

**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 49th 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

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

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 5th and May 7th.
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

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

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 28th 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 10th and December 8th. Staff recommends changing the meetings in November to the 4th and 17th and in December to the 1st and 15th.

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 26th, on the 24th 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)

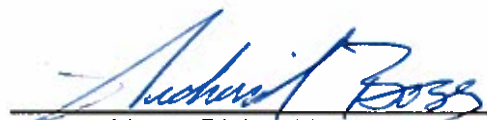
Mayor Boss read the openings and appointed Eddie Kemp to the Planning and Zoning Commission. No one was opposed.

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




City Clerk Rachel Hughs


Mayor Richard Boss

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