

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
October 25, 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
ASHLEY SMITH, 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 Mayor Payne, and the Pledge of Allegiance was led by Pro-Tem Wright. City Attorney Smith was absent.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Edward Summers said Public Utilities Director David Nunnelley denied his request for a septic tank; he has no outlet to the alley whatsoever. The sewer line goes through the neighbor's place on both sides, and they don't want it going through their property. Mr. Summers said that David Nunnelley said he couldn't put in a sewer line. Mr. Summers said you must tear up Teresa Lane to put a sewer line over seven feet down. He said he was wondering if an exception could be made since you all are over David Nunnelley's denial, whether you want to approve of it or not. He said he would ask that you approve of it, as tearing up Teresa Lane would be very costly, and he would have to pay for it. He said he talked to a licensed plumber, and it would cost about \$5,000. Mr. Summers said it would be simple to put in a septic tank, he knows how to build septic tanks and has done it before. He said he would ask that you all consider letting him put in a septic tank at 1616 Teresa Lane.

City Manager Cesar said that if you are within 150 feet of a sewer main in our City ordinance, you are required to connect to the sewer main. In addition, the City doesn't regulate septic tanks; that is the New Mexico Environment Department. He said he does not believe that the New Mexico Environment Department will allow you to build your septic tank, but he could be wrong. The lot size, if it wasn't close within the proximity of two sewer mains, is actually under the size the Environment Department would permit for the installation of the septic tank. Other than the cost of installing a sewer service line, there are many things that would prevent a septic tank from going on this property. Mayor Payne said the bigger issue is the New Mexico Environment Department. City Manager Cesar said that, and our City ordinance.

Commissioner Burnett addressed Mr. Summers and said that the State will not let you build your septic systems anymore, and for the lot size, you would have to go to what they call an ATU unit, which runs about \$13,000 to start.

Mr. Summers said the sewer line runs like this, but then there's a house, and the sewer angles and goes through the neighbor's property. There are two neighbors, and both neighbors said no.

Mayor Payne said that Commissioner Burnett does this for a living, and we have another plumber here, and if they are saying you can't legally do that, then that is what we have to go by. She said it sounds like it would be better and cheaper if Mr. Summers hooked up to City sewer, because he can't build his own septic tank as he is not legally allowed to do that, and he will never get a permit for that. Commissioner Burnett agreed that Mr. Summers would never get a permit from the State. Mr. Summers said the sewer line going through the neighbor's property is deteriorating. Mayor Payne said Mr. Summers could contact the City tomorrow, and someone could explain it to him. Mr. Summers asked if they could vote on it, and Mayor Payne said they could not do that as this was simply Public Comment; they could not take any action.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

City Manager Cesar said he would talk about Bonito Lake. We have had that offline since the 2012 Little Bear Fire and subsequent flooding events. The last contractor is mostly complete now, though there are punch list items they need to take care of; they are waiting on some materials, now a year later, to come in so they can finish the project. We have approval now to allow water to go back into the Lake. We must keep the silt line underdrain open until we get final approval. That may be an item at the next meeting or meeting right after. We have to have an engineer's report go up to the New Mexico Dam Safety Bureau for approval, and then we can shut that down. He said he spoke with Community Services Director Ortega this morning, and they will be securing a consultant to bring in an opening plan and the associated cost. We will not be back up to pre-fire camping and recreation. We will initially focus on the access around the Lake, the day fishing and picnicking activities, then work into the West Lake campground and the Blue Hole Apple Orchard area. We will bring a plan with costs to the Commission probably near the beginning of the new year. Mayor Payne said it is going to be the cleanest lake. City Manager Cesar said they are anxious to have it back online, and the water will be higher quality and softer.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner McDonald made the following comments:

She said she wanted to report on the Dudley School and the groundbreaking for Sacramento Park. The workday on Saturday went well; if you are interested in coming out to help or have certain skills to offer, we would appreciate you coming out. She said she is working with Joe Lewandowski and several other people in the neighborhood. We already have several people coming out, but we need everyone's help if you have the time. This past Saturday, they were able to finish up some of the fencing and do some painting. When Sacramento School was torn down, she said she met with Jared Perry, who at the time was Superintendent, and he said they were going to try to do something to keep that area or at least invest in it. That way, the community would have something. This past Friday, they broke ground; the Park should be finished in early December. She said she wanted to thank both school administrations, Jared Perry, Kenneth Moore, and their staff, that have kept this going. It is a great investment for her and the community, and she is very grateful.

Mayor Payne made the following comments:

Our condolences to the Oliver Family for the passing of Yvonne Oliver. If you knew her, you knew she was a treasure; if you didn't, you missed a treasure. She passed away this week.

For those of you who knew Al Ward; he was a big icon in our community, he also passed away this week.

She said that the Sacramento School is a great thing they are doing, but she was super disappointed that she had to find out about it on social media. She said it was a little disrespectful that the schools did not extend that invitation to the entire Commission, but she was glad that Commissioner McDonald was there to represent the Commission. She said she was glad to see that was moving forward.

Mayor Payne said that she was wearing pink tonight in honor of Breast Cancer Awareness Month. She said that most of us know somebody that has, or has had, breast cancer. In 2022, there were 287,500 new cases of breast cancer in the United States. Aside from skin cancer, it is the number one leading cause of cancer in women. She said that her mother has been battling breast cancer for the last four years, so this hits close to her.

CONSENT AGENDA

1. Approve the minutes for the October 11, 2022, Regular meeting. (Rachel Hughs, City Clerk)
2. Consider, and act upon, Resolution 2022-46 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 October 25, 2022. (Evelyn Huff, Finance Director) (Roll Call Vote Required)
3. Consider, and act upon, the adoption and final publication of Ordinance 1660, amending Chapter 5 of the Alamogordo Code of Ordinances concerning Alcoholic Beverages. (Rachel Hughs, City Clerk) (Roll Call Vote Required)
4. Consider, and act upon, an emergency funds appropriation to purchase an evaporator and condenser for the Senior Center's walk-in freezer. Total amount budgeted is \$14,688.00. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)
5. Consider, and act upon, the award of RFQ 2022-08 Development of a Drainage Master Plan for the Public Works Department to Bohannon Huston. (Nancy Beshaler, Public Works Director)
6. Consider, and act upon, the award of RFQ 2022-09 Engineering Services for Water and Wastewater Master Planning to CDM Smith Inc. (Dave Nunnelley, Utilities Director)
7. Consider, and act upon, the award of IFB 2022-08 Hot Mix to Aggregate Technologies, LLC in the amount of \$240,007.00. (Nancy Beshaler, Public Works Director)

Deputy City Clerk Aleshire removed item 3 from the Consent Agenda.

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

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

3. Consider, and act upon, the adoption and final publication of Ordinance 1660, amending Chapter 5 of the Alamogordo Code of Ordinances concerning Alcoholic Beverages. (Rachel Hughs, City Clerk) (Roll Call Vote Required)

Deputy City Clerk Aleshire said that City Clerk Hughes is not here today, but she wished to make the Commission aware of some new recommendations to amend the ordinance further. He read the listed new recommendations from the item's background as listed on the Agenda.

Commissioner Rardin said these are pretty significant changes, is it okay to do the final publication. City Manager Cesar said that the City Attorney is not here tonight, but the changes weren't significant enough to need to publish again.

Commissioner Rardin moved to approve.

Commissioner Burnett Seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

8. Consider, and act upon, a Residential Parking Only sign for location 1104 Indian Wells Road. (Dylan Aleshire, Deputy City Clerk)

Magdalena Plata said she lives at 1104 Indian Wells. Her neighbor passed away a year and a half ago and left two young adults there. One of them was her son, who has many friends. On the weekends, they ride motorcycles, trucks, cars, and block all the driveways. She said she has an ill husband, and sometimes they block her driveway with their motorcycles, so she has to get a neighbor or somebody to take her or her husband to the hospital. She said she is requesting a Residential Parking Only sign so they cannot park their bikes and trucks and leave them there all day or night.

Commissioner Rardin said he could vouch for her on that. He said he lives on the next street over and has seen enormous activity in that section of town.

Mayor Payne said that, in full disclosure, Maggie used to volunteer for her at once, and she knows her personally, so she would recuse herself in the interest of full transparency.

Commissioner Rardin said to City Manager Cesar, once the sign gets installed, could we get DPS to enforce it. Mayor Payne said that is a pretty tough road. Commissioner Rardin said it is a cul-de-sac. Ms. Plata said they jumped the cul-de-sac mainly on the weekends. During the week in the summertime, it is pretty bad. Ms. Plata said they have a scanner, so when they call the police, or the neighbors do, everybody leaves.

Commissioner Rardin moved to approve.

Pro-Tem Wright seconded the motion.

Motion carried with a vote of 6-0-1. Mayor Payne abstained.

9. Consider, and act upon, award of Public Works Bid No. 2022-005, to PDN SSL, LLC dba Superior Sign & Lighting related to the Digital LED Signs for Alameda Park Zoo and Alamogordo Family Recreation Center project in an amount not to exceed \$306,185.00, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said the item before you is to award a project to install two digital signs. One is at the Zoo, and the other is at the REC Center. We have one large sign that is planned for the Zoo, sixteen feet wide by 10 feet high. These are digital LED electronic message board signs, some people call them just EMCs. There will be a new twelve-inch diameter post in conjunction with this new sign. The location is approximately at the corner where the new block wall turns into the parking lot, just a few feet north of where that turn is. Some existing power is underground, and City personnel will

extend power to that pole. The current sign on the east end of the Zoo, across from Walgreens, will be taken by the contractor and hauled to the Public Works yard.

The second sign is taking off the existing sign off the existing post at the REC Center and installing a new, slightly larger EMC. We had one bidder, PDN SLL, LLC, doing business as Superior Sign & Lighting. You may have seen Superior Sign & Lighting's large trucks around town. They do quite a bit of work in the State of New Mexico, specifically in the Alamogordo area. The signs are made in Indiana, and the lead time is about ten weeks once we approve the materials.

Commissioner Rardin said that sign would look a little overwhelming at sixteen feet wide and ten feet high. Engineering Manager Johnson said it was going to be larger. However, upon further review, we downsized it a bit. It will not hang over the existing Zoo fence, and it will not hang over White Sands Boulevard. It was requested to be an attention-getter, and it will certainly get some. Commissioner Rardin asked how high off the ground it will be. Engineering Manager Johnson said the bottom of the sign would be a minimum of twelve feet off the ground. We ensured that it would not conflict with existing signs, power lines, or light poles. None of that will be in the way. Commissioner Rardin said it would go in the parking lot. Engineering Manager Johnson said no, it will be in the grass area between the curb, gutter, and block wall. The folks that are Southbound on White Sands will see it very clearly, but it will be wide enough that both directions will be able to see it. Mayor Payne asked if we would put up different stuff there, like what is happening in the City. Engineering Manager Johnson said he was told that it would be a plethora of current events, job openings, and a wide variety of items.

Commissioner Rardin asked if it was going to be LED. Engineering Manager Johnson said correct. Commissioner Rardin said that an existing sign at 1st and 10th is pretty bright; what will be this sign's impact at night time. Engineering Manager Johnson said he did not know, but they specified an NITS rating of a minimum of 8000, which is fairly optimum for a sign that size of LED configuration.

Mayor Payne said she liked the idea that we will have a message board on White Sands, as it has been needed. Commissioner Rardin said the County has one across the street at the old Firestone building. Mayor Payne said that one is not as big, and it is very difficult to read that sometimes, especially when you are driving. Commissioner Rardin said that you have to think like billboards, which are thirty or thirty-five feet wide, and twelve to sixteen feet high.

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

10. Consider, and act upon, approval of Amendment No. 1, to Santa Fe Engineering Consultants, LLC, related to the Services Agreement for completion of the hydrologic analysis, breach analysis, flood modeling, and emergency action plan for the Bonito Lake Dam in an amount not to exceed \$22,745.63, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said that in June '21, we issued a Professional Services Agreement to Santa Fe Engineering, or SFEC, to complete the hydrologic report, breach analysis, flood modeling, and emergency action plan for Bonito Lake Dam. This is a State-engineered Dam Safety Bureau requirement for all government agencies throughout the State, if you have impounded water. He said we have to have our engineer complete certain, but not all, aspects of their scope of work before we can fill the Lake, not just pass water through it, as City Manager Cesar explained earlier. Engineering Manager Johnson said it is a process whereby the consultant provides a bunch of data and modeling, then it goes forth to the State. They spend several months responding to those deliverables. Then it comes back to Santa Fe Engineering, and they respond to those. It is a back-and-forth process. The

latest round of comments will go back to the State Engineer's Office this week. However, just a few weeks ago, the Dam Safety Bureau requested that Santa Fe Engineering extend the flood modeling further downstream by about forty-four miles to the Two Rivers Dam near Roswell. This flood modeling extension or amendment does not impact what he calls the Base Bits Scope of Work for Bonito Lake Dam. It is just an extension of the flood modeling, it will not impact when they can start filling the Lake with water. A letter in your packet goes into a lot of detail regarding the State Engineer's justification for this extension of flood modeling. We have learned from experience that what the Dam Safety Bureau wants, the Dam Safety Bureau usually gets.

Commissioner Rardin said the rules changed quite a bit in the ten years this has been out of service. Engineering Manager Johnson said yes. Commissioner Rardin said the thing held water before the fire burned all that, so he did not understand why they had to go through all this paperwork. Engineering Manager Johnson said it started in about 2008, then when we had the fire and flood in 2012; we ceased moving this forward because we did not know what it would end up like. Like most regulatory agencies within the State and Federal government, it changes almost daily. Commissioner Rardin said there is a lot of unnecessary money and paperwork to use the Lake as we used it in the past. Engineering Manager Johnson said he concurs.

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

11. Consider and act upon Case V-2022-0001(A), property owners Scott & Lynn Kimball are requesting to reduce the front setback line from fifty feet (50') to twenty-five feet (25') to allow the construction of a new building at 1021 N. Florida Ave. (Stella Rael, City Planner)

City Planner Rael presented Case V-2022-0001(A) via a PowerPoint presentation. She said that Ms. Kimball is here if the Commission has any questions about the business or building that she cannot answer.

Commissioner Rardin said the aerial map you have here from Google Maps, is it a little distorted or is it actually in that parking lot. He said he thought it was that dirt area, that lot next to Clyde Zimmerly's old place. He said to City Planner Rael that your map shows the parking lot in front of that hair salon, where the red dot is. City Planner Rael said no, C1101 is Clyde Zimmerly's place. Commissioner Rardin said it is that dirt area, just to the South. City Planner Rael said it is that dirt area, then right a little behind it. Not directly behind, but more to the South, is the hair salon. Commissioner Rardin said so it is not in their parking like the map is showing. City Planner Rael said no, it is not in their parking lot. Our zoning maps do not align very well. It won't encroach in their parking at all.

Commissioner Rardin asked if there were any other sections of property right there that this ordinance will impact; maybe we ought to change that down the road. City Planner Rael pointed out a little section closer to 10th Street and said those two little areas there are owned by the same property owner. They have never come and requested anything. She said they were very small, and she did not know if anything could even be put there, maybe they could be used for parking at some point. Commissioner Rardin said he was sure that was an ordinance that was in place because we didn't know about what would develop in that area. City Planner Rael said right, and since it is a busier street, she said she thinks that was a thought too. Commissioner Rardin said in case we ever needed to widen it or something, and City Planner Rael said correct.

Mayor Pro-Tem Wright said that as a client, he will abstain from voting.

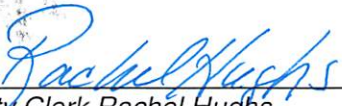
Commissioner Rardin moved to approve.
Commissioner Melton seconded the motion.
Motion carried with a vote of 6-0-1. Mayor Pro-Tem Wright abstained.

Commissioner Wright moved to adjourn at 7:09 P.M.
Commissioner McDonald seconded the motion.
Motion carried with a vote of 7-0-0.

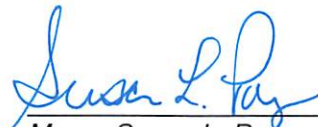
ADJOURNMENT



ATTEST:



City Clerk Rachel Hughes



Mayor Susan L. Payne

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on November 15, 2022.