

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
August 27, 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 Reverend Harp and the Pledge of Allegiance was led by Commissioner Payne.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation of the Planning & Zoning Commission. *(City Planner Stella Rael)*

City Planner Rael gave a briefing of each meeting for the period of January through June 2019.

2. Presentation of the White Sands Beautification Committee. *(City Planner Stella Rael)*

City Planner Rael gave a briefing of each meeting for the period of January through June 2019.

Commissioner Rardin asked if David Gonzalez moved. City Planner Rael said Mr. Gonzalez did resign.

Commissioner Hernandez said to go back to the Planning and Zoning, he asked if when they do not have meetings, could that affect projects. City Planner Rael answered yes. She said if there is a case to be presented, she does not have the opportunity to contact that applicant. In one case she did call a special meeting. She said she has made the decision and has spoken to the Interim City Manager about this, instead of delaying it, she will just come to the Commission without recommendation from the Planning and Zoning Board. She said a map adjustment case is a two-month process and it is not fair to the applicant or anyone else to delay it. Commissioner Hernandez said they hear on the streets that there is a lot of red tape to get through with businesses and such, and he wants to make sure that they eliminate that as much as possible. City Planner Rael said that is why she had that discussion with the Interim City Manager to get direction to do that and come straight to the Commission without a recommendation.

Mayor Boss asked if the members have an agenda before the meeting, City Planner Rael said yes, and they send a reminder.

Commissioner Hernandez said there were two major projects come up this year that were both delayed, not because it was anybody's fault but because they were major projects. City Planner Rael said the motel does not come before the Planning and Zoning Committee; it is an internal review through the Technical Review Committee. Commissioner Hernandez stated, the City, not Planning and Zoning, is known to have a bunch of red tape. He said they as a City need to be better with these companies. City Planner Rael agreed and said they try their best to get those out in a timely manner,

sometimes things happen. Commissioner Hernandez said there are other hold ups beyond her department and that is what they need to try and eliminate.

3. Presentation update on progress of Return to Field Community Cat program. (*Kathy Denton*)

Mrs. Denton showed a Power Point presentation and gave an update on the progress of the program. She said they had 187 return to field cats as of today. She talked about the hidden numbers of the potential kittens from those 187 cats that were fixed. She said there is an estimated 376 kittens that were not had this year and if those cats were to have a second litter there would have been a potential of 658 cats. She said this program is working. She thanked everyone for their help and support. (See Blue Book for Power Point Presentation).

Commissioner Hernandez said he had complaints and did not know who to call. Mrs. Denton stated her number is at Animal Control and they will take those complaints to give to her. Commissioner Hernandez said that is not working, and they need to do a better job at that. He said the complaints he's had is they destroy gardens and poop in the yards. Ms. Denton gave her phone number and asked for these people to contact her. She said she has deterrents that were given to her, and she will work with these people. Commissioner Hernandez said in order for the program to work they got to make sure that is taken care of. She said this is going to help the shelter in all sorts of ways because the money not spent on food, litter and time is now being spent on more time with the dogs.

Mayor Boss asked if there has been a big increase or decrease in complaints. Mrs. Denton said she would need to ask Animal Control Manager Martinez because they keep a log of complaints. She said she is sure that there have been complaints because this has been a problem for a while.

4. Presentation on hiring a City/County consulting firm Cypress International. (*Ed Brabson and Tom Thomas*)

Mr. Brabson said he spent a lot of years advocating for the military, DOD (Department of Defense) and Holloman and that is what he is there for tonight to talk about the things they need to do to move forward. He said for years Alamogordo has worked under the problem with being a small community with limited funds to compete with major communities. He said one of the things they formed years ago is called ARMS and the idea was to sell our area as a regional area, representing Fort Bliss, White Sands and Holloman. By doing so, they found out that they could market that and compete with the other big mega bases. He said for a period of years they got out dollared. The Cypress group has offered up a partnership where they can go in with El Paso, Las Cruces, White Sands, Fort Bliss and Holloman and actually form a pact that would give them some of the same strength that the larger communities have.

Mr. Thomas asked the Commission for support for this organization so that they can hire Cypress International to be their consulting organization in Washington D.C. He said there is a contract in effect since March of this past year with Cypress International, the City, the Chamber and El Paso. He is asking for the City's financial support in helping them pay for this contract with Cypress International.

Mr. Dayoub stated they would get the presentation to Interim City Manager Cesar to bring back as this is not an action item. He said ARMS stand for the Alliance for Regional Military Support. This ARMS committee has been working together for a number of years. He said their mission is to ensure that Fort Bliss, White Sands Missile Range and Holloman (known as the triad) remain an integral part of America's National Defense Strategy. He said their goal is to solidify and enhance the capabilities of our regional military installation missions and importance to the Department of Defense. He said their strategy is to develop actionable items to enhance the military value of the region. He said there are 5 primary focus areas: prioritize current defense industry engagement (decisively engage in current defense companies based on missions through installations), hire education partnerships to attract defense research and development projects (develop relationships with New Mexico State Engineering,

JMC, WSMR and Holloman), address transitioning soldiers and families, improve region's appeal for future stationing and initiatives, and attracting new defense and aerospace contractors to the region.

Mr. Thomas said the current participants in ARMS, for the Cypress contract, are the City of El Paso, the El Paso Chamber of Commerce and El Paso County. They have made a presentation to Las Cruces and expect they will participate. They've also made a presentation to Verizon and they have indicated they will participate but not have taken an official vote as of yet.

Mr. Dayoub mentioned that El Paso businesses have also put in money to help fund this contract with Cypress to ensure they make the best possible effort in our communities to win contract for the region to recoup missions from the various military organizations to our installations. He named businesses that have contributed.

Mr. Thomas gave background information about Cypress International. He said they are led by retired Senior Military Officers. He mentioned they have strong contacts within the Pentagon and in the Defense Industry.

Mr. Dayoub said they are asking for \$10,000 a year for 3 years to contribute to that contract.

Mayor Boss asked if El Paso has contributed \$110,000. Mr. Dayoub said the City itself. Mayor Boss said there is a portion that is contributed by the business community or the community at large. Mr. Dayoub said their group is committed to the City that they would raise the other \$60,000 a year. He said they are hoping for it to be a blend of the private and public sector.

Mayor Boss asked how much they are asking from Las Cruces. Mr. Dayoub answered \$5,000 a year for 3 years. Mr. Thomas said they are asking for \$5,000 from the City and \$5,000 from the County. Interim City Manager Cesar asked if that is what they are asking here. Mr. Thomas said it affects the Alamogordo area more, the White Sands area is relatively small. He also said they will be asking the County at a later date.

Commissioner Payne said she understands why they are asking for more from Alamogordo than they are for Las Cruces. She asked if they will get representation, from Cypress, in Washington and other areas. Mr. Dayoub and Mr. Thomas both answered that is correct. Mr. Thomas said Cypress will supply the City with a lot of other information not directly related to Holloman but on economic development issues as well. She said she would really like to see more manufacturing and aerospace in Alamogordo. Mr. Dayoub said each of the communities will have the ability to provide to Cypress what your priorities are for your community's needs and the installation.

Mayor Boss asked if they have considered that there are a lot of personnel at Holloman that commute every day and reside in Las Cruces, not only the military but civil servants as well. Mr. Dayoub said he is aware, but he has yet to find anyone that could give him that number. Mayor Boss said that would be an interesting number to know. He said Alamogordo having more burden than Las Cruces doesn't pass the smell test for him. Mr. Thomas said they know that 4,000 of 6,000 employees of White Sands come directly from El Paso, so White Sands is tremendously important to El Paso.

Mayor Pro-Tem Baldwin asked if they have met with MainGate and if they are on board with this. Mr. Thomas said they have not met with them yet. Mayor Pro-Tem Baldwin said he is hopeful that the Commission sees the importance of this. He also said that he would like to spend some time speaking with some MainGate people to make sure that it is going to work properly together. He said their focuses are right up the alley for what they need for this area.

Mr. Dayoub said they donate a lot of their own time, effort and funds to travel to make presentations and advocate on behalf of their region.

PUBLIC COMMENT

Gene Downer commented on the following:

He gave suggestions for creating a system for making selections for various projects within the City, to include roads and grants.

CITY MANAGER'S REPORT

Interim City Manager Cesar made the following remarks:

None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Boss made the following comments:

He gave an update on the Big Give. He said the airmen and their spouses have contributed over 3,000 volunteer hours from over 300 volunteers and the estimated value of the work performed is over \$200,000. The Alamo Big Give has contributed over \$2 million since it started 12 years ago. He announced the results of the judging. First place was the Knights Unleashed, who cleaned up an area in Monte Vista Cemetery. Second place was the AEG Nighthawks, who did a great deal of painting and re-flooring for the Boys and Girls Club. Third place and the People's Choice went to Team Helpful Hawks, who did work at Odd Fellows Hall. There was much more work done by the remaining 14 teams. He named some of the organizations that benefited from their work. On behalf of the Commission, he thanked all of the service men and women and their families for their efforts and service they give the community and our Country. He also thanked the local business for their contributions.

Commissioner Sikes made the following comments:

She asked Interim City Manager Cesar what's the City's part in the New Mexico Department of Transportation's (NMDOT) public meeting regarding the intersection at Indian Wells and White Sands is. He answered there are safety issues and the City was involved in determining what needed to be done in that area. He said NMDOT acquired funding for this fiscal year and they are currently in the design phase. He said NMDOT is reaching out to the public because incorporated in this design is some things that might not be as popular to the community. Commissioner Sikes said people have come to the Commission because of that intersection. Commissioner Sikes took a moment to say on August 2nd they lost Ms. Maude Rathgeber. She spoke on Ms. Rathgeber's various accomplishments. She said no matter what, a lot of people considered Ms. Rathgeber an adversary but under no circumstances or conditions was Ms. Rathgeber considered an enemy because she did a lot for the community.

CONSENT AGENDA

5. Approve the minutes for the August 6, 2019 Workshop and the August 13, 2019 Regular meeting. *(Rachel Hughs, City Clerk)*
6. Approve Resolution No. 2019-38 Certifying the City of Alamogordo Fixed Asset Inventory Count for FY 2019. *(Stephanie Hernandez, Finance Director)* (Roll Call Vote Required)
7. Consider, and act upon, a request related to the Alamogordo Fire Department applying for the FY 20 Fire Protection Grant through the New Mexico Public Regulation Commission (PRC). *(Jim LeClair, Fire Chief)*
8. Consider, and act upon, a request related to the Alamogordo Fire Department applying for the FY20 Fire House Subs Public Safety Grant. *(Jim LeClair, Fire Chief)*

9. Consider, and act upon, a request related to the Alamogordo Police Department applying for the FY20 Fire House Subs Public Safety Grant. (*Richard Denton, APD Patrol Operations Captain*)

10. Consider, and act upon, Resolution 2019-37 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 August 27, 2019. (*Evelyn Huff, Budget Analyst*) (Roll Call Vote Required)

Commissioner Hernandez moved to approve item 5, 6, 7, 8, 9, 10 of the consent calendar.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

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

NEW BUSINESS

11. Consider, and act upon Resolution 2019-36, a resolution Declaring Support for a New Center of Commerce Building. (*G.B. Oliver, Chamber of Commerce President*) (Roll Call Vote Required)

Ms. Schweers said she appreciates the resolution and she would accept it with an amendment. She read the resolution as written and then read what she would like to see amended. She said the reason she is asking for that is that they feel that the funds, they will most likely get, will not be given to an organization that did not own the property.

Mayor Boss asked if that is something they can handle. City Attorney Bengoechea answered absolutely.

Commissioner Sikes asked for clarification on the amendment. She said they are adding "outside" before funding but deleting "without any City contribution". Ms. Schweers confirmed and said that is for the flow of funds.

Commissioner Hernandez moved to approve as amended.

Commissioner Wright seconded the motion.

Roll call vote was taken.

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

12. Consider, and act upon, letter to Federal Aviation Administration for Regional Jet Service project. (*Baxter Pattillo*)

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Hernandez seconded the motion.

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

13. Consider, and act upon, first publication of Ordinance 1599 to amend Municipal Election Campaign Disclosure Ordinance 1466. (*Rachel Hughs, City Clerk*) (Roll Call Vote Required)

City Clerk Hughs explained that were going to add the language that the County Clerk would be taking over these campaign disclosures, as well as changing the filing dates. She said upon being over at the County Clerk's Office today for Candidate Filing day, the County Clerk was able to look more in-depth at these forms. She said the County Clerk mentioned to her that the only thing she would be able to do is take the forms and put them in a folder because she would not be able to enforce any of the City's Ordinances as far as sending somebody out to cite someone or have someone come in and pay the \$10 late charge. She said the County Clerk's suggestion was for the City Clerk to continue taking these disclosure forms. City Clerk Hughs said that would be removed from the proposed Ordinance. City Clerk Hughs also suggested that the County Clerk does not have to do the certified mail because this would be an extra task for them, the City Clerk will continue doing that. She said there is also the

language that Commissioner Hernandez asked for as far as penalties for somebody that does not file the money coming in and going out.

Commissioner Hernandez said his language was that if it is an Ordinance, then it should fall under the rest of their Ordinances, as far as being enforced. He said he thinks this Ordinance is pretty much useless and unnecessary.

Commissioner Payne agreed with Commissioner Hernandez. She said she found out that the City of Alamogordo are the only ones that require this financial disclosure. She said with all due respect, she thinks people use this and manipulate it, which she has a real issue with. She said she has no problem disclosing how she pays for her campaign; she just feels like she should not have to.

Mayor Boss agreed with both Commissioner Hernandez and Payne. He said they are all non-partisan.

Commissioner Sikes asked why that matters, if they are non-partisan or not. Mayor Boss said he hadn't really thought about it, but it seems like it would. He then asked why it wouldn't. Mayor Boss then said to him, they would want to know how many republican and democrats. Commissioner Sikes interrupted and said nope, they don't want to know that. Mayor Boss said he would want to know that.

Commissioner Rardin stated these forms are required when you run for any office above this. He said it is done through the Secretary of State's Office. He said they are a lot harsher on what you have to report. He said that is why the County Clerk said she has no authority over it because the Secretary of State has it. He said because they are a non-partisan election, they are not going to get involved. He feels campaign reporting is important that way you know who is backing who.

Commissioner Payne said she has an issue with the way these are used. She gave an example of what happened during her last campaign. She said if the only reason to do this is to see if they are in the pockets of certain people, then she does have an issue with that. She said they are non-partisan, and this is a simple little election, she does not think they should treat it as they were running for a higher office. She said if they were running for a higher Office, then they would definitely want to know that.

Commissioner Rardin asked why they would want to know for the higher office, but they don't care on the lower Office. Commissioner Payne answered because this is a Municipality, this is not a State Representative where you have the opportunity to affect change throughout our entire State. She said there are seven of them on the Commission and it takes a majority vote and it is not the same. She said if you run for a higher Office, you can easily be manipulated and can do a lot of damage.

Mayor Boss said they do not have individual authority; they have authority up here if they got four people on an issue.

Commissioner Rardin said the County Commission is an example, there are three of them. They have to file those reports with the Secretary of State's Office. He said it does kind of matter. He also said that he agrees with them that this Ordinance is very un-enforceable.

Commissioner Payne said she thinks that if it was used in the spirit of how it was intended that would be one thing, but that is not how it is used.

Commissioner Sikes said this has only been since 2014 and when she found out having been involved in numerous State and National elections, that they as Commissioners did not have to be transparent, that they did not have to declare who supported them in their campaign and she found it to be a little bit of a travesty. She said over the years dealing with social media and even with people one on one, when she hears that the City Commission maybe absconding with money or spending money willy nilly. She thinks that it is important to be transparent. She thinks they should be above reproach when it comes to campaign finance. She thinks people within municipalities could also be doing things that could be construed to be potentially illegal. She said the reports are not complicated.

Mayor Boss asked Commissioner Sikes if she is presuming that a person takes a contribution from someone, that they are in that person's pocket. She said she is not presuming that she is hoping that people support people that they would like to see in Office. She said one of the reasons she wanted this to become an ordinance in 2014 was because of a situation with a Mayoral candidate that had been accused of potentially voting a certain way. She thinks they just want to be transparent and alleviate any concern.

Commissioner Hernandez said he does not disagree with anybody. He asked who enforces this and how is it enforced. He said if a donation from somebody is going to change your vote or direct you on what you are voting, then you shouldn't be up here. He said when he ran in 1996, his opponent was supported by Commissioner Hernandez's employer. He said his employer donated to both campaigns. If \$10,000 is going to change if you get elected, then you should not be up here. He stated you can still go to jail for things in their positions. It does not matter how much money you give him; Al Hernandez is going to do what Al Hernandez is going to do.

Commissioner Payne stated no one offered to donate her signs, but they just offered to wait until the end of the campaign for her to pay for them. She had to go and pay for them before then because it was all over social media that she was hiding money. She said if you're going to be crooked and vote a certain way, you're going to do it, it doesn't matter where the money came from and none of them can prove that their vote was based on where the money came from. She stated what bothers her is this information is being used for bad. She said you can accuse her as a candidate, but when you start dragging good people into this, just so that they can know, that is ridiculous. She said if they keep it up, no one is going to want to donate to campaigns. She said furthermore, once you are elected you could take money from somebody and nobody would know.

Mayor Pro-Tem Baldwin said just for transparency, he would say yes to the ordinance. He said there is an inherent distrust of anybody that becomes elected. Once you get elected, all of a sudden, you're a crooked politician. He said there were some comments made in reference to who is donating to the Commissioner or the position to see who is pulling strings and he was a little upset about the comment. He said as Commissioner Hernandez mentioned, you can't really be bought that way anymore, there is too much transparency, this just allows them to be a little more transparent. He stated he can see how it could affect potential donors.

Commissioner Hernandez said it is a piece of paper, there is nothing behind it, who is going to enforce this. He said it is not a Police matter and the Clerk does not have the authority to put somebody in jail. He said the only one that does is the Fire Chief under Code Enforcement. If they are going to carry this then they need to put who the enforcer is and there are repercussions if it is not enforced.

Commissioner Rardin suggested they put in the ordinance who enforces the ordinance and how they enforce it. He said he agrees with Mayor Pro-Tem Baldwin that this is about transparency. He said he personally does not take money from people; he funds his own campaigns that way he does not owe anybody anything.

Mayor Pro-Tem Baldwin suggested they table this and put something in for the enforcement.

City Attorney Bengoechea stated her office is responsible for enforcing all the Ordinances. She said the Code Enforcement Officer cannot arrest people. She could put in a criminal complaint and put into the Municipal Court and brought before the Judge. Things have happened in the past where she was not made aware so she would have to work with the City Clerk's Office to ensure that the filings were made timely.

Commissioner Sikes clarified that nothing has to be changed to this Ordinance, and the language as written would allow the City Attorney to be the enforcer. City Attorney Bengoechea answered correct.

Mayor Pro-Tem Baldwin motioned to approve. Commissioner Rardin seconded the motion.

City Clerk Hughs wanted to make clear that the City Clerk is going to continue to receive the campaign disclosure forms. Mayor Pro-Tem Baldwin asked if she is okay with pulling the forms out of the packet from the County or do, they need to give them directly to the City Clerk. City Clerk Hughs said the County went ahead gave them to the candidates and they will be returning them to the City Clerk, 12 days prior to the election. She then asked about the current filing days of the Ordinance. Mayor Pro-Tem Baldwin said they are fine. City Clerk Hughs asked if they were fine the old or the new way. Commissioner Sikes answered the new way. Mayor Pro-Tem Baldwin said the two reporting days, yes.

Mayor Pro-Tem Baldwin moved to approve as amended.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 4-3-0.

Mayor Boss and Commissioners Hernandez and Payne voted nay.

Commissioner Hernandez asked if he receives a donation of \$250 and he spends \$200 of it, how long does he need to report that. City Clerk Hughs answered the money that is left over has to be zeroed out, when the Ordinance passes, 45 days after the election. She said he will have the option to give it back to the donor or he can put into the general fund for the City. Commissioner Hernandez said that would be the better option because if you have two donors then who's money did you spend.

Commissioner Payne said she does not have a problem filing reports, but she does have a problem disclosing all the donors.

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

Mayor Boss read the openings and appointed Susan Hopkins to the Senior Volunteers Advisory Council. No one was opposed.

EXECUTIVE CLOSED SESSION

15. Adjourn into Executive Closed Session in compliance with 10-15-1(h)(8), NMSA (as amended) to discuss Real Property Tinsley Trailer Park located at 1620 N. White Sands. (Roll Call Vote Required)

Commissioner Hernandez moved to adjourn into Executive Closed Session at 8:13 p.m.

Commissioner Rardin seconded the motion.

Roll Call vote was taken.

Motion carried with a vote of 7-0-0

ADJOURNMENT

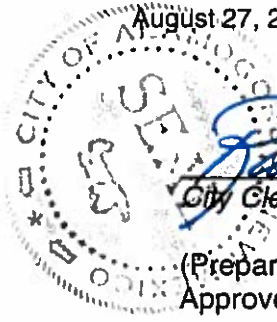

Mayor Richard Boss

ATTEST:

August 27, 2019

City of Alamogordo Regular Meeting

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Rachel Hughes
City Clerk Rachel Hughes

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on September 10, 2019.