CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
November 15, 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
LAUREN TRUITT, 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 Rev. James Forney and the Pledge of Allegiance was led by Commissioner Turnbull.

APPROVAL OF AGENDA

Mark Threadgill, Customer Service Manager withdrew Item 9.

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. Discussion and possible action on presentation of Air Force Career Skills Program. *(CSP Program Manager, Kimberly Lawhorn)*

CSP Program Manager, Kimberly Lawhorn could not make it to the Commission meeting.

2. Proposed 80 unit apartment community will be located in the Kempner Subdivision between 7th and 5th Streets and N. Florida and Alaska Avenues in Alamogordo, NM. *(Bethel Development)*

Acting City Manager Paluch briefly updated why we are hearing from Bethel Development this evening. This property was originally earmarked with quality of life funds approximately $400,000 for a proposed park. Property is currently owned by the hospital. The City does have first right of refusal on this property. She wanted to discuss the possibility of a local contribution from the Housing Authority budget, from funds remaining from the homeowner program which we no longer run; there is currently $600,000 in this fund.

Scott Laufenberg spoke on behalf of Bethel Development. He gave a brief background on Bethel Development, which has been in the affordable multi-family business for over 20 years; has developed 29 affordable multi-family or apartment communities; headquartered in Dublin, Ohio; developed eight communities in New Mexico, in cities such as; Silver City, Las Cruces, Gallup, Farmington, and Santa Fe.

Bethel Development is proposing to build a family property with 80 apartment units; 20 – two bedroom two bath units and 60 – three bedroom two bath units. These communities would include high quality playground equipment, sports courts, swimming pools, common area and a community building. This development would be financed using housing tax credits allocated by New Mexico Housing Finance Agency. By using these tax credits, rents are restricted to households earning 60% or less than area

median income. He discussed the process to receive an allocation of the housing tax credit. Each application is scored. Whenever there is a local contribution, the entity will receive points.
Acting City Manager Paluch pointed out there are only two other developments, in the City of Alamogordo, that offer subsidized rent, other than the Housing Authority. This proposal would be the next step before market rent.

Housing Authority Manager Huff stated the Housing Authority limit is 80% of area median income, whereas, Bethel development is requiring 60%. This development would help fill in the gap between the Housing Authority and market rent. Mr. Laufenberg added that each of their communities accept Housing Section Eight vouchers. He also stated that the State conducts a study which identifies areas which are in high to medium need for affordable housing. For years, Alamogordo has not been considered as a tier one or a tier two market. Tier one is in most need for affordable housing, and tier two is one step below that. This year Alamogordo was added as a tier one market.

Mayor Boss asked if there is a one percent contribution, by a governmental entity, in order to qualify. Mr. Laufenberg answered that this is not correct. He explained that this is just a scoring category, for every one percent contributed, one point would be scored.

Commissioner Payne asked about the utility allowance. Mr. Laufenberg explained that they would pay water and sewer, and the tenant would pay the other utilities. Commissioner Payne asked if tenants would be required to do a credit check. Mr. Laufenberg answered yes. They also do criminal background checks, as well. Commissioner Payne asked if a negative credit score would disqualify the tenant. Mr. Laufenberg answered, not necessarily. Their property management company handles this.

Acting City Manager Paluch stated they were looking for feedback from the Commission, to see if the Commission thought this would be good use of this property. The City does have first right of refusal for this property. Mr. Laufenberg explained that Bethel Development contacted the hospital and offered them this plan, in which the hospital accepted subject to, that the City no longer wanted to pursue the park development. They are looking for guidance from the City as to what they want to do next. Mayor Boss asked Acting City Manager Paluch that the City had originally considered making this property ball parks. She answered yes, however, due to where our effluent water system stands and also the number of our current park staff, she does not believe that we can assume another park facility at this point.

Mayor Pro Tem-Hernandez wanted to make clear that the first right of refusal was a gentleman's agreement. He asked Mr. Laufenberg what was their time frame for acquiring the property. Mr. Laufenberg answered that they needed to make the application by February 15, 2017 for the housing tax credits. They would not know if they received the credits until probably May or June. Then they would look to acquire the property by the end of next year. Commissioner Payne asked if they knew what the occupancy rate for the other two developments in Alamogordo. Housing Authority Manager Huff thought that they were at full capacity, but stated that these developments do not report any occupancy rates to the Housing Authority.

Commissioner Sikes asked Housing Authority Manager Huff what changed that moved Alamogordo to Tier 1 or Tier 2. Housing Authority Manager Huff accredited to completing the study correctly. She also stated that there has always been a gap in the affordable housing market.

PUBLIC COMMENT

Arthur Williams commented on the following:
Mr. Williams requested the property lien on Airport Rd be waived. He said he had sold the house and the new owners were not able to make the payments so he took the property back on September 2015. Mr. Williams stated he was unaware the water department had put a lien on the property for not paying water bills. He said the judgment was against the previous owners and thought he should not be responsible.

Lauren Truitt, City Attorney stated Mr. Williams request was Item 14 of the Agenda for that night's meeting. Mayor Boss let Mr. Williams know he could speak on this request on Item 14.

Sharon Driever commented on the following:
Ms. Driever was concerned about the vacated property in the City. Acting City Manager Paluch assured Ms. Driever that she would look into her concerns.

Eugene Downer commented on the following:
Mr. Downer agreed with Ms. Driever regarding vacated property. He was also concerned about the dead trees at the Willie Estrada Civic Center, and the number of gopher holes at Alameda Park.

Paul Sanchez commented on the following:
Mr. Sanchez invited the Commission to Toys for Tots on behalf of Wally Anderson.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She spoke about the Family Fun Center, and invited everyone to the groundbreaking to be held on-site on December 15, 2016 at 10:00 a.m.
2. She announced that GWC is completing the asbestos abatement at the old Bowling alley, and demolishing the remaining parts of the building. Demolition should be complete by the end of this week.
3. She announced that base rates for water service for vacant homes will be discussed at the regular meeting on December 6, 2016. Statistics and revenue impact will be discussed, and would expect for public comment to be extended on that evening.
4. She announced that the City of Alamogordo has a new downloadable app, free of charge.
5. She announced that the Turkey Shoot at the Recreation Center would be on Saturday November 19, 2016 from 1:00 p.m. to 4:00 p.m.
6. She stated that for the first time ever, the City would be holding a Christmas Zoobilee at the Zoo on December 3, 2016 from 6:00 p.m. to 9:00 p.m., and is free to the public. We will be accepting donations in the form of Christmas presents for the Zoo animals and pets at our local shelter. Our Mayor will be lighting the Christmas tree at 6:00 p.m. If a gift is brought for toys for tots you will receive a free picture with Santa Claus.
7. She welcomed Bob Johnson as our new Engineering Manager.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Sikes made the following comments:
She asked if the Zoo would put together a listing of what zoo animal toys are. A City employee from the zoo said you can bring anything affiliated with animals and they will give the items to the Animal Control Department.

Acting City Manager Maggie Paluch made the following comments:
She also wanted to welcome Eric Barraza as our new Deputy City Clerk.

Mayor Pro-Tem Hernandez made the following comments:
He stated that he received one complaint while attending the Craft Show, about the marquee sign. He asked that if we are not going to fix the marquee that we, at least, put up an old fashioned marquee there. Acting City Manager Paluch said the marquee sign that we own at the bank property across the street will be moved to the Civic Center, and she also affirmed that it is an old fashion marquee sign. She mentioned that we do have a contract in place to move the sign; we are just waiting on the contractor's schedule to make that move.

CONSENT AGENDA

3. Approve the minutes for the October 11, 2016 and October 25, 2016 Regular meetings. *(Rachel Hughs, City Clerk)*

4. Approve the statements related to the Executive Session held on October 11, 2016. *(Rachel Hughs, City Clerk)*

5. Consider, and act upon, an agreement for Release and Relinquishment of Access Rights to First Street at 811 First Street and a License Agreement for Use of Real Property related to the Florida Avenue Realignment at First Street project. *(Nancy Beshaler, Project Manager and Lauren Truitt, City Attorney)*

6. Consider, and act upon, a Purchase Agreement in Lieu of Condemnation at 115 South Florida Avenue related to the Florida Avenue Realignment at First Street project. *(Nancy Beshaler, Project Manager and Lauren Truitt, City Attorney)*

7. Investment Report for the quarter ending September 30, 2016, in accordance with the City of Alamogordo Investment Ordinance. *(Julianne Hall, Acting Finance Director)*

8. DFA Quarterly Report for the period ending September 30, 2016. *(Julianne Hall, Acting Finance Director)*

9. Consider and act upon Resolution No. 201643 establishing rates for residential solid waste collection and related services effective January 1, 2017. *(Mark Threadgill, Customer Service Manager)* (Roll Call Required) (WITHDRAWN)

10. Consider, and act upon, award of Public Works Bid No. 2016013 to C.D. General Contractors, Inc. related to the Reroof Animal Control Building project in an amount not to exceed $31,659.12, including tax. *(Bob Johnson, Engineering Manager)*

11. IFB No. 201612 Brominating Tablets *(Veronica Ortega, Community Services Director)*

12. Consider, and act upon, approval of an application for a grant from the Department of Homeland Security/Assistance to Firefighter's Grant Program (AFG) related to the purchase/replacement of a Class A Apparatus, Communications Equipment, Personal Protective Equipment (SCBA's) and Firefighting Equipment in the total amount of $760,100 with a required 10% match of $69,099.00. *(Mikel Ward, Fire Chief)*

13. Consider, and act upon, Resolution No. 201644 accepting the 2017 New Mexico Fire Protection Grant from the New Mexico Public Regulatory Commission – State Fire Marshal's Division in the amount of $125,000, including a local match of $25,000. *(Mikel Ward, Fire Chief)* (Roll Call Required)

Mayor Pro Tem-Hernandez moved to approve items 3, 4, 5, 6, 7, 8, 10, 11, 12 & 13 of the consent calendar.
Commissioner Sikes seconded the motion.
Roll call was taken for items No. 13.
Motion carried with a vote of 7-0-0.

NEW BUSINESS

14. Consider, and act upon, a request to release a utility lien filed in 2003 for the property located at 1453 Post Avenue. *(Lauren Truitt, City Attorney)*

City Attorney Lauren Truitt stated that this lien was placed in 2003, and there is a four year Statute of Limitations on those liens, so we can no longer foreclose on this lien. It is her recommendation to approve the release of this lien.
Commissioner Turnbull moved to approve.
Commissioner Martin seconded the motion.
Motion carried with a vote of 7-0-0.

Commissioner Baldwin asked City Attorney Truitt, if there is any way to identify all liens that are four years or older to release them all at once, instead of releasing them on an individual basis.

City Attorney Truitt answered, that there should be a way to identify these, and that she would look into it. She also stated that there is a way to refile these liens, so that we do not run into the Statute of Limitations on these liens.

15. Consider, and act upon, the award of Public Works Bid No. 2016012 to General Hydronics Utilities, LLC related to FY 2016 Street Maintenance Program (EN1608) in an amount not to exceed $1,626,885.00, including NMGRT. *(Edward Balderrama, Project Manager)*

Project Manager Balderrama said this project was to improve the Collage streets. He stated there were two bids and C&E Industries had the lowest bid; however they do not carry the appropriate licenses for the necessary plat work. Therefore, it was their recommendation that the contract be awarded to General Hydronics.

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

16. Consider, and act upon, approval of amendment 3 to the Engineering Professional Services Agreement to Bohannan-Huston related to the Reclaimed Water Line Looping Phase 2 project. *(Nancy Beshaler, Project Manager)*

Project Manager Beshaler said that this project is about 90% funded by NMED Grant. The provisions of this grant require the design engineer to do the construction administration on the project, so the amendment is for Bohannan-Huston to do the construction administration.

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

17. Consider, and act upon, award of Public Works Bid No. 2016010 for $292,798.36 (including NMGRT) to Preslar's Dirtworks LLC related to the FEMA 4197 Debris Removal project. *(Nancy Beshaler, Project Manager)*

Project Manager Beshaler explained this project was to remove debris from the rain events of 2014. She said that there were two bidders on this project; however the lowest bidder was much higher than the Grant amount, so she had to go back to FEMA and ask for additional funding for the difference. She just got that executed agreement back from FEMA, so now the project is fully funded and asking to award this project to Preslar's Dirtworks.

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

18. Consider, and act upon, Ordinance No. 1531 amending certain sections and adding new sections to Chapter 29 regulating special events. *(Lauren Truitt, City Attorney)* (Roll call vote)

Attorney Canon Stevens said she tried to clarify the special events section. She discussed changes to Ordinance 1531, including removing the Farmer's Market from the special events section. She added skateboarding and skating was prohibited on the sidewalks of New York Ave, where people are walking in front of the shops. She also created a separate Farmer's Market section. She moved the Farmer's Market location from New York Ave. to the City parks. She also included a $5.00 permit per vendor for the season. She stated the new special events section would require any event that may occur 12 times or less per year would have to go in front the City Manager and then apply for a permit from the City Clerk's Office. Any event that occurs more than 12 times per year would require the event holders to come before the Commission.

Commissioner Payne clarified if the fee was charged per event or per type of event. Attorney Stevens answered that it is per type of event.

Mayor Pro-Tem Hernandez clarified that the Farmer's Market $5.00 fee was per vendor per year and not the whole Farmer's Market as a whole. Attorney Stevens said yes, it was $5.00 per vendor but if they had no objection she would clarify it on the Ordinance that it would be $5.00 for the Farmer's Market.

Acting City Manager Paluch pointed out that the fee does not include electricity, a vendor would have to pay for the electric pole and usage themselves.

Commissioner Payne was concerned about avoiding conflicts with any other non-profit organizations about the fee. City Manager Paluch stated that they are dedicating an ordinance just for the Farmer's Market, and separate it from all other events. City Manager Paluch also added that non-profit organizations are welcome to come before the Commission to ask for fees to be waived.

Commissioner Turnbull asked what the benefit of removing Section 5 under eligibility number 1 letter E, the granting of the special event permit will not be detrimental to the surrounding properties or in conflicts to any other codes. She asked if it was a problem before. Attorney Stevens answered that it was not a problem and explained that when granting a special event permit, it has to be checked and thought that she would take out the extra words to make it easier to understand.

Diana Caulkins, Manager of the Farmer's Market, was concerned about the $5.00 fee per vendor per year. She was not sure how they will administer the vendors paying their fees to the City. She is also concerned about vendors having to pay for any additional fees. She pointed out that she does not know which vendors will be participating in their Farmer's Market until the day of. She is concerned that if vendors have to go pay for different fees, they will get discouraged and not want to participate in their Farmer's Market.

Commissioner Sikes asked Ms. Caulkins, what if we amended the new ordinance to rent the park directly to the Farmer's Market and the Farmer's market would deal with these types of issues. She was in favor of paying a flat fee for the Farmer's Market.

Attorney Stevens stated that she wanted to sit down and discuss this ordinance with Ms. Caulkins, to try and include any concerns the Farmer's Market may have. Ms. Caulkins was very pleased going back to the park, but would like to have something more concrete, as far as the location.

City Manager Paluch did not want to be very specific in writing this ordinance. She explained that if it were specific and something had to be changed, that it would require an amendment to the Ordinance and would require the Farmer's Market to appear in front of the Commission each time.

Commissioner Martin asked if this Ordinance would affect all Farmers' Markets. City Manager Paluch answered if any other Farmer's Market were to use a City park these stipulations would apply.

Mayor Pro-Tem Hernandez asked on their best day, what was the amount of vendors they've had. Ms. Caulkins answered about 20 and on their worst day were about 6. Mayor Pro-Tem Hernandez asked if Ms. Caulkins would anticipate any growth by moving the Farmer's Market back to the park. Ms. Caulkins did not know. Mayor Pro-Tem Hernandez proposed simplifying the fee. He stated he would pay the first Farmer's Market fee up to $150.

Acting City Manager Paluch wanted to clarify that this ordinance does not affect Farmer's Markets conducted on private property. Ms. Caulkins expressed concerns about the gopher holes at the park and the risks involved with these holes.

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

19. Consider and act upon Ordinance No. 1532 creating a new section in the Code of Ordinances Pertaining to the White Sands Beautification. *(Lauren Truitt, City Attorney)*

City Attorney Lauren Truitt spoke on the drafting of this ordinance, at the direction of the Commission.

Pamela Lee, Chairman of Planning and Zoning Commission, discussed their efforts to revitalizing our City. This ordinance establishes the White Sands Beautification initiative and creates the committee that will run this program.

Daren Williams said that this ordinance is attempting to translate some of the main points from the original committee, from 2013, into a more enduring and viable process. The main objective is to enlist the support and commitment from business owners on White Sands Boulevard.

Mayor Boss asked how much time City employees would contribute to this project. Mr. Williams answered that this ordinance would require the Chair to coordinate with the City Manager and the Planning and Zoning Commission; to figure out what staff supports would be needed.

Commissioner Turnbull moved to approve.
Commissioner Baldwin seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 7-0-0.

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

Mayor Boss read the openings and reappointed Jeff Rabon to the Airport Advisory Board, Leroy Copeland to the Housing Authority Advisory Board, and Gloria Vaughn to the Public Library Board. No one was opposed.

Commissioner Baldwin asked the community to support the Shop Small process. Commissioner Sikes stated that on Monday at 7am, Cam and Trish Livingston with Small Business Development Corporation would be on the radio discussing the Shop Small Process.

EXECUTIVE SESSION (Roll Call Vote Required)

Mayor Pro-Tem moved to adjourn into Executive Session in compliance with Section 10151(H), NMSA 1978, to discuss Limited Personnel Matters (City Manager search) and Pending and Threatening Litigation at 8:15 p.m. (Roll Call Vote required)

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:
Rachel Hughs
City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy City Clerk)
Approved at the Regular Meeting held on December 6, 2016.