

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
OCTOBER 14, 2014**

**SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
JENNY TURNBULL, COMMISSIONER
AL HERNANDEZ, COMMISSIONER**

**ROBERT RENTSCHLER, MAYOR PRO-TEM
DR. GEORGE STRAFACE, COMMISSIONER
JIM STAHLER, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

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

Mayor Pro Tem Rentschler called the meeting to order. Roll Call was taken by the City Clerk. Mayor Galea in attendance by telephone. Clerk Cantin announced there was a quorum present.

APPROVAL OF AGENDA

Commissioner Baldwin moved to approve the agenda with the addition of Items A-1 and A-2, and the addition of Threatened Litigation (AFSCME vs. City) to the Executive Session. Commissioner Straface seconded the motion. Motion carried by a vote of 7-0-0.

PRESENTATIONS

A-1. Presentation of a proclamation naming October 15th, 2014 as White Cane Safety Day. (Robert Rentschler, Mayor Pro-Tem)

Mayor Pro-Tem Rentschler read and presented the proclamation to Larry Hayes, president of the White Sands Chapter of the National Federation of the Blind. Mr. Hayes gave a history of White Cane Safety Day.

1. Presentation related to the SBA Grant with Emerging Technologies and a report from the SNMEDD Board Meeting. (Cliff Hudson, Emerging Technology Ventures, Presenter)

Mr. Cliff Hudson of Emerging Technologies Venture addressed the commissioners and updated their progress. (Presentation is in agenda book) He reported that on September 30th the SBA awarded four contracts nationally and Alamogordo, the Southeastern NM Economic Development District (SNMEDD), was one of the winners. It is a one year base contract with four option years. He thanked the commission for their support. He pointed out some of the services his company would be providing to small businesses in the region. The La Velle Road facility will be the innovation hub for the cluster which is comprised of Otero, Lea, Chaves, Eddy and Lincoln Counties. They will be working with NMSU, Holloman Air Force Base (HAFB), Alamogordo Public Schools, and the Science, Technology, Engineering and Mathematics Education Program (STEM).

2. Presentation related to the 40 Year Water Plan. (Brian Cesar, Public Works Director)

Public Works Director Cesar presented the update of the COA 40 Year Water Plan to the Commission. He noted each commissioner had received a copy of this update. (Presentation is in agenda book). He noted we are currently at 30% design on the first phase of the Desalination Facility. There will be a community meeting on the 21st from 6:00 pm – 8:00 pm at the Civic Center.

Commissioner Straface asked Public Works Director Cesar about low water pressure in his district. Mr. Cesar told him this would be outside of this Water Plan, and would be addressed through the normal budgetary process. Commissioner Straface felt we should reflect on this issue when considering new developments in the southern part of the city.

Mayor Pro-Tem Rentschler asked what was meant by re-purified water. Public Works Director Cesar told him the waste water treatment process currently had a discharge permit which listed standards for using the water for green spaces. Re-purifying meant to take that reclaimed water and add one more step in order to make it higher quality to be used for blending purposes or injection.

The City Manager said a lot of jurisdictions were going from 'toilet to tap'. The Public Works Director was talking about purifying the water more than we currently are and injecting it into the ground. At that point Mother Nature would provide further purification. Mayor Pro-Tem Rentschler remarked Cloudcroft is currently doing this.

Mayor Pro-Tem Rentschler questioned the Public Works Director about water conservation, and Mr. Cesar said at the first commission meeting in December there would be a recommended change to the Water Conservation Ordinance. We have to have a Conservation Plan on file with the Office of the State Engineer.

Mayor Pro-Tem Rentschler felt maintenance of the water lines in the city was vital and we need to allocate money for that.

Mayor Pro-Tem Rentschler recessed the meeting because of technical difficulties at 7:54 p.m. and reconvened at 7:58 p.m.

PUBLIC COMMENT

A. Richard Merrick commented on the following:

Richard Merrick spoke concerning the Washington & First Street realignment. The front entrance to Monte Vista Cemetery was not available and he felt the Canyon Street side entrance was not appropriate for funeral processions. He suggested cutting out some of the center divider so the main entrance could be accessed.

City Manager Stahle told Mr. Merrick the front entrance was closed off on purpose. It is a matter of traffic flow, but he acknowledged this could possibly be changed for funeral services. He will look into this with the Staff.

Mayor Pro-Tem Rentschler suggested that funeral processions could go down the main street and make a turn on Washington in order to access the front entrance of the cemetery.

B. Marvin Richardson commented on the following:

Marvin Richardson had signed up to speak about trash and neighbors, but was no longer at the meeting.

CONSENT AGENDA (Roll Call Vote Required for Item No. 7)

3. **Approve Minutes of the September 23, 2014 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
4. **Approve statement related to the Executive Session of September 23, 2014.** *(Renee Cantin, City Clerk)*
5. **Approve a Public Celebration Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Heart of the Desert Winery for the Republican Party of Otero County Fundraiser event on October 25th, 2014 at Creative Designs, 917 New York Ave.** *(Renee Cantin, City Clerk)*
6. **Approve the placement of a new Resident Parking Only sign for home located at 223 Texas Ave.** *(Renee Cantin, City Clerk)*

7. **Approve the final publication of Ordinance No. 1474 adopting the 2013 amendments to the Uniform Traffic Ordinance with certain amendments thereto. [Roll call vote required]**
(Renee Cantin, City Clerk)
8. **Approve the Acceptance of a Deed of conveyance from Western Bank related to Silverado Park.** *(Stephen Thies, City Attorney)*
9. **Approve the Agreement with French Brothers, Inc. for the Silverado Park maintenance.**
(Stephen Thies, City Attorney)
11. **Approve the award of RFP No. 2014-004 Evaluation of Information Technology Systems and Organization for the City of Alamogordo to Sciens Consulting.** *(LeeAnn Nichols, Finance Director)*
12. **Approve Change Order No. 2 for Public Works Bid No. 2014-005 to Pate Construction Company, Inc. for the Pecan Drive Extension project, in the amount of \$39,412.62, including NMGRT.** *(Nancy Beshaler, Project Manager)*
13. **Approve the award of IFB 2014-08 Miscellaneous Foods, Dairy Products, and Items for the Alamogordo Senior Center Nutrition Program to multiple vendors in the amount not to exceed \$124,944.83.** *(Matt McNeile, Assistant City Manager)*

Commissioner Hernandez asked to remove Item #10 from the Consent Agenda.

Commissioner Hernandez moved to approve Items No. 3, 4, 5, 6, 7, 8, 9, 11, 12, & 13. Commissioner Baldwin seconded the motion. Roll call was taken by the Clerk for Item No. 7. Motion carried by a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

10. **Approve the Settlement Agreement and Release related to Woolen vs. City of Alamogordo, et. al.** *(Stephen Thies, City Attorney)*

Commissioner Hernandez noted this item had been approved August 19th, and he felt this had taken too long to get to the commission.

Commissioner Hernandez moved to approve the Settlement Agreement and Release related to Woolen vs. City of Alamogordo, et. al. Commissioner Straface seconded the motion. Motion carried by a vote of 7-0-0.

NEW BUSINESS

14. **Consider and act upon a request by Velmateen Holly for abatement on her utility bill at 817 Miami Street.** *(Armando Ortega, Customer Services Manager)*

Customer Service Manager Ortega spoke to this. He stated Ms. Holly felt her water reading was incorrect so he had a recheck performed. It had been noted by the meter reader that there was high consumption and the meter was running. Mr. Ortega explained all options including the leak abatement policy to Ms. Holly and she chose to address the commission.

Carmen Melaford spoke for her aunt Velmateen Holly. She told the commission her aunt's water bill showed she had used 71,813 gallons of water. She doesn't have a pool and she was out of town during that time. Ms. Melaford had been told by Customer Service Manager Ortega that a sticker had been left on the door, but she had gone by every day and never saw a sticker. They had come by the house to check but there wasn't anything wrong. Now her water bill isn't anywhere close to that

amount. The bill was \$829.00. Velmateen Holly then addressed the commission saying that in June and July she knew the bill would be higher than usual because she had a late start in getting the sprinkler system ready; her son had it set for a longer period. It was \$400.00 and some for June and July, and the July and August bill was \$583.00 and some cents. It is impossible that she used that much. Her nephew had cut back the time on the sprinkler system.

Customer Service Manager Ortega said our policy allows us to adjust a bill if they have an extraordinary circumstance, or if they have a leak. We can get the meter tested and if it comes within a certain criteria then the customer will have to pay for that test and the water bill. If it shows not reading within the AWWA standards, then the bill would be fully abated. We have a documented leak at that property because the meter reader noted high consumption and water was running through the meter on July 2nd. There was not water running through the meter at the time we did the leak test.

Commissioner Straface asked what the average cost per month was for this lady and was told about \$80.00 per month. Commissioner Straface noted the bill was a little over 10 times that amount.

Mayor Galea asked about the possibility of someone else using water from her property in her absence. Ms. Melaford said her dad goes to Ms. Holly's house everyday, so she didn't know how that could have occurred.

Commissioner Baldwin felt he did not have enough information on this to make a decision. Customer Service Manager Ortega stated he had been with the City for 19 years and had not ever seen a meter read in a faulty manner and then go to reading normally.

Commissioner Hernandez asked if the person checking on the house had noticed a toilet running, and he was told that was not the case.

Customer Service Manager Ortega told the commission any repair to their sprinkler system and then finding it wasn't fixed correctly could be considered as a repair in the abatement. They would have to show some proof of the repair.

Commissioner Hernandez moved to table this item until Utility Billing works something out with them and then bring it back to the Commission if it can't be worked out. Commissioner Sikes seconded the motion. Motion carried by a vote of 7-0-0.

15. Consider, and act upon, the first publication of Ordinance No. 1475 amending the official zoning map of the City of Alamogordo, changing the classification of the lot located between 2521 and 2705 North Florida Avenue from R-1 Single-Family Dwelling District to C-3, Business District. (Case # Z-2014-0004)(A) (Marc South, City Planner)

City Planner South explained the item. He and his staff recommended approval.

City Manager Stahle asked about securing right of way for the future extension of 26th Street to White Sands Blvd., and City Planner South said no. City Manager Stahle asked if the transportation element of our General Plan identified any grid layouts for our street system in this particular area, and City Planner South told him no.

Commissioner Hernandez moved to approve the ordinance for first publication of Ordinance No. 1475 amending the official zoning map of the City of Alamogordo, changing the classification of the lot located between 2521 and 2705 North Florida Avenue from R-1 Single-Family Dwelling District to C-3, Business District. (Case # Z-2014-0004)(A). Commissioner Turnbull seconded the motion.

Owners of the property in question, Mr. George Gonzales and Mr. Christopher Neal were available for questions, but none were asked.

Motion carried by a vote of 6-0-1. Mayor Pro Tem Rentschler abstained because he knew some of the primaries involved.

16. Discussion, and possible action, related to city codes for Unlawful Growth or Accumulation of Lots and Tracts regarding weeds (26-03-030, 040). Provide direction to staff specifically along the White Sands Blvd corridor for seasonal overgrowth related to the monsoonal rain seasons. (Susie Galea, Mayor)

Mayor Galea said this comes up every year. She had talked to folks about weeds growing in this area.

Commissioner Hernandez understood the concern and thought communication with the property owners by letter in which the ordinance was explained would help. If the property owners don't take care of it than the city would do so and assess the owners. Commissioner Straface agreed with this.

Mayor Pro-Tem Rentschler felt that was the consent of the commission and they did not need to vote. Direction to staff was to make sure the ordinance was explained and the citizens notified. Commissioner Hernandez suggested also including this in the water billings during the monsoonal period, and perhaps ask the County to include the notice in their property tax bills.

A-2. Review, and comment, on draft code of conduct ordinance for elected officials. (Stephen Thies, City Attorney)

City Attorney Thies asked the commission to review this and give him their comments.

Commissioner Baldwin wanted language stating this all be done openly and not in a special meeting, nor be part of the consent agenda.

Commissioner Sikes wanted the responsibilities of the mayor at large and commissioners defined more clearly. She felt there was confusion at this time as to what the duties of the mayor at large were. Commissioner Straface felt it important to define the roles either in this document or a separate document. Mayor Pro-Tem Rentschler said it was defined in the City Charter. It was the consensus of the commission to add that same City Charter language to this ordinance.

Commissioner Straface felt there was a missing piece. He pointed out under the wording concerning complaints against a commissioner (pg. 5). In that section he did not see an opportunity for the commissioner/mayor to provide their statement of what occurred, and this should go before (3) Time for Filing.

Commissioner Turnbull agreed with Commissioner Straface and also had a question about Time for Filing – the complaint must be filed on or before the 365th day after the violation. She felt this should be changed because if you have a complaint about something it should be done within a month (30 days) or less. Commissioner Hernandez thought 30 days was too short and that 60-90 days was better. Mayor Galea asked why this ordinance was being considered before the commission worked on their covenant. Commissioner Hernandez replied the commission was going to work on the covenant last Saturday, but the meeting was cancelled so we are simply going with the process now.

Commissioner Turnbull asked to have this item tabled until we can discuss and create our covenants.

Mayor Pro-Tem Rentschler asked City Attorney Thies what they had decided so far. City Attorney Thies told the commission they had decided to have a possible description of the various roles of the elected officials; time period changed to a 90 day period in which a person files a complaint; requirement the elected official subject to the complaint is given actual notice of the complaint and an opportunity to respond be moved to earlier in the process; all complaints would have to be acted upon in a regularly scheduled meeting that is open to the public.

Mayor Galea agreed with Commissioner Turnbull and pointed out the last Saturday's meeting was the only Saturday she was unavailable, and the direction was to hold the meeting for the most commissioners available.

Commissioner Turnbull was concerned about the Commission Action on pg. 7, and was disturbed about the loss of City-related travel privileges, loss of commission expense reimbursement funds and a demand for reimbursement of administrative, legal and/or investigation costs.

Commissioner Sikes felt if you do something that reeks of impropriety, if the citizens recognize you may be doing something perceived as being improper, the sanctions and punishments outlined here are deserved and this should serve as a warning. She wanted these things left in the ordinance.

Commissioner Turnbull wondered about changing it so that the first thing would be the warning in a public meeting and if it occurs again go to the part about taking away your pay. Mayor Pro-Tem Rentschler pointed out on pg. 4 and Commissioner Hernandez said it was also on pg. 6 that there was such a succession.

Commissioner Straface suggested that the city attorney make these changes and hold consideration of this ordinance until after they have the meeting on covenants, hopefully before the middle of December. Mayor Pro-Tem Rentschler agreed and asked City Attorney Thies to read the suggested changes again.

City Attorney Thies said he would add 1) a description that our form of government specifies the different duties of the mayor, mayor pro-tem and commissioners; 2) change the time for filing to 90 days upon discovery of a violation or when it occurred; 3) move up in the process the point in time that the elected official who is the subject of a complaint be given a copy and the opportunity to have input on the allegations contained in the complaint; 4) action would have to be taken at a regularly scheduled meeting open to the public.

Mayor Galea commented but it was unintelligible.

Commissioner Hernandez supported this ordinance because they are elected officials and have knowledge the general public does not have. There have been a lot of things happen within the commission that the city employees and general public aren't aware of.

Mayor Pro-Tem Rentschler stated he thought this ordinance should come back a lot sooner than December, and he wanted to see this ordinance come back to them at the next commission meeting. We are sending a two way message: 1) to each of us on the commission and 2) to the employees and citizens of the city that we are willing to hold ourselves accountable.

Commissioner Turnbull wanted to see whether items to be decided for the punishment part of the ordinance would have to be voted on as a super majority. City Attorney Thies told them it would be a simple majority, but he could expand on that to indicate a majority of those present or a majority of the total commission. He said he should probably include a provision about excluding the commissioner who is the subject of the complaint. Then it would be a 5/6 vote, a 4/6 vote or a simple majority of those present. He will do whatever the commission prefers. Commissioner Turnbull wanted to see it stated as a super majority, excluding the person who had the complaint against them. She would like to see it as unanimous, excluding the person it was against.

Commissioner Straface would not support unanimous and felt it should be a simple majority of those present, not including the person having the complaint. He felt we should wait for the covenants before acting on this.

Mayor Pro-Tem Rentschler did not think it needed to be unanimous, and he said we need to set a date to meet about the covenants. Commissioner Sikes felt it was important enough that we all be present at the meeting, so that is why Saturday's meeting was cancelled. Mayor Galea was sorry but that was

the one Saturday she was not available. She explained the importance of the Washington, D.C. trip to the City of Alamogordo, and she would not sell out to a minority group that wants a ceremonial mayor. She also wanted to have the covenant workshop before any decision is made on this ordinance.

Commissioner Hernandez said we shouldn't table this since we have given the city attorney direction. He felt the agreement of this commission is that we move forward with the writing of this, bring it back as soon as we complete the covenants and then move forward.

City Manager Stahle said October 28th was the next regular commission meeting and then November 3rd. At this point, November 3rd is light so if you would like to use this meeting to concentrate on both the covenants and this ordinance, we could do that. Everyone was in agreement.

Commissioner Sikes asked about the time this would take on November 3rd, noting Election Day was the next day and she would be very busy that day.

Commissioner Straface said he and Commissioner Baldwin were charged with working on this and had not yet done so; Commissioner Baldwin said he had already done this and the covenants in an outline were ready to present. Commissioner Straface asked to get these ahead of time.

Commissioner Hernandez will be gone this Saturday and next Saturday, but would be available any other time.

Commissioner Baldwin said it probably would not take too long, perhaps 30-40 minutes.

City Manager Stahle said you could put them both on the October 28th agenda, and if you need more time you could continue at the November 3rd meeting. The commissioners agreed on this and gave that direction.

City Attorney Thies asked for clarification on voting – super majority, simple majority or simple majority of those present. The majority of the commission decided on simple majority - 4 out of 6, excluding the person being voted on.

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

Mayor Pro-Tem Rentschler appointed the following: Gloria Vaughn to the Community Development Advisory Committee and Norma Andreoli to the Mayor's Committee on Aging. (City Clerk Cantin corrected Mayor Pro-Tem Rentschler that Ms. Andreoli would be appointed to the Senior Volunteer Programs Advisory Council, but that was incorrect. Ms. Andreoli's application states Mayor's Committee on Aging).

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

1) City Manager Stahle reminded everyone the Alamogordo Regional Water Supply Project Community Meeting would be on October 21st, 6:00-8:00 p.m. at the Civic Center. This would be an ideal time to question the consultants on the Snake Tank Project.

2) He encouraged everyone to attend the Grand Re-Opening of the Library on this Saturday from 12:00-4:00 p.m.

3) He also reminded everyone of Zoo Boo on Saturday, October 25th from 9:00 a.m.-noon at the Zoo.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Straface commented on the following:

1) Commissioner Straface told Fire Chief Ward that his deputy gave an excellent presentation concerning fire prevention at the Rotary Club meeting

Commissioner Hernandez commented on the following:

1) Commissioner Hernandez said he had attended the COG Meeting on Friday and would be attending the SERPO Meeting tomorrow in Roswell.
2) He asked for an update on Albertson's since it was supposed to be open by now. City Manager Stahle told him the opening would be December 1st. Commissioner Hernandez felt Albertson's would want to close 9th Street to residents only so as to rework the parking lot. He didn't have an issue with that. City Manager Stahle said we would work with them.

Mayor Pro-Tem Rentschler commented on the following:

1) Mayor Pro Tem Rentschler had thanked the Police and Fire Departments at the last meeting for their work during the flooding. He apologized tonight for leaving out the Public Works Department and thanked them.

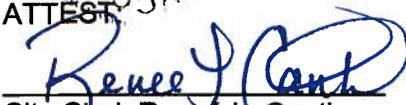
Mayor Galea commented on the following:

1) Mayor Galea thanked Commissioner Straface, Commissioner Turnbull and Commissioner Baldwin for meeting with her.

EXECUTIVE SESSION (Roll Call Vote Required)

- Limited Personnel Matters (Hostile Work Environment Claims)
- Threatened Litigation (AFSCME vs. City)

Commissioner Straface moved to Adjourn into Executive Session to discuss Limited Personnel Matters (Hostile Work Environment Claims) and Threatened Litigation (AFSCME vs. City) at 9:19 p.m. Commissioner Hernandez seconded the motion. Roll call vote was taken by the Clerk. Motion carried by a vote of 6-0-1. Mayor Galea abstained for absence.


 ATTEST

 City Clerk Renee L. Cantin


 Mayor Susie Galea