

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:00 P.M., VIRTUAL MEETING
November 17, 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 6:00 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by City Clerk Hughs and the Pledge of Allegiance was led by Commissioner McDonald.

APPROVAL OF AGENDA

City Attorney Bengoechea asked to remove Item 8 from the Agenda.

Commissioner Baldwin moved to approve the agenda as amended.

Mayor Pro-Tem Sikes seconded the motion. Motion carried with a vote of 7-0-0.

PUBLIC COMMENT

City Clerk Hughs read the following summary of comments from David Dewey:

I have been called by people in Alamogordo that nearly every City department, has had and still are having COVID cases because of loose facial mask wearing and of not social distancing. Why are not all City and County employees wearing masks in all workplaces as required by the state mandate at all times? Why has there been no contact tracing of these cases done by the City or County? Why were these cases not reported to the local newspaper concerning number of City and County employee cases? I have been told by Democrat and Republican friends in Alamogordo that both the City and County Attorney, even if the State Police issue citations to people not wearing masks, that neither would pursue them, instead have them dismissed. I've been called about businesses in Alamogordo where the owners of the businesses have told their employees they don't have to wear masks. Why is the City or County not doing something about this? (See Blue Book for copy of entire comments)

City Clerk Hughs read the following summary of comments from Holly Mata:

There are several upcoming opportunities for community members to participate in online trainings related to the legislative advocacy process in general and to health-related proposed legislation for the 2021 session in particular. These are non-partisan events offered by the New Mexico Public Health Association (December 4th), the League of Women Voters of New Mexico (December 5th), and the New Mexico Department of Health (December 10th). All of these trainings are free and open to anyone, advance registration is required. (See Blue Book for copy of entire comments)

Commissioner Payne made the following comment:

She said, in light of Mr. Dewey's email, there is some real misinformation in there and she thinks that they owe it to the citizens to have the City Attorney clear it up.

Mayor Boss made the following comments:

He said they are going to limit public comments to three minutes. He also said the City Attorney can clear that up with a public service announcement (PSA) and make the public aware what in the email is erroneous.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. He wished the Commission and everyone a Happy Thanksgiving.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Payne made the following comments:

She gave her condolences to the Lindley family for their loss.

Commissioner Baldwin made the following comments:

He echoed Commissioner Payne's comment. He also said in this most recent shutdown, there are some conditions tied to the color-coded communities. He said for the first time they are saying that if your County enters a certain level then you can open back up. He thinks this is an important time for the City and County Commissions to start working in conjunction to do whatever they can to help the community open back up as soon as they possibly can. He thinks this is not the time for them to sit on their hands and not act as community leaders. He wants to see about having an emergency meeting to discuss where they are as far as their public campaign in reference to asking people to social distance, discuss what the Governor has handed down as far as enforcements in our communities. He said in the letter they wrote to the Governor, they asked for her to be a little more regional about the closures and now that she is, they need to make sure that they are doing everything they possibly can about getting their area opened back up as quickly as they can.

Mayor Boss reminded everyone that on the onset of COVID pandemic, they sent a letter to the Governor expressing that their rate was so low. At that time, there was no special treatment given to those who did not have a higher rate, so this is great thing that they will be able to do this.

Commissioner Baldwin said as they move out of this closure, he would like to see the Commission move to meeting back in person within conditions of being as safe as they possibly can.

CONSENT AGENDA

1. Approve the minutes for the October 27, 2020 Regular meeting. *(Rachel Hughs, City Clerk)*
2. Approve the statements related to the Executive Closed Session held on October 27, 2020. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, adoption and final publication of Ordinance 1619, amending chapter 28 of the Alamogordo Code of Ordinances regarding Fats, Oils and Grease (FOG). *(Larry Garner, Public Works Director)* (Roll Call Vote Required)
4. Consider, and act upon, acceptance of grant agreement from NMDOT to Alamogordo-White Sands Regional Airport in the amount of \$130,000.00 to replace the airport's AWOS power cable. *(Jim Talbert, Airport Manager)*

Commissioner Payne moved to approve item 1,2,3,4 of the consent calendar.

Commissioner Baldwin seconded the motion.

Roll Call vote was taken.

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

NEW BUSINESS

5. Consider and act upon, Case Z-2020-0001(A) for first publication of Ordinance 1620 amending the zoning map to change the zoning of property 2706 Stapp Ave. from MH2-Manufactured

Housing Park to MH1- Manufactured Housing Subdivision. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael explained the change to the zoning map. She showed maps and gave the Zoning request case on a PowerPoint. She said the owner wants to rezone the property to allow him to take this parcel and split into 10 lots to sell. She said she received one letter of opposition. She said the Planning and Zoning Commission approved to recommend. (See Blue Book for PowerPoint)

Commissioner Baldwin asked if the property owner owns any other property in that area. City Planner Rael said he owns property on other streets, but not in that area.

Commissioner Rardin asked if the letter of opposition was from one person or multiple people. City Planner Rael said it was from a husband and wife. Commissioner Rardin verified that the property was off of Airport Road. City Planner Rael said it is in the Walker Area.

Commissioner Wright moved to approve.

Commissioner Baldwin seconded the motion.

Roll Call vote was taken.

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

6. Consider and act upon, Case Z-2020-0002(A) for first publication of Ordinance 1621 amending the zoning map to change the zoning of a subdivided section of property located at 1007 Eddy Dr. from M2- Industrial to C3-Business. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael said it is located at 1007 Eddy Drive and is a little over two acres. At the moment, part of that parcel is occupied by metal sheet business. She said the owners are trying to take a portion of the parcel and rezone it to C3-Business. The Planning and Zoning Board did recommend approval. She said she sent out 13 letters and did not receive any letters of opposition. (See Blue Book for PowerPoint)

Commissioner Baldwin moved to approve.

Commissioner Wright seconded the motion.

Roll Call vote was taken.

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

7. Consider, and act upon, the Land Exchange Agreement between the Alamogordo Public Schools and the City of Alamogordo. (Petria Bengoechea, City Attorney and Jerrett Perry, Superintendent of Alamogordo Public Schools)

City Attorney Bengoechea said this is an agreement for an exchange of Hang Glider Park for the property and fields at Chaparral Middle School. The appraisals did come back, and the park came in at \$325,000 and Chaparral came in at \$345,000. She said Chaparral consists of 19.622 acres and the park is 24.959 acres. She said the biggest parts of the agreement that she thinks the Commission would be interested in is the schools did agree in writing that they would be responsible for the costs to extend city water and sewer lines to the boundary of the parcel. The schools further agree that it is their responsibility to demolish the Middle School and remove all the debris from the site, and they have given the City an allotment of \$200,000 to extend the irrigation system to what would become the new sports fields. Additionally, the schools did agree that they would be responsible for the traffic signal at Fairgrounds and Pecan if a traffic study reveals the need for one. She said the City already knows the need for the traffic light at Fairgrounds and Florida, so that would be the City's responsibility.

Superintendent Perry presented a PowerPoint presentation. He said this is a shovel ready \$40 million dollar project that will directly impact the local economy. If approved, they will immediately begin the Request for Proposal (RFP) process and contract an architect for design. He said a no vote tonight, to table it or deny the agreement, stops their project dead in its tracks. He presented pictures of what a

new school could look like and listed the rationale and benefits of building the new school. He stated this is a once in a lifetime opportunity. He said the Alamogordo Public Schools (APS) conducted a survey regarding the most important points to selecting a new site, and he shared the results of this survey. He also shared a list of projects that APS has completed, in progress and coming up. He also showed a slide that listed "Why it must be this site." (See Blue Book for PowerPoint)

Commissioner Rardin asked Superintendent Perry if they did any GO technical investigation on the property. He said when he was on the Commission previously, they did it on Fairgrounds Road and they had some GO Technical issues in that area with soils. Superintendent Perry said they are not at that stage at this current point, before they can invest anymore money into GO Technical tests, they have to find the land first.

Justin Burks from APS explained Commissioner Rardin said they have not done the GO Tech survey, but they can recognize that the site is fairly level and flat. He said what they would anticipate is if there is a need for additional over-excavation beyond what you would normally see for a commercial building. they believe that the savings from the not needing so much retainage wall to control slope would offset and mitigate those costs.

Commissioner Rardin said one of his concerns is traffic, there are only three ways in and out of that area. More than likely they are going to need to add traffic lights. City Attorney Bengoechea said she did mention that the Schools will conduct a traffic study for the light at Fairgrounds and Pecan and they will bear the cost of that. Commissioner Rardin said it was not in the agreement. City Attorney Bengoechea directed Commissioner Rardin to the location of the language on the agreement.

Commissioner Rardin asked if the City has a cap of \$200,000 for the demolition and the ground sprinkler system. City Manager Cesar said the \$200,000 is for the extension of the irrigation system and sodding of the field. The building demolition is part of the Public School's expense. Commissioner Rardin said the reason he is concerned is because Superintendent Perry's predecessor made some promises verbally and then the City ended up paying \$500,000 for a stop light. He also said the agreement states "\$200,000 plus applicable gross receipt tax, but subject to the sufficiency of appropriations", which means if they have the money then they will do it. He said if they can trade the land it works better for all parties, but they need to protect the City's side of this as well. He said the last one over at Washington and Indian Wells cost the city over \$500,000 and some additional road repairs that they were not anticipating paying for.

Commissioner Baldwin said if the City does nothing, they will only have to maintain the park and not worry about anything else. He said if they step down this road, they will have some unforeseen costs coming in the future. The maintenance of the park and the new area seem to be about the same, but in reference to the actual agreement drawn up, the City Manager said it specifically includes the seeding and/or sodding but he does not see it in the agreement. He asked City Attorney Bengoechea to show him where the agreement stated about the seeding and sodding. She said it does not say seeding or sodding, it says an in-ground sprinkler system for a cost not to exceed \$200,000. She said this is a big-ticket item and will need to be engineered, which will have a cost to it. She said if they will need to modify the *language* at a period and change that sentence, they can. Commissioner Baldwin said in reference to what Commissioner Rardin said about past agreements, that was one of the caveats that the Commission handed down to the agreement. He said his concern is that it does say in the agreement about hooking up to their effluent system, but it does not say prepping land and/or seeding or sodding. City Attorney Bengoechea said she is sure that she can speak to their Attorney about adding in sod and seed. She also said she does not believe they would be willing to remove "subject to the sufficiency of appropriation", that wording is also in every contract the City has because they budget year-to-year and she cannot speak to what the Commission will approve and not approve.

Commissioner Rardin asked if the School Board has consulted with the hospital. He said ambulances use this road often and his concern is that there may be buses running into ambulances.

Commissioner Payne said she knows Superintendent Perry was trying to keep this confidential initially, until he spoke with the City. She asked Superintendent Perry if he at any time made this public or is this something that he has kept within the schools until he had a plan. He said it was absolutely held with the tightest confidence that this was an acquisition that included making sure that they did this the right way. He said as he is aware, no one knew previously until the agenda came out.

Mayor Pro-Tem Sikes and Commissioner Payne expressed their concern that after their executive session it suddenly became public. Mayor Pro-Tem Sikes reminded everyone that their executive session is supposed to be confidential. Commissioner McDonald said the information that she had heard was prior to the agenda coming out. It was also on all the items presented in executive session, which concerns her. Mayor Boss echoed all the comments made about their executive session.

Jim Heckert made the following comments:

He said it is bothersome that the hospital is finding out about this a few days before the Commission meeting. In 2012, the hospital extended Pecan to Scenic Drive at the cost of \$2.5 million dollars to increase ambulance access to the hospital. The hospital was in partnership with the City in advancing their master plan and then turning it over to the City. He believes Fairgrounds Road is an emergency traffic zone and establishing a school zone within that would be ill advised. He said the hospital has grown in services where minutes may matter. If there is anything disrupting traffic it will be problematic to the safety of the community. The hospital owns 51 acres east of that property and if there are changes in zones concerns him in expanding for more services. He said the flight zone is right over the area. He thinks this will impact their service to the community by diverting traffic. He said they all know the school is a good thing, but just not where they are going to put it.

Ryan Sherwood made the following comments:

He said he would like to see the schools expand like the hospital has expanded. He said they have a unique opportunity to collectively do something amazing and long-lasting for the citizens. He said they can not allow their civic responsibility as elected officials to be overshadowed by private interest especially when a land swap like this simultaneously improves the holding of the City and the Alamogordo Public Schools as they will be both benefactors of the land that will improve the every day lives of the people in this community. He urged the Commission to approve this land swap.

Angie Cadwallader made the following comments:

She said at the beginning of the pandemic the school has loaned out 3,500 devices to the City's kids in order to do their online schooling. They have also put in several hotspots throughout the community. She stated since the pandemic they have 800 plus employees that are citizens of Alamogordo that have not been without a paycheck and they have supported the community. Since the pandemic they have served over a million meals. They also have a mobile medical unit that goes around and helps the people who needs shots or COVID tests. She said the food truck will drive to areas in the community to provide kids with meals. She said they have been good partners and members of the community.

G.B. Oliver made the following comments:

He congratulated the City and the Schools for coming together to put this agreement together. He thinks the taxpayers win from both perspectives. He said when they were trying to bed down these F16 squadrons, one of the great concerns was the public education system.

Dale Lindley made the following comments:

He said he knows the schools did not let this out. He said he is sad the building will not be at the same site, but he is excited about this new opportunity. He said with all respect to Mr. Heckert, he is not from here and doesn't understand the importance of the schools completely. Their kids deserve the best, there is an opportunity to make this a multi-generation school like Chaparral has been. He thinks all the concerns can be worked through. He asked the Commission to vote up on this proposal.

Commissioner Payne asked Mr. Heckert if he knows how many ambulances come through that area in a day. He said no, but that is the primary access. He said he talked to EMS services today because

they did not know what was going on. He said if you were to ask them, they would think it is problematic. Commissioner Payne said she would assume that it would be problematic wherever they decide to put the school. She said she was wondering if he had any statistics on that. Mr. Heckert said with six days to figure this out he really hasn't had time to go into depth on that, but it is pretty straightforward that it will compromise things by putting a 15 mile per hour speed limit in there. He said this is a different place and the last time they did a traffic study was in 2012, that was right before they opened up that side. If you start adding stop lights, it becomes a more complex. He said his only thing is if he only has a minute to get someone to the back of the hospital it will not be good. He said there is no question this is the easiest answer for the Schools, but it is the wrong answer for the community. Commissioner Payne said she understands what he is saying but she is a little uncomfortable with the suggestion that the Commission's decision is a matter of life or death. Mr. Heckert said with all the remodeling and the investment in this community, the primary access to that ED is being built with Fairgrounds Road in mind, not Scenic and not Indian Wells. He said his job is to mitigate things that might compromise patient care and he needs to express that, and he sincerely thinks this will.

Commissioner Payne asked Mr. Heckert if only found out about this whenever the agenda was put out. He answered that is when he found out about it.

Commissioner Rardin said in the agreement it states the City acknowledges and agrees that the City will be responsible for the costs of extending non-potable water to this location. He asked City Manager Cesar if he has any idea what that is going to cost. City Manager Cesar answered it is already onsite. He then asked if he was asking about the Chaparral site. Commissioner Rardin said on the new facility construction site. City Manager Cesar said it is already onsite at Hang Glider Park, that is what they use water the park. Commissioner Rardin asked if they will need to extend it. City Attorney Bengoechea said it states that it only needs to go to the boundary of the site, and they are already past the boundary. Commissioner Rardin asked how many acres they have in the La Placita area. City Manager Cesar said the schools had a need of at least 15 acres, and that site is nowhere near that size.

Commissioner Baldwin said there was a point brought up about zoning requirements and he asked if the City Manager could reference that. City Manager Cesar said he has no ideas what the hospital has planned for the property they own. He said with the school possibly going in on the Hang Glider Park site, the City of Alamogordo and Griggs field have already licensed with Alcohol and Gaming, the portion of the ballfield where the Pupfish play. They are grandfathered in, the schools are coming in after, so the City already had that area designated and approved. He has no idea what the hospital is going to do.

Commissioner Baldwin said initially one of his biggest concerns were the legacy costs to Alamogordo as they proceed forward. He is concerned with what they are dealing with in budget cuts and COVID not going away any time soon. He said he really likes this idea, and the hospital with the leadership of Mr. Heckert is going to be able to deal with the situation at hand. He said if they are unable to move forward tonight, he has faith in all three parties to come up with a plan to allow this to still move forward.

Mayor Pro-Tem Sikes said Commissioner Baldwin voiced everything she wanted to say. She also gave her condolences to the Lindley family. She said ever since they got an "F" grade for the High School, the emphasis became education. She believes the idea is sound and if for some reason they can't go forward, she has the confidence in all three entities they will be able to something positive.

Commissioner Baldwin moved to approve.

Commissioner McDonald seconded the motion.

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

8. Consider, and act upon, Ordinance 1622 for first publication amending Chapter 7 of the Alamogordo Code of Ordinances regarding Animals at Large. (Petria Bengoechea, City Attorney) (Roll Call Vote Required)

Item removed by City Attorney Bengoechea earlier in the meeting.

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

Mayor Boss read the openings and appointed Thomas Odgers to the Housing Authority Advisory Board. No one was opposed.

Commissioner Rardin said his decision was not because he is against the project, he thought they could do a little more research on the traffic. He said the last time they had an agreement with the Schools, they took a beating on that. Commissioner Baldwin agreed with Commissioner Rardin, and said the City is going to incur a cost somewhere on this.

**Commissioner Wright moved to adjourn at 7:42 p.m.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0**

ADJOURNMENT





Mayor Richard Boss

ATTEST:



City Clerk Rachel Hughes

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on December 1, 2020.