CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
MAY 10, 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 6:30 p.m. Roll Call was taken by the City Clerk. Clerk Jacobs announced there was a quorum present. Invocation was given by Rev. James Forney and the Pledge of Allegiance was led by Commissioner Sikes.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation of the 2014-2015 Distinguished Budget Presentation Award to Budget Analyst, Kathy Gilsdorf. *(George Straface, Interim City Manager)*

2. Presentation of Proclamation declaring May 14, 2016, as Letter Carriers' Food Drive Day in Alamogordo. *(Richard Boss, Mayor)*

3. Presentation related to amending the ordinance concerning the approval process for Temporary Alcoholic Beverage Dispenser's License applications. *(Marianne Schweers, Heart of the Desert Pistachios & Wine)*

4. Presentation and possible direction to staff concerning a request of the Downtown Merchants Association to close the 200 [800] block of New York Ave. in order to hold a Farmer's Market two times per week. *(Jana Carstaedt, President - Downtown Merchants Assoc.)*

PUBLIC COMMENT

Paul Sanchez commented on the following:
Mr. Sanchez asked Interim City Manager Straface for an update on the Florida realignment project. Interim City Manager Straface answered it was going to be on the city manager's report. Mr. Sanchez mentioned how outstanding the Law Enforcement event was; he thanked Commissioner Payne for attending and encouraged the rest of the Commissioners to attend next year.

CITY MANAGER'S REPORT

Interim City Manager Straface made the following remarks:
1. He highlighted Military Appreciation Day May 14^{th}, at the Griggs Field. He mentioned he volunteered his time at the dunking booth for a fundraiser and asked the commission if they wanted to volunteer. He thanked staff for putting the event together.
2. He said he would support Marianne Schweers in her request for Item #2 [3] of this agenda.
3. He gave an update on various city projects.

4. He said the Florida realignment project was 95% designed, and he anticipated breaking ground in August.
5. He recognized Acting Police Chief Schoolcraft and thanked him for his service.
6. He announced Daron Syling will be the new police chief starting July 1st.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Baldwin made the following comments:
He supported the requests from Items 3 and 4 and asked for updates in the next few weeks. He wanted to have possible action on item 4 after they had updates.

Commissioner Sikes made the following comments:
She mentioned she attended the RSVP banquet at the Senior Center and thanked Senior Center staff for a great job.

CONSENT AGENDA

5. Approve the Minutes for April 21, 2016 Budget Work Session, and April 26, 2016 Regular City Commission Meetings. *(Nancy Jacobs, City Clerk)*

7. Approve of the State of New Mexico Audit Contract for FY2016, to be performed by RPC CPAs + Consultants, LLP. *(Julianne Hall, Accounting Manager)*

8. Accept the Investment Report for the quarter ending March 31, 2016, in accordance with the City of Alamogordo Investment Ordinance. *(Julianne Hall, Accounting Manager)*

9. Consider, and act upon, Resolution No. 2016-14 approving the DFA Quarterly Report for the period ending March 31, 2016. *(Julianne Hall, Accounting Manager)* **(Roll Call Vote required)**

13. Consider, and act upon, Resolution No. 2016-15 amending the Cemetery fee structure. *(Veronica Ortega, CS Director)* **(Roll call vote required)**

14. Consider, and act upon, the award of Public Works Bid No. 2016-009 to Exerplay, Inc. related to Parks Playground Shade Structures (CS2013) in an amount not to exceed $135,556.93, including NMGRT. *(Edward Balderrama, Project Manager)*

15. Consider, and act upon, the final publication of Ordinance No. 1511 authorizing the sale of certain city owned property located at 1212 Puerto Rico in the amount of $36,000 to Keith Autry *(Evelyn Huff, Housing Authority Manager)* **(Roll Call Vote required)**

16. Consider, and act upon, the final publication of Ordinance No. 1512 authorizing the sale of certain city owned property located at 1319 Ohio in the amount of $26,000 to Keith Autry *(Evelyn Huff, Housing Authority Manager)* **(Roll Call Vote required)**

17. Consider, and act upon, the final publication of Ordinance No. 1513 authorizing the sale of certain city owned property located at 1315 Puerto Rico in the amount of $17,500 to Keith Autry *(Evelyn Huff, Housing Authority Manager)* **(Roll Call Vote required)**

18. Consider, and act upon, the final publication of Ordinance No. 1514 authorizing the sale of certain city owned property located at 700 Ridgecrest in the amount of $31,000 to Thomas Phillips *(Evelyn Huff, Housing Authority Manager)* **(Roll Call Vote required)**

Commissioner Payne asked to remove Items 10, 11, 12 from the Consent Calendar. Mayor Boss asked to remove Item 6.

Mayor Pro-Tem Hernandez moved to approve items 5, 7, 8, 9, 13, 14, 15, 16, 17 & 18 of the consent calendar. Commissioner Baldwin seconded the motion. Roll call was taken for items No. 9, 13, 15, 16, 17 & 18. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

6. Approve Resolution No. 2016-12 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 May 10, 2016. *(Kathy Gilsdorf, Budget Analyst))* **(Roll Call vote required)**

Mayor Boss said he had reviewed the information from the workshop and thought they needed to make some restrictions on the resolution. He thought they should restrict expenditures and adopt some of the recommendations of the DFA memorandum # BFB-16-04.

Commissioner Payne asked him if they would implement what he suggested now. He said they needed to have some control on balancing the budget. Her concern was recurring expenses. Commissioner Martin said she didn't feel comfortable raising taxes next year.

Interim City Manager Straface said building the budget was a comprehensive process and they were aware of recurring expenses. He stated they were ready to bring the adoption for the FY16-17 budget to the Commission. He said he went line by line in the budget and there wasn't a lot they could restrict.

Commissioner Baldwin moved to approve Resolution No. 2016-12 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 May 10, 2016. Mayor Pro-Tem Hernandez seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-1-0. Mayor Boss voted nay.

10. Consider, and Act upon, Resolution No. 2016-17, authorizing and approving submission of a completed application for financial assistance for the refunding of the Joint Utility System Revenue Bonds, Series 2005 (project) approval to the New Mexico Finance Authority. *(LeeAnn Nichols, Finance Director)* **(Roll Call Vote required)**

Finance Director Nichols said the next three Items go together. She explained the City has the opportunity to refinance three debt issues, one is a bond issue for the 2005 water/sewer, and the other two were for 2008 finance authority loans. She stated they could refinance these and have a savings of over $1 million. Erik Harrigan with RBC Capital Markets went over the details of refinancing. (see agenda book for power point)

Commissioner Sikes asked Mr. Harrigan if there was a refinancing charge. He answered there was not. She asked him what this would do to the time to pay them back. He said the refunding did not anticipate extending any time.
Interim City Manager Straface asked Mr. Harrigan if once the loans were approved was there a finance charge then. He answered yes, once the loan was approved the only time there was a charge was if the City Commission approved the ordinance and closed the loans. DFA had a placement fee and a cost of issuance that included the financial advisor and bond council. Mr. Harrigan said without actually going though the refinancing and closing the transactions, there were no fees to the City. Interim City Manager Straface asked him if they knew what the fees would be. Mr. Harrigan answered the fee was .075 percent for each of the loans.

Mayor Pro-Tem Hernandez moved to approve Resolution No. 2016-17, authorizing and approving submission of a completed application for financial assistance for the refunding of the Joint Utility System Revenue Bonds, Series 2005 (project) approval to the New Mexico

Finance Authority. Commissioner Sikes seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

11. Consider and Act upon Resolution No. 2016-18, authorizing and approving submission of a completed application for financial assistance for the refunding of the Municipal Gross Receipts Tax Revenue NMFA Loan, Series 2008 (project) approval to the New Mexico Finance Authority. *(LeeAnn Nichols, Finance Director)* **(Roll Call Vote required)**

Mayor Pro-Tem Hernandez moved to approve Resolution No. 2016-18, authorizing and approving submission of a completed application for financial assistance for the refunding of the Municipal Gross Receipts Tax Revenue NMFA Loan, Series 2008 (project) approval to the New Mexico Finance Authority. Commissioner Baldwin seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

12. Consider and Act upon Resolution No. 2016-19, authorizing and approving submission of a completed application for financial assistance for the refunding of the Gross Receipts Tax Revenue NMFA Loan, Series 2008 (project) approval to the New Mexico Finance Authority. *(LeeAnn Nichols, Finance Director)* **(Roll Call Vote required)**

Mayor Pro-Tem Hernandez moved to approve Resolution No. 2016-19, authorizing and approving submission of a completed application for financial assistance for the refunding of the Gross Receipts Tax Revenue NMFA Loan, Series 2008 (project) approval to the New Mexico Finance Authority. Commissioner Baldwin seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

PUBLIC HEARING

19. 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)*

Planning and Zoning Coordinator Rael spoke on the variance case regarding the property located on 1218 15th Street. She said the applicant was seeking to realign a 50 foot wide lot that was vacant and a 68.3 foot wide lot with an existing home, into a 60 foot wide lot.

Delia Mirabal commented on the following:
Ms. Mirabal had handouts that were distributed to the Commission (see agenda book for handout). She was concerned about the sewer behind her home on 1211 Beverly Lane. She said the sewer lines were not properly done by the City and she smelled gas. She felt this was a health hazard.

Leroy Lewis commented on the following:
Mr. Lewis stated he lived at 1417 Cuba Ave. He said there was no alley going all the way though in the area and a fire truck and garbage truck couldn't get in. He said he can't build anything in his back yard because the sewer lines go through his yard and there were three houses that built things on his property. He said he could sell the City the 15 foot strip all the way to Cuba Ave., they could purchase five feet of the backyards of the three houses encroaching into his property, and this would give them an alley way.

Interim City Manager Straface said the original request came from Mr. Herrell to change the property line between the vacant lot and the one next to it. He said there were portable carports on the property line and his view was that they could ask Mr. Herrell to move them and not have to do the variance. He stated the issue of sewer was going to require some time to research. He suggested this item be tabled.

Planning and Zoning Coordinator Rael said she had not seen plans for a house to be placed on the empty lot; it was just a realignment Mr. Herrell was wanting. Interim City Manager Straface said if the carports were moved they wouldn't have to realign the property.

Tommy Herrell commented on the following:
Mr. Herrell stated he didn't know they could move the carports and would bring a new survey to the Commission. Interim City Manager Straface told Mr. Herrell if he could move the carports, staff would work on the sewer and alley issue.

Commissioner Turnbull agreed with Interim City Manager Straface, she is not in favor of going forward with the variance until the sewer and alley issue were taken care of. Interim City Manager Straface said there was no need for a variance.

Ms. Mirabal stated she lived in that area and Mr. Herrell did not and she knows there are a lot of problems that need to be looked at. She felt the variance would be very bad.

Mayor Pro-Tem Hernandez agreed with Interim City Manager Straface on addressing the alley and sewer issues. He said they couldn't restrict property owners from using their property for what they were intended to be used for.

Interim City Manager Straface said he would bring back proposals very quickly for this to the Commission.

Commissioner Turnbull asked for clarification why both lots had the same address of 1218. Planning and Zoning Coordinator Rael said 1218 was the address of where the house was but the empty lot was never assigned an address and it was normal for an address not to be assigned until there was plans for a home or at the request of the property owner. Interim City Manager Straface said they would renumber it. Ms. Mirabal said the owner whom has passed away, had told her the two properties on 1218 could not be sold separately because they were one address. Interim City Manager Straface said they could research if they could divide the two properties.

Commissioner Baldwin stated (the audience was complaining about who could talk on the issue) they wanted to make it fair for everyone that had something to say. He asked if they could deal with the property now and deal with the sewer and alley issue later. He asked Planning and Zoning Coordinator Rael if any of the citizens in the audience were at the Planning and Zoning meeting. She answered, all except for one and said the issue came with no recommendation to the Commission from the Planning and Zoning meeting.

Commissioner Sikes said there were 45 letters mailed out regarding the request, nine letters of protest were received back, and three came back as undeliverable. That was about 20 percent of the people who didn't like what was going on with this. She reminded the audience there was public comment at the end of the meeting. Mayor Pro-Tem Hernandez asked Planning and Zoning Coordinator Rael if the property could be used with the way the lines were drawn; she said yes. He said that either way, they could build with or without the variance; she said yes.

Mayor Pro-Tem Hernandez moved to table 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). Commissioner Martin seconded the motion. Motion carried with vote of 7-0-0.

NEW BUSINESS

20. Discussion, and possible action, related to a Weed Abatement Request for 504 [540] Linda Vista. *(Stephen Thies, City Attorney)*

City Attorney Thies gave some background of the weed abatement on 504 Linda Vista in December of 2006. He mentioned at the time there was a foreclosure on the property and the City filed a lien for the abetment charges in May of 2007. He said during that time the property was sold to the current owner. He said the lien was more than four years old and the statue of limitations had run out; his recommendation was to release the lien from the property.

Commissioner Payne asked how this happened; this was supposed to be done within four years. City Attorney Thies said eight years ago the City was not aggressive in filing its liens and foreclosing and now they had a new policy.

Betsey Hart, property owner, addressed the Commission. She noted the address was listed in the agenda item incorrectly; it should be 540 Linda Vista. She said the property was free of liens when she purchased the property in 2007. She said it wasn't until she tried to refinance that this lien came to light and she received notification of the lien in March of 2016.

Harv Hamilton spoke on the lack of weed control in the city. He said the schoolyards had many weeds and didn't think it was fair for them to approve weed abatement and not do anything about the school system.

Interim City Manager Straface said the City had not filed the lien appropriately and in a timely manner. He thought the City needed to correct the situation. Fire Chief Ward told the Commission the weed abatement policy had not been it was now. He stated he had been in communication with Mr. Hamilton and the schools regarding weed issues and was currently working on it.

Mayor Pro-Tem Hernandez moved to approve the weed abatement for 504 [540] Linda Vista. Commissioner Turnbull seconded the motion. Motion carried with a vote of 7-0-0.

21. Consider, and act upon, first publication of Ordinance No. 1517 amending the dedication of a Municipal Local Option Gross Receipts Tax. *(Stephen Thies, City Attorney)*

City Attorney Thies said this item comes from their last budget meeting where the Commission decided to redirect upwards to 50 percent of Gross Receipts Tax, whereas currently, 100 percent of the GRT revenues goes into Fund 49 that has been generally used for water purposes.

Paul Sanchez spoke on transparency. He said the agenda report told about Fund 49 but didn't tell you what the fund was. He stated City Attorney Thies just mentioned Fund 49 had to do with water. He told Interim City Manager Straface in the future he would like more clarification. Mr. Sanchez was concerned about taking money away from funds that was reserved for water. He wanted to know how much money were they talking about yearly and if they were going to roll that money to the General Fund, what would it be used for.

Mayor Pro-Tem Hernandez stated this Item was talked about at the budget hearings to his satisfaction. He said the recordings for the meeting were available and were very transparent. Interim City Manager Straface told Mr. Sanchez he noted his concern about being clear on what this fund was and said it will be clearer in the future. Interim City Manager Straface mentioned they were concerned about water also. He felt the City was safe this year and it would be looked at annually.

Mr. Sanchez told Mayor Pro-Tem Hernandez he appreciated this was discussed during budget hearings and very transparent, but very few citizens attended the budget hearings. His point in transparency was more citizens pay attention to what is going on at Commission meetings. Mayor Pro-

Tem Hernandez said the agendas were set up for Commission and citizens to follow and at anytime citizens could call commissioners with any questions. He noted he had received zero calls regarding this item. He told Mr. Sanchez it would be helpful if he posted on his website the Commissioner's phone numbers. Mr. Sanchez stated he had posted their phone numbers and had directed citizens to call them.

Commissioner Baldwin moved to approve first publication of Ordinance No. 1517 amending the dedication of a Municipal Local Option Gross Receipts Tax. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

22. Consider, and act upon, granting an easement to PNM for the Evangelical Lutheran Good Samaritan Society d/b/a Good Samaritan Society – Betty Dare for an electrical easement. *(Stephen Thies, City Attorney)*

City Attorney Thies explained that in the past, the Good Samaritan Society came to the City and asked for them to issue industrial revenue bonds. This process required that the City own the property and so it was deeded to the City. Those bonds have been paid off, but the property has not been deeded back to the Good Samaritan Society. He said PNM needed an easement to do electrical work on the Good Samaritan property and so the property needed to be deeded back to them. In the meantime, he said PNM needed this easement in order to proceed with their work. City Attorney Thies recommended approval of this item.

Mayor Pro-Tem Hernandez moved to approve the granting of an easement to PNM for the Evangelical Lutheran Good Samaritan Society d/b/a Good Samaritan Society – Betty Dare for an electrical easement. Commissioner Turnbull seconded the motion. Motion carried with a vote of 7-0-0.

23. Consider, and act upon, Community Development Block Grant (CDBG) to be used to expand COPE's administrative offices which are located at 909 S Florida Avenue. *(Stephen Thies, City Attorney)*

City Attorney Thies said in September of 2015 the Commission approved applying for the CDBG grant to allow COPE to expand their administrative building and at the time part of the requirement was the City had to own the property; COPE transferred the property at no cost. He stated the construction bids exceeded the available funding of $500,000, COPE contributed $100,000; the lowest bid was $750,000. He said the request was to consider some means to close the funding gap by finding City funds. The recommendation of staff was to take the $200,000 from the General Fund to fill the gap.

Commissioner Payne asked what the lowest bid was. Project Manager Edward Balderrama broke down the cost and stated the total cost was $757, 704. She asked if there was a shortage of $257,000. City Attorney Thies answered no; there were still funds COPE contributed to the project and the shortage was $200,000.

Interim City Manager Straface said the money would be paid back to the City. Commissioner Baldwin stated he was comfortable with COPE paying the City back at a later date.

Mayor Pro-Tem Hernandez moved to approve Community Development Block Grant (CDBG) to be used to expand COPE's administrative offices which are located at 909 S Florida Avenue. Commissioner Sikes seconded the motion. Motion carried with a vote of 7-0-0.

24. Consider, and act upon, the award of Public Works Bid No. 2016-005 to CD General Contractors Inc related to Community Development Block Grant (CDBG) Project No. 14-C-NR-I-03-G-15 Domestic Violence Center Improvements (GC1402) in an amount not to exceed

$757,704.00, including tax (Base Bid $730,296.00 and Add Alt. No. 1 $24,408.00). *(Edward Balderrama, Project Manager)*

Mayor Pro-Tem Hernandez moved to approve the award of Public Works Bid No. 2016-005 to CD General Contractors Inc related to Community Block Grant (CDBG) Project No. 14-C-NR-I-03-G-15 Domestic Violence Center Improvements (GC1402) in an amount not to exceed $ 757,704.00, including tax (Base Bid $730,296.00 and Add Alt. No. 1 $24,408.00). Commissioner Sikes seconded the motion. Motion carried with a vote of 7-0-0.

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

Mayor Boss appointed Colleen Lenart to the Housing Authority Board. There were no objections from the Commission.

PUBLIC COMMENT

Paul Sanchez commented on the following:
Mr. Sanchez said the original RFP for the Family Fun Center was not given to the original two bidders as voted by the Commission. He wanted to know why the RFP was changed. Interim City Manager Straface answered they thought they were told to revise it because they were no longer interested in doing the management part of it. To do the design/build concept, there were some revisions that needed to be made. City Attorney Thies said the original RFQ went out as design/build/manage/ operate/finance, but they were pulled out of the new RFP sent to the two qualifying bidders. Mr. Sanchez stated he was going to re-look at the motion from the minutes for that commission meeting. Mayor Boss said he wanted to see a copy of the RFP.

EXECUTIVE SESSION (Roll Call Vote Required)

26. Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss Collective Bargaining Negotiations (AFSCME & APSOA), Threatened or Pending Litigation (Agnew vs. City of Alamogordo), and Threatened or Pending Litigation (S. Galea). (Roll Call Vote required)

Mayor Pro-Tem Hernandez moved to adjourn into Executive Session to discuss Collective Bargaining Negotiations (AFSCME & APSOA), Threatened or Pending Litigation (Agnew vs. City of Alamogordo), and Threatened or Pending Litigation (S. Galea) at 8:45 p.m. Commissioner Turnbull seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

ADJOURNMENT

Richard Boss
Mayor Richard Boss

ATTEST:

Nancy E. Jacobs
City Clerk Nancy E. Jacobs

(Prepared by Rachel Hughs, Deputy City Clerk)
Approved at the Regular Meeting held on May 24, 2016.