

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
March 8, 2022**

**SUSAN PAYNE, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
NICHOLAS PAUL, COMMISSIONER**

**DUSTY WRIGHT, MAYOR PRO-TEM
KARL MELTON, COMMISSIONER
BRIAN CESAR, CITY MANAGER
PETRIA BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Payne called the meeting to order at 6:31 p.m. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present. Invocation was given by Reverend Warren Robinson and the Pledge of Allegiance was led by Commissioner Melton.

APPROVAL OF AGENDA

Mayor Pro-Tem Wright moved to approve the agenda.
Commissioner McDonald seconded the motion.
Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. Swearing in of Officer Gregory Boris. (*Richard Denton, Chief of Police and Judge Overstreet*)

Chief Richard Denton addressed the Commission and introduced Officer Gregory Boris. Officer Boris comes to us from the Baltimore, Maryland Police Department, bringing twenty-nine years of law enforcement service to our community. He served in the United States Navy prior to being hired by the Baltimore Police Department in 1993. He served in several capacities during his career, including his last assignment in the Homicide Unit for sixteen years, serving in different capacities in that Unit. He is married to Joanna and has four children.

Judge Overstreet conducted the swearing in of Officer Boris.

Mayor Payne said she could safely say on behalf of the Commission welcome to Alamogordo; it is good to have you.

2. Presentation on Alamogordo Family Recreation Center returning to traditional pre-COVID programming levels with approved additional part-time/seasonal staffing. (*Heather Casebolt, AFRC Manager*)

AFRC Manager Heather Casebolt said was asked to present on how the approved part-time and seasonal staffing will allow the AFRC to return to traditional programming at pre-COVID levels. First of all, positive community impact. We got approved for four additional seasonal lifeguard positions, five seasonal youth staff positions, and one year-round part-time youth staff position. All of these will allow us to return to our traditional programming and activities at pre-COVID levels. Our traditional programming includes programs like our Summer Camp, Camp Cottonwood, sports camps during the summer, our Youth Basketball Program, holiday camps like Turkey Week and Spring Fling, our afterschool program, and swim lessons. Traditional activities include basketball, open gym, pool fitness sessions, and pool recreational sessions also known as public swim sessions. She said she

was going to start with Youth Programs, she is just giving a comparison of last year to what they are going to be able to do this year. Obviously last year we were extremely limited staff-wise due to COVID and they had a lot of COVID restrictions. We were only able to offer half-day programs during the summertime. You either had an AM or PM cohort and they were only able to offer it to fifteen kids in each program. We had six positions open, we only ended up having one position filled for the summer, as well as our Recreation Coordinator and REC Assistant. We were not able to go on field trips because of staffing and COVID, we also were not able to get into the pool because of COVID restrictions, lifeguard restrictions, and staffing restrictions. This coming Summer, we are going back to our full day program, which is a nine and half hour day that working parents really need. It is going to be twice the amount of spots that had available last year, with sixty; we typically break it down into thirty for ages six to eight, and thirty for ages nine to twelve. We are going to double our youth staff positions, which will allow all of our field trips resume; we've gone places like hiking up in the mountains, the movies, the zoo, they've gone to the Regional Aquatic Center in Las Cruces, Adventure Zone in El Paso, so we'll get to do more of those fun things, as well as get back into the pool. Not only does the youth staff help with that, but obviously our additional lifeguards enable them to get back into the pool. The two biggest draws of our summer program are the field trips and the pool time for the kids.

AFRC Manager Casebolt said next, we have our Afterschool Program. We are getting one additional part-time position, right now we only have two part-time positions as well as our Recreation Coordinator and REC Assistant. This last year we were only able to have fifteen spots from the beginning of school through about November because we didn't have any part-time positions filled. We now have both of those positions filled, so we have been able to up our numbers to about twenty-six. During this last school year in the Fall, herself, her Aquatics Coordinator, and the Community Service Director had to help and do school pickups because we were so short-staffed. Obviously, this additional person, as well as the two positions being filled right now, will be able to essentially go up to forty to forty-five spots next year. Additional staff won't be taken away from their duties to help run school pickups.

AFRC Manager Casebolt said Holiday Camps are the last area of Youth Programs that will be impacted by the additional part-timer. This year, for our Turkey Week Holiday Camp, we were only able to have fifteen spots. Wild & Winter we had twenty-six spots open and this coming Spring Break we have thirty spots open. We have the current four youth staff positions filled, but we were not able to do field trips again because of limited staff for Turkey Week and Wild & Winter. This next year we are going to essentially look to triple that number back up to forty, forty-five spots, and then we will have that additional staff member, and with a full staff, we can resume the local field trips on some of those holiday camps, weather permitting.

AFRC Manager Casebolt said the big area that everyone gets excited for at the REC Center in the summer is the pool. For 2021 we did a pretty good job, especially covering fitness swimming, we were able to offer quite a bit. Unfortunately, because of COVID restrictions, as well as lifeguard staffing, we were pretty limited on the Recreational or Public Swims, so we didn't have very many throughout the week; we weren't able to have the slide or the deep end, which are big for the kids to want to come to the pool. We had six lifeguards last summer, but only typically three to four employed at one time. We had some come in and leave, and then some come on later; we also contracted a lifeguard and a swim lesson instructor in order to be able to offer more. It was not enough staff for us to do any birthday parties during the summer, any private pool rentals, any free swim days. So, in 2022, we are going to be able to offer everything that we did in 2021, like the swim team site, club swim team site, the lap swim, and the aqua-exercise classes. For swim lessons, instead of one to two classes per session, we are going to offer three to four per session and have larger class sizes. We were limited to about four kids per class last year, and we had a waiting list for every single session that we did last year,

because we were the only pool in the area that offered it. Hopefully with larger class sizes and more opportunities, we will be able to serve better the needs of the area. We are also going to be able to offer more variety in aqua exercise classes; last year we only had one to two days a week, this year we have two to three instructors lined up with their own different styles, so we are going to offer that probably five to six days a week. Then we are going to get back to our youth group pool time, we didn't have any youth groups coming to the pool including our own summer camp last year. This year we will be able to get clubs like the Girls and Boys Club, schools that like to come at the end of the school year, and our own Camp Cottonwood and Afterschool Frenzy will get back in the pool time with additional staff. We are going to more than double the recreational swim sessions per week this year; we only had about five over three different days of the week last year. We are going to get to offer twelve with the additional staffing, as well as open the slide, the deep end, and the splash pad; those are the biggest draws. Larger number of patrons will also be allowed per session as we don't have the COVID restrictions. Essentially the maximum number of pool patrons allowed in each session increases by forty people per additional lifeguard on duty so by having four lifeguards on staff, we can have up to one hundred and sixty people. The AFRC is very excited to be able to offer more to the community, we are very thankful that all the staff positions go approved. It is going to help us get back and offer more to the kids of the area.

PUBLIC COMMENT

Katherine Sturgess said she came to New Mexico in 1984 as a ninth grader with her military family. Her family and her have lived here and started businesses here since that time. We love this area and are raising our families here. Through the years, as well as living her in New Mexico she got to live in Colorado, specifically Colorado Springs, which is very much like Alamogordo with military and conservative groups, retirees, faith-based communities, and families with small children. They allowed surrounding areas to have recreational cannabis but did not allow recreational sales within the city, only prescription. As she understands, the City has to oblige the state here in New Mexico and allow recreational sales within City limits. The current stores have very limited parking, Ultra Health has about ten, but they are normally full due to Tool Pines overflow. Pure Life has about six, and when this starts with the public, the T-Mobile store will be overrun. Pecos Valley has about three, and the store next to Bamboo Garden, O so Cannabis, need to share with the whole parade of shops there. When full sales start, we have to consider the traffic flow, and the immense amount of out-of-towners that will be coming here before going to Ruidoso and Cloudcroft, and the effect on the stores next to these facilities. She has asked people who have worked at these stores if they are ready for the public, and the answers are they are waiting for guidance. They are not even sure how they will service the people that have prescriptions, the advice they are giving customers is they should buy ahead. The distancing from school is three hundred feet. A retired judge whose hair she cuts, allowed her to quote him, saying that it once stopped them from putting it three hundred and one feet from a school. We should at least be considering possibly a thousand feet, that is what Colorado Springs requires, and some have even mentioned as much as a quarter mile. Personally, as a business owner, she would not want a public cannabis store next to her. She has very limited parking, and she has many conservative customers that would avoid coming to her because of the location. From her friends living in Colorado, loitering is a big problem in and around these stores. Do we want cannabis flags and stores along White Sands Boulevard. What does that say to our military friends, the generals and colonels that oversee service personal and their families that are to live here and work. She proposed that they pushed the stores to less trafficked areas out of town, near the bypass, roads to encourage more flow of traffic, not near our schools, her fellow business owners, and our residences; maybe create a green mile. If there is no strategy, she feels we should adopt a plan that takes into consideration the broad demographics we have here. If we want to encourage the military influence, the retirement community, and to continue constructive group within this beautiful area, we should consider these important

issues aside from all the dollars that it will generate. She hopes there can be growth and harmony within and around the City of Alamogordo.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar shared a picture and said what you are looking at is the East Reservoir at the La Luz Water Treatment Plant. That is the hundred-million-gallon raw water storage, our largest raw water storage for Alamogordo. This was taken last Friday; that large tear where you can see water should not be there. Right now, staff is contacting various companies; initial estimates to repair that tear in that liner is almost at \$1,000,000. Staff has a quote for the South Reservoir, which is about half that size, to replace the cover because it is due for replacement; that is running at over \$750,000. We are looking at a replacement cost of at least three times that, and that was not a pre-COVID number but a pre-all-prices-went-way-up number. Staff is looking at alternatives to the cover, the technology has come a long way since we did the initial covering; that cover itself is about thirteen years old, so about half of its projected life. With a tear that size, that is over halfway across that reservoir, you just can't see the rip to the other sides of those floats. One of the bad things about it happening at this time of year is that we are coming into the Spring and Summer months, our highest consumption months. One of the major concerns we have with that cover being torn is that the cover will go underwater. If it continues to tear, it could go into the outlet of this reservoir, which is the inlet of the Water Filter Plant itself, thereby plugging the raw water getting into the plant to be treated. We do have some plans in place if that occurs but taking this reservoir down at this time is going to be difficult. If we do have to do this, take us into something we haven't had to do even with a little verifier, we may be looking at coming back to Commission for more water restrictions. Once we do have a good number and plan to repair or replace this cover, we will be coming back. This is obviously not something we had budgeted to replace at this time.

Commissioner Rardin asked regarding the money approved for the water tanks, the Federal stimulus money, and City Manager Cesar replied he had already spoken with Utilities Director Dave Nunneley, and we can shift that funding into the repair, it is obviously a water source, so it does qualify, but then that does push out the tanks. We will be looking at whatever the cost of this is, to replenish those federal dollars because we are already well behind on rehabilitating those water tanks. Commissioner Rardin asked if we carry any kind of insurance on that liner, City Manager Cesar replied not for something this, they won't insure that, an insurance company will not touch that.

Mayor Payne said that she suspected the age alone probably would not qualify for insurance. Commissioner Rardin asked if that got caused by the windstorms we've been having, and City Manager Cesar replied he was surprised when he got the phone call and eventually the pictures; when he was called there was a terrible windstorm out in La Laz but it was barely blowing here at City Hall. Commissioner Rardin said last Friday it was pretty miserable outside, and City Manager Cesar replied it was last Friday in the afternoon. City Manager Cesar continued that you can normally see the cover from Highway 82; you can see the cover up and above the reservoir, which you should never see.

Mayor Payne said that was a tough pill to swallow there, that was \$1,000,000 to repair it, not replace it. It is a good thing we are fiscally responsible around here.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne made the following comments:

A lot of people participated last Saturday in a community cleanup that was organized by the Center of Commerce and Zuni Electric; big shout to Zuni Electric, it is not easy to organize something like that. Our Community Services Department was out there, there were a lot of cars out there, it reminded her of a drive-in theatre. A lot of people participated in that; it was wildly successful. There is a lot of trash on that bypass, you don't see it when you drive by, but get out there with some gloves. If you get a chance, look out for the next one, they do this at least annually if not sooner. It was two hours for our section then we were done; real simple, two hours out of your Saturday morning.

CONSENT AGENDA

3. Approve the minutes for the February 22, 2022 Regular meeting. *(Rachel Hughs, City Clerk)*

4. Consider, and act upon, approval of a Memorandum of Understanding between Otero County and the City of Alamogordo to pay for half of the PSAP design and construction. *(Richard Denton, Chief of Police)*

5. Consider, and act upon, Resolution 2022-13 authorizing the release of liens that are outside of the 4 year statute of limitations. *(Petria Bengoechea, City Attorney)* (Roll Call Vote Required)

6. Consider, and act upon, Resolution 2022-14 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 March 8, 2022. *(Evelyn Huff, Finance Director)* (Roll Call Vote Required)

Mayor Payne pulled items 4 and 5 off the Consent Agenda.

Mayor Pro-Tem Wright moved to approve the Consent Agenda as amended.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

4. Consider, and act upon, approval of a Memorandum of Understanding between Otero County and the City of Alamogordo to pay for half of the PSAP design and construction. *(Richard Denton, Chief of Police)*

Chief Denton said that when they agreed to that, you approved the JP on that, he believed it was back in June or July of last year. This half the cost for the design, for the remodel for it, then half the price for construction right now. Mayor Payne asked him to remind us where that is going to be, Chief Denton replied that he did not have the specific address, it is the old Pepsi plant where the sheriff's office dispatch is currently located right now. Mayor Pro-Tem Wright said it was Alamotero. Chief Denton continued that is the location of it, and this is construction for inside; basically, they will be removing one wall, extending that out, and this is just for the construction part of it to get it going. Mayor Payne asked if we knew what that was going to cost yet, the design and construction, do we know that yet. Chief Denton and Mayor Pro-Tem Wright said half the design is \$3,289,109. Chief Denton said he believed half the construction was four ten.

City Manager Cesar said the reason this is coming before you tonight is that this has come up sooner than expected, so it is outside the normal budgetary process. We didn't have the funding programmed

in for you all to approve during the last budget hearing. We're ready, and the County is ready, to move forward with this project; it's going to come before we come before you, for the next budgetary cycle, so that is why you are seeing this tonight.

Gerald Dodd made the following comments on this item. He said that as he looked at this tax bill, there are two major expenditures or charges. One is for Municipal Operation, the other large one is for County Operation. If these funds are for expanding our 911 service, how does the City benefit from funding the whole project. We fund half out of County operations, we fund half out of Municipal operations, that says that the City residents are funding the entire expansion of this 911 facility. Please explain how that benefits the residents of this City, paying for it all. 911 services are also collecting fees from our cell phone service and telephone service every month. He said he did not understand, please elaborate.

Chief Denton said those costs are half of the costs, right now we are splitting this in a fifty-fifty manner for the first fiscal year after it gets up and running, and then we will split it up according to the JPA, the call loads, in the end as the City more than likely will pay slightly more than the County due to responding to more calls that go into that dispatch office than what the County has. It is split fifty-fifty.

Commissioner Rardin asked that after we get this up and rolling, aren't we allowed to tap the funds that Mr. Dodd was talking about, that they collect on our phone bills, because that was always the argument on PSAP. They are collecting the money from us, but we are not seeing any of it, the State is. Aren't we allowed to start tapping into some of that, he said he thought the figure was around \$1,000,000 that we should be getting. Chief Denton responded that it is not money that comes in, it is whatever we put it in, it is a grant basically through DFA, a portion of them that runs PSAPS throughout the State. What you will see here is this is the construction part, which DFA won't pay for that, but what they will pay for once we get this up running, they pay for the equipment associated with the PSAPS. The State will pay for the radios to be put in there, anything that has to do with 911 systems, desk furniture, things like that. Both entities are still responsible for salaries and benefits.

Commissioner Rardin moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

5. Consider, and act upon, Resolution 2022-13 authorizing the release of liens that are outside of the 4 year statute of limitations. (Petria Bengoechea, City Attorney) (Roll Call Vote Required)

City Attorney Bengoechea said that her office has been tasked with collecting weeds for weed abatement and unpaid water accounts; these are the liens from 2017 and 2018 that are outside the statute of limitations or that we don't feel that we have the time to collect. We have recently sent out twenty-five letters for the second half of 2018 and have filed several foreclosures on properties with past-due bills but, as you all know, for the past two years we have been battling foreclosure moratoriums and COVID, so unfortunately, we attempted to collect but certainly did not foreclose on them. Some of these are also liens, there is one on 704 Panorama which we did tear down, there is one on 118 New York which we are in the process of tearing down, we will still eventually foreclose on the new liens on those properties. We will recoup money but don't ever expect to recoup the cost of tearing anything down. The total on the spreadsheet is \$15,856.74.

Gerald Dodd thanked the Commission again. He said he spoke with Pioneer Abstract, a noted title company, and they explained that a municipal lien against a property has no expiration. It is referred to in the title company jargon as a super lien. When you put the lien on the property, you've done it

because the people either violated a code, and if you absolve them of the lien, what you are doing is giving them a free ride. They are taking the City to bear twice, once for having to do the work for Code Enforcement, and the other for cleaning it up. Why give them a free ride. Please consider the information from Pioneer that municipal liens against property have no expiration date. His stated his reference is Jennifer Standfill at Pioneer Abstract.

City Attorney Bengoechea said that New Mexico Court of Appeals, Case Hurley versus Village of Ruidoso, 2006, NMCA041139, actually establishes a establishes a four-year statute of limitations on municipal liens, affirmed by the Court of Appeals in 2006. Mayor Payne thanked the City Attorney and said she appreciated that; she trusts her Attorney, thank you.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

7. Consider, and act upon, approval of Change Order no. 2, Public Works Bid no. 2021-001, to Smithco Construction, Inc., related to the Bonito Lake Infrastructure Improvements project in an amount not to exceed \$186,261.07, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said the item before you is the approval of Change Order no. 2 to Smithco Construction for the current Bonito Lake restoration project that is ongoing; relative to the dam improvements, valve house improvements, intake tower improvements, and a catwalk. The change order incorporates three items, cleaning out two of the sixteen-inch, and two of the ten-inch, block inlet drain lines to allow for the CCTV pipe inspections. It is a net increase of a little over 33,000 currently; it was attempted but the lines are blocked with sediment, debris, wood, ash. All attempts thus far to unblock the lines have been unsuccessful; the subcontractor to Smithco that is scheduled to perform the camera inspections has the equipment available to him to be able to unblock the lines. The second item is to remove and replace the existing discharge line to a lower a lower depth, install a precast valve box in lieu of a cast-in-place, the net increase is a little over \$71,000. The substitution of a precast for a cast-in-place, there is no increase in that, the primary cost is in replacing the discharge line. It is an eighteen-inch diameter C900 approximately five to six-hundred feet in length. The original line was thought to be, and was supposed to have been, approximately three and half feet in depth. Potholing and the initial inspection reveal that line to be only a foot and a half deep, it will not allow for sufficient flow coming out the lake, so the need rose to lower it and replace it. The third item is to replace leaking ductile iron fittings, pipes, spools, valves, and valves housing, the net increase for that is approximately \$71,500. We did have valve replacements in the original contract. As the contractor began disassembly of the existing valves and fittings, they found that a large number of fittings and some of the pipe was leaking, a lot of pinholes. We ran it past the Utilities Director, and everyone concurred that now is the best time to go ahead and replace the additional piping. The Amenity Construction Programs Bureau Engineer Mr. Steve Diel is contracted to NMFA, which this is NMFA money that we are dealing with here, to review all change orders and all expenditures of funds; he is a PE in and of his own self. He is rather detail-oriented, he has reviewed the designed changes and proposals and has approved the expenditure of funds. He is essentially a third-party engineer looking at everything.

Commissioner McDonald said that when she looked at the information provided, it has a delay on the completion of fourteen days to the actual contract. The biggest one is thirty days, but the other two are fourteen. Would that all be done in thirty days, or would that be thirty plus fourteen, plus fourteen.

Engineering Manager Johnson said that the additional time is required for the level of effort, the additional level of effort primarily to lower with the line with the second item, and to some degree the ordering of the materials. As we all are aware, in the current scheme of things, there is a significant chain and supply issue, so the time extension is twofold. To a smaller degree, there is seven bad weather days, but most of it is involving the line lowering, he said he believes there is thirty days involved in that, and almost thirty days in combination with the other two items. Commissioner McDonald asked if that was going to be 9/30, or is that going to be October, or November, as far as the completion date. Engineering Manager Johnson responded the revised substantial completion date will now be September 13th, assuming Commission approves this item. Commissioner McDonald asked if that was working days, like Monday through Friday, or is it calendar days. Engineering Manager Johnson said it was calendar days, and the contractor does, at this time, work four ten-hour days.

Commissioner Rardin asked if that C900 that you spoke about, is it even available right now, I think you said it was a thirty-six-inch. Engineering Manager Johnson said that according to the quote that Smithco got from the supplier, which is attached to this, yes, it is, with a lead-time, but not off the shelf. Commissioner Rardin said that last time he understood that they were not even manufacturing a lot of that stuff right now, they were trying to catch up with smaller stuff. Engineering Manager Johnson said that Core & Main would not have quoted if it was not at least reasonably available. He continued that Mayor Pro-Tem Wright would agree that Core & Main is the go-to source for all things utility-related these days. Mayor Pro-Tem Wright said that they did have a couple of longer lien items, but those are lined though on there, and noted in that butterfly valve line item, which is actually struck through. Engineering Manager Johnson said that, just to give you some perspective, we have some unique valving going in the intake tower and not part of this charge order, those were quoted at onset of this project at thirty-two weeks, and we are still waiting on them. Commissioner Rardin said that was what he was worried about, Engineering Manager Johnson replied those are very unique. Commissioner Rardin said that is not just pipe, it is not every day that you see that rolling down the highway. Mayor Pro-Tem Wright asked if they gave a lead-time of that eighteen-inch C900, Engineering Manager Johnson said he would have to look through and check, and this quote is about a month old. Mayor Pro-Tem Wright said let's stick them to this pricing because a month is a lot of time right now. Commissioner Rardin said they are usually only holding prices for seven days right now; is this going to be last change order we have on this project. Engineering Manager Johnson said no; Mayor Payne said that was an unfair question, it's a trick, don't answer that. Engineering Manager Johnson said no, it's not. Commissioner Rardin said that it seems like we've had an abnormally large amount of change orders on this project, and Mayor Payne said we have. Engineering Manager Johnson said it was only the second on this project, and Commissioner Rardin said this phase of it, but over the whole project. Engineering Manager Johnson said the debris removal project is apples and oranges in his opinion.

Mayor Pro-Tem Wright moved to approve.

Commissioner McDonald seconded the motion.

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

8. Consider, and act upon, award of Public Works Bid no. 2022-001 to Sierra Valley Contractors, LLC related to the Repair Bonito Campground Access Roads project in an amount not to exceed \$510,646.33, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said the item before you is to approve the award of Public Works Bid 2022-001, also known in FEMA language as DR4199. The work will consist of debris removal and haul-off, and bridge and culvert replacements at various campground access roads, specifically the West Lake and the Blue Hole/Apple Orchard Campgrounds, repairs at the dam access road, riprap replacement at the dam spillway tow. We advertised the project on January 23rd and 30th; we did

have a mandatory pre-bid at the lake, we had approximately thirteen to fourteen properly licensed general contractors attend. We opened bids February 23rd and we received eight responsive bids. This standard FEMA project where the Feds fund 75%, the State funds 12.5%, the City funds the remainder. This project has been on the books a few years, staff felt that we needed to postpone it, to some degree because of the debris removal project, the prior Smithco project, we did not want to encumber the public thoroughfare any more than what we absolutely had to, because this project will involve more dump trucks and more earth-moving equipment.

Mayor Payne said the lowest bidder was literally half of the highest bidder, how does that. Engineering Manager Johnson said he wished he could tell the answer, but he is not the estimator. However, what he has found is that in the last three years is that every project that is primarily dirt work, we have a wide range of bids from here to here, he could not explain it. We have not done business with Sierra Valley Contractors before; however, they did have a very good statement of bidder's qualifications. Our consultant, King Industries, has worked with Sierra Valley on other FEMA projects over towards the Tier C to Bioway and has indicated a positive working relationship with this particular company.

Commissioner McDonald said she would like for him to explain item numbers one, five, & nine, she'd like to know exactly what this is doing for the project, he didn't have to explain the cost because she is looking at it, but she wanted to understand what it was. Engineering Manager Johnson said that typically, a mobilized/demobilized bid item is the cost for the contractor to bring all their equipment on to the site, and then eventually demobilize it; most contractors will build in most of their general conditions, which is a profit overhead, so on and so forth, that's item one. Item five is the estimated quantity to remove some of the debris from the three sites and haul it to a disposable location; the estimated quantity is a little over sixteen thousand, six hundred and fifty-two yards, that is going to involve earth-moving equipment and dump trucks primarily. The debris consists of basically rock and rubble that cannot be reincorporated into the area, it is built up in large mounds that need to be removed from the thoroughfare. Item nine is an aluminum box culvert, approximately fifty-five feet long and roughly eighteen feet wide. This will be essentially a traffic-rated bridge in between the Blue Hole and Apple Orchard Campgrounds; there is a stream that runs through there, and there will be again once the debris is removed. It was formerly what he would call a stick bridge, it is basically telephone poles embedded in the earth with corrugated metal pipe culverts; that was the previous structure and it washed away, it was actually replaced under a previous FEMA project around nine years ago. Once FEMA issued this current declaration, this DR4199, staff along with the consultant, went back to FEMA and asked for what we call mitigation money. Typically, FEMA replacement work is to bring something back to its pre-event condition; mitigation funding basically upgrades that, instead of going back to the same wood and corrugated metal pipe structure, FEMA agreed to provide the additional funding to go in with something a little bit more heavy-duty, something that will stay there a lot longer, that's the bridge. It will be wide enough for RVs, campers, and big trucks to traverse that area between the two campgrounds.

Commissioner Rardin asked if Engineering Manager Johnson felt comfortable with their numbers being considerably lower than everybody else. Do we feel comfortable, especially with fuel prices, are we going to have a change order coming forward. Engineering Manager Johnson said there is no methodology in the contract for an economic price adjustment for fuel; we've got the contractor's bid bond, we require forty-five days for their bid to remain good and we are well within that. They are not going to be able to come back and request some type of economic increase. Commissioner Rardin replied that he just did not want to set them up to fail, given the times we are in. Engineering Manager Johnson said this was a much smaller firm than CBKN or Mesa Verde, they are large enough to handle this project, but they are not a gigantic firm, but they do have sufficient manpower and equipment. Commissioner Rardin said like item 5, their removal, their price per cubic yard is nearly half, it is considerably lower, where do they haul to up there. Engineering Manager Johnson said that we left

the disposal location because this one is so much smaller than the Smithco project that finished up last summer; we left the disposal location up to each bidder, so we left it to them. Commissioner Rardin said that they could haul it wherever they want to, and Engineering Manager Johnson said that was correct. Commissioner Rardin asked if they have to haul it up there, or there haul it to just wherever, and Engineering Manager Johnson said that as long as it is not on City property and does not block a road. Commissioner Rardin asked if they could just go and dump it in a forest next door. Mayor Pro-Tem Wright said if they have permission. Commissioner Rardin said he was just wondering; they must have a spot up there to get rid of it at that price or are utilizing it for something else.

Mayor Pro-Tem Wright asked if we anticipate that sixteen thousand cubic yards number to jump quite a bit or is that a fairly good guess on the removal. Engineering Manager Johnson said right, that is the estimate that was created by the FEMA investigators when this declaration first came down several years ago. It has been reviewed several times by King Industries and we are pretty comfortable with it. If that number should increase on debris removal projects, FEMA will typically pay us for actual quantity removed; if it a little less, we won't owe them some money back, we just won't get as much on our second disbursement. This has been typical FEMA they have already disbursed fifty percent of the funding upfront. Mayor Pro-Tem Wright asked if they would be stuck with that \$7.76 cents a yard for that, if there is additional cubic yards removed, and Engineering Manager Johnson replied right. Mayor Pro-Tem Wright said they see this bid tabulation now, they come back and change order for our cubic yards, are they going charge us thirty dollars a yard instead of seven. Engineering Manager Johnson replied no, this is not the Smithco project from the last time. We were talking almost half a million cubic yards then, over a three-year span, and a lot of rain events inside the lakebed itself. These areas are outside of the lakebed, these are in the campground areas.

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

9. Consider, and act upon, directing staff on Boards and Committees. (*Josh Rardin, Commissioner*)

Commissioner Rardin said that he brought this back up, he had it on the agenda late last year. A lot of these Boards and Committees we have, some of them have not met in years, so he had asked staff to put this all together for us, put it on here so we can direct them on what we want to do with it. The ones that haven't met in years or aren't needed; he didn't know about you guys, but he believed in smaller government, so some of these if we don't necessarily have to have them, he didn't think we should keep them. Or maybe put them as dormant, that way if we need them in the future, we can bring them back. Staff gave a lot of reading material, but they have put together a pretty detailed list of which ones have met, which ones haven't, which ones we have to have by law and which ones we don't.

City Manager Cesar said we have a staff liaison here for each of the various Boards and Committees. For the first two he will go ahead and take. Those are the Airport Advisory Board and Airport Zoning Board. Mayor Payne asked him to explain if they were just listening, or if he could explain to everybody. City Manager Cesar said that this is actually your item, so we can give a brief overview of why we have the Boards and how they have or have not met. From Commission, we are going to need direction on if we continue with this Board, do we suspend the Board, do we eliminate the Board, do we continue to do what we are doing today.

Airport Advisory Board and Airport Zoning Board

City Manager Cesar said for the Airport Advisory Board they have met and are meeting quarterly. The Airport Zoning Board, to his knowledge, the entire time he has worked for the City, he did not believe that board has ever met, but this is not a board that he would recommend that the Commission make dormant or eliminate. Both the Advisory Board and Zoning Board are for the Airport are State and FAA requirements, if we want to continue receiving funding from the FAA and the State, we have to have these two boards. Mayor Payne said that pretty much covers that one. Commissioner Rardin said some of them we have to have, some of them we don't.

Alamogordo Disability Council

City Planner Rael said she was assigned as a liaison to this Board. Back in late September/October when we put these reports together, she did some research. To be quite honest, she has no knowledge of what the function of this Board is. During her research she does know that a previous employee, Edward Balderrama, was the liaison on this. They have not since 2016. This Board was put together by per Resolution 2001-29, the Committee should consist of seven members. It used to be nine members, but they dropped it down to seven by this resolution. When she put this report together and submitted it, she indicated that there were currently no active members on record. Since that report, Mayor Boss actually appointed four members on different days in November 2021. During her research she found nothing, she didn't find minutes, she didn't find any information, she doesn't know where it went or where it is at. She did feel that this Board is very important and should continue due to its importance to our citizens. At this time, we don't have an ADA compliance officer on staff; she is willing to learn, and research, and actually has a scheduled meeting for March 22nd with the current board members. Mayor Payne asked if she had anything describes the function of this Board. City Planner Rael shook her head.

City Manager Cesar said that he has been here for a year or two, so in the early days of this Board being put together, the City of Alamogordo did not have an ADA compliance officer. We were going through at a staff and engineering level, learning what we needed to do to bring Alamogordo compliant with our City projects, the alley aprons, the corner ramps, the tactile surfaces. When we constructed a fire station, having the fixtures at the right height, the bathrooms with the proper clearances for wheelchairs, etcetera. In the early days, that was really what this this Committee was focused on. As we transitioned out of that and were incorporating the ADA compliance into all of our City projects, the function of this Committee was to look at our City projects, or any that we may have partnered on, to ensure our projects incorporated everything we needed to incorporate. Another function of this Committee could be whatever this Commission decides to direct them to look at, etcetera. To his knowledge, other than the initial days of ensuring our projects were ADA compliant, he did not believe the Commission has ever tasked this Committee with anything else but that.

City Planner Rael said at this point, like she said, per the resolution, she is supposed to have seven members, but four have been appointed. Commissioner Rardin said she barely had a quorum of people, and City Planner Rael said right. He continued that staff could bring the resolution forward and reduce the number of members to five, that way she almost has a full group. Mayor Payne asked how many she needed right now, and City Planner Rael said that according to resolution she needs seven, it was reduced by this resolution that she mentioned, 2001-29, from nine members to seven. Commissioner Rardin asked what staff felt on this one, if it was important enough that they needed to keep it. City Manager Cesar said it has served its purpose in the past, from a staff level he didn't know of anything that we would be bringing forward to that Board to look at for Commission. At this point, we really don't have anything to bring forward to this Committee, the majority of our projects have been bid out and been awarded, or we have them on now because of the supply chain issues. We won't be bringing anything from a staff level forward to this Committee for probably the rest of this fiscal year.

Commissioner Rardin asked with this Committee, if they all attended when they brought this item up last time. City Manager Cesar replied there was at least two of the four, but he did not remember. He remembered that two of the people who were appointed did attend regularly, but they are not here tonight. He would say at this point, and he is not sure because there are way too many Committees, but this one was scheduled to meet monthly, quarterly, at this point, if that is not defined, he would say the Committee the meets only quarterly at this time until we have more in the way of City projects going forward. City Planner Rael said she agreed, that meeting quarterly is sufficient, she didn't know how often they met. She was quite honest on the first question, what is the function of this Board, she has no knowledge, because she hasn't found anything. It is new to her, it is going to be new to every member that has been appointed, it is going to be a learning process for all of us. Commissioner Rardin asked if we could move that to meeting just once a year, or do we have to amend the resolution, does it say in there how often they meet or anything. City Planner Rael said no, this one just talked about the amount of members, and that no more than two members may live outside City limits. Mayor Payne said it doesn't say how often they have to meet.

Commissioner Rardin said maybe we could have staff bring the resolution back, reduce the amount of members to five, and then maybe put it in there that they have to meet at least once a year, and just kind of put that one on the backburner until we need it. Mayor Payne said that makes sense. Commissioner Rardin continued that the City Manager mentioned ADA compliance, and restrooms, but we really don't need that from the City side because the State handles all that when they do final inspections. Mayor Payne said she talked to Christina, and she thought that what they are hoping to do is maybe brainstorm, be a sort of Advisory Board on other things, like there are things we have to do because the State we have to do them, but there are things we can't. A great example is Kids Zone, Ronnie was giving a great presentation, a lot of the things that are in there are more inclusive for kids with disabilities. There are other things we can do around the City. Financially speaking, can it happen, she did not know, that is a discussion for another day, but she did think that is where they were going with this, that was their idea. All of the members of this Committee do have children, adult children and younger children with disabilities, that maybe they thought they could contribute in that way. City Planner Rael said that was the reason she set up the meeting, even though she doesn't have the seven members yet, because she is receiving phone calls from these appointed members, so her thought was set up a meeting and lets all talk and see what their expectations are, what their thoughts are, because she didn't know what they were thinking. Mayor Payne said that it would seem more like an Advisory Committee more than anything, as long as they understand.

City Manager Cesar said this is an Advisory Committee, so unless Commission wants the mission for this Committee, it's really not to brainstorm and hey it would be wonderful to have these things around the community. Not that we don't solicit or accept that type of input, but that is not what this committee was set up for, unless you want it changed. Commissioner Rardin said it sounds like we all want to keep it, maybe we have staff bring it back, reduce the amount of members, that way you don't have as many seats to fill, and the event that you need to, we can always change the resolution and revisit it, add more if we need to.

City Planner Rael said so I can understand your direction, is to change the resolution, update the resolution to five member members versus seven, and then how often we meet, once a year. City Manager Cesar said minimum. Commissioner Rardin said that way they could meet as often as they want, or at least once a year. Mayor Payne said that basically says they have to meet in order to stay active.

Alamogordo Promotions Board.

Communications and Marketing Administrator Brideaux introduced herself as the liaison for the Alamogordo Promotion Board. She said she answered all the questions in your packets. So, basically, we do meet regularly. We have a full Board that meets monthly. She did think it was a critical Board to the growth of our hospitality and tourism industry as it does continue to grow here in our community. She won't talk too much about it, you have all that information there and a link to our page on the website where you can find additional information, a list of the current Board members, and associations we have with the Tourism Department, Hospitality Association, and other things like that.

Mayor Payne said that is a pretty active board, and Communications and Marketing Administrator Brideaux said yes. Commissioner Rardin said leave that one alone, and Mayor Payne said yes, she felt the same way.

Alamogordo Public Library Board

Library Manager Kim Underwood introduced herself to the Commission. She said she is also the ex-officio board member, a non-voting member, their liaison was not able to be here tonight. She needed to let them know that the establishment and continuance of our Advisory Board is a requirement of the New Mexico Administrative Code regarding public library grants. In the past ten years, in State grants and aid, they have received funding and go-bond money, they have received a little over \$600,000. It has been very profitable. They have an active Board that does meet, they have a steady group of members that come in, if we lose someone to the City Commission, then they have been able to replace those Board members with good businesspeople, educators, and those that promote literacy in our community. Currently we have three that represent the City, three Board members, and two from the County. Our last meeting was in January. Basically, during each meeting, she gives a report of each month's activities, programs, any policy changes that we have, patron statistics, budgetary or project planning in progress. The Board reviews these new policies, strategic plans, that are required by the State Library that we submit, and any challenged materials requests that actually arise. Our Board visits current trends in libraries across the country, and discusses and advises us as to how to keep the library relevant to the communities, growing library service needs. She is very pleased to have our Board, she thought they were definitely an asset to our library. Mayor Payne said she had heard a lot of good things about the Library Board. Commissioner Rardin said we have to have that one by law too, and Library Manager Underwood said yes, to be eligible with the State Library for funding, we do have to have a Board that meets at least twice a year. We currently plan to meet every month; we only met twice during COVID but we have met five out of eight months this current fiscal year.

Cemetery Board

Executive Assistant Tony Gonzalez said he has been in this position for about three years now; we have not met once. There are three brand new members. Last meeting was back in August 2018. In his opinion, he felt like the Cemetery Board should be disbanded since we have not met in over three and a half years. We have not had a single meeting since he has been the secretary and Board members have not made an issue of not meeting.

Commissioner Rardin said that sooner or later, in the near future, we are going to have to look at relocating, because we are running out of room over there, he is not sure how many plots, but he would think in the next ten or fifteen years. Is that what this board would maybe look at. His suggestion of where we needed to move the cemetery, no one liked the last time. City Manager Cesar said he would not bring that back up. Commissioner Rardin said he thought on the southern end of it would be okay because it was never used as a landfill. City Manager Cesar said you brought it up, and Commissioner Rardin said he did, it would be a perfect location to beautify that part of the City but is

that something this board would maybe look at. City Manager Cesar said he had been here a long time; he did not know what the Cemetery Board actually met on. Could they look at this, yes, we have a restricted fund for the eventual construction/expansion of a new cemetery, but that is quite a number of years out. This could be one that you all suspend and reactivate as we get closer to that time. This could be something that the Board reviews and makes their recommendations on along with staff. Commissioner Rardin asked by law, we don't have to have it for any kind of funding or grants, City Manager Cesar said he did not know if any grants were available for that. Mayor Payne said she wanted to give a shout-out to Cemetery, because she had the unfortunate time of using them a couple of times last year, it was really tough and you guys were pretty awesome out there, she had to say they made her life a whole lot easier. So what do we want to do, disband.

Commissioner Rardin said suspending it maybe, suspend it at this point in time. Mayor Payne said we suspend it, okay. Do we need a motion for that, and Commissioner Rardin said no, we are just giving direction to staff.

Community Development Advisory Committee

City Planner Rael said the purpose of this committee is to help identify funding needs for the City of Alamogordo and to provide citizen participation in the Community Development Block Grant Program, known as CDBG. This board was established per resolution, it is an old resolution, 1989-5. There are currently no active members. When they were meeting, they were meeting every other month as far as she can see. The last recorded minutes on file were July 12, 2011. She recommends that the Community Development Advisory Committee continue and be reestablished, but not under her department, but the Grant Coordinator, that is where it should be. The Grant Coordinator handles CDBG, she spoken to Grant Coordinator Deborah Osborne and she agrees with her, and is willing to take it on, if you continue with this Committee. Mayor Payne said you know, I started my public service on this Committee, and it was under the Grant Coordinator at the time. She said they worked on the CDBG grant for COPE, which was probably part of those last minutes you have. Commissioner Rardin asked if there were current members on it, City Planner Rael said no. Mayor Payne said that is disappointing.

Commissioner Rardin said maybe looking at the resolution, bringing it back to us, reducing the amount of members so it is easier to get a quorum, then maybe pass it over to Debbie Osborne, six months or a year and see what she can do with it. Mayor Payne said and advertise those. Commissioner Rardin said that in the near future, CDBG money might be something we are really interested in, because he thinks that budgets are going to tighten up in the next few years. Mayor Payne said we are doing the sidewalks right now, when is due to be completed. Commissioner McDonald said 2023, it starts this year, and it is going to end in 2023. Mayor Payne said okay 2023, then we will have to find something new, a new project, that is next year very good. Do we like that recommendation. Commissioner Rardin and Commissioner Wright agreed, Mayor Payne said alright that sounds good.

Mayor's Committee on Aging

Administrative Assistant Britney Ybarra said first of all, what is the function of the Mayor's Committee on Aging, also known as the MCOA. They assume an advocacy role for seniors of Alamogordo, they identify needs of seniors, and work to find resources to meet those needs. In a nutshell, the Committee exists to improve the lives of seniors, so it is a very worthy Committee. It is by ordinance, Ordinance No. 1014. When fully staffed, there are seven members on the Committee, they are currently fully staffed. Members must be at least sixty years of age; however, the bylaws do allow for one member to be under the age of sixty. Per resolution, no more than two members may reside outside of city limits. The Committee meets once a month, on the third Thursday of each month. Special meeting are

held when necessary. The last time the Committee met was on February 20, 2020, right before the COVID shutdown. However, we are getting ready to meet again next Thursday. She recommends the Committee continue; aside from being a worthy investment of time, it is also a requirement of the State of New Mexico's Area Agency on Aging.

Commissioner Rardin said leave that one alone. Mayor Payne said she would be curious to see some minutes or something, just to see what it is. Maybe someone could shoot those over to her. Administrative Assistant Ybarra said absolutely, she has some right here if you would like them. Mayor Payne said she would, she would be very interested to see that. We are going to leave it as-is.

Mayor's Youth Advisory Council

City Clerk Rachel Hughs said the function of the Mayor's Youth Advisory Council is to provide a youthful viewpoint to the community affairs. This council was created by Ordinance 1339, and it was passed in August 2008, but the council first met in January 2009. The council did consist of seven members, with the Mayor, a representative of the Department of Public Safety, that is what the Police Department was called then, and the community members serving on the Council as adult advisors. New members were appointed every year. There are currently no members on this Council. The Council met twice a month, and met only between September and May, so these were the school months. The Council last met in January 2012, so that was 10 years ago. The Council is not required to receive Federal or State funding. They did however do fundraisers to go to legislatures at the roundhouse; they also did a big project; they painted the big A up there. Since this Board hasn't met, she believed they only met for three years, she recommended that the Mayor's Youth Advisory Council be disbanded.

Commissioner Rardin said this one was actually created by Mayor Brockett when Steve was the Mayor, and he did not know if they still had a government class in the high school here, but there were quite a few kids and it was very active for a few years. Mayor Payne said she knew that the Chamber had the Junior Leadership Otero and then COVID hit. She was going to start being a sponsor for that; she is hoping to see that start up again. Commissioner Rardin said he wondered what they called it, the Student Government, and Mayor Payne responded it is like a Civics class, Commissioner Rardin continued it was like Student Government or something. Mayor Payne said she knew exactly what he was talking about. She said she guessed she agreed since nobody has met, however, she will just say on a personal note, it is a little disappointing because she would like to see more kids get involved. She did not know that we are the ones to do that. Commissioner Rardin said maybe could have staff reach out to the Superintendent, see if there is any interest at the high school. He did not know what classes they offer or don't over there, it has been a number of years. Staff could reach out and see if there is any interest, if there is we could keep it, if there is not then suspend or disband it. Mayor Payne asked what anybody else thought. Mayor Pro-Tem Wright said he thought the same thing, that staff reach out. It would be cool to see the youth involved. Commissioner Rardin said there was a kid over in the skate park over here, he was kind of involved in this, he was the one that brought it to us back on his previous time on the Commission. We got the funding approved, he came in, was very well spoken, did a presentation. He said he thought that this Committee, they had something to do with the Splash Park at the REC Center. Mayor Payne said she did not mind reaching out to the Superintendent, if you'd like me to reach out the Superintendent and maybe figure out if they are even interested in us doing something like that, then she could bring it back in a future meeting, if everyone is okay with that. She said she understood what City Clerk Hughs was saying and why she said it, but she is really pro trying to get kids involved and if there is way we could do that, you know. If they are not taking it seriously or don't seem engaged, then we could talk about disbanding it again.

City Manager Cesar said it was her Committee, and Mayor Payne said she knows that, she would reach out. She will make time for this because it is youth and she thought it was important, she would like to see them get involved. When her daughter was in high school they did something like young lawyers, they really did well with that, they went to Santa Fe, it's as close to this as she has seen. When the Junior Leadership Otero Program was active, it was wildly popular; most of the time they had twenty-five to thirty kids, then they had to cut off because that was all they could take. That tells her there is an interest, and perhaps there hasn't been an interest in this because they don't know it exists anymore. We will put that on hold, she will see what she can find out, then she will get back in touch with City Manager Cesar and see if they could bring it back before the Commission.

Parks and Recreation Board

Executive Assistant Tony Gonzalez explained the functions of the Parks and Recreation Board. To act in an advisory capacity to the City Commission and City management in matters pertaining to parks and recreation. Review and recommend policies and fee structures for all park and recreation services, and submit them for approval of City Commission. Advise the City Commission and City management on problems of development of recreation areas, facilities, programs, and improvement of recreation services. Recommend the adoption of standards on facilities, programs, and financial resources as needed. Aid in coordinating the City recreation services with the programs of other governmental agencies and voluntary organizations, including the Alamogordo Public Schools. This Board is by ordinance. There are seven members. Five members are to be appointed by the Mayor; the other two are to be appointed by the Board of Education of the Alamogordo Public Schools. There are currently six active members on the Board. The Board meets quarterly each year. The meeting months are January, April, July, and October. The last time the Board met was July 14, 2021. It is his opinion that the Parks and Recreation Board continue. This Board rarely misses meetings, and they are always informing our department supervisors of any issues that arise. They are part of the community and understand more of what the people of our city need. They are great at discussing new ideas for parks and recreation that would be beneficial and fun for our community.

Mayor Payne asked if anyone has any questions, Commissioner Rardin said leave that one as-is, Mayor Payne responded that will continue then.

Planning and Zoning Commission

City Planner Stella Rael said the function of this Board was to make recommendations to City Commission on Planning and Zoning items. For example, subdivisions, variances, annexations, rezonings, and so forth. This Board was put together per ordinance. Ordinance indicates she should have five members appointed by the Mayor. In addition to these five members, she should have a representative from Holloman Air Force Base, we refer to him as ex-officio. She has not had one appointed from Holloman since 2019. When she did this report, she had five members; she now has three active members. We meet monthly, Thursday evenings at six o'clock. Last time we met was January 6 due to the fact that, because of not having any cases to present, the Chair made the decision not to meet for February or March. Her recommendation is a little difficult because when she got hired in 2007, she was the Recording Secretary for the Planning and Zoning Board, now she is the liaison. She did not want to make a recommendation, but she did want to point out that as staff, as the City Planner, she is required to present these items to the Board for recommendation, to then bring in front of you, the City Commission. This delays the item from going in front of City Commission for approximately one month; she feels it is unnecessary to cause this delay to her applicants, so she will leave it up to you.

Commissioner Rardin said that typically, in that thirty-day period, it has lately been forty-five to sixty days due to the fact that we cannot get a quorum most of the time. City Planner Rael said that has happened a lot, they set up for the meeting and don't get quorum. She has made it a point to tell them if they don't have a quorum, she will not bring it back the next month, she will bring straight to City Commission without recommendation. That is what she has done in the past to avoid a longer delay, because she feels like a month is already long enough to put these things on hold, applicants are ready to move with their projects. City Manager Cesar said that what Stella is saying, without recommendation, that is without recommendation from that Board. There is always a staff recommendation, everything that the Board is looking at, we have spelled out in our ordinances, whether is for subdivisions, zoning, etcetera. There are set standards and anytime someone is coming in asking for a variance to one of our standards, we are looking at it at a staff level. A lot of times, most recently, the person who bought the old trailer park on Ninth Street and Hawaii, in that area. City Planner Rael said it was 105 Ninth Street. City Manager Cesar continued that from a staff level, with that applicant, weeded a lot of work, and had everything to a level staff was comfortable with before it went to the Planning and Zoning Board, what you all saw that night approved. That Board did meet and approved what staff and the applicant had already worked out. Where Stella was a little reluctant to make a recommendation, what this Board is doing it adding delay to anyone that applies, if staff is making a recommendation not to approve a variance or to approve a variance, ultimately it is the Commission's decision. The applicant will normally be before you all that evening, you will have the item well ahead of time to review, you can always table an item, in his experience, he has never seen an instance from this Commission or any previous Commission where, due to lack of recommendation from the Planning and Zoning Board, that item was tabled so it could go back before them to be reviewed. Ultimately it is your decision. Mayor Payne said that was what I was going to ask, if it goes before Planning and Zoning, and they make a recommendation not to approve something, does it come before Commission anyway. City Planner Rael replied yes ma'am, because they are only a recommending Board, so it comes in front of City Commission, and she will mention what their recommendation is, but also what staff recommendation is. Commissioner Rardin said that ultimately it is up to us, just another speed bump or roadblock along the process. Mayor Payne said it was more of a rhetorical question, she knew the answer, but wanted everyone else to understand that ultimately, she didn't want to say it didn't make a difference as to devalue what they are doing, but it doesn't make a difference, because it is going to come before us anyway. City Planner Rael said it is going to come before you with her recommendation, staff recommendation. City Manager Cesar said that along with that, if this Board is disbanded, just like any item that comes before Commission, any member of the public can come, sign up, speak on any item to include any variance request, or any item that would come before Planning and Zoning that would ultimately come before Commission. The Commission is not silencing the public, or hiding anything, these items still come before the public and any member of the public get up and speak for or against any item. Commissioner Rardin said that thing with the variance, you guys send letters out with variance requests, City Planner Rael said she was going to mention that process will still take place, where she sends out certified letters to property owners within that two hundred foot, putting the legal ad in the paper, none of that will change. It is just presenting to the Planning and Zoning Board, and then bringing their recommendation to you.

Mayor Susan Payne said that if you think about it, it is the only Board we have where someone has to go before them before they can go before us. Her personal feeling on it is that we are wasting time, she said she thought that we need to be as business-friendly as possible; if that is an obstacle to us being business-friendly, then maybe we need to consider removing that obstacle. That is just her feelings on it. We are going to disband that Board.

City Planner Rael said her next question is how soon does this take effect, or how does that work, as of tonight. City Manager Cesar asked if this one was by ordinance. City Attorney Bengoechea said we will have to bring an ordinance back, and then once the ordinance goes to its second reading as

published in the paper and five days passed, it will be effective. Mayor Payne said so it is within a month, and City Attorney Bengoechea said six-ish weeks. City Commissioner Rardin said we just have to repeal the ordinance that created it, right. Mayor Payne said within six weeks, which be something like May 1st, or around there. Not set in stone, somewhere around there.

Senior Volunteer Programs Advisory Council

Senior Volunteers Program Specialist Neil McFarland said the Council currently has openings for eleven members, which is nine at-large members, one foster-grandparent representative, and one senior companion representative. By ordinance, no more than two of our council members may reside outside of Alamogordo city limits. Our Senior Volunteer Programs Advisory Council assists with the Senior Volunteer Programs staff to promote the engagement of older persons as a community resource and planning and delivery of volunteer services throughout our County. It helps to meet the unmet human and educational needs of our community. Our foster grandparent volunteers help mentor and tutor pre-K, elementary, middle school children, teaching English, Spanish, computer skills, and help students develop important life skills that we hope they will carry throughout their school years. The Senior Companion Program visits and delivers meals to home-bound and frail seniors, makes calls, and assists home-bound seniors to help them feel more independent and less lonely by helping with transportation to and from medical appointments, shopping, meals, simple chores, and providing companionship that these seniors may not otherwise get. These programs provide persons fifty-five and older the opportunity to improve their community's critical needs through their volunteer service. The Senior Volunteer Programs Advisory Council normally meets the third Wednesday of each month at the Alamogordo Senior Center. Due to the COVID pandemic, we have not had a meeting since January 2020, to amend that, we had managed to have one meeting in November 2021, just prior to the current surge. After speaking with our State and Federal liaisons, we determined that since most of our Advisory Council members are seniors and in a group that would be susceptible to a higher risk, we decided to put off meetings until such time as the COVID numbers decreased. We are hoping to have another meeting either this month or the next. As the liaison, the Senior Volunteer Programs Advisory Council is a requirement of the Americorps Senior Programs as set forth by their Federal Operations Handbooks in Section 4, to be able to receive the grant money that helps fund the programs. It is recommended that we keep the Council going; it is extremely helpful in helping plan for how to recruit new volunteers for the programs, and for suggestions on how we can do get-togethers for the seniors that are in the programs to recognize their contributions.

Mayor Payne asked if anyone had any questions. City Commissioner Rardin said you have eleven members, how many seats are full, Senior Volunteers Program Specialist McFarland answered that we are slotted for eleven members, at this current time we have ten positions filled with one opening. City Commissioner Rardin said it sounds like you guys are pretty active, or were pretty active, pre-COVID. Senior Volunteers Program Specialist McFarland said that we are pretty active, we would normally meet the third Wednesday of each month, some of the meetings can be quite interesting, because our seniors and representatives can be very vocal on what they like and dislike and what they want to try and do. Commissioner Rardin said he might have to go to one of those, Senior Volunteers Program Specialist McFarland said he would be more than welcome to attend, he would be happy to let him know as soon as we get the next one scheduled. Commissioner Rardin said it might be an interesting meeting, it sounds like we can just leave that one alone.

Mayor Payne said we still have volunteers going out to different sites, or we don't. Senior Volunteers Program Specialist McFarland said we do have volunteers, the Senior Companions, and the Foster Grandparent Programs; currently foster grandparents are in the schools tutoring, as he has not been able to get feedback from the Alamogordo Public Schools, Sherry Rieger, on whether-or-not they are allowing volunteers back into the public schools. They do have the foster grandparents that are going

into the private schools, Saint Francis Cabrini, Legacy Christian Academy, and they are helping out there. He also has a volunteer that is helping one of the day care centers. Mayor Payne said but we don't have, you know we used to have the RSVP Program, and they would go out to the Visitor's Center. Senior Volunteers Program Specialist McFarland said the RSVP Program ended September 30, 2021, and the reason for that was due to Federal budget cuts. When that happened, we were one of over two hundred programs in the mountain that was cut, one of several thousand that was cut across the country. Mayor Payne said she just wanted to clarify that.

White Sands Beautification Committee

City Planner Rael said that the function of this Board was, per ordinance, they were responsible for reviewing and approving improvement projects within the White Sands District that required demolition, building, sign permits, and also making modifications to the exterior appearance of buildings, signage, landscaping, and parking in order to ensure compliance within the designed standards and guidelines adopted to the White Sands District. How many members are currently on this board; zero. There was supposed to be six members appointed by the City Commission, with each Commissioner appointing one member. We met monthly; multiple times she did not even have a quorum or have anybody show up. Last time we met was September 23, 2019. As the liaison on this one, she did recommend that the White Sands Beautification Board be disbanded. Unfortunately, this Board has never been able to maintain active members, so therefore, her recommendation is based on the fact that due to lack of membership, they have not complied with the requirements outlined in the ordinance.

Commissioner Rardin said that given the direction we are wanting to head, he could see the point of this, but he also sees that it is waste of staff's time to basically prepare everything and then not have a quorum. Mayor Payne said she thought that a lot of these things, as a City, we are doing anyway, so it really doesn't matter if we have a Committee. City Manager Cesar said this Board was set up to fail to begin with. Most of what the Commission gave the authority to this Board is actually within State right-of-way, and we don't get to determine that, that is obviously the State. The standards that the original Board members, there was actually a Committee a number of years before that the Commission at that time established, to set standards for a color palette, building exteriors, etcetera. You go up and down White Sands, most of the lots are full, and really Commission does not have the authority to go back to those property owners and say hey we've adopted a new color palette, so, go paint all your buildings Desert Sand, or whatever color. As one of you was saying, with our ordinances, codes, etcetera, White Sands is treated as other part of the community; we are looking at dilapidated structures on White Sands, looking at trash, weeds, etcetera that fall within the codes. With the lack of participation, he said he thought the lack of participation was more really more frustration on their part, because they would come forward with ideas, like they would like the City to go in and paint a certain color, which we didn't have the authority to do because it belongs to the State. That is why that Committee, over time, lost the members; they had lost the members prior to COVID, so this wasn't because of COVID.

Mayor Payne asked if we wanted to disband that Committee, and then asked if that was by ordinance. City Planner Rael said yes ma'am, and she had attached the ordinance to the packet. Mayor Payne said same thing, we will have to go back and repeal the ordinance. We all agree we want to disband, and Commissioner Rardin said sure, are we going to have the resolutions and ordinance repeals on the next meeting or. City Manager Cesar said no, the City Attorney is going to be out on a training, and then a short vacation, so it will probably not be on the next meeting, no. City Attorney Bengoechea said the first meeting in April.

10. Consider, and act upon, approving staff proposals on the Local Economic Development Tax (*Stephanie Hernandez, Assistant City Manager*)

Assistant City Manager Stephanie Hernandez said she is here bringing forward information as requested from the previous meeting. On the previous meeting, the City Manager and staff provided three options for the Local Economic Development Tax and the next steps to move forward. The Commission requested more information on Option #2 and Option #3, so that is what she is bringing forward tonight. Option #2 would be bringing an Economic Development Officer in-house, working with City Manager Cesar, Human Resources, Finance. We recommend calling it the Economic Development and Tourism Officer. The New Mexico Statute does allow for ten percent of the revenue to administer the grant, which this would fall in line basically with what we were paying on it. Listed are what we see with this position, we believe that tourism, marketing, and communications all would fall within the realm of this, to bring people into the community, through our tourism efforts, how we market Alamogordo outside of the area, how we communicate to our citizens and businesses, is all part of attracting businesses to Alamogordo. This position would have to work very closely with the State Economic Development in Santa Fe. This is a proposed budget subject to change, we believe that we would like to get this going as soon as possible. The contract has ended effective March 18, we would like to get this going as soon as possible to have someone in for this fiscal year. This is the proposed budget for fiscal year '22 and '23, we would use a quarter of the revenues to get one-time expenses. That is basically what it looks like bringing it in-house. The other option that Commission requested is allowing the tax to sunset, the sunset date is December 31, 2025. Currently that is one-eighth, so at that time, our local tax option would go down by an eighth or 0.125. This would basically mean that the City of Alamogordo would not engage in economic development either in-house or through a contractor. At that time, at sunset, there would be a fund balance that we would need Commission to repurpose the funds, to a project; currently the project that we would foresee would be the Natatorium, Parrel Pipeline, Street Maintenance, or expanding the Dilapidated Structure Initiative. Staff is recommending Option #4, which is basically a middle ground. We have three years until sunset, we could bring it in-house, we could revisit this in July of 2025, because that is the State deadline for us to get our new tax table out if we decide to sunset it. That gives us three full years to make it happen, to see how it works in-house. This is what staff recommends, however, it is up to you, if it does sunset at that time, we can keep the tax, keep the person, go back out, sunset the tax, pass a resolution to repurpose the funds, or pass an unrestricted tax. Commission also asked what other communities are doing. It is literally all over the board out there, these are just a few that she picked; everybody is doing something different and there is always a combination of it. Successes just depend on the strength of the person or the strength of the company doing economic developments.

Commissioner Rardin said that in your agenda report, you had that your recommendation is to hire somebody and then revisit of July 2025, why did we pick that deadline. Assistant City Manager Hernandez said that December 31, 2025, is when the tax sunsets, but July 2025 is when we need to get the process going to get the State deadline to get the tax tables, effective January 21, 2026. Commissioner Rardin said that in order to put it on the ballot, and Assistant City Manager Hernandez replied it doesn't require a ballot. House Bill 4679 in 2019 said that Commission has the ability to repurpose it. Commissioner Rardin said that he meant that in like, 2025, don't we have to put it on the ballot for approval again, and Assistant City Manager Hernandez said no sir. Commissioner Rardin said that they had on their books, any new tax that is passed has to go to a vote of the people. Assistant City Manager Hernandez said that we repealed that, she couldn't remember when, but she thought it was 2020. Commissioner Rardin said yes, we did, we did do that, he said he thought he voted against it. Assistant City Manager Hernandez said he pulled it off Consent Agenda. Commissioner Rardin said that ordinance was brought to the Commission by the people, and was asked to be passed, but he did not agree.

Mayor Payne said it was no secret that she is a big proponent of trying to bring it in-house, because she said she thought we needed somebody to work on economic development. She did find it interesting that Las Cruces has theirs in-house; she just thought it was a great example of a city where obviously it worked for them, and you can see there is a lot going on in Las Cruces, so that is a great example. Not that we are Las Cruces, but we can certainly work hard to be the best Alamogordo that we can. She would love to see new business, for her when people ask, she is a big proponent of more manufacturing in here, not the pot manufacturing, but other manufacturing in here. She is vocal about it, she can't help it, she is sorry. She said she thought that those were some of the things that if we are going to pay for economic development, doesn't it behoove us to bring it in-house where we have more control over, and more accountability with what is going on. That is the way she sees it. There are things that we are limited, that we can't do, as a government entity right, but we do work really well. She mentioned this last time with the Chamber of Commerce, if you know anything about the Chamber of Commerce, you know that they do a lot of this kind of stuff anyway. A lot of it is by virtue of the fact that when new businesses are looking, or people are coming into town, looking to set up business, they automatically start with the Chamber of Commerce or the City, one of the two. Maybe looking at a way that we can do some kind of hybrid, as there are things, we are limited that we can't do that they can, may be a good thing for us. That is just her thoughts on it, but she is a big proponent of trying to bring it in-house. What we've done isn't working, so why not try something different before we just say we won't do it all.

Commissioner Rardin said he agreed with the thoughts of trying to bring it in-house to try something different, but in the past, you know you had OCDEC and the Chamber together under the same, and they have two different roles, they play two different parts. Your Chamber is promoting your existing businesses in your community, and it kind of contradicts your economic development, because they are trying to bring businesses into your community that compete with your existing businesses. He did feel they need to be separated, it needs to be two different entities, but if we bring it in-house, let's give it a whirl, it is only three or four years. It can't be any worse than it is right now. Mayor Payne said that's a true statement. Commissioner Rardin continued that any newer businesses that come in, obviously we can't do the vetting, but we can have the State Economic Development do the vetting for us, maybe the wining and dining part of it. We may have to see if we can't get someone to help us on that part, because we can't have a staff member out there charging drinks and food to a credit card. Mayor Payne said she thought that was what she was more thinking of; it is pretty critical that those kinds of things take place though, especially big companies, that is what they are expecting. Those are the things that we can't do, and so that is where she kind of came up with the thought of well, they do a lot of that anyway, so that is just something we can look at. For now, what we are just trying to figure out is whether we want to bring it in-house or not. Commissioner Rardin said that in the grand scheme of things, if a company wants to move here, regardless of whether we give them any type of incentive, they are going to move here. This is just kind of the icing on the cake, a couple hundred thousand here, and hundred thousand there to a business, or even a million-dollar call center, you've seen like 1-800 Flowers; they move here, they get the money, they fulfill their agreement, then they leave and go to another community. He has been through numerous years of this, and really with maybe the exception of Medlin Ramps, that is the only one that has really worked. Mayor Payne said she agreed with that, and that why is she hoping that if we bring it in-house, we are going to get some more quality businesses.

City Manager Cesar said going back to what Stephanie presented, that is part of the reason that this position is not strictly LEDA. We recognize at a staff level that is not a full-time position. We don't have manufacturing beating down the doors of City Hall, or any other entity, saying we want to bring manufacturing to Alamogordo. This position would also be looking at any other incentive that Commission has passed, then pulling in the tourism, the marketing, etcetera, all those things go hand-in-hand, so, this is actually, in our minds, going to be a much better utilization of tax-payer money.

Mayor Payne said she completely agreed, and like she said, more accountability, because they literally work for us. Commissioner Rardin said more information, that was one of his biggest complaints with Optic, is that they come in here, do a presentation, and then we have project blue, project green, and project red. What are projects blue, green, and red; we never knew. Then they would come to us and ask us to vote on it, and okay what am I voting on, what is it that we are talking about here, well we can't tell you, well I can't vote on it. You can't tell me what we are bringing in, I can't vote on it. Maybe we have a little more communication between staff and us, so that we at least know what it is. He understood keeping it confidential to some extent, but there was one just as an example in the past where they were wanting to move in down there on New York Avenue. They were wanting us to do some things. Okay guys are we going to be building bombs down in the middle of New York Avenue, you know, or are we going to be building robots, what is it, and they didn't tell us. He did not want a bomb factory right across from a paint store with a bunch of flammables and that kind of thing. He said he thought we should give it whirl and see what happens. 2025 is not that far away. Assistant City Manager Hernandez said okay, will do; so we will move forward, is that your recommendation, to bring it in house. City Manager Cesar said we needed to move a motion.

Commissioner McDonald moved to approve Option #4 on the Local Economic Development Act.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

Commissioner Rardin moved to adjourn at 8:45 p.m.

Commissioner Burnette seconded the motion.

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

ADJOURNMENT



ATTEST:



City Clerk Rachel Hughes



Mayor Susan L. Payne

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on March 22, 2022.