

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
OCTOBER 22, 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 Pro-Tem Hernandez called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Mayor Galea was absent. Clerk Cantin announced there was a quorum present. Invocation was given by Reverend Dwight Harp and the Pledge of Allegiance was led by Commissioner Baldwin.

APPROVAL OF AGENDA

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

PRESENTATIONS

Before the presentation listed in the agenda, Mayor Pro-Tem Hernandez presented the Friends of the Library Proclamation to Library Manager Sharon Rowe for National Friends of Libraries Week that is October 20th-26th, 2013.

- 1. Presentation related to the Market Analysis for Retail, Dining, and Lodging. (*Michael Stumpf, Place Dynamics LLC, Presenter*)**

Mr. Michael Stumpf presented his analysis without the addition of the PowerPoint presentation. Each Commissioner was given a hard copy of that presentation by the clerk.

Mr. Stumpf said he wanted to touch on some of the highlights of what came out of the analysis because there were a few very interesting things that we sometimes see and a few others we don't often see. This market analysis looked at the retail and related sectors, lodging sector and dining. He said they had looked at a couple different dimensions of the market, the first being the resident market, those who live here, and the second part being the visitor market. You have a very large tourism segment here that shows up in a couple of different ways. The resident market includes Holloman Air Force Base (HAFB) which is a unique dimension in that it is not a typical population; it has some characteristics which we accounted for in the analysis. With the change over of a larger training mission as well as a greater number of German Air Force (GAF) personnel there were some changes we built into our assumptions in looking at what will happen with the Base in the future and how that affects your population and spending potential. Mr. Stumpf said this analysis began with a visit out here of about four and one half days in which we met with a number of people in the community; different retailers and different people from the dining/lodging sector. We talked with them to get some of their understanding of what is going on. We visited a lot of the businesses even if we did not talk with them. That was our opportunity to go in, look at them and decide where on the spectrum the particular business fit; average, above average or below average. This helped us in engaging some of the market capture we estimate in the models. He commented on the business districts they saw and noted White Sands Blvd. was an enviable street because of so much traffic coming in on that street. The traffic count showed 40,000+ vehicles in certain areas of the street and that is very attractive to a retailer or restaurant. When you are talking to the chains as well as the

independents they love to see numbers like that. He thought the downtown is another area they saw as underutilized and having unrealized potential. Downtown is a great location and a number of communities would be very envious of where your downtown is only one block from the main street. The White Sands Blvd./10th Street intersection is the most important intersection in the community and is almost centered on your downtown. When you are on 9th Street, you can see the new development of Hastings and some of the other retailers just a block away. The connectivity, the ability to create a walk able district is very strong in the downtown area and would appeal to some of that tourism market we think is out there, with the right kind of assistance from the City. Your other streets serve more of a neighborhood function. 10th Street is an exception in that it has good office uses like banks, grocery stores and the site for Albertsons. We took that into consideration as well in our model.

On the other hand, there is the White Sands Mall which is struggling. This is not unusual at all for a community and mall this size regardless of where they are located, so this is not a reflection on this mall. That is something you might want to address in the future especially the J.C. Penney and other stores in there that are somewhat small, given their typical prototypes. He said K-Mart was once the second largest retailer in the world with Sears the largest, but since they combined they are no longer in the top 10. Many feel it is simply a matter of time before there will no longer be a K-Mart. The market area as defined mainly through discussions with the retailers in town and in looking at the competition, extends roughly from Carrizozo in the north to just south of HAFB and then up into the mountain communities. That is a fairly good-sized trade area when you look at the current population figures and what we estimate to be 77,500 people living in that area with almost 33,000 households. The growth is up to almost 83,000 people and 36,500 households. After we look at our models and break it out by different types of households and by age, you are seeing the younger people moving out and the very oldest households moving out (not unusual if you follow demographics). People stay until they begin entering their 80's and their health begins to decline and as they begin needing more assistance, they will begin moving to where their kids are or where they originated. He explained the growth they are seeing are people in their 30s, 40s and 50s. That is a pretty good sign because those are solid households, generally, in their prime earning years and good for most retailers. Income is a little bit low but this is expected since New Mexico has a lower income than other locations. However, we got the sense that maybe the retailers are assuming it is a much lower income than it actually is. They certainly are not taking into consideration the tourism spending by those owning second homes in the mountains, and these are not low income households. There are low income households in the community but also very strong, middle income, corporate people. Our sense was that while you see the Family Dollars, General Dollars and Good Will stores which aren't doing all that well, you aren't seeing the next step up, that middle market. Part of the message going out will have to be the numbers are not quite what they seem. Retailers are using different models in calculating when they are looking at markets broadly as we have shown, and what we are showing here will be helpful when you are trying to recruit them to the community. This is really a middle income community and it is becoming more so as retirees are moving in. We saw about \$800 million dollars in total market potential in the trade area and that will grow to roughly \$1.098 billion within the next 10 years. Currently, we are estimating you are capturing about 49% of the market here and that is good, but we think it can go higher. The rest of that is going to places like Ruidoso which is doing a better job of capturing the tourism expenditures in some categories; maybe not in lodging, but in dining and the specialty retail. Downtown Ruidoso stores are catering to visitors. We think you are capturing about 42% of the dining market which is a little less than in general retail. There is certainly an opportunity to grow that, as well.

Mr. Stumpf then addressed lodging which was another one that showed pretty good growth in the last few years with a more solid performance than many areas given we are coming out of the recession. You saw much lower room rates at the height of the recession in order to bring in more visitors. Occupancy has remained roughly flat, but if you consider the number of hotel rooms you have added into the market in the last few years the slight dip is nothing to concern us. It shows one of the things we believe that there is an unmet demand. The hotels that have opened most recently are more of the mid to upper scale. The Extended Stay is a product not heavily represented on the market. He made the example of driving down the road and seeing an old hotel of a chain you don't particularly

like and you are more likely to go to the next place to find your favorite hotel. He thought some of that had happened here in the past, but your new hotels are capturing the market. Mr. Stumpf told the Commissioners that when his group put the numbers into the models the suggestion was the addition of a new mid-scale hotel would be something the market could accept.

He recommended they should be prioritizing White Sands Blvd. A couple of people they spoke with, both developers or retailers, said the same thing; if a lot of new construction occurs on the edge of town, one effect of that will be hollowing out the fort. He said this was very true if you think about retail, restaurants and related businesses; there is only so much to go around. If you have an over supply of available space you are going to see a lot of vacancies, more likely the older spaces. At the same time, he really feels White Sands Blvd. is a beautiful location for retailers, and they are going to just love it, as you can see from Hastings, Pet Sense and Walgreens. It is the center of the community with high traffic and everyone passing through on that street; that is exactly what they are looking for in a location. He encouraged redevelopment on White Sands Blvd., in particular between 1st Street and 10th Street. He thought downtown was an opportunity for capturing some of the tourism market going to Ruidoso. The White Sands Mall needs to have something done to try and bring it back to life in order to attract the specialty apparel retailers who typically find the malls their preferred locations. It will take more than a face lift and may take scraping the whole thing and starting from scratch or expanding the anchor retailers and bringing in a Target or Sam's Club. Some of the parking lot could have out lots, restaurants in particular. He closed by asking for any questions.

Commissioner Rentschler asked Mr. Stumpf if they used current or predicted conditions of HAFB. Mr. Stumpf told him they started with the current year and knew there were changes coming. His models were able to compensate and plug in numbers for population estimates and other factors for future years. Everything was calculated for that year on what the projected population would be. Commissioner Rentschler said this says you looked at what will happen when the F-16s show up and Mr. Stumpf told him yes. Commissioner Rentschler asked if they were looking at the Mall in the way it could be and asked if he had discussions with anyone there. Mr. Stumpf told him they did not have any discussions with the Mall management, but had talked to some inside the Mall. He did not anticipate any changes in the Mall models. Knowing Albertsons's is coming in, they can plug in numbers they feel approximate the effect on the market. In the case like the Mall, it is a big conjecture if anything will happen or not, so we didn't do anything to change it based on that. Commissioner Rentschler said he had talked about nearest stores of various kinds such as Hobby Lobby, and he asked him if Alamogordo was big enough to support a Sam's Club. Mr. Stumpf said yes. He mentioned he had been talking with some folks in Roswell today about some of the other retailers, but not a Sam's Club. He knew some of the developing folks in different companies like Koehl's, for instance. Koehl's recently opened a store in a community of 25,000 and a county of about 44,000, and this is not their typical profile; it is somewhat of a test of how they are doing. In the same way, Target initially opened up in suburban locations with a solid market such as Las Cruces (100,000+), then moved into the Roswell's (almost 50,000), and now they will be coming into communities like Alamogordo, Gallup and Clovis.

Commissioner Rentschler asked if he related this information from the 2010 Census or did they look at the projected census for Alamogordo. Mr. Stumpf told him they built the model from scratch starting with the 2010 Census data and then applying the actual rates of birth/death/migration and then they fed it in. Commissioner Rentschler said we have challenged the 2010 Census and believe it is off as much as 8,000 in the City. He remarked we have made it through various hurdles and the Census Bureau has actually accepted our challenge. Mr. Stumpf was unaware of this and said that could be a significant change; they had not put this into the model since he wasn't aware of it. Commissioner Rentschler asked if he were us, what would he do with the information he has gathered for us, and how do we market this. Mr. Stumpf said there are a lot of communities that forget about the smaller chains and independent businesses. He felt it would make a lot of sense for you to identify some of the businesses that have a single or only a couple of locations in places like Roswell, Ruidoso and Las Cruces. Talk with them and see if you can get them interested. He gave the example of going through Artesia and seeing a western wear store; that might be a good example of the kind of business you need to approach to see if they would have an interest in coming to

Alamogordo, and how you can help them do that. You need to be creative in offering incentives like helping with marketing, helping them to identify and rehab a building, things like that. He felt those things were often forgotten as a strategy. The big one is to go after the chains and Mr. Stumpf said there are several chains you can talk with, as well. He thought Sam's Club was going to open 30 new stores this year across the country and you would have to be in the top 30 places, so that gives you a sense of what you are looking at. Commissioner Rentschler asked if he had taken into account the incentives Alamogordo had to offer for new businesses, and mentioned the GRIP Ordinance that allows 2% of construction costs to go back to whoever builds a new building. He also explained the Alamogordo portion of gross receipts for expanding a building/business. Mr. Stumpf said in the western states there is a dividing line along the Missouri River with pretty generous incentives that are more or less equal on the western side, and on the eastern side of the river you find a lot less available incentives for retail. He expressed that often doesn't make a big difference; what ends up happening is the chain retailers want to improve their bottom line as much as they can, but they can get more-or-less the same offer here as in..... Commissioner Rentschler interrupted to say we had been in competition with Shreveport for the first Albertson's and lost out to them.

Commissioner Rentschler asked Mr. Stumpf what more Alamogordo can do and continued saying we can't drag in competition for direct things. We have an Economic Development Incentive we use but it is very particular so we can't bring in competition. He again asked what other things could we do to include retailers already here; anything we had not thought of. Mr. Stumpf said it is being able to offer the best locations. Let's say you want to assemble a 2-3 acre site on White Sands Blvd. that would be under your control, whether an option or you own it yourself, then you would be in the position to use that as a lure as much for a developer as a retailer. Developers should be seen as allies in your recruitment because if you can show them they can build something and make a profit, they often have close ties to retailers and know who to call with that opportunity. It makes more of an impact when that comes from someone they know and have worked with in the past versus you as a City. Commissioner Rentschler expressed to Mr. Stumpf he appreciated his presentation and wished he could give this to an audience in the future.

City Manager Stahle pointed out one of the valuable parts of this analysis had to be the 51% leakage rate we have in the community and felt it was something we need to target as a community; to shop local. It is fairly simple and is important to our community and the existing businesses. We can't lose sight of the fact those companies that have invested in our community already are maybe the most important to this community. Everything we can do to enhance the idea of shopping locally needs to have a full-court press put on it.

Mr. Stumpf said about half of the trade area population lives in the City and you are capturing about half the market; certainly some of the dining. He noted someone from Ruidoso won't come to the Wal-Mart here since they have one up there. There is that whole gap like going to an Old Navy that is only in Las Cruces or El Paso. Also, the Internet is having a large impact on all this. He then told the Commission he is currently working in the City of Marquette, Michigan and the numbers of local merchants using the Internet tell him 30-50% of their business is coming off the Internet. The world's largest seller of Carhart is a downtown department store in downtown Marquette which is a community of 25,000 people three hours north of Green Bay. That may be another way to go, to encourage your retailers to market to tourism, like Marquette has. Tourists come, they visit the business and then continue to shop that business after they go home.

City Manager Stahle said it is important to put the analysis in perspective of the economic times this country is in. We are in the greatest recession we have ever seen; short of The Depression, this is the Big One. We are just climbing out of it so in the last several years retailers have been extremely picky as to where they are going to locate, no matter what size they are. He views this as opportunity knocking for the next several years because he honestly believes the recession we've experienced is starting to recover. City Manager Stahle said he was surprised at the lack of things at the White Sands Mall and he liked the idea of rejuvenating that. The owner lives in California and is elderly, and we would like to work with them and maybe bring some businesses, as Mr. Stumpf indicated, to the perimeter of the Mall. We need to do whatever we can to inject life back into it. He said he couldn't

believe this city didn't have an ice cream store. He had been told there used to be one and it is an unmet need that could be considered low-hanging fruit. We have the Caliches' which is frozen yogurt, but he said he is an ice cream fan. We need to be conscious of the target markets Mr. Stumpf is referring us to and go after them. He also thought we need to work with the Chamber and OCEDC to help them realize all of this. City Manager Stahle referred to Commissioner Rentschler question, "What can we do with this?" and felt it was a very wise question. First we get it out and publish it; make it one of the principal points of conversation in the business community here as well as the economic development of the community. We need to recognize retail is often not the highest of income level jobs that can be created. We need to target the market for those with second homes in terms of what they can afford and where they may shop. He felt we need to pay particular heed of that, as well, and work with our retailers to try and capture that market a little more. Then we brag. Since he has been here, he has been impressed with the level of retail we already have, and he thought we need to make sure people shop here, and then we will try to fill the voids where there are unmet needs.

Mayor Pro-Tem Hernandez thanked Mr. Stumpf for his presentation.

Before Mr. Stumpf left the podium he told the Commission he had worked in a lot of communities and was very happy to come back here. It is a very nice community.

PUBLIC COMMENT

None.

CONSENT AGENDA (Roll Call Vote Required for Items No. 6, 7, & 8)

2. **Approve Minutes of the September 10, 2013 Regular Meeting.** *(Renee Cantin, City Clerk)*
3. **Approve statement related to the Executive Session of October 8, 2013.** *(Renee Cantin, City Clerk)*
4. **Approve the Lodger's Tax Expenditures for Tourism & Travel.** *(Jan Wafful, Administrative Assistant)*
5. **Approve two Public Celebration Permit Applications and a Temporary Alcoholic Beverage Dispenser's Licenses for Kwik Stop/Jerry's Lounge and Heart of the Desert Winery for Galaxy Gala – CHINS Fundraiser on November 16, 2013 at the New Mexico Museum of Space History.** *(Renee Cantin, City Clerk)*
7. **Approve the final publication of Ordinance No. 1449 amending Ordinance No. 1439 related to the Composition of the Housing Authority Board and removing the requirement that two representatives from certain specified service or trade groups be appointed. [Roll call vote required.]** *(Renee Cantin, City Clerk)*
9. **Approve the award of IFB 2013-20 Misc. Foods, Dairy Products, and Items for the Alamogordo Senior Center Nutrition Program in the amount of \$108,219.64.** *(Matt McNeile, Assistant Manager)*

Items # 6 & 8 were removed from the consent calendar.

Commissioner Rentschler moved to approve items # 2, 3, 4, 5, 7 & 9 of the consent calendar. Commissioner Rardin seconded the motion. Roll call was taken for item #7. Motion carried with a vote of 6-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

6. Approve the final publication of Ordinance No. 1447 amending Chapter 7 of the Code of Ordinances to allow for the keeping of bees and the regulation thereof within the City of Alamogordo. [Roll call vote required] (Renee Cantin, City Clerk)

Commissioner Rentschler removed this from consent agenda for the same reason he had voted against it the last time, and he hoped the rest of the Commission would listen to his additional comment on this matter. Allowing someone to keep Africanized bees for six weeks to re-queen them in order to dilute the DNA by 50%, in his opinion was not reasonable. More than that, he estimated there are 100 hives of Africanized bees in the city limits of Alamogordo at this time. When you allow these special people to take a hive of these bees into their yard, one at a time, you are now talking about 600 weeks and that is more than 10 years of Africanized bees being diluted to 50% of what their radicalized gene currently is. If that special bee keeper decides he wants to take four at a time. That is still four hives of Africanized bees living next to you and he didn't want them next to him. Commissioner Rentschler remarked he voted against this the last time because he had been an EMT for 30 years and had gone on anaphylactic shock runs which ended up ok, but if he could he would have a picture on the overhead screen of a dead 6 year old who had died of anaphylactic poisoning. He felt this was a serious situation and all he was saying was not to allow Africanized bees to be kept on any property (1G) unless kept for the purpose of propagating beneficial bees. His thought was to say no Africanized bees on the property, period. If someone keeps them and their bees get out and sting someone or someone's dog gets killed, then it would be tough to prove that's what the situation was. He told them, 'If it saves just one life', that was enough for him. He encouraged the other Commissioners to find something on anaphylactic shock and see what happens to adults and children who are affected with this. He repeated it would take 10 years to get them to 50% and he guessed they would have to be re-queened a couple of times. He said the whole point had been there was a void that needed to be filled, and when we put them in they would self-dilute. Now we are being told they won't self-dilute; we have to catch them, queen them, and wait six weeks to get to 50%, and there are 100 hives. 100 hives by 200 hives now puts us at 20 years of having Africanized bees living next to you, if they get them one at a time. We can't control our borders anymore for this or for anything else, and they are all coming from the south; 10-20 years from now there will be 500. Do you want someone living next to you with Africanized bees from now on, potentially? It takes a special person with special training and understanding to go into that hive, find the queen, remove her and put a new queen in its place.

Commissioner Rentschler moved to change (G) to no Africanized bees kept on the property. Motion died for lack of a second.

Commissioner Talbert moved to approve the final publication of Ordinance No. 1447 amending Chapter 7 of the Code of Ordinances to allow for the keeping of bees and the regulation thereof within the City of Alamogordo. Commissioner Sikes seconded the motion. Roll call vote was taken. Motion carried with a vote of 5-0-1. Commissioner Rentschler voted nay.

Commissioner Rardin would like Staff to keep an eye on that for Commissioner Rentschler's concerns and if we see a lot of people in the next six months or so keeping Africanized bees on their property, then we will take another look at this. Mayor Pro-Tem Hernandez said it could be brought back at any time. Commissioner Rardin wanted APS or whoever would monitor permits to keep an eye on it and periodically get the beekeepers down here to see if they are Africanized or regular honey bees.

8. Approve the final publication of Ordinance No. 1450 setting a policy for Out of State Travel for Commissioner's. [Roll call vote required]. (Renee Cantin, City Clerk)

Commissioner Rardin said he asked the city attorney at the last meeting to amend this ordinance to include El Paso and he didn't see it anywhere. It simply says out-of-state travel and technically El Paso is still out-of-state travel.

City Attorney Thies said that is correct. If you moved to amend it at the last meeting then the ordinance should provide 'with the exception of El Paso'. As a result, this ordinance would contain that exception. Commissioner Rardin said it doesn't say that, though; it simply says out-of-state travel.

City Clerk Cantin told the Commissioners that would be her fault. She believed that had been put in after their concerns, so she will check the minutes and revise the ordinance. It was published already and was ok.

Commissioner Rardin asked if this could be approved for final publication even though it wasn't correct. City Attorney Thies told him the official version should have 'with the exception of El Paso' in it.

Commissioner Rardin moved to approve for final publication Ordinance No. 1450 setting a policy for Out of State Travel for Commissioner's including the exception for El Paso. Commissioner Talbert seconded the motion.

Commissioner Rentschler clarified with Commissioner Rardin that his motion would say 'to include the exception for El Paso'. Commissioner Rardin said yes and felt we do a lot of business in El Paso and it would be pointless to get Commission approval if the City is paying for it. If we go on our own time it will be alright.

Roll call vote was taken. Motion carried with a vote of 6-0-0.

UNFINISHED BUSINESS

10. Consider, and act upon, the first publication of Ordinance No. 1452 amending the Delayed Repeal of Municipal Infrastructure Gross Receipts Tax Ordinance No. 1366 related to Economic Development. (Renee Cantin, City Clerk)

City Clerk Cantin told the Commission this was a very similar ordinance required by Taxation and Revenue to approve adding this Municipal Infrastructure Gross Receipts Tax for Economic Development to the ballot when we pass the Election Resolution in December. The highlighted parts are the amended parts and we added the delayed repeal, which is up to you (Section 6). The current one is effective December 31, 2015, and for this one we estimated an additional five years for 2020 (Section 6). She needed them to discuss these amendments and let her know how you want us to proceed. Other than that, this has gone through the city attorney and we are requesting first publication.

Commissioner Rentschler moved to approve first publication of Ordinance No. 1452 amending the Delayed Repeal of Municipal Infrastructure Gross Receipts Tax Ordinance No. 1366 related to Economic Development with the sunset of December 2020. Commissioner Baldwin seconded the motion. Roll call was taken. Motion carried with a vote of 6-0-0.

NEW BUSINESS

11. Consider, and act upon, the first 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. (Kenneth Johnson, Finance Director)

Finance Director Johnson explained to the Commissioners this is the financing for the mobile desal plant. It is pretty standard in terms of loan documents included in the packet and Staff is recommending approval for first publication.

Commissioner Rentschler asked the finance director what the terms were. Finance Director Johnson

told him they did not have the terms as of yet, but felt they would be favorable for the market at this particular time. That is the reason we go through NMFA.

Commissioner Rardin confirmed this was to purchase the mobile one we are going to set up at the La Luz plant and that will eventually be moved. City Attorney Thies said there was a change. The temporary mobile sight will likely be placed at the permanent sight to save some costs. The plan would be to carve out a footprint to build the infrastructure necessary to allow us to fully expand that sight. We don't want to duplicate any efforts at the La Velle sight, and there are some additional issues if we utilize the La Velle sight. It was never identified in the Environmental Impact Statement and it is conceivable BLM would require us to go back and do an Environmental Assessment for that location. To avoid that possibility, we have decided to move the temporary desal to the permanent sight.

Commissioner Rardin asked if the permanent sight was the La Velle Sight and City Attorney Thies said it was out at the old landfill on La Velle Road. He said that it was initially to be put at the La Luz Well field area. Commissioner Rardin said we will have to build a pipeline to get the water back up to La Luz, correct? City Attorney Thies told him for the most part the pipeline is already in place as part of the Westside Projects.

Commissioner Rentschler said it is a mobile skid as well and the idea behind a permanent sight is that you can swap skids in and out as the technology improves. By the time this is actually built they will have better technology. He felt this will show what it really does for the City of Alamogordo; it gives us the opportunity to replace the drinking water source and Bonito water source we lost in last year's fire. He thought it important

Commissioner Rentschler moved to approve the first 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. Commissioner Talbert seconded the motion. Motion carried with a vote of 6-0-0.

12. Consider, and act upon, a request by Angela Bento related to a leak adjustment request for 618 Madison Ave. (Armando Ortega, Customer Service Manager)

Customer Service Manager Ortega said this is one of the leak abatements that was over the limit Staff can approve. It is for \$2,639.18 and the customer does meet all criteria for the leak abatement. Because it is over the \$2,500.00 limit, we have to bring it to the Commission.

Commissioner Rardin asked if they had fixed the leak and Customer Service Manager Ortega said they had.

Commissioner Rardin moved to approve a request by Angela Bento related to a leak adjustment request for 618 Madison Ave. Commissioner Rentschler seconded the motion. Motion carried with a vote of 6-0-0.

13. Consider and act upon a Power Purchase Agreement with Affordable Solar Installation, Inc. (Stephen Thies, City Attorney)

City Attorney Thies said this is part of the solar project that has been underway at the Waste Water Treatment (WWT) plant for a number of years. Currently, there will be two different solar arrays constructed at the WWT plant by Affordable Solar who will sell that energy to us pursuant to a power agreement approved by the Commission a few months ago. This is one of the last pieces in that project. He pointed out the spreadsheet attached to the agenda report indicating the projected savings we will realize over the term of the power purchase agreement. It is based on today's dollars and doesn't take into account any future rate increases by PNM. This is one of the last pieces of that project. Both solar arrays are being built on property owned by the City and this lease agreement leases the property to Affordable Solar and they will maintain those facilities at the WWT plant.

Commissioner Rentschler said he had a business relationship with Affordable Solar, and even though he was not participating in this project, he will not vote on this.

Commissioner Baldwin moved to approve a Power Purchase Agreement with Affordable Solar Installation, Inc. Commissioner Rardin seconded the motion. Motion carried with a vote of 5-0-1. Commissioner Rentschler abstained.

14. Consider, and act upon, a request for authority to commence foreclosure proceedings on unpaid liens. (Stephen Thies, City Attorney)

City Attorney Thies said this request is a continuation of a practice started late last winter or in the spring. Generally, we file liens against properties for reasons of 1) if we have to clean up the property and the property owner doesn't pay us for that clean-up or, 2) unpaid utility charges. The city attorney explained that a number of years ago the State of New Mexico Court of Appeals ruled that if a municipality didn't seek to impose its lien within four years it no longer would have that ability. So far we have had relatively good success completing the prior liens you authorized for us to foreclose on. We have not yet had to go completely through the process and foreclose on any property. The property owners have been willing to work out payment arrangements to pay off past amounts. He wanted the Commissioners to note there were nine liens scheduled here, but there were only two properties listed. 702 Dewey Lane has been an ongoing process and we began scheduling liens a number of years ago. That property had gone into foreclosure or was sold for failure to pay taxes, so that is why it was vacant for so long.

Commissioner Talbert said we've got two in 2007 and two in 2008 that are outside of the four years. He asked if that would be an exercise in futility or if we would get those. City Attorney Thies told him we would most definitely try to get them.

Commissioner Rardin asked what these liens were for. City Attorney Thies said he didn't recall about the Alamo Ave., but the Dewey Lane liens were mostly for weed clean-ups with some garbage abatements.

Commissioner Rentschler believed this was something Alamogordo had no choice but to proceed on. He felt we have let these liens go on until we didn't have the access to get them.

Commissioner Rentschler moved to approve the request for authority to commence foreclosure proceedings on unpaid liens. Commissioner Baldwin seconded the motion.

Commissioner Rardin asked the city attorney about the Alamo Ave. address because it was technically over four years old. City Attorney Thies said that legal proceeding had been filed pending your decision. He asked about the one on Dewey in 2005 and City Attorney Thies said we haven't commenced with that proceeding, but they would and include the past amounts. Depending on what happens, such as someone coming forward to challenge it or want to work out payments on it, we will work on it and bring it back to the Commission, if necessary. Initially, he will include all the liens from 2007 forward. Commissioner Rardin said he was all for trying to get the money out of them, but he wanted to be fair to the constituent and let them know it is over four years old. City Attorney Thies said if they don't take action we will have to foreclose and that would be the total of all those liens. If they come forward and say they want to work out payment arrangements, then we would just go after the ones less than four years of age.

Motion carried with a vote of 6-0-0.

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

There were no appointments made.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

1) City Manager Stahle reported the Bubble is up and the pool is closed until it is completed. Quite a number of staff worked on this.

2) He noted to the Commissioners they had a report from Staff identifying the various Boards & Committees. He said there was information concerning the numbers on each, current vacancies, length of time for vacancies and frequency of meetings. He drew their attention to the column of State Statute (whether the State requires it or not) and the column of City Code (whether the City Code requires it or not) and then the column of State Mandate (whether the language in the State law says we 'may' do it or 'shall' do it). That is blank because there isn't a reference to that item in the State law. There are only two that are absolutely required – Housing Authority Board and the Promotions Board. There are some committees that may be affected by other things such as funding requirements, and he gave the example of if you want to get a grant you need to have a board. This report is to meet the request of Commissioner Rardin and the city manager said he could get more information if needed.

Commissioner Rardin mirrored what the city manager had said by saying he had asked for this. He remarked he had been up here almost five years and some of the boards had never had anyone appointed. The majority of them, with exception of the Airport and Housing Authority Boards, had never been before the Commission. Commissioner Sikes said the Library Board had and someone else said the Planning & Zoning Commission had. Commissioner Rardin wanted the Commission to look at perhaps dissolving some of the boards we don't use. Maybe Staff could draft an ordinance to be brought to the next meeting dissolving some of these.

City Clerk Cantin remarked we have put an item on the next agenda to review it and the city manager had simply given this documentation to you early to review. She recommended that before we draft an ordinance, you will need to consider that there are active boards and quite a few doing quite a few things. She would like to send to the staff liaisons a request to the boards to present what they are actually working on so you could find out where they are. City Manager Stahle said he thought that was exactly what Commissioner Rardin was asking us to do, so he noted he would be happy to comply with this request. Commissioner Rardin asked to be informed of which ones don't do anything and which ones don't meet. He realized we were required to have some of them by law, but he wanted to take a look at them all. He didn't see the point of having it on each agenda or each meeting and never appointing anyone.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin commented on the following:

1) Commissioner Rardin had asked City Manager Stahle about Washington Ditch a couple of months ago. City Manager Stahle said Public Works Director Cesar had been very ill so he wouldn't ask him to step up. The city manager reported they had worked out a plan and they are costing it out. As it turns out, if you really want to get it permanently fixed, it will be bigger than first anticipated. He said he would give him something in writing as soon as Public Works Director Cesar gives it to him. Commissioner Rardin said that will have to work.

Commissioner Talbert commented on the following:

1) Commissioner Talbert said the Alamogordo squadron of the Civil Air Patrol has been looking for an individual lost on the western border of New Mexico, so they have been very active even though they have been shut down for a while. So we are still looking for people and we hope to find this individual soon.

Commissioner Rentschler commented on the following:

1) Commissioner Rentschler invited the Commissioners to go and look at the Washington Pecan realignment. He found it had been changed some and the curb seemed to be very narrow at the

northbound lane. He talked to a gentleman who was a field engineer for the City who said they had something involved to try and widen that road a little more so it didn't look like you would be bouncing off the curbs. Other than that, it is interesting what they are doing with the drainage. We are about to close that road for four weeks and it is coming along nicely. It is one of those things the City of Alamogordo does that will be a great thing. It will include a traffic light.

Commissioner Rardin asked if there was a plan for emergency vehicles getting to the hospital up Indian Wells. City Manager Stahle told him there was a detour arranged already. He would argue that if the existing crews working the site didn't have any equipment in the way, they could go through there. The detour routes have been defined for quite a while. He also added he had a call today from a gentleman concerned about the narrowness of the northbound lane, and we've been able to close off the additional northbound lane closest to the convenience store. Part of the reason for its narrowness is no parking is needed on the side of the road. We will keep some right-of-way there in case we do need to widen it for whatever reason in the future. He hoped what used to be the median all the way down to Indian Wells might become a valuable property for commercial development of some kind. With the old northbound lane coming out, it gives us some extra space as well, so that's something you might consider.

Commissioner Rentschler would encourage, in light of recent developments, we use that right away and not leave it for widening later on. City Manager Stahle asked him if he wanted it used now and Commissioner Rentschler said you could go ahead and move the curb back a couple of feet, and he wasn't sure what right-of-way the city manager was talking about. If someone gets used to parking on it or growing a tree on it then it will be lost. City Manager Stahle said he would take another look at that.

Mayor Pro-tem Hernandez commented on the following:

1) Mayor Pro-Tem Hernandez asked the city attorney to look at our programs that allow different organizations and teams to use our fields, our parks and all the different centers we rent out, as well as the contracts we have with them. He had the privilege to meet with the Youth Football/Peewee League this past week which had an issue between two teams. They were able to work it out, but it has come more and more to my attention. Mayor Pro-Tem Hernandez reminded City Manager Stahle that he had met with him about the Rotary Little League teams and the concerns he had with some of the coaches and players. He wanted City Attorney Thies to look at those contracts so we are safe on our part and that we encourage these functions to remember they are promoting our city when they are out there doing their jobs. It is very important they promote us in a positive way because a lot of the concerns are very negative.

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:

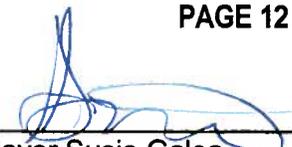
- **Threatened or Pending Litigation (Premier Pellets & City v. T. Alvillar)**

ADJOURNMENT

Commissioner Rentschler moved to adjourn into Executive Session to discuss Threatened or Pending Litigation (Premier Pellets & City v. T. Alvillar) at 8:14 p.m. Commissioner Rardin seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-0-0.




City Clerk Renee L. Cantin


Mayor Susie Galea

(Prepared by Nancy Jacobs, Deputy Clerk)

Approved at the Regular Meeting held on November 5, 2013.