

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
JUNE 26, 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 City Clerk. City Attorney Schreiber was as absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Commissioner Payne and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation from the Alamogordo Chamber of Commerce regarding the 4th of July concert event.

Mr. Oliver showed three pictures of the layout for the 4th of July event and explained the different venues.

Mr. Lurtsema explained the second picture. He said Fairgrounds Road will be blocked off between Florida and Pecan, and allow no traffic other than VIP, handicap and motorcycle parking. General admission will be parking at the fairgrounds and at the hospital.

Commissioner Hernandez stated he has been working with staff on this and they will be using some of the hospitals areas for parking. He said one of the things they talked about was allowing employees with badge access to use Fairgrounds Road to get to the hospital in case of any kind of emergency situation, instead of having them loop around because if something was to happen they could get sued. He said he wanted to make sure that it's on the record because we have talked about that and he thinks everybody is in agreement with that. He said the Chamber and Mesa Verde is also going to help us with traffic control on the hospital grounds. He said there is around 500 people that use the fairgrounds parking lot during this time and Griggs field is always full during this time. He said all of those people are going to get displaced and really the only place for them to go is around the hospital, so we are going to try and manage that traffic. He said we are actually closing off a lot of our parking lot so that we don't have any trouble. He said as long as we have emergency access to the hospital, he does not have a problem with it. He said the Urgent care usually closes at 8, and on July the 4th Urgent care will be open until 10, if you guys can help get that word out so that maybe we can send people over there instead of the hospital if they don't need to go.

Mayor Boss said all the barriers are moveable. He asked if there is an emergency vehicle that needs to get through on that street, it won't be a problem will it. Mr. Workman answered that is correct, there will be people stationed at those road closures to allow emergency traffic through.

Commissioner Hernandez said all hospital staff has badges. If they have an emergency and need additional staff at the hospital, that they are allowed through.

Mayor Boss asked Commissioner Hernandez if the hospital traffic is caused more by the people watching the fireworks rather than the event. He said yes, but because we are displacing a lot of people this year, that was a concern of ours. He thought it would all come together.

Commissioner Payne said she is excited to see how this turns out and is excited that people are coming from other Cities to our City instead of the reverse. She said we always want to keep those dollars local.

Mr. Oliver said this could not have happened without the help of the City of Alamogordo. He said he has been humbled on how this community has come together.

Mayor Boss said it all likelihood it will be the biggest event this community has ever put on.

PUBLIC COMMENT

Leonard Miller commented on the following:

He addressed the Commission about the locust bean tree. He believes these trees are dangerous to children and adults. He said he spoke to Parks Supervisor Marion about the abatement of these trees. He thought these trees are a nuisance and hoped the City would do something about them.

Scott Fredrick commented on the following:

He spoke on behalf of his squadron. He said the Commission has never heard their concerns because they are not registered voters in Alamogordo. He said the German Air Force bought hangers that the Air Force either has to buy or demo. He talked about the Scenic Extension and thought it was a great idea but also thinks it is premature. He said that \$5 million could be used elsewhere. He talked about cost of living increases for City employees and Police Officers. He said the goal is not pay them what other communities pay them, we want to recruit good Police Officers and keep them. He said the pool that the Germans paid for will be inaccessible to Alamogordo and Air Force Active duty folks there. It is going to be filled in because it is not paid for. Our high school team currently practices there when we don't have a pool during the winter time. He asked the Commission to please fund this. He said Commissioner Hernandez in the past has focused on people in this room and publicly commented those are the ones that make the decisions. He disagreed with the comment and said if you are not looking at facebook and social media it is like listening to eight-track tapes. We need to keep up with the current concerns. He thanked the Commission and the Chamber of Commerce for defending what he is hoping an awesome Fourth of July.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She said staff is working on a plan for several additional enhancements to the Zoo including; xeriscaping and a sidewalk in front of the perimeter fence and additional lighting. She said they are looking at funding these out of the quality of life funds.
2. She announced no bids were received for the Washington Park basketball courts. She said preparations are underway to re-advertise for that project. Bids will go out on June 24, 2018 and the bid opening will on July 12, 2018.
3. She said Bonito Lake is de-watered. The kickoff meeting was held to discuss the traffic control and excavation. She said excavation and removal well starts tomorrow.
4. She said forms are being set for the two shape pavilions at Kids Kingdom and the sidewalk that bisects the east and west sections of the overall sight.
5. she said the clear water storage tank and booster station are complete for the Desal Plant. The treatment facility building is fully roofed, sheeted and all walk and roll up doors are in place. The electrical systems, HVAC, fire protection and plumbing top out are in progress and most of the insulation of the drywall work is completed.

6. She said the Community Services department announced we are having our second Murder Mystery. Tickets went on sale June 15, 2018 and the dinner will be held at the Civic Center on July 13th at 5:00 p.m. She said it is entitled Hula and the Homicide. She said tickets are \$30 each and \$50 for a pair.

7. She gave an update on the stage one water rationing. She said our reservoirs as of yesterday were at 65.7 percent. The daily consumption on June 25, 2017 was 4.6 million gallons for our community and the daily consumption for June 25, 2018 was 6.43 million gallons. That is an increase of 1.79 million gallons over the last year on the same day. She encouraged everyone to conserve water.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He asked if they are still watering hole number 10 at the Golf Course with fresh water. Mayor Pro-Tem Baldwin nodded no. Commissioner Rardin asked if they switched it back to effluent. Mayor Pro-Tem Baldwin said once they moved all the sprinklers away from the property, they went to effluent. Commissioner Rardin said he remembers they switched that to fresh water to keep a resident happy because of the smell of the water.

CONSENT AGENDA

2. Approve the minutes for the June 12, 2018 Regular meeting. *(Rachel Hughs, City Clerk)*

3. Consider, and act upon, the approval of Resolution No. 2018-29 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of New Mexico, for the revised budget figures computed as of June 26, 2018. *(Julianne Hall, Finance Director)* (Roll Call Vote Required)

4. Consider, and act upon, Resolution No. 2018-30 supporting the PetSafe Bark for Your Park Grant Program application for a new dog park. *(Debbie Osborne, Grant Coordinator)* (Roll Call Vote Required)

5. Consider and act upon the approval of Resolution No. 2018-32, requesting approval of HUD Form 52574 - PHA Board Resolution Approving Operating Budget for Fiscal Year 2019 budget. *(Evelyn Huff, Housing Authority Manager)* (Roll Call Vote Required)

6. Consider, and act upon, the receipt of State contract to fund Retired and Senior Volunteer Program, Senior Companion Program and Foster Grandparent Program for FY19. *(Peter McKown, Senior Center Manager)*

Commissioner Rardin asked to remove Item #3 from the Consent Calendar.

Commissioner Hernandez asked to remove Item #4 from the Consent Calendar.

Commissioner Hernandez moved to approve items 2, 5, 6 of the consent calendar.

Mayor Pro-Tem Baldwin 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 approval of Resolution No. 2018-29 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of New Mexico, for the revised budget figures computed as of June 26, 2018. *(Julianne Hall, Finance Director)* (Roll Call Vote Required)

Commissioner Rardin said there is a transfer of \$50,922 out of fund 11 into the golf course. He asked what is all that for.

Community Services Director Ortega answered the golf course took in more revenues than expected, so it increased the golf pros fee, so we are taking part of the expense from the additional revenue received after the remainder, and that will come from a transfer from the general fund.

Commissioner Rardin asked so the more revenue they generate, the more we have to pay them. Community Services Director Ortega answered what they originally budgeted for the expenditures was based on the historical from last year, so they brought in more revenue and so the pro is paid off from a percentage of different fees.

Mayor Pro-Tem Baldwin said to expand on that because of the question. He said last year was the worst year they have had because of the lake renovations, everything was down. He said we need to have a year to have everything start ticking back up and you will see those percentages change. He said for example, we sell the green fees and the contractor gets a percentage of the green fees. They sell the carts, or they own the carts, but the City gets a percentage of the carts. He said as they make more money that will go up and it has gone up considerably because of how bad of a year it was last year.

Commissioner Payne asked how long they have been doing that. Mayor Pro-Tem Baldwin answered since the beginning of the contract. Commissioner Payne asked that was when. Mayor Pro-Tem Baldwin said 1992 was when the City hired G&L Golf, Incorporated. He said the percentages have changed over the years, but to his knowledge there is nothing new.

Community Services Director said the contract is negotiated.

Commissioner Rardin asked what the transfers of \$212,000 in fund 44 was for.

Mayor Boss pointed out that Finance Director Hall was not in attendance.

Internal Control Analyst Robinson answered that was due to unexpected expenses. She said they had to refund FEMA on the Bonito project. She said there were some other things, not only Bonito but some other flood controls.

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

4. Consider, and act upon, Resolution No. 2018-30 supporting the PetSafe Bark for Your Park Grant Program application for a new dog park. (Debbie Osborne, Grant Coordinator) (Roll Call Vote Required)

Commissioner Hernandez asked if this is an additional Bark Park at Griggs.

Parks Supervisor Marion answered this is an addition to the existing Bark Park. The advantage being that it will allow us to shut down, close sections and renovate.

Commissioner Hernandez said back when they were talking about the natatorium money, they talked about putting an additional bark park at Walker Road. He said they may want to look at adding a third bark park in the future. He said it does not have to be at Walker Road, but maybe somewhere on the other side of town.

Parks Supervisor Marion said that is the long-range plan. Commissioner Hernandez asked what is long-range. Parks Supervisor Marion answered he is putting it in his five-year plan.

City Manager Paluch said he is working on his five-year plan right now.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

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

NEW BUSINESS

7. Consider, and act upon, Change Order No. 6, Public Works Bid No. 2017-001, to Smithco Construction, Inc., related to the 1-MGD Brackish Water Treatment Facility project, in an amount not to exceed \$17,690.49, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said for the record the amount of \$17,690.49 is a negative amount, it is not an add, it is a deduct. He said there are a number of additions and deductions within this change order, but the net amount is a reduction of \$17,000 and change. He said this change order is comprised of eight items some of which have been in discussion and some in contention for a number of months. He explained the eight additions and deductions within the change order.

Mayor Boss asked him where they are as far as percentage of completion. Engineering Manager Johnson answered they are confident that they are right at 80 percent complete.

Mayor Boss said they still have \$167,000 left in reserve, after this change order. Engineering Manager Johnson said this reduction takes it to about \$184,000 in reserve. He said right now without this change order the substantial completion date is roughly the 10th of October and adding the 49 days into this change order would take it out to around Thanksgiving, however we feel like the contractor is going to stay ahead of schedule. He said the last 20 percent of the project is going to go fairly slow. He said there is some very detail-oriented work, so it will go slow.

Mayor Boss asked what month he expected completion. Engineer Manager Johnson answered they feel like substantial completion will still be achieved in October.

Commissioner Rardin asked him about item 6 on the change order and said \$20,000 for some angle irons sounds a little expensive. Engineering Manager Johnson said if you go out there and see it, it is fairly substantial. He said they are talking about 4x4 angle around the roll up doors.

Commissioner Rardin asked if they are doing a frame all the way around them. Engineering Manager Johnson answered it was an additional buildout of the frame. He said the stem walls were defective, there were a number of attempts by the contractor to correct it, none of which were satisfactory. He said eventually the contractor had to remove and replace those walls. During the course of all this discussion, which went on for many months, both the consultant and the contractor were asked to review when the stem walls were redesigned and rebuilt to ensure that there were no mitigating factors involved. He said the framing around these doors was missed by both parties. He said it did not develop until after the skin was up, the roof was going up and the door frames were attempted to be installed and it was going to leave a gap. He said it could have been installed without the additional angle iron, but it would have left a condition that everything would have been off kilter.

Commissioner Rardin asked if the design professional shouldn't flip part of that bill since they missed it. Engineering Manager Johnson said it was missed by everybody. Commissioner Rardin stated it does not matter, they are the designer. Commissioner Hernandez said we are paying them. Engineering Manager Johnson said staff missed it, the contractor missed it, the design professional missed it. He said they felt like they needed to get it done, they looked at a number of solutions.

Commissioner Rardin said he goes through this every day. He said he sees things that design professionals forget every single day and the General Contractor or the customer ends up flipping the bill for it when technically that design professional should at least share the cost of that. Engineering Manager Johnson said this was a team effort and everybody on the team missed it. Commissioner Rardin asked how much the team is paying to fix it. He then asked if we are the only ones paying to fix it. Engineering Manager Johnson said he could not answer that.

Commissioner Hernandez stated it would be okay if this was the only one, but he sees several more. He said you are paying for something that you are not getting. He is concerned with the team that was hired.

Mayor Boss said he understands the concerns, but they are talking about a \$9 million-dollar project, but they are kind of talking very small amounts and a fairly complicated project. Commissioner Hernandez said it does not make it okay. Mayor Boss said no, it does not make it okay, but it is typical. Commissioner Hernandez said he does not have \$4,000 to give away for somebody's mistake.

Engineering Manager Johnson reminded the Commission that \$4 million of this was paid for with a State grant. Commissioner Hernandez stated it does not matter where the money came from, we cannot just be negligently spending money. He said that is the bottom line.

Mayor Boss asked what alternatives they have. Commissioner Hernandez said he thinks they need to get tighter. Mayor Boss said would be not to approve this. Commissioner Hernandez said no, he thinks in future projects they need to get tighter in what we are doing and what we are looking at. Mayor Boss said he would agree with that. Commissioner Hernandez said if the design professionals aren't doing their job, then go back on them or do something different because this does not work. He said he cannot tell the people it's okay that we spent that money just because we have it. We are still going to have \$166,000, that does not make it okay. If they missed it, they should pay for it. He said if we are getting something out of it, if they are doing something extra for us that the amounts jive, then that is okay, but he does not see that.

Mayor Boss asked if there are any provisions in the contractual agreement we have with the design engineer for situations like this. Engineering Manager Johnson answered we do. Mayor Boss asked what it says. Engineering Manager Johnson said he could not say in this venue.

Commissioner Hernandez said staff needs to go back and look at it and if we can go after them for any of this amount, we need to do that.

Commissioner Rardin said it is a large project, but it is usually the general contractor, the owner or the end customer that ends up paying for it, and in this instance, it happens to be the taxpayers paying for it.

Engineering Manager Johnson said they've had the architect or designer take care of some of these items on other projects, just not this particular project.

Mayor Boss asked him if they approve this change order they can move forward, and Engineering Manager Johnson can check the contractual obligation that the design engineer has. He answered yes sir. Mayor Boss said this is not a lock in paying the money, this is approving it subject to what Engineering Manager Johnson finds in the contract. Mayor Boss added that if there is a way to go back, we should consider that, if not we move forward and consider amending our future contracts.

Commissioner Hernandez said this fiscal impact is minus \$17,000, but if you add all the amounts up, it becomes more than \$17,000.

Mayor Boss said but you are going to have differences like that. He said like \$10,000 on testing on a project like this is not out of the ordinary. Commissioner Hernandez said it is, if it is not tight. He said

they do projects like that all the time. Mayor Boss stated this a \$9 million. Commissioner Hernandez said they are getting ready to do a \$30 million-dollar project and they are nowhere near that on their change orders.

Engineering Manager Johnson corrected Commissioner Hernandez that the net amount of \$17,690, that is the net result of all 8 items combined. Commissioner Hernandez said he understands that, but what he is saying is that \$4,000, he thinks they should not be paying for that. The \$20,000 he thinks that we shouldn't be paying for it, so that increase would even add to that \$17,000 because it would not even be in there. He said it should not be in there because that is their mess up, not ours. He said they did not do it right. He said he does not disagree with the change order, but he does think that we do need to be a little bit tighter on that because that is taxpayer's money.

Commissioner Payne said Commissioner Hernandez is right, it would increase the credit back to us. Mayor Boss said he understands.

Commissioner Rardin asked exactly what this is, is this where the doors mount to the jams and where it comes down to the concrete structure. Engineering Manager Johnson answered it is a build out of the jam. Commissioner Rardin said it is to shim the jam out so the doors don't hit the concrete below. Engineering Manager Johnson said that is correct. Commissioner Rardin said something like that, they should have caught. He said basically we have an 8-inch C channel for the door jam and then we probably have a 12-inch-thick concrete wall, is that what we have. Engineering Manager Johnson said he believes the concrete wall are 8 inches thick. Commissioner Rardin asked why they have to build it out then. Engineering Manager Johnson said it is difficult to explain in this venue, you would have to go and physically go see it.

Commissioner Hernandez said unforeseen change orders he has no problem with, but design problems, those are not right. Those are the ones that we need to make sure that we're not paying for something that we shouldn't have to be paying for. He said for seen items that should have been in the plans or should have been done.

Mayor Boss said they probably need to go back and review the contracts that we have with our design engineers and see what recourse we do have. He said we need to get with City Attorney Schreiber and consider amending them, possibly.

City Manager Paluch said as soon as City Attorney Schreiber is back, they will be looking at the contract.

Commissioner Hernandez said that is all he is asking.

Mayor Boss stated it is a very good point. He agreed with Commissioner Hernandez that they need to look at them to see if they can get anything back, if not they consider adjusting to the extent possible, sometimes some of these adjustments are not in there because you'll never find an engineer to do the work if you put them in there. He thinks City Attorney Schreiber is the one to evaluate that.

Commissioner Hernandez said exactly, you have three professionals on the Commission, he thinks all three of them are on the same page as far as, if they miss something they pay for it. Mayor Boss said he thinks that they are all on the same page.

Commissioner Wright stated the labor burden is almost at 50 percent and to him that seems to be very high. Engineering Manager Johnson said that has been their burden rate since day one. Commissioner Wright asked him what they use a 420 backhoe for on framing overhead doors. Engineering Manager Johnson said honestly, he does not know. Commissioner Wright stated okay, there is just a couple of other items that we should pay attention to, not typical.

Commissioner Rardin said they have 80 hours' worth of welding on there and asked Engineering Manager Johnson how many doors are there. He answered there are six roll up doors and six to eight walk doors. Commissioner Rardin asked what they need to build up on the walk doors for. Engineering Manager Johnson said the same condition that came into play. Commissioner Rardin stated it does not make any sense to him, but he can go out there and take a look.

Commissioner Payne told Engineering Manager Johnson that she appreciates him for being put on the spot. She asked for clarification if they were going to go back and look at the contract and then figure out what they can do to correct this.

City Manager Paluch said yes, City Attorney Schreiber will analyze the contract when she gets back.

Mayor Boss added that they will also consider contracts moving forward.

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

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

8. Consider, and act upon, Change Order No. 9, RFQ No. 2013-05, to CDM Smith, Inc. related to the engineering and design services for the 1MGD Brackish Water Treatment Facility project, in an amount not to exceed \$63,390.60, including NMGR. (Bob Johnson, Engineering Manager)

Commissioner Rardin said on this one he likes the way it says, "Cost to be deducted from the contractor". He said it sounds like someone missed something and they are being charged for it.

Engineering Manager Johnson said that is correct. He said item two of the previous item that related to the work involving the contractor having to re-do the floor and the walls. He explained what the change order was comprised of.

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Wright seconded the motion.

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

9. Consider, and act upon, a request to the State for out-of-cycle budget funds to conduct anti-terrorism/lone wolf shooter training. (Brian Peete, Police Chief)

Police Chief Peete explained the request. He said there may be a very good opportunity for us to secure our out-of-cycle funding from the State to help us offset the costs for terrorism training that we are bringing in house to the Alamogordo Police Department. He said the opportunity for something has not historically been available to our area. He said with bringing in this trainer we can train as many of our officers as possible in one swoop without spending hundreds of dollars to send an individual officer to another location to do training like this. He said there are also opening this up to AMR, Alamogordo Fire Department, to the Sheriff's Office, Tularosa, the FBI all throughout the area. This type of training gives us a good idea in regard to how we devise our threat assessments, how we look into training for our officers to keep the community safe. He said this is also an opportunity if the Commissioners want to come to this as well to hear what is going on. He said it is July 25th from 8:00 a.m. to noon at the Civic Center. He said if they are allowed to apply for this funding they will use it to offset some of the costs and additionally we are trying to recruit some of these costs by asking of a nominal fee from these agencies to help us incur.

Commissioner Hernandez asked City Manager Paluch where this would money would come from. She answered APD is requesting \$3,000 of matching funds from the State, and then we are going to be charging people, so it is supposed to be revenue neutral.

Commissioner Hernandez moved to approve.

**Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.**

10. Waiver of stage fee for the Otero County Fair. (Sheila Coca, Secretary of Otero County Fair Association)

Ms. Coca stated this year there would not be a gate fee to get in to the Fair. She asked if they could use the stage for the Otero County Fair.

Mayor Boss asked City Manager Paluch how much it costs in man hours to put the stage together. She said she does not know the answer, but all the man hours are rolled into that \$1,000 fee for the three days. Mayor Boss said he understands that is what they charge, but he is asking what it is actually costs us. She said she does not know the answer to the question as far as the man hours are to set the stage up, tear it down and to transport it, but that \$1,000 does cover all that. She said it also covers the replacement of the stage and the amount of money for the upkeep and the repair of that stage.

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

11. Consider, and act upon, first publication of Ordinance 1572 adding Section 14-01-015 to the Alamogordo Code of Ordinances clarifying the requirements for refuse collection. (Maggie Paluch, City Manager) (Roll Call Required)

City Manager Paluch said this came about from some questions Commissioner Hernandez had regarding refuse collection. She said all residential accounts within the City of Alamogordo are provided garbage through the water billing system, but this ordinance will expand it so that all commercial accounts as defined in this chapter shall engage in a hauler for the removal and disposal of refuse generated by a commercial enterprise. She said what we are trying to do is avoid people taking trash and putting it into dumpsters that they do no pay for.

Commissioner Hernandez said he thinks it meets the need of what they have. He added that it is illegal to dump trash into someone else's can. He said that was in question, but it has been clarified that it is illegal.

City Manager Paluch asked if Commissioner Hernandez wanted that clarified a little bit more in here. He answered no, it's not in here, it is in another ordinance.

Commissioner Rardin said it says all commercial accounts so he is assuming like water accounts is how they are going to judge this. City Manager Paluch said she believes that is true.

Commissioner Rardin said he does not have trash out there, he just loads it and runs it down to the Convenience Center or hauls it to the landfill when they have large items. He asked if this is going to require him to have a container at his shop. She said she would have to get back to him on that answer. Commissioner Hernandez said no, it requires them to show how they are disposing of their trash.

Commissioner Payne asked if the hauler can be a company of their choice. City Manager Paluch answered yes.

**Commissioner Hernandez moved to approve.
Commissioner Rardin seconded the motion.
Roll call vote taken.
Motion carried with a vote of 7-0-0.**

12. Consider, and act upon, approving the GRIP application submitted by Worthan Properties, LLC for construction of the Big Wave Express Car Wash on White Sands Blvd. (*Kitty Williams, Paralegal*)

Paralegal Williams asked the Commission to note that this application came in prior to Mr. Worthan submitting the application for the LEDA funds, which failed. She said the payout for this would be somewhere in the neighborhood of \$54,971, if everything was purchased locally and GRT was paid on it, which under these circumstances is probably not likely. She said we won't know a solid amount until he starts submitting invoices, but it is likely to be less than this.

Mayor Boss asked if it will not be more. Paralegal Williams answered no. She said a lot of the large equipment in projects like this come from out of state and if they pay taxes, what they pay is a compensating tax and we don't actually get any of that. We are not going to give him back something that we don't get. She said they are asking the Commission to approve this application and at that point they would work the contract with Mr. Worthan and bring it back to the Commission.

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

Motion carried with a vote of 6-0-1. Commissioner Wright abstained.

13. Consider, and act upon, approval of Resolution No. 2018-31, updating Admin Fees for 2019 in compliance with section 2-01-030, as amended by Ordinance No. 1539, August 2017, to take effect January 1, 2019. (*Darron Williams, City Planner*) (Roll Call Vote Required)

City Planner Williams said this is the annual update in the original ordinance that was passed last year. He said they promised they would bring this back to the Commission in the month of June with the anticipated changes if any for the following year. He noted that eight of the fees are being reduced based on new efficiencies. He said the one fee that they are increasing is based on incorporation of the technical review committee and the requirements it has for time for review.

Commissioner Rardin stated that some of the fees are higher than Construction Industries Division (CID) for our actual permit to do our work. He said they need to take a close look at these, when the Commission did this ordinance before, their commercial plan review went from \$100 to \$600. He said residential fees went from \$50 to \$100, and really all the City looks at is your setbacks on that. He said Planning and Zoning looks at those to make sure that everything complies with the zoning and what you are building is correct. He said the Commission needs to take a real close look at this.

Mayor Boss said they did take a really close look at this. He said City Planner Williams and the staff evaluated every one of these fees back when it was presented to the Commission.

Commissioner Rardin asked Mayor Boss if they got any input from the people that it actually affected though.

Mayor Boss recalled they were more concerned about what it was costing the City of Alamogordo, the time to do this. He asked City Planner Williams if he was correct. City Planner Williams nodded yes. Mayor Boss said they don't get the advice of everybody on every decision the Commission makes. He said they have staff to do that.

Commissioner Rardin stated they should include the industries into the conversation when these fees impact them. He thought some of the fees did not need to be included. He said the window replacement fee; the City has no authority over that and he asked why that needs to be in here. He asked what a vacation fee is. He felt that variances should not be \$300. He said variances are kind of one of those rare cases where something got built in the past, or you want to expand past a setback.

Mayor Boss asked City Planner Williams when they were doing this evaluation and making a

determination of what the fees were, if he did not look at the fees that other cities charged for. City Planner Williams said absolutely. Mayor Boss asked if we are out of line with any of the other communities.

City Planner Williams answered no. He said he surveyed 30 different communities in and around five States. He said most of them were from New Mexico, some from Oklahoma and Colorado and same in our size. He said we were in about the middle, depending upon the fee structure. He said the difficulty in comparison, not all municipalities charged for the same activities. He said from those that he could compare, that is what he provided in showing, what they were going to be charging compared to these other communities. He said as far as the fees that Commissioner Rardin is referring to, he would like to point out a correction that the \$100 fee is actually being reduced to \$75 as a result in the reduction in time for processing that issue. He said as far as the windows go, essentially the process is anything that the State requires a permit for, we have to do a review on it. He said they have to do a comparison based on all the City ordinances, not just zoning, but they also the technical standards review as well, especially when they start looking at flood zoning and some of the other technical requirements that we the City impose on development. He said as far as the sub-fees, there was a proposal at one point in time to raise those because we have subdivisions that have been, yet, not fully developed in excess of 10 years and when we collected the original sub-fees, we are still doing inspections on them, so the sub-fees have been used up. He said as far as the Public Works Inspector's time to go out and do the inspections, which is what those are to help them for. He said in looking at an easy way to help collect the additional funds needed to cover for the changes in costs, as well as the duration that the subdivisions seem taking to develop. He said every one of the other fees are all based on a very simple timescale computation, as far as how much time it takes, him and his staff for review time as well as any other coordination within staff and the change in the commercial fee up to the \$600. He said it is a \$150 fee for our staff time which is inclusive of anything they do, as well as other staff in the Engineering department. He said then up to \$450 for the technical review committee, which is an hour's time of the six Directors that they have sitting in on that review, inclusive of the Police Chief, Fire Chief, and the Public Works Director. He said just as Commissioner Rardin experienced in his most recent permit application the fee was actually much less than what could have been the \$600 because they only used the one review person.

Commissioner Rardin stated the problem there is the taxpayers are already paying them for their time and now we are charging them again for the exact same time they are already being paid for when they are doing these reviews. He also has an issue with reroof permits. He said a lot of the builders have come to him on that and commercial and residential reroofs, he feels shouldn't even need to come through the City because the exterior footprint of your building does not change whenever you do that. He said their fee with CID is \$35 to do a reroof, and their fee here at the City is \$30. He said CID is actually the ones that comes out and does the inspections, they are the ones that have the guy on the ground making sure that the work is done correctly. He said the City just basically stamps those and kicks them out, so we are getting \$30 for the little red stamp on there. He prefers that any reroofs just go through CID, if CID is okay with that. He said one of the other big ones that they have had questions with is a violation correction of ten times the fee. He said that could potentially be \$6,000 on a commercial plan review fee. He said he is not sure what a correction violation fee is. He said he has a lot of people ask him these questions because he is in this industry and this impacts his industry a lot and this is the reason he is bringing these questions up. He said some of them just seem a little ridiculous to him. He said it used to with a commercial plan review it was \$100, it was pretty reasonable, on a larger project they could see \$600 because there is a lot to look at, but their fees at the State aren't even that high. He said after they get it from the City, they send it to either Las Cruces, Albuquerque or Santa Fe, and they are the ones that actually do the work, issue the permit and do the inspections. He said they really need to get some input from the builders and the developers on this and maybe set these fees a little lower.

Commissioner Wright asked City Planner Williams if he could explain what is in a violation correction. He answered he is not sure of the origination of that, that was in the original ordinance, they just transferred it over in the update. Commissioner Wright said that could be a violation of any one of

these. City Planner Williams said if they come and get a permit, that is correct. He said that is mostly the intent behind it, is if they did not process correctly or they did so willfully to avoid permitting, which they do currently have a process of. He said in counterpoint to the reroof, part of the reason they charge the fee is to compensate for the 20 minutes it takes for his staff to process into our database. He said when we do get complaints from the citizens about does this person have a permit for reroofing their house, they can validate it instantly instead of doing an Inspection of Public Records Act (IPRA) request through the State to figure out if they have been issued a permit.

Commissioner Rardin stated you can look it up on Kiva. He said it is not Kiva anymore, he is not sure what the actual name is, but you can log in and look at that address to see if they have a permit.

Commissioner Payne stated she does not think they should be giving things away. She understands what Commissioner Rardin is saying, but she does not want to get in that habit. She thinks that everybody need to pay their fair share. She asked where these fees go.

City Planner Williams answered they go into the general fund under their line item for general revenue. Commissioner Payne said it does help to offset the cost for things like payroll and that kind of thing. City Planner Williams said absolutely. Commissioner Payne said from a business standpoint, she can see what Commissioner Rardin is saying, that is what they get paid for. She said yes, that is what they get paid for, there it is right there, and it helps to offset it and she does not think that they cannot pick and choose, this is part of building and your profits and all that kind of stuff. She said she cannot speak to that, what she can speak to is as a City we need to be fiscally responsible, if it is time for the employee then we need to be charging for it, that is part of offsetting the cost of having that department.

Commissioner Rardin said a lot of these fees were probably here when the City had an inspection department, prior to 2008 when the State took our department away from the City. He said the builders are extremely happy with the way that it works. He talked about his concerns for some of the fees. He asked City Planner Williams what exactly a franchise fee is of \$3,000. City Planner Williams said that is for excavation permits, so companies like TDS, Sprint and others will purchase a franchise fee and it covers all of their excavations for the year as opposed to coming in paying for each individual one. He said regardless if they dig 100 new lines or 1,000 they are only paying the franchise fee, so it is more cost effective for them.

Mayor Boss thought it is only fair that the basis for actually determining the rate, with the way he did it, he looked at other cities to see that we were in-line and he analyzed the amount of time that employees spend on it. He does not see what is so unreasonable about that. Commissioner Rardin said they are already paying that employee to be here, regardless of whether they are doing this or doing something else. Mayor Boss said we have to have a way to pay that employee also, and that is one of the sources of revenue to allow us to pay that employee or otherwise it would be taken away from some other fund, correct.

Commissioner Rardin stated you have to start looking at the entire industry. He said their costs are getting higher. He said if you look at it like a triangle, the higher up that triangle you get the fewer customers you have because people can't afford to do those jobs anymore. He said these fees are just pass through fees to that customer, so the higher these fees go the higher our prices go, the fewer customers we are going to have.

Commissioner Hernandez asked City Planner Williams if they have any public works inspectors on staff. City Planner Williams answered yes, they do. Commissioner Hernandez asked for instance on the franchise fees they would be responsible for going out and inspecting those. City Planner Williams answered correct. Commissioner Hernandez stated he brought up a question a while back. He said he thinks it was Kelly Cable that went through his front yard and destroyed his sidewalk. He said they replaced it, but they replaced it with sakcrete and they never even squared it off. He was made to put that sidewalk in when he rezoned his property. He paid \$13,000 or \$14,000 for his sidewalk. He said he does not mind paying a fee as long as you are getting something for it. He said on some of these he

kind of agrees with Commissioner Rardin, that if we are going to charge something we need to make sure that we are providing a service other than just document review because it can come back and get us on some of this stuff like the reroofing and the windows. He thinks Commissioner Rardin is right, that some of these were probably brought from when we actually did the inspections, but he feels that if it is an inspectable item and we are not inspecting it, we probably need to take it off because we can get in trouble on it.

Commissioner Rardin stated we do not have inspectors. He said if he remembers right they have a part-time position funded in budget in May to start doing inspections for setbacks. He said we don't have staff to inspect some of this stuff. He said why have a law if we don't have a way to enforce it. He said right now there is a gentleman's agreement between the City and the State as far as setbacks go, once it comes through to the City, it goes to the State, they build the house or building, and the State is actually checking the setbacks for us as a courtesy for the City. He said if there is ever an issue and the State gets in trouble, that will probably go away. He feels that we should not have a bunch of fees that we cannot enforce.

Mayor Boss asked the Commission what they want to do tonight.

City Planner Williams said it is important to understand that most of these fees are not a permit fee, they are a processing fee. He said the ones that are permit fees like curb cuts, excavation those are inspectable fees and so those are paying for an offset for the Public Works inspector who is doing the inspections, but the remainder of them are processing fees.

Commissioner Payne asked about the windows.

City Planner Williams said that is a processing fee just like the zoning changes.

Commissioner Rardin asked City Planner Williams if we have anybody to enforce. He also asked if he changed the window out in his house, who is going to catch him. He said it is complaint generated and so if they get a complaint they have to go and evaluate it. He said that is part of the benefit of the new zoning enforcement officer. He said this person will be available on a random basis, 80 hours a month to do that very thing. Commissioner Rardin stated replacing a window, it is not technically zoning. He asked if this person will have the authority to enforce that because he is there to inspect the zoning not whether you are changing a window in your house.

City Planner Williams said if you look at the job description that they created for that person, that is the title that they came up with, but their duties include significantly more than just zoning. He said it also goes into building technical standards, includes all of the Chapter 29 Ordinance which includes more than just zoning, then it also includes Chapter 2 with these administrative fees. He said because it is an Ordinance and it is enforceable.

City Manager Paluch made it clear that the fees on the left-hand side on the column, they are the current fees. She said eight of these fees City Planner Williams is requesting them to decrease with the exception of the annexation fee going from \$500 to \$600. She told Commissioner Rardin that she understands where he is coming from and they can certainly bring this topic up again, however, their suggestion would be that they pass this tonight and you can make a change to that annexation fee and instead of having it increase to \$600, have it remain the same at \$500, but then you also have an additional eight fees that are being decreased this evening. She said we might want to go ahead and pass this and decrease those fees and then bring this item back and discuss the structure as a whole.

Mayor Boss said, or they can talk all night, that is an option.

Commissioner Rardin stated he thinks they need to involve the builders in the discussion because this directly impacts that industry.

Mayor Pro-Tem Baldwin stated they did direct staff to have a meeting with the people it does affect. He said they have not raised taxes in the past eight years. He agreed with Commissioner Payne that are certain things, with staff knowledge, that he does not have an issue with charging. He said as it has been implied, we are charging people for the wrong things. He said not only has staff, but our Commission has spoken up and discussed not charging for things that we don't need to be charging for and we have voted against them as recently in the last two or three months. He thinks they are cognizant of the things they need to be charging for and cognizant of the things we shouldn't be charging for, and with that being said, he called the question.

Commissioner Payne moved to approve.

Mayor Pro-Tem Baldwin seconded the motion.

Roll call vote was taken.

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

14. Discussion and direction to staff regarding Section 24-12-6-13.3 of the Alamogordo Uniform Traffic Ordinance. (Maggie Paluch, City Manager)

City Manager Paluch stated Commissioner Rardin asked that staff bring forward this Section regarding the unhitched trailer on the street. She read what the section reads and said that Commissioner Rardin has asked that we discuss this for a possible direction to staff, which she assumes, is for changes.

Commissioner Rardin stated the reason he brought this up is because he had a fifth wheel setting in front of his house and he did not realize that it was illegal. He said the City of Alamogordo violates this ordinance on a daily basis. He asked if they can do a 24-hour time limit. He said you can ask Assistant City Manager Cesar, that City employees pull equipment trailer up, unload a backhoe and then go for a water break. Mayor Boss said it is completely different. Commissioner Rardin said no it's not. He said if that trailer is sitting on the City right of way and it is unhitched it is violating this law.

Mayor Boss said then we need to change the ordinance or make an exception. Commissioner Rardin said that is what he is asking. He said if we put a time limit for that trailer to be sitting on the City right of way of maybe 24 hours or 72 hours. He said sometimes we don't have places off of City right of way to park vehicles. The City doesn't, if they have to dump a trailer off so they can take the dump truck back to the City yard and dump the material. He said that trailer is sitting unhitched on City right of way, the City is technically violating their own ordinance.

Mayor Boss said he had been cited for this ordinance. He said he was irritated about that until he seen over the last several years when people stack trailers up in our right of ways. He said one of the big reasons this came about was because you would get a situation on the street where you have a fifth wheel on both sides of the street and you have a one lane road. He said that and the utility trailers, people leaving firewood or trash in them for a long period of time. He said this was a very good ordinance.

Commissioner Rardin asked to have a time frame or a time limit. He said if you read our RV Ordinance, it states 72 hours that it can sit there. He said but utility, equipment trailers or stuff they have on a job site there are many times that he has had to drop a trailer and run somewhere else, sometimes it is not practical, so you leave the trailer sitting on City right of way. He just wanted to see if the Commission could add some language into this ordinance of a time limit.

Commissioner Payne asked how they are going to determine how long the trailer has been there.

Commissioner Rardin stated APD will come out and mark the wheels and come back twenty-four hours later and if it has not moved then they will cite them.

Commissioner Payne said then it would all be complaint driven then. Commissioner Rardin replied to a point. He said the only reason he brought this up was because the City almost violates their own

Ordinance almost on a daily basis. He said City staff is not any different than anyone else.

Mayor Boss said there is way more to it than what they are talking about. He said he lived in a German neighborhood for many years. He said the Germans are different than the Americans in the fact that in the evenings they'll get out with their children and they'll sit in lawn chairs on the sidewalk while their kids literally play in the street. He said he would go 5 miles per hour up that street, at certain times of the day because you never knew when a kid was going to pop out of there. He said that's probably the number one reason that they should leave it as it is, for the sake of our children.

Mayor Pro-Tem Baldwin said he does not disagree with Commissioner Rardin in reference to the double standard. He said his two cents is that he is not willing to change the actual Ordinance. He said he does think that City maintenance vehicles are a completely different issue, especially if they are mobilized for a specific task. He said he has no issue with having them on the streets for a certain period of time. He said this ordinance was for the reasons the Mayor was discussing and the reasons Commissioner Rardin discussed as well. He would be in favor of actually putting it in the Ordinance, excluding the City equipment.

Commissioner Payne asked Police Chief Peete how often they cite or enforce this ordinance. She also asked if it was complaint driven or if he even knew about it. He answered yes, and it is complaint driven.

Commissioner Payne said obviously they are not supposed to have it on the street, but if it does not bother the neighbors they are not going to call and if they don't call there is not going to be a problem. She asked if an officer just drives by a trailer that is just sitting there and nobody has complained about it, are they really going to take the time to stop and say something.

Police Chief Peete said personally he thinks it is one of those things that if that officer is aware of it or if they are thinking about it or some officers may be more spun up on other municipal ordinances that they are looking for. He said they may not be too familiar with that, so he thinks it would be on the individual officer.

Commissioner Payne said she is just thinking that they have better things to do. She said she could be wrong and asked Commissioner Rardin if he had ever been cited for having his trailer on the street.

Commissioner Rardin said he had an officer stop at his house, give him a warning and said that he needed to move it. He said he then pulled the RV Ordinance and it said 72 hours that it can sit in front of your house, it does not state anything in the RV Ordinance about whether a truck has to be hooked to it. He asked City Attorney Schreiber and she looked through actual traffic code and that is where this is, pretty cut and dry.

Commissioner Payne said she is in favor of the exception as Mayor Pro-Tem Baldwin suggested. She is also in favor of an initial warning. She is not in favor of leaving it there 24 hours. She said we get a lot of complaints about the appearance of Alamogordo already and if you have a big utility trailer with all this stuff hanging out of it, she is not in favor of that.

Commissioner Hernandez said he kind of understands the Ordinance and why it is there. He said something to think about, if we make exceptions for City crews what about PNM or NM Gas because they are the same kind of corporations we are and so we'll have to make an exception for them.

Mayor Boss said is that not kind of de minimis. Commissioner Hernandez said they do it quite a bit. He doesn't think a 24-hour period, but probably a work day period from 7 am to 7 pm would be exceptional if they were working in the area. He thinks if they are going to do it, they need to do that rule of the time period that they are working there.

City Manager Paluch said they do have a waiver for large dumpsters for construction projects. She

said the suggestion could be if you have a project and you need a trailer in front of your house, you just submit the application for a waiver for that specific project or timeframe.

Commissioner Rardin said that is for dumpsters though not for trailers. She said right, but they could do the same type of waiver for trailers.

Commissioner Rardin said job sites change daily for small jobs. He then said Commissioner Hernandez is right, PNM and NM Gas does bring down whatever equipment they need.

Mayor Boss asked if they didn't put up proper signage. Commissioner Rardin said the Ordinance doesn't say that though, it says it is not allowed.

Commissioner Payne said what if they do something if it is a commercial job site. She said she is still thinking residents.

Commissioner Rardin said it still affects residential, it is still a safety issue.

Commissioner Sikes said when she went through her workbook to prepare for this meeting, she came to this and thought "Really" they are going to talk about this. She said reasonable people would probably agree that an unattended trailer for an extended amount of time might be a problem. If it is a worksite, she thinks people probably understand that it might be there for a little while, but it will be moved. She does believe, like Commissioner Payne stated, that if a neighbor complains about it, then do something about it.

Mayor Pro-Tem Baldwin asked if they want 24 hours or do they want 24 hours where City vehicles are. Commissioner Sikes said how about just unattended.

Commissioner Rardin said if you do City, then you still need to add PNM. Mayor Pro-Tem Baldwin said he does not believe so, but that is his opinion.

Commissioner Rardin said PNM is not going to abide by it, if they need the equipment they are going to drop it, they don't care what we think. He said he thinks 24 hours is reasonable or like Commissioner Hernandez suggested 7 to 7.

Mayor Pro-Tem Baldwin said he has zero issues with 24 hours, now.

Mayor Boss asked Police Chief Peete if they had any statistics on how many trailer citations they have given out. He answered no, he does not have that available.

Commissioner Rardin said he remembers seeing it one of the digests recently and he thinks it was four or five in the last month or so. He said he will call the question on it.

Commissioner Payne stated she likes the idea of a waiver.

Commissioner Rardin said he would make a motion.

City Manager Paluch stated they do not need to have action. She said it seems like they have a couple different options on the table, she just kind of needs guidance on which option to go with. She asked if they want the 24 hours or the waiver.

Commissioner Rardin said he is in favor of the 24 hours.

Commissioner Hernandez recommended if they do the waiver, a lot of people won't know that it is available till they get a ticket. He said maybe give 3 to 5 days to come get the waiver from the time they got the ticket so when they go to court they have something to present to the Judge.

City Manager Paluch said they can put a PSA out to get that information out there, and then it is officer discretion if they are going to write a ticket, so they can educate the police officers in case they do get a call they can let that person know that this waiver is available.

Commissioner Payne said she is not suggesting charging for the waiver.

Commissioner Wright said he does not know how productive the waiver will be. He said he has eight trailers. Who is honestly going to come down fill out a waiver. He said they maybe at one place one week and at another place the next week.

Commissioner Payne asked if the waiver has to be per job.

Commissioner Wright said he just thinks that is going to be a lot of extra paperwork and headache on contractors and personnel.

Mayor Pro-Tem Baldwin suggested 24 hours.

City Manager Paluch said they will bring back 24 hours, they'll write the language and the Commission will be able to vote on that.

15. Consider, and act upon, funding the Hollamo Express bus service. (Baxter Pattillo, MainGate United)

Mr. Pattillo said this presentation is to bring the Commission up to speed on a project that MainGate United has been working on. He said they have been in partnership with Holloman Air Force Base, Z-Trans, the Chamber of Commerce and various business around town to bring a much-needed transportation opportunity that basically services exclusively to Holloman Air Force Base, free of charge. He said it brings them into the City from 5 pm to midnight on Friday and Saturday nights. He said this program serves three purposes: it encourages economic development, it shows the Air Force that the City is working actively to ensure the bed down for the initiative with the F-16s and it reduces any drinking and driving to and from the Base. He described the route and the timing. He said if the ridership increases they could run a two-bus system. He showed the budget which broke down the costs. He pointed out that \$33,297.46 was the cost for this program for one year. He said they do not have their funding all the way secure. He said NMDOT, State and Federal will subsidize Z-Trans in the next coming fiscal year when they re-appropriate their budget to include this program. He said after the City of Alamogordo gifts this program to the Air Force Base it will then transfer after the first fiscal year to where it is budgeted and then they will not have to worry about it anymore. He said with the Advent of the beddown and that decision coming up he wanted to make sure that we provide this service this year instead of waiting a year for that to be written back into the budget. He said the \$33,297 only includes operating costs, it does not include the advertisement or any of the planning. He said the total ridership is at 400. He said they will be running an honorary Hollamo express route for the 4th of July, paid for by Hollamo express's budget. He said Z-trans keeps track of where each person gets on and off. He said what they are asking for, as MainGate United, is \$20,000 to fund 2018 and then it will be self-funded after that. He said as of now they have raised a little over \$6000 from different people in the community to start this program off and he said he will have no problem finding the rest of the money.

Mayor Boss asked him if they have made any report to Secretary Wilson about this program and have they heard any response on how she feels about it. Mr. Pattillo said they sent both an article about the mill-levy passing and an article about the Hollamo Express starting. He said she knows and she appreciates it. He said she will be able to see for herself once they have more numbers come in. He said after this 4th of July event, if they can prove successful with getting all the Airmen to and from that event well, then they can show her those numbers when she comes back on the 19th.

Mayor Boss said those numbers should increase too when we have the Family Fun Center in the loop.

Commissioner Hernandez said he supported this but one comment he would like to make is several years ago when they supported the Las Cruces project, they were told that it would be for one year and now it is constantly funded. He said he does not have a problem with that, but he should go back on his statement of it will be self-funded because if you have to come to us next year, he won't have to say that he was wrong. He suggested that if they have to come before the Commission, to try and come before the budget hearings.

Commissioner Sikes said she is a huge proponent of public transportation and she was one of the biggest proponents of Z-Trans being funded thoroughly and always by the City. She said when she first heard about this project it was going to be funded by the businesses. She understands that he has been able to generate \$6,000 and he admitted that he would be able to get the money on your own. She said if the military is so excited about it, and she understands about this gifting thing, why don't they have any skin in the game.

Mr. Pattillo said they don't have to, this was brought to the Air Force itself, just to say we know that you are considering us and also Kelly Air Force Base and other towns that could severely economically impact this region. He said we would like to say that this is a joint effort with the City. We would like to say that the City came up with this money and it is an initiative that will increase gross receipts tax. He said if you can conservatively estimate that each airmen will spend \$20 each time they take that bus into town and in the first few months there have 400 people using the service.

Commissioner Sikes asked how long it has been running now. Mr. Pattillo answered since April 13, 2018. Commissioner Sikes said we are looking at 100 people per month, He said so far. Commissioner Sikes said so 100 people times \$20 estimated. He thinks it will continue to expand.

He said to Commissioner Hernandez he would say that this was an affirmation from Z-Trans that they would be able to put it in their budget if they were able to show a successful story here, so that is confirmation from them and he would be happy to get that in writing.

Commissioner Sikes asked why Z-Trans isn't requesting the gifting of the \$20,000 to increase their route. Mr. Pattillo answered because they did not ask to do this, he asked Z-Trans to do this. He said he is speaking on behalf of MainGate United. He is here to see if they can all pull together. He said he has approached every business on White Sands that would fiscally benefit from this, at least a few times each. He said the problem is that 90 percent of businesses on White Sands are owned by someone that lives in El Paso or Las Cruces.

Commissioner Sikes tagged on to what Commissioner Hernandez said and she supports this, and she would like to find out where they will be able to come up with the money should they decide to support it financially. She asked how it will sustain itself after the first year, does he intend to gather more businesses who will contribute or start charging the airmen. Mr. Pattillo said his plan is to make sure that it makes it into Z-Trans budget for next year to where State and Federal money pays for this and it is part of their service. He said he has been told by their CEO, CFO and department transportation Director that it will be okay after year one. He said the more they can give this time is another option. He said they could do something where the City contributes on a monthly basis.

City Manager Paluch said the funding will be \$20,000 and that will could come from fund 44, which is the transportation fund. She said as Commissioner Hernandez pointed out, this is not a budgeted item, but there is an unencumbered balance in fund 44 of \$150,875, so the fund could support the \$20,000 that Mr. Pattillo is requesting this evening. She said also she wanted on the record, that they talked about what Commissioner Hernandez said this evening. She suggested that Mr. Pattillo might want to retract his statement that this can be self-funded because if he does need to come back next year, he just wants to make sure that he has that ability and not tie himself into saying that.

Mr. Pattillo said absolutely and thanked City Manager Paluch for that.

Commissioner Hernandez asked Mr. Pattillo if this service be available to civilians coming on and off the base at these times. He said no, it is due to the nature of the transportation with the security factor with the Air Force Base. He said because Z-Trans has base access now is able to do this with the airmen and in doing so it has to be exclusive where you show your government ID to get on the bus.

Commissioner Hernandez asked if you have a military ID, can you get on the bus if you are a civilian. He said no, this is for active duty military, he thinks those IDs are different. Commissioner Hernandez said the only reason he is asking that is because they want to make sure that they are not violating any rules or laws because of the money donated by the City. He said City Attorney Schreiber can check it out, and if there is something that maybe they can figure out how somebody with a base ID can get on and off the bus.

Mr. Pattillo said that is the other thing that could potentially happen with this. He said demand could increase over time and find out it is really to use with the app and they have enough interest that they could justify with more businesses contributing the remainder of the funds. He said to touch on his point earlier as far as businesses contribute to this, as he has gone down to all the businesses twice now, is that it is going to be very difficult to get people to just write checks because of how the corporate structure works, they have to go through their managing Regional Directors. He said he is just asking anyone who will stand to benefit from this. He said with everything else it is going to be much more than \$33,000 when you consider all the other additional costs. He said he is just bringing the Commission the bare bone numbers to run the bus to and from. He said as this programs proves itself more and more they will have more people donate.

Commissioner Payne said it is such a great opportunity for them to get out and get in town and get to know people and be safe and get home safely. She said the benefits far outweigh not just the financial aspect of it, but just the safety issue of being able to go out and have a good time. She fully supports it. She said Holloman is a huge contributor to the City of Alamogordo and so they need to be doing what they can, not just taking from them but giving back in some way.

City Manager Paluch told Mr. Pattillo when they spoke before, he indicated that this program wasn't just for the airmen, it was for anyone that had a military ID so that would include anyone who had an active duty or retiree military ID that has access to the base. Mr. Pattillo said that is correct. City Manager Paluch said she wanted to make that clear, that it is just not the airmen going to the barracks.

Commissioner Payne said it is not civilians either. She said when he says civilians, he means like civil service. Mr. Pattillo said right, you need to be family or active duty to enjoy this.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

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

Mayor Pro-Tem Baldwin said which fund because that is important to the process. City Manager Paluch said it is fund 44, which is in the Agenda Report.

Mayor Pro-Tem Baldwin said he has always supported projects like this. He said if anything came to our area it was worth one try. He said what Commissioner Hernandez referred to earlier, when Z-Trans came here that they were willing to fund Z-Trans for one year and they came back and kind of laughed at them and now they are funding Z-Trans to the tune of \$114,000 and we are only a small portion of funding for Z-Trans, they actually get a lot of funding from other places. He said that was a pretty contentious vote which was 4-3, so it was one vote from not being funded. He is very adamant about the one-year funding, not because he doesn't support it but because he believes in giving an opportunity as one of the things the City can do and should do, but again he wanted to say how happy he is for Z-Trans that they are still going but it was very frustrating when they came back the next year and just laughed at them. He said he does not know if laughing is the correct term, but they certainly did chuckle. He said Mr. Hardin has a great sense of humor and he kind of chuckled and said they

knew that they were going to come back anyway. He said he does support this, but he is adamant about it being self-funding after this.

Commissioner Sikes told Mr. Pattillo she would like to see some stops at places that could be promoted as outdoor activities that also inspire people to be outside, but to do some of the fun things that are here.

Mr. Pattillo pointed out that on the flyer, it does state that the route could be open to expansion with increased participation from businesses and airmen. He said if they want to ride we will find the money for it.

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

Mayor Boss read the openings and appointed Windy Franks to the Cemetery Board. No one was opposed.

WORK SESSION

17. Presentation to be given on the Alamogordo Fire Departments "Five Year Plan". (Jim LeClair, Fire Chief)

Fire Chief LeClair presented the Five-Year Plan for the Fire Department going through the power point presentation. (see power point in Blue Book)

He described what the Fire Department currently has, what they will be asking for in the future and what their goals are for each year. He also discussed challenges the department is facing and the fiscal impact of this plan.

Commissioner Hernandez said when they look at this plan and you back out the infrastructure because that is something that needs to be done and that is a one-time cost, it really is not that much. He thinks it is pretty feasible and it is something the Commission needs to figure out how to fund it and how to make it work. He stated that this is the only department within the City that's not a whole.

Fire Chief LeClair added that there are grants out there, that are provided through the federal government that allow Cities that are lacking in staffing and basically what they do is they will pay the salaries, benefits and retirement package based off of a firefighter at their base pay. He said they will pay 75 percent of that salary for two years and at the three year mark they will make the City more responsible and they will only pay for 35 percent of their salaries. He said there are avenues that they can look at. He said these grants are competitive and you really have to fight for them.

Commissioner Payne asked if the administrative costs, payroll, is based on the current pay scale. Fire Chief LeClair answered yes. He said they would look at, if awarded, what the base pay of a firefighter is, they would consider their benefit package and their retirement. She said her goal would be to look at their salary because it could be a lot better at some point.

Commissioner Sikes asked Fire Chief LeClair how does changing the ISO rating affect the homeowners. He answered mainly insurance costs. Commissioner Payne said it could be really significant. Commissioner Sikes said she thinks that is very important, based off the fact that a municipalities main responsibilities are public safety. She said as Commissioner in District 2, she is really interested in the Mesa Verde Firehouse. She asked if he has run some studies on how long it would take a fire truck to get to certain areas. She said she is in favor of the Scenic extension right now, for that reason.

Fire Chief LeClair said the requirements to respond to any call for services is four minutes. He said if you cannot do that, you start getting dinged on you ISO rating. She thinks that we could do that currently. Fire Chief LeClair said no, not there.

Commissioner Sikes stated these are really good goals to aspire to, but she would love to see them happen. She asked what would preclude us for even introducing the idea of a bond issue to accomplish some of this.

City Manager Paluch stated at this point they are at their max for bond capacity. She said we are seeing some economic growth, we are seeing our GRT go up, but is it going to go up quick enough to implement this plan, probably not. She said one of the areas the Commission could look at is increasing taxes to specifically fund this. She said you could implement one-eighths, two-eighths or three-eighths. She said one-eight right now approximately generates \$800,000 a year. She said the GRT numbers are starting to increase even more than it has been in the past. She thinks that is because some of the new businesses are starting to come on the rolls. She said they can remain hopeful there.

EXECUTIVE SESSION

18. Recess into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss possible disposal of real property to the lease to Otero County known as the Fairgrounds Parking Lot located at White Sands Blvd and Fairgrounds.

Mayor Pro-Tem Baldwin moved to recess into Executive Session at 9:27 p.m.

Commissioner Hernandez seconded the motion.

Roll call vote was taken.

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

RECONVENE INTO OPEN SESSION

19. Consider, and act upon, the lease to Otero County of real property known as the Fairgrounds Parking Lot located at the corner of White Sands Blvd and Fairgrounds Rd.

Commissioner Hernandez moved to reconvene into session at 10:22 p.m.

Commissioner Payne seconded the motion.

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

Mayor Pro-Tem Baldwin motioned to table this topic. He directed staff to have our Legal team meet with the County's Legal team to discuss lease terms. He also directed staff to make sure there is an understanding, an MOU, until the foreseeable future until they get this lease taken care of to make sure the County Fair Board and the County can operate on that piece of property without any issues for any upcoming events. He said they do want to come with a very fair and equitable lease for the piece of property that is out there and make sure that everybody benefits from that piece of property being used out there. He said they have operated for the last two years without a lease on that property. He thanked everybody involved for bringing that to their attention, so they can address it and move forward.

Mayor Boss asked City Clerk Hughs if she had that motion on the record. She acknowledged.

Mayor Pro-Tem Baldwin moved to table this item.

Commissioner Wright seconded the motion.

Motion carried with a vote of 5-2-0. Commissioner Hernandez and Commissioner Rardin voted nay.

Commissioner Sikes asked if they can put a timeframe on it.

City Manager Paluch said she understands the urgency and that this is something she will be speaking with our City Attorney about when she gets back into town on Thursday.

Commissioner Hernandez moved to adjourn at 10:25 p.m.

Commissioner Rardin seconded the motion.
Motion carried with a vote of 7-0-0.

ADJOURNMENT




City Clerk Rachel Hughes


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on July 10, 2018.