

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
September 12, 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. Clerk Hughs announced there was a quorum present. Invocation was given by Reverend Dwight Harp and the Pledge of Allegiance was led by Commissioner Payne.

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. Presentation by US Army Corps of Engineers related to funding and design options for the McKinley Channel Flood Control Project. (*James L. Booth, Lieutenant Colonel*)

Lieutenant Colonel James L. Booth, District Commander for the Albuquerque District for the Army Corps of Engineers presented the local flood control project that they have been working with the City of Alamogordo. He showed a map of the district. He discussed the different missions the Corps handles. (See Blue Book for Power Point)

Lieutenant Colonel Booth discussed the history of the flood control project. He said they signed a Cooperation Agreement with the City in 1998 and at that time, the original authorized cost from Congress was around \$55 million dollars. He discussed the different phases of the projects and their costs. He said they went into design on phase 8 earlier this fiscal year. They completed their 95% design in June of this year. That gave them the ability to do a rough cost estimate on that phase. That cost estimate for construction came to almost \$28 million dollars. This was significantly higher than what they have current federal and City funds to complete the project. Basically that is about \$10 million more than we they had. The rules at this point do not allow us to go back and ask for more funds. He showed phase 8 on the map. He talked about the sediment control basin.

He said the benefit to cost ratio was 2 to 1 in 1998. The benefits outweighed the construction costs. The benefit to cost ratio right now is about .7 to 1, and that is where it gets to the point where it is no longer competitive in competing to other projects nationally.

He said they were able to complete the south channel using a trapezoidal channel. A trapezoidal channel takes up more terrain, but it is easier to construct. When we have constrictions with the right of way, which we initially thought was available back in 1998, gets impacted by other construction, we have to move to a rectangular channel. It saves on space, but certainly increases the construction costs by double. This requires safety fencing, because of the drop, where the rectangular channel does not. Also, the vehicle access points are a lot more expensive to construct. Splitter Channels are installed to allow the water to make those curves without splashing out of the channel. He showed the difference in construction of the rectangular and trapezoidal channels.

We are recommending to the City, to continue to partner on this project. If we take some more time to go back into design between now and January, it will probably cost, for labor efforts for the district, somewhere around \$200,000 to \$300,000. We'll go back in, and work with the City, to find if we can de-conflict some of these encroachment areas and try to redesign the channel into a trapezoidal channel as much as possible. We can stretch the amount of funds that we have to get more concrete line channel. I do not think that we are going to be able to come up with enough savings to get the entire project completed with the funds that we have available. We see significant savings in what we are looking at. I recommend that we come back in January and brief the City to show you where we are at and what the delta may be at that point in time. Some of the other courses of action that we looked at: Request funds in FY 18, just build the sediment basin to channel with the current funds that we have available, build as much channel as we can from First Street up, for the City to provide the additional funds, the recommended course of action is to redesign and see how much more we can stretch the money that we currently have, and lastly is to reduce the design and the level of protection in the McKinley channel down below the 100 year flood event. He said the best course of action is to get the sediment basin in and then get as much of the channel as we possibly can, but did not think this is a valid course of action.

He said he is the one that wanted to come down and brief the City and the Commission. Our employees are tied to this project. The district is fully committed to getting as much out of the funds that we have available and continuing our partnership that we have with Alamogordo.

Mayor Boss asked if there is some chance if we used the trapezoidal design, that we could get the entire channel lined. Lieutenant Colonel Booth said I think it is highly unlikely. It is not impossible, but I don't think the savings are going to be there. Mayor Boss asked if we were able to do the whole thing, what percentage would that be. Lieutenant Colonel Booth said the goal with the current re-design is to keep it at 100 year protection. We wouldn't do any design work that would take it below that level of protection. One thing I didn't mention is when we did some value engineering, we increased the size of the sediment basin, and we felt it would allow functioning a little more efficiently and being easier to clean it out on a regular basis. Because of that size it increased the cost; they will recommend sizing it down to just what it needs to handle the 100 year event. The downside to that is the City may need to go in and clean it out after an event as opposed to waiting and doing it once a year.

Mayor Boss said that we are going to pursue our legislative leaders and hopefully we can get some funds out of that. This project needs to be completed. It was a big project and the City needs it.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

Acting City Manager Maggie Paluch made the following remarks:

1. She said staff is working on the loan agreement, the lease agreement and the LEDA agreement for the Commission to review for Basin Lanes. Staff also met with Downtown Venture Corp and discussed their different ideas. The LEDA application has been submitted to OCEDC. The Commission should see something on this on the last meeting of September or the first meeting in October.
2. She said the two new fire trucks have been ordered and should arrive in May or June 2018. There will be a christening ceremony for both of the vehicles before they are put into rotation. The trucks will be at Stations 5 and 6. There will be a new fire truck at each of the stations that take all of the calls.
3. She reminded everyone that this week of the traffic control on Florida Avenue for the realignment. Traffic will move over to the newly paved eastbound lanes on First Street. South Florida Avenue will be open to First Street with a left turn restriction. North Florida Avenue will be closed and detoured at Second Street, except for access to local residence and Daylight Donuts. Access to First Street, Carpet and Tile, will be from Alaska Avenue. Access to Bob's Precision Front End Shop will be from Texas Avenue.
4. She said last week the City had their First Annual Employee Appreciation Week. There was an event held each day. The events were extremely successful. We had over 120 people at the Recreation Center for a Thursday evening event and over 400 people attended the night event at the

zoo on Friday. She thanked local businesses for donating give-a-ways and thanked all the Directors for everything they did for the events. She said the next employee event will be in December at the Flickinger and Patron's Hall.

5. She introduced Michelle Brideaux as the City's new Communications and Marketing Administrator. She will be working with Mike Espiritu and OCEDC. She introduced Brian Cesar as the City's new Assistant City Manager. She said until we are able to find a new Public Works Director, Mr. Cesar will continue administering the Public Works Department.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

2. Approve the minutes for the August 21, 2017 Special meeting and the August 22, 2017 Regular meeting. *(Rachel Hughs, City Clerk)*

3. Consider, and act upon, approval of an MOU to the FY2017-FY2020 contract with American Federation of State, County, and Municipal Employees (AFSCME) Local 3818. *(Katie Josselyn, Human Resources Director)*

4. Consider, and act upon, approval of an MOU to the FY2017-FY2020 contract with the Alamogordo Public Safety Officers Association (APSOA). *(Katie Josselyn, Human Resources Director)*

5. Consider, and act upon, approval of a letter of support to urge the Army Corps of Engineers to continue to fund the McKinley Channel Flood Control Project. *(Maggie Paluch, City Manager)*

Mayor Pro-Tem Hernandez moved to approve items 2, 3, 4, 5 of the consent calendar.

Commissioner Martin seconded the motion.

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

PUBLIC HEARINGS

6. Consider, and act upon, Application No. 1052714 to grant a Restaurant Beer and Wine Liquor License on the Premises Consumption only to Rachel's located at 902 N. New York Ave., White Sands Blvd., Alamogordo, NM. *(Rachel Hughs, City Clerk)*

Mayor Pro-Tem Hernandez asked about the site use only clause. He asked if they do a catering job, that license cannot be taken with them. City Attorney Schreiber said correct.

Mayor Pro-Tem Hernandez moved to approve.

Commissioner Sikes seconded the motion.

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

UNFINISHED BUSINESS

7. Consider and act upon supporting the New Mexico Aviation Aerospace STEM Expo 2017. *(Bill Shuert, President of NMAAA)*

NMAAA President Shuert showed a presentation. He said the STEM Expo is on October 5, 2017. They currently have about 2,300 students signed up for this Expo. He said the Alamogordo Public Schools is starting an Aviation Program. They already have aircraft donated for the students. New Mexico State University at Alamogordo is looking to do the secondary part of this program. We are here to ask the

Commission for some money. The State does not have any money for transportation for these kids to come to an event. We are at \$22,000 of our \$35,000 goal. We did ask the Public Schools to contribute and they are contributing by funding some of their own buses. We are also on Otero County's agenda on September 21, 2017, to ask them for some dollars. We don't want to cut off 300 students like we did last year, because we could not come up with funding for transportation. (See Blue Book for Power Point).

Mayor Boss asked if they were still trying to plan an event the day after the Expo. NMAAA President Shuert answered we were not successful at doing that.

Mayor Boss asked where they were going to go next year. NMAAA President Shuert said I don't know. He said Roswell guaranteed them money right up front. From NMAAA's point of view is to have right here again to try build that momentum for workforce.

Mayor Boss said to the Commissioners that he talked to Community Services Director Veronica Ortega and Community Services Executive Assistant Jan Wafful and asked how much we could put into this and not jeopardize any of the other things in the community. The best that we could do is \$6000 out of fund 20 and \$2500 out of fund 15. NMAAA President Shuert said we've got to take what we can get now, we are so close to the event. Mayor Boss said you have got to understand that we are limited too. NMAAA President Shuert said we did come to the Commission early on in the year, so this could get programmed at the level because we knew how big this event is going to be. Mayor Boss said I am really hopeful the County will recognize that Alamogordo is located in Otero County and that a lot of those kids go to these schools, when they consider your request.

Mayor Pro-Tem Hernandez said it will be local. He thought this was great and believed it was worth the investment. This gets these kids into a trade where college isn't necessary. He supports the \$10,000 they are asking for.

Commissioner Sikes asked Mr. Shuert how many kids came last year. He said 2,410 came last year and we are on track for more this year. Commissioner Sikes said there is a lot of enthusiasm for the maintenance repair programs that we are trying to implement. She said like Mayor Pro-Tem Hernandez she appreciates what they are trying to do and with this program it can only help us. She said you came here to the Commission early on and this was a program that was successful last year and this year could be more successful and I feel remiss that we did not include it in our budget. It seems like we could come up with the additional funding and support this program and make it a bigger deal.

Mr. Shuert said we are in talks with Aerospace States Association. They want to bring their people here to look at our event to go nationwide.

City Manager Paluch said any funds given would be reimbursable. We would need actual invoices from the transportation companies, the advertising companies or where the money was spent.

Commissioner Payne agreed with Commissioner Sikes and Mayor Pro-Tem Hernandez, she said she knows they can come up with the additional \$1,500. She said is concerned that the schools are not coming up with more. Mr. Shuert said he has talked to the PED every year, and every year it is the same conversation. You set aside funding so kids can pay for these field trips and the answer is we can't make it happen. Commissioner Payne said that is real troublesome to me, because that is who we are talking about, these kids. She agrees with Mayor Pro-Tem Hernandez's point of an incredible opportunity for our kids that do not necessarily want to go to College, but to have a good trade that they could make a career out of. She supports it and believes that the City could come up with \$1,500.

Mayor Boss said I agree with everything everyone said but you have to remember they have other activities that go on in our Community all year long. Those items were budgeted. It could jeopardize other activities that we have for the children. Commissioner Payne said they did come to them before our new budget. From my perspective we can do \$1,500.

Mayor Boss asked if this would be fund 20. City Manager Paluch said it would be fund 20 and suggested to do a not to exceed \$10,000, because of the way the invoices came in last year.

Mayor Pro-Tem Hernandez said he supports College 100 percent, but I tell everyone going to College to learn a trade. If College does not work out you will have that trade. I really support this. I think it's good for our kids. It is a second option to College.

Mayor Pro-Tem Hernandez moved to approve not to exceed \$10,000 in receipt donations to the NMAAA. Mayor Boss said we need to split it down fund 20 and fund 16. What we are going to be approving is \$8,500. The \$2,500 is already approved.

City Manager Paluch said \$2,500 has already been approved by the Promotions Board and that did not have to come before the Commission. She asked Mayor Pro-Tem Hernandez if his motion was \$10,000 additional to the \$2,500 or \$8,500 total. He answered \$8,500. Commissioner Payne corrected \$7,500; City Manager Paluch said yes \$7,500. Mayor Boss said they were going to approve the \$7,500 from Fund 20 and \$2,500 from Fund 16 has already been approved, so the motion is for Fund 20.

Mayor Pro-Tem Hernandez moved to approve not to exceed \$7,500 in receipt donations to NMAAA.

Commissioner Sikes seconded the motion.

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

8. Consider, and act upon, the Kids Kingdom Rebuild Proposals, (*Veronica Ortega, Community Services*)

Community Services Director Ortega said staff is still recommending option 2a which supports leaving the funding for the Kids kingdom Rebuild at \$519,200. This option will also include the ARFC locker room project and will leave a balance of \$17,223. The projects that would be eliminated the security cameras, the zoo parking lot, and the new bark park. She said to take into consideration that each project has contingencies built in, so any remaining funds would go back into funding the next project that was reduced or eliminated. The first project that was eliminated was the security cameras and we have \$17,223 to go towards that. The difference could be made up, once we have finished a project and there has been a contingency left on those projects.

City Manager Paluch said she would urge the Commission to select an option this evening. Staff would like to get moving with these projects and we would like to present an option to the New Mexico Finance Authority's Board at the end of this month.

Commissioner Sikes said she did a little research on some playground equipment. She asked if the \$225,000 for playground equipment comes with a plan from a playground company. Community Services Director said yes it would be the design. I liked Commissioner Baldwin's idea that we use the entire insurance money on playground equipment, but that could be one of the biggest attractions in the State. I would support option 2a.

Mayor Pro-Tem Hernandez said I understand Commissioner Baldwin's theory on spending the entire amount of the insurance on equipment, but that playground was not all equipment. There were also shade structures, fencing and other stuff. I also support option 2a.

Paul Sanchez commented on the following:

Mr. Sanchez said he was there representing the Parks and Recreation Board. He said they meet last week to discuss some concerns with the list of items, which were addressed by City staff. He wanted to, on behalf of the Parks and Recreation Board, propose a small change in one of the options, and city staff said they would take this to the City Manager and have it briefed. If approved this would have been a part of the City packet this evening. Unfortunately that was denied. He wanted to pass out a handout, to the Commission, of this option as a possible fourth option. Mayor Boss asked the

Commission if they wanted to allow this handout.

City Manager Paluch said when staff receives a recommendation from an Advisory Board, it's vetted, it's researched, it's discussed within the staff itself and then if staff feels like it should be a recommendation then it is presented to you. After extensive discussions about options that came before the Parks and Recreation Board last week, we decided that option was something that staff could not recommend to the Commission. That is why you do not see it this evening.

Commissioner Baldwin asked if this was not on our Manager's report. City Manager Paluch said yes it was. I did update the entire Commission on Friday about what the alternate option from the Parks and Recreation Board was and also the research that was provided based on recommendations from other Directors. The Commission is aware what happened at the Parks and Recreation meeting.

Frank Mederios commented on the following:

He gave his time to speak to Paul Sanchez. Mr. Sanchez said the Parks and Recreation Board were not aware of the Commission Briefing on Option 2d. He said the option the Parks and Recreation Board came up with showed a path to do everything the Commission wants. By adjusting \$47,000 only, everything our Commission is looking at and wants could happen with this proposal. He said the \$28,000 security camera system the City is proposing is a single camera per package. This package is so incredibly expensive and could be done cheaper by multiple companies right here in town. He said the City staff did not brief you on this. As long as we, the Parks and Recreation Board, are being told that we are irrelevant to this conversation, it is very disturbing that we can't give a common sense idea. Last week, you let the gentleman from Lindmark pass out his sheet of all the different items that he felt pertained to the bulletin boards, but your own Parks and Recreation Board can't give you theirs and give you that information. This is a very disturbing trend that the City and staff has showed towards the Parks and Recreation Board and I have no idea how to respond to that. It's amazing to me that when somebody comes up with a simple common sense solution to offer as an Option for you guys to consider. You don't want to consider it. That is all we wanted to do. If you wanted to pick option 2a, then pick 2a. We've come up with an option that would have resolved most of this, we wanted you to consider it, not take it, consider it, but we have been refused. It is very disturbing that your own Board gets completely refused.

City Manager Paluch said Community Services Director Ortega said this earlier, but the way this process is going to work is that the playground will be built based on the estimates that are provided here before you. The rest of the projects will go in order of importance that City staff has determined. There are contingencies built in to each project. We may be able to do the other projects that are at the bottom of the list. We are starting with the playground equipment and working our way down. Some of the projects that are crossed may actually happen.

Mayor Pro-Tem Hernandez moved that we chose Option 2A as the staff has recommended.

City Attorney Schreiber said the motion needs to be to amend. If you recall we have to go back and amend the original vote taken on June 27, 2017.

Mayor Pro-Tem Hernandez moved to amend the original vote and choose option 2A.

Mayor Pro-Tem Hernandez moved amend the original vote and choose option 2A.

Commissioner Turnbull seconded the motion.

Motion carried with a vote of 7-0-0

9. Consider and act upon Ordinance No. 1544 amending sections 28-03-005, 28-03-100, and 28-03-085 of the Alamogordo Code of Ordinances regarding water and sewer service. (Petria Schreiber, City Attorney)

City Attorney Schreiber said the last paragraph of 28-03-085 ancillary charges for non-routine services

was inadvertently left off. If we decide to pass this it will be amended to include the same paragraph that is in the ordinance.

Customer Service Manager Threadgill said they had a meeting on July 20, 2017 between City staff and concerned citizens. The purpose of the meeting was to discuss the assessment of base rates on owners of vacant properties. A number of topics were discussed at this meeting including; waiving the owner transfer fee of \$25, eliminate or extend exemptions from base rates for vacant subdivision lots, eliminate base rates on raw land (not in subdivisions), eliminate base rates all together, create new base rate of \$10 for owners of vacant property, repeal the current ordinance in its entirety and raise rates across the board, delay owner transfer 30, 60 or 90 days. After the meeting staff took all these 7 items, went back reviewed and discussed them. Of those, three are reflected in the Ordinance that you have before you. The first is to waive the owner transfer fee of \$25, if the verification of ownership is in place. The other item included is to eliminate or extend the exemption for base rates on vacant lots in new subdivisions. Staff recommends extending the exemption period from three to five years with the original developer to have the opportunity to come before the Commission and ask for further extensions in three year increments. The last item that we recommend is to eliminate base rates on raw land, not in subdivisions. It was brought up by one of the attendees, there are properties within the community that have water and sewer service that are in a floodplain, it is practically impossible to develop on that land for the physical conditions that are there. In those instances, if the property owner showed this to be the case, then once they pay to have the meter, riser, meter can and lines capped that they would be exempt from base rates as long as that land was never developed. The remaining recommendations have financial impact.

Customer Service Manager Threadgill wanted to point out that the City of Alamogordo raised utility rate across the board every year an average of 2.5 percent from 2000 to 2015. Since July 2015, the City has not had a rate increase and is not anticipating an increase in the coming year. Anything that impacts the finances would ultimately lead to a rate increase. If you eliminate base rates now, your water and sewer consumption rates, the commodity rates, would at a minimum have to double. They would probably need to go up more depending on what the ultimate consumption is. There would be no base revenue that you could rely on. The discussion about creating a new base rate of \$10 for owners of vacant property. This would be, amongst other things, very labor intense for Utility Billing. Rates are tied to location, a meter, and a customer. We did not recommend repealing the current ordinance concerning property owners and raise rates across the board. This gets us back right back where we were before 2004, because only the active users are supporting the system. One of the premises of the original ordinance when it was adopted in 2004, was everyone benefits from a viable water and sewer system and having a reliable water supply in the community. If we were to go back and undo this to remain revenue neutral, than we would have to raise existing base rates for only those customers that are going to be paying it, between four and six percent. The last one to delay the owner transfer for 30, 60 or 90 days. We would have to track vacant properties on a daily basis. Determine if they hit the threshold to be reactivated or be charged base rates. This would have to be done daily. It becomes a management nightmare from the standpoint, what if one of these vacant properties that is not being charged base rates, the owner requests the water be turned on, to water the yard or clean the house, the question becomes is that the end of the delay, does the delay just get extended, is it a one day account, is it a three month account. There is a lot of management issues in that, we didn't feel that the benefit outweighed the issues that we would have to be dealing with. In addition, we have recommended two additional changes. The elimination of the deposit for home owners. Currently, there is a \$70 deposit for homeowners to start a utility account with the City of Alamogordo. The State of New Mexico has a mechanism for us to collect on unpaid property owner utility bills. We can file a lien and we can ultimately we can go to foreclosure. Collecting a deposit only to turn around in twelve months only to credit it back to the account is an undue burden on the new homeowner. It is an administrative burden on our end because we have to monitor that each month to see who has had an account for a year with good credit and now we refund them. We recommend eliminating the \$70 and to just pay the application fee plus tax \$26.25. The second thing we are recommending is to initiate a monthly fee for hydrant meters. This is a meter with couplings on it that a customer can go out to a hydrant and hook up to it. It is typically rented by customers that require a large volume of water

available 24 hours a day and do not want to use our kiosk. They pay an \$815 deposit and take the meter, in theory when they return the meter we take the reading off it and they get charged based on usage. In reality, this last year we found four of these meters abandoned and left on hydrants. Two of them were unidentifiable. We don't believe those were ever issued by us. We have no idea of how much water was used because there was no beginning reading. We were able to collect on one the meters, but we had not seen that meter in over four years. We have others than have been out for more than a year. There is nothing in the current Ordinance that establishes a base rate for those meters. There is nothing in the Ordinance on how often they have to be read. We recommended is that we initiate a \$50 a month hydrant meter rental.

Commissioner Payne asked how much the deposit was on the hydrant meter. Customer Service Manager Threadgill answered \$815.

Mayor Pro-Tem Hernandez said he understands why these meters are kept for this long. Basically, it would be best if these customers could buy them, and they could be brought in once a month or every couple of months, however you guys want to read them. He thought that \$50 is excessive because the meter is only \$600 to \$800 to purchase. If your business is doing dirt work then you are going to keep that meter. If this is the case, there needs to be an option to buy, otherwise we are making money on a meter. Customer Service Manager Threadgill said the question is not so much the cost of the meter, because the deposit covers the cost of the meter, the issue comes up when we do not get a reading from them for a year or a year and a half.

Mayor Pro-Tem Hernandez asked how many meters are we talking about. Customer Service Manager Threadgill answered there are seven active accounts and five in the shop that can be rented out from time to time. Mayor Pro-Tem Hernandez said you could have something setup a lot easier than a \$50 fee. He suggested on a certain day of the month, arrange with these people to read that meter. The \$50 a month would put me off in not supporting this whole thing.

Commissioner Baldwin said they were spending a lot of time on four or five meters. The things that I have been contacted the most are meters on property that are not vacant. And one of the concerns of the Commissions was the Driscoll's issue about being billed again so quickly after a tenant left. We have addressed one of the concerns the developers had with their vacant lots. After three years they can get an extension. Customer Service Manager Threadgill said they are recommending five years and before the end of those five years the original developer can before the Commission and request a three year extension, there is no limit on the number of extensions. Commissioner Baldwin said this fulfilled one of the requests from the developers. He said the next thing is the base rate fee itself, the \$30 fee seemed a little excessive. He said you have explained that going in and changing that is a labor intensive thing. He asked how many accounts fall under this category. Customer Service Manager Threadgill answered we have done a little over 1,100 unique accounts so far. There are a number of accounts that have gone a couple of transitions (two or three) since October of 2015. Commissioner Baldwin asked if they had to change the amount, does it stay that way or do you have to change it every single time. Customer Service Manager Threadgill said we have to do it every time. He said right now we have a system of rates established. If we start creating separate rates for owners and renters then every time that status changes at the location, then we have to go in and physically change the rate for tenant or owner.

Commissioner Baldwin asked if they were collecting \$35 from the 1,100 accounts identified or are we building up to that. Customer Service Manager Threadgill said we are collecting \$29.93. This is for the typical residential, which is the majority of our accounts. Commissioner Baldwin said one of the potential solutions was to eliminate that amount, but we would have to defer that cost on to people with actual meters with a four to six percent rate increase. Customer Service Manager Threadgill said to remain revenue neutral, in other words we do not drop back from what projected this year and budgeted, then we would have to raise the base rates for the remaining (those who did not get excluded) four to six percent. The reason for that wider range is because it is a timing issue. How long would a property go without paying base rates versus the time a person was paying base rates.

Commissioner Baldwin asked if they had addressed the Driscoll's issue. Customer Service Manager Threadgill said if this Ordinance is passed, and if the Driscolls come in and sign the Statement of Ownership, when those transfers take place they do not get charged the \$25. That \$25 transfer fee was originally intended to handle all of the notifications, the paperwork and the time involved in setting up these accounts. They do start incurring the base rates, but that \$25 does not get charged at that time.

Commissioner Payne asked if the base rates for a vacant property and the base rate for a new development were the same rate. Customer Service Manager Threadgill answered we only have one set of base rates. Commissioner Payne asked if an owner has vacant apartments and they go down and sign the Statement of Ownership will they be charged the application fee. Customer Service Manager Threadgill said if the property is registered with us, then we can attach that registration to that property. Commissioner Payne asked Customer Service Manager Threadgill to explain the process of going in and manually changing rates. He said the rates are by status, property, and service. Most locations in the community have water and sewer service. Those rates have been established and they are tied to that meter size. We create a new charge or new base rate, not based on any meter size or location; it is based on owner status. The system has no way of knowing if you are the owner or the renter, when we start the account. We have to go in and take off services and assign a new lower priced service (base rate is a service). Every time that status would change we have to go in and change that status on the account.

Commissioner Turnbull asked if when he said they have to go in physically make changes, it is just on a computer. Customer Service Manager Threadgill said yes. Commissioner Turnbull said isn't there a way to have a checklist, and then you input a new amount. It does not seem difficult to do if you are following the checklist. Customer Service Manager Threadgill said we do that now. The problem is that you are adding steps to the process, you are doing it twice, once when the tenant takes over and once when it goes back to the owner. We looked to see if there was an automated way in our system, but there just isn't because of the way we have established our services in the system. There is no way to go in and make it an automated process. Commissioner Turnbull asked if when it comes from the tenants name to the owners name and you would be waiving that fee, is this something that you would have to manually do. Customer Service Manager Threadgill said that could be done automatically. Customer Service Manager Threadgill agreed and said the level of difficulty is not the key issue. The key issue is we have established a new base rate. Why do customers when they go out of town for three months, why are they paying a higher base rate and not the lower base rate. Commissioner Turnbull said I would be okay with them paying the same rate. I feel it is not being used, it is vacant, I am not speaking about the owners who say my property is vacant and then three weeks later want to come back and turn their service on because they want to water their yard. I do think if that is the case, you are going to be on a base rate at the normal rate. If you are going to allow that property to remain vacant and no water usage. Customer Service Manager Threadgill said that is basically what this argument has been about for the last few years. Who benefits from the system, who then should contribute to the maintenance and improvements to the system.

Commissioner Martin asked if there wasn't better software available. City Manager Paluch said the software that we use, is the software we use across the entire City for our financial system. If we were to change the software just for the water billing department, we would have to change it for the entire accounting system for the City. I do not know what the total cost would be, but it would be quite substantial. Commissioner Martin asked if there was not a way to prorate the base rate. Customer Service Manager Threadgill said the base rates are prorated. The \$25 transfer fee is not, but metered charges are prorated. City Manager Paluch said we are recommending eliminating the transfer fee.

Commissioner Sikes she gets phone calls from citizens who have inherited property that cannot afford to pay the base rate on that property. She said there is a method by which they can go in and take out the meter, which is base rate times 24. That is a lot of money. She asked how they can address that more humanly. Customer Service Manager Threadgill said this is a decision that the Commission has to make. He said you could back to the way it was before the Ordinance was passed. She said maybe

we can look into if someone is not using their meter for 5, 10 or 15 years, then maybe we can just give them a break.

Commissioner Baldwin said I am not in favor of when people leave town and change to a lower base rate. My issue is with vacant lots, people that own property and never had any development. Just for point of clarification from my stance, we have handled the developers; we have handled the fees that shouldn't be there for the renters. I did have a quick issue with the meter that can be rented by people that can use it. Effluent water is relatively inexpensive. There is a fee, but there is also a hierarchy in the community for effluent water and allowing contractors or other people out there to have access to it at any point and time. The summer time can be costly to things like the schools, the parks, and the golf course. There are times when there is not enough effluent water to go around and if we have people that access to water freely and the assets are damaged because of that. I would have a huge issue with it. All we are doing is creating more issues right now.

Customer Service Manager Threadgill said the issue you brought up about undeveloped property may help address some of the calls you get. We've included in this ordinance that undeveloped, raw land that has never been developed and can't be developed then we have a methodology that is less expensive to get out of paying base rates on this property. It's not the \$600 up front, it's to pay to have the can removed, the meter riser removed, cap the service lines securely, back fill it and you are gone. That takes care of a little bit.

Mayor Pro-Tem Hernandez agreed with Commissioner Baldwin on the effluent water usage, the only problem is by Ordinance we have to supply the effluent water because they cannot use treated water for projects. When it was done there weren't as many effluent services out there as there is now. Now, we are paying for it because the way that was written. On section one item number four, you said that contractors could get extensions. According to this, a contractor could only get one extension for a total of eight years. He said the problem I had is not so much the contractors, it goes back to the vacant properties where I live. My family has lived in our homes probably since the late 50s early 60s and so we have been paying a water bill since. I still have the same three inch steel water line running in front of my house that has never been repaired or replaced. I am paying for something that I am not getting, and now I am being asked to pay more for something else that I am still not going to get. Not until, 2020 when my street is set to be redone. I understand that we are paying to maintain all of this system, but there are several systems within the City that are still original. That gives me heartache as far as continuing to pay additional fees for services not received.

City Attorney Schreiber said on actual reading of it, would allow a contractor to come back multiple times. The last sentence in there, if you let the period that's granted to expire, then you cannot come back after that. Mayor Pro-Tem Hernandez said most of those developers may get the eight years. Those developers will then pass it on to other family members or they will be sold to other people that are not part of that development. Those people are going to come back here again. Commissioner Baldwin said when you buy a business from somebody or it gets handed down it is their responsibility to find out what's involved.

Commissioner Turnbull asked if they could do away with the five years and the additional three years. She said they shouldn't have a fee if they are not getting services. If there is not a meter there, there is no building there, but it has been developed somewhat, why do we have to do a fee, why do we have to make them come back in five years and ask for the extension, because what if it is not the original developer. Why can't we just do away with that? Customer Service Manager Threadgill said the intent on the subdivisions, is that we are applying base rates to all the properties. It was put in by the contractors. They did give a warranty for one year from date of acceptance, so we extended that out here is additional time before someone actually starts buying and developing those lots. At some point, where do they start paying, contributing to the system. Whereas, this vacant lot in the middle of Delaware where the house was raised, they are paying all along. Commissioner Turnbull said I don't think they should be paying on the vacant lot. I think if they are not using the water they should not be paying of it.

Commissioner Payne said if someone goes on vacation for three months, do you still not have to pay on that house, whether you rent it or buy it. Is the mortgage company or the landlord going to say, you can waive your rent for three months because you are going to be gone anyway. I keep going back to that because it is kind of the same thing. I think we are kind of generous to allow them to pay the base rate while they are on vacation. I want to be fair, but we do have a system to maintain and wonder where you draw the line. I understand the perspective of the developers and I want to point out that this was done in 2005, we never collected. This was a decision that was made a long time ago, and we cannot go back into the minds of the people that made that decision, but we do have to do what is right. If they were going to do that in 2005, we are not asking for anything different than what they were asking for in 2005. I have agonized on this, but we have to draw the line somewhere.

Commissioner Turnbull said a compromise is to lower the base rate to \$10. I still do not want a vacant lot, where there is no building there, to be charged. If you have a vacant house there, there is a compromise, your people having to go in and change that base rate for tenant/owner.

Commissioner Baldwin said they are right back to where they started an hour ago. We have a couple of options in reference to our Ordinances. I have made it known where I thought the priorities lie. I don't exactly want to call the question, but we need to move on. We need to re-write the Ordinance or we need to move on these two options. I've stated that as long as the contractors are taken care. There are extensions which there are no charges for an extended period of time, as long as the fees were changed for land owners or renters for people moving in or out, or fixed to where it is agreeable. The only thing that I am off on is the base rate, which we all thought it would be pretty easy to drop to \$10 and obviously it is not the easiest thing in the world. Customer Service Manager Threadgill said if we create a new base rate, then the automatic transfer goes away. Then we will have to manually go in and change it. Commissioner Baldwin asked if he was implying that we go back and charging a fee for that. You are not saying that, you are saying that you would have to manually do that. Customer Service Threadgill said no, I would say the reason for dropping the \$25 transfer fee was because it could be done automatic, once the properties were registered. If we implement a new or different fee that is attached to the account but only an owner account on rental property then that automatic transfer can't occur, because we have to have it set.

Commissioner Turnbull said it states the original developer, what if they have passed it on, but they still haven't developed it yet. Acting City Manager Paluch said we can amend that. Commissioner Turnbull said as long as they can keep extending, that would be fine as long as it does not have to be the original developer. I would still like to see that base rate lowered to \$10.

City Attorney Schreiber told the Commission Josh Rardin arrived too late to sign up for public comment but he would like to be heard on this issue as well. Mayor Boss said he will allow it.

Josh Rardin commented on the following:

Mr. Rardin spoke on the proposed Ordinance 1544. He said this ordinance that was drafted did not have a whole lot to do with what was discussed in the July 19, 2017 meeting. He discussed the July 19, 2017 meeting, what was not included in this Ordinance and why it is important to change this Ordinance. He asked for the Commission to repeal portions of this Ordinance and take it back to the way it was.

Abe Moore commented on the following:

Mr. Moore from the Building Contractors Association said these Ordinances have issues. In the time that we have been talking about this issue the City has collected \$393,000 for water that wasn't even used. It was just a vacant lot. It seems the best course of action is to repeal this. Quit making us pay why you figure it out and then come up with a new ordinance that is right, that everybody agrees with.

Commissioner Turnbull asked Customer Service Manager Threadgill if the bill goes with the owner if the owner fills out the form. The bill will go with the tenant, but the owner has to contact you. He answered

that is a state law. Municipal utility bills are a lien against the property automatically, which means the property owner is responsible, unless they file a waiver of Owner Responsibility. Tenant bills do not necessarily go to the property owner; if they fail to file a waiver then they are responsible.

Mayor Boss recommended tabling this Item. Obviously we need some more discussion. City Manager Paluch recommended that if the Commission chooses to table, to then give staff some direction. She clarified that the City could go to a consumption only system, that is possible, but rates will increase for the rest of the population of the city substantially. That is another option.

Commissioner Sikes asked what if they pass this Ordinance and give relief to the parts of this Ordinance that are going to provide relief. Then go back and change the Ordinance to provide relief for some of the other problems. Mayor Boss said that is an option too.

Mr. Rardin said if you do pass this, it will get the heat off from the builders. What is going to happen is that this will be pushed aside and forgotten about. Mayor Boss said we are not going to forget about it. Mr. Rardin said it is fresh in all of your minds, but come March of next year there is another election and three or four of you, may or may not be here. I am kind of hesitant to have you guys pass this tonight to ease up some of the burden on the builders and a couple of other things. The smaller rental people really need some relief on this as well. Mayor Boss said we can sit here all night or we can table it or we can approve this and amend it later.

Commissioner Martin asked if staff could research what the increase would be for a consumption only system. Customer Service Manager Threadgill stated if you went to a consumption only system, you would have to look at double plus 10 to 15 percent current rates. Basically everyone would immediately jump up to tier 3 unit costs and that would highly depend on how much consumption there was. If consumption remained the same, that is where the rates would need to be as current. If consumption dropped, those rates would have to go up and that is to remain revenue neutral. The four to six percent that I mentioned earlier was if we went back to pre-2004 Ordinance that didn't charge base rates to everybody. There is a little wiggle room in there depending on not all properties are vacant for a year, not all properties are vacant for one day. There is a sliding scale in there.

Commissioner Turnbull asked what the impact would be if we had the vacant base rate of \$10. Customer Service Manager Threadgill said the rate increase to be revenue neutral would be lower. I have not done a calculation for that, not like the elimination.

Mayor Pro-Tem Hernandez asked what their water rates were compared to people around us. Customer Service Manager Threadgill based on 13 cities that I evaluated in the State of New Mexico, we were right in the middle and just a few percent below average on aggregate rate water, sewer, base rates and any other fees. Mayor Boss asked if we were in middle of those cities that have a base rate. Customer Service Manager Threadgill said all of them have base rates. There is not a City that does not have a base rate. How it is applied fluctuates from city to city. Some Cities has a base rate that includes some consumption, but then their tier rates are higher. Some communities have multiple base rates to cover different conservation areas that they have. Clovis has a private water company, so their base rates are on the sewer side. They charge base rates based on the number of drains in the house, not less than five.

Commissioner Payne asked prior to 2004, how was this handled. Customer Service Manager Threadgill answered if you had an active account then you paid base rates. If you didn't, then you didn't get a bill. That is when staff came to Commission in 2004 and said we have issues. Not enough revenue was being generated to keep up with maintenance issues. She asked how we have been doing it this whole time, because clearly we haven't been charging the base rates. Customer Service manager Threadgill said because every year from 2004 to 2015 we raised everyone else rates two and half percent. She thought they could have a reduced base rate.

Commissioner Baldwin asked the Commission what they wanted to do. He said they should give them

three things to do and come back to us. I did want to say to the audience to please bear with us. We have no other mechanism to meet other than this meeting. We have to hash all of this right here in front of you. This is the first hour we've had to discuss this since the last time that we had this on the agenda. Please bear with us.

City Manager Paluch said that she would please urge the Commission to give some detailed direction. Mayor Boss said we need to see some detailed cost analysis. If we can actually see historically what repairs and maintenance have been on the water lines. Commissioner Baldwin said the reference that has been brought up twice was the amount of money that was rolled over from last budget to this budget, so some explanation in reference to that. He said he has contacted City Manager Paluch to have a discussion in reference to our long term planning. He said the City of Alamogordo is potentially going to change substantially over the next two to six years. Our infrastructure is going to need a lot of work. The one thing that I hear the most from the people that do the hard work out there is that the City needs to be as business friendly as possible. Our planning for the future is going to need a lot of foresight, foreshadowing. Get rid of rates and lowering rates is good for business but it could also put an unwanted strain. Mayor Boss said it is very possible that a lot of those lots that are vacant right now, that all of those lots will have houses on them.

Mayor Pro-Tem Hernandez said the good thing about Ordinances is you can custom fit them. In five or ten years from now, when this does come into effect, the Commission and staff at that time can come back and look at them and see what best fits for the City at that time and change it if needed. He thinks they need to do what fits them today, with the option of looking at what is there for tomorrow. An Ordinance can be changed at any time.

Commissioner Sikes recommended Customer Service Manager Threadgill to look at extricating ourselves from the financial software. Our financial system, as to which our water billing system is attached is a DOS based system that has been used for a number of years. This is not as important as looking at the Ordinance, but it would be worth looking at down the road.

Commissioner Baldwin asked if the base rate is where we are off here. The base rate is the big issue; the amount, whether to have it, whether to repeal the Ordinance. I want for staff to have direction. Mayor Boss said we wouldn't want to repeal the Ordinance. Commissioner Baldwin said it is one of the options put out there. Commissioner Martin asked isn't it almost easier to repeal it and start again. City Manager Paluch did not recommend they repeal the ordinance because you are talking about a massive financial impact to the City of Alamogordo, before you put a new Ordinance in place and said she would highly recommend that you do not do that.

City Manager Paluch said the money that is rolled over in fund 81 is for projects. Over a fiscal year, a project may not end in one fiscal year; money that is rolled over is for a project that is already in process ongoing in the next fiscal year. According to our Assistant City Manager we have around a million dollars in fund 81, but we have to consider that there is more money in that fund but there is debt service, ongoing projects and while it may look to the eye that there is this huge amount of money there, that is not necessarily the case.

City Manager Paluch said the direction that she has is a cost analysis on repairs and maintenance to the water system. She asked if there is a specific time period in which you would like to see that for. Mayor Boss said along as you can go within reason, three to five. Commissioner Baldwin said the reduction in base rate, what that would actually going to cost. City manager Paluch asked if you want base rate for vacant property or across the board. Commissioner Baldwin said for vacant properties.

Josh Rardin said according to the request for public records, city staff said it was estimated at \$425,000 a year that the City is going to generate off this Ordinance on the base rate portion of it on vacant properties.

Commissioner Turnbull asked if they can amend where it says original developer.

Commissioner Payne asked how you determine how many vacant properties you are going to have. City Manager Paluch said it fluctuates throughout the entire year. The numbers that Mr. Threadgill is giving you is just an average over the year, it changes monthly. City Manager Paluch asked to clarify repair and maintenance costs. Mayor Boss said like what happened to us on the Hopi Court. City Manager Paluch said you are talking about the street maintenance program, you are talking about catastrophic failures, you are talking about water tank replacements, and you are talking about truck replacements, capital projects. Commissioner Baldwin and Mayor Boss said regular maintenance.

Assistant City Manager Cesar said where you are asking for repair and maintenance costs, where I am a little confused is that is not the only cost associated in delivering water. He asked if the Commission wants X number of water breaks and the costs associated with these breaks. Mayor Boss asked if we don't account for that in the rates that we charge people for the water usage. Assistant City Manager Cesar said the bills that go out for water usage, to include the base rates, pays for the production of the water, the treatment of the water, the transportation of delivering the water to the customer, repair and maintenance to the system, capital improvements to the tanks or our streets maintenance program where we replace the utility water line, service lines etc.. I want to be clear on what costs the Commission is looking for. If it is strictly related water service line failures, many breaks that doesn't give you the full picture of the costs of what is associated in delivering water to the customers. City Manager Paluch said there is also employee cost. It is all encompassing, so the base rate itself is not just for fixing the system. The base rate plus consumption is all encompassing the system. Commissioner Sikes asked how it is broken down in the water utility department. Do you see an annual number for providing water. Assistant City Manager Cesar said in the annual budgets for the various departments, in the utility maintenance division, for example, we have a line item that is dedicated for service line failures/water line breaks. There is also the cost for water billing, for reading those meters, sending out the bill. In the Water filter plant budget are the costs associated with producing the water, pumping the water, treating the water, delivering it to Alamogordo. There are different line items in different areas. I can break out the monies budgeted various years for strictly failures, but that doesn't give the Commission the whole picture when you are looking at water rates. Water rates take into account everything associated with delivering water to your home or business.

Commissioner Turnbull asked if we really need that kind of cost analysis when we are only talking about base rates for vacant properties not base rates across the board. Mayor Boss said those base rates are covering a lot of things. Commissioner Baldwin said he believes the reason that cost analysis has been brought forward is because it has been challenged to the City that too much money is being rolled over from year to year. If the system is not being maintained or it is working well enough. It is not like the water billing department is making two to eight million dollars rolling over each year. Mayor Boss asked if grows every year, when you roll it over. City Manager Paluch said sometimes projects go over three fiscal years, sometimes they just go over two, and it really depends. She said there is a real good example for this year. Mr. Cesar would like to do rehab on multiple water tanks and we do not have funding available in that fund to do the rehab that he wants on those water tanks. He had to pick certain tanks to do that rehabilitation or to put a new tank in. We are not sitting here rolling in money. Mayor Boss said that is an indication that we are not making money. City Manager Paluch said those tanks are about a million dollars a tank. Commissioner Baldwin said you can do a cost analysis of where we spend the money, but at the end of the year there is not a whole lot left. Mayor Boss said how much is left is more of an indicator than how much we spend. City Manager Paluch when you roll over, that money is already tied into projects. Mayor Boss said every penny that we roll over we have some use for. City Manager Paluch said yes and then some. Mayor Boss said then I don't see any use for that. If that is the case then how can we talk about reducing the base rate. City Manager Paluch said if you want to reduce or eliminate the base rate for vacant properties, you are talking about a rate increase for the rest of the consumers that are consuming water. Commissioner Turnbull asked for just lowering the base rate on vacant properties. City Manager Paluch said if you lower to \$10 or completely eliminate it, either one of those options is a financial impact on the system and would create a rate increase on the rest of the system. Mayor Boss said everyone that is using water their bill is going to go up.

Commissioner Turnbull said they were willing to do away with the \$25 transfer fee. Mayor Boss said these are people that have lived in their houses for twenty years, their rates are going to go up. Commissioner Turnbull said that kind of seems like a scare tactic to keep us from doing what kind of make sense. We don't know. Rates were going up before. Mayor Boss said it is not a scare tactic it is shifting from one customer to another.

Commissioner Payne asked prior to 2015 and after 2004, how many increases did we have. Customer Service Manager Threadgill answered one per year average 2.5 percent per year across the board. There is a third option, we can do less. Honestly, that has to be looked at as an option. In the past, maintenance was a catch up item. We have a very aggressive street maintenance program. We've got 1.1 million dollars of utility money this year, and 2.2 million dollars next year, that is not enough as mentioned earlier we've got to redo tanks; we have more streets to do. All of this is a revenue balancing act. We could take less revenue, and then we do less. We can reduce some revenue; offset it with an increase on another side. There is never enough money to do everything, so you are balancing what you can take in versus what you expend and how you improve the system. We have a \$10 million dollar desalinization facility coming online shortly. That is going to be an expense, it can't sit there and we not do anything with it. Commissioner Payne asked if we entertain the idea of decreasing base rates just for those vacant properties. Customer Service manager Threadgill said let's go back before 2004, the only ones paying base rates are those that have an active account. You are looking at a 4 to 6 percent deduction in revenues.

Mayor Pro-Tem Hernandez said I can almost guarantee that in three years we'll see another rate increase. Whether we leave this in place or not we're going to see a rate increase, especially if we haven't seen one in two years, that is going to be a reason to bring one up. Commissioner Payne said I still think if we are still actually collecting on those base rates, that are going to make up a lot of that revenue in lieu of raising water rates, or it has so far.

City Manager Paluch recommended they do not select the option of reducing the maintenance. We have to remember the amount of people moving into our community and the maintenance of this system is only going to increase substantially over the next three to six years.

Commissioner Turnbull said if they we keep the base rate where it is at, we would waive the \$25 fee for the owners. If we lower the base rate, they would have to pay that \$25 transfer fee. Customer Service Manager Threadgill said the predicate to the relieving of the \$25 transfer fee is the registering of the property so that the transfer can become automatic. If we create a separate rate then that automatic transfer does not occur, because that rate then needs to change when the status changes. Commissioner Turnbull said then they would have that \$25 fee.

Mayor Pro-Tem Hernandez asked Customer Service Manager Threadgill if he knew what the amount of the 2.5 rate increase generated. He said not off the top of his head. Mayor Pro-Tem Hernandez said I remember the comment I had, I think it was a dollar six or a dollar twelve per meter on the base rate. My comment was there are some people out there that could not afford that. Customer Service Manager Threadgill said I do recall that tier one and two went up a dime and tier three and four went up 15 cents, tier five was a dime.

City Manager Paluch asked if they were not going to pull the maintenance records or try and guess on some areas that you may want to look at. She said the Assistant City Manager said this system is so large that we can't just give you a number for maintenance because there are so many other things that are included with that fee. I will get the number for how much the rate increase generated. We already have the numbers for how much the vacant property base rate generates. She will find out the financial software replacement and we will do an amendment on the original developer language.

Josh Rardin said it is confusing when you are saying two and a half on average from 2004 to 2015. We made rate increases of \$0.68 a year. Two and a half percent sounds like a lot, I just figured it would be \$0.74. It sounds like a lot, it is a lot to lower income people in Alamogordo, but it is not just them that

are paying it, everybody is paying it.

Mayor Boss asked City Manager Paluch and City Attorney for a recommendation. City manager Paluch said she does not have a recommendation. You can certainly table this item, our recommendation is the Ordinance that you see before you.

Commissioner Baldwin made a motion to table the discussion and allow staff to bring more information.

City Manager Paluch said this will take some time to come up with the numbers, I do not believe you will see this at you next meeting.

Commissioner Baldwin moved to table the Item.

Commissioner Turnbull seconded the motion.

Commissioner Payne voted nay.

Motion carried with a vote of 6-1-0.

NEW BUSINESS

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

Mayor Boss read the openings and appointed Robert Ortega to the Cemetery Board, Allen W. Guchinsky to the Mayor's Committee on Aging, Mark A. Praught and Michelle Gill to the White Sands Beautification Board. No one was opposed.

EXECUTIVE SESSION (Roll Call vote Required)

11. Adjourn into Executive Session in compliance with Section 10151(H), NMSA 1978 (as amended), to discuss Threatened or Pending Litigation; American Federation of State, County and Municipal Employees, AFLCIO, Local 3818, on behalf of Anthony Backy. (Roll Call Required)

Commissioner Baldwin moved to adjourn into Executive Session at 9:36 p.m.

Commissioner Turnbull seconded the motion.

Roll Call was taken.

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

ADJOURNMENT



ATTEST.


City Clerk Rachel Hughes


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)

Approved at the Regular Meeting held on September 26, 2017.