

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
July 25, 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
PETRIA SCHREIBER, ASSISTANT 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. City Attorney Truitt was absent. Clerk Hughes announced there was a quorum present. Invocation was given by Pastor Justin Crispin and the Pledge of Allegiance was led by Commissioner 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

Amy Barela commented on the following:

She asked the Commission to extend the rental area for the Gazebo at Alameda Park. She would like to see a more streamlined process for the permitting process for special events. She suggested using a questionnaire on the application.

Beth Crabbe commented on the following:

She complimented Mayor Boss and Acting City Manager Paluch for holding a meeting in regards to the abatement. She wanted to acknowledge Acting City Manager Paluch as an asset to the City of Alamogordo.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She talked about the progress on the Golf Course ponds. She said pond 11 has been completed. Due to the monsoon season, the contractor was unable to install the liner in the pond, so we are looking at about a two week delay. The water filter plant also completed the installation of the scada hardware at the two pumping stations. The scada system will allow for automatic watering, so staff does not have to continue to turn the system on and off manually.
2. She said staff met with interested parties on July 20, 2017 to discuss the City's Ordinance requiring base rates on vacant properties. We have come up with several ideas to develop an ordinance, which will be a good compromise for all parties involved. That ordinance should be seen at a Commission meeting here in the near future.
3. She said on Tuesday July 18, 2017, a few of the City staff toured the Luna County Starmax facility in Deming. The Starmax facility was built in 2009 by White Sands Construction. This facility consists of 16 bowling lanes, an arcade, an 18 hole glow mini golf, six screen movie theater and a restaurant and bar area. The City Planner Williams is working on a plan that the City Commission will see at their upcoming meeting.
4. She said the public relations (PR) team hired by Otero County Economic Development Council (OCEDC), released this week the Alamogordo enhancement survey. The link is on the City's webpage and the PIO Facebook page. The survey will help the PR team gain valuable information about our community and how to better advertise our community to suit our needs in the future.

5. She said during the budget preparation we estimate the cash balance of the General Fund. The estimate by staff, for the beginning cash balance for FY 18 in the General Fund would be \$6,257,018. The finance staff rolled the budget this past week and the beginning cash balance for FY 18 is actually \$9,237,045. The reason for this large increase in the general fund is carry overs, project roll overs, purchase orders not being fully spent and other monies not being fully spent. What this means for the community is that we have a very healthy general fund and we have very good financial statements for the upcoming audit this year. She gave a shout out to Finance Director Hall and Kathy Gilsdorf and the finance staff.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Boss made the following comments:

He wanted to thank the airmen for their job on the welcome signs. Those airmen and their families, associated with the Big Give, have contributed millions of dollars to this community, and he encouraged everyone, if you see one of these airmen, please thank them for what they have done, they truly deserve it.

He talked about a presentation given to the Commission on billboards. He has received several calls on this issue, and he thinks that the Commission should address this billboard issue. Acting City Manager Paluch said City Planner Williams was already acting on this issue and is in contact with that resident. They are developing a plan with White Sands Beautification, so you should see something in the future.

Commissioner Payne made the following comments:

She said Roy Scherick was a huge asset to this community. Mr. Scherick ran the Step House here in Alamogordo. He suddenly passed away, and his presence will be greatly missed.

CONSENT AGENDA

1. Approve the minutes for the July 11, 2017 Regular meeting. *(Rachel Hughs, City Clerk)*
2. Approve the statements related to the Executive Session held on July 11, 2017. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, Resolution 2017-23 approving the DFA Quarterly Report for the period ending June 30, 2017. *(Julianne Hall, Finance Director)* (Roll Call Vote Required)
4. Consider, and act upon, the approval of Resolution No. 2017-22 amending the Preliminary FY 2017-2018 Budget with carryover fund balances, and adopting the Final Budget for 20172018. *(Kathy Gilsdorf, Budget Analyst)* (Roll Call Vote required)
5. Consider, and act upon, release of old liens filed between 2001 and 2008. *(Assistant City Attorney, Petria Schreiber)*

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

Mayor Pro-Tem Hernandez moved to approve items 1, 2, 3, and 5 of the consent calendar. Commissioner Baldwin seconded the motion.

Roll call was taken for items No. 3

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

ITEMS REMOVED FROM CONSENT AGENDA

4. Consider, and act upon, the approval of Resolution No. 2017-22 amending the Preliminary FY 2017-2018 Budget with carryover fund balances, and adopting the Final Budget for 20172018. (Kathy Gilsdorf, Budget Analyst) (Roll Call Vote required)

Finance Director Hall presented the final budget for Fiscal Year 18 with the amendments, carry-overs, roll-overs and beginning cash balances.

Mayor Pro-Tem Hernandez said we happened to find \$3 million dollars and asked if this was free money or is it money budgeted to be spent out. Finance Director Hall said no, that is actually budgeted money from Fiscal Year 17 that is being carried over to Fiscal Year 18, and this is mostly for projects. It is not available money; it is already encumbered for other items. Mayor Pro-Tem Hernandez said he pulled this item off the consent agenda because if we could not afford to support OCEDC (Otero County Economic Development Council) for \$30,000, I am very concerned, so I won't be able to support the budget this year. Finance Director Hall said we are supporting OCEDC for the \$70,000 marketing plan and the \$30,000 operating expenditures. Mayor Pro-Tem Hernandez said there was a 45 minute to an hour discussion, and the hammering of the OCEDC President for the \$30,000. If we are worried about \$30,000, then it is very concerning to me.

Commissioner Baldwin moved to approve.

Commissioner Turnbull seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-1-0. Mayor Pro-Tem Hernandez voted nay.

PUBLIC HEARINGS

6. Consider, and act upon, Ordinance No. 1541 for first publication for a map amendment to the official zoning map of the City of Alamogordo to rezone the property with the legal description 1179 SW1/4NW1/4 located at 801 US Hwy 70 West, from R1, Single Family Dwelling District and C3 Business District to MH2, Manufactured Housing Park District. Case Z-2017-0004(A) 801 US Hwy 70 West (Darron Williams, City Planner) (Roll Call Required)

City Planner Williams said this is a rezoning case on a combination commercial property and residential zoning. The petitioners asked to convert it to a mobile home park. He showed a power point presentation to the Commission of the zoning maps. (See Agenda for PowerPoint)

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Martin seconded the motion.

Roll call vote was taken.

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

NEW BUSINESS

7. Consider and act upon designating a 2017 NMML Annual Conference voting delegate and an alternate. (Rachel Hughs, City Clerk)

City Clerk Hughs said the Commission votes on a voting delegate for the City of Alamogordo for the Annual New Mexico Municipal league Conference. Mayor Boss asked if anyone else was attending the Conference. City Clerk Hughs said he was the only one attending. Commissioner Sikes said she would like to go. Mayor Boss said we could have one of us as the voter and the other as the alternate. Commissioner Sikes said Mayor Boss should be the voter.

Mayor Pro-Tem Hernandez made a motion to designate Mayor Richard Boss as the voting delegate and Commissioner Sikes as the alternate at the 2017 NMML Annual Conference.

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

8. Consider and act upon rescheduling the August 8, 2017 Commission meeting to August 9, 2017 due to the Secretary of the Air Force reception. (*Richard Boss, Mayor*)

Mayor Boss asked they reschedule the Commission meeting from August 8, 2017 to August 9, 2017 due to the Air Force reception.

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

9. Consider, and act upon first publication of Ordinance No. 1539 amending Section 2-01-030, The City of Alamogordo Code of Ordinances Regarding Planning and Zoning Administrative Fees. (*Darron Williams, City Planner*) (Roll Call Required)

City Planner Williams said when he began working with the City of Alamogordo, he discovered the Planning and Zoning Department was providing a significant amount of service for free. As in staff time to do tasks that are associated with State permits and not charging any fees. He said in 2016, they processed 554 roofing Ordinance reviews for zero costs. Staff time is between 15 and 30 minutes per review. He said in the agenda packet is a comparison of the old fees and recommended new fees. There is also a comparison of other municipalities of comparable size. He said there have been no adjustments to these fees since the 1990's. In the fee update, every fee is directed and accounted towards the cost of staff time. Essentially, this is catching us up, so that we are appropriately covering the staff time it takes for every one of these steps.

Mayor Boss said he has received calls directly relating to people doing repairs and maintenance to their house. He asked City Planner Williams to explain the process. He replied if they are renovating a room, that has multiple windows or if they are doing an addition, rehabilitation, those kinds of things require state permit. At that point, we are validating that any work they are doing complies with City Ordinances. We make sure anyone prior to the current owner did not build a building that was not permitted, etc. We are doing our own review of the process to make sure they are complying with City Ordinance and Zoning. Mayor Boss asked if we have to oversee if windows are meeting the requirements of standards. City Planner Williams said not so much the windows themselves, because that is part of the State permit process. This is more along the lines of where the windows are going, and does the structure comply. For the homeowner it is a courtesy review, and windows are not necessary the best example, but it still requires a review of our part. That \$30 dollars is essentially 20 minutes staff time.

Commissioner Sikes asked how the permit process for a new roof works. City Planner Williams said it will happen one of two ways, depending on how the contract is negotiated. Either the homeowner will come in as, part of the contract, or the contractor that is doing the work will come in. In 2016, there were 554 work reviews processed. Commissioner Sikes asked if the companies who come in and do the roofs, do they roll the price of the permitting into the cost of the roof. City Planner Williams said right now, we do not charge anything for a roofing review. Commissioner Sikes asked if any of the roofers had any comments about our fee. City Planner Williams replied no.

Commissioner Turnbull asked why there is a fee increase for the mobile home blocking. City Planner Williams said mobile home blocking requires not only an ordinance review to make sure that is complying with the set backs, whether it's meeting the yard requirements, but also zoning. Plus there is also some additional permitting required that we do as well. That \$100 fee is essentially an hour worth of time.

Commissioner Payne asked what vacation is. City Planner Williams said vacation is when a piece of property is vacated, or given back. There is a fee for that, because we have to take it onto the rolls and assess what the impact is to the City ledger. He defined vacation as at the time of filing applicant to vacate any plat or easement in whole or in part, the applicant shall pay the City a non-refundable fee, to cover costs of publication, administration and other expenses. Publication is whether it is in the newspaper as an official notice or through mailings.

Commissioner Payne asked if the signs and billboards required to get permits. City Planner Williams said they are not so much permits as it is an ordinance review. We do not issue permits, only the State issues permits. Commissioner Payne asked if these billboards that are going up, if they are going through the Planning and Zoning Department. City Planner Williams said yes and currently we do not have an ordinance to prohibit them. Which is why it is a hot topic and we are working on it right now.

Commissioner Sikes asked why we don't have a department locally. City Planner Williams said it is my understanding that there were a couple of challenges. One is we had challenges maintaining qualified inspectors. The State said if you can't do that, then they would have to take it over. That happened in about 2008. Mayor Boss said I could tell you one of the reasons is because it was 2008 and it was slow then, and there were not enough requests for permitting, because there was no building going on. City Planner Williams said from our department's point of view that is kind of our concern going forward, especially if we reap some of the economic impact that we are expecting. We go through a building boom while the State is reducing staff. The Las Cruces office went from six people down to three. We essentially have three inspectors covering very large area and they are here on a predictable schedule. Most builders are accommodating that quite well, but what I am hearing from contractors that do re-roofs, it is really challenging, because if they don't hit the cycle just right they could have a roof exposed for up to a week before they can get the proper inspection.

Commissioner Turnbull said for the interior and exterior remodel it was zero and now it is going to be \$30 for residential and \$100 for commercial. She asked what that is going to cover. City Planner Williams said it covers the staff time to do the ordinance review. The \$30 is the minimum we are working with for any ordinance review which essentially 20 minutes of time. Commissioner Martin said and that is for only when they need to pull a permit. So when someone wants to lay tile in their house they will not be paying that unless a permit is required. City Planner Williams said correct. You can go to Construction Industries Division's website, they have a two page information sheet that will tell them when they are required to have a permit.

Mayor Pro-Tem Hernandez asked City Planner Williams to define interior remodel. He said it would be anything on the interior of a residence or a structure. Mayor Pro-Tem Hernandez asked if this would include carpet or flooring. City Planner Williams said anything that would require a permit. Anything you do electrical or plumbing requires a permit. Mayor Pro-Tem Hernandez said it used to be anything over \$500 would require a permit. If it required moving walls, I am not sure if that has changed. He asked if the Convenience Center would accept construction trash, if you did not have a permit. City Planner Williams said as far as I know, our transfer as well as the County's is no longer accepting certain types of construction material. He said concrete being the most common material. Mayor Pro-Tem Hernandez asked if someone goes out there with sheetrock and studs and does not have a permit, is that being checked. City Planner Williams said no, not that I know of.

Commissioner Turnbull said for clarification on the plumbing and asked what size job would you require a permit. City Planner Williams said he would have to defer to the State, because that is up to them, they are the ones issuing it. I could certainly provide the two page handout that defines it a little bit better and they also have their contact information to call them. My understanding is that the homeowner can do the plumbing, but there is a test they have to take to show they have sufficient knowledge. Otherwise, it has to be a certified provider. There is a list on that two page sheet that says what services have to be done by a certified technician.

Commissioner Payne asked why new commercial went from \$50 to \$600, and why mobile home or RV Park went from \$150 to \$600. City Planner Williams said the reason is if you look into the ordinance, we refer to a technical review panel. The technical review panel includes the Director of Public Works, our Supervising Engineer, the City planner or the Planning and Zoning Administrator, along with legal if it is required and Community Services. Essentially that accounts for an hour of each of their staff time. That accounts for \$450. Then there is an official publication for the newspaper and letter mailings that accounts for the additional \$150. Then if it is multiple buildings we may have to look at a higher rate based on the scope of work. Commissioner Payne said new commercial you mean building and the same for mobile home or RV. City Planner said correct, because we still have to do a technical review because you are looking at connecting utilities and those types of things.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Baldwin seconded the motion.

Roll call vote was taken.

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

Commissioner Baldwin said if this does go through its publications and becomes Ordinance. He recommended some type of campaign to let everybody know that these fees are going to be out there, new and changed. City Planner Williams wanted to highlight the fact, that this becomes an ongoing update. So, we are publishing the initial Ordinance and then from this point forward we will present a recommendation for the fees for the following year in June, enacted in January. Essentially a six month warning or notice period so that we can get the information out.

10. Consider and act upon Resolution 2017-21 and Professional Services Contract for Alamogordo MainStreet Program. (Darron Williams, City Planner) (Roll Call Required)

City Planner Williams said this is for approving our Professional Services Contract with our MainStreet program. This just carries through to the next step, for not only the Resolution, according to the State guidelines, but also the professional services contract. We will actually encumber the coming year's fee for supporting that program.

Commissioner Baldwin moved to approve.

Mayor Pro-Tem Hernandez seconded the motion.

Roll call vote was taken.

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

11. Consider, and act upon, approval to sell city property located at 1300 Fillmore. (Assistant City Attorney, Petria Schreiber)

Assistant City Attorney Schreiber showed a power point presentation on 1300 Fillmore and explained how the City came to own this house. At this point, we would like to sell it. We would like to have it appraised and see what the value is. We have the option to list it for the appraisal price or take it to auction.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Turnbull seconded the motion.

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

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

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

EXECUTIVE SESSION (Roll Call vote Required)

GB Oliver Commented on the following:

He wanted to compliment the City as to where you stand and what is going on in this community. He strongly recommends approving Acting City Manager Paluch's contract to become the City Manager.

13. Recess into Closed Session in compliance with Section 10151(H), NMSA 1978 (as amended), to discuss Threatened or Pending Litigation (1507 Rockwood) and Limited Personnel Matters (City Manager contract). (Roll Call Vote Required)

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

RECONVEVE INTO OPEN SESSION**14. Action, if any, related to Limited Personnel Matters (City Manager contract).**

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

Mayor Boss announced the Commission came to a consensus on a negotiated contract with Acting City Manager Paluch to be our City Manager.

Commissioner Payne moved to approve.
Commissioner Sikes seconded the motion.
Motion carried with a vote of 7-0-0.

ADJOURNMENT

Mayor Pro-Tem Hernandez moved to adjourn at 9:42 p.m.
Commissioner Turnbull seconded the motion.
Motion carried with a vote of 7-0-0.



Rachel Hughes
City Clerk Rachel Hughes

Richard Boss
Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on August 9, 2017.