

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
JULY 13, 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. Invocation was given by Commissioner Payne and the Pledge of Allegiance was led by Mayor Pro-Tem Sikes.

APPROVAL OF AGENDA

Staff removed item No. 11.

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.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar said like many businesses in Alamogordo, the City was also having a hard time hiring personnel on. He said the City had a very good benefits package, including a retirement plan through the State, 10 paid holidays per year, paid time off for vacation and/or sick leave, and recreational benefits through some of the City services. Currently we had 62 open positions, and he reviewed many of the various positions that were open. There were many opportunities currently available at the City, so if anyone knew someone who was looking for a job, we would love to have them apply.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Pro-Tem Sikes made the following comments:

Mayor Pro-Tem Sikes said a couple meetings back it was announced that the Keep Alamogordo Beautiful program had received the largest Grant ever, and it was on for approval under item No. 2 of the Consent Agenda tonight. She once again wanted to congratulate Special Events Manager Josh Sides and reiterate that he had received the largest Keep Alamogordo Beautiful Grant the City had ever received, in the amount of \$47,784.35. She commended Mr. Sides and knew he would do an incredible job with this funding.

She noted that the City of Alamogordo had done a wonderful job with the fireworks show, including soliciting volunteers to sit with the animals at the Animal Shelter to help keep them calm. Mayor Pro-Tem Sikes commended City staff for the quick and efficient cleanup they had performed at the intersection of Scenic Drive and Florida Avenue after the downpour brought down an incredible amount of mud and debris into the roadway.

Commissioner McDonald made the following comments:

Commissioner McDonald said on July 23rd and 24th, there was going to be a cleanup initiative in District 5. They were two dumpsters that were being donated by the City of Alamogordo which would be placed on the corner of 5th Street and Florida Avenue. Volunteers would be out from 7:00 a.m. until 1:00 p.m. each day to collect any items that people were interested in getting rid of. They could not accept electronics or any flammable materials, but any other items of trash or unwanted articles would be taken. Also on Saturday, July 24th from 9:00 a.m. until 11:00 a.m., they would have Total Destruction on site to take anybody's old paperwork they wished to dispose of. They also were trying to establish a list of names in that area of elderly or disabled people to allow people to come into their yards and cut the grass, trim shrubs, or remove trash. She wished to thank Communications and Marketing Administrator Michelle Brideaux for posting this event and for including the paperwork on the webpage which included the Waivers for the residents and volunteers. The hope was to establish a list of people who would be needing help throughout the year. This was not going to be a one-time event, but they hoped to help people try to keep their yards maintained. This would be for the retired, elderly, veterans, and disabled.

Commissioner Payne made the following comments:

Commissioner Payne said on June 26th in Albuquerque, they held the State Track and Field event. The Alamogordo Tigers participated, and these young men and women had practiced everyday wearing masks in 100-degree heat. It all culminated in the Western Sky Community Care Class 5A Girls State Track and Field Championships, and the Alamogordo Girls came home with the State Championship. Sandia came in third place with 51 points, La Cueva came in second with 53 points, and the Alamogordo girls came in first place with 79.50 points. It was awesome and amazing to watch. Alamogordo placed in 13 events. The Alamogordo girls also added a new event this year, the 4 x 800-meter race, and they set a new State record with their time. Also, their Coach Jason Atkinson won the New Mexico High School Coaches Association "Coach of the Year" award. She thanked the Alamogordo Police Department for escorting the teams out of town and back in, and she wished to congratulate all the athletes for their success.

Mayor Boss made the following comments:

Mayor Boss said last Friday night he and his wife had attended an event at the Flickinger Center where they hosted the world premiere of a 30-minutes film about Alamogordo's place in the Manhattan Project called "Alamogordo, Center of the World, Trinity 1945". The film was created by Larry Sheffield and Trent Di Giulio, both 1976 graduates of Alamogordo High School. The film discussed how Alamogordo was chosen as the site for atomic bomb testing. Larry Sheffield had collected various artifacts over the years and had donated these artifacts to the Tularosa Basin Museum of History. He wished to thank both Larry and Trent for their contributions to our community. He felt this type of event helped to keep Alamogordo on the map. Mayor Pro-Tem Sikes added that these two gentlemen had given the rights to the showing of this film to the Museum, so they would be able to show it again when they wished.

CONSENT AGENDA

- 1. Approve the minutes for the June 22, 2021 Regular meeting. (Rachel Hughs, City Clerk)**
- 2. Consider, and act upon, support of acceptance of the New Mexico Department of Tourism's "Clean and Beautiful" Grant award in the amount of \$47,784.35 for Keep Alamogordo Beautiful for fiscal year 2022. (Josh Sides, Special Events Manager)**

3. Consider, and act upon, approval of the Annual Reports from City Boards, Commissions and Committees for Fiscal Year 2021. (Rachel Hughs, City Clerk)

4. Consider, and act upon, adoption and final publication of Ordinance 1631 Case Z-2021-0002(A) for a map amendment to change the zoning designation of the property with the legal description of Collins Tracts, Tract 16, Replat A from R-1 Single Family Dwelling to MH-1 Manufactured Housing Subdivision. (Stella Rael, City Planner) (Roll Call Vote Required)

5. Consider, and act upon, adoption and final publication of Ordinance 1632 Amending Section 18-02-0808 of the Code of Ordinances of the City of Alamogordo, New Mexico Increasing the Salary of the Temporary Municipal Judge. (Petria Bengoechea, City Attorney) (Roll Call Vote Required)

6. Consider, and act upon, approval of the School Resource Officer contract between the City of Alamogordo and the Alamogordo Public Schools (Chief of Police, Richard Denton)

7. Consider, and act upon, approval of Resolution No. 2021-26 and acceptance of agreement between the City of Alamogordo and Alamogordo MainStreet for fiscal year 2022. (Debbie Osborne, Grant Coordinator) (Roll Call Vote Required)

8. Consider, and act upon, adoption and final publication of Ordinance 1633 Case Z-2021-0001(A) for a map amendment to change the zoning designation of the property with the legal description of College Addition, Replat 1, Block 16 & 17, Lot 1A also known as 1100 Jefferson Ave., from C-1 Neighborhood Business District to R-3 Two Family Dwelling District. (Stella Rael, City Planner) (Roll Call Vote Required)

Commissioner Payne moved to approve the Consent Calendar.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

9. Consider, and act upon, award of Public Works Bid No. 2021-004 to Sturgeon Services International related to the Rebid of Otero/Greentree Regional Landfill Cells No. 1 and No. 2 Closure project in an amount not to exceed \$464,275.78, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson explained that the work for this project would consist of preparation and compaction of the existing intermediate surface, installation, and compaction of a 24-inch-thick barrier soil layer, overlaid with a 6-inch-thick loose topsoil vegetation layer. The project was a regulatory requirement mandated by NMED Solid Waste Bureau. The project was advertised on May 30 and June 6, 2021. Bids were opened on June 23, 2021, and they had received four bids.

Commissioner Rardin asked if staff felt comfortable given that the other bids were all much higher than Sturgeon Services' bid. Engineering Manager Johnson said they did. The bidder was actually

at the bid opening. He had clarified with the bidder that they were sure of the price. Staff then did their due diligence and conducted a thorough background investigation on the contractor. This company had been in business since approximately 1927, their headquarters were out of Bakersfield, California, and they had offices in Carlsbad, New Mexico and Midland, Texas. They had a great deal of work going on in West Texas now. They had started out as an oilfield firm and they had graduated into heavy civil earth work doing landfills, mining, reclamation projects, etc. Their references were checked, and they had received glowing reports on this contractor's performance. Therefore, staff felt they had no reason to not award them with the project. They indicated that they owned their own equipment and did not intend to rent anything, and they had a large stockpile of equipment on standby ready to mobilize. This project was basically moving existing material from Cell 6 onto the tops of Cells 1 and 2.

Commissioner Wright moved to approve.

Commissioner Baldwin seconded the motion.

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

10. Consider, and act upon, first publication of Ordinance 1634, amending Section 23-02-060 of the Alamogordo Code of Ordinances regarding exemptions for Lodgers Tax and to amend Section 23-02-030 to include additional definitions. (Stephanie Hernandez, Assistant City Manager and Evelyn Huff, Finance Director) (Roll Call Required)

Assistant City Manager Hernandez said this proposed Ordinance was to update the Lodgers' Tax. In the 2019 and 2020 Legislative Sessions, the State updated the Lodgers' Tax to include Bed & Breakfast lodging and to clarify definitions regarding them. If approved, this Ordinance would clarify definitions in our Code and Alamogordo would be aligned with State Statutes.

Commissioner Rardin asked how they would regulate the Airbnb's. Assistant City Manager Hernandez said once this Ordinance went forward, staff would get a plan put together as a way to track them and get them to apply for their Business Registration. There currently about 50 of these businesses out there right now. State Statute required that if anyone rented and made more than \$2.00, then they were required to pay these taxes. Commissioner Rardin said he just felt it would be very difficult to enforce with the number of Airbnb's coming in, or those people who just wanted to make a little extra income off their properties. Assistant City Manager Hernandez said even if the City redacted the entire Ordinance, this would still be required by State Statute. Commissioner Rardin said that would be the State's problem and not ours. Assistant City Manager Hernandez said we would still have to collect it.

Mayor Pro-Tem Sikes said she was surprised to find that we had these types of facilities in Alamogordo. Had we done any sort of forecasting for when they all received Business Registrations and paid these taxes. Assistant City Manager Hernandez said staff had done that forecasting back in 2019, and she would pull those numbers and get them submitted. Mayor Pro-Tem Sikes said it could be significant. Assistant City Manager Hernandez agreed, and said the general rule for hotels was that they were booked at 50 percent half of the year. Using that general rule, staff had done some forecasting at that time.

Commissioner Payne said when she traveled, she regularly stayed at Airbnb's. To not put something in place was unfair to our motel owners because they were taxed and required to pay Lodgers' Taxes. She knew that when she stayed at Airbnb's they always charged her tax, so if they were collecting it then they needed to submit it. The owners would not have to pay this tax

themselves because it was incumbent upon the renters to pay for it. In that respect she was comfortable with this because it was not hurting our business owners.

Commissioner Rardin said his biggest issue with this was how the City was going to track these, especially if there were about 50 of them. He asked what the current Lodger's Tax was. Assistant City Manager Hernandez said 5 percent. Commissioner Payne said her bigger concern would be if the owner was collecting the tax and not paying it to the City.

Commissioner Baldwin 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.

11. Consider, and act upon, the placement of a new Resident Parking Only sign for home located at 1322 Vermont Avenue. (Teresa Gutierrez, Deputy Clerk)

This item was removed from Agenda.

12. Consider, and act upon, first publication of Ordinance 1635, Case Z-2021-0003(A) for a map amendment to change the zoning designation of the property located at 21066 US Hwy 70 West, from R-1 Single Family Dwelling District to C-3 Business District. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael said the parcel located at 21066 US Hwy 70 West had been within the R-1 Single Family Dwelling District since the parcel was annexed into the City limits in 1997. In this case, the applicant, Ms. Gloria Blakey, was purchasing the property and had a business at the property. Because she was not the owner at the time, she had never received notification about the annexation from the person she was purchasing the property from. At a certain point, Ms. Blakey became ill and had to close her business. She had now recovered and was back to the point where she would like to open up a business at the location again. However, because it was still zoned Residential, she could not open a business up unless we went through the rezoning process. Her application was submitted on June 3, 2021. Legal notice was published in the Alamogordo Daily News on June 13, 2021. Three letters were mailed by certified/return receipt to the property owners of record within 200 feet of the property. As of June 23, 2021, there had been no letters returned undeliverable, and she had not received any letters or phone calls of opposition. This item went before the Planning & Zoning Commission on July 1, 2021, and they recommended approval by a vote of 3-0-0.

Commissioner Rardin asked what business this was. City Planner Rael said there was not a current business there, but next to it was White Sands Motor Sports on one side and Continental Specialties on the other side. Both of those businesses had active Business Registrations. Commissioner Rardin clarified that the City limits went out that far. City Planner Rael said yes.

Mayor Pro-Tem Sikes asked what business was going in there. Property owner, Gloria Blakey said originally it was a U-Haul and a wrecker service. She had then opened a gift shop and she called it "Antiques, Collectibles, and Stuff". She was ready to go back to work and use the property she had. To her, it was commercial property because there were businesses all the way around her.

Commissioner Rardin moved to approve.
Commissioner Wright seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.

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

Mayor Boss read the openings. Regarding the Alamogordo Public Library Board, Mayor Boss said he had been the Mayor for four or five years now and he could remember William Dennis II (resigning from the Board) sitting in the audience through every City Commission Meeting. He knew Mr. Dennis had also been very active in the Public Library Board, and he wanted to thank him for his service.

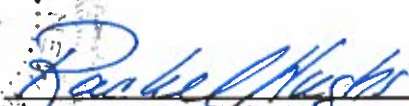
Mayor Boss appointed Nora Coyazo to the Mayor's Committee on Aging. No one was opposed.

Commissioner McDonald said she hoped City Manager Cesar could address his and Public Works Director Garner's visit out to the large bump on Lavelle Road. City Manager Cesar said two to three weeks ago there was another accident on Lavelle Road close to Mayflower Road. It was where the old railroad tracks used to go out to Holloman, and it caused a huge hump in the road. There had been a number of accidents over the years. He and staff went out after the accident to see what they could do with the road. If you were headed south, they could not put in a 3-way stop because drivers would not see it. So, what they were looking at now was adding additional signage on both sides of the hump to warn drivers to slow down and that there was a sharp curve ahead. Hopefully, that would make some people more aware that they needed to slow down. Staff felt that adding in speed bumps in the area would actually cause more accidents. The Police Department was patrolling the area a little more often when they had the staffing, but an Officer would actually have to be in the area to catch someone speeding. Therefore, they were going to try the signage first and see if that helped. Commissioner Rardin echoed Commissioner McDonald's comments regarding how dangerous this particular intersection was.

Commissioner Rardin moved to adjourn at 7:19 p.m.
Commissioner Wright seconded the motion.
Motion carried with a vote of 7-0-0.

ADJOURNMENT

ATTEST:


City Clerk Rachel Hughes


Mayor Richard Mayor Boss

(Prepared by Teresa Gutierrez, Deputy City Clerk)
Approved at the Regular Meeting held on July 27, 2021.

