

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
January 8, 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. Invocation was given by Pastor Vic Williford and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

City Attorney Schreiber pulled Item #12 off the Agenda at the request of the Hospital.

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 from the U.S. Army Corps of Engineers related to the McKinley Channel Phase 8 project. (*Lt. Colonel Caswell*)

Lt. Colonel Caswell said they have conducted the public bid opening for the Phase 8 and they wanted to give the Commission an update on that and to bring their attention to a request for additional funding to complete the project. He introduced Project Manager for the U.S. Army Corps of Engineers Mr. Stevens.

Mr. Stevens explained the details of phase 8 of the project. He said the main part of this phase is the sedimentation basin. He discussed the base bid and two additional options for the phase. He showed the Commission slides which showed before and after project conditions and also a cost summary for the base bid and the two options. He said the apparent low bidder came in higher than the government estimate. He said to basically meet that cost demand, there is an additional \$3.7 million that is required in terms of contributed funds. He said to put in context, if they were to build the base bid it wouldn't require any additional funds, but just doing the base bid leaves the project vulnerable to erosion damages. He said in previous years they have seen the damages in the City of Alamogordo could reach as high as \$3 million. He said in essence what the base bid does is provides a detention facility for removing sediment from the channel system which would basically decrease the operation and maintenance of that system. Without the upper basin to catch the debris, the sediment from that upper water shed would come down through the basin and would be a long-term headache for maintenance over the years and would cost a lot in terms of the operation and maintenance of the system. He said because of this it justifies having options one and two included with the base bid. He said the reason why those were broken out was basically to give the city more flexibility. He said the base bid expires after 60 days, and then from that time they have an additional 90 days to award the options. He said that gives them time to basically look for contributed funds and also to go through the process to get approval to receive those funds because that would require an amendment to the Project Partnership Agreement that they currently have. Currently they are not allowed to receive contributed funds from the City of Alamogordo as a sponsor.

Mayor Pro-Tem Baldwin said that residents in that area never believed they would have a huge concrete structure right behind their houses. He asked Mr. Stevens if they are willing to take any discussion or if they have met with any of the public up in that area up to this point about their thoughts on that. Mr. Stevens said as far as he knows this is one of those things where the project has been in design for quite a while. He said he would have to go back to their records because there have been quite a few changes in Project Managers.

U.S. Army Corps of Engineers Project Manager Brian Sanchez said he is not positive of what type of public meetings were held prior to the design. They would have to go back and check their records. Mayor Pro-Tem Baldwin believed there was some public input, but it was more general input as opposed to actually meeting with some of the concerned homeowners up there. He said he would communicate their wishes through City staff, and staff will communicate that to the Corps. He said the City is excited, assuming everything goes well, that the project funding moves forward. He said this project has been going on for 20 plus years. Mr. Sanchez said they are excited to be at the tail end of this project and see it through completion. He said it is unfortunate that there is a shortfall at this point, but they think that completing the entire project, you get a complete project from the outfall all the way up to the basin. Mayor Pro-Tem Baldwin said it was about to be a pretty big disappointment for the City to have the pretty big shortfall, but due to the Corps' diligence coming up with solutions for that, the City does appreciate that. It definitely makes a large part of Alamogordo much safer after this.

2. Presentation on parking lot at the Otero County Fairgrounds and the pedestrian crossing over the arroyo. (Sheila Coca, Otero County Fairgrounds Secretary)

Ms. Coca showed a Power Point Presentation. She gave a brief history of the OCFA (Otero County Fair Association). She explained what the OCFA provides the community and explained how the OCFA manages the facility. She showed parking lot revenues for 2018 and also fees that have been waived for community events. She also showed an overhead view of the parking lot and how it is divided out by the City and County. She asked the Commission to consider all of this information when they go into discussions about the parking lot lease. She said the revenue that they make off of the parking goes to help pay for the maintenance, which was over \$14,000 for 2018. (See Power Point presentation in Blue Book)

Mayor Boss asked if the fees that they collect go directly to the Association and not to the County. Ms. Coca answered they go directly to the Association. She said they use those collected fees for maintenance, weed control, debris control and those kind of things.

Ms. Coca explained the need for a pedestrian crossing over an arroyo. And it would eliminate the need to shut Fairgrounds Road down during their events. She was informed by both the City and County Attorneys that she would need to get it engineered. She said OCFA does not really have a budget for that, so she has contacted the NMSU (New Mexico State University) Engineering Department, and they are willing to help them get it engineered and get the blueprints signed off by an Engineer. She asked the Commission would be willing to work with OCFA on that. Mayor Boss asked Ms. Coca if the County is working with them on this. Ms. Coca answered if she can get the blueprints, she can try to get some funding. Mayor Boss said that is on their property, they gave the City the easement. Ms. Coca said right. Mayor Boss asked if the County wants the City to build a crossing over their property. Ms. Coca said since the City has the easement, OCFA is asking if it is okay to pursue this before they get too far into the project. Mayor Boss clarified with Ms. Coca that they are not expecting the City to fund the project. She answered no.

Commissioner Rardin explained that Ms. Coca has to have the City's permission, since the City has the easement. He said they ran into the same issue with the other crossing downstream from this one. He said the City had to get permission to put a crossing over it even though the City doesn't own the property, they have rights to it.

Ms. Coca asked if the City has someone to contact when the NMSU Engineers come over. City Manager Paluch said after Executive Session, staff will reach out to her in the morning and let her know what is going on. Ms. Coca thanked the Commission for what they have done for the OCFA.

PUBLIC COMMENT

Scott Fredrick commented on the following:

He mentioned the effects of not having a pool cover for Senior citizens and for the high school swim team. He thanked the Commission for what they do and for not getting more involved in the Rocket City plan. He said the Commission should probably steer clear of the Code of Conduct item. He said none of the Commissioners gave up their first amendment right when they were elected, and when they start putting a limitation on people, they've probably walked down a road that they probably don't want to go down. He said a comment of "I am a public citizen" before the Commission says something doesn't change anything. He said if any member of the Commission states something on a formal government blog or something like that, then maybe they are speaking on record. He thanked Chief Peete and the Police Department for an unscheduled escort through the City. This was for a motorcycle ride to honor a fallen Vet.

Gene Downer commented on the following:

He said the City has a wonderful low maintenance desert park. He noticed an advertising bench there in the park and thought it looked awful. He suggested that when the City is doing some street repair, if they could put a little bit of tar in some of the ruts near the toilet. He said there is parking there and it's a mess. He said the Pavilion needs painting badly. He explained the need for signs in some of the major areas of the park, especially around Sunnyside and Abbott. He thanked the City for doing a good job on maintaining Foothills Park. He thought the parking lot is important.

CITY MANAGER'S REPORT

City Manager Paluch made the following remarks:

1. She congratulated City Clerk Hughs for becoming a Certified Municipal Clerk. She said this process has taken over two years of attending classes to obtain credits to get this certification. She said City Clerk Hughs will be moving forward on obtaining her International Master Certification. City Clerk Hughs thanked the City for allowing her to take trainings outside the City, she thanked God for the blessing of her certification, and thanked her husband for standing by her.
2. She said staff met this week to talk about potential Community Development Block Grant (CDBG) projects for 2019. The City is looking at holding a public meeting in the next 30 days for anyone to come and discuss potential projects. The awarded project must service individuals that have an income level of 51 percent of area medium income, and the city could receive up to \$500,000 for that award. Currently, what they are researching is the possibility of renovating the Recreation Center, specifically the Child Care programs section. She said that area is the most popular program and it sells out frequently every season. Additionally, that program does offer scholarships to low income children and families here in Alamogordo.
3. She said staff worked with the Zoo to create an Amazon wish list for much needed items at the Zoo. She said the Zoo has been receiving packages from donors. She gave a shout out and thanked all the people involved in creating the list and all of the donors. She announced if anyone would like to donate to the Zoo to stop by the City's Facebook page, there is also a link to the Amazon Wish list on the page.
4. She said on December 28, 2018 the Alamo Senior Center had the New Year's party where they hosted over a hundred Seniors and staff.
5. She said about 40 to 50 people attended the second coffee with a Cop at Patron's Hall today.
6. She thanked everyone involved with the emergency shelter that was provided at the Civic Center. She said a group of about 45 people were housed at the Civic Center when it became an emergency shelter for stranded motorists during the last snow storm. There were a large number of City employees that helped setup, purchase food and greet the guests. She thanked Vision Ford for donating food.

She said a special credit to Alamogordo dispatchers Dorothy Killer and Mary Miller for alerting City Management that there was an issue.

7. She announced Rick Fredricks as the new Recreation Facility Manager.

Mayor Boss thanked Pastor Anthony Torres from Mountain View Assembly of God. He said Pastor Torres was at the Civic Center all night long waiting to see if there was going to be any overflow, during the last snow storm.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Sikes made the following comments:

She pointed out that City staff has done an incredible job on the Civic Center.

Commissioner Rardin made the following comments:

He spoke on the minimum wage Bill that will be introduced at this year's Legislative Session. He said the bill would raise the minimum wage to \$10 an hour statewide. He said his concern is that the City of Alamogordo has numerous employees under that wage and is worried about the fiscal impact this will have on the City's budget. He said in the past three or four years, the Legislature has introduced bills such as these and they have passed. He said it could be a very large fiscal impact for the City.

City Manager Paluch said HR Director Josselyn is already working on getting numbers together. She said when those numbers are available, there will be a discussion with the Commission before the budget is approved. If this Bill is passed, it will affect the budget significantly.

Commissioner Rardin asked if they will need to raise everybody up to \$10 an hour, or do they have to raise everybody accordingly. He said essentially the higher paid employees are going to take a pay cut and the lower paid will get a raise. City Manager Paluch said Commissioner Rardin is correct, it causes salary compression. She said if you just raise everyone to \$10 then you may have somebody that has been with the City for 20 or more years that's making \$11 an hour, it causes salary compression. She said that is something that they are looking at.

CONSENT AGENDA

3. Approve the minutes for the December 18, 2018 Regular meeting. *(Rachel Hughs, City Clerk)*

4. Approve the statements related to the Executive Session held on December 18, 2018. *(Rachel Hughs, City Clerk)*

5. Approve Resolution No. 2019-01 determining reasonable notice of meetings of the Alamogordo City Commission (Open Meetings Act). *(Rachel Hughs, City Clerk)* (Roll Call Vote Required)

6. Approve the Resident Parking Only, Mobility Disabled Resident Parking Only, and Commercial Mobility Disabled Parking Only sign locations for the purpose of determining continuance of each location. *(Eric Barraza, Deputy City Clerk)*

7. Approve the Annual Reports from City Boards, Commissions and Committees for Calendar Year 2018. *(Rachel Hughs, City Clerk)*

8. Consider, and act upon, final publication of Ordinance 1584, approving a Local Economic Development Project for secured assistance proposed by Medlin Ramps. *(Laurie Anderson, Otero County Economic Development Council)* (Roll Call Vote Required)

Commissioner Rardin asked to remove Item #8 from the Consent Calendar.

Commissioner Hernandez asked to remove Item #6 from the Consent Calendar.

City Clerk Hughs asked to remove Item #7 from the Consent Calendar.

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

Commissioner Wright seconded the motion.

Roll call vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

6. Approve the Resident Parking Only, Mobility Disabled Resident Parking Only, and Commercial Mobility Disabled Parking Only sign locations for the purpose of determining continuance of each location. (*Eric Barraza, Deputy City Clerk*)

Commissioner Hernandez asked to reconsider the removal of Mr. Donald Deck's sign for at least one year. He said Mr. Deck passed away late last year and his wife is currently in a nursing home.

Commissioner Hernandez moved to approve as amended.

Commissioner Wright seconded the motion.

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

7. Approve the Annual Reports from City Boards, Commissions and Committees for Calendar Year 2018. (*Rachel Hughs, City Clerk*)

City Clerk Hughs stated the staff liaison from the Parks and Recreation Board put the incorrect date of October 11, 2017 and it should have been October 10, 2018 of the minutes on the Agenda Book.

Mayor Boss thanked all the members of the Boards and Committees. They save the City a lot of time and money by volunteerism in the areas they work on the Commissions and Boards.

Commissioner Hernandez moved to approve as amended.

Mayor Pro-Tem Baldwin seconded the motion.

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

8. Consider, and act upon, final publication of Ordinance 1584, approving a Local Economic Development Project for secured assistance proposed by Medlin Ramps. (*Laurie Anderson, Otero County Economic Development Council*) (Roll Call Vote Required)

City Attorney Schreiber explained the corrections made to the Project Participation Agreement and the Promissory Note.

Commissioner Rardin said the reason he pulled this item is that it goes back to his earlier statements about the minimum wage. He said in the Project Participation Agreement (PPA) it states that they will create 45 \$10 an hour jobs. He said come next year, those could potentially be minimum wage jobs. He asked if they wanted to look at that.

Mayor Boss said he did not want to do that now, since that has just been proposed for the future.

Commission Rardin asked if they had any way of changing it, once they have signed it. He said he does not want to kill the deal, but he is just bringing it up. City Attorney Schreiber stated Mr. Medlin's intent is not to create \$10 an hour jobs. She believes they have set a minimum threshold for Mr. Medlin to meet.

Mayor Boss thought there was nothing close to \$10, according to the schedule included in the paperwork. Commissioner Payne pointed out where to find the table of wages for each job in the agreement. She said there are two painters, two helpers, maintenance, grounds keeper and security positions at \$10 an hour.

Commissioner Rardin said it is taxpayer's money and due to some circumstances, it can change beyond the Commission's control. He said with this agreement, Mr. Medlin is only obligated to provide 45 jobs at \$10 an hour. Granted he can get there a lot faster with those higher wages, but it doesn't make the deal sweeter for the Commission if that dollar amount goes up by \$2.50 an hour. Mayor Boss thought this wasn't the time to do anything.

Commissioner Hernandez said he thinks Mr. Medlin is going to have to be in the wage scale in order to hire these people. He said some of the jobs, people can go elsewhere and make more money. He thought Mr. Medlin is off on the scales.

Commissioner Rardin moved to approve.

Commissioner Hernandez seconded the motion.

Roll call vote was taken.

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

PUBLIC HEARINGS

9. Consider, and act upon, Application No. 1109025, a Small Brewer 1st Off-Site Location Liquor License, with on the Premises Consumption and Package Sales with Patio Service at 523 N. White Sands Blvd to Tall Pines Beer & Wine Garden LLC. (*Rachel Hughs, City Clerk*)

Mr. and Mrs. Stucky introduced themselves to the Commission.

Commissioner Hernandez said he has a small concern with the Dispensary across the street. He said it is a small concern, but he wanted it to be heard.

Mayor Pro-Tem Baldwin said on behalf of the City, they are excited that they will be opening up business. Ms. Stucky said their first location in Ruidoso has been in business for two years, and they have had a great track record.

Commissioner Sikes asked when they will be opening. Mrs. Stucky said they are waiting for the licensing to be done, but they are shooting by February 1, 2019.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

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

NEW BUSINESS

10. Consider, and act upon, Resolution 2019-02 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of January 9, 2019. (*Evelyn Huff, Budget Analyst*) (Roll Call Vote Required)

Budget Analyst Huff said the large portion of this is to move funds from fund 109 to fund 56, to fund the McKinley Channel Project. She said they are requesting \$2.1 million dollars to be transferred. She said the other \$1.6 million needed for the project is already in fund 56. It will be moved from other projects or is already earmarked for the McKinley Channel project. She said the other items on the

revision are mostly things in which they are still trying to clean up the project role and get all the projects straightened out and everybody's budget where it needs to be.

Mayor Boss asked Budget Analyst Huff if they were still working on that. She answered that these are for things that are less than \$5,000. She said there are two items: one is for amount of expenses that did not get carried over correctly, and the other one is where some expenses got budgeted for the Library. She said that grant or bond has already been expended so it shouldn't be there, and they do not want them to spend money that they are not going to get reimbursed for.

Commissioner Rardin asked Budget Analyst Huff if she said they were going to move money from fund 109 into fund 56. She said that is correct. He asked if fund 109 is street money. She deferred the question to the Assistant City Manager Cesar.

Assistant City Manager Cesar answered that is correct. Commissioner Rardin asked what it will be used for in the McKinley Channel project. Assistant City Manager Cesar said if you remember back when the two items went to the public in 2004 and 2008, the street maintenance money was primarily used for pavement, ADA improvements, etc., but also for drainage improvements. He said this is a very large drainage project. There is some utility relocation that they have paid for out of fund 81, but there is the tie into fund 109 with the nature of this project. He said this does not impact the street maintenance project at all. He said they still have a considerable amount of money tied up in the Scenic extension. He said they are still waiting for word from Union Pacific on whether or not they will be able to move forward with that project. Those monies have already been set aside, so this doesn't impact the traditional street maintenance project at all. He said if you remember about two Resolutions ago, in fixing some of the issues that they had with the budget, one of the items that they had to delay was the Street Maintenance project for this year, and they will hopefully be back on track in the new fiscal year and get back into that cycle.

Commissioner Rardin said his concern was that it is Street Maintenance money and they have a lot of streets that need maintenance, but he understands that the flood control project needs to be funded as well. He just wanted to make sure that they are not spending money they shouldn't be spending.

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Hernandez seconded the motion.

Roll call vote was taken.

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

11. Consider, and act upon, Award of Public Works Bid No. 2018-009, Street Maintenance Crack Sealing Re-bid project, to General Hydronics Utilities, LLC in the amount of \$228,636.00, including NMGR. (Nancy Beshaler, Project Manager)

Project Manager Beshaler said this will provide for crack sealing for five streets within the City. The project was advertised in November and bids were open in December. They had two bidders with the low bidder being General Hydronics Utilities.

Commissioner Hernandez asked if this is the first project, General Hydronics has done like this. Project Manager Beshaler answered it is her understanding that they do not have experience doing this. He asked about the warranty. She said it is the standard warranty one-year after it is complete.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

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

12. Consider, and act upon, application for Gross Receipts Investment Program (GRIP) funds from Gerald Champion Regional Medical Center (GCRMC). (Petria Schreiber, City Attorney)

City Attorney Schreiber pulled this item off the Agenda.

13. Consider, and act upon, moving the Boards and Committees Annual Reports to the months of July of each year. (*Rachel Hughs, City Clerk*)

City Clerk Hughs stated some staff liaisons asked the City Manager if they could change the annual reports to July, instead of January, to coincide with the fiscal year.

Mayor Boss said it seems reasonable to move it because it agrees with the City's fiscal year

City Manager Paluch said several of the Boards have funding that are associated to them and it was difficult for those staff liaisons to do a report and gather their financial data over two fiscal years. She said the request came to her office because it would be easier for them to gather data over one fiscal year.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

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

14. Consider, and act upon, a Code of Conduct violation filed against Commissioner Susan Payne by Richard Merrick. (*Petria Schreiber, City Attorney*)

City Attorney Schreiber explained how the process worked for a code of conduct complaint. She said the committee found no-cause on all the items except for one. She said the agenda report provides a road map of what action the Commission can take at this time. She explained the options the Commission could take for this complaint.

Commissioner Sikes made the motion to take no action.

Rich Merrick commented on the following:

He said the remarks made by Commissioner Payne were made within a couple of weeks after the State Auditor's letter, which was about the City and the things done wrong by the City. He agreed with Commissioner Payne in that she factually state his qualifications. He asked the Commission if someone was to question their qualifications and one of the things, they said was that "you only worked for your mommy". That is pretty insulting. He said in that same comment "he lost the Mayoral race and was awarded the Booby prize of the State Auditor's position". He said the definition of a booby prize is the lowest performing award for a game or competition. He said, does Commissioner Payne not say that this is an award for low performance and that the State Auditor's job is such a low office that we award it to a low performer. He said that is where he has a problem with this. He said the State Auditor issued the State Auditor's findings and it wasn't pretty. He said he thinks what the State Auditor was trying to put out there was, we just need to change what we are doing. He said this is his opinion. He stated that he did see Mayor Boss and Commissioner Payne at the Republican meeting and what he saw was a professional State Auditor act in a professional manner regardless how he felt over these posts. He said the comments puts the City in a bad light. He said KRQE News picked up on the story. That went out to the entire State, that a Commissioner in this City, made those kind of comments. He said that looks bad on our part. He agreed with Mr. Frederick's earlier comment 100 percent, in that no one should lose their first amendment right, but the City Commission put this Ordinance in. He said he is not trying to take anyone's first amendment rights away, he is just trying to make people obey and follow the Ordinances that are written.

Mayor Boss said they have a motion on the floor by Commissioner Sikes.

Commissioner Hernandez seconded the motion.

Commissioner Hernandez said he constantly finds himself wanting to make comments, like yesterday for instance when our top elected democrats were here badgering our Border Patrol and Hospital. He said he held comment because he does not want to end up like Commissioner Sikes and Payne have. He said the day he is elected, he is elected till the day he dies. He stated it was not an easy task for Commissioner Payne when this was filed, and it hasn't been an easy task for her during this. He said he is currently in a situation where he is going to hire an Attorney to shut somebody's mouth for what they are saying about him. He said if they want to file a complaint, that's fine, but that's bull. He said he has not spoken to Commissioner Payne about this, but he can tell you that she probably has a different understanding of social media and how this works, and the fact that you really can't really say what you really feel, just because you are an Elected Official. He said because they did not find "No Findings" doesn't mean that Commissioner Payne didn't feel the pain. He said he understands that because after Commissioner Sikes went through her complaint process, he and Commissioner Payne had a conversation about it. He said Commissioner Sikes went through a lot of turmoil within herself to get past that. He said just because they are elected officials, it doesn't take away their first amendment right. He said he does not believe the crap of "As a Private Citizen", because once you are elected you are elected, you are always representing. He said this is his opinion.

Mayor Boss said anytime he sees or hears the word "I", that is an indicator that they are speaking for themselves and not for the Commission. He said anytime he makes a statement, he will make it very clear that he is speaking for himself and not the Commission and feels that it is his right to do that. He said he feels that their rights have been taken away by this Code of Conduct. He personally thinks it is ridiculous.

Commissioner Sikes told Commissioner Hernandez she appreciates him saying about having to hold back yesterday. She said as the Chair of the Democrat Party and as a City Commissioner, she cannot stand grandstanding. She said she is a member of the Community Advisory Board with the hospital and she is very proud of the hospital and what they have done over the past few years. She said to see them disparaged over something totally out of their realm. She said this is a personal comment that she is making, but she had to hold back as well. She said as a person who has had the most complaints filed against her, she appreciates what her colleagues have said this evening. She also appreciates what Mr. Frederick said earlier. She said she tends to always want to express her first amendment rights and she knows it gets a little contentious occasionally. She said if she ever had to go through that situation again where she has to sit up there on the dais and have your words and thoughts torn apart. She stated if she had the option of running through this room naked, she would do that instead. She said it is so humiliating to have every word and thought under the microscope. She asked how the people of Alamogordo know who they are, if they aren't allowed to express their opinions about various topics or people. She said the people need to know who they are and what they stand for. She said she respectfully asks the City Manager and the City Attorney to look at this Ordinance and either clean it up a little, repeal it and make it where it isn't so punitive. She said that is, of course, with the consensus with her colleagues.

Commissioner Wright stated that everything that was submitted, was submitted as Susan Payne and not as Commissioner Payne. He said KRQE would only have known that she was a Commissioner, if somebody was going to run to the media and twist the story. He said he understands that it is a position, but nothing was stated as a City Commissioner, this was only her opinion. He said there was nothing that Commissioner Payne used in her official status to convey this message.

Mayor Boss said there was nothing Commissioner Payne used that was any of her opinion, everything was already been made news about the Acting State Auditor at that time. He said everything had already been on the news in pretty much the same words with maybe the exception of the mommy comment, but everything was already there. He said in his opinion, she was reporting more than giving an opinion.

Commissioner Payne said she needs to apologize to Commissioner Sikes. She said she mentioned to Commissioner Sikes that she understands passion. She understands humility and has no problem

apologizing to her because she deserves it, she may have went a little overboard and she did it because of a particular comment. She stated she is not ashamed or embarrassed by this because she did not do anything wrong. She is not going to admit to doing something wrong, when she did nothing wrong. She said she is a little disappointed and a little bit hurt because Mr. Merrick and she used to be, what she thought were friends. She said she must have said or done something and all of a sudden, she is Satan's spawn. She is still the same person she was in March of 2016 when she was elected. She said she is berated on social media. She does not have access to those anymore she took herself off those a long time ago. Her husband and children tell her what is happening on social media. She said she has screen shots of everything. She said according to social media she has lined her pockets, she answers to the Rabons, and she is part of the good ole boys. She said there are so many things said about her. She said it is confusing to her because apparently, she has done things that she did not know she did and said things that she did not know that she said and have been places that she didn't know she was at. She said Commissioner Hernandez is right, we are always public officials, but that Facebook page she has had since 2009. She said it says nothing on there about her being a City Commissioner and she would never in a million years discuss any legal issues that has to do with the City. She understands what her professional responsibility is, but she reposted two articles, and Commissioner Wright is correct that there is no way KRQE News would have known that she was a City Commissioner unless somebody told them. She said she is tired of playing the game, she just wants to do her job, that is all she wants. She said she works really hard for the City. She said this has got to stop, this is ridiculous. She said her non-profit has been brought into ugly conversations on Facebook.

Mayor Boss mentioned that his wife has been brought into conversations. Commissioner Payne asked why they would do that. Mayor Boss said because they are morons and it is bull.

Commissioner Payne asked why anyone would want to destroy an organization that works so hard for this community and helps so many people. She said her non-profit has been named in a State Auditor's report and she can't understand it. She said she got a little snarky, she is disappointed in the former State Auditor. She keeps hearing that she takes direction from these high rollers in town, but the only person that has asked her to consider something or do something is sitting in the audience. She said she has never had the Rabons call her and ask her to vote a certain way, she has never had that happen.

Commissioner Sikes moved to take no action.

Commissioner Hernandez seconded the motion.

Motion carried with a vote of 6-0-0. Commissioner Payne did not vote.

15. Notification of Vacancies for Boards and Committees. (*Richard Boss, Mayor*)

Mayor Boss read the vacancies for each Board and Committees. He also announced that if anyone is interested on being on a Board or Committee to visit the City's website or go into the City Clerk's Office and fill out a form.

Commissioner Hernandez mentioned the football display outside of the Chambers has been updated. He welcomed everyone to stop by and look at the display. He said he is very proud of it because his father was on that State Championship football team

EXECUTIVE SESSION

16. Adjourn into Executive Closed Session in compliance with 10151(h), NMSA 1978 (as amended) to discuss real property of the Fairgrounds Parking Lot. (Roll Call Vote Required)

City Manager Paluch reminded everyone that they will be adjourning into Executive Session.

Commissioner Hernandez moved to adjourn into executive session at 8:11 p.m.

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

ADJOURNMENT




City Clerk Rachel Hughes


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on January 29, 2019.