

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
MAY 28, 2013**

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

**AL HERNANDEZ, MAYOR PRO-TEM
JIM TALBERT, COMMISSIONER
JIM STAHL, 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. Mayor Galea introduced the new City Manager Jim Stahl. City Manager Stahl told the Commission it was a pleasure and honor to be here and he was excited to get started. Invocation was given by Dottie West and the Pledge of Allegiance was led by Commissioner Robert Rentschler.

APPROVAL OF AGENDA

Commissioner Rentschler moved to approve the agenda. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

PRESENTATIONS

- 1. Presentation related to an update from Holloman Air Force Base and the 49th Wing.
(Colonel Andy Croft, Presenter)**

Col. Andy Croft, Wing Commander at HAFB gave his presentation. He updated what is happening at HAFB. Col. Croft noted the sign one sees when entering the base and how it entails the patches of those not under the 49th Wing but represented at the base. He said there are about 4,300 people at the base and explained how many are in each group. Some of the groups are the 49th Wing, the 44th Fighter Group, the 96th Test Group (the 10 mile test track), the German Air Force (GAF) which has been here for almost 20 years and is comprised of 400-500 active duty personnel as well as about 1,400 dependents living in Alamogordo, and the 4th Space Control Squadron. Their mission is to Fly, Fight and Win by 1) Deploying forward and supporting ongoing combat operations with combat ready Airmen, 2) Training MQ-1 & MQ-9 aircrews to be Mission Ready for immediate combat action, and 3) Training, equipping and certifying F-22 forces in order to conduct combat operations Anywhere, Anytime, for any Combatant Commander..." He noted at any one time about 15% of our airmen are deployed usually in Afghanistan or the Gulf States. More are moving toward Africa as it becomes an area of interest for our country. We are the only air force base in the country that does the MQ-1 and MQ-9 training for pilots and operators, and they train about 1,400 pilots and operators a year. The F-22's are combat ready and will be moved between January and April of next year and then be replaced by the F-16 squadrons. They have a BEAR Base that can travel anywhere in the world and set up a remote airbase with runways, water, power and tents to live in, and they have two transportable clinics. He pointed out the areas around the world where personnel are deployed and explained as Afghanistan winds down, they will be going to the middle of Africa. Other areas that will grow over time will be the Pacific and South America. In the last six months they have had countries from all over the world come to review the training facilities at HAFB. Col. Croft pointed out their airspace, the geography and topography of the area and the weather which all work together to make this an ideal place to train. He remarked he had never seen an air force base where you could fly supersonic over your own base. This is critical and efficient for flying operations. This airspace is unique and probably the best in the United States to fly in, train and do testing. As he goes to the various counties in southern New Mexico to talk about why planning is so important, he points out the

low level route taken by the German Tornado aircraft and the F-16's to come. The problem is the wind generators and power lines that are being built and the fact the aircraft have to climb to avoid them. He is working with these counties to coordinate where the wind farms and power lines will be built. Communication is critical and he hoped Alamogordo would help with this. The Remotely Powered Aircraft (RPA) personnel amount to 90-95% of the manpower on the operations side. The annual economic impact for Alamogordo and surrounding areas is Operations - \$94.3 million / U.S. Payroll - \$199.5 million / Contracts/GPC - \$65.5 million / German Payroll - \$38.2 million / Construction / U.S. Government: \$25.3 million – to equal the Total Economic Impact of \$422.8 million. The base contributes about \$1.1 million per day to the local area economy, and the impact for WSMR is about \$2.3 million per day. Alamogordo demographics show that over 50% of the population is military related. Col. Croft explained the importance of the 96th Test group which includes the high speed test track. He spoke about the German Air Force and told the Commission that the reason they are holding their Oktoberfest in the City of Alamogordo this year is because they have to close down their maintenance hanger for two weeks in order to have it at the base. They simply can't afford to lose that much time and he thanked the City for helping out this year. The demographics of the base were broken down to show that those between the ages of 17 yrs. and 24 yrs. totaled over 3,000 folks. That is why Col. Croft is so interested in having more to do for young people in Alamogordo where they would help the city's economy as well as helping with discipline in that they are closer to the base than if they went to Las Cruces or El Paso. The housing situation on base is there are about 1,000 housing units that are 100% full with a waiting list. He cannot build anymore on base and would like to see more housing in Alamogordo. Col. Croft ended his presentation by saying the F-16 will not produce as much in the way of sonic booms as the F-22 has. With the F-16 training operation coming in there will be growth on the base.

Commissioner Rentschler thanked him and asked about the schedule for the F-22 departures and the F-16 arrivals. Col. Croft told him the 24 F-22's will be leaving between January and April of next year and 24 F-16's arrive in April of next year. About April 2015, 24 more F-16's will arrive.

Commissioner Rentschler asked if the sequester had anything to do with this and Col. Croft told him all of this had been delayed a year because of the sequester. The F-35 mission is moving to Arizona, the F-16's move here and the F-22's move to Tindale AFB.

Commissioner Rentschler asked him what the future was for the RPA's. Col. Croft said we will eventually have 24 MQ-9's, which is the airplane of the future, in addition to the 10 MQ-1's we have now. We are nearly at our manpower capacity at this point.

Mayor Galea said she had had the opportunity to visit with Col. Croft concerning housing and how the City, along with OCEDC and local builders could help.

Commissioner Rentschler asked how the Commission could help him. Col. Croft told him they could help with the wind farm issue, and he noted he was not against this new technology, but would like to see better coordination with the planning of the wind farms. He noted the Department of Defense (DOD) needed to better communicate so everyone would be informed. He said a letter from the Commission would help this. He gave the example of the way Iranian missiles come out of their country at a low altitude to threaten our ships. The only place in the country where this can be simulated is here, so it is very important we maintain a low-altitude airspace.

Mayor Galea said she had arranged a meeting with Gen. Scott to appear before Lincoln County on June 25th at 9:30 a.m. and she invited all commissioners and the city manager to attend. The discussion will be to advocate with Lincoln County to enforce air rights zoning. She thought this would be helpful. Col. Croft agreed that we need to pass along this message.

Commissioner Rentschler commented the Commission would be there for HAFB whenever they needed to be. Col. Croft said that when he is gone, please protect the airspace.

2. Presentation related to one sided parking on Juniper Dr. (Harv Hamilton, Presenter)

Mr. Harv Hamilton, 1104 Juniper, started by apologizing for his actions at the last meeting when he raised his voice and indicated Commissioner Rentschler had lied. He said he has the greatest respect for all the Commissioners and he felt they have done a great job. He went on to continue with his comments from the last meeting concerning the widening of Juniper Drive. He noted that until people get ticketed for speeding, the problem won't be solved. Mr. Hamilton said the plumbing/sewer lines under Juniper probably needed to be fixed since they had been in there for over 50 years. He drives Juniper Dr. from 7th Street to Indian Wells every day so felt he knew how traffic runs on that street. It is busiest during the hours when school begins and between 5:00 and 8:00 p.m. while after dark it turns into a speedway. It might be different this year with the work being done on Washington and by the Civic Center. He noted the sequester will hit the City hard. Mr. Hamilton said the Commissioners are losing their PR battle. It all depended on who you ask, how much they know and where they are. He didn't want his taxes used to settle suits because it just isn't right. He gave measurement figures of Juniper Dr. and the proposed changes as well as his opinions on the no parking proposals.

Mayor Galea reminded him of his time limit.

Mr. Harv Hamilton said he had received a letter from Commissioner Talbert saying the concerns of the meeting had been children's' safety, noise and speed of drivers, and Commissioner Talbert hoped these issues could be resolved to best serve everyone. Mr. Hamilton thought some of that money should be spent on Aspen, Maple, Spruce and Cedar in their district.

3. Presentation, discussion, and possible action related to a request by CAPPED. (Tresa Van Winkle, Presenter)

Mayor Galea noted Ms. Van Winkle was to appear at the recent Budget meetings but because of a fall out of communication she wasn't able to attend. She is here tonight to make this presentation.

Ms. Tresa Van Winkle told the Commission she had not talked to the City Commission concerning CAPPED for a long time. She explained their vision was a world without cancer and other preventable diseases. CAPPED, Inc. was founded in 2001 in Alamogordo, NM to serve the increasing cancer information and support needs of the People of Otero County. Their doors opened to the public on June 17th, 2003. The building is located at 907 New York Ave. and we have been dubbed the 'Miracle on New York Ave.' She played the commercial created by Baja. She said their mission was to make New Mexico #1 in the nation in primary prevention of cancer. Ms. Van Winkle said they do primary cancer prevention, support services, community health education programs, the Sun Safe program, health fairs and exhibits, worksite wellness programs, cooking classes and art and music therapy. They go into the schools in Otero County to educate and have reached over 30,000 students. They do secondary cancer prevention which is diagnosing at the earliest point. Programs include the CAPPED Angel fund which helps low income patients. The cost of a diagnosis has become so high that many cannot afford it. You must have a diagnosis to have access to any social services. The Angel Fund was closed in January because of lack of funding. They provide a cancer learning center and library at our building and at Gerald Champion Medical Center. They have cancer support and the building on New York is the hub of that. They provide advocacy which is so important for people with these health issues. They provide Casen Therapy dolls for children undergoing multiple needle sticks for treatment and diagnosis. Ms. Van Winkle went on to explain the many other services they provide to those suffering with cancer. The building they use on New York has been remodeled slowly using small amounts of money to become the building it is today. Many community and HAFB volunteers have helped with these efforts. They are in Phase II of their remodeling. All services are free to cancer patients and at a low cost to others in the public. June 17, 2013 will be our Tenth Anniversary at 907 New York Ave. CAPPED is not receiving much in the way of federal dollars or local dollars. We must look mainly at local funding, and are looking for the donation of a space in which to put our gift shop. They maintain a CAPPED Sustaining Angel Tree giving the community the

opportunity to donate monthly in the amounts of \$25, \$50, \$75 or \$100. The goal is to fill this Giving Tree with donations from the private and corporate entities of the community. Otero County has given more than \$23,000 in the last ten years, but the City of Alamogordo has not provided any funding at all. She asked the City to help in any way they could, whether financially or in helping them to find grants.

Mayor Galea gave an update on the budget. The Commission appropriated about \$39 million and she expected revenues of about \$45 million, leaving a \$6 million difference. They hope to meet the FEMA match for the Bonito Lake restoration. Other outside entities asked us for funding as well and we were unable to fund any of them. She asked the other Commissioners if they had any thoughts on this.

Commissioner Rentschler asked if they partner with other agencies for payroll contributions. Ms. Van Winkle said they had not. He suggested the City employees donating a dollar a month for CAPPED. She said that would be great and told him they are currently working with United Way. Mayor Galea said some City employees are currently paying to the United Way out of their paychecks.

Ms. Van Winkle said they are willing to look at any ideas because they have not ever faced a financial crisis this severe. They see about 1,200 people a year and noted there isn't anyone else that provides what they do. Mayor Galea understood her concerns and remarked how much the City is facing this same type of crunch because of loss of grants.

Commissioner Rardin asked how much money they are talking about. Ms. Van Winkle said if they could get \$20,000 that would be tremendous, but they would be happy with whatever they could get.

Commissioner Rardin asked what Otero County's contribution had been this year. She said they went from \$6,000 to \$5,000 last year but they had not made a determination at this time. Commissioner Rardin said the County budget hearings had been two weeks prior to the City Budget hearings. He asked if the City had ever given anything and Mayor Galea told him the City hasn't done much to fund outside agencies for social programs.

Ms. Van Winkle said they haven't had a financial crisis like this before. They have lost their funds from the State and most of the funding from the Federal level. Most are funding only the large areas like Albuquerque. She said their services are provided at a fraction of what the Federal government spends.

Mayor Galea understood the importance of the Social Programs and we are all feeling the same crunch.

Commissioner Rardin asked what fund we would have to pull this out of. Mayor Galea said it would be the General Fund. He noted we are already deficit spending out of this fund and using our cash reserves.

Mayor Galea said we won't be able to take action tonight, but will consider it.

4. Presentation related to an update on the Southern New Mexico-El Paso Joint Land Use Study. (Marc South City Planner)

City Planner Marc South gave the presentation explaining the Study involves three cities and six counties in New Mexico, as well as one county and one city in Texas. There are many other stake holders at the state and federal level, and is funded by DOD and the Office of Economic Assessment. This is the largest joint land study ever undertaken in the country, because this is the largest concentrated area of DOD resources in the county, geographically speaking. The point of the study is to create a long-term system that will insure the viability of the bases and ensure the economic development that spins off of these bases available to the various communities throughout the area. This is voluntary and each place may need different things. He gave the example of Ft. Bliss and

their problems with housing and facility encroachment on their range. This does not affect us, but does affect Las Cruces. All will be asked to develop and take steps toward being able to maintain these facilities. The process started December of 2012 and should be completed sometime toward July-September of 2014. One of the things absolutely key is to get as much buy-in as possible from many entities over a large land area. He defined some of the terms used in the study and some concerns of the bases. There will be a series of public meetings around the entire area during the first part of June 2013. The Alamogordo meeting will be on Wednesday, June 12, 2013, 6:00-8:00 p.m. at the Civic Center. Those who will be attending are representatives from the military facilities, the County and our P&Z. This will be the time to voice issues and concerns, but nothing will be resolved at these meetings. Three bodies exist to administer this process: a working group to manage schedules, a technical committee consisting of planners from all facilities, and the policy committee of which our Mayor is a member. This will be ongoing and he said he would report back to the Commission. A major focus is to document the degree of economic spin-off from the various facilities.

Mayor Galea said she will not be able to attend the June 12th meeting, but hoped someone would go in her place from the Commission. She said this JLUS will help identify needs and concerns for the whole area.

City Planner South said when this study is done one of the early steps will be an application to the Office of Economic Assessment to do a comprehensive water study of the entire area.

Mayor Galea said to tie into that would be a comprehensive study which will benefit the entire area and a Smart Growth Strategic Plan Analysis that talks about water and the infrastructure.

5. Presentation of Tourism Awards to the City Commission from the City of Alamogordo Promotion Board. (Jan Wafful and Barbara McDonald, Presenters)

Ms. Jan Wafful addressed the Commission and introduced Melanie Anaya, Joan Griggs, Barbara McDonald, and Kim Lopez-Gallagher who were in the audience. Ms. Wafful explained that Sharon Shultz, CEO of the Tourism Association of New Mexico was unable to attend tonight, and she read a letter from her congratulating Alamogordo for their Tiara Best Centennial Event award and Honorable Mention for the TV Advertising award.

Mrs. Barbara McDonald was the Chairman of the Statehood Centennial Committee. She presented the Tiara Winner Award to the City. Alamogordo had the very best Centennial Event in the State of New Mexico. She will have the award framed and give it to Ms. Wafful to display in City Hall. Jan Wafful remarked this committee had 72 events in 52 weeks and over 100,000 people attended.

Mayor Galea thanked them for their hard work.

Ms. Wafful made the second presentation for the Honorable Mention for the Tiara Award for Traditional Media - Television Advertising. Our campaign is: "Alamogordo – Film, Sand and Space: Alamogordo is New Mexico True" which is the State campaign. She says these awards represent to the tourism industry of New Mexico that Alamogordo can produce advertising of the caliber of Albuquerque, Santa Fe and other large cities in New Mexico. She asked that these be displayed in City Hall.

Mayor Galea thanked her for her work with the New Mexico True campaign and thanked her for these awards. All of the Commission agreed to have these awards prominently displayed in City Hall.

Mayor Pro-Tem Hernandez moved to approve to recess at 8:25 p.m. Commissioner Rentschler seconded the motion. Motion carried by a vote of 7-0-0.
The meeting was reconvened at 8:40 p.m.

PUBLIC COMMENT

None.

CONSENT AGENDA (Roll Call Vote Required for items No. 8 & 9)

6. **Approve Minutes of the May 14, 2013 Regular Meeting and May 6-9, 2013 Budget Workshops of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
7. **Approve statement related to the Executive Session of May 14, 2013.** *(Renee Cantin, City Clerk)*
8. **Approve the final publication of Ordinance No. 1440 rezoning Lots 11B & 12B, Tays Heights Subdivision, Replat B from R-1 to C-3. [Roll call vote required]** *(Marc South, City Planner)*
9. **Approve Resolution No. 2013-17 removing uncollectible and unsecured Utility, Library, Recreation Center, Public Housing Authority and other miscellaneous accounts from the City's accounts receivable. [Roll call vote required]** *(Kenneth Johnson, Finance Director)*
10. **Approve the Monthly Lodger's Tax Expenditures and Promotional Items for Tourism.** *(Jan Wafful, Promotions Board)*
11. **Approve the Lodger's Tax Budget for FY 2013-2014.** *(Jan Wafful, Promotions Board)*
14. **Approve the award of Public Works Bid No. 2013-010 for the Rehab Traveling Bridge Filter System - La Luz WTP project, to Anderson-Brown, Inc. in the amount not to exceed \$530,323.00 including NMGRT.** *(Bob Johnson, Contract Coordinator)*

Item # 15 was removed from the consent calendar by Commissioner Rardin at the request of Mr. Paul Sanchez. Items # 12 and 13 were removed from the consent calendar by Commissioner Rentschler.

Commissioner Hernandez moved to approve items # 6, 7, 8, 9, 10, 11 & 14 of the consent calendar. Commissioner Rentschler seconded the motion. Roll call was taken for items #8 & 9. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

12. **Authorize the purchase of a utility truck for the Water Treatment Department, in an amount not to exceed \$77,098.00.** *(Brian Cesar, Public Works Director)*

Commissioner Rentschler asked Public Works Director Cesar if it was a replacement truck for the one Severn Trent took with them. Mr. Cesar said it was. Commissioner Rentschler asked him if this was considered in the initial consideration when we looked at the Severn Trent contract. Mr. Cesar said it was and noted he had asked for a dump truck this year but instead would like to set that same funding aside to use toward this truck that has a crane, compressor, welding unit and generator. He failed to bring this to Commission and now is ready to order the vehicle within the deadline. Commissioner Rentschler asked if he would still require the dump truck. Public Works Director Cesar said we have shifted vehicles within departments and now have the dump truck we need. Commissioner Rentschler asked how the utility vehicle would be used and Public Works Director Cesar told him it would be used to pull wells and at the waste water treatment plant for the new floor motors, set PRV's, the larger meters, and the crane will be used occasionally. It will also hold all the specialty tools and be fully equipped for whatever location they go to. It will be like the one Severn

Trent had.

Mayor Pro-Tem Hernandez asked him if it will be like a mechanic service truck and Public Works Director Cesar agreed.

Commissioner Rardin asked if Severn Trent's truck was an F-350 or F-550. Public Works Director Cesar thought it was an F-450. They also have a small excavator on the water side and this truck would pull that to any location. This will make us much more efficient than we have been.

Commissioner Rentschler moved to approve the purchase of a utility truck for the Water Treatment Department, in an amount not to exceed \$77,098.00. Mayor Pro-Tem Hernandez seconded the motion. Motion carried by a vote of 7-0-0.

13. Approve a bid award of IFB No. 2013-14 Tapping Machine and Hydraulic Unit, to Morrison Supply, in the amount of \$25,639.90. (Barbara Pyeatt, Purchasing Manager)

Commissioner Rentschler requested this to be removed for explanation.

Public Works Director Cesar told him it is used on water and/or sewer mains. When a main is being worked on the tapping machine allows them to place a tapping saddle to the main and keep the lines open and working while the work is being done.

Commissioner Rentschler asked about the pricing. Morrison's price must have been higher than Rio Grande Pump because they matched them to the penny all the way down. He wanted to make sure we weren't looking at the actual quote. The bids were 100% the same.

Purchasing Manager Pyeatt stated that is her way of putting together the spread sheet. Morrison was at \$25,681.32. Commissioner Rentschler said they were actually \$50.00 or more above, and Purchasing Manager Pyeatt said yes, with the 5% residential. Commissioner Rentschler said they came down to match it, and she agreed.

Mayor Pro-Tem Hernandez asked if this was a replacement unit. Public Works Director Cesar said it's about the same as we have in the Utility Maintenance Department. The one we have is over 20 years old and we have issues with it. Mayor Pro-Tem Hernandez knew that in the past we had to call someone out of Albuquerque or El Paso and that would cost \$2,500 just to come to town. Public Works Director Cesar said with the existing unit and this unit we can make it available for contractors. We will come in and perform the hot tap and there is a cost break down depending on the size of tap. Mayor Pro-Tem Hernandez said the only reason I'm looking at it is because it is less disruptive to the system

Mayor Pro-Tem Hernandez moved to approve the bid award of IFB No. 2013-14 Tapping Machine and Hydraulic Unit, to Morrison Supply, in the amount of \$25,639.90. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

15. Approve the award of Public Works Bid No. 2013-008 related to Concrete and Asphalt Installation and Replacement at the Alta Vista Housing Complex, to General Hydronics Inc, in an amount not to exceed \$38,739.87, including NMGRT. (Evelyn Huff, Housing Authority)

Evelyn Huff from the Housing Authority told the Commission there was a question as to the bid schedule and the fact White Sands Construction bid was less than General Hydronics bid for the total of the base bid and added alternate. In the agenda report we referred to General Hydronics as the responsive bidder. At the bid opening we announced we would be awarding the bid based on the base bid only and to the lowest responsive bidder on the base bid. That is why this is referenced.

Commissioner Rentschler asked if that was not announced before they made their bids, and thought it

strange it had been done this way. It should be understood at the beginning of the bid. Ms. Huff told him they realized their documents did not say one way or the other. They are now in the process of fixing their template documents to include awarding the bid to the one most beneficial to the City. At the time, the documents did not say that so we announced it at the opening of the bidding.

Commissioner Rardin asked if we are going forward with all of the alternate bids, too. Ms. Huff said we can afford to do the base bid plus additive alternate 1 and additive alternate 2.

Commissioner Rardin said it would save us \$9,000 to go with White Sands' bid. Ms. Huff had discussed this with Purchasing Manager Pyeatt and she had discussed this with City Attorney Thies and they both felt since it had been announced at the bid opening, we should go ahead and move forward with their announcement.

Commissioner Rentschler asked City Attorney Thies if we could decline all these bids at this time. City Attorney Thies said we reserve the right to reject all bids and re-bid at any time we deem appropriate to go through that process. Commissioner Rentschler was concerned we would leave ourselves open when we announced at the opening we would award the low base bid. He felt we should not approve this.

Commissioner Rentschler moved to not approved. Mayor Pro-Tem Hernandez seconded the motion.

Commissioner Rardin asked if this money had to be expended by the end of the fiscal year and Housing Manager Paluch told him it had to be expended by September 2, 2013, so we do have time.

Ms. Paluch wanted to let them know this is Federal money not city money. Mayor Pro-Tem Hernandez said that doesn't matter and Commissioner Rentschler said a taxpayer is a taxpayer.

Mayor Pro-Tem Hernandez said he could see the \$9,000 difference, but there was lump sum #II with an \$11,000 difference. This difference was more than the difference of the two bid tabulations.

Paul Sanchez thanked Commissioner Rentschler for recognizing taxpayer money is taxpayer money. He said the Commissioners had already covered all his concerns and he was done.

Ms. Paluch said we could go back out and do that however it's a project we need to have done by September. We are running close to the time we have to expend the money and the HUD Field office will penalize us if we do not do this in time.

Commissioner Rardin asked if we can get it rebid in 30 days and Evelyn said we could advertise it Sunday and set the time frame. We should be able to get it back to you in 30 days. She said they have the drawings and simply need to put in the template for a new bid document.

Commissioner Rardin said it's a relatively small job for a contractor and they should be able to get it done in a week or two.

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

UNFINISHED BUSINESS

16. Consider and Act Upon a location and Use Agreement with Fuel Industries relating to access to the former City Solid Waste Landfill. (Stephen Thies, City Attorney

City Attorney Thies explained this agreement allows right-of-access for a period of six months to this filming company for the former Alamogordo landfill located out by the By-Pass. The video gamers say it is an urban legend that ET and Atari games and consoles were buried in the landfill, and this company would dig them up and film a documentary associated with the burial. In return for allowing

access, the company would have to bare all costs associated with the project. This would include the necessary permits they must get from the Environmental Departments approval to open the land fill. They would have to comply with any processes involved with closing the landfill. The agreement obligates them to obtain and follow all permits and requirements including environmental laws. They also agree to hold the city harmless in the event there are any claims associated with the project. Lastly, they will provide a \$25,000 security deposit to be used in the event they fail to comply with all the requirements of the use agreement including failing to close up the landfill and us having to do so to comply with environmental requirements. The right-of-access is for a period of six months beginning with the day they provide the \$25,000 security deposit. It is not binding until the \$25,000 is provided and after the six months we will check to see if they have complied with all the requirements. Once we have made the determination there are no potential outstanding claims to be made against the City, we will refund the security deposit. In the event they find the old games and/or consoles out there, they don't have any right to take any of the property. They also have to provide general liability insurance and workers comp. insurance for any employees.

Commissioner Talbert said there is nothing mentioned about putting a fence around the area or any type of security. He asked the city attorney if he felt comfortable with the security. City Attorney Thies was not sure what the environmental department would advise in the way of restrictions about security. He felt if they are filming out there, they would want their own security. If their equipment is stolen because of lack of security, it is their problem.

City Manager Stahle said this is one of the most entertaining issues he has run across in the 30 years he has been in public office. He found it amazing this Atari topic was found on Wikipedia and one of his kids asked him what Atari was.

Commissioner Baldwin asked if the actual site will be disclosed to the public and he wondered about whether someone might come and try digging up the games from the landfill in years to come. City Attorney Thies said there are enough members of the general public that know the approximate location that if there was any financial gain to be made by digging them up, they would have done so by now. It was supposed to be buried to certain depths, but he has seen pictures that make him question this. They were supposed to be encased in concrete and he didn't know if the Environmental Department would require the same layer of concrete to prevent this once they are finished or not.

Commissioner Rentschler asked if any city employees would be involved in this. City Attorney Thies said only if the film company contacts a city employee to work for them. They could only do this during non working hours. Commissioner Rentschler asked if the company could contract with the city to do the work and Mr. Thies told him we had elected not to do that. We didn't want to expend the time or effort to be on stand-by for an indefinite period of time when we have other things to do.

Commissioner Baldwin said he is in favor of the project, but consider the fact that if we do not expose it the legend will continue to grow.

Commissioner Rardin asked if the Commission could each get a copy of the ET game. City Attorney Thies said there are enough copies in garages and attics around the community that if you really wanted one, you could get it.

Commissioner Rardin moved to approve a Location and Use Agreement with Fuel Industries relating to access to the former City Solid Waste Landfill. Commissioner Talbert seconded the motion. Motion carried by a vote of 7-0-0.

NEW BUSINESS

- 17. Consider, and act upon, the first publication of Ordinance No.1442 specifying times when the parks of the City of Alamogordo shall be open and providing a penalty for the violation thereof. (Michelle Reeves, Assistant City Attorney)**

Mayor Galea received a phone call from a resident who said there was someone parked in the Kid's Kingdom parking area who would not remove their car. This individual had a suspended license so DPS could not ask them to leave in their car. There are not any times posted saying you cannot sleep/live there beyond 10:00 p.m.

Commissioner Rardin asked if it would be better to post no loitering/parking signs instead of creating an ordinance to add to our large number of ordinances many of which are not being enforced. He had also talked with this same lady and found this man was from Arizona and his license was suspended. The police had pulled him over there and instead of risking any more tickets he chose to stay until his family came and picked him up.

City Manager Stahle said from experience it's better this way. You will give police officer's and the judge something to work with. Loitering in a public park is tough to define and this would help to define. There would be the option to get a permit for specific activities. He pointed out it gets to be a burden to bring it back and modify accordingly, but he would argue this is the best thing to do and this is fairly common practice.

Commissioner Rardin said Kids Kingdom already has set hours so why didn't the rest of the park fall into this? City Attorney Thies told him if we cited someone for being in that park after those hours and it went to court, it would probably be dismissed. You need to cite someone for violating a city code not some administrative decision. Commissioner Rardin said the rule at that park probably isn't any good, and City Attorney Thies told him probably not.

Commissioner Rentschler asked if 10:00 was a typical time used. City Manager Stahle said it's a very typical time in most jurisdictions where he has served. If you feel 10:30 or 11:00 p.m. is a better time, you can use your judgment to make that call. Commissioner Rentschler said when he was a young person he and his friends would 'hang out' in the park at night to visit. The DPS would keep an eye on things and say hi every now and then. He felt midnight was a better time to set.

Commissioner Baldwin asked what other history of incidents we had besides this one. He wondered about creating an ordinance because of one incident. Mayor Galea didn't know of the history but noted it was disturbing for this one person because she didn't know about this person who was sleeping in their car. Commissioner Baldwin asked if we could get more information from DPS on this. Captain Mike Lawrence addressed the Commission saying they did have some activity at some of the parks - Washington and Alameda Parks in particular, and parking around Kids Kingdom. They have had drug activity mainly at Alameda Park, but haven't generally had much activity in the way of cars parking for extended lengths of time. They don't have anything to go on at this point other than asking them to move on.

Mayor Galea asked if defining times at the parks of 12:00 a.m. – 6:00 a.m. would deter drug activity. Captain Lawrence said it would push it out and away from those areas. He noted that Kids Kingdom does have some of those activities and he doesn't take his own children there. This would give us more to work with and the ability to better enforce it.

Mayor Pro-Tem Hernandez moved to approve the first publication of Ordinance No.1442 specifying times when the parks of the City of Alamogordo shall be open and providing a penalty for the violation thereof with the 10:00 p.m. time frame. Commissioner Rardin seconded the motion. Motion carried with a vote of 5-2-0. Commissioner Rentschler and Commissioner Baldwin voted nay.

18. Discussion, and possible action, related to the Comprehensive Plan Update. (Marc South, City Planner)

City Planner South said this item was brought to you two meetings ago. He found at that time many of the Commissioners had not received the electronically sent Plan to review, so he made hard copies

and gave to each. He said at the second meeting in June this Plan would be brought to the Commission for action so now is a good time for any concerns on the document. The document is still fluid enough to be easily modified at this point, but if any of the Commissioners think of something in the days to come, he can amend the document at that time.

Mayor Galea clarified asking Mr. South if he was asking for discussion tonight, but would entertain any changes up to June 25th, and he said yes.

There was no discussion.

19. Consider, and act upon, RFP to provide Economic Development services. (Steve Thies, City Attorney)

Mayor Galea said we currently have a fiscal impact of \$70,000 to Economic Development through OCEDC. According to the procurement code, anything over \$50,000 for a contracted service must go through the RFP process.

City Attorney Thies told the Commissioners during the Budget Hearings a couple of years ago, the Commission decided to up their contract with OCEDC from \$50,000 to the lesser of \$70,000 or 10% of the amount of yearly gross receipts. Statutorily, that is the maximum we can pay for those types of service. We should have gone out with an RFP or RFQ at that time since it exceeded \$50,000. This issue has come up now and according to the procurement code, we need to go out for proposals and request qualifications for those types of services.

Mayor Galea discussed with him about splitting services to avoid the RFP Process - \$50,000 marketing, \$20,000 business attraction/consulting and \$30,000 for operations. He told her it could not be done this way. There are numerous departments who try this, but he said the service performed by a vendor or service provider will aggregate the amount and look at it from a fiscal year prospective and project year prospective.

Mayor Galea said OCDEC cannot be considered a sole-source provider since there are other economic development firms that can provide that service. City Attorney Thies agreed and said if you read the Sole-Source provision, it only provides to manufacturing and not to services.

Commissioner Rardin asked if we send this out for an RFP or RFQ, can we come up with a set of goals or guidelines stating what we expect from the contractor. City Attorney Thies said we can look at it with a number of different perspectives. We can set out goals and objectives in the RFQ/RFP, or we could ask those submitting proposals to state goals and objectives in their contract.

Commissioner Rentschler discussed stipulating the specifications of the RFP. He didn't know if there were any Alamogordo contractors who could do this and he did not want this money to go to El Paso. This is Alamogordo taxpayer money that should be spent in Alamogordo.

City Attorney Thies said we would have to look at the commerce clause when you limit, especially if limiting Texas companies from being awarded the service contract. We have the 5% bid preference that could be applied to the services, but normally you don't utilize price as the deciding factor. You could weigh it as part of the factor you are looking at, but primarily you are looking at the type of service requested and the capability of providing those services.

Commissioner Rentschler asked if we should do the same thing with Z-Trans. City Attorney Thies said probably. Mayor Galea said that amount was \$114,000. Commissioner Sikes thought we should be doing that one before this one. She was curious as to why we couldn't raise the amount of money from \$50,000 to \$75,000. Anything over \$50,000 has to go to RFP.

City Attorney Thies noted as a Home Rule Charter City we have the ability to opt out of the New Mexico Procurement Code upon enacting our own purchasing ordinances, which the City has done.

Our procurement code is somewhat modeled after the State code in using the same dollar thresholds. The \$50,000 threshold has been used for a long time and the State is currently looking at increasing that threshold. One of our plans is to modify our own and it is likely we would change it to \$100,000.

Commissioner Baldwin said when we go through this process he would like us to work with them to find out the scope of work they do and take that into consideration. He didn't think any other outside agency could come close to matching what OCEDC does in volunteer hours and the time community people give. He said they put in one quarter – one half million dollars for \$70,000 per year.

Commissioner Rardin said former city manager, Mr. Roath, rewrote the last contract with OCEDC. The one prior to that was too vague. We should look at the last one and model the RFP/RFQ after that since it has a very good set of standards. He would like the new city manager look at it also.

City Manager Stahle would really like to have that opportunity. When an RFQ is done, you can put in it the experience and knowledge an organization has in this community. This helps us a lot. He would like to review this with staff and the organization itself. He can't think of anyone better than the folks who know us the best, so it is critical we write it up to meet our needs. He wanted to look at the ordinance to see if the number is good, work with staff and work with the partnership we already have. Commissioner Rardin asked him if two weeks was long enough to do this. If the Commission decides to go with an RFP/RFQ we need to get this done by July 1, 2013. City Manager Stahle said he didn't know, but would try to do so by the next meeting.

Mayor Galea said we don't need to write a blank check without any measurable standards and benchmarks. She did think there was a lot of work for the Commission to do with OCEDC and she felt they were just getting started.

City Manager Stahle said economic development is measurable with not just one organization doing it all. It is done when you talk to businesses, when you are out of town talking to counterparts, and our staff does this on a daily routine when talking to citizens. It is a team sport and the whole community is on the team. If you want to get this right, an organization that could help us market ourselves is critically important. We need to take the time to get it right, so he told them he would work on it and get back to the Commission as soon as he can. Mayor Galea asked if this needed to be tabled to the next Commission meeting and City Manager Stahle said it didn't need to be tabled. We could move forward with it in a way that makes the most sense. He knew there is an interest in doing this activity and he would bring it back as soon as he could.

Commissioner Sikes asked if we were concentrating on our economic development or our RFQ process. City Manager Stahle suggested we do both. He will certainly be looking at both, but since other entities use this, we must address the process. He needed time to look at it all with the Staff.

Commissioner Sikes asked where we stood with the money we allocated to Economic Development. Mayor Galea told her they had budgeted a total of \$100,000.

Commissioner Rentschler asked when we needed to have something in place in order to not violate the law. City Attorney Thies said there is nothing that said you have to have this complete by July 1. You have budgeted the money so anytime it is completed after July 1 we have the authorization to spend the money.

The Commissioners directed staff to look at the procurement process and the RFP for Economic Development and bring back for approval.

City Manager Stahle said he would bring it back as expeditiously as possible with solutions.

20. Discussion, and possible action, related to the scheduling of the following meetings:

A) Public Hearing for Juniper Dr. No Parking Signs.

Commissioner Rentschler said the no parking signs solution was entertained because 29% of the Juniper residents raised their hands asking for it. He thought it the worst possible solution to the problem. If the on street parking is taken away from them it will destroy their ability to sell their house. His thinking was if the street was widened, those people with the trees to be removed could be reimbursed for the trees. They could walk away with \$10,000-\$12,000 because we have the money in the project to compensate them. We wouldn't consider compensating the loss of property value if the no parking signs were put up. He wants to remove the no parking signs idea and didn't think we needed a public hearing.

City Manager Stahle said when he came on board he realized this project was really hot. In analyzing with the staff, he found they hadn't been given the specific data, design concepts and cost estimates for some solutions. He didn't think a decision could be made without those and encouraged them to let him work on this with City Engineer Thomas who would work on some concepts and suggest some solution options. We need to provide you the best information we have to make a decision

Commissioner Rardin is tired of hearing about Juniper Drive. He wants to drop Juniper Drive until we get our design back and decide then how we can go forward. We shouldn't put up no parking signs or have a public meeting until after that time.

Commissioner Rentschler asked when the design was expected to come back and he was told sometime in June. City Manager Stahle said it would maybe be presented at the second meeting in June.

Mayor Galea said it was the direction of the Commission to not hold a public hearing and not put parking signs up at this time.

Commissioner Baldwin asked that the residents of Juniper be notified that we are not having a public hearing because the no parking signs are not being put up at this time.

Mayor Pro-Tem Hernandez clarified. He is waiting for all of this information to come back and at that point the Commission will make the decision to move forward or not move forward with the project.

B) Joint Meeting with Chamber of Commerce Board related to promotions.

Mayor Galea feels it would be good to have a work session with the Chamber Board as to how we can collaborate with the Board to promote Alamogordo.

Commissioner Baldwin asked if that was what Jan Wafful does. Ms. Wafful explained she works with the Promotion Board to prepare their agendas, minutes, budget, and interacts with the Chamber to gather the numbers for tourism reports. She turns this report to the NM Tourism Dept. There was a Tourism Committee at the Chamber of Commerce she used to attend on behalf of the City, but that was disbanded a long time ago. She works primarily with Melanie Anaya who is the Membership and Tourism Director at the Chamber. There were several measures in place at one time with information and booklets containing tourism questions, and perhaps this is something we could do again and share information back and forth. She wouldn't be opposed to working with the Chamber on something of this nature.

Mayor Galea said the Chamber does certain things like the Cottonwood Festival and the City does certain things like the Gus Macker. There should be ways we could partner and pool our resources with the Chamber to bring in more such as a Pistachio Nut Festival or a Star Trek Convention at the Space Museum. It would be good to know what the Chamber does with the funding we give them in order for us to find ways to better partner with them.

Commissioner Baldwin asked who would attend and Mayor Galea hoped all of the Commission would do so for one meeting.

Commissioner Rardin asked if we can just have city staff, especially our new City Manager work with them to let them know what we expect for the money we give them. They need some expectations or goals.

Commissioner Rentschler thought staff could set this up and then let the Commission know so they could be a part of the session.

Mayor Galea said there have been some complaints from the Commission on where the money is spent. Commissioner Baldwin asked who had complained from the Commission, and the Mayor said she had heard during the budget process questions about how the money was spent.

Chamber of Commerce CEO Mike Espiritu said what is done at the Chamber is tourism, and tourism is economic development. They maintain a website that has received over seven million hits a year. They send out publications, greet new people at HAFB with welcome packets every Monday morning, they make packages for civic groups welcoming them to our town, they are on the Space Hall of Fame foundation board, and he briefs the NM Secretary of Cultural Affairs about promotions and tourism. He told the Commissioners they are paying us for promotion and tourism to promote Alamogordo to the State and the world. They represent us with the State Legislators at the Legislative Reception every year. He felt they do pretty good with teamwork and are very fortunate to have the number of members they do that provide trinkets for them to pass out to the world. He named many more events they are involved in to promote the City.

Mayor Galea explained she had visited with Mr. Espiritu earlier today concerning the Gus Macker event. It is a City event but the City will try to communicate better in the future so the Chamber can help them promote.

Mr. Espiritu said we are creating more links on their website and have bought a \$38,000 sign that is in front of their building that promotes the City. The Chamber paid for this sign themselves because it is the right thing to do.

Commissioner Baldwin moved to approve staff to schedule a meeting.

Commission directed City staff to schedule a meeting with the Chamber related to promotions and the Commission can sit in if they want to.

C) Joint Meeting with OCEDC related to Economic Development.

Commissioner Rardin asked if we really need to have this meeting. City Manager Stahle suggested they do not until things are ironed out.

Mayor Galea said we would like to have this meeting after we are through with the process for procurement and RFQ.

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

Mayor Galea announced the Boards and Committees with current vacancies and appointed Tony Madalia to the Alamogordo Promotions Board and Darryn Detmers to the Parks & Recreation Board.

CITY MANAGER'S REPORT

1) City Manager Stahle said it has been an exciting six days. He introduced his wife, Heather and he expected she will be at most of the meetings. He was excited to meet the staff and discover an incredible talent pool. He noted the Commissioners showed an enthusiasm for their positions. There

isn't anything a manager can do that a community does not want. You are the leaders and have been elected to help your community and he noted he was simply here along with the staff to help carry out their direction. He noted his door would always be open to the public, staff and commissioners. He might not always support their suggestions but with common sense and the Commissions guidance, he was looking forward to a fantastic time. He ended by saying remember to always have fun while you are doing it.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin commented on the following:

- 1) Commissioner Rardin said that in his District on Hawaii Ave. from Indian Wells to 16th Street, he asked staff for a traffic count. There is excessive speeding on that street and maybe a stop sign needed to be placed somewhere along the street. On Puerto Rico from Indian Wells to 16th there are two stop signs – one at Catalina and one at Lover's. There are not any stop signs on Hawaii. Maybe surveys could be sent out to the residents to see if they would be in favor of a stop sign at Lover's or Catalina, or put in speed bumps.
- 2) He recognized Dave Winberg who had been a long time business man in the community. He passed away this last week.

Commissioner Talbert commented on the following:

- 1) Commissioner Talbert wants to continue working to get a cell phone ordinance. He's been working on getting samples from other cities but has only received the one from HAFB. It is incredibly simple and basically says do not use a cell phone. This is posted at the gate and is enforced. Since the last commission meeting, he has almost been hit by people talking on their cell phones. He will continue working to get an acceptable ordinance for the commission.

Mayor Galea asked City Clerk Cantin to collect other cell phone ordinances from around the state pertaining to this. City Clerk Cantin said she knew of the two in Santa Fe and Las Cruces. She will send a link to the other clerks around the state and see what she can obtain.

Commissioner Rardin asked if the City Manager could direct DPS to cite people for distracted driving if talking or texting on their cell phone and weaving on the road. This ordinance is on the books and not being enforced.

Commissioner Rentschler would like the newspaper headline to say 'We already have an ordinance that covers this and we're going to get you for it' instead of the one that said 'You win'. Mayor Galea said it was a good headline, and Commissioner Sikes thanked ADN reporter John Bear for the good article.

Commissioner Talbert also attended a meeting with the Mayor about the tanker base. We want to make sure we keep the tanker base at our airport. The Mayor noted one thing that was a key to this was that we are extending the runway another 2,200 feet in order to accommodate the new generation of jets. Commissioner Talbert noted this would also make the airport compatible with the F-16 as a emergency landing field.

Mayor Galea commented on the following:

- 1) She had attended the Gus Macker event and the Opening Ceremonies. She thanked Matt McNeile and Raul Ruiz who did a great job organizing it. She had heard Las Cruces may not have a Gus Macker event next year so ours may be even bigger. She noted the t-shirts left for all the Commissioners and the trophy the City had received in appreciation. The Mayor said it was also good to recognize the Military that weekend.
- 2) Commissioner Rentschler chaired the landfill meeting on the 21st.
- 3) She had met with Pam Holland who will be doing the 4th Annual Quilting Festival in our city in June. She is from Australia and people will come from all over for this.
- 4) On Memorial Day she represented the Commission at several events. There was a Flag Ceremony at the Cemetery and another at the Catholic Cemetery, and then a Veteran's Memorial.

The VFW hosted a luncheon, also.

5) On June 25th she will be going to Lincoln County with Gen. Scott and City Manager Stahle to discuss a request for zoning in regards to air rights.

EXECUTIVE SESSION (Roll Call Vote Required)

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

- **Limited Personnel Matters (Discussion of policies and procedures relating to the working relationship of the City Commission and the new City Manager)**

Mayor Pro-Tem Hernandez moved to adjourn into Executive Session to discuss Limited Personnel Matters (Discussion of policies and procedures relating to the working relationship of the City Commission and the new City Manager) at 9:56 p.m. Commissioner Rardin seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

ADJOURNMENT



Renee L. Cantin

City Clerk Renee L. Cantin

Susie Galea

Mayor Susie Galea

*(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on June 11, 2013.*