

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
7:00 P.M., COMMISSION CHAMBERS  
JANUARY 26, 2016**

**SUSIE GALEA, MAYOR  
JASON BALDWIN, COMMISSIONER  
NADIA SIKES, COMMISSIONER  
JENNY TURNBULL, COMMISSIONER  
AL HERNANDEZ, COMMISSIONER**

**ROBERT RENTSCHLER, MAYOR PRO-TEM  
CLIFF HUDSON, COMMISSIONER  
GEORGE STRAFACE, INTERIM CITY MANAGER  
STEPHEN THIES, CITY ATTORNEY  
NANCY JACOBS, CITY CLERK**

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

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Clerk Jacobs announced there was a quorum present. Invocation was given by Rev. Dustin Wilhite and the Pledge of Allegiance was led by Mayor Pro-Tem Rentschler

**APPROVAL OF AGENDA**

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

**PRESENTATIONS**

**1. Recognition of Police Chief Robert Duncan for his service to the City of Alamogordo. (Susie Galea, Mayor)**

Mayor Galea thanked Chief Duncan for all the service he gave to the citizens. She mentioned the City of Alamogordo is now the safest City in New Mexico.

**PUBLIC COMMENT**

**Rich Merrick commented on the following:**

Mr. Merrick gave an update on Project Honored Past. He said seven days after the last Commission meeting, he had every section of non-perpetual care in the cemetery covered by volunteers. He announced on February 12, 2016 at 1 p.m. by the flagpole in the cemetery, they will be doing the dedication and kickoff to Project Honored Past.

**CITY MANAGER'S REPORT**

**The Interim City Manager gave the following report:**

- 1) Interim City Manager Straface reminded everyone tonight's meeting would contain a work session to discuss debt service and where the City is currently, relative to Flood Control projects.
- 2) He had received the feasibility study for the Family Fun Center (FFC) and it would be posted on the city website tomorrow afternoon. Dr. Straface encouraged the Commission to become familiar with this study. The next step was to meet with the architect tomorrow and ask him to prepare preliminary plans for the commission to review in about a month.
- 3) Dr. Straface gave the Commission a final organizational chart which would become effective February 1, 2016.
- 4) Interim City Manager Straface remarked on the upcoming Municipal Election coming up on March 1, 2016.
- 5) He relayed he had been visiting with APD staff, and anticipated a decision on the new Police Chief later this week or early next week. He will be talking with two candidates this week.

- 6) He noted Community Services Director Ortega had been out of her office because of a death in the family. City Staff had been filling in during her absence, and she hoped to be back on Thursday of this week.
- 7) Dr. Straface said he had scheduled a Work Session with the Commission on Saturday, March 12, 2016, after the election. The agenda would include reviewing the Commission Covenants, budgetary issues, and legal issues.
- 8) Interim City Manager Straface noted the opening of the Tularosa Basin Historical Society (TBHS) Museum last week, and said it was a beautiful facility.
- 9) Dr. Straface reminded everyone there would be a School Bond Election on Feb. 2, 2016.
- 10) His last remark was 'Go Broncos'.

## **REMARKS AND INQUIRIES BY THE CITY COMMISSION**

---

### **Mayor Susie Galea made the following comments:**

- 1) She told everyone the New Mexico Legislative Municipal Day in Santa Fe would be on January 29<sup>th</sup>, and some of the Commission would be attending. Mayor Galea listed some items the Legislature will be working on and items the Governor felt would benefit the citizens of New Mexico and specifically the City of Alamogordo.
- 2) Mayor Galea had sent a letter to the Mayor of Albuquerque supporting the return to work provision in relation to PERA, which would help our Police Department and other departments around the state recruit retired police officers and retain officers longer.
- 3) She went on to name some other issues the Governor mentioned such as granting state employees leave to attend parent/teacher conferences in order to boost parent involvement in the schools, an early warning drop-out system and a student work internship portal to help college students find jobs.
- 4) Mayor Galea mentioned the Governor was hoping to institute driver's license reforms.

### **Mayor Pro-Tem Rentschler made the following comments:**

- 1) Mayor Pro-Tem Rentschler spoke about the sewer line service failure on Juniper. He had mentioned this to both the Interim City Manager and Public Works Director, and the problem was taken care of immediately and thanked them both.

## **CONSENT AGENDA**

---

2. **Approve the Minutes for the January 12, 2016 Regular City Commission Meeting.** *(Nancy Jacobs, City Clerk)*
3. **Approve the statement related to the Executive Session held on January 12, 2016.** *(Nancy Jacobs, City Clerk)*
4. **Accept the Investment Report for the Quarter ending December 31, 2015, in accordance with the City of Alamogordo Investment Ordinances.** *(Julianne Hall, Accounting Manager)*
5. **Annual Reports from City Boards, Commissions and Committees for Calendar Year 2015.** *(Rachel Hughs, Deputy City Clerk)*
6. **Consider, and act upon, Resolution No. 2016-01 determining reasonable notice of meetings of the Alamogordo City Commission (Open Meetings Act).** *(Nancy Jacobs, City Clerk)* (Roll Call vote required)
7. **Consider, and act upon, Resolution No. 2016-04 listing the candidates as they will appear on the ballot, designating polling places and appointing the Precinct Board Members for the March 1, 2016 Municipal Election.** *(Nancy Jacobs, City Clerk)* (Roll Call vote required)

**8. Consider, and act upon, the Third Amendment to the Memorandum of Agreement (MOA) between the New Mexico Department of Transportation and the City of Alamogordo for federal assistance under the Federal Highway Administration - Recreational Trails Program for the Washington Avenue Trail Project in the amount of \$72,023, with a twenty (20) percent local match. (Ruben Segura, City Planner/Grants Coordinator)**

**9. Consider, and act upon, Award of Public Works Bid No. 2015-015 for \$225,743 (excluding NMGR) to File Construction, LLC related to the Base Bid work on the Reclaimed Water Line Looping Project. Consider, and act upon, permission to Award Bid Alternate 1 work of Public Works Bid No. 2015-015 for \$151,897 (excluding NMGR) to File Construction, LLC contingent upon execution of a Pipeline Crossing Agreement with Union Pacific Railroad. (Chris Darnell, City Engineer) WITHDRAWN**

Commissioner Hernandez moved to approve all items on the consent calendar with the exception of Item 9 which had been withdrawn. Mayor Pro-Tem Rentschler seconded the motion. Roll call was taken for items No. 6 & 7. Motion carried with a vote of 7-0-0.

## **NEW BUSINESS**

**10. Consider, and act upon, a request from Mrs. Sandra Shaw to refund payment of Utility Lien at 2306 Harvard Avenue. (Stephen Thies, City Attorney)**

City Attorney Thies gave an overview of the item. The City filed a lien for outstanding accounts in 2006; Mrs. Shaw had just discovered the lien last spring, after her husband passed away. She paid the loan on the house and the house is now being foreclosed on. City Attorney recommended money be refunded to Mrs. Shaw.

**Mayor Pro-Tem Rentschler moved to approve a request from Mrs. Sandra Shaw to refund payment of Utility Lien at 2306 Harvard Avenue. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.**

**11. Consider, and act upon, sewer service line failure at 1202 Juniper. (Brian Cesar, Public Works Director)**

Public Works Director Cesar gave an overview of 1202 Juniper. He said the allotted time frame had elapsed for the home owner to make the repairs. The sewer service line at this property had failed and had caused settling in the City right of way sidewalk area. At this point, the City is ready to make the repairs. They estimated repair costs to be \$17,500. He talked about Ordinance 28-02-090-Maintenance Repair of Service Lines Connections - responsibility of the property owner to repair or there would be a lien against the property. Mr. Cesar gave the Commissioners different options on repairing the service line.

Commissioner Hernandez asked Public Works Director Cesar about the fence that was falling over on the property. Mr. Cesar told him the sewer service line was underneath that retaining wall, so when they chase the service line, a lot of that retaining wall would come down and have to be replaced.

Commissioner Hernandez asked City Attorney Thies what would happen if we did the repair and filed a lien against the owner. Attorney Thies answered based on the action taken a few meetings ago, the direction was the City would be more aggressive in pursuing these liens.

Mayor Pro-Tem Rentschler asked City Attorney Thies about notification of violation from 2010 and appeal letter from the property owner. The appeal has yet to be heard and why did it take six years for an appeal to come before the Commission. Attorney Thies said he did not have an answer and was searching for files to see what happened.

Commissioner Hudson asked Public Works Director Cesar about the letter that was filed in 2010 and the assertions made by the property owner at that time. Mr. Cesar responded on that area of Juniper the sewer service lines are clay pipe and there have been a number of sewer service line failures in the surrounding areas.

Commissioner Hudson asked if we have to dispense first with the 2010 appeal before moving forward. City Attorney Thies told him the appeal process provides that when a person has agreed by some decision made by someone in the City, they have the right to appeal, and the appeal board is the City Commission. If you want, the Commission may hold a hearing that would allow the owner to present evidence that would support his position and why they should not be responsible for the cost, and the City would present their position.

Mayor Pro-Tem Rentschler said it was obvious that the street and sewer line needed to be repaired. He asked if the City repairs the line now and comes up with the costs, can they have the appeal heard after that. Public Works Director Cesar said that on the sewer main on Juniper and other addresses that have had sewer service line failures, we have put a camera through the exposed the sewer main and it indicated there were no failures on the sewer service lines. He said on this property the sewer main runs downhill to Tenth Street, and for the sewer main to have a failure and cause the damage uphill was not likely. Mayor Pro-Tem Rentschler said he understood but the resident is still entitled to his appeal and the sewer line still needs to be repaired. He added if the resident is unwilling to do it, the City will need to step in and do the repairs then allow the appeal to proceed. Public Works Director Cesar told him there have been instances where the settling occurred over the sewer main, so it is very hard to determine without exposing the sewer main whether the problem was on the customer's service line or the City main line.

Commissioner Hernandez said if the tap is what failed, it would have failed within the first three to six feet and this is all the way to the resident's line. He pointed out that water runs downhill and with that sewer main running downhill to Tenth Street, if you have a water leak it is going to take the easiest path which is downhill.

Noble Johnston, homeowner of the property 1202 Juniper, gave the Commission some history on this sewer line problem and noted someone repaired it before he moved into the house. Two years after he moved into the house he had a leak in the yard where the sewer failed and he dug it up to replace the sewer line. He commented on the 2010 appeal he had submitted. He said when he didn't hear anything from the City, he assumed the City had found in his favor and chose not to repair it. He mentioned the ordinance having no specific time for the City to reply, but did state within a reasonable time. He pointed out five and a half years is not reasonable. He spoke about a water main break in this same area six weeks ago and the City repaired it, but he wondered why the City didn't raise the road way at that time.

Commissioner Turnbull felt it was the City's responsibility.

**Commissioner Turnbull moved that the City of Alamogordo make the repair and pay for the sewer line failure. Commissioner Hernandez seconded the motion.**

Commissioner Hernandez had some discussion. His concern was destruction to the property and the retaining wall. He said they should only repair to the sidewalk and stop as the retaining wall might crumble. Public Works Director Cesar spoke about taking the pipeline to the sidewalk and gave some scenarios; without digging it up he could not say how far they would have to chase it.

Commissioner Hernandez stated it is in City ordinance that if the retaining wall is in the easement, can they take it out and not have to put it back in.

Interim City Manager Straface felt they might be premature on this; they have not exposed the ditch to determine what the issues are. He wanted to direct Public Works to excavate to see what the real problems are, then come back to inform the Commission.

Mayor Susie Galea talked about amending or tabling the motion.

Commissioner Hernandez asked Public Works Director Cesar how he would look at the sewer line. Public Works Director Cesar responded they do not have the ability to look at it using a camera so they would have to expose the sewer service line. Commissioner Hernandez recommended if they are going to expose it, they might as well replace it from the tap to the curb. Interim City Manager Straface agreed but really wanted to know the depth of the problem before moving forward.

Commissioner Hudson requested the City keep the homeowner informed in the process.

Mayor Susie Galea asked Commissioner Turnbull if she would like to keep her motion or make an amendment to it. Commissioner Turnbull withdrew the motion.

**Mayor Pro- Tem Rentschler moved to table this item until Public Works has figured out what they are dealing with and directed staff to excavate and make need repairs. Commissioner Baldwin seconded. Motion carried with a vote of 7-0-0.**

**12. Consider, and act upon, a sewer service line failure at 2405 East 10th Street. (Brian Cesar, Public Works Director)**

Public Works Director Cesar gave background of the sewer line service failure on the property. A letter of appeal was submitted by Doris Wies the property owner. Ms. Wies mentioned in her letter that a plumber had made a repair. He said it could be a case where the sewer service line failed in the yard area and explained how they could repair it.

Mayor Susie Galea asked if the City had done an assessment before or after the repair done by the plumber at the cost of the homeowner. Public Works Director Cesar said a permit should have been pulled by the plumber but Public Works or Code Enforcement would not have been part of that process.

Mayor Pro-Tem Rentschler asked City Attorney Thies if the appeal should be heard. He said they should hear the appeal and he pointed out the property owner was sitting in the audience.

Ms. Doris Wies spoke on her appeal. She had lived on this property for 25 years and had never received a notification of any problems. She said the plumbers assured her there wasn't a leak and everything was fine. She didn't feel she should be held responsible to find out where the sewer leak was located. She said the plumbers quoted it would be \$5,000 to dig up the area, and she couldn't pay that.

Mayor Susie Galea asked the homeowner how much the previous repair was. Ms. Wies answered \$1,800.

Mayor Susie Galea thanked her and the Commission had no further questions.

Commissioner Hernandez felt the homeowner might have been misinformed by the contractor. Public Works Director Cesar said he had been following this depression before Ms. Weis was notified by Code Enforcement. He said if the City does the repair the expense will be greater than if the contractor does it. Commissioner Hernandez's concern was that if the City did it they will lien the house for the amount vs. if the contractor did the work it will be a separate amount. The expense he said would be in traffic control. Public Works Director Cesar said you would have to shut down Tenth Street and detour traffic. He said we could do the same thing for this issue, take photos and give estimates of what it would cost.

**Mayor Pro-Tem Rentschler moved to table this item until Public Works had the opportunity to expose and/or repair. Commissioner Hudson seconded the motion. Motion carried with a vote of 7-0-0.**

Interim City Manager Straface noted Lora Nelson from Code Enforcement would be leaving and thanked her for her service.

**13. Appointments to Boards and Committees. (*Susie Galea, Mayor*)**

Mayor Galea read the openings and appointed Robert Hicks to the Airport Advisory Board, and reappointed Pamela Lee to the Planning & Zoning Commission. No one was opposed.

**WORK SESSION**

---

**14. Topic: Debt services in relation to the next phase of Flood Control.**

Mayor Susie Galea recognized Erik Harrigan from RBC Capital Markets was in the audience to answer any questions. Finance Director LeeAnn Nichols gave the report.

Commissioner Baldwin asked which taxes have a sunset. City Attorney Thies told him Fund 105 - the Economic Development Fund is the only one that has a sunset.

Mayor Susie Galea said the tax was voted on by the voters in the 2014 Election, so it will be a few years before it sunsets and there is a little over six million dollars just sitting there unallocated. Commissioner Baldwin asked if it was up to six million, and the Mayor said it goes by \$750,000 each year and it was at four million dollars just two years ago.

Commissioner Baldwin said it was his understanding Finance had presented something similar when they were going through the budget. They were looking for alternate ways to pay for the Hold Harmless loss, and reallocated some of the taxes as opposed to raising taxes which was something they advocated for.

Interim City Manager Straface asked City Attorney Thies what funds could they request be refinanced. He told them Fund 69, Fund 49 (the rest is inaudible). Commissioner Baldwin wanted to be sure there would be something in the future that could potentially help.

Interim City Manager Straface said you could think about bottom line; we are in very good shape and our debt service is very manageable under that scenario.

Commissioner Baldwin said he wanted to say they did advocate a lot to reallocate some of the taxes as opposed to raising taxes. He would like to see some of the taxes go away.

Eric Harrigan spoke about the 2004 gross receipts tax that they would be able to refinance in order to generate new money.

Interim City Manager Straface talked about the first one that could be refinanced, and if we would be restricted in how we dedicated those funds. Finance Director Nichols responded that fund could be used for quality of life and flood control.

Mayor Pro-Tem Rentschler said we have an opportunity to refund Fund 69 to a point of \$3.8 million, and we need 4 million dollars next year. Interim City Manager Straface said they will see a report coming up on how they would propose funding the remaining obligation on the Corps of Engineers project. Finance Director Nichols said it is \$4.8 million for the Corp and \$1million, two hundred forty thousand needed for the City's side of that; we will need about \$2.5 million for the flood control project.

Nancy Beshaler spoke about Corps of Engineer projects and phases on the McKinley Project, as well as funding for the projects.

Mayor Galea asked Finance Director Nichols if they had identified FY18. Finance Director Nichols answered flood control had been a little behind budget. She spoke about the rest of the summary page Nancy Beshaler had presented on Flood Control.

Interim City Manager Straface said the biggest issue is the North part of their proposal that is not being considered at this time.

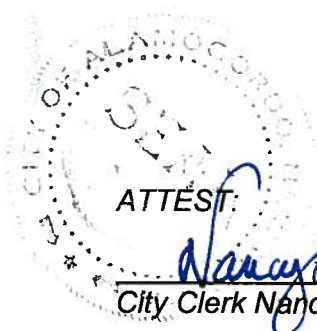
Mayor Galea asked Interim City Manager Straface how they should proceed with refinancing. Finance Director Nichols explained they do not need to refinance until March 2017. Mayor Galea asked about the changes in stock market, and Eric Harrigan told her that over the next six months the interest rate was somewhat clear and it would stay relatively low. He didn't think there would be substantial jumps in interest.

Mayor Pro-Tem Rentschler asked when they would know whether the Corps would come up with their 75 percent. Finance Director Nichols told him they would not know until March, so they should wait.

Interim City Manager Straface complemented staff for their work on all this information tonight.

## **ADJOURNMENT**

**Mayor Pro-Tem Rentschler moved to adjourn at 8:53 p.m. Commissioner Hudson seconded the motion. Motion carried with a vote of 7-0-0.**



ATTEST:

*Nancy E. Jacobs* 2/9/2016  
City Clerk Nancy E. Jacobs

*Susie Galea*  
Mayor Susie Galea

(Prepared by Rachel Hughs, Deputy City Clerk)  
Approved at the Regular Meeting held on February 9, 2016.