

CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
FEBRUARY 12, 2013

SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
ROBERT RENTSCHLER, COMMISSIONER
JOSH RARDIN, COMMISSIONER

AL HERNANDEZ, MAYOR PRO-TEM
JIM TALBERT, COMMISSIONER
BOB CARTER, INTERIM CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK

CALL TO ORDER, ROLL CALL, FLAG CEREMONY, INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Susie Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Clerk Renee Cantin announced there was a quorum present. The Flags were posted by Boy Scout Troop No. 147, the invocation was given by Rev. G. Dwight Harp and the Pledge of Allegiance was led by Boy Scout Troop No. 147.

APPROVAL OF AGENDA

Commissioner Josh Rardin requested to amend the agenda.

Commissioner Rardin moved to amend the agenda to include two items to the Executive Session for Limited Personnel Matters (City Manager Recruitment); Purchase, Sale or Acquisition of real property 200 S. Florida; Threatened claims against the City (low water pressure zone 3). Commissioner Rentschler seconded the motion. Motion carried with a vote of 7-0-0.

Commissioner Rentschler moved to approve the amended agenda. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

CONSENT AGENDA (Roll Call Vote Required for items No. 9 & 10)

1. **Approve Minutes of the January 22, 2013 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
2. **Approve statement related to the Executive Session of January 22, 2013.** *(Renee Cantin, City Clerk)*
3. **Approve City Boards, Commissions, and Committees Annual Reports for Calendar Year 2012.** *(Renee Cantin, City Clerk and Nancy Jacobs, Deputy Clerk)*
4. **Approve list of sign locations for "Resident Parking only", "Mobility Disabled Resident Parking only", & "Commercial Mobility Disabled Parking only" and the removal of the signs on Exhibit C.** *(Renee Cantin, City Clerk and Nancy Jacobs, Deputy Clerk)*
5. **Approve the placement of New Resident Parking Only signs for homes located at 1305 Mountain View and 1301 New York Avenue.** *(Renee Cantin, City Clerk and Nancy Jacobs, Deputy Clerk)*
6. **Approve Investment Report for the quarter ending December 31, 2012.** *(Kenneth Johnson, Finance Director)*

7. **Approve the Sale of two (2) tracts of land (totaling approximately 2,700 square feet) located between 1100 and 1102 Vermont Ave. to the Sacramento Lodge No. 24 of the Ancient Free and Accepted Masons.** *(Marc South, City Planner)*
9. **Approve Resolution No. 2013-02 which authorizes the execution of a Gross Receipts Investment Program ("GRIP") Agreement between the City of Alamogordo and Supermarket Developer's, Inc. [Roll call vote required]** *(Stephen Thies, City Attorney)*
10. **Approve Resolution No. 2013-05 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 February 12, 2013. [Roll call vote required]** *(Kathy Gilsdorf, Budget Analyst)*
11. **Approve the award of IFB 2013-01 "1" Base Course to Mesa Verde Enterprises for the Various Departments in the amount of \$88,173.50 excluding tax.** *(Barbara Pyeatt, Purchasing Manager and Brian Cesar, Utilities Director)*
12. **Request to postpone until the February 26th, 2013 Meeting, the request to proceed with the asbestos abatement of the two structures located at 732 Hwy. 70 W.** *(Lora Nelson, Senior Public Works Inspector)*
13. **Request to postpone until the February 26th, 2013 Meeting, the request from the property owner to complete the demolition of the two structures at 732 Hwy 70 W.** *(Lora Nelson, Senior Public Works Inspector)*

Item # 8 was removed from the consent calendar by Commissioner Rardin.

Mayor Pro-Tem Al Hernandez moved to approve items # 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, & 13 of the consent calendar. Commissioner Jim Talbert seconded the motion. Roll call was taken for items #9 & #10. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

8. **Approve a license agreement for the property located at 1501 American Way.** *(Stephen Thies, City Attorney)*

Commissioner Rardin pulled the item so he could abstain from voting on the item because of a conflict of interest.

Commissioner Robert Rentschler asked for clarification on this license agreement. City Attorney Stephen Thies responded it was a license agreement allowing this particular property owner or anyone who buys the property to maintain a carport and concrete parking pad in our easement area until the City needs to utilize the easement. The license is revocable at the will of the City. Commissioner Rentschler asked if there was a time period on this and the City Attorney said no. Commissioner Rentschler wanted to make sure we could access our right-of-way should the road be widened. City Attorney Thies told him the City would simply need to notify the property owner we would be utilizing our right-of-way easement. The property owner would have to move the encroachments or we would have the right to do so.

Mayor Pro-Tem Hernandez moved to approve a license agreement for the property located at 1501 American Way. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-1. Commissioner Rardin abstained.

NEW BUSINESS

14. **Consider, and act upon, Resolution No. 2013-06 in support of Legislation to create the Transfer of Public Lands Act; defining lands to be transferred from the Federal Government to the State; developing a mechanism for the transfer of Federal public Lands to the State; and creating the Public Lands Transfer Task Force. [Roll call vote required]** (*Susie Galea, Mayor*)

Mayor Galea explained State Representative Yvette Herrell is trying to have this passed in Santa Fe. It has passed one of three committees. By approving this resolution we would be showing our support.

Commissioner Nadia Sikes said when she saw this on the agenda she pulled up the Legislative Council's review of the bill. According to the Attorney General and Legislative Council, it will cost the state approximately \$20 million dollars and is viewed as unconstitutional by almost every organization that has reviewed it. Most of the conservative websites she reviewed claim by giving the land to the State it would deprive citizens of the use of public lands. Commissioner Sikes said she could not support or vote for this.

Mayor Galea said none of the monuments or public lands would be affected, and Commissioner Sikes agreed, but said there is a lot of public land used for hunting, fishing and other outdoor activities. Mayor Galea noted they would still be public lands but state instead of federal. Commissioner Sikes told her the Land Commissioner had determined the bill is unconstitutional.

Mayor Galea said other states had passed this legislation so the states could have more control over the land. In speaking with Commissioner Rentschler she learned former Mayor Griggs had an idea for more municipal land but there wasn't a mechanism to do that. If the lands surrounding us were state as opposed to federal we would be a step closer to maintaining more municipal control.

Commissioner Rentschler said another thing we can do is take some of the land from the forest to create a buffer in case of a forest fire, similar to what Cloudcroft has done. He noted the vast majority of New Mexico land is federally owned, and Otero County has a large amount of federally owned land. He felt it wouldn't hurt to have more access to BLM land east of the City. This shouldn't infringe on the military bases in any way and he would support this bill. Mayor Galea said the Mescalero Apache Indian Reservation would like to be included in this and have their lands under state control.

Commissioner Rardin said if the state had control of the land for our water project, the 10 year fight with the BLM would probably have been eliminated.

Commissioner Rardin moved to approve Resolution No. 2013-06 in support of Legislation to create the Transfer of Public Lands Act. Commissioner Rentschler seconded the motion. Roll call vote was taken by the Clerk. Motion carried with a vote of 6-1-0. Commissioner Sikes voted nay.

15. **Consider, and act upon, Resolution No. 2013-07 establishing a quasi-independent housing authority. [Roll call vote required]** (*Stephen Thies, City Attorney*)

Public Housing Manager Maggie Paluch reminded the Commission at the last meeting she supported an advisory board for the Housing Authority. This resolution would set up a quasi-independent housing board separate from the City of Alamogordo, and the City Commission would not have any control over it. She is not in favor of this. Ms. Paluch listed two options – 1) Set up an advisory board the Commission could review after a year to decide whether to give the advisory board all the authority, or 2) send City Commissioners to the one day NAHRO training on a Saturday in April that she would pay for out of her funds. New goals and a strategic plan could be worked on in order to move forward. She recommended either of these options.

Mayor Galea thought it would be good to do both. To have the Commission involved in the NAHRO training would help us understand better what the needs are and how the goals can be achieved. To form an advisory committee that would report back to the City Commission would be a good thing.

Commissioner Rentschler said he couldn't support tonight's resolution as written. The City of Alamogordo should not absolve itself of the responsibility to run the Public Housing Authority (PHA). He thought as long as we are responsible for federal funds we must have an amount of oversight more intensive than this. He would agree with an advisory board that was sideways on the organizational chart.

Commissioner Jason Baldwin asked City Attorney Thies why it was brought in this format. City Attorney Thies said at the last meeting, the Commission directed them to bring some options and to look at a quasi-independent board. Mayor Galea remarked the quasi-independent board sounded like a good idea until we saw it in this format. She felt it would best serve the PHA to have an advisory board as opposed to a quasi-independent board where they would have to incorporate with the City. This would be a way of separation from the City.

Commissioner Rardin asked City Attorney Thies if a quasi-independent board is how a majority of other municipalities run their PHA, and City Attorney Thies affirmed. Commissioner Rardin thought we are one of the few municipalities running their own housing authorities. There are several options, but he thought it would be better to do it this way. Public Housing Manager Paluch said there are several other Housing Authorities set up this way in the state.

Commissioner Rentschler said in Albuquerque the committee members are paid, and ours would be volunteer. We could not afford to pay these members.

Commissioner Rentschler moved to NOT approve Resolution No. 2013-07 establishing a quasi-independent housing authority.

City Attorney Thies stated this wasn't on the agenda for approval. It was simply brought forward for discussion in order to find how you would like to proceed. If you did want to proceed down this path, some issues would need addressing before a final resolution. You simply need to tell staff you do not want to go this direction, and set up an advisory board instead composed of a realtor, a contractor, a banker, a resident of PHA, and possibly a Commission member.

Commissioner Rardin asked if we approve the quasi-independent board, would the Commission approve the overall budget, and City Attorney Thies said the overall project comes to the Commission for approval. Commissioner Rardin said if we do the advisory board they would only make recommendations, and the City Attorney agreed.

Mayor Galea gave staff direction to not pursue the quasi-independent board but instead to pursue the five member advisory board. She asked Public Housing Manager Paluch to send an email to the Commission concerning the NAHRO training.

Interim City Manager Carter reminded everyone it would take a while to get this board in place and functioning properly. If we could do this as soon as possible they could possibly attend the training in April with the Commission. Public Housing Manager Paluch said the Commissioners could help advise the new members.

16. Discussion, and possible action, related to reallocating Quality of Life loan proceeds for the development of a neighborhood park. (Josh Rardin, Commissioner)

Commissioner Rardin said in the Plaza Pub money we had \$250,000 on one side, \$350,000 on the other and we allocated \$200,000 for the Skate Park and \$300,000 to the Space Museum. He wanted to see a park built with the extra \$100,000 and the \$300,000 in the Quality of Life loan set aside for a neighborhood park. He said he had spoken with Assistant City Manager McNeile about this and the

acquisition of land for a park. The \$100,000 could be used to buy the property and the \$300,000 could conceivably finish the project. He wanted the money allocated for the time being to this project, whether it was ever used for this or not. This is one of the last projects on the list that hasn't been fulfilled. The BMX track has not been started and he felt it had way too much money already.

Commissioner Rentschler said first he will say that the City of Alamogordo never had any money allocated for the Plaza Pub. It was for the acquisition of property for a museum. He asked how many acres would be involved in a park project and was told seven acres. He would rather see something that didn't require additional water for we don't have enough water to take care of what we have already. We need to figure out where the water would come from because at some point in time we'll have to use potable water to keep our green spaces green. He thought that part of the money allocated for a museum involved the parking lot just south of 9th St. and White Sands Blvd. We had discussed building a fence in the southwest style, cleaning the parking lot and putting in lighting. This would not take much water and would add to our Downtown. Building a park that needed watering is not something he thought we should be involved in. Commissioner Rentschler pointed out there was a park two blocks away. We had planned to cut Washington Park in half when the by-pass around the City was built, but since that has not happened there is not a need for another park. He gave the example of Juniper St. and how there was green only around the sprinkler heads and the rest was brown. He also noted the water needs of the Golf Course and reiterated there wasn't enough water to build another green area. He said we have plenty of water now, but with supplying the contractors, the schools, all of our parks and everyone else who needs water it is a concern. He asked Assistant City Manager McNeile how many acres of water we have under contract.

Assistant City Manager McNeile said currently we have about 280 acres of irrigated park land out of a total of about 500 acres. Commissioner Rentschler asked if we are adequately watering all we have and Assistant City Manager McNeile remarked in the summer it's a challenge. We are doing some upgrades to the reclaimed water in order to help regulate when and where the water goes. This will help keep people from using more water than they should. The Assistant City Manager told the Commission the city-owned parking lot on 9th is a Quality of Life project and we have obtained some quotes for the work.

Mayor Galea said we have talked about having storage for the reclaimed water in the winter season. Assistant City Manager McNeile said we would need a storage reservoir as big as we have at La Luz. We are bringing on-line this summer a half million gallon storage at Griggs. We will begin using it this summer, and this should help with pressure problems and water delivery. Mayor Galea asked if the half a million gallons at Griggs would be enough water for all our parks.

Utilities Director Brian Cesar noted the storage would help during the peak demands. We only have a limited amount of reused water we can use on a daily basis. This isn't like a water well which he could turn on when needed. There is only so much waste water we can treat each day. Larger storage would have to be about 50 million gallons to be equivalent to what we have at one of our raw water storage reservoirs at La Luz. The project would be in the neighborhood of \$4.5 – 5 million dollars. During this time of year when there is very little water usage, we turn on the large irrigation pivots out by the airport to get rid of the effluent water generated from the waste-water treatment plant. We also discharge to the emergency disposal area at Section 16. We would have a much larger buffer during the summer if we could store this water. Presently we store our raw water in reservoirs all winter long and have it to use during that three to four month period of high water usage. Mayor Galea said it sounds like a long way off before we can afford a \$5 million dollar storage.

Mayor Galea asked Utilities Director Cesar that if the City or the schools could afford a park as described in the Quality of Life area, what would it look like to water this addition.

Before he could answer, Commissioner Rentschler asked him what our average effluent production was at the waste-water treatment plant. Utilities Director Cesar told him on a daily basis we produce about 1.5 – 2.0 million gallons of effluent water. Commissioner Rentschler asked what happens to effluent water when it is stored for a couple of months. Utilities Director Cesar declared it would have

to be constantly circulated to prevent stagnation. Commissioner Rentschler remarked stagnant water, especially re-use water, has an odor.

Commissioner Rardin voiced we are getting off the topic and Mayor Galea told him we are trying to decide if we have enough water to do it. Commissioner Rardin said we only have one set of basketball courts and they are always packed. A park would dress up this particular part of town and wouldn't necessarily need to be all green space. There could be soccer fields, a play area for kids and a basketball court. He noted if it didn't work we would move the money someplace else. Mayor Galea didn't dispute the need for a park, she simply wondered if we would have enough water for the green area. Commissioner Rardin felt it was a water pressure issue more than a supply issue because two years ago we had enough and everything was green.

Mayor Pro-Tem Hernandez noted he would have to abstain from voting on this because of a possible conflict of interest. One of the things he would recommend would be a basketball court or something like the Kids Kingdom play area that does not have any green area. There needs to be more for kids to use.

Commissioner Baldwin said he would like to refocus on the Quality of Life Bond and what was allocated. He would like to see the breakdown of the Quality of Life money and what has been allocated. He liked both ideas but would rather see a plan before making any decisions.

Commissioner Rardin said a lady mentioned to him we could tie a walking trail in that doesn't require water and it could be tied into the walking trail around Alamogordo. He just wanted to allocate the money to that project, and it could always be moved to another project.

Assistant City Manager McNeile will update the Commission on what was allocated and what has been spent from the Quality of Life monies. Commissioner Rardin agreed with Commissioner Baldwin about needing to see where we are. His intent tonight was to allocate the money to what we told the citizens of Alamogordo we would do. Mayor Galea confirmed he meant to only allocate the funding tonight.

Commissioner Rardin moved to approve reallocating Quality of Life funds. Commissioner Sikes seconded the motion. Motion carried with a vote of 4-2-1. Commissioner Rentschler and Commissioner Baldwin voted nay, and Mayor Pro-Tem Hernandez abstained.

17. Discussion, and possible action, related to a Demolition Incentives Program. (Susie Galea, Mayor)

Mayor Galea asked for this item to be added to the agenda for discussion and possible action. She said the demolition of a building on Hwy. 70 is what prompted this. In her opinion, it would be best to have the same policy across the board for all dilapidated buildings as we attempt to clean up the city. In Kissimmee, Florida they have an agreement with the property owner to demolish the property and then new construction must begin within three months or 90 days of the conclusion of the demolition. If new construction is not begun, the city would assess 25% of the cost of demolition every year for four years, making the property owner pay the entire cost. If there is reconstruction, the city would cover the cost of demolition. The city may also utilize the buildings for fire/police training in the process of demolition. She noted some of the criteria in the agenda for the Commissioners to review.

Commissioner Rentschler had concerns about this. He said if we passed this tonight, Albertson's might decide to have us demolish the old IGA building instead of them doing it. He didn't understand how this program could be sustainable because there doesn't appear to be a fund to pay for it. In the long run, we might be dragged into demolishing a lot of buildings and taking money out of the General Fund to pay for it. He liked the idea of targeting these dilapidated buildings, but didn't think this was the answer.

Mayor Galea commented if the new construction happens because of the demolition, then there would be economic development and GRT accruing where once there had been a dilapidated building. Commissioner Rentschler agreed, but said if the IGA building were demolished by the new owner there would still be GRT generated by the new store. Mayor Galea admitted the timing of this item appeared fishy, but it would possibly help to take care of dilapidated homes and businesses along White Sands Blvd.

Commissioner Rardin kind of agreed with what she is saying about this. He proposed doing the program but only for certain sections of town. There are buildings that have been vacant since he was a kid. If we tore a building down, someone might build something nice in its place. City Attorney Thies explained it could be for a particular area only. Commissioner Rardin said he would be in favor if we limit it to both sides of White Sands Blvd., city limit to city limit. He felt it would clean up the area everyone sees as they are passing through town. Mayor Galea asked if the designated area was White Sands Blvd. and Hwy. 70, could we also designate residential area.

Commissioner Rardin noted Mayor Pro-Tem Hernandez' district had a lot of areas that could benefit from something like this.

Mayor Pro-Tem Hernandez said we have a building on White Sands Blvd that would fall into the same category as the IGA building. He liked the idea of cleaning up but to rebuild within three years would be difficult. In his neighborhood, there are a number of lots too small to build on. Maybe cleaning up the lots and combining lots would make them easier to sell. He had a neighbor with a 40'X150' lot with a \$5,000 structure that needed to be torn down. He wanted \$15,000 for this lot but it is only worth \$2,500.

Commissioner Rentschler commented we are getting away from this and wondered about the Anti-Donation Clause. City Attorney Thies said first of all any type of program would have to be brought by ordinance with language addressing the Anti-Donation Clause. The fact is we are trying to address some blighted areas and trying to revitalize them, and providing some incentive by providing them the opportunity to rebuild and avoid the demolition costs.

Commissioner Rentschler said he doesn't want to get into having to lien any properties or expect them to pay back the demolition cost. He read from the accompanying paperwork that it would be us who would initiate a demolition. The property owner could not come and ask us to demolish property for them. Mayor Galea said that's correct, we would have to go to the property owner and they would have to agree to the terms.

Commissioner Baldwin asked if this would be handled in a case by case manner, and the Mayor said yes. He asked if we would know the cost at the time we approached the property owner. The Mayor said that would be the way to address demolition across the board.

Commissioner Rardin asked for some figures of how much the cost would be if this work was done in-house. Perhaps we could do the demolition in-house and make the property more desirable for re-sale. He asked for Utilities Director Cesar to bring some figures to the next meeting.

Mayor Galea asked him if he would like to see these figures before the staff brings back a demolition services incentive. Commissioner Rardin said we could bring both at the same meeting. He expressed he was very much in favor of this program especially along White Sands Blvd. On 3rd or 4th streets there is an old block building he has never seen used, and there are a number of these as well as homes.

Commissioner Rentschler said it was reasonable. He then read that demolition would not occur until a permit for new construction was obtained. We don't want to obtain private property for lack of paying a lien. The mayor reiterated this would be the owner of the property agreeing to a demolition. Commissioner Rentschler's concern was having to lien property when the cost of demolition was not paid back by the property owner.

City Attorney Thies said the way this particular program is structured, it would not be a lien but a special assessment. The property owner would allow us to put a special assessment on the property that could stay out there indefinitely. The four year statute of limitations would not apply. If they did not build on it for ten years, they would have to come to us to satisfy the special assessment. We would always have the right to foreclose. Commissioner Rentschler stated it sounded like a lien to him. City Attorney Thies said a lien is a lien – a mortgage is a lien. It's simply a matter of securing repayment as the lien against the property. It would be a special assessment. Commissioner Rentschler said you might end up with a piece of property such as Mayor Pro-Tem Hernandez was talking about – a lot worth \$2,500 that you have to pay \$75,000 for. City Attorney Thies admitted it could sit for a long time until someone decided it was worth purchasing. He said the City could always give up its special assessment.

Commissioner Rentschler spoke to the Mayor saying if this was put together right, he felt he could support it. Mayor Galea asked what we would like to take from or add to in order to make it right. Commissioner Rardin suggested City Attorney Thies could go over it and bring back to another meeting. Commissioner Rentschler said let's talk about city corridors and areas of redevelopment and determine where they are. Commissioner Rardin said maybe Interim City Manager Carter and City Attorney Thies could draft a version and bring it back to the Commission for consideration.

Interim City Manager Carter said he and the City Attorney would welcome any suggestions from the Commissioners. Mayor Galea asked if they can bring it back to the next meeting and he said it might not be that quick, but they would bring it back as soon as they could.

- 18. Consider, and act upon, the confirmation of the appointment of Anthony Overbay and Dan Gilliland to the White Sands Blvd. Beautification Advisory Committee.** (*Renee Cantin, City Clerk*)

Mayor Galea said she would be adding these two names to equal a committee of eight. She noted the WSBAC was a public committee and anyone was welcome to attend and contribute comments.

Commissioner Baldwin moved to approve the appointment of Anthony Overbay and Dan Gilliland to the White Sands Blvd. Beautification Advisory Committee. Commissioner Talbert seconded the motion. Motion carried with a vote of 6-0-0. Commissioner Rardin had stepped out of the meeting and was absent for the vote.

Interim City Manager Carter let the Commission know this Committee had hit the ground running and has had two meetings with another coming up on the 21st. He remarked they are continually asking for input and are taking the job very seriously. He felt they would be a hard working board.

- 19. Appointments to Boards & Committees.** (*Susie Galea, Mayor*)

Mayor Galea announced the Boards and Committees with current vacancies and did not make any appointments at this time.

UNSCHEDULED COMMUNICATIONS

A. Sharon Hodges commented on the following:

1) She presented on behalf of the Otero County Walk Ability Group (OWAG) a certificate to Commissioner Jason Baldwin. He had joined them at Mt. View Middle School for 'Swingin' with Jason' and it was great. There were over 400 middle school students in attendance and Commissioner Baldwin showed them how to swing and bat and be active. OWAG will be going to Sacramento Elementary School the first of March for another program. She also thanked Mayor Galea and Assistant City Manager McNeile for submitting questions for a survey they gave to the students. Mayor Galea submitted a question concerning retail and the 378 students who responded were impressed that they would want to hear from them so they gave it a lot of thought. This survey will be condensed and presented at the elementary schools at a later date.

B. Nancy Hudson commented on the following:

She was here on behalf of CHINS (Children in Need of Services). She addressed the Commission about supporting child care. Ms. Hudson applauded the Commission for their concern about having safe places for children to play and develop physical health. CHINS has been supporting this in our community for over 30 years. Last year they provided services to over 3,600 children making it the City's largest non-profit. We are currently working to apply for a Drug-Free Community grant that is a 100% match bringing in one million dollars over 10 years. We don't ask for much from the City but we are interested in the building at 211 N. Florida. We've heard that the City does not support non-profits, but you support the Boys/Girls Club and the child care there. Also, you work with Betty Dare. The City assisted in starting Otero County Child Care by providing land. Child care is in a crisis in this community and will be a crisis throughout the state. Nationally, the percentage of children living in poverty is at 11%; New Mexico is the fourth highest state with 18%, and Otero County is at 30% making it the 10th highest county in the state. We don't have the funds to build a new building. We currently have a lease with an option to buy, but we can't get financing. We can afford to pay for the building but don't have \$130,000 right now. The courts have ordered the five liens must be paid off with the sale of the building before the owner gets any funds. We will try again to get funding, so she asked the Commission to wait on deciding what to do with the building.

Mayor Galea noted this property was on the Executive Session agenda. She knew that with the liens, it would cost the City more than fair market to acquire it and the City doesn't pay over fair market value. Nancy Hudson said it would be well under fair market value. The reason being, CHINS would kick in \$25,000 to get the purchase price to \$150,000. The property appraisal is \$236,000. The liens against it amount to \$75,000 that CHINS would pay first and the remaining to the existing owner.

Commissioner Rardin asked Ms. Hudson why the bank won't finance it. She said it's primarily because of the five liens against it. Two of these liens are from Taxation and Revenue and the IRS. Commissioner Rardin remarked the liens aren't your own, they're the current owners. Nancy Hudson said the banks are very reluctant to do so. Commissioner Rardin said we would be acting as a bank if we bought the building and you leased or bought it from us, and this concerned him since the banks didn't have enough confidence in them to finance a loan.

C. Paul Sanchez commented on the following:

1) Tonight he's representing the Linda Gulley State Farm Insurance Agency. Beginning tomorrow, there will be an online program that will accept applications for a Neighborhood Assist Program for communities who want to do something to improve their neighborhoods. There are a lot of projects in the community that we could put together to see if we can get the funding. He told them he had put this on the Gulley State Farm Insurance Agency website as well as other websites. It is also on the City of Alamogordo Information page. He will do the organizing and help us in any way. There will be 40 \$25,000 grants offered and he felt we have a good chance to get one.

Mayor Galea asked the City Manager to look into this.

CITY MANAGER'S REPORT

1) Alamogordo Public Schools Superintendent asked for a joint meeting with the Commission on March 6th at 6:00 p.m. at the Administration Building to go over common interests and goals. He felt it would be important to attend.

REMARKS AND INQUIRIES BY THE CITY COMMISSION**Commissioner Rentschler commented on the following:**

1) Commissioner Rentschler had the opportunity to go to Santa Fe with the City Manager and Utilities Director Cesar and meet with the DFA on the Public Safety Access Point (PSAP) project. He said it would be resolved in 90 days. The local governmental division director, Brian Gleason, was also there and wants to have a meeting with us. They also went before the Water Trust Board and they approved 2.5 million dollars for the mobile de-salinization plant by La Luz.

Commissioner Sikes commented on the following:

1) Commissioner Sikes said in light of the fact that the state legislature kicked out of committee the Texting While Driving Bill, she would like to see us direct staff to come up with our own ordinance. Santa Fe, Las Cruces, Silver City, and 36 states have this law in place. She has heard from people around town there is an accident attributed to texting every day. She also visited with our police chief and he agrees. Commissioner Sikes asked if we could pull the citations concerning texting.

Commissioner Rardin asked if it would be just texting or also talking on a cell phone. Commissioner Sikes said she looked into other cities and they recommend hands-free devices. In order to receive a citation, one must be observed texting, and it would be like a citation for running a stop sign. It may sound redundant, but it seems if there is not a law against something the public thinks it is ok to do it.

Mayor Pro-Tem Hernandez said his phone has hands-free texting. If he was to get into an accident, it would show he sent a text, although it was hands-free. Commissioner Sikes felt something could be written into the ordinance to cover this.

Commissioner Rardin said another question he had was if you're sitting at a stop light and texting, is it considered 'distracted'. Commissioner Sikes said something could be written in addressing novice drivers. Commissioner Rardin didn't want the ordinance to be too open, but he would be willing to support this.

Mayor Galea thanked her for bringing this forward. She informed the Commission we have new signs on South Florida and Panorama. She has received calls both in favor and against. Commissioner Rardin commented the traffic flow seemed better in all four directions. Also, the speed limit there has been decreased to 40 MPH.

Mayor Galea commented on the following:

1) She mentioned the Fireside Chats on the 5th of this month, in which our new police Chief Duncan introduced himself to the community and spoke on the vision for DPS. She also went to a Committee of 50 meeting. They hosted General Salas of the New Mexico National Guard and are looking into finding a transitional building for them to use in Alamogordo.

2) On the 6th, she met with the Republican Women and then went to the Main St. America Meeting at the Civic Center. She said it was a very positive meeting and a positive program. If the City was to approve a Main Street America Resolution and it was accepted, the City would have to provide \$15,000 up front and then a total of \$90,000 over three years. The business owners would come up with \$180,000 over three years. Commissioner Rentschler said it was a great program with great buy-in.

3) A Border Patrol program is mentoring youth through JPO. It got kicked off at the High School and will run for three weeks.

4) The Airport Advisory Board Committee Chairman and the Airport Manager Randy Hill addressed a board yesterday. We are trying to get community buy-in to try and attract regional jet service.

5) NMSU-A had a meeting this morning for their accreditation. They will know by May concerning re-accreditation.

6) She thanked the Commission for all their support at these various meetings and throughout the community.

7) Municipal Day in Santa Fe will be on February 19-20, 2013.

EXECUTIVE SESSION (Roll Call Vote Required)

Adjourn into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2001 Cumulative Supplement), to discuss:

- **Purchase, Sale, or Acquisition of Real Property (1900 US Hwy 54S; 211 N. Florida Ave.; & 200 S. Florida Ave.);**
- **Limited Personnel Matters (City Manager Recruitment);**
- **Threatened Litigation (low water pressure zone 3).**

Commissioner Rentschler moved to adjourn into Executive Session to discuss purchase, sale, or acquisition of real property (1900 US Hwy 54S; 211 N. Florida Ave.; & 200 S. Florida Ave.); Limited Personnel Matters (City Manager Recruitment; and Threatened and Pending Litigation (Low Water Pressure Zone 3) at 8:25 p.m. Commissioner Rardin seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

ADJOURNMENT



ATTEST:

A handwritten signature in blue ink, reading "Renee L. Cantin", is written over a horizontal line.

City Clerk Renee L. Cantin

A handwritten signature in black ink, reading "Susie Galea", is written over a horizontal line.

Mayor Susie Galea

(Prepared by Nancy Jacobs, Deputy Clerk)

Approved at the Regular Meeting held on February 26, 2013.