

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
May 9, 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 6:30 p.m. Roll Call was taken by the City Clerk. Clerk Hughs announced there was a quorum present. Invocation was given by Commissioner Payne and the Pledge of Allegiance was led by Commissioner Baldwin.

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.**

Mayor Boss reminded everyone making a presentation of a 15 to 20 minute time limit. He also reminded everyone that a presentation is not a question and answer session and at the end of each presentation each Commissioner will have an opportunity to make a comment or ask a question.

PRESENTATIONS

**1. Presentation on Consensus Planning, Inc. concerning the Comprehensive Plan update.
(Jackie Fishman, Principle)**

City Planner Williams introduced Jackie Fishman as the consultant for the Comprehensive Plan update. Consensus Planning Principle Fishman said they will do a complete overhaul of the existing Comprehensive Plan. This will be a nine to twelve month planning process. They will look to involve the public throughout the process. She said their sub-consultant on the project is Smith Engineering.

2. Presentation on Ultra Health, medical cannabis. (Leonard Salgado, Ultra Health Vice President)

Ultra Health Vice President Salgado said they are opening a business located at 601 N. White Sands Blvd. They are looking to hire at least six staff members here in Otero County. This Alamogordo location will introduce new medicine to Otero County and probably New Mexico. Ultra Health will be offering sublingual tablets, transdermal adhesive patches, and suppositories. They will be having an open house in the next couple of weeks and would like to invite everyone to visit. He said Otero County has 834 registered medical patients. (see Blue Book for power Point)

Commissioner Sikes asked if the cannabis medicines are FDA approved. Mr. Salgado said they are not. Commissioner Sikes asked how one gets a medical marijuana card. Mr. Salgado said there is an application you can obtain from the medical cannabis program through the Department of Health website. You take that form to your primary care physician and there is no fee for the card. The Department of Health has never denied anyone a medical cannabis card who qualifies for one.

Mayor Pro-Tem Hernandez asked if there was a way to test for PTSD. Mr. Salgado said there is a series of psychological questions. There are many veterans that qualify for that condition. Normally a psychiatrist would have to be involved. Mayor Pro-Tem Hernandez said I understand the use of it and

there are actual people that need it, but I've known people that know the right answers to the questions for PTSD. Mr. Salgado said most veterans qualify for 2 or 3 medical conditions, not just PTSD.

Commissioner Payne asked how people pay for this. Mr. Salgado said they pay out of pocket. This is a non-reimbursable medication. Commissioner Payne asked if he had any kind of statistics of the socioeconomic classes that you serve or what their income is. Mr. Salgado said many of their patients are on a fixed income and many are military veterans. Their patients are primarily between the age of 45 and 65. Commissioner Payne said she is more interested in their income levels and how hard it is for them to pay for it and gave an example, the new pills that will be introduced, how much will that cost. Mr. Salgado said it will range from \$25 to \$40. Commissioner Payne asked how long they will last. Mr. Salgado said it will depend on the actual amount. They will come in packages of 20 and 25. Commissioner Payne said I am assuming they will take it more than once a day. Mr. Salgado said they can, it just depends on their threshold level. Commissioner Payne asked if what he is saying is this is non addictive. Mr. Salgado said I am not a Doctor, but I will say it does not have those addictive qualities that you would find in opioids or pain killers. Commissioner Payne asked if they will build up a tolerance. Mr. Salgado said you can build up a tolerance just like any other medication.

Mayor Boss stated he and Acting City Manager Paluch had a meeting on March 9, 2017 at the request of Abe Moore, Building Contractors Association President. The topic of the meeting was to discuss fees charged on vacant properties, specifically Ordinance 28-03-005 and 28-03-085. He stated, he and Acting City Manager Paluch explained why they thought the rationale behind the monthly fee to vacant property was appropriate. Mayor Boss referenced a letter provided on May 2, 2017 in which he gave reasons in support of the Ordinance. He sent the letter not knowing that a response was expected from this meeting. In that meeting I expressed my concern as to whether or not the dollar amount charged was reasonable. He informed Mr. Moore that City staff would be going into budget season soon and that would be the perfect time to analyze the amount charged. Acting City Manager Paluch agreed and said she and Finance Director Julianne Hall will develop a report for the Commission to evaluate after the preliminary budget preparations. He also informed Mr. Moore that the Commission had decided to table the issue until our Preliminary Budget was being discussed. He said your presentation tonight is very much appreciated. Your information helps us in making decisions. He reminded everyone again that the presentations portion of the agenda is not a question and answer session. Please direct your comments to myself and Commissioners. As I previously stated Commissioners and City Manager will have an opportunity to comment after the presentation.

3. Building Contractors Association of Otero County will be speaking on COA Ordinance 28-03-085 and 28-03-005. (Josh Rardin, Contractor)

Mr. Josh Rardin spoke on behalf of the Building Contractors Association to discuss Ordinance 1506. He said they specifically have problems with sections 28-03-005 and 28-03-085 of the Ordinance. The Ordinance states that any subdivision that was already established prior to this being passed in December 15, 2015 has a two year grace period. They have two developers that have 80 vacant lots each right now and come this December those developers will have a \$29.63 base rate charge on each of those lots. This will be a \$2,370.40 bill each month on those subdivision lots. He gave a couple more of examples that this Ordinance would have on developers. We feel this is really going to hinder development. If they are going to be charged this kind of fee on those vacant lots, they are not going to subdivide anymore. It is in the City's best interest to have them subdivide these one acre tracts. I am guessing, but on a one acre tract you are probably getting \$20,000 a year on property taxes. If they go ahead and subdivide, you will have 3 to 4 lots that you are going to get your tax revenue, gross receipts on the sale of the home, and the sale of water and water meters on all of those homes. One of the questions that I have for the Commission is how much revenue is this generating for you and where do you plan on using on it. We have a big issue with section 28-03-005 item 8 of this Ordinance. This section states if you want to disconnect from the system you have to pay 24 times the base rate. He asked the Commission to put Ordinance 1506 on the agenda for the next City Commission meeting for public discussion.

Opening Ceremonies kick off at 11:00 a.m. Families will be able to experience Arts and Crafts, food vendors, military displays, dance groups, various kid activities, pet adoptions and a DJ. The day is free for everyone.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

4. Approve the minutes for the April 25, 2017 Regular meetings. *(Rachel Hughs, City Clerk)*
5. Consider, and act upon, approval of the State of New Mexico Audit Contract for FY2017, to be performed by RPC CPA's & Consultants, LLP. *(Julianne Hall, Finance Director)*
6. Consider, and act upon, approval of Change Order 1 in the amount of \$29,889, including NMGR, to Preslar's Dirtworks LLC related to the FEMA 4197 Debris Removal project. *(Nancy Beshaler, Project Manager)*
7. Consider, and act upon, the Investment Report for the quarter ending March 31, 2017, in accordance with the City of Alamogordo Investment Ordinance. *(Julianne Hall, Finance Director)*
8. Consider, and act upon, approval of the DFA Quarterly Report for the period ending March 31, 2017. *(Julianne Hall, Finance Director)*
9. Consider and act upon Ordinance No. 1536 for final publication creating a law prohibiting Public Affray. *(Lauren Truitt, City Attorney)* (Roll Call Required)

Mayor Pro-Tem Hernandez moved to approve items 4, 5, 6, 7, 8, 9 of the consent calendar.
Commissioner Baldwin seconded the motion.
Roll call was taken for items No. 9
Motion carried with a vote of 7-0-0.

NEW BUSINESS

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

Mayor Boss read the openings and appointed Christopher Orwell to the Alamogordo Promotion Board. No one was opposed. He said the Planning and Zoning Commission has one vacancy, but two applicants, Michael Elliott and Jake Roberts. Mayor Boss asked for discussion and ideas on the candidates.

Commissioner Sikes stated Mike Elliott is really interested in the City of Alamogordo. I think that can be attested to by the fact that only does he show up to the Commission meetings, but he keeps in close touch with me. He is very concerned with goes on not only in the neighborhood, but with the things we talk about in the Commission meetings. It would be my recommendation to appoint Mike Elliott.

Commissioner Payne said she knows Jake Roberts, and just for a point of reference, he would be equally qualified for that position.

Commissioner Baldwin said he knew them both and they are both qualified.

Mayor Boss appointed Mike Elliott to the Planning and Zoning Commission.

Mayor Boss said with out a doubt we have a problem here. I think everybody agrees with that, it's just that we do not know what the problem is and what the effect will be. We can't just arbitrarily say to throw those Ordinances aside. Believe me, I understand exactly what you are saying and I think everybody on this Commission does. Something has to be done and we are at the time that we plan to look at that right now, during the budget season. Everybody knows that Alamogordo has had problems with the budget and the General Fund. Also, the State of New Mexico is having severe problems, so we are very cautious. When you come in and say we don't like this, we can't just say we'll set aside the \$29 fee. We've got to look at it, see what the ramifications might be. There is no doubt in my mind that we do have to do that and do it quickly.

Mayor Pro-Tem Hernandez said we operated fine prior to this Ordinance being enforced.

Mr. Rardin said over and above your one-twelfth operating reserves that you need to keep in the account, you are rolling over almost 2.7 million dollars. He said according to your website, you guys rolled over 14 million last year in that account. I am assuming you had a grant or a large project because that looks a little extraordinary, but the year before that it was 22 million dollars and the year before that it was almost 8 million dollars. We wanted to voice some of our concerns and point out some of the impact that it is having on our industry and the real estate industry and have the Commission look at it and see if we can make the change.

Mayor Pro-Tem Hernandez said when this Ordinance was passed I actually voted for the Ordinance because that was the recommendation to the City. At that time I did make a comment that this would happen here today. Mayor Boss said it is obvious that we are going to have to do something and we are going to have to do it ASAP. As I said, we are in the process of preparing the preliminary budget. This is the time for us to look at that and have staff put together some data together for us, present it to us and we will go from there

Mr. Rardin said the revenue you are generating from this, if we can nip it before you get used to having that little extra money in there. He asked if they can give them the numbers of how much of an impact it has. Mayor Boss said I don't know what projects are planned in that fund, some of that may be earmarked.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She said staff is in the final stages of receiving estimates for the cost to rebuild Kid's Kingdom. At the Commission meeting on June 27, 2017, staff will present a couple of different options for discussion and direction from the Commission.
2. She said the bid for the Management for Basin Lanes was advertised on May 7, 2017 and will stay open until June 8, 2017. The bid is to manage the entire operation of the facility.
3. The Zoo Parameter Fence bid opening is scheduled for June 14, 2017. The project will be a 45 day contract once awarded. The award will go before the Commission on the second meeting in June.
4. She said there are two new primate exhibits at the zoo. The first one is complete and the Capuchin Monkeys are in their new home. The second one is about 95 percent complete, and Zoo staff is excited to get the porcupines and the other monkeys moved into that exhibit.
5. Staff is working on the budget. The budget hearings are scheduled for Wednesday and Thursday of this week from 6 to 9 p.m. at Fire Station #5. The public is welcomed to attend.
6. Military Appreciation Day at the Zoo is Saturday May 13, 2017. The registration fee is \$40 for a team of four, for Our American Hero Obstacle Course and will start at 7:30 in the morning. There is a cash prize of \$400 for first place, \$300 for second place, and \$200 for third place.

ADJOURNMENT

Mayor Pro-Tem Hernandez moved to adjourn at 7:23 p.m.

Commissioner Martin seconded the motion.

Motion carried with a vote of 7-0-0.



Rachel Hughes
City Clerk Rachel Hughes

for alt
Mayor Richard Boss

(Prepared by Eric Barraza, Deputy City Clerk)

Approved at the Regular Meeting held on May 23, 2017.