

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., VIRTUAL MEETING
May 25, 2021**

**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. City Clerk Hughs announced there was a quorum present. The Invocation was given by Commissioner Payne and the Pledge of Allegiance was led by Mayor Pro-Tem Sikes.

APPROVAL OF AGENDA

City Attorney Bengoechea requested to pull Item No. 13 off the agenda.

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

CITY MANAGER'S REPORT

City Manager Cesar made the following comments:

1. City Manager Cesar said Keep Alamogordo Beautiful held the Great Alamo Cleanup in conjunction with the Keep America Beautiful Great American Cleanup on Saturday, March 15th. They saw approximately 120 volunteers go to support the efforts. The projects completed were painting the railing at the Balloon Park, painting the Skatepark, water sealing the decking at the Zoo pond and aviary, and litter eradication at Alameda Park. The total volunteer time was valued at approximately \$9,700.

2. City Manager Cesar said about two and a half weeks ago, Senator Ben Ray Lujan was in town and discussed a number of very important projects for the City. Staff received guidance on how to apply for money through the Congressionally directed spending request which would hopefully be in the next Infrastructure Bill. One of the projects our City would put in for was the Pivot Transmission Line Replacement, which was the effluent line out to the big sprinklers at the Airport. Also, the Bonito Lake Infrastructure Improvements to cover the \$1 million which was coming out of the City coffers for that. They were looking for shovel-ready projects, which were projects where all clearances were done, we had all the right-of-way secured, and the projects were already designed. The next one was the Scenic Drive Extension to Mesa Verde Ranch Road, which was out to bid right now. Also, there was next year's Street Maintenance Project - 2021, and Phase I of the Parallel Pipeline Extension project which was the 24-inch line coming from the Snake Tank into Alamogordo bringing the water to be desalinated. Last was the Rehab of Various Potable Water Storage Reservoirs. We had five more main reservoirs left to be completed, ranging anywhere from \$1.9 million to \$2.2 million apiece. This included three smaller tanks, being the West Side Elevated Tank, which had not been used but was already due for interior and exterior coating, the Prather Tank south of town, and the Upper Alamo Tank.

3. City Manager Cesar notified the Commission that he would be taking this coming Friday off.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He inquired whether we had received an update from the State on when they were planning to put in a light at First Street and the Relief Route. City Manager Cesar said he had had a Zoom conference with the Department of Transportation about a month and a half ago. At that meeting they indicated that they were doing the preliminary engineering, which meant it was out at least two to three years before a signal would go in there. He knew they did not have monies appropriated for it for next year except for the study and engineering portion of it.

Commissioner Rardin said at the last Commission Meeting we had discussed an item where the Anti-Donation Clause was referred to and were told there was a written opinion or interpretation of the law on that. He thought the Commission had requested to see that, and he wondered if it was available to them yet. City Attorney Bengoechea said it was available in her office anytime anyone wanted to come read it. Commissioner Rardin asked if the Commission could receive a copy via email. She said historically staff never sent those out, but it was printed and on her desk for them to look at any time. Commissioner Rardin inquired about the cost to the City to get that opinion. She said they typically invoiced 45 to 60 days out, and as soon as she received that she would let him know the exact cost.

Mayor Pro-Tem Sikes made the following comments:

She thanked Special Events Manager Josh Sides for the success with the Keep Alamogordo Beautiful event, and for the outstanding job he had done at the Civic Center. Also, Public Works Week had been nicely promoted by City staff and she wished to thank all our Public Works employees for their hard work. Regarding the Police Department and the statement from Chief Denton regarding the Police contract, she felt that was good news and it meant that we were making headway and would be able to be more competitive in hiring more experienced Police Officers. Finally, Communications and Marketing Administrator Michelle Brideaux had worked with a wellness group called "Heal" and they had put up in Washington Park 18 stone monuments of critters that were native to our area, and they had set it up as a scavenger hunt. It was informational and educational, and she wished to thank Michelle and the group for an outstanding job. Too often she felt we at the City only heard the complaints and did not give ourselves enough credit for the good things that were being done.

Commissioner Payne made the following comments:

She said she had received kudos on the parks and wished to give thanks to the Parks employees.

Commissioner Payne asked City Manager Cesar to explain the events that would be happening on July 4th in order that everyone from the public would know what was going on. City Manager Cesar said under item No. 12 tonight, Special Events Manager Sides and Community Services Director Ortega would be going over all the events as part of that item.

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 May 4, 2021 Budget Hearing Workshop and the May 11, 2021 Regular meeting. (Rachel Hughs, City Clerk)**
- 2. Approve the statements related to the Executive Closed Session held on May 11, 2021. (Rachel Hughs, City Clerk)**
- 3. Consider, and act upon, acceptance of a \$50,000 grant award to Alamogordo Animal Control from the Carroll Petrie Foundation. (Debbie Osborne, Grant Coordinator)**
- 4. Consider, and act upon, Resolution 2021-17, giving notice to the Otero County Clerk of the vacancies for the City of Alamogordo for the Regular Local Election on November 2, 2021. (Rachel Hughs, City Clerk) (Roll Call Vote Required)**

5. Consider, and act upon, the Investment Report for the quarter ending March 31, 2021, in accordance with the City of Alamogordo Investment Ordinance. (*Sue Ashe, Accounting Manager*)

6. Consider, and act upon, Resolution 2021-18 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 May 25, 2021 (*Evelyn Huff, Finance Director*) (Roll Call Vote Required)

7. Approve Resolution 2021-20 designating the City Clerk as the Custodian of Records and including the method of destruction for City records as witnessed shredding. (*Rachel Hughs, City Clerk*) (Roll Call Vote required)

Commissioner Rardin moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

8. Consider, and act upon, a one-time waiver of renewal fees for current liquor license holders for the 2021 year to coincide with the State. (*Rachel Hughs, City Clerk*)

City Clerk Hughs said the City wanted to mirror what the State was doing under Senate Bill 2 which provided for a one-time waiver of renewal fees for current license holders. The amount of fees waived would be \$6,400. However, they were also waiving the fees for the City's Governmental Liquor Licenses and since there were three of those which totaled \$3,900, the actual difference would be just \$2,500.

Commissioner Baldwin moved to approve.

Commissioner Rardin seconded the motion.

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

9. Consider, and act upon, award of a Geotechnical Engineering Services On Call Agreement to Wood Environmental & Infrastructure Solutions. (*Nancy Beshaler, Project Manager*)

Project Manager Beshaler said this Agreement provided services such as quality assurance testing of the materials on road projects. They also did asbestos and lead testing when we were demolishing buildings. An RFP went out in early April and we received three proposals. The scoring sheet was attached to the Agenda Report, and Wood Environmental & Infrastructure Solutions was the highest scoring firm.

Commissioner Rardin asked how much the price would be for this Agreement. City Manager Cesar said it was based on Task Orders. So, it would be project dependent and based on how many buildings we took down in one year, etc. There was no set amount but if their services were required, then that cost would be built into the individual projects.

Commissioner Wright moved to approve.

Commissioner Rardin seconded the motion.

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

10. Consider, and act upon, request from Fuller Earthworks LLC to use a City-owned hydrant and meter to purchase water from the City for the purpose of providing potable water to

residential areas that have little or no access to drinking water. (Larry Garner, Public Works Director)

Public Works Director Garner said this action tonight would be the first step and if approved, Mr. Fuller had been advised that he would still need to submit an application with the New Mexico Environment Department Drinking Water Bureau for approval.

Mayor Boss inquired as to whether we did this type of deal with any other companies. Public Works Director Garner said yes, there was another company named Oasis and their meter was located by the City yard.

Commissioner Rardin moved to approve.

Commissioner Wright seconded the motion.

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

11. Consider, and act upon, first publication of Ordinance 1628 repealing Unlawful Possession of Marijuana. (Petria Bengoechea, City Attorney) (Roll Call Vote Required)

City Attorney Bengoechea said HB2 was passed this year which made adult-use cannabis legal on June 29th. This simply struck our marijuana Ordinance but still left everybody subject to State law.

Commissioner Rardin inquired if there was anyone currently incarcerated by this law, and whether they would be released from jail. City Attorney Bengoechea said nobody was incarcerated for violating this law because it was just a civil penalty. Currently under (c) (1) it stated, "Up to one-half (1/2) ounce of marijuana shall be issued a penalty assessment and is subject to a fine of fifty dollars (\$50.00)". Next it talked about "More than one-half (1/2) ounce but less than one (1) ounce..." first offense. It went up from there, but it was only when you got to the third offense when you could be imprisoned. We did not typically put people in jail even when this was a law, so there was nobody in jail right now for this. Commissioner Rardin clarified that if somebody currently had fines for this, that they would still owe them. City Attorney Bengoechea said if they had already been assessed a fine of \$50 or \$100, that meant they had already been convicted and we would not go back and vacate any convictions at this point. It was just moving forward once this Ordinance was passed, and it had an applicable date of June 29, 2021 on it.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Sikes seconded the motion.

Roll Call Vote was taken.

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

12. Consider, and act upon, Resolution 2021-19, allowing staff to recruit the part-time Civic Center Maintenance position that was laid off in May 2020 due to COVID-19. (Josh Sides, Special Events Manager and Veronica Ortega, Community Services Director) (Roll Call Vote Required)

Community Services Director Ortega said this was a request to bring back the part-time position. Special Events Manager Josh Sides would be covering the 4th of July event just to show how much work went into one of these special events. She also wanted to thank Josh for all the good he was doing through Keep Alamogordo Beautiful and these special events because it was hard work.

Special Events Manager Sides said the 4th of July event was one of 18 the City was putting on through June of next year. He gave a PowerPoint presentation. He noted the start time for the parade had been changed from 10:00 a.m. to 1:00 p.m.

Commissioner Rardin asked why they had not brought this position up three weeks ago during budget hearings. Community Services Director Ortega said that position was originally cut, but now that we were starting to open, we would need to start filling positions in order to provide events for the community. Commissioner Rardin felt three weeks ago we should have known about the need to fill this

position and that was the time we should have started looking to fund staff positions. He could understand six months down the road looking to fund a position, but not just three weeks down the road. She said she understood, but there would be more requests coming for other positions because we just did not know how much we were going to be allowed to open. Because those positions were cut last year, we had to come back to the Commission for budget approval.

Mayor Pro-Tem Sikes inquired if the person who was laid off would be called back, or did we have to go out to hire. Community Services Director Ortega said per Human Resources policy, it did have to go back out for recruitment. Special Events Manager Sides said the 4th of July events were all completely free to the community, from the parade to Sounds of Freedom to the fireworks show.

Mayor Boss moved to approve.

Commissioner Rardin seconded the motion.

Commissioner Rardin asked for the number of positions that would be coming before the Commission requesting to be filled. City Manager Cesar said the next batch that would be coming through was from the Recreation Center, and that was because we kept getting changes in guidance from the State. As everything was allowed to open up more, we would need more staff. We needed to have the processes moving so that come July 1st if everything was opened up 100 percent as the State predicted, then we would have people on board in order that we could have all programs fully staffed.

Mayor Boss called for the vote on the motion.

Roll Call Vote was taken.

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

13. Consider, and act upon, a Memorandum of Understanding with the International Space Hall of Fame Foundation regarding Fourth of July fireworks. (Petria Bengoechea, City Attorney)

This item was previously pulled off the agenda by the City Attorney.

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

Mayor Boss read the openings and reappointed Cynthia Stevenson to her second term on the Senior Volunteer Programs Advisory Council.

Commissioner Rardin noted the recent passing of Mr. Benny Covarrubias, who previously ran the Family Recreation Center for many years in the past.

Commissioner Payne moved to adjourn at 7:11 p.m.

Commissioner McDonald seconded the motion.

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

ADJOURNMENT

ATTEST:

Rachel Hughes
City Clerk Rachel Hughes

Richard Boss
Mayor Richard Boss