CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
July 27, 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 BENGOECHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Boss called the meeting to order at 6:38 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Mayor Boss said before the Invocation, he would like to thank City Clerk Rachel Hughs, Deputy Clerk Teresa Gutierrez, Commissioner Susan Payne, and Commissioner Sharon McDonald for taking turns and giving the Invocation at the City Commission Meetings held during the Covid shutdown. Invocation was given by Reverend Warren Robinson and the Pledge of Allegiance was led by Reverend Warren Robinson.

APPROVAL OF AGENDA

Commissioner Wright moved to approve the agenda.
Commissioner Payne 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 a couple of weeks ago he had forwarded an email to the Commission regarding issues with chemical supplies for our water and wastewater plants. Normally this was the time of year we went out to bid for our annual street maintenance program. Design was going to be complete by mid-August. Right now, the Engineer's estimate was about double the $2.6 million we had budgeted for that project. That was largely due to lack of availability of materials and not having a work force to complete projects. Therefore, staff was looking at delaying putting those out to bid until after the new calendar year starting January 1. Hopefully by that time the market will have stabilized, people will be back to work, and the contractor would be able to secure materials. There were a number of projects we needed to get done right now, but we were not able to give the contractor notice to proceed because they couldn't get pipe and other materials. Many of those projects would be delayed by at least six months so that we could cost effectively have them completed.

Mayor Pro-Tem Sikes asked if the chemicals they had approved a couple weeks back were now not happening. City Manager Cesar said regarding the industrial strength bleach we used for disinfection, the earliest we would get a shipment in was the first week in August. Normally we would get two or more shipments per month, but right now those orders were out almost two months. We were still able to treat the water and the wastewater, so everything going out to the public or being disposed of in the City parks through the effluent system still met all State EPA standards. We were not skimping on disinfection, so there was no danger to the public. This just meant that we were getting low in our levels right now.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner McDonald made the following comments:
Commissioner McDonald thanked the City for supplying dumpsters and equipment during the cleanup in District 5 this past weekend. She also thanked the volunteers, including Pastor Robinson, who helped with the event. Saturday was a drop-off day, and they had a number of people helping out. To keep their stamina up, there were others bringing food and drinks. They also went to people's homes and helped clean up, and she still had calls coming in from people who needed help and the volunteers were still pitching in. She even had one call from a gentleman who was 100 years old, and she found it amazing. She thanked the City for putting the information about the event out on the website. Also, she thanked Mayor Pro-Tem Sikes for including this on her radio show, and Nicole from the Alamogordo Daily News for writing an article about the event. She appreciated everyone who helped out.

CONSENT AGENDA

1. Approve the minutes for the July 13, 2021 Regular meeting. *(Rachel Hughs, City Clerk)*

3. Approve Resolution No. 2021-27 authorizing the Mayor to execute the agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). *(Rachel Hughs, City Clerk)* (Roll Call Vote Required)

Commissioner Rardin requested to remove item No. 2 from the Consent Agenda.

Commissioner Rardin moved to approve the Consent Agenda as amended.
Mayor Pro-Tem Sikes seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

2. Approve letter of request to the State Transportation Commission to allow Recreational Off-Road Vehicles on a section of White Sands Blvd., from Scenic to Panorama, to be sent to the State. *(Larry Garner, Public Works Director)*

Commissioner Rardin said instead of just allowing this from Scenic to Panorama, he would like to see this go from City limit to City limit. Public Works Director Garner said because this was a State highway, the State Police had jurisdiction and authority to pull over and ticket those vehicles. According to the State Engineer in Roswell, this was okay as long as we had a map which showed from boundary to boundary. His opinion was not to ask for a huge, long area on this because the Board would typically reject going out on the State highway too far where the speed limits started to increase and where the business locations were sketchier. They were trying to keep those vehicles in a more congested area where the businesses were located. He could certainly ask for more, and this was just a preliminary to get the door open so the State would know the City was interested in adjusting this. Commissioner Rardin felt it cut off the Walker area in case someone was to ride one out that way or out toward Amber Skies. Public Works Director Garner said he could ask for as much or as little as they liked. Commissioner Rardin felt it would be better on the north end to change it out to Highway 82 for those coming off the bypass. Public Works Director Garner said he hadn't technically looked at the bypass because it was a State highway as well.

Mayor Boss asked how far other cities had gone out. Public Works Director Garner said Ruidoso was the only other one he was aware of that had requested to get part of the State highway added in. They had asked only for the congested area along Sudderth Drive because the State had hemmed and hawed due to the potential for accidents out there.

Public Works Director Garner said sending in this letter was just the first step to get before the State Board. Then the State would go out and look at the area they were talking about, and they would determine whether they were willing to let this happen. Mayor Boss said perhaps we should ask for as much as we could because chances were they would want to close it up a little bit anyway. Public Works Director Garner said the reason he chose the area he did was because of the congestion of the businesses. That was good justification for the State because they viewed business areas for people who were just trying to get to work as opposed to going out of town. The congestion was a huge factor on the part of their decision making. As the businesses started spreading out, that was where they started having a problem and would say that those type of vehicles should not be out this far on a State highway.

Commissioner Wright asked if we could say that Panorama to Scenic was our main focus, but we would like to look at those other extended areas as well. Public Works Director Garner said he could modify the letter to say that. Commissioner Rardin felt that the option should be from Highway 82 to Walker Avenue which would cover the main portion of town. Public Works Director Garner said he could word his letter to say that we would like to cover from Highway 82 to Walker Avenue, but if that was not feasible then we would at least like from Panorama Blvd. to Scenic Drive on White Sands Blvd.

Commissioner Rardin moved to approve as amended.
Commissioner Wright seconded the motion.
Motion carried with a vote of 7-0-0.

NEW BUSINESS

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

Ms. RaDeana Dwyer, owner of 1322 Vermont Avenue, said she was a Registered Nurse and worked at Fresenius Kidney Care. She was asking for consideration of a "Resident Parking Only" sign to be placed in front of her home. She explained the various pictures she had submitted. She recently had trouble with neighbors across the street parking vehicles in front of her home, and she actually had not been able to move into her home. The neighbors first had a black truck parked there, and she had to have an Alamogordo Police Officer tag the vehicle. The neighbors moved it within the three days, but then started parking their red truck in front of her home. The neighbors also had a Subaru vehicle they would park in front of her home. They had a driveway and had room to park on their own side of the street, but they continued to park in front of her home. She had furniture which she had not been able to move into her home yet because they were always parked there.

Commissioner Payne asked if she'd had a conversation with her neighbors about this. Ms. Dwyer said she'd tried. She had tried saying hello, but they did not respond. So, she put a note on the black truck when it was in front of her house asking if they could please move the vehicle so she could move in, but that got to the point where they had to get the police involved to get that vehicle moved. It had been an ongoing problem as they were always parked there.

Mayor Boss asked if staff had any problem with putting this sign in. If it was installed, would it make the street more dangerous. City Manager Cesar said no. He explained that previous Commissions had approved requests like this, but it was a decision of the Commission as a whole and staff normally did not give the recommendation as it was based off what they heard from the property owner.

Mayor Pro-Tem Sikes asked Ms. Dwyer how long she had been there and not able to move into the residence. Ms. Dwyer said she had purchased the home at the end of May. It was her first home and she had not been able to move in yet. She was living with her parents right now. Mayor Pro-Tem Sikes found that appalling. She asked about the first picture where there was a trash can behind the truck, and she wondered how they picked up the trash. Ms. Dwyer said they had missed it three times. She put the trash out, but because the neighbors parked their truck so close, they had missed picking it up a few times. Also, there was a streetlight on the corner which she liked because she had crazy work hours and could go in at 4:00 a.m. or she could get off very late and the streetlight actually lit up her walk right into her front door so she could feel safe. But she had not been able to do that yet.

Commissioner Baldwin asked if posting a sign like this was for all the residents of the street. If so, he didn't see how this sign would stop the neighbors from parking in front of her home. Commissioner Payne said the sign read "Resident Parking Only". Police Chief Denton said the Ordinance referenced the property owner and specifically parking in front of their residence. Commissioner Baldwin asked if this sign would rectify the situation. Police Chief Denton said yes, and his department could issue citations on it.

City Attorney Bengoechea read from Ordinance No. 1567 as follows: "Except when necessary to avoid conflict with other traffic, or in compliance with this section or the directions of a police officer or official traffic-control device, no person shall stop, stand or park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, at any place where an official sign reads "Residential Parking Only," and along the curb within ten feet of either side of such sign, unless given permission by the resident living directly behind the sign." Therefore, the Ordinance would address the applicant's problem.

Mayor Boss moved to approve.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.

5. Consider, and act upon, award of Public Works Bid No. 2021-001 to Smithco Construction, Inc. related to the Bonito Lake Infrastructure Improvements project in an amount not to exceed $3,216,695.00, including NMGRT. *(Bob Johnson, Engineering Manager)*

Engineering Manager Johnson said this item was to approve the award for the Bonito Lake Infrastructure Improvements project, also known as the permanent improvements. The work would consist of adding gated ports to the intake tower and several other improvements to the structure, adding a catwalk access to the intake tower, resurfacing the interior face and crest of the dam, replacing 1940's era valving and piping in the dam valve house, adding a parshall flume and flow meter on the discharge pipe, and other improvements to site access and security fencing. The project was advertised on May 30 and June 6, 2021. This was out there for six weeks instead of the normal four. Bids were opened at 2:00 p.m. on July 15th with two bids received. They held a mandatory pre-bid conference on June 24th. General contractors intending to bid this project and have their bid considered had to attend this conference. There were eight general contractors who attended. Five of those eight were properly licensed, and two of those five submitted bids. Smithco Construction, Inc. and Meridian Contracting, Inc. were the contractors that had submitted the bids.

Commissioner Rardin asked if the amount of money that was over on our Engineer's estimate was due to material costs. Engineering Manager Johnson said yes, primarily. The Engineer's opinion of probable construction costs was created in early March. Shortly after that timeframe was when we saw the economy just go crazy and the cost of materials go up. We were starting to see some decrease in wood costs only, but the price of steel was still at an all-time high and this project contained an immense amount of steel. We were also seeing that the availability of pipe was still difficult at best, in any diameter and in any material. Commissioner Rardin questioned the mobilization costs and the increase there. Engineering Manager Johnson said he had no idea why they had gone up, but his guess would be the rising cost of fuel because there would be a lot of equipment mobilized to this project. Between Smithco and Meridian, half of the difference in cost was mobilization. Smithco was based out of Caballo, and Meridian was based out of Albuquerque. They were both large industrial-class firms. Commissioner Rardin asked if we had the funds to cover these costs differences. Engineering Manager Johnson said yes. We had a $2.15 million loan from the Drinking Water State Revolving Fund. It was EPA funding that was channeled through the New Mexico Finance Authority. We also had $1 million in local funding which had been allocated in addition. In small print in the Engineer's recommendation, but which had not been fine-tuned yet, was that the Office of State Engineer Dam Safety Bureau was going to send us an Agreement for an additional $900,000 in capital outlay. There was no City match, and it was strictly a grant. He felt we were in good shape and had a sufficient contingency for anything that might come up. Considering that this project would be tearing into old structures and old plumbing, there were always unforeseen conditions.

Commissioner Baldwin asked if we'd worked with Smithco before. Engineering Manager Johnson said yes, on two separate projects. Commissioner Baldwin asked if we'd had any issues with them. Engineering Manager Johnson said no. They had recently completed the debris removal project.

Mayor Boss pointed out that instead of putting the dam back like it was before, it was going to be much better because we could get water from four different locations in the lake and not just have it at one level. That would make a big difference in the quality of our water. He felt it was money well spent.

Commissioner Rardin moved to approve.
Commissioner Baldwin seconded the motion.
Motion carried with a vote of 7-0-0.

6. Consider, and act upon, approval of Change Order No. 9, RFQ No. 2014-005, to Bohannan Huston, Inc. related to the engineering and design of the Bonito Lake Restoration and Infrastructure Improvements projects in an amount not to exceed $429,550.05, including NMGRT. *(Bob Johnson, Engineering Manager)*

Engineering Manager Johnson said this Change Order would be increasing the engineering and design services for the construction phase services associated with Public Works Bid 2021-001, Bonito Lake Infrastructure Improvements, and to also complete reestablishment and provide planimetric/topographic survey of the lake bottom after completion of the debris removal project for Public Works Bid 2017-009. This was a rather large amendment, but approximately half of it was in inspection costs because the Dam Safety Bureau was the authority having jurisdiction over all this work. They reviewed this design in great detail and recommended a lot of changes to it. They were also the permitting agency, and we had to obtain their permit and their stamp on the plans before we could advertise the project for bid. They had imposed a great deal of additional inspections upon the City's Engineer and upon the contractor and there were additional costs associated with those inspections. Primarily those were structural inspections and Structural Engineers were one of the most expensive engineering trades we had to deal with on a day-to-day basis.

Commissioner Rardin asked if there would be any more Change Orders after this one. Engineering Manager Johnson said the Engineer had communicated to him that this would be the last one. One must consider, though, that they had been engineering this project for six years and it was the combination of two large projects.

Commissioner Baldwin said he did the quick math and it looked like they might be left with about $225,000. Engineering Manager Johnson said when they factored in the $900,000 grant that was coming down, they would have closer to $400,000 to $450,000 as far as contingency went.

Commissioner Rardin moved to approve.
Commissioner Baldwin seconded the motion.
Motion carried with a vote of 7-0-0.

7. Consider and act upon, request for City Water service from Donald K. Berry at 4920 N. Florida in the County. *(Larry Garner, Public Works Director, and Donald Berry, Property Owner)*

Public Works Director Garner said Donald Berry lived outside the City limits and he was requesting acquisition of water services. His well had stopped functioning and he was now trucking in water for his needs. He had discussed with Mr. Berry and made him aware how much he would be charged for the water and the restrictions requiring his well.

Commissioner Rardin asked where the water would be pulled from. Public Works Director Garner said Mr. Berry's home was circled in red on the displayed map, and there was a transmission line which paralleled his property which was where the water would be pulled from. He had made Mr. Berry aware of exactly where the line would need to be tapped into.

Commissioner Payne asked if he would hire someone to do that work. Public Works Director Garner said yes, he would hire a plumbing contractor. Commissioner Rardin asked if the City installed the tap. Public Works Director Garner said yes as we no longer allowed contractors to tap into our lines.

Commissioner Wright moved to approve.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.

8. Consider, and act upon, the approval of Resolution No. 2021-28 amending the Preliminary FY 2021-2022 Budget with carry-over fund balances, and adopting the Final Budget for 2021-2022. *(Evelyn Huff, Finance Director)* (Roll Call Vote required)

Finance Director Huff said this was the Budget Resolution brought to the Commission at the end of July every year. The main objective of this revision was to take our cash balances from the preliminary estimated cash balances they approved as part of the budget in May and apply them to the unaudited cash balances calculated as of June 30, 2021. That was our first entry. The other entries from there were to roll over any projects that were not completed at the end of FY21 into FY22 and any funding sources attached to those. There were some other revisions dealing with Purchase Orders, balance of expenses that departments were allowed to carryover, and some other residual revisions we did in order to get things going throughout the beginning of the fiscal year.

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

9. Consider, and act upon, Resolution 2021-29 approving the DFA Quarterly Report for the period ending June 30, 2021. *(Evelyn Huff, Finance Director)* (Roll Call Vote Required)

Finance Director Huff said this was also brought to the Commission every July per the DFA regulations. What was provided to the Commission was the trial balance for the fiscal year that ended June 30, 2021. Those were all the cash lines, balance sheet lines, revenue, and expenditures for the entire fiscal year.

Mayor Boss moved to approve.
Mayor Pro-Tem Sikes seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.

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

Mayor Boss read the openings and reappointed Chuck Keller to the Mayor's Committee on Aging, and reappointed Lorraine Adam to the Parks and Recreation Board. No one was opposed.

Mayor Pro-Tem Sikes said in the audience tonight was Mr. William Dennis, and she wished to thank him for his service on the Library Board over the past ten years. We were going to miss him on that Board, but she hoped he would continue to attend the City Commission Meetings. Mayor Boss agreed and thanked Mr. Dennis greatly for his years of service as that was a long time to serve.

Commissioner Rardin moved to adjourn at 7:27 p.m.
Commissioner Payne seconded the motion.
Motion carried with a vote of 7-0-0.

ADJOURNMENT

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

Approved at the Regular Meeting held on August 10, 2021.