

CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
NOVEMBER 19, 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. Invocation by Pastor Bill Heithold and the Pledge of Allegiance was led by Commissioner Sikes.

Mayor Galea presented a proclamation to Mrs. Toots Green for her work with and for the German Air Force (GAF) and for receiving the Gold Cross of Honor from the GAF. She also presented a Mayor's Commendation to the French Brothers for receiving the 2014 National Housing Quality Bronze Award and Jennifer Alterson for receiving the Excellence in Forensic Nursing Award from the International Association of Forensic Nurses.

APPROVAL OF AGENDA

Commissioner Baldwin moved to approve adding the Addendum items to the agenda. Commissioner Talbert seconded the motion. Motion carried with a vote of 7-0-0.

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

CONSENT AGENDA (Roll Call Vote Required for items No. 5 & 6)

1. **Approve Minutes of the November 5, 2013 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
2. **Approve statement related to the Executive Session of November 5, 2013.** *(Renee Cantin, City Clerk)*
3. **Approve the Lodger's Tax Expenditures for Tourism & Travel.** *(Jan Wafful, Administrative Assistant)*
4. **Approve the Public Celebration Permit and a Temporary Alcoholic Beverage Dispenser's License for Tularosa Vineyards for the Business After Hours Sponsored by Rachel Telles to be held at the First National Bank Atrium on November 21, 2013.** *(Renee Cantin, City Clerk)*
5. **Approve the final publication of Ordinance No. 1452 amending the Delayed Repeal of Municipal Infrastructure Gross Receipts Tax Ordinance No. 1366 related to Economic Development to December 31, 2020 to be added to the March 2014 ballot.** *(Renee Cantin, City Clerk)* [ROLL CALL REQUIRED]
6. **Approve the final publication of Ordinance No. 1453 related to the Drinking Water Loan**

NMFA - 2880-DW in the amount of \$1,515,000 for the purchase of a mobile desalination project construction. (Renee Cantin, City Clerk) [ROLL CALL REQUIRED]

7. **Approve the award of Public Works Bid No. 2013-003 to Burn Construction Company Inc. related to 10th Street to White Sands Blvd. Right Turn Lane, Control No. 2100090, in an amount not to exceed \$220,747.49, including NMGR. (Edward Balderrama, Project Manager)**
8. **Consider, and act upon, the award of Public Works Bid No. 2013-014 to Anderson-Brown, Inc., related to the Replace Traveling Bridge & Rail System-LLWTP project, in an amount not to exceed \$228,719.06, including tax. (Bob Johnson, Contract Coordinator)**
9. **Consider, and act upon, the award of Public Works Bid No. 2013-011 to General Hydronics, Inc., related to the La Luz Well 2R – Well Equipment project, in an amount not to exceed \$395,009.16, including tax. (Bob Johnson, Contract Coordinator)**
10. **Approve the award of RFP No. 2013-010 for the Advertising and Marketing Services, to Hayduk King Advertising Inc. (Barbara Pyeatt, Purchasing Manager)**
11. **Consider, and act upon, two grant agreements with New Mexico Aging & Long Term Services Department for a Capital Outlay project at the Alamo Senior Center. (Matt McNeile, Assistant City Manager)**
15. **Consider and act upon an amendment to the Location and Use Agreement with Fuel Industries relating to access to the former City solid waste landfill. (Stephen Thies, City Attorney)**
16. **Consider and act upon a request by Affordable Solar Installation, Inc. to consent to the assignment of the Power Purchase Agreement and Lease Agreement between Affordable Solar and the City. (Stephen Thies, City Attorney)**

Item # 12, 13, & 14 were removed from the consent calendar by Commissioner Rardin.

Commissioner Hernandez moved to approve items # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, & 16 of the consent calendar. Commissioner Talbert seconded the motion. Roll call was taken for items #5 & 6. Motion carried with a vote of 7-0-0.

PUBLIC COMMENT

A. Eugene Downer commented on the following:

1) Mr. Downer introduced himself and said this would be a quick update on the discussion of painting/lighting the water tank on 10th Street. He said there is a power source at the base of the water tower. Riley Industry is one of the largest big tank painters in the Southwest and they are painting a big tank at Holloman right now. He would be meeting with their production manager this week and should be able to get a lot of information about the possibilities of restoring that tank, and that's very lucky. He said that Union Pacific has been contacted to check on their participation to see if they could furnish painters or a template for their flag or possibly give us some money because they have a foundation, and you need a specific foundation. He had talked to the mural painter who does all the murals on the water tanks in Las Cruces and he said he would give us a price on painting a possible flag if that's what you all chose, if you approve this project. Mr. Downer said that's my quick update.

Mayor Galea thanked him and said when you get a cost estimate for this item you can call the Clerk's office to have it added to the agenda in order for the Commission to discuss this as an action item.

B. Tom French commented on the following:

1) Mr. French shared some things he has learned over the years because there are some contentious issues on the agenda tonight. He said he was not going to weigh in on them but he did want to share some things he had learned that might help. First of all, as a policy board which is what you are, you set policies for the city manager and the most important thing for you to do is to be crystal clear on what you want him to achieve. That is so difficult and in his experience when things have gone well in our business or on the boards he belongs to, that's when we had clear goals and clarity on what we wanted. When they haven't gone well, when he looked back, he could always see that he could have or should have been clearer on what he wanted done. He said he has to look in the mirror when that happens because generally it rolls up and that's what leadership is all about. That's when you have to look in the mirror and say we weren't clear. That is very difficult. Number 2 is that after you have achieved that clarity, get out of the way and let that person do their job. That's even more difficult than Number 1 because all of us, especially you guys, are leaders who got there by either being voted in or by your competence. The taxpayers, the people who elected you, want you to stand up for what they want. At some point in time it gets in the way if you are constantly trying to micro-manage, and he said he wasn't accusing anyone of anything. What he is saying is when he has not allowed his people, the team leaders to do their jobs, he got in the way of their success which gets in the way of our organizations success. The last thing he was going to say was the first one was difficult, the second more difficult and the third was most difficult. If you are on the side that didn't get your way after having voted or coming to a consensus and you weren't in the winning vote, you need to turn your objections to, in this case let's say the City Manager, you need to say the reason I didn't support this is this or that, and he wanted them to take that and make sure they pay attention to that and use it to make sure whatever the majority voted on is a success. Mr. French said that is even more difficult. He said he would not weigh in on some of the issues they were going to talk about tonight about the complaints you have about the city manager. He said in his few interactions with Mr. Stahle, he thought he was both competent and professional. He didn't claim to know all the issues the Commissioners were going to talk about tonight. He is one of the few that would admit it. He just wanted to share that with them because sometimes we in leadership positions forget what that leadership is all about and we really need to put the horses in place and let them run.

C. Linda Gulley commented on the following:

1) Ms. Gulley told the Commissioners it was an honor to be here. She started her comments with thanking them each profusely for the job they do. It is often thankless, very tiring and time consuming. She didn't feel she could do a better job or she would be up there. She felt she was here to support the job they do. She said she knew the majority of them very well and was glad to call them friends. Ms. Gulley said she and Commissioner Sikes have different political views but she thought they have a great respect for one another. She said Commissioner Rentschler was a dear friend, Commissioner Rardin and Commissioner Baldwin are the ones she knew the most, and she thought this was a very difficult time they were going into. She thought Tom spoke very, very well and even a little better, but she wanted them to rate his thoughts. What she was calling them to do was to deal with the situation with the city manager in private. She did not want to hear about it; she did not want it brought through the mud and didn't want it made into a divisive situation in our community. There is enough going on in our community to be concerned about and talk divisively about. She wanted them to take care of it professionally and on your own time. When she was writing more from her heart she put, when I hear rancor, I want there to be edification between you guys; building yourselves up for the difficult jobs you all are doing. When there is division, she wanted to hear solutions. When there is disrespect, she wanted to hear healing because she thought they owed it to themselves as professionals they were elected to be, and you owe it to me as a citizen. She told City Manager Stahle that she thought he was doing an excellent job and she didn't think he was perfect, but she didn't think any of us were, at all. But, things happen and there are better ways to deal with it than in public and in anger.

ITEMS REMOVED FROM CONSENT AGENDA

12. **Approve a Request to replace a budgeted Police Sergeant position with a Crime Analysis/Accreditation Specialist, to be assigned to the Alamogordo Police Department (APD).** (Robert Duncan, Police Chief and Katie Josselyn, HR Manager)

Commissioner Rardin wanted them to explain it because last time we had an issue like this we were unfreezing a position. He said it was a \$24,000.00 a year position that turned into a \$58,000.00 position by the time it was all said and done. He just wanted a little bit of explanation. According to the agenda report it will save us money, and it will be the same issue with all three of these. He wanted them to explain their case.

HR Manager Katie Josselyn addressed the Commission as to the need for the position. She told the Commissioners Police Chief Duncan has been striving to get a program in place to get the Department accredited again. They lost that a few years ago and he would like to eliminate one of his sergeant positions to open up the monies to have this person and get this program going in order to get the Department accredited again. We did a rating of this position; put together a job description; did a rating of the position. This position will not be rated as a police position so there are different benefits, for instance they will be under a regular PERA group instead of Police. There is kind of a trade-off of different things and ultimately the savings by making this transaction, this change is almost \$11,000.00 in savings in a fiscal year.

City Manager Stahle added this position also handles crime analyses. It is important for the Police Department to be focused in the City where crime is happening. A crime analyst would focus their attention what was needed and sometimes people get confused when they see a lot of patrol cars in the neighborhoods. He didn't want that to panic anybody and said it was literally data-driven patrolling that we want to do in the City. We can't do it right now because, quite frankly, we don't have a crime analyst. In addition to what Human Resource Manager Josselyn pointed out concerning the accreditation portion, we want someone really focused on the City's crime rates; where they are, what's going on currently in the community we need to be aware of so we can get the Police Department focused in and we can shift as the criminal activities shift. We put our efforts where they really belong.

Commissioner Talbert asked if that Police sergeant position was currently filled and Human Resource Manager Josselyn said it was not.

Commissioner Rardin asked if in the next budget cycle, would she come to the Commission and ask for that Police sergeant position to be created again. Human Resource Manager Josselyn said no. In fact, she said, we have documented this is the trade Police Chief Duncan is making and it will be established in that manner next fiscal year, as well.

Commissioner Rentschler asked Human Resource Manager Josselyn if the filling of this position would save us money and she said yes. He asked if we would have filled the position if we had not wanted to create this position, and she said yes. It was a vacant, budgeted position Police Chief Duncan thought would be better managed in this manner and benefit the City in better ways. Commissioner Rentschler asked if it would be filled from within the Department and Human Resource Manager Josselyn said we will do an open recruitment for that position. Commissioner Rentschler said just to make sure he understood, this position is currently not filled and we have another unfilled sergeant position as well. How do you intend to fill that position. Human Resource Manager Josselyn said she believed Police Chief Duncan did intend to fill that other sergeant position which is a Narcotic position that we unfroze for this fiscal year. She said it is a vacant Narcotics position. Commissioner Rentschler said he was looking at the positions unfilled on this report that had been given to each Commissioner. He said he was interested in seeing how many we could fill with an \$800,000.00 GRT loss this year alone. For that reason, he would not be able to support this. Human Resource Manager Josselyn said this position is on the vacant list you have and it is one of those sergeant positions that's listed.

Commissioner Rardin moved to approve replacing a budgeted Police Sergeant position with a Crime Analysis/Accreditation Specialist, to be assigned to the Alamogordo Police Department (APD). Commissioner Talbert seconded the motion. Motion carried with a vote of 6-1-0. Commissioner Rentschler voted nay.

13. **Consider, and act upon, a request to replace a budgeted Utilities Administrative Assistant with a Water Plant Operator Maintenance I position and to transfer the existing Utilities Administrative assistant to fill the vacancy that will be created in Public Works Administration upon retirement of the Public Works Administrative Assistant.** *(Brian Cesar, Public Works Director and Katie Josselyn, HR Manager)*

Commissioner Rardin asked Public Works Director Cesar to explain if this would be budget neutral or if we are saving money.

Public Works Director Cesar told him that in February of 2013, the Commission approved the transfer of the Severn & Trent employees back to the City, and brought Water and Waste Water back as a City function. At that time, we had a number of discussions before the Commission about positions that would be coming back to the City. One of those discussions was about the Administrative Assistant. Right now we have an Administrative Assistant in Public Works, Mary Scott, who will be retiring in December. When we pulled the Severn & Trent employees as City employees, Severn & Trent had an Administrative Assistant. He said Public Works does not need two Administrative Assistants, so with Mary's retirement in December he was asking for transferring the existing Utilities Administrative Assistant into Mary's position. We would take the Administrative Assistant position that is in Utilities and reduce it to an entry level water operator. That will be a savings of \$2.28 in round figures per hour. Pulling the Utilities Administrative Assistant into the existing Public Works Administrative Assistant position will save \$2.11 per hour. Mayor Galea thanked him and thought this was a creative cost savings of over \$9,000.00

Commissioner Rardin asked if the Administrative Assistant position (the one retiring) was on the list of vacant positions they had received. City Manager Stahle said since this item was already on the agenda it was not on the list. Public Works Director Cesar said Human Resource Manager Josselyn was indicating it was not on the list.

Commissioner Rardin moved to approve a request to replace a budgeted Utilities Administrative Assistant with a Water Plant Operator Maintenance I position and to transfer the existing Utilities Administrative assistant to fill the vacancy that will be created in Public Works Administration upon retirement of the Public Works Administrative Assistant. Commissioner Baldwin seconded the motion.

Commissioner Rentschler asked about the funding source for the water maintenance position. He realized we were moving someone out of Water Maintenance and into Public Works, but would it impact our General Fund at all? Public Works Director Cesar told him no. This position is funded out of Fund 81 which is the Water and Sewer Fund along with the Administrative Assistant at the Water Treatment Plant. He said everything is in Fund 81 so there is no impact to the General Fund at all. Commissioner Rentschler asked how we were making up now for this particular position, and Public Works Director Cesar said Mary had not retired yet. Commissioner Rentschler clarified his question by saying he meant the Water Maintenance Position being created at the Water Treatment Plant. Public Works Director Cesar said we will be bringing water and sewer rates forward at the next Commission meeting. Part of what we looked at for the new rates was the new Water Desalination Facility and as part of that we are looking at having to increase staffing levels. Right now he had a need in the Water Filter Plant area which also takes care of all the production, the wells, surface water, pipelines; we have a need now for additional staff. We are taking this opportunity to bring in an additional person without having to come to Commission to request additional funds in the way of increases in water and sewer rates.

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

14. **Consider, and act upon, a request to replace a budgeted Mechanic Position with a Maintenance Parts Clerk position, to be assigned to the Fleet Maintenance Department.** *(Brian Cesar, Public Works Director and Katie Josselyn, HR Manager)*

Commissioner Rardin asked Public Works Director Cesar for an overview of this position.

Public Works Director Cesar told them at the end of October we had one of our long-term employees retire. His position at the time of retirement was as the Parts Clerk and he did all the ordering of fuels, lubricants, filters, and all parts for fixing the various vehicles in the city fleet. In 2000, this same person was a mechanic on the floor and his position was changed to Parts Clerk but it was never made official with a job description or any official action through Personnel or Public Works. Upon his retirement, we created the job description and rated it, and he was asking tonight to have that position made official so we can recruit for a Parts Clerk as opposed to a Mechanic. In the Fleet Maintenance budget we currently have a little over \$68,000.00 budgeted which was the retired employee's salary and benefits package. If we had simply replaced his position as just a mechanic, the cost would have been almost \$43,000.00. After changing the job description, the Fleet Maintenance Parts Clerk annual compensation would be \$35,800.00.

Mayor Galea said this is a significant cost savings of over \$32,000.00 and she thanked him.

Commissioner Rentschler asked if this position was currently filled or is it the one on the spreadsheet. Public Works Director Cesar said yes, it would be that position. That would be entry-level for that position and what he has in the Fleet Maintenance budget is \$68,000.00, because that position was filled and he had a full year's salary and benefits for that employee. Commissioner Rentschler asked how long this position had been unfilled and Public Works Director Cesar said since the end of October.

Commissioner Rardin moved to approve a request to replace a budgeted Mechanic Position with a Maintenance Parts Clerk position, to be assigned to the Fleet Maintenance Department. Commissioner Talbert seconded the motion. Motion carried with a vote of 7-0-0.

PUBLIC HEARINGS

17. **Hold Public Hearing, consider, and act upon, Application No. 887266 to grant a transfer of Ownership for Liquor License #029 for Mister "A", Inc. d/b/a Jerry's Lounge/Kwik Stop, located at 200 S. New York Ave., Alamogordo, NM. (Renee Cantin, City Clerk)**

City Clerk Cantin explained this is a general change of ownership. The place and location will not change. Julie Estrada was in the audience in case of any questions and other than that, this is a Public Hearing for any comments.

Mayor Pro-Tem Hernandez moved to approve Application No. 887266 to grant a transfer of Ownership for Liquor License #029 for Mister "A", Inc. d/b/a Jerry's Lounge/Kwik Stop, located at 200 S. New York Ave., Alamogordo, NM. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

UNFINISHED BUSINESS

18. **Consider, and act upon, a review of the Contract with the City Manager. (Al Hernandez, Mayor Pro-Tem)**

Mayor Pro-Tem Hernandez asked this item to be placed on the agenda for a few reasons. He clarified that this has nothing to do with the German Air Force (GAF) or any of their functions. We don't have any control over what they do. He wanted to make it perfectly clear that this has nothing to do with the GAF at all. His problems were with how the whole Oktoberfest portion was handled from the City side. This Commission was not notified of any problems until around October 23rd. He said he had gone to City Attorney Thies the Monday following Oktoberfest to inform him of what he thought were violations. The City Attorney claimed there were not any violations and the City Manager actually sent us a letter stating there weren't any violations. He sent us this based on the fact Paul Sanchez and the Alamogordo Daily News had asked for this information. Mayor Pro-Tem Hernandez believed it took over a month to really get down to this and self-report it, based on the

fact he thought it was pushed by outside people coming in and asking for information. He thought it was delayed and he thought that a serious problem. Because of that, he moved that we terminate the City Manager's contract, effective immediately.

Mayor Pro-Tem Hernandez moved to terminate the city manager's contract. Commissioner Rentschler seconded the motion.

Mayor Pro-Tem Hernandez further moved that on the City's portion, about the fees and the lack of forcefulness on getting this out.

Mayor Pro-Tem Hernandez said he had asked the Finance Director at the last meeting if we had been reimbursed and he didn't know the answer. That is a problem even though it was directed by somebody else. Finance is finance, and there have been some transactions made in the last week and a half that we did not know about, other than the one report that was given. It wasn't until November 8th they were actually invoiced and that's another problem. We went from September until November 8th before anyone was invoiced. Yet, there is record of invoice – a bill of lading – from the reports done by the State. So it is problem after problem after problem and to him that was a lack of real forcefulness in getting this closed out.

Mayor Galea said she spoke to the City Manager the week after Oktoberfest and we did have discussions and she knew he began working with Staff internally to begin self-reporting by asking for reports. He wanted to send a completed package before making that self-report. In relation to the invoices, the City Staff have the invoices out and are waiting for payment. She wasn't sure what his question was.

Mayor Pro-Tem Hernandez told the Mayor that information should have been funneled down to us and it wasn't. One of the biggest problems he had with the whole thing was that in the investigations and through all the information he had gathered, he believed most of the City Staff was probably handled correctly as far as what they got for what they did. The problem he had that no one was punished for is the fact that everyone said they did not know they were breaking the law, including yourself. To him that was a serious problem when we have police officers out there busting up parties, giving citations at bars and on the streets and everything else for similar things. We have our Resident Agent who did not know the laws and not knowing that we were doing anything wrong – these are serious problems.

Mayor Galea asked what would resolve this for him. Mayor Pro-Tem Hernandez said to terminate the City Manager's contract today.

City Manager Stahle felt obliged to respond. First of all, he found out about it on Monday after Oktoberfest ended. He immediately worked with the Police Chief and City Attorney to begin looking at the whole event. He asked reports be prepared by all present including on-duty and off-duty officers. He thought that was Monday or maybe Tuesday. Thursday the 19th, he put out a directive stating there wouldn't be another after party on any of the city owned properties to players within our organization that had any control of that; first the Assistant City Manager as well as our Liquor Agent. It took quite a while to get all the reports from all the officers, compile and analyze them and determine the rules broken, and there were rules broken per liquor laws. In a conversation Mayor Pro-Tem Hernandez and he had, as well as the City Attorney, he indicated a concern that local laws were being violated. City Manager Stahle asked our City Attorney to look into that and he reported back that there were no indications, nothing that could be proved, that local laws or city codes were violated. That's indeed what was communicated to Commissioners. We did self-report, we did take action, I did take action that I believed was necessary and prudent to protect the interests of the City. He said he would do them again. There could have been better communications and he accepted responsibility for that and he will do that in the future. He did stand by the actions taken in this particular case. He pointed out that the case has not been completely adjudicated, so obviously, we have to go through whatever process the State puts in front of folks who have violated their liquor license rules. Finally, he said the Oktoberfest bills have been paid, some of them just today. We are

still resolving some of the issues in terms of how much we are owed for the revenues. Remember, we helped pay for the event itself and we have been completely reimbursed for that. We are now waiting for some final determinations for 15% of alcohol sales that are owed to the City as well as the dollar a ticket. He was confident that would be resolved shortly.

Mayor Galea told Mayor Pro-Tem Hernandez he had stated she was guilty of some infractions of being at the after party. She was not cited by the State; she does not drink and was not intoxicated; her problem was being at the after party itself. Next year, the after party will be moved off site.

Mayor Pro-Tem Hernandez didn't say she broke any laws, she didn't know there were any laws broken. Mayor Galea said right. Mayor Pro-Tem Hernandez said that was a true and correct statement. Mayor Galea said she would not make it a habit to attend an after party.

Mayor Pro-Tem Hernandez said that in the memorandum from City Attorney Thies to our City Manager it says there was a private party after the event that was not open to the public. The Mayor said right. He asked who authorized that. Mayor Galea told him no one did. Mayor Pro-Tem Hernandez said that this statement is incorrect because this is saying there was a private party after the event and someone had to authorize that. Mayor Galea didn't think anyone authorized a private party. Mayor Pro-Tem Hernandez said so there was no private party.

Motion failed by a vote of 1-6-0. Mayor Pro-Tem Hernandez voted aye in favor of the motion.

19. Discussion, and possible action, related to the potential freeze of the Special Events Manager position due to the Hold Harmless issues. (Josh Rardin, Commissioner)

Commissioner Rardin added this item to the agenda because we are facing almost an \$800,000.00 shortfall this year in our collections of GRT, and this is a low-hanging fruit of \$58,000.00-\$59,000.00 a year we could cut out of the budget before we filled the position. He didn't think it was necessary to create the position; four of you all did. All he asked is that we look at it tonight.

Commissioner Rardin moved to rescind previous action to open the position. Mayor Pro-Tem Hernandez seconded the motion.

Commissioner Rentschler said this really wasn't the unfreezing of the Special Events Manager; we actually changed the position and salary level. It was the creation of a new position. The City continues to have these deficits. The sequestration's got us, the Federal government's got us and the gross receipts here in New Mexico are off \$800,000.00 and that is a significant amount of money. We are talking about a loss of \$40 million dollars in economic activity in the City of Alamogordo. What will happen next? If you look around you find out the F-22's are on the way out and what will that take away as far as gross receipts are concerned. Granted, we will see the F-16's come back in, but there will be a lag in between that. The up part is we will eventually see something more as far as economic activity from Holloman is concerned, but that will take time. We are still looking at the Hold Harmless going away. He explained about Hold Harmless to those in the audience who were not aware. The Hold Harmless clause was inserted into this bill at the last minute and we have been seeing something in the area of \$2.7 million dollars currently, and we would have seen that go up if the Legislature had not taken it off at this last legislative session. The way they have done that is over a 15 year period where we will lose about \$200,000.00 a year and that requires the City of Alamogordo to see about \$10 million dollars in economic activity. We will see some of that with the F-16's coming back and we'll see good contractor jobs as a result of those, but the bottom line is the City needs to pay a lot of attention to what they are doing to budget right now. You are watching me beat our Human Resources Director and our Public Works Director over positions, but there is a reason for that. The last thing he wanted to do was to get to the next budget cycle in April and have to go back and eliminate positions which would include this one. The City has to be very careful now because we don't want to be laying people off or reduce services to the community. We have our core functions we have to preserve. Special Events Coordinator has been handled well by other City employees and he had heard some City employees say it will make more work for them at a time we

are looking at having less employees. That was why he voted against it the first time and the reason he is opposed to it now.

Commissioner Talbert said one of the things he heard about Alamogordo, especially from those on Base, is there is nothing to do in town. When there's nothing to do they sometimes find something to do which isn't the best thing in the world to do. The reason he thought this was a good thing to do now was because they are asking for creative ways to increase GRT, and he knows that if a position is created it will take a year or two to pay it. If we can give people in Alamogordo and the captive audience at HAFB something else to do, it may affect things in two different directions: 1) It would increase GRT because of the expenses paid and, 2) it might reduce the crime activity which would then save money on the other end of the spectrum. When times get difficult we have to come up with creative things, and this is one of the creative things we've come up with that can help increase the income and give people something to do in town even if it doesn't pay for it. It may help other items in the long run, too.

Commissioner Baldwin said he had been in favor of creating this position since it was brought to us a month or so ago, mostly because it is part of what we tasked the City to do. From our meetings, vision, mission statement – to increase the quality of life in our community and create events and activities, he supports this. As Commissioner Talbert just stated, we are doing our responsibility as City Commissioners to look at ways to cut money in the future while looking at ways of generating revenues for the City of Alamogordo. Economic development is a huge one, but he felt the Events Coordinator could pay off dividends in the future and bring a lot of great events to our community. That being said, if it doesn't pass he would like to see this position be moved laterally or a portion of it moved to someone else. Someone in the City needs to have this directive, this responsibility and he believed it to be important.

Mayor Pro-Tem Hernandez stated he didn't vote against this position because he didn't think it was needed. He thought it a very good item that could bring the City revenue and promote all the different things we do. The reason he voted against it was because it was not a budgeted item. If it is brought before us during the Budget Session he would support it if the budget supported it. Currently, because of everything else going on, that's why he voted against it. He did not support doing it today.

Mayor Galea referred back to the minutes from August 26th where the City Manager said, "We can absorb the \$54,000.00 in this year's budget." He was planning on submitting a balanced budget for the next year. It is unusual to present a new position in the middle of the year but the Commission did have a work session where we did a SWAT analysis and economic development was our #1 Goal as well as quality of life programs. She reported she had gone to the Quarterly Military/Civilian Luncheon today at WSMR that also involved HAFB and Fort Bliss. During the sequestration when they are closing down libraries and pools and rec. centers on our military bases, the City of Alamogordo has focused in on our duty to our citizens and soldiers and quality of life for them would be more activities in the cities. She is neither for growing government nor deficit spending, but this is a position that generates revenue. We could utilize more opportunities to bring more people into the City. She remarked that she had a conversation with SAIC today and they recognize that the Network Integration Exercise that just took place at WSMB was not good for air-to-ground combat communication, so the General said next time you need to come with your game on. They are preparing for the Network Integration Exercise months in advance in Alamogordo with contractors coming into Alamogordo months in advance. She said she would also be attending the Southwest Defense Alliance this week and we'll be discussing as a region the upcoming 2016-2017 BRAC in 2005 to see if HAFB stood to gain missions from other bases. We are not proactive and we do stand to gain in 2016-2017, and by facilitating the existence of a base by providing capital improvement projects, public safety and quality of life items. This would be appealing to the military and we would stand to gain in the next BRAC. She said again she is excited about this position and serving the citizens of Alamogordo. She has heard there is not a lot to do in Alamogordo, and we need to provide something for the young people, older people and single people to do as well. She thought the drug problem in our city was rampant. She gave the example that the Cookie Factory will give out 100

applications and only three are able to pass the drug test. She would like to see something positive and proactive to do in our city, so she is grateful for this opportunity.

Commissioner Rentschler asked how many special events Alamogordo already has. Mayor Galea said there are 20 through the Chamber alone. Commissioner Rentschler said there are a lot of them already. This position would have to generate \$2.5 million dollars above and beyond that activity already. When you start to look above and beyond that amount of money just to pay the salary, and then you start talking about \$800,000.00 in gross receipts down that far and tack in what's coming up in the Hold Harmless, it is just something he couldn't support. He said we've done a very good job of managing special events thus far and as far as he knew, if this position was not created, that would continue. He didn't think there had been a big problem with special events in the City of Alamogordo.

The Clerk took a Roll Call vote for clarification. Motion failed with a vote of 3-4-0. Commissioner Baldwin, Commissioner Sikes, Commissioner Talbert, and Mayor Galea voted nay.

NEW BUSINESS

A-1. Consider, and act upon, the request to sell the Solid Fuel Webb Burner. (Stephen Thies, City Attorney)

City Attorney Thies told the Commissioners this will be on the Executive Session and can be discussed there, also. In the past, he had reported about an economic development project called Premier Pellets. It was located southeast of Tularosa. Several years ago we provided upwards of \$150,000.00 to allow them to purchase a wood burner to dry wood chips that they would sell. They encountered some difficulties and shut the business down a couple of years ago. It sat idle since that time. On October 5th there was an auction and they were going to attempt to auction off everything including our Wood Burner and the land as well. At the last minute, that auction was cancelled. A second auction was recently held and they did proceed with the auction of the equipment and have a contingent offer of \$87,500.00 for our Wood Burner. At the prior auction, they were looking at charging us 20% commission, but when I spoke with them Monday, they indicated the commission at this time would be 10% and that would reduce the net we would receive, if you approve this item, to \$78,750.00. The City Attorney said we had given them \$150,000.00 and none of that was ever repaid, so that means there is a little less than \$75,000.00 that they could still owe us. If you agree to the sale of the Burner, there is still a mortgage against the property that we could seek to foreclose on or at least attempt to work with someone in the future to try and recover the original balance. The request to you is to approve the sale of the Wood Burner and later on bring that other particular issue back to the Commission for consideration.

Commissioner Talbert asked what the approximate value of the land was. City Attorney Thies told him he did not recall the value, but thought it might be about \$300,000.00. We have a second mortgage against the land and a first mortgage is held by a bank in Texas. Presumably, at a first lien on all the other equipment with the exception of our wood burner, he wasn't sure of the total proceeds from the auction but assumed all those proceeds went to the bank and the mortgage would be reduced, so there might be the possibility a future sale would recover short of a foreclosure. Commissioner Talbert asked if we stand a chance of getting the rest of our money back, and City Attorney Thies said yes, we do stand a chance. He reminded that we do have a mortgage and unless that bank in Texas forecloses on their first mortgage, they will have to deal with us to sell that property to any potential purchaser.

Commissioner Rentschler asked what the total cost was we received and City Attorney Thies told him the Burner at the auction was \$87,500.00 with 10% commission would net us \$78,750.00. Commissioner Rentschler asked if we originally gave \$100,000.00 for it and the City Attorney said \$150,000.00. The Burner cost roughly \$100,000.00 when purchased three or four years ago. The balance of the money went toward electrical upgrades and other incidentals to allow them to install this burner. Commissioner Rentschler asked what fund the money would go into and was told it

would be the Economic Development Fund, Fund 105. Commissioner Rentschler said that just to make sure he understood, the balance of the \$147,420.00 minus whatever we received back, would still be as a second on the land and the City Attorney agreed.

Commissioner Talbert moved to approve the release of security interests conditioned upon the payment of the sale proceeds of the Solid Fuel Webb Burner. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

A-2. Discussion, and possible action regarding all City Governmental Liquor Licenses and training requirements. (Al Hernandez, Mayor Pro-Tem)

Mayor Pro-Tem Hernandez said that on Monday, November 11th, he talk to City Attorney Thies and City Manager Stahle and made a recommendation to start retraining our people and make sure they understood the liquor license laws. There was a memo put out for an event held this weekend that every server had to sign saying they understood it. He thought it should go a little further than that and at this point there are some violations that have been reported to him at the Golf Course. He knew the City Manager had no control over that because it is a private contractor, but he wanted to make sure the City can direct a contractor to have his folks trained. One of the items brought to him was that they are serving alcohol without opening the bottles and/or cans, and that is a violation. According to the City Manager this is normal and he has seen this at other places, and Mayor Pro-Tem Hernandez understood that and why they do it, but the problem is that Big Brother is watching us now. If they come in and hit us on these violations, they could pull our liquor license so we need to make sure we start training these people and they know exactly what is expected of them. We need to hold them accountable and if they aren't doing it, we'll take that license from that area or not use it at that area, or we will just have to give it up. He wanted to make sure our folks are properly trained and that we have someone on staff who continues to update these trainings and even drop in on them to make sure whoever is in charge is doing the right thing. The Resident Agent or whoever works for them could be in charge of making sure they are all up to pare, and if not, that they get reprimanded City-wide before the State comes in and fines us again. They will be back.

City Manager Stahle said we have already started looking into training for City servers. We have analyzed some costs and just on the Quinceanera that occurred last Saturday, we not only handed them the rules and had them sign a form, but we also had a conversation with and went over the rules with the servers as well. He agreed completely with what the military calls 'standing down'; in this case, making sure all the rules are understood by our servers. It is a great idea and we are following it up. He reminded them there will be some expense associated with it on our side because we would pay an hourly wage during the training plus pay the trainer. He wasn't talking about lots of money, and it is doable and we are looking into it.

Mayor Pro-Tem Hernandez added the direction would have to come from the Commission, and that's why he asked for this to be an action item. We need to notify the contractor of our expectations and of following the rules of the liquor license and that we expect them to make sure their folks are properly trained. He didn't want to put to many restrictions on them, but the State is going to come back. There are a lot of current liquor license holders he has had phone calls from that are upset because they are being cited for violations. He believed they would be calling the State to report these things and they'll sic the dogs on us, and rightfully so. This Commission needs to give direction to the contractor that they will abide by the rules of the liquor license.

Mayor Galea asked how we would provide oversight. Say we do give direction to all contractors that utilize the City's liquor license. How would we provide oversight that they are providing additional training? Mayor Pro-Tem Hernandez wasn't sure how the liquor license was at the Golf Course. He asked if it was the same liquor license that was throughout the City or was it a separate one. He asked if the Golf Course was also a Resident Agent.

City Attorney Thies told him we actually lease our liquor license to the pro's corporation and he wasn't sure who they put down as their Resident Agent. Mayor Pro-Tem Hernandez asked if it was one

license and the city attorney told him we have licenses at each establishment. When you seek to obtain a liquor license you have to license the establishment. The Golf Course is a licensed liquor establishment; that particular area of Griggs Field where Oktoberfest was held is a licensed liquor establishment; the Civic Center is a licensed liquor establishment and the Zoo is a licensed liquor establishment. Currently, we have three liquor licenses and a fourth being leased to Grant Dalpes, the Golf Pro.

Mayor Pro-Tem Hernandez said if it's leased it's on him, but if it is tied to our liquor license is there a possibility that if they get violations we could lose our entire liquor license. City Attorney Thies said one never knows. If we incur some future violations of liquor laws, he didn't know how they would view it. Whether they think since we lease it to the Golf Pro we should be working with them to make sure they comply with the liquor laws is a difficult question to answer. It could or could not have some ramifications on us. If we keep our nose clean, there won't be a problem.

City Manager Stahle said we do receive a list of servers from the Golf Course and we can request it at any time. He said he could send an official letter to the contractor requesting they look at the possibility of retraining their servers. It would be on their nickel and up to them to do it, but it would remind them that we've had a bad experience and would like to make sure they don't go through the same thing. He said he could send them the entire set of rules we gave our servers recently. That is one step we could easily take.

Mayor Pro-Tem Hernandez said the complaints he's getting are from Fourth Friday's and the Golf Course. These complaints are from licensed liquor establishments. He knows the next phone call won't go to him and he wants these folks to understand that if someone comes and asks them to violate the law, it could be Big Brother.

City Manager Stahle said sometimes the hardest lessons are the best lessons learned. He said he had learned and anyone who has paid any attention in this City has learned a great deal from this experience. He will make that communication to the Golf Course Pro and we will follow up with training for our own servers.

Commissioner Rentschler asked if we have a server who violates the law, what will be the punishment. City Manager Stahle said we can remove them from serving which is perfectly within our reach. He said to keep in mind there are people we hire on a case by case basis that are not regular staff. We can remove them from doing that type of work. Commissioner Rentschler asked if he said termination and City Manager Stahle said termination from doing the serving. That doesn't necessarily mean they would lose their day job.

Commissioner Baldwin said in that sense it depends on the infraction. The way they look at it there are different levels of breaking the Alcohol and Gaming laws. The Golf Course seems to be a hot topic of conversation and he wasn't quite sure why when there are four or five other contracts going on. He told Mayor Pro-Tem Hernandez that if he received complaints about the Golf Course they needed to come to us at the Golf Course first. He said that in the 22 yrs. G&L, Inc. had been at the Golf Course there have only been two infractions and both of those were sting operations where the ID card was read improperly. Commissioner Baldwin said we have no record or history of people leaving there and being drunk and getting busted for it, because we are one of the few agencies, based on the fact we are a contractor for the City, that has multiple regulations in our rules and regulations and code of conduct and we take it all very seriously. He thought 2 violations in 22 yrs. was a pretty good track record and that's one of the things you get when you subcontract out the lease or give the lease to someone else as a for-profit business. They are looking out for themselves and the people who come out there. They want them to enjoy their stay. As far as the beer not being opened, we had record and/or conversation documented years ago in reference to golf courses and not having to open them up because people buy multiple beers – only two are allowed. We proceeded under that operation until just recently when we found out that is no longer the case. Rules and regulations change at the State level constantly and sometimes we are not totally aware of those situations. As the City Manager pointed out, sometimes there is a big event in a community that

opens your eyes to a lot of things, and that was one that did so for us. We are currently following all the active laws to the letter. He said he would excuse himself from this vote because if it passes and there is some retraining, he would be one of those to be trained under his own dime even under the contractor. One thing he completely agreed with that Mayor Pro-Tem Hernandez said was that this can be handled from the management side and just remind those using these liquor licenses to pay attention to what is going on. It is a day-to-day thing; if you've ever owned and operated a business where you have a liquor license you have to remind yourself everyday and it's not an easy thing.

Mayor Pro-Tem Hernandez asked for clarification on the Fourth Friday's and the Golf Course. The reason those are here is because he had talked to City Manager Stahle who had explained he had no control over the Golf Course because there is a contractor. They would have to be brought to the Commission and that is the only reason it is here. Otherwise, it would have been a mute subject. He wanted to make sure this was out in the open and we were doing everything from this point forward to make sure it was done correctly.

Commissioner Baldwin asked about Fourth Friday's and was told it is a City event at the Zoo where beer and margaritas are served. Mayor Pro-Tem Hernandez said those were the two complaints he had received.

Mayor Galea said that as Mayor Pro-Tem Hernandez had stated we cannot control a contractor and she asked the City Manager if he could work with contractors through his office to request they do this training. City Manager Stahle told her he certainly could send a letter from the City of Alamogordo asking they take a look at their situation like we are and encourage their servers to be retrained.

Mayor Pro-Tem Hernandez said that works for him.

Mayor Galea asked if any motion or action was to be taken on this item and Mayor Pro-Tem Hernandez said he thought City Manager Stahle was simply looking for some type of direction and he has it now. That was all Mayor Pro-Tem Hernandez was looking for.

Mayor Galea restated that direction and consensus of the Commission is the City Manager to work through his office to work with the contractors to the City for the liquor license.

A-3. Discussion, and possible action to freeze all open positions. *(Robert Rentschler, Commissioner)*

Commissioner Rentschler said he has already talked extensively and didn't know that anyone hadn't heard him. If you look at what is going on with our budget and what's happening to our GRT right now, and if you look at the pages we have of open positions, he saw no reason why Human Resources or Public Works cannot bring us those positions as necessary, at least until the next budget cycle and maybe our budget will be a little clearer. Our largest expense in the City continues to be people, salaries. He was suggesting we look at any position they want to create and why they want to create it. He didn't believe there was any undo burden on either the Public Works Director or the Human Resource Director this evening to have them talk to us about it.

Mayor Galea said she understood him to say he didn't want to freeze all open positions, and Commissioner Rentschler said he wants them frozen and as a policy to come through the Commission right now.

Commissioner Rentschler moved to have all unfilled positions come to the Commission to be approved at this point until at least the next budget cycle. Mayor Pro-Tem Hernandez seconded the motion.

Mayor Galea said the motion is that all positions come through the Commission before being unfrozen.

Commissioner Talbert said he didn't think he meant unfrozen; they cannot be filled until they come to the Commission. The Mayor agreed and said there are a number of positions that are currently still frozen and they can't be unfrozen or filled before coming to Commission.

Commissioner Baldwin said as a matter of clarification there is a list of positions still frozen, but what about a position in a department where someone quits. Would they have to come to fill that position even though it's an active position already budgeted? Commissioner Rentschler said that at this point in time, sure they would. He thought it takes the City a month to fill a position and that's as fast as they can possibly do it. So they need to come and say we've lost this position and we'd like to refill it. This is not an undue burden given our current economic plight.

Commissioner Sikes commented that with the list they had been provided there were a number of unfilled vacancies. She said there are about 35 on the list and she felt as a City Commissioner that our Human Resource staff is probably capable of determining which positions may be necessary and which may not. She also believed City Staff understands we are trying to be prudent and good stewards of the taxpayer's dollars and they are probably not going to fill positions willy-nilly. Her suggestions was that we stop micro-managing our Human Resources Department and she didn't feel it necessary to bring every potential job opening before the City Commission. She trusted the people who run the department to do their jobs, and she said she couldn't support this.

Mayor Galea told her she understood what was said and she appreciated the Staff bringing to the Commission the positions that could be a budgetary change item. Since the Commission does oversee the budget that is approximately \$45 million dollars a year, if there is a position that would change anything in the budget it was important to bring it to the Commission like they did tonight. She was with Commissioner Sikes in that she didn't want to micro-manage the staff who are expert at what they are doing to hire the needed positions. This would bog down our meetings if we hear every one, because the list of positions to be filled is quite extensive, this could create a very lengthy public meeting.

Commissioner Rentschler said many of these positions, of which there are four pages, are seasonal and won't even be in consideration for quite a while. He read some of them: Administration Operations Analyst at \$60,000.00 a year and there are numerous positions worth \$40,000.00 a year, there are Fire positions that are Police Lieutenants worth \$100,000.00. There are a lot of these and it isn't that he doesn't trust that, it is just that it gives them that extra effort to think. If I have to take that to them, what are they going to tell us? It is a bar for them. If you don't care about the City Budget and you don't mind deficit spending that we've been doing for the last couple of years, don't approve this. If you're into deficit spending, let's have at it. But if you think we need to handle the City and send a message to Staff and the citizens of Alamogordo that we are going to be fiscally responsible, then he thought they should vote for this measure.

Mayor Galea replied she didn't think anyone wants to be deficit spending. Certainly all the positions that are open, that are vacant positions are those that have been budgeted and we approved as a Commission. We did approve a budget and the only positions that have not been approved in the budget we all approved are the frozen positions. Commissioner Rentschler said what is different now is we have that \$800,000.00 deficit in our Gross Receipts that we didn't have when we approved that. We expected a rise in Gross Receipts, not a loss and there has been a significant loss. You have to recognize that. Mayor Galea said she certainly does. Commissioner Rentschler said and you would probably hope for me to comment on that.

Commissioner Baldwin said first of all he didn't like the not-so-great comment that if we vote one way we are voting for deficit spending. That is kind of ludicrous in his opinion. He did like the idea, on the second hand, that there are certain things brought to us and we are trying to show we are being responsible with the budget. We just spent two hours of our time the last couple of weeks discussing the new position we just created and that's healthy debate for the community and the budget. He asked for recommendations from Staff of what we are to do here. He liked the idea, but you put me in

a corner when you said that. He said he is not for deficit spending, but he is not exactly for the idea either.

Commissioner Rentschler asked Commissioner Baldwin if he knew what has happened to the General Fund for the last couple of years. Commissioner Baldwin said it has decreased. Mayor Galea said we lost Bonito Lake and we had to take from our budget to rehab a lake. Commissioner Rentschler said again, there is another big item we are spending money on. What has been happening to our General Fund the last two years is we've been taking \$1 million to \$2 million dollars a year out of it. Look at some of these positions that have some really interesting figures about where some of this stuff is coming from and how much of it actually comes out of the General Fund. The deficit, the \$800,000.00 we are talking about comes straight out of the General Fund essentially. That's the loss we are going to see.

Commissioner Baldwin said he completely agreed, but it says here the beginning cash balance for the General Fund in 2014 is projected at \$7 million dollars, is that correct? Commissioner Rentschler agreed. Commissioner Baldwin told him when he was elected it was \$4 million dollars. We continue to deficit spend yet our General Fund is going to be \$2 million dollars..... Commissioner Rentschler interrupted to say we are at the point where we can't replenish it, and that's my point about all this. If you start going down and looking at Fleet Maintenance where 39% of their budget comes out of the General Fund; Facilities Maintenance 26%; Management Information that he no idea where it gets 60% - they spent \$600,000.00 on Professional Service and he had no idea what that's all about. His concern is this, he does not want to lay employees off. If we continue to go down this line then sooner or later we've got to hold a certain amount of money free from anything in order to qualify for bonding from the State. If we get down below that amount of money we are essentially in trouble and we owe it to our citizens to be good custodians of this money. He thought this would be the prudent way to take care of it and we have no other control over this. The stuff coming before us that is already budgeted, like we saw coming from Public Works tonight and we approved on the Consent Agenda in the amount of several hundred thousand dollars, is in the budget and we know will be spent. This is the one place where we can have a little more control. He isn't saying he doesn't trust Staff, he is just saying the citizens of Alamogordo elected him here and he believed the primary reason was to look at how money is being spent and being sure it is spent right.

Commissioner Baldwin said he completely agreed and thought that was one of the reasons he was here, too. But Commissioner Sikes also had a point about micro-managing the staff. He asked how we could hold our City Manager accountable for being responsible for his people if we are telling him who he can and cannot hire. He has to be responsible to go to his people and say we need to cut money here and save money by not hiring that position, when we are telling those departments that they can't hire. He said to correct me if I'm wrong because I am fairly new to this and that's why I asked for some direction from staff. What is the fair deal here? He's right; we do need to look at things like that and that's also your job and if we are doing it for you here, how can we hold you accountable for things later on.

City Manager Stahle remarked as illustrated in the reports we sent to you, you can have it either direction. You can instruct staff to handle it and the manager would deal with exceptions, or you could deal with exceptions yourself. The way he understood the motion, you would have all unfilled positions and vacancies that come up come to the Commission before they can be filled. That's your right and you can certainly do that. He shared with them that Staff and he had been meeting over this for several weeks on this very issue. We put together this report and he has instructed the major departments to make certain we aren't filling positions without thinking very carefully about the, without making sure there's some gap so there will be some vacancy savings to make up this difference of what our income is versus what our budget is. So, we are trying to be very prudent and it's not just in the vacancies; it's also dealing with capital purchases and the everyday, mundane needs of each department. The department heads are highly sensitive to the situation we are in; that's our job to make sure we live within the means you provided us. We can certainly put every current and future position that becomes vacant in front of you. He encouraged them to be cautious because it isn't just one or two, it will be a lot of work for you, quite frankly. It will be a lot of work for

staff. They already go through an explanation now when they come to him and expect him to approve filling a position. They will just come to you and we can do it; we'll be happy to do it. It will give you a real eye-full of what it is the City Staff does, because every day when he is looking at things to sign to authorize the filling of positions he has to make that judgment. If you would like to do that he would be happy to get some help.

Mayor Galea would like to see this be a Special Meeting and not a Public Meeting. It would certainly be a Public Meeting but not an agenda meeting. It would be a Special Meeting prior to our Regular Meeting. City Manager Stahle thought that would really be a burden for you all and suggested putting them on the Consent Calendar and if you have issues with any, we'll write it up with the full explanation. If you have concerns with them you can pull off the ones you felt shouldn't be filled. That is what he recommended if you are going to put a freeze on in the first place.

Commissioner Rardin agreed with Commissioner Rentschler on the issue. Whether Jim is here or not, all seven of us sitting up here have signed our names on the bottom of that budget when we send it to DFA. If there is anything wrong with it, we are the ones on the hook, not Jim. All we can do is tell him to hit the road because your budget didn't work well. We are still on the hook to fix it. Hindsight is 20/20 and in the Budget Hearings last year he said he sat here and argued with you guys about this 3% increase to the Staff which would constitute 10% over the last four years that they have received in pay increases. Just like he anticipated, come December or January of next year, that other 1.5% isn't going to go into effect because our revenues are down \$800,000.00. That's what we are looking at here; we are looking to the future. We have deficit spent every year he has been on the Commission. Luckily, Alamogordo has had fairly large cash balances in a majority of the funds so it hasn't affected us too bad and we've been able to keep going. He didn't want to see those cash reserves keep depleting. That's where he and Commissioner Rentschler are coming from on this. We are ultimately responsible and he would rather see some cuts today that affect everybody instead of at next Budget time saying you 10 people don't have a job this year because we made poor decisions last year. He thought it was just looking into the future a little bit. It's the impact and that's all it is.

Mayor Galea said currently there is deficit spending in the General Fund. We had a \$45 million dollar budget and appropriated \$43 million dollars so there were \$2 million dollars not appropriated. We did foresee a lot of Capital Improvement Projects for the Snake Tank to have a contingency plan against our drought measures and also to rehabilitate our lake. We did discuss personnel. The Commission did across the board cuts in 2008 and the City Staff have been in sore need of a raise for a long time. She thought the 1.5% was..... Commissioner Rardin interrupted to say they've had a raise the last four years. Mayor Galea said it hasn't made up for the 2008..... Commissioner Rardin said it doesn't matter. They went one year without a raise and four years with a raise. He wasn't against Staff getting a raise. The Staff here works very hard. He had 40 union employees sitting out here who were ready to take him outside and lynch him because of his argument for not giving a raise last year during Budget Hearings. We finally came to a compromise on it, but we need to look into the future. We have 370 some employees we need to look at and we need to be sure if we hire those people that we can continue to work them and guarantee them that job. Making poor decisions like this is not the way to do it.

Mayor Galea agreed and added the budget we did approve provides a level of service to the citizens and there are positions not filled that are approved in the budget. If we don't fill the position of, for example Maintenance Worker, that is a service not being provided as we promised in the budget. We can oversee that, as the City Manager said, but it is additional work you will be taking on to micro-manage our HR Department.

Commissioner Rentschler said part of the budget was that we split our Police and Fire. It was supposed to be budget-neutral and he didn't know that it had been. It has not been and now we have Fire coming at us for another \$300,000.00 unbudgeted. It's just tough when you do that kind of stuff and it soars out of your control. Mayor Galea said certainly the Fire Department has needed a capital improvement project so that we will be up to code and not increase 20% to every citizen's insurance

cost. She thought it was a good service so citizens throughout the whole City would enjoy low costs for their property insurance. She thought it was a service we are providing when we approve that item in the budget.

City Manager Stahle pointed out we do have 370 employees and don't think for a second there won't be vacancies created in the next fiscal year just as there were this year. Vacancies in that size of an organization are routine and common place. You have budgeted for assuming full occupancy of positions, so there are already built-in savings. You did budget for an additional bump in pay beginning in January. That, obviously, isn't going to happen because you did put in conditions that the projected revenues had to maintain the budgeted amounts. So, there are already built-in some cushions that you have already done and he wanted them to understand next year there will still be some turn-over and some opportunity. What he heard was that part of the motion was to freeze the positions that are vacant now and the ones that come up, and to bring them to the Commission to be filled up until the time you go through your budget process. That's about four or five months that you will be brought these things. It will slow it down and be some extra work for both of us, but it is doable and we can do this.

Mayor Pro-Tem Hernandez actually agreed with this and freezing positions and didn't look at it as micro-managing. He said his family went without pay for two pay sessions and had only been paid back for one of them because of budget defaults. That was from the congress a/k/a Alamogordo City Commission. He didn't want to do that, so if we can help in decreasing that just by slowing it down a little bit then that's what he wanted to do.

Mayor Galea was asked to restate the motion. She said the motion is:

To freeze all positions and that they must be brought to the City Commission prior to them being unfrozen.

City Manager Stahle suggested having it say have all unfilled positions and vacancies come to the Commission before they are filled, until the next Budget Cycle. Commissioner Rentschler and the rest of the Commissioners agreed to this wording.

Mayor Galea restated the motion:

All unfilled positions and vacancies be brought to the Commission until the next Budget Cycle. Commissioner Rardin seconded the motion. Motion carried with a vote of 5-2-0. Commissioner Sikes and Commissioner Talbert voted nay.

20. Consider, and act upon, a variance for Darryl and Josephine Gallent (owners), for the property located at 1218 Michigan Ave. [V-2013-0003(A)]. (Marc South, City Planner)

City Planner Marc South told the Commission this is the second part of a matter previously brought to you several sessions ago. It is located at 1218 Michigan Ave. and you approved a re-zoning on this property recently to allow it to go to Multi-Family. The reason this issue was brought up was that there was a complaint from a resident on this property that involved our Code Enforcement people (He pointed areas out on the overhead projection). In the course of their reviewing this, it was found there were four apartment units on a property zoned for two. The re-zoning made legal the four units there and in fact three of those four units had been there for a very, very long time. Staff and the Planning & Zoning Commission did not have a problem with that. On the other hand, the variance provides for a variance from the rear and side yard set-backs. Planning & Zoning Commission recommended denial of the request and Staff did, also. The circumstances are that there is a house on the front part of the property that is a triplex. He pointed to the structure on the back of the lot and noted the GIS system line was not quite correct. The existence of that line on the maps led us to ask the applicant to have a re-survey done to determine exactly where the building was in relation to the property lines and all that. The circumstances we have here is that the rear of the back building is right around three feet off the back property line and the side is just a hair over two feet off the property line. The standards in Alamogordo are five feet on the side and 20 some feet at the back. In other words, this isn't something that is close; it is a mess. How this happened was in 2005 this building came into the

City of Alamogordo for permitting, etc. as an accessory building, not for occupancy. As an accessory building, it is within the acceptable setbacks on the side and rear property lines. The problem is, subsequent to 2005, and we don't know exactly when, the owner took the accessory building and without permitting anything converted it to a residential unit. That building has never been inspected by CID, it was not inspected by the City back when the City had inspections, and there is not a certificate of occupancy. It is just there. In fact, the one thing he felt bound to tell them was if you approve this variance, there still are questions on this property, vis-à-vis Construction Industries Division. They are aware of the situation and they have not yet determined how they are going to proceed if any proceeding needs to be done. The owner of the property has said orally to those of us in the Planning & Zoning department and within the Planning & Zoning Commission meeting that if the variance is turned down, that unit will be turned back into an accessory building. That would remove the need for further inspections by CID. To obviate the need for the rear set-back variance would put this building too close to the house. That requires a 10 foot variance and there isn't that much yard. In spite of that line, this is within the property it is supposed to be on, but it is way close to the edges.

Commissioner Talbert moved to deny the variance for Darryl and Josephine Gallent (owners), for the property located at 1218 Michigan Ave. [V-2013-0003(A)]. Commissioner Rardin seconded the motion.

Mayor Galea asked if those who requested the variance were here tonight. They were not.

Commissioner Rardin asked if anyone was currently living there. City Planner South said yes there is. Commissioner Rardin asked if they were going to have to be evicted as per the vote tonight and City Planner South said the landlord would have to. Commissioner Rardin asked if we should state a timeframe in the motion because he hated to evict someone right before Christmas time.

City Manager Stahle interjected he didn't think they would need to. We can work with the property owner to make sure we aren't the total Grinch here. Commissioner Rardin suggested giving them until January 30th so they would get through November and December. Mayor Galea suggested 90 days. Commissioner Rardin said if Staff is aware of that we can work with them.

City Planner South said the City Manager was correct and we didn't want to do a Grinch thing on this. Mayor Pro-Tem Hernandez recommended we talk to the landlord and give them six to eight months, and when they move out they can turn it back. City Planner South said if he has a lease agreement, we will be more than willing to work with them, within the bounds of good taste and common sense.

Mayor Galea said the direction of the Commission is pending the lease agreement.

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

21. Consider, and act upon, the first publication of Ordinance No. 1457 amending Section 2-13-040 of the Code of Ordinances pertaining to the creation of a Central Purchasing Office. (Stephen Thies, City Attorney)

City Attorney Thies said this particular item will effectively take the Purchasing Department from under Finance to the Administrative Department which includes the City Manager, City Clerk, Legal and Human Resource offices. In this past Legislative Session, there was a bill enacted that requires us as of January 1, 2015 to designate a person as a Chief Procurement Officer. That individual has to obtain certification as a Procurement Officer. This is consistent with a national move to professionalize purchasing officers, take them out of Finance and make them more of an Administrative function. Staff is recommending that you approve this Ordinance for first publication.

Commissioner Rentschler asked if the current designated Chief Procurement Officer was certified and City Attorney Thies said there isn't a requirement at this time. The new requirement for the Purchasing Manager to be certified as a Chief Procurement Officer goes into effect January 1, 2015.

This gives each municipality and county the opportunity to get their Purchasing Officer or Purchasing Manager certified. Commissioner Rentschler asked if the person designated as such is already a Certified Procurement Officer. City Attorney Thies told him no. Commissioner Rentschler asked if the City would incur any costs for this and the City Attorney said we would. We would send them to train and there will be a cost for that. Commissioner Rentschler said the fiscal impact on the agenda report is incorrect. City Attorney Thies told him the fiscal impact relates to the ordinance itself. The certification is somewhat independent but it is a State requirement being imposed on us. He apologized for not determining that amount and his guess, depending on where the individual would go, was it would probably cost us a couple of thousand dollars. Commissioner Rentschler asked which fund it would come out of and the City Attorney told him it would come out of the Purchasing Department's fund. He did not know the current breakdown or the percentage they get from the General Fund or other funds. The City Manager said it is quite a spread of departments that share in the cost of Purchasing. He believed they already have some travel funds. Commissioner Rentschler said you are telling me the fiscal impact will be zero and City Manager Stahle said he's telling him the department already has some travel funds that they would spend on this and they will have to do it, otherwise they wouldn't. Commissioner Rentschler said because the money is already allocated the impact is..... City Manager Stahle interrupted to say it has already been budgeted, but there isn't any additional impact as a result of this because it has already been budgeted. We have some money to cover this expense.

**Commissioner Rardin moved to approve the first publication of Ordinance No. 1457.
Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.**

22. Consider, and act upon, the approval of a Gross Receipts Investment Program (GRIP) application from Carls, Jr. (*Jim Stahle, City Manager and Stephen Thies, City Attorney*)

City Attorney Thies reported about three years ago the City enacted what we call our Gross Receipts Investment Program (GRIP). This allows for a refund of a portion of the GRTs a business or developer pays when they construct or expand an existing commercial business or activity. The first step in that process is for the entity to submit an application, and that is where we are currently with this particular business. The application is reviewed internally to determine whether the requirements are met as set forth in the GRIP Ordinance. When this has been determined, it is put on the agenda with the request for the Commission to direct the preparation of a resolution and reimbursement agreement. Then the developer signs the reimbursement agreement and we bring it back to you for ratification. This application deals with Carls, Jr. Gross Receipts have to be paid in the City. If they purchase equipment and truck it in, and they pay compensating tax or some other type of tax for that purchase, we don't get any GRTs or credit from that. They are required to submit invoices which we will review to determine the exact amount that they are refunded. To date the preliminary number is approximately \$9,000.00.

Mayor Pro-Tem Hernandez asked if it is normal to do this after the fact. The City Attorney told him sometimes there is a time limit from when they submit their application to when the project is completed. He guessed this was about our fourth or fifth and he explained how those had been done. The Buffalo Wild Wings that he thought would open in the next week or two had an application that he would bring to them at the next meeting or the meeting after for their consideration. That application is being submitted halfway through the project when they've almost completed construction.

Commissioner Rardin asked the City Attorney why the submittal date of this one was September 25, 2012 and why we are just now acting on it. City Attorney Thies replied that to be honest, it got lost internally. Commissioner Rardin asked if it was the owner's fault and City Attorney Thies answered no.

Mayor Galea understood from the recommendation he would need direction from Staff in addition to an action that you do the required resolution and reimbursement agreement for future consideration. City Attorney Thies said that is correct. We are requesting you approve the application and then he

would prepare the resolution. The reimbursement agreement would then be signed by the developer, attached to the resolution and brought back to a future meeting.

Mayor Galea asked if anyone had a problem with the City Attorney going through this process that will come back to us at a future meeting regarding the resolution and reimbursement. There were no objections.

Commissioner Rentschler moved to approve a Gross Receipts Investment Program (GRIP) application from Carls, Jr. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

23. Discussion, and possible action related to the Rules of Conduct as adopted in March 2012. (Josh Rardin, Commissioner)

Commissioner Rardin asked this to be put back on because of last meeting's fiasco. He said when you read in the Rules of Conduct it gives specific duties and powers to the Mayor that the rest of the Commission does not have as far as agenda approval. The City Charter states we are all equal and have the same powers and duties, essentially. He wanted to look at changing that back to where the City Manager approves the agenda like it used to be. That way we won't go through pulling items off because the Mayor won't approve the item. All seven of us are equal and we can put anything on the agenda we feel is really necessary. He shouldn't be able to pull anyone else's items and they shouldn't be able to pull his. The Rules of Conduct that we adopted in 2012 were passed for reasons he didn't particularly agree with and it was due to a vote that another commissioner at the time felt was not suitable for reconsideration. We ended up adopting this bunch of rules and he wanted the Commission to look at it. He had tweaked it a little bit in the past, just prior to Mr. Stahle coming on board. He said again, he wanted Staff to look at this and come back with recommendations. He thought it should go back to the way it was where the City Clerk does the Agendas, the City Manager approves them and we don't have any infighting amongst the Commission about pulling items off. That is the only reason he brought this up.

Mayor Galea agreed with him and also thought it best if the City Manager approved the agenda, but just to clarify, she had to approve the agenda based on our Rules of Conduct, the Robert's Rules of Order, and your item was out of line because you were not on the prevailing side of the vote. Commissioner Rardin said that is for the attorney to decide. He went on to say all of us can add an item and these Rules contradict the Charter by giving you more authority than the other six of us. Mayor Galea agreed. Commissioner Rardin said the City Manager ought to be the one to approve the agenda just like we used to do it. That is what he would like it to be. Come next year, after March, it will become an issue for you guys that are still here.

Mayor Galea said she would like to see the City Manager decide what is or is not to be on the agenda.

Commissioner Rentschler said a lot of this is just common courtesy and nothing more. Part of this, like Commissioner Talbert bringing the Cell Phone Ordinance back to us for the fifth time, nobody pulled his items and we allowed it to go to discussion even though he was not on the winning side. That's the kind of thing we are talking about. We need to put something on there, let them have their discussion because each of us represent our constituents and believe we know what they want us to do, and then let it go to discussion. It doesn't necessarily need to go to a vote as in the case tonight where one of the four on the winning side of that item would have had to bring up to rescind the City Manager. It went to a vote and it is common courtesy and makes things not nearly as contentious. Knocking someone's item off the agenda at the beginning shouldn't happen.

Mayor Galea said Commissioner Talbert's item was different because he was bringing back a different ordinance. Commissioner Rentschler said it was the same cell phone ordinance we had talked about five times. We can make this as contentious as you like, but he would rather it not be. He said he was only using it as an example.

Commissioner Sikes hoped everyone had the opportunity to read these Rules of Conduct since they were a part of our agenda packet. She read from the document, 'The City Commission shall be governed by the latest revised addition of Robert's Rules of Order'. That's in here and wasn't changed in 2012. She went on to read: 'The City Commission Rules or any one thereof may be suspended by a majority vote.' We always have the opportunity to suspend the rules should we want to; it is all part of this. She said to Commissioner Rardin that he kept bringing up the fact that we pulled his item inappropriately, but according to page 4 of these Rules (and it wasn't changed in 2012), 'A motion to reconsider legislative actions simply states that a motion to reconsider any legislative action taken by the City Commission may be made only by one of the Commission members on the prevailing side and may be seconded by any Commission member.' Commissioner Sikes said we were simply following the rules. Had they not had these rules in place, during the whole Juniper fiasco, one of us could have brought that issue back to the table, but we didn't because we were complying with the rules. We were being mannerly and complying with the rules. She said that at no point in these Rules does it say anything about who has more power here, the elected mayor or commission. She thought that must be the Charter so we need to be referring..... Commissioner Rardin interrupted to say the Charter gives us all equal power. Commissioner Sikes said we need to all be referring to the same document. Commissioner Rardin says it states in here, 'The City Manager will consult with the Mayor in the preparation on the agenda.' Commissioner Sikes said that was the change made in 2012 and she thought it was probably done based on the fact we didn't have a City Manager then and we had a temporary City Manager. Commissioner Rardin said no, at the time we had Mark Roath here and he is the reason these Rules even exist. He was here when those Rules were put into place. There weren't any Rules like this prior to these being put in. It was always kind of a good ol' boys, gentlemen's agreement. The new guys who came on board were kind of trained by the older gentlemen and ladies up here. These Rules came about due to the fact a former Commissioner, Mayor Pro-Tem Cole, got confused on the motion and voted the wrong way. He realized it after that meeting and at the next meeting asked to change his vote. The Commission allowed him to do that. There was a specific Commissioner at that time who did not like the way that went down, so that's why these Rules came into play. They should have never been created because the system worked great just the way it was before. His thing was if the Mayor has to approve the agenda before it is sent out, that is giving her more authority than the rest of us. If she gets to review it before it goes out, than all seven of us should be able to do the same. That's where his issue was and where his issue was the Friday before the agenda went out and he got a call saying his item had been pulled off. He doesn't have the authority to pull anyone's items and you don't have the authority to pull mine. If I want to put an item on here that says I will be reading the Wall Street Journal to you tonight, that's my prerogative. You might not like it and have it removed in the meeting and we can do that with a vote of four or more, but it cannot be pulled prior to the agenda going out. These rules are what are kind of governing that, per say. He felt the power of the agenda should go back into the City Manager's hands because he isn't going to come in here and say I'm going to pull your item off.

City Manager Stahle said he had one item on tonight's meeting he might not have had. Mayor Pro-Tem Hernandez said we'll just put it on the next one.

Commissioner Rardin said that is where I'm coming from on this and right now it's not an issue. But, come next year after March when you have an at-large elected Mayor, even though the position doesn't have any more authority or duties than it does right now, the person elected may perceive that they have more power and authority than they do. You may not see where I'm coming from until next year, but it may become an issue after the election in March. You will have at at-large elected Mayor with the same duties and powers as we have today. Should they be allowed to approve the agenda before it goes out and pull your item? He said to one of the commissioners that they had their cell phone ordinance on the agenda two times and if that at-large elected Mayor decided to take it off because they didn't want it on there, then how do you ever get an item on the agenda.

Commissioner Sikes said if you look at the rule, it actually says the City Clerk shall consult with the City Manager and the Mayor. Thus, you have three people looking at the agenda and she felt they were discerning enough to not pull anything that isn't profane, potentially slanderous or libelous. If you look at Section G 1-4..... Commissioner Rentschler said it just happened..... Commissioner Sikes said not it didn't, according to these Rules. She felt there are three people who are discerning

enough to determine what can or cannot be pulled. She said she didn't understand what it was he wanted changed in the Rules.

Commissioner Rardin looked through the Rules for something he thought it said about the agenda must be approved by the Mayor before it is sent out. Commissioner Sikes told him it says the City Clerk shall consult with the City Manager and the Mayor in preparation. Commissioner Rardin said that currently the Mayor comes in and reads through everything before it gets sent out. That's the way it is working right now. The Rules don't state that and I'm wrong because I thought they did. That's how it is happening right now; she comes in on Friday or Thursday or whatever day it is, reads through it all, approves it and then it gets sent out. That isn't how the Rules are stated. The Rules say the City Manager shall consult with the Mayor. The Mayor can decide what order it goes in and she can put my items last on the agenda just because he/she doesn't like me, she can do that. He said again she can't decide whose item can or can't be on a agenda, and that's were he wanted to get clarification. He would like to have the Rules tweaked and put it back in the City Manager's hands. He said you all mark my words that next year after the election this might be an issue for you.

Mayor Galea felt the citizens would vote for a competent mayor that wouldn't be unruly and she reiterated she was following the rules when she determined your item was out of order. That is the only reason it was pulled. She asked for a motion.

Commissioner Rardin said again he thought these Rules should be tweaked. We tweaked them a while back in order to make them easier for the Clerk's office because there was some language in there that needed to be cleaned up. These rules were kind of rushed through when Mr. Roath drafted them. He remarked that Commissioner Rentschler and he were the only ones of this Commission that were there. This stuff was pushed through and wasn't well thought out, so he thought we should tweak these rules.

Mayor Galea asked him how he would specifically like to have the language changed in the Rules. Just the language that the Mayor have no authority at all in these Rules? Commissioner Rardin said if you have the authority over approving the agenda before it goes out then we all should have the same authority. It gives you more authority than the rest of us and per City Charter you don't have that. If they want to change the Charter and add an amendment that gives you more authority, let's do it.

Commissioner Sikes said if you look at Rule 5, Section C it says, 'Any Commission member or the City Manager may direct that any matter within the City Commission's jurisdiction be placed upon the agenda.' We already have that ability. 'Commission members should endeavor to submit agenda items by noon on Tuesday [which she thought if anything were to be tweaked it would be this part since the time had been extended out prior to the meeting to submit] to insure that matters will be added to the agenda for the following Tuesday.' What it states is that we all basically have the ability to look at the agenda and determine what is appropriate and what isn't.

Commissioner Rentschler said what you are saying is you think the agenda should come to each one of us to be proofed before it goes out. Commissioner Sikes said if you are interested enough and Mayor Galea said you should come in with me on Fridays and look at it. Commissioner Rardin said we shouldn't have to come in; if you are going to approve it, it should come to all of us to approve. He said he didn't have time in his schedule and she said she was making time to do it on their behalf. Commissioner Rardin said it should come to all seven of us for approval because we are all equal. He thought we should put it into the City Manager's hands to approve the agenda. That's the way it was done prior to Mr. Roath putting these Rules in place and it worked fine without any of the issues we've had in the last couple of months. The City Manager really isn't going to pull an item. If a Commissioner wants to discuss it he is going to allow it on the agenda. After we approve the agenda, the Commission will decide if they want to discuss that issue or not and if it is controversial it should be pulled.

City Manager Stahle said we can clean this up for you and if you like we can go back and look at the rules that applied when Mr. Roath was here. Commissioner Rardin said there really weren't any prior

to these that Mr. Roath created. City Clerk Cantin said the Rules you have in your book are a combination of the first presented and the red line are the changes made the last time.

Commissioner Rardin said that previously, before these Rules were put into place, the mayor had been here for 20 years so these Rules weren't necessary. We've always used Robert's Rules of Order as a guideline when there was a question, and that's where he was at. He felt it would be an issue in the future with the at-large elected mayor. You might get a tyrant or someone level headed, but you won't have any authority after March to do anything to the Mayor, more or less. The people will have to do it and it will be a headache for you guys who will still be here.

Mayor Galea said Commissioner Rardin would like for the Staff to change this so the language of the Mayor having any authority to approve the agenda be removed. She asked if anyone was not in favor of this. No one disagreed. She repeated the Commission would like for Staff to remove the language from the Rules of Conduct that the Mayor has the authority to approve the agenda.

Commissioner Rardin thought the City Attorney, City Clerk and City Manager should go through the whole thing and see what needs tweaking. Mayor Galea asked what he meant by tweaking the whole thing. He said for them to go over it and anything that Staff feels might be an issue with the way these Rules are conducted, and he knew there are rules to a point but a lot of this has to do with the agenda and all that stuff, and tweak it. He remarked that he and City Clerk Cantin had gone over them a couple of months ago because there were some issues. Back then the manager was kind of a tyrant and he took the agendas away from the Clerk's office. When Commissioner Rardin first came on board and anyone wanted to put an item on the agenda, you went to the Clerk's office and asked that it be put on the agenda. Then this all came about and Commissioner Rentschler remembers what a mess it was trying to get this adopted, changed and tweaked. We need to look at anything that would make the Staffs' job easier with these Rules.

City Manager Stahle said we can bring back some options for you to consider for the next meeting or maybe the meeting after.

24. Appointments to Boards and Committees. (Susie Galea, Mayor)

Mayor Galea announced the Boards and Committees with current vacancies and noted there were not any nominations received for any of these vacancies. No appointments were made.

UNSCHEDULED COMMUNICATIONS

None

CITY MANAGER'S REPORT

City Manager Stahle wanted to acknowledge the initiative we are kicking off, and he noted that he had conversations with several of them. His intention was to address some misnomers floating around in the community. We did some measurements by the library and people freaked out because they thought we were going to take all the grass out. That is not the case. He submitted that we are going to try and do some beautification, some xeroscaping. We want to look at some opportunities to enhance the way the City looks, our City properties only, hoping it will become contagious and carry on to both private and commercial properties. In a nutshell, we can do better with some of our medians and some of the areas with grass that don't need to have grass. Xeroscaping is just a technique that allows for minimal water and you can see from some of the pictures I've given you that it gives a better esthetic look to the properties we own. We are not intending to take valuable grass areas out. There are areas in the City that we want for football practice and all kinds of things and to go out and have a picnic, but there are also areas that don't necessarily need that and we could make look a lot better. Commissioner Baldwin and he had a conversation where he brought up a particular intersection. It does look bad and we can certainly do better; it is the intersection of White Sands Blvd. and New York – it's where the northbound lane on White Sands Blvd. veers off toward Wal-Mart. There is some City and State owned property there and frankly, it is just yucky gravel and it is

one of the entry features to our community. This is to simply let you know we are going to try and push that a little bit. You have already budgeted some money and I'm not particularly fond of spending everything we've got to do this, but we will take a serious look at it. Mr. Eugene Downer has joined him in many conversations about how we can make improvements to our tree systems. There are a lot of dead trees out there and trees we could do better with. This is just an effort to try and make our community nicer looking so we can be prouder of it.

Mayor Galea asked him if this was the Beautification Funding from the 2012 Budget and he affirmed.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Talbert commented on the following:

1) Commissioner Talbert noted that on November 30th there will be a joint activity at the Airport where the Civil Air Patrol, the Experimental Aircraft Association and the Glider Club will take kids flying. There will be a bunch of airplanes coming in to do that and a bunch of gliders. He thought they could fly 100 kids if the weather holds and the airplanes hold together. He was looking for kids to come out and discover what flying is all about. It will be somewhere around 9:00 a.m. depending on the weather.

Commissioner Baldwin commented on the following:

1) Commissioner Baldwin said that your Desert Lakes Golf Course was recently named the Golf Course of the Year by the Sun Country Amateur Golf Association, which is all of New Mexico and part of SW Texas. That area encompasses 2.5 to 3 million people and if you include Juarez it would jump up another couple of million people. It is a very prestigious award and the Golf Course has been nominated for several awards in the past. This one was brought to us by the amateurs that play there. These are the people that comprise most of who play golf in the world. We are very proud of this award and it is one of those things the City can be proud of.

Mayor Pro-Tem Hernandez commented on the following:

1) Mayor Pro-Tem Hernandez thanked everyone for the cards and prayers concerning the comments he made on mental health at the last meeting. He said it is amazing how many people out there are dealing with this and how important it is.
2) He told the Commission he was resigning as Mayor Pro-Tem effective immediately because of personal reasons and he passed out his letter of resignation to the Commissioners. He will remain as the Commissioner for District 5.

Commissioner Rentschler commented on the following:

1) Commissioner Rentschler thanked the Commission for all of the cards, letters and flowers for his Father's passing two weeks ago, and he appreciated all the support they gave him. It will be remembered.

Mayor Galea commented on the following:

1) Mayor Galea said she was surprised to receive Mayor Pro-Tem Hernandez resignation and she understood he had a lot of things happening with his family life. She told him she had enjoyed having him serve as Mayor Pro-Tem.
2) She said we have mentioned our GRT revenues are down and she thought there was something the City could do to work with our Chamber of Commerce to push a stronger Shop Local Promotion. She felt we could do better as a Commission to work with the Small Business Development Center and also the Chamber of Commerce to promote shopping locally. She noted that Sven was here from the GAF and he had reminded her that there will be a Christmas Market at the German Church put on by the GAF on November 30th at 5:00 p.m. There will be German Christmas items for sale.
3) On December 7th there will be a fun way to get involved with the City at a 5K and 10K and we also look forward to the Christmas Lights Parade the Chamber of Commerce will put on. She would like to see the City enter a float.
4) She will attend the Southwest Defense Alliance and will pay for that herself.

Commissioner Rardin commented on the following:

1) He asked the City Attorney what the Commission needed to do now that the Mayor Pro-Tem had stepped down. City Attorney Thies told him the Commission needed to have a re-organizational meeting at the next Commission Meeting. It could not be tonight because it was not on the agenda.

EXECUTIVE SESSION (Roll Call Vote Required)

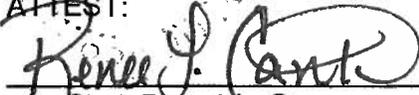
Adjourn into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2001 Cumulative Supplement), to discuss:

- **Limited Personnel Matters (City Manager Evaluation)**
- **Threatened or Pending Litigation (Premier Pellets & Oktoberfest)**

Commissioner Talbert moved to adjourn into Executive Session to discuss Limited Personnel Matters (City Manager Evaluation) and Threatened or Pending Litigation (Premier Pellets and Oktoberfest) at 9:26 p.m. Mayor Pro-Tem Hernandez seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

ADJOURNMENT

ATTEST:


City Clerk Renee L. Cantin


Mayor Robert Rentschler

(Prepared by Nancy Jacobs, Deputy Clerk)

Approved at the Regular Meeting held on December 3, 2013.