
			1/2 black patent visor	
			Alternate: Midway 113-cap	\$49.50

Cap Badges	Blackington	A7289	Chief 5 Bugles	\$10.70
		A1962	Deputy Chief 4 Bugles	\$17.85
		A2816-TT	Capt. 2 Bugles Crossed	\$23.95
		A2817-TT	Lieutenant Single Bugles	\$23.95
		A2327	Firefighter Scramble	\$17.85

Extrication Suit-Unisex	Lakeland	W-CO8620	Name on rear	
			Fire resistive Cotton extrication suit	
			Size S-XL	\$204.00
			Size 2XL-4XL	\$252.00
			Emb Left Chest Logo and right Chest 2 Lines	

Radio Strap	Boston Leather	6543R	Sizes - Regular and Long	
			1 1/4" Heavy duty leather w/1" reflective material	
			Leather mic loop	\$44.78
			Scissor Snaps	
Anti Sway Strap	Boston Leather	5425	Clips to radio strap and turn out gear	\$4.95
Radio Case Holder	Boston Leather	5481RC-E	Full leather case	
			Adjustable Strap	\$26.00
			D-rings on sides	
			Holds Motorola HT90 and MTX900	

Men's	Flyingcross	28P8096	5 Pockets Pants	
			55/44 Poly Wool	
			Naval Officer Blue	
			Sizes All Even 28-38	\$99.50
			Sizes All Even 40-50	\$110.00
			Short	
			Regular	
			Long	
			Extra Long	

Women's	Flyingcross	4800S	5 Pockets Pants	
			55/44 Poly Wool	
			Naval Officer Blue	
			Sizes 04-24	\$104.00
			Petite	
			Regular	
			Tall	

IFB 2014-04 Misc. Fire Department Apparel

Estimated Quantities:

Proper Ice Polo – 40-80 annually
Vertex Polos- 100-150 annually
Fecheimer Shirts-25-50 annually
5.11 Class B Shirt 100-150 annually
5.11 Job Shirt- 25-50 annually
5.11 Tactical shirt- 20-25 annually
Elbeco job shirt- 25-50 annually
Gilda T-shirt-150-200 annually
Fecheimer pants 20-25 annually
5.11 Station pants- 100-150 annually
All Jackets – 25-50 annually
Dress Uniforms- 25-30
Insignia -150-200
Name bars-25-50
Tie Tac-25-50
All Shoes-25-50 PAID.
Ties-25-50
Belts-25-50
Hats-50-100 annually
Crown Caps-25-50
Cap Badges-25-50
Extrication suits-5-25
Radio Straps- 0-25
Radio Case- 0-25

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 14, 2014 **Report No:** 8

Submitted By: Stephen P. Thies

Approved For Agenda: _____

Subject: Discussion, and possible action, related to a Weed Abatement Request for 1203 Puerto Rico (*Ms. Velma Morgan, Requestor*)

Fiscal Impact: \$830.36
Amount Budgeted:
Fund:

Recommendation: Approve Release of Lien

Background: Ms. Morgan is the cousin of the owner of the property located at 1203 Puerto Rico and is requesting this item to be placed on the Commission agenda. The owner is requesting the City to consider the abatement liens filed against this property in the amount of \$830.36. The cost of the abatement services were \$125.300 plus \$9.30 in GRT; and \$250.00 plus \$19.06 in GRT. A \$200.00 administrative service fee on each lien, the county recording charges of \$100.00 and interest since the liens were filed.

Ms. Morgan's cousin, Marshall Wayne Coleman, was discovered deceased on September 20, 2012. A handwritten will was found among Mr. Coleman's property naming Ms. Morgan as the only living heir. However, Ms. Morgan was never notified of Mr. Coleman's death until November 8, 2013 during an investigation by APD of a residential burglary at Mr. Coleman's residence.

Reviewed By:

City Attorney SPT City Clerk RC Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

CHRONOLOGY

**1203 Puerto Rico Avenue
MM Guess Resub Alamo Block 96, Block 96, Lot 26**

Date	Description of Event
	Lien #1 (Case #11-10619)
8/23/11	Code Enforcement inspects property. No contact made with the owner. Notice was posted on the door.
9/8/11	Code Enforcement does follow-up inspection. No contact made with owner.
9/13/11	Certified letter sent to owner of code violations on property.
9/20/11	DPS called to this address for welfare check, discovered unattended death of owner of property: Marshall Wayne Coleman. DPS Report #11-11842 (During investigation, DPS found handwritten will of Mr. Coleman, leaving all his property to his cousin, Velma Morgan.)
11/30/11	Certified letter returned to Code as "Undeliverable"
12/23/11	Property cleaned up by C&D Enterprises.
1/19/12	Request to file lien received in Legal from DPS
2/17/12	Lien Filed at Otero County Clerk in the amount of \$334.30
	\$125.00 – Abatement \$ 9.30 = Tax \$200.00 – Admin Fee \$334.30 – Lien Amount
	Lien #2 (Case #12-9749)
8/15/12	Code Enforcement inspects property. No contact made with owner. Notice posted on door.
8/21/12	Certified letter sent to owner of property.
8/30/12	Code Enforcement does follow-up inspection. No contact made with owner.

8/2012	Certified letter returned to Code as "Undeliverable."
9/5/12	Property cleaned up by C&D Enterprises.
9/20/12	Request to file lien received in Legal from DPS.
12/7/12	Lien Filed at Otero County Clerk in the amount of \$496.06.
	<p>\$250.00 – Abatement \$ 19.06 – Tax <u>\$200.00 – Admin Fee</u> \$496.06 – Lien Amount</p>
11/8/13	APD investigate Residential Burglary at 1203 Puerto Rico. APD contacts Ms. Velma Morgan regarding burglary. This is the first Ms. Morgan has heard of the death of her cousin, Mr. Marshall Wayne Coleman. APD Report #13-14665

1125

NOTICE OF LIEN

NOTICE IS HEREBY GIVEN that the City of Alamogordo, New Mexico ("City"), by and through its Clerk, claims a lien upon the below-described property.

1. The lien is established under City ordinances codified as Section 14-01-020, *Code of Ordinances of the City of Alamogordo, New Mexico* and under §3-36-1 NMSA 1978 (As Amended).
2. The purpose of the lien is to recover the value of services for weed abatement action on the below-described property and all other costs, including attorney fees.
3. The name of the owner and the property against which the lien is established, as determined by the records of the County Assessor, Otero County, New Mexico, is Marshall Coleman, whose address is PO Box 2202, Alamogordo, NM 88310.
4. The property against which the lien is established is described as follows:
M M Guess Resub Alamo Block 96 BLK 96 LT26 of the City of Alamogordo, County of Otero, State of New Mexico having the street address of 1203 Puerto Rico, Alamogordo, NM 88310, Alamogordo, New Mexico 88310.
5. The principal amount of the lien is \$334.30.
6. The lien is established for services provided on December 23, 2011 (case #11-10619).
7. The principal amount of the lien shall bear interest at the rate of eight (8%) percent per year from the date of filing of the Notice of Lien unless otherwise provided by law.

CITY OF ALAMOGORDO, NEW MEXICO,
a New Mexico municipal corporation

By: *Renee L. Cantin*
RENEE L. CANTIN, CITY CLERK

STATE OF NEW MEXICO)
) ss.
OTERO COUNTY)

The foregoing Notice of Lien was acknowledged before me this 9th day of February, 2012, by Renee L. Cantin, City Clerk of the City of Alamogordo, New Mexico, a New Mexico municipal corporation, on behalf of said corporation.

My commission expires: 3-24-2015



Cameron C. Stern
Notary Public



APPROVED AS TO FORM:
[Signature]
Stephen P. Thies
City Attorney

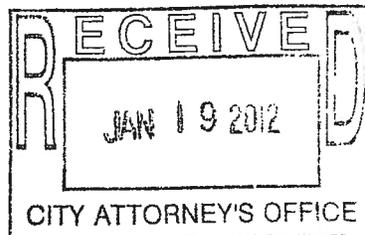
APPROVED AS TO AMOUNT:
Helen Viscarra-Reno
Helen Viscarra-Reno
Internal Control Analyst

1125



ALAMOGORDO DEPARTMENT OF PUBLIC SAFETY

700 Virginia Avenue
Alamogordo, NM 88310
(575) 439-4300



To: City Attorney's Office
From: Mary Gilsdorf, Administrative Manager *mg*
Date: January 12, 2012
Ref: Abatement Invoice

Attached is a copy of the invoice and report for the abatement of the property listed below.
Please bill accordingly.

Date of Abatement	<u>December 23, 2011</u>
ADPS Case Number	<u>11-10619</u>
Property Address	<u>1203 Puerto Rico</u>
Property Owner Info	<u>Marshall Coleman</u> <u>PO Box 2202</u> <u>Alamogordo, NM 88310</u>
Water Meter	<u>Unknown</u>
Clean Up Charge C&D Enterprises	<u>\$125.00</u>
Tax (See Statement #1243)	<u>\$9.30</u>
Administrative Fee	<u>\$200.00</u>
Total to be Billed	<u>\$334.30</u>

If you need anything further, please let me know.

cc: DPS Code
City Attorney's Office

Case Number . : 1-11-010619 Date of Report : 8/23/11 12:48
Occur From Date: 8/23/11 Occur To Date : 8/23/11
Day Of Week . : TUESDAY
Dept Class . . : Unlawful Growth/Weeds/Tree Pests
Case Status . . : Closed/Inactive Case Status Dt : 12/29/11
Street Number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM 883100000
Report Officer : QUIGLEY, KEVIN Supervisory Emp: BAKER, JAMES 1/03/12
Clerical Entry : QUIGLEY, KEVIN 8/23/11

***** O T H E R P E R S O N I N F O R M A T I O N - # 1 *****

Case Number . : 1-11-010619 Name : COLEMAN, MARSHALL
Person Type . : * O W N E R O F P R O P E R T Y *
Street Name . : PO BOX 2202
City : ALAMOGORDO, NM 883100000

***** N A R R A T I V E # 1 *****

Original Report Reported By: QUIGLEY, KEVIN R. 8/23/11
Reviewed By: BAKER, JAMES D. 1/04/12

On August 23, 2011 I officer Quigley was on patrol in the area of 1203 Puerto Rico when I noticed a violation of city ordinance 26-03-030 (unlawful growth). I attempted to make contact with the resident but to no avail so I posted a warning notice on the door and did a property research to find the owner so that a letter can be sent out to the owner. This is a self initiated case

Note two photos were taken and sent to file 082311

***** N A R R A T I V E # 2 *****

LETTER Reported By: QUIGLEY, KEVIN R. 9/08/11
Reviewed By: BAKER, JAMES D. 1/04/12

On September 8, 2011 I officer Quigley was dispatched to 1203 Puerto Rico for a follow up visit for 26-03-030 (unlawful growth). No contact was made the first time and no contact was made on this visit. A letter will be sent out to the registered owner.

***** N A R R A T I V E # 3 *****

CERTIFIED LETTER MAILED Reported By: RODRIGUEZ, MEAGAN 9/13/11
Reviewed By: BAKER, JAMES D. 1/04/12

***** N A R R A T I V E # 4 *****

STATEMENT Reported By: QUIGLEY, KEVIN R. 11/30/11
Reviewed By: BAKER, JAMES D. 1/04/12

On November 30, 2011 I officer Quigley was dispatched to 1203 Puerto Rico for a follow up visit for violation of city ordinance 26-03-030 (unlawful growth). Upon my arrival I found that the property was not in compliance. I took two photos and sent them to file 113011 and made a copy and attached them to the case. I found that the

1-11-010619 (Continued)
registered letter was returned as unclaimed. This property will be put
up for abatement.

***** N A R R A T I V E # 5 *****
FOLLOW UP Reported By: QUIGLEY, KEVIN R. 12/29/11
Reviewed By: BAKER, JAMES D. 1/04/12

On December 29, 2011 I officer Quigley was dispatched to 1203 Puerto Rico for an Abatement follow up for violation of city ordinance 26-03-030 (unlawful growth) . Upon my arrival I found that the property was in compliance. I took three photos and sent them to file #122911 and printed a copy of them and attached to the case. Case closed nothing further at this time

Photos were taken on 12-28-11, just prior to C@D abating the property. C@D gave a bid of 134.30 to abate the property.

* * * * * E N D O F R E P O R T * * * * *

C&D ENTERPRISES
Moving, Hauling, Yardwork & Cleaning
 818 Hwy. 70 W.
 ALAMOGORDO, NM 88310

~~505-434-1075 505-430-0170 505-442-3837~~
 cdubour505@msn.com

1243

JOB PHONE	DATE OF ORDER
	12/23/11
JOB NAME/LOCATION	
1203 Puerto Rico	
Alamogordo NM	
88310	

TO COA

PHONE
 ORDER TAKEN BY
 11-10619

TERMS:

DESCRIPTION	AMOUNT
> cut weeds remove trash	
Haul off weeds	
Haul off trash	

OPEN PO
 13942
 mgusdell

LABOR	HOURS	RATE	AMOUNT	TOTAL MATERIAL	
				TOTAL LABOR	125 00
WORK ORDERED BY	DATE COMPLETED	TOTAL LABOR		TAX	9 30
				PAY THIS AMOUNT →	134 30

Thank You

SIGNATURE (I hereby acknowledge the satisfactory completion of the above described work.)

11-
10619

NOTIFICATION OF VIOLATION

Date: 8-3 Code Officer: [Signature]

Location of Violation: 1203 Peace Ave

Person Name: _____
(If contact is made)

DOB: _____ SOC: _____

Mailing Address: _____

Phone #: _____ OLN: _____

We found this property does not comply with the Codified Ordinances of the City of Alamogordo in the following manner:

- Garbage, Trash, and Refuse _____
- Outdoor Storage/Automotive Storage _____
- Vegetation W/ POOL COVER TO MISC
- Other _____

You will have fifteen (15) days from the above date to comply with this request and to resolve the violation. After this fifteen (15) day period we will return to inspect the location found in violation.

Failure to correct the violation may result in the following:

A citation will be issued requiring the responsible party to appear in Municipal Court
OR

The City will have the violation corrected and the person in charge of the property will be responsible for the cost, plus \$200.00 for the administrative expenses. If compensation is not made, the City will file a lien upon the property in favor of the City.

Signature _____



ACCOUNT AND PARCEL INFORMATION

Account Information			
Account Number: 17086		Full Value: 32532	
Owner Name: COLEMAN, MARSHALL WAYNE		Taxable Value: 32532	
Mailing Address: PO BOX 2202		Exemptions: 2000	
City, State, Zip: ALAMOGORDO, NM 88311-2202		Net Taxable: 30532	
Parcel Information			
Parcel ID#: 01-05053		Physical Address: 1203 PUERTO RICO	
Last Deed Filed: BK 689 PG 837-COLEMAN			
Legal Description: M M GUESS RESUB ALAMO BLOCK 96 BLK 96 LT 26			
Land Description			
Class: R	Description: R	Size: 70.00 X 97.00	Value: 7320
Exemptions			
Head of Family: 2000		Veterans: 0	
Low Income Freeze: 0			
Additional Information			
<u>See Parcel Map (Use your Browser's "Back Button" to return here)</u>			
<u>See Deed (Use your Browser's "Back Button" to return here): PG1 / PG2 / PG3 / PG4 / PG5 / PG6 / PG7 / PG8</u>			
<u>SEE ASSOCIATED BUILDING(s)</u>			
<u>SEE ASSOCIATED ACCESSORY BUILDING(s) & OTHER IMPROVEMENTS</u>			

(USE YOUR BROWSERS 'BACK' BUTTON TO RETURN TO THE SELECTION LIST)



ALAMOGORDO DEPARTMENT OF PUBLIC SAFETY

700 Virginia Avenue
Alamogordo, New Mexico 88501
(575) 439-4300

September 13, 2011

Marshall Coleman
P.O. Box 2202
Alamogordo, NM 88311-2202

Re: 1203 Puerto Rico, Alamogordo, NM 88310

Dear Marshall Coleman:

It is the objective of the City of Alamogordo to provide for the health, safety and welfare of the citizens of our community. In order to accomplish this goal, the City has established a Code of Ordinances which sets forth minimum standards for the upkeep of all real property within the City.

Recently, we became aware of an alleged violation of these ordinances at the above referenced address. We have listed the ordinance section below:

26-03-030. Unlawful growth or accumulation on lots.

It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten (10) feet outside the property line where there is no curb, any growth of weeds to a greater height than six (6) inches, or any other accumulation of weeds. It shall also be unlawful for a person having charge or control of any tract within the city to allow any growth of weeds to a greater height than six (6) inches on curbs and sidewalks located on their property as well as the area adjacent to and five (5) feet back of the curbs, sidewalks and streets.

Specific Violation: Cut weeds on entire property.

You will have fifteen (15) days from the date this notice is delivered to comply with this request and to assure the cause of the alleged violation no longer exists. After this fifteen (15) day period, we will be by to inspect. Please use this time as an opportunity to correct the violation.

If the violation is not corrected by the above compliance date, the City will have it corrected. Cost of correction plus \$200.00 for the incurred administrative expense shall constitute a lien upon the property in favor of the City. The other possible course of action is that you may be cited into Municipal Court on this matter. If you have already taken care of the violation, then it will be noted on the follow-up inspection and no further action will be taken. We hope you understand this is an effort to keep our community safe and an attractive place for you and your neighbors to live.

City Ordinances can be obtained on the city's webpage (www.ci.alamogordo.nm.us). Should you have any questions, please contact the Code Enforcement Office located at 700 Virginia, Alamogordo, NM 88310 or by phone at (575) 439-4375.

Sincerely,

Kevin Quigley

Kevin Quigley
Code Enforcement Officer

CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Total Postage

Sent To

Street, Apt. No. or PO Box No.

City, State, Zi

Marshall Coleman
P.O. Box 2202
Alamogordo, NM 88311-2202

PS Form 3800, August 2006 See Reverse for Instructions

7011 0110 0001 58611 3391

CERTIFIED MAIL™



7011 0110 0001 58611 3391



ALAMOGORDO DEPARTMENT OF PUBLIC SAFETY
 700 Virginia Avenue
 Alamogordo, New Mexico 88310

Code

NOTICE 9/1/14
 NOTICE 12/6
 RETURN 12/19

Marshall Coleman
 P.O. Box 2202
 Alamogordo

09/13/2011
 Mailed From 88310
 US POSTAGE

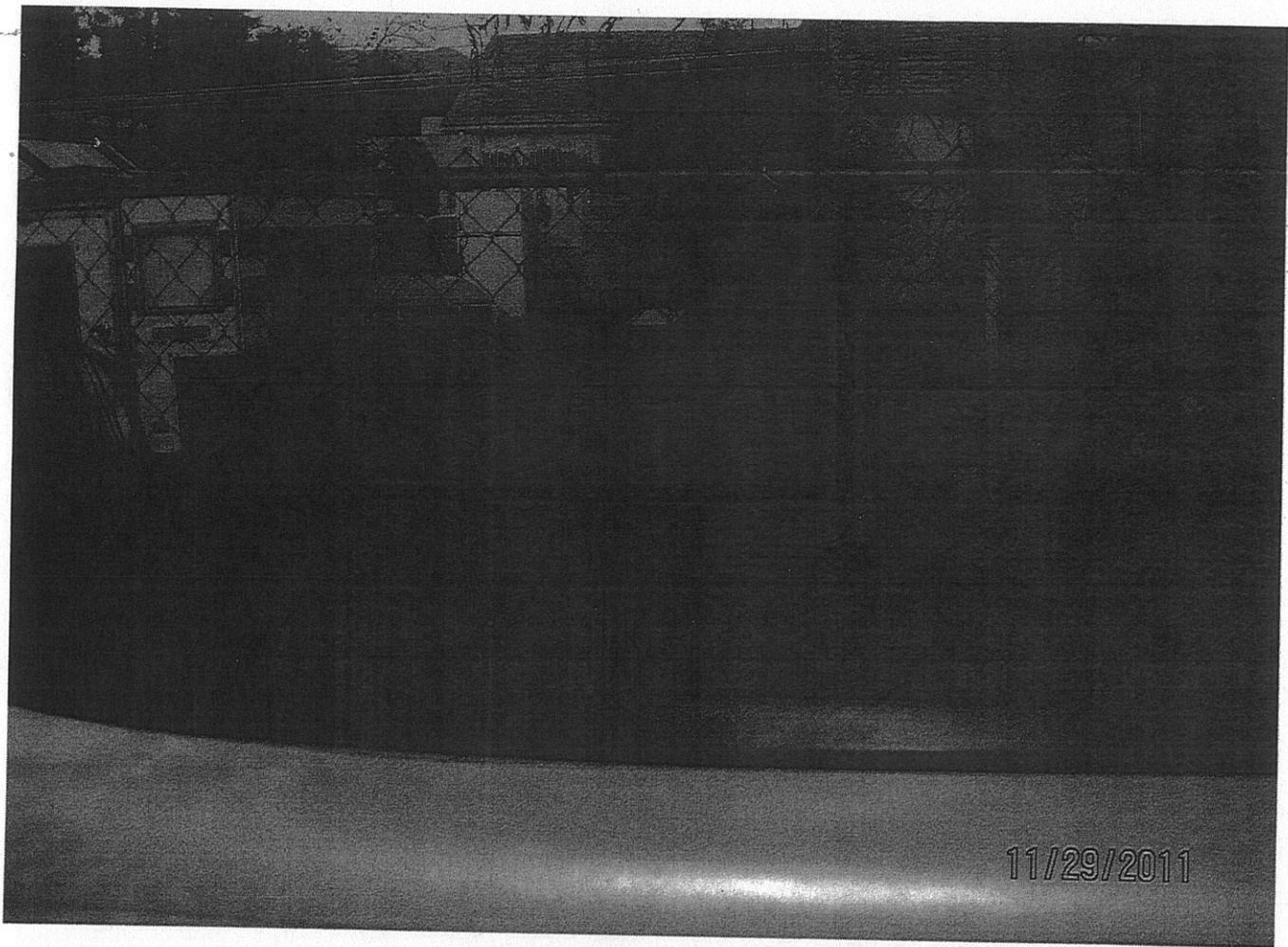
Handwritten initials

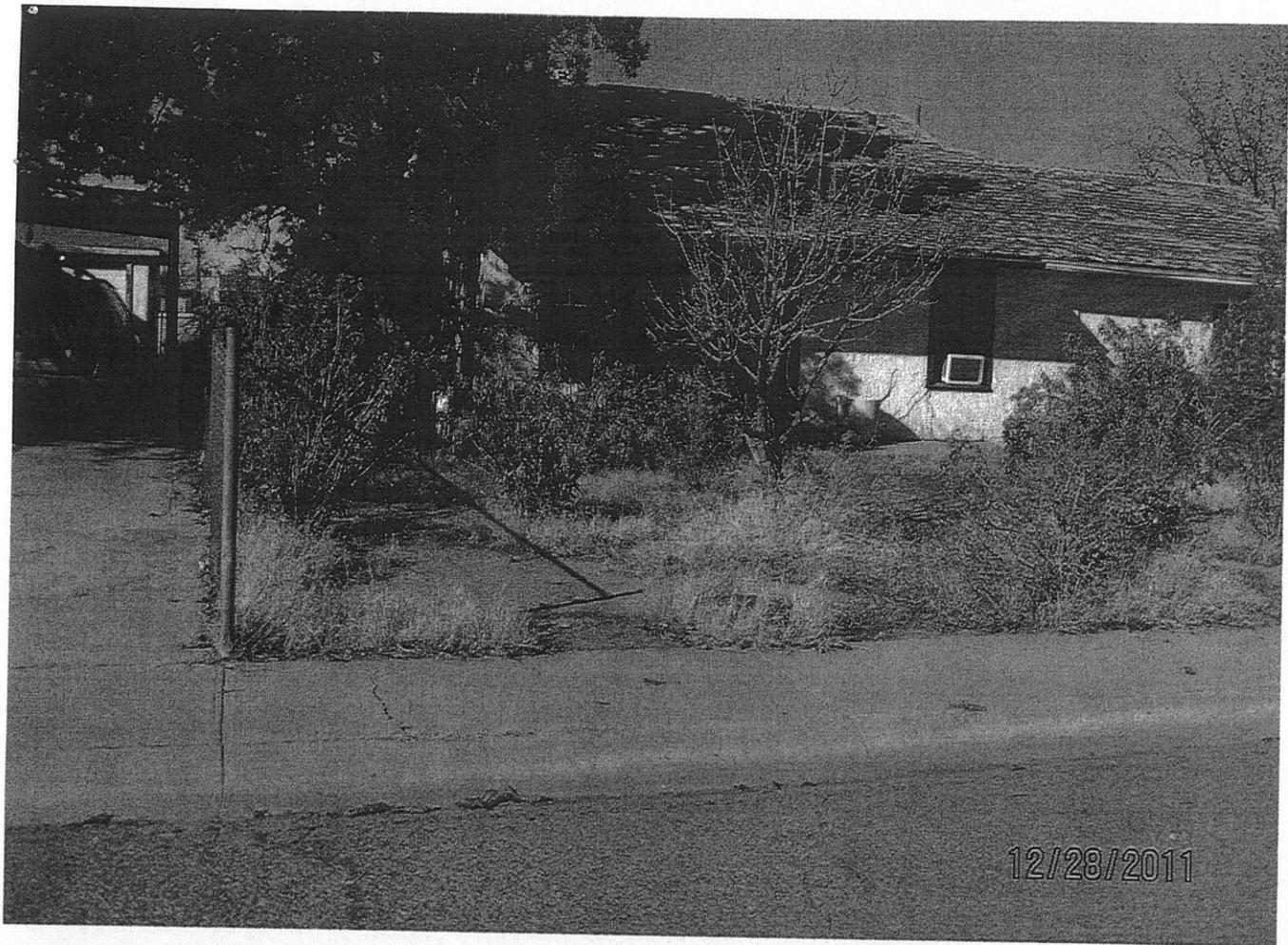
NIXIE 871 DE 1 00 12/14/11
 RETURN TO SENDER
 UNCLAIMED
 UNABLE TO FORWARD

BC: 88310675900 *1755-10809-14-14

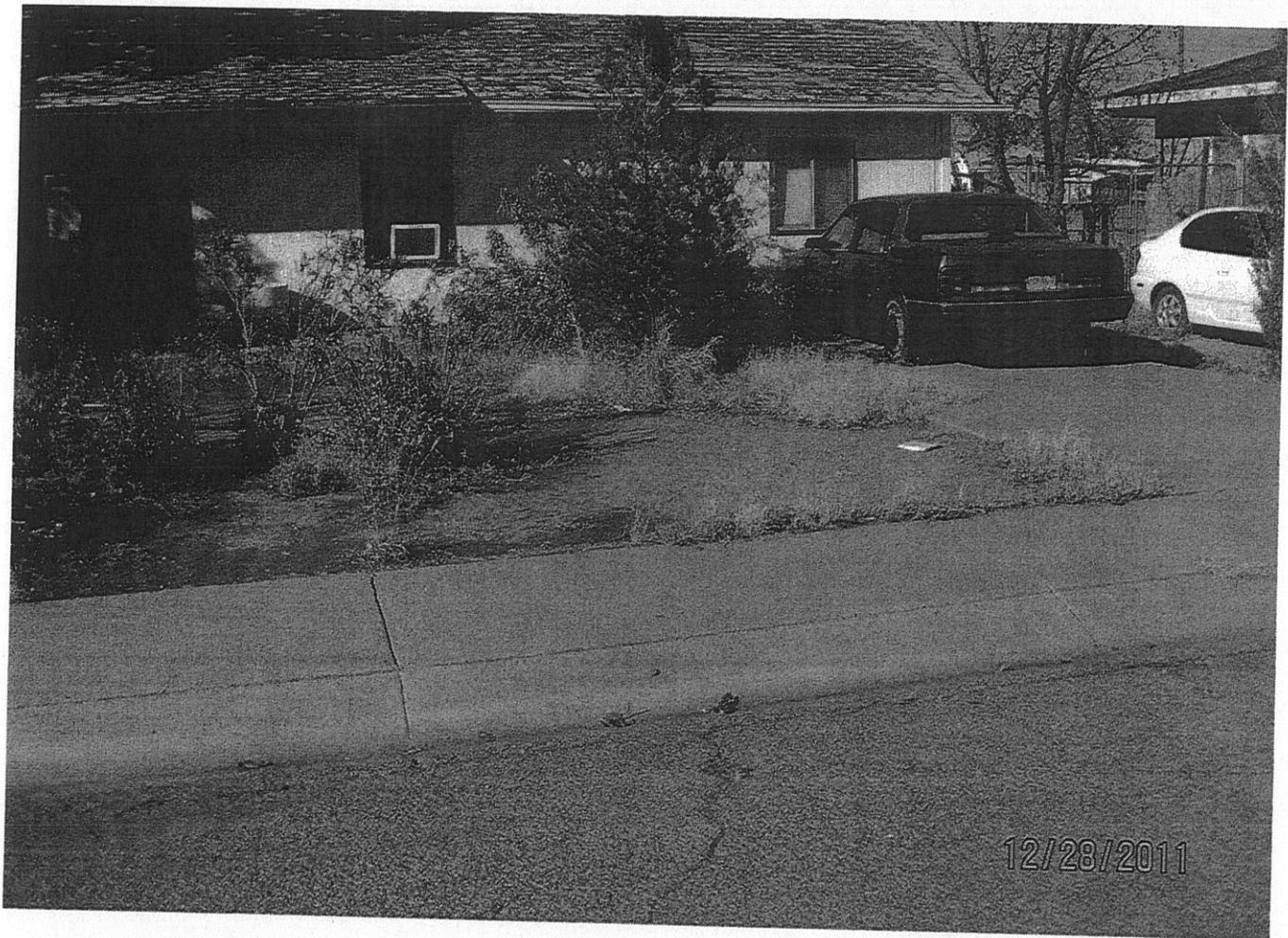
883106759







12/28/2011



12/28/2011





12/29/2011



12/29/2011



12/29/2011

Date: 11/12/13
Time: 15:12:12

ALAMOGORDO PUBLIC SAFETY
Offense Report

Page: 1
Program: CMS301L

Case Number : 1-11-011842 Date of Report : 9/20/11 14:31
Occur From Date: 9/20/11 14:31 Occur To Date : 9/20/11 14:31
Day Of Week : TUESDAY Dept Class . . : UNATTENDED DEATH
Case Status : Turned over to Investigations
Case Status Dt : 9/20/11
Street Number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM 88310
Location Type : RESIDENCE/Home Report Officer : JULIAN, JOHN
Supervisory Emp: SCHOOLCRAFT, ROGER 9/20/11
Merial Entry : SPARKS, MELODY 9/20/11

***** PROPERTY INFORMATION # 1 *****

Case number : 1-11-011842
Category . . . : ** EVIDENCE / SEIZED **
R Prop Type : MISCELLANEOUS/Other Property type : PHOTO DISC
Quantity/weight: 1 Description : PHOTO DISC
Recovered by : DET GARRETT Recovered Date : 9/20/11 17:45
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

***** PROPERTY INFORMATION # 2 *****

Case number : 1-11-011842
Category . . . : ** EVIDENCE / SEIZED **
R Prop Type : MISCELLANEOUS/Other Property type : DOCUMENTS (Papers)
Quantity/weight: 1
Description : BLUE FOLDER W/HAND WRITTEN
Disc Continued : WILL Recovered by . : DET GARRETT
Recovered Date : 9/20/11 18:00
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

***** PROPERTY INFORMATION # 3 *****

Case number : 1-11-011842
Category . . . : ** EVIDENCE / SEIZED **
R Prop Type : MISCELLANEOUS/Other Property type : WALLET
Color : BROWN Quantity/weight: 1
Description : BROWN WALLET W/DOCUMENTS
Recovered by : DET GARRETT Recovered Date : 9/20/11 18:00
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

***** PROPERTY INFORMATION # 4 *****

Case number : 1-11-011842
Category . . . : ** EVIDENCE / SEIZED **
R Prop Type : MISCELLANEOUS/Other Property type : CASH/COINS
Quantity/weight: 1
Description : 32.00 IN U S CURRENCY F/WALLET
Recovered by : DET GARRETT Recovered Date : 9/20/11 18:00
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

***** PROPERTY INFORMATION # 5 *****

Case number : 1-11-011842
Category . . . : ** EVIDENCE / SEIZED **

Date: 11/12/13
Time: 15:12:12

ALAMOGORDO PUBLIC SAFETY
Offense Report

1-11-011842 (Continued)

CR Prop Type : MISCELLANEOUS/Other
Property type : CELLULAR PHONE & ACCESSORIES
Make : VERIZON Model : SAMSUNG
Quantity/weight: 1
Description . : VERIZON SAMSUNG CELL PHONE
Recovered by . : DET GARRETT Recovered Date : 9/20/11 18:00
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

***** P R O P E R T Y I N F O R M A T I O N # 6 *****

Case number . : 1-11-011842
Category . . . : ** E V I D E N C E / S E I Z E D **
CR Prop Type : MISCELLANEOUS/Other Property type : KEYS (KEYCHAIN)
Quantity/weight: 1
Description . : SET OF KEYS TO HOUSE AND
Desc Continued : VEHICLE Recovered by . : DET GARRETT
Recovered Date : 9/20/11 18:00
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

***** P R O P E R T Y I N F O R M A T I O N # 7 *****

Case number . : 1-11-011842
Category . . . : ** E V I D E N C E / S E I Z E D **
CR Prop Type : MISCELLANEOUS/Other Property type : KNIFE
Quantity/weight: 1 Description . : KNIFE
Recovered by . : DET GARRETT Recovered Date : 9/20/11 18:00
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

***** V E H I C L E I N F O R M A T I O N # 1 *****

Case number . : 1-11-011842 License # . . : 119MLN NM
Category . . . : *** V I C T I M ' S ***
Vehicle Type . : Auto Year : 1994
Make : OLDSMOBILE Color - Top . : BLUE
Color - Bottom : BLUE VIN : 1G3AG55M9R6409410
Disposition . : UNKNOWN

***** O T H E R P E R S O N I N F O R M A T I O N - # 1 *****

Case Number . : 1-11-011842 Name : COLEMAN, WAYNE M
Person Type . : 07 ** O T H E R P E R S O N **
Street Number : 1203 PUERTO RICO DR
City : ALAMOGORDO, NM 88310
Date of Birth : 8/16/1949 62 Birth City . . : ROSWELL, NM
Birth Country : United States Oper Lic No. . : 37979465 NM
Sex : MALE

***** N A R R A T I V E # 1 *****

Case Information Reported By: JULIAN, JOHN 9/20/11
Reviewed By: SCHOOLCRAFT, ROGER 9/21/11

On 09-20-2011 at approximately 14:40 hours I, Officer Julian, was dispatched to 1203 Puerto Rico in reference to a welfare check which

1-11-011842 (Continued)

was reported by the mail man.

Upon arrival, I immediately noticed a foul smell emitting from the residence. Upon closer inspection, I was able to see numerous fly s inside the residence, and could hear a television on in the residence. I attempted to make contact with a resident by knocking on the east facing front door and announcing myself, I received no answer. From my past experience and training, I concluded something was deceased inside the residence. I contacted the Sergeant on duty, Sergeant Collins.

I checked all entrances to the residence and found them to be locked, I attempted to see inside the residence but was unable due to the blind of the residence being closed.

I noticed a large amount of mail in the mailbox, and found a name of Marvin Coleman. A check of the vehicles in the driveway came back to a Wayne Marshall Coleman of this address.

Additional D.P.S. and Fire units were dispatched to the scene for entry purposes.

At approximately 16:11, Detective Guinn arrived on scene and the investigation was turned over to the Detective Division of D.P.S.

See supplemental narratives for further.

***** N A R R A T I V E # 2 *****
T. GARRETT SUPPLEMENTAL Reported By: GARRETT, DAVID K. 9/21/11
Reviewed By: ESQUERO, MARCELINO J. 10/06/11

On Tuesday 09/20/2011 at approximately 1545 hrs, I, ADPS Detective D. Garrett was informed of a possible unattended death located at 1203 Puerto Rico, Alamogordo NM. Upon arrival I made contact with Patrol Sgt. D. Collins and Lt. M. Lawrence. I was informed the environment inside of the residence was possibly unsafe due to a possibly decomposing body. Fire Services was on scene and provided hazmat equipment for officers to entering the property to investigate. Officer D. Syling, Officer C. Swanson, and I donned Personal Protective Equipment (PPE). I learned from Officer J. Julian s original report, he attempted to make contact with any occupants inside of the residence but was unsuccessful.

I checked the mailbox and observed mail correspondence for the names of Wayne Ms. Colman, Mr. Randy Wilson, or a Marvin A. Coleman addressed to 1203 Puerto Rico. Officer D. Syling checked the front door to the residence and the door was locked which was facing east. Officer Syling then used forced entry to gain access into the residence. Officer D. Syling used a sledge hammer to open the door. Before forced entry was gained I learned from the mail in the mail box at the residence a Mr. Wayne M. Coleman, Mr. Randy Wilson, or a Marvin

1-11-011842 (Continued)

A. Coleman lived at the residence.

Once the door was opened we walked into the house. Once inside I noticed the house was cluttered with clothes and boxes in which seemed to be the living room area. I could also hear a television was on somewhere in the house. We followed the sound of the television which led us to the north east bedroom of the house.

Inside of the room I noticed a body of a deceased male lying on the bed. I looked at the body and noticed the body was already in the stages of decomposing. I noticed the body had a shirt on but did not have any clothing on from the waist down. The top of the bed was against the south wall of the room. The head was also near the south wall and his feet were facing north. The male s subject legs were off the bed and his feet were on the floor. I then looked at his face and noticed his eyes were gone due to decomposition and presence of maggots. I also noticed his face was in the stages of decomposition and could not determine the deceases identity.

At this time I began to take photographs of the exterior part of the residence starting with the route of entry. I took pictures of the living room area and the kitchen. I stood in the hall of the residence and facing east towards the room where the deceased body is located. I took photos of the deceased body and the room the body was located in.

While I was taking photographs of the body, Officer D. Syling began going examining the kitchen looking for medications and any form of identification for the body. The medication had the name of Mr. Wayne Coleman. After I finished taking photographs of the house, I began taking photographs of medication bottles and numerous alcoholic beverage bottles Officer Syling located in the kitchen. The alcohol was located on the floor and shelves in the kitchen. Empty bottles were also located in the trash can and on the floor.

After I was through taking the initial photos, we exited the residence from the front door. I then learned from Patrol Sgt. D. Collins that OMI had already been contacted. OMI Terry Mackewich arrived on scene at approximately 1630 hours. Officer Syling, Officer Swanson, and I then entered the house again with OMI to assist with removal of the body. OMI T. Mackewich pronounced the time of death at 1650 hours. I went into the room first and moved a chair that was next to the body so I could get to the north side of the bed. Officer C. Swanson followed me to the north side and Officer D. Syling stayed at the south end near the head.

Officer D. Syling and Officer C. Swanson wrapped the body in a green sheet the body was lying on. OMI S. Mallett placed a body bag next to the bed and Officer D. Syling and Officer C. Swanson gently placed the body in the bag. After the body was secured in the bag, Officer D. Syling and I removed the body from the house outside into another body bag which was located outside on the front porch of the residence.

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ALAMOGORDO PUBLIC SAFETY
Offense Report

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1-11-011842 (Continued)

At this time Officer D. Syling, Officer C. Swanson and I decontaminated and removed our PPE.

During this time ADPS Detective Guinn went inside and took additional photographs of the residence and looked again for any documents to identify the body. After photographs were completed I went inside of the house and helped collect documents and items found with the name of Wayne M. Coleman. Taken from the house was a Blue Folder which contained a hand written WILL and paper work for power of attorney with the name of Velma Moryan. A brown wallet with \$33.00, and a set of keys with a folding pocket knife. I then secured a vehicle bearing NM Plate 119 MLN on a 1994 Oldsmobile 4 door registered to Mr. Wayne Coleman outside of the residence and Detective J. Guinn attempted to secure the front door but was unable to due to Officers having to use force to gain entry. I contacted the neighbor at 1205 Puerto Rico north of the residence and made contact with Ms. Katherine Torres and advised them about the door and asked them to contact the Police if they saw anything suspicious around the house. Ms. Torres advised that she would contact the Police if she noticed anything. The primary investigation revealed no signs of foul play. I did not see any visible signs of blunt force trauma on the body. The deceased body looked to have passed due to natural causes.

Detective J. Guinn then contacted the on duty Sergeant D. Collins at approximately 1830 hours and advised him about the unsecured door. Detective J. Guinn then contacted Fire Services Commander Jim LeClair and asked them to secure the door. At approximately 2000 hrs Fire Equipment Officer (FEO) Montoya and FEO Flemming secured the door by drilling 6, 3 inch wood screws into the door frame.

On Wednesday September 21, 2011, I contacted Donielle Auguston at New Mexico Office of the Medical Investigators located at 1101 Comino De Salud NE, Albuquerque New Mexico and advised a male subject from Alamogordo was going to her office for an Autopsy and we were unable to positively identify him. A Triple I inquiry was ran on Mr. Coleman and I learned Mr. Coleman had a criminal history. I was able to give Ms. D. Auguston, Mr. Coleman s FBI# 53925461 to help identify the deceased body.

Later on September 21,2011 Detective J. Guinn advised me that he called DMV located at 263 Robert H. Bradley Alamogordo NM and spoke to Mrs. Judy Mirabel and asked if she could get a picture of Mr. W. Coleman from his Driver s license. Mrs. Mirabel was unable to provide a photo of Mr. W. Coleman.

On September 21,2011, I received a phone call from OMI T. Mackewich asking if she could receive a copy of the photos taken by Detective J. Guinn and myself. OMI Mackewich also asked if I could contact next of kin and see if they could find family pictures of Mr. Coleman to help identify him. Ms. Mackewich advised New Mexico Office OF the Medical Investigators was asking from them to help with identification. Sgt.

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ime: 15:12:12

ALAMOGORDO PUBLIC SAFETY
Offense Report

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Program: CMS301L

1-11-011842 (Continued)

Esquero explained ADPS policy to OMI Mackewich and she understood. Det. Sgt. Esquero also advised OMI Mackewich she could come to ADPS and pick up a copy of the photos taken by ADPS Officers and Detectives.

Once a positive Identification is made, next of kin notification will be made accordingly. Supplement Report to follow.

***** N A R R A T I V E # 3 *****
GARRETT SUPPLEMENTAL 2 Reported By: GARRETT, DAVID K. 10/06/11
Reviewed By: ESQUERO, MARCELINO J. 10/06/11

On September 27, 2011, I contacted OMI Terry Mackewich and asked if she had any information on the deceased body from 1203 Puerto Rico. OMI T. Mackewich advised she spoke to the Albuquerque Office and they were going to call her back with information. I asked if she contacted next of kin and she advised no.

On October 3, 2011, I contacted New Mexico Office of the Medical Investigators to get information from them about the deceased body. I was unable to speak to anyone; however I left a message with the records division.

I then contacted OMI T. Mackewich at around 1323 hours and she advised she spoke to the Albuquerque office and they made a positive identification on the deceased body. The body was identified as Mr. Wayne Coleman through his fingerprints. OMI T. Mackewich advised Mr. Coleman died of natural causes.

On October 5, 2011, I contacted New Mexico office of the Medical Investigators and spoke to Mr. Anthony Cervantes from the records division and asked him if the report for Mr. Wayne Coleman was complete and he advised yes. Mr. Cervantes was able to send me the autopsy report on Mr. Coleman via email.

I learned from the Autopsy Mr. Coleman died from Hypertensive and arteriosclerotic cardiovascular disease. I also learned that Diabetes significantly contributed to his death.

In the photograph taken at 1203 Puerto Rico a hand written will signed by Mr. Coleman advising he was leaving all his belongings to a Ms. Velma Morgan. On the will Mr. Colman gave an address of 4010 Salano PL NE in Albuquerque NM.

I contacted Albuquerque Police Department and confirmed that Ms. Morgan still lived at the aforementioned address. At this time I sent a teletype to Albuquerque Police Department asking them to conduct a death notification. I also left my name and number so Ms. Morgan can contact me.

A supplement report will be completed when contact is made with Ms.

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ime: 15:12:12

ALAMOGORDO PUBLIC SAFETY
Offense Report

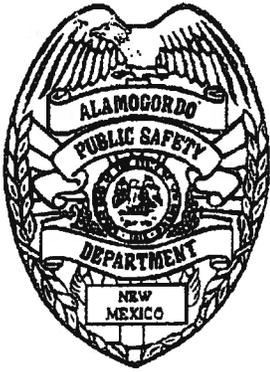
Page: 7
Program: CMS301L

1-11-011842 (Continued)

Morgan. .

* * * * * END OF REPORT * * * * *

1199



ALAMOGORDO DEPARTMENT OF PUBLIC SAFETY

700 Virginia Avenue
Alamogordo, NM 88310
(575) 439-4300

To: City Attorney's Office
From: Mary Gilsdorf, Administrative Manager
Date: September 20, 2012
Ref: Abatement Invoice

Attached is a copy of the invoice and report for the abatement of the property listed below.
Please bill accordingly.

Date of Abatement	<u>September 5, 2012</u>
ADPS Case Number	<u>12-9749</u>
Property Address	<u>1203 Puerto Rico</u>
Property Owner Info	<u>Marshall Wayne Coleman</u> <u>PO Box 2202</u> <u>Alamogordo, NM 88311-2202</u>
Water Meter	<u>Unknown</u>
Clean Up Charge C & D Enterprises	<u>\$250.00</u>
Tax (See Statement # ¹²⁴⁶ 429 1)	<u>\$19.06</u>
Administrative Fee	<u>\$200.00</u>
Total to be Billed	<u>\$469.06</u>

If you need anything further, please let me know.

cc: DPS Code
City Attorney's Office

C&D ENTERPRISES
 Moving, Hauling, Yardwork & Cleaning
 818 Hwy. 70 W
 ALAMOGORDO, NM 88310

1246

JOB PHONE	DATE OF ORDER
	09/05/12
JOB NAME/LOCATION	
1203 Puerto Rico	
Alamogordo NM	
88310	

~~505-434-1075~~ — ~~505-430-0170~~ 505-442-3837
 cdubour505@msn.com

TO Co A

PHONE
 ORDER TAKEN BY

TERMS:

DESCRIPTION	AMOUNT
> pull weeds from front yard, backyard, and alley	
Haul off weeds from front yard back yard and alley	
pick up tree branches, haul off	
pick up trash on property and haul off	
turn fr ig so <u>not</u> safety hazard	

LABOR	HOURS	RATE	AMOUNT	TOTAL MATERIAL	TOTAL LABOR
					250 00
WORK ORDERED BY	DATE COMPLETED	TOTAL LABOR		TAX	19 06
				PAY THIS AMOUNT →	269 06

Thank You

SIGNATURE (I hereby acknowledge the satisfactory completion of the above described work.)

ESTIMATE

Any and all adjustment work must be done through Merritt Equipment Co.

ESTIMATE DATE

09/05/12

Prices subject to change without notice after 20 days from date of estimate

OWNER

COA

ADDRESS

1203 Puerto Rico

PHONE

CITY

Alamogordo NM 88318

INSURANCE CO.

PHONE

MAKE

MODEL

YEAR

MOTOR NO.

SERIAL NO.

COMPANY NO.

QUANTITY

DESCRIPTION OF ESTIMATE

MATERIALS

LABOR

Trim tree

Haul off branches

pull weeds in front yard, backyard, and alley

Haul off weeds from front yard backyard and alley

move frig so door stays closed (safety hazard)

pick up trash

Haul off trash

ESTIMATED BY

DELIVERY DATE

DATE ACCEPTED

AUTHORIZED/ACCEPTED BY OWNER/AGENT

PORTLAND
11150 N. Union Ave.
Portland, Oregon 97217
(503) 285-5293

BAKERSFIELD
3525 Pierce Road
Bakersfield, Calif. 93308
(805) 323-3156

DENVER
9339 Highway 85
Henderson, Colo. 80640
(303) 287-7527



TOTAL LABOR

250.00

TOTAL MATERIAL

STATE TAX

FEDERAL TAX

19.00

GRAND TOTAL

269.00

DPS CODE ENFORCEMENT CASE CHECK LIST

Location 1203 Puerto Rico Date 8/16/2012

Person Marshall Wayne Coleman Offense 14-01-020, 14-01-150, 14-01-140, 26-01-010, 26-03-030, 08-07-040
PO Box 2202
Alamogordo, NM 88310-2202 Officer Smith

Paperwork		Yes	No	Remarks	Date
Report (Incident Report Form)		X			8/15/12
Photo		X			8/15/12
10-28 (if applicable)					
Notice		X			8/15/12
Letter		X			8-21-12
Return/Receipt	X (5 days to Comply)	X			8-24-12
Copy of Citation					
Abatement Scheduled (company name and \$)					
Code Officer - Court Appearance					
Citation signed off by Code Officer					
Warrant Issued					
Abatement completed - bill signed off by Code Officer - copy for file					
Lien					
Release of Lien					
					F/U 8-30-12

COMMENTS: Letter Abate

CTD

CITY OF ALAMOGORDO
DPS Code Enforcement

9749

700 Virginia Ave. • Alamogordo, NM 88310
(575) 439-4375

315

NOTIFICATION OF VIOLATION

Date: 8-15 Code Officer: B. Smith

Location of Violation: 1203 Puerto Rico

Person Name: _____
(If contact is made)

DOB: _____ SOC: _____

Mailing Address: _____

Phone #: _____ OLN: _____

We found this property does not comply with the Codified Ordinances of the City of Alamogordo in the following manner:

- Garbage, Trash, and Refuse trash on property
- Outdoor Storage/Automotive Storage disabled vehicles on property
- Vegetation weeds in back yard
- Other weeds growing out of side walk

You will have fifteen (15) days from the above date to comply with this request and to resolve the violation. After this fifteen (15) day period we will return to inspect the location found in violation.

Failure to correct the violation may result in the following:

A citation will be issued requiring the responsible party to appear in Municipal Court

OR

The City will have the violation corrected and the person in charge of the property will be responsible for the cost, plus \$200.00 for the administrative expenses. If compensation is not made, the City will file a lien upon the property in favor of the City.

Signature _____

NOTIFICATION OF VIOLATION

Date: 8-15 Code Officer: S. Smith

Location of Violation: 1700 Puccio F. Rd

Person Name: _____
(If contact is made)

DOB: _____ SOC: _____

Mailing Address: _____

Phone #: _____ OLN: _____

We found this property does not comply with the Codified Ordinances of the City of Alamogordo in the following manner:

- Garbage, Trash, and Refuse _____
- Outdoor Storage/Automotive Storage R.A. [unclear] 48
- Vegetation 600 trees to be [unclear]
- Other 4 140 over [unclear] Alleys,

You will have fifteen (15) days from the above date to comply with this request and to resolve the violation. After this fifteen (15) day period we will return to inspect the location found in violation.

Failure to correct the violation may result in the following:

A citation will be issued requiring the responsible party to appear in Municipal Court

OR

The City will have the violation corrected and the person in charge of the property will be responsible for the cost, plus \$200.00 for the administrative expenses. If compensation is not made, the City will file a lien upon the property in favor of the City.

Signature _____

ACCOUNT AND PARCEL INFORMATION

Account Information			
Account Number:	17086	Full Value:	33428
Owner Name:	COLEMAN, MARSHALL WAYNE	Taxable Value:	33428
Mailing Address:	PO BOX 2202	Exemptions:	2000
City, State, Zip:	ALAMOGORDO, NM 88311-2202	Net Taxable:	31428
Parcel Information			
Parcel ID#:	01-05053		
Physical Address:	1203 PUERTO RICO		
Last Deed Filed:	BK 689 PG 837-COLEMAN		
Legal Description:	M M GUESS RESUB ALAMO BLOCK 96 BLK 96 LT 26		
Land Description			
Class: R	Description: R	Size: 70.00 X 97.00	Value: 7500
Exemptions			
Head of Family:	2000		
Veterans:	0		
Low Income Freeze:	0		
Additional Information			
<u>See Parcel Map (Use your Browser's "Back Button" to return here)</u>			
<u>See Deed (Use your Browser's "Back Button" to return here): PG1 / PG2 / PG3 / PG4 / PG5 / PG6 / PG7 / PG8</u>			
<u>SEE ASSOCIATED BUILDING(s)</u>			
<u>SEE ASSOCIATED ACCESSORY BUILDING(s) & OTHER IMPROVEMENTS</u>			

(USE YOUR BROWSERS 'BACK' BUTTON TO RETURN TO THE SELECTED LIST)



ALAMOGORDO DEPARTMENT OF PUBLIC SAFETY

700 Virginia Avenue
Alamogordo, New Mexico 88310



7011 1570 0000 7786 6512

Hasler

016H26519

\$05.75

08/21/201

Mailed From 88
US POSTA

Handwritten marks: a series of vertical lines and curves on the right edge of the document.

- Not Deliverable As Addressed
- Unable To Forward
- Insufficient Address
- Moved, Left No Address
- Unclaimed Refused
- Attempted - Not Known
- No Such Street Number
- Vacant Illegible
- Box Closed - No Order
- Returned For Better Address
- Postage Due



Marshall Wayne Coleman
PO BOX 2202
Alamogordo, NM 88311-2202

Handwritten: 8/22

7011 1570 0000 7786 6512

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		

Sent To **Marshall Wayne Coleman**
 Street, Apt. No. or PO Box No. **PO BOX 2202**
 City, State, ZIP **Alamogordo, NM 88311-2202**

PS Form 3800

August 21, 2012

Marshall Wayne Coleman
PO Box 2202
Alamogordo, NM 88311-2202

Re: 1203 Puerto Rico., Alamogordo, NM 88310

Dear Mr. Coleman:

It is the objective of the City of Alamogordo to provide for the health, safety and welfare of the citizens of our community. In order to accomplish this goal, the City has established a Code of Ordinance which sets forth minimum standards for the upkeep of all real property within the City.

Recently, we became aware of an alleged violation of these ordinances at the above referenced address. We have listed the ordinance section below:

8-07-040. Obstruction on sidewalks.

(a) All sidewalks shall be kept clean from rocks and other obstructions, including ice and snow, and in a state of good repair by the owner, occupants or agents in charge of the adjoining property. **(b) All areas directly over sidewalks, to a height of eight (8) feet shall be maintained free of vegetation or other obstruction by the owners, occupants or agents in charge of the adjoining property.** (c) The area between the back of curb and the property line and all plantings therein shall be maintained by the owners, occupants or agents in charge of the adjoining property. (d) No item of street furniture or other item which would obstruct pedestrians or effectively reduce the width of a sidewalk shall be placed in, on, over or under the sidewalk.

Specific Violation: Sidewalk needs to be kept clear of all obstructions including grass and weeds at all times.

You will have fifteen (15) days from the date this notice is delivered to comply with this request and to assure the cause of the alleged violation no longer exists. After this fifteen (15) day period, we will be by to inspect. Please use this time as an opportunity to correct the violation.

If the violation is not corrected by the above compliance date, the City will have it corrected. Cost of correction plus \$200.00 for the incurred administrative expense shall constitute a lien upon the property in favor of the City. The other possible course of action is that you may be cited into Municipal Court on this matter. If you have already taken care of the violation, then it will be noted on the follow-up inspection and no further action will be taken. We hope you understand this is an effort to keep our community safe and an attractive place for you and your neighbors to live.

City Ordinances can be obtained on the city's webpage (www.ci.alamogordo.nm.us). Should you have any questions, please contact the Code Enforcement Office located at 2010 Oregon, Alamogordo, NM 88310 or by phone at (575) 439-4179.

Sincerely,

Brian Smith

Brian Smith
Code Enforcement Officer

August 21, 2012

Marshall Wayne Coleman
PO Box 2202
Alamogordo, NM 88311-2202

Re: 1203 Puerto Rico., Alamogordo, NM 88310

Dear Mr. Coleman:

It is the objective of the City of Alamogordo to provide for the health, safety and welfare of the citizens of our community. In order to accomplish this goal, the City has established a Code of Ordinances which sets forth minimum standards for the upkeep of all real property within the City.

Recently, we became aware of an alleged violation of these ordinances at the above referenced address. We have listed the ordinance section below:

26-03-030. Unlawful growth or accumulation on lots.

It shall be unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having charge or control of any lot within the city to permit or maintain on any such lot, including the area located between the property line and the middle of the alley adjacent to the property, and the area located between the property line and the curb, and the area located ten (10) feet outside the property line where there is no curb, any growth of weeds to a greater height than six (6) inches, or any other accumulation of weeds. It shall also be unlawful for a person having charge or control of any tract within the city to allow any growth of weeds to a greater height than six (6) inches on curbs and sidewalks located on their property as well as the area adjacent to and five (5) feet back of the curbs, sidewalks and streets.

Specific Violation: Cut weeds and grass on the entire property. Weeds are over 6 inches tall, to include alley.

You will have fifteen (15) days from the date this notice is delivered to comply with this request and to assure the cause of the alleged violation no longer exists. After this fifteen (15) day period, we will be by to inspect. Please use this time as an opportunity to correct the violation.

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Sincerely,

Brian Smith

Brian Smith
Code Enforcement Officer

August 21, 2012

Marshall Wayne Coleman
PO Box 2202
Alamogordo, NM 88311-2202

Re: 1203 Puerto Rico., Alamogordo, NM 88310

Dear Mr. Coleman:

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Recently, we became aware of an alleged violation of these ordinances at the above referenced address. We have listed the ordinance section below:

26-01-010. Trees to be trimmed.

(a) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which constitutes a traffic or pedestrian hazard or which overhangs any public thoroughfare. On streets, trees must clear standard size trucks: 14' (feet) above pavement.

"Street" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular traffic, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or construction. (Includes alleys)

Specific Violation: Trim tree to allow 14 foot of clearance for emergency vehicles to pass in the street and 8 foot of Clearance above the sidewalk.

You will have fifteen (15) days from the date this notice is delivered to comply with this request and to assure the cause of the alleged violation no longer exists. After this fifteen (15) day period, we will be by to inspect. Please use this time as an opportunity to correct the violation.

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Sincerely,

Brian Smith

Brian Smith
Code Enforcement Officer

August 21, 2012

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PO Box 2202
Alamogordo, NM 88311-2202

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It is the objective of the City of Alamogordo to provide for the health, safety and welfare of the citizens of our community. In order to accomplish this goal, the City has established a Code of Ordinance which sets forth minimum standards for the upkeep of all real property within the City.

Recently, we became aware of an alleged violation of these ordinances at the above referenced address. We have listed the ordinance section below:

14-01-150. Outdoor storage. (a) *Definitions.* As used in this section: (1) *Junk* means any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, or in such a condition as to be generally unusable and/or inoperable in its existing state. This shall include by way of illustration only and without limitation wood, used lumber, paper, glass, bottles, rags, rubber, scrap metal, tin cans, scrap material, waste, concrete, rubble, boxes, crates, building materials, or machinery parts. (2) *Fence or wall* means of solid construction of boards, brick or other similar materials, not less than eight (8) feet in height above the level of the ground and maintained in a slightly, safe, and secure condition. (3) *Junk or automobile salvage yard* shall mean any premises, area or piece or parcel of land which is exposed to the weather and which displays junk as defined in section 14-01-150(a)1. (b) *Declared nuisance.* The presence of junk on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance. (c) *Prohibited acts.* It is unlawful for any person, firm, or corporation to store, or permit to be stored or placed, or allow to remain on any public or private property or street or highway within the city limits any junk unless such junk is in an enclosed fence or wall and such junk is not visible from adjoining or surrounding property or from the street or streets or public ways. It shall be unlawful for any person to allow any vehicle regardless of condition to be left unattended on jacks or blocks for any length of time. Such activity shall be considered a public nuisance and a danger to the public welfare. (d) The Department of Public Safety may, after giving written notice to both the person responsible for the property and any identified owner of junk, order the junk removed from the premises. The notice of removal shall inform an interested party that they may request a hearing before the city manager or his designee to show cause why the junk is not in violation of the ordinance. Requests for hearing must be filed in writing with the city manager within ten (10) calendar days of the notice or removal. If a hearing is requested, the requesting party shall be given written notice by first class mail of the hearing at least ten (10) calendar days before the hearing.

Specific Violation: All outside stored items that need to be stored inside. Remove the refrigerator.

You will have fifteen (15) days from the date this notice is delivered to comply with this request and to assure the cause of the alleged violation no longer exists. After this fifteen (15) day period, we will be by to inspect. Please use this time as an opportunity to correct the violation.

If the violation is not corrected by the above compliance date, the City will have it corrected. Cost of correction plus \$200.00 for the incurred administrative expense shall constitute a lien upon the property in favor of the City. The other possible course of action is that you may be cited into Municipal Court on this matter. If you have already taken care of the violation, then it will be noted on the follow-up inspection and no further action will be taken. We hope you understand this is an effort to keep our community safe and an attractive place for you and your neighbors to live.

City Ordinances can be obtained on the city's webpage (www.ci.alamogordo.nm.us). Should you have any questions, please contact the Code Enforcement Office located at 2010 Oregon, Alamogordo, NM 88310 or by phone at (575) 439-4179.

Sincerely,

Brian Smith

Brian Smith
Code Enforcement Officer

August 21, 2012

Marshall Wayne Coleman
PO Box 2202
Alamogordo, NM 88311-2202

Re: 1203 Puerto Rico., Alamogordo, NM 88310

Dear Mr. Coleman:

It is the objective of the City of Alamogordo to provide for the health, safety and welfare of the citizens of our community. In order to accomplish this goal, the City has established a Code of Ordinances which sets forth minimum standards for the upkeep of all real property within the City.

Recently, we became aware of an alleged violation of these ordinances at the above referenced address. We have listed the ordinance section below:

14-01-140. Generally--Outdoor automotive storage.

(b) *Declared nuisance.* The presence of a dismantled, partially dismantled, or inoperable vehicle or motor vehicle or parts thereof on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance. (c) *Prohibited acts.* It is unlawful for any person, firm or corporation to store on, or permit to be stored or placed on, or allow to remain on any public or private property or street or highway within the city limits a dismantled, partially dismantled or inoperable motor vehicle or any parts of a motor vehicle unless such vehicle is in an enclosed building or on property which is enclosed with a fence or wall and such vehicle is not visible from adjoining or surrounding property or from the street or streets or public ways. This section shall not apply to a vehicle or vehicles on the premises of a duly licensed business in zones where such activity is within the contemplated purposes of such duly licensed business under the provisions of the zoning ordinance of the city. (f) *Removal of vehicles.* Upon the later of the expiration of a permit referenced in sub-section (d) or notification of the violation, the Department of Public Safety may, after giving written notice to both the person responsible for the property and the vehicle's last known owner, order the vehicle towed from the premises.

Specific Violation: Vehicles must be running and registered if they are on the property.

*** *Inoperable motor vehicle* means any motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled by its own power and/or any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates.***

You will have fifteen (15) days from the date this notice is delivered to comply with this request and to assure the cause of the alleged violation no longer exists. After this fifteen (15) day period, we will be by to inspect. Please use this time as an opportunity to correct the violation.

If the violation is not corrected by the above compliance date, the City will have it corrected. Cost of correction plus \$200.00 for the incurred administrative expense shall constitute a lien upon the property in favor of the City. The other possible course of action is that you may be cited into Municipal Court on this matter. If you have already taken care of the violation, then it will be noted on the follow-up inspection and no further action will be taken. We hope you understand this is an effort to keep our community safe and an attractive place for you and your neighbors to live.

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Sincerely,



Brian Smith
Code Enforcement Officer

August 21, 2012

Marshall Wayne Coleman
PO Box 2202
Alamogordo, NM 88311-2202

Re: 1203 Puerto Rico., Alamogordo, NM 88310

Dear Mr. Coleman:

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Recently, we became aware of an alleged violation of these ordinances at the above referenced address. We have listed the ordinance section below:

14-01-020. Accumulation of garbage, refuse and debris; removal.

(a) No person shall permit to accumulate upon premises owned, leased or occupied by him, any garbage or refuse, except in covered watertight containers made of metal or plastic. (b) No person shall throw, place, dump or dispose of any debris on any street, gutter, sidewalk or alley, nor shall any person allow the accumulation upon his property or cause accumulation on any adjoining property, of any debris for a longer period than five (5) days. Sites subject to an active building permit may accumulate these items for longer than five (5) days, but such items must be maintained in an orderly fashion so as not to impede on the property of others or create a hazard or attractive nuisance. Material must be removed upon the completion of the permitted construction. (c) No person shall dump, deposit, place or dispose of any trash, debris, junk, or other matter on public property or upon the property of another without the written consent of the property owner. (d) No person shall cause or permit to remain upon any property, private or public, any dead animal, animal waste or vegetable or mineral matter or any composition or residue thereof which is in an unsanitary condition or is hazardous to public health. (e) Any unauthorized accumulation of garbage, refuse or debris is declared to be a nuisance and is prohibited. (f) No person shall cast, place, sweep or deposit anywhere within the city any garbage, refuse or debris in such a manner that it may be carried or deposited by the elements upon the street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.

Specific Violation: Remove all trash from property.

You will have fifteen (15) days from the date this notice is delivered to comply with this request and to assure the cause of the alleged violation no longer exists. After this fifteen (15) day period, we will be by to inspect. Please use this time as an opportunity to correct the violation.

If the violation is not corrected by the above compliance date, the City will have it corrected. Cost of correction plus \$200.00 for the incurred administrative expense shall constitute a lien upon the property in favor of the City. The other possible course of action is that you may be cited into Municipal Court on this matter. If you have already taken care of the violation, then it will be noted on the follow-up inspection and no further action will be taken. We hope you understand this is an effort to keep our community safe and an attractive place for you and your neighbors to live.

City Ordinances can be obtained on the city's webpage (www.ci.alamogordo.nm.us). Should you have any questions, please contact the Code Enforcement Office located at 2010 Oregon, Alamogordo, NM 88310 or by phone at (575) 439-4179.

Sincerely,

Brian Smith

Brian Smith
Code Enforcement Officer

Case Number : 1-13-014665 Date of Report : 11/08/13 10:48
Occur From Date: 11/08/13 10:48 Occur To Date : 11/08/13 10:48
Day Of Week : FRIDAY Dept Class : BURGLARY/RESIDENTIAL
Case Status : Cleared by Arrest Case Status Dt : 11/09/13
Street Number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM 88310
Location Type : RESIDENCE/Home Report Officer : WAKEFIELD, RICHARD
Supervisory Emp: MCCOLLEY, DAVID 11/11/13
Clerical Entry : BROCKETT, DONALD 11/08/13

***** R E L A T E D I N C I D E N T S *****

Incident # Incident # Source
1-13-002008 ARRS Burglary / Breaking & Enter +

***** O F F E N S E R E P O R T # 1 *****

Case Number : 1-13-014665
State Class : Burglary / Breaking & Entering
Federal Class : BURGLARY UNLAWFUL ENTRY
Attmpt/Committ : COMPLETED Statute/Ordin : RESIDENTIAL BURGLARY
Location Type : RESIDENCE/Home
State Dispo : Adult-Arrested/Held for Prosecution
UCR Disposition: CLEARED BY ARREST - ADULT
Dispo Date : 11/08/13
Exception Clear: Arrested on Primary Offense
People Arrested: 1

***** O F F E N S E R E P O R T # 2 *****

Case Number : 1-13-014665 State Class : Motor Vehicle Theft
Federal Class : MOTOR VEHICLE THEFT - Truck & Buses
Attmpt/Committ : COMPLETED
Statute/Ordin : UNLAWFUL TAKING OF A MOTOR VEHICLE
Location Type : RESIDENCE/Home
State Dispo : Adult-Arrested/Held for Prosecution
UCR Disposition: CLEARED BY ARREST - ADULT
Dispo Date : 11/08/13
Exception Clear: Arrested on Primary Offense
People Arrested: 1

***** P R O P E R T Y I N F O R M A T I O N # 1 *****

Case number : 1-13-014665 Category : ** OTHER **
UCR Prop Type : MOTOR VEHICLE/Automobile
Property type : VEHICLE Make : FORD
Model : RANGER Color : WHITE
Year : 1989 Description : FORD RANGER
Serial number : VIN 1FTCR10A9KUB68698 Value : 3,500.00
Street number : 1203 PUERTO RICO
City : ALAMOGORDO, NM 88310
Recovered by : OFFICER R. WAKEFIELD Recovered Date : 11/08/13 10:48
Street number : 1203 PUERTO RICO
City : ALAMOGORDO, NM 88310

***** P R O P E R T Y I N F O R M A T I O N # 2 *****

Case number : 1-13-014665
Category : ** EVIDENCE / SEIZED **

Date: 4/16/14
Time: 10:10:20

ALAMOGORDO POLICE DEPARTMENT
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1-13-014665 (Continued)

UCR Prop Type : MISCELLANEOUS/Other
Quantity/weight: 1
Recovered by : WATTS
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

Property type : PHOTO DISC
Description . : PHOTO DISC
Recovered Date : 11/08/13 12:30

***** P R O P E R T Y I N F O R M A T I O N # 3 *****

Case number . : 1-13-014665
UCR Prop Type : MISCELLANEOUS/Other
Quantity/weight: 1
Description . : NM LICENSE PLATE: 058BSR
Recovered by . : WATTS
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

Category . . . : ** O T H E R **
Property type : LICENSE PLATES
Recovered Date : 11/08/13 13:00

***** P R O P E R T Y I N F O R M A T I O N # 4 *****

Case number . : 1-13-014665
UCR Prop Type : MISCELLANEOUS/Other
Quantity/weight: 1
Description . : WELLS FARGO VISA OF WAYNE
Desc Continued : COLEMAN
Recovered Date : 11/08/13 13:00
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

Category . . . : ** O T H E R **
Property type : CREDIT CARDS
Recovered by . : WATTS

***** P R O P E R T Y I N F O R M A T I O N # 5 *****

Case number . : 1-13-014665
UCR Prop Type : MISCELLANEOUS/Other
Quantity/weight: 1
Description . : MISC. PERSONAL DOCUMENTS OF
Desc Continued : WAYNE COLEMAN
Recovered Date : 11/08/13 13:00
Street number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM

Category . . . : ** O T H E R **
Property type : DOCUMENTS (Papers)
Recovered by . : WATTS

***** P R O P E R T Y I N F O R M A T I O N # 6 *****

Case number . : 1-13-014665
Category . . . : ** E V I D E N C E / S E I Z E D **
UCR Prop Type : MISCELLANEOUS/Other
Property type : CD and/or DVD (Compact or Digital)
Quantity/weight: 1
Recovered by . : WAKEFIELD
Common name . : ALAMOGORDO DEPT OF PUBLIC SFTY, 700 VIRGINIA AV
City : ALAMOGORDO,

Description . : DVD INTERVIEW
Recovered Date : 11/08/13 12:45

***** V E H I C L E I N F O R M A T I O N # 1 *****

Case number . : 1-13-014665
Category . . . : 03 - *STOLEN/RECOVERED*
Vehicle Type . : Truck
Make : FORD
Color - Top . : WHITE
VIN : 1FTCR10A9KUB68698

License state : NM
Year : 1989
Model : RANGER
Color - Bottom : WHITE
Disposition . : OTHER

Date: 4/16/14
Time: 10:10:20

ALAMOGORDO POLICE DEPARTMENT
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1-13-014665 (Continued)

Stolen value . : 3,500
Street number : 1203 PUERTO RICO
City : ALAMOGORDO, NM 88310
Recovered by . : OFFICER R. WAKEFIELD Date recovered : 11/08/13 10:48
Recovery value : 3,500
Recovery code : STOLEN & RECOVERED LOCALLY
Owner notified : YES Owner notified : THOMPSON, TROY
Street number : 1203 PUERTO RICO
City : ALAMOGORDO, NM 88310

***** P E R S O N R E P O R T I N G I N F O - # 1 *****
Case Number . : 1-13-014665 Last Name . . : OTERO, KATHY

***** S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 1 **
Case Number . : 1-13-014665 Name : SALCIDO, CHRISTOPHER V
Date of Birth : 1/22/1964 49
Street Number : 1400 ALASKA AV
City : ALAMOGORDO, NM 883100000
HOME : 575/430-3069 OTHER : 575/430-3769
Birth City . . : ALAMOGORDO, NM Oper Lic No. . : 030687515 NM
Race : WHITE Sex : MALE
Ethnic Origin : Hispanic Origin Height : 601
Weight : 200 Juvenile : ADULT
Misc. ID# . . . : 9199A Hair Color . . : BLACK
Eye Color . . . : BROWN Complexion . . : MEDIUM

***** O T H E R P E R S O N I N F O R M A T I O N - # 1 *****
Case Number . : 1-13-014665 Name : MARTINEZ, BERNADETTE I
Person Type . : 07 ** O T H E R P E R S O N **
Street Number : 206 MARYLAND AV
City : ALAMOGORDO, NM 883100000
HOME : 575/973-1044 Date of Birth : 7/08/1970 43
Birth City . . : TULAROSA, NM Oper Lic No. . : 034306052 NM
Sex : FEMALE Occupation . . : UNEMPLOYED

***** O T H E R P E R S O N I N F O R M A T I O N - # 2 *****
Case Number . : 1-13-014665 Name : COLEMAN, WAYNE M
Person Type . : 07 ** O T H E R P E R S O N **
Street Number : 1203 PUERTO RICO AV
City : ALAMOGORDO, NM 88310
Date of Birth : 8/16/1949 64 Birth City . . : ROSWELL, NM
Birth Country : United States Oper Lic No. . : 37979465 NM
Sex : MALE Occupation . . : DECEASED

***** O T H E R P E R S O N I N F O R M A T I O N - # 3 *****
Case Number . : 1-13-014665 Name : MORGAN, VELMA M
Person Type . : * O W N E R O F P R O P E R T Y *
Street Number : 4010 SOLANO PL NE
City : ALBUQUERQUE, NM 871100000
Date of Birth : 9/28/1937 76 Sex : FEMALE

***** N A R R A T I V E # 1 *****

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Time: 10:10:20

ALAMOGORDO POLICE DEPARTMENT
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CAD Information

1-13-014665 (Continued)
Reported By: WAKEFIELD, RICHARD W. 11/08/13
Reviewed By: MCCOLLEY, DAVID O. 11/11/13

On 11-08-2013 at 1048hrs I responded to 1203 Puerto Rico in reference to suspicious activity. The reporting party advised APD Dispatch that she lives at 1202 Iowa and that the residence behind hers (1203 Puerto Rico) has been unoccupied for nearly two years. She advised that there was a male subject at this residence today moving items out.

On arrival I observed a white in color 1989 Ford Ranger later identified with VIN 1FTCR10A9KUB68698 in the backyard of the residence. I proceeded to the backyard at which time the reporting party from 1202 Iowa stepped into the alley between the houses and spoke with me. She advised that the owner of the residence had died approximately 2yrs ago and that she has not seen anyone at the residence since that time. She advised that today two individuals arrived and began to move items out. She stated that found it suspicious.

I heard movement inside the residence. I did not take time to identify the reporting party. I approached the residence and knocked on the backdoor. A male subject came to the door and I later identified him as Christopher Salcido. I asked Mr. Salcido if he lived at the residence and he advised he did not. I asked him if he had permission to be at the residence and he stated he did that Mr. Wayne Coleman the house owner gave him permission.

A second person was in the residence. I would identify her as Ms. Bernadette Martinez. She stepped out, Mr. Salcido moved a trash container from inside the residence and loaded it on the back of the Ford Ranger. I asked Mr. Salcido how I could contact Mr. Coleman and Mr. Salcido advised he did not know and did not have a number for him. I asked him if he knew another address for him and he stated he did not know of one.

I asked him why he was moving items out of the residence and he stated that approximately one week prior that Mr. Coleman contacted him. Mr. Salcido advised that it was either on 10-31-2013 or 11-01-2013 that he was outside his residence located at 1400 Alaska. He advised that he was working on his car when Mr. Coleman was walking by and asked him if he wished to buy a car. Mr. Salcido advised that he agreed to walk with Mr. Coleman to 1203 Puerto Rico and look at the vehicle in question. Mr. Salcido advised that he would agree to purchase two vehicles from Mr. Coleman. He advised he entered into a verbal contract with Mr. Coleman to buy the vehicles for \$600.00. He stated one being the above described Ford Ranger and a second vehicle he described as a blue in color Oldsmobile car. Possibly later identified as a 1994 Oldsmobile NM plate 119MLN. He stated that as part of the verbal contract that Mr. Coleman asked him to come by the residence later and clean it up since he was getting such a great deal on the vehicles.

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1-13-014665 (Continued)

I made contact with APD Dispatch in order to find contact information for Mr. Coleman to verify Mr. Salcido has permission to be on the property. APD Dispatch advised that there was no listed phone number for Mr. Coleman. A few minutes later I was notified by APD Dispatch that Mr. Wayne Coleman was deceased. I learned that APD Officers had responded to 1203 Puerto Rico on 09-20-2011 and found Mr. Coleman deceased. I requested through APD Dispatch for an inquiry into the water billing for the residence. I learned that there had been no water service at the residence since 2011 and it had been under Mr. Coleman s name.

I informed Sgt. LoCoco of the events and requested a second unit to my location through APD Dispatch. A short time later Officer Watts arrived on scene. I informed Mr. Salcido that Mr. Coleman was deceased. I advised Mr. Salcido and Ms. Martinez that they were not free to go at this time until I had the ability to verify they had permission to be on the property and removing items. I read both parties their Miranda rights in which both advised that they understood and were willing to answer questions without the presence of a lawyer.

I asked Mr. Salcido regarding the events leading to him being on the property removing items from with the residence. He repeated the same story that Mr. Coleman had contacted him and that they made a deal for the two vehicles. I did not observe the Oldsmobile Mr. Salcido had referred to. I learned that he had the Oldsmobile towed and that it was at an auto mechanics being worked on. Mr. Salcido advised that he had the Ford Ranger also towed from the residence after making the verbal deal with Mr. Coleman. He advised that he repaired it and it was now running and was able to drive it back to the house today to remove property.

I asked Mr. Salcido what he had permission to remove from the property and he stated that he was told to clean it up inside and out. I observed that the bed of the above described Ford Ranger was almost completely full with household items including the fore mentioned trashcan later discovered to include dishes, and pots and pans from the residence.

I asked Mr. Salcido if this was the first day he had been inside the residence and he stated it was. I asked how he gained entry to the house and he stated that all the doors are unsecured and that he went into the back door. I asked Mr. Salcido how many times he met Mr. Coleman and he stated one time, just at the time of the deal for the vehicles. He described him as a white male, approximately 5 10 , with a medium build, flannel shirt, and approximately 50yrs. He stated that he has been to the residence in the past week to have the vehicles towed but had not entered therein until today.

I inquired as to Ms. Martinez involvement and he advised that he asked Ms. Martinez to help him with the camper shell on the Ford Ranger and assist with cleaning the residence. He advised that he informed Ms.

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ALAMOGORDO POLICE DEPARTMENT
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1-13-014665 (Continued)

Martinez that he had permission to be in the residence.

I spoke to Ms. Martinez. She advised that on 11-07-2013 Mr. Salcido contacted her and asked her to help him today with the residence. She stated that Mr. Salcido needed assistance to place a camper shell onto the Ford Ranger and advised her that Mr. Coleman had given him permission to be in the residence and remove property. Ms. Martinez advised that they had been at the residence for approximately one hour prior to officers arrival.

Sgt. LoCoco and Det. Thompson arrived on scene. I notified both of the circumstances. Det. Thompson advised that he would attempt to locate the current owner of the property. Det. Thompson notified me a little later while still on scene that he was able to make contact with the current owner Ms. Velma Morgan who lives in Albuquerque, NM. She advised that she had not given permission for anyone to be on the property nor remove any vehicles. I learned that Ms. Morgan had been left all the property via a hand written will left by Mr. Coleman. The Ford Ranger was found with damage to the steering column bypassing the locking mechanism. Det. Thompson faxed a copy of a stolen vehicle report. Ms. Morgan would fill out the form and advised that she wish to pursue charges for burglary and auto theft. Ms. Morgan valued the Ford Ranger at approximately \$3,500.00.

I contacted the on call ADA Thomas Limon and advised of the circumstances. ADA Limon and I agreed to charges to be applied against Mr. Salcido. I placed Mr. Salcido under arrest and placed him in my unit 1666. Officer Watts remained on scene. Det. Thompson obtained verbal permission from Ms. Morgan via phone to enter into the residence and Ford Ranger and secure them. Officer Watts took photos of the residence, Ford Ranger, the contents found within the pickup, and damage to the steering column. Ms. Martinez was released from the scene.

I transported Mr. Salcido to APD for processing. On arrival I reread Mr. Salcido his Miranda rights during a recorded interview. At this time he advised that he did not wish to answer questions without the presence of a lawyer. I prepared a criminal complaint against Mr. Salcido and on completion I notified ADA Limon of the complaint who was in agreement. I completed additional processing procedures and once complete I transported Mr. Salcido to OCDC.

Mr. Salcido was charged with Burglary (Residential) 30-16-3 (A) and Unlawful Taking of a Vehicle or Motor Vehicle 30-16D-1. Mr. Salcido s bond was set at \$20,000.00 with no 10%. All recovered evidence was logged into the APD Evidence room.

Ms. Morgan advised that she would observe the residence and vehicle at a later time. The blue in color Oldsmobile whereabouts are currently unknown.

Investigation continues reference the Oldsmobile pending further

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Time: 10:10:20

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leads.

1-13-014665 (Continued)

* * * * * END OF REPORT * * * * *

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 14, 2014

Report No: 9

Submitted By: Brian Cesar, 
Public Works Director

Approved For Agenda: 

Subject: Consider and act upon, the dispensation of the contents retrieved from the Old Alamogordo Landfill related to the Atari games.

Fiscal Impact: N/A
Amount Available: N/A
Fund: N/A

Recommendation: Approve the dispensation.

Background: The City of Alamogordo entered into a location and use agreement with Fuel Industries, Inc. on May 28th, 2013. The purpose of this agreement was to provide Fuel Industries, Inc. with access to the Old Alamogordo Landfill for preparing, filming and recording of scenes and sounds for a documentary film that centers on the Old Alamogordo Landfill, the home to Atari's E.T. the Extra-Terrestrial video game, buried in the property in 1983.

This agenda item will be presented in three parts;

1. A brief presentation from Joe Lewandowski of Operational Consultants on the Atari excavation at the Old Alamogordo Landfill will be provided for the Commission and public. It will include a 4 minute video of the event.

2. Staff will provide the NMEDSWB approval of the closure process of the excavated site. Staff will recommend acceptance of the site provided Fuel Industries have completed their obligations under the agreement.

The NMEDSWB letter of acceptance will be provided by addendum once it has been received by the City of Alamogordo.

3. Discussion and a plan of action will be provided on the inventory of games recovered. An inventory of the games and items has been provided to the Commission as an attachment to the agenda report.

Reviewed By:

City Attorney _____ City Clerk  Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works  Purchasing _____ Assistant City Manager _____ Utilities _____

2600

TITLE	IN BOX				CARTRIDGE				BOXES	GRAPHIC
	W	A	B	Total	A	B	C	Total		
23 Tele Games	-	-	-	-		1	-		40	
Adventure				1		3	-		4,40	
Air Sea Battle				11		12	3		1,37,40	
Asteroids				53		12	6		34,35,36,41	
Backgammon	-	-	-	-		1	-		40	no
Baseball	-	-	-	-		2	-		40	
Basketball				1			1		1,40	
Berzerk				15		9	1		1,35,40	
Bowling	-	-	-	-		1	-		40	no
Breakout				24			1		33,37,40	
Canyon Bomber	-	-	-	-		1	-		40	no
Canyon Bomber	-	-	-	-		2	-		40	
Casino	-	-	-	-			1		40	
Centipede				190		4	1		4,8,9,10,11,12,13,15,15,16,40	
Championship Soccer	-	-	-	-		1	-		40	no
Circus Atari				2		2	-		35,40	
Code Breaker				1			-		4	
Combat	-	-	-	-		7	-		40	no
Combat				3		4	-		35,40	
Defenders				116		50	7		3,26,27,28,29	
Demons to Diamonds				1		3	2		4,40	
Football 78	-	-	-	-		1	-		40	
Football 82				2		1	-		4,40	
E T				171			-		48,49,50,51,52,3,4	
Haunted House				10		5			37,40	
Home Run	-	-	-	-		1	-		40	
Human Cannonball	-	-	-	-		1	-		40	
Indy 500	-	-	-	-		2	1		40	
Jungle Hunt	-	-	-	-		1	-		40	

2600

TITLE	IN BOX				CARTRIDGE				BOXES	GRAPHIC
	W	A	B	Total	A	B	C	Total		
Maze Craze				1		1	-		4,40	no
Maze Craze	-	-	-	-		4	-		40	
Missile Command				59		43	6		1,30,31,41	
Ms. Pac Man				8		1	-		4,37,40	
Night Driver				1		1	-		4,40	
Outlaw				1					4	
Pac Man				9		4	2		1,37,40	
Pele Soccer	-	-	-	-		2	-		40	
Phoenix				54		6	-		20,21,40	
Raiders of the Lost Ark				15		18	2		3,19,42	
Sky Driver	-	-	-	-		1	-		40	
Space Invaders	-	-	-	-		1	-		40	
Space Invaders				9		2	-		4,34,40	
Star Raiders				57		18	5		22,23,24,25,42	no
Super Breakout				19		4	-		2,40	
Superman 78	-	-	-	-		2	-		3,40	
Swordquest				29		27	1		29,41	
Vanguard				7		3	1		34,40	
Video Chess	-	-	-	-		1	-		40	
Video Pin Ball	-	-	-	-		3	-		40	
Video Olympics				1		4	-		4,40	
Vollyball				1		1	-		4,40	
Warlords				99		16	2		4,17,18,19,42	
Yar's Revenge				9		28	3		4,34,42	
TOTAL				980		326	46			

5200

TITLE	IN BOX				CARTRIDGE				BOXES	GRAPHIC
	W	A	B	Total	A	B	C	Total		
Defender				5		3	-	3	3	
galazion	-	-	-	-		2	-	2	1,3	
Qix				1					3	
Real Sports Tennis	-	-	-	-		1	-	1	1	
Star Invaders				4					3,5	
Star Raiders				5		2	-	2	1,3	
Tennis				3					5	
TOTAL				17		8		8	25	

Total of all items: 997 334 46

Grand Total 1377

AGENDA REPORT

CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 14, 2014

Report No: 10

Submitted By: Stephen P. Thies
City Attorney

Approved For Agenda: 

Subject: Consider, and act upon, the first publication of Ordinance No. 1468 amending the Alamogordo Code of Ordinances to add a new section in Chapter 24 concerning vehicle forfeiture.

Fiscal Impact: N/A
Amount Available: N/A
Fund: N/A

Recommendation: Approve the ordinance for first publication.

Background: Attached you will find a rather lengthy ordinance dealing with a number of issues involving motor vehicles. The ordinance can be broken down into three segments. The first segment addresses junk or abandoned vehicles on both public and private property. The amendment provides that if a wrecked or abandoned vehicle is found on either private or public property and remains on the property in excess of 72 hours, notice will be to remove the vehicle. If the vehicle is located on private property the notice will be given to the occupant of the property. If the vehicle is found on public property, notice will be provided to the registered owner and posted on the vehicle. When the wrecked or abandoned vehicle is located on private property, it must be moved within 30 days. A wrecked or abandoned vehicle located on public property must be moved within 7 days. Unless a hearing is requested within the relevant time periods, the police department shall arrange to have the vehicle towed. After the vehicle has been towed, notice will then sent within 48 hours to the registered owner of the vehicle and the occupant of the property when the vehicle is removed from private property.

The second segment authorizes the city to seize a vehicle when the operator is arrested for driving while intoxicated, found to be operating a vehicle when their license is revoked or denied as a result of a DWI, or found to be operating a vehicle in violation of a conditional license that required the use of an ignition interlock device. The ordinance is modeled after ordinances adopted by several other New Mexico municipalities.

Reviewed By:

City Attorney SPT City Clerk _____ Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____ Utilities _____

The third segment of the ordinance creates an official city impound lot. Vehicle subject to forfeiture and any vehicle removed from private property or towed from public property will be brought to the city impound lot. The owner of the vehicle will be required to pay the tow charges and a \$25.00 per day storage fee in order for the owner to regain possession of the vehicle. In the case of a wrecked or abandoned vehicle, if the owner of the vehicle fails to retrieve the vehicle within 10 days after the 48 hour notice is sent, the city can publish notice that the vehicle will be sold. An owner has 20 days in which to retrieve the vehicle after publication. After that 20 day period expires, the city will then hold the vehicle for another 14 if it is registered in New Mexico or 40 days if the vehicle registered in some other state before selling the vehicle. The proceeds will be first applied to the towing and storage costs.

Reviewed By:

City Attorney _____ City Clerk _____ Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____ Utilities _____

ORDINANCE NO. 1468

AN ORDINANCE AMENDING CHAPTER 14, GARBAGE, TRASH AND REFUSE, TO ALLOW FOR THE REMOVAL OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES, AND CHAPTER 24, TRAFFIC, TO ALLOW FOR THE IMPOUNDING AND FORFEITURE OF VEHICLES

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALAMOGORDO NEW MEXICO THAT THE *CODE OF ORDINANCES* BE AMENDED TO READ AS FOLLOWS:

ARTICLE I

THAT THE TITLE OF CHAPTER 14 OF THE *CODE OF ORDINANCES OF THE CITY OF ALAMOGORDO, NEW MEXICO* IS HEREBY AMENDED TO READ AS FOLLOWS:

Chapter 14 - GARBAGE, TRASH AND REFUSE **AND NUISANCES**

ARTICLE II

THAT SECTION 14-01-140 OF THE *CODE OF ORDINANCES OF THE CITY OF ALAMOGORDO, NEW MEXICO* IS HEREBY AMENDED TO READ AS FOLLOWS:

14-01-140. - ~~Generally—Outdoor automotive storage.~~ **ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLES**

(a) **Definitions.** ~~As used in this section:~~ The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means any motor vehicle that does not display a current license plate or valid police sticker as defined in section 12-12-18(F)(2) of the Uniform Traffic Ordinance and is left unattended for a period exceeding 72 consecutive hours.

Dismantled or partially dismantled vehicle means any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing.

"Impound" shall mean the towing and storage of a motor vehicle as authorized in this section.

Inoperable motor vehicle means any motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled by its own power and/or any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates.

Motor vehicle means any wheeled vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, recreational vehicles and trailers.

"Owner" of a vehicle shall mean the registered owner or owners of a vehicle as recorded with the state department of motor vehicles or similar agency of a state outside New Mexico. Where written notice to the owner is required by this section, such notice shall be given to each registered owner.

"Owner of private property" shall mean the record holder of legal title as shown by the official records of the County of Otero unless there exists a contract purchaser of record, in which case it means the contract purchaser.

Private property means any real property within the city that is privately owned and that is not public property, as defined in this section.

Public property means any street or alleyway or right-of-way or parkway or highway, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means other publicly owned property or facility.

Wrecked means any motor vehicle that is disabled or in a state of ruin or dilapidation which renders it inoperable.

(b) **Declared nuisance.** ~~The presence of a dismantled, partially dismantled, or inoperable vehicle or motor vehicle or parts thereof on any street, occupied or unoccupied land within the city limits in violation of the terms of this section is a public nuisance.~~ No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned or wrecked or dismantled or inoperative or partially dismantled condition, whether attended or not, upon any private or public property within the city for a period of time in excess of 72 hours. The presence of an abandoned or wrecked or dismantled or inoperative or partially dismantled vehicle or parts thereof (except such parts that have been reconstructed or converted for practical use) on public property or private property is declared a public nuisance which may be abated in accordance with this article. This section shall not apply to:

(c) ~~Prohibited acts.~~ It is unlawful for any person, firm or corporation to store on, or permit to be stored or placed on, or allow to remain on any public or private property or street or highway within the city limits a dismantled, partially dismantled or inoperable motor vehicle or any parts of a motor vehicle unless such vehicle is in an enclosed building or on property which is enclosed with a fence or wall and such vehicle is not visible from adjoining or surrounding property or from the street or streets or public ways. This section shall not apply to

(1) Any vehicle or vehicles on the premises of a duly licensed business in zones where such activity is within the contemplated purposes of such duly licensed business under the provisions of the zoning ordinance of the city; or

(2) Any person who has obtained a permit for restoration of a motor vehicle pursuant to subsection 14-01-140(d).

(d) **Exceptions. Permits for restoration of motor vehicles.** An owner or tenant, upon payment of a fee of \$60.00, may store, permit to be stored or allow to remain upon his premises any dismantled, partially dismantled, or inoperable motor vehicle or parts thereof for a period not to exceed 18 months sixty (60) days upon receipt of a permit from the city clerk if such motor vehicle is registered in his name. No more than one permit per location may be issued and outstanding at any one time.

~~(e) Permit. Upon application by the registered owner of a motor vehicle covered by this section, and upon the proof of hardship, the city clerk is hereby authorized to issue the permit provided by this section and shall require the payment of sixty dollars (\$60.00) for each permit issued.~~

(e) **Notice to remove.** Whenever it comes to the attention of the police department that any nuisance, as defined in subsection 14-01-140 (b), exists in the city, notice in writing shall be served upon the occupant of the land where the nuisance exists, or if there is no such occupant, upon the owner of the property or his agent, or if the nuisance involves a vehicle left upon public property, notice shall be given to the owner of the vehicle or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this article.

~~(f) Removal of vehicles. Upon the later of the expiration of a permit referenced in sub-section (d) or notification of the violation, the department of public safety may, after giving written notice to both the person responsible for the property and the vehicle's last known owner, order the vehicle towed from the premises.~~

~~The notice of towing shall inform an interested party that they may request a hearing before the city manager or his designee to show cause why the vehicle is not in violation of the ordinance. Requests for hearing must be filed in writing with the city manager within ten (10) calendar days of the notice of towing. If a hearing is requested, the requesting party shall be given written notice by first class mail of the hearing at least ten (10) calendar days before the hearing.~~

(f) **Responsibility for removal.** Upon proper notice and opportunity to be heard, the owner of the abandoned or wrecked or dismantled or inoperative vehicle and the owner or occupant of the private property on which the vehicle is located, either or all of them, shall be responsible for its removal. If the abandoned or wrecked or dismantled or inoperative vehicle is located on public property, the owner of the vehicle or his agent shall be responsible for its removal. If removal and disposition is performed by the city, the owner or occupant of the private property where the vehicle is located

shall be liable for expenses incurred or, if circumstances are such, the owner of the vehicle left on public property.

(g) **Notice procedure.** Under this article, at the direction of the police department, code enforcement shall give notice of removal to the owner or occupant of the private property where it is located, at least 30 days before the time of compliance, which shall be set forth in the notice. If the nuisance involves a vehicle on public property, notice shall be given to the owner of the vehicle or his agent by the police department, at least 7 days before the time of compliance, which shall be set forth in the notice. It shall constitute sufficient notice when a copy of such is posted in a conspicuous place upon the private property on which the vehicle is located or a copy of the notice is posted on the vehicle which is parked on the public property and duplicate copies are sent by registered mail to the owner of the vehicle left on public property or his agent or to the owner or occupant of the private property at his last known address. If notice cannot be given pursuant to this section, notice shall be given by publication once in a newspaper of general circulation in the community as soon as practicable after reasonable and diligent efforts to give notice as provided in this section proves fruitless.

(h) **Contents of notice.** The notice issued pursuant to this article shall contain the request for removal within the time specified in this article, and the notice shall advise that upon failure to comply with the notice to remove the city or its designee, which may include a wrecker service, shall undertake such removal with the cost of removal to be levied against the vehicle.

(i) **Request for hearing.** Under this article, the persons to whom the notices are directed or their duly authorized agents may file a written request for hearing before the municipal court judge within the 30-day period of compliance prescribed in subsection 14-01-140(g) if the nuisance involves a vehicle on private property, or within the 7-day period of compliance prescribed in subsection 14-01-140(g) if the nuisance involves a vehicle on public property, for the purpose of defending the charges by the city.

(j) **Procedure for hearing.** The hearing requested pursuant to subsection 14-01-140(i) shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least three days in advance thereof.

(k) **Removal of motor vehicle from property.** If the violation described in the notice has not been remedied within the time period of compliance specified in this article, or if a notice requesting hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the municipal judge, the city shall have the right to remove the motor vehicle from the premises. It shall be a petty misdemeanor for any person to interfere with, hinder, or refuse to allow such person to enter upon the private property or public property for the purpose of removing a vehicle under this article.

(l) **Notice of removal.** Within 48 hours of the removal of such vehicle as provided in subsection 14-01-140(k), the city shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property, if applicable, from which the vehicle was removed, that the vehicle has been impounded and stored for violation of this article. The notice shall give the location where the vehicle is stored and the costs incurred by the city for removal.

(m) Insofar as the provisions of this chapter are inconsistent with the provisions of section 12-12-18(F)(2) of the Uniform Traffic Ordinance, this chapter is controlling.

(Code 1960, § 6-2-30; Ord. No. 552, 1-11-77; Ord. No. 1003, § 79, 3-25-97; Ord. No. 1261, § 2, 3-28-06)

ARTICLE III

THAT THE TITLE OF CHAPTER 24 OF THE CITY OF ALAMOGORDO CITY CODE OF ORDINANCES IS AMENDED TO READ AS FOLLOWS:

Chapter 24 - TRAFFIC, **VEHICLE FOREFEITURE AND IMPOUNDING OF VEHICLES**

ARTICLE IV

THAT THE *ALAMOGORDO CODE OF ORDINANCES*, CHAPTER 24, TRAFFIC, IS AMENDED TO ADD THE FOLLOWING NEW ARTICLE 24-02, VEHICLE FORFEITURE, TO READ AS FOLLOWS:

24-02 Vehicle Forfeiture

24-02-01 Purpose.

The purpose of this article is to protect the health, safety and welfare of the citizens of the City of Alamogordo by reducing the risk of harm to the public posed by individuals driving under the influence of alcohol or drugs through the forfeiture of motor vehicles whose operators are driving under the influence in violation of the law or have violated ignition interlock restrictions.

24-02-02 Vehicle Nuisance.

A motor vehicle is hereby declared to be a public nuisance if it is:

- A. Operated by a person who is arrested for a driving under the influence of drugs or alcohol (hereinafter "DWI") offense; or
- B. Operated by a person whose license is currently revoked or denied as a result of a DWI arrest or conviction prohibiting them from driving, and/or

whose license is conditioned upon the use of an ignition interlock device, and the terms and conditions of these restrictions are violated.

24-02-03 Vehicles Subject to Forfeiture.

Except as otherwise provided herein, any motor vehicle which has been declared a public nuisance as defined in this article shall be subject to civil temporary seizure or permanent forfeiture proceedings as set forth in this article.

24-02-04 Seizure; Forfeiture Proceeding.

- A. Motor vehicles subject to forfeiture under this section may be seized by any police officer of the city upon an order issued by the district court.
- B. Seizure without such order may be made if seizure is incident to an arrest of the driver of the vehicle either for driving while intoxicated or for driving while his or her license is suspended or revoked as a result of a DWI arrest or conviction.
- C. A vehicle temporarily seized under this section shall not be subject to replevin, but is deemed to be in the custody of the police department seizing it subject only to the orders and decrees of the district court. The police department may take custody of the vehicle and remove it to appropriate and official locations within the district court's jurisdiction for disposition in accordance with this section. The police department shall establish reasonable towing and storage fees for vehicles temporarily seized in accordance with this section.
- D. At the time of seizure, the police department shall serve a copy of the notice of forfeiture upon the operator of the vehicle. A copy of the notice of forfeiture shall be mailed postage prepaid to the lawfully registered owner as verified by the New Mexico motor vehicle division on the next city business day following the arrest. The notice shall include the following:
 - (1) The license plate number, make, type and color of the vehicle;
 - (2) The location from which the vehicle was temporarily seized;
 - (3) A statement that the vehicle has been taken into custody and stored;
 - (4) The reason for temporary seizure;
 - (5) A name, phone number and title of the city employee from whom the owner can obtain further information;
 - (6) A statement that daily storage charges shall be assessed in addition to a towing charge;
 - (7) A statement that the owner has the right to contest the validity of the impoundment by requesting a hearing in writing within fifteen (15) city business days of the date of mailing of the notice of forfeiture; and
 - (8) A copy of this section.

- E. The owner may request that a hearing be scheduled before a hearing officer, appointed by the city manager or request an alternative as set forth in subsection 24-02-05. The hearing shall be held within fifteen (15) city business days of receipt of the request unless the hearing is continued with agreement of the parties. The hearing shall be informal and not bound by the technical rules of evidence. The hearing officer shall only determine whether the police officer had probable cause to arrest the operator of the vehicle and probable cause to seize the vehicle pursuant to this section. The hearing officer shall mail or deliver written notice of this or her decision to the owner within two (2) city business days of the hearing.
- F. If the hearing officer finds that the police officer did not have probable cause to arrest the operator and seize the vehicle, the vehicle shall be released. The hearing officer shall provide a written certificate of release to the owner of the vehicle. Upon receipt of the owner's copy of such certificate, the city shall release the vehicle to its owner or the owner's agent and storage fees shall be waived. If the owner fails to present such certificate to the city employee having custody of the vehicle within seventy-two (72) hours of its receipt, excluding non-city business days, the owner shall assume liability for all subsequent storage charges. The certificate shall advise the owner of such requirement. Any vehicle not recovered by the owner within thirty (30) calendar days after being notified by the city that such vehicles has been released by the city shall be deemed abandoned and disposed of in accordance with the notice provisions of Section 29-1-14 NMSA 1978.
- G. If the hearing officer determines that there was probable cause to arrest the operator of the vehicle and that the vehicle was properly seized, the city shall promptly file a verified petition in district court to abate the public nuisance and forfeit the vehicle pursuant to Section 30-8-8 NMSA 1978.
- H. Any person who, pursuant to the records of the motor vehicle division of the state taxation and revenue department, has an ownership or security interest in the vehicle subject to forfeiture with notice of the verified complaint in district court.
- I. When property is forfeiture pursuant to a district court judgment, the police department shall sell the motor vehicle, and the proceeds shall be used to carry out the purpose and intent of this section. Any proceeds that exceed the costs of administering this section shall be used for DWI enforcement, prevention and education. Any proceeds from the sale of abandoned vehicles pursuant to this section shall be used to carry out the purpose and intent of this section. However, the police department may keep up to six vehicles at a time for official police department purposes as set forth in department policies approved by the city manager.
- J. Any owner of a forfeited vehicle shall not be permitted to purchase the vehicle when offered for sale by the city.
- K. At any time subsequent to seizure and prior to the entry of a district court judgment, the owner of a motor vehicle seized under this ordinance may retrieve personal property (other than the motor vehicle) from the motor vehicle. The police department shall allow an owner to retrieve personal

property within seventy-two (72) hours, excluding non-city business days, of contacting the police department.

24-02-05 Alternatives to Forfeiture.

- A. The following procedures shall apply if the owner of the vehicle was not the operator of the vehicle subject to the forfeiture:
- (1) There shall be no forfeiture if the operator had no prior DWI history.
 - (2) Upon the first seizure of the vehicle, if the owner demonstrates by notarized affidavit that the owner of the vehicle had no prior knowledge of the operator's DWI history, no action shall be taken against the vehicle. The affidavit shall remain on file with the city.
 - (3) Upon the second seizure of the same vehicle, if the owner demonstrates by notarized affidavit that the owner of the vehicle had no prior knowledge of the operator's DWI history, the vehicle shall be immobilized for a period of thirty (30) calendar days and shall not be forfeited.
 - (4) Upon the third seizure of the same vehicle, the vehicle shall be subject to the forfeiture under this section if the operator is arrested for DWI or for driving on a license revoked or denied as a result of an arrest or conviction for DWI.
- B. The following procedures shall apply to an owner who is properly licensed but is arrested for driving while intoxicated:
- (1) An owner who has never been convicted of DWI may elect in lieu of forfeiture to have installed at the owner's expense an ignition interlock device approved by the New Mexico Department of Transportation Traffic Safety Bureau and/or to have the vehicle immobilized for the period of time during which the charges are pending, and, if convicted, for as long as thereafter required by the court.
 - (2) An owner whose arrest for DWI does not result in a conviction for DWI shall not have his or her vehicle forfeited.
 - (3) If the records of the activity of the ignition interlock device prior to adjudication of the DWI charge show alcohol use by any operator, regardless whether it is the owner whose use was originally to be a nuisance, the vehicle shall be returned to the police department within twenty-four (24) hours of notification to the owner by the police department, to be impounded until the DWI charge is resolved, and the police department may assess additional towing and storage charges. If the owner fails to return the vehicle within twenty-four (24) hours after notification of an ignition interlock violation, the owner shall be deemed to have abandoned all alternatives to forfeiture and the vehicle shall be subject to forfeiture proceedings.
- C. The following procedures shall apply to an owner who is not properly licensed but is arrested for driving on a license revoked or denied as a result of a DWI

arrest or conviction, and is not also arrested at the same time for a second or subsequent DWI:

- (1) An owner who, according to the records of the New Mexico motor vehicle division at the time of arrest, had completed the period of revocation imposed by the motor vehicle and was eligible to have his or her license reinstated with or without an ignition interlock, may elect in lieu of forfeiture to obtain a valid license (which may contain an ignition interlock restriction) within thirty (30) calendar days of arrest and within that time pay towing, storage and administrative fees set by the police department to have the motor vehicle returned to the owner.
- (2) If the owner needs to install an ignition interlock in the motor vehicle to obtain an ignition interlock license:
 - (a) The ignition interlock shall be installed at the police department impound lot;
 - (b) The owner shall sign an agreement with the police department allowing the owner to remove the motor vehicle from the lot for the purpose of obtaining the ignition interlock license within twenty-four (24) hours of removal of the motor vehicle, which agreement shall confess forfeiture of the motor vehicle upon any default by the owner of any terms of the agreement. The agreement shall provide, in addition to any other reasonable provisions, that:
 - (i) The owner shall report within twenty-four (24) hours of removal whether the owner has obtained the required interlock license;
 - (ii) If the interlock license has not been obtained, the owner shall have the remainder of the thirty (30) days to attempt to get the interlock license;
 - (iii) If it is not possible to obtain the interlock license, the vehicle shall be subject to forfeiture and may be seized by the police department if not returned within twenty-four (24) hours of removal; and
 - (iv) If the records of the activity of the ignition interlock device during the period of time required by the Motor Vehicle Division show alcohol use by any operator, regardless whether it is the owner whose use was originally declared to be a nuisance, the vehicle shall be returned to the police department within twenty-four (24) hours of notification to the owner by the police department, to be immobilized for a period of sixty (60) days for the first incident of alcohol use, and the police department may assess additional towing, storage and immobilization charges. If the owner fails to return the vehicle within twenty-four (24) hours after notification of an ignition interlock violation, or if there is a second incident of alcohol use, the owner shall be deemed to have

abandoned all alternatives to forfeiture and the vehicle shall be subject to forfeiture proceedings.

- (3) An owner who has previously had his or her motor vehicle returned under this section shall be ineligible to have that or any motor vehicle returned under this section.
- D. Immobilization may be accomplished by an immobilization device (boot) at the owner's designated location within the city limits, or by impoundment at a secure facility, in accordance with procedures established by the police department.
- E. The operator or owner shall pay towing and storage fees and all fees associated with the immobilization or interlock device.
- F. If a vehicle is determined by the police department to be so seriously damaged that it cannot be driven without extensive repairs and if the vehicle is not impounded as evidence, the police department may have the vehicle towed to a private towing company lot. The owner of the vehicle may recover the vehicle by a payment of \$270 to the police department and payment of any towing and storage charges to the private towing company. In the alternative, the owner may convey his or her interest in the vehicle to the police department and the owner shall not be charged any fees. If an owner does not choose either of these two options within thirty (30) days of impoundment, the vehicle shall be deemed impounded and shall be disposed of by the police department.

24-02-06 Property Interest Not Subject to Forfeiture

- A. Notwithstanding the provisions above, any forfeiture shall be subject to the interest of:
- (1) Any owner or co-owner of the vehicle not listed or named on the title or registration with the operator who cause the vehicle to become a nuisance, who did not have knowledge of, nor consented to, the use of the vehicle by the operator who caused the vehicle to become a nuisance, provided that upon establishment of a prima facie case of lack of knowledge or consent by the owner or co-owner, the burden of proving knowledge and consent shall be upon the city.
- (2) Any secured party, to the extent of the security interest, if the secured party establishes the security interest was acquired in good faith with no knowledge or reason to believe that the vehicle would be used by the operator of the vehicle declared to be a public nuisance as set forth in this section.
- B. If the secured interest is greater than the value of the vehicle, title shall be transferred to the secured party upon approval of the district court. Any secured party acquiring an interest after the vehicle is in the custody of the police department shall have the burden of intervening in the forfeiture proceeding to protect such interest. Any interest in the vehicle shall be properly filed with the New Mexico motor vehicle division in accordance with Sections 66-3-201 and 66-3-202 NMSA 1978 before the date of incident leading to the seizure.

24-02-07 Severability

If any section, paragraph, clause or provision of this ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, clause or provision shall not affect any other part of this ordinance.

ARTICLE V

THAT THE *ALAMOGORDO CODE OF ORDINANCES*, CHAPTER 24, TRAFFIC, IS AMENDED TO ADD THE FOLLOWING NEW ARTICLE 24-03 TO READ AS FOLLOWS:

24-03 Removal and Impounding of Vehicles

24-03-010. The following defined terms shall be applicable to this article, and in addition to any other terms defined elsewhere in this article.

Impound Lot shall mean the storage facility(ies) designated by the City of Alamogordo by resolution which provides for the secure storage of impounded vehicles seized pursuant to the Alamogordo Municipal Code or any other laws of the State of New Mexico.

Lien holder shall mean a bona fide lien holder whose security interest in the vehicle has been perfected in the manner prescribed by law prior to the impoundment of the vehicle.

Motor Vehicle Code means Articles 1 through 8 of Chapter 66 NMSA 1978 [except 66-7-102.1 NMSA 1978], as amended, supplemented, modified, reenacted and/or recodified, from time to time.

Motor vehicle is any wheeled vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, recreational vehicles and trailers.

Owner shall mean any person which is the actual owner or holder of legal title to any vehicle; the agent for any such actual owner or holder; the custodian of a vehicle; and/or the lessee of any vehicle.

Person shall mean any natural person, firm, partnership, association, corporation, trust or other entity.

24-03-020 Official impound lot designated.

The City shall designate by resolution an official impound lot or impound lots for all vehicles impounded under the provisions of this article. Any vehicle impounded

pursuant to this article will be stored at the impound lot with the exception of those vehicles impounded by Alamogordo Police Department for a criminal investigation.

24-03-030 Removal of vehicles.

Whenever any vehicle shall be impounded or towed pursuant to the Uniform Traffic Ordinance, Alamogordo Municipal Code section 14-01-140, any other laws of the State of New Mexico or City ordinance, now or hereafter in effect, such vehicles shall be removed, by or at the direction of the Alamogordo Police Department, to the impound lot. All vehicles that are seized pursuant to the authority of Chapter 24-02 the Alamogordo Municipal Code, or other laws of the State of New Mexico or ordinances of the City, shall be removed, by or at the direction of the Police Department, to the impound lot.

24-03-040 Recovery by owner.

Before an owner shall be permitted to remove an impounded vehicle from the impound lot, the owner shall pay to the actual charges incurred by the City in removing such vehicle to the impound lot and storage charges, all of which storage charges shall be determined in accordance with the provisions of section 24-03-050 of this article.

24-03-050. Amount of storage charges.

The fee for impounding a vehicle shall be equal to the fee charged by the towing services who tows the vehicle. The storage cost of the impounded vehicle shall be \$25.00 a day for each motor vehicle stored in the impound lot. Any part of a day shall count as a whole day.

24-03-060 Payment of charges; liability to other penalties.

The payment of the towing fee and storage charges shall not operate to relieve the owner of such vehicle from liability for any fine or penalty imposed for any civil or criminal violation of any law or ordinance on account of which the vehicle is impounded, and provided further that the payment of such charges shall be final and conclusive and shall constitute a waiver of any right to recover the monies paid.

24-03-070. Towing and Storage Lien.

The City shall have a lien on the motor vehicle for the towing fees and storage charges, may retain possession of the vehicle until the fees and charges are paid, and may have the vehicle sold at public auction to satisfy the lien. The lien that attaches to the vehicle shall be in accordance with Article 3, Liens on Personal Property, of Chapter 66 NMSA 1978, and may be foreclosed in the manner provided in section 48-3-13, NMSA 1978.

24-03-080. Lienholders.

A lienholder asserting its right to possession of an impounded vehicle pursuant to its conditional sales agreement may obtain immediate release of such vehicle by paying the applicable towing fees and storage charges provided in subsection (b) of this section and submitting a photocopy of the conditional sales agreement and title certificate, an affidavit stating that the purchaser is in default of the agreement and an indemnification certificate executed by an authorized agent of the lienholder.

Article VI

Effective Date. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED, APPROVED AND ADOPTED, this _____ day of _____, 2014.

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:
Final publication:
Effective date:

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014 **Report Date:** May 13, 2014 **Report No:** 11

Submitted By: Marc A South *MS* **Approved For Agenda:** *[Signature]*

Subject: Consider, and act upon, the first publication of Ordinance No. 1469 amending the official zoning map of the City of Alamogordo, changing the classification of a certain area consisting of Alamo Blocks Block 84 Lot 12, the South half of Lot 13, and Lot 14 (commonly known as 1121 and 1115 North Florida Avenue) from their present designation and zoning district of R-4, Multiple Family Dwelling District to C-3, Business District. (Case # Z-2014-0001(A) (Marc South, City Planner)

Fiscal Impact: \$0
Amount Budgeted: \$ 0
Fund: NONE

Recommendation: Approve the ordinance for publication.

Background: Discussion: Property owner requests to rezone the property listed above from R-4 Multiple Family Dwelling District to C-3 Business District).

The Alamogordo Daily News published notice of the hearing before the Planning and Zoning Commission. Staff mailed 5 notices to surrounding property owners. As of this writing, staff has received 0 letters returned as undeliverable and 0 emailed responses to this notice. We also have not received any phone calls relating to this rezoning.

STAFF RECOMMENDATION: Staff recommends approval of this application.

The property is currently being used as a "(g) Professional offices or studios of doctors, dentists, artists, musicians, lawyers, and other like professions" as defined in the City's R-4 District use regulations. The owners approached the City and expressed their desire to broaden the availability of craft related items at this location to items produced and sold by other persons in space within the currently existing structure. Staff determined that since there was some question as to whether this would still qualify as a "studio", a rezoning would be in order if the owners' wished to maintain the business at this location.

Reviewed By:

City Attorney *ST* City Clerk *RC* Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning *MS* Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

The other improved properties on the west side of N Florida in this block are zoned C-1; the lots on the east side of N Florida in this block are zoned R-4. The current Comprehensive Plan envisions commercial development on North Florida.

In summary, this proposal allows for the orderly (from a zoning perspective) growth of a small business. Staff is fully supportive of this proposal.

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: **Z-2014-0001(A)**

For the Subject Property as follows:

Commonly Known As: **1121 & 1115 North Florida Avenue**

Legal Description: **ALAMO BLOCKS BLOCK 84 LOT 12, THE
SOUTH HALF OF LOT 13, AND LOT 14**

The Alamogordo Planning & Zoning Commission considered this item on **May 1, 2014**, and recommended the following action to the Alamogordo City Commission by a vote of **4-0-0**.

Approve the rezoning of the property detailed above for Case #Z-2014-0001(A).

.....
The Alamogordo City Commission issued the following decision on **May 27, 2014**, by a vote of

Approve as recommended for first publication Ordinance # 1469.

.....
The Alamogordo City Commission issued the following decision on _____, by a vote of

Approve as recommended for final publication Ordinance # 1469.

Attest:

CITY OF ALAMOGORDO, New Mexico,
A New Mexico Municipal Corporation

Reneé L. Cantin, City Clerk

Susie Galea, Mayor

ORDINANCE No. 1469

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN AREA LOCATED AT 1121 AND 1115 NORTH FLORIDA AVENUE FROM ITS PRESENT DESIGNATION AND ZONING DISTRICT OF R-4, MULTIPLE FAMILY DWELLING DISTRICT TO C-3, BUSINESS DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Eva E Holguin and Alicia I Tejada (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 1121 and 1115 North Florida Avenue and legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

WHEREAS, an application has been filed in the Owners' names under Case No. **Z-2014-0001(A)** to change the zoning of the Property, and

WHEREAS, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the R-4 Multiple Family Residential District to the C-3, Business District; and

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

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

Alamo Blocks Block 84 Lot 12, the South half of Lot 13, and Lot 14

is hereby changed from R-4 Multiple Family Residential District to C-3, Business District;, and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2014

**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



City of Alamogordo

Engineering Department, 1376 E. Ninth Street, Alamogordo, New Mexico 88310. Ph (575)439-4220 FAX (575)439-4343

CD-010-2014

April 15, 2014

Eva E. Holguin
1121 N. Florida Ave.
Alamogordo, NM 88310

RE: Zoning Map Amendment Request

Ms. Holguin:

You have requested a hearing before the Planning and Zoning Commission for their consideration on rezoning for *1115 and 1121 N. Florida Ave.* From R-4, Multiple-Family Dwelling to C-3, Business District.

I have enclosed a mailing list of the property owners within 200 feet of your property, excluding right of way, and a map showing these properties. The Municipal Code requires that the City notify these property owners of the rezoning request and hearing. The list is based on the latest information on the Otero County web site. The applicant is responsible for identifying the property owners within the required notice area. If you know that the mailing list does not indicate the property owners within 200 feet, excluding right of way, please inform the Community Development Department of the discrepancy.

The next available meeting of the Planning and Zoning Commission is **Thursday May 1, 2014 at 6:00 P.M.** The applicant or a representative should be present for the meeting.

Keep in mind that the Planning and Zoning Commission makes a recommendation to the City Commission regarding your request. The City Commission has the authority to grant or not grant your request based upon the City Commission findings. The Alamogordo City Commission will hold a public hearing and may consider this rezoning for first publication at their regularly scheduled meeting on *Tuesday, May 27, 2014* beginning at 7:00 PM, in the City Commission Chambers in City Hall, 1376 E. Ninth Street, Alamogordo, New Mexico.

Please, contact me with any concerns or questions.

Sincerely,

Stella Rael, Planning & Zoning Administrator
Community Development Department
City of Alamogordo
1376 E Ninth St.
Alamogordo, NM 88310-5938
(575) 439-4208; Fax: (575)439-4343
srael@ci.alamogordo.nm.us

pc: File

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
MSOUTH@CI.ALAMOGORDO.NM.US
SGUTIERREZ@CI.ALAMOGORDO.NM.US



Case #: 2-2014-0001(A)

Date Received: 4-2-14

Property address (or location if no address): 1121 N. Florida Ave & 1115 N. Florida Ave
1121 N. Florida - BLK 84 Lt 12 S 1/2 Lot 13
1115 N Florida BLK 84 Lt 14

Legal description of property:

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: EVA E Holguin

Applicant's Address: 1121 N. Florida Ave

Applicant's City, State, Zip: Alamogordo, New Mexico 88310

Applicant's phone: Work; Home/Cell: (575) 491-0450; Fax:

Applicant's E-mail:

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

Table with 4 columns and 3 rows of checkboxes for relationship types: 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: EVA E. Holguin & Alicia I Tejada (Daughter)

Owner's Address: 1121 N. Florida Ave

Owner's City, State, Zip: Alamogordo N.M. 88310

Owner's phone: Work; Home/Cell: 575 491-0450; Fax:

Owner's E-mail:

- 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:

APPLICATION FOR A MAP AMENDMENT

CITY OF ALAMOGORDO
 COMMUNITY DEVELOPMENT DEPARTMENT
 APPLICATION FOR MAP AMENDMENT
 1376 E. NINTH STREET ALAMOGORDO, NEW MEXICO 88310
 575/439-4220 FAX: 575/439-4343
SGUTIERREZ@CI.ALAMOGORDO.NM.US
MSOUTH@CI.ALAMOGORDO.NM.US



PF-011-3705-312.11-06

Case #: Z - 2014-0001 (A)
 Fee: \$ 415.00

Date Received: APR 02 2014
 Receipt #: 96093

A. Property address (or location if no address): 1121 N. Florida & 1115 N. Florida
1121 N. Florida - BLK 84 Lt 12 5 1/2 Lot 13
1115 N Florida BLK 84 Lt 14

B. Applicant's name: EVA E Holguin

C. Area of property to be rezoned: 1121 N. Florida & 1115 N Florida

D. Complete the following table indicating the property location, the current zoning district in which the property is located, and the proposed zoning district.

Location (if different from "A"). Please, provide legal description of property for which you request rezoning. Use addition sheets if needed.	Current district	Proposed district:

D. New Mexico State Statute and the Alamogordo Municipal Code require the City Commission to consider an amendment request relative to certain objectives and standards. Please, discuss the bearing your request may have on the following. Be as brief as you feel sufficient, or supply a statement on an additional sheet.

1. What effect does your proposal have on lessening congestion? NO Change

2. What effect does your proposal have on securing the community's safety from fire, flood waters, panic and other dangers? No Change

3. What effect does your proposal have on promoting health and the general welfare? No Change

4. What effect does your proposal have on providing adequate light and air? No Change

5. What effect does your proposal have on avoiding undue concentration of population? No Change

APPLICATION FOR A MAP AMENDMENT

6. What effect does your proposal have on providing for adequate transportation, water, sewerage, schools, parks and other public requirements? _____

No Change

7. What effect does your proposal have on controlling and abating the unsightly use of buildings or land? _____

No Change

8. What effect does your proposal have on the character of the zoning district considering adjacent and adjoining properties within the subject property's current zoning district and the proposed zoning district? _____

No Change

9. What effect does your proposal have on the character of the properties throughout the City that are in the property's current zoning district and the proposed zoning district? _____

No Change

10. What effect does your proposal have on the value of buildings and land on adjacent and adjoining properties to the subject property and within the community as a whole? _____

No Change

11. What effect does your proposal have on encouraging the most appropriate use of land on adjacent and adjoining properties to the subject property and within the community as a whole? _____

No Change

12. What effect does the subject property's suitability for particular uses have on the appropriateness of granting your request? _____

No Change

13. What effect does conserving the value of buildings and land on the subject property have on the appropriateness of granting your request? _____

No Change

14. What effect does encouraging the most appropriate use of the subject property have on the appropriateness of granting your request? _____

No Change

I certify that all of the above statements and all statements, information, and exhibits that I am submitting in conjunction with this application for a zoning map amendment are true to the best of my knowledge.

Eva E. Halpin
Applicant's signature

3-24-14
Date

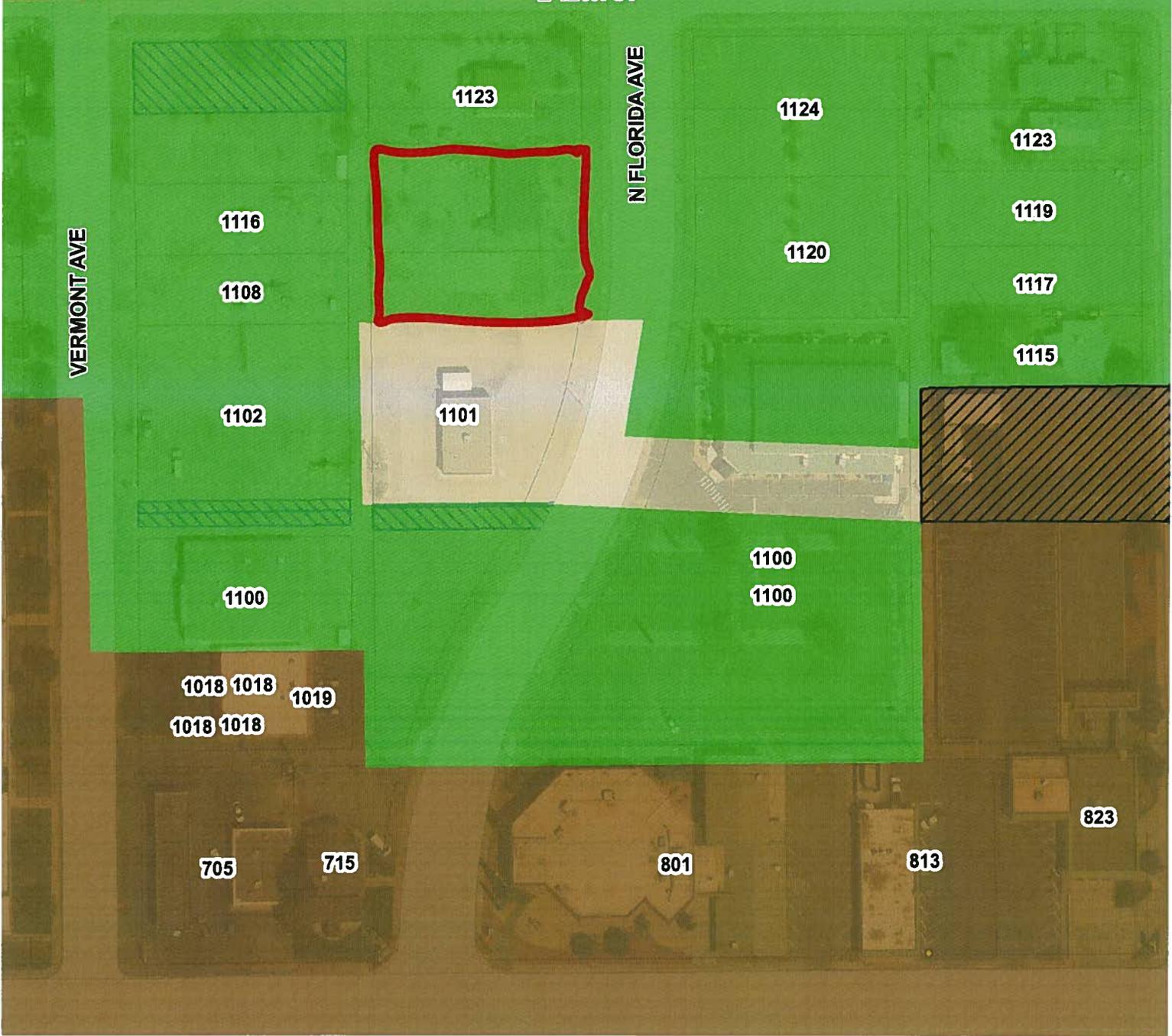


E 12TH ST





E 12TH ST



VERMONT AVE

N FLORIDA AVE



1208

1209

1206

1207

1204

1205

1202

1200

711

723

1206

1200

805

E 12TH ST

VERMONT AVE

N FLORIDA AVE



1123

1116

1121

1108

1115

1102

1101



1100

1018 1018 1019
1018 1018

705

715

1124

1123

1120

1119

1117

1115



1100

1100

823

801

813

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014 **Report Date:** May 13, 2014 **Report No:** 12

Submitted By: Marc A South  **Approved For Agenda:** 

Subject: Consider, and act upon, the first publication of Ordinance No. 1470 amending the official zoning map of the City of Alamogordo, changing the classification of a certain area consisting of Quail Hollow Subdivision Lots 7-11, and Quail Hollow 2 Subdivision Replat A Lots 2A-8A (commonly known as 1150, 1200, 1210, 1220, 1230, 1240, 1250, 1300, 1310, 1320, 1330, and 1340 San Carlos Street) from their present designation and zoning district of R-1, Single Family Dwelling District to R-2, Townhouse Dwelling District, within the corporate boundaries of the City of Alamogordo, Otero County, New Mexico. (Case # Z-2014-0002(A)) (Marc South, City Planner)

Fiscal Impact: \$0
Amount Budgeted: \$ 0
Fund: NONE

Recommendation: Approve the ordinance for publication.

Background: Discussion: Property owner requests to rezone the property listed above from R-1 Single Family Dwelling District to R-2 Townhouse Dwelling District).

The Alamogordo Daily News published notice of the hearing before the Planning and Zoning Commission. Staff mailed 12 notices to surrounding property owners. As of this writing, staff has received 0 letters returned as undeliverable and 0 emailed responses to this notice. We received two (2) phone calls relating to this rezoning: in both cases the recipient(s) of the letters mistakenly believe that the rezoning would apply to their property; upon determining that this was not so, they had no objection to the rezoning as proposed.

STAFF RECOMMENDATION: Staff recommends approval of this application.

This application from Quail Hollow, LLC is a direct response to market forces. Quail Hollow has been approached by a number of builders who have expressed interest in building new single family homes in this subdivision, but only on the condition that the lots for these houses can be

Reviewed By:

City Attorney 	City Clerk 	Community Development _____	Community Services _____
Finance _____	Housing Authority _____	Planning 	Personnel _____
Public Safety _____	Public Works _____	Purchasing _____	Assistant City Manager _____

made smaller. This is consistent with reported real estate trends from across the United States, when consumers are indicating an interest in houses that are the same size (or slightly larger) than those being sold before the start of the housing recession in 2008, but these consumers do not want yards as large as those previously provided. Quail Hollow has stated that there is no intention to develop this area as townhouses/rowhouses; the replat that will be presented to you at the second reading of the ordinance supports the lack of intent to develop as rowhouses.

The portion of the subdivision in which this lot shrinkage is proposed (the currently existing 12 lots will be replatted into 15 lots if this rezoning is approved) is in an area that is currently bare ground. The houses to be built and sold in this area will be marketed with these smaller lots already in existence, so the question of a change in the nature of the subdivision after construction and sale of houses is not pertinent.

The Commission has, in the past, approved similar rezonings in the nearby Hermoso el Sol and Valencia subdivisions. Those rezonings have been driven by the same market forces in evidence here.

Record of Decision
City of Alamogordo
A New Mexico Municipal Corporation

Case#: Z-2014-0002(A)

For the Subject Property as follows:

Commonly Known As: 1150, 1200, 1210, 1220, 1230, 1240, 1250, 1300, 1310, 1320, 1330, and 1340 San Carlos Street

Legal Description:

QUAIL HOLLOW SUBDIVISION LOTS 7-11, AND QUAIL HOLLOW 2 SUBDIVISION REPLAT A LOTS 2A-8A

The Alamogordo Planning & Zoning Commission considered this item on May 1, 2014, and recommended the following action to the Alamogordo City Commission by a vote of 4-0-0.

Approve the rezoning of the property detailed above for Case #Z-2014-0002(A).

.....

The Alamogordo City Commission issued the following decision on May 27, 2014, by a vote of _____

Approve as recommended for first publication Ordinance # 1470.

.....

The Alamogordo City Commission issued the following decision on _____, by a vote of _____

Approve as recommended for final publication Ordinance # 1470.

Attest:

CITY OF ALAMOGORDO, New Mexico,
A New Mexico Municipal Corporation

Reneé L. Cantin, City Clerk

Susie Galea, Mayor

ORDINANCE No. 1470

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALAMOGORDO, CHANGING THE CLASSIFICATION OF A CERTAIN AREA LOCATED AT COMMONLY KNOWN AS 1150, 1200, 1210, 1220, 1230, 1240, 1250, 1300, 1310, 1320, 1330, AND 1340 SAN CARLOS STREET FROM THEIR PRESENT DESIGNATION AND ZONING DISTRICT OF R-1, SINGLE FAMILY DWELLING DISTRICT TO R-2, TOWNHOUSE DWELLING DISTRICT, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF ALAMOGORDO, OTERO COUNTY, NEW MEXICO.

WHEREAS, Quail Hollow LLC (hereinafter referred to as "the Owners") are the owners of certain real property commonly known as 1150, 1200, 1210, 1220, 1230, 1240, 1250, 1300, 1310, 1320, 1330, and 1340 San Carlos Street and legally described below (herein after referred to as "the Property") located within the corporate boundaries of the City of Alamogordo, New Mexico, (hereinafter referred to as "the City"); and

WHEREAS, an application has been filed in the Owners' names under Case No. **Z-2014-0002(A)** to change the zoning of the Property, and

WHEREAS, the Planning and Zoning Commission, after notice and hearing did recommend to the City Commission adoption of an ordinance amending the zoning map by removing the Property from the from their present designation and zoning district of R-1, Single Family Dwelling District to R-2, Townhouse Dwelling District; and

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

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

Quail Hollow Subdivision Lots 7-11, and Quail Hollow 2 Subdivision Replat A Lots 2A-

is hereby changed from R-1, Single Family Dwelling District to R-2, Townhouse Dwelling District, and the official zoning map and comprehensive plan of the City are hereby amended to reflect this change.

PASSED, APPROVED, AND ADOPTED this _____ day of _____,
2014

**CITY OF ALAMOGORDO, NEW MEXICO a
New Mexico municipal corporation**

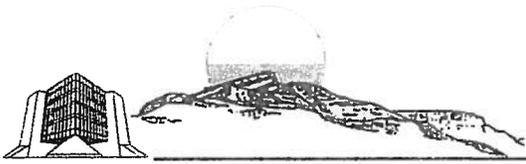
By: _____
Susie Galea, Mayor

ATTEST:

Reneé L. Cantin, City Clerk

APPROVED AS TO FORM:

Stephen P. Thies, City Attorney



City of Alamogordo

Planning & Zoning 1376 E. Ninth Street

Alamogordo, New Mexico 88310
Srael@ci.alamogordo.nm.us

Ph (575)439-4220 FAX (575)439-4343

CD-011-2014

April 24, 2014

Quail Hollow, LLC
PO BOX 111
Alamogordo, NM 88311

RE: Zoning Map Amendment Request

To Whom It May Concern:,

You have requested a hearing before the Planning and Zoning Commission for their consideration on rezoning for *Lots 7-11 of Quail Hollow and Lots 2A-8A of Quail Hollow 2* from R-1, Single Family District to R-2, Town House Dwelling..

I have enclosed a mailing list of the property owners within 200 feet of your properties, excluding right of way, and a map showing these properties. The Municipal Code requires that the City notify these property owners of the rezoning request and hearing. The list is based on the latest information on the Otero County web site. The applicant is responsible for identifying the property owners within the required notice area. If you know that the mailing list does not indicate the property owners within 200 feet, excluding right of way, please inform the Community Development Department of the discrepancy.

The next available meeting of the Planning and Zoning Commission is **Thursday May 1, 2014 at 6:00 P.M.** The applicant or a representative should be present for the meeting.

Keep in mind that the Planning and Zoning Commission makes a recommendation to the City Commission regarding your request. The City Commission has the authority to grant or not grant your request based upon the City Commission findings. The Alamogordo City Commission will hold a public hearing and may consider this rezoning for first publication at their regularly scheduled meeting on **Tuesday, May 27, 2014** beginning at **7:00 PM**, in the City Commission Chambers in City Hall, 1376 E. Ninth Street, Alamogordo, New Mexico.

Please, contact me with any concerns or questions.

Sincerely,

Stella Rael, Planning & Zoning Administrator
Community Development Department

City of Alamogordo

1376 E Ninth St.

Alamogordo, NM 88310-5938

(575) 439-4208; Fax: (575)439-4343

srael@ci.alamogordo.nm.us

pc: File

City Of Alamogordo Public Hearing Notice

The Alamogordo Planning and Zoning Commission will hear this rezoning request at their public meeting, beginning at 6:00 PM, Thursday, May 1, 2014 in City Commission Chambers, City Hall, 1376 E. Ninth Street, Alamogordo, New Mexico.

Case #:	Z-2014-0002(A)
Owner:	Quail Hollow, LLC
Property Legal Description	LOTS 7-10, QUAIL HOLLOW AND LOTS 2A-8A, QUAIL HOLLOW 2, ALAMOGORDO, OTERO COUNTY, NEW MEXICO
Current Zoning	R-1- Single Family Dwelling
Proposed Zone	R-2- Town House Dwelling
Request:	Property owner is requesting that the City amend the zoning map to change the zoning of properties mentioned above from R1 to R2.

Comments including objections must be submitted in writing to be a part of the case record. Please be specific about the reasons underlying your position. Submit comments to: Alamogordo Community Development Department, 1376 E. 9th Street, Alamogordo, New Mexico and must be received no later than noon on the day before the public hearing (May 1, 2014) held by the Planning and Zoning Commission.

Further info, contact Ms. Stella Rael, Planning and Zoning Administrator, 575/439-4208, or by email at srael@ci.alamogordo.nm.us

APPLICATION FOR A MAP AMENDMENT

City of Alamogordo
 Community Development Department
 Application for Map Amendment
 1376 E. 9th St Alamogordo, New Mexico 88310
 575.439.4220 Fax: 575.439.4343
msouth@ci.alamogordo.nm.us
www.ci.alamogordo.nm.us



PF-011-0000-312.11-06

Case #: Z - 2014-0002(A)

Date Received: 4-1-14

Fee: \$ 415.00 + (15.00 x 2)
\$ 445.00

Deposit: \$200

Receipt #: 95407

A. Property address (or location if no address): See Attached

B. Applicant' Name: Quail Hollow LLC

C. Area of property to be rezoned: 2.385

D. Complete the following table indicating the property location, the current zoning district in which the property is located, and the proposed zoning district.

Location (if different from "A"). Please, provide legal description of property for which you request rezoning. Use addition sheets if needed.	Current district	Proposed district:
<u>See Attached</u>	<u>R-1</u>	<u>R-2</u>

New Mexico State Statute and the Alamogordo Municipal Code require the City Commission to consider an amendment request relative to certain objectives and standards. Please discuss the bearing your request may have on the following. Be as brief as you feel sufficient, or supply a statement on an additional sheet.

1. What effect does your proposal have on lessening congestion?

Congestion is lessened by providing paved streets and improved traffic flow

2. What effect does your proposal have on securing the community's safety from fire, flood waters, panic and other dangers?

The communities safety is improved by adding adequate infrastructure for firefighting, drainage and ingress and egress

APPLICATION FOR A MAP AMENDMENT

3. What effect does your proposal have on promoting health and the general welfare?

Developed lots eliminate the need to treat well water and eliminates the need to rely on septic tanks and other pollution sources

4. What effect does your proposal have on providing adequate light and air?

By defining building set backs an envelope is created around the buildings thus preserving access to air and light

5. What effect does your proposal have on avoiding undue concentration of population?

By organizing the building layout into a defined pattern and size the undue concentration is avoided

6. What effect does your proposal have on providing for adequate transportation, water, sewerage, schools, parks and other public requirements?

It has no effect on the above by providing city approved lots and infrastructure

7. What effect does your proposal have on controlling and abating the unsightly use of buildings or land?

Between the zoning requirements and restrictive covenants unsightliness should not be an issue

8. What effect does your proposal have on the character of the zoning district considering adjacent and adjoining properties within the subject property's current zoning district and the proposed zoning district?

This proposal will provide a cohesive mixture of single family living styles in this area of the community

9. What effect does your proposal have on the character of the properties throughout the City that are in the property's current zoning district and the proposed zoning district?

See number 8

10. What effect does your proposal have on the value of buildings and land on adjacent and adjoining properties to the subject property and within the community as a whole?

By providing the city approved infrastructure and improving currently vacant desert land, the general values of the area should increase

APPLICATION FOR A MAP AMENDMENT

11. What effect does your proposal have on encouraging the most appropriate use of land on adjacent and adjoining properties to the subject property and within the community as a whole?

By improving the land and providing the infrastructure adjacent residential properties will be developed and building will be encouraged.

12. What effect does the subject property's suitability for particular uses have on the appropriateness of granting your request?

By granting this request to rezone the lots a variety of building styles will be available in this designated residential area.

13. What effect does conserving the value of buildings and land on the subject property have on the appropriateness of granting your request?

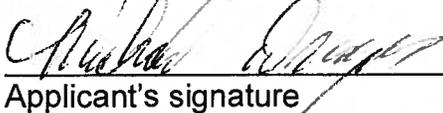
N/A

14. What effect does encouraging the most appropriate use of the subject property have on the appropriateness of granting your request?

The effect of encouraging the residential development of the property is better neighborhoods, better infrastructure and increased tax base for the City

I certify that all of the above statements and all statements, information, and exhibits that I am submitting in conjunction with this application for a zoning map amendment are true to the best of my knowledge.

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.


Applicant's signature

05-28-14

Date

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
 MSOUTH@CI.ALAMOGORDO.NM.US
 SGUTIERREZ@CI.ALAMOGORDO.NM.US



Case #: Z-2014-0002(A)

Date Received: 4-1-14

Property address (or location if no address): See Attached

Legal description of property: See Attached

Property ID or Property Code from real estate tax bill: See Attached

Map Code or Universal Property Code from real estate tax bill: See Attached

APPLICANT/PROFESSIONAL REPRESENTATIVE INFORMATION:

Applicant's Name /Organization: Branden Langley of Alamotero Land Surveys, P.C.

Applicant's Address: 1101 N. Florida Avenue

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

Applicant's phone: Work 575-437-7074 ; Home/Cell: _____ ; Fax: 575-437-7075

Applicant's E-mail: BLangley@tularosa.net

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

<input type="checkbox"/> same	<input type="checkbox"/> beneficiary of trust	<input type="checkbox"/> lessee	<input checked="" type="checkbox"/> architect, engineer or surveyor of property owner
<input type="checkbox"/> co-owner	<input type="checkbox"/> officer of corporation	<input type="checkbox"/> potential lessee	<input type="checkbox"/> real estate agent of property owner
<input type="checkbox"/> trust officer	<input type="checkbox"/> contract purchaser	<input type="checkbox"/> attorney of property owner	<input type="checkbox"/> other: _____

PROPERTY OWNER INFORMATION:

Owner's Name/Organization: Quail Hollow LLC

Owner's Address: 341 Desert Sun Court

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

Owner's phone: Work _____ ; Home/Cell: 575-430-4517 ; Fax: _____

Owner's E-mail: _____

- 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

I am requesting the following type of review:

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

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

The owner is replatting 12 lots into 15 smaller lots. The original lots are zoned R-1 but the new lots do not meet the minimum width requirement. A request to rezone the lots to R-2 is concurrently being submitted.

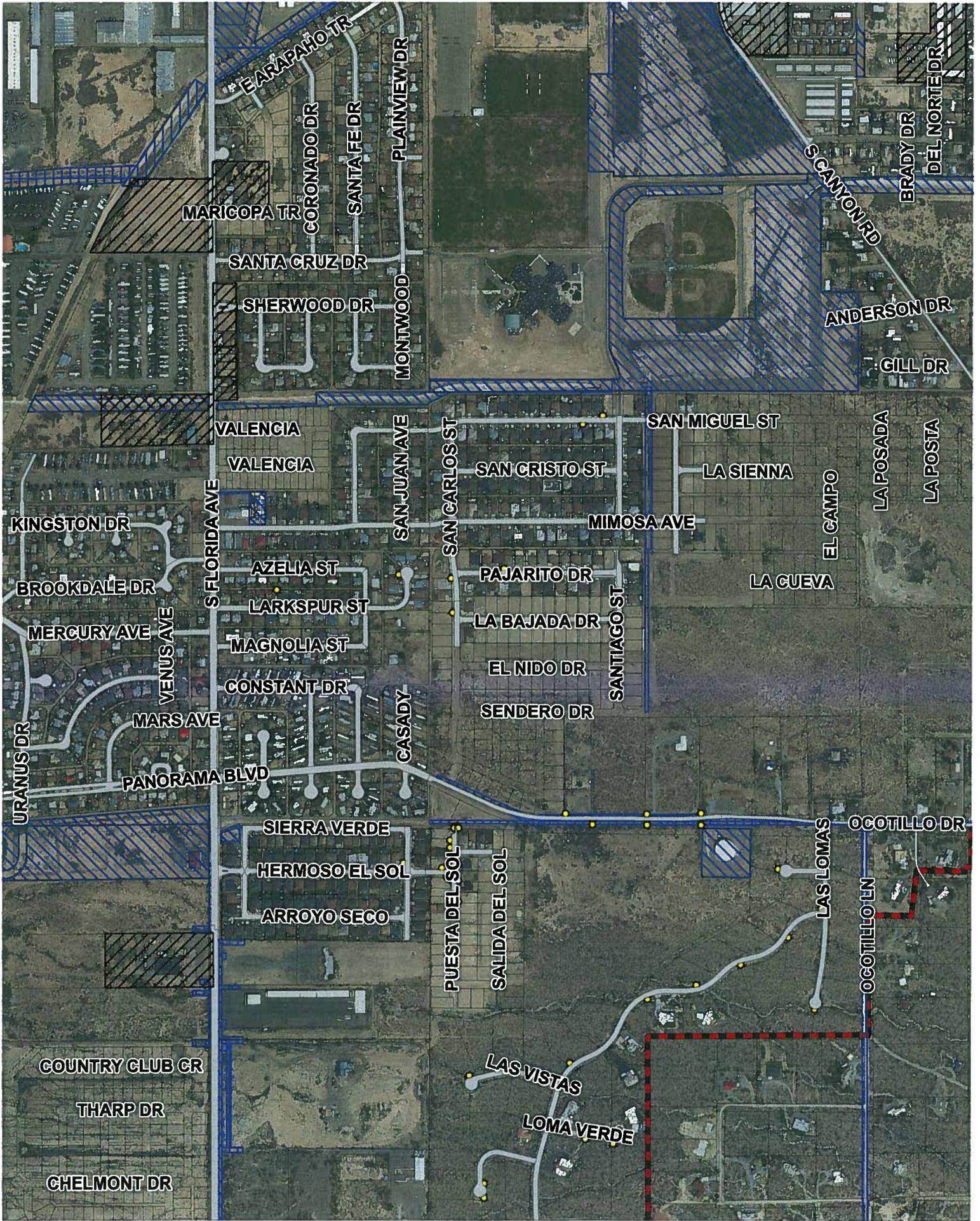
I certify that all of the above statements and all statements, information, and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance are true to the best of my knowledge.

Michael Dwyer
Owner's signature

03-28-14
Date

Brianne Langley
Applicant's signature

03/28/14
Date



E ARAPAHO TR

CORONADO DR

SANTA FE DR

PLAINVIEW DR

MARICOPA TR

SANTA CRUZ DR

SHERWOOD DR

MONTWOOD

SCANYON RD

BRADY DR

DEL NORTE DR

ANDERSON DR

GILL DR

VALENCIA

VALENCIA

SAN JUAN AVE

SAN CARLOS ST

SAN MIGUEL ST

SAN CRISTO ST

LA SIENNA

MIMOSA AVE

EL CAMPO

LA POSADA

LA POSTA

KINGSTON DR

S FLORIDA AVE

AZELIA ST

PAJARITO DR

LA CUEVA

BROOKDALE DR

LARKSPUR ST

LA BAJADA DR

MERCURY AVE

MAGNOLIA ST

EL NIDO DR

MARS AVE

CONSTANT DR

SENDERO DR

URANUS DR

PANORAMA BLVD

CASADY

SANTIAGO ST

SIERRA VERDE

OCOTILLO DR

HERMOSO EL SOL

PUESTA DEL SOL

SALIDA DEL SOL

LAS LOMAS

OCOTILLO LN

ARROYO SECO

COUNTRY CLUB CR

LAS VISTAS

THARP DR

LOMA VERDE

CHELMONT DR



MIMOSA AVE

LARKSPUR CT

PAJARITO DR

SAN CARLOS ST

LA BAJADA DR

SANTIAGO ST

EL NIDO DR

SENDERO DR

SANTIAGO ST

LA CODORNIZ DR

CASADY

CASADY CT

SIERRA VERDE

HERMOSO EL SOL

OCOTILLO DR

MIMOSA AVE

LARKSPUR CT

PAJARITO DR

SAN CARLOS ST

LA BAJADA DR

SANTIAGO ST

EL NIDO DR

SENDERO DR

CASADY

SANTIAGO ST

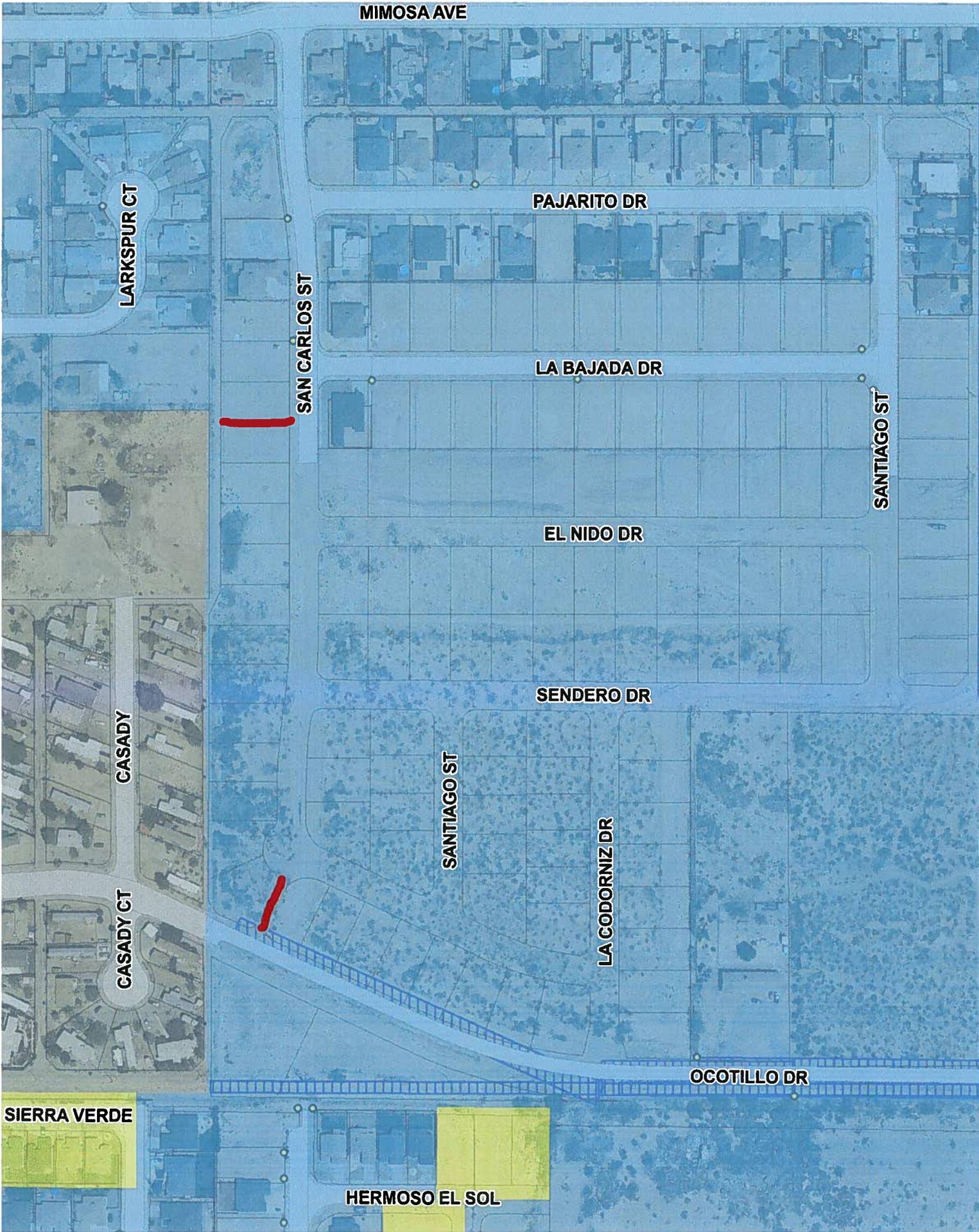
LA CODORNIZ DR

CASADY CT

OCOTILLO DR

SIERRA VERDE

HERMOSO EL SOL



AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 14, 2014 **Report No:** 13

Submitted By: Stephen P. Thies

Approved For Agenda: 

Subject: Consider, and act upon, the first publication of Ordinance No. 1471 modifying the composition of the Airport Advisory Board.

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

Recommendation: Approve the Ordinance **[Roll call vote required]**

Background: This ordinance will amend the composition of the Airport Advisory Board to require that three members shall consist of persons who either reside or own property in the City of Alamogordo with preference being given to city residents.

Reviewed By:

City Attorney STT City Clerk PC Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____

ORDINANCE NO. 1471

**AMENDING SECTION 4-02-020
OF THE CODE MODIFYING THE COMPOSITION
OF THE AIRPORT ADVISORY BOARD**

BE IT ORDAINED by the City Commission of the City of Alamogordo, New Mexico that Section 4-02-020 of the *Code of Ordinances* be amended to read as follows:

4-02-020. - Airport Board—Membership, terms of office.

The airport board shall be composed of five (5) members, to be appointed by the mayor with the advice and approval of a majority of the remaining members of the city commission, two (2) of whom shall be licensed pilots. Members shall be residents of either the city or the county with a maximum of two (2) members residing in the county who do not own property in the City of Alamogordo. The remaining three members shall consist of persons who either reside or own property in the City of Alamogordo with a preference being given to City residents. Appointments shall be for two (2) year overlapping terms.

DONE this _____ day of _____, 2014.

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: 5/27/2014

Report Date: 5/13/2014

Report No: 14

Submitted By: Jason Richards

Approved For Agenda: _____

Matt McNeile, Assistant City Manager



Subject: Consider, and act upon, approval to proceed with applications for Governmental Liquor Licenses for the Ed Brabson Balloon Park & Hoosier Field B Complex.

Recommendation: Approve Community Services to proceed with the application for a Governmental Liquor License at Ed Brabson Balloon Park & Hoosier Field B Complex.

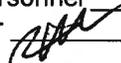
Background: The City of Alamogordo currently has three (3) Governmental Liquor Licenses, (Sgt. Willie Estrada Memorial Civic Center, Alameda Park Zoo and Griggs Sports Complex. The liquor licenses provide an enhanced service to the community as well as generate additional revenue that is utilized to offset operating expenses.

The Hoosier Sports Complex hosts approximately 15 adult softball tournaments each year that attracts participants from throughout New Mexico and Texas. The location will only service the "B" Complex which facilitates adult leagues and tournaments. The facility will be in compliance with the State of New Mexico Alcohol and Gaming Divisions rules and regulations.

The Ed Brabson Balloon Park has the potential to become a very enjoyable venue location for events such as Balloon Fiesta or concerts. The facility will be in compliance with the State of New Mexico Alcohol and Gaming Divisions rules and regulations.

We are respectfully asking for the Commission's approval before we take the time for the extensive application process.

Reviewed By:

City Attorney _____ City Clerk RC Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager 



**ED BRABSON
BALLOON PARK**

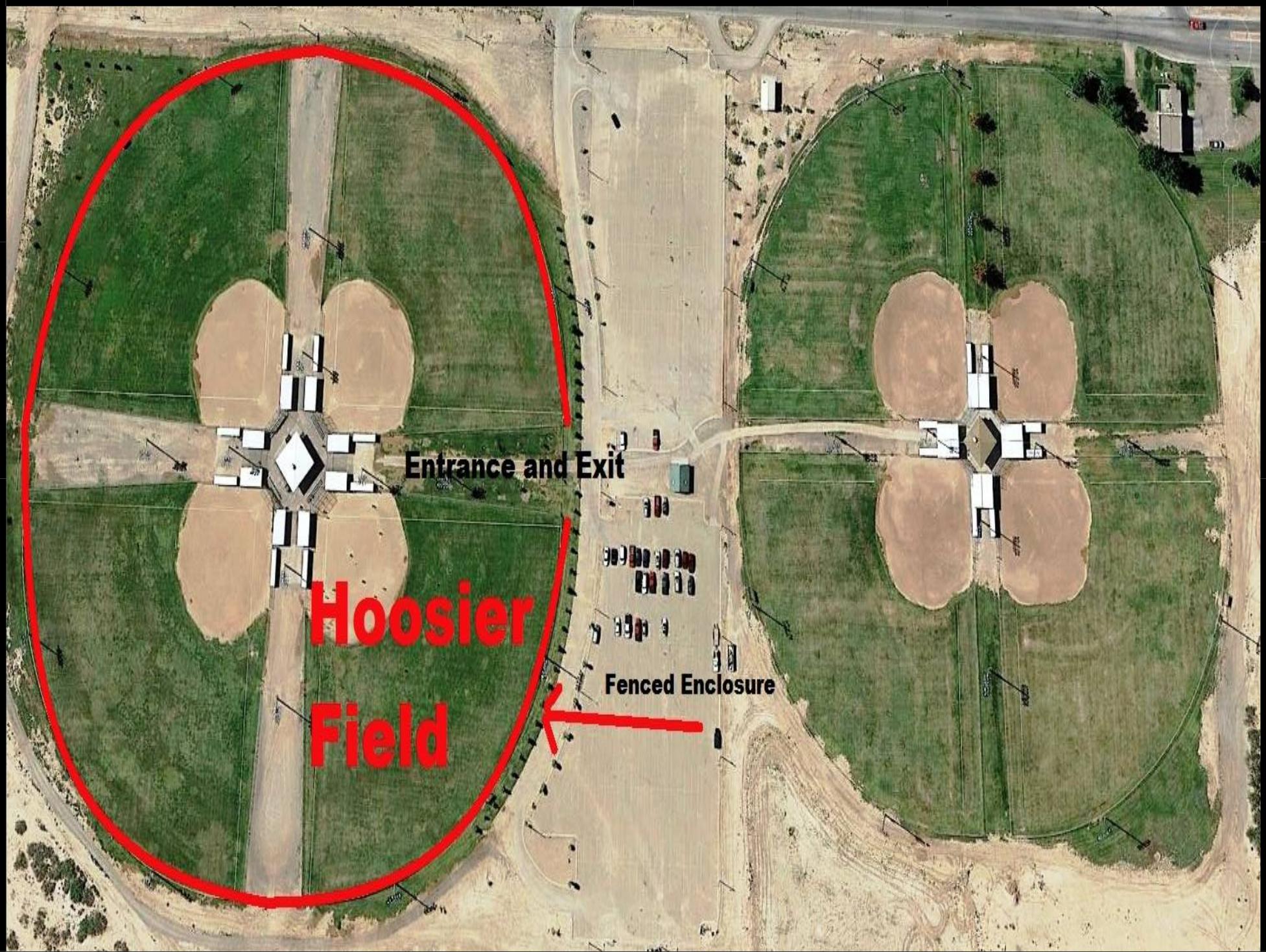
Entrance and Exit

Fenced Enclosure

Entrance and Exit

**Hoosier
Field**

Fenced Enclosure



AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 14, 2014

Report No: 15

Submitted By: Renee Cantin
City Clerk

Approved For Agenda: _____


Subject: Discussion, and possible direction to the Street and Facility Naming Committee to prepare a list of possible city properties that would benefit the community by renaming them in honor of some residents for their legacy of service.

Fiscal Impact: N/A
Amount Available: N/A
Fund: N/A

Recommendation: Direct staff to prepare a list of possible properties.

Background: At the May 13th Regular meeting, Mayor Galea requested this item to be discussed at the next meeting. A copy of the Streets & Facilities Naming Policy is attached.

Reviewed By:

City Attorney _____ City Clerk RC Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager RC Utilities _____

City of Alamogordo, New Mexico

Policy for Naming City Streets and City Facilities

I. PURPOSE

The purpose is to establish a systematic, fair, and consistent policy and process for naming and renaming public streets and public facilities. The policy provides for citizen input, recommendations from a diverse committee, and City Commission approval to adopt all names, with the exception of subdivisions, which may be approved by the Alamogordo Planning and Zoning Commission.

II. INTENT

The success and vitality of the City depends on the contribution and support from citizens, volunteers, financial donors, community leaders and officials. Honorees may include individuals, groups, companies or corporations. The City welcomes the opportunity to honor those who have demonstrated outstanding service and have worked to enhance our community. A fair and impartial policy is necessary to assure that naming or dedicating a street or facility based on an individual, group or corporation is reserved for those most deserving and appropriate, and to recognize substantial gifts benefiting the City. Further, naming decisions should not be influenced by personal prejudice, favoritism, political pressure or temporary popularity.

III. COMMITTEE COMPOSITION AND APPOINTMENTS

The Street and Facility Naming Committee shall consist of five (5) members, one member of the Planning and Zoning Commission, one member of the Park and Recreation Advisory Board, one member from the Tularosa Basin Historical Society, and two members from City Staff. The Committee Members shall be appointed by the City Commission with reappointments during January.

IV. OBJECTIVES

The naming process of public streets and facilities should:

1. Advance the reputation of the City, as well as increase the understanding and public support for its programs.
2. Ensure ready identification or geographical association by the public.
3. Encourage public participation in the naming, renaming and dedication of City streets and facilities.

4. Encourage naming of City streets and facilities in accordance with the geologic, geographical, cultural, historical, botanical, horticultural, scientific, or ecological features indigenous to the site and the community.
5. Encourage the dedication of lands, facilities, or donations by individuals and groups.

V. CRITERIA

A. GENERAL CRITERIA

The naming of public streets and public facilities may be based upon the following:

1. A significant monetary, grant, donation or bequest to the City toward the acquisition or development of a public street or public facility;
2. A substantial community service that has had a major impact or benefit to a large sector of the City from an individual who:
 - a. demonstrates dedication to service in ways that brings special credit to the City, or
 - b. volunteers and give extraordinary help to individuals, families, groups, or community services;
3. Naming a public street or facility after a living person or organization is not recommended. However, there are times when the community believes it to be the proper and necessary thing to do. The person should have made a major contribution to the City of Alamogordo in either deed or monetary contribution. The organization also should have made a major contribution to the City of Alamogordo in either deed or monetary contribution. Honoring a living individual or an organization, will be subject to the most careful examination.
 - a. Some criteria considerations could include, but not limited to:
 - i. A significant monetary contribution toward acquisition or development of a public street;
 - ii. When eighty percent (80%) or more of the value of the property is donated by the person or organization;
 - iii. When eighty (80%) or more of the cost of development is donated by the person or organization to the enhancement of the quality of life in the community;
 - iv. When a major contribution has been made by the person or organization to the enhancement of the quality of life in the community;

- v. Outstanding accomplishments by an individual for the good of the community. Quality of the contribution should be considered along with the length of service by the individual.
- b. Implicit to the naming process is the intent of permanent recognition. Therefore, the process shall be careful and deliberate and, as much as possible, involve the evaluation criteria as follows:
 - i. Fine moral character;
 - ii. Demonstrated leadership qualities;
 - iii. Nature of the contributions compliment and support the mission of the City of Alamogordo;
 - iv. Substantial contribution, whether consisting of volunteer service, the provision of land or monetary donation.
 - v. Initiative and/or involvement relating to a specific program or project of exceptional merit, which has extensively and directly benefited the public.
4. If the public street or facility is to be named after an individual, it is recommended that it be after the person has been deceased for a minimum of one year. Some criteria considerations can include:
- a. Same guidelines for living people or organization shall apply;
 - b. Proposed names commemorating a deceased person(s) shall be considered only if the living next of kin have approved the request; and
5. Honoring elected public officials who may be considered after the public service has concluded for a minimum of one year.
6. If the public street or facility is named for geographical, geologic, historical, botanical, horticultural, scientific, or ecological features indigenous to the site or to the immediate vicinity of the site, it is recommended that street or facility be named after City of Alamogordo historic sites, descriptive names, places or features (such as streets, schools, or natural resources). Names should be chosen after a feature that is associated with a real characteristic of the site and easy to remember. That feature should be relatively timeless so that the name does not diminish in appropriateness with time. Some criteria considerations can include:
- a. Use of names should be controlled to avoid duplication confusion.
 - b. For street naming, if named after a geographic location, it should be associated with the street immediately adjacent to the location.

B. PUBLIC STREETS AND FACILITIES

This policy only applies to streets and facilities after they have been dedicated as public.

1. As a general policy, public streets and facilities shall be named in accordance with the general criteria outlined in Section IV, subsection A.
2. A public street shall not be renamed unless the owners of 90% of the linear feet of the abutting property agree to change the name of the street, unless the change is required for emergency provider's purposes. Individuals and groups submitting the request shall be required to provide a notarized list of the concurring property owners' agreement.
3. The name of a street that is located within a designated historical district shall not be changed unless there are compelling reasons for the change.

C. NEW SUBDIVISIONS

Streets located within new subdivisions shall be named subject to Section 22.01.060 of the Subdivision Regulations.

V. PROCEDURES

A. SUBMISSIONS OF REQUESTS

Requests for the naming or the renaming of public streets or public facilities shall be submitted in writing to the Office of the City Manager. The person(s) submitting the request shall provide background information regarding the rationale behind the request, including biographical information if the proposal is to name the property for an individual. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time.

B. SUBMISSION TO COMMITTEE

The City Manager shall submit the request to a committee appointed by the City Commission within 10 days of receiving the request. Said committee shall research, review, and study the recommendations and all its supporting documentation. A Public Meeting may be conducted regarding the request. If a Public Meeting is held, there will be a public comment period of thirty (30) days after the Public Meeting,

C. SUBMISSION TO THE CITY COMMISSION

The committee shall submit its recommendation regarding the request to the City Commission within 90 days of receiving the request from the City Manager. The City Commission will review the street naming and/or name change requests or naming of public facilities, and shall be the final authority for all such decisions.

D. COST OF ASSOCIATED WITH NAMING CITY STREETS AND CITY FACILITIES

All costs associated with naming City Streets and City Facilities (including installation) will be the responsibility of the person(s) submitting the request. Examples include plaques, street signs, publication/notice fees for legal advertisements, etc...

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: May 27, 2014

Report Date: May 14, 2014 **Report No:** 16

Submitted By: Rachel Hughs

Admin. Asst/City Clerk's Office

Approved For Agenda: _____



Subject: Notification of Boards and Committees vacancies.

Background:

Airport Advisory Board. Two (2) vacancies. Staff Liaison - Jan Wafful
(Opening due to the resignations of John Battle & Christina Wampler)
No nominations received.

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. Three (3) vacancies. Staff Liaison - Edward Balderrama
(Openings due to the resignation of Bradley Mauger and the passing of Ed Grabman.)
No nominations received.

Community Development Advisory Committee. Two (2) vacancies. Staff Liaison - Ruben Segura
(Opening due to the expiring term of Melanie Hall and the resignation of Arthur Alterson.)
No nominations received.

Housing Authority Advisory Board One (1) vacancy. Staff Liaison - Maggie Paluch
(This is a new board and anyone appointed will be new to this board)
One of the members appointed on December 3rd has not returned his acceptance letter, therefore another person needs to be appointed.
No nominations received.

Mayor's Committee on Aging. One (1) vacancy. Staff Liaison - Britney Coutier
(Opening due to the expiring term of Mary Hammon)
No nominations received.

Senior Volunteer Program. Three (3) vacancies Staff Liaison - Karen Groves
(Opening due to the expiring term of Iris Lester, Blaza Madrid, and Laura Blackmon)
No nominations received.

Reviewed By:

City Attorney _____ City Clerk RC Community Development _____ Community Services _____
Finance _____ Housing Authority _____ Planning _____ Personnel _____ Public Safety _____
Public Works _____ Purchasing _____ Assistant City Manager _____