

CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
6:30 P.M., VIRTUAL MEETING  
October 13, 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 Baldwin was absent. City Clerk Hughs announced there was a quorum present. Invocation was given by City Clerk Hughs and the Pledge of Allegiance was led by Mayor Pro-Tem Sikes.

**APPROVAL OF AGENDA**

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

**PRESENTATIONS**

**1. Information requesting a reduction of lien amount owed for property located at 1801 Lamar Circle. (Stephen Godinez, Property Owner)**

Mr. Godinez requested the amount be reduced for the services performed on his property. He said he did not know the Code existed and he is not contesting the code, but he feels there was no due diligence done in contacting him. He said after speaking with City Attorney Bengoechea, she did verify an old address on file, but did receive the invoice at the correct address. He stated \$1,000 is very high for yard work.

City Attorney Bengoechea went through the notices that were sent to Mr. Godinez. She said a notice was left at the residence and a notice was mailed to the address on file with the County Assessor, which is the legal property mailing address. They waited the appropriate amount of time and then did the abatement in July. Code Enforcement does go back to the County Assessor's to get the address on file before sending the bill and at some point, that address was changed. She said Code sent the bill in the amount of \$912.78 to the new address. When they did not hear back, they sent another bill adding a \$200 administrative fee and for filing the lien, which was sent to the new address.

Commissioner Rardin asked if a contractor or the City did the cleanup. City Attorney Bengoechea said a City employee completed the work. She said there was about 18 hours of work. Mayor Boss asked for the amount. City Attorney Bengoechea said it was \$912.78, and Mr. Godinez is asking for about half of that to be reduced.

Mr. Godinez said he reached out to Code Enforcement and they told him their hands were tied, he wrote a letter to Mayor Boss and feels he did not get any help anywhere.

Commissioner Payne asked Mr. Godinez if he has had this done before by the City or privately. He said he did it on his own. Commissioner Payne asked him if this property has ever been written up before. Mr. Godinez answered no.

Chief LeClair gave a brief presentation on the property, giving the specifics on notifications and showed photos before and after the abatement. He also explained how they base their fees for the invoice.

Commissioner Payne asked Mr. Godinez if he had been to the property within the first six months of this year. He answered very rarely. She asked if he had seen a notice on the door. He answered no. Commissioner Payne said she thinks they can all agree that the yard got pretty bad. Mr. Godinez said yes. He also said that he went out there a couple of days after the abatement was done and was baffled on how it got done.

Commissioner Payne asked Fire Chief LeClair when the first notice was sent. He answered January 29, 2020. She asked him when the property was cleaned up, he answered in July. Commissioner Payne told Mr. Godinez that it did not appear that he made an effort to clean up the property in six months. Mr. Godinez said he did not think those were 6-months' worth of weeds, he thought he had gone and cleaned it up at least once within those six months. Commissioner Payne said she has a family member that lives in the area and she remembers the yard being like that for a while.

Commissioner Rardin asked Chief LeClair what equipment needed to be rented. He answered they do not actually rent those, they already have them on hand, but when they do an abatement on a property, they charge a tool rental fee to the abatement property. Commissioner Rardin said City employees working out there for 18 hours seems excessive. He asked if they worked those 18 hours consecutive or an hour here and there. Fire Chief LeClair said he worked consecutively. Commissioner Rardin said it seems a little excessive, he has an acre, and his property has gotten out of hand at times, but he can weed eat that in about two to three hours.

Mayor Boss asked how they are going to move forward on this because it is not an action item. City Manager Cesar said this has not come to his level yet. He said normally as these things progress, he will work with the City Attorney and the Fire Chief. They will go back and review the cost sheet/invoice and work with the property owner. He said he cannot guarantee that the cost will be cut in half, but they will look at the invoicing. Commissioner Rardin said at \$659, you could purchase three weed eaters for that price. Mayor Boss agreed with Commissioner Rardin, that the price seems to be a little high. City Manager Cesar said that is one of the things that would be looked at. Mayor Boss said if they could look at the Administrative fee as well.

Commissioner Payne asked Fire Chief LeClair if it took more than just a weed eater. He answered yes. Commissioner Payne said some of those weeds could not be taken down by just using a weed eater. She stated they have to be careful about setting a precedent. Commissioner Rardin said he completely agrees, but they are also a non-profit and are not in the business to make money off people. Commissioner Payne said her point is that it was not just going in with a weed eater. She also thinks that they made any money off this, they are just trying to recoup their cost.

Mayor Boss said they will leave this up to City Manager Cesar. He asked City Manager Cesar if he would come back to the Commission with a recommendation. City Manager Cesar said he can bring it back to Commission or staff can just handle it. He said if whatever they come up with is not agreeable with Mr. Godinez, then they can bring it back to Commission as an action item.

## **2. Information requesting a second Leak Abatement for the property on 1403 Oregon Ave. (Marc Fulson and Anthony Pryor, Property Owners)**

Mr. Fulson said he and his business partner Mr. Pryor, put in for an abatement, but was informed of the policy which allows for one abatement within a 12-month period. He said they are trying to provide high-quality low-income housing in Alamogordo, and they are committed for the long term. He asked the Commission for their support as they try to provide housing in the community and asked for a waiver to their normal policy

Mayor Pro-Tem Sikes asked Mr. Fulson if it is separate properties. He answered it is the same property, but the two repairs were unrelated.

Commissioner Payne asked if they could take action on this since it is a presentation. Mayor Boss said they could not act on it tonight.

Mayor Pro-Tem Sikes commented that one of the biggest needs in Alamogordo seems to be affordable housing and thanked Mr. Fulson for what he is doing.

City Manager Cesar asked Finance Director Huff and/or Assistant City Manager Hernandez to explain the policy to the Commission and how their hands are tied. Finance Director Huff said the Commission passed the most current iteration of the leak abatement in 2019. She read the section of the policy that states a customer is only allowed one adjustment in a 12-month period. She said Mr. Fulson has had another abatement within 12 months and why this request was not approved.

Mr. Fulson said he understands, and Mr. Rardin did a good job explaining it to him. He said presenting his case does not guarantee him anything, but he wanted to share his story. He appreciates the Commission listening to them and if they could help out, they will take anything the Commission can give them.

Commissioner Rardin asked how much would be written off if they decide to do this. Mr. Fulson said he believes it is about \$1700. Finance Director Huff said Customer Service Manager Threadgill calculated a 12-month average under this policy, which included the usage from the first leak, and \$741.68 is what they would decrease. Commissioner Rardin asked if this is over two bills or one. She answered this would be the calculated leak abatement for the two-months, which is the max under this policy. Mr. Fulson thanked Finance Director Huff for the explanation. He thought it was going to be the two highest in that period of time. Commissioner Rardin asked if they still have the policy that in the event the Commission decides not to do something on this that Mr. Fulson can spread the amount over a 12-month period. Finance Director Huff said since he is a property owner, he would be allowed to spread that amount over a 6-month period.

## **PUBLIC COMMENT**

None.

## **CITY MANAGER'S REPORT**

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

1. He said the City sent out a ZooBoo PSA (Public Service Announcement), but soon after the Governor sent out new guidelines, which was a couple of days early as to how she normally does that. The Governor is still having her Press Conference on Thursday which there may be further restrictions. He mentioned that the ZooBoo PSA noted that things may change due to further restrictions. He said at this point the only change they are making to a PSA is for the Movie Event held at Medlin Ramps where it was 10 people to a space, it is now 5.
2. He said Downtown Venture Corporation was awarded \$100,000 from the CARES Act money. Mr. Chun cannot open up the business at this time.
3. He said a local charity donated a lot of office supplies to the City of Alamogordo. He thanked Commissioner Payne and LOVE, Inc. for the donation.

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

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

She said based on the presentation from the gentleman from Lamar Circle, she has also heard from other people that they don't know about the ordinances. She asked if they could put information on ordinances into the City Profile more often.

**Commissioner Rardin made the following comments:**

He asked if they could get with DOT (Department of Transportation) to see if they could fix a large depression in the road of 2<sup>nd</sup> and White Sands Boulevard. He said there is another one on 10<sup>th</sup> Street by Walgreens, between the railroad tracks and White Sands Boulevard.

**CONSENT AGENDA**

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- 3. Approve the minutes for the September 22, 2020 Regular meeting. *(Rachel Hughes, City Clerk)*
- 4. Consider, and act upon, City of Alamogordo becoming a member of National Cooperative Purchasing Alliance. *(Barbara Pyeatt, Chief Procurement Officer)*
- 5. Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County residents. *(Magdalena Morales, ASC Manager)*
- 6. Consider, and act upon, the Alamogordo Police department selling one K9 (Covi) and a 2014 Chevrolet Tahoe K9 equipped police unit. *(Richard Denton, Chief of Police)*
- 7. Consider, and act upon, Resolution 2020-41, adopting the New Mexico Municipal Retention Schedule. *(Rachel Hughes, City Clerk)* (Roll Call Vote Required)

Mayor Pro-Tem Sikes moved to approve item 3,4,5,6,7 of the consent calendar.  
 Commissioner Wright seconded the motion.  
 Roll Call vote was taken.  
 Motion carried with a vote of 6-0-0.

**NEW BUSINESS**

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

Mayor Boss read the openings and appointed Jeff Rabon to the Airport Advisory Board. No one was opposed.

Commissioner Payne moved to adjourn at 7:16 p.m.  
 Commissioner McDonald seconded the motion.  
 Motion carried with a vote of 6-0-0

**ADJOURNMENT**

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*Rachel Hughes*  
 City Clerk Rachel Hughes

*Richard Boss*  
 Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)  
 Approved at the Regular Meeting held on October 27, 2020.