CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
FEBRUARY 25, 2014

ROBERT RENTSCHLER, MAYOR
NADIA SIKES, COMMISSIONER
JOSH RARDIN, COMMISSIONER
AL HERNANDEZ, COMMISSIONER
JIM TALBERT, COMMISSIONER
JASON BALDWIN, MAYOR PRO-TEM
SUSIE GALEA, COMMISSIONER
JIM STAHLE, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK

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

Mayor Rentschler called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Invocation by Reverend Victor Colton and the Pledge of Allegiance was led by Commissioner Talbert.

APPROVAL OF AGENDA

Commissioner Hernandez moved to approve the agenda as amended. Commissioner Talbert seconded the motion. Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. **Presentation related to the Economic Development Fund - LEDA Capital Outlay Program Overview** *(Antoinette Vigil, Finance Development Team Leader, NM Economic Development Department)*

Antoinette Vigil presented to the Commission. She is the State of New Mexico's Economic Development Department Finance Development Team Leader and is also with the LEDA Capital Outlay Program. She provided the Commissioners with the City of Alamogordo's local Economic Development Act and a copy of her presentation. She noted they had received a LEDA Capital Outlay Program appropriation in FY 2014 in the amount of $3.3 million dollars. It has allowed us to deploy about 12 projects and leverage the private investment 5 to 1. She hoped the FY 2015 appropriation of $10 or $15 million will be approved so they would have some funding available for projects. The State program has a priority of economic development projects that focus on targeted industries for the State of New Mexico having a community impact, an environmental impact, a job creation and job retention factor, attracts new capital investment, and has a readiness to proceed that is in line with the time frame of the monies we have to spend. They must also have a financial soundness that will protect all interests, as well as being a capable project to create jobs and capital investment in your community.

Based on that criterion, she said they sit down with the Cabinet Secretary and review team to determine the readiness to proceed and what projects may need a gap of financing or a closing type of fund to retain or attract that project to the State and community. They hope they can leverage the public funds with private monies in order to increase the revenue tax stream for the tax base at the local and state levels. They have been successful in showing that the LEDA Capital Outlay Projects they have deployed funds to over the last two years have created jobs that were outlined, and those projects have either come back for expansion plans or attracted another niche of products they could potentially produce in New Mexico. She said they were grateful to the Legislature and to everyone who supported the use of the Act; it is something we support as the only legal way to address the Anti-Donation provision in the State's Constitution to allow for a public/private venture. If you utilize the ordinance most communities have, the public and private sides will merge together to leverage the funds coming to the project and create economic development activity for the community.

Ms. Vigil referred to page two and the definition of the purpose of LEDA: to develop the State's economy. She said this statute realizes it is difficult for municipalities and counties to provide any public funding or all public resources to a project. This is the way to encourage the use and leveraging of private dollars. As a community that enacted LEDA, you have the ability to pledge direct and indirect assistance through land-building infrastructure. It is a tool for basic business growth and to introduce business ventures to the State. This statute also allows for regional collaboration; it would allow you to attract a multi-jurisdictional project. The short definition and purpose of LEDA is to allow public support to foster, promote and enhance local economic development efforts, continuing to protect against the unauthorized use of public money and other public resources. She told of two changes to the definitions of the state statute that she did not see in Alamogordo's local statute and you may want to look at in the future. Recent amendments to the state statute made in 2013 pertain to Section 5-10-3 NMSA 1978 and Section 5-10-10 NMSA 1978. Section 5-10-3 pertains to communities of 10,000 or less. There are a significant number of communities across the state looking for retail or service-type of industry and potentially want to enter into public/private partnership. This provision allows for that use for retail and this is a new definition; it is limited. There has only been one community use this to date and we expect to see others. We guide our communities and economic development organizations in this process since it can be very complicated. Section 5-10-10, the Project Participation Agreement is the binding agreement between the community and the project listing the who, what, where and why. Who is going to perform, when it is going to happen, what you are giving, what is the contribution, how long is it going to take, and what is its purpose. The template we provide for your use is an expandable one. Some of the issues with some of the State's contribution to projects do not allow us to claw-back if the project was to fail. This provision now requires the State to insert claw-back provisions and it requires the local community to have security and claw-back provisions if it enters into a LEDA transaction. Before, it was a choice but it is now required. This still leaves room for you as a local community to decide what the contribution will be and what part of that security you want to claw-back. She pointed out the underlined words in this section of 'substantive contribution from the qualifying entity for each economic development project,' and 'in exchange for a substantive contribution from the qualifying entity.' Ms. Vigil gave an example of not being able to meet the number of jobs in the time stated. You can pro-rate and take into consideration the number of jobs that were created and only claw-back on that security for the one piece not met. The key word in the Local Economic Act is Local, and you have a lot of room to negotiate and receive a contribution you feel is appropriate for you community based on your Economic Development Plan. She noted her agency was available to give you examples of what the State looks at and how we structure projects and transactions. She continued explaining Section 5-10-10 saying each local government or any public body that has contributed to an economic development project has to have a security provision. If we come to you with a project and you serve as the fiscal agent and provide a contribution, you will have a security provision as well as the State. We have templates for your use. Any contribution by the State Program will require a separate security provision and a security pledge to our State funds. We will continue to do so as long as we receive an appropriation.

She pointed out the shortness of the Project Participation Agreement (PPA) and the schedule and provisions for performance. LEDA fund proceeds may be used for direct or indirect assistance such as purchase, lease, grant, construction, improvement or conveyance of land, buildings or other infrastructure; public works improvements; payments for professional service contracts; direct loans or grants for land, buildings or infrastructure; technical assistance to cultural facilities; and loan guarantees. At times these have been closing funds and sometimes it is a contribution to the infrastructure need or to land acquisition. Because it is a capital outlay program, it does not allow for equipment or working capital.

Lastly, she documented the reasons why they have developed their policy and procedure. They believe in accountability to taxpayers and evaluation of projects in a very transparent and consistent manner. It allows for mitigation of risk and we do our best to do this in order to help the project succeed. We have a required reporting cycle, and we ask our local economic development organizations or the fiscal agent to pay a visit to the projects every now and again. There is a lot of oversight and communication with the companies. She encouraged the Commission to bring the local

ordinance up to speed with what the state statute reads. Ms. Vigil told the Commission her department also does an authorization for a credit check, a release of taxpayer information, and runs an economic impact analysis for the project. She felt that if you have LEDA you can entertain the local options gross receipts. She pointed out the outline of all the state communities they were assisting. Projects are accepted on an on-going basis as long as you have the basic project information we will need for evaluation.

Commissioner Talbert asked if our proposed Family Fun Center would fall under this category. He explained the City would pay for the building and an outside contractor would operate it. The City would be looking for assistance with the building. Ms. Vigil asked if it was in the City's Economic Development Plan since LEDA references that Plan and she asked if it was service/retail and whether under the $10,000.00. She did not think it would fit.

City Manager Stahle referred to the claw-backs since they were important to such an agreement. The City may establish claw-backs for what we put in and the State may, also. He asked Ms. Vigil if the State would pursue claw-backs on their own or if he City would have to participate in going after the claw-backs. Ms. Vigil told him her department would pursue that claw-back on their own. She said security pledges were offered up in a variety of ways such as mortgage interest, a line of credit, a term sheet, and a variety of others.

Mayor Rentschler asked for examples of completed projects nearby. Ms. Vigil didn't know of any nearby so gave an example of a meat processing facility in her community of Las Vegas, NM. It took an old facility owned by the public body and converted it for their use. The company had taken out capital on their own but had a gap of about $250,000 so they requested local economic development funds from the State and Secretary Barela agreed to that. The $70,000 pledged to them was used for infrastructure improvements to convert the old sale barn into a meat processing facility. For that $70,000 we asked for the creation of six jobs within a two year time period. They have exceeded that in one year by creating eight jobs. They put in another request in order to expand and we have another $70,000 going to that with the potential of creating two more jobs. This is meeting a need for jobs in rural New Mexico and is a targeted industry for the State of New Mexico and the county. They have agreed to expand one more time so our security in that is guaranteed

Mayor Rentschler said it would be similar to what we are looking at with FRST at this point, and Ms. Vigil agreed. Mayor Rentschler said it would be LEDA funds coming to the community if this comes to pass, and she agreed.

City Manager Stahle thanked Antoinette for giving this presentation and also for coming to speak with him and the staff. He said it was very enlightening to him and this was going to make a difference to our business community and OCEDC. He thanked her again. Mayor Rentschler thanked her as well.

Mayor Rentschler noted there would not be any action at this time but there would be an ordinance brought to the Commission on March 25th for first publication.

2. Presentation, and act upon, the Proposed Changes to NM Department Of Transportation Functional Street Classifications. *(Jason Thomas, City Engineer)*

City Engineer Jason Thomas had a slide presentation to accompany his talk. He told the Commission he had received a letter on January 27th from the Southeastern New Mexico Economic Development District (SNMEDD) announcing a functional reclassification review by New Mexico Department of Transportation (NMDOT) which happens every 10 years along with the Census information. The last state wide review was in 2004. The classification criteria are defined in the DOT guidance manual; there are seven roadway functional classifications: interstate, principal arterial (freeway), principal arterial (other), minor arterial, major collector, minor collector, and local. The functional reclassification requests are submitted to the Southeast Regional Transportation Planning Organization (SERPTO) for review at their March 25, 2014 meeting. If approved by SERPTO,

applications will be forwarded to NMDOT for final approval. After reviewing this opportunity, Staff met with the City Manager and came up with six candidates to bring to you for proposed changes. There are six local urban projects – 1) Dr. Martin Luther King Jr. Drive changing to a minor arterial, 2) First St. from White Sands Blvd. to LaVelle Rd., 3) LaVelle Rd./US Hwy 70 to First St., 4) Tenth St./White Sands Blvd. to the Relief Route, 5) College Ave. from Tenth to Indian Wells, and 6) Fairgrounds Rd./White Sands Blvd. to N. Scenic. He said they were still collecting traffic data but he had some new numbers not in the presentation. The areas were done for over a week and they found the First St. count was 3,083 and that looked good. The collector parameters were 1,100 to 6,300 average daily trips. LaVelle Rd. was last checked in 2011 by NMDOT with 611. We are getting 1,168 average daily trips now. Tenth St., College Ave. and MLK are currently pending. We recently measured Fairgrounds Rd. at 2,104. He showed the shape file from NMDOT showing the primary arterials of White Sands Blvd. and Scenic Dr. and the minor arterials running east to west – Indian Wells, Tenth and First Streets. Then he showed the urban collectors that break the city down even further. He told the Commission they have to make the recommendation before it goes to SERPTO. City Engineer Thomas said they could do functional reclassifications at any time, but were taking this opportunity to take some of the local routes and bump them up in status.

City Manager Stahle said it was important for everyone to understand why we do this. We are only allowed to get into it with the State every 10 years, after the Census. The reason we are going through this drill is to access additional funding sources. It doesn't eliminate the use of our funds for these projects, it simply opens the door for other money. He wanted all to look seriously at these projects. We are trying to make sure the City has a good arterial and minor collector type infrastructure that is adequately served throughout the City. He thought most of the areas on the map have been designated and they were adding a few segments to complete the puzzle and make connections that weren't otherwise there. He hoped the Commission would agree and add others if need be. He said our SERPTA representative might help to get these blessed, as well.

Commissioner Hernandez said he would like to see Cuba on here since it runs all the way from First to Indian Wells. If you have ever had to chase an ambulance to the hospital, Cuba and now Florida because of Fairgrounds Road are the quickest. The High School has the only school zone on Cuba and the street has very minimal police traffic. Cuba is almost like Scenic or Fairgrounds Road and he felt should be on the list.

Commissioner Galea asked when we can next update this if need be. City Engineer Thomas felt it could be done at any time and felt they would be busy for the next several months while they adjust everyone's Ten Year Updates. After that we could add another and if you want to do Cuba now you could approve this with that addition; we could get the counts and send it also. Commissioner Galea said she would like to do that.

Mayor Rentschler said this is the second time this had come before him in the last five years. He asked when this would be due and City Engineer Thomas told him in early March and SERPTO acts on March 25th.

Mayor Rentschler noted all the traffic counts were basically pending and City Engineer Thomas said they had two new sets of data that came in this weekend. One was First St. with 3,083 average daily trips, and LaVelle with 1,068. Mayor Rentschler said College, Tenth St. and Martin Luther King Dr. are still pending. City Engineer Thomas said there were four traffic counters and they needed to allow a seven day count time for each street. Mayor Rentschler felt they should have been done by now.

Mayor Rentschler asked for a motion and Commissioner Sikes asked if the motion would include Cuba. He told her it could if she would like.

Commissioner Rardin asked if we could add as many streets as we want on the list. City Engineer Thomas said we could but would have a limited ability to get in count data. Commissioner Rardin asked what the deadline was and the City Engineer told him the end of the first week in March. Commissioner Rardin felt Indian Wells would be a major arterial and should be bumped up. He also

felt 10th Street would be a major arterial. It was a hassle when the Florida/Tenth St. intersection had been closed because it runs from White Sands Blvd. to Scenic. He thought it might be too short of a notice to add anything else to the list. City Engineer Thomas said they had received the letter on January 27th and a week later began collecting data.

City Manager Stahle felt it was important to note that all these designations were typical for the industry for transportation planning purposes; they have to meet certain criteria. We would have to verify by traffic counts and other means that they meet these designations. He said we certainly could add and look at any one they wanted.

Mayor Rentschler wanted to add to the list Washington going to the Fairgrounds, as it would very soon, and out in front of the school going in the other direction. There will be quite a bit of traffic on this when the school is completed. The intersection at Washington/Pecan and Washington/First St. needed to be considered. City Engineer Thomas told him as soon as it was opened they would be able to collect data to see where it would fall. We must have hard data and we will be able to do this fairly soon, especially for the Pecan extension.

Mayor Pro-Tem Baldwin confirmed with City Engineer Thomas that we had four traffic counters. He asked how often they were used and City Engineer Thomas told him they were used intermittently all year around; they are the square, wireless pucks. Mayor Pro-Tem Baldwin asked about man hours and was told they were pretty minimal because you tell it when you want to start and stop. Mayor Pro-Tem Baldwin thought road concerns were such a huge issue over time and felt we should get traffic counts on all the areas. He wanted to have that information ahead of time so as to be ready when the issues came up. Collecting this data on a yearly basis would be helpful for the community.

Commissioner Galea moved to approve the Proposed Changes to NM Department Of Transportation Functional Street Classifications with the addition of Cuba Street. Commissioner Talbert seconded the motion. Motion carried with a vote of 7-0-0.

PUBLIC COMMENT

A. Eugene Downer commented on the following:

1) Mr. Downer talked about dead and dying trees and the need to replace them. For the last few months he had talked to Commissioner Rardin, Mayor Pro-Tem Baldwin and Commissioner Sikes about the dead trees in their districts. Commissioner Hernandez had several removed from the Zoo and Commissioner Sikes had two removed from the La Placita property as well as dead tops of the cedars. Between Florida and Washington, on Indian Wells there were 19 cottonwoods of which many were dead and dying. He wanted it on the record that those trees represent a danger to passengers in automobiles and anyone walking along the street under the trees. He said there was one tree that had a large limb half-rotted away that was directly over a sidewalk. Mr. Downer wondered what the maximum payment would be for accidental death or permanent injury. Three trees might last for five years but he felt 16 needed to be removed. He repeated he had spoken to the commissioners of these districts several times and felt it appropriate to take some action. He sent a memo to Parks Supervisor, Erik Marion six years ago specifically identifying those trees. Mr. Marion said he would work them into his schedule. Mr. Downer also mentioned those trees when he attended the Parks and Recreation Board meeting; Mr. Marion told him he was trying to bring them back. There is also a dead tree across the street from where he saw a Robert Rentschler for Mayor sign at 1408 Juniper in the median strip. He wondered if Mayor Rentschler had seen it when he put the sign up and Mayor Rentschler said he did not and this was the third time Mr. Downer had pointed it out. There is also a dead Afghan Pine in Commissioner Hernandez' district by the Civic Auditorium, next to the trailer where you put cardboard boxes. He thought the City should set an example by removing dead trees. He had been approached by a gentleman as he was entering the building tonight who said there were several dead trees in his district on private property. Mr. Downer told him he was focusing on park trees, but he wondered if his commissioner, Commissioner Sikes, could initiate an ordinance, statute, city law or regulation involving dead trees or perhaps including it in the weeds statute. He congratulated the City Manager for his efforts to create a landscaped entrance into the Wal-Mart

shopping area. Wal-Mart produces more revenue than any other Wal-Mart in the State, so it would behoove the City to consider that by improving the median strip there. On City property there are two big piles, one is nice, small river rock and the other nice decorative gravel. Those could be used in the median instead of dirt. He noted there were some Purple Globe Locusts planted along Indian Wells and these are good trees as he had pointed out in the memo he sent them written by a knowledgeable author and gardening expert who gave examples of several drought tolerant trees.

Mayor Rentschler asked the City Manager if he had made notes and City Manager Stahle said he had, just as he had last time. He said they had moved on many of them.

Commissioner Sikes thanked Mr. Downer for giving them a list of the trees and for going above and beyond. She said we obviously have a lot of dead trees and wondered if the City employed an arborist or if we simply had a chain saw. City Manager Stahle said we have chain saws and staff who can bring assistance when needed. He pointed out this is not an uncommon occurrence and there have been some recent publications showing how the entire country is experiencing tree die-offs because of climate alterations, so this is not unique to the City of Alamogordo. We do take into consideration the safety of our people and we have made progress since our last meeting. We will continue to make progress and we will bring an arborist in if we need to. He said the City of Las Cruces has a landscape architect and we can go to the universities if we need to. Commissioner Sikes again expressed her appreciation to Mr. Downer and said she had been logging dead trees, but could not tell at this time if they were dead or simply dormant.

CONSENT AGENDA (Roll Call Vote Required for items No. 6 & 7)

3. **Approve Minutes of the February 11, 2014 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*

4. **Approve statement related to the Executive Session of February 11, 2014.** *(Renee Cantin, City Clerk)*

5. **Approve the Lodger's Tax Expenditures for Tourism & Travel.** *(Jan Wafful, CS Admin. Assistant)*

6. **Approve the final publication of Ordinance No. 1460 related to amending the Personnel Manual concerning Paid Time Off and Separation of Employment. [Roll call vote]** *(Renee Cantin, City Clerk)*

7. **Approve the final publication of Ordinance No. 1461 amending City Code to establish a Cemetery Perpetual Care Fund. [Roll call vote required]** *(Renee Cantin, City Clerk)*

8. **Approve the award of Public Works Bid No. 2014-003 to Pate Construction Co., Inc. related to the Drainage Improvements – Washington Canal project, in an amount not to exceed $72,689.93, including tax.** *(Brian Cesar, Pubic Works Director)*

10. **Approve the Sub-grant amendment and the Professional Services Agreement with International Consulting & Associates, Ltd., for the preparation of the All Natural Hazards Mitigation Plan related to the NM Department of Homeland Security and Emergency Management Grant.** *(Mikel Ward, Fire Chief)*

Item # A-1 was removed from the consent calendar by Commissioner Hernandez. Mayor Rentschler removed Item #9.

Commissioner Hernandez moved to approve items # 3, 4, 5, 6, 7, 8, 10 of the consent calendar. Commissioner Sikes seconded the motion. Roll call was taken for items #6 & 7. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

9. Approve the Award of Public Works Bid Number 2014-004 project to Mesa Verde Enterprises, Inc. for the Panorama Boulevard / Hamilton Road Intersection Improvements in an amount not to exceed $241,992.26, including NMGRT. *(Jason Thomas, City Engineer)*

Mayor Rentschler said his concern is he thought we had a discussion about this before it went out to bid and he had not had the opportunity to review the minutes to see what was said. He wanted to table it until the next meeting.

Commissioner Galea said the Commission had approved for this project to be done, so she didn't understand why it was to be put off.

Mayor Rentschler said he did not remember us allowing this to go out in this way. He was hoping to delay this for two weeks for expediency, and then talk about it after he had time to review the record. He didn't know exactly when it had been added.

City Manager Stahle asked how long the bids were good for and was told 60 days. He said this project won't take that long to complete once it is authorized, so there is time if you want to hold off in order to consider past conversations.

Commissioner Rardin asked if this was to put in a 4-Way Stop and a turning lane. City Engineer Thomas said it was a right turn lane and a 2-Way Stop. The stop signs will be basically where they are now but you would have a free right on eastbound. Commissioner Rardin said you would have a stop sign coming out of the Taco Bell/Golden Corral on the one coming off Hamilton, and the traffic going east to west on Panorama would continue to flow. Commissioner Rardin was under the impression there would be a 4-Way Stop with a turn lane, and he agreed with Mayor Rentschler about his concerns that something else had been discussed. He also wanted a chance to go back and look at the minutes concerning this.

Commissioner Galea asked if they could recess for 15 minutes in order to review the minutes and then come back to discuss the items instead of tabling for two weeks. Mayor Rentschler preferred to table the item until he could look at it further.

Commissioner Rardin moved to table the item until the next meeting. Commissioner Hernandez seconded the motion. Motion carried with a vote of 5-2-0. Commissioner Talbert and Commissioner Galea voted nay.

A-1. Consider, and act upon, a request to purchase materials necessary to repair the main transmission water main from the La Luz Filter Plant to the Green Reservoir Site. *(Brian Cesar, Public Works Director)*

Commissioner Hernandez wondered why there wasn't a report attached to this agenda item so he would be able to review the bid numbers. He said he has worked with High Density Poly Ethylene (HDPE) a number of times and he asked if the fitting was factory or made on site. Public Works Director Cesar told him the failure was on the weld. Commissioner Hernandez said you can have a weld on a fitting. Public Works Director Cesar told him it was a weld done in late 2003 or early 2004 by the contractor.

Commissioner Hernandez was concerned with the fact the welds were actually stronger than the pipe. Public Works Director Cesar told him it was a poor weld. Commissioner Hernandez asked if we had any recourse with the contractor and Public Works Director Cesar told him we had a two year warrantee which was long past. Commissioner Hernandez said they have to be certified to do a weld and wondered if there was a stamp on the weld. He said he is required to stamp every weld he does. Public Works Director Cesar said it should have been but he had not looked. Commissioner

Hernandez asked him to look back and see if there was any recourse on it, because $73,000 for a failed weld was a lot. Public Works Director Cesar said the $73,000 is not only for the repair of the failed weld; the failure brought to light the Public Works engineering project back in 2003-2004. With this failure, we lost the ability to transport water from the La Luz facility into Alamogordo. We activated the old 18" CCP line to re-route water so as to continue to supply the majority of water to Alamogordo. Part of this repair will include additional valving, so in the event of another failure on this line, we will be able to re-route water and avoid the situation we now have. We are looking to install four additional valves and they are in the neighborhood of $10,000-$15,000 apiece; that is the majority of the cost. To repair the actual weld, we are looking at just under $5,000.

Commissioner Hernandez recommended Public Works Director Cesar go back and check. This was actually sub-contracted through the contractor who did these welds, and they must be certified by the company that provides the pipe. We may have some recourse through them to re-coup some of the cost. Public Works Director Cesar said he would look into that.

Commissioner Hernandez moved to approve a request to purchase materials necessary to repair the main transmission water main from the La Luz Filter Plant to the Green Reservoir Site. Commissioner Galea seconded the motion. Motion carried with a vote of 7-0-0.

NEW BUSINESS

11. Consider, and act upon, the first publication of Ordinance No. 1463 amending City Code section 11-05-340 and repealing 11-05-350 related to Deadly Weapons. *(Robert Rentschler, Mayor and Stephen Thies, City Attorney)*

Mayor Rentschler told the Commissioners he had received calls from several citizens, but the first was from Paul Sanchez who told him we have a place on our website under City Parks that prohibits carrying weapons of any kind. Mayor Rentschler researched how this came into being and found there wasn't an ordinance concerning this issue, so it was removed from the website. He found we had an ordinance concerning deadly weapons but it went contrary to both the U.S. and State of New Mexico Constitutions. Mayor Rentschler read from the current ordinance: "Carrying a deadly weapon shall mean being armed with a deadly weapon by having it on the person, or in close proximity thereto, so that the weapon is readily accessible for use." Mayor Rentschler noted New Mexico is an open carry state and so this is contrary to that. As you look through this and find what are considered deadly weapons, such as "all such weapons with which dangerous cuts can be given" or "with which dangerous thrusts can be inflicted, including sword canes, and any kind of sharp pointed canes, also slingshots, slug shots, bludgeons; or any other weapons with which dangerous wounds can be inflicted." The Mayor thought it goes a long ways and to go on further he read from the ordinance, "Firearm shall mean any instrument used in the propulsion of shot, shell or bullets or other harmful objects by the action of gunpowder exploded within it, or by the power of springs and including what are commonly known as air rifles and BB guns." This action proposes the first paragraph be removed from that section.

Commissioner Galea thanked the Mayor for bringing this to the Commission and pointing out it does not jive with the New Mexico Constitution. She read Article 2, Section 6 which states, "No municipality or county shall regulate in any way an incident of the right to keep and bear arms", so this does not work with our New Mexico Constitution. She was in support of the amendment to this ordinance.

Mayor Rentschler added one more partial sentence to this, "including what are commonly known as air rifles and BB guns." He did not think these could be construed as deadly weapons and wanted this removed.

Commissioner Rardin said this whole ordinance seemed outdated and he thought it would be beneficial to have our attorney look at it. He noted his pocket knife would fall under this definition of a deadly weapon and Mayor Rentschler said his pencil would, too. Maybe we should clean the language up some. If you had a cop having a bad day he could charge you with possession of a

deadly weapon by carrying a pen.

Commissioner Hernandez agreed also, but he wanted the attorney to look into it because when those weapons are used in the commission of a crime, they should fall under this. He felt it important we look at it and said he was very adamant about this because he carries his arms and razor knives for his work. We need to make sure we are protected as far as anything used in commission of a crime.

Mr. Paul Sanchez, who said he was a candidate for mayor, came forward to say he appreciated Mayor Rentschler's action tonight and it was good to see us all getting along and agreeing on something. Second Amendment seemed pretty obvious. He said he had been contacted by one of his supporters asking if he had noted the new policy on the City's website. What it specifically said was, "The following are prohibited in all City of Alamogordo parks unless otherwise noted". Then there is a long list of stuff and the specific phrase was, "firearms or weapons of any type". Paul Sanchez noted he uses a cane everyday and it is a weapon. That concerned him so he contacted Mayor Rentschler, and he appreciated his action. He had one question that had not been answered and that was who of the City Staff decided this was an appropriate policy to put on the website and try to enforce without the approval of this Commission, no less being against the New Mexico Constitution and not to mention the Second Amendment. To his knowledge it had not been on the City's website prior to January and it was listed under new policies.

Mayor Rentschler said he was not prepared to answer that tonight, and that wasn't the purpose of this right now. He felt the City Manager could look into that.

City Manager Stahle said he had looked into it and said we don't know. He said he would keep looking but at this point he didn't have the answer. Paul Sanchez said somebody had to say put it on there and somebody had to type it in, so if tonight's answer is "I don't know", then he said he would put in a Public Records Request tomorrow. City Manager Stahle said that was fine. Mr. Sanchez said he believed he was speaking and City Manager Stahle begged his pardon. Mr. Sanchez thought it was kind of silly no one knew who typed it in, because it doesn't magically appear on the website. He wondered why one of the employees of the City thought they could overrule the entire Commission, not to mention the Constitution. That very much concerned him and he said he would put in a Public Records Request tomorrow to officially ask the City to answer this question since he thought we should have had that answer available by now. He thanked the Mayor.

City Manager Stahle pointed out the change proposed tonight would obviously impact what all of our written rules say. He felt it was also important to recognize the City Parks are used by a variety of people and as Commissioner Hernandez pointed out, we have to be careful to not take some tools away from our law enforcement in contending with volatile situations. He didn't know the answer and had answered honestly, noting he would continue to look into how it was done. He didn't want anyone to assume there isn't consistency between our website and what the Code says. What it says right now is obviously against the Constitution and you are going to act on taking that out. As far as the language on the website, he said you need to keep looking because there are probably other things that may be of a concern to us, as well. He appreciated the opportunity to make corrections.

Mayor Rentschler said that as far as addressing Commissioner Hernandez's concern, he asked the City Attorney if there was a Section 3 to this and what was it titled.

City Attorney Thies looked at the Code and said Section 11-05-360 is Negligent use of a Deadly Weapon. That particular provision was, and Mayor Rentschler interrupted to say "negligent use of a deadly weapon" is the tool our law enforcement officers absolutely have to have to use. That is one reason he is concerned about the "power of springs including what are commonly known as air rifles and BB guns", because he did not believe those to be deadly weapons. If you are like I was, a 10 year old kid walking through the desert with his BB gun, I could have conceivably been stopped and arrested for negligent use if I happen to draw a bead on something on the ground. He wanted us to amend the section as stated and also strike "the power of springs" through "guns".
Commissioner Galea said that hypothetically on BB guns, it isn't lawful for youth or adults to go to a

park and shoot birds or squirrels. Even though it isn't people, it is still a deadly force with a weapon, so she wanted to leave the BB guns there. Mayor Rentschler said this is under something called Deadly Weapons and deadly weapons generally speaking, talks to deadly weapons to personnel. If you ask him, we have a heck of a pigeon problem in the City and he would rather see pigeons dying of rapid lead poisoning. He said there is also a serious side to this aside; he lost a dog two years ago because he had eaten poisoned pigeons. The guy across the alley and street from him was poisoning pigeons in his backyard. The dog got sick twice and the second time it killed him because we did not realize what it was. He would rather that guy was using a pellet gun to take out the pigeons than poison them and kill his dog as well as a couple of dogs down the alley.

Mr. Sanchez said in the course of fixing Section 1 and 2 of this, the City Manager made a comment about not taking away a useful tool for law enforcement for volatile situations. Mr. Sanchez said in his mind and his belief about Second Amendment rights, people who are lawfully carrying weapons, whether under Open Carry provisions or Concealed Carry provisions in New Mexico, are not the people that are dangerous. It is the people doing what we discovered in Section 3 – The Negligent Use Thereof. He didn't think anything we were doing here that you recommended, which he said he strongly supported, takes away any tool from law enforcement. He didn't know if City Manager Stahle wanted to clarify his statement or not because Mr. Sanchez did not understand what he wanted to do. His agreed to taking BB guns out of it, but the squirrels and pigeons, and he disagreed with him on shooting pigeons, can support that because it falls under cruelty to animals. If you are hunting that's one thing, but in City Parks with kids running around or on the median of your street on the end of Juniper, if a guy shoots at a pigeon and the pellet misses the bird and the pellet goes straight through your living room where you are watching TV, it's all fun and games until someone loses an eye. He agreed with taking the BB guns out and felt cruelty to animals covered that.

Mayor Rentschler said concerning cruelty to animals, have you ever used a mouse trap. Mr. Sanchez said he kills stuff every day in his house, and we could do this all day long but let's not get the Animal Shelter down here because we could have a fun discussion about that.

Mr. Sanchez asked if he misunderstood what the City Manager was saying concerning removing the tool for volatile situations. City Manager Stahle told him he didn't know how Mr. Sanchez interpreted it; he just agreed with Commissioner Hernandez that we want to be careful that there is more to this than just the definitions and what we are tinkering with now. He would not advocate the Commission make toothless our opportunity to enforce the law. The law is what the State Constitution and this Commission decides it will be. Mr. Sanchez said absolutely and he thought the law of deadly weapons in force used therein is covered under multitudinous other statutes and the Second Amendment and the New Mexico Constitution cover lawful use.

City Manager Stahle said that just to follow up, we started down the path of taking a comprehensive look at this and that was what he was referring to. He agreed there were other sections we never want to take out that protect us and would be fine. There are some parts of this you guys are already well into that do need a second look. He noted the date this was originally passed as 1960.

Commissioner Galea noted that under 'Animal Control: 7-0-060 under Cruelty to Animals, it includes poisoning and cruelly killing animals. Mayor Rentschler said he was sure of that.

Mayor Rentschler asked to take this in two parts and called for a motion to strike "the power of springs and including what are commonly known as air rifles and BB guns".

Commissioner Talbert moved to strike "the power of springs and including what are commonly known as air rifles and BB guns" from Section One. Commissioner Hernandez seconded the motion. Motion carried by a vote of 6-1-0. Commissioner Galea voted nay.

Commissioner Galea stated she only dissented with the BB guns because of the cruelty of killing animals with the BB gun. She did not believe we should be using BB guns in parks to kill animals.

Commissioner Rardin moved to approve first publication of Ordinance No. 1463 amending City Code section 11-05-340 and repealing 11-05-350 related to Deadly Weapons as amended. Commissioner Talbert seconded the motion. Motion carried with a vote of 7-0-0.

12. Consider, and act upon a request to increase starting wage of 6 Lifeguard positions, that are assigned to the Recreation Center/Community Service Department. *(Matt McNeile, Assistant City Manager)*

Assistant City Manager McNeile explained the Staff is asking for the ability to increase the beginning wage for our lifeguards. Although we are going to increase the wage, it is still in the authorized pay range for lifeguards of that classification. The reason is to help us not only recruit candidates but also to retain them after we train them. Many times after we train them they get hired at HAFB at a higher rate, so we are constantly trying to find new lifeguards to train and become qualified.

Commissioner Talbert asked if they had a training contract that said they had to stay with the City two years or they forfeit, and Assistant City Manager McNeile told him they were working on that. This isn't like Public Safety where we are dealing with larger amounts of money. Commissioner Talbert said if you are training them you have to have a payback so you don't train them and then they say good bye. Assistant City Manager McNeile agreed and said he was working with the Staff on that. City Manager Stahle said we do not currently have that and Commissioner Talbert said we need it.

Commissioner Rardin asked the average age of those hired for these positions and Assistant City Manager McNeile told him 15-19 years. Commissioner Rardin asked if most were college or high school students, and Assistant City Manager McNeile told him in the summer time they had college students from all over. Commissioner Rardin said the majority of the reason for this position being vacated was because of those people going back to school rather than going out to HAFB to work. Assistant City Manager McNeile told him it was a combination of both. At the end of the summer we lose the students back to athletics, the high school or back to college. We also lose a far amount to the Base once they are trained. This is not only a recruitment tool but a retention tool. Commissioner Rardin felt a raise of only $1.10 an hour should be brought back at Budget time instead of now. It is in the amount we budgeted, but another three or four months isn't going to kill us.

Commissioner Galea said she understood the importance of the raise because we are hiring lifeguards now for this coming year. Last May we had a lifeguard shortage because of the high turn-around rate, and the City promised the school-age children they could do fund raisers at our pool. A lot of that was due to our wage and many of the lifeguards going to HAFB. She knew some said $12.00 per hour was a lot to pay a 19 year old, but she was making $13.50 per hour when she was 19. She didn't think $12.00 was too much to pay a 19 year old who was certified to save lives. Assistant City Manager McNeile said we are not proposing to pay $12.00; the range is up to $12.00 but we are trying to go from $7.89 to $9.00.

Commissioner Hernandez didn't have a problem with this because he saw jobs paying a lot less, like a golf course maintenance position. He understood they were trying to keep the seasonal positions, but if you read down on the total job description there is quite a bit to do with that and he hoped that wasn't part of the reason they are leaving. We need to make sure when candidates are interviewed they understand cleaning restrooms is part of the job, and he knew it was a serious problem with one of the Commissioners in the past that the restrooms were not being kept clean. He wanted Assistant City Manager McNeile to make sure they realize they have to work special events such as the Gus Macker Event. Assistant City Manager McNeile said that was a good point and he would do so.

Mayor Rentschler asked what the job description was. Assistant City Manager McNeile noted the descriptions were included with this item. Commissioner Hernandez said there was quite a bit and cleaning restrooms was one of the big ones. He would hate to see the next person fired because they did not clean the restrooms.

Assistant City Manager McNeile said special events was another large portion of the seasonal workforce and we relate this to them when we hire. Commissioner Hernandez said absolutely, as do all of the Rec. Center and Parks personnel. Mayor Rentschler asked if they were used primarily for First Aid at the Gus Macker, Saturday in the Park, Fourth of July, Easter in the Park and Zoo Boo, or do we use them for clean-up? Assistant City Manager McNeile said they do everything.

Commissioner Hernandez moved to approve the increase starting wage of 6 Lifeguard positions that are assigned to the Recreation Center/Community Service Department. Commissioner Galea seconded the motion. Motion carried with a vote of 6-1-0. Commissioner Rardin voted nay.

It was decided to consider Item #'s 13 – 22 and A-1 all at one time.

13. **Consider, and act upon, a request to fill 5 Seasonal Lifeguard positions, to be assigned to the Recreation Center/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

14. **Consider, and act upon, a request to fill a Seasonal Head Lifeguard position, to be assigned to the Recreation Center/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

15. **Consider, and act upon, a request to fill 7 Seasonal Recreation Aide positions, to be assigned to the Recreation Center/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

16. **Consider, and act upon, a request to fill 2 Seasonal Recreational Assistant positions, to be assigned to the Recreation Center/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

17. **Consider, and act upon, a request to fill the Seasonal Recreation Center Cashier position, to be assigned to the Recreation Center/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

18. **Consider, and act upon, a request to fill the Seasonal Recreation Clerk position, to be assigned to the Recreation Center/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

19. **Consider, and act upon, a request to fill 4 Seasonal Golf Course Laborer positions, to be assigned to the Golf Course/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

20. **Consider, and act upon, a request to fill 6 Seasonal Park Laborer positions, to be assigned to the Parks/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

21. **Consider, and act upon, a request to fill 3 Seasonal KAB Beautification Worker positions, to be assigned to the Parks/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

22. **Consider, and act upon, a request to fill the Fitness Coordinator position, to be assigned to the Alamogordo Senior Center/Community Services Department.** *(Matt McNeile, Assistant City Manager)*

Assistant City Manager McNeile pointed out the Fitness Coordinator is a grant funded position at the Senior Center. When we recruit and hire for this position, we let the person know that if the grant funding is not available, this position will be a temporary one.

A-2. Consider, and act upon a request to fill the Regular Full-Time Golf Course Laborer position, to be assigned to the Golf Course/Community Services Department. *(Matt McNeile, Assistant City Manager)*

Assistant City Manager McNeile noted this position was a full-time Golf Course Laborer position that was budgeted. The incumbent took a different position at the Golf Course and made this position available.

Commissioner Hernandez moved to approve Item A-2, and Items 13-22. Mayor Pro-Tem Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

A-3. Consider, and act upon a request to fill the Data Entry/File Clerk position, to be assigned to the Municipal Court Department. *(Steve Lee, Municipal Judge)*

HR Manager Josselyn came forward to answer questions. Mayor Pro-Tem Baldwin asked if this was within budget and not a new position, and Human Resource Manager Josselyn told him that was correct.

Commissioner Hernandez moved to approve a request to fill the Data Entry/File Clerk position, to be assigned to the Municipal Court Department. Mayor Pro-Tem Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

23. Consider, and act upon, a request to fill the Convenience Center Attendant position, to be assigned to the Public Works Department. *(Brian Cesar, Public Works Director)*

Public Works Director Cesar said this is a full-time position and he was asking to convert this budgeted position to a full-time seasonal position. They were going to begin discussing a possible consolidation of the Convenience Center, so at this time he didn't want a full-time regular position. That person would be on notice they could be let go at any time. He noted the typo in the agenda report, the fiscal impact of $8,325.00 is a savings and not an additional cost.

Mayor Rentschler asked if this position was actually seasonal and Public Works Director Cesar told him he was asking to convert a current full-time regular position to a full-time seasonal position. The person who was in the regular position had retired.

Commissioner Rardin asked if this was a position we could do without until we get everything consolidated out there. Public Works Director Cesar told him that would lead to overtime due to the days and hours of operation, as well as the amount of material we are having to haul to the landfill. He told them the supervisor was the one who retired.

Commissioner Hernandez moved to approve a request to fill the Convenience Center Attendant position, to be assigned to the Public Works Department and to change from full-time to Seasonal. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

24. Consider, and act upon, a request to fill the Wastewater Treatment Plant Operatorn position, to be assigned to the Public Works Department. *(Brian Cesar, Public Works Director)*

25. Consider, and act upon, a request to fill the Diesel Mechanic position, to be assigned to the Public Works Department. *(Brian Cesar, Public Works Director)*

It was decided to consider both Item #24 and Item #25 together. Public Works Director Cesar told the Commissioners these two vacancies were budgeted positions within budget and were actual vacancies.

Mayor Pro-Tem Baldwin moved to approve Items #24 - a request to fill the Wastewater Treatment Plant Operator position, to be assigned to the Public Works Department & Item #25 - a request to fill the Diesel Mechanic position, to be assigned to the Public Works Department. Commissioner Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

26. Consider, and act upon, a request to fill the Police Officer position, to be assigned to the Police Department. *(Robert Duncan, Police Chief)*

Police Chief Duncan told the Commission this was for a Police Officer position that was currently budgeted for FY 2014. Commissioner Hernandez wanted to point out this position transferred from a police officer position to an accredited specialist. You had somebody move within the department and Police Chief Duncan affirmed.

Commissioner Hernandez moved to approve a request to fill the Police Officer position, to be assigned to the Police Department. Commissioner Talbert seconded the motion.

Mayor Rentschler asked how we were doing at the Police Department and if we are staffed. Police Chief Duncan said as of today we are at 59; we are down five police officers and we are in the hiring process. You did approve to fill those positions.

Commissioner Talbert asked how many we have in the Academy at this time. Police Chief Duncan said we have four at the Academy. Commissioner Talbert asked if they would be filling those five slots and Police Chief Duncan this was five more not including those four.

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

27. Appointments to Boards & Committees. *(Robert Rentschler, Mayor)*

Mayor Rentschler announced the Boards and Committees with current vacancies and appointed David Pearce to the Airport Advisory Board and Beverly Coble to the Promotions Board.

PUBLIC COMMENT

B. Sharon Hodges commented on the following:

1) Sharon Hodges came forward and reminded the Commissioners and those in attendance that the citizens of Alamogordo have an opportunity that hasn't happened in a long time – to select our own Mayor. With that comes a big responsibility, and not only to the person that is selected; there are two commissioners and one person in the audience who have put their names forward. It also is a big responsibility for us as the Public because the expectation of whoever sits in that seat is to hopefully build relationships and consensus among the Commissioners as you move forward to make the decisions that have direct impact on our lives here in Alamogordo. The other thing is our community partners which includes the County Commission. She encouraged whoever is elected to remember that they are a member of a seven person working commission with one vote among seven. It still takes those four votes to make anything happen in Alamogordo; please be assured the public will be watching. She thanked all of the Commissioners for their service because she understood how much time and dedication is required and the things you have to put up with, including herself.

CITY MANAGER'S REPORT

1) City Manager Stahle said Commissioner Hernandez suggested he mention Albertson's. We have the authorization for the demolition and are expecting a 53,727 sq. ft. facility just west of the Library. It will have an impact on Library parking but patrons can park in the City Hall north parking lot area in the future. It is on it's way and they are intent on doing the demo in the next month to month and a half and will have to go through CID for the permit itself. They are scheduled for opening sometime between Halloween and Thanksgiving. It will include a complete pharmacy and Starbucks.
2) He was happy the Legislature did pass HB 55 providing infrastructure for local jurisdictions. The

City made out fairly well; the Desalination System for $4 million, the Desert Lakes Golf Course storage ponds rehab for $300,000, the Rec. Center restrooms for $100,000, and police vehicles for $200,000. He was thrilled the Legislature recognized our need and provided the funding. He hadn't heard if the Governor was taking anything off or not.

Mayor Rentschler said he had talked to the Governor's office today and she is considering coming here when the time is right to do a bill signing. Every indication is she intends to sign at least our portion of it as is.

3) The City Manager mentioned that on Saturday from 1:00-3:00 p.m. would be the 114th Birthday Party of our Library. 114 years is pretty impressive.

4) He reminded everyone to vote and exercise your responsibility as citizens of our community. Study the issues and candidates and get out and vote next Tuesday. There are also three important positions on the ballot.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Hernandez commented on the following:
1) He seconded the City Manager's comment on getting out to vote. He noted he had registered to vote in 1996 when he decided to run for Commissioner. It's not a good idea to register for that reason, but it is a great reason to be a part of what we do here. He told the audience that they tell the Commission what they think by voting, whether you agree or disagree with the Commission; it is your right to tell us that.

Commissioner Talbert commented on the following:
1) Commissioner Talbert said this was his last meeting as District Six Commissioner. He thanked District Six for allowing him to serve and he had enjoyed it. He said he registered to vote back when you had to be 21 to do so. He noted he had the privilege to escort a Dutch individual who was voting for the first time, and it was interesting to see how excited someone gets when they can finally vote. Mayor Rentschler thanked him and he was given a round of applause.

Commissioner Galea commented on the following:
1) She mentioned the Feb. 13th Military Appreciation dinner and reported on some topics of discussion: looking for an Airport Manager; our cooperative working relationship with the military; the B-1's and M2-9's being a good fit.
2) On Feb. 15th, the Lego Rangers who are a group of young students who work with Robotics won a regional competition and will compete at Nationals in California in May.
3) On Feb. 18th, she attended the VFW and made a presentation of the City's application for the Veteran's Cemetery. She clarified any false rumors concerning that.
4) On Feb. 20th, the Chamber hosted the Business After Hours at the Golf Course and she thanked the Chamber for a good job.
5) On Feb. 24th, she had the opportunity to see our Showtime Dance team who are going to Nationals this weekend.
6) Tonight she attended with the Mayor a presentation by HAFB naming Bobbie Martinez as their next Wing Man.

Commissioner Sikes commented on the following:
1) Commissioner Sikes said that as the president of the Friends of the Library, she was thrilled to be doing the 114th Birthday Celebration and she did not want to leave the Library Staff out of any accolades; they put the whole thing together. As part of the entertainment, they are doing a demonstration with the Lego Rangers at 2:00 PM. Just the fact our library is older than the State of New Mexico impressed her, so she invited all to attend.

Mayor Rentschler commented on the following:
1) He said he would be at the beginning of the Library celebration with a Proclamation.

2) He said it is a privilege to vote and he had been 18 years old when he registered. That was right when they dropped the age to 18 and that was a big deal because of Viet Nam – old enough to die/not old enough to vote. He voted for Richard Nixon that year. It has been a real privilege to sit in this seat and this is a great city. He appreciated everyone and has really enjoyed this position.

EXECUTIVE SESSION (Roll Call Vote Required)

Recess into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2010 Cumulative Supplement), to discuss:

- **Sale, Acquisition, or Disposal of Real Property (E1/2 N1/2 N/12 N1/4 SE 1/4 in S 30, T16S, R10E, Norm Arnold property located generally East of Carl's Jr.)**
- **Limited Personnel Matters (City Manager Performance Evaluation)**
- **ADDENDUM ADDITION: Sale, Acquisition, or Disposal of Real Property (A tract of real property located in the S1/2SW1/4NW1/4SE1/4, Section 29-16-10, Washington/First St. Realignment)**

Mayor Pro-Tem Baldwin moved to adjourn into Executive Session to discuss Sale, Acquisition or Disposal of Real Property (E1/2 N1/2 N/12 N1/4 SE 1/4 in S 30, T16S, R10E, Norm Arnold property located generally East of Carl's Jr.); Limited Personnel Matters (City Manager Performance Evaluation); Sale, Acquisition, or Disposal of Real Property (A tract of real property located in the S1/2SW1/4NW1/4SE1/4, Section 29-16-10, Washington/First St. Realignment) at 8:45 p.m. Commissioner Hernandez seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

RECONVENE INTO OPEN SESSION

Commissioner Hernandez moved to approve going back into Open Session at 10:05 p.m. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

Statement by the Mayor: The Governing Body of the City of Alamogordo, New Mexico, hereby states that matters discussed in the closed meeting were limited only to Sale, Acquisition or Disposal of Real Property (located East of Carl's Jr. & Washington/First St. Realignment); and Limited Personnel Matters (City Manager Evaluation) as posted on the meeting notice.

28. Consider, and act upon, any action to be taken related to City Manager Performance Evaluation.

Mayor Rentschler stated Jim is doing a good job. He is acclimating to our community, our city and his job. We look forward to working with Jim on the upcoming City Budget. We hope to have a stable City Manager for a long time. We will continue to support Jim Stahle with a year extension on his contract.

City Manager Stahle thanked them.

ADJOURNMENT

Commissioner Hernandez moved to adjourn at 10:06 p.m. Mayor Pro-Tem Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

Mayor Susie Galea

ATTEST:

City Clerk Renee L. Cantin

(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on March 11, 2014.