CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
September 26, 2017

RICHARD BOSS, MAYOR	**AL HERNANDEZ, MAYOR PRO-TEM**
JASON BALDWIN, COMMISSIONER	**ERICA MARTIN, COMMISSIONER**
NADIA SIKES, COMMISSIONER	**MAGGIE PALUCH, CITY MANAGER**
JENNY TURNBULL, COMMISSIONER	**PETRIA SCHREIBER, CITY ATTORNEY**
SUSAN PAYNE, COMMISSIONER	**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 Reverend James Forney and the Pledge of Allegiance was led by Commissioner Martin.

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 7-0-0.

PRESENTATIONS

1. Canyon Light Counseling will give a presentation on the severe drug overdose problem there is in New Mexico. *(John Baldonado, Owner of Canyon Light)*

Mr. John Baldonado said he was contracted by the State of New Mexico to do a prescription drug overdose prevention service in the County. He showed a presentation. He discussed and showed statistics on drug overdose death rates for various types of drugs and overdose trends in New Mexico and Otero County. He said from 2011 to 2015 we've had 67 overdose deaths in Otero County and this does not include suicide. He said there is a new program called the PMP or Patient Monitoring Program. Under this program, a Doctor is required to pull your name up before issuing a prescription. This is to see what prescriptions have been issued to a person over a year's time. (See Blue Book for Presentation).

Commissioner Payne asked if PMP is a Federal or State program. Mr. Baldonado answered that is a State Law that came into effect in January of this year. When they see a Doctor over prescribing, they will send him a letter. A copy of this letter will go to the Medical Board.

Commissioner Sikes said for over a year, Mayor Boss and she have had the opportunity to attend monthly meetings with this group. She complimented Mr. Baldonado on receiving a particular grant for the group. She said the Mayor and I have learned a lot about the drugs situation here in Otero County. The most shocking thing for us initially was realizing it is not street drugs and the people that are overdosing are people you know. One of the things that have come out of this is a grant to provide first responders with a drug that will counteract the opioid overdose. She asked if Mr. Baldonado could address this.

Mr. Baldonado said the Otero County Sheriff's Officers and the Alamogordo Police Department will be trained to carry and administer naloxone. Naloxone is the medication that is administered nasally to reverse an overdose of opioids. The naloxone is supplied by the Santa Fe Prevention Alliance. It is free and is through the SRT grant. We were able to get a little more supply for the County, because typically in rural areas the Law Enforcement Officer is the first responder. In the coming year's grant, we are working on education and medicated assisted treatment. This is where people can go for medication to help taper them off of their addictive substance. He announced that this Saturday at the old Sands Theater from 9:00 am to 1:00 pm they are holding their 2nd Annual Celebration of people being clean and sober.

Mayor Boss thanked Mr. Baldonado for his service to this community.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She said staff has been working with Downtown Venture Group on negotiating a contract. Staff believes that we are close to a lease that is fair and reasonable for both parties. Additionally the City has completed and submitted the summary application for OCEDC for their blessing of the 1.5 million dollars to be used out of local LEDA funds. The participation agreement, the lease, the loan agreement are almost complete from the city staff. We have also hired outside counsel to review the proposed loan agreement for the $500,000 from interest from the LEDA funds. Additionally staff has reached out to several Attorneys to get a separate opinion on the validity of using the LEDA funds on this project. We are looking at holding a Special meeting with the Commission to devote an entire evening to these documents and Ordinance changes that would be required. We hope to have this before you in the next two to three weeks
2. She addressed the projects the City has funded in the past five years. She said each year the City conducts an audit on the company receiving the funds to determine if they are in compliance with their participation agreement. The first one was in 2015, with Emergen Technologies, approved for $250,000 from local LEDA funds for building improvements in exchange for creating 24 jobs. In 2016, Neptune Aviation was approved for $214,850 for incentives towards a security agreement for collateral, and exchange Neptune would create 5 jobs. This money did not go directly to Neptune. This is the same thing with Pre-Check. In 2016, Pre-Check was approved for $75,000 of local LEDA funding. The funding went to a surety bond and Pre-Check was required to create 15 jobs in two years. Currently, the local LEDA fund has approximately 7 million dollars available for local economic development projects. The fund generates approximately $800,000 a year.
3. She said Facility Maintenance is installing sidewalk lights on Cuba and 15th Street and removing the school zone. On 9th Street there will be a crosswalk system and installed between the Library and City Hall. We have had a request from a Commissioner to research the possibility of a raised crosswalk on Washington in between 14th Street and Roosevelt. We have been looking into a cost analysis for this topic and it will go before the Commission on the meeting of October 11th.
4. She said the new Community Services brochure is out. This brochure is available at City Hall, the Civic Center, the library and the Recreation Center.
5. She introduced Assistant City Attorney Molly Kicklighter. Molly hails from the Public Defender's Office and we are excited to have her.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

2. Approve the minutes for the September 12, 2017 Regular meeting. ***(Rachel Hughs, City Clerk)***

3. Approve the statements related to the Executive Session held on September 12, 2017. ***(Rachel Hughs, City Clerk)***

4. Approve Resolution No. 2017-26 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 September 26, 2017. *(Kathy Gilsdorf, Budget Analyst)* (Roll Call Vote required)

5. Approve the agreement with Otero County for Alamogordo Public Library Services to County residents. *(Sharon Rowe, Library Manager)*

6. Approve the agreements with Otero County for Alamo Senior Center services to County residents. *(Veronica Ortega, Community Services Director)*

Mayor Pro-Tem Hernandez moved to approve items 2, 3, 4, 5, 6 of the consent calendar.
Commissioner Baldwin seconded the motion.
Roll Call Vote was taken for item # 4.
Motion carried with a vote of 7-0-0.

NEW BUSINESS

7. Consider, and act upon, Ordinance 1545 for first publication to authorize the issuance and sale of the City of Alamogordo, NM, General Obligation refunding bonds, Series 2017, in the aggregate principal amount of $5,175,000 for the purpose of defraying the cost of refunding, paying, discharging and liquidating the City of Alamogordo, NM General Obligation Bonds, Series 2009, etc. *(Chris Muirhead, Modrall Sperling Attorney)* (Roll Call Vote Required)

Mr. Muirhead said he is the Bond Counsel for the City. He introduced Regina Gaysina as the Financial Advisor to the City, from RBC Capital Markets.

Ms. Gaysina presented the analysis of the refunding of Series 2009 General Obligation Bonds, and also the options the City has on how to sell those bonds. She also showed the pros and cons for each of the options. She said this is to help the Commission to make a decision as to how to proceed with the refunding. (See Blue Book for Power Point).

Mr. Muirhead said the Ordinance is going to defease the 2009 Bonds issued. Just to remind you, a revenue bond is going to be a gross receipts tax or some other enterprise fund that is going to pay for the debt. This is a GO or General Obligation which is paid for with ad valorem taxes. In 2009, these bonds were issued primarily for enlarging and improving the waste water system. A much smaller amount of $920,000 was for road improvements. In that Ordinance it permits a defeasance of these bonds with a first call date being August 1, 2019. This Ordinance is drafted to accommodate any particular direction you are going to go based on what Ms. Gaysina just presented. It can be revised for the 24th so that you can do a private bank placement with NMFA or a public sale. We will have all that lined up by the 24th. The blanks that are in this document will be filled in with the pricing information or direction about what the pricing looks like at that time. It is a continuation of the ad valorem property tax pledge; it does not extend beyond the maturity of the 2009 bonds. All you are doing is substituting lower interest rates for the higher interest rates for the next ten years on this debt. The main step will be the next meeting here on October 24, 2017 to adopt the Ordinance.

Mayor Boss asked if the overall savings is about $350,000. Mr. Muirhead said yes, it looks like a present value savings of $350,000, so you are backing it out to give you the current value of those dollars.

Mayor Pro-Tem Hernandez moved to approve.
Commissioner Sikes seconded the motion.
Roll call vote was taken.
Motion carried with a vote of 7-0-0.

8. Consider, and act upon, the award of Public Works Bid No. 2017-012 to White Sands Construction, related to the Family Recreation Center Locker Room Renovations project, in an amount not to exceed $358,452.00, including NMGRT. *(Nancy Beshaler, Project Manager)*

Project Manager Beshaler said this project is to upgrade all the interior finishes and fixtures which will make it more ADA Compliant. The concrete benches will be removed, and they will be removing the existing lockers, but will reuse them to save money. They will replace the plumbing fixtures, remove all electrical fixtures, upgrade to LED lighting and upgrade the cooling system. The floors will be finished with a sealant that will help in maintenance. The bids were open on August 17, 2017 with three responsive bidders. White Sands Construction was the lowest bidder.

Mayor Boss said we missed that one on the estimate. He asked if this money is part of the natatorium funds. Project Manager Beshaler said we have $240,000 from a State grant and the remainder of the budget is coming from the natatorium funding. Mayor Boss asked how we missed on the estimate. Project Manager Beshaler said the architect's estimate was off on the electrical and the base bid. We had some major items out of balance.

Commissioner Baldwin asked Project Manager Beshaler if she said there was a State grant and for how much it was for. She answered the State grant was for $240,000. He confirmed that the remainder of the money was coming out of the natatorium funding.

Mayor Pro-Tem Hernandez asked if we are going with LED for the replacement of the light fixtures. Project Manager Beshaler said we are. Mayor Pro-Tem Hernandez asked if the roof top system was a packaged system or a split system. Project Manager Beshaler said I believe it is a split top system. Mayor Pro-Tem Hernandez said he has never heard of a split top system.

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, award of Public Works Bid No. 2017-009 to Smithco Construction, Inc., related to the Bonito Lake Restoration project, in an amount not to exceed $8,648,362.50, including NMGRT. *(Bob Johnson, Engineering Manager)*

Engineering Manager Johnson said this project will consist of the dewatering and removal of approximately 247,000 cubic yards of sediment and debris, temporary flow diversion facilities, and hauling to an offsite disposal. The project was advertised on July 6th and July 9th. The bids were open on September 7th, with four responsive bids received. It is the City's intent, at this time, to award only the base bid.

Mayor Boss asked Engineering Manager Johnson to award only the base bid. He answered yes, the base bid items consist of the flow diversion pipeline, the temporary cofferdam, mobilization, the excavation and debris removal of 247,000 cubic yards, some disposal site reseeding, a force account work allowance and an inspection testing allowance. The items within the additive alternates are not part of this award at this time.

Mayor Pro-Tem Hernandez asked what this would get us as far as the lake restoration. Engineering Manager Johnson answered approximately one half of the debris removal based on the last geotechnical study. Mayor Pro-Tem Hernandez asked what we anticipate the follow up to get the rest of it done. Engineering Manager Johnson said that is a bit of an unknown because we have FEMA and the Department of Homeland Security involved in those funding apparatus. With both of those organizations, especially with FEMA tied up with the Hurricanes in Texas and in Florida and the recent resignation of the head of that Department things are a bit in flux. Discussions are on-going, we have received only verbal commitments, but to what extent we don't know just yet. As those verbal commitments come to us in writing and we can fine tune things. The City is ready to move forward with increasing the level of debris removal and haul off, as well as, hopefully finding enough City funds to do some of the permanent improvements to the intake tower, the pedestrian's catwalk, the drain system improvements and the Dam face repairs. It's a little early at this stage to know if we are going to have the funding from the Department of Homeland Security and FEMA.

Mayor Boss said I'm confused, so this is only going to take out half of the debris. Engineering Manager Johnson said correct. Mayor Boss said we are just going to let it sit there, bypass the stream around the lake and hope for future funds. Or, are we going to utilize the reservoir, and then if we get the funds we drain the lake again. Engineering Manager Johnson said no, it is not intended to drain the lake. This is a one time shot. We have a time crunch, relative to the spotted owl nesting habitat. The first order of business is to get the temporary flow diversion pipeline and temporary cofferdam in place. The area of that construction is so close to the spotted owl nesting habitat that we have to get that done by the end of February. Beginning in March, the nesting habitat season begins and we will not be able to work there. That is going to be four to six months. Hopefully, during that time frame we can pursue the discussions with the Department of Homeland Security and FEMA in attempt to develop new funding sources. At this point, it is too early.

Mayor Boss asked if we do get that funding source are we going to get matching funds. Engineering Manager Johnson said we anticipate those matching funds to become available. He said it is 12.5 percent match. At a minimum, staff feels that we should receive another three million from FEMA.

Mayor Pro-Tem Hernandez asked how far this gets us to opening the campgrounds. Engineering Manager Johnson said this is a two year project. It is a 24 month project regardless of whether we award the base bid or we are able to award additional quantities, it is still a 24 month project. Mayor Pro-Tem Hernandez asked what about using the water. Mayor Boss added utilizing the water, when can we put it into the pipeline. Engineering Manager Johnson said in about 24 months.

Commissioner Sikes asked Engineering Manager Johnson where all the debris and sediment is going. He said there were two sites that were recently approved. The site that is planned for use is approximately five miles from the lake. It is currently an active quarry and will become inactive at the end of this calendar year. The owner of that quarry has worked with the engineering team and City staff to make sure that it has complied with all of the regulatory requirements. That quarry is estimated that we could put as much as 400,000 cubic yards of debris in it.

Mayor Pro-Tem Hernandez asked if we are going to own that debris. Engineering Manager Johnson said it is going to be deposited into the quarry and that will be the end of it. The City will not have ownership of it.

Mayor Boss asked if this is half of what we are estimating the project will cost. Engineering Manager Johnson said the quantity and the base bid is what FEMA had approved back in 2012. Mayor Boss asked if that was a result of core samples or something like that. Engineering Manager said that is correct. It is based on a geotechnical analysis. There was a geotechnical analysis done in 2014, at FEMA's or Homeland Security's request, by a company called EnTerra. Their estimates concluded 247,000 cubic yards of event related debris. Staff was never quite comfortable with that. When the funding was received in 2014 to begin the entire design of this process, staff felt that another look needed to be done. We had another geotechnical analysis done by Bohannon Huston. That analysis revealed a quantity of nearly 600,000 cubic yards of debris. Since that time, City staff and engineering staff has been constantly talking with FEMA and Department of Homeland Security about getting that quantity increased. Only recently have they indicated any budging on that number. Mayor Boss said the worst case scenario is that we spend this money to be able to fill the lake up with water and start pumping water. Engineering Manager Johnson said correct and open up the campground and make it available for Fish and Wildlife to restock the lake. Mayor Boss said we will just not have as big of a reservoir.

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

10. Consider, and act upon, a request from the Flickenger Center for installation of an additional Handicap Reserved Parking spot and sign in front of their property at 1110 New York Ave. *(Darron Williams, City Planner)*

City Planner Williams said this case is not one that we see very often and the Ordinance that covers it is not often used for this purpose. The Flickinger Center has asked to build a second handicapped parking space. He showed slides from a presentation on where their existing disabled parking area is and where the proposed space would go. He said the Ordinance that applies to this is not as clearly written as far as how to go about this, so our office took the measure to send out notices. We only received one response back as undeliverable; otherwise there were no objections from the surrounding area. He presented this to the Planning and Zoning Committee so they we aware of the case. They had no objections, and our recommendation is to approve. (See Blue Book for Power Point)

Mayor Pro-Tem Hernandez asked if it meets the requirements of ADA. City Planner Williams answered it has to in order to be applied.

Commissioner Sikes asked who was going to do it. City Planner Williams said the way the Ordinance is written it is unclear, but it gives the indication that the City will attain the sign and apply the paint. Commissioner Sikes said I am glad we are going through this process and we are all learning how to handle a handicap sign now. City Planner Williams said it is a little cumbersome in the process, and it is one of the things my office has taken on board is to help redefine this so that it is a little more logical and practicable.

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

11. Consider, and act upon, sale of city property located in Lot 17, Block 84, Town of Alamogordo, to Mr. William C. Arnold for $1,500. *(Petria Schreiber, City Attorney)*

City Attorney Schreiber said this is a proposal for the sale of land located on 10th Street and Florida Avenue. The square feet of this property is 1,581 square feet and the appraisal came in at exactly $1,500. We are here to approve the sale.

Mayor Pro-Tem Hernandez asked City Attorney Schreiber if the Commission is rezoning this property to C-3 Business tonight. She answered that we will be doing that later. Mayor Pro-Tem Hernandez said he would like to have this language stricken from the agenda report. He said other than that, I do not have a problem with it, other than we are selling it for less than $1.00 a square foot. I know that it is an unusable piece of property, but it could potentially cause a problem in that area for selling it for less than $1.00 a square foot. Mayor Boss said we did have a certified appraiser. Mayor Pro-Tem Hernandez said I understand, but the appraisal shows that property in that area is going for $1.44 a square foot and I understand for this property it is unusable. Commissioner Baldwin asked is it unusable for the way it is zoned. Mayor Pro-Tem Hernandez said because of the size of it. I am just afraid that the next person trying to sell a piece of property and they use this as a comparable.

City Attorney Schreiber said I believe the intention of buying this piece of property is to combine it with the one next to it and create a business there. There will be value added to that area.

Commissioner Baldwin moved to approve and have the request "Rezoned at C-3 Business" stricken from the Agenda Report.
Mayor Pro-Tem Hernandez seconded the motion.
Motion carried with a vote of 7-0-0.

12. Consider, and act upon, the lease agreement in between the Otero Hunger Coalition and the Housing Authority of the City of Alamogordo in reference to the building at 1614 Abuelito Drive. ***(Evelyn Huff, Housing Authority Manager)***

Commissioner Payne recused herself from voting.

Housing Authority Manager Huff said about a year ago, the Commission voted to lease the building at 1614 Abuelito Drive, which is the Plaza Hacienda learning center to the Otero Hunger Coalition. That lease does say they have the right to renew it for up to 19 periods. The Otero Hunger Coalition has requested to renew this lease. She introduced Amy Josefosky and Janett Quick from the Otero Hunger Coalition.

Ms. Josefosky reviewed the Otero Hunger Coalition's accomplishments for the past year and briefly discussed future plans.

Ms. Quick said they served 14,550 meals this past year. She said they count by the plates served. They have also delivered meals throughout the year.

Commissioner Sikes asked Ms. Quick to tell the Commission how often she ends up at the railroad tracks giving out lunches. She said on Monday, Wednesday and Friday. Commissioner Sikes asked how many meals are given out each time. Ms. Quick said it is heartwarming. Commissioner Sikes said Janett Quick is really dedicated to this and it is because Ms. Quick that the Hunger Coalition manages to do a lot of the food recovery that they do and meals. I have had the opportunity to volunteer at these meals. It was only after we talked about renting the space that they started counting the meals. It's appreciative that you were required by the lease to do 1000 a month. Ms. Quick said actually I started counting the meals when I took over as Food Administrator. Our numbers have drastically increased because of awareness. Commissioner Sikes asked where they do all the meals. Ms. Quick said Monday night is at New Beginnings, Wednesday is Our Savior Lutheran Church and Friday is at the Salvation Army. We serve all of our meals from 5:00 pm to 6:00 pm. If someone comes in late, staff knows that they are not allowed to refuse them service. Commissioner Sikes asked who does all the cooking. Ms. Quick said it is done by her daughter and volunteers. We are always looking for volunteers to come help cook.

Commissioner Payne asked how many people that come to your meals have you identified as homeless or in need. Ms. Quick said it depends on the night and the situation, but we have identified 10 homeless and 15 in need. The rest of the people come for the fellowship. We ask no questions, it is for anyone that would like to come.

Commissioner Payne said in the last year there were supposed to be some opportunities to help the homeless, and I know that this has not been done. I am a little curious; I know you have applied for the Emergency Food and Shelter Grant, but only in the past few weeks. Ms. Quick said a lot of our Board members were not told what our Board Chair was going to ask for and say. I was very upset about those vouchers because I called our Board Chair, and I had people that were homeless and they needed a place to stay. Our Board Chair at that time said they she could put people up in housing, but when I called her, she did not recall saying that. Some of our Board members have actually paid for places where we've used funds from the Coalition to do that. Commissioner Payne asked if they knew how many that has been. Ms. Josepheski said roughly between four to six hotel rooms that I can count right off hand, in the past year.

Commissioner Sikes moved to approve.
Commissioner Baldwin seconded the motion.

Commissioner Payne asked how many emergency service calls have been taken at night or on a weekend. Ms. Josefosky said there have been no phone calls made at night or on the weekend. Mayor Pro-Tem Hernandez recommended keeping accurate records and maybe spot checking these records through staff to make sure that you are meeting the requirements.

Mayor Boss asked if we had any use for that building other than this. City Manager Paluch said right now we do not have a use for that building. I would like to point out that Housing Authority does not have a budget to fix some of the issues in the building. We cannot use our current CFP, our Capital funding from the Federal Government, to fix any of the issues in that building, because those issues were not identified in the Capital Plan. To redo the Capital Plan it would take some time, but this does need to be considered. Housing Authority Manager Huff does have a plan going forward to work with the Hunger Coalition and set priorities on what can be fixed and what maybe could be held off on.

Housing Authority Manager Huff said we do have a plan if the Hunger Coalition lease is approved here. We are going to meet within the next few weeks to discuss the items going forward that they would like to see done with the building. We will take another two weeks to get prices or quotes and see what we can afford within our current operating budget. We also discussed, with the City Manager and the City Attorney, doing a monthly reporting versus once a year reporting. We discussed meeting with them more often to get more accurate numbers quicker.

Commissioner Payne asked who is paying for the utilities. Housing Authority Manager Huff said the Hunger Coalition has the electricity and the water. We have discussed about switching over the gas.

Motion carried with a vote of 6-0-1.
Commissioner Payne recused herself.

13. Consider, and act upon, Resolution 2017-30 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority for MRA Plan. *(Darron Williams, City Planner)* (Roll Call Vote Required)

City Planner Williams said this is the Resolution and application to simply finish the process to get the reimbursable grant to do the MRA Plan.

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.

14. Appointments to Boards and Committees. *(Richard Boss, Mayor)*
Mayor Boss read the openings and appointed Kenneth B. Nicholson and Rosanna Heath to the Mayor's Committee on Aging. No one was opposed.

Mayor Pro-Tem Hernandez moved to adjourn at 7:55 p.m.
Commissioner Turnbull seconded the motion.
Motion carried with a vote of 7-0-0.

ADJOURNMENT

Mayor Richard Boss

ATTEST:

City Clerk Rachel Hughs

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on October 10, 2017.