

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
May 14, 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 6:30 p.m. Roll Call was taken by the City Clerk. Commissioner Payne was as absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Revered Harp and the Pledge of Allegiance was led by Commissioner Sikes.

APPROVAL OF AGENDA

Commissioner Hernandez moved to approve the agenda.
Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

PRESENTATIONS

1. Proclamation for "Kids at Parks Day". (*Richard Boss, Mayor*)

Mayor Boss read the proclamation and encouraged kids and families to go outdoors for Kids at Parks Day on May 18, 2019.

PUBLIC COMMENT

Eugene Downer commented on the following:

Mr. Downer showed a picture of children's art. He spoke on the enclosures for the garbage cans at the parks and suggested kid's art on the enclosures. He spoke on the water bill stuffers and said they should add job listings and employee recognition. He suggested the Mayor direct or guide the commissioners on various projects according to their interests.

CITY MANAGER'S REPORT

Interim City Manager Cesar made the following remarks:

1. He read an email from Special Events Manager Sides thanking City staff for helping with the Sounds of Freedom event. Mayor Boss added that proclamations were given to the Army band from Fort Bliss and Colonel Campo from Holloman Air Force Base.
2. He announced this Friday, May 17th at 11 am will be the groundbreaking at First and Cuba for the McKinley Channel.
3. He said a traffic signal on First and Relief Route is warranted, but the earliest NMDOT would apply for funding to install it would be 2024. He said that time could be accelerated if the City participates in the design and the construction.

Commissioner Rardin asked Interim City Manager Cesar if that puts any liability on the City if there are fatal accidents at the intersection. He answered, that would be on the New Mexico Department of Transportation.

Commissioner Hernandez asked Interim City Manager Cesar, what about the additional traffic flow they will have due to the new fuel station. He answered they can call NMDOT again and have them reassess the accelerate time frame. Commissioner Hernandez asked him to keep an eye on it.

REMARKS AND INQUIRIES BY THE CITY COMMISSION



Commissioner Sikes made the following comments:

She stated there are pretty yards around town. She suggested giving out a commissioner's award to the people in their district for making their yards look really good and give them some recognition.

Commissioner Rardin made the following comments:

He said he would like staff to bring a list to the Commission of what they classify as essential and non-essential positions. Interim City Manager Cesar asked for clarification. Commissioner Rardin said in their discussion they talked about raising taxes, but they haven't really mentioned the word cut. He said last year within the first 15 minutes of the Budget hearings they created six or eight different positions, and some were essential, and some weren't. He said the last few years some of the positions they created to just take a look at some of them. Interim City Manager Cesar said what they are looking at in requesting to enact 1/8 of the Hold Harmless was to fill that gap in the General Fund, to bring to that meeting would be a listing of all the positions that are in the General Fund broken down by various departments and divisions. Commissioner Rardin said they could do that and also whether they are vacant or filled at this point and they can take a look any of them that are vacant instead of just freezing them to save that additionally funding. Interim City Manager Cesar stated he will have that information that night.

Commissioner Hernandez made the following comments:

He said thank you for getting the new electronic sign at the Civic Center up. He stated it is a little small, but it is better than what they had.

CONSENT AGENDA

2. Approve the minutes for the April 23, 2019 Regular meeting. *(Rachel Hughs, City Clerk)*
3. Approve the statements related to the Executive Closed Session held on April 23, 2019. *(Rachel Hughs, City Clerk)*
4. Consider, and act upon, final publication of Ordinance No. 1589, An ordinance amending City of Alamogordo Code of Ordinance Appendix B, Employee Manual. *(Katie Josselyn, Human Resources Director)* (Roll Call Vote Required)
5. Approve grant funding from Thrive for Alamo Senior Center Transportation and Home-Delivered Meals programs for FY20. *(Magdalena Morales, ASC Manager)*
6. Consider, and act upon, Resolution No. 2019-17 approving a Capital Outlay Grant Agreement in the amount of \$250,000 to purchase vehicles and equipment for the police department. *(Brian Peete, Police Chief)* (Roll Call Vote Required)
7. Consider, and act upon, Resolution No. 2019-18 approving a Capital Outlay Grant Agreement in the amount of \$71,200 to purchase hazmat equipment for the fire department. *(Jim LeClair, Fire Chief)* (Roll Call Vote Required)
8. Consider, and act upon, Resolution No. 2019-20 approving a Capital Outlay Grant Agreement in the amount of \$14,000 to purchase verti-cutter equipment for the parks department. *(Veronica Ortega, Community Services Director)* (Roll Call Vote Required)

9. Consider, and act upon, Resolution No. 2019-21 approving a Capital Outlay Grant Agreement in the amount of \$36,800.00 to purchase a verti-drain deep tine aerator for the parks department. *(Veronica Ortega, Community Services Director)* (Roll Call Vote Required)

10. Approve the Investment Report for the quarter ending March 31, 2019, in accordance with the City of Alamogordo Investment Ordinance. *(Stephanie Hernandez, Finance Director)*

11. Approve the award of RFP 2019-001 Audit Services for the City of Alamogordo to the overall highest qualified proposal, Carr Riggs & Ingram. *(Stephanie Hernandez, Finance Director)*

12. Consider, and act upon, Resolution 2019-25 for the Trade of one 2001 KME Navistar Fire Pumper owned by the City of Alamogordo for one Olympian 62.5 kw generator with approximately 139 hours that is owned by Otero County. *(Jim LeClair, Fire Chief)* (Roll Call Vote Required)

Commissioner Hernandez moved to approve items 2 through 12 of the consent calendar.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-0-0.

NEW BUSINESS

13. Consider, and act upon, liens placed on property located at 1309 Incredible Dr. without authorization of utility connection. *(Alex Villar, Property Owner)*

Mr. Villar disputed the liens that placed on his property. He stated the liens were dated back in 2015 and he was not aware the people were residing on the property. He does not know how they were authorized for the utility to be turned on at this property because no one was supposed to be on the property. Mayor Boss asked him if the property was vacant, he answered it has been vacant. Ms. Villar said one of the liens was from 2008 and there was a balance due of \$25.93 in 2012. She stated the individual opened up the account and since then there has been an admin fee of \$200. There are three water liens on this property. She said they do not get mail at this address, so they were unaware of the liens. Mr. Villar said this is a vacant lot right now, Mrs. Villar stated that at the time there was a mobile home there and about three years ago the mobile home has been moved off. She said one of the liens is over \$1,000 for service they did not authorize.

Customer Service Manager Threadgill gave some history on the three liens totaling \$2,054.07. This appeared to be rental property dating back to 1995. Mayor Boss asked if it was a mobile home, he answered they assume it was a mobile home but would have no way of knowing if it has been moved. Customer Service Manager Threadgill said from that time to 2015 there was an account at that location. The notifications to the property owners were returned undeliverable, the liens were then filed.

Mayor Boss asked Mr. Villar if they had taken rent for this property, he answered he had not rented it to anybody. Mayor Pro-Tem Baldwin asked who gave the property to them, Mr. Villar answered his grandmother gave it to them in 2006. Mayor Pro-Tem Baldwin asked City Attorney Schreiber if they had recently written off a tremendous amount of liens. She answered, some of these liens were not filed until 2014 and 2015 and the ones in 2014 would be on the list to write off this year, but they have not written off any of them yet. She said they had a massive amount of liens at one time.

Mayor Pro-Tem Baldwin asked Mr. Villar if they had not rented out the property although utility accounts were created, he answered yes sir. Mayor Boss asked if the property was given to them or inherited, he said it was given to them.

Commissioner Rardin said there is a four-year statute of limitations and all have passed that point except one and it is shy two months of being unenforceable. Customer Service Manager Threadgill said

none of them have been written off, they are active liens. Commissioner Rardin stated the others are unenforceable because they are past the four years. Customer Service Manager Threadgill stated that does not mean they can't collect, they can't foreclose.

Commissioner Rardin said staff has let it drag out four years before the City has done something on it. He said he know this was prior to our current City Attorney's time with the City.

City Attorney Schreiber said she does not have permission from the Commission to foreclose on liens until they are brought to the Commission. She said if it is the Commission's direction to her Office that she needs to start foreclosing on everything she could do that, but they will have to bring that back in a separate Resolution. She said generally she has had to pick and choose what is flexible and what is not. She said Mr. Threadgill's department does a really good job of trying to collect.

Mayor Boss asked Customer Service Manager Threadgill what he recommends. He answered, if he was in the Commission's shoes he would enforce the Ordinances and the liens. He said he understands these liens are older but at some point, the City is going to be looking at citizens to pay more and at the same time the City writes off an amount, there has to be a balance struck somewhere. Mayor Boss said there is, but there are some extenuating circumstances that come from all directions, he believes. Customer Service Manager Threadgill agreed and said there are two separate liens here and two separate admin fees, waive an admin fee. He said they still have to collect; they still have an outstanding debt to the City. He said the Commission's options are going to be write it off or collect it.

Mayor Pro-Tem Baldwin said in this situation they basically had squatters. He asked if that was what he is getting. Customer Service Manager Threadgill stated this happened before his time here, he can't say specifically, but when someone comes into open an account via renter or owner they ask for verification if it is a rental, lease or rental agreement. He said they took over the property in 2006 and seven different accounts were setup between 2006 and 2012. He said he cannot believe that every one of them came in with no documentation of any sort that they had the right be there and open a water account.

Mayor Boss asked if when that happens when a meter on a property that has multiple bills, does the City continue allowing it to go to the next person. Customer Service Manager Threadgill said when a new renter comes in it is a totally new account. He said that new renter is not responsible for the previous renter's bill. He said ultimately the property owner, unless they file the waiver of owner liability, is going to be liable for that unpaid tenant account.

Mayor Pro-Tem Baldwin asked Mr. Villar if he is saying that during that period of time, he received no revenue or no rental agreements. He answered no revenue. Mayor Pro-Tem Baldwin asked Customer Service Manager Threadgill if the City doesn't have anything on file and if they make copies of rental agreements. He answered, no sir but they make copies now. Mayor Boss asked Mr. Villar if they collected rent and if they had any friends or relatives living on the property for free. He answered no.

Commissioner Hernandez moved to vacate the liens.

Commissioner Rardin seconded the motion.

Motion carried with a vote of 6-0-0.

Commissioner Hernandez asked Customer Service Manager Threadgill if they will be billing for the meter. Customer Service Manager Threadgill said they will now start receiving the minimum monthly charge for the service to the property. Commissioner Hernandez asked Customer Service Manager Threadgill to explain it to Mr. and Mrs. Villar on their way out.

14. Consider, and act upon, Resolution 2019-19 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 May 14, 2019. (Evelyn Huff, Budget Analyst) (Roll Call Vote Required)

Budget Analyst Huff explained the reprojections process for the FY (Fiscal Year) 19 Budget. She said revision one is to revise the revenue numbers to what they feel what their ending will be for FY19. She said revision two is to re-project any of the transfers in and out. She said revision three is re-project all of the expenditures for the end of FY19, and revision four is to rededicate the economic development fund balance to an expense line for the Moran and Wright Jewelry Metal Care LEDA (Local Economic Development Act) funds that were approved a couple of meeting ago. She said these were all numbers that were included in their budget books and were part of the presentation that they gave last week.

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-0-0.

15. Consider, and act upon, Ordinance 1592 for first publication for a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 1900 S. US Hwy 54, Shawana Replat A, Case # Z-2019-0002(A) from C-3 Business District to M-2 Industrial District. (*Stella Rael, City Planner*) (Roll Call Vote Required)

City Planner Rael gave a presentation on the zoning case. She said she took this case in front of the Planning and Zoning Board on May 9, 2019 and they recommended approval by a vote of 4-0. She said staff is recommending approval. (See Blue Book for PowerPoint)

Commissioner Rardin moved to approve.

Mayor Pro-Tem Baldwin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-0-0.

16. Consider, and act upon, Resolution No. 2019-23 amending the fees for services at the Desert Lakes Golf Course. (*Veronica Ortega, Community Services Director*) (Roll Call Vote Required)

Mr. Dalpes spoke on the rate increase. He said he submitted a request to raise the rates at Desert Lakes for a couple of different reasons. He said they have not raised the rates since 2016. He said the main reason to raise the rates is the minimum wage raise that is going to hit them come January. He said the second reason is they do a regular survey of other Golf Courses in the region and specifically those that are competitive with them. He said by raising the rates, Desert Lakes will actually be where they are at. He said this will keep them a little bit lower than those in Las Cruces and El Paso which is the major competition. He said this will have an impact of approximately \$38,000 based on the rounds that they are currently doing.

Commissioner Rardin moved to approve.

Commissioner Wright seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 5-0-1. Mayor Pro-Tem Baldwin abstained from vote.

17. Consider, and act upon, Resolution No. 2019-24 requesting interim approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico, to adopt the Preliminary 2019-2020 Budget as of May 14, 2019. (*Evelyn Huff, Budget Analyst*) (Roll Call Vote Required)

Budget Analyst Huff said this is the FY20 Preliminary Budget that they went over in the budget hearings last week. She said they were initially going to bring it to Commission on May 28th, 2019, but after discussing with Directors and the Acting City Manager they decided to go ahead and bring it to this meeting because if it is approved tonight it gives them two weeks to get it entered into the DFA (Department of Finance and Administration) system versus three days. She said there has not be any modifications to this.

Mayor Pro-Tem Baldwin moved to approve.
Commissioner Rardin seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 6-0-0.

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

Mayor Boss read the openings and appointed Shirley Dakin to the Mayor's Committee on Aging, Raymond Nejerres to the Planning and Zoning Commission, Maria de Mireles and Paul Farrant to the Senior Volunteer Programs Advisory Council, and Manuela Heberle to the White Sands Beautification Committee. No one was opposed.

EXECUTIVE SESSION

19. Adjourn into Executive Closed Session in compliance with 10-15-1(h) (2), NMSA (as amended) limited to Personnel Matters: to review City Manager applications and discuss next steps.

Commissioner Rardin moved to adjourn into Executive Closed Session at 7:28 p.m.
Commissioner Sikes seconded the motion.
Roll Call Vote required.
Motion carried with a vote of 6-0-0.

ADJOURNMENT




City Clerk Rachel Hughs


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on May 28, 2019.