

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
August 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, CITY MANAGER
PETRIA SCHREIBER, 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. Commissioner Martin was absent. 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 as approve.
Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

PRESENTATIONS

1. Presentation of a 3K race for Veteran's Day. (*Wesley Etheridge*)

Wesley Etheridge spoke on the 3K run/walk race which he is having on Veteran's Day. He wanted to get full support of the City Council and the Citizens. The significance of the race is helping Veteran's and others with PTSD, military sexual trauma and mild TBI (traumatic brain injury). He asked the City for \$10,000 to help fund the 3k race. He said he does not want the money himself, but for the City to keep and monitor the money.

Mayor Boss asked him if he was asking for \$10,000. He advised Mr. Etheridge that the Commission could not make a decision like this under a Presentation and that the Commission could not give money to an individual.

City Manager Paluch said there is room for discussion on whether the City could run a race like this on Veteran's Day and Mr. Etheridge help out as a volunteer. This would be the best avenue at this point. Typically, the City does not sponsor monetarily wise this type of activity. It is something we can look into if we put on the race as the City of Alamogordo, then you could help out as a volunteer or help be a co-sponsor. She suggested to Mr. Etheridge to talk with Community Services Director Ortega. She said we are always looking for Special Events, something that we have not done before. Mr. Etheridge said that is what I am looking for, just an opportunity to talk about it at some point in time, but I think it is something that would be really beneficial and really brand the City of Alamogordo.

2. Presentation on the Zika virus. (*Maureen Schmittle and the Las Cruces NM Department of Health*)

Dave Daniels and Syeda Nargis spoke on behalf of the New Mexico Department of Health. Ms. Nargis said part of the reason they are here is because Otero County has been identified as one of the Counties where the mosquito, which can carry zika has been found. Our main effort is to make some local collaboration for the mitigation information and let the community know a little more about zika. The strain has been found here in Otero County and 11 other Counties within southern New Mexico. Having said this, it does not mean that the disease is here, it just means that the mosquito that is

capable of transmitting the disease is present here. If someone comes here that is carrying the disease, it is him or her that can transmit the disease to the next person. She explained how zika can spread and what the symptoms are. She also explained how zika can affect pregnancies. She said there is no vaccine, until there is one available the only thing we can do is prevention protection. (See Power Point in Blue Book).

Dave Daniels spoke on prevention protection. His main job is to help in identifying the type of mosquito that can do this, to raise awareness and to help mount a response in the event of a local transmission happening. He said it is humans that are infecting and spreading this infection. He talked about traveling to areas where zika exist and preparedness. He showed some kits that can be used to help prevent mosquito bites. He showed areas where mosquitoes are likely to lay their eggs. He said New Mexico has had no local transmission of zika. Last year, there were 10 confirmed cases of zika, but these originated from another place. He said the zika vaccine is developing and looks promising. (See Power Point in Blue Book).

Commissioner Sikes asked if our local Doctors have a way to test for zika. Ms. Nargis said the Department of Health has a system. They get a lot of calls from the Doctors, there are protocols. There are two tests for zika, in which the State pays for.

Commissioner Baldwin stated John Garst was tasked by Congressman Pearce's Office to write some information in reference to the zika virus in New Mexico and the potential threat, because of the mosquitoes we have in the southern part of the State. He was gracious enough to share that information with the Commissioners.

PUBLIC COMMENT

Paul Sanchez commented on the following:

Mr. Sanchez spoke about Project Honored Past. In this project, people have the opportunity to maintain a section of the Monte Vista Cemetery themselves. He said recently a group of people went out there and did a substantial amount of clean up. He said the cemetery workers saved us hours of work, because there was one section where the weeds were over 8 feet high. These workers went out there with a tractor and a bobcat to clean this area. He thanked Mayor Pro-Tem Hernandez for joining them on the project. He congratulated City Attorney Petria Schreiber on being appointed as the City Attorney.

CITY MANAGER'S REPORT

City Manager Maggie Paluch made the following remarks:

1. The contractor has remobilized at Golf Course Pond 11 to start the lining of the pond. She said Southwest Liner will be on-site to proceed with the lining of the pond. Ponds one through three are about 70 percent designed and the documents are being reviewed by the Golf Course Maintenance Department and G & L Golf.
2. She said staff is continuing to work on the Management portion of the Basin Lanes project. We met with a possible management firm last week. She said tomorrow and Friday staff will have meetings with different Management firms. The Commission will have a workshop session on August 14 at 6:30 pm at Fire Station Five to discuss the management of the facility, this workshop is open to the public. At this time the Commission will hear various options from City staff. The building is at 60 to 70 percent complete and the final construction date is scheduled for December 24, 2017.
3. She said if you recall Mike Espiritu had mentioned a legacy Project regarding a Steel Pellet Mill possibly coming to Alamogordo. The City and OCDEC have been working closely together with the Company and State Leaders on this project. If this comes to fruition, the community is looking at a company that will be in Alamogordo for 60 plus years. There was a site visit this week from the company and it looks very promising that the project is moving forward. There is some City property

that needs to be incorporated into the design plans. The next step for the team would be to obtain a survey and appraisal of that City owned property. Details to come soon.

4. She said Snake Tank Project Well 5 is 93 percent complete. Startup and testing of Well 5 and the components within the well control building will begin on August 14, 2017. A walkthrough is scheduled for Thursday August 17, 2017. She said in regards to the Desal Project, it is 27 percent complete. The site has been cleared and grubbed. She said buried solid waste has been excavated, removed and disposed of. The 18 inch raw and finished water lines have been concrete and cased. A twelve inch gravel layer below the evaporation pond liner has been completed. The Administrative building gas mitigation system has been installed, as well as the monitoring wells and pure foundations. The Administrative building plumbing and electrical rough in work will be ongoing over the next 30 days.

5. She said if you recall a few meeting ago, we had a resident point out the issue of Company increasing billboards throughout our city. Staff has researched the issue and determined an Ordinance needs to be considered by the Commission. Staff is currently working through City Planner Williams on drafting an Ordinance that will go before the Commission for consideration, and you should see that Ordinance at your next meeting on August 22, 2017.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Boss made the following comments:

He pointed out the importance of the Big Give program. He stated that there were 8,500 community service hours. He said that is \$234,000 in labor value and 450 people participated. This does not count all the businesses that gave seed money, the cash money for the supplies. Over the last ten years, just in the labor alone they are estimated to give a value of about 2.1 million dollars. He said be sure to thank these Air Force Airmen for what they do.

CONSENT AGENDA

3. Approve the minutes for the July 25, 2017 Regular meeting. *(Rachel Hughs, City Clerk)*

4. Consider, and act upon, Change Order No. 8, RFQ 2013-05, to CDM Smith, Inc. related to the engineering and design services for the Snake Tank Well 5 Equipment and Monitoring Wells project, in an amount not to exceed \$18,084.30, including tax. *(Bob Johnson, Engineering Manager)*

5. Consider, and act upon, an Agreement with Alamogordo Public Schools related to School Resource Officers. *(Police Chief, Daron Syling)*

6. Consider, and act upon, the Opinion of Lessee's Counsel letter, Lessee's Certificates and IBM Credit LLC Certificate of Acceptance in regards to the Master Lease Agreement Schedule to Master Lease Agreement between IBM Credit LLC and City of Alamogordo and also Lease/Purchase Supplement to Lease/Purchase Master Agreement between IBM Credit LLC and City of Alamogordo. *(Mark Graham, MIS/Computer Center Manager)*

7. Consider, and accept, the Investment Report for the quarter ending June 30, 2017, in accordance with the City of Alamogordo Investment Ordinance. *(Julianne Hall, Finance Director)*

8. Approve Resolution No. 2017-24 authorizing the Mayor to execute the agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). *(Rachel Hughs, City Clerk)* (Roll Call Vote required)

9. Consider, and act upon, the approval of Resolution No. 2017-25 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of

New Mexico for the revised budget figures computed as of August 9, 2017. (Kathy Gilsdorf, Budget Analyst) (Roll Call Vote required)

10. Consider and act upon the Quarterly Financial Report for the period ending June 30, 2017. (Julianne Hall, Finance Director)

Mayor Pro-Tem Hernandez moved to approve items 3,4,5,6,7,8,9,10 of the consent calendar.

Commissioner Baldwin seconded the motion.

Roll call was taken for items No. 8 & 9

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

OLD BUSINESS

11. Clarification to Commission regarding NMFA requirements for bond funding for natatorium. (Maggie Paluch, City Manager)

City Manager Paluch said this is clarification to the Commission, regarding the rededication of the natatorium bond funding. Staff originally had direction from our Bond Counsel, stating that a new Ordinance was going to be needed to change the dedication of the funds. We needed a revision of the original Ordinance. Staff has since received advice that we do not need to change the previous Ordinance because the original Ordinance is broad enough for the rededication of the playground facility. She read what the original ordinance said. The New Mexico Finance Authority feels that the description is broad enough for us to be able to rededicate the funds to use a portion for the playground structure at Kids Kingdom. We wanted to get that on the record this evening. Staff is not looking for a vote. The vote that the Commission took several meetings ago does stand. The disposition and the minutes from that meeting will go before the New Mexico Finance Authority for the rededication.

Commissioner Baldwin said the insurance money had around \$200,000 to playground equipment and about \$180,000 for park benches, awnings and various other things. Since we have this other money from the natatorium funds, I just felt that if we are going to go back to the public that we build a park where every single penny of the insurance money is spent on playground equipment and not necessary park benches or picnic tables. That change can be done in-house, unless there is an objection via the Commission.

City Manager Paluch said this is one of those projects that is very important to the community. Both of us wanted to get out, in a public meeting, to get comments from anyone who wants to comment on that.

Commissioner Payne asked if we would make it more equipment or make it bigger. City Manager Paluch said we would use all the insurance money on playground equipment. If we do go down that path, some of the projects that we earmarked for Community Services would not be completed. I cannot comment tonight on which specific projects those would be.

Mayor Boss asked when Kids Kingdom burned, were there any benches and things and if there were other things than just equipment, then why would we have to spend it all on just equipment. Commissioner Baldwin said the plan presented to us by Community Services Director Ortega did take that into consideration. My reasoning was that we do have other money that was not planned on being used to make up for those things. The Kids Kingdom value was way over what the insurance money actually paid for. My thought was, every single dime of the insurance money goes back into playground equipment and we use the natatorium money to make up for the benches and other stuff.

Paul Sanchez commented on the following:

Mr. Sanchez encouraged an extensive play area for special needs children.

City Manager Paluch said if they want to go down this path and use the entire insurance check for the equipment, we will need a motion to amend this evening. It is not because of the playground structure, it is because of the projects that we will be dropping off the list.

City Attorney Schreiber stated we would need a motion to amend. This will have to go on the next meeting to be heard, and be re-voted on.

Mayor Pro-Tem Hernandez asked what the amendment would be. Commissioner Baldwin said it would not change the vote. It would be the motion to amend the total amount of the insurance money is being spent on playground equipment.

City Attorney Schreiber said it will be the option that was presented and it will be a rededication of a certain amount of money to playground equipment. Mayor Boss said won't we be adjusting some of the other items that we voted on as part of that package. City Attorney Schreiber said this is why it would come back to the Commission again to be fully discussed. It will remain the option that was voted on. It will just be a reallocation of the money within that option. City Manager Paluch pointed out that it was option two. Commissioner Sikes asked to repeat the motion.

Commissioner Baldwin made the motion to amend the original amount dedicated in option 2 that all insurance money is to be spent on playground equipment.

Commissioner Sikes said when we looked at both options; I do not remember seeing dollar amounts under each option. City Manager Paluch stated that the amounts were there. She said she and Community Services Director Ortega would do some quick reference sheets for the next meeting that will show which projects will be included, if you dedicate the entire insurance check to the playground structure. Commissioner Sikes asked what was dedicated to the playground equipment in option 2. City Manager Paluch said I believe it was approximately \$225,000.

Commissioner Baldwin moved to amend the previous motion.

Commissioner Turnbull seconded the motion.

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

NEW BUSINESS

12. Consider, and act upon, the award of Public Works Bid No. 2017-006 to Valley Fence Company, related to the Zoo Perimeter Fence project, in an amount not to exceed \$214,049.41, including NMGR. (Nancy Beshaler, Project Manager)

Project Manager Beshaler said bids were open on June 27, 2017 and we had three responsive bidders. Valley Fence Company was the lowest responsive bidder and accounted for the local bidder preference. This project will replace the entire perimeter fence at the Zoo. The USDA has notified us that we need to replace the entire perimeter fence.

Commissioner Baldwin asked if there is going to be anything put in front of the structure to prevent damage again. Project Manager Beshaler said it will not have any additional structural qualities. If it did get hit by a motor vehicle again, it would cause damage. Commissioner Baldwin encouraged putting something in front of the fence to protect it.

Mayor Pro-Tem Hernandez asked if it was going to be eight foot of block wall. Project Manager Beshaler said yes, we will also have the rod iron panels in between them. Mayor Pro-Tem Hernandez expressed his concern for blocking the view of the Zoo. He suggested splitting the distance and installing a guard rail to protect pedestrians walking through there. Mayor Boss asked if we knew how

many times that fence has been hit by a vehicle. Project Manager Beshaler said I am only aware of the two times.

City Manager Paluch said she thought this would be a great project for the White Sands Beautification Committee to figure out a way to beautify the outside of the fence with something to protect it as well.

Commissioner Baldwin moved to approve.

Mayor Pro-Tem Hernandez seconded the motion.

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

13. Consider, and act upon, the award of Public Works Bid No. 2017-008 to Pate Construction Co. Inc. related to Monte Vista Cemetery Drainage Improvements in an amount not to exceed \$462,870.45 including NMGRT. (Edward Balderrama, Project Manager)

Project Manager Balderama stated this project is to relieve some of the flooding events that we have had at the Monte Vista Cemetery. The scope of work is to put 30 inch corrugated metal pipe (CMP), build a pond in the cemetery and divert the water in the pipe down to the right a way at First Street and down to the ditch by Arapaho. We only had one bidder on this project, which was Pate Construction.

Mayor Boss was concerned with there only being one bidder. He said the engineering estimate was \$383,000 and it came in at \$463,000. That is way off the Engineer's estimate. Project Manager Balderama said there were some other issues that came up. There were some unknowns like the retaining wall. When we build a pond, we have to secure it. We are building a fence around that. There is a lot of concrete work and there is a trench drain that we are building to help divert the water that is ponding on the west side of the cemetery. Mayor Boss asked if these were things the Engineer did not consider. Project Manager Balderama said I think some of the numbers came in a little bit higher, in our opinion, than what they should have come in at. It is hard to compare it because we only got one bid. One of the biggest numbers is the CMP, we had the estimate at \$75 and it came in at \$114. It is hard to compare this to anything else, because we do not have any other numbers from any other projects for this kind of work. Mayor Boss asked Project Manager Balderama if he felt comfortable with the bid. He answered yes, Pate is a good contractor they do good work. Commissioner Baldwin asked if they did some of our flood mitigation, some of the phases. Project Manager Balderama answered yes, and I am very confident in the work they can do and their quality of work they provide for the City on other projects.

Commissioner Payne asked if this was going to fix the flooding of the graves. Project Manager Balderama said yes, that was the intent of this project.

Commissioner Baldwin moved to approve.

Mayor Pro-Tem Hernandez seconded the motion.

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

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

Mayor Boss read the openings and appointed Stephanie Hale to the White Sands Beautification Board. No one was opposed.

Commissioner Sikes encouraged the other Commissioners to appoint someone from each of their districts to be a part of this Board. She expressed her excitement about the work this Board is doing.

Mayor Pro-Tem Hernandez said he asked the City Clerk for a copy of the vacancies and I am trying to recruit from my facility, because that is one of the things that we are actually engaged on is community help. He suggested to some of his staff members, who live in the County, to try and get appointed by the County to participate on these boards.

Commissioner Sikes made the following comments:

She said we are not doing a very good job with our investments. Most of it looks really good, but there are two places that someone is putting our money, that is not doing us any good. With the Stock market, the way it is going right now, with the numbers I am seeing with other investments, for us to be gleaning such low percentages. Mayor Boss asked City Manager Paluch if we could invest money in the Stock Market. City Manager Paluch said she could not answer that. Commissioner Sikes said I understand that this report is for a previous quarter, but it would be nice to see what we could be doing to potentially be making more money. Mayor Pro-Tem Hernandez said I'm sure one of the reasons that is done is to keep those funds liquid. When you invest in certain items they are not liquid. Commissioner Sikes said if you look at some of our funds right now, they are certainly not liquid.

City Attorney Schreiber advised to table this discussion and maybe put it on the next agenda. We are still subject to the Open Meetings Act, so maybe we can table this discussion and come back and have the Finance Director come and discuss it.

EXECUTIVE SESSION (Roll Call vote Required)

15. Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss Real Property (Alamogordo Senior Center) and Proposal for Purchase of Property (N16' of the S 20' of Lot 17 Block 84).

Mayor Pro-Tem Hernandez moved to adjourn into Executive Session at 7:47 p.m.

Commissioner Turnbull seconded the motion.

Roll call was taken.

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

ADJOURNMENT

ATTEST.


City Clerk Rachel Hughs


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on August 22, 2017.