CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
JANUARY 10, 2017

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 6:31 p.m. Roll Call was taken by the Deputy City Clerk. Deputy Clerk Barraza announced there was a quorum present. Invocation was given by Reverend James Forney and the Pledge of Allegiance was led by Commissioner Nadia Sikes.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Paul Sanchez commented on the following:
Mr. Sanchez made the Commission aware of a group in the City of Alamogordo attempting to put together a Guinness Book of World Record Mannequin Challenge on February 19, 2017. He said this would be the first World Record for this community challenge and the City of Alamogordo would always be listed in the Guinness Book of World Records as originators. He wanted to encourage participation and asked Mayor Boss to either participate and/or be one of the Certifying Officials for the Event. He said the Guinness Book of World Records requires some high ranking officials to certify the event.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She spoke on Basin Lanes, and said City staff is currently working with White Sands Construction on the interior and exterior signage. She said the bowling equipment has been ordered.
2. She said the City pool will be closed during the winter months due to the cost of enclosing the pool. The estimated cost for enclosing the pool is approximately one million dollars over budget. She added that the Architect has presented a second preliminary design, which was taken to an outside estimating company, with experience in Natatoriums, for an estimate. She said this is a realistic estimate, and because of this estimate we can not recommend moving forward to finish the design and go out to bid at this point. She is working with the Community Services Director, the Recreation Manager and the Park and Recreation Board to develop a list of, recreation only, items that the remaining budget could be used for.
3. She said this week our Airport Manager Jim Talbert closed the Airport to paint the runway. The painting of the runway was the final portion of the Airport project. She added that if there are any necessary landings and takeoffs, pilots can call Jim to open the airport for them.
4. She welcomed Petria Schreiber as our new Assistant City Attorney.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

1. Approve the minutes for the December 20, 2016 Regular meeting. ***(Rachel Hughs, City Clerk)***

3. Consider, and act upon, approval of an application for participation in the FY2017 Community DWI Program. ***(Daron Syling, Police Chief)***

5. Consider, and act upon, award of RFQ No. 2016-09, Engineering and Design Services for the Replace Pivot Transmission Line project, to Smith Engineering Company ***(Bob Johnson, Engineering Manager)***

7. Consider, and act upon, Request to release liens placed on the property located at 1105 Lindberg Avenue. ***(Lauren Truitt, City Attorney)***

Mayor Pro-Tem Hernandez asked to remove Item # 4 and 6 from the Consent Calendar. Mayor Boss asked to remove Item # 2 from the Consent Calendar.

Mayor Boss made a comment about the consent agenda.
He said he heard some concerns by certain citizens that certain items should not be put on the consent agenda but rather on the new business agenda. He explained the consent agenda is utilized to expedite the meetings and not spend a lot of time on routine or simple matters. The nature of some of these matters may be perceived differently by different people, and that is why we have a provision to pull items off the consent agenda and deal with them as a new business item. He said he has been asked on several occasions to pull an item off of the consent agenda by citizens of the audience. He explained this Commission has complete transparency on all agenda items being discussed in the meetings. The public has access to the same information the Commission has on the City of Alamogordo website. The public can see the recommendations made by the staff and the underlining information supporting their recommendations. He explained that if a citizen does not have access to a computer, the City of Alamogordo Library does have computers for public use.

Mayor Pro-Tem Hernandez agreed with Mayor Boss. He said he has pulled items off the consent agenda to make people aware they are there, not just because he may have a problem with it. He explained he has from Friday afternoon, when the agenda is posted, to Tuesday afternoon to ask staff any questions on particular items. He would also recommend that if any citizens have any questions or concerns to contact their Commissioners or City staff. Mayor Boss explained how to access the agenda information on the City of Alamogordo's website.

Mayor Pro-Tem Hernandez moved to approve items 1, 3, 5, and 7 as amended of the consent calendar. Commissioner Turnbull seconded the motion.
Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

2. Consider, and act upon, Resolution No. 2017-01 determining reasonable notice of meetings of the Alamogordo City Commission (Open Meetings Act). ***(Rachel Hughs, City Clerk)*** **(Roll Call vote required)**

Paul Sanchez commented on the following:
Mr. Sanchez talked about a section in the Resolution regarding notice to broadcast stations and newspapers. He explained the City of Alamogordo also sends out notice to a certain media list to anyone requested to be on the list to see the agenda and any notes, and we post it on our webpage

and also post it on our facebook page as a PSA. He said the City of Alamogordo does all these things, but said this is not what is in this resolution. He wanted to request that notice be made to internet media outlets as part of the requirements of the Resolution. He would also like to see the notice be a requirement to post on the website, and facebook page, since we are currently doing this anyways. He stated there are other media outlets other than radio stations and the newspaper.

City Attorney Truitt replied this Resolution complies with the Open Meetings Act. She agreed with Mr. Sanchez, the City of Alamogordo is already doing things above and beyond the Resolution, but thinks there are some loopholes in mandating a website and facebook notice. She said technology is not always 100 percent. She said since we are already making good faith efforts to do these things, she did not believe it is necessary to make it a requirement. Mayor Boss pointed out if we accidentally missed a notice the City of Alamogordo would be in trouble. City Attorney Truitt replied, yes, we would be in violation.

Commissioner Payne asked to clarify if we accidentally missed one notice. City Attorney Truitt answered if we mandated under our Resolution for reasonable notice to post on facebook, then because of technical difficulties we were not able to post, then we would be in violation. She said it is not a bad idea to put things on facebook, but it is her recommendation to not to make it a requirement. She is not recommending to stop making our same efforts, but to not add the requirement language to our Resolution. Commissioner Payne said she understood, but asked about including internet media outlets. Mr. Sanchez said he wanted to make it a requirement in this Resolution to notify internet media. City Attorney Truitt said she disagrees with Mr. Sanchez in that this Resolution specifically excludes the City of Alamogordo from notifying any internet media. She said this Resolution is following the Open Meetings Act requirements and it is her recommendation to follow this language. She said nothing in this Resolution says we could not specifically entertain other requests. Mayor Boss clarified that we could do it without actually putting into our Resolution. City Attorney Truitt answered, yes, I believe so.

Mayor Pro-Tem Hernandez moved to approve Resolution No. 2017-01.
Commissioner Sikes seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 7-0-0.

4. Consider, and act upon, Change Order No. 7, RFQ No. 2013-05, to CDM Smith, Inc. related to the engineering and design services for the 1MGD Desalination Plant project, in an amount not to exceed $514,642.85, including tax. *(Bob Johnson, Engineering Manager)*

Bob Johnson, Engineering Manager, spoke on the Desalination Plant project. He said this change order will provide Project Management, Bidding Phase Services, Engineering Services, and Resident Project Representation during construction. The Resident Project Representation comprises of half this cost. There will be an individual hired by CDM Smith that will rent a place here in town and will be on-site during the course of construction. He discussed the design and the amenities the project would include. He said this project has been in development since the early 1990's and this change order would be the final aspect of the project. Commissioner Payne said she does not believe it. Mayor Boss said the Commission expected change orders at this nature, because of the size of the project. He added some aspects were unknown at the time they entered into the contract. Engineering Manager Johnson said the design became 100 percent on December 9, 2016, and has received all the necessary approvals for the design to move forward. He said the project itself was advertised for construction bidding this past Sunday January 8, 2017 and will be advertised for about 6 weeks. He said due to its size and the federal funding component there will be a mandatory pre-bid Conference for the General Contractors this Wednesday January 11, 2017 and if all goes well, bids will be opened on February 16, 2017 and he will bring it for award to the Commission on February 28, 2017.

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

6. Hold a public hearing, and act upon Ordinance 1533 for final publication for a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 805 Alaska Ave. from- R1 – Single Family Dwelling District to R4 – Multiple Family Dwelling District. Case Z-2016-0005(A) *(Stella Rael, Planning and Zoning Administrator) Roll Call required*

City Attorney Truitt explained this Ordinance was on the last agenda and needs to skip one meeting before it comes back for final publication.

No action was taken on this item.

PUBLIC HEARINGS

8. Consider, and act upon, Application No. 1023051 to grant a Restaurant Beer and Wine Liquor License, Application No. 1023051 for CJ's Si Senor Restaurant, Inc., located at 2300 N. White Sands Blvd., Alamogordo, NM. (Rachel Hughs, City Clerk)

City Attorney Truitt explained the process in obtaining a Restaurant Beer and Wine Liquor License.

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

NEW BUSINESS

9. Appoint New Board member and alternate to SNMEDD/COG. (Rachel Hughs, City Clerk)

Mayor Boss said Mayor Pro-Tem Hernandez serves as the Board member currently and Commissioner Sikes is the Alternate. He asked if they would be willing to serve again. Mayor Pro-Tem Hernandez answered because of job requirements at this time, if the Commission would consider appointing Commissioner Sikes as the lead and he as the alternate. Commissioner Sikes gave her approval.

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

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

Mayor Boss read the openings and appointed Anna Blanch Rabe to the Housing Authority Advisory Board. No one was opposed.

EXECUTIVE SESSION (Roll Call Vote Required)

11. Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978, to discuss: Threatened and Pending Litigation (Armando Ortega v. City of Alamogordo, et al). (Roll Call Vote required)

Paul Sanchez commented on the following:
Mr. Sanchez asked if Mayor Pro-Tem Hernandez would recuse himself from Executive Session, due to this subject and friendship to Mr. Ortega. He said he would like it on the record that he would find it appropriate for him to do so.

Commissioner Sikes commented why would he want to recuse himself. Mr. Sanchez answered to his personal knowledge, Mayor Pro-Tem Hernandez has had a long standing relationship with Mr. Ortega.

He said Mayor Pro-Tem Hernandez personally spoke to him in the past about his feelings on this particular case.

Commissioner Sikes congratulated the owners of Si Senor Restaurant on their approval.

ADJOURNMENT

Mayor Boss adjourned into Executive Session to discuss Pending and Threatened Litigation at 7:12 p.m.
Roll call vote was taken.
Motion carried with a vote of 7-0-0.

CITY OF ALAMOGORDO NEW MEXICO SEAL

Richard Boss
Mayor Richard Boss

ATTEST:

Eric Barraza for
City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy City Clerk)
Approved at the Regular Meeting held on January 31, 2017.