

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
April 23, 2019**

**RICHARD BOSS, MAYOR
AL HERNANDEZ, COMMISSIONER
NADIA SIKES, COMMISSIONER
JOSH RARDIN, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**JASON BALDWIN, MAYOR PRO-TEM
DUSTY WRIGHT, COMMISSIONER
BRIAN CESAR, INTERIM 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 6:29 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Commissioner Payne and the Pledge of Allegiance was led by Commissioner Wright.

APPROVAL OF AGENDA

City Attorney Schreiber said the wording on Item 12 needs to be amended. She said it needs to read "Adjourn into Executive Closed Session in compliance with 10-15-1(H) (8), NMSA 1978 (as amended) to discuss real property as it relates to an offer to purchase the Fairgrounds Parking Lot".

Commissioner Rardin moved to amend the agenda.

Commissioner Wright seconded the motion. Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. Presentation of FY 2018 Audit Summary. (*Farley Vener, CPA, CFE, CGMA*)

Mr. Vener presented the summary of the 2018 Audit. He thought the Finance staff should be recognized for doing an excellent job and getting in on time despite some of the turnover in some of the key positions in the Office. Mayor Boss also commended the entire Finance Department. (See Blue Book for Power Point presentation).

Commissioner Rardin asked which funds were deficit. Mr. Vener said he does not have that available right now, but if you look at the audit report and go through those special revenue funds and other types of governmental funds they would see the deficits there.

Commissioner Rardin asked Interim City Manager Cesar if staff would work on that for the Commission. Commissioner Rardin said he thought he had seen the report in his box, but has not had the opportunity to come to City Hall to read it. Interim City Manager Cesar said the Commission has a full copy of the report, but staff would summarize it for the Commission.

Mayor Boss asked Mr. Vener if after required adjustments they would still be deficit accounts. Mr. Vener answered correct, there are some deficits in some of the funds. He said it would be good to take a look at them to see the history of those funds and get an understanding of why they have those ongoing deficits.

Interim City Manager Cesar said they do have the budget hearings coming up. He said in this fiscal year they started off with multiple Resolutions, they pulled back projects, so a lot of what the Auditors were seeing were those adjustments that they were having to make. He said the budget that will be presented to the Commission, it is a balanced budget.

Commissioner Rardin said there is a donation of fixed assets of \$774,816 and asked what exactly that is. Mr. Vener said off hand he is not going to have that information. Commissioner Rardin said they could have staff look into that. Budget Analyst Huff said part of it was the land for the Family Fun Center. Commissioner Rardin asked why it's in the 2018 budget when it was donated in 2014. Budget Analyst Huff answered from the audience and Interim City Manager Cesar reiterated that she said, the land for the Family Fun Center. She then added, part of it was. Commissioner Rardin asked why it was 2018 budget when it was donated in 2014, she answered that is when it was became a fixed asset.

Budget Analyst Huff said the deficit fund balance, one of them was the desal fund and it had to do with the difference in between the accrual and once the accruals were put on there then the final transfer wasn't enough to cover the accrual and the reversal from the accrual. The other one was the Golf Course, she thought it was for about \$4,500, and part of that had to do with the accrual as well. Commissioner Rardin asked how much was the one for the Desal, how much of a deficit. She answered it was a pretty significant amount. She said off the top of her head she wants to say it was close to \$500,000 when the accrual was done. She said all of the things that had to do with the desal are large amounts.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

Interim City Manager Cesar made the following remarks:

1. He asked Clerk Hughs to play a video of Officer Jarrett performing life saving measures on a choking baby. Police Chief Peete presented Officer Jarrett with a Life Saving Medal for his performance.
2. He announced the Annual Budget Hearings will be held at the City Hall Commission Chambers on May 7 - 9, 2019, beginning at 6:30 p.m. He told the Commissioners that each of them will be given a budget overview packet, and in their Office will be three binders with a line by line breakdown.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Payne made the following comments:

She said a little girl named Scout was diagnosed with bone cancer and her leg had to be amputated. She encouraged everyone to go to Dance, Hope, Cure on Facebook to send Scout an encouraging word. She also announced that she will not be at the Budget Hearings and she will also miss the May 14th, 2019 Commission meeting.

Mayor Boss made the following comments:

He said he received a note from Senator Griggs, thanking the City for the use of the Civic Center on April 16th, 2019. He reported on his trip to Washington D.C. He had four different meetings at the Pentagon and highlighted what was discussed which included: the permanent bed down of the F16s, White Sands Missile Range airspace, need for affordable housing in Alamogordo, the quality of our schools, quality of life, the desalination plant, Bonito Lake, and MILCON.

CONSENT AGENDA

2. Approve the minutes for the April 9, 2019 Regular meeting. *(Eric Barraza, Deputy Clerk)*

3. Approve the statements related to the Executive Closed Session held on April 9, 2019. *(Eric Barraza, Deputy Clerk)*

4. Approve the statements related to the Executive Closed Session held on March 26, 2019. *(Eric Barraza, Deputy Clerk)*

5. Consider, and act upon, Ordinance 1590 for final publication, Amending Sections of Chapter 7 of the Alamogordo Code of Ordinances. (*Petria Schreiber, City Attorney, Dwain Martinez, Animal Control Manager and Walter Oppie, Animal Control Officer*) (Roll Call Vote Required)

6. Consider, and act upon, Ordinance 1591 for final publication to approve a Local Economic Development Project for Secured Assistance Proposed by Moran & Wright Jewelry and Metal Care Products. (*Laurie Anderson, Business Development Director*) (Roll Call Vote Required)

7. Consider, and act upon, the amended contract (Amendment #1) with the New Mexico Economic Development District, Non-Metro Area Agency on Aging (NMAAA) for the Direct Purchase of Services (*Magdalena Morales, ASC Manager*).

8. Consider, and act upon, the amended contract (Amendment #2) with the New Mexico Economic Development District, Non-Metro Area Agency on Aging (NMAAA) for the Direct Purchase of Services (*Magdalena Morales, ASC Manager*).

9. Consider, and act upon, Resolution 2019-13 for the acceptance and approval of the FY18 Audit. (*Stephanie Hernandez, Finance Director*) (Roll Call Vote Required)

Commissioner Rardin asked to remove Item #5 and Commissioner Wright asked to remove #6 from the Consent Calendar.

Commissioner Hernandez moved to approve item 2, 3, 4, 7, 8, and 9 of the consent calendar. Commissioner Rardin seconded the motion.

Roll call vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

5. Consider, and act upon, Ordinance 1590 for final publication, Amending Sections of Chapter 7 of the Alamogordo Code of Ordinances. (*Petria Schreiber, City Attorney, Dwain Martinez, Animal Control Manager and Walter Oppie, Animal Control Officer*) (Roll Call Vote Required)

Commissioner Rardin said he received quite a few phone calls and emails from different constituents. He said a majority agree with this, but one of the biggest one they don't agree with was Section 7-1-020 Keeping Restrictions. He said their concern was putting restrictions on the amount of animals you are allowed to own within the City limits. He said by passing this it doesn't grandfather anyone in.

City Attorney Schreiber answered that Ordinance 29-3-550 Poultry, already makes this illegal. She said they are not amending anything that is not already in our Code of Ordinances. She read what 29-3-550 says. She said this is not being amended, it is already a law, and that was done in 2015. She said they are adding into the Animal Control Chapter, so that if citizens are looking for the laws they can find it both places. Commissioner Rardin asked how they plan on enforcing this. City Attorney Schreiber answered it is complaint driven. Commissioner Rardin asked if they had anything in the other Ordinance that defines the complaint. He said a majority of their stuff is complaint driven. City Attorney Schreiber said if they want to change it, they would need to bring a new Ordinance amending Section 29-3-550 of our Zoning Ordinance. She said Animal Control people are not unreasonable. She said the Animal Control people will generally contact you and get to the bottom of what is going on and find a resolution that works for all parties. Commissioner Rardin said they may want to look at how many people are going to be out of compliance after they pass this. City Attorney Schreiber stated they are already out of compliance, this wouldn't change anything. She said there is a keeping restriction that is new, but it has to do with a total of 10 dogs or cats. She said there has been some misinformation given to the public, that has nothing to do with birds or fish, it is simply just dogs and cats. She said this is the number that they are starting at, and if 10 is not a high enough number, you will see them bring this back to the Commission. She said when they met with the public, it went from

no restriction to fifteen. Commissioner Rardin said in his opinion, as long as they are able to care for them, then there shouldn't be an amount.

Commissioner Payne stated at that meeting she specifically mentioned that particular section. She said there was some in depth discussion specifically about that. She said they specifically addressed chickens because it was an issue.

Commissioner Rardin said he wasn't at the meeting, when it was introduced for first publication. He said the way 7-1-067 Striking Animals with a vehicle reads, how do you enforce that. He said he has issues with passing Ordinances that are unenforceable. City Attorney Schreiber said obviously when it is an animal on the side of the road that looks like it has been hit by a car, that's not enforceable, but when they have a report from a citizen with license plates and the correct information.

Animal Control Manager Martinez stated they rely on citizens if an animal is struck. He said if they get a license plate number, they start a thorough investigation to see if they can't put a case together on something like that. He also said the Ordinance concerning chickens has been in place since 2015 and it is complaint driven. He said when they get to a place and a person has 4 to 6 chickens, they give them a reasonable amount of time to bring that number down. He said the other problem they have is with roosters within the City. He said they do not write these people a citation right then and there. He said they will work with these people and give them ample amount of time to try and get rid of whatever excess they may have to try and get into compliance with the Ordinance.

Commissioner Rardin asked what it hurts, if someone has all these chickens in their back yard. Animal Control Manager Martinez said a lot of it is complaints is with the noise. He also said cleaning them up and the smell.

Mayor Boss moved to approve.

Commissioner Payne seconded the motion.

Roll call vote was taken.

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

6. Consider, and act upon, Ordinance 1591 for final publication to approve a Local Economic Development Project for Secured Assistance Proposed by Moran & Wright Jewelry and Metal Care Products. (Laurie Anderson, Business Development Director) (Roll Call Vote Required)

Commissioner Wright said he pulled this item to abstain from the vote.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

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

NEW BUSINESS

10. Consider, and act upon, Resolution No. 2019-16 authorizing execution of a Gross Receipts Investment Program Agreement between the City of Alamogordo and LBP Alamo, LLC. (Petria Schreiber, City Attorney) (Roll Call Vote Required)

City Attorney Schreiber explained this is the second step in the GRIP process for the Home2Suites being built out at Mesa Village. She said the Commission did authorize the application and this is the Agreement and the Resolution which the Ordinance calls for. She also said that the Big Wave Car Wash paperwork did come in and it was just under \$30,000. She said that is what has been used for this fiscal year and it will impact next fiscal year to the tune of \$91,250, whereabouts, as long as they spend what they believe they will spend on this project.

Commissioner Wright said his company did bid on this project, but they were not successful. He asked the Commission if they were okay if he voted on this. Mayor Pro-Tem Baldwin said there is no issue. Mayor Boss asked City Attorney Schreiber if she was okay with that. She answered yes.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

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 Christopher Orwell to the Alamogordo Promotions Board. No one was opposed.

EXECUTIVE SESSION

12. Adjourn into Executive Closed Session in compliance with 10-15-1(H) (8), NMSA 1978 (as amended) to discuss real property as it relates to the Fairgrounds Parking Lot. (Roll Call Vote Required)

Amended to read:

Adjourn into Executive Closed Session in compliance with 10-15-1(H) (8), NMSA 1978 (as amended) to discuss real property as it relates to an offer to purchase the Fairgrounds Parking Lot

Mayor Pro-Tem Baldwin moved to adjourn into Executive Closed Session at 7:31 p.m.

Commissioner Rardin seconded the motion.

Roll Call Vote required.

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

ADJOURNMENT

ATTEST:


City Clerk Rachel Hughs


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on May 14, 2019.