

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
May 10, 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 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Joe Bryant and the Pledge of Allegiance was led by Mayor Pro-Tem Wright.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Kids to Parks Day Proclamation. (*Susan L. Payne, Mayor*)

Mayor Payne proclaimed May 21, 2022, as Kids to Parks Day. She encouraged everyone to get outdoors and visit America's parks, public lands, and waters.

2. Alamogordo MainStreet organization update presentation. (*Nolan Ojeda, Executive Director Alamogordo Mainstreet*)

Mr. Ojeda said that as the Mainstreet Organization, we act as a unifying force for the businesses and community downtown. We give a platform for the businesses to speak to one another, to share ideas, to share hurdles; we act as a resource to help them get past some of those hurdles. We also act as the liaison between the community and the businesses with the City and New Mexico Mainstreet.

Mr. Ojeda said the purpose of Mainstreet is for economic development. We use the Mainstreet American four-point approach: organization, design, economic vitality, and promotion. Alamogordo Mainstreet is currently operating under two economic transformation strategies. An economic transformation strategy is basically our long-term goals for our district. Number one, we want to unify the Downtown District; 10th Street poses a little bit of division between the north and south side of the Downtown District. We are working to get rid of that division and make it look like a unified district. Number two; retain and strengthen our current businesses, recruit new businesses, and work on the existing historical buildings that are within the Downtown District. How are we doing that; number one, our first event to ever span 10th Street happened this last year at Christmas, Downtown 2021, went all the way from the south side of New York to the north side of New York.

Mr. Ojeda continued we are cross pollinating our Board Members from the Flickinger Center for Performing Arts and Alamogordo Main Street. The President for the Flickinger, Cindy Strong, is currently on our Board for Alamogordo Main Street. Our Vice-President is on their Board over there. We are working with the Flickinger, with New York Ave Art and Music Studio, and the Roadrunner. We

are trying to get an Arts and Culture District established here, and he said he would go into more about what that means in a second.

Mr. Ojeda said finally, we have the Great Blocks design. The design is basically complete, and we are getting ready to move forward on actually getting some funding for phasing out that construction from New Mexico Mainstreet. Back in the day, the City put up \$20,000, and Alamogordo facilitated capital outlay funds of about \$100,000 to finish just the design aspect of the Great Blocks project. Right now, that design is basically finished. Estimated costs for construction is coming in at about \$2,000,000. There are phase grants available to do the construction, and now that the design process is complete, we can move forward with trying to secure some of those funds. He showed pictures of the what they like downtown to look like.

Mr. Ojeda said Economic Transformation Strategy Number Two, this is for retaining businesses, recruiting businesses, and upgrading some of our historical buildings that are a little dilapidated. We have had over \$3,000,000 in private investment, that is upgrades to existing buildings, renovations, as well as new business procurement. We are adding classes between the businesses, activities, and tours. We will be partnering with the Historical Society to do a Union-Pacific funded park with the Zoo. We also have an ongoing partnership with the Air Force for volunteer work.

Mr Ojeda said Arts and Culture District; why is it important. Once we establish this district, it opens up the opportunity for funding that we otherwise can not touch. There are grants available for building renovation, there are grants available for marketing that you can not access unless you are a designated Arts and Culture District. This district would span New York Avenue from 9th Street to 12th Street, and there is a list there of all the businesses that would qualify as Cultural Arts Designees. He said another thing was that it doubles the tax rebate for a historical building if it is within the Arts and Culture District, if you want to renovate your building. On top of that, we have a 22% higher business recruitment success within the Arts and Culture Districts, and we get put on a State Regional and National registry for having the district.

Mr. Ojeda spoke of upcoming events for downtown.

Mr. Ojeda said with our seven new businesses, we have an estimated tax revenue from them of over \$12,000 as they open. We have already for the year clocked well over 2000 volunteer hours. Some of our challenges; we have several businesses that are concerned about the construction that will be talking place once we get Great Blocks funded and start moving forward after the bidding process. They want to know how we are going to mitigate traffic, parking, etcetera.

Mr. Ojeda said our Avis Building is in utter disrepair. Not only is it a safety hazard at this point, but it is also a huge eyesore. Alamogordo Mainstreet values how iconic that building is for our downtown district, and so we have been working diligently to try and find investors that are willing to take on the massive amount of repairs that are required for that building. At this point, there is discussion if we can even save it. The Avis Building is a huge concern right now for Mainstreet. We are interested in incentives, or maybe even ordinances, that sort of encourage owners of buildings in downtown to put in the time and effort to keep up their buildings and keep them occupied. Moving forward, he said he plans to have several conversations with a few of you about how we work together on making some of that come through to fruition.

Mr. Ojeda said 10th Avenue remains a hurdle for them; when we were doing the Great Blocks project, the plan was to try make some kind of bridging, something to make pedestrians walking through there safer. However, the amount of money it would take to do so would have basically sucked their entire

budget out of the window. We decided instead to change the street, make it prettier, and maybe a different phase for the downtown would be that 10th Street crossing.

Mr. Ojeda said as a Mainstreet organization, they are required to have a capacity-building strategy. All that means is that they are required to have an internal strategy for efficient operations that lead to successful results. Going forward, one of their main focuses is strengthening our current infrastructure in order to better our communication, better our efficiency at not just pulling off events, but helping the existing business owners, promoting them more actively, getting the public more involved via committees, volunteer hours, and possibly even expand our board membership max number. Part of our capacity building that we are focusing on is rebranding Alamogordo Mainstreet. We are trying to get our name out there; we are trying to get people to know who we are. We want everyone to know we are an economic development organization. We have been on the radio, in the paper, we have had a couple businesses featured in New Mexico State Magazine, as well as Influence Magazine; we were featured for small business week. We are also working on our fundraising and grant applications; we plan to get very aggressive with that in the coming year.

Mr. Ojeda said finally, we don't want to just hand-off this Great Blocks project, we want to be an active advocate for it. If there anything we can do to help the funding aspect, liaison, whatever it takes, we want to continue to be an active pusher of that project.

Mayor Payne said that it is really nice to see life back downtown again. We really started to see that a few years ago, but due to COVID, it got a little quiet down there. There is usually something go on downtown in the evening. Check out some of the businesses downtown, it truly is worth it.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He announced the passing of Dr. Dave Townsend. He was a prominent member of the community. Mayor Payne said he was, he knew Alamogordo, he was Mr. Alamogordo for sure. She said that was very sad.

Commissioner McDonald made the following comments:

She wanted to announce that District 5 will be having their second cleanup. They will be on the corner of 5th and Florida. It will start at 7 in the morning, and it will go to 2 in the afternoon. That will be held on July 23rd, 2022. There are going to be dumpsters in the lot where people can bring their trash and also items that they want to get rid of. You can drop off all the unwanted trash, big items. We are also offering services for cleanup; that will be for seniors, disabled people, and veterans. She said she talked with Michelle this morning, and she can put the waiver online, so it can be downloaded for people who want their yard clean. For volunteers, they will also have to sign a waiver. She said she thought it was going to exciting. We have had people ask about it, if we were going to have it, and she wanted to invite any of the Commissioners, if they wanted to utilize the services for their district also. It is free for everybody, so Districts 1 through 6, they are invited.

She said she knew that Joe Lewandowsky is here tonight with the Dudley School renovations, but she wanted to let everybody know that we are going to actively try to have a committee to make sure the things on the list that he needs are taken care of. We will be looking for people, she said she didn't think it would be a big group but looking for people that want to participate.

She said she was going to mention MainStreet, this is the same spiel she gave this morning. This is her third year in office, and she didn't have a lot to talk about when she first got in, but she just wanted to say that we have a lot of exciting things happening in District 5 that will affect the entire community of Alamogordo. She said she was really proud to know the people she works with, and she is just hoping that by the end of her term, she will have even more exciting news to talk about.

Mayor Payne made the following comments:

She said the air show was really good and she gave a shout out to Holloman Air Force Base.

CONSENT AGENDA

3. Approve the minutes for the April 26, 2022, Regular meeting and the May 2, 2022, Budget Hearing Workshop. *(Rachel Hughs, City Clerk)*

4. Consider, and act upon, adoption and final publication of Ordinance 1648, Repealing Chapter 20, Article 02 of the Alamogordo Code of Ordinances Concerning Planning and Zoning Commission. *(Stella Rael, City Planner)* (Roll Call Vote Required)

5. Consider, and act upon, adoption and final publication of Ordinance 1649, Repealing Section 29-01-100 and 29-01-110 of the Alamogordo Code of Ordinances Concerning the White Sands Beautification Committee. *(Stella Rael, City Planner)* (Roll Call Vote Required)

6. Consider, and act upon, the award of IFB 2022-05 Bulk Fuel to Brewer Oil Company in the estimated amount of 110,000.00. *(Evelyn Huff, Finance Director)*

7. Consider, and act upon, Resolution 2022-24 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of May 10, 2022. *(Evelyn Huff, Finance Director)* (Roll Call Vote Required)

8. Consider, and act upon, approval of an agreement in the amount of \$25,000 between the City of Alamogordo and Tularosa Basin Historical Society to develop plans for the renovation of Dudley School. *(Debbie Osborne, Grant Coordinator)*

Commissioner Rardin moved to approve the Consent Agenda.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

PUBLIC HEARING

9. Hearing and possible action related to Resolution 2022-08 declaring 322 Texas Avenue to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety, and ordering its abatement. *(Petria Bengoechea, City Attorney)*

City Attorney Bengoechea said the City won this hearing before it even started, because 322 Texas has been demolished. The property owner took it down, he did a really nice job. There is still some cleanup ongoing. He did request this hearing to buy himself a little bit of time to get all of his crews together, and it is officially down. Mayor Payne said the property owner is the one that took care of it. City Attorney Bengoechea said he did take care of it, he built two big dumpsters and has more coming. We will follow the progress, make sure that is all removed and looks great.

NEW BUSINESS

10. Consider, and act upon, Resolution 2022-25 for the acceptance and approval of the FY21 Audit. (Alan D. "A.J." Bowers, CRI - Carr, Riggs & Ingram) (Roll Call Vote Required)

Finance Director Huff introduced Vicky Dallas, Senior Audit Manager with Carr, Riggs, and Ingram. She presented in tandem with A.J. for the FY21 Audit.

Ms. Dallas spoke on the GAGAS report. It is really over internal controls, financial reporting, and other compliance matters. With that one, we really give a negative assurance. What that really is saying is that we don't give absolute assurance, because we can't stay with Evelyn and test every transaction you guys have throughout a year. So, we are looking at it, and we are giving a negative assurance to say that what we looked at was okay. With that, we did have four findings. We had one finding that was a significant deficiency, and three findings which were New Mexico State Auditor, or NMSA, findings.

Commissioner Rardin asked what the significant deficiency finding was, and the three from NMSA. Ms. Dallas said those should have been provided to you, and she did not remember them off the top of her head. Finance Director Huff said the significant deficiency was we recorded a debt journal entry twice, and we did not catch it ourselves, the auditors caught it. Because we did not catch it ourselves, it had to be reversed, so that becomes a significant deficiency, we should have caught it ourselves. Two of the NMSA findings were for the Housing Authority, one had to do with waitlist controls. They were pulling people off the waitlist correctly, but they were not documenting it correctly, so they had to increase their documentation in their files. The other one, that was not Housing Authority, had to do with the fireworks not going through our procurement process. They also did an audit of several other transactions that were in the same costs and expense as the fireworks. One had an expired code, and one that did not have a quote to it, that was the NMSA findings. Commissioner Rardin said the significant deficiency, was it a large amount or was it a small amount. Finance Director Huff said it was like \$268,000, we only made the payment once, but when we recorded the journal entry, the Accounting Manager recorded it, and the Accountant recorded it.

Commissioner Rardin asked what was the fireworks deal, what was the finding on that, just the procurement process. Finance Director Huff said it a self-report that we have been paying \$30,000 for fireworks, and we had not been doing, and Commissioner Rardin said anything under \$60,000 doesn't even need to go to a bid process. Finance Director Huff said it has to have quotes, and we are not getting quotes for it. Per our procurement process, it should have had three quotes attached to it, which we have done going forward, but for FY21, we did not. Commissioner Rardin said it was not like we have a whole plethora of vendors out there that offer that. City Manager Cesar said we didn't do the actual procurement, that was the actual issue. It goes back, for some of you, you weren't part of the Commission, it goes back to the year weren't able to have the fireworks up at the Space Hall. In the past, the Space Hall Foundation, that organization that puts on the event traditionally up at the Space Hall every year, they were the ones that were procuring the vendor, and then the City was just cutting a check, and that is what violated the State's procurement process. Finance Director Huff said the reason we self-reported it is that we were concerned about a violation of the Anti-Donation Clause.

We self-reported it so that they could look at that, along with our procurement. Also, it is an NMSA finding, which means that it is reported because the New Mexico State Auditor requires everything to be reported, but it didn't rise to a GASB finding or a higher-level accounting finding.

Commissioner Rardin said so we have two different people that are inputting the same information or is that how it actually happens. Finance Director Huff said that so normally, the Accounting Technician is the one that handles those entries, but the Accounting Technician was out on medical leave, and so, there was just a miscommunication over who handled it. The auditors brought it to our attention because it created a budget overage. When we went to look at it, we realized it was not a budget overage, it was a double entry. Commissioner Rardin said simple mistake then basically. Finance Director Huff said yes, honestly, if the person hadn't been out on medical leave, it would have never happened. One person thought they were covering for it, and the other person thought they were covering it, so they double covered.

Mayor Payne said her only question would be the issues then with the Housing Authority were resolved. Finance Director Huff said yes, they have increased their documentation of the waiting list. The second one was, one tenant, when they pulled her file, her background check had actually been done the day after she moved in. The Eligibility Specialist realized when she leased her, that she had never gotten it back from the Police Department, and she hadn't followed up with it. So, she followed up with it. Originally that would have been a higher-level finding, but we requested that they look at twenty-five more files. Usually at the Housing Authority, they do a sample of twenty of the files. They came back and did another twenty-five. They ended up looking at fifty files, and that was the only one that had an issue. That is why it became an NMSA finding, was because we were able to show that it was a one-time anomaly. Mayor Payne said that surprises her because she knows they are really good about that. Finance Director Huff said the Eligibility Specialist was really upset. When Vicky and Nico gave us the option of having them come back and look at twenty-five more, she called and said we were you sure, and the Eligibility Specialist said absolutely, hands down, this did not happen twice, it was a one-time mistake. Finance Director Huff said she, the Eligibility Specialist, had been out on medical leave as well, and so that was part of it. The documentation for the waiting list, they just needed to increase their documentation and make it a little bit stronger.

Mayor Payne said the trend from '18 to '19, and then '20 to '21, that is pretty telling as well. Commissioner Rardin said he was really surprised our revenues increased in '20 and '21 like that. He said he guessed it was just because of our expenditures were way down, but our revenue shows that it actually increased in '20. Mayor Payne said she was wondering, none of that had to do with any COVID money. Finance Director Huff said no we had a really good FY20 – FY21 in our Gross Receipts Tax. Commissioner Rardin said that was because everyone was hauling it at Home Depot and shopping. Finance Director Huff said we really did well, luckily, compared to other parts of the State and the Nation. All of our trends held. Mayor Payne said you joke about it, but you are absolutely right, and Commissioner Rardin said everybody was at Walmart or Lowes or Home Depot. Mayor Payne said that because nobody went anywhere, they remodeled their houses instead, so she gets it. Commissioner Rardin said that every day, you saw how many people were in that store, and they get bored, you know. Mayor Payne said it is true, she said she thought you were absolutely right, so she guessed some good things came out of it due to COVID.

Commissioner Rardin moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

11. Consider, and act upon, first publication of Ordinance 1650 amending sections of Chapter 17, Article 17-08 Peddlers and Solicitors of the Alamogordo Code of Ordinances to remove door-to-door licensing for commercial solicitors. (Rachel Hughs, City Clerk) (Roll Call Vote Required)

City Clerk Hughs said you have before you is what is going to be removed; also, any language associated with the licensing. What was removed was commercial solicitors, also the licensing required, the application to the licensing and the fees, the identification that one shall wear because that is what we give to them, the regulations for the licensing, as well as the suspension and replication of the license, and the appeals process. Everything else will stay; when it comes to anybody going so many feet from a telling machine, coming off the sidewalk onto the street to ask for money, all of that is going to stay. It is just licensing that we are asking to be removed.

Mayor Payne said just for clarification, you can still door-to-door solicit in the City of Alamogordo, you just don't have to be licensed to do it, is that correct. City Clerk Hughs said that is correct.

Commissioner Rardin said that section you are leaving in there, Section B, does that basically prohibit the people standing on the corner asking for money, to solicit employment, business contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway. Does that kind of outlaw the people standing on the street corner. City Clerk Hughs said that is correct, and that is part of the reason why we left it on there. Commissioner Rardin said so, why do we not enforce that. City Attorney Bengoechea said to be clear, you can stand on the sidewalk, you can't stand in traffic, and you can't stand in the median. If you look at one, two, and three; you can't block traffic. Number One says you can't enter into the travelled portion of a street or highways, you can't stand on the street. Number Two says you can't be in the median. Three says you can't move into a legal parking area to safely conduct it, so, you just can't block traffic. We can not stop people from standing on the street corner with a sign, it is a First Amendment right, and will be sued by the ACLU in three seconds flat. Commissioner Rardin said they enter the road when they take the money from the vehicle. City Attorney Bengoechea said they can be cited for that, but the police are going to have to see it. Commissioner Rardin said he was just wondering, he doesn't really care, he just read that and thought that was what it meant.

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

ADJOURNMENT

Commissioner Rardin moved to adjourn at 7:34 p.m.
Commissioner Wright seconded the motion.
Motion carried with a vote of 7-0-0.



Mayor Susan L. Payne

ATTEST:




City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on May 24, 2022.