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

SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
AL HERNANDEZ, COMMISSIONER
ROBERT RENTSCHLER, MAYOR PRO-TEM
VACANT, DISTRICT 6 COMMISSIONER
JIM STAHLE, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK

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

Mayor Galea 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 was given by Father Tom Arrowsmith-Lowe and the Pledge of Allegiance was led by Commissioner Turnbull.

APPROVAL OF AGENDA

Commissioner Hernandez moved to approve adding the Addendum items to the agenda. Commissioner Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

Commissioner Hernandez moved to approve the agenda. Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

PRESENTATIONS

1. Presentation on the Friends of Holloman Card. *(Colonel Bennett, Presenter)*

Colonel Bennett thanked the Commissioners for letting him present tonight. He said it looked like they had a full agenda so he would try to be brief. Friends of Holloman – what is it? It started probably eight months ago when Col. Croft said, 'I hate the fact that we're Fortress Holloman here. I wish we could let more people kind of on base, sort of like Ft. Bliss does.' They sort of have an open policy; you come in with your driver's license and get on Ft. Bliss. The Air Force isn't as lenient in its entry control requirements so, unfortunately, we can't do that, but he challenged me to kind of come up with a way to share a little bit of Holloman with our citizen neighbors. So, we developed this program. Effectively what it is, it allows people to get pre-vetted on Holloman. Everybody who comes out to Holloman gets vetted through background checks, whether you are a civilian worker or whether you are a contractor, to get out to Holloman we check police records kind of thing. A person who wants to become a Friend of Holloman, we do that pre-vetting so they can come on the base whenever they want with their card, an ID card sort of like what I have but a little bit different. It has a bar code on the back and their picture on front and it allows them to come on the base.

Now, why would you want to come on base, that's the other point, right? We are opening up three recreational facilities for citizens to come on and use on Holloman. The three facilities are the bowling alley, the golf course and the Holloman Club which is sort of like an eatery, a bit like a sports bar kind of theme that serves food and drinks. To be able to do this the Air Force has stringent requirements, it allows us to bring those on and allows citizens to use our facilities on an as-needed basis that doesn't interfere with military if we have excess capacity, and we do in those facilities. What we do is when you come on base you can go to the Visitors Center, you kind of fill out an information packet there with a map of the base showing where you are allowed to go. There is a contract that kind of says I'll be a good boy and I'll use these facilities kind of thing. You sign that, you do the background check, you get a card and then you are clear to come to these facilities like any other user. We have to charge a slightly different price by our rules to non-duty card holders. In many cases they are like maybe fifty cents higher or something, nominally higher. To be able to kick

the program off we had to get approval so for any business we compete with we had to get their approval to do this. For instance the bowling alley which was easy because there is no bowling alley within 50 miles, so we didn't have to gain approval. For the golf course, there are golf courses available so we had to get somebody in the golf course hierarchy to sign off on that being ok. Because we are operating sort of a restaurant/bar, we had to get those businesses and there are lots of restaurants and bars and so what do you do for that is you use the Chamber of Commerce as a surrogate and that is recognized by the Air Force. We did get the Chamber of Commerce approval to do that.

This is part of my tour, getting out to spread the word. I've been to the Rotary, the Chamber of Commerce, I plan to hit the hospital and the Alamogordo Public School system, some of the bigger employers to make sure everybody is aware of this. I have flyers I have passed out and I have it electronic if you need to get them far and wide. The idea, again, is to share some of Holloman, some of our recreational facilities with the citizens of Alamogordo. I think it is a pretty neat deal, nobody in the Air Force does this, a lot of people are asking questions. Some from the security force perspective of why are you doing this (say) we don't like this. Well, we don't really care whether the Headquarters likes this, we think it is a good community relations piece and it is good for the symbiotic relationship. So other bases are saying we want to get into this, we want to try this too. It took a long time to get approval and we're just up and running for about two months now. We've got about 200 of your citizens that have signed up and have cards now, and that's kind of the jest of it. I'm really open to questions if you have any, and I'd love to answer your questions.

Commissioner Sikes told Col. Bennett she appreciated that they are doing this. She had a couple of questions that have come up from people who have asked her about it. Can people who use the base from Alamogordo go to places like McDonald's? Col. Bennett told her yes. We don't sort of say this is an open place for you to go, but they certainly can. What we are trying to do, quite frankly, is if people want to come out and eat we'd like them to eat at our more up-scale places rather than McDonald's or something you can get downtown anyway, right? So, why we are not marketing it, nobody is going to look twice if they go into McDonald's or even Popeye's, those kinds of places.

Commissioner Sikes asked if in the future would there be the possibility of the civilian population using the gym or library. Col. Bennett said, unfortunately that would never be a possibility. He explained there are certain classes of recreational facilities. Class A basically means fully taxpayer funded, right? There are military people running those places and they are fully supported by taxpayer dollars and they don't really make any income. The gym is one of them and the library is one of them. You don't make money at a library, you don't make money at a gym; they are purely there and funded by taxpayer dollars to provide those services to military members and eligible duty people on base. There is a middle ground/gray area kind of thing and then there is the all others area. The all others area is the area in our instructions/regulations that say this is what you are allowed to on a non-interference basis offered to civilian populaces. Basically, we have four of those facilities – the three I mentioned plus our Aero Club. Right now, our Aero Club is on a bit of life support and we are trying to nurse it back to health. We have just bought sort of brand new planes so we aren't ready to offer that to the community as a whole; we'd like to leave that in-house right now. So, out of the four areas there are three areas that we are offering, that we are allowed to. So, we're kind of maxed out and I know you'd like to go to the Thrift Store and the Commissary, but we've got Albertson's coming real quick. The library, the pool, but I think Mayor Galea would kill me if we allowed people into the pool because you have a great recreational facility downtown. All those are not going to be permissible.

Mayor Galea said to Col. Bennett that there was an Open House coming up on May 10th for the F-16's and other planes. Would it be easier for civilians to enter the base with this Friends of Holloman card? He told her absolutely. As a matter of fact, we are going to set up a separate come on the base for duty card holders and Friends of Holloman card holders. You are going to be treated exactly the same. So, there are going to be these big long lines where we are going to have metal detectors and people with wands going through peoples purses and stuff to get on base, and then there is going to be a line where you whip out your ID card and kind of cruise right on through. We want to

use that as an encouragement and we hope that a lot of people that are in the line are going to look over there and say, "What the heck is Friends of Holloman?" We will give them a little pamphlet kind of thing so they can sign up later. Any chance we have to get the word out ahead of time and have people become a Friend of Holloman ahead of time, the easier it will be to move the lines on the base.

Col. Bennett had one last thing to say. Anybody 15 years or olde,r there is sort of a background check opportunity for them, so that is the age limit of having a Friend of Holloman card. 14 years or under, anyone who is a Friend of Holloman can escort those of that age on base. An adult can escort anyone 14 or under on base. They don't get background checks and simply come with an adult to be good to go. That's the age limit breakout.

Mayor Pro-Tem Rentschler said to Col. Bennett this is really a good thing, especially when you are looking at communities of our size and sometimes having limited resources for recreation like this. So, we really do appreciate you being able to put this together for the City of Alamogordo. He said he appreciated him coming this evening to share this with us, and he was hoping this was really getting out through the paper and everybody else. He knew it had been going on for about two months now and he hadn't heard a lot of advertising about it, so he was hoping Col. Bennett would get the word out. This is an outstanding situation that Holloman has brought to us. Col. Bennett thanked him and said that was one of the reasons for coming here to hopefully try and get the word out. Any help he can get with that, because the rules kind of limit what he can do advertising downtown, like he can't pay for advertising in the local paper, but he can spread the word and hand out pamphlets. So, any help he can get would be appreciated.

PUBLIC COMMENT

Mayor Galea reminded everyone that anyone who signed up had three minutes to speak.

A. Eugene Downer commented on the following:

1) Mr. Downer said he would first like to report on the two dead trees he has been talking about at the last three meetings. The one dead tree in Mr. Hernandez's district at the Civic Arena has been removed and the irrigation in that area has been rectified so all trees are getting water equally. The other tree in Mr. Rentschlers district is still standing.

2) The irrigation on White Sands Blvd. that sprays Alameda Park; if you've driven by at night you've seen several irrigation sprays spraying from the area along White Sands Blvd. and spraying into Alameda Park. About a year ago he noticed two were not functioning and I reported it to Ms. Wade who followed up on it and said that it had been fixed. I did notice a couple of weeks ago the same sprays were just squirting on the sidewalk and not squirting on the park. One was squirting directly north and the other directly south, and I talked about that at this meeting. I noticed the other night that still the same two high-volume sprays were just wasting a lot of irrigation and they were not hitting a lot of freshly planted trees. I knew the city would want to know immediately so they could take appropriate action.

3) He said he was driving through the cemetery the other day and the cemetery, as he was sure all of you feel is a very sacred place in the community. (It) is a special, spiritual access for people to go who meditate and pray to connect them to loved ones who are departed. Robert and Brandon have been doing some very good work there, however, I think it needs some input and long-range planning to make it the top-notch facility which citizens deserve. That completes my brief comments for this evening.

The next two who were signed up to speak asked to wait until the items came up in the agenda for which they had comments.

CONSENT AGENDA (Roll Call Vote required for items No. 5, 6, & 7)

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

4. **Approve an Application for participation in the 2014 Law Enforcement Protection Funds.** *(Robert Duncan, Police Chief)*

5. **Approve Resolution No. 2014-10 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of March 25, 2014. [Roll call vote required]** *(Kathy Gilsdorf, Budget Analyst and LeeAnn Nichols, Interim Finance Director)*

6. **Approve Resolution No. 2014-12 approving Special Appropriation Grant Agreement 13-1473-STB between the City of Alamogordo and the New Mexico Environment Department (NMED) in the amount of $243,000 for the Reclaimed Water Line Looping Project - LaVelle Road to Fourteenth Street, designating the City Manager and Assistant City Manager to act as signatory authority and official authorized representatives for this project. [Roll call vote required]** *(Nancy Beshaler, Project Manager; Ruben Segura, Grant Coordinator)*

7. **Approve the final publication of Ordinance No. 1463 amending City Code section 11-05-340 and repealing 11-05-350 related to Deadly Weapons. [Roll call vote required]** *(Renee Cantin, City Clerk)*

8. **Approve the Award of Public Works Bid No. 2014-006 to Maxwell Asphalt, Inc. related to the Street Maintenance – Crack Sealing FY14 project in an amount not to exceed $266,501.03 including tax ($247,620.00 + $18,881.03 NMGRT).** *(Jason Thomas, City Engineer)*

A-1. **Approve Change Order No. 1, 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 $27,121.50, including tax.** *(Brian Cesar, Public Works Director)*

Item # 3 was removed by Commissioner Hernandez from the consent calendar.

Commissioner Hernandez moved to approve items # 2, 4, 5, 6, 7, 8, & A-1 of the consent calendar. Commissioner Baldwin seconded the motion. Roll call was taken for items #5, 6 & 7. Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

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

Commissioner Hernandez would like to see a copy of invoices in order to see what we are being billed for and what we are receiving. If there is something different, maybe we would have ideas on how we can publicize Alamogordo. For instance, we were supposed to be getting satellite TV in here so we could show our commission meetings and he wasn't sure what had happened with that. He wanted to see what we are doing and be more transparent for the Commission. Is that possible? City Manager Stahle said absolutely.

Commissioner Baldwin asked if that would come from the Lodger's Tax and/or this committee. The

Mayor answered no. Commissioner Baldwin continued saying transparency was good and he didn't disagree with Commissioner Hernandez, but this is specifically for the promotion of Alamogordo. They have a committee and they determine these things.

Commissioner Hernandez said I would simply like to see what they are doing. He made the example of driving home from Roswell today and he saw Alamogordo and Space Hall of Fame signs, and he thought that was Lamar because that's what they do. He said we have Time Warner, Comcast, Fox 34 monthly billings and he wanted to see what it is we are doing and see if we need to expand to different areas. He has seen some of our signs, the Lamar ones, in Arizona. He would like to see what we are getting for our dollar.

Mayor Pro-Tem Rentschler asked if Jan Wafful was available tonight. She was not. He said he was curious about this for a couple of reasons. We've seen the Northeast and Midwest have a miserable winter, and we need to be looking at the electronic billboards. He said they have installed some and they can be changed. He suggested to this committee that when New York or Chicago are having a miserable day with a foot and a half of snow on the ground and it is 10 degrees outside with the wind blowing horizontally across the Lake, we need a billboard out there showing Alamogordo is 70 degrees, perfect golf weather. The next slide would show a $250,000, 2,500 square foot house on the golf course with property taxes of $2,500.00. That kind of stuff would really highlight Alamogordo for the rest of the world when people start thinking retirement. That's what we need to be doing and somehow we need to get that incorporated with this. He didn't know the cost but you can buy them for a day at a time, a week, two days at a time; choosing weather days might be tough but it would be something interesting to do.

Mayor Galea said the Promotion Board meets monthly and sometimes more and she was sure they would welcome his input at their meeting. They have about a quarter million dollar a year budget and she was sure they would welcome him there.

Commissioner Hernandez said that is why I asked. He knew exactly what the Balloon Festival does and the exact amount, but if you look at these other amounts over a year it is quite a bit of money. Ideas like that right there; if this is only bringing one or two people here and we could bring ten with a simple idea like that, that's kind of what he wants to do. He would like to see what they are doing and what we can, and give them ideas. The more heads involved would be helpful. Are we advertising that we have the best golf course in the State? Commissioner Baldwin remarked it was award winning. Commissioner Hernandez said Commissioner Baldwin can ask why isn't this in here and we can add the signs and stuff like that.

Commissioner Hernandez moved to approve the Lodger's Tax Expenditures for Tourism & Travel. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 6-0-0.

UNFINISHED BUSINESS

A-2. Request to bring the item back for additional discussion and consideration for 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. *(Nadia Sikes, Commissioner)*

Mayor Pro-Tem Rentschler asked to combine this with his presentation of Item number 17. Commissioner Sikes said she did not mind but wanted to say before then, so the Staff didn't have to sit and worry about anything that might come up, she applauds what the Engineering Department did to bring this forward. When we start talking about it she wanted to make sure she was able to add all comments she brought. Mayor Pro-Tem Rentschler said that is one reason why he asked to move this to position number 18 and allow him to make his presentation along with it. Commissioner Sikes said that would be fine. Mayor Galea asked Mayor Pro-Tem Rentschler that in the future when we approve the agenda, would he make a motion at that time to change the order. Mayor Pro-Tem

Rentschler said he understood.

Mayor Pro-Tem Rentschler moved to approve moving item number A-2 after item 18.
Dale Kidwell from the audience asked to speak on this item. He remarked he is the manager of B&J Carwash. He knew everyone in the room has passed that corner of Hamilton and Panorama at one time or another. You are taking your life in your own hands many times. There are people coming down Hamilton onto Panorama plus all the residents on that corner plus the motels and hotels. He lives out in that area and last Thursday he wasn't working the carwash that day. He was coming down Hamilton to turn left onto Panorama at about 4:50 p.m. and he counted 23 vehicles heading east and 18 vehicles heading west. That's how long it took him to turn and go west on Panorama. You have the same thing in the mornings from 6:30 a.m. to 7:00 a.m., a lot of military going to HAFB and the school buses coming west. He has said and will say again that he is surprised there has not been a major accident, because you are taking your life in your own hands. He invited anyone to come out some morning or some afternoon after 5:00 p.m. when some are getting off work to watch this if they didn't believe him. He wished we could get this intersection construction approved.

Commissioner Sikes seconded the motion. Motion carried by a vote of 6-0-0.

NEW BUSINESS

9. **Presentation, discussion, and possible action upon approval of an Intergovernmental Agreement between the New Mexico Economic Development Department and the City of Alamogordo related to the LEDA Capital Outlay Program.** *(Stephen Thies, City Attorney; Ruben Segura, Grant Coordinator; Cliff Hudson, CEO, FRST, LLC.)*

City Attorney Thies explained to the Commission the first item on their agenda related to this project is to consider and act upon an Intergovernmental Agreement. This particular agreement is an agreement between the City of Alamogordo and the New Mexico Economic Development Department (NMEDD). FRST, the company proposing to open up a facility here in Alamogordo went to the State and the State did an appropriation of $250,000 to assist them in building out a facility where they would locate their company. Mr. Cliff Hudson is here on behalf of the company and he will describe what their project involves, what they are trying to do, and then after he describes their project I will ask you to consider the Intergovernmental Agreement. As I indicated, there was an appropriation from the State to Economic Development for an amount of money, $250,000 of that which has been earmarked for the FRST project. Because the State cannot give a private entity the money directly, they need to in a sense funnel it through the City. The City part, they enter into a Project Participation Agreement which is the next item on your agenda. For the State, we handed out a rough draft of the Intergovernmental Agreement; it's been a work in progress and I apologize for not getting more of a final draft in the agenda packet, but it substantially contains all the terms. What will happen is the State will give, assuming this project is approved, the State will give us the $250,000 and we'll act as the fiscal agent for the project. FRST will then go, and they have a couple of locations currently that they are considering to locate their plant, they will build the plant out so they can operate and the $250,000 will be used to build out that plant, the facility. They'll submit costs, invoices to the costs associated that billed out to the City and then the City will submit those invoices to the State for their review and approval. The State project is a five year plan program. The application also in your packet indicates that FRST is planning on creating 24 jobs at the end of the 24 month period, so from the State's perspective FRST will have complied with their obligation with the State if they create at the conclusion of 60 months, 24 jobs. We'll go into more detail about what their obligation is to the City. FRST's obligation to the City is to get our $250,000. Cliff is here and can come forward to describe the project.

Mayor Pro-Tem Rentschler asked the City Attorney just so this is clear as you're over there kind of talking away, what this is involving is two stints of $250,000 each. One is the LEDA Grant coming from the State of New Mexico from the Secretary of Economic Development, John Barela that is for the build-out of the building. Is that correct? City Attorney Thies said that is correct. He continued

by saying the $250,000 is from the State; that's the first Intergovernmental Agreement that you will consider. It's funneled from the State to the City and in turn given to FRST to assist in the build-out of the facility.
Mayor Pro-Tem Rentschler then said the second one is $250,000 out of the City of Alamogordo's Economic Development Gross Receipts Tax account. City Attorney Thies said that is correct. Mayor Pro-Tem Rentschler said that will be paid out after the jobs are created based upon the economic formula. City Attorney Thies said the Project Participation Agreement, again, is a five year plan and they have employment projections that project the payrolls for each of those positions. After discussing with Mr. Hudson this afternoon and they are modified somewhat, but for the most part the parameters are the same. If they create X number of payroll they will get a percentage of $50,000 a year, $50,000 over a period of five years to a maximum of $250,000. And that is out of our Economic Development tax. Again, they have to produce some jobs in order to get any money from the City; if they fail to produce any jobs they will not receive any money from the City. Mayor Pro-Tem Rentschler said that's what he wanted to make crystal clear. He thanked City Attorney Thies.

Chamber of Commerce and OCEDC President Mike Espiritu addressed the Commission saying it was a privilege to be here with them tonight with a company that we've been working with for the last few years, and it looks like we are getting closer to the finish line which I'm sure all of us are very happy about. First, before I get started because I want to tell you a little about the second portion which is the second item on the agenda, let me introduce Cliff Hudson to you. I met Mr. Hudson and some of the other principals of FRST through a lead we had received, and we worked that lead pretty diligently and they selected Alamogordo. Before I do that, let me let Mr. Hudson speak. He is the CEO of the company.

Cliff Hudson, CEO of FRST came forward to say we are in transition right now and I want to share with you some things that we shared with the city attorney tonight. We think it will make us more of a New Mexico company so we are very happy to announce that tonight, as well. Thank you for the opportunity. As Mike said, it has been several years since we've been working with the City here and with OCEDC. Thanks for being very patient with us, but we wanted to make sure we did it right and had a good, clean start and could be a successful company. That's why we went through a very diligent process to get to where we are tonight. We're glad it's finally on the Commission agenda for consideration and we appreciate the chance to share with you our vision for the company. I am currently the CEO of the company. We want to be a New Mexico company and we have actually reincorporated in New Mexico and we're going to make Alamogordo the corporate headquarters for the company as well, not just for this project. So, I'm happy to announce that tonight, as well. We'll be going through a slight name change; we'll become Emerging Technologies Ventures, Inc. You'll be seeing that in lieu of FRST here, so we've already filed the paperwork with the Secretary of State and hopefully that will be effective this week. We wanted to make it very clear that we are happy to be in New Mexico and happy to become a New Mexico company.

A little bit about our operational strategy; public/private partnerships are very important to us. (Power Point presentation he used is in Agenda Book). When I retired from the Department of Defense (DoD), I was working with the Small Business Administration and I learned about how to bring the public and private communities together. I took a lot of that operational concept out and we founded FRST. Each are investors, the public is investing money in return for jobs and the growing economic impact of the community, and we have private investors, too, putting their money in and expecting a reasonable return from that investment. Both are shareholders in our company and we treat every dollar that's invested along those lines. So, our model is certainly to use an intellectual property that's resident in the federal labs, reach out to the DoD and other federal customers, but also begin to develop commercial opportunities for the products, as well. I'll show you some of those products here shortly. This is our initial investment portfolio; unmanned ground, unmanned air, unmanned maritime.
We're happy the ground and air will be operated here and we are working with Jim right now and are trying to find a body of water that we can bring the maritime aspect to the community, as well. Right now we are still in San Diego for that aspect, but Jim said Lake Bonito, I think, is an option and so we'll work toward bringing all three products here before it's over with. The future really is not only

the single platform, but integrating those platforms together, bringing command and control and having those platforms teamed together with some very important missions, very dangerous missions. We see it right now from the DoD prospective, ordinance disposal. A lot of threats are out there and these systems have really proven their merit. We think there is a corresponding commercial opportunity of precision agriculture, critical infrastructure perfection, other areas, as well. We will be bringing those markets to the table, as well, as we move forward.

Mr. Hudson said these are some of the areas we're looking at as I had mentioned, force protection/security, hazardous material operations, law enforcement, firefighting, a wide range of operations. Almost every DoD mission maps over into a commercial or civilian mission as well. Maybe the concepts of operations are a little different, but the opportunities are there. We will be working in that area. We will be bringing some other companies to town. (Unintelligible) will be supporting us in the software area, Bostan Research for the unmanned air portion, and as I said hopefully we'll get Ocean Aero here before it's over to get the maritime vehicle. Here are our current locations, again Maritime is in Poway, CA and then the Ground and Air platforms will be here.

We're calling it the Roadrunner; we try to find something that's indigenous to New Mexico so we thought Roadrunner was a good acronym for the platform. You'll start seeing that. I have to check with Plymouth though, because there used to be a Roadrunner Plymouth so we need to make sure it's not trademarked, so we'll have to check that before we finalize that. It's a versatile platform and we'll actually be developing a robotic control kit that can go on not only this platform but a variety of mission packages. We hope that will see great success within DoD. We were just in Huntsville, AL this past week talking to the PM for the tank and automotive command who was there from Michigan. They are very interested in that control kit we will be developing. Mr. Hudson apologized because he had developed a sinus infection in Huntsville last week so he was a little stuffy tonight. This is the maritime platform. This is a very unique platform; currently the platforms are either surface or underwater. This company has designed a combination platform that can operate on the surface and actually dive, so we think it's a very unique opportunity for the Navy, but also for ocean surveillance and environmental protection, oil and gas exploration. We are very excited about this. The prototype has been in the water, it's wet and we're working the control package now for that. This is the VTOL platform. Again, we were in Redstone Arsenal in Alabama last week and we achieved an agreement with the Army to develop a cooperative research and development agreement for a Shadow platform for the VTOL; an important first step for us in developing a customer base for the VTOL aircraft.

As Stephen said, there are two facilities we are currently looking at and we are trying to come to closure this week. The first facility is a New York Ave. facility and we've been discussing for quite some time with the owner of that property. Our last trip here another property emerged; the Primate Facility that I think everyone is familiar with that is off La Velle Rd. We always knew we were going to have to expand as we moved to manufacturing and so that facility offers a lot of opportunity for us, as well. We're working through those details now and we'll stay in close contact with the city manager and the city attorney as we finalize that opportunity. Each is uniquely an opportunity for us. This facility is a HUB zone and so it offers some advantage for us from a HUB zone status as preference for federal contracts. The La Velle area is not currently a HUB zone; it can be changed but it would take some petition to the Small Business Administration to get that area declared as a HUB zone. As I said, this week we'll be able to come to closure on that facility.

A quick summary about our company; we thought long and hard about what we wanted to be as a company. It's not all about profits, it's about what we can do for the community and be a part of the community, and I hope our strategic goals really represent that. Now, we are all about building innovative and high-growth companies; we're finding technologies that have been out there in the prototype stage that the companies have hit a brick wall. They need funding, they need critical infrastructure and some extra subject matter expertise to take them to the market, and that's what we hope to bring to the companies that we are partnering with. How do you speed it to market, and again, how do you create robust investor returns? Again, those returns are both public and private. You are putting quite a bit of funding towards this and you are entitled to a return on your investment. That's why we are very committed to what we bring to the community and how we participate in the

community. The public/private partnership is essential to us. We've been very happy to be part of the community already. Several weeks ago we had a chance to participate in a career expo at the high school and it was wonderful to see the kids there and interface with the kids. They are excited about it and we hope to have them as interns as we begin to go forward as a community. We want to provide the pathway to careers here in the community. We need to give the kids a reason to stay here and we hope that we are a small part at least of that opportunity in the community. And finally, Science, Technology, Engineering and Mathematics (STEM); we hope we can create a culture of innovation and interest for the kids in pursuing those types of careers in the future. With that, I'll close and again thank you for all the support that you and the community have shown us. We're so happy to be here and we look forward to the future.

Chamber of Commerce and OCEDC President Espiritu said some of the steps we went through to assist FRST are in your packet, but just to highlight some of the steps we take as a process is we requested the $250,000, this is that first line item, from the State through the Economic Development Cabinet. We met with the Lt. Governor John Sanchez and Secretary John Barela in a meeting and Secretary Barela awarded $250,000. He felt it was an important project for New Mexico and that's what that first project is, the Intergovernmental Agreement. They did request the additional $250,000 from the City from our Gross Receipts Tax for Economic Development, and of course the funds will be used to continue their building. The due diligence process steps we typically take are because of lessons we've learned as a community that we don't just want to throw money to a company but make sure we go through the process and insure we are doing the right thing. As you know, business is risky and we take extraordinary steps to try to mitigate that risk. The first thing we do is the company applied for an application for the funds and with that application the executive committee of OCEDC reviewed the documents and decided this might be a project worth pursuing and formulated a due diligence team. In this case, they formed a five person team which none of the directors or officers were a part of, and they included a finance officer, in fact it was one of the senior vice-presidents of one of the banks, a CPA and three business owners/operators (and) some are general managers or actually business owners. We compiled all the documents from the company, the business plan, the financials, and things of that nature. We provided the Due Diligence Team with a check list on things to consider and they met to review the documents as a team. If they felt it was worthy of recommendation which they did in this case, they would forward that recommendation back to the Executive Committee of OCEDC, who in turn reviews the same information and has questions of their own. They did before they came to the final recommendation as to present to you, the City Commission, their recommendation for moving forward on the funds. Please note that if they had not we would not be here tonight speaking to you about that, but in this case they did. So we had some meetings, met with the State folks, with City Manager Stahle and City Attorney Thies, (and) the State's Finance Director came to Alamogordo. Before she came we actually did some modeling; in fact we sent them information and they put it in a modeling program to determine the economic impact that this company will have in our community. The State funds are guaranteed solely between the company and the State even though the City is the fiscal agent because of Anti-Donation. The money is actually funded through the State so the claw-back or the State funding is not a City responsibility, and that is an important distinction. It is clearly an agreement the company has with the State of New Mexico. Of course, our funds from the City will be claw-back through job creation and if they don't create the jobs, as Mayor Pro-Tem Rentschler mentioned, they will not be paid those dollars as per contract. Recently, in December, the Economic Development Department awarded a Job Training Incentive Program (JTIP) to FRST; $46,000 for some more hires and that's a good thing. That's an incentive we've seen for a lot of our companies here. It's the State's best incentive for helping people and companies get started in business.

Part of the modeling process, this data is taken from the financials and information from FRST, and as you can see over the next five years their payroll, without benefits and taxes, is nearly a million dollars. They will significantly impact the local economy directly and indirectly with goods and services and things that they will be providing through gross receipts tax. This is part of the model from the State. Total of 41 direct and indirect jobs; that is a point of distinction. Anytime you create a direct economic based job, and that's what these are because they aren't retail, they create numerous more indirect jobs which are those retail activities. That's why it is 41 verses the 24 you

saw earlier. Total salaries to be paid, both direct and indirect are $16 million dollars; total expected additional gross receipts are $84 million dollars; total property to add to local tax rolls over the next ten years is $2 million dollars; total net benefits for state and local taxing districts over the next ten years are $5 million dollars.
OCEDC's recommendation is to enact the agreement with the State with the Intergovernmental Agreement (IGA) and the State's Project Participation Agreement (PPA) for that $250,000 of the State funds and also to award the $250,000 from our local tax dollars for economic development in exchange for meeting job creation goals as outlined in the agreement you will agree to with the company. Of course, those funds will support future expansion needs of the company. I may want to add one last thing, as I mentioned JTIP dollars are front for training. The way that works is we are a rural community by number and because we are a rural community in New Mexico, a company is entitled to about 65% of the wages for their employees if we can show official for the first six months of employment. That's a big incentive. This company will probably continue with the JTIP incentive because that is recurring; it doesn't have to happen just once, it can happen multiple times. Pre-Check is a great example of that. They've garnered a lot of funds to help them train their employees and they have used NMSU-A, as an example, as a partner-training program initially to get the training program kick-started. That program is well funded; I think it's about $1.7 million for this fiscal year at the last session, funded by the session. It looks like, speaking with Secretary Barela this morning, it appears there are plenty of funds at the State level for this current fiscal year. Chamber of Commerce and OCEDC President Espiritu asked for any questions or comments.

Mayor Pro-Tem Rentschler asked Chamber of Commerce and OCEDC President Espiritu if he would anticipate any delays based upon Mr. Hudson's consideration of changing the name of the company, I mean FRST seems to be on everything here. Chamber of Commerce and OCEDC President Espiritu said his opinion is a name change is not going to delay what they need to do. I think because we've already spoken to the State about that as far as the State's funds. It doesn't appear to be an issue as long as we put it into the agreements. As the city attorney mentioned earlier, the agreement is still a work so that can be easily changed and brought up to date.

Mayor Pro-Tem Rentschler said that looking over the Due Diligence reports, he believed it was three back-up, it talks about 2014 - $88,000, 2015 - $148,000 and so forth. Now, are these additive numbers or are these the numbers, in other words, by 2018 the total payroll will be $261,000 dollars. Is that what we're expecting? Chamber of Commerce and OCEDC President Espiritu said that is correct. Mayor Pro-Tem Rentschler said it doesn't wash very well with 24 high-wage paying jobs is my question there. Chamber of Commerce and OCEDC President Espiritu said again, those are projected wages the company initially provided us in the beginning so those numbers may have changed, I'm not sure. I can't respond to that; those aren't my numbers, they are the company's numbers. Cliff Hudson deferred to City Attorney Thies on this question.

City Attorney Thies said in a Project Participation Agreement it sets forth a projected job that FRST will create. In the first year of operation they're projecting they will create seven jobs. The payroll for the seven jobs is projected to be $475,000 and will increase every year thereafter. Mayor Pro-Tem Rentschler said that washes a little better. This $261,000 divided by 24 didn't create a really high-paying job. City Attorney Thies said the $260 some thousand dollars would be approximately three of the positions, the high-paying jobs they are proposing to create.

(Cliff Hudson said something from the audience not picked up by the microphone.)

Mayor Galea stated her potential conflict of interest. My husband working with these kinds of vehicles in the Military would like to work with FRST with their new name of Emerging Technology Ventures. He got to meet with Floyd Spencer and Nick Vostain and was very excited about the possibility of working with this company should he retire soon from the Military. That's my stated conflict and I will abstain from voting. She asked for any other questions or comments.

City Attorney Thies said the first item of business would be to approve the Intergovernmental Agreement with the State for the $250,000 that would be paid to the City from the State. He said the

items in the Agenda Packet were somewhat out of order and I apologize for that.

Mayor Pro-Tem Rentschler moved to approve an Intergovernmental Agreement between the New Mexico Economic Development Department and the City of Alamogordo related to the LEDA Capital Outlay Program. Commissioner Hernandez seconded the motion. Motion carried with a vote of 5-0-1. Mayor Galea abstained.

10. Consider, and act upon, the first publication of Ordinance No. 1464 approving a Local Economic Development Assistance (LEDA) application in the amount of $250,000 with Federal Research, Science & Technology (FRST), LLC. *(Stephen Thies, City Attorney and Ruben Segura, Grant Coordinator)*

Mr. Jerry Johnson asked to address the Commission. He said that before he made his comments he wanted to make something very clear. I am in favor of economic development for the City of Alamogordo and I'm in favor of OCEDC and what they do. I am in favor of this company coming here. What I am opposed to is the wording of this ordinance and I am concerned about it. I've heard the discussion, I've talked to Mr. Thies earlier last week or yesterday maybe and I understand. I'm being told this money from the City would not be forthcoming to FRST until after the jobs are created. But the ordinance, if you'll read Section 1 of the ordinance, it says that the funds are specifically used specifically to build out a facility to allow for the design and manufacture of unmanned/manned multipurpose ground vehicles and so forth. So the ordinance is in conflict with what you're saying is the Participation Agreement, and I have to be very honest and with all due respect I could not get a satisfactory answer from Mr. Thies about that particular thing. His answer is the ordinance is just to allow us to go ahead with the Participation Agreement, but the Participation Agreement is in conflict with the ordinance. I would respectfully request that you take that wording out and make it clear that this money is not to build-out the building. It is to reimburse them for creating the jobs. That is one of my comments. The other is in terms of, well, I heard things earlier tonight of paying out $50,000 dollars a year for five years. Was that the.....Mayor Galea interrupted to say City Attorney Thies did talk about that we could pay out that much up to $250,000 dollars. Mr. Johnson replied what I'm concerned about is front loading this thing, in which we pay $50,000 a year for five years. If you take that $50,000 dollars compared to the first year's projected payroll, it's a pretty high percent. Over the whole life of the thing based on what was listed in their application for the amount of payroll over five years, it's about 6% or 7% that you actually reimburse. So, what I would suggest is you just make that percentage, whatever it is, each year so that they would get more in the fifth year than in the first year based on how many jobs they've actually created during that year. One other thing I would make very clear is that the jobs have to be here in Alamogordo and that the people have to reside in Alamogordo to count toward this rebate. Today you can hire engineers all over the world to work on a project and we don't want to be paying taxpayer money to fund jobs if the person lives outside this area, because payback that you're looking for is dependant on people living here and spending their money. So those are my concerns about it and if you'll please take those into consideration I'd appreciate it very much.

Mayor Galea thanked Mr. Johnson and asked City Attorney Thies to talk about Section 1; how the build-out funding relates to the LEDA and not to the City's portion.

City Attorney Thies said he believed the draft of the ordinance Mr. Johnson has and is included in your packet is an earlier draft. Since this project was being worked on up until the last minute, including this afternoon, there's been some changes to that ordinance. Even though the draft says it will be used for the build-out, technically it is, but they have to front the money. They aren't getting money unless they create jobs. The ordinance itself, what it does is approve both the application which you have in your packet, it's a rather lengthy document, and the Project Participation Agreement. The Project Participation Agreement is the document by which we use to judge whether or not FRST is complying with the requirements. If I may, I can walk you through that Participation Agreement and hit some of the highlights so you understand how this project is structured. If you turn to page two, the first page is just kind of laying the background for the project. The 'Annual

Salary', what we do when we have these economic development projects, we do an audit we call it, where we send out information, a request for information to the company and they provide payroll information to us. They'll provide their quarterly reports, that's one of the obligations that the Economic Development Department is placing on us through the Intergovernmental Agreement is to get the quarterly reports. Then we get some other documentation and depending on whether we find that documentation satisfactory or if we don't will require additional information including looking at copies of W-2's and if in the W-2 it doesn't show that the wages are being paid to the State of New Mexico, that the position's not going to be used for job creation requirements. The 'Annual Salary', how that's structured is it will be a look at currently, it's box number 1 and number 12, is someone who likes to take deferred income. For example, some of these positions are proposing to pay up to $120,000. If that person is getting paid $120,000, will take $100,000 in salary and $20,000 in deferred compensation, we'll add those two numbers together to determine whether or not they've created a job paying $120,000. The 'Approval Date' is April 22nd. This ordinance will come back to you after it's published on the 22nd of April and assuming there are no issues, we'll request you approve the ordinance and it would become effective after that date. So the 'Approval Date' is the 22nd when the ordinance comes back before you. 'Facility', as Mr. Hudson pointed out, they are currently looking at two facilities. This current draft is quasi-participation, indicates that they're looking at locating at 1300 La Velle Rd., the Chimpanzee facility on La Velle Rd. As Mr. Hudson indicated, they are still working on the details and prior to the agreement being finalized, we'll have the facility address. Now the 'Full-time Job' means a minimum of 35 hours of an employee's time. Under quarterly reports, if they file with the State you'll indicate whether the position is a part-time position or a full-time position. That's how we determine whether or not it's a full-time position. Now, the 'Job Period', that's the period when we look to see whether or not they have created the jobs; that's every twelve months after we start with the project. Assuming the project gets up and running on September 1, 2015, we'll make the request for the information. We'll review it and determine whether or not they've created the promised jobs in the first year, and we'll do that each year for five years. At the end of five years we will determine whether or not the requirements are of the agreement. The 'Occupancy Date', that's just the term we use to trigger the start of this event and that's when they would actually, not when they start building the facility up but when they actually occupy it and will likely use it when they get a certificate of occupancy from the CID. Now, in the next section is the 'Entity's Obligations', the qualifying entity that's first. It addresses both the $250,000 that they're receiving from the State through us and the $250,000 they would receive from the State. Going on to page number three – Commencement of Facility Build-Out, they're indicating that within 90 days, regardless of what location they eventually choose, that they can start to build-out a facility and they'll have that build-out completed within 180 days. The next section talks about the Employment Opportunities. We'll make some changes, and speaking with Mr. Hudson this afternoon, instead of specifying the actual positions remodified for payroll with description of different positions they'll likely create. In the first year what they are indicating to us, that they'll be creating jobs, the number of jobs by five jobs that pay in excess of $50,000. I'll get to the form for their reimbursement in a little bit. In there also, it indicates they'll create two jobs that pay less than the $50,000 for projected payroll of, like I said earlier $475,000 in the first year, the first 12 months. Each year, they are projecting they'll increase the number of individuals employed to the end of the five years at which time they believe that they'll have 24 individuals employed. If you add up the annual salary for those 24 individuals that's on the next page, page 4, it will show you how much the total payroll should be at that time. Going on to Employment Reporting Requirements, that obligates FRST to cooperate with the City to provide proof they are creating those positions, and we have Local Preference, where they'll use their best efforts to use local contractors to build-out either facility regardless of what they choose.

Now it goes on in City Obligations; we'll honor the $250,000 from the EDD to FRST and we'll also agree to appropriate $250,000 of Economic Development Incentives to FRST as our local participation in the project. Jumping ahead to Reimbursement, that's their requirement put in there for FRST to provide proof that they're spending $250,000 from the State towards the build-out of their facility. It goes on to indicate that if they fail to complete their project or continue to operate the five years, 60 months after they occupy the facility, they have an obligation to repay the EDD appropriation of $250,000. There is a form we'll set out later of how they'll repay that. The next

section Evidence of Job Creation, that's the job audit I was describing earlier where annually we will get information from them and determine exactly how much payroll they paid. Disbursement of City Economic Development Incentive, that sets out the formula of how they are going to receive up to $50,000 a year. For any job that they create and pay more than $50,000, they will receive an incentive from the City equal to $ .098 per dollar of salary that they paid. Rounded out they are getting $.10 on the dollar for every dollar of salary they paid. Any job that they create and pays less than $50,000, they get considerably less in the way of incentive, but this agreement is structured that if they want to get money from us they need to create jobs paying more than $50,000. The incentive they receive from the City for the job paying less than $50,000 is a little less than $ .05 on the dollar. I have an example in there that if they create one of the jobs paying $120,000 in the first year, they would receive an incentive from us of $11, 760. There is not a provision in the agreement, that I had the discussion with Mr. Hudson this afternoon, in the event they exceed the projected employment numbers in the earlier portions of the agreement whether or not they would be able to receive more than the $50,000 a year, again it would be capped at a total of $250,000. If they create a lot of jobs in the first two years this would mean they could get the entire $250,000 in the first two years, but still the agreement requires them to keep a presence here in the City for five years. Going on to Facility Closure Claw-back, that's in the agreement because of the $250,000 they are getting from the State. If they shut their doors prior to the end of the five years, assuming they haven't paid the jobs back to the creation of jobs, they would have to pay the City and in turn the City would pay EDD equal to the 1/60th of the amount of the $250,000. So, do the math, if they close a year earlier, they have to pay back $50,000 to the State. The next paragraph indicates that's an obligation that the company's agreeing to. Security for Obligations means they have a personal guarantee from one of the investors that in the event they don't complete the project, comply with the agreement, this individual will step forward and pay whatever amount of money needs to be paid back to the City and in turn to the State of New Mexico. The rest of the agreements are just standard terms that are in this type of Project Participation Agreement. If you have any questions on the specifics, I'd be glad to answer those.

Mayor Pro-Tem Rentschler asked the Mayor that in the future could we limit the Attorney to three minutes. Mayor Galea said she appreciated his thorough response; he addressed all the concerns about the dollars for incentive and the claw-back the City would have. She appreciated the thorough response.

Mayor Pro-Tem Rentschler asked Mr. Johnson what he understood out of that. Mr. Johnson said if he heard it right, he thinks it meets all his concerns. It has to be here, the people have to be here, and the money is paid out on a pro-rated basis based on the pay roll. City Attorney Thies said that is correct. Mayor Pro-Tem Rentschler said these agreements are really extensive and have been really worked over for a couple of years, as you know. Alamogordo has had its feet held to the fire on several of these deals. Mr. Johnson told him that is why I'm here tonight; I read the ordinance and learned a lesson. Mayor Pro-Tem Rentschler said I promise you we have, that's the indication there.

Mr. Johnson said the ordinance you are approving tonight for first publication is different from what was in the thing on line. City Attorney Thies said he apologized for that. There was just some re-draft of the ordinance. Mr. Johnson said the Project Participation Agreement was not on-line either, so I wasn't able to look at that. What I heard tonight I'm happy with.

Commissioner Baldwin said he had one question for Stephen, again, and real quick. I was trying my best to pay attention to all that just to make sure I know the business has to stay here for five years, but the employees have to be here, as well; the people. City Attorney Thies said the employees, they are required to live in Otero County. Commissioner Baldwin thanked him.

Mayor Galea thanked OCEDC for all the due diligence, Mr. Espiritu and your board members. Also, thank you to Engineering Technology Ventures (Emerging Technologies Ventures) for the very thorough application process. I know that was a challenge to write up and thank you for your presentation.

Mayor Pro-Tem Rentschler moved to approve the first publication of Ordinance No. 1464 approving a Local Economic Development Assistance (LEDA) application in the amount of $250,000 with Federal Research, Science & Technology (FRST), LLC. Commissioner Baldwin seconded the motion. Motion carried with a vote of 5-0-1. Mayor Galea abstained.

11. Consider, and act upon, the first publication of Ordinance No. 1465 amending Section 3.050 of the Personnel Manual concerning Age Qualifications for Applicants. *(Stephen Thies, City Attorney)*

City Attorney Thies said this ordinance is a lot shorter so it won't take quite as much time to explain. Essentially, what it does is it puts an age restriction on anyone who wants to become a police officer with the City and an age restriction on anyone who wants to become a firefighter. If a person is not 21 years of age at the date they submit their application to become a police officer, they will not be considered, and if a person is not 18 years of age they will not be considered for a position as a firefighter. This again is an ordinance and we would request you approve it for first publication.

Commissioner Hernandez asked what the reason was for the age limit of 21. City Attorney Thies said the age limit was requested by Chief Duncan and maybe Chief Duncan would like to address that. He can come forward and discuss that concern. Commissioner Hernandez asked the City Attorney what the age was to enter the Military and City Attorney Thies told him he believed it was 18.

Police Chief Duncan told the Commission when he came to this department he was basically shocked when a person, whether male or female, could become a police officer at 18 years of age. We have a lot of calls that go into a building that sells wine and beer and yet they are not even allowed to go into a bar and drink, but yet they can go into a bar and arrest a person at the age of 18 or 19. I also feel that at the age of 18 there are very few men and women, at the age of 18 that in my opinion, (that) can be a police officer. I feel that under the age of 21 they are very immature, I think. So, I made a possible change to the hiring age and am requesting for it to be at the age of 21.

Commissioner Hernandez said he just wanted to make a comment. With our new process, the 40 page application process, and for some reason and I'm not sure why this was on my desk, but just the process of getting through to become a police officer, if they are able to pass a test, the written test, the oral test and all that stuff, I don't know that it makes a difference whether you are 18 or 21 if you can pass all that stuff. That's just my opinion. I mean, I understand that they can be more immature at the age of 18 versus 21, but it's the same thing at 21 versus 41, and so where do you draw that line. I just think that if you can pass that portion of it, the law allows you to go into a bar and arrest somebody then I don't see the reason for it. That's just my opinion.

Mayor Pro-Tem Rentschler was curious. Does the Police Academy limit applicants or inductees, whatever they are, of 21 or over, or can you be 18 and go to the Academy. Police Chief Duncan said that is totally up to every law enforcement agency, sir. Mayor Pro-Tem Rentschler said ok, so the Academy does not limit it. Does the State Police? Police Chief Duncan said he knew that the State Police changed about 1990 to the age of 21, sir.

Commissioner Sikes said that pretty much was her question. She was wondering if we were going to be unique among the cities here in New Mexico by changing our age limit from 18 to 21. Where does that put us? Police Chief Duncan said well, ma'am, across the United States the majority of law enforcement agencies have come to the realization that the age of 21 is a good age.

Mayor Pro-Tem Rentschler had one more question and it is for the Fire Chief. Mayor Galea asked if she could make a comment real quick and Mayor Pro-Tem Rentschler said please. She said to Police Chief Duncan she understood it is just his simple opinion that you felt those who were 18 were not as mature as 21. For the record, she pointed out that the Berkley Studies from the University have recently concluded that until the age of 25 our developmental process as far as brains are not

fully developed, so there is science and facts to back up your opinion. That is true, that the human brain is not fully evolved until the age of 25 and it is not simply an opinion that 21 is more mature than 18. Police Chief Duncan thanked Mrs. Wade (who had brought him a document). He said that Albuquerque, Hobbs, Artesia, Santa Fe, Carlsbad, Espanola, Las Vegas and State Police are requiring their officers to be the age of 21.

(Someone said something in the background) Police Chief Duncan said, sir, that is a good question and said he does not have a maximum age. I attended an academy where there was a man that was 59 and he did graduate. In my department, I do have a man that is the age of 67 and he can hold his ground. Commissioner Hernandez said he is stationed here now, the man that was 59. Police Chief Duncan said yes, sir.

Mayor Pro-Tem Rentschler asked Fire Chief Ward the same question. Do you believe a firefighter needs to be 21 or can you use 18 year olds as a firefighter? Fire Chief Ward said 18 is an acceptable age for the fire service. Minimum certification age, application to the Fire Academy is 18 and they produce a lot of good firemen. Mayor Pro-Tem Rentschler said all they need to be able to do is charge into a burning building, huh? Fire Chief Ward said it is a lot more difficult than that. Mayor Pro-Tem Rentschler agreed and said with that question, he guessed the position of firefighter should be struck from that and we allow 18 year old firefighters. Is that what I understood you to say that 18 was acceptable? Fire Chief Ward said yes, sir. Commissioner Sikes, Commissioner Hernandez and Mayor Galea said that is what it says. Mayor Pro-Tem Rentschler affirmed.

Commissioner Hernandez said being that we are going to utilize volunteers, we have several volunteers within the County that are 15, 16, 17 years old and I'm not sure how qualified/certified they are, but most of them that I've worked with are top-notch. So I guess those guys are out? Fire Chief Ward said he actually started as a volunteer firefighter, a Jr. Firefighter at the age of 15; I'm very in favor of the Cadet programs. We would want to establish that program separately from this program and obviously bring that back to the Commission and City Manager.

Mayor Pro-Tem Rentschler moved to approve the first publication of Ordinance No. 1465 amending Section 3.050 of the Personnel Manual concerning Age Qualifications for Applicants. Commissioner Sikes seconded the motion. Motion carried with a vote of 5-1-0. Commissioner Hernandez voted nay.

12. Consider, and act upon, the first publication of Ordinance No. 1466 related to Municipal Election Campaign Disclosure. *(Stephen Thies, City Attorney and Nadia Sikes, Commissioner)*

Commissioner Sikes said as you are all aware we just went through a municipal election and one of the things that came up consistently, not only in the debates but also in conversation and I think surprising to a lot of people, was the fact we as a municipality are not required to have campaign reporting. One of the candidates, Paul Sanchez, really nailed that and kept hitting on it consistently, and I think raising our awareness to the fact that it's important for a number of reasons. Even though our state doesn't have any laws that govern campaign spending and reporting on a municipal level, I think that the conversations I've had with people include that we really should have it. The Municipal League locally supports it. I don't want a really onerous law, I don't want anything real restrictive, but I think it's really important that we avoid any idea of impropriety. That transparency is really important and I don't think it will keep people from contributing to elections. I don't think I'm indicting anybody here by trying to do this, I just simply think that at this time because we've gone to the Mayor-At-Large situation, that we need to be more conscious about what our elected officials are accepting, what we're doing with the money once accepted and who is contributing to what so we as a population can look to see how our electorate is behaving based on, potentially, who's been contributing to their elections. So, if you have an opportunity or you got on line and looked at the ordinance, it's very simple, it's very basic; the only thing that I've thought about since Mr. Thies put

the ordinance together is possibly additional reporting. The reporting that's in the ordinance isn't that strict but maybe if we had any ideas about additional reporting, that could be taken into consideration. I do believe that we talked about transparency, we may as well do something about it.

Commissioner Turnbull had a comment on the late filing penalty. She thought $50.00 a day is excessive when she was reading through it. Mayor Galea asked what she would propose. Commissioner Turnbull said I only spent $169.00 on my campaign so if I forgot to do this for some reason, that's three days I've gone through what I made, and I wouldn't be able to afford to pay it based on what I earn in my regular job. I think that's excessive. I also had a question about the treasurer. I think maybe you need a treasurer once you get to a certain point in your campaign, but like I said, I was under $200.00. Do I really need to appoint a treasurer for that? That was my question. City Attorney Thies said the $50.00 is, as I indicated in my agenda report, the campaign disclosure ordinance is modeled closely after the ordinance Las Cruces enacted with some additional provisions. The $50.00 is taken from their ordinance; you can increase or decrease or eliminate it. As for the treasurer issue, the ordinance provides that a candidate can serve as his own treasurer and so it is not necessary to have someone appointed as a treasurer. Commissioner Turnbull said ok.

Mayor Galea asked Commissioner Turnbull if she would like to see that amount decreased and Commissioner Turnbull said I would like it decreased. Mayor Galea asked what amount would she find appropriate and Commissioner Turnbull said maybe $20.00. I mean $10.00 or $20.00 is actually where I'm at. I'll say $10.00, I'm going to go on the lower end. I don't make a lot of money. Mayor Galea asked if anyone on the Commission was opposed to a $10.00 fine as opposed to a $50.00 fine for a late filing. Commissioner Sikes said it would be $10.00 per day and Commissioner Turnbull said $10.00 per day is better than $50.00 per day. Commissioner Sikes said we are very fortunate to live in a town like Alamogordo where our City Clerk would probably call you the morning after it was due and remind you that you need to turn it in. Secondly, you are not going to get your certificate of election until your reports are filed, so I think that you would be compelled the night you are getting sworn in to make sure your reports are done. The reporting isn't that difficult, you are simply listing out a name/address and an amount, and any candidate who takes in less than.....First of all, if you read the ordinance, any cash amount donated in $25.00 increments or less doesn't even have to be reported. What we are looking at here is just trying to prevent large campaign donations that could possibly be construed as having some sort of impropriety. That's what we're trying to do here.

Mayor Pro-Tem Rentschler said looking this over and having just participated in a mayoral campaign, what I would say about this is first of all, I don't know that.... I mean we are here because of the position of mayor, that's why we are having this discussion today. I don't know that the position of commissioner, again didn't spend a lot of money doing that, and commissioners again if your neighbor, they may like you fine but they may think someone else would do a better job so they contribute to them. Well, you know, we live in a pretty small community and so my concern is that I would just as soon leave the Commissioners out of it. I think that maybe is the friendly thing to do and/or set a minimum. The other question you have to ask yourself is have you ever taken an anonymous contribution? Commissioner Sikes said she chose not to take any contributions whatsoever; she had such a tough race. Mayor Pro-Tem Rentschler said I can tell you that I received at least one envelop that had a couple of $100 dollar bills in it. Now, what would the City do with that, do I put anonymous, what do I do with it? Can't give it back, don't know who it came from.

City Attorney Thies told him if it's more than $25.00 that's all you have to indicate; you received anonymous donation of $200.00 on whatever date, that's what your campaign disclosure would provide. One other point about this ordinance, it not only applies to candidates, it applies to committees who may form to oppose or support a candidate for a question that appears on the ballot. For example, we had two questions on our last ballot and if someone had formed a committee to oppose one of those questions or support it, they would be subject to this campaign disclosure requirement.

Mayor Pro-Tem Rentschler said that, again, I really believe the main reason we are here is because the race for Mayor is certainly something different than a race for Commissioner. I believe that I don't stand alone at that, that as commissioners you might take in $2,000.00, whereas mayor your sights are significantly more than that. I don't know that we need to include all the commissioners in this.

Mayor Galea asked if anyone was opposed to removing 'commissioner' from the ordinance. Commissioner Sikes said she would be opposed to removing 'commissioner'. I do believe that any elected official should be willing to submit a report for any monetary contributions made. I just do believe we talked about transparency, we need to stop talking out of both sides of our mouths. Either we are transparent or we are not. To me it just doesn't seem like that.....the issue is black and white as far as I'm concerned, and why not. Just because we aren't taking a lot of money doesn't mean that those little bits of money could not be construed as having some sort of impropriety. We need to act a little more sophisticated.

Mayor Galea told Mayor Pro-Tem Rentschler if he would like to remove 'commission' from the language; because there is opposition he would have to make that motion. Otherwise, we will be able to change the total amount of the daily fine to be $10.00. Mayor Pro-Tem Rentschler said he would like to hear the rest of the discussion.

Commissioner Baldwin said his question was for the City Manager. I don't necessarily have a dog in this hunt, but the administration of this falls to the City Clerk, correct? And how do you feel about this being a part of that. City Manager Stahle said it's very common to have reported criteria. I don't know of another state that doesn't have it. I come out of Arizona and all jurisdictions have disclosure requirements, and it's not that big of a burden. I agree with the Commissioner that the Clerk is going to make phone calls if we don't have the material, just as courtesy reminders. We try to make it as convenient for people to run as possible.

Commissioner Hernandez said he had a couple of comments. I don't so much have a problem with the $25.00 minimum; the only problem with that is you can have a corporation or a business like a bank or the Chamber of Commerce who could, say I have $1,000 I want to donate to this candidate but I don't want them to know that it's me, so they get 20 people to donate $25.00 and equal $500.00. It's unreportable and I don't know how to fix that because that could happen. I disagree with taking the commissioners off and only because in my race I had $200.00 that I spent of my own money, and I know my opponents had from the looks of it, one had at least $900.00 to $1,000.00 and the other one had probably $4,000.00 by his literature and signs he put up. He couldn't even pay his own rent or pay his water bill, so I know it wasn't his money.

Mayor Galea asked for a motion and reminded all to include in the motion that the daily fine is changed to $10.00 per day.

Commissioner Hernandez moved to approve the first publication of Ordinance No. 1466 related to the Municipal Election Campaign Disclosure to include the change of a $10.00 daily fine for late reporting. Mayor Pro-Tem Rentschler seconded the motion. Motion carried with a vote of 6-0-0.

13. Consider, and act upon, a request to fill the Reference Librarian position, to be assigned to the Alamogordo Public Library/Community Services Department. *(Matt McNeile, Assistant City Manager)*

Assistant City Manager McNeile addressed the Commission saying that as the agenda report indicates, this is one of two reference librarians we have at our nice library, and this vacancy is due to the person who's in the job is moving. It is budgeted and we'd like permission to fill it.

Commissioner Hernandez moved to approve a request to fill the Reference Librarian position, to be assigned to the Alamogordo Public Library/Community Services Department. Commissioner Turnbull seconded the motion. Motion carried with a vote of 6-0-0.

14. Consider, and act upon, a request to fill the Senior Center Kitchen Aide position, to be assigned to the Alamo Senior Center/Community Services Department. *(Matt McNeile, Assistant City Manager)*

Mayor Galea said she understood this item had been removed. Is this item still on the Commission agenda? Assistant City Manager McNeile said as far as he knew, it's still on, yes. City Clerk Cantin said this one was requested to be removed; the kitchen aide position is no longer vacant. Is that correct? Assistant City Manager McNeile said not that he's aware of. City Manager Stahle said let's hold off on action until we clarify that. City Clerk Cantin said she would check her email. City Manager Stahle said we did get an email, now that he thinks about it, that somebody talked about resigning, submitted and then withdrew their resignation. This may be it; let's not take action on this item until we bring it back if necessary.

15. 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 we do have a vacant position. It is a budgeted position and we request for the vacant position to be filled.

Mayor Pro-Tem Rentschler moved to approve a request to fill the Police Officer position, to be assigned to the Police Department. Commissioner Turnbull seconded the motion. Motion carried with a vote of 6-0-0.

City Clerk Cantin said that before you move on, may I clarify the item number 14. I do have an email from Katie Josselyn that we need to remove this item. The employee currently in this position will not be transferring after all; there is no vacancy.

16. Consider, and act upon, the consent to the grant of Easements related to the Rails to Trails Project. *(Stephen Thies, City Attorney)*

Mayor Galea said we have a member of the audience, Mr. Grady Nicholson, who could answer any questions we might have regarding easements.

City Attorney Thies said the request before you is the request from the Rails to Trails and essentially consent to the property owner granting an easement to use our easement. There are two parcels that are identified on the map that are in your agenda packet. One is identified as the owner of the property being Clarke and the other parcel is identified as the owner being November. The City currently has a water line that runs through this area. I believe it's an old abandoned railroad path and the City had pipeline installed many years ago. It is up in the La Luz area. This project, Rails to Trails has been a long time in the works; they are continuing to add additional trails, convert old railroad railway into trails. They approached us probably a number of times over a period of years and eventually got to a point where they have the agreement from the two property owners. The agreement, if the City consents to the establishment of a trail, would not allow to do anything that would impede our ability to access the pipeline that's buried below ground. If you have any questions about that actual pipeline, Public Works Director Cesar can answer those questions. Otherwise, as the Mayor indicated there is a representative from the organization that would be available to answer questions you have regarding this request.

Commissioner Hernandez said with this being used as the Rails to Trails, would we still have access if needed to get to our systems? City Attorney Thies said that is correct. It would not restrict our ability to have access to the water line in the event we had to make repairs on the water lines.

Commissioner Hernandez had one further question. He asked if any of these water lines were exposed or were they all buried. They are all buried, ok, thank you, that's it.

Commissioner Hernandez moved to approve the consent to the grant of Easements related to the Rails to Trails Project. Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

17. Presentation, discussion, and possible action regarding current road improvement projects throughout the city. *(Robert Rentschler, Mayor Pro-Tem)*

Mayor Pro-Tem Rentschler said he was down here tonight to talk to all of you. (He spoke from the podium and had a Power Point presentation. Power Point presentation and corresponding maps are included in the Agenda Book). He's here as a result of the discussion we had and he wanted to look at everyone eye to eye when I had this discussion. He said he was here in front of them because he was the longest serving City Commissioner, currently serving City Commissioner. He wanted to talk about a vote taken at the last meeting. First of all, he said this presentation was about the 2014-2016 City Commission; this is the third, fourth he has served on. The question is for all you guys is, "Who do you think you are?" It is something to consider when you are sitting in those chairs. He again said, "Who do you think you are?" Mayor Pro-Tem Rentschler said we have been elected by the citizens of Alamogordo and that makes you pretty special; it makes you part of the City, part of this body that governs the City. Who do you think you are? We are the chief executive officers of a $45 million dollar a year corporation known as the City of Alamogordo. We are charged with setting policy for our City and he thought they all may understood this, but he wanted to make sure particularly for our new commissioner and any potential commissioners in the audience. We set policy and oversee the spending of taxpayer dollars. We are all equal and have one vote. He said again we are all equal and have exactly one vote. How do you decide how to use your vote? That's a question he was posing to all of them; how do you decide to use that vote. It is information and where do you get that information; you get it from citizens and our City Manager; you get it from Staff whether they are directors or not; you get it from fellow commissioners. What do you do when you can't get that information? Where do you go? Staff can withhold information and Staff can give false information. You can go to your fellow commissioners and you can go to me. After six years he thought he was probably the resident expert on Snake Tanks, Hold Harmless and maybe Roads; he has been following them the entire time. Commissioner Hernandez understands the APD pretty well; if you have questions on that he very well can be your man. Commissioner Baldwin for the Golf Course; and these are just a few of the things; Commissioner Sikes for the Library. There are things we all do, we all have interests and become the source of information to help each other understand. There will be anti and pro on just about everything so look around and decide who is anti and pro. For instance, Mayor Galea is anti-OCEDC and I am pro-OCEDC, so if you want to hear both sides of it, come to us. Four votes are required to approve anything; you have to have four votes to do anything. He said the six, soon to be seven of us, have exactly one employee – City Manager Stahle. Four votes are required for him to keep his job; four votes.

Mayor Pro-Tem Rentschler went on to say we are here tonight to talk about Panorama and Hamilton and the right turn lane, which is why he had asked to come in front of you. He knew you would call that back and he wanted to be sure everyone understood his consideration on that. The vote was four for and two against; I lost that vote and he cannot bring it back but he can discuss it. What information made this decision is the question you have to ask. He pointed out page 12 of 20 of the March 2014 minutes that stated Mayor Galea thought it would be malfeasance, the word she used, of the Commission to allow Staff to work on it and not move forward. Malfeasance is a pretty interesting word. What is malfeasance; it is defined in the dictionary as 'illegal actions by politician or officials'. So this is malfeasance if we didn't move forward, an illegal action. He didn't know if they believed that or not, but that was the word used. What is malfeasance? An example that comes to mind is, say I'm an elected official and accept campaign money from an entity that would normally come before me and be awarded Public Works projects, that is, projects funded by taxpayer dollars. If I plan to vote for this, what I must do as an elected official is to disclose this financial arrangement with the public and the Commission and then abstain or ask the body if I may vote on it, of course after full disclosure. If I do not disclose and are in favor of this item, this is at very least (and I vote on this item), an ethics violation or actually malfeasance. We just talked about disclosure and again, if I

have accepted an inordinate amount of money or whatever amount you want, and I vote for something that somebody has given me that stands to gain from my vote, that is malfeasance and rises to a fourth degree felony in the State of New Mexico. New Mexico has become fairly stringent on this sort of thing. Under Secretary of State Dianna Duran, these kinds of records can be subpoenaed if necessary. Malfeasance. Commissioner Hernandez and I voted against it and Police Chief Duncan hasn't come to arrest us yet, so his guess was that it didn't rise quite to malfeasance; it was a misused word, if you will. Another thing that comes to mind when it comes to this is, for those of you who don't know, my sister and her husband own a hanger at the airport and when something comes before us for the airport, I'm very careful about how I vote. Their lease under that hanger they own has come up a time or two and I can vote one of two ways. If what we are voting on benefits them I will certainly abstain from that; the other side of the coin is if what I am voting for hurts them, I feel free to vote for it to hurt them at that point in time. I have done so in the past, just ask them. I can tell you that I feel responsible for Josh Rardin losing his seat. He assured the Secretary of State had all the information she needed to consider a particular situation that should have been a Staff duty. It makes no difference now, but it fell to me, she asked for it and I gave it to her and it was part of why a recall was started in his thing. I do indeed feel responsible for that. What this does tell you is that, and in my situation as well, if you as an elected official or an elected body know that there is a pay-for-play situation, you have no obligation to come forward. We make decisions based on information; we don't make good decisions without information or bad information. One thing we can expect is truthful information.

The question is "What is Truth?" We can go back to Webster's Dictionary for that one:' the property as of a statement being in a court with a fact or reality'. When it comes to us, that's what the truth is. He referred to page 13 of 20 of the March 11, 2014 minutes: 'City Engineer Thomas added, "We have already bought property for the Carwash."' Mayor Pro-Tem Rentschler didn't know what it did to everybody else's line of thinking but he knew what it did to his. He thought the game is over, we've already bought the property, and actually he said he should have known better. Of all people, the longest continuous serving commissioner, how come I didn't know to challenge him? I should have known better, why didn't I know better. More than that was there anybody else sitting here that knew better; that money had not been exchanged and we had not bought that property. What I can tell you is as soon as that was said, I knew it was done, the discussion was over, no need to take the vote, we were done. I've got to tell you, I stand here as angry as I've ever been as a City Commissioner over that. Now, of course, we did get this explanation that starts out, 'It has been brought to my attention, it was brought to my attention, someone told him how I made, a statement I made during the discussion of the Panorama project mischaracterized.' (Corresponding email from City Engineer Thomas is included in Agenda Book). Yeah, and then it says more than that, 'It was not my intention to mislead the Commission on the status of property of acquisition.' Mayor Pro-Tem Rentschler said he had a word for that. You know that's CYA, you know what that is? That's what this is, that's what that statement is. We are getting down to why I was opposed to it and he pretty much had explained it, but he was going on to finish his statement. Taxpayer money accounts we keep track of in various funds and what have you. As Commissioners, and you (referring to Commissioner Turnbull) as a new Commissioner and potential Commissioners, have all learned what these accounts are and learn what they do. Fund 118 pays for what I am calling, and I may have invented this acronym, SPP – Street Pavement Projects. That money right now was money we borrowed through, if I'm not mistaken, the 2008 Gross Receipts levy our citizens voted for in order to repair streets; that's what that money comes from and is for major projects. That's what it's all about. The next fund for you to pay attention to is this one: Fund 109 that pays for Street Maintenance Projects or Program. So, 118 and 109 – keep that in mind and that's what we were talking about.

Next, Mayor Pro-Tem Rentschler showed a spreadsheet put together by our Engineer last fall. It shows, the numbers in red on the right hand side that you can't really read, show that we were going to be spending out of the 118 money into the 109 money, so out of the major project money for which all this is all major projects here, we were going to be spending out of it to the tune of $2.1 million dollars. If we have the money we can certainly utilize like that if we want to, but that's what he gave us - $2.1 million dollars. Granted, and keep in mind, we are making decisions based upon these projections. If the projections we are getting are not accurate, if we have a professional giving us

projections and we aren't getting the proper ones, what of it? Staff can give inaccurate information; we don't expect it and certainly not to this tune. This is out of $7.5, $2.1 million dollars out. This is the next one and when did we get this one? It has a date on this one of January 17, 2014, barely two months ago. Now the projection is, what those little lines say are, no remaining 118 funds expected. We are bleeding into the Street Maintenance funds a total of $3.278 million dollars; over three million dollars going into there. You wonder why I wanted to see us not spend a quarter million dollars of that money. For those of you who have districts in the heart of the city, and he hated to beat up District 6 because they do not currently have a representative, many of us understand that we have miserable roads in this city. So the question becomes to this date, what's the real number, where are we really at? What you are going to find is we don't have a real number currently; leastways, not one he has been given. He pointed out again that the current number is significantly less than that, but he doesn't know that. Not a little less, significantly less and enough less that I may not have been concerned about Hamilton and the right hand turn lane off Panorama, but I don't have that number and I don't know what that number is today. How can we be given a number that far off two months ago? What is the real number? You've got me, I don't know at this point and the question is what can we trust. If we get another number will it be accurate or will it be off 50% of the projections. He asked City Clerk Cantin to help him with some of the maps to be presented to the Commission. He showed them what the Pavement Management Plan is for SMP 2014-2019. City Clerk Cantin zoomed in on an overlay. Mayor Pro-Tem Rentschler said to remember that the colors are purple for this year, green for next year, olive for 2016, red for 2017 and blue for 2019, five years from now. The purple is what we are doing with this right here on 11th. We really got into these streets because it used to be in my district, that's Buena Vista, and five years ago when I first walked that district, they were mowing the grass in the street like it was a lawn. Five years ago; that's how long it took to get where it is right now. Normally we like to set up and do all these in the same area of town, and I used to live on one of those streets when I was a kid growing up, and I can tell you is those streets are all in miserable condition, fifty year old streets. The question you ask yourself is, are those the only ones? That's 18th, and I know that without even looking at it because I lived there. He pointed out Pontiac St. and Park St. that are fifty years old and in miserable condition. They are not even slated for the next five years and to look at them, they are rubble and miserable. So, you look at those streets and some of the others in there, and you all know your streets in your districts and know what they are like. Next he looked at green and noted Hubbard was next to the green. He asked if anyone had been across Hubbard and what it looked like. He wondered if it would wait six years. There is a bridge there that is garbage and needs to come out, it is bad news; it isn't even on this map. He found some green on what he called the college streets, and still there were a bunch of streets, including Stanford which is dirt, and we aren't even thinking about that one. You start to look at others up in here and they are pretty ugly. They don't happen until 2016. Next he pointed out the olive color in his district, McKinley and Hendrix which are pretty ugly. He pointed out a street that runs across through there called Ridgecrest. We paved a little piece from here to here and the other people are screaming; again, it is close to rubble. He pointed out some more streets: Duran, Rolland Ct.; Telles and wondered when we would get to all of them. The red ones are on the side: Michigan, Indiana and maybe Texas. Commissioner Hernandez said that looks like Michigan. Mayor Pro-Tem Rentschler wondered how many people had been to the Post Office in the past year. What is Alaska like, think about Alaska. We have these miserable roads and I appreciated those here to talk about Hamilton and the right hand turn lane. We may well have that money now, but what I'm going to tell them about it is it isn't the only place that is miserable when it comes to roads. He looked for blue on the map and found part of it was in his district now as of this year. For that reason, too, part of that money, spending $3 million dollars down, if you recall, we dumped Juniper because it was $2 million dollars; you might remember that. That would put us $5 million dollars down by these projections. If they had been actually projected would that have happened?

We have to have accurate numbers and we have to have someone who can give them to us. We cannot just do that, and by the way, now Juniper is shared by himself and Commissioner Turnbull now. That's where I am at. In order for us to approve these kinds of things, and he understood advocating something that's near your house, but Alamogordo for a long time did not keep roads up. He didn't know if it happened in the '90s or in the 2000's, there was certainly a lot of interest in trying to figure out what to do about roads when he had gotten on the Commission. The 2008 Gross

Receipts Tax passed in 2004 was taxed all for roads. What happened before then? All he knew was that we are a long ways behind on our roads. He knew that if we are going to spend as was projected here, $3 million dollars into our road maintenance project money, street maintenance project money was way too far to even consider giving up anything; $250,000 would have fixed a couple of these roads in here. So, that's what he was here for tonight, why he came out in front of you to look them in the eyes and make sure they understood where he was at. He believed we need good information and we need it timely. He thanked the Commission for their time.

Mayor Galea said there were some allegations thrown her way that she would like to clear up. She said Mayor Pro-Tem Rentschler stated she, as Mayor was anti OCEDC and that was completely not true. She was in favor of OCEDC and most in favor of an Economic Development Council that is accountable to all the citizens and the Commission where they receive the tax dollars to do the marketing, promotion and operations. The term malfeasance was used at the last meeting was in regards to the misconduct of an official act. We had discussed as a Commission these very activities last fall and there was no protest then. Since the fall, the Staff has worked very hard and moved the project forward, as the Commission did not disapprove the project in the fall. She said it was true the property was not yet owned and there wasn't a deed held by the City; it was a matter of paperwork being done. The City did own the right-of-way to do all the work. The Staff has been held up; there has not been an opportunity for the City Manager to sign after the Commission did approve by a four vote. The City Manager has not been able to sign the document that would allow someone to proceed with construction because of this coming back to the Commission. She hoped when we were out-voted in the future we don't throw temper tantrums in our presentations. She said she had no other questions or comments at this time.

Mayor Pro-Tem Rentschler asked to redress. He said the idea of OCEDC, if you recall, is you ran a full page ad, maybe two about a different way to go with economic development, and certainly that would say something about our current OCEDC situation. When it comes to a temper tantrum, he believed this Commission should be the one upset about this. He believed this Commission ought to be taking this to task. If it falls to him to do that, when we get misleading information, so be it. When we get poor information, somehow we need to make sure Staff understands that we expect more than that. The citizens of Alamogordo demand more than that. We cannot make the decisions we are asked to make on erroneous, on false, and on incorrect information; it won't happen. We will not make good decisions. We've got to have that stuff absolutely understood; we have to have good information not the night after, but before the discussion and the vote is had.

Mayor Galea thanked him and thought if he would simply ask the question of the Staff, especially the City Manager, about the $2.4 million dollars being spent into the project maintenance funds you would know that there has actually been an over-estimate of the projects by contracted staff. Mayor Pro-Tem Rentschler said exactly. Mayor Galea said you would know if you would ask those questions $489,000 not $2.4 million. Mayor Pro-Tem Rentschler said it was $3.2 in January and that information should have been forthcoming. We make decisions based upon all this, based on that information back then. He did not have that information and didn't think anyone had that information two weeks ago. Mayor Galea said it is new this week. Mayor Pro-Tem Rentschler repeated it is new this week, so how can we, and again what you really look at is there were estimates on these jobs from two or three years ago and they got blown completely out of the water. Guess what we've come back to; the estimates have come true that were given to us back then. That's what he can tell you. We had estimates on these jobs that were very close and the City has always been very good at bringing us these estimates. If someone is going to take those estimates, ignore them and the foundations they were laid on and come up with their own, they had better be pretty good at it. If they aren't, we have a problem. We have got to figure out how to make sure those numbers that have always been accurate in the years he has been here, we have never been off. He had shown them an estimate from January of this year of $3.2 million dollars, minus Juniper by the way; that would have made five. So, how do you take $7.5 million dollars and blow it by over $3 million dollars? He cannot make the proper decisions, and the thing is it's not this week we get it, this has to be six months ago that we had it. That's when we need it; we cannot project these kinds of expenditures, these kinds of expenditures and the millions of dollars for roads for our community. This is only a one

time chunk of money we've got. We don't get this money every year, this major project money isn't something that will keep happening. This is a one time influx for the next 20 years; it is going to take us that long to pay it off. Sure, our street maintenance program will go on, but the large project money, we have to have accurate, right now where are we at? We are at the very end of the line and struggling to figure out how to spend the money in time, because we will lose it in December, or at least have that potential. We've had it so long sitting in the bank, DFA only gives you so much time to spend it. Guess what they expect? When you get that money it is usually for four years and they expect you to have your act together a year in advance of that. When those figures are that wrong and continue to get worse and worse until, guess what, we were off 50% or 75%, it's very difficult for any city commission to make those kinds of judgments, to make informed decisions, to vote the way the citizens of Alamogordo need us to vote to do the best we can for them. We simply can't do it with those kinds of numbers. We simply can't, we've got to have better, we've had better in the past, and we should have better in the future.

Mayor Galea asked the City Manager to address Mayor Pro-Tem Rentschler's concerns with our contractor, Dean. City Manager Stahle said there was a lot to address. He said first of all he shared Mayor Pro-Tem Rentschler's concern about getting accurate numbers and he heard him and understood he wasn't very pleased with the numbers provided in the past. He told him, as examples, the SMP (Street Maintenance Plan) on the maps, is a plan adopted years ago and never implemented. All the streets with the colors are part of the SMP that the Commission approved before current regime was in place. There are a lot of streets out there needing a lot of work. He said Mayor Pro-Tem Rentschler had pointed out just some of them and there are a lot in every district, no doubt, needing improvement. There is just not enough money to go around. Mayor Pro-Tem Rentschler said that was his point exactly. City Manager Stahle said I agreed.

City Manager Stahle said the other chart Mayor Pro-Tem Rentschler had shown with the $2 million dollars, however, was reported to you as estimates and the reason it changes, of course, is because we receive bids. In this last couple of months, one of the biggest reasons the number has adjusted, and it was explained that it would, was a result of opening bids and bringing them to you. Mayor Pro-Tem Rentschler wanted to ask a question and City Manager Stahle asked to finish first. The City Manager Stahle said the contactors we hire to do design are also asked to give construction estimates so obviously, the construction portion is usually the largest piece of the estimated costs. Not all, frankly there's right-of-way acquisition expenses, design expenses, all kinds of other things, but the biggest chunk by a long shot is the actual construction costs. We use estimates for those as we get the bids and we open them and review what the estimate was as compared to the actual construction bid is and we bring it to you. We update that sheet that you described accordingly.

Mayor Pro-Tem Rentschler said so let me stop you a second before you get too far. Tell me, why in the past have we had such accurate estimates and now we get garbage, for lack of a better word. I'm telling you the street estimates from four years ago were so much closer than they are now. Not a little bit, we are talking about even the things we've done. The Pecan Extension went over the estimate by almost $2 million dollars. Four years ago it was $1.3 and would it have come in at nine? That sound 100% off to me and that is not excusable. The DFA is not interested in lending us money for us to be at the very end of the rung trying to figure out what to do here because we could not estimate this stuff correctly. We've got to have accurate numbers. They are available, I promise you there are people who can do this; I have experienced it. City Manager Stahle said we have people who can do this, and I;m talking about contractors who we employ to do the design work for us. We haven't done any major design work on our own and we do estimate based on what we understand in the environment for acquiring things like steel, concrete and all those other things. Are we always right, heck no. There's no question we are wrong on occasion and he shared Mayor Pro-Tem Rentschler's concern. It is painful to look at a sheet three months ago and say that was $2 million and now it is $4 million or $400,000 off. What happened? We are going to analyze all of those with great care and I can't say what the estimates were years ago since I wasn't here. But I can share with you that since I've been here, things like the Washington St. intersection being claimed to only cost half a million when that is way of, because the project wasn't at all the same. We have to be careful when we are comparing projects to make sure they are the same level of

projects. A good example is Panorama.

Mayor Pro-Tem Rentschler asked the City Manager to tell him what Washington had come in at. No one has called to tell him in the last two weeks. City Manager Stahle told him we have opened the bid, there is one bidder but he did not recall the exact number. He asked City Engineer Thomas if he had that number. This is just the construction part, not all the land acquisition and design. Mayor Pro-Tem Rentschler said he understood that. City Manager Stahle asked City Engineer Thomas to come to the podium with two things: contractor we hired to do the design estimate for construction and the bid number. He also would like to review the Pecan, he thought it was Pecan, another before this that had five proposals and we obviously proposed taking the low one, and he wanted him to understand what the cost estimates were for that and what the bids were.
City Engineer Thomas said the Washington and First St. Realignment project had a construction estimate of $2.071 million just for construction. There was only one bidder and they came in at $1.478 million. Mayor Pro-Tem Rentschler said we originally had $880,000 for that plus the School anteed up about another five, it turned into a little less than that. We had $1.3 and of course the estimate was way off. He told the City Engineer, that what he would tell him as an engineer was that if I'm getting numbers from subs, I'm not handing them off. If I have people that are invested in me, I'm not going to hand those numbers off without going over them and making absolutely sure that I agree with them. For those numbers to come forth, and again as CEO's of a $45 million dollar a year corporation, we could go on and on with this but I'm done.

City Manager Stahle said we are not. Mayor Pro-Tem Rentschler said then I'll get back in it, and I could do this all night. City Manager Stahle said yes, sir. Mayor Pro-Tem Rentschler said I'm pissed, have you noticed? City Manager Stahle said I'm simply agreeing with you and acknowledge your anger over the circumstance. We will do absolutely everything we possibly can in detail to explain where we are coming from with bids, and we will identify those we think may be off either high or low. One of the things he thought critically important was we do rely on contractors to do a lot of the work. Should we review the numbers? Of course we should. There is an awful lot of detail that goes into these projects and that sheet you were showing, and I have a more up to date version after all the bids were opened, is something we ought to be providing you every time we open a bid. So, that I will pledge to do – make sure you get the information and I want you all to see the detail, not just the construction numbers because there is a whole lot more that goes into these projects than just that. We are going to be able to meet the requirement to get them all done by the end of the year if we can get you all to approve them and not backtrack and hold them. That is important for us. We are on a timeline at this point and as you accurately pointed out, we have through the end of the year with a little flexibility there, and it is our intention to have the construction projects completed that are in this list that includes that list you showed. Some of those are reconstructs; we had this conversation on the N. Florida and we put in front of you options on how to do that. We were instructed to do it the way you asked, it was bid, and indeed we are progressing and so far we've had two change orders because of soft spots; those did drive the numbers up. He didn't want him to assume the bid number in some of these projects is the last statement either, because there are issues that arise, and you know that better than most because you are in business. There are changes that come with every project that aren't always anticipated that cause change orders, and those may in fact push the number even higher, but we don't know what the real number is until we bid it. It has only been in the last month, 30 days, two weeks, whatever it is, that we've actually gotten two of the major bids in; that's Pecan Extension and Washington. We will try desperately hard to make sure that we show each and every one of you the gruesome details about what goes into those estimates, who made them, and whether or not we believe some of those need to be adjusted.

Mayor Pro-Tem Rentschler said to the City Manager that what he would tell him was he was not concerned with who made them, he didn't care where they come from, he cares that they are accurate. City Manager Stahle said that's reasonable. Mayor Pro-Tem Rentschler said again he has watched this City time and time again come to this Commission with accurate numbers. I dodn't know what the difference is now, or maybe I does, but what I'm telling you is we have had accurate numbers. We have asked for things to be bid in a certain way; you said you did that on Florida. You certainly didn't do it on the right hand turn lane. We told you what we wanted and you went ahead

and did what you wanted anyway. You got a good number on it and I agree with that; that's a good number on that for the work to be done. By the way, you have a soft spot in there that's going to cause a change order and if you don't know that by just looking at it, add it into it. Some stuff just comes natural, right? Car wash, alligator, low by your own thing, soft spot, that's what that is. So there are things that you can anticipate and I just believe that for a $45 million dollar corporation, I keep using that number because it is an extreme number, and when we spend that amount of taxpayer dollars a year that our estimates had better be accurate enough that we can project out two or three years when we're asking the taxpayers to ante-up tax money that we're going to spend, we had better be accurate. I'm not telling you that the cost of living hasn't gone up, but it certainly didn't go up 100%. You know what? It didn't do it in six months, that's for sure, and it certainly didn't do it in two months. That was $3.2 million dollars last January, the other one was last fall. So you know it's just tough to sit here and look some of my constituents in the eye that know these numbers. I don't want.....I want this city to be the best it can be, I want this staff to be dynamite and we have some golden employees, believe me we do. You know what, but we need to make sure this Commission is getting accurate information.

City Manager Stahle said that's quite fair and he told Mayor Galea that he would direct Staff to go ahead and present to you all a written report that explains the differences between the various charts that show the numbers over the last three to six months, so that you can see exactly where those numbers changed and we will give accurate information as to what we believe are the reasons and spell them all out to you. This is a grave concern. I agree with you completely that we have to provide as accurate of numbers as we possibly can; I have no qualms with that. I am concerned about the numbers that we've presented in the past, but I'm quite confident we can show explanations of what went on and why. We'd be happy to do that. We don't always like them, but we can always explain.

Mayor Galea encouraged all Commissioners to meet with our City Manager. Our Executive Assistant Megan Wade does set up those emails and if you simply respond you'll have a time to meet with our City Manager and ask all of these questions, also, to inform your constituents. She asked if there were any other questions for City Engineer Thomas. There were none; she thanked him for his time. She asked if there were any other questions or comments for Mayor Pro-Tem Rentschler in regards to his presentation; there were none.

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

Mayor Galea announced she had no appointments to the Boards and Committees tonight.

A-2. Request to bring the item back for additional discussion and consideration for 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. *(Nadia Sikes, Commissioner)*

Commissioner Sikes told the Commission the reason she had brought this back was because two weeks ago the Commission had the opportunity to vote on the Hamilton/Panorama project, and right after the vote I got the idea that, oops....there is some consternation here. Rather than go down the road we've been down before, no pun intended, with the confusion about Juniper Street and the confusion about the Plaza Pub, you just need to start getting things out in the open. We just need to go back if we think we've made an error and take care of it. A couple of things she wanted to bring out though, she had spent about an hour with our City Engineer because he offered the opportunity for each of the Commissioners to come in and talk about the Hamilton/Panorama project so we would have a good understanding of what was going on. A lot of the road estimates, and first of all she needed to say she is not an engineer and not an accountant, so a lot of this stuff is that she looks at the big maps and says that looks pretty good and she listens to what the Staff tells her and she trusts it. We hire good people and I trust the information they give her. I think about the fact that how do you know what to ask if you don't know what to ask, right? So, I sat with our City Engineer and got all

of my questions answered and it looked like a pretty good project. I came to the City Commission meeting and felt pretty well prepared based on a couple of things. Understand that our Engineer, our real-life engineer who has only been here about a year, a lot of the estimates that I'm relying on happened well before this engineer appeared on the scene. He has gone back and shown me where soft costs were not included in estimates. Well ok, that sounds good. He's going to go back and do estimates that include all the soft costs. I think that sounds reasonable. I also like the idea when he would tell me about the different projects, that should the estimate have been estimated to be really high and we come in under the estimate, that sounds like a plus. We've come in under what we've budgeted; that sounds pretty good to somebody like me. So when we talked about the Panorama/Hamilton curb-cutting, right turn lane, fixing all the soft spots and it came in approximately $240,000 less than what I was told the budget was, I thought great, let's go for it. So when I realized there was some consternation here after the vote, I thought it might be wise to bring it back. I think Mr. Rentschler, Mayor Pro-Tem, has brought up some topics, some information that's interesting, but I do believe that we shouldn't.... we can't continue to attack City Staff when they've worked so hard on something and gone back and done what looked to me like remedial work on estimates that were presented well before they were in place. Do you agree? I really do, I feel like somebody needs to defend our Engineering Department in this case. It's really important when you bring a number to somebody like me that it include all of the number, not just the construction cost, but maybe the price of the land you have to buy, maybe the labor included, I mean it needs to include everything. I understand that sometimes the Engineer has to simplify things for people with less experience than Mayor Pro-Tem Rentschler, but it sounded like a good plan and I think based on the fact the City Engineer told us that the land was purchased, that might have swayed a few things. But, I want to remind the Commission that back in February, we directed Staff to buy the land. We told them to buy the land. So, the assumption is there that Staff is going to buy the land. When it comes before us, we are under the impression that the land has been bought. Whether the check has been given to the owners of the property or not, the fact of the matter is, we're buying the land. If that was the deciding factor, the fact we hadn't actually done the exchange of the checks, if somebody has a problem with that, I can understand that, but we are the ones who told Staff what to do. So, I wanted to bring it back just to clarify a few things and I don't know if at this point we need to re-vote on it. I, by the way, can bring it back because I voted for it, understanding that anybody who voted against it doesn't have that power. I could bring it back because I was in favor of it; just like the Juniper Street situation. I voted for that also and as a result the four of us who voted, voted to vote down that project couldn't bring it back for further discussion, but this time, because I voted for the project I can bring it back for additional discussion. At this point, I defer to somebody who might know something more than I. Do we need to re-vote?

Mayor Galea told her that unless she changes her vote, if you would like to change your vote, you can have a motion to reconsider. Commissioner Sikes said she did not want to changer her vote. Mayor Galea said if your vote does not change there can be no action taken, and we can allow Staff to move forward with the former direction. Commissioner Sikes said that doesn't give somebody else the opportunity, since I brought it back, to potentially change their vote? Mayor Galea said sure.

Commissioner Hernandez had some comments. He wanted to clarify for the public what this project consists of, because there was a comment made that coming off Hamilton Road onto Panorama that he had to wait 18 cars, he believed. This project is not going to help them. It is a right turn lane going east off of Panorama; so all that does is coming off Hwy. 54/White Sands Blvd. coming onto Panorama you can get into the turn lane and turn onto Hamilton. That's all this project is going to do; it's not going to put a Stop Sign, it's not going to do any of that stuff to get you off of Hamilton onto Panorama. The other clarification he wanted to make is, it is not his opinion, it is his professional opinion that these conduits can be placed at any time. They can be bored just like they were on Pecan Drive and Indian Wells. That street was completely removed and those conduits were bored underneath, because that is the technology of today. Those are my two comments.

City Manager Stahle said just a little more information on Panorama & Hamilton; there's a little bit more to it than just simply a right turn bay, eastbound. Actually, we are aligning the driveway on the north to the intersection so that when drivers align either direction they are at the intersection instead

of off-set. That, according to traffic engineers, will smooth out the ability of drivers that enter the area to know what others are doing. We're also creating right-in/right-out only on the western-most entrance into Carino's. So, they seem like relatively small things but combined, the traffic engineers are telling us that indeed, that will assist the intersection. The intent there, of course, is to delay the inevitable. The inevitable is a full-fledged traffic light and according to the traffic engineers, and I want to say they said 2019 is when the warrants are projected to require the traffic light. Now, that's based on some growth factors that obviously time will tell whether or not there's population growth in that particular area. But, I appreciate your point that the gentleman earlier stated there were some 28 vehicles that he had to wait for that were just going west, and that isn't going to affect it. I mean, people will be able to see and recognize the traffic and not slow down, maybe, as much and the right hand turn lane will allow people to be able to take a left out, in other words if you're north bound on Hamilton, take the left onto Panorama a little easier. It's not going to cure the intersection like a traffic light will; it will buy us time.
Commissioner Hernandez said then this is basically Phase 1 of a two phase project and I thought the number was 2017, that's the number we've been using. Mayor Pro-Tem Rentschler said it was 2019. Commissioner Hernandez said we are spending this money today and all we're really doing is aligning the street and putting the right turn lane. It's going to help a little bit, but not much. So, I just wanted to get that out there that we're spending a quarter of a million dollars to do this. That's all.

Mayor Galea said that was a very good point. The Commission did talk a year ago about a light and the Commission voted down a light for that intersection at that time. She asked if there were any other questions or comments.

Mayor Pro-Tem Rentschler said he had the same comments he had before the vote last week. Again, we don't know where the money is, we don't have those figures in front of us, the quarter million dollars we know of, how far are we spending into Street Maintenance money that affects the rest of our districts. That's the question I've got and that question so far is unanswered. As far as Nadia understanding, Commissioner Sikes, that you trust Staff and all that, well, what do you need us for then.

Commissioner Sikes asked why do we go to the trouble of vetting staff and making sure we hire the most qualified, capable people we can? Mayor Pro-Tem Rentschler said then why don't we do that and go home. Commissioner Sikes said a lot of people think that might be a good idea. Mayor Pro-Tem Rentschler said maybe true, and Mayor Galea said you answered your own question. Mayor Pro-Tem Rentschler said that's my point though as of yet, and I obviously can't call the question, it would take one of the four that voted for it to change their vote and ask for another vote. But, I would vote against it for the same reason I did last time; we don't have the numbers. And, if we'd had those numbers last time, it might have changed. That's what I said out there, it might have changed what I said. We didn't have that and we got some erroneous information.

Mayor Galea asked City Manager Stahle to talk about the $2.4 million now being $489,000. City Manager Stahle said that again that's the list the Mayor Pro-Tem kind of showed up on the screen. That is a running tally, if you will, of all the various projects in current construction, this years and the beginning of next fiscal year's budgeted projects. It's a running tally based on those estimates and those that might only be in design versus those that have been bid and we know for a fact this is what it's costing. So, it's a running total. I can share with you that, as I already said, we will have for you a gruesomely detailed explanation of where we are and I think you will be pleased in the one hand and angry in the other. You'll be pleased to know that we are not going to be dipping into the 109 Maintenance Funds nearly as much as some of those old estimates indicated. You'll be upset because why didn't we have more accurate estimates of the construction costs previously, and I think that's been pretty much explained. I want you to see those numbers and I want you to get it in writing, so we will provide that.

Mayor Pro-Tem Rentschler said so to be clear this quarter million dollars is coming out of Street Maintenance money. City Manager Stahle said the quarter million for? Mayor Pro-Tem Rentschler said this quarter million dollars that we were just now talking about that has already been approved,

by the way, and has no reason to come back, is coming out of Street Maintenance projects. City Manager Stahle said, no sir. I believe it is coming out of the 118 Funds which is actually GRT based bond.... Mayor Pro-Tem Rentschler interrupted him to say it is, but we are spending those funds into the 109 funds by half a million dollars; you just said that. City Manager Stahle said we are attempting to use only 118. We aren't done with all of the projects so I can't sit here and tell you for sure we aren't going to dig as deep into 109, but let me just point out that a year ago it was illustrated that you were going to be dipping into 109 anyway and we had that conversation during prior discussions. The question has always been by how much, and that's what that sheet tries to illustrate is how much is it. As we get into design and we start determining what right-of-ways are needed and how intricate the construction actually is, then those estimates change and then, of course, when we get the actual bids and you award those bids, those numbers change again. So, those are freeze-framed pictures in time, estimates of time and as I've said repeatedly, we'll get you the current numbers so that you can see clearly where the bids are, where the estimates are, where we are in design and all that stuff; the whole chart updated.

Mayor Galea asked if Mayor Pro-Tem Rentschler had any further questions and he said no, he was good.

Commissioner Hernandez had one final comment on something that was said. I know we did speak about this when we had our work session at Fire Station 5 and the Commission as a whole said to go forward. The Commission also has the right to change our minds at any time. It can be at this point and it can be in the middle of the game; there's never been a project that we said let's do it and then brought back in the middle of it and said let's not do it. Staff gets paid either way and I understand that sometimes it is frustrating. I go through that with my job all the time, but again, we as a Commission have the right to change our mind at any time. We aren't obligated and it's by no means anyway illegal for us to say that we don't want to go forward with that project anymore. Maybe we found something different that needed to be done, or whatever. We do have the right to change our minds at any time, so that wasn't incorrect

Mayor Galea was glad the Commission was scrutinizing the $241,000 of the project. She thought it was good, healthy democracy, but she also wanted to point out the Commission passed without no discussion at the last meeting a $900,000 construction project. So, I have to wonder why are we picking on this one. Mayor Pro-Tem Rentschler said he guessed he could answer that one too and say because it came down from $1.9 million dollars. He added to what Commissioner Hernandez had to say by stating actually, these maps we have, we do change our minds and guess what? We've got to change our minds right now $500,000. If these 118 monies get spent out and we spend into the 109 money, we change this map by however much we spend there. So, keep that in mind and that's the way it works. We will change the map.

City Manager Stahle said you'll never, unfortunately, be able to do all the street projects your citizens and you yourselves want to get done, so I completely respect the point we need to make sure the money goes as far as we absolutely can. Obviously, Commissioner Hernandez is right. If you all want to redirect, you certainly may.

Mayor Galea asked for any other questions or comments. She said if there is no further action, no motion is needed. City Manager Stahle wanted to put on the record we are going to proceed with the Hamilton/Panorama intersection as approved at the last meeting.

PUBLIC COMMENT:

A. Sharon Hodges commented on the following:

1) She applauded the Commission for putting on the agenda and voting unanimously to have transparency in your campaign funding. She thought anything this Commission does, including Mayor Pro-Tem Rentschler's lively discussion/debate, whatever you want to call it, to bring out in the open for us citizens, it moves us into really building trust with you all. I have to tell you, I've been here so many times to say I don't trust you and then I do trust you and I like you, I don't like you.

That's just the way it is but it does, in all seriousness, it does work to show us that you are moving forward to an open government.
2) In that spirit, she encouraged them to put the Atari Dig on the next agenda. She had been hearing all kinds of things and recently had communication from her brother who lives in Georgia. He lived in El Paso in 1983 and he won't say how, but she suspected it was ill-gotten gain, that he has a couple crates of Atari ET games. He wanted me to propose to you all if anyone is interested in excavating his garage, he will entertain any offers that you have. She thanked the Commission. Mayor Galea thanked her and said the Atari Games will be on the next agenda; that's already planned working with Staff.

B. Dr. George Straface commented on the following:
1) He said he was speaking for Alamogordo Public Schools when he thanked the Commission and wanted to make them aware of the great work that Chief Duncan and the PD and FD did when we had a major gas break at Oregon School with a lot of people endangered. We had great cooperation from all agencies and we literally prevented some very harmful things from happening to students and staff. He thanked them again.

C. Eugene Downer commented on the following:
1) He said he would like to have the Commission make sure the land donation for the 24 lane bowling alley is not restricted. He said for example is it all signed, sealed and delivered; are there any restrictions; can we sell that property in five years if there is a big development coming in? That has been a concern and was not really discussed in the description of the bond. In the future, when you have a bond where we are voting on millions of dollars, the issue should be very carefully defined including the details of that purchase and any restrictions. Is it done?

Mayor Galea asked City Attorney Thies about this. City Attorney Thies said we have not had the in-depth discussions on the donation of the properties to put me in the position to answer the question. We met briefly with one of the individuals today and started preliminary discussions. Any donation of the property will, of course, have to come before the Commission at which time all the terms associated with that donation will be disclosed to the Commission. Mayor Galea said terms of donation will be disclosed in a future meeting. Mr. Downer said it is not finished and Mayor Galea said not yet. Mr. Downer said I voted because I thought it was a done deal that we had this property. So, I have a problem with that. Mayor Galea said the property has been donated to the City but the terms have not yet been discussed.

City Manager Stahle said to be very careful, we do not own the property at this point; it has been offered as a site for the facility. We've checked with some legal counsel to determine whether or not we could just simply move the location; that is not the case. So, it is our intention at this moment to proceed as the voters approved and do the Family Fun Center out near the movie theatre.

Mr. Downer said you understand my point of concern, and Mayor Galea affirmed.

D. Rick Wilson commented on the following:
1) He told the Commissioners that he wanted to address the gentleman's concerns. He said we have agreed to donate the property and the City is going to get whatever property is necessary. To insure we have a good facility, one of the reasons is that once the design of the building is finally finalized and we know how many parking spaces we have to meet and everything else, we are going to accommodate however much land we have to give the City to accommodate the building that we have. So, it would be almost impossible to have a deeded tract at this point because we don't know how much land that would be needed to deed, but that's the way it is. We do have a deal, the property has been donated, now it's just a matter of how many acres it takes, plus or minus. I'd just like to clarify that for everybody.

E. Mike Espiritu commented on the following:
1) Mr. Espiritu said he was putting on his Chamber hat. He said that earlier this evening you

discussed promotions and tourism and where that money is going. He told them that one of the things we track at the Chamber, and remarked that if he may he didn't want to surprise them with this information, so what he would do was to provide them with a monthly copy of the visitation traffic we are seeing at the Chamber as a result of the promotions we do. You will start seeing that in your boxes probably after our board meeting after we share them with the board. He wanted to share with the Commission that we are seeing a tremendous amount of people from the Northeast in Alamogordo. In fact, we have an 800 line as well and are receiving a lot of phone calls from people looking to relocate to Alamogordo and this area, and we are happy to send them this information. So, we are seeing a lot of traffic as a result of those conversations just from our website. Our website last year had over seven million unique visitors, so we're still seeing a lot of folks look at us. He just wanted to share this with the Commissioners and that they would get this to their email box probably the first week of the month.

CITY MANAGER'S REPORT

1) City Manager Stahle said he had two things to report. First he thought it was ironic you all discussed the idea of advertising in ice-frozen Chicago land and putting up that marvelous picture of sunny Alamogordo. He had that very conversation with the Staff saying exactly the same words. We ought to really do something to advocate for this areas tourism if not retirement area for the folks out there shoveling snow so much this last year. He thought most of the areas he has lived in Arizona do that all the time. Some of the major developments, retirement communities in particular, advertise in the Northeast and Mid-West where it is cold country, where people are fed up with shoveling snow. It works and there are plenty of testimonials to prove it.
2) He pointed out that our audit has been published, and this Commission will get a presentation by the auditor at the next meeting. He just wanted to slip that in.

Mayor Galea remarked that City Clerk Cantin pointed out she had the audit reports here tonight in case any Commissioners wanted to pick that up after the meeting.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Hernandez commented on the following:
1) He said one of the things we talked about during our City Manager's evaluation was that once we had a full commission we'd go back and sit with him and give him some direction. Commissioner Hernandez wanted to make sure each of them was thinking about that and he remarked to Commissioner Turnbull she wasn't here when they did that. One of the things is that the City Manager has been going in a million directions and we kind of want to give him directions of what we think is important to the community and what we think needs to be done. He just wanted to make sure everyone was thinking about that because we need to do that fairly soon when we get fully staffed again and get him going. Commissioner Hernandez thought he was doing an excellent job and has been very responsive. There are some learning curves we still have to do and hopefully we'll get there.

Commissioner Sikes commented on the following:
1) Commissioner Sikes said she had a couple of things she wanted to say. A reminder that April 5th, we are doing a 'Women's Mark for History' at the Library. It will be an interesting event, it will be a book signing and an educational event that you are all invited to. It is free and open to the public.
2) She said a few months ago then-Mayor Galea, and she didn't recall if she was mayor at the time, Mayor Galea made a proposal to the Commission that we have a booth at the Bataan March. We all approved it and thought it was a great idea, but she thought it was a better idea than it was first thought to be. Over the weekend, not only did Mayor Galea run in the marathon, but she completed it, right? Mayor Galea said yes. Commissioner Sikes thought that was pretty awesome; it's a lot of miles and she could tire just driving that. They had a booth and 6,200 registrants were at that marathon, not including family and friends, so there were well more than 6,200 people. 4,545 of those were from out-of-state, 1,655 were from New Mexico, not necessarily from Alamogordo but

from all around New Mexico. The booth was manned by the Mayor, Megan Wade, Jason Roberts, people from the Chamber of Commerce including Lenora and Laurie. They spoke with people for two days straight, non-stop. The reason I wanted to bring this up is when we decided to do this there were a few nay-sayers who said those people are running and don't care about stopping by a booth. Well, hello, I think they really did; they passed out pins, they passed out vacation guides, brochures, they visited with all those people and I want to thank you for the idea and congratulate you again for finishing the run, and thank the Staff for spending your weekend doing that. Excellent.

Mayor Galea commented on the following:

1) Mayor Galea said the Bataan was a wonderful experience and our Major General Bingham at the closing ceremonies acknowledged that the City of Alamogordo was a sponsor this year because we had a booth and she felt that was important. It was a fun event, also, and remembering our fallen and POW survivors of the Bataan. Former Commissioner and Mayor Pro-Tem Ed Cole also did the 26.2 miles and this is his eighth time at more than 70 years of age; he's proven he's still got it. Also, Senator Heinrich was there and Nate Cody, and it was a fun group photo; a lot of great opportunities for us to meet and have a memorial about the Bataan. She was grateful that Laurie and Lenora from OCEDC and the Chamber helped out and spent a lot of time there.

2) She had the opportunity to attend the New Mexico Museum of Space History (NMMSH) Foundation Board on March 20th and we talked about a Space Hall of Fame induction for the DCA. This is going to be a large event for the City of Alamogordo and a lot of people will be here the first week in October.

3) On March 18th she attended the groundbreaking for Albertson's and they are happy to work with members of the community and hopefully the Chamber in the future, as well. Hiring will begin the end of August and they hope to do a large community opening ribbon cutting in the middle of October.

4) She informed everyone and the Commission there were a number of proclamations that will be made in the month of April. So far we have on April 1st at the Senior Center at 10:00 a.m. – the 'Mayor's Day of Recognition for National Service'. We have a lot of senior volunteers we will be recognizing with that. April 15th will be 'Purple Up Day for Military Kids'. Everyone is encouraged to wear purple on April 15th for military children recognition. Also, April 18th will be our 'Senior Volunteer Day'. Proclamations and commendations are great ways to recognize organizations and people so if there is someone or an organization that you feel is needing recognition, please bring it to my attention and I'll be happy to work with our City Clerk Renee Cantin and Nancy who do such a wonderful job putting these together for me.

ADJOURNMENT

Commissioner Hernandez moved to adjourn at 10:05 p.m. Commissioner Sikes seconded the motion. Motion carried with a vote of 6-0-0.

Mayor Susie Galea

ATTEST:

City Clerk Reneé L. Cantin

(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on April 8, 2014.