

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
FEBRUARY 23, 2016**

**SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
AL HERNANDEZ, COMMISSIONER**

**ROBERT RENTSCHLER, MAYOR PRO-TEM
CLIFF HUDSON, COMMISSIONER
GEORGE STRAFACE, INTERIM CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
NANCY JACOBS, CITY CLERK**

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Clerk Jacobs announced there was a quorum present. Invocation was given by Pastor James Forney and the Pledge of Allegiance was led by Commissioner Sikes.

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

PRESENTATIONS

1. Presentation of plaque to honor Mayor Susie Galea for her years of dedicated service to the City of Alamogordo. (*George Straface, Interim City Manager*)

PUBLIC COMMENT

Dr Juan Sanchez commented on the following:

Dr Sanchez thanked Mayor Galea for supporting higher education and presented her with a gift on behalf of NMSU-A.

Rick Wilson commented on the following:

Mr. Wilson talked about City proposals and expressed how unhappy he is about them.

Beth Crabb commented on the following:

Ms. Crabb emphasized she is in favor of 24 lanes for the Family Fun Center. She said we need to look to the future and look beyond our little town.

Bill Dennis commented on the following:

Mr. Dennis said there is no chain of command on the City Commission, the Mayor and Commissioners are all equal. He mentioned it is impossible to keep every one happy, no matter what you decide the people will be unhappy.

Harv Hamilton commented on the following:

Mr. Hamilton talked about the possible upcoming new commission. He talked about the need for people to read the proposed amendments to the City Charter. He said he voted against all of them today. He also looked at the financial statements from all candidates today, to ease his mind about allegations being made by who gets elected.

Sharon Hodges Commented on the following:

Ms. Hodges represented the Otero County Law Enforcement Appreciation Committee, with a gift of appreciation to the Mayor. She thanked the Commission for their service, developing the Code of Ethics, Mayor Pro-Tem Rentschler and Interim City Manager Straface on strides working with the County for a PSAP or the reverse 911.

Vincent Dias commented on the following:

Mr. Dias thanked the Mayor and Commission for their services. He talked about the Family Fun Center 24 lanes. He is in favor of putting the FFC being built in the Mesa Verde area due to it will increase revenue.

Melanie Rayhart commented on the following:

She mentioned how many people are involved in bowling and how they would bring in revenue. She said they can not do this without 24 lanes. She noted they had given \$15,000 in scholarships from bowling to 44 kids on base.

CITY MANAGER'S REPORT

Interim City Manager Straface commented on the following:

1) Interim City Manager Straface recognized Rick Merrick for the great work he did at the Cemetery.
2) He talked about the Police Chief vacancy. He mentioned Acting Police Chief Israel Trujillo will be retiring on Thursday afternoon. He announced Roger Schoolcraft has been appointed to be Acting Police Chief and removed Michael Lawrence as Captain of Operations to put him as Captain of CID and placed Tim Keelin as Captain of Operations. He gave them some tasks to do between now and the time a new Chief of Police is hired. He noted the closing on the job posting for Chief of Police is March 16, 2016. Interim City Manager Straface said there is a committee who is working with the City to do preliminary interviews; the group is being lead by District Attorney David Ceballas and former District Attorney Scott Key. He added that on the committee are Police Chiefs from Tularosa, Cloudcroft, Ruidoso, Sheriff Benny House and other retired judges. He believed this committee will add great value to their selection of candidates.

Mayor Galea commented on the policies the HR department has in leading and decides who is on the committees that would be selecting candidates. She had concerns that the District Attorney would work as the chief lead as he is judicial and the City is executive, and mixing them would be a conflict of interest in the future. She hoped that instead of the HR Manager steering a committee, it would be lead by a police chief that has been a chief within a similar size community or larger. Interim City Manager Straface responded he had taken that into consideration and decided not to follow the policy and establish the committee.

Mayor Pro-Tem Rentschler said he listened to District Attorney Caballas at Pepper's Grill during the Eagle Forum and agreed it is excellent to have this committee. He believed the problem they had with the former police chiefs and the Sheriff's Department has brought more grief and more in actual cash. He mentioned the final selection was not going to be up the committee, it would be up to the City Manager.

Mayor Galea asked Interim City Manager Straface to address whether this has cost the City more money and if there was a conflict between the City and the Sheriff's Department; she didn't think what Mayor Pro Tem Rentschler was true.

Mayor Pro-Tem Rentschler addressed her question, he said PSAP; \$500,000 worth has been lost. He added, we have lost \$1.2 million dollars because our Police Chief and the Sheriff couldn't get along.

Mayor Galea said she remembers they negotiated before Chief Duncan was here. She added this was July 2012, and he came on board January 2013, and she asked the clerk to show on record that the allegation is false.

Mayor Pro Tem Rentschler asked that it go on record that he said not only this Chief but prior chiefs, as well.

Interim City Manager Straface thought they have to do their best to mend fences so they can work together with our law enforcement, not only the Police Department and Sheriff's but also with New Mexico State Patrol. He believed the Sheriff's Department was open to working with the City and

thought it is a positive move. He mentioned we will be seeing the Audit later this evening and it will be posted tomorrow night.

Mayor Galea said there is a lot of confusion with the candidates who thought it cost the City more money to have a separated Fire Department. She asked Interim City Manager Straface to allow the Fire Chief to address any costs that have been debated in the public. She understood they are receiving \$100,000 more each year from the State Fire Protection Fund and have received over two million in grants each year.

Interim City Manager Straface answered there was approximately \$800,000 less than we spend now for both departments. He added there is an additional cost for the Police Department and Fire Department being separated and they have received grants and revenue other than GRT to support the Fire Department.

Fire Chief Ward explained that in 2013 he came to work as the City's Fire Chief. From that time to now the GRT has not increased that much. He mentioned they have seen significant increase in equipment replacement which was unforeseen cost, as the equipment was old. He said they brought the State inspector in to evaluate the process of the City, and they increased their Fund 33 and other funds by about \$110, 000 a year. He mentioned they have received around \$825,000 in grants over the last three years from FEMA, State Homeland Security, and State Fire Protection Fund. This money along with a small match from the City is what they have used to make up the majority of the equipment replacement purchases. He said they have brought \$1.2 million dollars to \$1.4 million dollars through their emergency management functions to aid their operations from the flooding. He recapped they have been working diligently in trying to find as much finding outside money, by working with the City Manager to fund their equipment replacement lines.

Mayor Pro Tem Rentschler said they knew there was going to be an increase and appreciated what Chief Ward had done to bring in funds. He clarified the City is not closing down Fire Stations, what the City is doing is consolidating.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Susie Galea made the following comments:

Mayor Galea mentioned she attended Military Day at the Santa Fe Legislature where she spoke to the State Committee for American Legion and they informed her they were excited to bring a State Convention to the city in June.

She said as Mayor, on her way out as the outgoing Mayor and the first and only Municipally Certified Officer for the City of Alamogordo, she had some concerns from that position as the City is a corporation. She mentioned a growing number of employers have realized the benefits of ethically operating their organizations. They know that companies that work to build and maintain their ethical workplace cultures are more financially successful and have more motivated productive employees. She added awareness among a City Manager Commission that in order to maintain high levels of employee engagement, leaders need not only set an example but to carefully monitor and manage compliance with corporate ethics standards. She continued, many workers do not speak up with ethical complaints because of fear of being fired, labeled a snitch, or simply because they do not want to go against the workplace's culture. She said many whistleblowers risk and even lose their careers as a result of reporting misconduct. The Mayor mentioned, we had one such employee, Alexa from Utility Billing, who had to flee a hostile work environment on July 2014, after blowing the whistle on the Utility Billing scandal. Mayor Galea said she was soon censored and given the vote of no-confidence by the Retaliatory Conduct Law and that local law was later used to sanction her when she offended a few dozen people with a personal comment. She said the moral turpitude had disrupted the Utility Billing Department; the employee that committed the crime may now be facing up to 11 felony counts in embezzlement charges but organizational judgment is not inherit for the lingering department staff that must still clean up after the mess. She asked everyone to be extra kind to the staff in the Utility Billing

Department of the City. She said perceptions of higher levels of organizational justice can make a substantially positive impact on the organizational commitment and projected tenure of employees. She added, the tenure of employees have suffered since the ethical scandal by the former Utility Billing Manager. Employees watched as the majority of the Commissioners worked to ensure the former Utility Billing Manager continued to be a paid staff member for eight months after the whistleblower's report was confirmed. She said employees watched as Commissioner Hernandez thought that the Commission would generate a hostile work environment lawsuit against the Mayor. She added, employees watched as Commissioner Rentschler passed a code of conduct ordinance, the only one in the nation that penalizes the Mayor or any elected official for transparency. The Mayor said the employees read the New Mexico State Auditor's findings that showed the Utility Billing scandal began before the former Utility Billing Manager's time, and the Director that trained him still remains a staff member in a position of great trust in the City of Alamogordo today. She added, employees read the City Attorney's statements in the paper that the Utility Billing scandal included no criminal act against the City or the customers. She said employees wonder why one person, the former Utility Billing Manager, is alone named with only 11 felony charges since they witnessed the majority of the City Commissioners become allegedly co-conspirators and they know now that there are at least two accomplices allegedly amongst the City Directors. She said many employees have left the City's employee since June 2014, City employees who wanted to work for the City that once practiced its mission statement. She said Commissioners like Al Hernandez are known to boast when they have been part of chasing off our former City Clerk and our former Police Chief, and she found it disgraceful. She noted that meanwhile we have had a mass exodus of City staff that has not been curtailed by the current management. She thought the good news was that the City's Utility Billing Audit, under the current Utility Billing Manager had found more than \$200,000 annually in more revenue, when every Utility Billing customer pays for their own use. She added, the bad news remained that the next 2 ½ months with sudden retirements, the City of Alamogordo will be down to 38 police officers and available police officers includes that of only one officer for every 1,000 citizens. She said in the meantime they are still transitioning with new staff in the Engineering Department, the City Clerk's Office, Community Service Director, Assistant City Manager, Public Housing Authority Director, Grants Coordinator, City Planner, Police Chief, and a permanent City Manager. She believes it's time for a revolution of good governance for the people; the next Mayor must be a person sure-footed, with personal and professional ethical practices. The next manager will be well seasoned in public administration, a background in economic development, and a morally grounded Manager who is not afraid to do the right thing against political backlash. She continued, the new Mayor and Manager need the cooperation of a Commission of Public Service. She made this her Mayor's report because she had hopes for the entire City. There was a great need for a stronger commitment to ethical standards as the City would be led by a new mayor, a new manager so the community becomes renewed by strengthened prosperity. She said the people deserve better governance from their Commission. Mayor Galea ended her report with, In God We Trust, thank you.

Commissioner Sikes made the following comments:

She was curious to know if the Mayor's report was an apology to the City for lack of leadership, or an opportunity once again to throw the Commission under the bus.

Mayor Galea responded it was true as the City's Mayor she was censured for standing alone and standing by a whistle blower who had to flee a hostile work environment. She said she would not stand with the rest of the co-conspirators amongst this Commission that would allow and advocate that the former Utility Manager continue on our paid staff for eight months.

Commissioner Hernandez made the following comments:

He mentioned that in ethical matters the Mayor had forgotten to talk about the Oktoberfest. He said everything that happened in the Utility Billing Department was the City Manager's job to take care of; he failed to do that and also failed with the City Clerk so many times. Commissioner Hernandez added he had brought these matters to the City Manager and stood alone. He finished with saying good-bye to the Mayor.

Mayor Pro Tem Rentschler made the following comments:

He thanked Public Works Director Brian Cesar and his crew for a job well done on the Juniper cut. He mentioned from the ICIP, Alamogordo got more than he imagined they would. He said the City received \$900,000 for a retention pond and got the police cars funded again. He noted the City had been working to increase the police department's morale and certainly a car for each officer would help with that. Mayor Pro Tem Rentschler said the Rec Center's locker rooms have been trouble for years but they had received money from the Legislature for that and he was really thankful for all that they did. He said he had been watching Interim City Manager Straface for the past five months and he thought he has done an excellent job. Mayor Pro-Tem Rentschler wanted the Commission to consider, suspending the search for a new City Manager and allow George Straface to continue.

Mayor Galea asked the Commission to consider not tying the hands of the future Commission to meet together at the next meeting.

He said the new Commission can meet the first meeting in March and they can throw the City Manager out so if there is a problem with appointing George Straface, they can do that. He thought the City had been starting to recover from a rough time with the city government, and now they have been able to clean house and move forward. He added Interim City Manager Straface has done a good job and it is reasonable to consider allowing him to continue as city manager.

Mayor Galea mentioned the Interim City Manager's contract was for six months and there was still more than a month on his contract. She was grateful for the work he had done, but she did not want to tie the new Commission's hands.

Commissioner Sikes noted the City Manager is the only employee of the City Commission and this was not an agenda item; it was a consideration of the Commission and nothing they could act upon tonight. She agreed with Mayor Pro Tem Rentschler, in the time she had been on the Commission she had never seen the City move forward so quickly and positively. She appreciated everything Dr. Straface brought to the table and the support of her colleagues.

CONSENT AGENDA

- 2. Approve the Minutes for February 9, 2016 Regular City Commission Meeting. (Nancy Jacobs, City Clerk)**
- 3. Approve the statement related to the Executive Session held on February 9, 2016. (Nancy Jacobs, City Clerk)**
- 4. Consider, and act upon, the award of IFB 2016-01 Bulk Fuels for the City of Alamogordo to Brewer Oil Company using the OPIS Rack Average mark up of .20 per gallon of Unleaded and Diesel. (Barbara Pyeatt, Chief Procurement Officer)**
- 5. Consider, and act upon, the award of IFB 2016-02 John Deere 1570 Terrain Cut Commercial Front Mower with 72" Mowing Deck or "Equivalent" to Austin Turf & Tractor in the amount of \$22,255.04. (Barbara Pyeatt, Chief Procurement Officer)**
- 6. Consider, and act upon, approval of a Pipeline Crossing Agreement with Union Pacific Railroad (UPRR) related to the Reclaimed Water Line Looping project. (Chris Darnell, City Engineer)**
- 7. Consider, and act upon, the award of Public Works Bid No. 2016-003 to General Hydronics, Inc. related to Buena Vista Corte Sewer Line Replacement (EN1605) in an amount not to exceed \$70,454.88, including NMGR. (Edward Balderrama, Project Manager)**

Commissioner Hernandez removed items 4 and 5 for further discussion.

Commissioner Hernandez moved to approve items 2, 3, 6, and 7 of the consent calendar. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

4. Consider, and act upon, the award of IFB 2016-01 Bulk Fuels for the City of Alamogordo to Brewer Oil Company using the OPIS Rack Average mark up of .20 per gallon of Unleaded and Diesel. (Barbara Pyeatt, Chief Procurement Officer)

Commissioner Hernandez asked if they could still use the fuel cards at all the other locations. Public Works Director Cesar said yes.

Commissioner Hernandez moved to approve the award of IFB 2016-01 Bulk Fuels for the City of Alamogordo to Brewer Oil Company using the OPIS Rack Average mark-up of .20 per gallon of Unleaded and Diesel. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 7-0-0.

5. Consider, and act upon, the award of IFB 2016-02 John Deere 1570 Terrain Cut Commercial Front Mower with 72" Mowing Deck or "Equivalent" to Austin Turf & Tractor in the amount of \$22,255.04. (Barbara Pyeatt, Chief Procurement Officer)

Commissioner Hernandez noted that on the description Bid Tabulation it read the proposed unit did not meet or equivalent. He asked if it met requirements. Interim City Manger George Straface said he was not prepared to answer the question and asked the item be tabled.

Commissioner Hernandez moved to table the award of IFB 2016-02 John Deere 1570 Terrain Cut Commercial Front Mower with 72" Mowing Deck or "Equivalent" to Austin Turf & Tractor in the amount of \$22,255.04, to the next meeting. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 7-0-0.

NEW BUSINESS

8. Presentation of the Fiscal Year Audit and Approval 2014-2015. (Alan Bowers, CPA for RCP+Consultants, LLC)

Mr. Bowers mentioned the Audit was a nine month process and received the release letter on February 5, 2016. He spoke on financial statements including cash investments and debts. He mentioned there were three prior year findings, all of which were resolved. He added there were three new findings, one was noncompliance and two were findings that did not rise to the levels of significant deficiency. Mr. Bowers explained the five different kinds of findings in the State of New Mexico. He said the Auditor's from RPC were independent from the City.

Mayor Pro Tem Rentschler said this report came back unmodified and was a pretty good audit. He thanked the Finance Department for doing a great job.

Commissioner Hernandez asked to remove Item #5 from the table. Mayor Pro-Tem Rentschler seconded.

Commissioner Hernandez said he had received his answer to this. The power centers bid included a tractor with lower horse power and with that came a lower bid, and the requirement of the size of the tractor was higher. He said, with that he moves that they accept item number 5.

Mayor Galea asked Commissioner Hernandez how he got his answer. She reminded the Commission about the Open Meetings Act and asked they not be texting during a Commission meeting. Commissioner Hernandez offered his phone for the Mayor to check.

Commissioner Hernandez moved to accept Item #5 to award the IFB 2016-02 John Deere 1570 Terrain Cut Commercial Front Mower with 72" Mowing Deck or "Equivalent" to Austin Turf & Tractor in the amount of \$22,255.04. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 7-0-0.

9. Discuss, and consider, improving the City of Alamogordo hiring policy related to Veterans, Guardsmen, and Reservists by adopting a results-proven policy from Albuquerque. (Susie Galea, Mayor)

Mayor Galea mentioned she met with the Chief of Staff for Veterans Affairs in Albuquerque with Mayor Berry, and he shared some information with them. She said in order to be considered a veteran as a guardsman or reservist, you need to have a DD2 14 form meaning you have been deployed or you work in an AGR position which many veterans do not have. She wanted the Commission to consider amending the policy to include the state's definition of veterans, specific to guard and reservist, that they not be required to show the DD2 14 but show they have served at least six years honorably. She would have a draft policy for the Commission to consider but Interim City Manager Straface would not allow it to be on the agenda; she would like it brought to a future meeting.

Commissioner Hernandez said he would like to speak to some the local veterans to make sure they agree with this. He mentioned he does not have a problem with bringing it to a future meeting.

10. Appointments to Boards and Committees. (Susie Galea, Mayor)

Mayor Galea reappointed Beverly Coble to the Promotion Board.

Mayor Galea recessed the meeting at 8:28 p.m.

Mayor Galea reconvened the meeting at 8:42 p.m.

WORK SESSION

11. Topic for discussion: Architects report regarding the Family Fun Center. (George Straface)

Interim City Manager Straface talked about the designs of the Family Fun Center (FFC) with the help of Project Manager Edward Balderrama. He spoke of the costs and believed with the estimated costs for 16 lanes, they would be very close to the \$5.9 million and not be close with the 24 lanes. He mentioned different ways of getting more money for the Family Fun Center. His recommendation was to go for 24 lanes.

Mayor Pro-Tem Rentschler said contractors have a base bid then expand and bid them both. He didn't see any reason why they could not see the 16 lanes, and then see what difference the 24 lanes would make. He liked the layout of the design. He asked how fast this could be out to the bidders.

Interim City Manager Straface said it will not be happening in 30 days. He mentioned they could play with the design but it would delay the project and he recommended they stay with this design.

Mayor Pro Tem Rentschler asked if the cost included all the equipment and if they are looking at a fully inspected set of plans. Interim City Manager Straface said yes but, to his knowledge, start up costs were not included.

Commissioner Turnbull asked if it was possible to decide tonight if the Family Fun Center would be 16 or 24 lanes. Interim City Manager Straface said it was the Commission's decision. Commissioner Turnbull said she would like to do that to speed things along. Commissioner Baldwin mentioned this was not an action item and would be consensus to speed it along; he was in favor of that. Commissioner Hernandez said they were spinning their wheels because next Tuesday was Election

and everything they did at this Commission meeting could change. He suggested bringing it when the new Commission was seated.

Interim City Manager Straface mentioned the comment cards the public could fill out in regards to their thoughts about the Family Fun Center.

Mayor Galea asked if they were to move forward with 24 lanes, what would the total cost be missing from the other bids. Interim City Manager Straface said the GRT was not included in one of them but could not get into specifics. Mayor Galea said if there were bids already received under six million and we asked them to pay the GRT, why were they going through this process. City Attorney Stephen Thies said what they have are two prior proposals, not bids. He explained they are cost proposals and if they would have agreed they would then have had a final cost. Mayor Galea said if they can ask the two bidders to modify their bids to conform to this design. Interim City Manager Straface said this is what he thinks will happen and wants to be sure of the equipment the City will be getting.

Commissioner Hudson asked with carrying both contractors forward, is it possible can be on a dialogue. Interim City Manager Straface advised against it.

Mayor Galea asked how many Family Fun Centers the architects had designed. Interim City Manager Straface said he didn't know but could find out. She was concerned about the layout of the Family Fun Center. Manager Edward Balderrama asked the Commission to keep in mind it was just a concept for discussion.

Commissioner Baldwin agreed with what Commissioner Hudson said about the contractors. He didn't mind moving forward with 24 lanes. Commissioner Hernandez said he would support to build what they have to but he will request what funds the money came from and what that money could have been used for. Mayor Pro Tem Rentschler asked if this would be a full set of engineer drawings. Interim City Manager Straface said yes.

Commissioner Hudson said we need to listen to the contractor and see where they can bring back ideas to save money in the design. Mayor Galea believed they could build the 24 lanes for \$6 million dollars. Commissioner Hernandez asked if this was an open bid. Interim City Manager Straface said the two contractors could be the sole bidders and if one of them chose not to, they would open it up. Commissioner Hernandez had a concern with that.

The mayor asked the interim city manager if he needed direction from the commission tonight. He told her this would be brought back to a commission meeting after the March 1, 2016 Election which would determine the new commissioners and mayor. This item will be put on a meeting in March and if the commission voted for it, the City would move forward with an architect to develop specifications.

ADJOURNMENT

Mayor Pro-Tem Rentschler moved to adjourn at 9:13 p.m. Commissioner Hernandez seconded the motion. Roll Call vote was taken. Motion carried with a vote of 7-0-0.


Mayor Richard Boss for Mayor Susie Galea

ATTEST


City Clerk Nancy E. Jacobs

(Prepared by Rachel Hughs, Deputy City Clerk)

Approved at the Regular Meeting held on March 22, 2016.