

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
AUGUST 14, 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 Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Gilloth and the Pledge of Allegiance was led by Commissioner Hernandez.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation of the Citizen of the Year proclamation for Teresa Ham. (*Richard Boss, Mayor*)

Mayor Boss presented Ms. Ham with a proclamation for Citizen of the Year.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She announced that there is a lot of movement on the Sahara Apartments. She said today Public Works crews are removing and disposing of the front porch structures, as well as the rotted wood exterior stair wells. She neither of these contain asbestos. Last Thursday, Parks Maintenance crews removed and disposed of the overgrown brushes and the brick planters. On Monday August 20, 2018, Southwest Abatement and Jack Wayte Construction will mobilize. The Fire Department and/or the Police Department will enter the structures to verify there are no vagrants or human presence in the structures, and during the first few days a silt fence and dirt berm will be constructed around the perimeter. She said this is a requirement of the storm water pollution prevention plan. The berm is going to contain that residual liquid, resulting from the exterior wet encapsulation. The contractor will also peel off the exterior brick, which does not have asbestos in it, and haul that brick to the Public Works yard. On Monday August 27, 2018 the abatement and demolition will begin. She said to expect one structure to come down at a time.
2. She reminded everyone that there will be a Special Commission meeting on Tuesday August 21, 2018 at 6:30 p.m. She said Mr. Chun, the Manager of the Family Fun Center, will be here to speak to the Commission about his progress on that project.
3. She spoke on Kids Kingdom. She said the site accessories were delivered last week. The concrete slabs for the two shade structures have been placed. The contractor is setting forms for the sidewalk to the south parking area and the rock wall is being constructed and should be completed by the end of this week.
4. She gave a shout out to the Community Services Department for all their hard work this summer season. She said the Library summer reading program finished strong with over a 1,000 children and

131 adults participating. She said Recreation Center Facility Manager Michaud was insanely busy. Camp Cottonwood had 600 children in attendance this summer. The after school frenzy program, the first five-weeks are already full with 175 children. The H2O To Go Program was brand new this year, it was a program for advanced swim training. She said a lot of the youth in that program are a part of the High School Swim team. There were over 55 children that showed up every morning for training with the High School swim Coach. She said regular swim lessons had 350 participants. She said attendance camps had 10 participants per camp, there were two of them. They had a brand new program for the preschoolers for attendance camp and there were five preschoolers that attended.

5. She said the final Fourth Friday will be on August 21, 2018 at the Zoo. The band will be Smoke and Mirrors. She said for numerous years in a row the Fourth Fridays continue to be a huge success. She said we have an average of about 1,200 residents that show up.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Payne made the following comments:

She spoke on her neighbor's daughter passing away. She said Officer Edwards was there and he took great care for her. She thanked the Police Department. She said we don't always think about those kind of things, we think about them being on the streets and patrolling our streets, but they have to deal with this as well and it is not easy. She said also, we have a Pastor in town from Westminster Presbyterian, Shelbe Moon who has just been diagnosed with acute leukemia. She said he has 10 children and his wife was a swim Coach for the High School. She asked if they can keep them in our their thoughts and prayers.

Commissioner Hernandez made the following comments:

He said going off City Manager Paluch's report about a lot of different functions this summer. He said he keeps hearing there is nothing to do in Alamogordo. We don't have babysitting services, but we have a lot to do. He said he appreciates our City staff and everything the City does for the community, but you have to get out of your house and away from the video games to find those things to do.

CONSENT AGENDA

2. Approve the minutes for the July 24, 2018 Regular meeting and the July 30, 2018 Special meeting. *(Rachel Hughs, City Clerk)*

3. Approve the statements related to the Executive Session held on July 24, 2018. *(Rachel Hughs, City Clerk)*

4. Consider, and act upon, a request related to the Alamogordo Fire Department applying for the FY19 Fire Protection Grant through the New Mexico Public Regulation Commission (PRC) *(Jim LeClair, Fire Chief)*

5. Consider, and act upon, entering into the updated "Mutual Aid Agreement" with Holloman Air Force Base. *(Jim LeClair, Fire Chief)*

6. Consider, and act upon, entering into a Public Safety Memorandum of Understanding between

Holloman Air Force Base (49th Medical Group), the Alamogordo Fire Department and the Alamogordo Police Department. *(Jim LeClair, Fire Chief)*

7. Consider, and act upon, final publication of Ordinance 1575, amending Chapter 24, Section 12 of the Alamogordo Uniform Traffic Ordinance regarding trailers being parked on City streets. *(Petria Schreiber, City Attorney)* (Roll Call Vote Required)

8. Consider, and act upon, release of liens which have passed the statute of limitations of four years. *(Petria Schreiber, City Attorney)*

City Clerk Hughs asked to remove Item #2 from the Consent Calendar.

Mayor Boss asked to remove Item # 7 from the Consent Calendar.

Commissioner Rardin asked to remove Item # 8 of the consent calendar.

Commissioner Hernandez moved to approve items # 3, 4, 5 and 6 from the consent calendar.

Commissioner Rardin seconded the motion.

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

ITEMS REMOVED FROM CONSENT AGENDA

2. Approve the minutes for the July 24, 2018 Regular meeting and the July 30, 2018 Special meeting. (*Rachel Hughs, City Clerk*)

City Clerk Hughs said there needs to be an amendment for the heading of the July 30 Special meeting. She said it currently reads June, it should be reading July.

Commissioner Rardin moved to approve as amended.

Commissioner Payne seconded the motion.

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

7. Consider, and act upon, final publication of Ordinance 1575, amending Chapter 24, Section 12 of the Alamogordo Uniform Traffic Ordinance regarding trailers being parked on City streets. (*Petria Schreiber, City Attorney*) (Roll Call Vote Required)

Mayor Boss said approval of this Ordinance is amending the laws that the State of New Mexico determined to be necessary for our State's traffic safety. We do have the authority to make change because we are a home rule Municipality. He said out of 103 municipalities in New Mexico, only 11 operate under the Home Rule. He said 91 operate under general law of the State of New Mexico and one operates under a territorial charter. That means at a minimum, 89 percent follow New Mexico State traffic laws. He said of the 11 municipalities that are home rule, that would include Alamogordo, he was unable to determine what percent of the 11 cities, that have home rule, have modified this rule or this particular provision of the law, but he would bet that most have not made this modification. He said the bottom line is that he thinks they have a potential safety issue. He said by amending this he thinks they have an enforcement problem, if they deviate from the State Law. He thought the enforcement problem is going to be very difficult for our officers to know whether a trailer has been parked on the street for 12 hours or not and they've got other things to do other than go around checking whether a trailer was parked overnight. He said in his opinion if they enact Ordinance 1575, the community will be less safe than it is at this moment. He said further he has a problem changing a law because a sitting City Commissioner received a warning for illegal parking of a trailer. The current law has worked for a relatively long period of time and he has not heard any complaints. He said he has had comments from people that ride bicycles, and they are opposed to this. He said they said it is awkward for them when they are riding on the streets to get around trailers, and even walkers it is a problem for them. He said he really does not see why they want to risk the safety of our children and change this Ordinance. He said out of the 11 communities that are home rule, he wished they did have a figure on that, but he suspects we are probably going to be one of the very few that have changed that Ordinance to allow the trailers to be parked for 12 hours. He said he was a building contractor, he parked the trailer on the street, he left the vehicle hooked up to it and pulled it away and if he wanted to go to lunch they usually took their lunch with them. He said he's also lived in areas where the trailers were parked and children were playing and it creates a hazard for children.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-1-0. Mayor Boss voted nay.

8. Consider, and act upon, release of liens which have passed the statute of limitations of four years. (Petria Schreiber, City Attorney)

Commissioner Rardin wanted to make sure that any of the properties they talked about in their dilapidated structures meeting were not on here.

City Attorney Schreiber said 118 New York is on here, but they have other, newer, outstanding liens. She said they are on this list, but we would not be able to move forward with one lien in any case.

Commissioner Payne asked how Quality Inn ended up on the list. City Attorney Schreiber answered it is an unpaid water bill. Commissioner Rardin asked why they still have water. City Attorney Schreiber answered they don't at this time, but they did at one point, about four-years ago. She said this is the same property that has an awning issue currently, that we are working closely with Code Enforcement to get cleaned up.

Commissioner Rardin asked if this was the old Holiday Inn. City Attorney Schreiber said it is right next to Applebee's. Commissioner Payne said no, Quality Inn is right across the street. City Attorney Schreiber said it is under that name, she does not know if that was owned by that person, but that's who had ownership of the property at the time of the water bill. Commissioner Payne said so this is the one that was Best Western at one time. The Commission discussed the location of the Quality Inn. Commissioner Payne said she does not think that they are talking about the same Quality Inn. City Attorney Schreiber said this is under an old name.

Commissioner Rardin asked why they don't take the initiative to get these collected. He said he remembers when he was on the Commission prior, they would write stuff like this off every year. He asked why they don't have a dedicated Collection Officer. City Attorney Schreiber said on the next Commission meeting agenda you are going to see a request from her to start foreclosing on some of these liens. She said one of the things that she promised the Commission when she started is that she would clean the lien book up. She said this is a result of them taking a deeper look into the lien book, actually pulling every single lien from the County Office and making sure that we have let go of the ones that we needed to let go of and now we are current. So, next meeting you will see a list of liens that we are requesting to foreclose on. She said the last list that they approved, they are getting phone calls, they are getting payoffs, and they are getting the structures cleaned up and agreements from people. They have had great success with that thus far without having to file any actual foreclosures.

Commissioner Rardin said it's more of why are they even letting it get to the lien point, is more of where his question is. He asked why they don't try to collect it prior to the City having to file the liens.

City Attorney Schreiber said there are collection processes that our Water Billing and Code Enforcement Departments go through. Once we start abating property, like for example with the weeds, they send multiple notices and try for, in some cases, well over 6 months to work with the property owner. She said their collection rates aren't great on those type of things when they can't even get them to clean up the property. She said a lot of times they are dealing with abandoned structures and that kind of thing.

Commissioner Hernandez stated the lien process actually works. He said the last one they did, he received a couple of phone calls from people asking what they can do. He also mentioned that he continues to see the same names, just under different addresses. He said that is something that they may need to look at too, how they let people get away with thousands of dollars in some cases.

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

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

NEW BUSINESS

9. Discussion of the Alamogordo Fire Department in regards to types of funding sources to fully staff the Alamogordo Fire Department. (Jim LeClair, Fire Chief)

Fire Chief LeClair showed a power point presentation. He talked about the total expense with the five-year plan and types of grants and loans available. He briefly described what each grant would be used for and the requirements for each grant. (See Power Point Presentation in Blue Book).

City Manager Paluch continued off the power point presentation and talked about the hold harmless gross receipt tax. She said staff did not pull together particulars other than what is on the slides for the hold harmless because what staff is looking for this evening is some direction on what the Commission would like to do with regards to hold harmless as well as loans from the New Mexico Mortgage and Finance Authority. She said those are the two options that would cost the City and the taxpayers more money, obviously than applying for grants. She said Fire Chief LeClair will be chasing every last dollar of grant money that he can find out there. She said they are just looking for discussion with the Commission and some direction for staff on which way the Commission would like for staff to move and they can start doing some more research and pulling together some documents for the Commission to look at for a future Commission meeting.

Mayor Boss said he would be interested in seeing which other cities have already initiated the hold harmless. He said it would be interesting to see what other cities of similar size have done.

City Manager Paluch said she believes that some of that information was in the hold harmless analysis that the Commission received, but staff can bring that back to the Commission in open session.

Commissioner Rardin said he for one is not in favor of raising our gross receipts tax. He said in Alamogordo it is already at 8% thanks to Otero County. If we enact three-eighths percent, we are going to be at eight and three-eighths percent which will be one of the highest tax rates in the whole State. He said we are looking for ways to save money, generate money but if we pass an eighth or a quarter percent of it and dedicate for Fire, then we can only use it specifically for Fire. He said the Legislators intent when they gave authority to do this was so we could put it in our General Fund, which is our least restricted money, so we could use it wherever we need to. He said his personal feeling is they should not pass it specifically for Fire, and it is nothing against Fire, but he does not want to limit ourselves two or four years from now. He said he was hoping with their discussion with the County, that maybe they could talk them into repealing a little bit of theirs because they passed it all at the same time. He said they passed an eighth of a percent to do some pet projects in Chaparral, and then they went back in and passed the other quarter to do their other pet projects. He said as far as grants go, let's apply for as many of them as we can. He said capital outlay money as well, he is sure they can get the legislators if we need fire trucks and that kind of stuff. Anything up to a half million bucks we could put it on our ICIP and potentially ask for one of those guys to help us fund that, or a couple of those guys.

City Manager Paluch told Commissioner Rardin he is right. She said a joint Commission meeting with the County will be on September 6, 2018, and hold harmless is one of the topics to discuss with the County.

Commissioner Hernandez said as far as the County repealing any of theirs, that's not going to happen. He said they are already claiming that they are completely broke. He agreed with not specifying it to a certain account, but then he disagrees because, not that he is planning on making any changes, but if we have any change in management and that is just an open fund it could be used for anything, and that would be his concern. He said then we would be back in trouble again, where we are at today. He said that is why he would specify that it goes to a specific account, not even public safety, he would specify public safety/Fire only in the wording because of that. He said we know that we are ten years out at least in getting all that, and whether we do an eighth of a percent or three-eighths percent it's still not going to come close unless we can get quite a few of those grants. He said and having that money back-up would help in those grants. If we happen to hit one, then we are not trying to figure out how we

are going to match it. He said he is not in favor of raising taxes, but he is in favor of public safety.

Mayor Boss said he has been told at meetings by more than one Mayor that we were crazy for not having done it. He agreed with Commissioner Hernandez 100 percent, he does not like raising taxes either.

Commissioner Hernandez said if we would have enacted years ago, he would have voted no because we had no need for it at that point. He said today, we actually have a need for it and there is something specifically that we could spend the money on that's going to benefit everybody in the community. He said if you raise your tax three-eighths percent, and that's gross receipts tax, you are getting something for it. It is not just going into the general fund to where City Manager Paluch can spend all she wants or needs to. He said he is just picking on City Manager Paluch tonight. He said it is specified for that particular account and it raises public safety. He said it is a tough one for him but it's kind of a no brainer.

Commissioner Payne asked Commissioner Hernandez if he was suggesting three-eighths. He answered he is suggesting that, probably at first, we figure out what the maximum that we are going to need to get one of these grants, and it looks like ten percent on the one and make sure that we have that money available, whatever that is.

Commissioner Sikes agreed that raising taxes right now would be a seriously detrimental thing to put our GRT at the highest in the State. She said if they are going to give staff direction, she would like to see what their loan threshold is, how much they can actually borrow. If we've not accessed anything from the New Mexico Finance Authority since 2002 or 2001, see what their loan capacity would be because we probably have the money to apply to debt service on a loan. She said they are usually pretty fair. She thought that they looked at the possibility a couple of years ago at financing some police cars and it was a pretty fair percentage rate. She said she would look at that before she would look at raising taxes.

Fire Chief LeClair said the Fire Department's debt will be paid in 2020, so they will not owe anybody anything. Commissioner Sikes asked him what is our current debt service to that. He said per year, it's somewhere around \$50,000.

Mayor Pro-Tem Baldwin thanked Fire Chief LeClair for the presentations. He said this is his second one in as many months, this is a lot of work for you and your staff and we appreciate that. He said he did not realize that for item number 9, we were really going to be discussing potential future taxes, hold harmless taxes and stuff like that, but his stance in the subject is kind of really been the same, he is not for it. He would agree with every single Commissioner. He does think, as quick as this came to them, we've all understood that the Fire Department was underfunded or understaffed, and it has been for quite some time. He feels like we need more planning, as far as, how to pay for those things. He asked Fire Chief LeClair what the total amount was for the five years. He answered about \$10.5 million. Mayor Pro-Tem Baldwin said he is not willing to go down the road of our hold harmless tax for multiple reasons. He said first and foremost, being that he thinks there could be a battle between what dedicated fund that goes to, whether it's Fire, Police or some other fund that actually might need that. He said he means it's going to be tough to decide where that fund actually goes. He said he is in favor of a portion of that hold harmless whenever it does need to be enacted, going to a dedicated fund and a portion going to the general fund as stated by Commissioner Rardin. He said he is on the fence on this, but just wanted to state that so that everybody knew.

Fire Chief LeClair said if we chase the safer grants, we need to cognizant of the fact that we will be required to make up the difference. Mayor Pro-Tem Baldwin said sure. He said he knows everybody at the dais knows this and of course Fire Chief LeClair's staff knows this, but for the public and for the record, "You guys have knocked it out of the park every time you guys have gone for grants". It's not like these four or five grants that we just looked at, are new to you. He said you guys have always gone for the money without coming to us for the money and we definitely appreciate that as much as

you have.

Mayor Boss said we should be careful of what we ask for. He said he thinks it was Commissioner Hernandez that asked for that.

Commissioner Rardin asked Fire Chief LeClair if we have looked into a public/private partnership to design build the fire stations. He said sometimes it saves money.

Fire Chief LeClair said if he recalls back when Station 8 was being designed, he thinks the Rabon's actually offered that. He was not sure exactly what happened with that, but if he recalls correctly, it kind of fell through.

Commissioner Hernandez told Mayor Boss that he knows he was joking about his comment earlier, but he said he stands behind asking the question and getting the Commission to this point at least. He said he appreciates Fire Chief LeClair and his staff, and City Manager Paluch and her staff. He said growing up in Alamogordo, all his life he has always heard that we don't have this or that and this is one of the reasons that we don't have the infrastructure to grow. If we don't get that infrastructure to grow we are going to stay stagnant, we are going to stay exactly where we are at. If we don't spend this money, if we don't do this, and not just with the Fire Department, with our City as a whole. He said a lot of you weren't here when Dan Malone was here. He said Dan Malone did a lot of good things for the City of Alamogordo. We had an enormous bank account, but we had everything failing. He said when Dan Malone left, the City hired Bob Stockwell and he spent probably about 80 percent of that money, but we had new water lines, new sewer lines, new streets, new City Hall and several other things with that and we started to grow. He said we are going back to that stagnant stage and he does not want to see us be there.

Mayor Boss said unfortunately we do not have those reserves now that they had back then. Commissioner Hernandez said he understands that, but we do have options. He said Chief LeClair has gone after some of these and continues to go after them. He said his main comment is that if we don't do anything today, we are going to be here tomorrow, exactly where we are at. He said he does not know of anyone in this room that wants to be there.

Commissioner Payne agreed 100 percent with Commissioner Hernandez. She asked Fire Chief LeClair if he had said the last opportunity for a Station Construction grant was back in 2009. He answered, yes ma'am. She said that is an option. She asked Fire Chief LeClair in his experience how often has he seen them. He said back in 2009, the opportunities were there and they were giving them out to communities that were actually in the need of providing public safety to the communities. He said what he sees now is that they roll that part of the grant over into the AFG grant. So the AFG grant is very broad as to what you can actually apply for. One thing to point out, something that would actually help our community greatly is if we could work towards achieving the first year goal. He said just the simple fact of hiring those 12 driver operators it would be amazing what it would do for our department. He said that he feels is very doable and it would provide an abundance of safety on the fire grounds, just by doing that first goal. He said you are looking at almost a million dollars.

Mayor Boss asked Fire Chief LeClair when he says that we can do that, is he talking about with grants and budget. He answered we can do that with a safer grant, but we would have to figure out as a City entity how we are going to come up with the other monies that fourth year to fully fund those positions.

Commissioner Payne asked if that was on the documentation. A few of the Commissioners answered yes. Commissioner Payne asked so that is included in this \$3 million, that's not just those 12 positions. Fire Chief LeClair explained that the first year goal is a total of \$975,912.96. He said that is taking care of the 12 driver/operators, and their equipment could be chased down by grant funding. He said it could come out of our fire fund budget, so equipment, uniforms, utilities, fuel, all that would come out of our fire fund budget, all we would have to do is figure out how we are going to chase the money to fund those positions and that would be huge.

City Manager Paluch asked Fire Chief LeClair to talk about what those 12 driver/operators would do to the ISO rating. He said the last ISO visit, what held us back from becoming an ISO 2, which they missed by tenths of a point was staffing. He said if we had those positions, basically what it is going to do is allow firefighters to promote up to driver/operator positions, which he probably sees most of them doing. He said you have to understand there are a lot of firefighters that just want to be firefighters. He said then it would allow them to backfill those firefighter positions which are already funded. He said with that being done, he guarantees they would be an ISO 2 with no problem and the results of that would be insurance rates coming down for the entire community, it would increase their fire fund budget substantially. He said going from an ISO 4 to an ISO 3, we took our fire fund budget up around \$60,000 or \$70,000, if he recalls correctly. By going to an ISO 2, it is going to increase it even more.

Commissioner Rardin said by 2020, the Fire Department will owe no money as far as loans. He asked Fire Chief LeClair if that is just on the equipment. Fire Chief LeClair said that is on Stations and equipment. Commissioner Rardin said he is not sure how that works, as far as DFA, he is assuming when we borrow money as a City it is to fund that. Fire Chief LeClair said basically what happens is before we receive our fire fund distribution, they automatically take that debt out of our fire fund.

Commissioner Rardin said he is not against potentially borrowing money, he knows that we've got to have the revenue in order to pay the debt service back. He said staff could look at several of those options, and he is not 100 percent against the Hold Harmless, but he wants to use that as their last resort because of the fact that our tax rate is already one of the highest and could potentially be the highest in the whole State. He suggested to look at DFA, Capital Outlay and that kind of stuff.

Mayor Boss said he would be curious to see that list, referring to the list of cities with tax rates. He said we are one of the lowest right now. City Manager Paluch said no sir, we are relatively high. She said if you look at Alamogordo and you talk about either Ruidoso or another vacation community like Taos, they are higher than us, but we are higher than some of the communities of comparable size. Mayor Boss asked about Las Cruces. She said she believes they are a little bit higher than us. She said staff will bring back to the Commission some more information on the New Mexico Mortgage and Finance Authority loans; if we have the capacity to, and if we don't know when we'll have the capacity to do some more loans and then we'll also bring back that list. She said the list is quite small but she will see if she can condense into some of the Cities of comparable size. She said we'll have another presentation in a few meetings from now, if that is fine with the Commission.

10. Consider, and act upon, Resolution No. 2018-36 donating thirty seven (37) MSA, SCBA air cylinders to Otero County. (Jim LeClair, Fire Chief) (Roll Call Vote Required)

Fire Chief LeClair said they have a total of 37 30-minute MSA air bottles that they do not use in their department, they use 45-minute or hour bottles. He said these have been sitting around for several years and the County has showed a need for these bottles. He asked for permission to get these bottles to them.

Commissioner Rardin moved to approve.

Commissioner Wright seconded the motion.

Roll call vote was taken.

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

11. Consider, and act upon, Resolution No. 2018-37 donating one (1) 1996 Pierce/International 4900 Navistar 2-D Fire Truck to Otero County. (Jim LeClair, Fire Chief) (Roll Call Vote Required)

Fire Chief LeClair said after the purchase of three new fire apparatus, this is one of the trucks that they were required to sideline. He said the County has shown a need for this truck and most likely it is going to go to the La Luz Fire Department, if the Commission will allow them to donate the truck.

Commissioner Hernandez said a couple of things that he is concerned with is he has been through and looked at some of the County's yards, they have a lot of equipment just sitting there. He said he does not want this truck to sit there. He said if that is the case, we can auction it off and put that money back to use. If we can get some kind of letter from them that says that it would be put to use and not sit in a yard or used for them to sell it and make money on it, he does not have a problem with this.

Mayor Boss said that is a good point. He asked if we can get an agreement like that to where we can't donate it to them and they turn around and auction it off and take the proceeds. City Attorney Schreiber answered we can certainly, in terms of some sort of MOU (Memorandum of Understanding) with the County regarding the fire truck. She said the problem is if we are going to transfer ownership like Chief LeClair is requesting, then they would acquire ownership rights. She said maybe we would want to look into another way to do that, which is something she is more than willing to look at if the Commission would like her to. Mayor Boss said he thinks they should.

Commissioner Rardin asked if they can stipulate that the County puts into use within a certain timeframe, otherwise it comes back to the City. He said he agrees with Commissioner Hernandez, he does not want to see it go sit in a yard and just rot away. City Attorney Schreiber said sure we can ask that it gets put to use and used for a period of time and if not it will revert back to us, it is a standard reverter clause. She said as long as the County will agree to that, she can prepare a document and speak with the County Attorney. Mayor Boss asked if they would also include where they could not sell it over a certain period of time. City Attorney Schreiber said they could do that.

Commissioner Hernandez moved to approve with the stipulated concerns.

City Manager Paluch said they need to table this item.

City Attorney Schreiber asked if they can table the item and she will bring an MOU back to the Commission, so at that point we can make sure that the County is on board with that. Mayor Boss asked Commissioner Hernandez if he would be willing to retract his motion. Commissioner Hernandez said yes we can just table it.

Commissioner Rardin moved to table to a future meeting.

Commissioner Hernandez seconded

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

12. Consider, and act upon, an agreement with Alamogordo Public Schools related to School Resource Officers. *(Brian Peete, Police Chief)*

Police Chief Peete said we are just requesting authorization approval from the Commission to assign a fourth School Resource Officer (SRO) to Alamogordo High School, which would make two there and the other two are at the middle schools. He said APS is going to pay for half of the salaries and benefits and we are going to pay for the other half out of the current budget.

Mayor Boss asked Police Chief Peete if they are adding one more Officer. He answered no sir, we are taking one off the streets and moving her to the School. Mayor Boss said that is what I mean, we are adding one more School Officer. He asked if that was going to hurt him by losing that Officer. Police Chief Peete said no it won't, he prefers to have as many officers on the streets, but he understands that school safety is a very important thing. He said as he mentioned earlier at the Chamber of Commerce, for the first time in years the Alamogordo Police Department actually has bodies in every position that they have allotted, with the exception of one detective.

Commissioner Hernandez moved to approve.

Commissioner Payne seconded the motion.

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

13. Consider, and act upon, letter of support for notice of intent to apply for 49 U.S.C. Section 5311, Federal Transit Act funds for Fiscal Year FY20 in the amount of \$136,427.75. (Joe Hardin, Z-Trans Public Transportation Director)

Mr. Hardin said every year they have to re-apply for the Section 5311 funds. He said they are applying for FY 20, which starts in October of next year. Their process actually started this April and they have a definite timeline that they had to go by. He said they used to only have letters of support, and now FTA (Federal Transit Act) requires them to have letters of financial support. He said they are applying for everything that they would like to do, and they'll do what they can with the funding that they get. He said right now they have two hours on three of the routes that they don't run because of funding. He said they would like to put those hours back in. He described the routes and the times that they are closed. He said this would allow them to add that time back in, and run it from 6:00 a.m. till 7:30 at night. He said if they don't ask FTA for the money up front, they will never get it. He said they might not get all the funding they need, but they'll ask for it.

Mayor Boss asked Mr. Hardin if they ask for that amount, then the City is committed to the additional \$26,427 match on that. He answered if they decide to do a letter of financial support in that amount, then you are or up to that point. He said it is cost reimbursement, so they are not necessarily going to spend all of that, but consider that they would, that would be the total. Mayor Boss said they are going from \$110,000 currently, up another \$25,000. Mr. Hardin said correct. Mayor Boss said we are basically giving him a letter guaranteeing that. Mr. Hardin said the letter of financial support you give will be what you are going to put into it. He said they asked Ruidoso for \$44,000 and they decided on \$40,000 so that is what they are going to work with.

Commissioner Sikes asked Mr. Hardin if he doesn't get what he requests, we will only be obligated to pay what you get. He said correct. She said it could be less than \$26,000. Mr. Hardin said right, we would try to use all we can and work it in how we can. He said they have not increased their budget in four or five years, they have kept it flat. He said we know it is difficult with everyone coming to the Commission for money, but they would definitely like to put those hours back in if they can.

Mayor Boss asked City Manager Paluch about the City's budget on this. She said this would come from fund 44 the transportation fund. She said she did not have the exact numbers this evening, but in this year's budget, if you recall fund 44 was used. There was money in it, that was available to use for the Hollamo express. She said it does seem, based on the budget figures this year, that fund could accommodate the extra \$26,427. She said again this would be for FY20.

Commissioner Sikes said she attends a transportation meeting every month. She said one of the highlights of every meeting is when Mr. Hardin gives us the ridership numbers from Zia. In the course of time that we've been providing our portion of the money, the ridership has gone up considerably. She said these numbers are in the nine to ten thousand range every month. She said it is obviously something that the City needs, that the people want, that can only get better by extending his route by three hours. She said she cannot see any downside to it, plus what Mr. Hardin hasn't told us is that they are now taking over the Ruidoso runs. She said all she is seeing in Zia is positivity and expansions, so she would fully support providing this letter for them to do this.

City Manager Paluch said to expand on what Mr. Hardin said, this is reimbursable up to the amount for Z-Trans. She said they report their numbers on a monthly basis to the Grant Administrator at the City, then we cut a check to Z-Trans. She said it is up to \$110,000 which is current, or up to \$136,000, which is what they are asking for.

Mr. Hardin said they try every year to make their system better. This year they've added Wi-Fi to all their buses, they are now fully ADA compliant and they now have a digital app to track all their buses. He said right now, if you look at the NMDOT (New Mexico Department of Transportation) prioritization, they are ranked number one in the State. He said because of that, DOT has asked them to talk to Ruidoso and the Downs and see about taking over their system up there. He said in no way would

their funds ever go up there and their funds come down here. He said we are just expanding our entire system.

Commissioner Sikes said they provide to Zia certain amount of money every year. She said if they had to provide an entire bus system, public transportation without Zia, they would be spending well over a million and half dollars every year. She said people who want to put businesses in Alamogordo look at is public transportation. She said it is such a good deal for us.

Mr. Hardin said one of the reasons he thinks it does save the City money is because Zia provides the capital, the City does not have to bear that cost. He said they do that through their advertising which allows them to buy buses.

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

Mr. Hardin thanked the Commission. He said he has been doing this for over 14 years and they have seen the system grow, and they have seen the support for the system, which is great because this is for the City. He said it is for the citizens. He said for the month of July they had over 11,000 riders.

14. Consider, and act upon, the award of RFP 2018-004 Advertising and Marketing Services to Hayduk King Advertising. (Michelle Brideaux, Communications and Marketing Administrator)

Communications and Marketing Administrator Brideaux said the last time they went out for RFP on this was 2014. There were four advertising firms submit proposals for this RFP. They evaluated those and had their top two come and give them proposals. She said they ended up going with Hayduk King (HK) Advertising, and she is asking the Commission to award that RFP. She said this is for the Tourism through the Promotions Board and our Lodgers Tax fund 16.

Commissioner Payne asked if this is the same advertising that is doing. Communications and Marketing Administrator Brideaux said no. Commissioner Payne said she knows it is not the same one, but isn't this the same company. Communications and Marketing Administrator Brideaux answered yes. She said HK Advertising is who they have used over the past four years. She said in the end they will provide them the best advertising and the best guidance especially because we are a New Mexico TRUE community and they are the best at that. They are a certified New Mexico Ad agency and she thinks they will provide them with the best guidance on how they can move forward to better utilize the funds they have for fund 16 and get the most bang for the buck for tourism here in our community.

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

15. Consider, and act upon, first publication of Ordinance 1576 amending Section 12-04-015 of the City of Alamogordo Code of Ordinances regarding firework dates of use. (Petria Schreiber, City Attorney and Jim LeClair, Fire Chief) (Roll Call Vote Required)

City Attorney Schreiber said we heard a presentation last meeting, we've been approached by a Commissioner about bringing this Ordinance forward again. She said this is our firework's Ordinance with the dates just pared down. She said instead of going June 20th through July 8th, we just go from July 1st to July 6th and from December 28th to January 1st, and on Cinco de Mayo and including Chinese New Year. She said we did set some times that they cannot be set off between the hours of 10:00 p.m. and 6:00 a.m. with the exception of New Year's Eve where fireworks are permissible on December 31st ending at 1:00 a.m., but all fireworks must comply with the City's Noise Ordinance. She said there still are State Laws regarding fireworks, we still have those in other chapters that she can discuss if the Commission has any questions about what is permissible as far as a firework, but this is just our

recommendation.

Commissioner Rardin asked if they extend the time to midnight instead of 10:00 p.m. on July 4th only. City Attorney Schreiber said they only set it at 10:00 p.m. because the City's fireworks show ends by 10:00 p.m. Commissioner Rardin said he thinks our noise Ordinance, if he is not mistaken, is 10 to 6. Commissioner Payne said only on July 4th. Commissioner Rardin said yes on July 4th only.

City Attorney Schreiber asked Commissioner Rardin if he would like to add to the last sentence, with the exception of New Year's Eve and the 4th of July, where fireworks shall be permissible on the 4th of July and December 31st ending at 1:00 a.m. on July 5th and January 1st. He said yes, if nobody else has any problems with that.

Commissioner Rardin moved to approve as amended.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

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

16. Consider, and act upon, approval of an Agreement to Recapture Cost of Sewer Line between the City of Alamogordo and Champs Investments III, LLC d/b/a La Vista Mobile Home Park for the installation of sewer line from the City's line to La Vista Mobile Home Park. (Petria Schreiber, City Attorney and Brian Cesar, Assistant City Manager)

Assistant City Manager Cesar said normally extensions of water and sewer mains within the City are not a City function, that is born by the developers. He said in this instance there is a trailer park on Canyon Road that has had an issue for a number of years with their septic system. He said in working with the Environment Department, they are now required to connect to the City's sanitary sewer system. He said in the area of 711 Canyon Road, we do not have a City main, they do not own the property between the existing City main and their property, so they are going to have to extend across private property through platted easements to get up to this trailer park. He said what they are asking for is a recapture clause. He said we do have one, that he can think of, or a water line that goes out to the Golf Course area. In this agreement, if the Commission approves it, for the next seven years anyone that connects to this sewer line, that this private individual put in, the City will collect one one-twentieth of the total cost of the installation of the sewer main. He said Commissioner Wright brought this to his attention this morning, item number two in the agreement actually needs to be modified. He read "the owner agrees to abide by and comply with the layout and drawings that is finally approved by the City", that needs to be changed to the City of Alamogordo, and the rest of that "and the State of New Mexico Construction Industries Division (hereinafter NMCID)" needs to be stricken, the rest of that sentence up to the point where it says "finally approved by the City", it should stop at that point, have a period, and strike the NMCID.

Commissioner Rardin asked him for future development up above, is an 8-inch line large enough. Assistant City Manager Cesar answered when the property owner came to discuss this with the City, we pulled out the wastewater master plan, it shows line sizes, etc. and an 8-inch will serve the upper area of Canyon Road. He said this will not do anything below this point, it will take a lift station to take the wastewater up to this point, but for Canyon Place going out towards Ocotillo for future expansion in that area, yes the 8-inch line is correctly sized.

Commissioner Rardin asked if there is any intent to take that line up further to Scenic. He said he did not think there is a line up Ocotillo to Scenic, so there is no sewer service up there.

Assistant City Manager Cesar answered there is not, or on Canyon Road, or on Canyon Place. At this time the Engineering Department and the Public Works Department doesn't have a plan on the books to extend sewer mains up to that point. There may be a developer off of Scenic that may want to extend those sewer mains. He said we have looked in the past in this area of possibly doing a special assessment district, but previous Commissions were not interested in doing that. Commissioner Rardin

said okay, he just knows that it is an issue in that area and the closest one is down Ocotillo almost at Florida or down to Cassidy, that is where it pretty much stops. He said that is a pretty long length in the event that Scenic ever develops, we would have to look at figuring out how to get that in there.

Mayor Boss said he noticed there was no recommendations from staff. He asked Assistant City Manager if he would make one. Assistant City Manager Cesar he would recommend to approve it.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

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

17. Consider, and act upon, Resolution No. 2018-42 requesting Recreation Fee Schedule- Restructuring. (Regina Michaud, Recreation Facility Manager) (Roll Call Vote Required)

Recreation Facility Manager Michaud said they are looking to restructure the recreation fees. She said there are quite a few account lines that are impacted by this, as well as , many individual fees ranging from \$3.00 up to over \$100. She said if the Commission had a chance to look over the materials and had any questions, she could address those. As well as, if the Commission would like for her to take them through some of the key points, she could do that as well.

City Manager Paluch thanked Recreation Facility Manager Michaud and Community Services Director Ortega. She said they met about this some months ago and they went line by line and the three of them were excited about the punch passes, especially for the senior citizens. She said if they purchase a punch pass then it is at a highly reduced rate than the normal daily fee and one of the other things that they were talking about is what is really nice is they have a lot of visitors that come in the summertime from Texas who bring in their entire family. She said they can purchase a 10 punch pass, and that can be utilized for the entire family, not just for the person that purchases it.

Recreation Facility Manager Michaud said this was a restructuring. She said the last time the City did an increase was in FY 16 and before that she believes it was at an interval of 10 years. She said what they did in FY 16 was a straight across the board 10 percent increase on all fees. She said they did an in-depth look and did some comparison shopping with other regional communities, as well as locally. She said so this is a restructuring, it includes increases, but it also has decreases and elimination of some fees as well. She said what they are trying to do is simplify the fee structure, but at the same time because we are simplifying it and taking it out of base fees, then we can then use these base fees, apply out and expand our fees without consistently coming back to the Commission to approve them. She said it kind of relieves the Commission on some regards and opens up a lot of opportunity for us. It will also reduce the staff time and the time trying to figure out what is my best bet on these fee systems. It does greatly simplify it and they do have great discounts. She said if you are looking at a 10 or 30 visit, those are a lot of areas that you are going to see some fee reductions versus an increase. She said overall though, our base daily use fee is going up and this will capture revenue from persons just coming in occasionally. Those dedicated or regular users, they are going to see the same savings or maybe some better savings than they have in the past.

Mayor Boss noted that the Parks and Recreation Board voted on this and numinously approved it.

Mayor Pro-Tem Baldwin asked if the expense of the Recreational Center about \$480,000 a year.

City Manager Paluch said to be honest, she does not want to answer this evening. Mayor Pro-Tem Baldwin said ballpark income 45. Recreation Facility Manager Michaud said ballpark income revenue is around \$220,000. She also said she is sorry she cannot pull the total number out of her head, but expenses are probably around triple of what their revenue brought in is. She said in FY 16, when the 10 percent increase went across the board that was trying to capture some of that cost of living increases that had happened in that past ten years. Unfortunately, at that same time we had to switch over to a new software system, which basically ate up that extra revenue that they captured and the

fees that were required with it. She said they did not actually see any benefit or extra revenue out of that increase. She said if you look from FY 16 till now, cost of living increases have roughly been around three percent. What we are looking to do here is increase about five percent knowing that our staffing costs are going up over the next couple years, as well as, operating so this would catch your last three years at three percent plus then anticipate another two percent over the next two or three years.

Mayor Pro-Tem Baldwin asked what kind of percentage increase on your revenue she anticipates. Recreation Facility Manager Michaud answered roughly around a five percent increase. She said the impact was hard to calculate because we are going from passes and memberships to passes, but we are expecting about five percent so about \$10,000 to \$12,000. Mayor Pro-Tem Baldwin said yeah, some of it you won't even know until you. Recreation Facility Manager Michaud said no, once we implement it, then roll it out and see what our users are going to actually partake of.

Commissioner Hernandez moved to approve.

Commissioner Payne seconded the motion.

Roll Call Vote was taken.

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

18. Consider, and act upon, appointing a City Commissioner to the Otero County Economic Development Council Board as an exo-fficio member. (*Maggie Paluch, City Manager*)

Commissioner Payne said she has been attending their meetings every month so she wouldn't have any problems doing this.

Commissioner Rardin said the intent is to share the information with the Commission. He said he is not sure how they are going to do that. Commissioner Payne said she would be happy to. Commissioner Rardin said it would be just to provide a little bit of transparency. Commissioner Payne said she will just do it in Commissioner's comment at the next available meeting after.

Commissioner Payne asked City Manager Paluch if OCEDC (Otero County Economic Development Council) is in agreement with this. She answered yes, this was actually one of their recommendations in the RFP. She said we have not actually signed a contract with them because we were waiting to make sure that this went through with the Commission and you appointed somebody. She said if you do that this evening we will get with OCEDC tomorrow and get that contract signed as soon as possible.

Mayor Boss asked if at one point they considered appointing a staff member on the board. City Manager Paluch answered yes, that is something that OCEDC at this point and time is not in favor of. Mayor Boss asked if they gave a reason for that. City Manager Paluch said this is for the regular board not the Executive board. She said she was incorrect there, it was on the Executive Board that they did not recommend for a Commissioner or a staff member. She said she was incorrect in her last statement, they did recommend for a staff member and a Commissioner on their regular board, not their Executive Board. She said we do not have a City Planner currently employed at this time. She said City Attorney Schreiber is standing in on that role for LEDA projects and Assistant City Manager Cesar and herself are also working on LEDA. She said once we get a City Planner we'll determine how we are going to handle LEDA and that stuff, and that staff member will be part of the regular board with the City Commissioner.

Mayor Pro-Tem Baldwin moved to appoint Commissioner Payne.

Commissioner Wright seconded the motion.

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

EXECUTIVE SESSION

19. Adjourn into Executive Session in compliance with 10151(h), NMSA 1978 (as amended) to discuss Limited Personnel Matter regarding allegations of Governmental Code of Conduct violations and Acquisition of Real Property located at 711 Texas Ave.

Mayor Pro-Tem Baldwin moved to adjourn at 8:19 p.m.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

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

ADJOURNMENT



ATTEST:


City Clerk Rachel Hughs


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on August 28, 2018.