

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
October 8, 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 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Swanson and the Pledge of Allegiance was led by Commissioner Sikes.

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. The New Mexico Department of Transportation (NMDOT) will present a project schedule for pedestrian facilities and traffic lights at the White Sands Blvd/Indian Wells intersection.
(Andreas Linnan, NMDOT Project Engineer)

Item moved to after Unfinished Business on Agenda.

PUBLIC COMMENT

Paul Sanchez commented on the following:

He spoke on an article from the Alamogordo Daily News regarding a question about the alleged letter having to do with the former City Attorney. He said his concern was that one of the Commissioners was quoted in the paper specifically stating that City Clerk Hughs was the one that diverted the letters from when they came into City Hall and took them down to Human Resources. He said there is another quote thereafter that says it is the City Clerk's Office that handles the mail. He said it is his understanding that it was not City Clerk Hughs that directed it, but unless there is actual evidence that it happened, he finds it very disturbing that a City Commissioner would be quoted as specifically accusing the City Clerk of potentially a felony act. He said additionally that same Commissioner (Commissioner Hernandez) had told him directly that the reason Ms. McDonald is running against him is because Police Chief Peete put her up to it. He said there is a specific Commissioner making direct accusations against City Staff and this concerns him. He hoped that those things get retracted and/or proven.

Gene Downer commented on the following:

He commented on the Operation Round-Up. He is gathering up information to present to the Commissioners to get their advice about this project. He wanted to express his support for Mr. Wilde's and Special Events Manager Sides proposals. He also suggested the City get some plants.

Mayor Boss asked the public to help him sing happy birthday to Interim City Manager Cesar. He also congratulated Mayor Pro-Tem Baldwin on his marriage.

CITY MANAGER'S REPORT

Interim City Manager Cesar made the following remarks:

1. He said the City was awarded a CDBG grant in the amount of \$500,000.
2. He stated Police Chief Peete and Grants Coordinator Osborne put in a grant request to Paseo Del Norte. This will be coming to the Commission at the next meeting.

City Attorney Bengoechea said she was invited to speak to two fifth grade classrooms at Buena Vista Elementary on Constitution Day. She thanked Ms. Johnson and Ms. Norwood for giving her time to speak on the Constitution.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Boss made the following comments:

He said he was asked by the County Manager to sit on the Advisory Committee for updating the Otero County's Comprehensive Plan and he accepted. He said City Planner Rael also accepted a position on that Committee. He stated he attended a dinner at the Armory to recognize the deployment of the Delta Company 1st Battalion 200th Infantry. He asked to keep them in our prayers.

Commissioner Hernandez made the following comments:

He said he attended the CDBG awards with Grants Coordinator Osborne. He was told by one of the members the City of Alamogordo had one of the highest scores on the grant application, he stated that goes to Ms. Osborne. He thanked her for her hard work.

Commissioner Payne made the following comments:

She said November 21st, Love Inc will have a public celebration for 10 years in Otero County. She also mentioned that before she was on the Commission, she was on the Community Development Advisory Board and the CDBG grants were awarded to COPE. She is thrilled to see the City will be getting those sidewalks for the downtown area.

CONSENT AGENDA

2. Approve the minutes for the September 24, 2019 Regular meeting. *(Rachel Hughs, City Clerk)*
3. Approve and support the acceptance of the New Mexico Department of Tourism "Clean and Beautiful" Grant award for Keep Alamogordo Beautiful for fiscal year 2020. *(Josh Sides, Special Events Manager)*
4. Approve the agreement with Otero County for Alamogordo Public Library Services to County residents. *(Sharon Rowe, Library Manager)*
5. Approve agreements with Otero County for Alamo Senior Center services to County residents. *(Magdalena Morales, ASC Manager)*
6. Consider, and act upon, Resolution No. 2019-42 authorizing and approving submission of a capital outlay grant application to New Mexico MainStreet. *(Camden Wilde, Alamogordo MainStreet Executive Director and Debbie Osborne, Grant Coordinator)* (Roll Call Vote Required)
7. Consider, and act upon, approval to submit a grant application to Keep America Beautiful's Community Partner Grants program. *(Joshua Sides, Special Events Manager/KAB)*

Commissioner Hernandez moved to approve items 2,3,4,5,6 & 7 of the consent calendar.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

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

UNFINISHED BUSINESS

8. Consider, and act upon, water bill dispute for property located at 1123 N. Florida Ave and requesting excessive water bill to be waived in the amount of \$414. (Casey Summerfield, Property Owner)

Ms. Summerfield stated she was here a few months ago here to discuss 68,000 gallons plus that went missing. She said since that time, the City did put in a new meter and a plumber went out and found a small leak. She said after all that her bill dropped to \$81. She spoke on a letter from a plumber that said that leak might have been there maybe a month or two, which does not cover her April or May bill. She showed the Commission the pipe that had a pinhole leak and said this is not going to leak 68,000 gallons in April and May, stop and then start back up in August.

Customer Service Manager Threadgill gave a history on this item and stated the three bills that have went out since the last time they were at the Commission have been an average of \$92 a month.

Mayor Boss said the City has done all the Commission has asked Customer Service Manager Threadgill to do when this was originally put before them and he thinks Ms. Summerfield has done the same. He asked if \$414 is the amount in dispute. Customer Service Manager Threadgill stated \$742.79 is outstanding on this account. Mayor Boss said they are only looking at the \$414. Customer Service Manager Threadgill said that is not the entire amount that was there.

Commissioner Sikes asked if Ms. Summerfield was to pay the average bill from May through September. Customer Service Manager Threadgill said she has paid the average for July through September. He said she has actually paid \$10 more than the average. Ms. Summerfield stated she likes to pay \$100 even. Commissioner Sikes asked if the outstanding amount is over and above what she has paid. Customer Service Manager Threadgill answered yes.

Mayor Boss said he was confused on this because on the agenda report it says that she is requesting to have \$414 waived and not the \$700. Ms. Summerfield said she was willing to pay for her usage and not what she didn't use, and she had figured that her average was about \$100 a month.

Customer Service Manager Threadgill suggested they use "unexplained consumption" under the extraordinary circumstances from the policy that was in place at the time the leak occurred. He said a leak adjustment could be calculated, it would be based on the previous twelve months or less, for as long as she has been at the property.

Mayor Boss asked if she was willing to pay the \$90. She answered the \$100 or whatever.

Customer Service Manager Threadgill said under the unexplained consumption, it may only drop it \$200 to \$250, she may still end up owing \$300 or \$400 based on the total bill right now of \$742.

Mayor Pro-Tem Baldwin said he is a bit confused, he asked if any water consumption prior to it being fixed is eligible for abatement. Customer Service Manager Threadgill answered not necessarily. He said because they had a period from June 16th through August 23rd where there was no continuous consumption, and previous to that there was another period from May 18th through May 26th there was another stoppage of continuous consumption, so the leak that was repaired on August 27th would be addressed by the leak abatement for the period of August 23rd through August 26th. Before that there was no continuous consumption, and even the plumber said that this leak could not have been there for a long period of time. That leak was not the cause of three months prior of high-water consumption.

Mayor Boss asked Ms. Summerfield if she was willing to go along with the calculation that Customer Service Manager Threadgill made. She said she is a little confused now and asked if it was going to be \$100 a month. Customer Service Manager Threadgill said under the extraordinary circumstances/unexplained water consumption if they found this to be the case, under the old policy they can calculate a leak abatement based on that. He said it is not going to bring it down to \$90, that

is not how the leak abatements work. The bill will come down, he is guessing that \$300 to \$400 will come off of that bill., that is his rough calculation.

Mayor Boss asked Ms. Summerfield if she can live with that. She answered yes.

Customer Service Manager Threadgill said they can setup to a three-month payment plan for that remaining balance. He said to this date something is still going on out there, she still has spikes where her water usage will increase 250 to 500 percent every three to five days. He said she still has a 50 percent higher than average water bill based on 10,000 units in Alamogordo.

Mayor Pro-Tem Baldwin said the Commission does have a recommendation from staff even though it does fall into the old policy and the leak was prior to that, he is comfortable to move forward with staff's direction.

Mayor Pro-Tem Baldwin moved to approve as amended.

Commissioner Hernandez seconded the motion.

Motion carried with a vote of 6-0-1. Commissioner Payne recused herself from voting.

Interim City Manager Cesar stated NMDOT (New Mexico Department of Transportation) will not be here for the presentation, but Public Works Director Garner can give the presentation and take back any comments to NMDOT, if the Commission would like.

PRESENTATIONS

1. The New Mexico Department of Transportation (NMDOT) will present a project schedule for pedestrian facilities and traffic lights at the White Sands Blvd/Indian Wells intersection. (Andreas Linnan, NMDOT Project Engineer)

Public Works Director Garner showed a Power Point Presentation and spoke on the project. He said this is being done due to safety concerns and they are looking at starting in 2021. He announced on October 16, 2019 from 5:00 to 7:00 p.m., NMDOT will be holding a Town Hall meeting to discuss the project. He explained current problems with the intersection and what will be changing. He said at the October 16th meeting, NMDOT will have 60 percent of the design drawn up.

Mayor Boss asked how long this project will be. Public Works Director said because their plans are to remove all the asphalt, bring it down to base course and move the utilities, they are anticipating anywhere between 4 to 6 months.

Interim City Manager Cesar said NMDOT has requested some City staff to attend the meeting. He said a lot of the questions and comments that they have received are actually City questions.

Mayor Boss asked Public Works Director Garner to email the meeting information to all the Commissioners.

Commissioner Rardin asked for a show of hands of who would be attending the meeting so that a potential quorum could be posted, if needed.

NEW BUSINESS

9. Consider, and act upon, appointing Brian Cesar as City Manager. (Richard Boss, Mayor)

Mayor Boss explained at the last meeting the Commission voted to appoint Interim City Manager Cesar as City Manager, but the vote was not valid because under reconvene there was no mention of possible action. The Commission will be voting on the appointment tonight.

Commissioner Wright moved to approve.

Commissioner Hernandez asked Interim City Manager Cesar if he still wants to do this, he answered yes.

Commissioner Hernandez seconded the motion.

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

10. Consider, and act upon, award of Public Works Bid No. 2019-006 to General Hydronics Concrete, LLC related to the Las Lomas Drainage Improvements project in an amount not to exceed \$118,890.83, including NMGR. (Nancy Beshaler, Project Manager)

Project Manager Beshaler explained the project. There were 3 responsive bids received and General Hydronics was the lowest bidder.

Commissioner Hernandez moved to approve.

Commissioner Sikes seconded the motion.

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

Commissioner Wright asked for the exact location. Project Manager Beshaler said it is right next to 1663 Los Lomas.

11. Consider, and act upon, lien abatement request on 102 Texas. (Petria Bengoechea, City Attorney)

City Attorney Bengoechea said this property has two liens on it currently. She explained that the payoffs that are in the book are through September 30, 2019. She said the lien that they are asking to be abated and released tonight is actually passed the Statute of Limitations. She said they do have a payment arrangement with the owner on the other lien. She said when her Office had the big push to mail out letters in June and July, this was inadvertently left off the letter that the owner received. She said her office continues to work hard to try and collect on these liens and to date they have collected \$16,582.10 since June 1, 2019 and they have made payment arrangements on \$6,142.18.

Mayor Pro-Tem Baldwin moved to approve.

Commissioner Hernandez seconded the motion.

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

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

Mayor Boss read the openings and appointed Michael Groves to the Senior Volunteer Advisory Council. No one was opposed.

EXECUTIVE CLOSED SESSION (Roll Call Vote Required)

13. Adjourn into Executive Closed Session in compliance with 10-15-1(h)(8), NMSA (as amended) to discuss Real Property - Possible land sale regarding property adjacent to Bonito Lake. (Roll Call Vote Required)

Commissioner Rardin moved to adjourn into Executive Closed Session at 7:30 p.m.

Commissioner Hernandez seconded the motion.

Roll Call vote was taken.

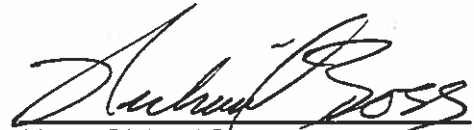
Motion carried with a vote of 7-0-0

ADJOURNMENT



ATTEST:


City Clerk Rachel Hughs


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on October 22, 2019.