

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:00 P.M., COMMISSION CHAMBERS
NOVEMBER 9, 2021**

**RICHARD BOSS, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
DUSTY WRIGHT, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM
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 Pastor Timothy Green and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

**Commissioner Wright moved to approve the agenda.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 6-0-0.**

PRESENTATIONS

1. Lung Cancer Awareness Month Proclamation. *(Richard Boss, Mayor)*

Mayor Boss read the Proclamation which recognized the month of November as "Lung Cancer Awareness Month" in Alamogordo.

2. Presentation regarding "Dangerous Intersection Created at Buena Vista Ct. and 18th Street". *(Gerald A. Dodd, Resident)*

Mr. Dodd said he would like to speak about the dangerous intersection which had been created at the corner of Buena Vista Ct. and 18th Street. For approximately the last 60 years they enjoyed a safe intersection, until 2019 when the owners of the corner lot decided they wanted to expand and build a wall. It created a dangerous intersection, even though he knew of no accidents or deaths that had occurred there since the wall had gone up.

Mr. Dodd presented several pictures which displayed the wall protruding right up against the sidewalk on 18th Street. He wished to point out the location of the wall with respect to the roof line in the center of the three gables, and it was west toward the street from the center gable. The speed on that street was 30 mph, which didn't allow much of a chance to avoid traffic when coming into that blind corner. He also presented a picture of a property where the fence was back and there was a space for the highway right-of-way. The plat he presented showed the right-of-way on 18th Street was 60 feet wide, which was different than the 45 feet on Buena Vista Ct. The section from the Code of Ordinances which he provided basically addressed invoking the clear site triangle on the corner lots and addressed the maintaining of trees and shrubs to not obstruct the view. This wall he was addressing tonight did obstruct the view. The City's clear site triangle requirements were for 30 feet in each direction from the corner. It was very important to keep that area clear. The Building Permit form he submitted was from July 2019 which conformed to the

Code requirements. The block wall was depicted as 30 feet from the street line, but that block wall was behind the gable he'd pointed out earlier. The graph showed the distance from the center line of 18th Street to the block wall was 30 feet, which was half the width of the right-of-way.

Mr. Dodd said they had to realize that the City did not have a Building Inspector, so when building began there was no one to keep an eye on it. Also, the CID Inspector for the State did not inspect walls and fences. Therefore, the property owners here had pulled a slick one. They built the wall five feet outside of their property line up against the sidewalk. While it was under construction, he'd brought it up to the City Planner, and she had stated that she would look into it. The construction of the wall was completed, and he filed a complaint on the proper form such that it would be investigated. He had spoken several times with the Planner and also with the City Attorney. In each case they basically thanked him for his comments and said they would have to discuss further with the City Manager. The City Manager was busy, and he had not spoken with him. However, in May 2021 the City Planner told him that there was zero priority for handling complaints about walls and fences. So basically, his complaint had gone to the dead letter office.

Mr. Dodd said he was present tonight to ask for the Commission's help. It was a dangerous intersection. He showed a picture of the back wall, which clearly showed the extra five feet of wall built when they didn't follow the Building Permit and took the extra feet for their backyard onto the highway right-of-way. His suggestion for solving the problem was 1) to direct the City Manager to remove the wall at 1742 Buena Vista Ct. to the street right-of-way; 2) direct the City Manager, City Attorney, and City Planner to honor City street right-of-way property lines; 3) direct the City Manager and City Planner to adhere and enforce Code 29-03-080 (R-1 Fences and Vision Clearance); and 4) direct the City Manager to require a permit for constructing, repairing, and modifying walls and fences such that street rights-of-way are not built upon. If this was done, it would bring to the property owner the realization that we were not going to allow that anymore.

Mayor Boss asked how many accidents had occurred at that intersection. Mr. Dodd said since the wall was built, he knew of none. But for damage to vehicles or danger to life, there was not a criterion to say a dollar amount could be put on it or a certain number of lives. Because a blind intersection had been created there, every time someone went through the intersection there was the possibility of an accident. Commissioner Payne said according to her research, there had not been any accidents there over the past five to ten years. Mayor Boss said he went out and drove through that intersection when this item came up a few years back, and quite honestly, he did not see the danger. Mr. Dodd said they had created a blind intersection. Mayor Boss said it was not really blind because he could safely see by moving up. Also, he wondered if there were other areas of town where we had this same situation or encroachment on the actual City rights-of-way.

City Manager Cesar said to answer their questions, in the past ten years there had not been any accidents at the intersection of 18th Street and Buena Vista Ct., nor at the intersection of Lamar Circle, which was the horseshoe to the north side. There had been two accidents on Lamar Circle down the road a ways, but they were either backing accidents or a side swipe. There was a big difference between right-of-way and an easement. Easements were normally reserved by the City which had to be obtained from property owners or from State and Federal agencies and were normally for utility line installation. Normally rights-of-way were for expansion of a roadway. Both 18th Street and Buena Vista Ct. would not be expanding. He had driven the intersection many times, and you did not need to pull six feet out into the middle of the intersection to see clearly up the street. Off the top of his head, at the intersection of 10th Street and Juniper Avenue on the south side, that block wall was well beyond the 30 feet. Because of the curvature of the roadway,

you had to creep out to the curb line to see traffic coming down 10th Street. On the opposite side of that intersection on the Juniper side there was a similar situation with another block wall. Regarding the situation with residents and businesses building out to the right-of-way, that was all over the City and had gone on since Alamogordo was founded. If this became the priority for the Commission, staff would enforce it and there would be a lot of stuff torn down in Alamogordo. Staff did not see this wall as an issue. It was not necessarily that the block wall had to come down. The homeowners could apply for a variance. If at some time in the future the City wanted to widen 18th Street to four lanes, we had reserved the right-of-way and could. As had been done at times in the past, we required people to move their walls, fences, landscaping, sprinkler systems, etc. For the right-of-way on Buena Vista Ct., that was a 45-foot right-of-way. The Utility Construction Manager had gone out a couple weeks ago and measured back of sidewalk to back of sidewalk. As you went through Buena Vista Ct., it varied from 41 feet to 43 feet. Without having a surveyor go out, which was what we would have to do throughout the City, with that variance of two to four feet, you would divide that by two which meant for some portions of that street there was an additional one foot of right-of-way and an additional two feet for other portions of the street.

Mayor Boss asked if the City had approved permits for people building on that area they shouldn't be building on. If someone couldn't build up to the sidewalk and they put a fence up, that meant they would have that space there and that space was usually full of tumbleweeds, etc. City Planner Rael said in 2008 we lost our Building Department and the State's Construction Industries Division (CID) took over. From that point on we had been doing Ordinance reviews. We did not approve Ordinance reviews for any type of permitting for any encroachment. However, we did approve for them to build right out to their property line. We also made sure that they were the required heights, depending on the location of the home. Mayor Boss asked if this fence was put up illegally. City Planner Rael said prior to Mr. and Mrs. Padilla purchasing this home, that block wall on the 18th Street side at the rear of the property had always been right up to the sidewalk. When construction was done, staff did approve an Ordinance review in June 2018 for a 20 by 20 addition to the home, and that was when the wall was raised and brought closer to Buena Vista Ct. Because CID didn't require permits for fences and walls, a permit was not issued. However, CID did keep an eye on these things and made sure they knew what our requirements were. There was a permit issued for the addition, but not for the wall because CID did not issue them for walls.

Mr. Dodd said what the City Planner said was basically true. He didn't know when the last 30 feet of the backyard wall was put up. A permit was not required, there was no Building Inspector, and the people did whatever they wanted to do. In this particular case they submitted a permit which appeared to him to be fraudulent in the fact that they built that wall outside of their property line. He felt it was absolutely wrong because it created the danger at the intersection.

Commissioner Payne asked Mr. Dodd where he lived in relation to this house. Mr. Dodd said he lived at 1716 Buena Vista Ct. Commissioner Payne asked if it was on the same side of the street as the subject property, or on the other side. Mr. Dodd said it was basically at the bottom of the horseshoe. Commissioner Payne asked if we'd had any other residents in this area put in a similar complaint. City Attorney Bengoechea said not that she was aware of. Commissioner Payne clarified that the neighbors had not filed a complaint, not the neighbors next to them, two doors down, three doors down, etc. Nobody had said a word about this wall. Mr. Dodd said that did not mean it was right. Commissioner Payne said she was just asking the question and she wanted to be clear about it. Therefore, the only person who had an issue with this was Mr. Dodd. Her issue with this was that the wall was there, and she was sure the owners had spent lots and lots of

money on it, and she would never support tearing down a wall that improved the look of a home, especially when we had so many homes in our City that people did not take care of. She respectfully disagreed with Mr. Dodd. Mr. Dodd asked if she was saying that it was perfectly okay to build on City rights-of-way. Commissioner Payne said there had not been one single complaint in this neighborhood except for him, and he lived far enough away that he could go either way down Buena Vista Ct. and pull out onto 18th Street. She found it curious that he was going that way and that he was complaining about what she felt was a beautiful home. In full disclosure, her daughter lived on the corner of 18th Street and Lamar Circle, so she saw this house all the time. She felt it was a beautiful home and they had made incredible improvements to it. Mr. Dodd said when you created a dangerous intersection, you were going to be very cautious entering it. You would also try to avoid a pothole, but that didn't mean that it wasn't a problem. Did they need 20 residents on Buena Vista Ct. to object to this intersection. Commissioner Payne said no; what she was saying was that in the last ten years there had not been one accident, so it was not a dangerous intersection. She was not going to go back and forth on this. She had simply asked how many other residents in that area had filed a complaint about this wall, and the answer was zero. He was the only one, and there had been no accidents in the last ten years. There had been zero accidents since the wall was put up. She disagreed that it was a dangerous intersection. If they had data to back it up such as accidents, then it would be a different story. But that was not what they had, and so she questioned why this wall was such an issue. She drove down that street and pulled out of that intersection, and she did not have a problem with it. So, she questioned this.

Commissioner Rardin clarified that Mr. Dodd lived on the lower section of Buena Vista Ct. If this intersection was so dangerous, why did he choose to go this way. He could just go down the lower section of Buena Vista Ct. and then he would not even have to enter this intersection. Mr. Dodd said he parked on the street, and he was headed in the southern direction and to the loop around to the intersection. Commissioner Rardin asked why he did not utilize his driveway. Mr. Dodd said there was a camper and a truck in his driveway. Commissioner Rardin said he also did not see the issue on this. He had driven this street many times. He had shingled that particular house 22 years ago, and that fence had been there 22 years that he knew of. Mr. Dodd said the wall had been extended out front into the clear site triangle. It was 20 feet to the wall now, and 30 feet was what was required on the clear site triangle. Commissioner Rardin said he would have to verify those dimensions, but he honestly didn't see an issue here. It was late last year when Mr. Dodd had come in for the property across the street for a very similar issue, and it seemed like it was one thing after another right here at this intersection. If it was that dangerous, then why didn't he just avoid it. Mr. Dodd wondered why the City didn't just correct it. Commissioner Rardin said because it would be opening a can of worms in Alamogordo. The other day he'd pulled up to the intersection of Hawaii Avenue and Dewey Avenue, and when he looked both directions before he proceeded, he saw seven properties within his field of site that were in violation of this same exact thing. So, if we went in and did that to Mr. and Mrs. Padilla, in just going down 18th Street, probably almost every single corner house had this exact same issue in some form. Back in the 1980's and 1990's, people would add onto their homes, they would build fences, and they wouldn't get permits. If and when the City decided that it needed to widen that road, then we would address this. We had done that several times before. But he did not see the problem or the danger here.

Mr. Dodd asked about the blatant disregard for the Building Permit. Commissioner Rardin said on fences and walls under a certain amount, they did not require a Building Permit. Mr. Dodd said he was talking about the Building Permit which showed the wall on the property line. That was what was intended when it was submitted for a plan. Commissioner Rardin said it was on the

property line. Mr. Dodd said yes, but it was not built that way. Commissioner Rardin said without going up there and verifying setbacks and dimensions, he couldn't say. Mr. Dodd said before making a decision, please do that. Have staff take the measurements and rough out a sketch before they made an analysis. Commissioner Rardin said there was an intersection at the Bypass and 1st Street which scared the death out of him. So rather than going through that intersection and feeling scared, he would just go to the next one down. It was very simple, and he just didn't understand why Mr. Dodd continued to use that intersection if he felt it was that dangerous.

Mayor Pro-Tem Sikes said Mr. Dodd had gone through a lot of detail and trouble for his presentation, and she appreciated that. Were the property owners, the Padilla's, present tonight. She did believe when we talked about them doing things that almost sounded disparaging that it would be better if they were here. She noted that the City Manager had said something which was of particular interest. People all over town had built in the easements, but she felt they did it with the understanding that should the City need that property, then they would be willing to knock down the wall or do what they needed to do. She felt they understood that was City property. As the City Manager had mentioned, we'd done that in the past when we determined that we needed part of the property; we either sold the property to the people who had encroached, or we asked that they remove what was there. Wasn't Mr. Dodd on the Planning & Zoning Commission. Mr. Dodd said he was. Mayor Pro-Tem Sikes asked if he had brought this information before them and were they aware of this. Mr. Dodd said no, the Planning Commission had not reviewed this complaint that he was aware of. He had not initiated a discussion as a member of the Planning Commission with respect to this complaint. He pointed out, though, that he did make a complaint about the height of the wall, location of the wall, and the fence at 1741 Buena Vista Ct., and they basically did the same thing. He was advised by the City Manager that he could not vote on that particular variance because he was the one who initiated the complaint. Mayor Pro-Tem Sikes said that was correct because it would be a conflict of interest.

Mr. Dodd said if a wall was built on City property, then the City owned it and not the person who put up the wall. If there was an accident at that intersection and it was determined that the intersection was a blind intersection created by that wall, who had deep pockets – the City or the homeowner, especially since the City was aware of it or they were allowing it. He got the gist that no action was going to be taken, and no direction given to the City Manager from his suggestions.

PUBLIC COMMENT

There were none.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar said regarding the striping project which the Commission had approved for this year, it had been postponed once again due to materials shortages. San Bar Construction, Corp. expected delivery of the crosswalks on December 17th, and they did not know when the symbols would be shipped. They did expect to start the striping portion of the project on November 29th. So, unless there was a weather delay, the striping portion would begin and then they would have to come back at a later date to do the stop bars, crosswalks, and symbols.

2. City Manager Cesar said regarding the swimming pool question Commissioner McDonald had brought up at the last meeting, he had briefly touched on the Community Service projects the

Community Services Director, Finance Department, and Assistant City Manager were working on for a potential tourism grant from the State of New Mexico. The Tourism Department was giving over \$300 million for grants throughout the State. He had the list the City had for consideration, and the No. 1 project on that list was the Bonito Lake Renovation, which was for the campgrounds. Since the Little Bear fire in 2012, the campgrounds and all the building facilities had not been used. Renovation of that, as well as the road from the bottom of the dam up to the West Lake Campground, had all been put in for a grant. Staff felt that would stand a much better chance of being approved because it not only benefited Alamogordo, but also Ruidoso, Ruidoso Downs, and Lincoln County. The project cost was estimated at \$5 million. After that, the second project we were asking for money on was the construction of a new pool and a cover for \$4 million. The third project was for the Alameda Park Zoo Exhibit Expansion Improvements at \$450,000. Park and Cultural Facility Signage was No. 4 at \$120,000, and Median Xeriscaping was No. 5 at \$100,000. Items below No. 5 probably would not even be looked at, but we were hopeful to perhaps see one or more of the first five projects approved by the State.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

3. Approve the minutes for the October 26, 2021 Regular meeting. *(Rachel Hughs, City Clerk)*

4. Approve the award of RFP 2021-06 Water & Wastewater Analytical Services to Aqua Environmental Testing Laboratory. *(David Nunnelley, Acting Public Works Director)*

5. Consider, and act upon, Resolution 2021-42 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 November 9, 2021. *(Evelyn Huff, Finance Director)*
(Roll Call Vote Required)

6. Consider, and act upon, approval of CDBG Amendment No. 1, to extend the grant agreement and reallocate funds. *(Debbie Osborne, Grant Coordinator)*

Commissioner Payne moved to approve the Consent Agenda.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

NEW BUSINESS

7. Consider, and act upon, Ordinance 1639 for first publication to amend sections of Chapter 34 in the Alamogordo Code of Ordinances concerning Marijuana. *(Rachel Hughs, City Clerk and Petria Bengoechea, City Attorney)* (Roll Call Vote Required)

City Clerk Hughs said as the State continued to make changes to the cannabis regulations, more amendments would probably come before us. For now, these were the proposed changes.

Commissioner Payne said regarding removal of the public hearings, what exactly did that mean. City Attorney Bengoechea said it meant there were no public hearings like those required for the liquor licenses. Commissioner Payne said that meant they could just pop up anywhere. City Attorney Bengoechea said the State was blocking them from happening. They were putting out new laws faster than staff could keep up with. Commissioner Payne clarified that we still had to have hearings for liquor licenses, but not for someone wishing to open up a cannabis store. City Clerk Hughs said that was correct. Commissioner Payne said she would like to protest that.

Commissioner Rardin asked if the \$500 manufacturer's license fee was our fee, or the State's fee. City Clerk Hughs said it was our fee. Commissioner Rardin asked what we were going to use that money for, as it seemed a little high. City Attorney Bengoechea said the concern with the manufacturing part was that it would tax our infrastructure system. They used a lot of water and power, and there was flushing of things. The idea was that if you were going to manufacture and require that of us, then we were going to charge for it. She believed there was one requesting to use our water supply right now and they were looking for a lot of water. We could do it, but it was a tax on our system.

Mayor Boss asked what was meant by "a lot of water". City Manager Cesar said if he remembered correctly, the request was for 100,000 gallons per month. Obviously, they would be charged for that water as well.

City Clerk Hughs pointed out that the State said the manufacturers also used a lot of flammables and combustibles, so it was more dangerous.

Commissioner Rardin said he was generally anti-fees and anti-permits, and \$500 seemed kind of high to him. They were purchasing water from us, and we were going to bill them for that water, and they would be on the tiered system. City Manager Cesar said they would be billed on the tiered system at the commercial rate which was a lot more water at a lower rate. Commissioner Rardin clarified that we would also have a way to charge sewer consumption. City Manager Cesar said it was based off their water consumption. Commissioner Rardin said if they were using 100,000 gallons per month, we were going to charge accordingly and were kind of making up the extra money there based off of the rates. City Manager Cesar clarified that this would be coming back before the Commission many more times as the State continued to come up with the rules. Commissioner Rardin said for normal businesses, their fee was \$35 per year, and this was \$500 which seemed high. City Manager Cesar said that was in addition to the Business License. Commissioner Rardin asked what the liquor license fees were per year. City Clerk Hughs said there were different types, but the most expensive one was \$250. The two other types of cannabis licenses, other than the manufacturer license, were each \$250.

Mayor Boss asked if we'd looked at what other communities were doing. City Attorney Bengoechea said the State had not given us a lot of guidance and they quickly passed this in the Special Session. Even after we did the first Ordinance, they put out new rules and they were putting out new rules all of the time. When she talked to other attorneys, their communities were scrambling to do the same. They told her they were trying to match liquor laws as that was the idea. This was uncharted territory, so if the Commission didn't want it at \$500, then tell staff what they wanted it at. The Municipal League was in the same place we were, and really what the State was hammering was that we couldn't stop it. It was not a secret that the Governor was saying that we were going to be the "Green State" – green chili and green pot.

Mayor Pro-Tem Sikes asked if the \$500 was not what the State recommended, but what we came up with arbitrarily. City Attorney Bengoechea said we doubled what we were charging for the liquor, and so we matched the Liquor Control Act. If the Commission wanted a different fee, please tell staff what they wanted it to be. Mayor Pro-Tem Sikes asked if there was only one manufacturing facility in Alamogordo. City Attorney Bengoechea said we were aware of one that was in business today, but she had heard that more were looking to move into the area. Mayor Pro-Tem Sikes asked what they would be manufacturing exactly. City Attorney Bengoechea said she did not know because she was not familiar with marijuana. Mayor Pro-Tem Sikes said she would suspect that if anyone was going to be manufacturing something, that they would be preparing to manufacture now. She knew that Ultra Health was going to be manufacturing out of the old Cookie Factory. But as far as she knew, that was the only manufacturing location that would be in Alamogordo. City Attorney Bengoechea said she understood a lot of what they were going to be manufacturing was hemp. Mayor Pro-Tem Sikes said she believed currently that they were just going to have a medical dispensary and then a retail dispensary when it became legal to sell.

Commissioner Rardin said the reason he questioned the amount was because he had some people contact him about it, and they were going to be smaller micro-dispensers. He felt Alamogordo needed to be business friendly and this was a business that was going to boom whether we wanted it or not. He felt the \$500 per year seemed a little excessive. Mayor Pro-Tem Sikes said they probably wouldn't even blink an eye at that fee. Commissioner Rardin said the bigger guys probably would not, but for the smaller guys trying to get in as a micro-dispenser, grower, or producer, then that fee might be a little excessive. City Clerk Hughes clarified that the producer and retailer fees were each \$250, and the manufacturer fee was \$500. Commissioner Rardin asked exactly what it meant to manufacture. City Attorney Bengoechea said it was in the Ordinance. It meant to compound, blend, extract, infuse or otherwise make or prepare a marijuana product. Producer was a business that grows, harvests, dries, trims, cures, or packages cannabis for sale to a wholesaler or retailer. They may also produce and sell cannabis plants, seeds, plant tissue culture and other immature plants or parts of cannabis plants to other cannabis producer licensees. Manufacturers were not going to grow it. The growers were producers. Commissioner Rardin said like he had stated before, he was anti-fee, and he didn't like when fees were charged like this that he felt were high.

Mayor Boss moved to approve.

Mayor Pro-Tem Sikes seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

8. Consider, and act upon, Ordinance 1641 for first publication authorizing the issuance and sale of the City's debt obligation to refund the joint utility system. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Assistant City Manager Hernandez explained this was one of the three (proposed) Ordinances that Chris Muirhead and John Archuleta had brought before the Commission at the last meeting. Ordinance 1641 was for the refunding of the water and sewage system revenue. On this one, we would have net savings of approximately \$660,000, or 11 percent. It was originally funded in November 2011 at \$9.8 million, and we were refinancing \$5.5 million

Commissioner Rardin asked if we'd had Mr. Muirhead and Mr. Archuleta look into the potential to use some of these proceeds and refinance the whole amount for water and infrastructure. Assistant City Manager Hernandez said what was decided was that because we were at the ten-year mark, that we proceed with these. After the Ordinances were passed, they would then put together another bond proposal for us because this would be opening up our bonding capacity. We did not want to go to the New Mexico Finance Authority (NMFA) with no plan and we did not want to miss the boat on these three. If we decided to bond further, staff would discuss it and decide what our plan was, get the engineering done, and then request a new bond from NMFA.

City Manager Cesar said one example was the natatorium which a previous Rec Center Manager had proposed a number on. We obviously did not have the funds for that, just like we needed more money for street utilities. So, we would be asking during the next budgetary cycle for architectural services for those types of projects in order to get the geotechnical work done. We would then have a solid number for projects like the natatorium. The expanded street maintenance program would need to be phased. Once we got those types of plans and numbers, we could go to NMFA with solid numbers. Commissioner Rardin said he was afraid we were going to tie our hands because of the timing. City Manager Cesar felt that timewise it would work out because the Commission would not approve the preliminary budget until late April or May. A majority of the projects we had approved for this fiscal year were on hold until after the new year due to a lack of materials availability. We had some very large projects on the books that we were waiting to move forward on. The engineering alone on any of these projects would take about a year if not longer.

Assistant City Manager Hernandez said we were not tying our hands but were actually helping ourselves by having a larger bonding capacity. Once these were refinanced, there was a long-term savings on them. The next bonds up for refinancing were the Family Fun Center and the streets project which were both funded in 2014. Therefore, the next bonds they would be looking at refinancing would be in 2024. We could go out for a new bond at that time and look at refinancing. Commissioner Rardin felt on those two particular bonds we were limited on what we could use them for, unlike a couple of these tonight. He did not want to tie our hands for two or three years to where we could not do a new bond.

Commissioner Rardin moved to approve.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

9. Consider, and act upon, Ordinance 1642 for first publication authorizing the issuance and sale of the City's debt obligation to refund the revenue debt issued on December 23, 2011. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Assistant City Manager Hernandez said this issue was for the various street projects. The original funding amount was \$7.6 million. We were now refunding \$4.3 million, with a savings of approximately \$531,000.

Commissioner Payne moved to approve.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

10. Consider, and act upon, Ordinance 1643 for first publication authorizing the issuance and sale of the City's debt obligation to refund the revenue debt issued on February 17, 2012. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Assistant City Manager Hernandez said this one was a smaller issue we were refinancing with a savings of \$187,000. It was still allowable under NMFA rules because it had a five percent savings. The original amount was for \$8.13 million, and we were refinancing \$3.5 million. This was for various public projects, 2012 Series.

Mayor Pro-Tem Sikes moved to approve.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

Commissioner Payne asked how much they were saving on each bond. Assistant City Manager Hernandez said \$662,000 on the first bond, \$531,000 on the second bond, and \$187,000 on the third one. At the November 30th meeting, Mr. Muirhead and Mr. Archuleta would be back, and the rates would be tied in then. At that time, they would be able to tell exactly what we would be saving.

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

Mayor Boss read the openings and reappointed Lance Grace to the Airport Advisory Board; reappointed Lee Scholes to the Airport Zoning Board; appointed Christina Hastings, Chandi Bankston Rajnicek, and Racquel Morris to the Alamogordo Disability Council; appointed Jessica Meyer to the Alamogordo Public Library Board; appointed Mark A. Brown to the Cemetery Board; reappointed Sue Kent and appointed Karen LeComte to the Mayor's Committee on Aging; and reappointed Chris Ward to the Senior Volunteer Programs Advisory Council. No one was opposed.

EXECUTIVE SESSION

12. Adjourn into Executive Session in compliance with 10-15-1(H)(2) NMSA (as amended) to discuss limited personnel matters: City Manager Evaluation. (Roll Call Required)

Commissioner Payne moved to adjourn at 7:17 p.m.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 6-0-0.

ADJOURNMENT


Mayor Richard Boss

November 9, 2021

City of Alamogordo Regular Meeting

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Rachel Hughs

City Clerk Rachel Hughs

(Prepared by Teresa Gutierrez, Deputy Clerk)

Approved at the Regular Meeting held on November 30, 2021.