

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
JULY 12, 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. Clerk Jacobs announced there was a quorum present. Invocation was given by Mayor Boss and the Pledge of Allegiance and Pledge to the New Mexico Flag were led by Commissioner Baldwin.

APPROVAL OF AGENDA

Mayor Pro-Tem Hernandez asked to remove Items 6, 10, 12, 13, &14 from the agenda to be discussed at a future meeting of the Commission.

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

PUBLIC COMMENT

Eugene Downer commented on the following:

Mr. Downer spoke about grants from Union Pacific for trees and said he did not want to lose any grants.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She announced there were three city manager candidates flying to Alamogordo on July 27th and there were different events planned for them.
2. She said Fourth Friday was on July 22nd, and at the previous Fourth Friday over 1,000 people attended.
3. She mentioned the United Way 25th Annual Day of Caring on September 9th.
4. She gave an update on the old bowling alley located at 200 S. Florida. She said the City was working diligently to abate the asbestos as the main concern was the safety of the citizens.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

1. Approve the minutes for the June 28, 2016 Regular Meeting. *(Nancy Jacobs, City Clerk)*
2. Approve the statement related to the Executive Session held on June 28, 2016. *(Nancy Jacobs, City Clerk)*
3. Consider, and act upon, approval of a Grant Agreement for Project #13-1723, Bonito Lake Watershed Restoration and Improvements to roads, facilities, campgrounds and site. *(Veronica Ortega, Community Services Director)*

4. Consider, and act upon, approval of Change Order #4 to RMCi, Inc. related to Public Works Bid No. 2015-003 Water Reclamation Facility Upgrade Phase 2, in an amount not to exceed \$34,571.80, excluding NMGR. *(Nancy Beshaler, Project Manager)*

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

Mayor Pro-Tem Hernandez moved to approve items 1, 2, 3, 4, 5 on the consent calendar, and to remove items 7, 8 & 9 from the consent calendar for further discussion. Commissioner Baldwin seconded the motion. Roll call was taken for item No. 5. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

7. Consider, and act upon, the final 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. *(Julianne Hall, Acting Finance Director)* (Roll Call Vote required)

Chris Muirhead from Bond Counsel with Modrall Sperling spoke on advanced refunding and explained there would be some short resolutions at the next meeting. Regina Gaysina, Bond Advisor from RBC Capital Markets said they were able to lock in the interest rate with New Mexico Finance Authority and the savings were \$160,000 annually.

Mayor Pro-Tem Hernandez moved to approve the final 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. Roll call vote was taken. Motion carried with a vote of 7-0-0.

8. Consider, and act upon, the final 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. *(Julianne Hall, Acting Finance Director)* (Roll Call Vote required)

Mayor Pro-Tem Hernandez moved to approve the final 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. Roll call vote was taken. Motion carried with a vote of 7-0-0.

9. Consider, and act upon, the final 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 *(Julianne Hall, Acting Finance Director)* (Roll Call Vote required)

Mayor Pro-Tem Hernandez moved to approve the final 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. Roll call vote was taken. Motion carried with a vote of 7-0-0.

NEW BUSINESS

11. Consider, and act upon, first publication of Ordinance No. 1524 amending Section 17-08-010 to define Panhandling and adding new section 17-08-015 regulating panhandling activities within the City of Alamogordo. (Stephen Thies, City Attorney)

Police Chief Syling said this was to amend the panhandling ordinance. Commissioner Payne asked him why this came up. He said this issue had come up before he became an employee of the City of Alamogordo. He stated the original ordinance was vague and these changes would allow the Police Department to more specifically address this issue. She stated the definition of panhandling would not allow them to address it and this was her concern. Commissioner Martin asked her if she was referring to the part where panhandling does not include standing or sitting with a sign and other indications of seeking donations. Commissioner Payne answered yes and said they would not go to City Hall to get a permit.

Police Chief Syling said sometimes sitting on a corner with a sign may not be, by definition, panhandling, and his department was also trying to maintain the rights of citizens. He said about once a month they were dealing with people being aggressive toward customers at Walmart or Walgreens and he didn't know how much of a problem the average person on a street corner could be. He felt it helps to define it. Police Chief Syling said it would require them to track if a person is panhandling more than five times in order to take enforcement action.

Commissioner Sikes asked if they already had the permit process in place. Mayor Pro-Tem Hernandez said yes. She asked what kind of permit it was, and he said they get sent to the City all the time. Commissioner Payne said that was for people selling door to door and she didn't think the people asking for money would get a permit.

Police Chief Syling said this gives them another tool and if the individual did not get a permit they would deal with it. Commissioner Payne was concerned this was more confusing than helpful if not clearly defined. Commissioner Martin said there was also the issue of verifying whether a person was a military vet.

Mayor Pro-Tem Hernandez stated he was getting a lot of complaints about the corner of First Street and White Sands Blvd and it wasn't so much the panhandling, but that was part of it. He explained the panhandlers were passing out on the sidewalk and he had a problem with that because they could hurt themselves or someone else. He did think they need to have something in place to help address these issues.

Police Chief Syling said there were ordinances to deal with some issues but this would give them a specific tool. Commissioner Payne asked him what the penalty was and he answered it was the same as soliciting without a license, a petty misdemeanor and appearance before the judge. She asked him if they would be ticketed and he said they could be cited or arrested. Commissioner Payne didn't think they would show up for court. Mayor Pro-Tem Hernandez stated it doesn't help the problem when you cite someone who doesn't have an address.

Paul Sanchez made the following comments:

Mr. Sanchez addressed the definition of panhandling and said if he stood there with a sign and didn't come up to you it was not panhandling, but if he knocked on your car door it was. He said if there was an issue with the way the city looked because of the homeless, they should be applying themselves to homeless shelters. He agreed with Commissioner Payne.

Mayor Pro-Tem Hernandez moved to approve first publication of Ordinance No. 1524 amending Section 17-08-010 to define Panhandling and adding new section 17-08-015 regulating panhandling activities within the City of Alamogordo. Commissioner Baldwin seconded the motion. Motion failed with a vote of 3-4-0. Commissioner Sikes, Commissioner Martin, Commissioner Turnbull, and Commissioner Payne voted nay.

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

Mayor Boss read the openings and appointed Jeremy Avalos to his first term on the Community Development Advisory Committee, Eldon E. Hoover to his third term on the Senior Volunteer Programs Advisory Council, and Jennifer Euler to her first term on the Senior Volunteer Programs Advisory Council.

PUBLIC COMMENT

Paul Sanchez commented on the following:

Mr. Sanchez said a survey was done concerning Dr. Straface's contract and there was a part of the survey that was not complied with. The Commission was to have approved the wording of the questions for the survey. He asked the Commission, when awarding Dr. Straface's bonus, to consider if Dr. Straface was involved with the demolition of the old bowling alley on S. Florida.

EXECUTIVE SESSION (Roll Call Vote Required)

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 (George Straface evaluation results & bonus) at 7:17 p.m. Commissioner Baldwin seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

RECONVENE INTO OPEN SESSION

Mayor Pro-Tem Hernandez moved to reconvene into open session at 7:54 p.m. Commissioner Sikes seconded the motion. Motion carried by a vote of 7-0-0.

16. Action, if any, related to Limited Personnel Matters (George Straface evaluation results & bonus).

Mayor Boss made the following statement: The governing body of the City of Alamogordo, New Mexico, hereby states that a closed executive session was held and the matters discussed in the closed meeting were limited only to limited personnel matters (George Straface evaluation results & bonus).

Mayor Pro-Tem Hernandez moved to award George Straface a bonus of \$13,500.00, for items completed as per Dr. Straface's contract. Commissioner Baldwin seconded the motion. Motion carried with a vote of 5-2-0. Commissioner Martin and Commissioner Payne voted nay.

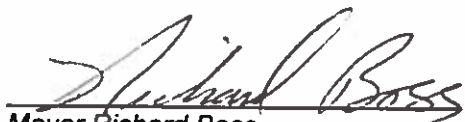
ADJOURNMENT

Commissioner Baldwin moved to adjourn at 7:56 p.m. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.



ATTEST:


City Clerk Nancy E. Jacobs


Mayor Richard Boss

(Prepared by Rachel Hughes, Deputy City Clerk)
Approved at the Regular Meeting held on July 26, 2016.