

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
July 11, 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. Clerk Hughs announced there was a quorum present. Invocation was given by Tom Arrowsmith-Lowe and the Pledge of Allegiance was led by Mayor Pro-Tem Hernandez.

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.

PRESENTATIONS

**1. Presentation of Community Public Relations (PR) campaign and Alamogordo Welcome signs.
(Mike Espiritu, OCEDC President and CEO)**

Mr. Espiritu spoke on advertising for the City of Alamogordo. He handed out a brochure on the PR campaign with HK Advertising. He said about six months ago we had a meeting and discussed how we are going to improve our image to the world as we prepare for the F16's arrival to Holloman Air Force Base. We know we have some external challenges. We decided to hire a public relations firm. He said they looked at four different firms and decided on HK Advertising. This firm works the New Mexico True Campaign. We have been having some community engagement sessions and have had great success. He said they are getting the word out through social media about our community. The Chamber of Commerce has a website, OCEDC has a website, and the City has a website. We are asking HK Advertising to look at all these websites and how we can incorporate them to carry the same message. He said OCEDC has pledged \$100,000 out of their reserve fund. The private sector or citizens have committed to at least \$50,000. He asked the City to help fund the remaining piece of this. We have a separate account setup just for this money. He asked the Commission to consider a dollar cap of \$400,000 on this project. This money will carry us at least into our second and maybe our third year.

Mayor Boss asked Mr. Espiritu how long will the estimated \$400,000 cover. He said we are estimating it will go through the third year of this project. Mr. Espiritu said we know it will cost between \$300,000 and \$385,000 for the first year. The costs for the second and third year will go down.

Mayor Boss asked Acting City Manager Paluch if we will have a problem with procurement and the public purchases act. Acting City Manager Paluch said she could not answer that question; she would have to do some research. Acting City Manager Paluch asked Mr. Espiritu if he was asking the City for \$250,000 from the LEDA funds. Mr. Espiritu said he was asking for \$400,000 from the LEDA funds, which would give them a total of \$550,000. Mayor Boss said this almost double from what it was estimated for the first three years. He asked if we can check with some other communities that have done this. I know there are some communities that have done this exact thing and find out what their costs were and how they set it up.

Commissioner Sikes said I know OCEDC, the Chamber and the City have gone through a lot to get to this point. We need to change the image of Alamogordo. If this company, in cooperation with our community, can change our image, no amount of money will have been too much. She asked Mr. Espiritu if there is any way this company can guarantee this will change our image. Mr. Espiritu said if you look at the Village of Los Lunas, they landed a pretty big project in Facebook. They hired HK Advertising about five years ago. HK Advertising did the City of Farmington, the City of Los Alamos and increased visitation. I do not know if there is a guarantee, but I think it is needed.

Mayor Boss said he supports this 100 percent, but he recalls they made a presentation to Legislators and Cabinet Secretary Latham in Santa Fe, and we said we would use about \$700,000 for a longer period of time for our campaign. She said we could get it for considerably less than that. Mr. Espiritu said that was correct and he is aware of that grant but this does not fit what we are doing, because this is really not a tourism grant. This is a marketing grant for helping us attract people for Holloman Air Force Base. Mayor Boss said he thinks the amount has gone up significantly.

Commissioner Payne said she assumed he was estimating high. Mr. Espiritu said correct, we are looking at the three year mark. Commissioner Payne said it's not like we will be writing a check for \$400,000. It is going to be based on receipts. Mr. Espiritu said correct, it will be based on receipts and hard invoices from the company.

Mayor Boss asked if he had an estimate from each of the four firms which they talked to. Mr. Espiritu said they did. Mayor Boss asked how this one compares to the others. Mr. Espiritu said there is no comparison, because the committee that chose HK Advertising did so for a number of reasons. The number one reason is for the work that is done within the State. Mayor Boss said Secretary Latham about jumped out of her chair when we announced we were going to go with a firm out of El Paso and as I recall that estimate was for about \$300,000. Mr. Espiritu said there were reasons we selected this company versus the others. The number one reason is the other three companies did not have extensive experience in New Mexico and in community work.

Acting City Manager Paluch asked Mr. Espiritu if he had a report or a list of the tasks that HK Advertising will be doing for that amount of money. He said absolutely, I can provide that along with a timeline. Acting City Manager Paluch said she will need that for any purchasing requirements we may have.

Commissioner Payne asked for clarity on where the funds would come from. Acting City Manager Paluch said these funds would come from fund 105, the economic development tax.

Commissioner Sikes asked Acting City Manager Paluch what was the balance of that fund, currently. She said the approximate amount is around \$7 million.

Mr. Espiritu spoke on the City's welcome signs. He said those signs were done a number of years ago through a grant. He spoke with HK Advertising about these signs. We must be cohesive and share the same message that is being produced from this PR campaign in those signs. We are going to get them repaired to where they are serviceable, and will still move forward with replacing them at a later time with the same messaging with this campaign.

PUBLIC COMMENT

Paul Sanchez commented on the following:

He said it was a concern that they did not get the natatorium, due to staff and lack of action by this Commission. There was plenty of time to have looked at and purchased a new bubble, before the environmental regulations kicked into place. When it became an issue it was already too late and the cost of the bubble became absolutely untenable. Once the natatorium died then the discussion went to the \$2 million that was available, specifically available for Parks and Recreation projects. About the same time that happened we suffered the tragedy of the Kids Kingdom burning down. That created an

opportunity to build a new playground. With Kids Kingdom being such an iconic element of Alamogordo, the rebuild seemed to be a lock and as promised by many on this Commission and specifically our City Manager, I know that every penny of that insurance money is going directly to Kids Kingdom. He had concerns on the Splash Park and the vote that happened last meeting and some of the comments made by this commission.

Marion Duryia commented on the following:

He gave his time to Paul Sanchez to finish his comment. Mr. Sanchez continued speaking on the Commission vote against the Splash Park. He said after several discussions and meetings about the splash park, to many of our citizens, the question wasn't if we were going to have a splash park, but instead how big it was. This was a lost opportunity to offer our low income families. He said the Mayor Pro-Tem who is also the Commissioner for the majority of low income families to vote against the splash park is truly disappointing. His excuse about spending this much money on a splash park, when our citizens will complain about the roads not getting fixed doesn't wash. Every dime of that bond money must be spent on Parks and Recreation. Whether we spend it on sidewalks at the Zoo or on a new AC system and the Recreation Center, not one dime is ever going to go to roads or anything else. He said District 2 Commissioner Sikes began her approach on the subject with safety issues for the playground in general. I agree this is a huge liability for Cities, but if the lawsuits are so huge then we should just close every park we have in our City. I personally have a lot more faith in our City Manager and City staff to insure that we have state of the art equipment and safety rules are complied with. I know Commissioner Sikes is a very big advocate for low income families. This would have been a great way to help them. He quoted Commissioner Sikes's statement on It looks like every gallon of our Desal Plant will go to our water park. He said the Desal Plant could produce about a million gallons a day, and according to Community Services Director Ronnie Ortega, the splash park was going to use about 500,000 gallons a month. That is not even a comparison that would apply. Other concerns about District 1 Commissioner Jason Baldwin, at the Golf Course, I have to wonder how much water is used there. How many of our low income families are using that facility. He asked the Commission to consider a public meeting for people to have discussion about this. He said people were not aware of that meeting that happened the other day.

Mayor Boss stated that he would allow one comment, he will not open it up for discussion. He said the water used at the golf course is effluent water.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She gave an update on the First and Florida project. The project is on track to be completed in mid November. Work is progressing on the curb and gutter along First Street and the retaining wall in front of the Civic Center. The first layer of asphalt will be placed on First Street later this month. After that, traffic will be shifted over and work will begin on the other side of First Street and on North Florida. You will see press releases regarding traffic changes when that happens.
2. She said the Golf Course ponds project was funded on April 27th for design and reconstruction of ponds one through three through Wilson and company through a design task order on May 2, 2017. The design time including surveying was estimated at about 10 weeks. The engineer is on track to get staff a pre-final set of plans to review at the end of next week.
3. She said July 12th from 4 pm to 6 pm at the Civic Center will be a workshop for the Comprehensive Master Plan. The meeting will include a presentation by a Jackie Fishman from Consensus Planning, as well as an interactive exercise that will help facilitate the development of the future vision of the City. We strongly encourage the public to attend.
4. She said she attended the New Mexico True PR announcement at the Space Museum with Tourism Secretary Rebecca Latham for New Mexico. She gave a wonderful presentation about the huge increases in tourism in our state. For example, travel in New Mexico grew two times the national average in 2016, with 34.4 million trips taken to our state. Also, marketable overnight trips, those are trips specifically regarding tourism were up by 55 percent since 2011. She said more New Mexicans

have also increased their tourism within the State. This is great news for our region, especially since we have many tourism related activities here in Alamogordo and just a short drive away.

5. She said you may have noticed the flashing cross walk signs that have been installed at the intersection of Oregon and 10th Street. These signs will help pedestrians cross tenth street and especially now during summer time most of these pedestrians are children traveling from the Recreation Center or the Library.

6. She said the Library pergola is finished. Facility Maintenance has installed a breaker at the pergola. The Library will be able to use the pergola for multiple outdoor events.

7. She gave a shout out to the Chambers of Commerce. The Burgers and Brew event is on Saturday July 15, 2017 at Griggs field from 4pm to 11 pm. Tractor Brewing is a micro-brewery from Albuquerque and they will be serving the beer. Tickets are on sale at the Chamber of Commerce, and this year they are offering a designated driver option ticket.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Boss made the following comments:

He asked how many have seen New Mexico True television. He gave credit to New Mexico True television for part of the increase in tourism and encouraged others to watch it.

CONSENT AGENDA

2. Approve the minutes for the June 27, 2017 Regular meeting. (*Rachel Hughs, City Clerk*)

3. Consider, and act upon, Ordinance No. 1538 amending Section 24-01-150 of the Code of Ordinances regarding penalty assessment misdemeanors. (*Petria Schreiber, Assistant City Attorney*) (**Roll Call Required**)

4. Consider, and act upon, Resolution No. 2017-20 adopting an Infrastructure Capital Improvement Plan (ICIP) and identifying the top five (5) recommendations projects for Fiscal Years 2019-2023. (*Sue Ashe, Accountant*) (**Roll Call Required**)

5. Consider and approve the New Mexico Department of Tourism New Mexico Clean and Beautiful Litter Control and Beautification grant contract for FY2017-2018. (*Jan Wafful, Special Events Manager*)

Mayor Pro-Tem Hernandez asked to remove Item # 3 from the Consent Calendar.

Mayor Pro-Tem Hernandez moved to approve items 2, 4, and 5 of the consent calendar.

Commissioner Sikes seconded the motion.

Roll call was taken for item No. 4

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

ITEMS REMOVED FROM CONSENT AGENDA

3. Consider, and act upon, Ordinance No. 1538 amending Section 24-01-150 of the Code of Ordinances regarding penalty assessment misdemeanors. (*Petria Schreiber, Assistant City Attorney*) (**Roll Call Required**)

Assistant City Attorney Schreiber said this was brought to the Commission during the June 23, 2017 meeting and there is no new information since then.

Mayor Pro-Tem Hernandez said he pulled this item off, because he does not support it.

Commissioner Martin moved to approve.

Commissioner Sikes seconded the motion.

Roll call vote was taken.

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

NEW BUSINESS

6. Consider, and act upon, approval of an Agreement with the NM Economic Development District, Non-Metro Area Agency on Aging (NMAAA) for the Nutrition Service Incentive Program (NSIP). (Veronica Ortega, Community Services Director)

Community Services Director Ortega said this was an annual agreement for the nutrition service incentive program. We received \$60,426 of federal funding for food for the Senior Center.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Baldwin seconded the motion.

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

7. Consider, and act upon, grant funding from the Non Metro Area Agency on Aging FY 18 contract for Direct Purchase of Services for senior programs. (Veronica Ortega, Community Services Director)

Community Services Director Ortega said this is our federal and state funding for our programs for the congregate meal setting, home delivered meals, our homemaker program, transportation and physical fitness programs. The fiscal impact from federal government is \$114,725 and the state funding is \$220,562 for a total funding of \$450,012. That is an increase on the State funding side of \$11,025 for our programs.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Baldwin seconded the motion.

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

8. Discussion and possible direction on ban of fireworks within city limits. (Nadia Sikes, Commissioner)

Commissioner Sikes spoke on the injuries that occur during the 4th of July. She received more calls this year; more noise complaints, more calls from people concerned about their pets, and calls from people suffering from PTSD. She said she looked into the noise ordinance. It outlines the dates for which fireworks can be set off and outlines the permissible fireworks. She wants to help police officers facilitate complaints. One of things you hear from people is that they don't bother calling the police, because they won't do anything. She said their hands are tied. She asked Chief of Police Syling to give the report on how many calls were a result of fireworks and noise on the Fourth of July, and the days before and after.

Chief of Police Syling clarified that this report is for June 28, 2017 until July 8, 2017. According to the Ordinance it should have been for June 20, 2017 until July 8, 2017. He said during this time period the Police Department had 78 total calls for fireworks. This is really not an accurate number because some of those calls will be from the same area. There may have been multiple calls, but they were counted as one call if they were from the same area. We send officers to complaints to make sure these people lighting the fireworks are not juveniles and are not intoxicated. He said this is about all we can do. Mayor Boss asked what the regulation on how high the fireworks can go. Chief of Police Syling said there has been some confusion in the past.

Assistant City Attorney Schreiber said our Ordinance actually says that fireworks are permitted as long as they are not aerial devices or ground audibles. An aerial device is defined in our Ordinance as a fireworks device that upon ignition propels itself more than 10 feet into the air. Chief of Police Syling said this is where the confusion comes, because under the definition that says permissible fireworks

are defined as fireworks which are legal for sale in New Mexico under the provisions of the fireworks safety act. Mayor Boss said New Year's is worst than the Fourth of July.

Commissioner Sikes said it is not my intention to eliminate fireworks. We allow the sale of fireworks for the Fourth of July, New Year's and Chinese New Year from three days preceding and two days after. She would like to see a shorter time for the sale of fireworks. She personally does not think fireworks should be set off days after the holiday. She discussed the possibility of stopping the lighting of fireworks at midnight. She was concerned about citations being dismissed. Assistant City Attorney Schreiber said they had about five to ten citations issued, none of which have gone to court yet, but it would not be her intention to dismiss these citations. Commissioner Sikes thinks if people get citations from law enforcement, then dismissed, then what is the point. We need to start adhering to our Ordinance.

Mayor Pro-Tem Hernandez was concerned about letting people go for firework citations, but yet if your dog gets out of your yard because of someone else's fireworks. If those dogs are picked up by Animal Control, then you have to pay to get those dogs back out.

Commissioner Payne said she did not have any problem with shortening the time. Commissioner Sikes said the noise ordinance states nothing about fireworks. She asked if the ordinance can be revised to include fireworks and be more specific about the times and dates of use.

Commissioner Payne asked Chief of Police Syling if are aerals are illegal. He answered there is some confusion. Assistant City Attorney Schreiber said there is some confusion. In our ordinance, where it talks about using fireworks, it says that you cannot use them unless such item is a permissible firework, which is what is defined for sale in the State and is not an aerial device. It has to be something that would be for sale in the State and is not an aerial device. An aerial device is defined as something that would go over 10 feet in the air. Chief of Police Syling said there were four calls made before 9:00 p.m. and 74 calls after 9:00 p.m.

Commissioner Sikes said an educational piece needs to be available, should we chose to change anything someday. Maybe something in the water bills, facebook, something that is seen repeatedly. She said if there is confusion on the 10 feet aerial fireworks, then we haven't done our jobs of making people aware.

Commissioner Payne said no matter what time they decide, it is not going to solve the dog issue. Commissioner Sikes said if you know when the fireworks are going to happen, then you'll know what to do with your own pet, or how much medication to get for your pet.

Acting City Manager Paluch asked for a consensus from the Commission, if they would like for this issue to come back to one of their meetings.

Commissioner Payne asked how this would affect the vendors.

Commissioner Sikes asked if the Commission could give the Acting City Manager the direction to bring this issue back at some point and we could discuss it in full.

No Action was taken.

9. Discussion and possible action on Alamogordo Welcome signs. (Maggie Paluch, Acting City Manager)

Acting City Manager Paluch said the City of Alamogordo did not purchase these signs. She said Mr. Espiritu has a really good idea to have the Big Give to come and temporarily fix them. I wanted to seek some guidance from the Commission.

Mr. Espiritu stated the Project Manager for the Big Give said this is not an issue and they are ready to go out there and repair them.

Mayor Pro-Tem Hernandez said it would be great to go in there and do some repairs to those signs.

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

Mayor Boss read the openings and reappointed William G. Dennis II to the Alamogordo Library Advisory Board and Bob Flotte to Alamogordo Promotion Board. No one was opposed.

EXECUTIVE SESSION (Roll Call vote Required)

11. Adjourn into Executive Session in compliance with Section 10-15-1(H), NMSA 1978 (as amended), to discuss Pending litigation, Wendy Irby v. Galea, et al. and Frank and Judy Medeiros.

Mayor Pro-Tem Hernandez moved to adjourn at 7:38 p.m.

Commissioner Turnbull seconded the motion.

Roll call vote was taken.

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

ADJOURNMENT



ATTEST


City Clerk Rachel Hughs


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on July 25, 2017.