

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
May 24, 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 Pastor Charles Bennett and the Pledge of Allegiance was led by Commissioner Paul.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Proclamation to the Alamogordo Girls Track and Field Team. (*Susan L. Payne, Mayor*)

Mayor Payne said if she could have her track girls come up here. This is our Alamogordo Girls Track and Field Team. She said she would like to invite Superintendent Dr. Moore and Coach Atkinson. These girls are amazing, they came out of COVID last year under the leadership of their coach. They took State last year. Then they turned around and guess what, they took State again. Out of all the teams in the State of New Mexico, we are number one, two years in a row. The important takeaway from that is they made history; this has never been before. This is the first time the Lady Tiger Track has made back-to-back State Champions. It is incredible.

Mayor Payne proclaimed Saturday, May 14, 2022, as "Alamogordo Girls Track and Field Team Day".

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. You all will be getting an invite, probably by the end of this week or the first part of next; the McKinley Channel Phase 8 is finally wrapping up. The contractor is doing the final cleanup in punch list items. On June 8th, at 1pm, at Washington Park, right by the Pavilion and the crossover of the channel, that is where the ribbon cutting will happen. The Area Commander for the Core of Engineers will be here, along with other various dignitaries that have been part of this project since 1964. The Southern Channel will finally be complete, and we can move on to the Northern Channel.

2. He said he wanted to give another thanks to all the staff that worked on the budget for this fiscal year. It was a lot of work.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne made the following comments:

We need to keep the State of Texas, and in particular, Uvalde School District, in our prayers. That is unthinkable. Pray for them and certainly all those parents, she said she couldn't even imagine what that is like.

On that same note, she said she wanted to take a minute to let our Police Chief know, and hopefully convey to our officers, that we are praying. She said she knew that you certainly have dealt with some really intense things lately. She said she was gone this weekend, and she came back to read about one of them, and she was just disgusted. She said she can't even imagine what it is like to have to investigate crimes like that, crimes against children. Just know that she is praying for them and thank them all for the job that they do.

Commissioner Paul made the following comments:

In light of the holiday weekend, he said he would like to just say that it is a great weekend to be an American. There are a lot of people who have given their lives for us to be able to sit here today. Just keep that in mind when you are out celebrating with your family this weekend. Just remember, those that have lost their lives serving our country, and their families as well, because they are directly impacted by that. He said he thought it was an extremely important holiday for our country as a whole.

He said he had a couple teachers that don't work here at the local school district, but work for our State school district, that had to test kids from out-of-state over the past couple of weeks or months here in Alamogordo. He said he just wanted to thank the City staff at the Library and Civic Center. He said he had multiple people comment that they went above and beyond to help those teachers, help those students, and he said it just shows what type of people we have working for the City, so thank you to all that staff that helped make that possible.

Commissioner McDonald made the following comments:

She said she wanted to thank Michelle and the City staff for putting the District 5 Cleanup in the water bill newsletter. She said she has been getting calls and setting them up, so she wanted to thank you guys for at least getting that out.

She said last meeting, she received a check for the renovation for the Dudley School. It is a donation from Corinth Baptist Church. She said she believed it was in the amount of \$500. She said she wanted to thank them for recognizing the renovation going on, so she appreciates that.

CONSENT AGENDA

2. Approve the minutes for the May 10, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*

3. Consider, and act upon, the Investment Report for the quarter ending March 31, 2022, in accordance with the City of Alamogordo Investment Ordinance. *(Sue Ashe, Accounting Manager)*

4. Consider, and act upon, acceptance of a \$75,000 grant award agreement from the Carroll Petrie Foundation to Alamogordo Animal Control. *(Debbie Osborne, Grant Coordinator)*

5. Consider, and act upon, the award of RFP 2204-008 Custodial Services to Quality Janitorial. (Evelyn Huff, Finance Director)

Commissioner Wright moved to approve the Consent Agenda.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

10. Consider, and act upon, Ordinance 1651 Case Z-2022-0001(A) for first publication of a map amendment to remove the condition that was placed on the property in 1998. Property located at 1001 Scenic Dr. was rezoned from R-1 Single Family Dwelling to C-1 Neighborhood Business Case 1998-0574(A), with the condition that property could only be used as an ATM machine location. (Stella Rael, City Planner) (Roll Call Vote Required)

Mayor Payne said we are going to be moving Item 10 above Item 6. City Planner Rael said the property owner is requesting that the City remove the condition that was placed on this property in 1998, when it was rezoned from R-1 Single Family Dwelling to C-1 Neighborhood Business. She said property owner John L. Harris is present in case any of you have questions for him. City Planner Rael said that while doing her research on this one, she came to find out that the condition that was placed on this property when it was rezoned was, the condition states that it could only be a C-1 Neighborhood Business zoning area, with the condition that it would only be used for the location of ATM machines. She said Mr. Harris recently purchased it; when he came to her speak to her about what he could put on there, she said she informed him about the condition. City Planner Rael said he did decide to go ahead and ask to remove that condition. She said that the process per ordinance is any time we are going to remove a condition, she would have to bring it in front of City Commission, and you all would have to approve that request. She said just to give you a little bit of findings of fact, the application was filed on April 5, 2022, the legal notice was published on May 19th, 2022. Twenty-eight letters were mailed by certified return receipt mail to all property owners of record within two-hundred feet from the property, excluding the public right-of-way of the property. City Planner Rael said this is the protest area of two hundred feet from the property in question, there are twenty-eight properties within that two hundred feet, they were all mailed certified returned received. As of today, she said she has received one letter undeliverable, and only one letter of protest, and that was from Attorney Cook. City Planner Rael said it is on the corner of Scenic and 10th Street. There has been an ATM machine there that hasn't been in operation for many years.

Commissioner Paul asked if there were any intended uses, why are they wanting to have the zoning changed. City Planner Rael said she would let Mr. Harris answer that question, but he has come to her with different ideas. She said that like she explained to Mr. Harris, she has provided him with a copy of the ordinance regarding C-1 Zoning Districts. There are multiple things that can go in there.

Mayor Payne said we will go ahead and hear from Mr. Boyda. Deputy City Clerk Aleshire swore in Eric Boyda and Aurora Roemmich before they testified.

Mr. Eric Boyda said they were residents of 1000 Hendricks Avenue, which is directly behind the ATM. He said that hopefully provided to you was a letter from our attorney, Zach Cook. We didn't receive this letter, the notice of the public hearing, until last Friday, so 5/20. Our objections were needed to be submitted to the Planner by noon on Monday. He said he worked together with Zach, he works for the Village of Ruidoso, and Zach Cook is the Village of Ruidoso's contracted attorney. Mr. Bodya said that they have a good relationship, so he called him to just talk to him about the process. Mr. Boyda said he wasn't able to talk to Zach until Sunday afternoon. So, after explaining the situation, Zach was troubled by the procedural due process of this case, noting that it was really strange that the notice was only issued five days ago. The official public notice for this meeting was posted on Thursday of last week, for this public hearing on Tuesday. Although this change may not seem substantial in the eyes of the Commission, it is substantial to our home. This is right behind our house; we live right next to it. Mr. Bodya said that Aurora and he moved here nine years ago, and when we acquired this house, we were aware that it was adjacent to C-1. The ATM was a reasonable thing for us, and with that zoning restriction, we felt comfortable with buying the property. He said that he did not want to belabor the issues that were addressed in Zach's letter that we sent, but we outlined some concerns that we would have with free and open C-1 district in this area, including noise, trash, nuisance lighting, and the traffic and safety issues of a commercial business so close to a four way stop. Is there actually the ability to have a safe driveway entrance in and out of that property. The ordinance for C-1 is very broad, as the Planner specified, there is a lot of different things that can go into this C-1 area. Particularly of concern is, there is no restrictions on hours of operations. Theoretically, there could be a business that is open 24/7 right behind his house. Some of these issues might have been brought up in the decision for why there was an ATM-only restriction, but he wouldn't know, because it wasn't included in the packet, of what the business case in 1998 when they passed this restriction. We really question the need for an additional C-1 in this area, that C-1 area in Scenic has had three vacant lots for the entire time that we have lived here, with no movement for development. There is numerous vacant lots and buildings that are laying vacant on the east side of 10th Street. Our understanding of the ordinances is with this conditional use zoning, with the condition not present anymore, that the zoning should be reverting back to the original zoning, which is R-1 use; which makes sense when you think about the housing shortage, especially for affordable housing, homes, and the need for single family residential homes in Alamogordo for entry-level homebuyers.

Commissioner Rardin said that the gentleman that owns this, he said he guesses this is more of a question for him, does he have any idea what. Deputy City Clerk Aleshire swore in John Harris. Commissioner Rardin said his question is, what are your intentions of putting on that lot, it is not a very large lot. Mr. Harris said that he has had several people approach him with ideas, nothing that is registered yet. Probably the most interesting would be a Tesla charging station for electric vehicles, there don't seem to be any in the town, but he said he did not want to commit to that, because the technology is moving so fast, it might be premature to introduce that, on that lot. He said he would like to do something creative with it; he said he really did not have a specific idea in mind at this time.

Commissioner Rardin said his next question is probably more for staff, why don't we have the meeting minutes from 1998 in our agenda book explaining what the Commission was thinking when they put the restrictions on that, when they rezoned it. City Planner Rael said she didn't include them because there wasn't a whole lot. She had to do a lot of research and it took a long time to find those minutes; there really wasn't an explanation, it was just rezoned with that condition. Commissioner Rardin said that he was guessing with the demographics of the area,

you have C-1 on all four corners. City Planner Rael said yes; from what she could tell from the minutes from 1998, it seemed like it was done at the time, that the property was being sold to maybe Bank 34. She said she apologized; she didn't feel that it was necessary to put them in there since she had done the research on it. Commissioner Rardin said he was just kind of wondering the reasoning behind it, and asked if they didn't have any discussion on it. City Planner Rael said no, they were very vague. Mayor Payne said she didn't think that ATM has been there since 1998. Commissioner Rardin said it has been there for a while City Planner Rael said she didn't know exactly when it went in, she said she just knows that in 1998, that is when they approved the condition and specified for use of ATM machines; she said she was thinking it went in shortly after. City Planner Rael said the property owners behind there are correct, there is quite a bit of C-1 in that surrounding area. The only business that has not been in operation that she said she is aware of is Fitzgerald, right across the street. Commissioner Rardin said he is still in operation. City Planner Rael said she thought he was using that lot more as a storage, he even has a sign that says out-of-business, and he hasn't had an active business registration since 2019.

Mayor Payne asked if there was an alley between that lot and their house. City Planner Rael said yes. Mayor Payne said the lot is not very big, she said she can't see being able to put an actual business on it. Obviously if it was an Allsup's or something, you can't really put that on there. She said to her, there was barely enough room for the ATM. Mr. Harrison said he was just trying to be creative with the figure, it has been dormant for probably four years now. It is not generating any tax revenue, particularly for the City that it would be, if it had some kind of an active business on it. He continued that as he said, it is going to take a lot of thought to do something that will work for everybody.

City Planner Rael said that if the condition is removed, and Mr. Harris approaches with proposed plans for anything, he is going to have to meet all the parking requirements and setback requirements. Mayor Payne said it is going to be limited anyway. City Planner Rael said he is going to pretty limited on what can go there, yes. Commissioner Rardin said the size of the building would be limited greatly.

City Manager Cesar said that what he would suggest is that you table this item, until such time as the applicant can come back and maybe have a plan of what they would like to place on the property, and during that time, he said he was sure he would fully work with the property owners to the rear. Mayor Payne said that is what she was thinking, maybe we could be more specific. City Manager Cesar said as you were talking about an electric charging station for vehicles as one of the possibilities, and Mr. Harrison said but that would really restrict, and City Manager Cesar said they are shaking their head, yeah. Mr. Harrison said that would really restrict his ability to sell the property to someone, because to have to jump through those hoops, at that time, it just wouldn't be practical, and they could be faced with the same thing, they will meet the same restrictions that he has to meet, those are already in place. City Manager Cesar said at this time, he did not know if the Commission has enough information to actually remove this condition that was placed in the late '90s. Mayor Payne said she thinks that is probably the biggest issue for us.

Commissioner Rardin said do we know the size of that lot, it is probably what, 60' by 100'. City Planner Rael said no, it is a little bigger than that, it is approximately about 9000 square feet, it is wider facing 10th than it is towards the rear. Commissioner Rardin so he can only maybe only do like a 2500 square foot building on there, if he were to build something out, because you have to have what, the three-to-one parking ratio. Mr. Harris said the demolition of what is there would

prohibit any kind of a building problem, he would think. The gentlemen had mentioned affordable housing, there won't be anything affordable put on that lot unless it generates some type of an income, he said he believed, you have to monetize it to make it work. Mr. Harris said the demolition to get rid of all that concrete and asphalt, would be prohibitively expensive; you would just have to work with what is there, and somehow monetize that. He said you are looking at probably \$75,000 at least, to return to it to dirt, it would more valuable as dirt than it is in its present configuration. He said again, who knows what direction it will take, but it would, he would hope, be complimentary to that location and to the City of Alamogordo and himself as well.

Mayor Payne said that is a tough one. Commissioner Rardin said if we knew exactly what is going in there, it would be a fairly easy decision. Mayor Payne said that is the hard part, you have got three other businesses, how do you say no to making this commercial when the rest of them are.

Commissioner Rardin said the water place and then the Allsup's, are they C-1 or C-3. City Planner Rael said Allsup's is C-1, and the water place, strangely, doesn't even have a zoning designation on our zoning map, so she could not answer that, but everything else around there is C-1 with the exception of Fitzgerald's, that is C-3. Commissioner Rardin said the vacant lots just down the street on Scenic, on the east are those commercial as well. City Planner Rael said she was not sure which ones are vacant. Commissioner Rardin said south of the dental clinic, he said he thinks there is a dental clinic up there. City Planner Rael said all that area is C-1. Mayor Payne said that one of them is Mr. Shine's property, right.

Mr. Harris said he did not think he was asking for anything unusual. Commissioner Rardin said it is not like we are spot-zoning in the middle of a residential area. Mr. Harris said he thinks it is very reasonable and would be win-win for everybody.

Commissioner Melton said just to clarify, are you planning on selling the lot for someone else to develop or are you going to do the development. Mr. Harris said he would do that if someone approached him and said, you know, that would make a great place to do x, y, and z, and if he thought yeah, that is not a bad idea, and there was a few dollars in it, he is profit-motivated. Commissioner Melton said so you would sell when someone comes to you with an idea, but you are saying you can't sell with this restriction. Mr. Harris said absolutely, nobody wants it. He said he has approached all of the banks in town, asking if they would have any interest, and they don't. Mayor Payne said you mean like for another ATM, Mr. Harris said yeah, so that is kind of out-of-the-question, so that means well, that property is going to be dormant forever until he gets a zoning change, and then maybe he can generate some interest and do something with it.

Commissioner Rardin said is this an ordinance, or is this a public hearing, because it shows on our item as an ordinance. City Attorney Bengoechea said it is a public hearing for the ordinance, this is a public hearing. It was published in the newspaper as a public hearing, it is a public hearing. Commissioner Rardin said for that, to pass this ordinance, to change the zoning of this, and City Attorney Bengoechea said correct. Commissioner Rardin said so we can actually take action tonight on this, okay. Mr. Harris said he implores you to do that.

Commissioner Melton said he will say that he didn't think residential would work for that plot when it is corner lot, right at 10th and Scenic, you know, two very busy intersections. That is just going to drive down the value, and with the demolition cost, they are not going to sell for the amount of money they need.

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

6. Consider, and act upon, Resolution 2022-27, a Resolution regarding a new Center of Commerce in Alamogordo, New Mexico. (Nick Paul, Commissioner) (Roll Call Vote Required)

Commissioner Paul said that he wanted to recall our last meeting that we had a presentation by the committee on the Alamogordo Station. He said he thought it is a project that could be a huge benefit to our community, not just solely for business purposes, but also for members of the community. In conjunction with the committee and himself, we were forming a resolution that we could bring before you for consideration.

Commissioner Melton said does this make the new Center the top priority for capital outlay and grants next year. City Manager Cesar said no, this would not make it the number one priority, and when we say priority, we have different listings, which you will become much more familiar with as you go through your term. Normally in a fiscal year, we have our ICIP, Infrastructure Capital Improvement Plan, it has all the projects listed that the City has on the books, we have to have it on that listing so that we can apply not only for State funding, but also Federal funding. Most grants, loans, etcetera, require that it is on our ICIP. When we talk top five projects, once a year, that is a process that begins with staff. We have public input, obviously commission input, the top five projects from that listing are ultimately selected or voted upon by the Commission, but the State legislature has parameters that we have to follow. Normally a project can be no more than \$500,000, it has to be something that the municipality or county can accomplish within a three-year period. From a staff-level, what we are normally looking at are areas that we don't; Community Services is probably the best example, an area that there aren't a lot of Federal, EPA type grants, or State grants for that matter, that are out there. We tend to, at a Staff level, concentrate more on those type of projects. A project like this would not fit into that because obviously \$500,000 would not complete this project, and you can't take and stack those monies and carry them on from year-to-year-to-year until you have made up your full pot of money if that answers your question. Commissioner Melton said it does.

Commissioner McDonald said you said it has to be done in three years, is that what I heard. City Manager Cesar said not necessarily this project, he said he was talking about a project where we received State monies, the legislatures monies, that you are familiar with, that we get every year. We have had it for ADA compliance, we've had shade structures, the bathroom at the balloon park was State-legislative appropriated monies that were granted to the City. Those are the type of projects that have to be done within that time frame. Something like this would not qualify to be on that listing, not that it couldn't be sent up, it would just never be approved. Commissioner McDonald said the reason why she asked that question was because she did see on the resolution that if the ground is not broken on this property by December 31st, 2027; so once you get it on the ICIP list. City Manager Cesar said once we have it, that would be the first step when this resolution is passed, or a form of this resolution is passed, the first step, from a staff level, would be getting this project on our ICIP listing. Time-frame-wise, this is perfect because we just notification from the State that they are accelerating that process for this fiscal year, cutting our time frame down this fiscal year. We would get this listed, and then our Grant Specialist, at a staff level, we would start looking at how can we fund a, well, once the design is done, we will have solid cost, but right now, this project is a little over \$11,000,000. We would look at, are there any State or Federal grants that are available. Is this something we can build into a loan, is this a potential bond issue using local monies, bonding, etcetera, we would look at all those various funding areas, and then bring back, it won't be within six months, it is going to take a little while, we would bring what we find to Commission with staff's recommendation, if we are able to find and secure

funding to make this project a reality. The three years is so that this project doesn't stay on the books forever in that time frame, you all can change, if you would like that to be longer, shorter, no time frame and it just stays on until the resolution is repealed at some later date, that is up to you as the governing body.

Commissioner McDonald asked if it would it compete with some of the other high-priority items that the City has. City Manager Cesar said every project competes with every other project. Commissioner McDonald said specifically water. City Manager Cesar said not necessarily water, because the water and wastewater, we have the EPA, there are certain areas that only apply to water and wastewater, whether it is State or Federal money. Where this project would compete; one of the items that staff is working on right now is looking at the replacement for the swimming pool at the REC Center with the new cover, so there is a possibility the same funding we would be looking at in the future, for that project, could compete with this, or if were looking to build a new fire station, or any time of building, this would compete. If it is an Airport project and the City is looking at a new terminal building for the Airport, they have the FAA and State aviation money, so, it wouldn't compete with something at the Airport.

Mayor Payne said she is reading here, and she noticed it was in here two or three times, and she just wanted to make this clear. The location of the project will be on City property, the City will own the building, and the City of Alamogordo will become the lead entity in managing this project to its completion once the plans are finalized, correct. City Manager Cesar said yes; he said he knew Michael was here and he could speak more on the Sheldon Trust and that portion of it, but the project up to now has been an effort with the Center of Commerce and the Sheldon Trust, with the Sheldon Trust paying for the architectural work that has gone in up to date. It wouldn't be appropriate for the City to step in at this point of the design, take over the design. We would definitely need to have input on the building and everything that goes into the building, but that contract with In Situ, that needs to be completed with the contract with the Sheldon Trust. Mayor Payne said what she is asking is, once that is done, if this comes to fruition, the City will take the lead on it. City Manager Cesar said yes, the way this reads, once the plans are complete and turned over to the City, at that point, they are the City of Alamogordo's plans and we continue; we don't necessarily have to have the plans one hundred percent complete, we have a fairly good idea of the project cost as it stands right now. We can use that to get the project on the ICIP and actually start looking at funding opportunities that are out there, but we wouldn't, unless there is this magic pot of money we can't pass up, we would really need to have the finalized set before we really start applying for grants, loans, etcetera. That is normally a condition. Times are a little bit different because of all the monies that are coming out of DC, to where some things have been funded without one hundred percent plans. If this resolution is passed, at a staff level, we will work with the Center and the Sheldon Trust, and look for funding opportunities and bring them before Commission. Mayor Payne said she understands all that that, she is just saying, in this perfect world, if we were to find the funding, and we were to move forward with building this project, the City would be the lead on that, am I reading that correctly. City Manager Cesar said yes, it would be a project that would be bid-out by the City, financed by the City with a portion to come from the Sheldon Trust, but a small portion of the overall project. Mayor Payne said right, because this is a pretty pricey project. City Manager Cesar said yes, it would be a City project, just like another other project that you have seen come before you. It would go through the normal bidding process, it would come before Commission for award, the City would manage the construction aspect of the project, and when it was all said and done, it would be a City-owned building on City property.

Commissioner Melton asked how does that work, with the City being the owner, and the Center being the tenant is there just a rent the City charges. City Manager Cesar said we have a lease agreement with the Center of Commerce, we have the same type of arrangement for the Family Fun Center, the

19th Hole, the Coke building, there is a number of other outside entities that lease either buildings or properties from the City.

Mayor Payne said ultimately, this is good for the entire City.

Mayor Pro-Tem Wright said so this resolution needs to be in place before the City can assist in reaching out for grant opportunities and funding, is that correct. City Manager Cesar said at a staff level, yes. We need to have something from the Commission that says yes, this is a project that the majority of us are interested in and want staff to pursue. Mayor Pro-Tem Wright asked what were the repercussions if we pass this resolution and we can't come up with the funding or complete the project, it will sunset and just expire. City Manager Cesar said it sunsets roughly five years from now, on the date that is on the resolution.

Commissioner Rardin said if we do approve this resolution, he said he thinks we are fixing to go through a code change, so, this architect designs it this year, he said he thinks we go through a code change towards the end of this year. We are on the twenty-fifteen, he said he thinks we are fixing to go on the twenty-eighteen, so basically, unless he designs this on that new code, the plans will. City Manager Cesar said if it is not designed on the new code, and code changes between the time that we, the City, receive the plans and we actually break ground, then there is the possibility for fours out, three years out, whatever the case may be, that the City now will have to go back to this architectural firm and say okay, we need you to update, whether it is electrical, mechanical, whatever the case may be, whatever changes in the code. Commissioner Rardin said are we going to shell out another quarter of a million dollars. City Manager Cesar said that is the same as any of our City projects. If we are going to design say, a fire station, normally, on a City project, we have the funding secured, or what we believe to be secured for the project, to actually go through design and construction. So this is a little bit different than some things we have done in the past.

Commissioner Rardin said that is just something these guys, if we do approve this, these guys could mention that to the architect; the eighteen codes already out, we just haven't adopted them at the State level yet. So it could be designed to that, and then typically they only do it every five years or so. City Manager Cesar said it may be already designed at that level, he said he wasn't at every one of the meetings for the building, maybe Michael can answer that.

Commissioner Rardin said he did have a little bit of an issue with it competing against the funding for like say, we do new auditorium and do the REC Center pool, like say we are limited on our funding. City Manager Cesar said it going to be dependent upon the funding source; at the State level, and he said he would expect at the Federal level, a larger pot of money. There are grants and whatnot at the State level that are strictly for economic development activities. Those monies wouldn't be able to be used for a swimming pool, there are other pots of money that are just for recreation. Where this would possibly compete is if there isn't any of these other funding opportunities, and now we are looking at, okay, what we have is a loan or a bond. We don't have unlimited bonding capacity, we don't have unlimited loan capacity.

Commissioner Rardin said if we agree to this resolution tonight, and say you were able to do a public-private partnership, where we could maybe have a set of plans, and it would actually keep the cost down a little bit, but where you could have a private individual that built the facility, and then the City would agree at the end to maybe purchase it. Basically, it gets built over here, and then we purchase it for a set price. City Manager Cesar said that is another possibility. Commissioner Rardin said that helps with cost tremendously. City Manager Cesar said that was something that was offered to the City at least two, possibly three times, with a combination Police, Fire, Substation, it may have had EMS in it also; to where private individuals were going to build the station, and then lease it back to

the City over a twenty or twenty-five year period. There isn't anything that is off the table. Ultimately, it would have to come before Commission for approval. Commissioner Rardin said if we went ahead and adopted it, or did some form of this resolution tonight, we are still able to do that. City Manager Cesar said yes. Mayor Payne said it wouldn't change our other options. City Manager Cesar said at the beginning of the day, this project will be placed on our ICIP listing, and the plan set will be completed by In Situ and Sheldon Trust and turned over to the City. For funding the project, for building the project, how we bid it out, whether it is the traditional way we bid out most of our projects, design and then build, or we open it up to someone from the outside to come in and build it, and we lease it back over a twenty year period, that will be stuff that staff will be looking at to possibly fund this project.

Mayor Payne said this is basically saying we are going to move for this one, one way or the other. City Manager Cesar said yes, this is Commission agreeing and telling staff we are moving forward, and then also giving the Sheldon Trust and the Center Commerce, this is a project that we support, and this is how we are moving forward. Mayor Payne said she didn't see anything in here that necessarily says how we plan to support it other than financially speaking. We could get a windfall, there could be some crazy grant out there that nobody knew about that could show up.

Commissioner Melton asked if this a project that we could LEDA funds on. City Manager Cesar and Mayor Payne said no.

Commissioner Paul moved to approve.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

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

7. Consider, and act upon, the placement of a new "Resident Parking Only" sign for a home located at 709 Hawaii Ave. (*Dylan Aleshire, Deputy City Clerk*)

Ms. Rasmussen said she lives across from that little Catholic School there on 7th and Hawaii. Mayor Payne said that was Cabrini. Ms. Rasmussen said the principle was working with her for a while in not having them park. She said she only has one place to park, and that is right in front of her house because there is an alley, and she can't park behind her house. She said he was working with her for a while and having them not park in front of her house. This year it changed to you can wait thirty minutes, or you can drive around and go do something, and then come back home. Ms. Rasmussen said her hours change, sometimes she gets out at three o'clock and she comes home and she can't park. People are not very nice about it, like why don't you park in front of the alley, well, if a cop goes by, she gets a ticket while you are parking in front of my house.

Commissioner Rardin moved to approve.

Commissioner Paul seconded the motion.

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

8. Consider, and act upon, Resolution No. 2022-23 removing uncollectible and unsecured Utility, Library, Public Housing Authority, returned checks and other miscellaneous accounts from the City's accounts receivable. (*Sue Ashe, Accounting Manager*) (Roll Call Vote Required)

Finance Director Huff said this is the annual resolution we bring to you every year to write off our uncollectible accounts from our several different areas throughout the City. This is something that we do, we remove these accounts from our active balance sheet, especially for the Housing Authority it helps their tenet and account receivable, but it also helps our accounts receivable on our balance sheet. Every department kind of handles their write-offs a little bit different, they have kind of different

policies on it, but one this is writing them off on the balance sheet does not mean we do not collect them if we get the opportunity. Speaking for both Utility Billing and the Public Housing Authority, if you have an amount, a balance, even it has been written off, and you come in to either apply for the Housing Authority or like Utility Billing to come up and sign for a new account, you have to pay the amount before you can apply to move in to the Housing Authority, and before you sign up for a new utility account.

Mayor Payne said those go to collections. Finance Director Huff said they do go to collections before they come here. Mayor Payne said okay, so these have already been to collections. Finance Director Huff said they have been to collections, and they haven't been successful collecting on them.

Commissioner Rardin asked if these ones that you already have liens on or are they just uncollectible. Finance Director Huff said some of them have had liens on them, but most of the liens that on are here have been released due to statute of limitations. Then there are other utility accounts that do not have liens, either because their balance was so low, or because they have had situations where the property has changed hands of the owners. Commissioner Rardin said he just noticed one of the addresses that was on here, there was an account, he actually owned that house, he has owned it for five years, but it was a tenant that was in it, prior to him purchasing it.

Commissioner Rardin said there are some very large ones in here, what do we do on those, there is a \$10,000 one in here. Finance Director Huff said those have been sent to collections, various different situations and have attempts have been made to collect it. Commissioner Rardin asked if you can't collect that \$10,000 one, and Finance Director Huff responded they won't pay it. Mayor Pro-Tem Wright said it is a contractor too. Mayor Payne said how did that happen. Finance Director Huff said it is a hydrant meter, so when the hydrant meter was turned back in, they were billed for the usage that was reported on that meter. Through various different staff members, they were sent to collection, and they told various different staff members they were not going to pay it. Mayor Payne said did they say why. Finance Director Huff said she wasn't one of the staff members they talked to, so she is not one hundred percent sure what their reasoning was, but it did go to the collection agency. Commissioner Rardin said the hydro meter is when they hook onto one, either our effluent or our regular system, and Finance Director Huff said correct. City Manager Cesar said it would only be the effluent system. Finance Director Huff said we have potable ones as well. City Manager Cesar said not this account. Finance Director Huff said we have three potable ones and five effluent ones out right now. Commissioner Rardin said since they owe that balance, they technically they are not allowed to sign up for effluent water. Finance Director Huff said right, they don't currently have a hydrant meter under their name. Commissioner Rardin said it is just a lot of money to stiff the City for. City Manager Cesar said he believed the argument on that account, they didn't come and speak to him personally, but he has been here a day or two, this hydrant meter wasn't just used by this company. They had a fill stand that they set up off of La Velle Road for various projects, and supposedly multiple contractors or individuals used it, and that is why they were disputing the charge. Commissioner Rardin asked who leased the meter. Mayor Payne said so somehow the City gets stuck with it. City Manager Cesar said he wasn't going one way or another with it, you asked for the history, that is the little bit he knows about that one. Commissioner Rardin said who signed up for the meter, whether somebody else used it or not.

Commissioner Melton said for these local businesses, is this impacting the status of their business license, if they have a debt. Finance Director Huff said the City has never put anything like that in place. Mayor Payne said what was that question again. Commissioner Melton said if it impacts their business license, or registration. Mayor Payne said apparently not.

Commissioner Melton said on the library tab, he saw there was one person with thirty-something lost books, is that common. Library Manager Kim Underwood said no, it is not common. Commissioner Melton said does that impact their ability to check out further books, he said he was just curious how it came; how can somebody have thirty-six books missing. Library Manager Underwood said there is a limit, but it is a fifty-book limit, but that is usually not our problem; usually the people that check out that many books are like homeschoolers, and they don't want to be blocked from using the library, so that is very unusual. Commissioner Melton said it is an outlier, and Library Manager Underwood said yes.

Commissioner Rardin said this one page, he thinks it is PHA, we have got about six different people on here, we have one lad with a sixty-seven-hundred-dollar debt, what is that. Finance Director Huff said that was retroactive rent, she had been lying about her income for a pretty substantial amount of time, and once the staff found out about it, they back charged her what she should have been paying, had she reported her rent in a timely manner. Commissioner Rardin said is that what pretty much all of these are. Ms. Huff said most of these are people not cleaning the apartments or damaging the apartments when they move out, and their deposit didn't cover it. She is the only retro-rent person on here. Now with them, there is a separate Federal system where they are entered into, and they can not apply for any other Federal housing in the nation as long as they owe a balance to a housing authority. Commissioner Rardin said until they clear that up, Finance Director Huff said yes. Commissioner Rardin said that even though we are writing this off, they will still stay in that system.

Commissioner Rardin moved to approve.

Commissioner Burnette. seconded the motion.

Roll Call Vote was taken.

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

9. Consider, and act upon, Resolution No. 2022-26 requesting interim approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico, to adopt the Preliminary 2022-2023 Budget as of May 24, 2022. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Finance Director Huff said this is our Fiscal Year 2023 budget, this is the exact same budget you saw during the budget hearings about two weeks ago. We have not made any changes to it. All of this information is still what was in your summary books, what was in the detail books. So, this is requesting approval of it so that we can send it to DFA and then as usual, we will close out the end of the fiscal year, roll over our cash balances, and bring you the final budget with those cash balances to approve at the end of July. So, this is again, the same one that you have seen for a couple of weeks now.

Inventory Administrator Eugene Ruiz made a public comment. He said he worked over at 2600 N. Florida, some of you may know me, but tonight he is speaking as a representative of the union for the employees here for the City. As many of you know, the budget to be proved includes the results of the Compensation Survey that we all took part in last year. Those results have a direct impact on the lives of workers and their families, and with everything going on in the world from consumer prices soaring, inflation from everywhere from bread to the gas pump, he said he thinks there is no better time to help the livelihoods of workers than right now. Now we all know that is has been hard getting City jobs filled, but he said he thinks that has a lot to do with how pay scales are set up here, and how they are actually irregular. Now, where pay scales are not equal, there is no room to grow in the jobs that people already have. We all read the results of the survey, which said that our minimum pay is much lower compared to the other cities, whether that is for managers of blue-collar, both are included. Now if our pay is lower, and if our pays scales are narrower, where is the room to grow. Ultimately, we are doing more with less, Mr. David Evertson, who was the one who showed you the wages survey, said that even at

full capacity, we are like a baseball player batting with one hand. That is quite an image. It is obvious that classifications have not been competitive for years, if not decades. If we are going to have pride in our City, we need to account for the number one asset that we have as an organization, and that is our workers. The people we rely on to get us through everything we have seen as a City. Whether that was COVID shutdowns, supply shortages, or epic inflation, our people put their hard work in and get the job done. We know that it is time now for them to see the fruit of that labor. If we take care of our people, they will take care of us and our City. Brian and everybody that worked on the results of that study also deserve to see their hard work paid off too, they did a great job. We say let's follow their lead and put our best foot forward to give our people every opportunity to succeed by voting for the full implementation of the budget and the survey for better wages, better lives, and a better City overall for all of us.

Commissioner McDonald moved to approve.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken.

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

11. Consider and act upon the final plat Case S-2021-00015(a) Granada Hills (*Stella Rael*)

City Planner Rael said that she was going to give you a little bit of history on this parcel. The original plat known as Granada Hills Subdivision Units Two and Three, Replat E, was approved in 1993. Since that time, it has sat undeveloped. In December of 2021, Mr. Dennis Crimmins with Crimmins Family Limited Partnership, and his engineer Martin Pillar from Pillar Engineering, met with her to begin the process of creating a subdivision within this parcel, which consists of 8.636 acres. The preliminary subdivision plat was submitted, and the process began to create a subdivision consisting of thirty-one lots. Throughout the past few months, the City of Alamogordo's Technical Review Committee began its review process. For those that are not familiar with the Technical Review Committee, rather known as the TRC, it is a committee that she put together a few years back, which consists of several departments, Engineering, P&Z, Police, Fire, Parks, Streets, Drainage, Utilities. We are a committee that we look at all commercial development. We haven't had a subdivision in many years, so this is the first subdivision that the TRC looks at. The process is, the committee reviews the submitted plans, and from that review, if necessary, comments are gathered, and she sends those to the developer and engineer. At this time, if revisions are necessary, the engineer will submit revisions for the TRC to review again. Sometimes this goes back and forth a few times until all City requirements are met. If you heard, we started this December of last year, so here we are in May. Tonight, she said she is here to inform you that the TRC has reviewed the proposed subdivision, and every item within this proposed subdivision has met all City requirements, and she is recommending approval of Granada Hill Subdivision Unit Two and Three, Replat F. Now this is also coming in front of you because per ordinance, any parcel that is being subdivided and is being increased by more than two has to be approved by Commission, she said she can not approve it administratively. Marty is here, if there are any questions. Unfortunately, Mr. Crimmins is still out-of-town and wasn't able to make tonight's meeting, so Marty is his representative.

Commissioner Rardin said on your map here, what is that Tract A, we've got lots, one through thirty, then we got that Tract A up there. Marty Pillar said that Tract A is a ponding tract to handle the increased runoff, ten-year-storm, as required.

Commissioner Rardin said basically, they are just finishing developing that area up there, as you go up 18th Street, correct. Mr. Pillar said yes, that is correct. Commissioner Rardin said it will just turn around up there and come back down, right, it will kind of dead-end up there. City Planner Rael said there is an alley there, and Serrano is on the opposite side. There are already homes built there.

Mayor Payne said there is a lot of problems up in Granada Hills with our infrastructure underneath the roads; she said she gets phone calls almost daily about it. This is not going to affect that, right. City Planner Rael said no ma'am, like she said, our TRC committee, they looked at all that, the engineering, the drainage, all of it. Mayor Payne said even working on this area, there is no potential that this is going to cause any problems. City Manager Cesar said this is a new subdivision, so all the utilities will be new going into the subdivision. It will be connecting into existing infrastructure. Mayor Payne said that is what she was asking. City Manager Cesar said the existing infrastructure as designed can support this subdivision. Now, does that mean we are not going to have any more breaks in the Granada Hills area, no, we will still have breaks until all of that infrastructure has been replaced. The new subdivision will not create any additional system failures in the existing infrastructure. Mayor Payne said she did not have problem with this, she is actually happy to see it, she said she is just trying to think of potential things that could come up. City Planner Rael said they have looked at all that, and if there was any question about any drainage issues, or anything like that, they were addressed with the engineer and they made provisions and revised everything to meet our City requirements and technical standards.

Commissioner Rardin said you have to look at it as if there are another thirty water accounts we can add to the system. Mayor Payne said no, she looks at it as there is another thirty homes.

Commissioner Rardin said is there plans to expand to the north or is that all they have for that area. Mr. Pillar said currently, the property that Mr. Crimmins owns was Replat E, it is just this parcel. We did put a stub out for a road in there, that was put in there for two purposes. One was a possible stub-out for future development, and also the length of the cul-de-sac exceeded the length for fire, so we put in another road, and that would make a t-intersection for Fire to be able to turn around. Commissioner Rardin said it just looked like there may be expansion in the future with that little road shooting off there.

Commissioner Rardin moved to approve.

Commissioner Melton seconded the motion.

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

EXECUTIVE SESSION

12. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(7) and (8) NMSA (as amended) to discuss all pending litigation in which the City of Alamogordo is a party and the possible acquisition of property. (Roll Call Vote Required)

Commissioner Rardin moved to adjourn into Executive Closed Session at 8:08 p.m.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

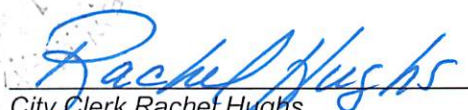
Motion carried with a vote of 7-0-0.

ADJOURNMENT



Mayor Susan L. Payne

ATTEST:



City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on June 14, 2022.