

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
April 10, 2018**

**RICHARD BOSS, MAYOR
AL HERNANDEZ, COMMISSIONER
NADIA SIKES, COMMISSIONER
JOSH RARDIN, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**JASON BALDWIN, MAYOR PRO-TEM
DUSTY WRIGHT, COMMISSIONER
MAGGIE PALUCH, CITY MANAGER
PETRIA SCHREIBER, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Barraza announced there was a quorum present. Invocation was given by Reverend Dwight Harp and the Pledge of Allegiance was led by Commissioner Wright.

Mayor Boss explained the public comment process and the sign-up sheet for public comment. He recognized Senator Ron Griggs in the audience

APPROVAL OF AGENDA

Commissioner Hernandez moved to approve the agenda.

Mayor Pro-Tem Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. Purple Up for Military Kids Day Proclamation. (*Richard Boss, Mayor*)

Mayor Boss said April is the designated month of the Military Child. He then gave a brief background of how this came about. He asked Air Force Master Sergeant Kimmy Middleton to come forward.

Master Sergeant Middleton introduced the Blanton Family. She said this family epitomizes the sacrifice and resilience required of our Military Families.

Mayor Boss read and presented a Proclamation to Master Sergeant Middleton. He proclaimed Friday April 13, 2018 as: "Purple Up! For Military Kids Day".

2. Community First Lego League Team presentation. (*The Glitches*)

Ms. Cerra thanked the Commissioner to allow the Glitches to come to the meeting to do a presentation. She said this team placed third in the State Championship in New Mexico and will be representing our State in Arkansas in May. The Glitches gave a presentation on water conservation. They also discussed their design which is an eco-friendly water system that combines a temperature sensor, a humidity sensor and a soil moisture sensor that can indicate the different types of soil in plants, to make sure that lawns watered just right.

Commissioner Sikes asked to see their prototype design. She also asked the Glitches to introduce themselves. She said the one thing that was said, that is extremely impressive, is that the Glitches are thinking about patenting this design. The Glitches are comprised of kids from four local schools and one home school.

Commissioner Payne said they were third, but the only team representing New Mexico, correct. Ms. Cerra said they are the only team representing New Mexico at the Razorback Invitational. There are two more teams from New Mexico, one is going to the Worlds competition and one is going to the North American Open Invitational. She said there are 72 teams at the Arkansas Razorback Invitational. They represent 12 different Countries, not counting the United States.

Commissioner Payne said she asked that they put them on the agenda because we do not recognize that enough; that we have some pretty amazing kids and pretty amazing youth things right here in Alamogordo. She said sometimes they are underrepresented. She pointed out that this is all volunteer, so these ladies volunteer their time to come and help these kids. She said they absolutely represent the best of what Alamogordo has to offer. She said thank you and she appreciates that.

3. White Sands National Park Establishment Act presentation. (*Dara Parker, Field Representative for the Office of Senator Martin Heinrich*)

Ms. Parker presented the White Sands National Park Establishment Act. She said the bill does two things; it makes White Sands National Monument a National Park and it also completes a land exchange between the monument and White Sands Missile Range (WSMR). She said the bill was developed by Senator Heinrich, working closely with the monument, WSMR, Holloman, the National Park Service and the Pentagon. She said they now have a complete draft reflecting the comments of the Stakeholders, but the bill hasn't yet been introduced. She gave an overview of opportunities for the region. She showed the Commission the areas being considered for the land exchange.

PUBLIC COMMENT

Couy Griffith commented on the following:

He commended the Commission for doing a great job and for bringing back discussion on Kids Kingdom. He said he has filed to run for Otero County Commissioner. He said if elected, he looks forward to working with the City Commission. He talked about the City and County relationship.

Linda De France commented on the following:

She expressed concerns about the Kids Kingdom design and about the community involvement. She said people want to see a breakdown of the cost, because it seems like very little for a very lot of money. She said the Exerplay design is not a bad design, but it is not what the people wanted. Mayor Pro-Tem Baldwin let her know that the breakdown is available, and she could ask her questions to City Manager Paluch.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She said the paint colors have been selected for the City Hall painting project. She said the contractor has elected to go with Dunn Edwards paint. The paint colors selected are Sahara. She said the beige color will be on the bottom portion of City Hall and Grange Hall is going to be on the top portion. She explained what colors other areas would be painted. She said the Project Manager has informed them that they have about \$40,000 remaining in the project and this also includes \$20,000 set aside for a contingency fund. She said with the remaining funds, staff is pricing out benches, trash cans, and the possibility of fixing the landscaping. The contractor is expected to begin work on April 21, 2018.

2. She said last week staff participated in a meeting with Mr. Glover, from Once a Day Marketing. She said Mr. Glover is working in conjunction with HK Advertising on the Community Branding Project, spearheaded by OCEDC's PR Task Force. The project is geared toward creating an overall brand for Alamogordo. She said Mr. Glover spoke about the new Brand Action Plan. She said there is going to be a lot of community meetings with elected officials, city and county departments, boards, committees, local media, businesses, organizations and the public schools. She said the City of Farmington has watched their brand "Jolt your Journey" with great success. She highly recommends for anyone to check out Farmingtonnm.org to see what community branding is all about. She said they have listed different jolt activities to do throughout the year.

3. She said staff is working on a request for qualifications for an economic development firm to facilitate portions of the local economic development projects. She said Otero County Economic Development Council (OCEDC) is the city's consultant on economic development. A RFQ was last published in 2013 and per purchasing requirements we need to go back out to bid. She said we met with OCEDC and the

Executive Board is aware that an RFQ is required at this time. She said the RFQ staff is developing that RFQ now and we expect it to be published very shortly.

4. She said the dilapidated home on Rockwood came down today. She said the materials are still on the property, however, it is fenced off to protect the citizens to ensure that no one goes on to the property. She said the next step is to haul off the material and then the City Attorney will assess a lien based on the amount of the demolition cost. Once the lien is assessed, the City can begin with the foreclosure proceedings. When the City takes ownership of the property, it will be up to the Commission's recommendation on how we move forward.

5. She showed the new Community Services brochure and said it has been released. She said you can pick it up at various locations, including City Hall, the Senior Center, the zoo, the library and the Chamber. She said the brochure has all the upcoming events for the summer as well as facility programs and how you can rent space here in Alamogordo.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He asked City Manager Paluch about his request for the City and County meeting. She said she spoke with the County Manager multiple times over email. She said the County Manager has been able to get in contact with two of her Commissioners. She said they are waiting on information for the third Commissioner. She said they are exchanging emails as to the topics they are looking for as well as the topic you have requested. Commissioner Rardin asked where we were at on the pothole that he called in about on Lavelle Road in front of the Convenience Center. City Manager Paluch said she would have to get back to him on that one. Commissioner Rardin said on Dexter Street there are multiple potholes and if she could add that to the list.

CONSENT AGENDA

4. Approve the minutes for the March 27, 2018 Regular meeting. *(Rachel Hughs, City Clerk)*

5. Consider, and act upon, Resolution No. 2018-20 supporting the New Mexico Department of Tourism Litter Control and Beautification grant application for Keep Alamogordo Beautiful (KAB). *(Kerry Uribe, Special Events Manager)* (Roll Call Vote Required)

6. Consider, and act upon, Resolution 2018-14 requesting approval of the Housing Authority Advisory Board Open Meetings Act. *(Evelyn Huff, Housing Authority Manager)* (Roll Call Vote Required)

7. Consider, and act upon, Resolution 2018-15 requesting approval of HUD Form 50077-CR, Civil Rights Certification. *(Evelyn Huff, Housing Authority Manager)* (Roll Call Vote Required)

8. Approve Resolution No. 2018-19 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of April 10, 2018. *(Kathy Gilsdorf, Budget Analyst)* (Roll Call Vote required)

City Attorney Schreiber asked to remove Item 7 from the Consent Calendar.

Commissioner Hernandez moved to approve items 4, 5, 6, 8 of the consent calendar.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

7. Consider, and act upon, Resolution 2018-15 requesting approval of HUD Form 50077-CR, Civil Rights Certification. (Evelyn Huff, Housing Authority Manager) (Roll Call Vote Required)

City Attorney Schreiber said there is a typo in the Resolution. She said this item was removed just to fix the error, other than that it is a form that we send in every year for HUD.

Commissioner Hernandez moved to approve as amended.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

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

OLD BUSINESS

9. Discussion on Kids Kingdom Rebuild Plan - Timeline and Final Design. (Veronica Ortega, Community Services Director and Nate Tierney, Parks, Playgrounds and Athletic Facilities Design Consultant, with ExerPlay, Inc.)

Community Services Director Ortega showed a Power Point presentation. She reviewed the timeline for the Kids Kingdom Rebuild. She also showed the option 2a which was selected by the Commission. She introduced ExerPlay Territorial Manager Nate Tierney. (See blue book for Power Point).

Mr. Tierney continued with the Power Point Presentation. He gave a brief background on himself. He gave a brief overview of each Evos and Weevos play components. He said the nice thing about the Evos is, when you think about vandalism, it has really good site-line, you can see right through the structure. There are no tunnels to hide in, there are no panels to hide behind and there are not a lot of areas to graffiti either. He said there are rules now for dividing up playgrounds for different age groups. He said there are now required to post signage to dictate what that age group is for each play structure. He showed a video on the Evos and Weevos systems. He talked about the fit-core extreme course for the 13 years or older age group.

City Manager Paluch said this is the adult version of the fit-core extreme and asked for Mr. Tierney to talk about what the City is actually getting. He explained the design layout of the entire playground.

Mayor Boss said this looks a whole lot different than the aerial view.

Commissioner Payne pointed out that she likes the idea of it being all inclusive. She said that is the difference with this design is that, regardless of the child and their capabilities, there is something for everybody. She said probably the audience could not see, but what we saw on our slides, were how it helps with their cognitive skills. She said she has a grandson that has autism and sensory is huge for him, so she likes the idea that it is not just a place to play, but that it is a place for them to learn and to be able to develop those cognitive skills. She also likes the idea that it is covered, because it does get hot out there. She likes that there are no more metal slides.

Mayor Boss said this is probably state of the art as far as safety features.

Mr. Tierney said ASTM has really cracked down on public place spaces and so we are governed by the American Society of Testing materials. There are some very strict rules that didn't use to be in place 10 to 20 years ago. He said to go back to Commissioner Payne's comment on accessibility, the ADA guidelines only state that we have to get a child in a chair up to the playground and that is it. He said that is not enough and that has always been our stance is that we want design an inclusive playground. He said to us, inclusive means a lot more than a child in a wheelchair getting up to the playground.

Commissioner Payne said she really appreciates that. She said there are not a lot of kids that would either wise feel left out, and this really helps that they can be part of what is going on.

City Manager Paluch said one of the other things that staff loved about this playground is the fact there is something for all age groups. She said we don't have this right now in Alamogordo. She said not only is it very inclusive for abilities, but it is also inclusive for all of the age groups.

Commissioner Payne added to be able to play with their peers safely, but she thought that was a huge problem even with Kids Kingdom. She said it was a huge problem that two, three or four-year-old were getting run over by the ten or twelve-year-old, and now it is kind of nice that you can keep them separated, but they can all have fun.

Commissioner Hernandez said he thinks this is the fifth time they are here talking about this and he appreciates Community Services Director Ortega and her team for all the work they have done to get them to this point. He stood up and said none of that money is in my pocket. He said ASTM or ADA things get thrown in, it costs a lot of money. He said there is a lot of research that goes into this stuff that costs money. He said the insurance that they have to buy to produce this stuff, costs money. He said this is actually cheap. He said in the last four meetings, we talked about why we couldn't go back to the original build. He said there were a lot of concerns with young adults, adults hiding in spaces within the areas. He said if you spent anytime there, you could see burn marks where they would burn their cigarettes and stuff, getting high and getting drunk and who knows what else in those hiding spaces. He said the Commission spoke about all that. He said there was something like over 400 comments on social media. He asked the audience how many people were there for the Kids Kingdom issue. He asked the Commission how many hands they count. Commissioner Payne and Sikes responded five. Commissioner Hernandez said there is no where near 50, 20 or 10. He said back to what he said last time, we are here to discuss it and we give them the opportunity over and over again. This Commission does not work off of social media. He said he does not have social media, so it does not do any good for them to post negative or positive comments. He said call us, come to the meetings and tell us what is going on. He said they've had the exact opportunity the last four meetings to tell us what they like and what they don't like.

Commissioner Payne added, this has been going on since last September. She said we've had multiple, intense conversations about this. She agreed, she was really surprised at the comments because it has not been a secret. She said this is public record, you can go to prior minutes and see that the Commission has openly talked about this. She was surprised that people were so upset at something that has been in discussion since last September. She thanked Mr. Tierney for coming and showing the Commission the video. She said she understands about perception and maybe the rendering, but it really helped her to see the video and see the kids playing on all the different components. She said hopefully, she kind of watched the faces in the audience, she thinks it made it more clear for the audience as well.

Commissioner Sikes asked who chooses the colors. Mr. Tierney answered you guys chose the colors. Commissioner Sikes asked about the ground surface. Mr. Tierney said it is an engineered wood fiber. He said this wood fiber has to be certified by ASTM and PIMA. He said it is a wood chip if you will, but it is very specific in size. Commissioner Sikes asked if someone climbed up to the peak of the 17-foot cables and fell, what would happen. Mr. Tierney said they are required to meet a certain fall protection and out of all the protective surfacing, that is known to him and that they offer, the wood fiber protects the best. He said it may not be the easiest to maintain, but it provides the best fall protection. He said the surfacing has to pass a test. He described the process for this test. Commissioner Sikes asked how often will we be replacing these wood chips. Mr. Tierney said his guess is probably every few years, you may need to add an inch or two of wood fiber. He said the chance of you having to take it all out and total refurbish it is slim, but every three or five years you maybe adding a little bit of wood on top. He talked about the testing of some of the components.

Commissioner Rardin asked Mr. Tierney if they have looked at using the rubber chips versus the wood chips, and how much of a cost increase is it to use the rubber chips instead of the wood chips. Mr. Tierney asked if he was talking about the rubber mulch. Commissioner Rardin said yes. Mr. Tierney said you are probably looking at a 30 percent increase in the surfacing. Commissioner Rardin asked if

there was only one slide. Mr. Tierney said there will be one slide for the 5 to 12 and one slide for the 2 to 5 structure.

Mayor Pro-Tem Baldwin thanked Mr. Tierney for the presentation. He said when we find ourselves in a unique situation. The unique situation is there was a pretty demanding outcry from the citizens of Alamogordo and even though there are some good people here to voice their opinion, and one actually did. He said we do have an issue of perception, so he was hoping that we could answer a few of those questions. He said he kind of looks at it as in most people saw it, and it did not look like Kids kingdom, so there is a perception issue of what it actually looks like. He said it does not look like much, no offense. He said it does not look like quantity wise as much as Kids Kingdom did, because Kids Kingdom was a very big solid structure, so the visual was a massive structure. He asked about the square footage in this park in comparison to Kids Kingdom. He said Kids Kingdom was actually going to be smaller in comparison to the footprint of this actual park.

City Manager Paluch said Kids Kingdom, the original park, had a lot of dead space in it. She said Project Manager Balderrama can show or hold up a visual of the amount of dead space that was around Kids Kingdom that wasn't used by play equipment. She said while the Kids Kingdom layout was larger than this playground, again there was dead space around it. She said it had several benches and tables and some wooden shade structures over the tables. She said it is a different layout, is how she would describe it.

Project Manager Balderrama said everybody thinks of Kids Kingdom as everything within the fenced area, which is how Kids Kingdom was defined. He said that was about almost an acre. He described all the dead space throughout Kids Kingdom. He said this playground here, the actual square footage of the play area is a little over 10,000 square area, and that is play area. He said he does not have any drawings to define how big Kids Kingdom was, so he can't compare one to the other.

Mayor Pro-Tem Baldwin said he is also looking at climbable structures, or structures to actually get on and play. He said from the time he did spend time down at Kids Kingdom, he would probably count, on a busy day, 20 to 50 kids in the structure at one time. He asked at your best guess, with the structures that we have, how many kids do you think could be on this safely at one time. Mr. Tierney said you are easily at 50. He said the swings themselves you are probably close to 15. He said he does not think it will be a problem with capacity and then from a warranty or structural integrity standpoint, there is no problem what so-ever. Mayor Pro-Tem Baldwin said correct, he is just trying to address the perception issue, it kind of looks like that 10 kids can be out there at any given time. He said people, again, are used to seeing Kids Kingdom with 20, 30 or 40 kids running around doing all kinds of different things. He believes the structure can handle that much and more. He said he wanted to move on to a couple of things that were said in the comments, he pointed out that he did not read through all of them, just a couple of them. He said we heard tonight why doesn't the City have volunteers building this. He asked City Manager Paluch to answer that.

City Manager Paluch said in the 1990s versus now, times have changed. She said as we know Kids Kingdom was built by a group of community volunteers. She said with the liability issues, how litigious society is right now, the issues to insure the certification of the park and to make sure that all the equipment is installed properly, that has to be done by professionals. She said Leadership Otero has reprinted all of the handprints from the previous park. She said in these designs we do not have a version of the wall, because we need to determine the size of the wall to put all those handprints on, but a portion of Kids Kingdom is going to come back into this park. She said times have changed since the 90s unfortunately, when we could get together and do this big community build which is wonderful, but now everything is so regulated that we need to ensure that our children are safe and that this is installed by professionals.

Mayor Pro-Tem Baldwin said he would like to see a section of it, or a side of it setup for future structures. He mentioned the water park. He said the water park got brought up, not necessarily by the Commission, he thinks by staff and a lot of people got behind the project. He said they reviewed it and they decided

not to do it for multiple reasons. He said his main reason was if they decided to go down the road of a water park, he would prefer it in a better place. He said something that cool needs to be down on White Sands Boulevard or on First Street. He said he is not saying that area is not cool, it is a cool area, but it is kind of hidden in town and if you are passing through or a visitor you might not know how to get to it. He said the idea did cross his mind, what happens if they end up putting it at some point, so some room for improvement and/or some room to make it better, add other options. He said how ever that is possible and it does not actually need to be in this design now, he would like to have that on record that he was always for more structures and more things for the kids to climb on from the beginning.

City Manager Paluch said staff is discussing the very thing that Mayor Pro-Tem Baldwin is addressing. She said we can expand this park, we can add extra play areas to it. She said another thing they are talking about is the possibility of instead of putting a splash park is putting a pond. She said just because Kids Kingdom is going forward at this stage right now, doesn't mean that there aren't things that we can expand in the future. She said staff is aware of that and they will be talking about this in the future too.

Commissioner Wright said another minor part of this and what drives up the cost of this is this is a public project, so he believes it is prevailing wage. He said that prevailing wage is higher than volunteer hours obviously and minimum wage for sure, so that certainly drives the cost up of install.

Commissioner Rardin asked what kind of time frame are we looking at. City Manager Paluch said you are looking at about five to six months for it to be installed. She talked about timing issues with the large shade structures and the actual pavilions themselves. She said those take an extended amount of time to order, receive the material and then install.

Mr. Tierney said the shades and the structures take a while to manufacture and get here. Commissioner Rardin said they are probably custom built as you order them. Mr. Tierney said yes, everything is built specific to the size and nothing is manufactured until we place that order.

Commissioner Rardin asked once you get the material here, how long will it take to erect structures. Mr. Tierney said his hope would be that they would get a lot of the site work done ahead of time. He said the unfortunate thing is we would really like to get those shades up prior to the playground to be able to get up underneath them and run the risk of dropping them onto the playground. He said if we get a lot of the site work done ahead of time, install time with the shades and the playground we are probably looking at a month and a half to two months.

Commissioner Rardin asked if they would be acting as the General Contractor (GC) on the whole project. Mr. Tierney answered yes sir.

NEW BUSINESS

10. Consider, and act upon, the award of Public Works Bid No. 2017-010 to General Hydronics Utilities, LLC., related to Street Maintenance Program FY2017 in an amount not to exceed \$6,017,449.98, including NMGR. (Edward Balderrama, Project Manager)

Project Manager Balderrama said staff recommends this award. He said we are also recommending a part of the project is the base bid and its additive alternates one through four. He described what areas were included for the base bid and the additive alternates. He said there are 11 streets that are a part of this project. He said this is a very large project, probably the largest Street Maintenance Program (SMP) project that the City has done to date. He said the contract time is 570 calendar days. He said staff is recommending giving the work to General Hydronics. He talked about the scope of work for the project.

Commissioner Rardin asked if the City will utilize Cutler on all of these.

Project Manager Balderrama said the city got away from the Cutler process back in 2014. He said he went out and bid a project just like this and he compared what it cost if the contractor was to do the milling

and paving as part of their project, instead of us going out and piggy backing on the Cutler process, which was done through the State. He said it was cheaper to do it this way. He said the other thing was DOT or the State of New Mexico stopped other entities piggy backing on their agreements, so we had to get away from the Cutler process.

Commissioner Rardin asked what process do we use now.

Project Manager Balderrama said it is the same process.

Commissioner Rardin said it's a mill and fill, it's just not the Cutler process. Project Manager Balderrama said correct.

Commissioner Wright asked if there is a map that is easily accessible for the community to see what streets are being worked on in this project. Project Manager Balderrama said he has a map, but not one that is available to the public.

City Manager Paluch said it is on facebook and it is on the website.

Commissioner Wright said he supports Street Maintenance 100 percent, but at this time he has a conflict of interest here. He said he will abstain from voting.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

Motion carried with a vote of 6-0-1.

Commissioner Wright abstained.

11. Consider, and act upon, approval of amendment 3 to the Engineering and Professional Services Agreement to Smith Engineering Company related to the McKinley Channel Phase 8 Utility Relocation design. (Nancy Beshaler, Project Manager)

Project Manager Beshaler said this item is for approval of an amendment 3 to Smith Engineering directly related to Corps of Engineers flood control project the next phase, McKinley Channel Phase 8. She said Lt. Colonel Booth has come to address the Commission a couple of times to discuss the need to redesign the channel in order to save money and as a result the design of the utility relocation related to that project has to be re-done and this is what this amendment accomplishes.

Commissioner Hernandez moved to approve.

Commissioner Wright seconded the motion.

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

12. Consider and act upon first publication of Ordinance 1565 regarding changes to the registration and cost of keeping bees within City limits. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

City Attorney Schreiber talked about changes to the current Ordinance. She said this Ordinance had Code Enforcement actually regulating what was happening with the keeping of bees. She said they have changed that to Planning and Zoning. She said there will be a \$50 registration and application fee. She said the Ordinance states how these bees will be kept and how far they need to be away from other structures. She said there are some research planning, plans that need to be pulled and measurements taken, and it is something that will need to be monitored by the Planning and Zoning Department, so that was the recommendation of a \$50 registration fee.

Commissioner Sikes asked if it was a one-time fee. City Attorney Schreiber answered yes. Commissioner Sikes said this Ordinance has been on the books for a few years, do we have any idea of how many people actually came in and applied to keep bees in their back yards.

City Attorney Schreiber said her office is currently working with several citizens who are going to be applying. She said there will be several others.

Commissioner Rardin said the only reason the Commission tried to regulate this, was so that DPS and Fire knew where they were at in town. He said he kind of disagrees with a \$50 fee. He said if we are that hard up for money and we got two people, we are looking at \$100. He said staff already gets paid to be here and review all this stuff, he really does not think we need a fee on it because of it's original intent. He thinks that they should come in and do the application, so that we still know where they are at. He said that is why he thinks they were under Code Enforcement rather than under Planning and Zoning.

Commissioner Sikes said that was really important, they discussed that, but she thinks the primary reason they wanted to pass this Ordinance was they were the only town in the State of New Mexico that did not allow bee keeping and with the decline of the honey bees dying off it seemed very important to the people who keep bees that we allow it. She said I guess the people who keep bees thought that we would have a lot more people applying to have bees. She said it is not an easy process, when you have to have bee hives and you have to have a certain size lot and you have to make sure that you are complying with all our setbacks and so on to do it. She said a lot of people are put off by it. She said another thing that we discussed five years ago when we did this is, we have Africanized bees in Otero County and we had a lot of them and it was the bee keeper's premise that should we be allowed to keep bees in your back yard that we would dissolve the potency of the Africanized bees by having the kinder and gentler honey bees breeding with them and every six weeks the bees would become less and less dangerous. She said she does not know if that has happened but with one person that is keeping the bees she seriously doubts if it has made much of an impact. She said if you look around at the other Municipalities that allow bee keeping, she does believe that there is a fee when people apply to keep bees. She said she does not think the bee keepers themselves would object to paying a fee, knowing that they are doing everything in compliance with how we want it done. She asked if they have heard any negativity about the amount of money they want to charge.

City Attorney Schreiber said she has not heard any negativity. She said she would tell you that one person that has applied. When she disclosed what was being brought to Commission she did not get any push back from that. She said she did not hear any positive or negative.

Commissioner Rardin motioned to amend with no fee.

City Attorney Schreiber asked if it would read that there is no fee. Commissioner Rardin said we've had what two people apply for this since it has been a draft. City Attorney Schreiber said that we are going to have about 10 people. Commissioner Rardin said so we are looking at \$500. City Attorney Schreiber said her question is how would you like it to read. Commissioner Rardin said he personally does not think that we should be charging a fee. City Attorney Schreiber asked if they should be charged no fee or would you like to go back to the original wording. Commissioner Rardin said he thinks zero is just fine. He said or something less than \$50, he feels like bee keeping isn't a business it is more like a hobby probably. He said we are just feeding the citizens of Alamogordo to death.

Commissioner Payne said she thinks that in the past with this, with other things, we have given a lot away. She does think that it does cost money to operate a City and we have given our citizens no incentive to comply with an Ordinance, we given no incentive to make sure that they are doing things correctly because there are no consequences. She said she does not have a problem with this. She thinks bee keeping is sort of a business, she asked isn't it. She said if they make honey and sell honey, she thinks it's a business. She said the City has got to be a business, we can't continue giving things away and expect that we are going to be able to supply services. She said she understands what Commissioner Rardin is saying but this is just part of that. She said she has no problem with charging them a fee because she does think it is more of an incentive for them to comply with our Ordinance. She thinks if we allow them to just to whatever, there is no incentive there, so she disagrees with that.

Commissioner Rardin moved to approve as amended.

Mayor Pro-Tem Baldwin seconded the motion.

Roll call vote was taken.

Motion failed with a vote of 3-4-0.

Mayor Boss and Commissioners Sikes, Wright, and Payne voted nay.

Commissioner Sikes made a motion to approve as read.

Commissioner Sikes moved to approve.

Commissioner Payne seconded the motion

Roll call vote was taken,

Motion carried with a vote of 4-3-0.

Mayor Pro-Tem Baldwin and Commissioners Rardin and Hernandez voted nay.

13. Approve Land Exchange Agreement between the City of Alamogordo and Alamogordo Public Schools for the exchange of 13th Street owned by the City for a portion of Playa Azul currently owned by Alamogordo Public Schools (*Petria Schreiber, City Attorney*)

City Attorney Schreiber explained the area to be exchanged and explained the appraisal.

Mayor Boss asked if this has come up before. City Attorney Schreiber said the Public Schools has wanted to do this for some time. She said she does not believe that it has come to the Commission previously.

Mayor Pro-Tem Baldwin asked if we brought this to the schools or did the schools bring this to us. City Attorney Schreiber said she believes the schools brought it to us. Mayor Pro-Tem Baldwin asked if they have a plan for that road.

City Manager Paluch answered this topic has been discussed for several years at various meetings with the Schools. She said their plan for 13th Street is to close it and they will be creating additional parking for the schools. She said she believes there will be an entrance still off of Florida, but it will be into a parking lot.

Mayor Boss said it also helps us with the exchange on Playa Azul because it gives us the street which a portion of it is owned by the school district, is that correct.

City Manager Paluch said correct. She said on Playa Azul, the street does run through the residential lot that is there, but when we exchange these two properties, at no point and time could anyone close that section of road because it would be City owned property.

Commissioner Hernandez reminded the Commission when they did Washington extension, on the school's participation. He said his recommendation would be let's take their property and let's keep ours because they owe it to us anyways.

Mayor Pro-Tem Baldwin said that is why he asked the question on who brought it to us.

Commissioner Rardin said very hard to work with, I guess you could say in a nice way, on the Washington extension.

Commissioner Hernandez asked if we have talked to any residents that live in that area. City Manager Paluch asked in Playa Azul.

Commissioner Hernandez said no, on 13th Street. City Manager Paluch answered no. Mayor Boss said 13th Street has been closed for decades. Commissioner Hernandez said it opens in the afternoons and now on the weekends.

Commissioner Rardin asked if staff needs to send out letters, like we do with Planning and Zoning issues to talk with the residents right there on Alaska. City Manager Paluch said she does not believe that is required.

Commissioner Rardin said he would kind of like to get their input because it is closed during the day when school is in session, but nights and weekends it is open.

Commissioner Sikes said that is a really good point. She has been under the assumption that it is closed all the time. She said she thinks it is incumbent upon us to find out how many people actually use that street because this will impact them greatly. She said maybe before we take any action, we might want to find out just how much use that street gets at night and on the weekends. We could test it for a couple of weeks.

City Manager Paluch said we can do traffic counter.

Commissioner Payne asked Commissioner Hernandez if he could bring her up to speed because she did not know what he was talking about.

Commissioner Hernandez said we just talked about it recently in Executive Session. He said whenever we did the Washington Street extension the School was supposed to be involved with us in doing that and we did the project and the Schools told us thank you. He said that was their involvement.

Commissioner Rardin said do we just want to table this item until the next meeting or how long do we need to get numbers on traffic counts.

City Attorney Schreiber asked if the Commission wants staff to send letters to the residents of that area, how many feet are we talking about. She asked if they would like for staff to go out about 250 to 300 feet radius or would you like for staff to send more.

Commissioner Rardin asked what is it that we do for zoning. He asked if it is 500 feet for zoning.

City Manager Paluch said it is 200 feet.

Commissioner Hernandez said put it on facebook, that always works.

Commissioner Rardin said let's just do what we do for zoning stuff. He asked how much time we need to get the traffic numbers.

City Manager Paluch said two weeks for the traffic counters. She said it will take a while because all the letters need to be mailed and then the residents need enough time to respond back.

Commissioner Rardin asked if they should table this to the first meeting in May.

Mayor Boss said we can work the details out.

City Manager Paluch said we will work the details out, but she would say it would probably be the end of May, beginning of June. She said just to make sure that the residents have enough time to be able to respond.

Mayor Boss moved to table.

Commissioner Rardin seconded the motion.

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

14. Consider and act upon the approval of Resolution 2018-10 approving a GRIP agreement between the City of Alamogordo and Solid Cap Properties, LLC regarding tax abatement for the project to build the Hobby Lobby building. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

Paralegal Williams said they approved the application on Hobby Lobby. She said this is getting more approval on the agreement between the two parties so that we can pay them on this estimated \$67,000. She said this will be calculated based upon the invoices as they come in and we only pay out the taxes that we get.

Commissioner Rardin moved to approve.
Mayor Pro-Tem Baldwin seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 7-0-0.

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

Mayor Boss read the openings and appointed Joseph Tuttle to the Alamogordo Promotion Board. No one was opposed.

Commissioner Rardin moved to adjourn at 8:53 p.m.
Commissioner Hernandez seconded the motion.
Motion carried with a vote of 7-0-0.

ADJOURNMENT



ATTEST:


City Clerk Rachel Hughs


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on April 24, 2018.