

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
February 12, 2019**

**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. City Manager Paluch was absent. Invocation was given by Bishop Westover and the Pledge of Allegiance was led by Commissioner Sikes.

APPROVAL OF AGENDA

Mayor Boss said City Attorney Schreiber has requested an Emergency Situation Addition to Executive Closed Session for Pending and Threatened Litigation for K-9 Brutus.

Commissioner Hernandez moved to amend the agenda.

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

PRESENTATIONS

**1. Presentation on pilot program to humanely reduce cat population in the community.
(Kathleen Denton)**

Ms. Denton showed a Power Point Presentation on a pilot program to reduce the cat population in the Community. (See Blue Book for Power Point presentation).

Mayor Pro-Tem Baldwin asked if City staff has already signed off on the training in reference to the calls. She said they would partner with them to give them the language, resources, handouts, etc. She said they would be glad to do that for them. Mayor Pro-Tem Baldwin asked Police Chief Peete if having an outside agency train our staff falls in line with everything he is okay with. Police Chief Peete answered yes, that would fall in line with their strategic plan and the direction the Alamogordo Police Department wants to go.

Ms. Denton added that Best Friends will be partnering with them. She said Best Friends has already vetted a lot of this ahead of time and they would be the guide for this.

Commissioner Rardin asked Mrs. Denton asked about the timeframe for the Resolution. She answered she knows that under the City Ordinances that there are certain things that have to be done. She said the Resolution is recognized from the American BAR Association. It says when you do a pilot program it gives the pilot program time to show what it can do without changing normal Ordinances until you see what has to be changed. Commissioner Rardin asked if this has to be passed within the next 30 or 60 days.

City Attorney Schreiber said it is ok to wait on this, but the concern is the City has some Ordinances that talk about animals at-large that make it look like cats, when they are outside, need to be on leashes. She said these are homeless cats so there will not be a citation, it is truly not an at-large cat. She said their hope is to bring this Resolution to the Commission on the second meeting in March with

a full re-write of Chapter 7 that will bring it up to today's standards and really impact the animal welfare in the City of Alamogordo.

Commissioner Sikes asked when the Memorandum of Understanding will be done and when will this program be kicked off. City Attorney Schreiber said her office will make themselves available, whenever Ms. Denton is available. Ms. Denton said they will be setting up an appointment tomorrow.

Pam Irving commented on the following:

She spoke in support of Ms. Denton and Kitty City. She shared her own story of dealing with controlled or reduced cat population. She said it may take a little while, but you will see a huge difference.

2. Presentation on Historical Data and Debt Profile. (*John Archuleta, George K. Baum & Company*)

Mr. Archuleta gave an update on the City's debt profile by Power Point Presentation. He said the City currently has about \$7 million of bonding capacity with four issues that are outstanding. He explained the criteria used for this assessed evaluation. He said they have reviewed all of the City's outstanding debt to see if there is any possible refunding opportunities, but right now the City doesn't really have any kind of economic benefit based upon what the interest rates are. He said the City has plenty money coming in when you consider the debt the City currently has outstanding. He said the City of Alamogordo has pretty much used up most of the Gross Receipts tax except for the Hold Harmless Gross Receipts Taxes (GRT). He said there is one issue that is presently very marginal as far as being able to do a refunding on it, so they will keep an eye on that and once there is an economic benefit they will come back to the City and show it to the Commission to make a decision if they would like to proceed with refinancing in order to be able to save money concerning that particular issue.

Mayor Pro-Tem Baldwin asked when he states economic benefit, what percentage rate is he actually looking at. Mr. Archuleta answered three percent or higher of present value savings on the bonds that are going to be refinanced. He said that is one of the requirements that the Department of Finance and Administration (DFA) has. Another possibility, if you were to need more money for your water and sewer system and combine it with a new money issue, the economic benefit will actually improve the overall transaction, but in a standalone refinancing it is not economically feasible at this point.

Mr. Muirhead gave an overview of the Hold Harmless Gross Receipts Tax analysis. He briefly discussed proposed legislation to revamp the gross receipts tax and explained how it eliminates the ability to impose this Hold Harmless GRT. He said what many communities have done that have imposed it since 2014, is to have debt imposed against it which there are statutory provisions that you can't impair outstanding debt with the argument being that you couldn't invoke the whole Hold Harmless GRT against that if there is a bond.

Commissioner Rardin said Otero County passed it and typically it does the remainder of the County. When the City goes in to pass it, it is going to bump us up another three-eighths percent, which is going to put us at a very high tax rate. He asked if the State is looking at anything to fix that issue. Mr. Muirhead said you are exactly right, once one jurisdiction has done it, it puts you in a bad spot if you are wanting to do it. Commissioner Rardin said our citizens are getting double taxed. Mr. Muirhead said what has been proposed is been more of a broader overhaul of how the State taxes, sales and doing it more in a way that is more conducive to simplicity. Simplify and try to make the system work better. It has been more of not targeting that specific issue as much as removing some of these local options and providing a lower State rate and some different municipal or county taxes, but he has not seen anything where it is looking to specifically to that issue. Commissioner Rardin said it is a huge problem. The City kind of needs to pass it and Otero County didn't really need to. They used it for pet projects. He said the City is in a situation where we potentially need it, not so much this year, but in the next few years we will be needing it.

Mr. Archuleta said they went ahead and ran some production numbers in order to give the Commission an idea of what a one-eighth, a quarter, and three-eighths would actually produce just to give you an idea.

Mayor Boss Thanked Mr. Archuleta and Mr. Muirhead and said he did not realize that the City has \$7 million of bonding capacity.

PUBLIC COMMENT

Harv Hamilton commented on the following:

He talked about the Code of Conduct. He said he was no fan of Mayor Galea. He said he was also not a fan of the Code of Conduct when it was passed because he felt it would reduce the transparency of what was going on in the City. He said when the City did the Charter, they made it virtually impossible to recall a Commissioner or any other member of staff. He said in most instances more people would be required to request recall than actually voted in the election. He said this Code of Conduct is about the only way this citizenry can effectively hold Commissioner's feet to the fire.

CITY MANAGER'S REPORT

Assistant City Manager Cesar made the following remarks:

None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Hernandez made the following comments:

He said last meeting he made a comment about people showing up when they just have a single item or when they are mad about something. He pointed out that there were quite a few people that showed up to this meeting. He welcomed and thanked everyone that showed up for the meeting.

Commissioner Sikes made the following comments:

She said she appreciates the support from the community for the work that Ms. Denton, her husband and Animal Control Division have done. Commissioner Sikes said it took a long time to get to this point.

Mayor Boss made the following comments:

He recognized NMSU-Alamogordo the Small Business Development Center (SBDC) for receiving the New Mexico Small Business Development Center of the Year Award for 2018. The Award is given for the SBDC Center that are in the State of New Mexico with the most effect on the local economy and high client satisfaction. He read some of the goals and how much they exceeded each of these goals. He congratulated Center Director Livingston. He said they provide a lot of help for small businesses and sometimes they mean the difference of that business being successful or failing.

Mayor Pro-Tem Baldwin made the following comments:

He congratulated SBDC on their Award. He said since 1992, the City of Alamogordo has kept statistics on businesses opening and closing in Alamogordo. He said over the past two months he has been working with staff to come up with some statistics to talk about how he felt things were going in the community. He shared a few of the stats. He said with what SBDC is doing and the businesses they have helped, and Alamogordo's economy, a two percent business closure rate is phenomenal.

CONSENT AGENDA

- 3. Approve the minutes for the January 29, 2019 Regular meeting. (Rachel Hughs, City Clerk)**
- 4. Approve the statements related to the Executive Closed Session held on January 29, 2019. (Rachel Hughs, City Clerk)**

5. Approve the Investment Report for the quarter ending December 31, 2018, in accordance with the City of Alamogordo Investment Ordinance. (Sue Ashe, Acting Finance Director)

Commissioner Hernandez moved to approve items 3, 4, 5 of the consent calendar.

Commissioner Rardin seconded the motion.

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

PUBLIC HEARING

6. Consider, and act upon, Application No. 0029 a Transfer of Ownership of Dispenser Liquor License No. 0029 at 200 S. New York Ave. to Murphy Oil USA, LLC DBA Murphy Express #8880. (Rachel Hughs, City Clerk)

City Clerk Hughs explained this was simply a transfer of ownership. This is going to be an all package sales with no consumption on the premises.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

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

NEW BUSINESS

7. Consider, and act upon, Change Order No. 2, Public Works Bid No. 2018-003, to General Hydronics Concrete, LLC related to the Griggs Reservoir Outfall Structure Modifications and Storm Drain Improvements project, in an amount not to exceed \$43,633.92, excluding NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson explained the change order is to resolve in place quantity versus estimated for asphalt patching. He said the quantity increase is due to a number of items. They had a number of different site conditions involving underground utilities that were unplanned but through the course of construction had to be relocated and those involved approximately 30 percent of the total quantity increase. There were other factors as to where the existing asphalt could not be saw cut due to its existing age. The estimated quantity did not account for the brittleness of the existing asphalt. There in lies the existing the other two-thirds of the quantity increase.

Commissioner Hernandez moved to approve.

Mayor Pro-Tem Baldwin seconded the motion.

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

8. Consider, and act upon, the budget process and documents for the FY2019-FY2020 Preliminary budget. (Evelyn Huff, Budget Analyst)

Budget Analyst Huff explained the process on how the budget works. She said one of the biggest parts of the budget manual that affects the Commission is the Budget Hearings and they are scheduled for May 7th through 9th at Fire Station #5. There is currently not a time schedule for them, but they will be scheduled as they get closer to the hearings. She said over the years the Commission has been provided with several different items for the public hearings. She asked the Commission for direction on what they would want to see at the budget public hearings this year.

Mayor Pro-Tem Baldwin asked why the budget hearings are held at Fire Station 5. Assistant City Manager Cesar stated that was the decision of a previous City Manager, and future Commissions did not change that, so they continue to hold them at Fire Station 5. He said if this Commission would like to hold them here at the Chambers they could do that, it is actually a little more convenient for other staff members. Budget Analyst Huff said it would be easier for staff to have it here. Mayor Pro-Tem Baldwin said he has felt better to have it at the Commission Chambers for easy public access.

Mayor Pro-Tem Baldwin thanked Budget Analyst Huff for asking the Commission what they would like to have presented. He said he thinks there is always a disagreement on whether they should see the Budget line-by-line, summary, full book or slides. He said his recommendation would be for the Commission to give their two-cents of where they want to go in reference to how they want to see it presented, and they'll come back and say okay this is what I got from the Commission.

Mayor Boss said he thinks they can continue to have the summaries, but they always want the detail available to them upon request. He said the last couple of years, he thinks the process has gone fairly well. He asked the Commission if they agreed. Commissioner Payne answered yes, she does think they will need the detail. Mayor Boss said he thinks they should do it just like last year. He asked the Commission if they agreed.

Mayor Pro-Tem Baldwin confirmed that they are asking for the summary with the full Budget available to them at any time.

Commissioner Rardin agreed with Mayor Pro-Tem Baldwin to have the budget hearings at the Commission Chambers. Mayor Boss agreed as well.

Budget Analyst Huff asked if the Commission wanted individual copies of the Big Book or are they fine with having just a couple available. Mayor Boss said he thinks maybe two or three copies.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

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

9. Consider, and act upon, approval for Alamogordo Police Department to submit a grant application to the U.S. Department of Justice, Office of Violence Against Women for \$500,000 for Domestic Violence prevention-related programs. (Brian Peete, Alamogordo Police Chief and Debbie Osborne, Grant Coordinator)

Police Chief Peete said they found a grant that they want to go after. The grant focuses on violence against women. He said this opportunity gives them more leverage in how they can respond to more victims within our community. He said although they don't have many resources, they can definitely bring something together to help those who are victims of domestic violence. He talked about areas of focus.

Mayor Boss asked if there were no strings attached, such as performance goals or matching funds. He said no matching funds, there are some reporting requirements. He said if they win this grant they can apply again for it each year.

Commissioner Hernandez said domestic violence against women is 70's and 80's. Now a days, it is just domestic violence against household members. These programs are gender specific. He said if they get this grant it would be great but is it really the best thing for the community if it is gender specific to women. Police Chief Peete stated in the grant application itself, the language for the areas of focus are gender neutral and they will make sure that they specify they will be looking at all victims of domestic violence, and also the concentration against other vulnerable populations. Commissioner Hernandez said we do have domestic partnerships now, and there are minimal support services for them.

Mayor Boss asked if there are statistics on gender violence. Commissioner Hernandez said there is not because men are afraid to report it because there is no help for them. Chief Peete said that is a good point and that was one of the focuses they wanted to make sure as they do the Grant that they write in there that part of their intent is a very strong public outreach and public education of the particulars of this problem. He said part of the training will be cultural based training.

Commissioner Sikes appreciates they seek these grants and that is why he has had a lot of community support, because he thinks outside the box. She said she was concerned that a lot of the services they are talking about here that have to do with domestic violence are being done locally. She said we can only give accolades to organizations like COPE, they have been addressing all these issues for years. She is hoping they get the grant, but they do not duplicate the efforts or step on people that are already doing things already and muddy the waters. Grant Coordinator Osborne said COPE attended the meeting and they were enthusiastic about it. Commissioner Sikes said all of the agency's funding have been reduced over the past few years. She said any additional funding to provide these services could only be welcomed.

Police Chief Peete gave thanks to Grant Coordinator Osborne for her work. He said in the meeting they have identified other individuals to come to the table and help in doing this grant and to form part of it. He said the grant calls for Memorandum of Understanding between different organizations.

Commissioner Payne agreed with Commissioner Hernandez about domestic violence against men. She asked if this is more for training or how is this going to be set up. She also asked if this will be training for existing Officers or is this going to be a new part to the Police Department. Police Chief Peete answered when they brought folks together it was a brainstorming of different ideas at the wall to see what is going to work best for them. He said they have several ideas where they want to go if this grant is awarded to them, they have not narrowed those down yet because of time constraints and because they wanted to see if the Commission would give them the ability to apply for the grant. He said they will inform the Commission to their meetings drafts as far as the grant and that would hopefully give you a good idea of the direction they would want to go. Commissioner Payne said she would like to see what that looks like when it is done. She is certainly a supporter of COPE and victims of domestic violence, but she is not seeing the bigger picture of how this program is going to be set up. She asked if they are awarded the grant, to come back and show the Commission what the program is going to look like.

Grant Coordinator Osborne said the application is due for the next Commission meeting February 26, 2019, and they could provide a copy for the Commission at that meeting if they would like. Commissioner Payne said she does not need to see the application, she is just trying to picture what the program is going to look like. Commissioner Sikes said Police Chief Peete identified two area they would be concentrating on.

Chief Peete answered he can't give a clear picture because they have several different ideas. He said they are discussing different ideas and will be meeting later in the week. Commissioner Payne said ultimately, they will come up with something.

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

10. Consider, and act upon, the December 2018 Monthly General Fund and Gross Receipts report. (Sue Ashe, Acting Finance Director)

Acting Finance Director Ashe reviewed numbers for General Fund balances and Gross Receipt tax through December 31, 2018. She showed a Power Point Presentation. (See Blue Book for Power Point).

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

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

Mayor Boss read the openings and appointed Ryan Sanders to the Alamogordo Public Library Board. No one was opposed. He thanked Ryan Sanders, which was in the room.

EXECUTIVE SESSION

12. Adjourn into Executive Closed Session in compliance with 10151(h) 8, NMSA (as amended) to discuss Real Property both the finalization of the Fairgrounds Parking Lot lease and a potential sale of land in La Luz. (Roll Call Vote Required)

Added at the beginning of the meeting per City Attorney Schreiber – Emergency Situation for Pending and Threatened Litigation for K-9 Brutus.

Mayor Pro-Tem Baldwin moved to adjourn into executive session at 8:07 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 Hughes


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on February 26, 2019.