

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
September 10, 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 BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Boss called the meeting to order at 6:31 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Forney and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation of Mayor's Committee on Aging. (*Barbara Telles, MCoA Vice Chairperson*)

Ms. Telles showed a PowerPoint Presentation. She spoke on the purpose of the Committee, the membership, their meeting time and place, the Alamo Senior Center services and activities, and the Senior Center Fitness Center. She also talked about their planning of a 25-year Celebration. (**See Blue Book for PowerPoint**)

PUBLIC COMMENT

Gene Downer commented on the following:

He spoke on getting more money for tourism and the steps that could be taken to enhance the tourism. He suggested Mayor-Pro Tem Baldwin work with Cloudcroft in cooperative advertising. He said he supports the Commissioners approving the request for the property transfer.

G.B. Oliver commented on the following:

He said he would like to be on the agenda in the next two weeks to give an update on the Balloon and Music Fest. He thanked City staff for helping with the event. He said the unofficial count was 21,093 people that attended the event, and between 55-60 percent were from out of town. He also said that only one person was asked to leave the venue.

CITY MANAGER'S REPORT

Interim City Manager Cesar made the following remarks:

1. He thanked all the employees for helping with the Balloon Fest.
2. He said he, Public Works Director Garner, Water Operations Manager Nunnelley and Mayor Boss will be out of the office on Thursday to travel to Albuquerque to meet with the State Engineer to go over a proposed Water Trust Board. He said there were multiple applications for the parallel pipeline, the design and right of way acquisition and for one of the reservoirs. He said they will discuss a proposed loan agreement with NMFA to see if this is something they can do and then to reach out to them for other funding sources that may be available through the State, the Feds or the Governor's Office.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Boss made the following comments:

He gave a report on the Municipal League Conference. He reported on the New Mexico Internet Sales Tax, House Bill 479 and a gross receipts tax error.

Commissioner Sikes said they had the opportunity to meet the vendors and attended seminars at the Municipal League Conference. She said the Conference is always productive.

Commissioner Payne stated that there is a Workforce Solutions Board, and Boards for different regions. She said they need to look at funding opportunities for employers for training programs. Commissioner Sikes said the Cabinet Secretary for Workforce Solutions would like to come and present to the Commission what they heard at the Municipal League Conference. She briefly talked about some of the opportunities that are available. Commissioner Payne said she believes that some of the employers, had they known about it, would take advantage of it. She also said not everyone wants to go to college and get a degree, but what an opportunity to get that on the job training and have the State assist with that. Mayor Boss said he does not think they've had the utilization they expected, so they are really trying to push it now. It is a real opportunity.

Commissioner Rardin made the following comments:

He asked if that program the Commissioners were talking about is called JTIP. They answered no and said JTIP is a different program. He asked if staff could get a little more detail on the discrepancy the Mayor spoke of. He asked for what the discrepancy was and how long it has been going on. Interim City Manager Cesar stated the Finance Director Hernandez can look into it. He said in 2009-2010 the Commission saw the activity going on in Alamogordo, but the Gross receipts tax was just going wild. He said they had a suspicion then, but they had no way to prove it.

Mayor Boss said they don't have to prove it to them, they know what happened. He said maybe just now they decided to do the payback or just hadn't figured out how to fix it yet. Commissioner Rardin said they need to keep a close eye on that and get as much information as they can. Commissioner Payne said one of the new persons from Tax and Rev is the attorney. She said this person sounded like he wanted to right some wrong.

Commissioner Hernandez made the following comments:

He thanked Chief LeClair and Code Enforcement for helping with squatters. He said several years ago he brought up an ordinance restricting the use of steel, metal sided buildings, he said Interim City Manager Cesar has taken over this and does not want it dropped. He said the traffic lights on various areas are erratic, he wanted to make sure everyone knew that they are working on those. Mayor Boss added there has been some complaints on some of the street identification signs.

Commissioner Hernandez said the towing ordinance needs to be picked back up, he does not want anyone to get hurt.

Commissioner Payne made the following comments:

She said City Staff was out cleaning after the rainstorm, and just wanted to say that she appreciates that. She gave a shout out to Zia Trans for getting a bus stop at the Domestic Violence shelter. Commissioner Sikes stated it was a safety issue. To a lot of people, it may just sound like a bus stop, but it is a big deal.

Commissioner Sikes made the following comments:

She said the banners coming into the City look festive and they serve as reminder of things they can enjoy. She said the Balloon Fest was incredible. She spoke on the Keep Alamogordo Beautiful, she said Special Events and Keep Alamogordo Beautiful Manager Sides got a grant for getting signs. She showed pictures of two yards, she asked Mayor Pro-Tem Baldwin to give an award to Pam and Colin Irving and Commissioner Wright an award to Alexander Wilson for their beautiful yards.

CONSENT AGENDA

2. Approve the minutes for the August 27, 2019 Regular meeting. *(Rachel Hughs, City Clerk)*

3. Approve the statements related to the Executive Closed Session held on August 27, 2019. *(Rachel Hughs, City Clerk)*

4. Consider, and act upon, final publication of Ordinance 1598, an amendment to the City Charter for submitting Candidate Disclosure Statements. *(Rachel Hughs, City Clerk)* (Roll Call Vote Required)

5. Approve the award of RFP 2019-003 Uniform and Linen Rental and Laundry Services for the City of Alamogordo to Unifirst Corporation. *(Barbara Pyeatt, Chief Procurement Officer)*

City Clerk Hughs asked to remove Item # 2 and Commissioner Hernandez removed Item #4 from the Consent Calendar.

Commissioner Hernandez moved to approve item 3 and 5 of the consent calendar.

Mayor Pro-Tem Baldwin seconded the motion.

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

ITEMS REMOVED FROM CONSENT AGENDA

2. Approve the minutes for the August 27, 2019 Regular meeting. *(Rachel Hughs, City Clerk)*

City Clerk Hughs said she pulled this item to make a correction to the minutes. Commissioner Payne was present at the meeting.

Commissioner Hernandez moved to approve as amended.

Mayor Pro-Tem Baldwin seconded the motion.

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

4. Consider, and act upon, final publication of Ordinance 1598, an amendment to the City Charter for submitting Candidate Disclosure Statements. *(Rachel Hughs, City Clerk)* (Roll Call Vote Required)

Commissioner Hernandez said he pulled this item because he does not support it.

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 4-3-0. Commissioner Hernandez, Commissioner Payne, and Mayor Boss voted nay.

PUBLICHEARINGS

6. Consider, and act upon, Application No. 1135085, a Beer and Wine Liquor License at 930 S. White Sands Blvd, to Y'all's Steakhouse. *(Rachel Hughs, City Clerk)*

City Clerk Hughs announced that Ms. Rankin was in the audience if the Commission had any questions.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

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

NEW BUSINESS

7. Consider, and act upon, paving of McDonald Road, 8 Street 10th Street. (Janice Akers)

Ms. Akers stated that there are 2 blocks of McDonald Road that belong to the City that does not get paved. She asked the Commission to reconsider re-paving completely.

Commissioner Rardin said he drives this road daily and there are more potholes than there is road. He thought they should contact Otero County to see what they would charge the City. He said the County chipped-sealed their portion of the street. Mayor Boss said there are a lot of streets that are in worst shape or have a lot more travel on them. Commissioner Rardin said chip-sealing is a less expensive option.

Commissioner Wright asked if they did a swap with the County for an old brush truck. He then asked if this could be worked in with that swap. Public Works Director Garner said he has been in contact with Otero County and they have been looking at chip sealing several different roads. Those prices have already been given to the Commission. He also said the County is interested in three of the City's vehicles and he is trying to work off a trade for knocking off some of the price. He said the holdup at this particular time is that the County has to have their roads done that they budgeted for, and that should be completed with the next two months. At that time, they will start moving forward to start taking care of some of these other roads and McDonald Road is on the top of that list.

Commissioner Rardin said in the past they worked a deal with the County where the City paid for all the material and the County did the labor. Public Works Director Garner said they are doing something similar to that. Commissioner Rardin said that road is bad, but it does not warrant the City to spend an enormous amount of money to repair it.

Interim City Manager Cesar said staff has direction from previous Commission to maintain roads that the City acquires at the level in which they received it. He said this road was a chipped sealed road and if they go in and pulverize and pave, they cannot just go in and lay the asphalt, they would have to do the ADA improvements, etc. Commissioner Rardin asked if they chip seal then they will not have to do all that. Interim City Manager Cesar answered yes, they can just stay at that level. Commissioner Rardin said that is all it needs. He asked if they can check into what it will cost and maybe do some trading or swapping with the County.

Public Work Director Garner said Commissioner Wright was right, they did do a trade and it is similar to what he is working on now. He will bring that agreement to the Commission before they move forward. Mayor Pro-Tem Baldwin asked if they can get a report on this in three months, when it is taken care of.

No action taken.

8. Consider, and act upon, awarding solid waste services to Southwest Disposal (Larry Garner, Public Works Director).

Public Works Director Garner said they went out to bid for this and had one response. He said they are looking to start moving forward to negotiations to solidify that contract.

Commissioner Hernandez said he has had several issues over the years with Southwest Disposal, mostly the drivers. He said the drivers will get out of their trucks and write on the cans what can or cannot be put in the containers, but when a can is damaged, they do nothing about it. He said he has often had to call the City after a windstorm to go pick up some of the cans. He said if they hit a fence, they'll keep driving. Occasionally they will have their guys go and fix it, if it is blatant. He said if the City can get them to help them with those items, the service would be much improved.

Public Works Director Garner announced that the Southwest Disposal Representative is in the audience.

Commissioner Hernandez said his biggest concern the cans breaking or the tops coming off. He asked how hard it is for the drivers to report that since they are right there.

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Rardin seconded the motion.

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

9. Consider, and act upon, Change Order No. 2, Public Works Bid No. 2017-010, EN1701, to General Hydronics Utilities, LLC, related to Street Maintenance Program FY 2017, in an amount not to exceed \$242,569.71, excludes NMGR. (Edward Balderrama, Project Manager)

Project Manager Balderrama explained the change order is to adjust the quantity for over/under runs. He said the project is complete and this is happening now because they are complete. He explained where and why there were over/under runs. He said the quantity over run is 4.35 percent change on the original contract amount.

Mayor Boss asked him if this is nothing unusual on this size of a contract. Project Manager Balderrama answered it is a little bit larger than what he is used to. He said the contract was completed well ahead of time.

Commissioner Hernandez said he saw this coming for the curb and gutter on Michigan. He said this was the worst road in Alamogordo. He said there has never been double striping on Texas and Michigan, and his concern is that they have paid the money to have it done and are they going to keep it up. He said that is a big cost for low traveled roads. Project Manager Balderrama said it is mainly for traffic calming. He said it is something that the City has to make sure they are diligent on as far as maintaining whatever they feel.

Interim City Manager Cesar said a number of years ago they built into the budget, a recurring line item for stripping or for the pavement markings. He said they have \$50,000 a year in the street maintenance budget to keep up with the stripping, the reflective markers and crosswalks. He said it is up to the Public Works Director and the Manager of Streets on whether they have City staff go in and do the stripping, put down crosswalks or contract a portion of that out. He said they have the funding available to maintain not only what they have but what has been added.

Commissioner Hernandez asked if it was necessary to spend that money or could they have spent that money in a different way. He asked since Texas and Michigan have never been stripped, could they have better spent that money, and can they better spend that money in the future.

Project Manager Balderrama stated the dips that were in the street are gone and it gives the appearance that it is faster. He said the double striping won't control the speeding, but it would make it easier for the police department.

Commissioner Hernandez said Maryland is the highest traffic area and the speed limit is 25. He said he is guessing that there have not been 25 tickets in the last 25 years for speeding on that street. He said if they are going to spend the money, then they need to spend it wisely.

Commissioner Hernandez moved to approve.

Mayor Pro-Tem Baldwin seconded the motion.

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

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

Mayor Boss read the openings and appointed Chuck Keller to the Senior Volunteer Programs Advisory Council and Mark Praught to the White Sands Beautification Committee. No one was opposed.

CLOSED SESSION

11. Recess into Executive Closed Session in compliance with 10-15-1(h)(8), NMSA (as amended) to discuss Real Property land swap proposed by Michael Shyne and a street closure plan proposed by the Otero County Commission, and Limited Personnel Matters (City Manager). (Roll Call Vote Required)

Roll Call vote was taken to recess into Executive Closed Session at 7:44 p.m.
Motion carried with a vote of 7-0-0

RECONVENE INTO OPEN SESSION

Commissioner Rardin moved to reconvene into open session at 9:05 p.m.
Commissioner Wright seconded the motion.
Motion carried with a vote of 7-0-0

Mayor Boss stated there was no action taken in Executive Closed Session obviously, and there will be none.

Commissioner Rardin moved to adjourn at 9:05 p.m.
Commissioner Payne seconded the motion.
Motion carried with a vote of 7-0-0.

ADJOURNMENT

Rachel Hughes

City Clerk Rachel Hughes

Richard Boss

Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on September 24, 2019.