

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
JANUARY 8, 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, INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Susie Galea called the meeting to order at 7:30 p.m. Roll Call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Invocation by Interim City Manager Bob Carter and the Pledge of Allegiance was led by Commissioner Nadia Sikes.

APPROVAL OF AGENDA

Mayor Galea asked for a motion to amend the Executive Session agenda by adding the following:

Threatened and Pending Litigation (Former Finance Officer and an Individual DPS Officer) to the Executive Session for discussion.

Commissioner Robert Rentschler moved to approve the amendment to the agenda. Commissioner Jason Baldwin seconded the motion. Motion carried by a vote of 7-0-0.

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

CONSENT AGENDA (Roll Call Vote Required for item No. 3)

- 1. Approve Minutes of the December 18, 2012 Regular Meeting of the Alamogordo City Commission. (Renee Cantin, City Clerk)**
- 2. Approve statement related to the Executive Session of December 18, 2012. (Renee Cantin, City Clerk)**
- 3. Approve Resolution No. 2013-01 determining Reasonable Notice of Meetings of the Alamogordo City Commission (Open Meetings Act). [Roll call vote required] (Renee Cantin, City Clerk)**
- 4. Approve the submittal of a completed grant application under the New Mexico Historical Records Grant Program for project approval and financial assistance in the amount of \$8,500. (Renee Cantin, City Clerk and Ruben Segura Grants Coordinator)**
- 5. Approve an extension to the Consulting Agreement with Bob G. Carter. (Stephen Thies, City Attorney)**

Commissioner Josh Rardin asked if Item # 5 should be moved to after the Executive Session, and it was decided by the Commission it would remain as is.

Commissioner Al Hernandez moved to approve items #1, 2, 3, 4, & 5 of the consent calendar. Commissioner Rentschler seconded the motion. Roll call was taken for item #3. Motion carried with a vote of 7-0-0.

UNFINISHED BUSINESS

6. **Request to postpone until the January 22, 2013 Meeting, a substitution to the approved Fund 118 Projects.** (*Brian Cesar, Utilities Director*)

Utilities Director Brian Cesar reminded the Commissioners that at the last Commission meeting this item was on the agenda to substitute a project for the Washington and First realignment, and the Commission asked for it to be brought back to this meeting. He remarked he had been unable to gather all the information needed during the holidays, so he asked this be moved to the next Commission meeting.

Commissioner Rentschler moved to postpone the item until the January 22, 2013 meeting. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

7. **Request to postpone the item until the survey is completed, related to the unmarked graves at the Cemetery.** (*Matt McNeile, Assistant City Manager*)

Assistant City Manager Matt McNeile notified the Commission he would have the survey in hand tomorrow and would bring a report back to the next Commission meeting.

Commissioner Rentschler moved to table the item until the January 22, 2013 meeting. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

NEW BUSINESS

8. **Consider, and act upon, the first publication of Ordinance No. 1432 amending the Uniform Traffic Code regulating the parking of mobile advertising devices.** (*Stephen Thies, City Attorney*)

City Attorney Stephen Thies explained the request for the ordinance saying the City has received some complaints from citizens concerning vehicles parked in the street to advertise a commercial establishment. Commissioner Rardin asked the legal department to look into this, and after they examined some of the legal issues that would result from this, his office prepared an ordinance. The advertising is considered commercial speech and has certain First Amendment rights. As a result, we have to be careful when trying to regulate it. The ordinance created is based on an ordinance adopted by West Hollywood, CA, which was challenged in the courts, but found to be constitutional. The issue is the traffic hazard, especially at night, created by a vehicle parked on a busy street. This ordinance defines a mobile advertising device as a vehicle or a trailer having an advertising sign attached to it. The ordinance also defines an exemption to this rule as a business vehicle driving around town or parked where they are doing business, or a commercial vehicle taken home in the evening. The City Attorney requested this ordinance be approved for first publication.

Commissioner Rentschler asked about political signs in pickups and those who rent trailers for political advertising. Would these be violating the ordinance? City Attorney Thies told him we could not differentiate between political advertising and other advertising. They would fall under this ordinance.

Mayor Pro-Tem Hernandez asked about the Older Americans Center that puts their sign-board on a trailer and parks it on First Street. City Attorney Thies said if it's on City property it would be in violation, but would be legal on private property.

Commissioner Jim Talbert asked if there was a particular sign or trailer that precipitated this action. Commissioner Hernandez told him there has been. Commissioner Rardin said it was based on numerous complaints from Alamogordo citizens that these vehicles parked on the shoulder of the road were a traffic hazard. He commented several businesses have done this. He told the Commission this item had come up before under the sign ordinance.

Mayor Galea understood the need for safety. She asked how else these businesses could advertise. She remarked there were a limited number of billboards in the City. Commissioner Rardin declared they could pay for advertising just as he did.

Mayor Pro-Tem Hernandez asked how we are going to enforce this. He noted today there were four trucks selling firewood on city property at the corner of Indian Wells and White Sands Blvd. He wondered how we would enforce this new ordinance if we weren't enforcing the ones we had in place already. City Attorney Thies said if code enforcement finds them parked on city right-of-way they will be cited, and he added Code Enforcement would need to step up their efforts to enforce this. The City Attorney stated they also need to come to City Hall and apply for a permit to sell.

Commissioner Rentschler asked what the penalty would be. City Attorney Thies said it would be comparable to a parking ticket - \$50.00 to \$100.00.

Mayor Pro-Tem Hernandez moved to postpone until the next meeting and have staff try to enforce what we have in place before we target another ordinance. Commissioner Sikes seconded the motion. Motion carried by a vote of 4-3-0. Commissioner Rardin, Commissioner Baldwin, and Commissioner Rentschler voted nay.

9. Consider, and act upon, the authorization to use funding from the Airport General Fund Account for the completion of the crack sealing project and a weed control maintenance project. (Randy Hill, Airport Coordinator)

Airport Coordinator Randy Hill asked the Commission if anyone had a question concerning the PowerPoint documents in their packets.

Commissioner Jim Talbert noted the lease agreements for the hangers stated the leaser was responsible for keeping the weeds away from the hangers. He asked why this was not being enforced. Mayor Galea told the Commissioner there is a zoning issue. The Airport Coordinator said some of the leases are encroaching into the taxi lanes, thus they are leasing part of the taxi lanes. These issues are under review at this time by URS, the company contracted to develop our 20 Year Master Plan. He noted we should have an answer by March 1, 2013. In the meantime, he asked to take control of the weeds around the hangers since he hasn't had much luck getting the leasers to do so. Commissioner Talbert suggested fining them and requiring them to pay for the clean-up. Airport Coordinator Hill agreed with him, and Mayor Galea asked the Commissioner if he would like to make a motion to amend the item. Airport Coordinator Hill told her he would recommend this and he would enforce it. Commissioner Talbert stated he thought this would save the City some money, and Airport Coordinator Hill told them it would save around \$2,000.

Commissioner Rentschler stated that from the pictures in the presentation, it appeared the security fences were greatly affected by weeds. Airport Coordinator Hill agreed and said the fence line was simply terrible. Commissioner Rentschler asked if the proposed amount would take care of that and Airport Coordinator Hill said the fence would be cleared three feet on either side. Commissioner Rentschler felt to eradicate the mesquite alone would cost more than the projected amount budgeted. Airport Coordinator Hill told the Commission the contractor had one caveat stating they would not clean the debris out of the fence itself. Mr. Hill said either he or another City employee would be responsible for cleaning the debris from the fence. Commissioner Rentschler remarked that from the pictures in the presentation the mesquite was going to be quite a problem to eradicate. Airport Coordinator Hill told him the contractor would use a very efficient chemical to kill these plants. Commissioner Rentschler was surprised at this price because the cost of herbicides was relatively inexpensive and when used over the course of a year, such as in transformer yards, all weeds are eradicated. He felt \$18,000 to kill weeds but not clear the fences was excessive. Airport Coordinator Hill noted the State would come up with a 50/50 Grant to help with this, so our cost would be about \$8,000. Commissioner Rentschler asked him if this would be a years worth of treatment and Airport Coordinator Hill answered in the affirmative, and then the contractor would come out after that year to treat spot problems as they occur. Commissioner Rentschler asked if there were any maintenance

personnel assigned to the airport and Airport Coordinator Hill answered in the affirmative. Mr. Hill remarked he and his crew spend a lot of time killing weeds but are not allowed to use strong enough chemicals. Commissioner Rentschler felt the granular weed killer was really good and when used continually did a great job. He asked again if the contractor would do anything besides kill the weeds, such as cleaning the fence line, and Mr. Hill said he would only kill the weeds.

Interim City Manager Carter asked how much was involved in this, and Airport Coordinator Hill told him it would be about 54 acres. Much of the acreage is related to the dirt runway where African Rue is growing and is extremely hard to kill. The current chemicals the airport can legally use will not kill this invasive weed. In addition, between the taxiways and runways, and on either side of the runways, there is a bad mesquite problem. As the mesquite branches are cut off by the mowers, they dry out and blow onto the runway and taxiway causing flat tires. We are proposing to the contractor that he kill the mesquite and take care of the African Rue (a major problem that can easily spread to the rest of the county). The fence is a little more than four miles long and he'll ask the contractor if he will clean the fence, but it will probably be cost prohibitive to have him do it. Commissioner Rentschler agreed. Airport Coordinator Hill would check to see if trustee labor could come out and take care of the cleaning.

Commissioner Rardin read from the proposal, 'the contractor underestimated the recent crack-seal contract by 50,000 pounds'. Commissioner Rardin asked if they ran out of materials and didn't finish the job. Airport Coordinator Hill said, no sir, they bid the project and when they began the job realized they had underestimated the requirement by almost half. They took care of the taxiway. Commissioner Rardin commented when he underbids a project he has to finish it anyway. Airport Coordinator Hill stated this project was done in accordance with a State pricing agreement on a grant. What they bid and what they said they would provide is exactly what they did, so I have no recourse. Commissioner Rardin asked if the City could use the brand-new crack/seal machine to help with this, and Mayor Galea interjected it would have to be done to FAA certification and that would be the issue with City staff doing it. Commissioner Rardin felt this was a lot of money, and Airport Coordinator Hill said they did everything they could. This contractor is currently doing cracks around the City on a much larger contract. The State is committed to a 50/50 grant to help us. Everyone was shocked this contractor underbid by so much because these people are considered the ones to go to for crack sealing. Commissioner Rardin said the City has a truck that sprays weed killer everywhere and maybe they could do this at the airport. Airport Coordinator Hill told him the airport has a smaller truck that does this and uses the commercial grade of Roundup. This is not strong enough to help. The one we contracted with was recommended by the County to take care of the African Rue. He assured the Commission he would insure the person picked would have the expertise and experience to take care of the job.

Commissioner Rardin agreed with Commissioner Talbert's comments about weeds around the hangers. The weeds around the leased hangars should be cleaned by the leasers, not the City, and Airport Coordinator Hill agreed.

Mayor Galea said just a note for the record concerning zoning around the hangers. It may be unfair, but when you lease a hanger you are only leasing the square footage of the hanger, but some must care for the taxiway outside their hanger, which is airport property. This is the dilemma.

Commissioner Rardin said one of the pictures shows the weeds are growing out of the base of the building.

Commissioner Talbert said so what you are saying is many of the leases include a good bit of land around the hanger, so we need to look at each individual lease. If the lease is only for the land the hanger is sitting on, the rest of the land would belong to the City, but if the lease includes some area around the hanger leased by the square foot, according to paragraph 28 A-1 in our lease it is our responsibility to keep it clean. Airport Coordinator Hill concurred.

Commissioner Rentschler was curious about the weeds around the hangers. He asked if the price of

\$2,000 was to simply spray the weeds and leave them. Airport Coordinator Hill said the weeds would be sprayed this spring when small. Commissioner Rentschler asked if he thinks the lease user would clean up their hangers. He wanted clarification on why Airport Coordinator Hill wanted to amend this. Airport Coordinator Hill said the reason he put that in there was to take care of a problem and it seemed like a minimal charge, \$1,800 - \$2,000, to take care of a very large problem with the hangers. Commissioner Rentschler encouraged him to consider the granular herbicides available such as those used by the utilities. Airport Coordinator Hill answered there are certain certifications needed to use those herbicides, and the contractor is qualified. Commissioner Rentschler noted he has used these himself and certification was not required as long as you are careful with it. Airport Coordinator Hill thought it might have something to do with a private versus government entity, and Commissioner Rentschler told him he used these chemicals while working for the National Solar Observatory.

Commissioner Talbert moved to approve amending the weed control maintenance project to enforce that leasers take care of the weeds outside the hangars. Commissioner Baldwin seconded the motion. Motion carried by a vote of 7-0-0.

Commissioner Talbert moved to approve the authorization to use funding from the Airport General Fund Account for the completion of the crack sealing project and a weed control maintenance project. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

- 10. Consider, and act upon, Resolution No. 2013-03, to prominently display the motto of "In God We Trust" in the Commission Chambers and possibly include on the City's logo. [Roll Call Vote Required] (Susie Galea, Mayor)**

Mayor Galea introduced the item and welcomed public comment before voting. She explained the Artesia Commission approved this motto to be placed in their City Chambers and incorporated into their City Logo. Many Alamogordo citizens had brought this to her attention as something our city might do. She said this had nothing to do with religion or politics but had everything to do with our liberties and patriotism. The Mayor quoted a former judge, the Honorable Robert Dougherty, "All of our delegation has taken either for the first time or for a number of its times has taken an oath that promises to support the Constitution of the United States and the Constitution and laws of the State of New Mexico, which starts out with 'We the People...' No promise to ideology, no promise to party affiliation, just a promise to support the Constitution and represent the people." Mayor Galea then added the New Mexico preamble states, "We the people of New Mexico, grateful to the Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do ordain and establish this constitution." She then read a letter from Al Maxey, minister of the Cuba Avenue Church of Christ:

"I would like to commend you for considering the matter of incorporating the motto "In God We Trust" into our city logo. Such an addition, in my view, would be appropriate for Alamogordo on a number of levels. A motto, by definition, is simply a word or statement expressing the ideals of a group of people. It may seem insignificant to some, but it is a visible symbol of who we are as a community. It speaks to our identity. Although no such symbol will ever reflect the sentiments of 100% of the people, those symbols which endure will nevertheless be expressive of the ideals of the vast majority.

In Alamogordo we are a community in which many former and retired military members and their families have chosen to retire. We also have a significant active military presence, as well as citizens who truly love God and country. Flags fly prominently in our land, and each week our churches are filled with those who seek to worship their God with a freedom many in our city have sacrificed to secure. We are truly a community of people who love God and country, as did our Founders.

On the money we carry in our wallets and purses we find the words "In God We Trust." In our National Anthem, in the final stanza, we sing the words, "And this be our motto: 'In God is our trust'." This motto is part of our national heritage, it is a part of the fabric of who we are as citizens of this great nation, and thus it should reflect who we are as citizens of this great city as well. "We the

people" are a people who dearly love our nation, state and city, and who truly trust our God who has provided these blessings. He has never failed us. How appropriate, then, to reflect that trust in this small way by incorporating these words "In God We Trust" into our city logo.

Thank you for your consideration of this positive change, and I thank each of you for your leadership and service to our community. May God bless you."

Mayor Galea went on to offer the opportunity for those in favor and against the item to speak. She allowed 15 minutes in favor and 15 minutes against. Before this was to take place, she read the results of recent polls. The Alamogordo Chamber of Commerce mailed surveys to 591 members of the Chamber and 131 voted: 98/Yes and 33/No. The Alamogordo Daily News survey results, with a total of 833 votes: 653/Yes (78.39%) and 180/No (21.60%). She then opened the floor to anyone wanting to speak 'For' the issue, reminding all they had a 15 minute time constraint.

Leona St. Louis representing AlamogordoLive.net reported they also posted a poll on their website and on Facebook. She noted considering the demographics of the Chamber of Commerce and Alamogordo Daily News as compared to our demographics, we had a different outcome. It was still 60% 'For' and 40% 'Against', but we had several different comments on both. The first said, "No government should try and push any religion." Another said they would rather see a logo reflecting the secular, rational thinking ability of our city government. Another in favor of said it should be added to the vocabulary of everyday people. Still another said, "The fact is that not everyone has the same beliefs, and the City represents all people, not just the ones who believe in God. It's the responsibility of the City to set an example that all people are equal, not just the ones with the same beliefs." Ms. St. Louis mentioned a minister had sent the letter previously read and that was a religious thing. He said this motto was on our money and in the National Anthem. She said the National Anthem was written a very long time ago, and as far as we see our country going, we've been fighting over religion and the word 'God' for so long, that maybe our city needs to take a stand and instead of putting 'In God We Trust' change it to 'We the People'. They are the ones that are seemingly losing their power to have their voices heard. Since the people are the ones making the decisions and doing things, perhaps we should put, 'In the People We Trust'. We should be building up the community as a whole, giving the example to everyone it is an even playing field and it doesn't matter what you believe. As a human race, people need to start coming together and being a part of the City.

Mayor Galea said since that opinion was against, she invited anyone else who wanted to speak against the issue to come forward.

Rosemarie Ferrara addressed we shouldn't even be talking about this here today. While there are discussions and disagreements about whether or not there is a separation between church and state in our Constitution, there is a part of the Constitution not contested. She thought it was Article 5 stating no religious test will be required as a qualification to any office or public trust in the United States. She corrected this to Article 6. By asking the City Commissioners to vote on a religious issue where they are in front of the public, making a statement 'In God We Trust', this is a religious test. They should not have to put their religious beliefs out there for anyone to see. That is a personal and private matter between every man and woman and their god, whether they believe he is a flying spaghetti monster in the sky, is white, blonde-haired and blue-eyed, or they believe he is someone from the Middle East with no picture drawn of him. Whatever god they believe in is a personal and private belief that they should not have display for all to see, for it will determine whether they get a vote next time. You are asking public officials to take a religious test and put their beliefs out there. We shouldn't be voting on this in the first place. Ms. Ferrara went on to say, the New Mexico Constitution was written many, many years ago. Many, many years ago we had slavery, women and black men were not allowed to vote, black women didn't really exist and we didn't even count black people as full human beings. There have been many documents in the history of our country considered now as out-dated. We review them, determine whether they are pertinent to the world today, and if they are not science-based we usually discard them. We use intellect, reason, research and science to determine things. Earlier this evening you discussed patches, sealings and chemicals used on our ground. She said we don't go to the Bible to find out if those things work. You would not

consider the contract of a person who said he would consult the Bible and pray concerning what materials to use. You would not consider that valid. She felt some could believe in God and not believe he has anything to do with what happens on this level. Ms. Ferrera didn't believe anyone should have to put their name to this vote in the first place. It doesn't mean you are not religious or patriotic if you don't want to have a mix of government and religion. We see what has happened when they are mixed up. All we have to do is look at the Middle East and the issues happening there.

Mr. Tristan Lenzo addressed the Commission. He noted he had been attending Commission meetings since September. He said he is very involved at his school, noting his age of 17. He explained to the Commission he was very involved at school and in the school administration, as well as the community. Mr. Lenzo understood Alamogordo is a very religious city and the polls have shown this clearly. On a national level, 19% of the nation consider themselves non-religious. This doesn't necessarily mean they are atheist or agnostic, it simply means they don't practice a religion. He felt Alamogordo is unique because of the strong ties to Holloman AFB and we see a lot of people from across the nation. The different polls mentioned tonight were necessarily of a different group of people than the national poll, but he found it pertinent that Alamogordo keep itself open to all who seek residence. The majority of the Alamogordo churches are Catholic or Protestant, but that's not to say people don't practice their own religions out of town or in their own home. He stated the New Mexico Constitution and other documents say, 'In God We Trust', are from different times and the grammar is ridiculous. This is a different time and he would like to see the Commission vote for a broader statement such as, 'In the People We Trust', or just leave it as is. From the perspective of youth, he hoped his elders would see this is not a religious issue or a political issue, but it is something that will be an issue for his entire life. In the past, there have been significant strides for equality of all religions, but we have not been so necessarily secular. For the good of all people, it is better to keep a secular basis. Mr. Lenzo said he didn't know the beliefs of the Commission and that was as it should be. It wasn't right to enforce their beliefs on the City itself.

Dr. Paul Langer introduced himself to the Commission as a licensed veterinarian in both New Mexico and Texas, and a military veteran having served in the Army veterinary corps as a captain serving the DMZ. He said he appreciated the sentiment and efforts of the Mayor and felt she was unbiased and did represent the people. He felt this issue was really on the edge. He went on to say there is a saying, 'There are no atheists or agnostics in foxholes', but his feeling was under enemy fire the only power in the world is the trust you have in the comrade beside you. That was his greatest lesson from the military. He felt it was a representation of the best that's in us in this country, which is allegiance to the ideals of that flag and our freedom with responsibility. Dr. Langer remarked it was his responsibility as a senior citizen and a veteran to support these youngsters who have spoken in opposition. He stated the Commissioners will put it up, and he isn't going to chain himself to the pillars until it comes down. Because he loves his brothers who did not return from Vietnam, and because he loves these children who will survive us all, he would be remiss if he did not support them.

Mayor Galea thanked these speakers and said we now have 15 minutes for those to speak who are in favor of this issue.

Pamela Lee addressed the Commission. She remarked she is a resident of Alamogordo and she had not come to speak on this tonight, but felt she needed to. There are a couple of things we need to think of when we speak on this subject. First of all, why is this discussion even occurring? It is occurring because the Constitution talks about what our country was all about which is freedom of religion. Our country was founded by people coming here to escape state controlled religions in England. They came to have their own religion because they couldn't have it in their own country. That's why we refer to our Constitution as having what is known as an establishment clause. This prohibits the federal government from establishing a specific religion in our country. Over time there have been a lot of confusions that have developed. Ms. Lee stated she is a retired lawyer and retired Air Force Reserve Colonel having served for 32 years. Her point was, we have the right to vote for this if we care to. It is in our Constitution that we can't establish a religion, but we aren't doing that here. If the courts want to challenge this, they'll have to challenge many other things done in our government, such as prayers in Congress and various other things. She then addressed the second

point that had been brought up tonight, that we are a secular country. Speaking to the statement made concerning the percentage of people not in a religion, she said consistently, the fact of the matter is the number of people who respond to a survey by stating they believe in God in this country, is 90%. They don't say they believe in a Christian God or any particular type of God, they simply believe in God. What we have here is a dictatorship of a minority that has consistently attacked religion in this country, but has consistently been a minority. We have been lead to believe by the media that they are the majority, but the fact of the matter is they are not. Ms. Lee told the Commission, whether they vote for this or not, she thought some of the arguments they heard simply don't support the other side of it.

Earl Galea addressed the Commission. He noted he served 20 years in the United States Army. One of the things he remembers is 'In God We Trust'. Each of us G.I.'s , Marines, Airmen, or Sailors all believe in the Supreme Being. When you have shells flying over your head or are lying in that foxhole with a comrade next to you, you still look to the Guy Above. The matter of the fact is, we built this nation with a loving God who gave us this land for our freedom and to worship him. Putting on the logo, 'In God We Trust' , is our way of honoring our God.

Bill Dennis addressed the Commission. He remarked he gets three newspapers daily and he read when Artesia was going to do this. To him, what we are trying to do is not to insert a big cross nor are we asking to put up a picture of Jesus Christ. All you are asking is to put words of faith and trust, because you have to trust something. If Artesia can do it, he didn't see any reason why Alamogordo can't do it. It's only words, yet how individuals value the words is up to each person.

Susan Payne addressed the Commission. She told them she runs a Christian ministry and feels this is an important issue that needs to be addressed. She said we aren't talking about religion. The clause in the Constitution was put there to keep government out of church, not church out of government. If we were to do that we would be in a lot of trouble because we have 70 churches in this town. Ms. Payne noted the Commissioners will make favorable and unfavorable decisions every single day. If you read the paper you know some will like your decisions and some won't. This issue is not any different. Sharing your faith shouldn't be done in the Commission Chambers, but you do it outside. This is a small town and people know, so you shouldn't have fear of retribution for making a decision you believe in, no matter what it has to do with. She felt a little insulted because she thought she heard we base decisions on science and not religion. She remarked her son just went off to basic training, and she hopes while he is there he'll think everyday, 'In God I Trust'. She hopes this will get him through it. God may be different to you than to me, but she thought we needed to stand for something. Ms. Payne certainly didn't think it should be 'In the People We Trust'. That is a scary statement, because we need to trust in something more than that. As you make your decision, do it without fear and retribution and with your conscience, your heart and what you believe.

Leona St. Louis addressed the Commission. She said the statement, 'I have a dream', the lyrics to "Imagine" by John Lennon, and 'Be the change that you wish to see in the world' – all these were just words. They are words of inspiration to many different people. What this will do is inspire people and we need to inspire all people, not just certain ones.

Mayor Galea opened the floor for discussion. She stated this is not a religious test. 'In God We Trust' does not ask you what God you believe in or what religion you belong to. God is not outdated. He is the beginning and the end.

Commissioner Sikes commented since this was introduced by the Mayor, she has received a number of calls against it. She decided to review some Supreme Court decisions on similar issues and found anytime the Supreme Courts had the opportunities to make judgment on this type of logo, they do not find it unconstitutional. They simply say the Constitution has been written so that government doesn't get into religion, but religion can be in government. She felt pressured, and didn't think her beliefs should be out there for everyone to know. Based on fact she had received so many phone calls and emails encouraging her not to vote for this, she felt like the heathen commissioner. She wanted to make her thoughts available so everyone knows where she is coming from where this issue is

concerned.

Mayor Galea noted to the Commissioners that to abstain during the vote was an option.

Commissioner Rentschler stated every dollar bill he has in his wallet has this on it and he didn't believe it endorses one religion over another.

Commissioner Rentschler moved to approve Resolution No. 2013-03, to prominently display the motto of "In God We Trust" in the Commission Chambers and possibly include on the City's logo. Commissioner Talbert seconded the motion.

Mayor Pro-Tem Hernandez said he had only missed one meeting as a Commissioner during his former tenure from 1996-2000 and not once was there a complaint about the opening prayer or pledge to the flag. This has been going on since 1956 or 1959. He noted he was elected to make decisions whether he liked them or didn't, whether he was supported by some of the people, all of the people, or none of the people. He remarked he was here to do a job and was paid very well to do so.

Roll call vote was taken by the Clerk. Motion carried with a vote of 5-0-2. Commissioner Sikes and Commissioner Rardin abstained.

11. Consider, and possible action, to grant NMMSH \$300,000 of Quality of Life funding from 2004 Quality of Life Bond Refinancing for the IMAX digitization upgrade. (Susie Galea, Mayor)

Jan Wafful addressed the Commission in place of Museum Director Ed Brabson who was ill. Ms. Wafful went through the Power Point presentation saying the New Mexico Museum of Space History's (NMMSH) IMAX has not been updated since 1983. It is New Mexico's first and only IMAX theatre, and is important to the City of Alamogordo. NMMSH was recently accepted as a Smithsonian affiliate, and was chosen by the National Space Society to house its collection. It is the repository and archive for Spaceport America, and is accredited by the American Alliance of Museums. NMMSH is a member of the American Science and Technology Centers. It is the #1 local tourist attraction and is known as the "Jewel of Alamogordo". She said the average attendance at the museum in 1991 and 1992 was 200,000 visitors, while in 2012 the museum averaged 75,000 visitors. The reason for this is because there has been nothing new to do or see for over a decade. The economic impact of 125,000 tourists is \$6,293,500 additional fiscal impact to local hotels, restaurants, gas stations, and more, and the additional collection of \$106,202 of the city's portion of GRT (1.6875%). Ms. Wafful encouraged the Commission to grant NMMSH \$300,000 from the Quality of Life monies in order to digitally upgrade the IMAX. The conditions of the grant would be the museum must receive an equal to or greater match from the State for upgrade of new exhibits and new simulators. The grant monies would be contingent on an increase in tourism, which will improve the quality of life of citizens through GRT revenues, and if the museum does not show an increase in tourism after the IMAX upgrade, the grant will be refunded to the City. Granting this money to NMMSH will not violate the Anti-Donation statute. She stated to upgrade the IMAX Theater would allow the museum to reduce the number of personnel required to operate the system from two to one. If the theater is not upgraded it will have to be shut down in two years because it will no longer be able to run the films being produced digitally. The upgrade would reduce the cost of acquiring films from \$20,000 per print to \$5,000 per print, thereby increasing the profit derived from ticket sales, a portion of which goes to directly to the International Space Hall of Fame Foundation. The ISHFF helps fund the theater and splits profits with the State. Maintenance overhead would be reduced from \$50,000 annually to \$15,000. The theatre could acquire newer films and offer educational presentations for schools and tour groups. This upgrade, in conjunction with exhibit upgrades in the Tombaugh building, the digitization of the planetarium, and the enhanced interactives for the camp and education programs will increase visitors to the theater and museum, in turn increasing tourism to the community. The upgrade of the IMAX theater is the cornerstone of the renovations planned for the Museum and will give the 'biggest bang for the buck' with immediate results, including community reinvestment in the theater and museum. Recently, the Museum received a \$47,000 grant from the Youth Conservation Corps for

sorely needed grounds renovation. There are other grant possibilities and the Museum will also approach Otero County for potential funding. She continued by saying there was a positive movement in Santa Fe within the Department of Cultural Affairs to address the critical concerns at the Museum. A critical needs budget has been submitted totaling roughly \$6.5 million to address issues such as HVAC, plumbing, electrical, security, exhibit upgrades, classroom upgrades, etc. It is well recognized there has been serious lack of investment in this facility for decades, while similar facilities in the northern part of the state have flourished. Jan Wafful told the Commission one of the things she had done with the New Mexico True Campaign that we have gone on board with is to bring NMMSH to the forefront. She pointed out the New Mexico Tourism Department website has a YouTube video highlighting Alamogordo and specifically the Museum toward the second half of the commercial. The new advertising slogan, chosen by the Promotion Board, is 'Film, Sand & Space'. The superintendent from the White Sands National Monument met with us asking if they could partner with us, knowing they had no funds for advertising. They wanted Alamogordo to be their representative city. We agreed to that and the Promotion Board orchestrated the advertising and gave her instructions to help promote them. Their visitation for the last 12 months has been 446,895 visitors. With an upgrade to the IMAX theater and the NMMSH, she believed that instead of 75,000 annual visitors, we can take a lion's share of those 446,895 visitors.

Mayor Galea thanked Jan Wafful and noted a representative from NMMSH, Chris Orwell, was in the audience tonight to take any questions the Commission might have.

Commissioner Talbert asked if they are eligible for these funds, and Mayor Galea responded yes. Commissioner Talbert noted from the presentation that if the visitation is not increased the money would be refunded. He asked by how much it would be increased. Chris Orwell, Executive Director of NMMSH responded this was his question as well. Some of the original discussion addressed looking at the grant going to the museum – amount, performance measures, etc. The Department of Cultural Affairs (DCA) lawyers have definitely confirmed that is not a requirement. He completely agreed it was standard museum practice to obtain matching funds if the City granted them money. The tourism part concerned him as to how that would be measured and confirmed. It would all depend on what occurs during the year, and the Museum doesn't have control over that. He said this should all be looked at very carefully when considering a grant of this nature.

Commissioner Talbert said you are saying that should be struck from the concept, and Mr. Orwell said that would be his personal request, but that is for the City to determine. There is only so much one can do to bring people in without making improvements.

Mayor Galea said the requirement is not mandatory, so if the Commission wants to strike that as part of the condition of receiving the grant, they can. It would still be contingent on State matching funds at least for \$300,000. She understood the Museum needed \$550,000 to upgrade the exhibits and simulators. Mr. Orwell said for the theatre alone, \$298,000 would take care of the digital upgrades which includes money for seating upgrades. The Planetarium would take about \$280,000 for the digitizing of the Planetarium and over \$100,000 for the dome to be resealed. The sound system does not need upgrading. The camp simulators would take over \$200,000. These numbers are for this building only. The main building needs a lot in renovations. The request to the State for this year is for \$500,000 for immediate improvements in the HVAC and security systems. \$500,000 a year for three years for exhibits, \$750,000 for theater upgrades and Tombaugh building improvements, and \$411,000 for personnel.

Mayor Galea just wanted to point out the digital upgrade for IMAX was not what is being focused on for increase in tourism. That's why there is a contingent on matching funds from the State because it's these matching funds for upgrading exhibits and simulators that will actually promote tourism. IMAX alone will not promote tourism increases.

Commissioner Rardin said his problem was this would probably be the first time in New Mexico history that a city government funded a state entity. He noted he was in a meeting on Friday asking the State for \$300,000 to do some ADA improvements within the community. Potentially, we are looking at

turning around and giving you \$300,000 to fund a state agency. The Quality of Life money is to do quality of life projects for the City of Alamogordo, and even though NMMSH is in the City, the State needs to pay for their buildings. Will you need \$300,000 next year? This would be setting a precedent of funding State entities. He was in favor of sending a letter to our State Legislators asking for funding for the museum.

Mayor Galea added she has been sitting in on the NMMSH commission meetings. It was originally a community effort to bring the museum here in 1983, and the community has let it go by the wayside. It is the State's responsibility to take care of it, but it will benefit our community by increasing tourism and GRT which provide Quality of Life programs. We also use Quality of Life money to fund parks but parks won't increase our GRT revenues. We have an opportunity to have some leverage with the State, by saying we will provide this grant if you provide matching funds. Maybe we should ask for the full \$500,000 so the total upgrade can be given.

Mr. Orwell addressed her comments by saying if people move to other cities around the country they will comment on why they liked and moved there. They go for what is available in the city and the Museum is one of those offerings for Alamogordo. It is an asset for the City, the region, the State of New Mexico and the Nation. One other point is the State is who we are run by, so the State needs to provide the lion's share. It is difficult for me to go out to funding sources to request money if I can't show support from the community as well.

Commissioner Rardin again stated he had issues with cities funding state entities.

Commissioner Rentschler asked what kind of funding they have requested from the County. Mr. Orwell told him they have not addressed the County Commission yet. Commissioner Rentschler said last time you came we had this same discussion. Maybe the County could come up with 50% of the funding. He wants to know what our partners in the community will do as well. He asked Mr. Orwell if the amount had been \$300,000 last time he came before the Commission and Mr. Orwell confirmed this.

Mayor Galea talked about state funding the City needs for capital improvement projects. She had sent an email to them saying if this grant was approved by the Commission, it would be by a line item of a 2004 Bond refinancing for Quality of Life funds that could not be used for capitol improvement needs. As a city, we are in dire need of capital improvement funding from the State, and our legislators are aware of this. We potentially could be granting \$300,000 to a State museum, and those funds could only be used for Quality of Life needs.

Jan Wafful commented she has been involved with the Tourism Association of New Mexico for over seven years. In 2006, one of the deputy secretaries did an international survey about New Mexico. Every item mentioned was in northern New Mexico except for one – the NMMSH. German citizens who came to visit voted it, in a German periodical survey, the number one museum in the world. Mayor Galea said the museum is our jewel in Alamogordo.

Mayor Pro-Tem Hernandez moved to approve to grant NMMSH \$300,000 of Quality of Life funding from 2004 Quality of Life Bond Refinancing for the IMAX digitization upgrade, removing the language "they would need to show an increase in tourism" and the grant would be matched by the State. Commissioner Sikes seconded the motion.

Commissioner Rentschler clarified there would not be a required match, and the Mayor confirmed this.

Commissioner Rentschler asked to amend the motion to state we would grant \$300,000 to NMMSH and the State would match this amount. Commissioner Talbert seconded this motion. The Mayor called for a Roll Call Vote.

Commissioner Talbert asked to clarify what we are voting on.

Voting on the amended motion - To provide a grant of \$300,000 of Quality of Life funding from 2004 Quality of Life Bond Refinancing to NMMSH for the IMAX digitization upgrade, with the requirement it be matched with \$300,000 by the State. A Roll Call vote was taken. Motion carried by a vote of 4-3-0. Mayor Pro-Tem Hernandez, Commissioner Baldwin, and Commissioner Rardin, voted nay.

Mayor Pro-Tem Hernandez moved to approve to grant NMMSH \$300,000 of Quality of Life funding from 2004 Quality of Life Bond Refinancing for the IMAX digitization upgrade-removing the language where NMMSH would need to increase the tourism and amend to include the state be required to match the grant. Roll call vote was taken. Motion carried with a vote of 5-2-0. Commissioner Baldwin and Commissioner Rardin voted nay.

Commissioner Rardin asked the museum director if he would be back next year asking for money. Mr. Orwell replied it was not his intention to do so in any way, shape or form. He could not guarantee he would never come back asking for funding, but because of the opportunity of these existing funds, he asked today. Commissioner Rardin was fearful a precedence had been set tonight and every State agency would now come asking for money. Commissioner Rentschler said this is a finite amount of money that wouldn't be around forever. Mr. Orwell thanked the Commission on behalf of NMMSH.

12. Consider, and act upon, various items for Beautification Incentives for Commercial and Residential properties in Alamogordo. (Susie Galea, Mayor)

A. Discussion, and possible action, to direct planning staff to work on an initiative with the Planning & Zoning Commission for "Plan Alamogordo" related to new development, redevelopment and re-use within neighborhood centers and uptown areas.

Mayor Galea explained sub-items A-D would be discussed and voted on individually. After reading sub-item A she said there are multiple areas that could be described as neighborhood centers such as along New York Ave., up and down 10th St., from White Sands to College, First St. by the Wal-Mart building, near the mall, commercial lot properties along Hamilton Rd., and the former Wal-Mart building off of Hwy. 54. In order to incentivize these programs, she wanted to see the Commission direct the Planning and Zoning Commission to create a Plan Alamogordo program similar to the Plan El Paso program. Commissioner Rentschler commented he thought Planning & Zoning was working on this.

City Planner Marc South explained the Planning & Zoning Commission is looking at becoming involved in the Main Street USA/Main Street New Mexico Program. This is run by the Economic Development Department in the State and has been active for about 25 years. On the national level it has been active for about 35 years. There are between 15-20 communities in the state actively involved including Artesia, T or C, Silver City, Clovis, and Taos. What has attracted us to this program is that it is an established program with a good success rate, if done the right way. We are announcing tonight, we are scheduling an open house for next month. We will change P&Z's regular meeting from February 7th to February 6th at 6:00pm at the Civic Center. It will be an open house for the community in order to learn more about the Main Street Program. Some people from the State Economic Development Department will be there to answer questions. He said one of the key points of this program is the importance of the public/private partnership. It is organized under a 501C3 and the leadership rolls are provided by the private sector. We and the State provide technical support and assistance and some of the money involved. One issue that we'll have to work out is this is only for a limited area. If you scatter your resources too widely, nothing gets done. As an example, he noted T or C's Main Street Program only addresses the historic downtown area. We'll have to decide which part of town will be addressed.

Mayor Galea thanked him for explaining the Main Street USA Program, but noted Plan Alamogordo would be in addition to that. This program would cover other areas of the City. City Planner Marc South didn't want it overlooked that both programs cost money.

Pam Lee spoke on behalf of the Planning & Zoning Commission. She said her concern was how all four of tonight's measures would relate to what the P&Z are doing. One of the things already undertaken is the Main Street Program and the best thing about it is it doesn't necessarily cost the City a lot of money. The business community itself has to come up with funding and the program helps them identify ways to get fund raising done. Incentives may not be necessary, and we don't need to go in too many directions until we've sorted out the best way to go. This may include programs that involve incentives. P&Z felt it was better to step back from this while they pursue the Main Street program. Some are very similar to tonight's items. They weren't sure a Ad Hoc committee was needed. The P&Z is not opposed to this, they simply are working on a program and ideas that they would like to present to the Commission as a complete package.

Mayor Galea said the reason she brought this to the Commission is we have a lot more areas where there can be growth, but without incentives the growth will not come. It would bring more gross receipts tax revenues to the city. El Paso is seeing growth with this program and it is necessary to have a Plan Alamogordo in order for our city to look like it was planned. She said she didn't have time to develop one street at a time, and wanted a plan for Alamogordo and incentives for businesses to come here and be a part of the plan. Uptown and city center areas might not be overlooked by site selectors if there are incentives.

Commissioner Rardin said with this program you're proposing, it's to infill and redevelop the older portions of town and not incentives to build in new subdivisions. Mayor Galea said that's the Infill for Housing program and will be discussed at the next meeting. Commissioner Rardin then spoke to this Infill for Business program, saying he didn't want to provide incentive to build in a new subdivision. That would be up to the sub-divider. Mayor Galea said that's a different program and we'll cover that when we get to sub-item C.

The Mayor asked the Commission if they'd like to do something in addition to the Main Street Program the P&Z is already planning.

Commissioner Baldwin said we currently have a unique situation where citizens of Alamogordo and businesses are working on this on their own. He didn't want to stifle any of these programs and would rather see how this plan works with theirs before we do anything different.

Commissioner Rentschler said if there's anything we can do to clean and beautify Alamogordo, he's all for it. He feared this idea would be like a shotgun blast. He knew P&Z had been looking at the Main Street Program for quite a few months, and we might take the focus away. He wanted to see what P&Z comes up with and when they might be coming to present to the Commission.

City Planner South explained how the Main Street Program works. If there is sufficient private sector support to move forward, both in money and in people, and if the program is instructed to move forward, we will put together an application due by March 15th. It is a competitive process and the State is taking either one or two cities into the program. If we are selected, we will come to you as part of next year's budget process. It will be roughly \$45,000 from the City for the first year. This would hire a director and get the program started. \$60,000 would have to come from the private sector. Commissioner Rentschler asked who was coming down from Santa Fe for the program and the City Planner told him it would be Rich Williams who is director of the Main Street Program. Commissioner Rentschler asked the City Planner when he expected to have input from the targeted areas of the City, and City Planner South told him it would be at that meeting. Commissioner Rentschler then asked how property owners would know this, and the City Planner said it would be publicized over the next month in various ways. The press release would go out tomorrow.

Interim City Manager Carter asked the Mayor if it would be possible for the Council to look at this program on the 6th and what it actually consists of. It could be decided at that time if the Main Street program would fit into what she is suggesting. Mayor Galea told him the Main Street program is entirely different. Interim City Manager Carter said he had worked with the Main Street program in Lovington and it can work side-by-side with the incentives she is proposing. We would look at what they are doing and we could look at hers and see how we want to progress with it.

Mayor Galea said the Alamogordo Daily News recently did a retail study. We've recently been talking about retail leakage. Target is the store Alamogordo wants so how will we get them here. We would identify sustainable city centers or uptown areas and offer incentives to come to our town.

City Planner South agreed with the Interim City Manager saying there is no reason we can't move forward on both tracks. Ultimately, it will come down to money and hard decisions will need to be made. Mayor Galea said we wouldn't be spending. For example, this is for new development in city centers. If the property doesn't come there wouldn't be property tax in the first place, but if it should come there would be a large increase of GRT revenues.

Commissioner Rentschler moved to table this until we hear more from Planning & Zoning Commission on their Main Street USA Program. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

City Planner South told the Commission the P&Z Committee would bring their findings back to Commission the second meeting in February.

B. Discussion, and possible action, to appoint a Ad Hoc Committee as the White Sands Blvd. Beautification Advisory Committee that will define beautification required to receive the incentive assigned to commercial and residential properties between Panorama Blvd. and Scenic Dr.

Mayor Galea explained this sub-item would be separate from Planning and Zoning. This is not to take away from what Planning and Zoning is doing, but instead would be a short term committee charged with defining what beautiful is and then incentivize on a multi-tier program. She hoped each Commissioner would appoint one person from their district to serve on this Ad Hoc committee. An incentive program would then be created from this.

Commissioner Rardin said your idea of beautification and Roberts and my idea can be totally different. He said we had looked at a beautification ordinance at one time, and Mayor Galea interjected this wouldn't be an ordinance. Commissioner Rardin went on saying it was an ordinance with incentives but became too difficult to define. It was a touchy situation, and he agreed something needed to be done. He felt we would be fighting an uphill battle when it comes to telling businesses what their buildings should look like.

Mayor Galea said she didn't want to tell someone how their building should look with an ordinance. She wanted to offer an incentive to landscape their area. The importance of this committee would be to define what Alamogordo should look like.

Mayor Pro-Tem Hernandez said he sees these Dollar Stores which build the cheapest buildings they can, put a fascia on it and that's it. We have a lot of them and this is also part of the problem. Perhaps we need to do this with future buildings. He noted when you go to other communities like some in California he had seen, when you go down their main streets, of which they have several, you can tell there are different requirements on different streets. He could tell this by the different types of signage, how high they are allowed, the sizing, and what kind. All of this is beautification and we need to do this at some point. The Tres Lagos neighborhood has requirements and almost all look the same. He thought we needed to go this direction at some point. Mayor Galea agreed and asked him if, right now, there needed to be a committee for beautification. Mayor Pro-Tem Hernandez thought it would probably help but was fearful it could be forgotten

Interim City Manager Carter said he was asked this week by one of the local master gardeners if they could help with a program like this. We could use them for the landscaping part of this instead of planting things not conducive to the Alamogordo climate. Mayor Galea thanked him and noted it is very important we landscape to match our climate.

Mayor Pro-Tem Hernandez moved to appoint a Ad Hoc Committee as the White Sands Blvd. Beautification Advisory Committee that will define beautification required to receive the incentive assigned to commercial and residential properties between Panorama Blvd. and Scenic Dr. Commissioner Sikes seconded the motion. Motion carried with a vote of 5-2-0. Commissioner Talbert and Commissioner Rentschler voted nay.

C. Discussion, and possible action, to adopt an incentive program for beautification along White Sands Blvd.

Commissioner Rentschler moved to table possible action, to adopt an incentive program for beautification along White Sands Blvd. until the Ad Hoc Committee brings back further information. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

Commissioner Baldwin asked the Mayor if there was a time frame for them to appoint someone from their district to the Ad Hoc Committee. Mayor Galea told him she would bring the item back in two weeks to appoint members. Mayor Pro-Tem Hernandez asked to appoint Paul Sanchez.

D. Discussion, and possible action, for the possible implementation of a Sustainable City Centers Incentive and an Uptown Sustainable City Development Incentive.

Mayor Galea said this couldn't be discussed tonight until Plan Alamogordo was set. She referred back to Mayor Pro-Tem Hernandez's comments on the Dollar Stores building cheap buildings.

City Planner South asked the Commission to include this with sub-item A of the agenda item, because sustainability is an integral part in terms of retrofitting, incentivizing, etc. He fully supports this.

Commissioner Baldwin moved to table this with sub-item A until we hear more from Planning & Zoning Commission on their Main Street Program. Commissioner Rentschler seconded the motion. Motion carried with a vote of 7-0-0.

13. Discussion, and possible action, to define a more formal and streamlined form of communication between the City Staff and Community Members regarding construction projects done by either the City, NMDOT, or Army Corps of Engineers. (Susie Galea, Mayor)

Mayor Galea explained why she included this on the agenda tonight. She said a business owner on White Sands Blvd. is frustrated with the construction and doesn't understand the phases of the project. His business is being affected. She would like to find a way to streamline information to business owners and residents.

Utilities Director Brian Cesar told the Commission the Mayor is referring to the Army Corps of Engineers Phase 5 Channel Project. This project began over a year ago and at that time there was at least one public meeting. There are two components to the project and the City is involved in both. The project is funded 75% by the Corps of Engineers and 25% by the City. The City was responsible for the utility relocation and the affected business owners were notified of the utility relocation. There have been some issues with the current Corps project such as employee retirements and people leaving. We met with them last week for the next phase – Phase 6. It has been awarded by Change Order to Pate Construction and they are the ones working on White Sands Blvd. right now. Phase 6 will consist of reconstructing the crossing south of First St. on Florida, the structure at Cuba just north of First St. and the structure on Madison Ave. Part of the issue on White Sands Blvd. is the number

of complaints on the traffic control. This is not a city controlled street, we only maintain it. NMDOT owns the roadway and the traffic control plan was approved by NMDOT with minor input from the City. Phase 6 will be on city controlled streets so we will be heavily involved with the traffic control plan. As it moves forward, we will be using the local newspaper, radio stations and our website to communicate with the general public. We will have more control on the amount of work the contractor can do at one time. At this time, they will only be allowed to close the road one section at a time. For instance, while Florida is being worked on, Cuba and Madison will be open.

Commissioner Rentschler felt the businesses on White Sands Blvd. did not know where to go to figure it out. Case in point is the White Sands Community who sold a piece of property to facilitate the channel through there. They had a sign there and someone came in and contracted to have the sign moved. It worked before it was moved and it has been six months now and it hasn't worked since. No one will take responsibility for having moved the sign, so the citizens have no one to go to. These people came to him and he was semi-involved in this, so for him to fix the sign would cost \$700-\$800. There isn't a central point of contact for the people. He felt the City needs to have a central point of contact since it is our contract with the Corps.

Utilities Director Cesar said the City staff had the same issues as the project changed from one manager to another. This was part of the conversation last week. For the remainder of Phase 5, Phase 6 and further phases, they have assured us they will not continue to transfer projects from one manager to another. On future phases, we will have a City point of contact.

Mayor Galea expressed the Chamber of Commerce is the advocate for business and perhaps they could be the central point of contact.

Megan Wade, Senior Executive Assistant to the City Manager notified the Commission we are trying to put together a Public Information Office for people to go to in order to gain information on any project, whether it is in conjunction with another entity or our own. For example, one lady was very upset with the debris left on her sidewalk and driveway during a recent crack seal project. She tried contacting various people and could not get an answer. After she contacted my office, we had someone out there in the next few hours to clean up the debris, and then followed up with a call to check on the job. She was very surprised anyone called back. We will continue to work diligently on this process and make every effort to attend the various meetings concerned with projects around the community. We want our citizens to feel confident they can go to one place to get answers.

Mayor Galea felt our businesses generally go to the Chamber of Commerce and wondered how Ms. Wade's office is working to coordinate information with the Chamber. Megan Wade informed her she is currently attending several of the meetings. She attends the Transportation Committee meeting that takes place the last Friday of each month, the 7:00 a.m. Business Impact and Government Relations meeting, and is making it a point to be the face out in external meetings of the community. Another meeting we attend is the Otero County Health Council. Today we began 'Fireside Chats' and these are perfect topics to discuss. Interim City Manager Carter said all they have to do is call the city manager's office to start the process.

Commissioner Talbert said he's seeing things backwards. The situation being discussed is action to make more formal communication, while everything he's hearing is the business man has to go here or there. It would be interesting for the Chamber of Commerce or someone in the City associated with a project to go to the business and let them know what is going to happen, instead of the business man going to a meeting he may or may not know about, or may not be able to go to. We have to communicate by going out to them. The gentleman from McDonald's told him he had to let people go and didn't know about it until after the fact. Interim City Manager Carter said you're exactly right. This would be the follow-up and we need to make sure when projects are put in place every business and/or homeowner is notified. Then, when this starts happening, any citizen can call the City Manager's office to get information.

Leona St. Louis who has Alamogordolive.net said that according to her contract she has stated she would supply any information given to her by the City. She also could put it on the local Christian TV channel as well as having a rolling line of things going on in the community. This has not yet been utilized. Another part of her contract is she can do live streaming and videos on the City website, the AlamogordoLive website and Facebook. She had talked to someone at the Chamber of Commerce and discovered Alamogordolive was receiving more hits than the Chamber. All this is available, but we have to have some communication from the City in order to make it available. Recently, she saw a situation on a street in which there was a gas leak and she 'Tweeted' it immediately to let hundreds of people know. She encouraged the City to utilize her services.

Mayor Galea said thank you for reminding us of your contract, and she encouraged Ms. St. Louis to communicate with Megan Wade. Ms. St. Louis told the Mayor they have been communicating quite a bit. Leona St. Louis said she has about seven months of video footage of City activities she can put on the website. There have been some issues with Ms. Wade being able to move forward on the website. Mayor Galea asked the Interim City Manager Carter if there was a problem with the IT department, and Interim City Manager Carter told her they are in the process of upgrading the system.

Mayor Galea said Commissioner Talbert mentioned going to the businesses and she asked if we are currently sending letters to businesses and residents affected by construction. Utilities Director Cesar told her concerning the Phase 5 part of the Corps project, a letter was sent to every affected property notifying them of the public meeting, as well as being in the local paper. There was a very small turnout. Commissioner Rentschler asked if Mr. Ramsey received that letter. Interim Public Works Director Cesar remarked it had been sent to every property, and he did attend the Utility Relocation meeting. We worked extensively with him because a portion of the sewer main manhole was on his property.

Commissioner Rardin asked Interim Public Works Director Cesar if NMDOT could be asked to shorten the traffic diversion. Interim Public Works Director Cesar said according to NMDOT it is based on traffic flow, design of the street and nature of the work. They did allow it to be shortened by a couple hundred feet. Commissioner Rardin expressed his frustration with the length on the diversion, and the Utilities Director replied this is the standard for NMDOT. Interim Public Works Director Cesar reiterated this is not the City's roadway so it is not our fault. He told the Commission on City run projects such as the Streets Maintenance program, letters go out to every homeowner in the affected area. For the general public, this information will be on our website, the local paper, and through Megan Wade's office. Mayor Galea reiterated it is very positive that community members can check with Megan Wade's office, Alamogordolive.net, the city website, and the Chamber of Commerce to obtain answers. Interim City Manager Carter mentioned we are going to start advertising this information on the big sign at the Willie Estrada Civic Center on First St.

Mayor Galea noted no action was required tonight.

14. Consider, and act upon, a letter of support for the New Generation Biomass, LLC for the Black Bear Biomass Energy Facility. (Susie Galea, Mayor)

Mayor Galea told the Commission she had received a request from New Generation Biomass, LLC for a letter of support from the City concerning the large biomass facility coming into the community. It is located off the La Luz Gate Rd. and will be on Holloman AFB property, but they need our support. They will be utilizing about half a million gallons of water a day supplied by Holloman AFB, but Holloman AFB in turn may request water from the City. Commissioner Rardin asked if we have water to give them. Mayor Galea explained Holloman AFB had plenty of water to give to this company. In our agenda information provided tonight, this project would provide 80 full time jobs and about 300 construction labor jobs to build it. It would be an investment of \$70 million dollars of private monies. Biomass is not requesting any money from the City, only a letter of support.

Commissioner Talbert asked what product they would be producing. Mayor Galea told him they have a contract with the US Forest Service to remove debris from the forest and burn it. They would also

be able to burn the dry cake from our waste-water treatment plant. Burning all of this would produce energy using a distilled steam method.

Commissioner Talbert moved to approve a letter of support for the New Generation Biomass, LLC for the Black Bear Biomass Energy Facility. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

15. Appointments to Boards & Committees. (Susie Galea, Mayor)

Mayor Galea announced the Boards and Committees with current vacancies and appointed Eddie L. Kemp II to the Planning and Zoning Board and to the Mayor’s Committee on Aging she appointed David W. Day. She asked the City Clerk to notify these individuals.

UNSCHEDULED COMMUNICATIONS

A. Mr. Espiritu, Chamber of Commerce president, commented on the following:

- 1) He noted the Chamber has been working with a Business Beautification Program for the past four-five months. Nothing has been finalized and they would love to work with the aforementioned Ad Hoc Committee.
- 2) On the construction concerns, we are very happy to help reach out to businesses being affected, but we don’t always know it’s going to happen. When we don’t know, there’s not much we can do. The Transportation media is a great source for updates. We would like to be sure to partner with the City to get the word out.
- 3) Mr. Espiritu then mentioned the company FRST will be back next week represented by four principles of the company. He invited anyone to attend this meeting on Friday the 18th at the Golf Course for a no host breakfast at 8:00a.m. This company is on track to start the second quarter of this calendar year. We will send an E-vite and a phone call concerning this.

CITY MANAGER’S REPORT

1) Interim City Manager Carter remarked as some of you are aware, we received a letter from HUD back in November concerning findings through our Public Housing. We got a letter to them on January 3rd letting them know all the issues had been addressed. We’ll see what their recommendations are, but feel very comfortable we have met all qualifications and recommendations they required.

Commissioner Rardin asked if it’s possible to bring back the option for the Commission to give the Housing Authority back to the State. He felt it created lots of issues with the City and many of the departments get bogged down with this. He expressed his concern of it being a hassle to the City. Interim City Manager Carter said we would be happy to do that and bring information back to the Commission to make a decision one way or another.

2) Interim City Manager Carter said we have been working on cleaning up properties, and we will have information for you at the next meeting. We are waiting on asbestos and tear-down information.

3) He stated Assistant City Manager Matt McNeile is doing research on a retail study to come up with hard numbers for us and will have a recommendation at the next meeting.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

No comments were made.

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:

- **Limited Personnel Matters (City Manager Recruitment & individual DPS employee)**

- **Threatened and Pending Litigation (Former Finance Officer and an Individual DPS Officer)**

Commissioner Rentschler moved to adjourn into Executive Session to discuss Limited Personnel Matters (City Manager Recruitment & Individual DPS Employee) and Threatened and Pending Litigation (Former Finance Officer and Former DPS Officer) at 9:42 p.m. Commissioner Talbert seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

ADJOURNMENT



Renee J. Cantin

City Clerk Renee L. Cantin

Susie Galea

Mayor Susie Galea

*(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on February 12, 2013.*