



# Alamogordo City Commission

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## NOTICE OF MEETING

### Special Meeting Agenda

April 23, 2020 - 1:00 PM

The Special Meeting will be a VIRTUAL MEETING with City Commission and City staff participating through video.

- Richard Boss ..... Mayor
- Nadia Sikes ..... Mayor Pro-Tem, District 2
- Jason Baldwin ..... District 1
- Susan Payne ..... District 3
- Josh Rardin ..... District 4
- Sharon McDonald ..... District 5
- Dusty Wright ..... District 6
  
- Brian Cesar ..... City Manager
- Petria Bengoechea ..... City Attorney
- Rachel Hughs ..... City Clerk

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

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

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

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

### CALL TO ORDER & ROLL CALL

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*Announce the presence of a Quorum.*

### APPROVAL OF AGENDA

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### CONSENT AGENDA

 (Roll Call Vote Required for an Ordinance or Resolution)

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

1. Approve the minutes for the March 10, 2020 Regular meeting, March 13, 2020 Special meeting, and March 23, 2020 Emergency meeting. *(Rachel Hughs, City Clerk)*

**ITEMS REMOVED FROM CONSENT AGENDA**

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**NEW BUSINESS**

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2. Consider, and act upon, sending a letter to Michelle Lujan Grisham, Governor of the State of New Mexico regarding the opening of businesses in the City of Alamogordo. *(Richard Boss, Mayor)*

**ADJOURNMENT**

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# AGENDA REPORT

CITY OF ALAMOGORDO  
CITY COMMISSION

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**Meeting Date:** 4/23/2020

**Report Date:** 4/21/2020

**Report No:** 1.

**Submitted By:** Rachel Hughs

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**Subject:** Approve the minutes for the March 10, 2020 Regular meeting, March 13, 2020 Special meeting, and March 23, 2020 Emergency meeting. *(Rachel Hughs, City Clerk)*

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:** Approve the minutes.

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

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
6:30 P.M., COMMISSION CHAMBERS  
March 10, 2020**

**RICHARD BOSS, MAYOR  
SHARON McDONALD, COMMISSIONER  
JOSH RARDIN, COMMISSIONER  
DUSTY WRIGHT, COMMISSIONER  
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM  
JASON BALDWIN, COMMISSIONER  
BRIAN CESAR, CITY MANAGER  
PETRIA BENGOCHEA, CITY ATTORNEY  
RACHEL HUGHS, CITY CLERK**

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

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. Commissioner Wright and City Manager Cesar were absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Torres and the Pledge of Allegiance was led by Commissioner Rardin.

**APPROVAL OF AGENDA**

**Commissioner Baldwin moved to approve the agenda.  
Mayor Pro-Tem Sikes seconded the motion. Motion carried with a vote of 6-0-0.**

**PRESENTATIONS**

**1. New Mexico Childhood Wellbeing program presentation. (*Lisa Patch, Alamogordo Public Schools*)**

Ms. Patch showed a short video and then presented a PowerPoint about Childhood Wellbeing. She said they are 49<sup>th</sup> in childhood wellbeing. She talked about the needs of a child before they are willing to learn. She said last year they had 60,326 nurse's office visits and they were able to send 53,499 students back to class. The nurse's office is usually one of the first places to see kids that are in need. She showed statistics on chronic illnesses in the schools and said there are 2,526 students with some sort of chronic medical diagnosis. She said they asked the staff of what they thought the issues are that they need to address. The number one concern was behavior concerns and mental health, the second was hygiene and the third was the need for food and clothing.

Ms. Wilder talked about the mental health issue in the schools, and the number of interventions available. She showed charts and statistics of students that have moved on beyond the mental health intervention levels and are now in crisis. These are students that may have suicidal thoughts, and they anticipate having about 150 by the end of the year. They had a total of 8 students that actually followed through with an attempt of suicide, these students were required to be admitted to a psychiatric facility. They are able to keep track of these students through their parents and hospitals, and upon their return they'll do a reintegration meeting. She also talked about kids that are considered to be a danger to others. She said there were 67 kids that fell in these categories. She said through collaboration of different agencies they are able to get resources for the kids and their families.

Ms. Patch talked about trauma in a child and ACES (Adverse Childhood Experiences). She said they are looking at opening up a Community School. There was \$1 million put in legislatively into NHA to begin Community Schools and more money was put in this year to address these Community Schools. She said her goal in this presentation is to inspire the Commission to want to help and see how they fit into this. She said they received a letter of support signed by all five of our Federal Legislators, so they are now ready to apply for some grants. She reminded the Commission that they will be meeting tomorrow at First National Bank.

Mayor Pro-Tem Sikes announced that the meeting is tomorrow at First National Bank in the Atrium at 10 am. She asked Ms. Patch if it would help if the City generated a letter like the Congressmen. She answered of course. Mayor Pro-Tem Sikes pointed out there is no facility available here in Otero County for kids with some kind of mental crisis. This disrupts family life and is costly.

## **PUBLIC COMMENT**

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### **Eugene Downer commented on the following:**

Mr. Downer gave a pat on the back to Mayor Boss and City Attorney Bengoechea.

## **CITY MANAGER'S REPORT**

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### **Assistant City Manager Hernandez made the following remarks:**

1. She said they finished up their meetings with Directors and Departments on the budget and there were some cuts. She also said they should have books for the Commission on April 21, 2020, and the budget meetings will be on May 5<sup>th</sup> and May 7<sup>th</sup>.
2. She mentioned that there are no cases of Coronavirus in New Mexico as of today. The City is sending out PSA's (Public Service Announcements) to educate the public on how to not spread the contagious disease. The City has also placed about 60 hand sanitizers throughout City buildings. They also have sign in bathrooms, reminding people about handwashing. They've asked the cleaning folks to ramp up the cleaning in City Hall, especially in public areas. She also said they are all working together to get a communicable disease plan, and once that is finalized, they will work with Holloman, the schools and the hospital to get a plan together for the entire City. She emphasized that everyone has a role to play in reducing the spread of the respiratory virus.
3. She announced Evelyn Huff as the new Finance Director.

## **REMARKS AND INQUIRIES BY THE CITY COMMISSION**

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### **Mayor Boss made the following comments:**

He said Colonel Campo is leaving Holloman Air Force Base. Mayor Pro-Tem Sikes read what was written on a plaque which was presented to Colonel Campo which thanked him for his support and collaboration in strengthening the relationship between the City and Holloman. Mayor Boss said he was a great Commander for Holloman.

### **Mayor Pro-Tem Sikes made the following comments:**

She mentioned that Alamogordo, Otero County and Lincoln County has qualified for an additional District Judge. She said the committee will be nominating and then someone will be selected to be the fourth District Judge here. She said something should happen within a June or July timeframe. She also said the Friends of the Library paid to have the furniture in the children's room at the Library reupholstered.

## **CONSENT AGENDA**

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2. Approve the minutes for the February 25, 2020 Regular meeting. (*Rachel Hughs, City Clerk*)
3. Consider, and act upon, final publication of Ordinance 1611, repealing certain sections of Article 27 Vehicle for Hire and amending section 17-01A-050 regarding license fees for certain businesses. (*Rachel Hughs, City Clerk*) (Roll Call Vote Required)
4. Consider, and act upon, final publication of Ordinance 1612, amending Chapter 2, Section 15 of the City of Alamogordo Code of Ordinances regarding the Gross Receipts Investment Program ("GRIP"). (*Petria Bengoechea, City Attorney*) (Roll Call Vote required)

**5. Consider, and act upon, acceptance of Community Development Block Grant agreement from the New Mexico Department of Finance and Administration, Local Government Division, in the amount of \$500,000.00 to make ADA sidewalk improvements in designated areas of the City. (Debbie Osborne, Grant Coordinator)**

**6. Consider, and act upon, approval to submit a grant application to the Corporation for National and Community Service for a September 11th Day of Service and Remembrance grant. (Debbie Osborne, Grant Coordinator)**

**7. Consider, and act upon, Resolution No. 2020-14, authorizing the City Manager to sign documents and agreements between the New Mexico Area Agency on Aging and the Alamo Senior Center related to the two-year plan. (Magdalena Morales, ASC Manager) (Roll Call Vote Required)**

**8. Consider, and act upon, approval for the Alamogordo Police Department to apply for the State's Application for Law Enforcement Protection Funds. (Richard Denton, Police Chief)**

Commissioner Baldwin asked to remove Item #4 from the Consent Calendar.

Commissioner Baldwin moved to approve item 2,3,5,6,7,8 of the consent calendar.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken.

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

#### **ITEMS REMOVED FROM CONSENT AGENDA**

**4. Consider, and act upon, final publication of Ordinance 1612, amending Chapter 2, Section 15 of the City of Alamogordo Code of Ordinances regarding the Gross Receipts Investment Program ("GRIP"). (Petria Bengoechea, City Attorney) (Roll Call Vote required)**

Commissioner Baldwin asked if they pass the final publication via the consent agenda, how does it affect Items 9, 10 and 11. City Attorney Bengoechea said the Ordinance does not become effective until 5 days from today, so it does not affect them. She then corrected herself and said the effective date would be the 28<sup>th</sup> of March.

Commissioner Baldwin moved to approve.

Mayor Pro-Tem Sikes seconded the motion.

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

#### **NEW BUSINESS**

**9. Consider, and act upon, an Application for Gross Receipts Tax Abatement related to the Pizza9 project located inside the White Sands Mall. (Petria Bengoechea, City Attorney)**

City Attorney Bengoechea said this a new business in the mall, including the restaurant, an arcade and miniature golf. The total project cost was \$334,335 and the GRIP (Gross Receipts Investment Program) rebate that they are asking \$5767.28. She explained the 5 factors the Commission should look at when deciding whether or not to approve this application. She said because they these applications prior to this budget cycle, so they are suggesting that the payment be made out of next year's budget, so they are targeting that to be the end of September. She said these projects are finished and are eligible for repayment as soon as the agreement is signed. The agreements would allow the City to pay them next fiscal year.

Mayor Boss said they have acted on several of these, but the construction wasn't done, and these businesses are already open, he asked what happened. City Attorney Bengoechea said when they brought the new ordinance for GRIP for first reading there has been a push by Mr. French from the local economic development council to approach businesses and urge them to get their GRIP applications in.

Commissioner Baldwin asked City Attorney Bengoechea if the 4 GRIP applicants, for items 9, 10 and 11, are aware that the money has been allocated for this year already, and if they are approved that it would be coming at a later date. She said she cannot speak for Pizza9 or Ross, but she did have a conversation with Mr. Ramsey from McDonalds, and he was fine with that. She said this is just to approve the application, they will be brought back with the agreements. She said she generally skips a meeting to be able to sit down with those business owners to say this is the agreement the City can offer at this point. She said when it is new construction it is fine but when it is done like this, they have to work together to negotiate to say that the City has to work within the budget.

Commissioner Payne asked City Attorney Bengoechea if these are the only applications she has. She answered as of 5:00 pm today, correct. Commissioner Payne asked City Attorney Bengoechea if anything after these would fall under the new ordinance. She answered yes. Commissioner Payne said hopefully Mr. French is aware of that.

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

**10. Consider, and act upon, an Application for Gross Receipts Tax Abatement related to the Ross Dress for Less Store located at the White Sands Mall. (Petria Bengoechea, City Attorney)**

City Attorney Bengoechea said the total construction cost is \$539,217.14 and the abatement would be \$9301.50.

Commissioner Payne asked City Attorney Bengoechea if it is Ross or the Mall asking for the money. She answered it is done through Solid Cap Properties LLC. and Ida Mangum who is the Mall Manager. She also said they use the store names for ease of passing these out.

**Mayor Pro-Tem Sikes moved to approve.  
Commissioner Payne seconded the motion.  
Motion carried with a vote of 6-0-0.**

**11. Consider, and act upon, an Application for Gross Receipts Tax Abatement related to the McDonald's located at 3610 N. White Sands Blvd. (Petria Bengoechea, City Attorney)**

City Attorney Bengoechea said the actual project cost was \$829,328.81 for a GRT abatement of \$14,305.92.

Commissioner Rardin said he is okay with approving this, but they should look at suspending this program temporarily until they get caught up. He doesn't know if they can put a moratorium on these for 6 months, or how the Commission feels. Mayor Boss asked if he was talking about after these approvals. Commissioner Rardin answered yes, he doesn't have any problems with these three because they met the deadline and the Commission has approved everyone else's, but it is difficult for staff and the Commission when they don't know what might be coming in. He said the smaller projects are not a big deal, but when you have a \$70 million dollar project and there is a \$1 million dollars going out, that puts a damper on things. He didn't know if staff could have something on the next agenda temporarily halting this until they get caught up.

Mayor Pro-Tem Sikes asked City Attorney Bengoechea if the GRIP program is mandated anywhere. She answered it is an optional program. She also said it was just up for sunset and they extended the program till 2025. Mayor Pro-Tem Sikes said in the meantime they really have no incentives for business to come to Alamogordo, besides LEDA. She thought that the fact they can't pay these three until September is a good enough moratorium.

Commissioner Baldwin said as an option to putting in a moratorium or not doing it, he suggested to addressing it when they get done with the budget process. He said they have approved so many recently, he has lost track of how many they have said yes to. He said he was glad to approve the hospital, but with that \$1 million over the period of time that they are going to be paying, through the budget process they might get a better handle on it and then be able to come up with what they want to do, as opposed to acting on it right now.

Commissioner Payne asked if they have approved any that they have had to put off until the next fiscal year. City Attorney Bengoechea answered yes. Assistant City Manager Hernandez said they have approved but have not paid for: Home2Suites for \$100,000 and Fatwood Barbeque for \$20,700 and the hospital for \$1 million, and the hospital they are breaking that up into four years and these three.

Commissioner Payne asked when they are doing Home2Suites and Fatwood Barbeque. City Attorney Bengoechea said Home2Suites is when the receipts come in and they are expecting Fatwood's receipts any day now. Commissioner Payne asked what the total is for tonight. City Attorney Bengoechea answered \$29,374.70. Commissioner Payne asked that if future applications would be for new construction. She answered it will be for before ground is broken.

Mr. Ramsey apologized for being late on this, he understands it is a budgeting issue and they were not as proactive on this as they should have been. He said just to get some incentive back on this is a huge blessing from his point of view. He said he did the estimated gross receipts tax for their entity and they will have about \$235,000 that will come into the City just from their program. He said those of us that have the long-term best interest of our County that are unwilling to put off a rebate to get paid, he would question their loyalty to our community.

Mayor Pro-Tem Sikes said she knows the City has a sizeable economic fund and asked why GRIP can't come out of that. Commissioner Baldwin said it was the way it was voted on. City Attorney Bengoechea said it was a ballot question and also the LEDA ordinance doesn't call for that at this time.

Commissioner Rardin said he had a prior contract with this party and asked if anyone from the Commission had a problem with him voting. He explained the contract was over a year ago. No one answered verbally, but there were a few members nodding their heads no.

**Commissioner Rardin moved to approve.  
Mayor Pro-Tem Sikes seconded the motion.  
Motion carried with a vote of 6-0-0.**

**12. Consider, and act upon, amending the Regular Commission Meetings of November and December 2020. (Rachel Hughs, City Clerk)**

City Clerk Hughs said they brought back the November and December commission meetings because they had only one commission meeting in November and one in December. This is to comply with the City Charter. Originally, they had the meetings for November 10<sup>th</sup> and December 8<sup>th</sup>. Staff recommends changing the meetings in November to the 4<sup>th</sup> and 17<sup>th</sup> and in December to the 1<sup>st</sup> and 15<sup>th</sup>.

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

**13. Consider, and act upon, appointments to the Landfill Advisory Board. (Larry Garner, Public Works Director)**

Public Works Director Garner explained they have their Annual Otero County Greentree Solid Waste Advisory Board meeting on March 26, 2020. He said they have 5 voting privileges and they need to replace Commissioner Hernandez, which is no longer a Commissioner. He also said if anyone would like to be on the Board and one would like to get off, now is a good time to make that change. He said if anyone is unable to attend on March 26<sup>th</sup>, on the 24<sup>th</sup> he will be bringing around the proxy so that they will not lose their voting rights. He asked the Commission if there were any volunteers. Commissioner McDonald volunteered.

Commissioner Baldwin said he has had the privilege of being on the board, but he has not attended a meeting yet. Commissioner Rardin said if Commissioner Baldwin wants off that he would take his spot. Commissioner Baldwin agreed. He said he just will not be able to attend this first meeting.

Mayor Pro-Tem Sikes clarified that the three members will be Commissioner McDonald, Commissioner Rardin and Commissioner Payne.

**Mayor Pro-Tem Sikes moved to approve.  
Commissioner Baldwin seconded the motion.  
Motion carried with a vote of 6-0-0.**

**14. Appointments to Boards and Committees. (Richard Boss, Mayor)**

Mayor Boss read the openings and appointed Eddie Kemp to the Planning and Zoning Commission. No one was opposed.

**Commissioner Baldwin moved to adjourn at 7:44 p.m.  
Commissioner Rardin seconded the motion.  
Motion carried with a vote of 6-0-0**

**ADJOURNMENT**

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*Mayor Richard Boss*

ATTEST:

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*City Clerk Rachel Hughs*

(Prepared by Eric Barraza, Deputy Clerk)  
Approved at the Special Meeting held on April 23, 2020.

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION SPECIAL MEETING MINUTES  
3:00 P.M., COMMISSION CHAMBERS  
March 18, 2020**

**RICHARD BOSS, MAYOR  
SHARON McDONALD, COMMISSIONER  
JOSH RARDIN, COMMISSIONER  
DUSTY WRIGHT, COMMISSIONER  
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM  
JASON BALDWIN, COMMISSIONER  
BRIAN CESAR, CITY MANAGER  
PETRIA BENGOCHEA, CITY ATTORNEY  
RACHEL HUGHS, CITY CLERK**

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

Mayor Boss called the meeting to order at 3:00 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Torres and the Pledge of Allegiance was led by Commissioner Payne.

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENT**

**Pastor Anthony Torres commented on the following:**

He said they are praying for the Commission and they 100 percent support them. He asked what they can do as faith-based leaders to help at this time. Mayor Boss said just continue to pray for them.

**Jennifer Tomcra commented on the following:**

She said she appreciated the prayer and the pledge, but she does not see the words in the prayer or the allegiance helping her with her water issue. She said for her to find a leak that she has had since December it is going to be between \$12,000 and \$15,000. She had asked the City, in December, why her bill was higher and was told that she would be notified in a few days. She received a tag on January 14, 2020 on her trash can. Mayor Boss said there is no discussion at this time, but he wanted to let her know that any leak that is not on City property the City is not responsible. She said her main issue is that the bill she owes right now is over \$1700. Mayor Boss asked if it was mostly because of the leak. She said it is mostly because of the leak and the delay of getting back to her. She said she would be glad to make payments on the part that she is truly responsible for, but if she would have been notified when she was told she was going to be notified, which was 2 and ½ weeks earlier it could have saved maybe \$1000 to \$1200 of that bill. She said she would like to try and locate the leak but trying to get that kind of money together is ridiculous. She said Mr. Cesar did send a crew out to dig holes because when they put the pipeline across her neighbor's property, they put a fence up to keep people from going in. Mayor Boss interrupted, and Commissioner Payne advised that they could not do this right now because it was not on the agenda.

City Manager Cesar said he has met with Ms. Tomcra and he can meet with her again. He said once the leak has been found, the City Ordinance allows staff to go back and adjust, to include the time where she did not include timely notification. He said he did have a City crew go up to make sure the City did not damage her side of the service line when that fencing was put in. There was no damage, so that leak still needs to be addressed. He said her past bill was put on hold as they are working through the process. It is incomplete at this time.

Mayor Boss advised Ms. Tomcra that she could come back to the Commission after she has met with the City Manager.

## **CITY MANAGER'S REPORT**

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### **City Manager Cesar made the following remarks:**

1. He said they have been receiving guidance from Governor's Office, the CDC, the Health Department and Federal Government. He read the Governor's instructions to close certain type of businesses and restrictions on other businesses until April 10<sup>th</sup>. He said the City is looking at sending a number of City employees' home to telecommute or work from home. He said the City does have essential services that they provide to the community. He is sending people home on an on-call status. He said Police and the Fire Department have to a minimum staffing level that they must keep. He can't let the firefighters go because they do assist with AMR requests, and he needs firefighters to be there for emergency services. The Police Department is looking at their area of responsibility to see what they can limit and minimize interactions. If any employee that is sent home and had scheduled time-off, they will be charged leave. He said a Public Service Announcement will be coming out on Friday, announcing City Hall will be closing the doors to the public. There will be numbers to call and then they will be routed to the appropriate person. He said that if someone needs to come in City Hall it will need to be by appointment. If business can be conducted by phone that is how it will be conducted.

Assistant City Manager Hernandez said they do have a website where they are keeping all the PSAs, and it will be updated regularly.

## **REMARKS AND INQUIRIES BY THE CITY COMMISSION**

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### **Commissioner Payne made the following comments:**

She thanked the staff in this time. She thanked Pastor Torres and asked him to keep praying for the Officers. She said this is really a tough time.

### **Commissioner Rardin made the following comments:**

He asked Pastor Torres if they could keep an eye on the elderly, that's something the church leaders can do to help. Pastor Torres said on their Facebook page, anyone can email him or his associate, and they could go shopping for them or if they have groceries somewhere, they could send staff to go and pick it up for them. Assistant City Manager Hernandez said the elderly could also call the City's Community Services Department.

### **Mayor Boss made the following comments:**

He said they have to be sympathetic to restaurants and try to order out to help them. A lot of businesses will be affected.

## **CONSENT AGENDA**

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- 1. Consider, and act upon, Resolution 2020-19 to apply for the New Mexico Department of Tourism's Clean and Beautiful Grant for FY 21 for funding for the Keep Alamogordo Beautiful program. (Joshua Sides, Keep Alamogordo Beautiful Program Coordinator) (Roll Call Vote Required)**
- 2. Consider, and act upon, Resolution No. 2020-20 Approving first amendment to the agreement between the City of Alamogordo, New Mexico (City) and Valli Information Systems, Inc. dba Postal Pros Southwest (Contractor) dated December 16, 2019. (Mark Threadgill, Customer Service Manager) (Roll Call Vote Required)**
- 3. Consider, and act upon, Resolution 2020-22 Ratifying the actions of the City Manager regarding the suspension of late fees, delinquency fees, and termination for nonpayment for city utility bills and authorizing the City Manager to reimpose the fees and termination at his discretion. (Mark Threadgill, Customer Service Manager) (Roll Call Vote Required)**

**Assistant City Manager Hernandez asked to pull Item # 3 from the Consent Calendar.**

**Commissioner Rardin moved to approve item 1 and 2 of the consent calendar.**

**Commissioner Baldwin seconded the motion.**

**Roll Call Vote was taken.**

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

### **ITEMS REMOVED FROM CONSENT AGENDA**

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**3. Consider, and act upon, Resolution 2020-22 Ratifying the actions of the City Manager regarding the suspension of late fees, delinquency fees, and termination for nonpayment for city utility bills and authorizing the City Manager to reimpose the fees and termination at his discretion. (Mark Threadgill, Customer Service Manager) (Roll Call Vote Required)**

Customer Service Manager Threadgill said this was pulled off because of a typo, the resolution number on the Resolution attachments should be 2020-22.

Commissioner Baldwin said there was no end date on this Resolution. Customer Service Manager Threadgill said there was no end time because they don't know when this will end, but the Resolution does give the City Manager authority to reimpose those fees.

Mayor Pro-Tem Sikes asked if this would apply to the library or is it specific to Utility Billing. Customer Service Manager Threadgill said this is specific to Utility Bills. Mayor Pro-Tem Sikes asked if they could amend it to include the Library. Assistant City Manager Hernandez said it has already been discussed and the City will have to waive some of the library late fees.

Mayor Boss asked for clarification on the Resolution number. Customer Service Manager Threadgill said it is 2020-22, it is correct on the Agenda Report but not on the Resolution itself.

**Commissioner Baldwin moved to approve.**

**Commissioner Rardin seconded the motion.**

**Roll Call Vote taken.**

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

### **NEW BUSINESS**

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**4. Consider, and act upon, approval of Change Order no. 6, Public Works Bid no. 2017-009, to Smithco Construction, Inc. related to the Bonito Lake Restoration project in an amount not to exceed \$9,437,903.38, including NMGRT. (Bob Johnson, Engineering Manager)**

Engineering Manager Johnson said back on January 14<sup>th</sup>, the Commission approved Change Order number 5 to keep the project moving forward while the City, FEMA and the contracted engineering firm kept on a dialogue relative to the contractor's change order which was approximately \$3 million. He said FEMA initially denied the contractor's change order but there was the ability for the City to appeal that decision. On March 9, 2020, FEMA informed them that they were going to approve the change order. The City's cost share of this FEMA sub-grant amendment is \$380,904.15. The amendment is like the sub-grant itself where the City's share is 12.5 percent, the State has a 12.5 percent share and the federal government will fund 75 percent. He explained the details of the change order. He said once the sub-grant is received and City Manager Cesar executes it, Homeland Security will sign off on it then. Once it is completely executed the City will be eligible for 50 percent of the federal and the State share as an interim disbursement. About \$2 million will come back to the City very quickly after the amendment has been executed.

Mayor Boss said this is a really big deal for the City, it is a win-win for the City.

Engineering Manager Johnson said it is. He also mentioned that since 2012, when the disaster was first declared, FEMA had issued grants in the amount of a little over \$20 million including the sub-grant amendment that is in play right now. The City's share of all that, over a span of nine years, is about \$2.6 million.

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

**5. Consider, and act upon, approval of Change Order no. 7, RFQ no. 2014-005, to Bohannon Huston, Inc. related to the engineering and design of the Bonito Lake Restoration project in an amount not to exceed \$144,055.63, including NMGRT. (Bob Johnson, Engineering Manager)**

Engineering Manager Johnson said the item before them is commensurate with the previous item. This is more from the consultant standpoint with the extension of the project for one year. The consultant will have an increase in their design fees relative to the funding agency coordination, construction administration and construction observation.

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

**6. Consider and act, upon, Ordinance 1615 for first publication amending 02-01-040 of Alamogordo Code of Ordinance. (Stephanie Hernandez, Assistant City Manager and Evelyn Huff, Finance Director). (Roll Call Vote Required)**

Assistant City Manager Hernandez said back when they had a discussion on the hold harmless tax increase, it was brought to their attention that there is an ordinance in place that they could not start a new tax or increase a new tax. This ordinance was established in 1988. She said this basically takes that out of the ordinance, repealing that portion of 2-1-040.

Commissioner Rardin asked City Manager Cesar if they can repeal this Ordinance, because this was brought forward by the people, that would not allow the City to pass any additional taxes without vote of the people. He asked if that is the one they are talking about. City Manager Cesar said that is the one he is talking about, but Ordinances are meant to change over time. He said the past Legislative session, Municipalities and Counties were given authority by the State to implement the Hold Harmless Tax. He said that went directly against this Ordinance. He said this gives the Commission the ability, because in this Legislative session, the Governor and the Legislature corrected what was done in past Legislation. He said the one-eighth, the Commission passed was never implemented because they changed the rules in previous legislation. He said they need this now because their gross receipts taxes are tanking with businesses being closed. This does not prohibit the Commission from having public input if they are wanting to rededicate an existing tax for another purpose. There are some taxes they have the ability to redirect and use for another purpose. If a majority of the Commission decides for whatever reason if they want this to go out to the voters, the Commission has the authority to do that.

Commissioner Rardin said the reason he is bringing it up was because this was brought forward by the people. City Manager Cesar said pretty much every Ordinance or changes to Ordinances they have on the books come from the people. He said Ordinances change all the time and change with what is happening. He said ultimately this is up to the Commission if they want to approve or not approve this. Commissioner Rardin said when they originally did the hold harmless fix, they said it was without referendum. This means the Commission could pass it regardless of it. He asked if they changed it a few years later. City Manager Cesar it was changed the last legislative session. It was changed so that municipalities and counties that didn't implement any portion of it, they lost the ability to do it at that time. He said they were not the only municipality that was hit by that.

City Attorney Bengoechea said the State can tell them that it could pass without referendum, but they have further restricted themselves with this ordinance. Commissioner Rardin said the Commission at the time did it because the voters brought it forward and wanted it in the past.

City Manager Cesar said in the mid 90's there was an ordinance on the books at that time that said water and sewer rates could not be raised unless the citizens voted and approved an increase in water and sewer rates. He said that was changed in 1994 or 1995, but that was brought forward by the people. This is a similar situation. He said if they are going to wait for an odd year for the Commission to put out to the voters to approve the one-eighth, they will be out for an extended period of time. He said if the City does not see this for a year or a year and a half then they will be in a situation that staff brought to the Commission the last budgetary process to where they have to look at what services to scale back on or shutting down.

Commissioner Baldwin thanked Commissioner Rardin for bringing this up. He said he has made some of his decisions after his first year being elected based on that Ordinance that was put in by the public. He said when they had questions in reference to changing things, it was a pretty powerful statement, even though they still made decisions afterwards, so rectifying it is the right thing to do. He has always been a big fan of redirecting some of the taxes if it was allowable by law. He said he understands it and will support it, but he recommends that this have two readings. Assistant City Manager Hernandez said it goes for first publication and then final publication. Commissioner Baldwin said as long as it is that process it is still holding true to putting it out and letting people come in and voice their opinion and then dealing with it after that.

City Manager Cesar reminded them that this will not come out at the next Commission meeting, because the next two Commission meetings have been cancelled.

Commissioner Rardin said they can tweak the ordinance to allow this three-eighths to be passed without voter approval. This will give the Commission the ability to pass any tax without the vote of the people. He thinks there are few smaller increments that are additional gross receipts tax that they can pass. This Commission would put a lot of thought into it, but if they repeal this future Commissions could pass whatever they want as far as taxes go.

Assistant City Manager Hernandez said last legislative session they restricted the total amount of taxes a municipality can pass. She said the City will never get to 10 percent; they can only go up to 2.5 percent. They cannot just pass taxes, there is some wiggle room to pass the three-eighths but other than that, they are maxed out. Commissioner Rardin asked, after the three-eighths what will be left. Assistant City Manager Hernandez said there will be one-sixteenth left.

**Mayor Boss moved to approve.**

**Mayor Pro-Tem Sikes seconded the motion.**

**Roll Call Vote was taken.**

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

**7. Consider, and act upon, Resolution 2020-21 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of March 18, 2020. (Evelyn Huff, Budget Analyst) (Roll Call Vote Required)**

Finance Director Huff said the resolution number on the attachment is incorrect, it should be 2020-21. She explained the budget revision includes the Bonito Lake grant with the change orders they just approved, and the money they will be receiving from FEMA. The other revision is to add some special event sponsorship money. This sponsorship money needed to be put on here so they can refund it back.

**Mayor Pro-Tem Sikes moved to approve.  
Commissioner Payne seconded the motion.  
Roll Call Vote was taken.  
Motion carried with a vote of 7-0-0.**

**8. Consider, and act upon, Ordinance 1601 for first publication adopting a municipal gross receipts tax and repealing ordinance 1594. (Stephanie Hernandez, Assistant City Manager and Evelyn Huff, Finance Director). (Roll Call Vote Required)**

Assistant City Manager Hernandez said last legislative session House Bill 419 regarding the Hold Harmless. She said because the City's Ordinance did not go into effect until July 3<sup>rd</sup>, they could no longer call it the Hold Harmless. They waited until now to bring it back because they were told by the New Mexico Municipal League that there was still confusion and clean up language that needed to happen in this session. It was just signed by the Governor on March 11<sup>th</sup>. The clean-up did not affect this part of it, so now they are bringing it back. It is basically replacing the Hold Harmless, the one-eighth, to the unrestricted Municipal Growth Tax and changing the effective date to July 1, 2020.

**Mayor Pro-Tem Sikes moved to approve.  
Commissioner Baldwin seconded the motion.  
Roll Call Vote was taken.  
Motion carried with a vote of 6-1-0. Commissioner Rardin voted nay.**

Mayor Boss said everyone should respect social distancing. This is the reason they will not have the next two Commission meeting. If any business comes up that requires the Commission, they will call a special meeting.

**Commissioner Rardin moved to adjourn at 4:01 p.m.  
Commissioner Wright seconded the motion.  
Motion carried with a vote of 7-0-0**

## **ADJOURNMENT**

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*Mayor Richard Boss*

ATTEST:

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*City Clerk Rachel Hughs*

(Prepared by Eric Barraza, Deputy Clerk)  
Approved at the Special Meeting held on April 23, 2020.

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION EMERGENCY MEETING MINUTES  
3:00 P.M., COMMISSION CHAMBERS  
March 23, 2020**

**RICHARD BOSS, MAYOR  
SHARON McDONALD, COMMISSIONER  
JOSH RARDIN, COMMISSIONER  
DUSTY WRIGHT, COMMISSIONER  
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM  
JASON BALDWIN, COMMISSIONER  
BRIAN CESAR, CITY MANAGER  
PETRIA BENGOCHEA, CITY ATTORNEY  
RACHEL HUGHS, CITY CLERK**

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

Mayor Boss called the meeting to order at 3:00 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Commissioner Payne and the Pledge of Allegiance was led by Commissioner Wright.

**APPROVAL OF AGENDA**

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

**NEW BUSINESS**

**1. Consider, and act upon, Resolution 2020-23, a Resolution Declaring a State of Emergency in Alamogordo, New Mexico. (Brian Cesar, City Manager and Petria Bengoechea, City Attorney) (Roll Call Vote Required)**

City Manager Cesar explained the State of Emergency opens the City up for State and FEMA funding. He said right now, with the workforce that is at home waiting to come back in, it is costing the City \$290,474 a week. He said the application will be extended if they still have issues with the virus and things are still closed. He said the initial application is going into April and that is an estimated cost to the City of a little over \$1.7 million dollars. They will be looking to FEMA and Homeland Security to recoup some of these funds, and that is what this Resolution is for.

Laurie Anderson from Otero County Economic Development said she has had 275 calls regarding what businesses are going to do, some may have to shut down for good. She said there are other people that are concerned about maintaining the qualified, certified employees that have been with these companies for years. She said things are changing every single day and unfortunately the programs are not being rolled out as quickly as they want them too. She said they have a list of different programs they have available for people that are unemployed, business owners and how they can apply for federal loans through the New Mexico Economic Development Department. She said they are trying to keep their people and the community involved and up to date as the information becomes available to them. She said whoever applies for these loans and grants, they are looking at three weeks for approval and then looking at another five days to have that check issued. She spoke with some of the bigger businesses today such as PreCheck who has invested a lot of money in equipment and now have people working at home. She was also able to talk to Mr. Cardella who has between 180 and 200 employees right now. She said the needs of his contract are bigger than before, so he has the need to hire more people. She received a call from Mr. Cardella about 30 minutes ago and he is concerned about what the status is going to be after the Governor makes her announcement, so they are looking at possibly 180 to 200 people that might not have a job tomorrow or put on hold. She said they need to figure out strategies on how to keep on working. She also spoke to a chiropractor who said he was losing 50 to 60 percent of his business and if it does not change, he is going to have to start sending people home. She said this is hitting several industries. She said they need to be concerned, and they need to figure out how they can help. She said between Otero County Economic Development, the

Chamber of Commerce and the Small Business Center they are trying to be the solution to these businesses and to provide those opportunities.

Mayor Boss asked her if the unemployment office is expediting applicants. She said that is correct. Mayor Boss said there is a very short time and a minimum of \$400 and something. Ms. Anderson answered \$461, even if your employer cuts your hours, Workforce Solutions will make up the difference. Mayor Boss said if Congress can ever get their act together, they are going to send money to the people.

G.B. Oliver with the Alamogordo Chamber of Commerce said there are businesses that have already closed. He said Albertson's and Wal-Mart is hiring right now. He said the problem is that businesses don't know what the future holds, so they don't know what their needs are and where they need to go. He said they have to stop the panic and they have to get the correct information out. He said they met with all the grocery stores and they will start providing daily information which the Chamber will start putting on their website to try and alleviate concerns. He said he has not heard anything that gives him hope for businesses. He said for a business owner, why add \$50,000 to \$100,000 of debt when they have no idea what the future is going to look like. They will be meeting with the banks to see where they will be. The banks are dependent on FDIC. They would like to know if the FDIC is going to waive some of those requirements because the first thing they look at is a person's cash flow and right now there is no cash flow. He said this community will come together and we will be stronger as a community when this is over.

Mayor Pro-Tem Sikes asked Mr. Oliver if anyone has applied for those loans. He nodded his head yes and said that non-profits can also go in. He said they have their organization set up at their homes, they will answer every phone call, every email and they are going to work 24 hours to do whatever they can for this business community.

Mayor Boss said grocery stores are having a bonanza, they will not shut down, and there has been no claims of any food shortage. Mr. Oliver said distribution points are 85 percent filled up. He also said until they get to the other side of this, they will give it everything they've got.

**Mayor Pro-Tem Sikes moved to approve.**

**Commissioner McDonald seconded the motion.**

**Roll Call Vote was taken.**

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

**2. Consider, and act upon, giving Mayor Richard Boss permission to sign a letter on behalf of the Commission to the New Mexico State Legislature regarding taxes.** *(Brian Cesar, City Manager and Stephanie Hernandez, Assistant City Manager)*

City Manager Cesar said last week, all the Mayors in New Mexico were invited to participate in a conference call with Representatives from the State and the Municipal League. He said there wasn't a lot of new information coming from the State because everything has been changing almost daily but the Governor has indicated that she is going to call a Special Session of the Legislature, primarily due to the drop in oil prices. He said more than likely, we in Alamogordo will see the Capital Outlay that was approved, get clawed back, but that may not be enough to fill the holes in the State's budget. He said the Municipal League will be asking everyone to contact the legislators in their area about the internet tax sales, the delay of enacting the next 6 percent of the Hold Harmless and a few other items the Municipal League will add on. He said they do not have a letter generated at this point, but staff is asking is for the Commission to give authorization to the Mayor to sign that letter on behalf of the City and the Commission when they get that information.

Commissioner Rardin said he has no problem giving authorization but asked that a copy of the letter be sent to each of the Commissioner prior to it being sent. City Manager Cesar said yes.

Mayor Boss said gross receipts taxes (GRT) and lodger's tax has taken a big hit. City Manager Cesar said most of what City government does is based off the GRT. Mayor Boss said exactly, that is the primary source of revenue.

Mayor Pro-Tem Sikes asked if any of the two items that they have acted on today, would interfere with their budget hearings. City Manager Cesar said that is a moving target right now. This week staff will be meeting to go back over the budget and the new projections. He said they are taking the GRT projections and reducing it by 25 percent and take the projections for lodger's tax down by 50 percent. Depending on what the Governor orders today, that may change, and Finance may need to re-project those numbers. He has been hearing that there may be extensions to the State process on timelines, but they just don't have anything definite at this time, so it may impact the budget hearings. Those hearings may be pushed out a little bit, as this keeps evolving.

Mayor Boss asked about gross receipts taxes attributable to out of state sales like Amazon. City Manager Cesar said the State has made those distributions and the new way they are going to do distributions will be based on population. The Legislators could pass a bill and the Governor could sign it, where those revenues are not sent to the Counties and Municipalities but instead fill the holes in the State budget. Mayor Boss said hopefully they will recognize the holes municipalities have in their budgets. City Manager Cesar said that is the reason the Municipal League is encouraging the Counties and Municipalities to send these letters to the Legislators.

**Mayor Pro-Tem Sikes moved to approve.**

Commissioner Rardin asked if it would be more effective if all seven of the Commission signed it. City Attorney Bengochea said this is giving the Mayor permission to sign on behalf of the Commission.

**Commissioner Rardin seconded the motion.  
Motion carried with a vote of 7-0-0.**

Mayor Pro-Tem Sikes asked if there has ever been a State of Emergency in the City of Alamogordo. City Manager Cesar said it will be his fifth time, but it has always been for a natural disaster. He also said for something like this he believes it is the first time.

**Commissioner Rardin moved to adjourn at 3:28 p.m.  
Commissioner Payne seconded the motion.  
Motion carried with a vote of 7-0-0**

## **ADJOURNMENT**

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\_\_\_\_\_  
*Mayor Richard Boss*

ATTEST:

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*City Clerk Rachel Hughs*

(Prepared by Eric Barraza, Deputy Clerk)  
Approved at the Special Meeting held on April 23, 2020.

# AGENDA REPORT

## CITY OF ALAMOGORDO

### CITY COMMISSION

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**Meeting Date:** 4/23/2020

**Report Date:** 4/21/2020

**Report No:** 2.

**Submitted By:** Richard Boss

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**Subject:** Consider, and act upon, sending a letter to Michelle Lujan Grisham, Governor of the State of New Mexico regarding the opening of businesses in the City of Alamogordo. (*Richard Boss, Mayor*)

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**Fiscal Impact:**

Amount Budgeted:

Fund:

Additional Fiscal Impact:

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**Recommendation:**

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**Background:**



# City of Alamogordo

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OFFICE OF THE MAYOR  
1376 E. Ninth Street • Alamogordo, New Mexico 88310 • (575) 439-4100

April 20, 2020

Governor Michelle Lujan Grisham  
490 Old Santa Fe Trail Room 400  
Santa Fe, NM 87501

Re: Restrictions in the City of Alamogordo

Madame Governor,

We want to first start this letter by thanking you for your leadership during the Covid-19 pandemic. This has been an unprecedented time not only in the great state of New Mexico, but also in the City of Alamogordo.

The citizens of the county have done a tremendous job with social distancing, closing non-essential businesses, limiting mass gatherings and following your orders regarding the pandemic. With those orders in place, the City is extremely proud of our citizens and the measures that they have taken that have resulted in having zero cases within our City.

With that being said, the closures are having an extreme effect on our local business community, and are effectively shuttering our local businesses, permanently. Our small businesses have not been able to access the programs rolled out by the Federal or State governments, and most are projected to shutter for good. As you know, small businesses are the heartbeat of our economy, and make Alamogordo the amazing place that it is. We cannot stress enough how much damage these orders are doing to our small, local economy.

Therefore, we, as the City Commission of the City of Alamogordo, are imploring you to consider reopening businesses in our community and implementing social distancing restrictions in order to minimize any person to person transmitting of the virus. We know that our businesses care about our citizens and will take extreme steps to ensure the safety of the patrons while shopping in their establishments.

Again, we take this virus very seriously, but with zero cases in our City, we implore you to save our economy and allow our small business to open, serve our citizens, and help to save our economy.

Sincerely,

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Richard Boss, Mayor

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Nadia Sikes, Mayor Pro Tem



# *City of Alamogordo*

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Susan Payne, Commissioner

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Josh Rardin, Commissioner

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Dustin Wright, Commissioner

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Jason Baldwin, Commissioner

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Sharon McDonald, Commissioner

Cc: Senator Ron Griggs, Senator Bill Burn, Representative Rachel Black