CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
JUNE 14, 2016

RICHARD BOSS, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
SUSAN PAYNE, COMMISSIONER

AL HERNANDEZ, MAYOR PRO-TEM
ERICA MARTIN, COMMISSIONER
MAGGIE PALUCH, ACTING 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. Commissioner Sikes 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 Baldwin.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Overview will be given of all that is offered and events that are occurring at the Alamo Senior Center. *(Mr. Jesse Carr, presenter)*

Mr. Carr highlighted the programs offered by the Alamo Senior Center. He stressed the need for more volunteers to help with the various programs, and invited the Commissioners to ride with the Meals-on-Wheels volunteers in order to see what they do and those they minister to. Mr. Carr listed the various classes offered, medical screenings, and dances, as well as transportation provided to seniors at a nominal cost. This year they will have a July 4th Picnic and he encouraged all Commissioners to attend. He asked why the Commission does not pledge allegiance to the New Mexico flag.

Mayor Boss said he would come to the Senior Center.

Commissioner Turnbull asked how long a Meals-on-Wheels run lasted and Mr. Carr gave her details.

Mayor Pro-Tem Hernandez said he used to go quite a bit, and it was a great thing to do. He felt this Commission and past Commissions strongly supported the Senior Center.

Commissioner Martin said she would like to come and bring her three year old son, and Mr. Carr said that would be fine.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

Acting City Manager Paluch made the following remarks:
1) She gave and update on the First/Florida realignment. The bid opening will be September 8th and will be awarded at the September 13th Commission meeting. Construction on the project should begin October and completed by July 2017.

2) The Dry Canyon Oasis Trailer Park project closed on the purchase of the eastern half of the Oasis Trailer Park.
3) She was pleased to announce Animal Control had an 85 percent adoption rate. City staff started a coalition with ten rescue organizations in town to find homes for the animals and they are working with Dr. Hayes in a dog exchange to increase adoptions.
4) The Spay and Neuter clinic program at the Recreation Center in conjunction with one of the local rescue organizations was sold out.
5) Union Pacific Rail Road funded 27 trees that were planted in Alameda Park.
6) She and Laurie Dean took a tour of the Alamogordo Zoo.
7) The Library hosted the Albuquerque Bio Park Zoo on June 8th.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

2. Approve the Minutes for the May 17, 2016 Special Meeting, the May 24, 2016 Regular Meeting and the June 2, 2016 Special City Commission Meetings. *(Nancy Jacobs, City Clerk)*

3. Approve the statement related to the Executive Session held on May 24, 2016 and June 2, 2016. *(Nancy Jacobs, City Clerk)*

5. Consider, and act upon, approval of Amendment 2 to the Engineering Professional Services Agreement with Bohannan Huston, Inc. for the Reclaimed Water Line Looping project. *(Nancy Beshaler, Project Manager)*

6. Consider, and act upon, approval of Amendment 3 to the Engineering Professional Services Agreement with Engineers Inc. for the Realignment of Florida Avenue at First Street project. *(Nancy Beshaler, Project Manager)*

8. Approve granting a waiver of the permit fee for a Special Fireworks Display permit for the July 4th Fireworks Display at the New Mexico Museum of Space History. *(Nancy Jacobs, City Clerk)*

9. Consider, and act upon, the Lodger's Tax Expenditures for Tourism & Travel. *(Jan Wafful, Special Events Manager)*

10. Consider, and act upon, final publication of Ordinance No. 1517 amending the dedication of a Municipal Local Option Gross Receipts Tax. *(Stephen Thies, City Attorney)* (Roll Call Vote required)

Commissioner Payne asked to remove Items 4 & 7 from the Consent Calendar.

Mayor Pro-Tem Hernandez moved to approve items 2, 3, 5, 6, 8, 9, & 10 of the consent calendar. Commissioner Baldwin seconded the motion. Roll call was taken for Item No. 10. Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

4. Consider, and act upon, award of Public Works Bid No. 2016-008 to San Bar Construction Corp., related to the Reflectorized Pavement Markings project, in an amount not to exceed $160,059.67, including tax. *(Brian Cesar, Public Works Director)*

Public Works Director Cesar gave information on the second half of the striping on the streets. Commissioner Payne asked where the work would be done, and he answered it would be all over the city.

Commissioner Payne moved to approve the award of Public Works Bid No. 2016-008 to San Bar Construction Corp., related to the Reflectorized Pavement Markings project, in an amount not to exceed $160,059.67, including tax. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 6-0-0.

7. Consider, and act upon, Change Order No. 1, Public Works Bid No. 2015-005, EN1402, to General Hydronics, Inc. related to Street Maintenance Preparation Program FY 2014, in an amount not to exceed $39,273.14, excludes NMGRT. *(Edward Balderrama, Project Manager)*

Edward Balderrama explained to Commissioner Payne this was the final change order for the Street Maintenance Preparation Program.

Commissioner Turnbull moved to approve Change Order No. 1, Public Works Bid No. 2015-005, EN1402, to General Hydronics, Inc. related to Street Maintenance Preparation Program FY 2014, in an amount not to exceed $39,273.14, excludes NMGRT. Commissioner Martin seconded the motion. Motion carried with a vote of 6-0-0.

NEW BUSINESS

11. Consider, and act upon, the first publication of Ordinance No. 1520, 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 $2,710,000 for refinancing of the Joint Water & Sewer Bonds, Series 2005. *(LeeAnn Nichols, Finance Director)*

Finance Director Nichols introduced Chris Muirhead from RBC Capital markets and he gave a presentation on Items 11, 12, and 13 for loan agreements. (see agenda book for Power Point)

Mayor Pro-Tem Hernandez moved to approve the first publication of Ordinance No. 1520, 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 $2,710,000 for refinancing of the Joint Water & Sewer Bonds, Series 2005. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

12. Consider, and act upon, the first publication of Ordinance No. 1521, 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 $5,130,000 for refinancing of the NMFA State Shared Gross Receipts Tax Loan, Series 2008. *(LeeAnn Nichols, Finance Director)*

Mayor Pro-Tem Hernandez moved to approve the first publication of Ordinance No. 1521, 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 $5,130,000 for refinancing of the NMFA State Shared Gross Receipts Tax Loan, Series 2008. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

13. Consider, and act upon, the first publication of Ordinance No. 1522, 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 $2,755,000 for refinancing of the NMFA Municipal Gross Receipts Tax Loan, Series 2008 *(LeeAnn Nichols, Finance Director)*

Mayor Pro-Tem Hernandez moved to approve the first publication of Ordinance No. 1522, 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 $2,755,000 for refinancing of the NMFA Municipal Gross Receipts Tax Loan, Series 2008. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

14. Consider, and act upon, Resolution No. 2016-22 approving a Grant Agreement between the City of Alamogordo and the New Mexico Environment Department for Capital Appropriation Project No. 15-1143-STB-RET in the amount of $4,000,000 to plan, design, and construct a desalination treatment facility and brackish water supply system for the City of Alamogordo. *(Brian Cesar, Public Works Director)* (Roll Call Vote required)

Public Works Director Cesar addressed the Commission explaining the history of the Desalination Treatment Facility and Brackish Water Supply System project.

Mayor Pro-Tem Hernandez moved to approve Resolution No. 2016-22 approving a Grant Agreement between the City of Alamogordo and the New Mexico Environment Department for Capital Appropriation Project No. 15-1143-STB-RET in the amount of $4,000,000 to plan, design, and construct a desalination treatment facility and brackish water supply system for the City of Alamogordo. Commissioner Turnbull seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-0-0.

15. Consider and act upon Resolution 2016-23 to authorize the donation of surplus property to Otero County (recycling baler). *(Stephen Thies, City Attorney)* (Roll Call Vote required)

City Attorney Thies explained the City purchased the equipment in 2003 and it was used as a compactor. He said the equipment was used for several months and had been in storage ever since. Otero County asked the City if they would donate it for their recycling program. He requested the Commission approve to donate the equipment to the County as it had not been used for 13 years and was surplus, meaning it no longer had value to the City.

Mayor Pro-Tem Hernandez moved to approve Resolution 2016-23 to authorize the donation of surplus property to Otero County (recycling baler). Commissioner Baldwin seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-0-0.

Commissioner Baldwin asked if City staff could go through any surplus equipment the City owned to help out other communities. City Attorney Thies answered they should be able to look at this and bring them to the Commission.

16. Consider, and act upon, first publication of Ordinance No. 1518 amending section 5-01-035 of the City Code concerning alcoholic beverage dispenser's licenses. *(Stephen Thies, City Attorney)*

City Attorney Thies explained an individual requested the Commission amend the Ordinance pertaining to temporary alcohol licenses in order to allow the City Clerk to issue the licenses instead of the applicant coming to the Commission for approval. He stated it would speed up the process and state statue allowed them to do that; he recommended the Commission approve the request for first publication.

Commissioner Payne asked if this was for someone who already had a regular... City Attorney Thies said that was correct, it was for someone that had an alcohol license already and were requesting to have a temporary dispenser's license for events.

Mayor Pro-Tem Hernandez moved to approve first publication of Ordinance No. 1518 amending section 5-01-035 of the City Code concerning alcoholic beverage dispenser's licenses. Commissioner Martin seconded the motion. Motion carried with a vote of 6-0-0.

17. Consider, and act upon, the first publication of Ordinance No. 1519 amending certain sections of the Uniform Traffic Ordinance (UTO) regarding Off-Highway vehicles. *(Stephen Thies, City Attorney)*

City Attorney Thies explained the ordinance dealt with off-highway vehicles on City streets, stating where they could operate and what was required to operate on city streets.

Mayor Pro-Tem Hernandez asked the city attorney if helmets were State required or was that something the City added. The city attorney said he needed a couple of minutes to look it up. Mayor Pro-Tem Hernandez said if it was state required he didn't have a problem with it, but if it wasn't he had an issue with it. City Attorney Thies stated when it comes back for final approval, they could pull that provision out of the Ordinance. Mayor Pro-Tem Hernandez informed the community that four wheelers were not ATV's, and stated he wanted to speak to them to see what their thoughts were on that.

Mayor Boss asked if the County required helmets. City Attorney Thies answered the County was creating an ordinance and the City had been communicating with them so people could comply with both ordinances. Commissioner Martin asked if they should wait for the County to move forward. Mayor Pro-Tem Hernandez thought the County would follow suit on it and said the State had already allowed it.

Mayor Boss asked why we needed a specific ordinance if they were following state regulation. Mayor Pro-Tem Hernandez answered part of it was to make changes if we wanted. Mayor Boss asked Mayor Pro-Tem Hernandez to clarify on why he supported some 4 wheelers and not others. Mayor Pro-Tem Hernandez answered the Razor was more like a vehicle and a Quad was not. Mayor Boss disagreed with Mayor Pro-Tem Hernandez. Mayor Pro-Tem Hernandez stated that was why they could make changes.

Rich Merrick made the follow remarks:
He spoke on safety concerns with the ordinance. If one of these vehicles stopped and he ran them over with his truck and killed them, who would be liable since the City was not requiring off-highway vehicles to have brake lights.

Mayor Boss asked to table this Item. City Attorney Thies said state statute trumps this and we have the ability to regulate further than state statue. He stated per state statute they were legal to operate on City streets. Commissioner Baldwin said this ordinance was to help protect the City.

Commissioner Turnbull asked City Attorney Thies if this gave them the right to say they do or don't allow these vehicles on the streets in city limits. He said that was correct, they have the legal authority to say no or have more restrictions.

Commissioner Martin stated she didn't have a problem with it but Rich Merrick had a good point regarding turning signals and brake lights. Mayor Pro-Tem Hernandez said they could add that in to the ordinance and he would like to add a horn and turn signals for safety.

Mayor Pro-Tem Hernandez moved to approve the first publication of Ordinance No. 1519, amending certain sections of the Uniform Traffic Ordinance (UTO) regarding Off-Highway vehicles, and to add the requirements of turn signals, brake lights and a horn. Commissioner Turnbull seconded the motion. Motion carried with a vote of 6-0-0.

18. Consider, and act upon, a request on an offer from Tommie Herrell to purchase a 3.76 acre tract from the City located at 2101 Puerto Rico Avenue. *(Stephen Thies, City Attorney)*

City Attorney Thies explained Tommie Herrell wanted to purchase the property and he gave some history on the property. Mr. Herrell offered the City $44,000 to allow easy access to the Senior Center and if the City was interested they would have the property appraised to move forward.

Mayor Pro-Tem Hernandez asked City Attorney Thies if they sold the property, would it restrict them from adding on to the Senior Center. The city attorney answered currently they had no plans of expansion but selling the property would limit their ability to expand; they could expand the Senior Center onto the parking lot. Mayor Pro-Tem Hernandez stated his concern was they may not be able to expand.

Commissioner Martin stated she had a problem with selling a property worth over $130,000 for $37,600 plus city staff man hours to acquire the strip owned by the school.

Commissioner Turnbull echoed Commissioner Martin; she was not willing to sell the property at such a loss. Commissioner Baldwin agreed with Commissioner Turnbull and Commissioner Martin and until they have it appraised he was not willing to sell.

City Attorney Thies stated it would cost $1,500 to $2,500 to have the property appraised. Commissioner Martin asked why the City was paying for the appraisal, and Mr. Thies recommended adding the cost to the purchase price so it would be at the City's direction not at someone else's.

Commissioner Baldwin asked how they could accommodate Mr. Herrell without the sale for the property. Commissioner Turnbull asked if Mr. Herrell needed permission from the school, since the school was the outer boundary. City Attorney Thies said that was a problem and they would have to do a transfer of property to the City which should have been done a while back.

Commissioner Turnbull moved to deny a request on an offer from Tommie Herrell to purchase a 3.76 acre tract from the City located at 2101 Puerto Rico Avenue. Commissioner Martin seconded the motion. Motion approved with a vote of 6-0-0.

19. Consider, and act upon, the drafting of an ordinance for establishing a White Stands Blvd. Beautification Advisory Committee. *(Pamela Lee, Planning & Zoning Commission Chairperson)*

Pamela Lee, Chairman of the Planning & Zoning Commission told the Commission about the next step Planning and Zoning would like to undertake to improve the City. She said they focused on the revitalization of downtown and the improvement of White Sands Blvd. She asked for approval to allow drafting of an ordinance to make a permanent Whites Sands Beautification Advisory Committee. The question she had was how much power the committee should have to act on its own and not bring every decision to the City Commission for approval.

Mayor Boss asked Mrs. Lee about City Staff involvement and amount of time they would have to commit. She said the cost was minimal and they would have help from volunteers. Mayor Boss was concerned how much time City staff would be involved. She could not answer definitely how much time, but it would not be full time. Commissioner Payne asked if they would be used in an advisory role, and Mrs. Lee answered yes.

Mayor Pro-Tem Hernandez said anything that was ordinance driven would have to go before the Commission. He said one of the reasons to beautify White Sands Blvd. was to get people to stay in town and he would like to eventually see more city main streets being brought into this.

Commissioner Baldwin thanked Mrs. Lee and agreed with Mayor Pro-Tem Hernandez that over time they shift their attention to other needs in the City, as well. He asked about staff time and stated he was ok with hiring someone to help with this project. He said he was uncomfortable with the terms and how much power the Commission would like to keep. He suggested using the term commission oversight.

Mrs. Lee introduced Ret. Chief Master Sergeant Darron Williams, Planning and Zoning Coordinator Stella Rael, Acting City Manger Maggie Paluch, Assistant City Attorney Lauren Truitt and City Attorney Thies as those who have helped with this endeavor. Mayor Boss thanked all of them.

Commissioner Baldwin moved to consider and act upon the drafting of an ordinance for establishing a White Stands Blvd. Beautification Advisory Committee. Commissioner Martin seconded the motion. Motion carried with a vote of 6-0-0.

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

Mayor Boss read the openings and reappointed Eric Wuersching to the Airport Advisory Board. No one objected.

PUBLIC COMMENT

Paul Sanchez commented on the following:
1) Mr. Sanchez was concerned with possibly hiring someone to help with the White Sands Beautification Committee. He said with the current budget deficit, there were many more things they should be hiring for. He mentioned in the past there had been volunteers for the beautification committee and hoped they would continue with that process.
2) He read from the Alamogordo Daily News concerning the upcoming candlelight vigil. He said Commissioner Sikes made some comments in reference to this event that he felt crossed the line concerning the Commission Code of Conduct.

EXECUTIVE SESSION (Roll Call Vote Required)

21. Recess into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss: limited personnel issues (City Manager applications), limited personnel issues (George Straface bonus), threatened or pending litigation (Wendy Irby vs. City of Alamogordo), and purchase, acquisition or disposal of real property (lease of property at 401 Fairgrounds Road).

Mayor Pro-Tem Hernandez moved to recess into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss: limited personnel issues (City Manager applications), limited personnel issues (George Straface bonus), threatened or pending litigation (Wendy Irby vs. City of Alamogordo), and purchase, acquisition or disposal of real property (lease of property at 401 Fairgrounds Road) at 8:09 p.m. Commissioner Baldwin seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-0-0.

RECONVENE INTO OPEN SESSION

Commissioner Baldwin moved to reconvene at 9:12 p.m. Commissioner Martin seconded the motion. Motion carried with a vote of 6-0-0.

Mayor Boss announced seven city manager applications were selected from the nineteen submitted. These seven will be interviewed via Skype in the very near future. This was the consensus of the Commission and it was decided a motion would not be necessary.

ADJOURNMENT

Mayor Pro-Tem Hernandez moved to adjourn at 9:14 p.m. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

Richard Boss
Mayor Richard Boss

ATTEST:

Nancy E. Jacobs 6/28/2016
City Clerk Nancy E. Jacobs

(Prepared by Rachel Hughs, Deputy City Clerk)
Approved at the Regular Meeting held on June 28, 2016.