CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
OCTOBER 11, 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 STEVENS, INTERIM CITY ATTORNEY
RACHEL HUGHS, 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 Hughs announced there was a quorum present. Invocation was given by Father Arrow-Smith Lowe and the Pledge of Allegiance and Pledge to the New Mexico Flag were led by Mayor Pro-Tem Hernandez.

City Clerk Hughs informed the Commission that Project Manager Nancy Beshaler asked to withdraw item 3 from the agenda.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Presentation by Edward Summers concerning water services at located at 1105 Madison Ave. ***(Edward Summers, presenter)***

Mr. Ed Summers said he had rental property and the City wanted to charge him $28.50 every month for water with a shut off at the meter. He asked why he was having to pay this if a shut off was at the meter. He said the property at 1105 Madison Ave was vacated in August and which he rented two weeks later, then he received a water bill for $50.00 and didn't understand why.

Utility Billing Manager Threadgill gave history on the mandatory water base rates which were adopted by the Commission in 2004. He said they were not consistently applied over the years but were now consistently enforcing the rates. Mayor Boss informed Mr. Edwards the Commission could not do anything about this right now. Mr. Summers said that law should be rescinded and asked why citizens should pay if they were not using water. Mayor Boss said it was because the service was available to the property. (Mr. Summers went to stand in front of Mayor Boss making his next comment inaudible) Mr. Summers went back to the podium and said he still didn't understand. Commissioner Martin asked Mr. Summers how many rental properties he owned, he responded 12 or 13.

Mayor Boss said a decision could not be made that night. Acting City Manager Paluch stated no because this was a presentation item but if the Commission wanted to review the ordinance they could bring it back for review. Mayor Pro-Tem Hernandez mentioned he would like to see the Commission look at this policy because he felt they were using this as a revenue generator. Mayor Boss asked the Commission if they would like to relook at it, then told Mr. Summers they agreed they would review his proposal again.

Commissioner Sikes told Mr. Summers he had an option, he could fill out and form with the Utility Department so he would not be responsible for water bills while his property was being rented. Mayor Pro-Tem Hernandez stated it was not fair that the City was making money off of someone just because they were not using the service. Mayor Boss restated they would look at this.

2. Presentation by John Douglass concerning Kids Kingdom. ***(John Douglas, presenter)***

Mr. John Douglass stated building Kids Kingdom was his idea and said let's replace it. He said it was built by volunteers with donated material. He felt they should start over to rebuild the playground with what the children of Alamogordo wanted. He said it was difficult to proceed with the commitment of the City to use the insurance money to rebuild it. Mayor Boss said the intent was to rebuild it. Acting City Manager Paluch stated Mayor Boss was right, they would use the insurance money to rebuild. She didn't how much money they would receive considering the investigation was still ongoing however they would still rebuild. Mr. Douglass wanted to be involved in rebuilding the playground and asked the community to get involved.

Mr. Ken House wanted a point of contact to coordinate with. Acting City Manager Paluch said they could contact her office and set up a time, however they needed to wait for the insurance money.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She gave an update on the Family Fun Center (FFC). She said staff would meet with White Sands Construction to review 65 percent of completed plans for the building and were anticipating groundbreaking November of 2016.
2. She said they have an architect for the permanent pool structure and reminded the pool will be closed for eight months beginning November 6, 2016
3. She mentioned Sand Bar Construction was installing reflective pavement markings on local streets and turn arrows. She asked to use caution when we see them on our streets.
4. She announced the old bowling alley was coming down and the frame work would be auctioned. She said there were small areas containing asbestos materials and staff was waiting on a quote to remove those materials.
5. She said the final engineer's estimate for the Desalinization Facility from CDM Smith was $10,454,839.47. She noted they were close with the estimate and there were funds in Fund 49 to accommodate the difference. She said the project would go out to bid in November or December of this year with a bid award in January or February 2017 and construction would commence 30-45 days after the bid award.
6. She said the light removal on First and Canyon was coming down this Thursday and mentioned there would be a road closure and asked to use caution.
7. She announced Rachel Hughs was the new City Clerk and said she was blessed and grateful to have her here.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

3. Consider, and act upon, an agreement for closure of a driveway at 811 First Street related to the Florida Avenue Realignment at First Street project. ***(Nancy Beshaler, Project Manager) WITHDRAWN***

Mayor Boss asked to remove Item # 4 from the Consent Calendar.

ITEMS REMOVED FROM CONSENT AGENDA

4. Consider, and act upon, the approval of Resolution No. 2016-40 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 October 11, 2016. ***(Kathy Gilsdorf, Budget Analyst)*** **(Roll Call Vote required)**

Acting Finance Director Hall spoke on the budget and had a handout. (see agenda for handout)
She said with this resolution, they were correcting the budget for the over statement.

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

NEW BUSINESS

5. Consider and act upon drainage issues on New York Avenue between 1st and 10th Street. *(Brian Cesar, Public Works Director)*

Public Works Director Cesar spoke on drainage and standing water issues. He stated they wanted to address the drainage issues between First Street and Tenth Street and the estimated cost was a little over $1.7 million. He said if they only look at the 800 block of New York, it would cost $247,000. He said they could do a change order to incorporate the 800 block or the complete segment or they could incorporate it in the next SMP which will go out in the spring. He asked Commission for direction. Mayor Boss asked Public Works Director Cesar what he suggested. He said he would put it in the 6th year. Mayor Boss asked about the citizen made the complaint about the flooding in front of her business and Public Works Director Cesar pointed it out on the Power Point. (see agenda for Power Point)

Commissioner Baldwin Jason recommended to deal with it in the 6th year and stated if there was anything the City could do to help the business owner, they would within reason. Commissioner Martin mentioned when the business owner said oil would build up in front of her shop after it rained and people slipped and fell. She asked to have street cleaners go out there.

Commissioner Baldwin said they could give staff direction to bring this back next year in rotation of the 6th year. Mayor Boss said they would take no action at this time.

6. Consider and act upon, sewer service issue at 1417 Cuba. *(Brian Cesar, Public Works Director)*

Public Works Director Cesar spoke on the sewer issue at 1417 Cuba. He said the property owner proposed the City could purchase a portion of his property or he could donate it to the City in order to take the L shaped alley way and take it straight to Cuba. He said the estimate to connect to the alley way, install a sewer main and relocate power poles was $53,800 not including property acquisition. (see agenda for Power Point) He mentioned when 1417 Cuba was the only property, the owner sold property to people and allowed them to tap into his sewer line. Public Works Director Cesar stated by ordinance the City was not responsible for sewer service lines and there was no documentation of the agreement between the property owners.

Commissioner Payne asked Public Works Director Cesar for clarification on the sale of property in question and if they had water and sewer service, he said yes. Commissioner Payne asked how the City bills them and he said they all pay for their own service. Commissioner Payne asked if it all taps into the City's mainline and Public Works Director Cesar answered yes.

Commissioner Baldwin recalled Tommy Harrell had attempted doing something with the property and Mayor Pro-Tem said Mr. Harrell wanted to give the property to Habitat for Humanity. Commissioner Baldwin asked if the attempt to take a piece of the property was no longer an option and Public Works Director Cesar said no or they had to approve a variance.

Commissioner Turnbull asked Public Works Director Cesar if they were able to look at an alternative in having the alley curve to 15th Street, he said answered they could do that. She said one of issues was there were cars using the alley as an access.

Commissioner Sikes asked Public Works Director Cesar what problem they were trying to solve. He said the property owner wanted the other owners off of his sewer line because they were not getting along.

Acting City Manager Paluch recommended per ordinance this was a civil issue and should leave it between the property owners unless they wanted to go back to look at the ordinance.

Mayor Boss said they would take no action on this item.

7. Consider, and act upon, Change Order No. 1, RFQ 2016-02, to Smith Engineering Company related to the engineering and design services for the North Scenic Drive Extension to Mesa Verde Ranch Road project, in an amount not to exceed $43,541.63, including tax.

Public Works Director Cesar spoke on issues concerning the Scenic Extension Project. He said one of the issues was the Union Pacific Rail Road crossing. In meeting with The Rail Road and the New Mexico DOT, they required a much more extensive traffic analysis to extend Mesa Verde ranch Road form the bypass to White Sands Blvd.

Martin abstained.
Commissioner Baldwin moved to approve.
Mayor Pro-Tem Hernandez seconded the motion.
Motion carried with a vote of 6-0-1.

8. Consider, and act upon, award of IFB No. 2016-08 to Fiesta Mobile Homes, LLC, related to the Mobile Home - Otero/Greentree Regional Landfill project, in an amount not to exceed $98,583.88, including tax.

Public Works Director Cesar gave information on the Bid Tabulation and said only one company placed a bid. He stated this capital item was approved during the annual meeting of the Otero Green Tree Solid Waste Authority and was also approved through their budgetary process. He said on the amount budgeted verses impact, the three items were the mobile home, the perimeter fencing project, and a water tank and trailer to provide potable water to the workers and caretaker.

Mayor Boss asked Public Works Director Cesar how long has the mobile home been there. He answered it 23 years. Mayor Boss asked if it would be on a concrete pad, he said yes.

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

9. Consider and act upon Ordinance No. 1529 amending Chapter 24 of the Code of Ordinances to include Off-Highway Motor Vehicles.

Assistant City Attorney Truitt presented an ordinance that would amend chapter 24 to adopt the state law to authorize off-highway motor vehicles on City paved roads. She recommended to keep the language of Article 24-01. She said in section C, "read a recreational off-highway vehicle may be operated on a paved street or highway and stated it was an error and recreational should be taken off."

Commissioner Turnbull asked if this included all streets in the City. Assistant City Attorney Truitt answered it was a paved street or highway owned and controlled by the city of Alamogordo. Mayor Boss said he had not seen any off-highway vehicles on the road. Mayor Pro-Tem Hernandez said there were people waiting for the City to pass the Ordinance. He mentioned this ordinance would also cover UPS and golf carts. Mayor Boss asked Assistant City Attorney Truitt if this would include golf carts. She tried looking it up, then Commissioner Baldwin said the LSV was a low speed vehicle, which does not exceed a certain speed so golf carts didn't apply to this because it was already legal.

Commissioner Turnbull was concerned about people that did not know how to use ATV's on a paved road and will use tires that were meant to be used on a dirt road. She stated the age was also a concern to her. Mayor Boss didn't think the tires were a safety issue. Commissioner Payne asked about the age limit. Assistant City Attorney Truitt said she thought if they were under 15 they would have to take a class. Attorney Stevens confirmed it was 15 years of age.

Public comment:
Matt Nix said it was going to be mandatory that anyone driving on pavement had to wear a helmet and eye protection whether or not you had a windshield. He stated they would have to have insurance and a driver's license. He said New Mexico Game and Fish website states the current law and ordinances.

Mayor Boss asked Assistant City Attorney Truitt if they adopted the ordinance could they include a provision that when there were changes by the state they could adopt them. She said regarding helmets, under the amendment of state law authorized municipalities to allow the off-highway vehicles on city owed streets subject to the five requirements.

Mayor Pro-Tem Hernandez moved to approve.
Commissioner Sikes seconded the motion.
Motion carried with a vote of 5-2-0. Commissioners Turnbull and Payne voted nay.

EXECUTIVE SESSION (Roll Call Vote Required)

Mayor Pro-Tem Hernandez moved to adjourn into Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978, to discuss: limited personnel matters (PSAP staffing) and purchase, acquisition or disposal of real property (115 South Florida). (Roll Call Vote required) at 7:50 p.m. Commissioner Baldwin seconded the motion. Roll call vote was taken.
Motion carried with a vote of 7-0-0.

ADJOURNMENT

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Rachel Hughs, City Clerk)
Approved at the Regular Meeting held on November 15, 2016.