Alamogordo City Commission

NOTICE OF MEETING

Special Meeting Agenda

May 17, 2016 - 6:30 PM
City Hall, City Commission Chambers
1376 E. Ninth St.

Richard Boss .... Mayor
Al Hernandez .... Mayor Pro-Tem, District 5
Jason Baldwin .... District 1
Nadia Sikes ....District 2
Susan Payne ....District 3
Jenny Turnbull ....District 4
Erica Martin .... District 6

George Straface ....Interim City Manager
Stephen Thies ....City Attorney
Nancy Jacobs ....City Clerk

MISSION STATEMENT as Adopted by the City Commission on March 24, 1995.
The City of Alamogordo is a Municipal Corporation that exists solely for the purpose of providing the best possible services to our customers, the citizens of Alamogordo. We are committed to providing these services with honesty, integrity, compassion, fairness, and a commitment to excellence.

We are committed to the long-term financial stability and responsible growth of the City and all decisions will be driven by our commitment to provide the best services possible in a financially sound and responsible manner given the economic realities facing the City.

In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside a the north entrance of the City Hall, distributed to the appropriate news media, and posted on the City website: http://ci.alamogordo.nm.us within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Alamogordo website: http://ci.alamogordo.nm.us

The Mayor and City Commission request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Commission Chambers to respond to or to conduct a phone conversation. The Alamogordo Commission Chambers is wheelchair accessible. Other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 575-439-4205.

CALL TO ORDER & ROLL CALL

Announce the presence of a Quorum.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

NEW BUSINESS

1. Consider, and act upon, directing City Staff to follow the action taken by the City Commission at the April 26, 2016 Regular Meeting regarding Agenda Item 15 - Funding for the Family Fun Center. *(Richard Boss, Mayor)*

EXECUTIVE SESSION (Roll Call Vote Required)

2. Recess into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss Limited Personnel Issues (Interim City Manager). **(Roll Call Vote required)**

RECONVENE INTO OPEN SESSION

ADJOURNMENT

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 05/17/2016 **Report Date:** **Report No:** 1.

Submitted By: Nancy Jacobs, City Clerk

Subject: Consider, and act upon, directing City Staff to follow the action taken by the City Commission at the April 26, 2016 Regular Meeting regarding Agenda Item 15 - Funding for the Family Fun Center. *(Richard Boss, Mayor)*

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation:

Background: At the April 26, 2016 Regular Meeting, the City Commission addressed funding for the Family Fun Center. The agenda item read as follows:

15. Consider, and act upon, funding for the Family fun Center.

The motion made and approved by the City Commission was as follows:

Commissioner Baldwin moved to go back to the two qualified bidders, go to original RFP and do this in 30 days. Commissioner Turnbull seconded the motion. Motion carried with a vote of 5-2-0. Commissioner Sikes and Mayor Pro-Tem Hernandez voted nay.

CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
APRIL 26, 2016

RICHARD BOSS, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
SUSAN PAYNE, COMMISSIONER
AL HERNANDEZ, MAYOR PRO-TEM
ERICA MARTIN, COMMISSIONER
GEORGE STRAFACE, INTERIM CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
NANCY JACOBS, CITY CLERK

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

Mayor Boss called the meeting to order at 7:10 p.m. Roll Call was taken by the City Clerk. Clerk Jacobs announced there was a quorum present. Invocation was given by Pastor Justin Crispin and the Pledge of Allegiance was led by Commissioner Hernandez.

APPROVAL OF AGENDA

City Clerk Jacobs asked to withdraw Items #14 and #20, and noted they would be on a future agenda.

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

PRESENTATIONS

1. Presentation of plaques to outgoing City Commissioner Cliff Hudson and his wife, Debbie. *(Mayor Pro-Tem Hernandez & Commissioner Sikes)*

Commissioner Sikes and Mayor Pro-Tem Hernandez presented Debbie Hudson and former Commissioner Cliff Hudson with plaques to honor their service to the City of Alamogordo.

2. White Sands Habitat for Humanity will give a presentation concerning the house their organization is building on property donated by the City of Alamogordo. (*Kuia Taiaroa, Executive Director/Rehab Manager)*

Kuia Taiaroa thanked the City for donating the property at 2307 Cuba Ave. where the house is being built. She gave the presentation on Habitat for Humanity. (see agenda book for Power Point)

3. Presentation of the Quarterly Report for Otero County Economic Development Council (OCEDC). *(Mike Espiritu, President & CEO)*

Mike Espiritu spoke and gave his quarterly report for OCEDC. (see agenda book for Power Point)

PUBLIC COMMENT

Paul Sanchez commented on the following:
Mr. Sanchez mentioned that when he said “staff” regarding the Family Fun Center at the last commission meeting, he was referring to the FFC staff and not city staff in general.

Kitty Williams commented on the following:
Ms. Williams asked the commission to take the time to research the FFC project and make a decision.

Robert Najar commented on the following:
Mr. Najar, owner of a 32 lane bowling facility in Las Cruces, advised the commission that it would be wise to build 24 lanes for the FFC. He mentioned he had a set of blueprints for the FFC and could share it with the community; he could also run the facility.

Lou Greco commented on the following:
Mr. Greco talked about respect from and to the commission.

CITY MANAGER'S REPORT

Interim City Manager Straface made the following remarks:
1. May 14th is Military Appreciation Day at Griggs Field.
2. Interim City Manager Straface thanked staff and commission for the FY 2016-2017 budget work.
3. He appreciated the commission for their work on the PSAP meeting with the county and also thanked Fire Chief Ward for his work.
4. He stated commission meetings would be video live streamed beginning next commission meeting.
5. He announced Finance Director Nichols tendered her resignation effective June 29th. He thanked her for her service to the city.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Pro-Tem Hernandez made the following comments:
He thanked Finance Director Nichols for her hard work. He mentioned Senate Bill 270 will be in effect May 23, 2016, making four wheelers and golf carts street legal in New Mexico. He said he talked with the city attorney to begin working on ordinances for safety.

CONSENT AGENDA

4. Approve the Minutes for April 5, 2016 Budget Work Session & April 12, 2016 Regular City Commission Meetings. *(Nancy Jacobs, City Clerk)*

5. Approve the statement related to the Executive Session held on April 12, 2016. *(Nancy Jacobs, City Clerk)*

8. Consider, and act upon, award of RFQ No. 2016-02, Engineering and Design Services for North Scenic Drive Extension to Mesa Verde Ranch Road, to Smith Engineering Co. *(Brian Cesar, Public Works Director)*

9. Consider, and act upon, the request for approval of United Way funding to the Alamo Senior Center for FY 16/17 related to Meals on Wheels and Transportation programs. *(Veronica Ortega, Community Services Director)*

10. Approve Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Heart of the Desert for the Kitty City NM 2016 Benefit on May 20, 2016 at Creative Designs, 917 New York Avenue. *(Nancy Jacobs, City Clerk)*

11. Approve Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Heart of the Desert for the Galaxy Gala on June 4, 2016, at the NM Museum of Space History, 3198 State Route 2001. *(Nancy Jacobs, City Clerk)*

12. Approve Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Carino's Restaurant for the CHINS Galaxy Gala on June 4, 2016, at the NM Museum of Space History, 3198 State Route 2001. *(Nancy Jacobs, City Clerk)*

13. Consider, and act upon, award of RFQ No. 2016-03 Engineering Design Services to Smith Engineering Company for the McKinley Channel Phase 8 Utility Relocation. *(Nancy Beshaler, Project Manager)*

Commissioner Martin excused herself from voting on Item #8.

Mayor Pro-Tem Hernandez asked to remove Item #7 from the Consent Calendar.
Commissioner Baldwin asked to remove Item #6 from the Consent Calendar.

Mayor Pro-Tem Hernandez moved to approve Items 4, 5, 8, 9, 10, 11, 12, & 13 of the consent calendar. Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

6. Approve Resolution No. 2016-10 amending the Convenience Center fee structure. *(Brian Cesar, Public Works Director)* (Roll call vote required)

Commissioner Baldwin asked where the increased fees for the Convenience Center go. Public Works Director Cesar answered the fees would go to Fund 86, the solid waste account.

Commissioner Baldwin asked that the money be earmarked specifically in that fund balance for equipment only and no other use, and Public Works Director Cesar said he would do this.

Commissioner Baldwin moved to approve Resolution No. 2016-10 amending the Convenience Center fee structure, with the understanding the money would be earmarked for equipment only. Mayor Pro-Tem Hernandez seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

7. Consider, and act upon, award of RFQ No. 2016-04 Architectural Design Services for Alamogordo Family Recreation Center Natatorium. *(Edward Balderrama, Project Manager)*

Mayor Pro-Tem Hernandez asked which fund the money would be coming from. Finance Director Nichols said the money was from Fund 69, which was from the 1996 gross receipts tax fund balance and a loan. Mayor Pro-Tem Hernandez asked if the money would not come from any Fun Center funds or bonds. Finance Director Nichols assured him the money was not from any Fun Center funds.

Beth Crabbe made the following comments:
She was not in favor of an enclosed facility; it was a waste of money and requested the item be voted down.

Mayor Pro-Tem Hernandez said there had been injuries while putting up the bubble and taking it down., and he suggested they close the pool during the winter. He thought the enclosure was going to have some openings.

Interim City Manager Straface mentioned it takes 60 people to put up the bubble and 60 more to take it down; every year there are significant injuries to staff when they do this. The cost for a third party to take care of the bubble is $25,000 each time. Interim City Manager Straface said there was also mold which caused health issues.

Beth Crabbe said it will happen that people get injured when removing the bubble. She stated a covered pool is not desirable and mold will be present in the bubble or in the building.

Mayor Boss asked how much activity there was during the winter, and Community Services Director Ortega answered the swim team, senior classes and lap swim utilize the pool five times a week. She mentioned the bubble weighs 10,000 pounds.

Commissioner Payne said she had thought the enclosure was going to be retractable. Commissioner Baldwin said a permanent enclosed structure 360 days a year was not what he envisioned for this project. He suggested they address if they are going to allow sunlight through the design process.

Mayor Pro-Tem Hernandez moved to approve award of RFQ No. 2016-04 Architectural Design Services for Alamogordo Family Recreation Center Natatorium. Commissioner Sikes seconded the motion. Motion carried with a vote of 7-0-0.

PUBLIC HEARING

14. Consider and act upon Variance Request Case Number V-2016-0001(A) to reduce the width at the building setback line from 60' wide to 58.3' wide. Properties legal description: ALAMO BLOCKS BLK 108 LT 4 W50' OF N1/2 VIRDEN BLK 108 LT 6 E10' VIRDEN BLK 108 LT 6 PT OF (Dwelling) and ALAMO BLOCKS BLK 108 LT 4 W50' OF N1/2 VIRDEN BLK 108 LT 6 E10' VIRDEN BLK 108 LT 6 PT OF (Vacant Lot). ***(Stella Rael, Planning and Zoning Coordinator)*** **WITHDRAWN**

UNFINISHED BUSINESS

15. Consider, and act upon, funding for the Family Fun Center. ***(George Straface, Interim City Manager)***

Interim City Manager Straface said they needed commission approval to move forward with the 24 lane Family Fun Center (FFC) design.

Mayor Boss mentioned all the bowling designs he had seen on the Internet had walls inside not going all the way to the ceiling; he thought using this idea would cut the cost. He was not in favor of using solar lights as it would increase the cost by four times. Interim City Manager Straface said they had not moved forward with solar lights because of the cost. Interim City Manager Straface told Mayor Boss the reason they were building walls going all the way to the ceiling was for noise control. Commissioner Baldwin said the room needs to be dark for laser tag, and the other areas needed to have walls all the way to the ceiling.

Commissioner Baldwin asked if they were going in the direction of design build or design bid, and Interim City Manager Straface told him design/bid/build; it is designed, we solicit the bids and then we build. Commissioner Baldwin reiterated he wanted a decision made tonight.

Commissioner Martin said her concern was if the bid comes back at $7.5 million when the commission said they would not spend more than $6 million. She said they had two bids under $6 million, so could they could go back to the original RFP and move forward. Commissioner Payne agreed with her and added she was not willing to go over $6 million. Commissioner Baldwin said it was the consensus at the last meeting to not go over $6 million.

Commissioner Sikes stated the consensus was they were building 24 lanes and not going over $6 million. She suggested they eliminate laser tag or the game room to bring it under $6 million and add them sometime in the future. Mayor Pro-Tem Hernandez agreed with her but wanted to point out they may or may not have put a game room or laser tag in the literature distributed to the voters.

Commissioner Martin said the design has long hallways making the cost more per square foot, and you would need more staff to monitor from one end of the building to the other.

Mayor Pro-Tem Hernandez stated they needed to decide something and move forward. Mayor Boss said they needed more time to look at the designs.

Commissioner Turnbull said they were being premature in saying it would cost over $6 million. She suggested putting it out to bid for 24 lanes at $6 million and see what comes back.

Commissioner Martin asked why they couldn't go back to the original RFP. City Attorney Thies explained the original RFP was a two phase process and if they go back to that we would be breaking ground much later. If they did a design/bid/build the architect said he would be ready to go to bid in 120 days, around the same time they would be going to Phase Two. Commissioner Martin stated they already did Phase One, and City Attorney Thies said they rejected the proposals from Phase One.

Commissioner Payne said as long as they are moving forward the audience would not mind waiting another four months. She was concerned that if they move forward it might be more the $6 million.

Commissioner Martin said equipment is not part of the $7.6 million estimate.

Beth Crabbe said they needed gross receipts tax so put it out to bid and get it done.

G.B. Oliver made the following comments:
Mr. Oliver gave some history on how the five man FFC committee came to be. This committee met for months to research this project and brought recommendations to the city. The committee learned that all the bowling facilities look basically the same and they would not be able to do a design bid for $6 million. Their recommendation to the city was to go to a design/build/manage process to get it built for $6 million. He said he took the liberty of taking the plans to three architects and they said the guy that designed this knows nothing about family entertainment centers.

Rick Wilson made the following comments:
Mr. Wilson said the commission has to understand everything their staff says isn't one hundred percent true. He said even though they rejected the bids, the City should go back to the original proposals he and Dennis submitted under the procurement code, and asked them to rebid the project to the exact specifications that they have already done. He stated they could build the FFC for $5.9 million.

Robert Najar made the following comments:
Mr. Najar felt the FFC center could be built under $6 million including laser tag. He would like to see it go out to design/bid and would like to have the opportunity to bid on the project.

Commissioner Turnbull asked for clarification on going back to the original proposals. City Attorney Thies explained they had rejected all proposals. He said they could go back to the design/build if the commission is willing to wait.

Commissioner Turnbull made a motion to move forward with going back to the original bidders.

Josh Rardin made the following comments:
Mr. Rardin told the commission they had to make a decision. He said he had the city's procurement code and he read a portion pertaining to bids. He didn't know why they couldn't go back to the existing RFP and advertise it again. Commissioner Sikes asked if it would be the same bid process only they would go back to square one. Mayor Boss said no. Mr. Rardin answered they already have the RFP.

Interim City Manager Straface recommended they approve the RFP for 30 days, organize a group to review the material, score it, and award the project.

Commissioner Turnbull said she had made the motion earlier to go forward with the RFP. City Attorney Thies explained the design/bid or design/build was a two phase process; they can expedite Phase One and strip out some qualifications and get a letter of interest. Anyone who summits a letter of interest would be allowed to submit a proposal then go to Phase Two. He stated it still had to be a two phase process otherwise they were deviating from the procurement code and would open them up for challenges.
Commissioner Payne thought the two bidders needed to understand why they were rejected. She asked City Attorney Thies if they would send out the original proposals. He answered it would be a two phase process, and the second phase is the RFP process; this is where they have to submit a detailed

proposal of what they would build. In the Stage Two process they select the highest score and negotiate a final price. She asked if the city had sent something out stating what they were looking for in a proposal. City Attorney Thies answered they listed recommendations from the committee.

Commissioner Sikes asked Mr. Najar if the time frame they were discussing was realistic to a new bidder. He answered yes, however he would like 45 days. City Attorney Thies suggested they give two months to give the bidders enough time to refine their bid and get it under $6 million. Commissioner Martin stated she was ok with 60 days for Phase Two.

Josh Rardin made the following comments:
Mr. Rardin asked if four of the bidders had already gone through the qualification process and were approved to bid. He suggested they issue the RFP in the morning to the four and give them 30 days to prepare their proposals. Commissioner Sikes did not agree with him, she suggested they open it up to as many bidders as possible. Interim City Manager Straface agreed with Mr. Rardin and recommended they move forward.

Mayor Pro-Tem Hernandez mentioned they had a motion on the table from Commissioner Turnbull. Commissioner Turnbull asked what other information they needed with that her motion. City Attorney Thies said it was a two phase process, they would request a letter of interest, and he could come back as early as the second meeting in May with the interested bidders; they could bring the proposals back in August for recommendation. He encouraged the commission not to deviate from the two phase process. Interim City Manager Straface did not agree with City Attorney City Attorney Thies and suggested they could go to the three bidders that were qualified and request their proposals. City Attorney Thies said they never qualified the bidder from Ohio making it two qualified bidders.

Mayor Pro-Tem Hernandez asked if the RFP was numbered. City Attorney Thies yes they would have been numbered 2015. Mayor Pro-Tem Hernandez asked if they start this process over would it be given a new number, and City Attorney Thies said that was correct. Mayor Pro-Tem Hernandez was concerned that if they didn't allow any potential bidders to bid, they could run into something that would hold them back because they did not follow the procurement code; a new number would make it a new project.

Commissioner Baldwin agreed with Interim City Manager Straface's recommendation. Commissioner Turnbull asked if the consensus was to go with the recommendation of Interim City Manager Straface.

Commissioner Baldwin moved to go back to the two qualified bidders, go to original RFP and do this in 30 days. Commissioner Turnbull seconded motion.

Commissioner Baldwin explained the process of this project, and he thanked everyone for their comments and opinions.

Motion carried with a vote of 5-2-0. Commissioner Sikes and Mayor Pro-Tem Hernandez voted nay.

Interim City Manager Straface asked that Item #19 be moved forward on the agenda because there were people from Albuquerque who came to address this item and they needed to get back to Albuquerque tonight. The Commission agreed to this change in the agenda.

19. Consider, and act upon, first publication of Ordinance No. 1515, authorizing the execution of a Loan Agreement and Intercept Agreement by and between the City of Alamogordo and the New Mexico Finance authority (NMFA) for the principal amount of $6,870,000. *(LeeAnn Nichols, Finance Director)*

Finance Director Nichols explained this was the ordinance to pass the loan with the New Mexico Finance Authority for $6.8 million to refund the 2004 Gross Receipts Tax, the $2,050,000 for the

Natatorium (pool cover), and $2.5 million for the Flood Control project. She introduced Chris Muirhead from the Bond Counsel with Modrall Sperling and Regina from RBC Capitol Markets.

Mr. Muirhead went over the ordinance for the loan. (see agenda book for ordinance)

Commissioner Baldwin moved to approve, first publication of Ordinance No. 1515, authorizing the execution of a Loan Agreement and Intercept Agreement by and between the City of Alamogordo and the New Mexico Finance authority (NMFA) for the principal amount of $6,870,000. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

Mayor Boss asked for a recess at 9:40 p.m. Mayor Boss resumed the meeting at 9:48 p.m.

16. Consider, and act upon, repair by the City of the sewer service line failure at 1202 Juniper. *(Brian Cesar, Public Works Director)*

Public Works Director Cesar told the Commission of the history of this sewer service line. He said the property owner was responsible for the sewer service line from the home to the main sewer line and to include the tap into the main. The total amount for the repairs was $9,794.82.

Noble Johnston, owner of the property, came forward to speak on his letter of appeal from 2010. He said he didn't hear anything back form the city regarding his appeal and thought the city had found in his favor. He received notification from Code Enforcement in 2016, letting him know he needed to fix the line. He asked why it took five and a half years for the issue to come back again. Mayor Pro-Tem Hernandez said the city had a water break. Public Works Director Cesar explained they received complaints of a dip in the roadway in front of the property.

Mayor Pro-Tem Hernandez stated his issue was the time frame as Mr. Johnston had appealed it and didn't hear anything from the city. Commissioner Turnbull agreed with Mayor Pro-Tem Hernandez. Public Works Director Cesar said that on January 26th commission meeting they did not know where the leak was.

Interim City Manager Straface stated Mr. Johnston was accurate, he had appealed it in 2010 and did not find any evidence the city responded. Mayor Boss asked what the total bill was. Public Works Director Cesar answered $9,794.82.

Commissioner Baldwin told the Commission to keep in mind the next item on the agenda was also a sewer service line, and this could set a precedent. Mayor Pro-Tem Hernandez didn't agree with him.

Mr. Johnston stated when he bought the house there was a patch in the roadway and Public Works Director Cesar told him there wasn't any work done there but Mr. Johnston thought there was.

Interim City Manager Straface recommended waiving the cost.

Mayor Pro-Tem Hernandez moved to waive the cost to the City of the sewer line repair done at 1202 Juniper Street, because the homeowner's original appeal was not addressed by the City. Commissioner Turnbull seconded the motion. Motion carried with a vote of 7-0-0.

17. Consider, and act upon, repair by the City of the sewer service line failure at 2405 East 10th Street. *(Brian Cesar, Public Works Director)*

Public Works Director Cesar stated the total cost for the sewer service line was $13,572.69.

Doris Weese the property owner addressed the Commission to ask how she could be responsible for this sewer service line. She stated she had paid the plumber over $1,800 that she had to put on her credit card and then received a bill from the city for $13,572.69. She said this was the first time this had come up in 20 years and the dip in the roadway was there when she moved in, but she didn't know that was going to be part of her responsibility.

Interim City Manager Straface stated they have an ordinance and recommended they not waive the bill as it would set a precedent. He thought there were ways they could set up payments with her. Mayor Pro-Tem Hernandez agreed with Interim City Manager Straface and suggested they remove the markup. Interim City Manager Straface concurred with Mayor Pro-Tem Hernandez.

Commissioner Baldwin asked if the markup was $7,000, and Mayor Pro-Tem Hernandez answered it was around 33%. Commissioner Payne said the markup would be $5,755 bringing the cost down to approximately $7,000 and asked if they could set up payments without interest. Interim City Manager Straface said they could do that but didn't recommend it.

Harv Hamilton told the Commission Juniper Street bares a lot of traffic with higher speeds than ever envisioned. He asked Public Works Director Cesar what he thought of the condition of the infrastructure for the two streets for this item and the previous one. Mr. Hamilton said these streets were not designed for this kind of traffic.

Mayor Pro-Tem Hernandez said the plumber told Ms. Weese she had a septic tank, but he didn't find a septic tank when he went out there. Commissioner Payne questioned if having a septic tank had anything to do with this issue, and Mayor Pro-Tem Hernandez said no.

Ms. Weese said the leak that was fixed in the center started coming up to the surface causing her porch to fall. She stated she was on a fixed income and could not afford to put anything more; she would have to sell her house to pay the bill. City Attorney Thies suggested they place a lien on the property, sit on the lien indefinitely and set up a payment plan to let her chip away at the principle; when she sells the house they can recover the amount at that time. Interim City Manager Straface recommended deducting the mark up and follow what City Attorney Thies suggested. Commissioner Turnbull asked if the tax would be adjusted on the markup, and Public Works Director Cesar said yes.

Interim City Manager Straface recommended removing the markup, adjust the taxes, put a lien on the property for the remaining balance, and set up a payment plan. He said staff will work with her.

Commissioner Baldwin moved to waive the mark-up fee adjusted with the tax, a lien be placed on the property at 2405 E. 10th Street, and City Staff set up a payment plan based on Ms. Weese's budget. Commissioner Martin seconded the motion. Motion carried with a vote of 7-0-0.

NEW BUSINESS

18. Consider, and act upon, first publication of Ordinance No. 1510 amending section of the Personnel Manual relating to corrective action and grievances. *(Stephen Thies, City Attorney)*

City Attorney Thies explained the two objectives in the ordinance. The first would limit the ability of an employee to appeal a reprimand to the director's level. The second would be to clarify the grievance that would involve a particular employee. He recommended they approve the ordinance for first publication.

Interim City Manager Straface clarified the first part was to change the level a grievance would be heard - at a director level not the city manager level. However, if it involved termination or change in salary then it would be heard by the city manager.

Commissioner Payne asked for clarification of a reprimand. Interim City Manager Straface said there are different types of reprimand; one is a verbal warning, another is a written reprimand and leave without or with pay. He explained reprimand is designed to discipline staff when appropriate.

Commissioner Baldwin moved to approve first publication of Ordinance No. 1510 amending section of the Personnel Manual relating to corrective action and grievances. Commissioner Sikes seconded the motion. Motion carried with a vote of 7-0-0.

20. Consider, and act upon, first publication of Ordinance No. 1516 amending Article 11-05 to adopt a Disorderly House or Social Host Ordinance. ***(Stephen Thies, City Attorney)***
WITHDRAWN

21. Consider, and act upon, request of Gary and Marilyn Kite that they not be required to pay full deposit on their rental property at 1009 Catalina, and request to abate the water bill of their rental property at 1007 Catalina. ***(Mark Threadgill, Customer Service Manager)***

Customer Service Manager Threadgill spoke about the abatement for Gary and Marilyn Kite.

Mrs. Kite spoke concerning 1007 Catalina. She said a self read meter was installed and the tenant must have turned the water on himself. She stated if the city could not lock the meter they were allowing people to steal water. She said her husband noticed the water was on at the property but the tenant had never paid a water bill and now there is a bill for over $1,000. She said there was a note on city records that states 'Michael Ford/owner, payment plan $60 monthly includes inactive consumption'. Mrs. Kite said they had no idea who Michael Ford was and he was not the property owner.

Commissioner Sikes asked Customer Service Manager Threadgill if it was noted who the employee was that made arrangements with Mr. Ford. He answered he didn't know and he thought maybe the note was placed in the wrong account. Mayor Boss asked why the meter had not been locked. Customer Service Manager Threadgill said some meters cannot be locked and some locks get cut off by people.

Commissioner Payne asked Customer Service Manager Threadgill if he disagreed with anything the owners stated, and he answered he didn't disagree with them but there was a wavier of liability by state law making the deposit higher, and the tenant pays the deposit. Mayor Pro-Tem Hernandez asked him if they have the paperwork filed as property owners and was told no. Mayor Pro-Tem Hernandez recommended they lock meters when necessary. Mr. Kite said there are ways to lock or remove meters for non-payments.

Commissioner Martin asked Customer Service Manager Threadgill if the water was turned off when the previous tenant terminated service. He said he couldn't say but there was a work order. Commissioner Payne asked Customer Service Manager Threadgill how they could determine what to charge the Kites. He answered they knew from the meter readings, and went on to say if the home owner signed a waiver of liability they would not be responsible for that water usage.

Interim City Manager Straface asked the Kites when Mr. Gray moved out, and they responded he was still there and the water was probably still on. Interim City Manager Straface asked Customer Service Manager Threadgill if the water was turned off, he answered he was not positive it was off.

Commissioner Baldwin stated if they had signed a waiver, they would not be in this situation. If there was any chance the city could have notified the owners then he recommended they waive it, but if they were notified then it was the owner's responsibility. Commissioner Payne asked Customer Service Manager Threadgill if at any time a bill had been sent out, and he answered no.

Commissioner Baldwin moved to abate the water bill at 1007 Catalina property. Commissioner Payne seconded the motion. Motion carried with a vote of 7-0-0.

22. Consider, and act upon, complaint submitted by Paul Sanchez concerning Commissioner Nadia Sikes. ***(Stephen Thies, City Attorney)***

City Attorney Thies told the commission this item was concerning a code of conduct complaint against Commissioner Sikes for three violations filed by Paul Sanchez. He explained the code of conduct violation process. He stated the finding in this matter was no cause.

Paul Sanchez made the following comments:
Mr. Sanchez disagreed with the findings of no cause and read his complaint. (see agenda book for his handout)

Rich Merrick made the following comments:
Mr. Merrick stated his name was brought up in Commissioner Sikes response read from posts he printed. (see agenda book for his handout)

Commissioner Turnbull said she would like to go over the vote of findings for cause/no-cause. She mentioned she found cause and felt it was important the public knew. City Attorney Thies said normally there was not any discussion if there wasn't a motion on the table. Commissioner Turnbull said she wanted to state why she found cause. She said at the meeting of December 15, 2015, Commissioner Sikes stated she met with NMSU-A President Van Winkle and made it clear she was a private citizen. Commissioner Turnbull pointed out Commissioner Sikes also stated the Lion's Club decided not to go forward because they could not afford it and that it was illegal to have guns on campus. Commissioner Turnbull said both of these statements were not true and felt these statements were misleading to the public. Commissioner Turnbull advised the new commissioners if they have a Facebook as a commissioner/mayor, they had to be very clear they were speaking only for themselves.

Commissioner Payne said she was very careful about what she said, and that they needed to take responsibility when they made mistakes.

No further action was taken by the Commission.

Commissioner Baldwin moved to table Item #23 and Item #24 until the next regular meeting because of the lateness of the hour. Commissioner Martin seconded the motion. Motion carried with a vote of 7-0-0.

WORK SESSION

23. Topic: Updated information will be given related to the Desalination Plant and Bonito Lake Projects. ***(Brian Cesar, Public Works Director)***

EXECUTIVE SESSION (Roll Call Vote Required)

24. Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss Collective Bargaining Negotiations (AFSCME). (Roll Call Vote required)

ADJOURNMENT

Mayor Boss adjourned the meeting at 11:45 p.m.

Mayor Richard Boss

ATTEST:

City Clerk Nancy E. Jacobs

(Prepared by Rachel Hughs, Deputy City Clerk)
Approved at the Regular Meeting held on May 10, 2016.

AGENDA REPORT
CITY OF ALAMOGORDO
CITY COMMISSION

Meeting Date: 05/17/2016 **Report Date:** **Report No:** 2.

Submitted By: Nancy Jacobs, City Clerk

Subject: Recess into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss Limited Personnel Issues (Interim City Manager). **(Roll Call Vote required)**

Fiscal Impact:
Amount Budgeted:
Fund:

Additional Fiscal Impact:

Recommendation:

Background: