

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
March 14, 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 6:32 p.m. Roll Call was taken by the City Clerk. Commissioner Payne was absent. Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Bill Heithold and the Pledge of Allegiance was led by Commissioner Turnbull.

APPROVAL OF AGENDA

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

PRESENTATIONS

None.

PUBLIC COMMENT

Paul Sanchez commented on the following:

Mr. Sanchez spoke on demolition of the tiles at Kids Kingdom. He said he has changed his position on the subject. He read a statement titled "Kid's Kingdom tiles or all the king's horses. Yesterday, I posted the press release from the city in reference to the destruction of the walls that held the hand print tiles that many of your children and grandchildren made over 20 years ago as a fund raiser for the Kids Kingdom project. In that post I tried to defend the city's decision to unilaterally bulldoze that bit of history. My problem is that even as I was defending the city's actions yesterday, I wasn't buying my own information. And what sent me over the top and into writing this post was the readers of the Alamogordo Daily News and their comments. I've read and reread the comments posted below that article about the tiles, and those citizens are very upset. The next point is extremely important for all to understand: I don't believe, I know, I absolutely know that every single person involved in any way, shape, or form, with this project, from the Mayor to the guy that is running the bulldozer, wants to build an epic park in the future. There is no question in my mind about that. What's more because of a couple of fiscal happenstances, there's actually a pretty large sum of money, beyond the \$450,000 check that we received that can be used for this. I am 100% certain that every single dime of the \$450,000 and a substantial amount of the other funds will all go into that rebuild. So, we need to leave the shadow government conspiracies and the "where are they wasting the money", that's not even part of the discussion. Here's the problem, unfortunately in the past few days we have received only received two answers as to why the tiles couldn't be removed safely: Number One (1), I was told by several people involved with the City, a member of city staff had gone out there and tried to remove the tiles. When they did that, apparently other tiles around the initial one they worked on broke. We should all be aware that those types of tiles are very fragile and I'm not surprised that they did break. And since they felt they couldn't be removed, they couldn't save them. Number Two (2), in the new design for the playground with the splash park that will almost certainly be incorporated into the new park, those walls were in the way and had to be removed. Now, here is my question, as far as the new design and those walls being in the way, how can the new design require that demolition if the design hasn't even been made yet? The city only spoke with the vendor for the first time on Thursday; no design has even been received, no less approved by anyone. The Parks Board hasn't seen it". Mr. Sanchez said my point is that I am aware of is that few to

none of the City Commissioners were aware of those tiles coming down. They knew there were problems, but were not aware of it. This is a very emotional thing for many citizens in our City, and when you add together the things all the way back to the Plaza Pub, this is yet another instance where the City has taken action, but did not take into consideration or allow for comment by the public. The Amphitheater would be the number one on that list of examples. What I don't understand is why we're not learning this lesson. Those tiles are never going to get put together, and I got that, they are done. But we are not learning the lesson to listen to our citizens.

Stephen Butler commented on the following:

Mr. Butler, a current Senior Board Member, asked the Commission to consider bringing this City on a level playing field. He referred to the 22 percent that women are denied in their pay to men. The City of Alamogordo needs to be a little more pro-active in making sure that women receive equal pay throughout all businesses in Alamogordo. He said let's make women equal to men and their paycheck, and then we can go on and get the minimum wage up to where it can be. He said Senior Citizen employees deserve a raise, as do most of the City workers he has ever talked to.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She said the contractor on First and Florida has completed demolition of all the structures. Currently, the contractor is cleaning up the site and prepping for the remainder of the project.
2. She announced news about Community Development Block Grant (CDBG) project. The City had a \$500,000 Community Development Block Grant to complete the addition/renovation of the COPE building. The addition/renovation included a complete reconstruction of the existing facility. The addition doubled the floor space and added meeting areas, offices and ADA compliant restrooms. We are waiting to hear from COPE on when they would like to do the groundbreaking.
3. She announced the Public Works crew was at the Airport this week, patching some of the sink holes. She reminded everyone this is only a band-aid and the entire ramp for Neptune will need to be replaced in the future. City staff was able to determine a way to complete the crack sealing that needed to be done this spring, with money already available within the budget. Any funding from the State, this fall, will hopefully be used to construct the concrete pads to support the planes. She said she spoke with Mr. Hopper from Neptune, who is in Washington D.C. this week. He is speaking with the New Mexico Delegation about some funding with the FAA to replace the entire Neptune ramp, which would be in the millions of dollars.
4. She said CDM Smith completed the final engineering design for the Brackish Water Facility aka Desal Plant. The report details the need for the project, the treatment capacity, concentrate disposal, production of the wells at the Snake Tank Well fields, finished water storage, pumping, raw water pipelines, permitting and the probable cost for the project.
5. She spoke on the Keep Alamogordo Beautiful Spring event. She said the event is on Saturday March 25, 2017. Organizations that would like to participate can contact Special Events Manager, Jan Wafful. Registration is open until March 24, 2017 and the clean up kits will be distributed at Alameda Park at 9:00 am on March 25, 2017.
6. She announced the City and the Recreation Department will bring back the Middle School dances at the Recreation Center. Friday, March 17, 2017 will be the first dance from 7:00 p.m. to 9:00 p.m. The price of admission will be \$5.00 per child, and the child must be Middle School only aged. There will be a DJ and pizza for purchase at \$2.00 a slice. A portion of the proceeds will go to the Sponsorship Program for low income children to participate in the Recreation Center Summer Camp.
7. She introduced Darron Williams as the new City Planner. She said Mr. Williams currently sits on our Planning and Zoning Commission and has been instrumental on working with Alamogordo MainStreet and also setting up the White Sands Beautification Committee. Mr. Williams had a long career with the Air Force and most recently has worked as a civilian contractor with our Wounded Warriors Program. His first project will be spearheading the City's Comprehensive Master Plan.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

1. Approve the minutes for the January 31, 2017, February 14, 2017 and February 28, 2017 Regular meetings. (*Rachel Hughs, City Clerk*)
2. Consider, and act upon, a bid award of IFB No. 2017-06 Sodium Hypochlorite, to DPC Industries in the amount of \$128,000.00, for the purchase of Sodium Hypochlorite used by the Water Maintenance Department, and Waste Water Treatment Plant. (*Brian Cesar, Public Works Director*)
3. Consider, and act upon, Resolution No. 2017-06 donating Five (5) older MSA, SCBA air packs, Nine (9) air cylinders, 10 Scott SCBA air packs, and 22 low pressure air cylinders to Otero County. (*Jim LeClair, Acting Fire Chief*) (Roll Call vote required)
4. Consider, and act upon, Resolution No. 2017-07 re-adopting the Community Development Block Grant Consolidated Plan. (*Cynde Sagenkahn, Grants Compliance Officer*) (Roll Call vote required)

Mayor Pro-Tem Hernandez moved to approve items 1, 2, 3, and 4 of the consent calendar.

Commissioner Baldwin seconded the motion.

Roll call was taken for items No. 3 and 4

Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

None.

NEW BUSINESS

5. Consider and act upon Resolution 2017-08 and the Local Government Planning Fund Application regarding the Metropolitan Redevelopment Area. (*Charlie Deans with CommunityByDesign*) (Roll Call Required)

Charlie Deans, Urban Planner for the New Mexico MainStreet Program spoke on the Metropolitan Redevelopment Area (MRA) designation report. He said this is the first step in developing the plan. The designation report documents the economic and physical conditions in the downtown area and does it meet the criteria in the State Statute related to blighted conditions, deteriorated conditions, underutilized, vacant parcels. We also look at economic indicators such as income and education. The downtown area in the MainStreet district is below the State average on some of those things. The designation report in which we are asking for you to approve by Resolution tonight starts the process. This report will identify the area for the Redevelopment Plan. This plan will include projects and revitalization strategies to eliminate those conditions. He asked if there were any questions about the report or the boundaries that he chose. He said they try to involve business and property owners in this process of revitalization. He said the State Statute gets around the issue of the anti-donation clause in the State Constitution which prevents many private-public partnerships to happen. If you are ok with this designation report, then there is a resolution that would need to be approved by the Commission. Mayor Boss asked Acting City Manager Paluch if the Commission would hear the details of the report in this meeting or is this planned for the next meeting. Acting City Manager Paluch said the second Resolution will be approved at the next meeting. The first Resolution is for the designation of the area and the second Resolution is for the Grant. Mayor Boss said he understands that Mr. Deans will not be attending the next meeting and to go ahead and talk about the Planning Grant. Mr. Deans said New Mexico MainStreet requires, from their accredited communities, to do a downtown Master Plan. He said they do not like for it to be an unfunded mandate, so they have a partnership with New Mexico Finance Authority (NMFA), to award \$50,000 planning Grants to do these Master Plans, which does not require match funds. There are a couple of conditions to the Planning Grant: In the application packet there is a scope of work that the State requires to be a part of this Redevelopment Plan. There have been 27 communities that have adopted MRA plans which have followed this scope of work. The other condition is, from NMFA, this is a reimbursable Grant, and therefore, the City would be hiring a consultant after we receive the award letter from NMFA. The City would have to pay this consultant and when the plan is approved, the City will be reimbursed from NMFA. He said this is a reimbursable Grant; you do not get a check first. Mayor Boss and Acting City Manager Paluch interrupted to say that they were not aware this

was a reimbursable Grant. Mayor Boss said they were led to believe that the City would act as a conduit to pass this out. He believed we would receive the funds and pay the funds out. We were never given any advice or were told that we would have to pay the \$50,000 and then request the Grant. Mr. Deans said they would not decide this until next month, in terms of the Grant. The other is they have a year and a half to complete the plan. Mayor Boss said then we pay them the \$50,000, and then they complete the plan, and a year and a half later, then we get reimbursed. Mr. Deans replied if it takes a year and a half, it could possibly be done within 6 months. Mayor Boss said I think we should hold off on this for now, and asked for comment.

Acting City Manager Paluch said the first Resolution is not tying the City to a fiduciary responsibility. She said we can approve the first Resolution, then we can come together to take a look at the budget and discuss if it's possible at the next meeting. She said this first Resolution does not hold the City to any monetary funds. Mayor Boss asked the Commission if they had anything to add to this and if they understood this differently. There was no comment from the Commission.

Charlie Deans said it might be helpful to understand since this will fall over into the next fiscal year. If you approve the grant at the end of this month, it takes a couple of months to get this on NMFA's agenda, and the Board of Finance to approve it. Most of that grant, in terms of the City fronting the money to the consultant, will probably occur after July. So you would not need to worry about the money for this fiscal year, if that helps or is a concern.

Acting City Manager Paluch said she and Cam spoke about future plans that MainStreet would be eligible for. She asked if all of those plans are reimbursable Grants. Charlie Deans said there are not really any other plans; this is the only plan that New Mexico MainStreet asks each of their communities to do. Mr. Deans said you have time to look at the budget and look at the timing because it takes a few months for all of this to come together.

Mayor Boss said they need some time to talk about it, because he misunderstood. He said he thought he asked this question specifically, but maybe he misunderstood.

Commissioner Baldwin said he was under the same impression. He said he has no issue with making sure they find it in the budget next year. He said this project is too important and there has been too much work put into it. He said he is sure they will find the money, and it will not be an issue. Mayor Boss said they just need a little time to get our heads around it. Acting City Manager Paluch agreed 100%. She said normally when they apply for a reimbursable Grant, they have a project line already set up, the money is already in account for that, and we just need to work on that.

Commissioner Baldwin moved to approve.

Mayor Pro-Tem Hernandez seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-0-0.

**6. Consider and act upon, the kitchen options for the Family Entertainment Center (Basin Lanes).
(Edward Balderrama, Project Manager)**

Project Manager Edward Balderrama said what staff is looking for is direction on how to proceed with the kitchen design for the Family Entertainment Center. When it was originally proposed it was proposed with a Pub style type of facility. He said we received a request to have the kitchen upgraded to more of a full service type of kitchen. We just need direction on that. The contractor has already been issued a change order for the design services. They have proposed a kitchen design, but we have not gone forward with it, because there will be a change order if we do go forward with a redesign of the kitchen.

Mayor Boss asked if we have an idea of the additional cost. Project Manager Balderrama said staff meet with Catlin Curry with White Sands Construction on Monday to kind of go over this, and make sure because there was a lot of conflicting information, as far as what the contractor was proposing, what the City would like, and I was trying to put it all together, and my numbers were not coming out very well. City staff meet with Catlin on Monday to kind of discuss this and kind of get a better idea of how all this would go. What

Catlin said White Sands would do is, they would commit to a \$20,000 not to exceed amount to redesign this kitchen to accommodate the City's request. Mayor Boss said by redesign, they mean not only the engineering, but also the apparatus. Project Manager Balderrama interrupted saying it would be the design of the facility of the kitchen which is already accounted for, it would be more for the equipment. He said we received help from Doug who runs the 19th Hole at the Golf Course; he gave us a list of recommendations of what he feels would be in a kitchen facility. We passed that information onto White Sands Construction and they gave us an itemized list of what some of those items would cost. So now, what would end up being is if the Commission agrees, is trying to figure out where we can kind of work with each other to get a full service kitchen basically. The best example was Doug recommended a broiler with a six burner and double ovens. White Sands proposal, as far as on the Pub style, was a six burner with one oven and then a griddle. So that is missing one oven. I am not in the kitchen or food industry, so I really don't know how important one oven is versus two, but that is kind of an example of some of the things we'd be looking at, is trying to get an upgrade on some things and maybe downgrade some of the other items. He said I met with Doug yesterday to kind of get an idea of how their facility is mostly on the low temperature dishwasher, which is something that would be required if we do go with a full service kitchen, and he recommended that no matter what we do we should put an RO (reverse osmosis) system in. I think the 19th Hole, when it was built, didn't have one and he was not happy with having to replace a lot of his equipment. I think now, they currently have one, but I think if I'm not mistaken the way the project is bid now, there is not any kind of RO system for any kind of the kitchen area. Mayor Boss asked if that wouldn't be in the \$20,000. Project Manager Balderrama said that would be something that we would work into that \$20,000. He said we would upgrade some of the equipment and then we would downgrade some of the equipment that we feel maybe is not as important. The problem staff would have is we really don't have the experience to really say what would be, we would be taking a guess on, or what we should upgrade or downgrade. He said Doug was very helpful, when this all started on trying to help us with that, but currently staff does not have that experience as far as kitchens.

Mayor Boss asked if time is of the essence on this. He said I know they are pumping concrete out there. Project Manager Balderrama said yes. He said the contractor poured the footings on Friday. It is my understanding; they are going to start making placements of flat work, which will start next week. The kitchen area right now is going to be left out. That can always be poured at a later date, but when that happens there is also going to be a cost because that is delaying the contract, which they will have to do some additional roughing for the plumbing, maybe the electrical work, so there are some other items that have to be worked out. There will also be a delay in time. That is going to be related all to the kitchen change. Mayor Boss asked if this would be in addition to the \$20,000 or is that rolled into the \$20,000. Project Manager Balderrama said they would be good with that, so that would take care of any kind of issues we would have with any kind of delays.

Mayor Boss said basically what we are looking at is we would have a change order for \$20,000 which would give us a full kitchen and without that we would have a Pub style. Project Manager Balderrama said a lot of the equipment is very similar, but again, I am not in the kitchen business, I really don't know if it would satisfy a full service type of kitchen facility. Mayor Boss asked if this is a decision they would have to make tonight or do we have time to consider it, is it going to hold up the project.

Project Manager Balderrama said if you choose to go to a Pub style and not change it, the contract will have enough time to be able get the way it was designed, the roughing in, and get everything placed and there would be no cost for that delay. If we delay it and still go back to the Pub style, I am assuming there would probably be an additional cost, because they are going back to the original design. If a decision is not made tonight, then there would be some cost. Mayor Boss said then we have a decision to make.

Acting City Manager Paluch said she wanted to talk a little bit about funding, because I know there are some concerns from the Commission about not going over the 5.9 million. For funding purposes, if you do recall the Commission transferred 35% of the 1986 Municipal Gross Receipts Tax. That is a quarter percent of the Gross Receipts Tax and we transferred \$561,948 into this year's current budget. It is sitting in there right now and we have not tapped into that money that you transferred into the budget this year. My suggestion would be that if you approve this evening it would come out of that \$562,000 versus coming out of fund balance.

Mayor Pro-Tem Hernandez said about a year and a half ago they sat here with a big crowd out there just waiting for us to pass this. Prior to that, we had several discussions over and over again. We had

discussions about the different types of designs and the two different types. We talked about it and we hashed it out and we were accused of holding the project up. I believe there was an employee that was fired because of it. We went over, over and over again. I was very specific about the equipment that was in the kitchen at that time, what we were getting, making sure that everyone understood that we were getting some refurbished equipment. My concern with the dollar amount that we had in there, and how tight we were on our budget, and everyone here said nope, we can do it. We can do it for that and we are not going to spend a penny more. That night when it was approved, this Commission said that is what we are spending and that's it. So, this is what we got. I was one of the ones trying to push to really look at this and make sure that we have the best design, the best of everything that we can get because this is a one time shot, we have 5.9 million dollars. Everybody up here said nope, we can do it for that amount. And now, we are coming back here saying that we need more money. I can't, myself, support any more money, because we sat here and we were forced to vote that night on something we were not ready to vote on, and here is a prime example why that comes back. So, I can't support it.

Commissioner Sikes said she appreciates what Mayor Pro-Tem Hernandez has just said. She said she feels like this is the beginning. We approved a certain amount and we are not even into the project very far and we are already doing change orders and this could potentially be a beginning because of the pressure they were under, which we voted for this to begin with. That is how I feel currently. I would have a difficult time supporting it, even though I thought the original RFP (Request for Proposal) included a full kitchen. Mayor Boss said I did too.

Acting City Manager Paluch said Finance Director Julianne Hall let her know that if you feel uncomfortable, and I am just throwing this out as options, I'm not leaning one way or the other, but if you are uncomfortable moving money from fund 49 from the Gross Receipts Tax, we also have some interest from the Family Fun Center Bond and the amount in that account is \$98,000 right now.

Mayor Pro-Tem Hernandez said with what Commissioner Sikes said; understand that this is a design build. I actually talked to Mr. Crimmins today to make sure that he understood that I have no issues with the contractor, the contract or anything going on. That's how these things go. Like I said about a year and a half ago and we sat here and voted. All anybody cared about was getting this thing off the ground. I believe at that time we should have all got together, because we knew what we wanted and beside it, how we wanted to do this. I don't think that we did, we left it to the contractor.

Mayor Boss told Mayor Pro-Tem Hernandez that's water under the bridge now though. Mayor Pro-Tem Hernandez said no it's not, because here it is. Mayor Boss said we have a decision to make, what we did in the past is the past, now we have a decision to make. Mayor Pro-Tem Hernandez said but we've made that decision. We made that decision a year and a half ago, go back and look at the minutes. In the minutes, it said that all we're going to spend is \$5.9 million, no more. Mayor Boss said you're right, I'll agree with you on that. Mayor Pro-Tem Hernandez said you were one of the main ones that said that's all we are going to spend is \$5.9 million, and now we are going to spend some more money. Again, this is a design build, as we go, if we don't like this that the contractor submitted or we don't like that the contractor submitted, and so it's going to continue to build and build and build, because it is a design build. We didn't tell the contractor, this is what we want. Mayor Boss said we all understand that Al.

Commissioner Baldwin said I would just like to say a few things about, first, I think that discussion, and I respect both of your opinions on this. I think Mayor Pro-Tem Hernandez's point is just basically he is not for spending any more money. Not for good or bad in the past, he's just not for spending any more money. This probably just came from conversation with Commissioner, staff, community perception and a lot of different things. The contractor didn't come to us and say, my understanding of this is, "Hey we want to build you a full service kitchen give us \$20,000 more". This is not really on the contract, this is a discussion about what is best for the community and what is best for that bowling alley. One of the things I truly believe, because I have said this before, that I find myself in a unique position that I work for a contractor that works for the City and the company that gets put in there to run that facility would be very similar to the situation in which I work for Geno Golf. What we really need to consider is setting up that contractor with the best possible product within that \$5.9 million. And do it as best that we possibly can. I am not for change order after change order after change order. I think we've talked about that at nauseam with other projects. I thank you for bringing this to us. I think it is important to understand that maybe a full kitchen would be a benefit out there. I think the question is really: One (1) do we want to spend any extra money first, then if we

don't then everything else is moot. If we do want a full service restaurant out there, then we need to discuss the pros and cons of having a full service restaurant out there. Would it be good for the bowling alley, do other bowling alleys across the country have a full service restaurant, are they expecting to have breakfast, lunch and dinner. What happens with Mesa Village after five to ten years and there are five other restaurants out there and there is a full service restaurant at the bowling alley that nobody goes to because who is going to eat at a bowling alley offering pizza, burgers, nachos and stuff like that. I say that tongue and cheek because who really wants to go eat at a golf course, but we have a pretty good restaurant at the golf course.

Commissioner Turnbull asked if anyone has reached out to Holloman to see what they have at their bowling alley. Acting City Manager Paluch answered it's Pub style. Mayor Pro-Tem Hernandez said most bowling alleys are Pub style.

Commissioner Baldwin told Project Manager Balderrama he has been put in a really awkward situation, I see your trepidation standing there saying I don't know anything about the restaurant business, but here you are supposed to be an expert on designing this. If we don't want to spend the money, let's just build it as it is, but keep in mind, we're also either providing a good product for that contractor or hamstringing that contractor where they can't. I'll say one last thing, if you remember some of the information that came to us from the studies, is the bowling is just a portion of the revenue generated. Most of the money is really generated from the liquor sales and the food sales, and an overwhelming portion of that. Do we want to set that contractor up with whoever ends up running that place with the ability to make a living and stay there or believe the pub style is adequate, or do we give them what they need. Mayor Boss said we have a dilemma.

Josh Rardin commented on the following:

Mr. Rardin said he signed up to speak on this because when we sold this to the public in 2012 and 2014, it did sell as we would have a full service restaurant in there. I spearheaded this project just to be like that golf course. That restaurant out there is very, very good. It's got good service, good food. Our committee when we came to you and recommended to you what to do, that you have your operator in place during the construction process so they can set that kitchen up to where it would work for them. I remember Grant, when he was on our committee, stating that the kitchen at the golf course wasn't set up properly and it could have been set up differently to make it more efficient for Doug to run. I feel like the City Manager stated you have \$98,000 in interest sitting in the account that you earned because we drug our feet for 3 and a half years on the bond. You are not really spending any additional money. You are just spending the money that your money has already generated. It's really a wash. I sat in your shoes, I know where you're at, but \$20,000 of an investment, over and above your max budget to make that contractor successful, I think it's a drop in the bucket. It's money well worth spent for you to do that. Just like Commissioner Baldwin has stated early, when we sat down with Brunswick and all those other companies, they said a third of your revenue comes from your bowling, a third from your other amenities, and a third from your food sales. As we talked a little more with them and they looked at our market, they said your liquor sales and your food on this establishment is probably going to be a little heavier than a third, it will probably be closer to half of your revenue. I think you are setting it up to fail if you don't put a full kitchen. I was under the assumption that it was going to have a full kitchen whenever we pushed for this. Like Commissioner Baldwin said 10 years down the road, who is going to want to eat over there if it's just hamburgers, hot dogs and nachos. It needs to have a full-fledged restaurant. Mayor Boss thanked Mr. Rardin for his comments and said he was going to break protocol. He allowed someone in the audience to speak.

Anthony Baky commented on the following:

He said as growing up with a family restaurant. Budgetary constraints a lot of time capsize ideas. I would say if the \$20,000 is anywhere on the table you should spend that money. Build it to grow or give it the ability to grow, give it the room that it would need to further retrofit down the road. If you guys get the business in there and the people in there and the demand is there, don't close yourselves in to a small design rather than spend the money on the equipment initially. Spend the money on the room to put in if you need to, and that way you will have the Pub style kitchen that everybody wants, and if you need to upgrade later you have that option. Just an idea.

Paul Sanchez commented on the following:

Mr. Sanchez said he agrees 100% with Mayor Pro-Tem Hernandez and Commissioner Sikes. You guys made an agreement to a specific amount of money repeatedly, and that is what we all bought off on. I am very enthusiastic about what we were told about how there is interest money that went into that account and that there may be other savings. That all is involved in the original bond and to me, spend that at will. Take a penny from the general fund and you are breaking your promise.

Mayor Pro-Tem Hernandez said all of this stuff was in the original bid documents. Everybody had the opportunity to look at it, they were here at City Hall and you could contact the contractor. I don't know if staff has gone through and looked at the rest of what we are getting. I would recommend they go through all the bid documents and make sure the rest of the building is, because I know there were already some issues with some lighting, and I think that was resolved without cost. But I did hear that on the streets and my guess there is going to be other issues with other items. I looked at the bid documents. I knew what was in them. I sat in Stephen Thies office and we had a long discussion. But that's not really my job. I'd say that staff needs to go back and make sure. Mayor Boss said I doubt that very many of the Commissioners sat down and went over it detail by detail like you did. I agree with you for sure. Mayor Pro-Tem Hernandez said he would hate to be back here again two or three months from now, because we decided that we didn't like the carpet or we didn't like the paint scheme or we didn't like something, when all of that stuff was already picked. It is a design build. The contractor has that stuff in there. Mayor Boss asked for any more comments and Mayor Pro-Tem Hernandez said the contractor is here.

Mr. Curry from White Sands Construction said he has been involved since day one of this project. The project is completely designed, it's permitted. We had this hold up on the kitchen. We provided a full service kitchen it just does not have all the equipment that someone recommended from your staff. That is where we are at right now. All the finishes have been picked, everything has been picked. If you guys are worried about additions, if there are any additional money needed it would be at the request of you guys to want something above and beyond what the plans already present. We have a full service kitchen; it just does not have all the equipment. All of your flooring, all of your colors have been picked; we worked diligently with your staff to do all that already. Everything is done, just on record, you do have a full service kitchen and the design is completely done. Mayor Boss asked if the actual building or facility has that in there, but we don't have the equipment in there to make it full service. Is this something that we could do later. Mr. Curry said no, because there are certain underground rough ins and certain mechanical and electrical items that need to be roughed in now or it will just be an afterthought later. We did provide a full service Pub style kitchen, just not for fine dining.

Acting City Manager Paluch said they may be confusing some people, I think we are using some different terms. The kitchen that is currently in the design will fully serve people food, but for example it does not have a dishwasher so food would be served on paper plates, similar to a Buffalo Wild Wings atmosphere. That's what is currently in there. If the perception was that there was a kitchen that, not fine dining but a kitchen that would serve food on porcelain plates, similar to a Chili's/Applebee's. Mayor Boss asked what a typical bowling alley has. Acting City Manager Paluch said Mayor Pro-Tem Hernandez is correct in this area it is typically a pub style, but if you look at some different areas and go to a more metropolitan cities they are moving to a more casual dining. More towards the Applebee's/Chili's type atmosphere, and where there's like specialty dishes on the menu. Something that is a little more elevated than burgers, nachos, wings, that kind of a thing.

Mayor Pro-Tem Hernandez said he is usually stubborn and set in his ways. He said he has done this type of work for over 30 years. This is one of the reasons that he spent the time and read the documents and made sure what they were spending \$5.9 million dollars on. He recommended, like the gentleman that came up and said, to rough it for a full kitchen and this would give them time to decide if they want to spend the \$98,000. Mayor Boss said it is not \$98,000 it is \$20,000. Mayor Pro-Tem Hernandez said no, to spend off the \$98,000, but give us the opportunity to look at expanding the kitchen in the future. Or, give the contractor the opportunity, at his cost, to expand the kitchen without having to go into an extreme cost to break concrete. If the building is roughed in for it and made available then everything is there. You have your few drain lines that you are going to need for your dishwasher, your electric, your gas stoves and all that stuff, but we don't commit to the equipment at this point. Mayor Boss said \$20,000 in my mind is not an extreme cost. Mayor Pro-Tem Hernandez said it's not, but it is more than the \$5.9 million dollars that we sat

here and under, that is why I brought the fact of me being stubborn, because we sat here and those folks out there in the audience where holding us to pass this.

Mr. Curry said that White Sands Construction has given a credit for \$35,000 because the City can work with PNM and get the utilities for a lot cheaper. You have a \$20,000 deduct there and \$15,000 back for materials testing that the City already has a contract to do that. We have given \$35,000 of credits on this job already.

Acting City Manager Paluch said technically you're not spending over \$5.9 million at this point. Mr. Curry said my contract is \$13,000 to \$20,000 under \$5.9 million. Mayor Pro-Tem Hernandez said if you see what I am saying, I think we can get it roughed in for that amount of money and then if they can come back with some more money or whatever. Mayor Boss said you are not roughing it in. For \$20,000 we will have a full service restaurant. Mr. Curry said you will have what your staff recommended. Mayor Pro-Tem Hernandez said but we will be over the \$5.9 million. Mayor Boss said it's going to cost money now if you rough it in isn't it. Mayor Pro-Tem Hernandez said Mr. Curry is saying that we have \$13,000. Mr. Curry said if I remember correctly, it is \$13,000 to \$19,000. With the \$20,000 and the \$15,000 credit, because we had to do some additional utility work.

Project Manager Balderrama said it is actually about \$13,000. We have already executed 3 change orders. The first change order was a credit for testing and PNM line extension which was about \$33,000. The second change order was for utility upgrade, we had to modify the utility lines in there. There was some additional fire lines that were installed based off what the original plan was, which was an increase of \$20,000. We have this change order, number 3, which is about \$5000. We are about \$10,000 to \$13,000 under budget. Mayor Pro-Tem Hernandez asked if the \$13,000 will cover the rough in. Mr. Curry said yes, but we need to know that now and we need to know exact equipment that is going in so that we can rough it in properly. The \$13,000 that I and Project Manager Balderrama have talked about is a not to exceed. That is why we will be able to work as a team and that is why design build is good. We can work as a team and figure out how to provide you guys a full service, casual kitchen for the not to exceed. Mayor Boss asked Mr. Curry if he foresees any other change orders coming up in the future. Project Manager Balderrama said all change orders will be initiated by the owners, by the City. Mayor Boss said I recognize that, but the situation could be that we are kind of over the barrel where we have to do it. Mr. Curry said you have all the utilities roughed in and you have a building actually about to go up vertical very soon.

Mayor Boss said he believes that since we have the \$96,000 from the interest on those bonds, I think we should use some logic here. Utilize that, take advantage of that and spend the \$20,000, even though we said we wouldn't. Mr. Curry said and it's not to exceed so, if it actually costs \$12,000 that's all you are going to get charged. Mayor Boss said it seems like too small of an amount to give up the opportunity to have that in the future. Especially if that's the wave of the bowling alleys, if that's the direction they are going. The other bowling alleys are right at the tail end, when they got just the Pub Bar, then we are building an obsolete building when we start out. For \$20,000, we ought to build a restaurant, that's my opinion.

Commissioner Sikes said so Catlin what you are saying is, by the time you are done doing what we are going to ask you to do. Should a contractor come in and want to provide full service dining, finer than Pub style. He will be able to base on... Mr. Curry interrupted and said you will have all the recommendations that staff, that I believe the 19th Hole does. Commissioner Sikes said so there will be space for a double oven and a RO system will be there for the dishwasher. Mr. Curry confirmed that there would be space for a double oven and a RO system. Commissioner Sikes said ok and thank you.

Acting City Manager Paluch wanted to reiterate what Catlin had said. All of the colors are picked out, the lighting is picked out, everything is picked out, and the only thing that is up for discussion is the kitchen. We are working really well with White Sands Construction, we have a really good team, all of us together, everything else is moving forward. This was the only question that we have. Mayor Boss said if we don't approve this, we will regret this in the future. We don't know if it's going to be \$20,000, it could be like you said \$12,000 or \$14,000, but in the grand scheme of things, granted we did say that we wouldn't do it, but when you are looking at \$5.9 million dollars and \$20,000, and it is pretty miniscule. I would recommend that we do it. Commissioner Sikes asked what color, would the kitchen be.

Commissioner Turnbull moved to approve.

Commissioner Martin seconded the motion.

Motion carried with a vote of 4-1-1.

Mayor Pro-Tem Hernandez voted Nay. Commissioner Baldwin abstained from voting.

Commissioner Baldwin wanted to explain why he abstained from voting. He said Geno Golf actually made a bid on the contract out there. Letters were sent, both bids were denied, so there is no conflict of interest on my part, but because my employer did, and we are having a discussion of what could potentially happen with the contractor out there. I thought it was best that I didn't vote on it.

7. Consider, and act upon, request by Leo Comallie to waive or partially waive the lien placed on 1204 Desert Dawn Drive for past due sewer and water charges. (Lauren Truitt, City Attorney)

City Attorney Truitt said Mr. Comallie is present, and asked the Commission if they would like to hear from him first. Mayor Boss said that would be fine.

Property Owner Leo Comallie said 1204 Desert Dawn was abandoned 4 years ago. He said no water was used, no sewer was picked up. He said he is not in real estate, nor is he a house flipper. He is a firm believer in keeping Alamogordo beautiful, and that place is really an eye sore. He is trying as fast as he can to get the funds to renovate it, both outside and inside. He said some neighbors have informed him that over the last 5 years, there have been at least 15 notices from the City, for alley weeds. When he went to City Hall to check on the water situation he discovered a \$638 lien against the house, because the bill kept accumulating. The City advised him that he could try to seek relief from the Commission, so this is why he is here tonight.

City Attorney Truitt asked him if spoke to Dorothy Murphy and he said yes, you were in court that day. City Attorney Truitt said just to clarify, you purchased the property in a foreclosure sale last month. Mr. Comallie said yes, he has only had the property for 30 something days. City Attorney Truitt said for the Commission's clarification, Legal recommends that this request be denied. The reason for this is that the Statutory Authority was followed and filed properly and is still enforceable under the Statute of Limitations. When you purchase property in a foreclosure sale, the new owner is subject to that lien. She recommended the request be denied.

Mayor Boss said a couple of meetings ago we had a very similar issue and we went against staff recommendations. I thought a lot about that. Staff is in charge of enforcing our Ordinances and our Resolutions, and making recommendations. I am going to have to say unless there are really extreme circumstances from now on; I am going to go with whatever staff advises us to do.

Mayor Pro-Tem Hernandez said Mr. Comallie didn't have this water bill he bought the property with this water bill. He said with things that have happened in the past and things that we have seen recently, we would be giving about \$230 worth of water away. He asked is this something that we could be prosecuted for.

City Attorney Truitt did not understand Mayor Pro-Tem Hernandez's question. Mayor Pro-Tem Hernandez clarified by saying if we do away with this bill we are giving water away. City Attorney Truitt asked if his question is if the Commission could be prosecuted for waiving a lien. Mayor Pro-Tem Hernandez said for giving water away. He said the lien is for \$119 in interest, \$200 administration fee, \$50 for a filing fee and the rest of it is for water usage. City Attorney Truitt said the lien is for water usage and also includes those fees. She said the Commission does have the authority to waive those liens, if they choose to do so. She said the Commission cannot be prosecuted for a lien waiver. Mayor Pro-Tem Hernandez said he just wanted to make sure. He said this was not his bill, and felt that we should have gone after the person that had this bill.

City Attorney City Attorney interjected and said this lien was filed in 2015 and against the person who accrued that debt; however, a lien runs with the property.

Commissioner Martin said when it's a deed or a special warranty deed; those are now the responsibility of the new owner.

Commissioner Sikes asked when you purchase a property like that, are you made aware of the liens that are against it. Mayor Boss said you should make yourself aware of them. Commissioner Martin said sometimes. City Attorney Truitt said it is public record, and it's filed with the County and available for anyone to search the property records.

Mr. Comallie said everything is perfectly legal, but he is asking for some relief, because that money could be used for landscaping. He said right now the City does not have a dime from that property, and if he takes it over and gets some relief, the City will continue getting some money. Currently, the City has not received anything for the past five years.

Mayor Boss said it was time to draw the line on setting precedent. We have Ordinance in place, we have resolutions in place and we have staff charged with looking at those. He said if we come in here and every time staff recommends to us, not to waive these charges. If we do that every time, then why have these Ordinances, we'll just bring all these water bills to us and we'll decide on who pays them and doesn't. That's my point. I am very sympathetic and I understand what you are doing and I admire you for doing that. He said this is my opinion.

Mayor Pro-Tem Hernandez asked City Attorney Truitt for clarification, when was the lien filed. She said February 11, 2015. Mayor Pro-Tem Hernandez said two years later. Mr. Comallie said the lien was filed two years ago; however, the water has not been paid for the last five years. The City has not received any revenue at all.

Commissioner Baldwin made the motion to deny the request.

Commissioner Baldwin moved to not approve.

Commissioner Turnbull seconded the motion.

Motion carried with a vote of 5-1-0. Commissioner Sikes voted nay.

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

Commissioner Turnbull moved to adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978, to discuss Threatened and Pending Litigation: (Ortega v. City of Alamogordo) and Medieros Condemnation at 7:46 p.m.

Mayor Pro-Tem Hernandez seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-0-0.

ADJOURNMENT



Rachel Hughes
Deputy City Clerk Rachel Hughes

Richard P. Boss
Mayor Richard Boss

(Prepared by Eric Barraza, Deputy City Clerk)

Approved at the Regular Meeting held on March 28, 2017.