

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
JULY 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
MAGGIE PALUCH, ACTING CITY MANAGER
CANON P. STEVENS, INTERIM 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 Pastor Jeff Sowers and the Pledge of Allegiance and Pledge to the New Mexico Flag were led by Commissioner Turnbull.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Harv Hamilton commented on the following:

Mr. Hamilton told the Commission he felt the Planning & Zoning ordinance should be revisited. At the last P&Z meeting, those commissioners were not able to discuss the new Mesa Verde subdivision because of the change in the ordinance made in 2004. He felt other areas of the city had water pressure problems that had not been resolved, and the Mesa Verde subdivision would have the same water problems.

Raymond Vincent commented on the following:

Mr. Vincent introduced himself as the chairman of the Alamogordo Parks and Recreation Advisory Board. This board had been given information at their July meeting that city management decided not to build a structure over the Rec. Center pool, and would not be installing the bubble cover over the pool this coming winter; they had been told at the previous meeting the bubble cover was good enough to be used one more time. They had been told the money would instead be used to get automatic thermal covers, build offices for the aquatic supervisor and other changes. He knew the money was budgeted and questioned where the money would be spent. He felt an open-air facility would not be acceptable to those wanting to use the pool during the winter months, and he asked if management was planning on closing the pool during the winter months. He requested the city commission reconsider not building a permanent structure over the only public pool in Alamogordo.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. Ms. Paluch welcomed Ms. Canon Stevens as Acting City Attorney and Mrs. Lauren Truitt as Assistant City Attorney.
2. She updated the Commission on the Sahara Apartments - the lien case was not continued and a new trial date had not been set; the dilapidated structure case was set for August 11, 2016, but she felt this one might also be continued.
3. The Acting City Manager said the Effluent Ponds project at the golf course was moving forward. The City Commission would see it on the August 23rd agenda, and the start date would be on October 3, 2016.
4. She told commissioners the shade structures at the parks were being constructed at Alameda and Washington Parks, as well as Hooser and Griggs ball fields.
5. Ms. Paluch noted the Playing for James Softball Tourney brought in 55 teams from across New Mexico and Texas, generating GRT for our community. City Staff was considering hosting our own tourney, and these were great revenue sources for the City.

6. Holloman Air Force Base's BIG GIVE would be working on some of the city parks soon. Kid's Kingdom would be closed on July 23rd, 31st, and August 6th so the team could waterproof the wood structures; Alameda Park gazebo and restrooms would also be worked on and be closed on July 23rd; Paiute Park would be closed on July 23rd in order to spread material under the playground structures. She thanked HAFB BIG GIVE for this help.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None

CONSENT AGENDA

1. Approve the minutes for the July 12, 2016 Regular Meeting. *(Nancy Jacobs, City Clerk)*
2. Consider, and act upon, an Agreement with Alamogordo Public Schools related to School Resource Officers for the 2016-2017 school year. *(Daron Syling, Police Chief)*
3. Consider, and act upon, Resolution No. 2016-31 approving the DFA Quarterly Report for the period ending June 30, 2016. *(Julianne Hall, Acting Finance Director)* (Roll Call Vote required)
4. Accept the Investment Report for the Quarter ending June 30, 2016, in accordance with the City of Alamogordo Investment Ordinance. *(Julianne Hall, Acting Finance Director)*
6. Consider, and act upon, grant funding from the Non Metro Area Agency on Aging FY 17 contract for Direct Purchase of Services for Senior programs. *(Veronica Ortega, Community Services Director)*
7. Consider, and act upon, grant funding from Non Metro Area Agency on Aging FY17 contract for Nutrition Service Incentive Program (NSIP). *(Veronica Ortega, Community Services Director)*
8. Consider, and act upon, the Lodger's Tax Expenditures for Tourism & Travel. *(Jan Wafful, Special Events Manager)*
9. Consider, and act upon, renewal of Civil Air Patrol Airport Lease for Area E12-C at Alamogordo-White Sands Regional Airport. *(Canon Stevens, Interim City Attorney)*
10. Consider, and act upon, the approval of the Land Lease renewal by Lewis Jollett for Hangar E6-A at Alamogordo-White Sands Regional Airport. *(Canon Stevens, Interim City Attorney)*

City Clerk Jacobs asked to remove Item 5 from the Consent Calendar.

Mayor Pro-Tem Hernandez moved to approve items 1, 2, 3, 4, 6, 7, 8, 9 & 10 of the consent calendar. Commissioner Baldwin seconded the motion. Roll call was taken for Item No. 3. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

5. Consider, and act upon, Resolution No. 2016-29 amending the Preliminary FY 2016-2017 Budget with carry-over fund balances, and adopting the Final budget for FY 2016-2017. *(Kathy Gilsdorf, Budget Analyst)* (Roll call vote required)

Budget Analyst Kathy Gilsdorf explained to the Commissioners this item had been pulled in order for her to point out the following change: Net Impact figure listed on the agenda report should be changed from \$8,714,260 to \$8,694,260.

Mayor Pro-Tem Hernandez moved to approve Resolution No. 2016-29 amending the Preliminary FY 2016-2017 Budget with carry-over fund balances, and adopting the Final budget for FY 2016-2017. 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. 1525 amending Section 18-01-030 of the Code of Ordinances concerning Municipal Court conditional discharge. (*Canon Stevens, Interim City Attorney*)

Acting City Attorney Stevens deferred to Assistant City Attorney Lauren Truitt to explain this amendment to the Code of Ordinances. Ms. Truitt explained this would add a sentencing tool to Municipal Court.

Mayor Pro-Tem Hernandez moved to approve first publication of Ordinance No. 1525 amending Section 18-01-030 of the Code of Ordinances concerning Municipal Court conditional discharge. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

12. Consider, and act upon, first publication of Ordinance No. 1526 amending Section 24-01-020 of the Code of Ordinances pertaining to reckless driving, by strengthening the penalty for such crime. (*Canon Stevens, Interim City Attorney*)

Acting City Attorney Stevens deferred to Assistant City Attorney Truitt to explain this amendment to the Code of Ordinances. She said this would simplify the reckless driving penalties, and noted Municipal Judge Lee brought this to her for consideration to amend. This proposed amendment would give more latitude to the judge for sentencing. It was noted it had been some time since any increase in penalties had been made.

Mayor Pro-Tem Hernandez said officers had the discretion of whether to give a reckless or careless citation, and he was concerned that young people might receive too tough of a citation. Asst. City Attorney Truitt answered his concern by stating that as the prosecutor, she reviewed the citation to ascertain if it was truly a reckless offence, and had the option to amend to careless or to dismiss altogether. Also, she could recommend to the judge if it was a first offense and the individual was sorry for what had happened.

Commissioner Payne asked for clarification between careless and reckless driving. Ms. Truitt explained careless driving was operating a vehicle without giving full time and entire attention to the operation of the vehicle. The City had a texting while driving ordinance, but it could fit under careless, as well. Careless citations were given most often when an accident occurred. Reckless driving was defined as carelessly, heedlessly and willful or wanton disregard of the rights and safety of others without due caution and circumspection; to endanger a person or property. Commissioner Payne felt there was a lot of room for interpretation, and that concerned her. Asst. City Attorney Truitt noted you cannot legislate every possible situation, and it was important to build in discretion.

Commissioner Turnbull moved to approve first publication of Ordinance No. 1526 amending Section 24-01-020 of the Code of Ordinances pertaining to reckless driving, by strengthening the penalty for such crime. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

13. Consider, and act upon, the transfer of quitclaim deed to Betty Dare Good Samaritan Center. (*Lauren Truitt, Asst. City Attorney*)

Acting City Attorney Stevens explained the City had, at one point in the past, taken an easement and never returned it to Betty Dare. This deed would allow us to do that.

Mayor Pro-Tem Hernandez moved to approve the transfer of quitclaim deed to Betty Dare Good Samaritan Center. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

14. Consider, and act upon, request by Mr. Joseph Vincent to release liens placed on 1504 Utah Avenue. (Lauren Truitt, Asst. City Attorney)

Acting City Attorney Stevens explained there were three weed liens that had passed the statute of limitations, and Mr. Vincent who was buying the property, was asking to have them dismissed. The other three liens that were still current would be paid by the title company involved with this sale of property.

Mayor Boss clarified the title company would pay the \$2,082.63 for the current liens, and we would be forgiving the older liens totaling \$4,080.74. Ms. Stevens affirmed.

Commissioner Turnbull moved to approve request by Mr. Joseph Vincent to release the three (3) liens that are past the statute of limitations placed on 1504 Utah Avenue. Commissioner Sikes seconded the motion. Motion carried with a vote of 7-0-0.

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

Mayor Boss read the openings and reappointed Nina Walker-Saenz to the Senior Volunteer Programs Advisory Council. No one was opposed.

Mr. Bill Dennis made the following comments:

He stated he was secretary of the Library Board, and invited all the commissioners to attend a meeting, second Wednesday of every month in the General Purpose Room of the Library, and also take a tour of the library. He invited them to attend any meetings of the various City Boards and Committees. Mr. Dennis also said he would like to see the reinstatement of Fireside Chats after a new city manager was hired.

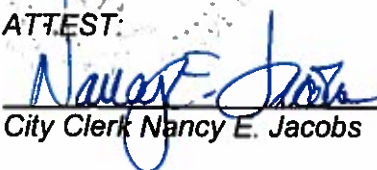
EXECUTIVE SESSION (Roll Call Vote Required)

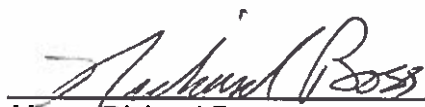
16. Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss: bargaining strategy preliminary to collective bargaining negotiations (AFSCME), and threatened or pending litigation (Agnew et al vs. COA/Molzen Corbin). (Roll Call Vote required)

Commissioner Turnbull moved to adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss: bargaining strategy preliminary to collective bargaining negotiations (AFSCME), and threatened or pending litigation (Agnew et al vs. COA/Molzen Corbin) at 7:13 p.m. Mayor Pro-Tem Hernandez seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

ADJOURNMENT

ATTEST:



City Clerk Nancy E. Jacobs


Mayor Richard Boss

(Prepared by Nancy E. Jacobs, City Clerk)
Approved at the Regular Meeting held on August 9, 2016.