

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
FEBRUARY 9, 2016**

**SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
AL HERNANDEZ, COMMISSIONER**

**ROBERT RENTSCHLER, MAYOR PRO-TEM
CLIFF HUDSON, COMMISSIONER
GEORGE STRAFACE, INTERIM CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
NANCY JACOBS, CITY CLERK**

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

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Commissioner Hudson was absent. Clerk Jacobs announced there was a quorum present. Invocation was given by Rev. Dwight Harp and the Pledge of Allegiance was led by Commissioner Sikes.

APPROVAL OF AGENDA

Mayor Pro-Tem Rentschler moved to approve the agenda. Commissioner Hernandez seconded the motion. Motion carried with a vote of 6-0-0.

PRESENTATIONS

1. Presentation of donation of \$1,230.00 to the Alamogordo Recreation Center by the Tularosa Basin Wine Festival committee on behalf of the Alamogordo, Tularosa, and White Sands Rotary Clubs. (Sue Strother, President Elect, White Sands Rotary Club)

2. Presentation of the Annual Report of the MainStreet Program. (Dr. Terry Marquardt, Alamogordo MainStreet Board Chairman)

Dr. Terry Marquardt mentioned the various projects MainStreet has accomplished as well as future projects. He said the Alamogordo MainStreet District has seen a growth of 11 new businesses, 27 jobs created, and \$1,288,900.00 in private dollars invested in renovation projects.

Interim City Manager Straface gave an update on the Family Fun Center Feasibility Study. He said part of the Study was a great disappointment and not acceptable. He emphasized that most of the data was accurate and usable and he is moving to pursue a refund. He said he was very aware of concerned citizens and is taking appropriate actions to deal with it.

PUBLIC COMMENT

Paul Sanchez commented on the following:

Mr. Sanchez thanked Interim City Manager Straface for saying earlier that he was seeking a refund from the company who prepared the Family Fun Center (FFC) Feasibility Study. He had gone through the Study and felt none of it was usable; he felt many sections had been copied from Wikipedia. He was most disturbed about the comments on the Olympia Beauty School that stated enrollment of 776 students, and Mr. Sanchez didn't believe this was correct. He remarked he had made further notations on a copy of the Study and had given these to the City Clerk for reference. He believes the entire Study should be thrown out.

Kim Boss commented on the following:

Ms. Boss said she was disappointed as a citizen and a voter in the FFC Feasibility Study. She read it as a proposal to proceed with a design/build, and she didn't agree. There had been too much money spent to date on this project, and we had nothing.

Beth Crabbe commented on the following:

Ms. Crab said the Commission's responsibility was to be good stewards to the citizens of Alamogordo, and they should recognize what the citizens had voted for. She felt they weren't being good stewards of the money and for having spent more than 700 days on this project. Ms. Crab felt there was a conflict of interest because Brunswick was part of the company who prepared the Study.

Steve Boyle commented on the following:

Mr. Boyle said he was the Otero County Assessor and on the Board of Counties that meets four times a year, and also on the Economic Development and Infrastructure Committee. He felt the City needed a spark, and that infrastructure was very important. He gave an example of creating a spark by describing how a hotel company built a facility where there was not much activity, and it ended up attracting other businesses, industrial parks and a hospital; money follows money. He hoped MainStreet and/or the FFC would be the spark for Alamogordo.

Harv Hamilton commented on the following:

Mr. Hamilton felt too many calls were made to City Hall after the last election inquiring as to where the FFC would be and how many lanes would be built. He felt many voters had not bothered to read what they voted for. He hoped everyone would read the proposed amendments they would be voting on in the upcoming election. Mr. Hamilton felt some of these amendments would give away citizen rights. He hoped there would be candidate debates where these amendments could be discussed.

Gary Tapley commented on the following:

Mr. Tapley remarked that he had been a businessman in Alamogordo for over 20 years, and the citizens had voted for the FFC. He felt it was important because young people needed a place to go, and the city needed the growth brought on by new business. He felt the Feasibility Study was a waste of money.

G.B. Oliver commented on the following:

He thanked Interim City Manager Straface for visiting with him before the meeting. Mr. Oliver stated he was embarrassed to have been a part of the Feasibility Study issue. He felt the City had painted a picture of what the FFC would be like, and had then changed the language so the money could be used for whatever the City wanted to use it for. He asked Dr. Straface for a written explanation of how they got the language they used in the bond initiative, because he wanted to send it to the NM Attorney General. Mr. Oliver asked that the Commission put this issue off until after the election.

CITY MANAGER'S REPORT**Interim City Manager Straface made the following report:**

- 1) He told the Commission that Grants Coordinator/City Planner Ruben Segura had tendered his resignation. He said that one position would be divided into two – Grants Coordinator and City Planner – and would be posted in the next few days. He noted the City currently had 79 grants.
- 2) Dr. Straface said we are continuing to deal with budget issues, and will wait until after the upcoming election to talk about working with deficit spending.
- 3) Interim City Manager Straface said he was ready to move forward with the Police Chief hiring process, and he would be informing everyone in the near future of how that would look. This issue would be discussed during the executive session after tonight's meeting.

REMARKS AND INQUIRIES BY THE CITY COMMISSION**Mayor Susie Galea made the following comments:**

- 1) She addressed concerns about the Family Fun Center (FFC) and noted government was a catalyst for economic development. The Mayor remarked we had said we would build 24 lanes with the six million bond dollars. She stated the City Manager had met with engineers and this would be discussed at the next meeting, or we could go back to the RFQ's already received and work with them in a

modified way. However, some architects felt that for 24 lanes the cost would be nine million, and perhaps we could leverage private/public partnerships to achieve this.

2) The Mayor reported on Lincoln County Days at the NM Legislature last week. She felt Lincoln County, the City of Ruidoso, and their Chamber of Commerce worked together very well.

3) She would be attending Military Day at the State Legislature on Monday to support no more Income Tax for veterans, as advocated by Senator Bill Burt.

4) Ms. Galea noted she was also concerned about the City's deficit spending, and thought we needed to raise revenues. At this point, she felt there was not a way to improve staffing levels without improved revenue sources.

5) Mayor Galea noted Item 12 on tonight's agenda had been withdrawn and hoped it would be addressed after the election. She had been the one to withdraw the item because it had become a political ordeal, and the public wasn't well enough informed. It had nothing to do with the Wild Turkey Association, and was mainly about keeping our watershed cleaned up in order to obtain more water.

CONSENT AGENDA

3. Approve the Minutes for January 26, 2016 Regular City Commission Meeting. *(Nancy Jacobs, City Clerk)*

4. Consider, and act upon , the award of RFP 2015-007 Advertising Bench Agreements for the City of Alamogordo to Dalton Agency and A Plus Bookkeeping & Tax Group. *(Stephen Thies, City Attorney)*

5. Review Resident Parking Only, Mobility Disabled Resident Parking Only, and Commercial Mobility Disabled Parking Only sign locations for the purpose of determining continuance of each location. *(Rachel Hughs, Deputy City Clerk)*

6. Consider, and act upon, Award of Public Works Bid No. 2015-015 for \$225,743 (excluding NMGR) to File Construction, LLC related to the Base Bid work on the Reclaimed Water Line Looping Project. Consider, and act upon, permission to Award Bid Alternate 1 work of Public Works Bid No. 2015-015 for \$151,897 (excluding NMGR) to File Construction, LLC contingent upon execution of a Pipeline Crossing Agreement with Union Pacific Railroad. *(Nancy Beshaler, Project Manager)*

7. Consider, and act upon, a request for authority to commence foreclosure proceedings on unpaid liens. *(Stephen Thies, City Attorney)*

8. Approve leak abatement for 776 Brooks in the amount of \$2,892.39. Abatement exceeds \$2,500 limit for administrative approval. *(Mark Threadgill, Customer Service Manager)*

9. Consider, and act upon, Resolution 2016-06 approving the DFA Quarterly Report for the period ending December 31, 2015. *(Julianne Hall, Accounting Manager)* (Roll Call vote required)

10. Approve Resolution No. 2016-07 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of February 9, 2016. *(Kathy Gilsdorf, Budget Analyst)* (Roll Call vote required)

Commissioner Hernandez moved to approve all items of the consent calendar. Commissioner Baldwin seconded the motion. Roll call was taken for items No. 9 & 10. Motion carried with a vote of 6-0-0.

UNFINISHED BUSINESS

11. Consider, and act upon, the first publication of Ordinance No. 1509 authorizing the operation of golf carts and low speed vehicles upon designated city streets and rights-of-way within the City of Alamogordo. *(Stephen Thies, City Attorney)*

Stephen Thies told the Commission this issue was brought before them last year as a resolution. He said the objective of the resolution was to allow golf carts to operate on city streets with some limitations as to

what streets they could operate on. He mentioned the resolution was put on hold and was now being brought back before the Commission as an ordinance. He added, the ordinance would designate a particular area as the zone where the golf carts could be operated. City Attorney Thies said if the ordinance is approved, the entity responsible for permitting the golf carts would be the Police Department who would provide a check list.

Mayor Galea asked the City Attorney if the ordinance allowed for a permitting process so there would be oversight and zone designation, and whether there would be no oversight at all. Stephen Thies said the golf cart industry believes it is legal to operate golf carts currently on city streets. This ordinance would resolve that issue so you are acknowledging that, subject to the golf cart complying with traffic regulations, it could operate on city streets.

Commissioner Turnbull asked City Attorney Thies for clarification as to whether golf carts would have to have seatbelts. He said he believed they would if they operate on city streets. She said she was a hundred percent against allowing golf carts on city roads because she was concerned about the safety of the people driving the golf carts. She asked what ages were allowed in the golf carts. The City Attorney said they would have to be licensed operators, a minimum of 16 years of age. Commissioner Turnbull asked him if they could have a minor sitting next to them, and he said yes.

Mayor Galea asked the City Attorney to clarify the designated zone. He answered that if they authorized golf carts to operate on the street, they could operate in any lane of traffic and would have to comply with traffic laws.

Mayor Pro-Tem Rentschler said this is a fix looking for a problem. He was opposed because there had not been any problems in the past, and if there was an accident, the deep pocket would continue to be the City of Alamogordo. He agreed with Commissioner Turnbull that there was a safety issue.

Commissioner Hernandez mentioned he watched delivery companies this Christmas season and didn't see any problems. He agreed with Mayor Pro-Tem Rentschler, they are going to fix something that isn't broken.

Commissioner Baldwin informed the audience why it was they were talking about golf carts. He agreed with the Mayor Pro-Tem and Commissioner Hernandez that this was looking for a problem. He did mention that while he has worked at the Golf Course there had only been one accident with a golf cart and a vehicle. His recommendation, if they do allow the contractor's to operate the golf carts on city streets for certain periods of time, they put some reflective tape on the vehicle after dark or don't allow them to operate after dark.

Mayor Galea asked City Attorney Thies if the golf carts were operating on a legal basis. His answer was the industry believed that golf carts are legal to operate on city streets. He said this was initially presented to the Commission as a resolution, and now as an ordinance to resolve that disagreement between the industry and others who do not believe it is legal.

Mayor Galea asked him if they leave Item 4 (of the ordinance) as is, there would be streets prohibited by enacting the ordinance and permitting to create safety. He said the issue of permitting was to get the operator to the Police Department so they could advise them of the restrictions of operations of the golf carts on city streets. Mayor Galea said for that reason, she was in favor of the ordinance as it would make it safer for drivers on all the streets.

Commissioner Turnbull asked City Attorney Thies if she would be allowed to drive on Washington Ave according to the ordinance, and he responded yes. She told the Commission and audience if they went down Washington near 11th or 12th Streets where there is a curve, someone is always going over that line, and you could imagine if that was a golf cart and you hit them.

Mayor Galea said the golf carts are already operating. Commissioner Turnbull responded we have the ability to say they cannot drive on city streets. City Attorney Thies answered they could prohibit a golf cart from driving on city streets.

Commissioner Hernandez asked the City Attorney what he considered a low speed vehicle. Attorney Thies said federal law defined that as something with a top speed greater than 20 but less than 25 miles per hour.

Commissioner Hernandez remarked the issue he had with Item 4 was, for instance, backhoes on 10th street and other streets that City crews operate, and wheelchairs that are all over the place. He noted that what we have works; leave it alone.

Mayor Galea asked City Attorney Thies if there would be any consequences if they do not enact the ordinance. He said there would be no change unless then having an issue with the Police Department trying to cite someone because they believed it was illegal to operate a golf cart, and we could deal with that internally.

Commissioner Turnbull asked Stephen Thies for the statutes that state golf carts are legally allowed to be on city streets. He said it went back to federal law; highway transportation passed some regulations a number of years ago classifying golf carts as motor vehicles.

Commissioner Turnbull said in order for her to be in her vehicle on the road she needs to have a seatbelt on and have certain things on her vehicle to be legal. The City Attorney stated it would not be legal, and if they are operating on the street they would have to be belted in. Commissioner Hernandez added, only if that vehicle came provided with seatbelts.

No motion was made on the item.

NEW BUSINESS

12. Consider, and act upon, the first publication of Ordinance No. 1508 adding a paragraph to Section 28-03-080 of the Code of Ordinances - City of Alamogordo, concerning Watershed Restoration Fund. (Stephen Thies, City Attorney) WITHDRAWN

13. Consider, and act upon, request of property owner to release the lien at 1710 Alamo Ave. (Stephen Thies, City Attorney)

The city attorney stated that in 2009, the City had filed a lien against the property for services rendered. The property was later foreclosed upon and had been sold to the current property owner. The lien was more than four years of age and the current owner had been unaware of the lien. He was asking that the lien be released from the property. Given the fact that it was more than four years of age, the city attorney requested they authorize to release the lien.

Mayor Pro-Tem Rentschler moved to approve the request of property owner to release the lien at 1710 Alamo Ave. Commissioner Hernandez seconded the motion. Motion carried with a vote of 6-0-0.

PUBLIC COMMENT

Eugene Downer commented on the following:

He spoke about the lack of trees in our parks and he asked to meet with Interim City Manager Straface, Commissioner Sikes, Community Services Director Veronica Ortega, Parks Supervisor Eric Marion and the two guys who are supposed to water trees about this issue. He stated he was against paying one dollar a month to plant trees in the forest. Mr. Downer also felt we needed to focus on adolescents within city limits. He told the Commissioners he had sent them an email with ideas for a FFC, and he explained a fund raising program PNM used that he thought the City should institute with water billing.

Mayor Galea stated Marie Moore had contacted her earlier today:

Ms. Moore's concern was about Code Enforcement violations on Bellamah. Interim City Manager Straface was working on this with Code Enforcement and the residents had until Thursday to comply by removing mattresses from their front yard.

Rich Merrick commented on the following:

Mr. Merrick asked how much it cost the City to host the Gus Macker Tournaments, and the Mayor told him up to \$50,000. He was upset because the City had decided not to host these tournaments, and he felt it was good for our community to host this.

Interim City Manager Straface explained the Gus Macker organization asked for a three year contract of approximately \$50,000 per year, and we told them we would entertain a one year contract, to which they said no. He remarked that, 1) the City was facing more than an \$800,000 dollar deficit over revenue versus expenditures for the coming year, and 2) the Gus Macker events had become more difficult to police and control. Dr. Straface noted the Commission was elected to lead and he had been appointed to make decisions; not every decision could be talked about publicly and no decision was made lightly.

Bill Dennis commented on the following:

He expressed his concerns about the sound system in the Commission Chambers. He noted the sound had become worse and hoped it could be improved.

Mayor Galea told him we are looking at ways to find the funds to improve all the systems.

Eugene Downer commented on the following:

Mr. Downer reminded the Commission they were violating ADA statutes because the hearing enhancement devices were not working tonight.

Deputy City Clerk Jacobs remarked the devices were not working tonight, but had been working at every other meeting. She would contact the hearing company in the morning.

Paul Sanchez commented on the following:

He complained about the sound system at this meeting. Mr. Sanchez again said the FFC Feasibility Study was bad, and especially the section concerning restaurants in the city. He felt the company who produced the Study owed everyone an apology, and that the City had wasted money on this study.

Kim Boss commented on the following:

She asked Interim City Manager Straface if the City had contracted an architectural firm at this point, and he told her yes. She asked if the firm was connected with Trifecta Management Group who had prepared the feasibility study or Brunswick, and he told her no.

EXECUTIVE SESSION (Roll Call Vote Required)

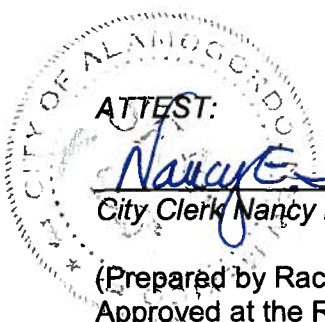
Adjourn into Executive Session in compliance with Section 10-5-1(H), NMSA 1978 (as amended), to discuss limited personnel matters. (Roll Call vote required)

Commissioner Hernandez moved to adjourn/recess into Executive Session to discuss limited personnel matters at 8:38 p.m. Mayor Pro-Tem Rentschler seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-0-0.

ADJOURNMENT



Mayor Susie Galea


ATTEST:


City Clerk Nancy E. Jacobs
(Prepared by Rachel Hughs, Deputy City Clerk)
Approved at the Regular Meeting held on February 23, 2016.