

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
July 24, 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 Reverend Dwight Harp and the Pledge of Allegiance was led by Commissioner Wright.

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 on recommending a change to firework Ordinance No. 12-04-020. (*Thomas Harrison*)

Mr. Harrison recommended changing the fireworks Ordinance. He read a prepared statement. He said he hopes they don't have to wait for an incident locally. He asked the Commission to consider what he has said. (See Blue Book for statement)

Commissioner Hernandez commented that our rules only allow them to go to a \$500 maximum fine. He said in certain areas in Arizona and California, their fines are anywhere from \$1,000 to \$2,000 for the use of illegal fireworks.

Mayor Boss said he was at the Space Museum for the 4th of July waiting to see if we were going to fire off the fireworks. He said they were watching the fireworks go off in Alamogordo and Mr. Harrison is exactly right, some of those were pretty heavy-duty fireworks.

Commissioner Sikes thanked Mr. Harrison for his comments. She said last year and this year after the 4th of July, she made a comment here at the City Commission meeting wanting to do something about fireworks. She said her suggestion was to tighten the dates up. She agrees with everything Mr. Harrison said. She hopes that the Commission can come to some sort of compromise.

Mr. Harrison said he does not want to take the fun away from people, it is a tradition to celebrate the 4th of July and the first of the year, but honestly, he believes if they set aside logical areas where they can gather and do this, there is a degree of safety.

Commissioner Payne agreed with Mr. Harrison. She said they were shooting fireworks off way past July 8th. She thinks it is unnecessary and frustrating and there were some that were clearly out of our Ordinance. She likes the idea of tightening the dates. She said like Mr. Harrison said, you don't want to stop anybody from having fun but at the same time there has got to be something that we can do.

2. Presentation by GB Oliver, Executive Director of the Chamber of Commerce regarding the success of the Red, White & Blue Brews & Music Fest. (*GB Oliver, Executive Director Chamber of Commerce*)

Mr. Oliver updated the Commission on the success of the Red, White & Blue Brews Festival. He said there was only one incident at the event, where a guy used some foul language. He said security came over, visited with him, walked him to the gate and took his band. He said we wanted to never again put on this event and do it on the backs of the business people. He thinks they may have accomplished that. He said they had a phone conference with an agency out of Nashville that puts these events on Nationwide. They will have two proposals to us, where they would like to come in and be a part of this event and maybe handle the entertainment venue. He said the other thing the Chamber of Commerce wanted is to make sure that they could bring corporate money from outside this community. He said they have already received calls from some of the corporates that have already asked to be part of this thing, if we choose to do it again. By bringing in a professional, there will be no limitations on the talent that they could bring in. He said they had to prove that they were capable of doing this, and this community was willing to respond, and they certainly did. He said it appeared that they had about 1,700 people attend from outside of Alamogordo. They had about 2,600 from the Air Force Base, and in the end, it looked like they had about 7,500 tickets out and about one-third of the people had children. He said there is no way of knowing exactly how many people were in that venue. He said he would like to tell the Commission what they made in this process, he said they are in the black right now, but he is looking at two invoices. He will bring the Commission those final numbers, when they are there. He said they had 14 food vendors at the event, and they said by far it was the biggest day they ever had. He thanked everyone involved. He said you saw that when this community commits to something, and hundreds of volunteers come together, and the business people come together, this community has no limitations.

Mayor Boss stated the only glitch was the fireworks. It was unfortunate that we weren't able to fire them, but Mother Nature did not cooperate. He said in spite of that he thought it was an awesome event. He thanked all the businesses that contributed not only money, but their time and effort and he know that there were a lot of hours by a lot of individuals that went into this.

Commissioner Hernandez said he came through Fairgrounds and saw a guy that had said he had been there since 5:30 in the morning and when he talked to him it was 8:30 in the evening. He said it is those people that also help to make this happen, so let's not forget them. Everybody that set up the stage, everybody that helped set up the tents, the parking lots, the transportation, those are the ones that also made it happen.

Mr. Oliver said they had certain limitations at this locations. He said parking was a major problem and with the hospital and the county stepping in, this community came together like he has never seen it before.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She said staff has a meeting with OCDEC on Thursday July 26, 2018 to complete the contract process for Economic Development Services. In that meeting staff will also discuss some of the items that were included in OCEDC's proposal, that were not included in the draft contract. She said for example: OCEDC has recommended that a Commissioner serve on the Board as an ex-Officio member. She asked the Commission to start thinking if they would like to serve on the OCEDC Board. The Commission should see this item on the next Commission agenda.
2. She reminded everyone that tomorrow is the Anti-terrorism training at the Civic Center from 8:00 a.m. to 12:00 p.m. She said all the Commissioners are invited and a possible quorum has been posted.
3. She said the Alamogordo Fire Department has partnered with Holloman Air Force Fire Department for the Annual Live Burn training. Every year the City has to send our firefighters out of state to receive

this required training. She said by having this training in town, it is saving the City \$11,200. She thanked Chief LeClair and the Holloman Air Force Base Fire Department.

4. She gave a brief update on the Family Fun Center or Rocket City Fun Center. She said Mr. Chun met with staff last Monday. He plans to return on August 21, 2018 and will be here at 6:30 p.m. Staff is planning on calling a Special meeting of the Commission at that time so that he can give you a full overview of what he has done so far and what his plans are. She said the Assistant City Manager has been working very closely with the local bowling league. The paperwork is being completed and will be submitted to the US Bowling Congress so that the lanes can be certified for tournament play when the facility opens. She said the total project through the LEDA funds was \$1.5 million. She said Mr. Chun has spent a total of \$484,688 as of July. She said some of those items include: an architectural team, removal and relocation of the redemption area, extension of the bar for handicap counter for our handicap constituents, bowling counter and racks, outside signage, additional equipment needed for the laser tag, he is also in process in purchasing the inter-card arcade swipe system, a POS system. She said within the next two weeks the arcade and redemption games, REO visual system will arrive. The final drawings are going to be submitted to the State no later than next week. Currently two contractors are working on the construction bidding of the inside of the facility and he is hoping to select a general contractor by the first week of August and start construction in August. She said Mr. Chun is estimating the construction timeframe at 8 to 10 weeks. She said Mr. Chun has also stressed that they do have a Facebook account out now. If any of the residents have any questions about the Family Fun Center to please contact him via Facebook and he will be able to answer those questions. She said in the meantime if any Commissioners have any questions please get with her and she can keep Mr. Chun posted so that he has all the information and he can answer your questions when he comes into town.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Hernandez made the following comments:

He said today in his opportunity as an employee of another facility, he had to come in and work with Customer Service Manager Threadgill. He said it went very smooth. They don't have an answer yet, but there were a lot of questions, and Customer Service Manager and his staff worked very well with him on getting to where he thinks they need to go, so he appreciates that.

CONSENT AGENDA

3. Approve the minutes for the July 10, 2018 Regular meeting. (*Rachel Hughs, City Clerk*)

4. Consider, and act upon, final publication of Ordinance 1572 adding Section 1401015 to the Alamogordo Code of Ordinances clarifying the requirements for refuse collection. (*Petria Schreiber, City Attorney* (Roll Call Vote Required))

5. Approve Resolution No. 201834 authorizing the Mayor to execute the agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). (*Rachel Hughs, City Clerk*) (Roll Call Vote Required)

6. Consider, and act upon, grant funding from the Non-Metro Area Agency on Aging FY 19 contract for Direct Purchase of Services for senior programs. (*Veronica Ortega, Community Services Director*)

Commissioner Hernandez moved to approve the consent calendar.

Mayor Pro-Tem Baldwin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 7-0-0

PUBLIC HEARINGS

7. Consider, and act upon, granting Allsup's #95 Application No. 1086902 a Transfer of Ownership of Liquor License No. 0283, located at 822 N. Scenic Drive Alamogordo, NM 88310. (Rachel Hughs, City Clerk)

City Clerk Hughs said this item and the next two items are all for Allsup's. She said they are just changing stockholders in their company.

Commissioner Hernandez said he will not be supporting this for the same reason that he did not support it the first time it came in front of the Commission. He said it is within a hundred feet of a Church. There was supposedly a letter that came from the Church, but he just has to stand his ground. He said other than that he does not have an issue with the other ones.

Commissioner Rardin moved to approve.

Commissioner Wright seconded the motion.

Motion carried with a vote of 6-1-0. Commissioner Hernandez voted nay.

8. Consider, and act upon, granting Allsup's #177 Application No. 1086961 a Transfer of Ownership of Liquor License No. 0910, located at 2201 N. White Sands Blvd Alamogordo, NM 88310. (Rachel Hughs, City Clerk)

Commissioner Rardin moved to approve.

Commissioner Wright seconded the motion.

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

9. Consider, and act upon, granting Allsup's #338 Application No. 984159 a Transfer of Ownership of Liquor License No. 0119, located at 100 N. White Sands Blvd, NM 88310. (Rachel Hughs, City Clerk)

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

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

10. Consider, and act upon, Application 1093577 a Governmental Liquor License for the Rocket City Family Fun Center located at 3751 Mesa Village Dr., Alamogordo, NM 88310. (Assistant City Attorney Dustin Johnson and Community Services Director Veronica Ortega)

Assistant City Attorney Johnson said this is a formality in the application process. He said it is important for the citizens in the City to know that this is no different than the application the City leases to the Golf Course. He said this is solely for the fun center only. This license, this lease of license, this application only pertains to that. There are no other businesses being involved in this. He said they already went through and submitted the application to the State. They had a preliminary review last month and got passed that, so now they had to post notice and have a public hearing, there are no comments, no one signed up for that. He said it will be full service, liquor and beer. He said the lease holder, Mr. Chun, will meet all the requirements such as security and things like that. He said after approval this evening, the next steps in the process is that we will then get a copy of the minutes and submit it to Alcohol and Gaming and from there we will be further down the approval process. He said we anticipate that will take a few more weeks.

Commissioner Rardin asked with the City issuing the license or allowing them to use our license, does the lease holder share the profits on the sale of the alcohol. He asked Mayor Pro-Tem Baldwin if it is setup exactly how the Golf Course is setup.

Mayor Pro-Tem Baldwin said he does not know how it is set up, but that is how the Golf Course does it.

Commissioner Rardin asked if the Golf Course shares a portion of the alcohol sales with the City. City

Manager Paluch answered no. Mayor Pro-Tem Baldwin said they do. City Manager Paluch said the golf course does, the Fun Center will not. Commissioner Rardin asked if he will keep one hundred percent of the profits. She answered yes sir.

Commissioner Hernandez said when the Commission first started talking about this, he voiced his concerns as far as Mr. Chun competing with other top-notch restaurants in town. He said he cannot support this because he does not think it is fair that he is getting a free liquor license and the others have to pay for theirs. He has said that from the beginning and he has not changed his stance on this, because it is benefitting him 100 percent.

Commissioner Rardin asked how the Golf Course splits it up, is it 50-50 or 60-40.

Mayor Pro-Tem Baldwin said the City receives a portion of the net from the restaurant. He said it's the food, it's everything. He said keep in mind that they are a contractor and not a lessee, so there is a little bit of a difference between the two, meaning the City owns the building, owns the stoves, the refrigerators, all of the stuff that they haven't supplied. He said there needs to be a portion of their sales from the restaurant that goes to the City.

Commissioner Rardin said essentially this is the same thing. We own the building and all the equipment and Mr. Chun has a contract to run it.

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Sikes seconded the motion.

Motion carried with a vote of 6-1-0. Commissioner Hernandez voted nay.

NEW BUSINESS

11. Consider, and act upon, Memorandum of Understanding between the City of Alamogordo and the Alamogordo Public Safety Officers Association (APSOA). (*Dustin Johnson, Assistant City Attorney*)

Assistant City Attorney Johnson said what ended up happening here is APSOA did some change in officers, there is a new union President. Prior to that there was an agreement regarding firefighter 24-hour pay. He said as they turned over Presidency, what they have asked essentially, because it had been budgeted and it was effective July 1, 2018, is for something memorializing that. He said and that is what the Commission has in front of them, is just record of that.

Commissioner Payne asked him to explain that again. Assistant City Attorney Johnson said APSOA has elected a new President. He said as you know APSOA captures both the Police Department and the Fire Department, who they effectively work together in negotiations with the City. What happened here is when that change in their leadership happened, they had an agreement for the Firefighters to be paid on the 24-hour schedule, it was budgeted and then what happened due to the change in Presidency is they asked for the City to memorialize that with an MOU (Memorandum of Understanding), and that is what you have before you.

Commissioner Hernandez moved to approve.

Commissioner Wright seconded the motion.

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

12. Consider, and act upon, approving lease agreement with Center of Protective Environment (COPE) for the office building located at 909 S. Florida. (*Petria Schreiber, City Attorney*)

City Attorney Schreiber said this is a lease for the COPE building that was newly renovated. This is a housekeeping item that we should have done right after that building was finished, but it just did not

happen.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

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

13. Consider, and act upon, a request for authority to commence foreclosure proceedings on unpaid liens. (*Petria, Schreiber, City Attorney*)

City Attorney Schreiber said she is working on a Dilapidated Structures Committee. This Committee has identified all of the dilapidated structures on a master list. They took a look at those structures and saw which of those structures had liens placed on them currently by the City. All of these properties are vacant, quite dilapidated and they are hoping that by foreclosing on them; we will either be able to take possession of the property and update the dilapidation or we will be able to force more compliance from the homeowners. She said also on this list is 1507 Rockwood that the City demolished as well as 1201 Monroe, which was owned by the same couple, now deceased with no heirs, but we continue to abate and have liens on.

Commissioner Hernandez said he does not disagree with any of these, but for instance on New York he knows that there is one that is half way burnt down. He is sure there is a process or something that we go through, but that is probably about three or four years old now and there are several other ones that are in those conditions. He said like the one on Monroe, that building is not actually in that bad of shape compared to the ones he is talking about, so he is concerned on how they are listing them and if they are listed in the right process for what needs to be cleaned up.

City Attorney Schreiber said the one on Monroe was included because the Police Department has had to respond there several times. It is known in parts of the community that it is vacant, and the owners are deceased, and so instead of letting that become more dilapidated and become more ruined, we wanted to see that lien and take action on it.

Commissioner Hernandez said to him that is the wrong answer and the reason why is because the one building that he is talking about has already gone past that. He said they've already broken into it and it's already been burnt. He said he is not disagreeing with you, but you guys have to understand where he is at. He thought that there are buildings that are in worst shape that need to be moved up higher on the list than some of these that are here in this process. He said again that one could be in some type of legal issue, but he knows the other house is probably three or four years old since it burnt, and it is in way worst shape. He said that is the concern he has. He said he does not have a problem with their list, it's just that he thinks that it is not correct.

City Attorney Schreiber asked Commissioner Hernandez if he had an address on that building.

Commissioner Rardin asked Commissioner Hernandez if that is the one that is on Virginia. He answered it is the one on New York and he described the location of the building. He said his concern is are we really looking at this list correctly.

Commissioner Rardin explained to Commissioner Hernandez that staff brought a list to the Committee of properties that had liens. He said one of his biggest concerns is we have plenty of dilapidated vacant buildings in Alamogordo that we could look at. He said they made sure that all of these were vacant. If it was not vacant, they did not mess with it.

Commissioner Hernandez said it is half way burnt down though. Commissioner Rardin said he agrees, but he does not remember seeing that house on the list that staff brought to them.

Commissioner Payne said these are based off of liens that we already have, and it could be that we don't have a lien on that property.

Commissioner Hernandez said go by there, if we don't have a lien then that is another problem. He said the house was in foreclosure, so nobody owns it, the bank owns it and that structure is an adobe structure that's pretty much falling down and what's not falling down is burnt.

Commissioner Payne said she understands what he is saying, and she does not disagree with Commissioner Hernandez. She said she was just thinking that these were identified because they had liens on them.

Commissioner Hernandez said he understands, but again are we going through the proper process because if this house does not have a lien on it, why doesn't it.

Commissioner Payne said she would suggest maybe they did not owe any water or weed abatement. Commissioner Hernandez asked why. She said well that she could not tell you. Commissioner Hernandez said that is what he is saying though.

Commissioner Rardin said one of the reasons it might not have a lien is we may have already written it off. He said the Commission just wrote off a bunch of them earlier this year. He said it may have been on that list and that's why it didn't pop up. He asked if staff could look at that and see if we wrote it off or if we had liens in the past, then maybe add it to the list. He said when we looked at this, we only had a certain amount of money. We have the Tinsley trailer court deal going on and then we had Sahara Apartments which has eaten up a big portion of our budget that we had set aside for dilapidated buildings. He said they picked seven or ten structures to start with, and we figured it based off what it cost us on Rockwood to tear that down. He said we all know there is an enormous amount of buildings in Alamogordo that need to come down.

Commissioner Payne said there was more on the list that we had as well. Commissioner Rardin said there was, some of them were occupied or looked like they were occupied so we kind of swayed away.

Commissioner Hernandez said in his neighborhood there are houses that are occupied that really concern him because of the condition that they are in. He said he does not have a problem approving this list tonight, but he thinks the next time staff needs to go out and really look at which ones are in the worst shape.

Mayor Boss said that maybe a separate list because these are properties that do have liens against them. He said we would have to go and identify those houses.

Commissioner Hernandez said he understands that, but what he is saying is if you drive by there and this house does not have a lien, why it doesn't have a lien. He said it is horrible. Commissioner Hernandez showed a picture of the property he was talking about from his tablet. He said this property is in bad shape and has been for years. He said if it doesn't have a lien, we need to start looking at those and see why they don't have liens and then actually make an honest list.

Commissioner Rardin said according to the thing Commissioner Hernandez is looking at here, the address is 313 North New York Avenue

Commissioner Payne thought she asked Chief LeClair in a meeting how they come up with a list in general, and it seemed like he said they were doing it just from people calling in.

Mayor Boss asked if they wouldn't have to cite them first before they could put a lien against them. Mayor Pro-Tem Baldwin said there would have to be a lien either way. Mayor Boss thought that is something that staff could work on and develop a list for that, but these are properties that already have liens on them.

Commissioner Hernandez said he wanted to bring this to everybody's attention that he thinks that they need to look at how they do this because we only have certain monies.

City Attorney Schreiber updated the Commission that she referenced the dilapidated structures list and 313 New York Avenue is on that list. She said there was a lien filed against it and it is more than four years old at this time. She said the list is old, so she does not know if there is a current lien on it, but she will look into it and have an answer for the Commission next time.

Commissioner Rardin asked if they approved this tonight, could they add 313 New York Avenue to this.

City Attorney Schreiber said if the Commission is comfortable she could bring back 313 New York Avenue next meeting and that way we give the public plenty of notice if anyone has any comments they know it's on the list and they can maybe come to the meeting if that particular property has interest to them.

Mayor Pro-Tem Baldwin said with respects to what Commissioner Hernandez is saying, they already have a process. He said it is unfortunate that this one structure was overlooked. He said he is okay with it, but he would also caution the Commission that putting houses on the list without the Committee having a chance to check on it, because that is exactly what the Committee was for, to approve these lists and then bring it to the Commission. He said let's not bypass that process especially when we are talking about foreclosing or demolishing structures.

Mayor Boss said they can easily bring that up at a later date and deal with what we have in front of us now.

Commissioner Hernandez said his only thing is that he thought they need to be a little more diligent on how they come up with the list. He said again he has no problem with any of these, but just making sure that they have their top ranks and work them down. He supports this list, he just thinks there are a lot worst buildings out there than some of these that are on this list that would be money better spent.

Mayor Boss moved to approve.

Commissioner Hernandez seconded the motion.

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

14. Consider, and act upon, request from COPE (Center of Protective Environment) to become a Permanent City Partner. (Maggie Paluch, City Manager)

City Manager Paluch said the Executive Director of COPE has submitted a letter requesting to become a permanent City partner, just like the Alamogordo Chamber of Commerce. She said if you recall several meeting ago, the City Commission approved this section in the policy for sponsorships. She read the policy and said COPE does meet the recommendation or qualification from the policy. If the Commission so chooses they can vote on making COPE a permanent City partner, which would mean that any events that COPE has on City property, all of the fees will be waived.

Commissioner Rardin said he has a concern against the whole partner process. He asked if the Commission could potentially look at setting a limit on how much funds or fees that they waive for their partners. He said we've seen the Chamber do it and now COPE, and it is nothing against either of them, but where do we draw the line. He said for example, what if the Little League guys come in, where do we draw the line.

City Manager Paluch said they don't have a contract with us.

Mayor Boss said COPE does have a contract with us. Commissioner Rardin said he knows COPE does, but he is just raising the question on it.

City Attorney Schreiber said the permanency partner only waives rental fees for the use of facilities. She said the policy specifically states that becoming a permanent City partner does not obligate the City to provide other services or waive other costs other than rental fees. She said the rental fee for a

building would be waived, but if you required additional services, a good example is police overtime, this would not obligate the City to waive that.

Commissioner Rardin said it is a little bit of a concern because we are trying to do the right thing and be proactive in the community, but it could snowball into where it is costing us quite a bit of money in a year. He said we really got to keep an eye on the taxpayers' money.

Mayor Pro-Tem Baldwin asked Ms. Gomolak how many events they plan on having and how many events did they have in the past where the City charged them rental fees. He asked for Ms. Gomolak to come up to the podium.

Ms. Gomolak said they've had one event, in probably four or five years, that they've paid rent for the facility. She said that has pretty much been it. She said this year they do want to have an event at the Civic Center.

Mayor Pro-Tem Baldwin asked City Manager Paluch as per the agreement with the Chamber, OCEDC and potentially with COPE, would the events they are asking for waiving of a fee, would they come to the Commission, or would it go to your desk, or is it just kind of a blanket. He asked if the Commission would have an opportunity to say if someone has had too many events. She said right now, there is no limit written into the policy, so a permanent City partner would not have to come before the Commission. She said you can certainly request that. Mayor Pro-Tem Baldwin asked if they would still need the City's permission. She answered correct, they would go through the Community Services department because that is who does the facility rentals. She said that staff would know that they are permanent City partner. Mayor Pro-Tem Baldwin asked if it was getting out of hand, would they be able to handle it internally before it got to that point. City Manager Paluch nodded her head yes.

Commissioner Rardin said that was the only reason for his comment. He said it is nothing against COPE or the Chamber or anything. He said you just read between the lines and you see it snowballing, and it's like it is costing us \$100,000 a year by the time it is all said and done, and that was his concern.

Commissioner Hernandez said if you guys remember, this kind of came up years ago when one of our staff members allowed someone to use a building under their name, and they were taking advantage of it. He said he can understand what you guys are saying and hopefully these guys won't do that, but we just need to keep an eye on that.

Mayor Pro-Tem Baldwin motioned to approve item 14.

Commissioner Wright asked City Manager Paluch if we happen to have a list of potential customers or clients that could be permanent City partners. She said she does not have that list, but off of the top of her head it would be the people that have contracts with the City. She said right now, if you approve COPE, it would be COPE and the Chamber of Commerce that would be permanent City partners. She said OCEDC could apply as well as some others. Commissioner Wright said it is fairly limited, we don't have 300 City partners that could come up here. City Manager Paluch said no.

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

15. Consider, and act upon, the award of Public Works Bid No. 2018-006 to La Luz Dirt & Paving, LLC related to APD Improvements ADA Parking and Entrance Compliance (EN1801) in an amount not to exceed \$105,567.41, including NMGR. (Edward Balderrama, Project Manager)

Project Manager Balderrama went over the scope of work for the project. He said once all this work is complete it will comply with ADA.

Commissioner Hernandez asked what building this is. Project Manager Balderrama answered the main police station on Virginia. Commissioner Hernandez said let's do it.

Commissioner Rardin asked if this was the parking lot to the north of the building. Project Manager Balderrama said correct.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

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

16. Consider, and act upon, designating a 2018 NMML Annual Conference voting delegate and an alternate. (Rachel Hughs, City Clerk)

City Clerk Hughs said the New Mexico Municipal League every year asks for a voting delegate and an alternate for their conference. She said this year it will be in Roswell from August 29-31, 2018. She said last year Mayor Boss was the delegate and Commissioner Sikes was the alternate.

Mayor Boss said he and Commissioner Sikes plan to attend. He asked if any other Commissioners will attend the conference.

Commissioner Hernandez moved to leave it the same where Mayor Boss is the delegate and Commissioner Sikes is the alternate, unless they wanted to switch.

Commissioner Sikes said she likes that Mayor Boss is the delegate. It looks good to have our Mayor at these meetings and being able to stand up and vote. She wanted everybody to know that if they want to go to the conference and if they want to be the alternate, she does not want to hog it.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

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

17. Consider, and act upon, Resolution 2018-35 approving a GRIP agreement between the City of Alamogordo and Worthan Properties for the construction of the carwash at 905 S. White Sands. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

City Attorney Schreiber said this is the Resolution and the agreement for the car wash being built by Mr. Worthan on White Sands. She said as you probably remember we previously approved the application. The fiscal impact is approximately \$51,750, this is based on the \$3 million cost to build. She said there is an Ordinance that talks about factors to be considered by the Commission, she could walk the Commission through that if they would like.

Commissioner Wright said he was going to abstain from voting.

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

Roll Call Vote was taken.

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

18. Consider, and act upon, the approval of case M-2018-0001(A), a street vacation located at Hermoso El Sol Subdivision, Unit 2, lots 15 and 16. (Darron Williams, City Planner)

City Planner Williams showed a power point presentation. He said this is for Hermoso El Sol, a vacation of a small piece of road that is platted but not actually present. He showed the location of the property on the power point presentation. He said the purpose of this is so that they can then follow up with an administrative re-plat to combine the property just north and just south as well as this vacated

piece of road into three smaller properties. He said so basically adding to the subdivision by one lot. He showed more pictures of the location, the zoning and the protest area that they are required to demonstrate. He said they did send some notices to the vacant land to the east and heard nothing back. He said there were no protests or return letters. He went over the findings of facts. He said staff recommends approval. (See Blue Book for Power Point Presentation).

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

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

19. Consider, and act upon, first publication of Ordinance No. 1574, to change zoning from R1 Single Family to R-3 Two-Family for the address of 1201 Oregon Ave. only case: Z-2018-0003(A) (Darron Williams, City Planner) (Roll Call Vote Required)

City Planner Williams showed a power point presentation. He said the applicant is requesting to change it from single family to two-family occupancy. He showed pictures of the location and the zoning. He said we have virtually all of our internal City zonings within Stones Throw, so as far as compatibility with the request it does comply with surrounding zoning, so it isn't spot zoning. He showed the protest area and said they did send out notices and received zero comments or complaints. He went over the findings of fact. He said Planning and Zoning did recommend approval, as does staff. (See Blue Book for Power Point presentation).

Commissioner Hernandez moved to approve.

Mayor Pro-Tem Baldwin seconded the motion.

Roll Call Vote was taken.

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

20. Consider, and act upon, a Memorandum of Understanding with Otero County regarding use of Fairgrounds Parking Lot through the end of 2018 or when a formal lease agreement is reached, whichever occurs first. (Petria Schreiber, City Attorney)

City Attorney Schreiber said this is the result of the direction given to her at the June 26, 2018 Commission meeting. She said she took that direction and met with the County Attorney. She said they are continuing negotiations for a Fairground lease. She believes the idea of this Memorandum of Understanding going through the end of the year or when a formal lease agreement is reached, whichever comes first, is that there will be a new County Commission or new members come January 1, 2019, so negotiations may change. She was told that this is on their agenda for August 9, 2018. The County Commission did pass this MOU at their last meeting. She said the County did check with their insurer and it will be insured under their umbrella.

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

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

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

Mayor Boss read the openings and appointed Jessica Hoidahl to the Alamogordo Public Library Board. No one was opposed.

EXECUTIVE SESSION

22. Adjourn into Executive Session in compliance with 10151(h), NMSA 1978 (as amended) to discuss threatened or pending litigation; specifically CAPPED vs the City of Alamogordo.

Commissioner Hernandez apologized to the Commission for disrupting tonight's meeting. He had an employee get seriously injured at his work and so he was having to take care of that.

Commissioner Hernandez moved to adjourn at 7:51 p.m.

Commissioner Wright seconded the motion.

Roll Call Vote was taken.

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

ADJOURNMENT


Mayor Richard Boss

ATTEST:


City Clerk Rachel Hughes

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on August 14, 2018.