

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
OCTOBER 8, 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 STAHLE, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

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

Mayor Galea called the meeting to order at 7:02 p.m. Roll Call was taken by the City Clerk. Clerk Cantin announced there was a quorum present.

APPROVAL OF AGENDA

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

Mayor Pro-Tem Hernandez moved to approve to amend the agenda to adjourn into Executive Session to discuss the purchase, acquisition, or disposal of real property (Lease of La Placita Building located at 3102 North Florida Avenue). Commissioner Talbert seconded the motion. Motion carried with a vote of 7-0-0.

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

Invocation was given by Father Tom Arrowsmith-Lowe and the Pledge of Allegiance was led by Mayor Pro-Tem Hernandez.

Commissioner Sikes introduced an Exchange Student from India, Clyde Fernandez, who would be here until the end of the semester. He is part of the Youth Exchange and Study Program (YES) and was picked out of thousands of applications. Clyde stood to be recognized.

PRESENTATIONS

- 1. Presentation by Recycle Otero to announce October as Recycle month. (Adrienne Simoneau)**
This item was withdrawn from the agenda.
- 2. Presentation, and act upon, the selection of a Redistricting Plan for the City of Alamogordo. (Renee Cantin, City Clerk and Michael Sharp, Research & Polling)**

Mr. Michael Sharp presented a PowerPoint and noted he has been doing this since 1991-1992 when he was a student at NMSU. He said they have done over 150 redistricting jobs throughout the state and helped this city a decade ago as well as the school district. He described redistricting as re-drawing the boundaries so that the districts are equal in population. Two reasons why this is done are it needs to be done after every census and, as in this case, you are going from seven single-member commissioners to six single-member commissioners and a mayor-at-large. It is up to the Commission to decide what the districts will look like. The legislature takes care of its own, the county commission takes care of its own and the school board takes care of its own.

He told them that once a plan was adopted the county clerk would re-assign the voters to their correct district, and he hoped to help make that process easier. There are five basic principals of re-districting which he liked to think of as building a table. The first four are your table legs to give you a

strong foundation and the fifth one is like your table top. It is based on the most recent census of the total population and includes everybody; citizens and non-citizens. He noted that any Germans living within the city limits would be counted and it is not limited to registered voters. It is based on a constitutional mandate to redistrict and in essence means one person/one vote. No matter where you live within the city, you have the same voice as anyone else. The State legislature can get pretty close to the ideal population and Congress has to be dead-on. This last re-districting got every single congressional district perfectly equal in population. Local governments do not have to be right on the dot in terms of equal population and can be plus/minus about 5% of the ideal. The ideal population is obtained by taking the total population of the city according to the 2010 census, dividing that by the number of districts and that is our target. The courts have said it is harder for smaller entities to obtain that perfect population and still take into account those communities of interest you would like to encounter for your municipality. The courts have said you may go above or below that by about 5%. In this case you take your ideal population which is 5,071 and go above/below that by about 253. If you are within that range of about 4,818-5,324, all the districts are substantially equal in population. We want to make sure we provide the minority population an opportunity to elect a candidate of their choice. In Alamogordo it is possible to create a single minority district that is about 40% adult Hispanic. We like to maintain that as a minority district so the minority community has the opportunity to elect a minority member to the commission. We don't want to create districts where race or minority status is the only objective. Compactness is the third leg of the table. There are many ways to measure that look good and are considered compact. The shape of the municipality can affect the compactness of a district because the outer boundaries are irregular. We look at the inner boundaries of the districts and if they look pretty good, it is compact. There are not any hard and fast rules to compactness, you simply know it when you see it. He showed some examples on the overhead of various compact/non-compact districts. The fourth leg of the table is Contiguity which basically means every district needs to be one piece and showed some examples.

Finally, he showed the Communities of Interest and said to think of the first four things as constitutional and legal requirements of re-districting, and with this good base you can use communities of interest to decide what the districts will look like. It is what allows us to create five different plans. You can take into account where the current commissioners live and draw districts where there is only one commissioner per district. This is difficult to do here because you are going from seven to six. We don't have a choice and have to pair some commissioners in at least one of the districts. You can look at using major streets as boundaries and this is easy for both the City and County clerk to determine where you are. You can look at precinct boundaries. You can consider these as long as all the other guidelines are followed.

He noted the challenges of going from seven to six districts. Districts 2,4 & 6 are up for election next year and Districts 1,3,5,7 are up in the following election of 2016. The amended charter says instead of three in 2014 you will only have two, but you will still have four districts in 2016. In essence, we must take one of those 2,4&6 and say you will no longer be elected in 2014, and one of those district numbers will be elected in 2016 instead. You will have at least one pairing of commissioners. You will have to decide which of the even-numbered districts will be moved to the 2016 election. You will have to decide on district numbering. If you have two commissioners in one district you will need to decide what number to give that district. Since District 7 is disappearing you will have to decide what will take its place. There will be a change in the size of districts. When you re-districted in 2011, your population per district was about 4,300. We are getting rid of a district so if the ideal population in 2011 was 4,300 and it is now 5,000, then that is an extra 700 per district for the six districts. Every district will need to expand, pick up people and get bigger. When you are changing districts to this degree, the middle districts will be affected the most. He said the plans are rarely perfect, but there will always be something about a plan that is not ideal. He said he would consider any changes the commissioners might like.

Commissioner Rentschler asked Mr. Sharp about Plan C that would put him and Commissioner Baldwin in the same district. He noted neither of them would be up for election in 2014, so he asked how this would be handled. Mr. Sharp said both you and Commissioner Baldwin would serve out your term and then if you both wanted to run in 2016, you would run against each other.

Mr. Sharp showed the current map with seven districts. He pointed out that District 7 included the airport and is south of Panorama and Ocotillo. That district will disappear. In many of the plans, District 6 picks up that area and the other districts in the central and northern part of the city scoot down.

Plan A is based on the one of the concepts he gave them a couple of years ago. You have districts 1 and 2 in the northern part, 3 and 4 in the middle and 5 and 6 to the south. District 5 expands to the south and district 6 scoots out. One of his objectives with this plan was to straighten out the lines between districts, so it is a very logical concept. He showed that he tried to stick with major recognizable features. District 5 is a majority/minority district which is almost 40% adult Hispanic so he tried to maintain that district. Commissioners Sikes and Rardin are paired in District 2, and Commissioners Rentschler and Talbert are paired in District 3. Districts 2 and 4 would be elected in 2014 and Districts 1,3,5 & 6 would be elected in 2016. This would mean Sikes and Rardin would run against each other if seeking re-election, District 4 would be an open seat you would have to elect a new commissioner for and in District 3 Talbert's term would end and he would not be able to run again until 2016. District 6 would be elected in 2014 and Galea would be in a district that would basically follow your current election calendar. District 6 would include the airport. Between 5 and 6 there is the neighborhood north of the airport that is split between two districts. The neighborhoods near Panorama are also split between two districts.

Plan B is similar to Plan A with a couple of differences. It unites the divided neighborhoods mentioned above. There is only one pairing of commissioners in this plan – Rentschler and Baldwin. The boundaries between 2 and 4 changed slightly so Rardin is in 4 and Sikes is in 2. District 3 is the same as Plan A; District 6 goes up to First Street so it includes Wal-Mart and unites those neighborhoods around Panorama and Mercury. The community north of the airport is now all in District 5. This Plan does not split neighborhoods.

Plan C makes a compact district north of Indian Wells, using Indian Wells as a boundary. District 4 is in the central part and District 1 & 4 are next to each other and divided by Oregon. District 6 is a southeastern district and 3 & 5 take up the two southern spots. District 5 doesn't change too much and will always combine part of the neighborhood above the airport and the population between Panorama and First to create that majority/minority district. Commissioners Sikes, Rardin and Talbert are all in their own districts. You would have to decide which of those three districts would shift to the 2016 calendar. Two of those districts would be elected and in 2014, the other one would shift to 2016. Commissioners Baldwin and Rentschler would have to run against each other in 2016.

Commissioner Rentschler asked Mr. Sharp if this meant there would be one district with two representatives and one unrepresented. Mr. Sharp said you would look at 2,4 & 6 and, for instance, pick District 4 represented by Commissioner Rardin and have his term end in 2014, and District 4 wouldn't have anyone representing them until 2016.

City Clerk Cantin informed them she has been talking with the County Clerk's office about the possibility of the City assisting with the cost of changing the voter ID cards. Plan C would change the districts around as he explained it and this would cause an extra cost in the printing of voter ID cards. She wanted them to keep that in mind as they consider how much to change districts around and how many voter ID cards would have to be changed. She let the Commission know the Chief Deputy County Clerk was in attendance tonight if they had questions.

Commissioner Rardin asked Mr. Sharp about Plan C and the example of his term being up in 2014, and District 4 being without a commissioner until 2016. He asked if someone could be elected to that district under the stipulation it would only be for two years and thus get on the correct cycle. He thought there were several issues in moving that extra district to the other election cycle. He wanted the district to be represented. Commissioner Rentschler thought the problem would be we would have seven commissioners and a mayor; a total of eight. He thought this plan was the worst of them all.

City Attorney Thies told them the Charter Amendment passed to create a Mayor-at-large and six Districts indicated the Commission should select a district that would not take a sitting commissioner out of the picture. If you adopted this plan, it would put two sitting commissioners whose terms had not expired in the same district and that would be contrary to the Charter Amendment.

Mayor Galea said if we are getting down to the bottom line, B & D would achieve that.

Mr. Sharp then presented Plan D. This one is another Indian Wells type district plan and in this case the pairing has Commissioners Baldwin and Talbert in 1. Commissioner Talbert would not be up for election and couldn't run in 2014 because District 1 is on a 2016 schedule. He could run in District 1 in 2016. He noted every plan had a commissioner who lived in District 6 though not necessarily elected from the number 6. Districts 2 & 4 would run in 2014 and 1,3,5 & 6 in 2016.

Plan E is an attempt to have one pairing of commissioners that follow the same election calendar. District 2 has Sikes and Rardin and then there is one per district for the rest. In this plan, District 4 shifts to the south so it would follow the 2016 election calendar. All the plans will have some sort of pairing.

Mayor Pro-Tem Hernandez said his is the only district not really affected by any of them. Mayor Galea didn't like that he was taking the airport. Mayor Pro-Tem Hernandez said that's the way it used to be back when he represented District 3. He thought that's the way it should be. Commissioner Rardin said that district stays relatively the same because of the minority district.

Commissioner Rardin liked either B or D. Plan B looks the simplest for the Clerk's office because most of the districts will stay relatively the same. There will be extra cost for putting everyone in new districts.

Mayor Galea asked Mr. Sharp whether B or D, in his opinion, had the most compactness. Mr. Sharp told her it would be a tough call.

Commissioner Rentschler said we are simply trying to move boundaries and the numbers could be moved anywhere to accommodate new voter ID cards. Personally, Plan E probably impacts that the least as far as existing district boundaries are concerned. Mayor Galea asked him what he liked most about E. Commissioner Rentschler said Baldwin's district remained unchanged, Sike's is pretty much unchanged, his was unchanged with some combined, 6 which used to be 4 is not nearly as volatile, and 4 will change one way or the other. He felt it had the least amount of impact.

The Mayor asked City Clerk Cantin her opinion of Plan E as far as cost for changing voter ID cards. City Clerk Cantin told her basically all the voter ID's would be changed. Commissioner Rentschler asked if the actual numbers 6 and 4 could be switched. City Clerk Cantin said ultimately all of District 7 will be changed anyway.

Commissioner Talbert was in favor of Plan B. He noted the agreement he took on when he became a commissioner was that his district would be absorbed by another district in 2014. This plan would not mess up any of the voting cycles, and it combines some neighborhoods Plan A does not. He thought Plan B looked to be the least intrusive.

Commissioner Rardin remarked there would be two parts to this because we will decide the district plan and then which district will be moved to the 2016 election cycle. He asked City Attorney Thies if it was illegal to have a two year term in order to get everyone back on track. He said we had talked about this the last time we re-districted.

City Attorney Thies said the Charter Amendment was structured where you would have two districts. One position would go out of existence in 2014 and you would have two districts up for election and the mayor-at-large. If you want to shuffle the deck in the future, we have to do another charter

amendment. Commissioner Rardin asked what he meant by 'shuffle the deck'. The City Attorney explained he meant where you are trying to create a two year term, and Commissioner Rardin interrupted to say it would be for one. If we went with Plan B, we would have to move Sikes, himself, and Talbert would go away. We wouldn't have to shift an even number that way. City Attorney Thies said no. Commissioner Rardin continued his would go away and District 7 would get renamed to District 6 and we wouldn't have to shift a position over to the next election cycle. The City Attorney agreed.

Mayor Galea said so far it seems Plan B is the optimal choice.

Commissioner Talbert moved to approve Plan B for the redistricting. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

3. Presentation on the Fire/Police Separation and possible action on approval of necessary administrative/staffing changes related to separation and creation of the Alamogordo Fire Department. (Mikel Ward, Fire Chief)

Fire Chief Ward told the Commission he was here tonight to update them on the Fire Department. He noted there had been many questions and concerns about what had been in the past and he hoped to address how they have been moving forward. He gave some history and stated that in April of 2013 the Commission approved the separation of the Department of Public Safety (DPS) into Fire and Police Departments. The major issues at that time were inadequate fire training, low moral, issues with staff retention, concerns of the level of services provided, non-compliance with National Standards and concerns over ISO. He asked the Commissioners to interrupt him at any time if they had questions. He then listed what they had accomplished since the separation. On April 19, 2013 the Fire Department was established and he came on board as the Chief about 10 days later. On May 1st they implemented the new training/certification program and on May 10th petitioned the NMSFMO for recertification as a combination department and recertification of the changes made by the City as well as petitioning for possible funding. They joined the Otero County Firefighters Association on May 22nd and mended some fences. AFD will continue to meet with them monthly. We hosted the NMFTA Firefighter I & II Challenge testing on May 24th and about 17 of our guys, some of the county volunteer firefighters and some of the state guys participated. This is the first time this has happened in the state. We had a NMSFMO inspection on May 30th and found we needed to reorganize some of our responses. We received notification of recertification as combination department & received an increase in FPF of \$105,567 on June 6th which is our primary non-salaries and benefits operating money. We reorganized Fire Operational Response on June 6th and did a lot of hands-on Firefighter Safety and Rescue Training July 20-August 3rd which covered rescuing victims and protecting themselves. August 5th – 23rd we held our first AFD 1st New Recruit Fire Academy class which a 240 hour class.

He then covered some time-line issues saying one of the major concerns the Commission had was inadequate fire training and he showed what the standards are and where AFD was and now is at this point. He said this would have a significant effect on their ISO rating. Fire Chief Ward noted the Commission's decision to separate the two departments has made a significant difference, but they are not yet where they need to be. Some other issues were there have been no live fire, smoke or limited rescue trainings. Another was the City was investing a lot of money into hiring new recruits but they were untrained and uncertified. One of the largest problems was a lack of professional certifications. Fire Chief Ward listed some of the positives and said they are averaging about 22 hours per month per member and this is two hours per month more than required. We are hoping to raise this amount even higher because we have so much to make up. He said we have offered more than 180 hours of live fire and smoke training and it has substantially improved the skills of the firefighters.

All members have been tested and demonstrated proficiency in performing Firefighting skills. All new members attend 240 hours of new recruit training. All members have certified in Hazmat Awareness and Ops. He listed the number of certified firefighters in the Department mentioning the amount of hours that had been completed to accomplish this. Seven firefighters attended the NM Fire and EMS

Expo and took 2nd place in the statewide skills competition.

Fire Chief Ward showed pictures of the some of the various trainings and events the Alamogordo firefighters have attended. Some of the training they have put on has been some of the most difficult he has experienced and it went very well. The Fire Chief described each event and who was involved. He spoke concerning low moral and issues with staff retention the Department had previously experienced. Both have improved considerably and the moral is higher than he has ever seen it in the 12 years he has been associated with this department. Inter-departmental relations was touched on next. He noted he and the Police Chief are good friends and he has seen this carried on throughout the departments; everyone is working well together.

The Fire Chief went over concerns and how they have been improved – from having more certified firefighters and instructors to improving fire inspections and customer service. They are working on the Airport Rescue Firefighting (ARFF) program for the airport. He said they were not compliant with national standards in some areas but this is being addressed and will be taken care of as quickly as possible. Fire Chief Ward told them the Insurance Services Office (ISO) develops a Public Protection Classification rating system for communities. This helps to develop insurance rates and is a significant driving force for economic development. He explained we received an ISO rating of 4 at our last evaluation and he showed our deficiencies. With the changes being implemented he hoped to maintain that rating or even drop down to a 3. The City of Alamogordo has received an extension until spring of 2014 from the ISO. Alamogordo is only the second community in New Mexico to receive an extension on ISO. They are working with us and are helping us to achieve what we need to, and an ISO consultant will come to assist in this process. Our staffing numbers, training records, age of equipment and apparatus and dispatch/record keeping are very low and these are issues e are being worked on.

Fire Chief Ward spoke about the CFR 139 Certification and ARFF Services. ARFF Service is based on the Index Classification which is based on the length of aircraft at an airport. AFD is currently equipped as an Index A (Aircraft less than 90 ft. in length). We have partnered with the Las Cruces FD for assistance with SOP's and CFR certification preparation and they will walk us through how to build an ARFF program that is successful. The Salt Lake City Fire Department is one of the nation's top ARFF schools and we will send some of our staff up there to train. PPE remains a need in order to be Index A classified and we have some but they are odd sizes that cannot be used. There has been a lot of discussion on expansion of the airport and if we had larger aircraft we would need to obtain an Index B Classification (Aircraft 90 ft. to 126 ft.). He showed the Commission what equipment would need to be obtained in order to achieve this classification. He and Deputy Chief LeClair will be going to look at an ARFF truck from another community that could be obtained for \$1.00. The grants will not purchase new firefighting equipment but will help refurbish used equipment.

Commissioner Talbert said he had received some comments from people at the airport concerning inspections. He asked what the policy was for inspections of businesses located at the airport. Fire Chief Ward told him the policy was to call the business owner, schedule an appointment and then send an inspector out. This policy has only been in effect for two months and has been revamped. Commissioner Talbert said one person was in the middle of something he could not stop and was visited by the FD, but he also said to not give them too much notice because they can be sneaky. The Fire Chief said they also do random follow-ups.

Fire Chief Ward then showed pictures of each fire station and vehicles at each. He also showed maps of the fire response districts and the ISO coverage districts. There were only small areas that were not covered and the FD is working on options to address that. Next the Fire Chief showed the internal re-organization of staff.

The items he was looking to have approved tonight were: 1) Approval to change the position titles for operational staff from Fire Equipment Operator to Firefighter; 2) Approval of a new salary schedule/pay grade chart for the fire department staffing; 3) Create three new fire lieutenant positions & eliminate two fire equipment operator positions and one Fire Operations Manager position. He

noted no additional funding would be needed since they will use existing funding.

Commissioner Rentschler asked the Fire Chief about citizen volunteers and whether we were actively pursuing that. Fire Chief Ward told him they were. Commissioner Rentschler asked if the PD was still being used as volunteers when needed. Fire Chief Ward said they were not proposing to continue using the Police Staff. What he and Police Chief Duncan are proposing is to bring the volunteers on staff and get them trained, as well as complete the reorganization of the FD so there are supervisors everyday. Then move the operational responses so we are handling the majority of our things on our own, except for the large scale incidences. Once we are confident with our program we will confer with the City Manager to complete the task.

City Manager Stahle said he was excited with the changes and said there are many jurisdictions that talk about combining Fire and Police Departments, and after studying it, the separation of these two departments makes more sense. They each have their own specialized training. He is impressed with the asset inventory the City has and the professionalism of all concerned and is looking forward to the split. He hoped they would be completely functional by the end of this year.

Mayor Galea remarked the business before the Commission was the Admin. and Staffing changes for approval as proposed, with the title changes, pay scale changes and also new lieutenant positions.

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

Commissioner Talbert said the CRJ200 is 87 ft. 10 inches long. That should fall under A and asked why Fire Chief Ward was looking at B. The Fire Chief told him they were pursuing B in order to progress and think ahead. Mayor Galea added we could be an emergency landing zone and Commissioner Talbert told her that wouldn't matter. Once you declare an emergency, all the rules go out the window. He repeated A should be sufficient for what they are looking at.

4. Presentation on the Firefighter's Combat Challenge. (Mikel Ward, Fire Chief)

Fire Chief Ward said he and Commissioner Rardin had discussed some opportunities for tourism and economic development draws for the community. The Firefighters Combat Challenge was one of these opportunities. This is something he would like the Commission to consider for down the road. It is a major nation-wide athletic competition of firefighting skills that travels to 25 locations across the country every year. It is a rolling show with their own props and towers, and draws anywhere from 5,000 – 10,000 spectators as well as being televised by ESPN. The season runs from April to October or November and they could give us a time in June. The City of Carlsbad has held this for several years and this is a big draw for firefighters. Some of the benefits are the number of spectators who come and spend money in the community, vendors able to sell items, lots of media involved that could highlight our city, and a Kid's Challenge. We would need about \$30,000 to bring it in and they would cover about \$50,000. To raise this amount, they suggest doing a community donation drive or have a local sponsor. A large, flat, smooth surface of asphalt or concrete is required as well as parking sufficient for competitors, audience and their caravans, seating & bleachers sufficient for 250-500 spectators, four trucks, EMS personnel on site, overnight security, access to a fire hydrant or water source that flows 5gal/min or 100 psi, access to public rest rooms, local shipping/storage facility, event crew of 30 volunteers per day with 3 additional volunteers for Kids' Challenge (the Fire Chief said we are not able to do this at this point), pit crew assistance and hotel/lodging sufficient to accommodate at least 100 out-of-town attendees. He thought it might be better to look at 2015 in order that we can get our department built up.

Mayor Galea asked him where he thought this could be held in the city. He said he could think of several areas, and mentioned the parking lot at the baseball field was one example. The do put up a four story tower so would need that kind of space.

Commissioner Rardin thinks we have time and if we wanted to do it we could do next budget cycle or the next. We could set aside \$15,000 in this cycle and \$15,000 in the next. He wanted the AFD to work in conjunction with the County on this in order to get the man-power. They have about 21 departments in the county with 6-15 per station.

Mayor Galea thanked him for his presentation.

PUBLIC COMMENT

A. Ironheart Pinkney commented on the following:

1) Ms. Pinkney told them she has been cooking at the La Placita building and feeding the homeless, disabled and downtrodden for about two years. She was under the misconception the City had approved for them to be there. Now that Betty Dare is giving up their lease, we have been told they can no longer be there. She asked for some time of about a month or two if they have to move. The people they are feeding need to find another place to go and we will need to find another place for their kitchen. She was asking for the Commission to let them stay at this building until they could find another building to move to.

Mayor Galea thanked her for her time and comments and let her know this would be discussed during the Executive Session later this evening.

Commissioner Rardin asked Ms. Pinkney how much time they needed to find a new location and move, if it comes to that. Ms. Pinkney told him they have had some offers from other kitchens to store their equipment until they find a place, but they haven't found a place to cook. They would need to notify the people served, also. She thought it would take at least a month.

B. Edwin Tatum, Bonnie Deeds and Wayne Mims had signed up to speak but would like to speak during Item #13.

CONSENT AGENDA (Roll Call Vote Required for item No. 9)

5. **Approve Minutes of the September 17, 2013 Special Meeting and September 24, 2013 Special Meeting and Regular Meeting of the Alamogordo City Commission.** (*Renee Cantin, City Clerk*)
6. **Approve statement related to the Executive Session of September 24, 2013.** (*Renee Cantin, City Clerk*)
7. **Approve a Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Kwik Stop/Jerry's Lounge for an Invitation only Business Reception and professional Social on October 24, 2013 at Bank 34.** (*Renee Cantin, City Clerk*)
8. **Approve a Special Dispenser Permit Application and a Temporary Alcoholic Beverage Dispenser's License for Kwik Stop/Jerry's Lounge for the Alamo Shape Sunset run on October 26, 2013 at Granada Center, 700 E. First St.** (*Renee Cantin, City Clerk*)
9. **Approve Resolution No. 2013-32 approving the submission of an application to the New Mexico Department of Transportation – Aviation Division for maintenance at the Alamogordo – White Sands Regional Airport. [Roll call vote required]** (*Kenneth Johnson, Finance Director*)
10. **Approve the agreement between Otero County and the City of Alamogordo – for Library Services, in the amount of \$33,000.** (*Matt McNeile, Assistant City Manager*)

11. **Approve the Agreements with Otero County for Senior Center, related to Transportation, Meals on Wheels/La Luz and RSVP Services.** (*Matt McNeile, Assistant City Manager*)

Commissioner Hernandez moved to approve items # 5, 6, 7, 8, 9, 10, & 11 of the consent calendar. Commissioner Baldwin seconded the motion. Roll call was taken for item #9. Motion carried by a vote of 7-0-0.

PUBLIC HEARINGS

12. **Hold Public Hearing, and consider, and act upon a temporary structure special permit for Vision Ford Lincoln Mercury Inc. from October 10th to 15th, 2013 at the Otero County Fairgrounds with the finding that it will not be detrimental to surrounding properties.** (*Marc South, City Planner*)

City Planner South told the Commission this was a request that comes before them three or four times a year and is a standard tent sale. He pointed out the request is to allow the erection of the tent; it is not to authorize the sale. The sale can go forward regardless.

Commissioner Rardin moved to approve this special permit. Commissioner Rentschler seconded the motion.

Commissioner Rardin asked if we can work on allowing the City Manager to approve these so we don't have to. City Attorney Thies said he will work on it. Commissioner Rardin felt the City Manager should have the authority to make a judgment on these temporary structures.

Mayor Pro-Tem Hernandez said he agreed, but he wondered why Vision Ford was the only one to apply when all the other dealerships were putting tents up. City Planner South told him that NM law states once one dealer is authorized for an off-site sale, everybody in the community can come in. Mayor Pro-Tem Hernandez said he meant putting the tent up and the City Planner said yes and it is three tents and the way the dealers here have decided to handle this is that the one responsible for a particular sale does all the structures for it. That way all the dealers are covered.

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

13. **Hold Public Hearing, consider, and act upon, Application No. A-881949 to grant a transfer of Location Only for Liquor License #0119 from Alamo Quik Pik, Inc. to Allsup's Convenience Stores, Inc. d/b/a Allsup's Store No. 338, located at 100 N. White Sands Blvd., Alamogordo, NM.** (*Renee Cantin, City Clerk*)

City Clerk Cantin announced this is a public hearing, and if there are any questions, the attorneys for Allsup's and current License Holders from Alamo Quik Pik are here. Due to an error by Alcohol & Gaming, this item is for a Transfer of Location and Ownership even though it says Transfer of Location Only. The publication from this last Sunday reflected that change and we are requesting approval of the Transfer of Location and Ownership which Alcohol and Gaming have approved.

Mr. Edwin Tatum is General Counsel for Allsup's Convenience Stores, Inc. He stated he has been in contact with AGD as well and is in agreement with the change and how the publication was done. This is simply the purchase of license by Allsup's Convenience Stores of the liquor license and dispenser license owned by Alamo Kwik Pik. It will be moved from the Alamo Kwik Pik Store at 1501 Indian Wells Road to Allsup's Store #338 at 100 N. White Sands Blvd. It has been approved by AGD and meets all the requirements in terms of distance from schools, churches and HAFB. He added this would be package sales only, as always with Allsup's.

Mayor Galea asked if Wayne Mims or Bonnie Deeds would like to address the Commission since they

had signed up to speak. They both told her no.

Mayor Pro-Tem Hernandez asked if Mr. Mims or Ms. Deeds would come forward for a question. Mr. Mims came up and Mayor Pro-Tem Hernandez asked him if they were being forced or coerced to sell this liquor license. Mr. Mims told him they were doing it of their own free will. They had been put in the position to do something with their store and they had negotiated the sale of the store. They had not been forced at all. The offer was a good one that came at the time when we were selling our business.

Commissioner Rardin said that after that statement, was the City not responsible for the loss of jobs with this business closing. He said there was a sign on White Sands Blvd. that said 10 jobs were lost. He wanted to clarify they sold their license without being coerced because the City was getting blamed on Face Book for the loss of this license and jobs. He felt like he needed to point this out.

Mayor Galea told him she understood what he was saying and thought this clarified the City was not liable for any loss of jobs since the sale of the store and liquor license was done by the owners by their own free will.

Mayor Pro-Tem Hernandez moved to approve Application No. A-881949 to grant a transfer of Location and Ownership for Liquor License #0119 from Alamo Quik Pik, Inc. to Allsup's Convenience Stores, Inc. d/b/a Allsup's Store No. 338, located at 100 N. White Sands Blvd., Alamogordo, NM. Commissioner Talbert seconded the motion. Motion carried with a vote of 7-0-0.

UNFINISHED BUSINESS

14. Consider, and act upon, the approval of a 45 day extension for the consideration of the purchase/replacement of personal protective firefighting equipment and self-contained breathing apparatus (SCBA) for the Fire Department. (Mikel Ward, Fire Chief)

Mayor Galea reminded the Commissioners this was something we spoke about at Fire Station #5 concerning capital improvement items needed.

Fire Chief Ward told the Commission they have a significant need and there are several areas of outside funding to look at. He would have a better understanding of whether or not they are successful in getting those outside funding sources in 45 days. He asked for a 45 day extension so he can check on these outside funding sources. If he is unsuccessful in obtaining any outside funding, he will bring it back to the Commission for consideration.

Commissioner Rentschler moved to table for 45 days until the December 3rd Meeting. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

15. Discussion, and possible action, on any items to include on the ballot for the March 2014 Election. (Renee Cantin, City Clerk)

Commissioner Rentschler would like to see us add the alignment of Florida & First and Mayor Galea remarked it was a \$3 million dollar project. Commissioner Rardin asked what he wanted to add it to and Commissioner Rentschler said to add it as a bond issue to be voted on. Mayor Galea said it was a popular road project that many had spoken of and we didn't have enough funding for. Commissioner Rardin thought some property needed to be condemned down there and Mayor Galea said a bank is there.

Commissioner Rardin wanted to see the bond issue for the Family Fun Center on the ballot. The County has expressed a little bit of interest in partnering with the City in order to get it to work this time around. He didn't know if the City and County Managers needed to discuss this first. If it were built, it would have to be built in the city limits due to the population differences between the City and County.

He wanted to give the voters another shot at it.

Commissioner Rardin asked about the Sunset Clause for the Economic Development GRT. Would we want it on here or have a special election in 2014. Mayor Galea would like to see it added to the March 2014 election because if it fails, we would have time for a special election the next year. Commissioner Rardin didn't want to have too many options on there that would overwhelm voters.

Mayor Galea said she had spoken to the Commission concerning a bond for capital costs of the public safety between Fire and Police, but a bond must be something lasting 20 years. We could use the GRT that could be added with the Hold Harmless withdrawn

Commissioner Rardin wanted to wait on the taxes until we found out what would happen with the Hold Harmless. He disagreed with raising taxes, and the Mayor agreed, but wondered how we would pay for public safety that is a number one priority with citizens. Commissioner Rardin said we've figured out how to pay for it for the last 15 years, but he wanted to see what the State was going to do. He didn't want to raise the GRT unless they simply had to. He thought it made us look like the bad guys when we had to raise taxes, and the State should be the one to raise taxes.

Mayor Galea thought the State gains a lot of revenue while we loose. The State is also looking at the opportunity to increase their portion of GRT, keeping that option away from us locally. If we don't enact it locally before the State 'grandfathers' people in, then we might have that option eliminated while the State uses it for themselves. Commissioner Rardin said we should beat our legislators into submission so they don't allow the State do that.

City Manager Stahle commented on the GRT and combating the problem of Hold Harmless, and it wasn't something that needed action so it wasn't germane to this particular project. He assumed the Family Fun Center and the Florida/First Alignment issues would be G.O. Bond projects, and he was told yes.

Commissioner Rentschler felt we needed to wait and see what they do with Hold Harmless. He said the Municipal League had a good game plan this year, and given the problems it has already created within the State and the disparaging counties and municipalities that are looking at this and have already enacted part of this tax, he thought we should hold off.

Mayor Galea said we have listed so far the Family Fun Center and the GRT for Economic Development and the Florida/First Alignment. She asked the City Manager if this would come back at the next Commission meeting. He didn't know if it would make it to the next meeting, but reminded them it had to come fast. We have to publish those ordinances on October 22nd, and the Clerk agreed. City Clerk Cantin pointed out the Election Calendar that had been handed to each Commissioner, and noted the Sunset Clause for the Economic Development/GRT would have to be turned in this week and be at the next meeting. The G.O. Bond wouldn't need an ordinance ahead of time. If you direct us to do so, we can add that into the Election Resolution. City Attorney Thies agreed. Commissioner Rardin confirmed the Sunset Clause had to be on the next agenda in order to get the publications right, but the rest can wait for the Election Resolution. The Clerk confirmed this. He asked to add the Sunset Clause to the next meeting. City Clerk Cantin interjected we have done that one before and had the wording approved by Taxation and Revenue, so the work is done on it.

Mayor Galea said the Family Fun Center is something we'd like to have but knew there was a private company looking to build it. She asked Mayor Pro-Tem Hernandez if he had been in contact with these people lately. He told her it had been a couple of months, but he knew this person was looking for some sort of funding, possibly some sort of bonds. He supported Commissioner Rardin idea of letting the citizens look at it also, then we'd have two options. Commissioner Rardin said if they approve it and somebody does it privately, we could give our money back to the state. The last time around there were four different people talking about putting one in the same time we were doing the Bond Issue. It is a very expensive thing and he thought the City could invest the capital to get it going. The other guy doesn't have the cash flow and the machines alone are over \$1 million dollars. He

reiterated he wanted it on the ballot again; it only failed by 60 votes last time, so he thought there was support. He thought the golf course was much the same way and it took two or three times to get passed.

City Clerk Cantin said the Family Fun Center would need to have the details broken down. That's one item taken to the voters already so we'll need to break down the wording or go with the same wording. At our next meeting or the first meeting in November she could present some options and work with the Bond Council and the City Attorney in order to give you options of where you wanted to go with the wording.

Commissioner Rardin felt the wording would need to change because last time we were looking for an open check book by asking for \$6 million dollars. We didn't have a location picked out. This time we have more time to prepare and can nail down a location and maybe get an artists' rendering. We could state a closer price tag.

Mayor Galea asked the City Clerk if there would be time to hold a Town Hall Meeting to gather public input. Commissioner Rardin asked if we still had the same properties we were considering last time. There were some city-owned properties and those were a lot cheaper. The \$6 million dollars was to be used on this old building over here, refurbish it and make it into one. There were some others, too. His thought it a good way to get rid of some old, ugly buildings in town and get something new out of it. It would be a quick process to bring it up to speed since we have all that information from last time. Mayor Galea asked if he thought there was a need for a Public Forum before the election and he said we could, but he thought we should look at city-owned properties. One of the locations was the old hospital property on Florida, but he didn't know where that deal would be now. We should simply narrow it down and say it will be this one or that one.

City Clerk Cantin offered to bring possible locations and possible wording for the Family Fun Center ballot item to the November 5th meeting. Mayor Galea agreed and asked to have wording for the Florida/First Street Alignment on there, also. The Clerk agreed.

16. Consider, and act upon, project scope for North Florida (10th – 16th) Pavement Improvement Project. (Jason Thomas, City Engineer & Brian Cesar, Public Works Director)

City Engineer Jason Thomas said this was a Fund 118 project that was tabled from our last meeting so you would have time to discuss it with the Public Works Director. He re-hashed some things and presented new things included in the agenda report. The City Engineering Department contracted with Terracon to design a new pavement section for N. Florida that would have a 10 year service life. The scope and recommended design we brought to you before is the \$1.3 million dollar option. At the direction of the City Manager, we also looked at the cost to Cutler the same part of the street and then recently we were asked by the City Manager to look at another option that would be 4 inch asphalt over an 8 inch base course. Those costs are in the agenda. He turned it over to Public Works Director Cesar.

City Manager Stahle pointed out today was Public Works Director Cesar's birthday.

Mayor Galea said he had not been at the last meeting where they wanted to know about past proposals for this project. Public Works Director Cesar told them he had addressed them three or four times as they went through the process of looking at the projects and what could be done with the \$7.5 million dollars that was available. Originally, one of the proposals for that section of Florida was to do a complete re-build, but the Commission wanted to take that money and try to do more with it. We brought back a proposal to pulverize/pave and it was eventually approved by the Commission. From then until today, we have had an opportunity to do some exposures on the roadway as City Engineer Thomas mentioned. After that testing, Terracon made a recommendation that was 6 inches of pavement and 12 inches of base. We talked about it and scaled it back a little to 4 inches of asphalt and 8 inches of base. Mayor Galea was alarmed it would be scaled back as far as 4 inches and 8 inches, because it does not seem like a sustainable, long-term road. She asked Mr. Cesar his

opinion on whether he thought it would be. Public Works Director Cesar told her that cross section does match other street sections in Alamogordo. Obviously, it would give as long a life as the segment the City Engineer is recommending. It will shorten the life somewhat, but he couldn't say how much it would shorten it.

Mayor Pro-Tem Hernandez told Public Works Director Cesar he was going to ask him what he had asked everybody else. Could he tell him why that road has lasted as long as it has in its current condition. According to the findings, there isn't any base and there isn't any structure underneath, but it has been there since nobody can tell him when. Public Works Director Cesar said it was rebuilt in, he thought, 1982 or 1983. Mayor Pro-Tem Hernandez corrected him with 1984, and it has held up this long in its current condition. He wanted to know why it would require all this additional work, and why are you recommending this additional work. Public Works Director Cesar said if you go back and look at the plans for the re-construction in the early 1980's, you will see the 4 inches of asphalt and the 8 inches of base is close to what was actually placed in the early 1980's.

Mayor Pro-Tem Hernandez asked where did it go; it is being claimed it is no longer there. We are told what is there now is 2 inches of base and 2 inches of asphalt. Public Works Director Cesar said a possibility is for that stretch, we replaced the water lines in that area about 1.5 – 2 years ago. Prior to that, we had numerous water breaks up and down the roadway. As we go back in and place material into the exposed areas, we don't use the same material that is placed for a roadway. Mayor Pro-Tem Hernandez asked if they had done test ports in specified locations and City Engineer Thomas said they specifically avoided utility patches when digging the test areas.

City Manager Stahle said it's noted in the staff report there is an average material thickness for the pavement of 3 & 2/3 inches, not much different than the 4 inches we are talking about doing in Alternative C. We are simply talking about thickening up the base coarse which is about 2 & 1/3 inches now. That option does get close to what you are saying, but we don't know; we weren't there.

Commissioner Rardin commented to Public Works Director Cesar that when we began talking about this three years ago, which one of these recommendations closely matches what we were going to do back then. Public Works Director Cesar said the 4 inches of asphalt and 8 inches of base – Option C. Commissioner Rardin thought we should stick with that if we are going to do the pulverize/pave, because the previous Commission had laid out all these streets and picked so many to do.

Commissioner Rardin moved to approve Option C for N. Florida Ave. Commissioner Rentschler seconded the motion.

Mayor Galea stated to move forward with the previous Commission's desires was important, but she felt it important to proceed with a project that would be a long-lasting improvement. Commissioner Rardin asked how much base was under Florida from 16th to Indian Wells and from 10th to 1st Street. He knew they had been Cutlered. Public Works Director Cesar told him that had been mill/overlay and they never got into the base on those streets. Commissioner Rardin said those roads are fine and more than likely they were built about the same time. He remembered 16th Street and Florida being redone when he had been a little kid and his mother would take him to daycare. That's a long time for a road, and if we didn't have all the patches from the infrastructure replacement, the road would not be in that bad of shape. On top of that, 10th Street from White Sands Blvd. to the By-Pass was built with 12 inches of base and 6 inches of what they called Super Pave. He remembers that one, too, and it is horrible. It has alligator-cracking and some areas that are sinking. He wondered if because of our climate we are over-building it. You are going to get what we get out of it no matter how well we build it.

Commissioner Baldwin said Option A in the agenda says the drainage issues are addressed at the 12th Street intersection. It also states the total for that portion would be \$46,000 and there would be a cost-share with Alamogordo Public Schools (APS). Would Option C incorporate this as well? City Engineer Thomas told him it would not. Commissioner Rardin asked why not and City Engineer Thomas said we were trying to reduce the cost of the project and give an option somewhere between

Cutler and the 10 year design. Commissioner Rardin said the intersection rebuild needs to be done in Option A but not in Option C? City Engineer Thomas said it could be added, and reminded them his recommendation was Option A. We took it out to save money and give you a reduced price, but we can add it. Commissioner Baldwin remarked if APS does the \$25,000 cost-share, he would like it included with Option C, as well.

Commissioner Baldwin moved to approve to add an amendment to work with APS and add the \$46,000 to Option C. Mayor Pro-Tem Hernandez seconded the motion.

Commissioner Rardin commented that if we are spending \$863,000 to rebuild that roadway a different way, why wouldn't we simply include another \$46,000 to rebuild the intersection if it needs to be done. City Manager Stahle answered him saying because you all asked us to do the basic of what it was before. Commissioner Rardin said if the intersection needed to be done for drainage, and it is \$50,000 difference when you are spending $\frac{3}{4}$ of a million dollars, throw it in there. With APS paying for half of it, we'd only be spending \$26,000. City Manager Stahle said we would be delighted to do it and he knew the school district would be as well because it would solve the problem they have on the campus down there.

Mayor Galea said she appreciated the Staff taking their direction.

The amended motion to add the \$46,000 12th Street intersection drainage fix to Option C was voted on. Motion carried by a vote of 7-0-0.

The original motion to approve Option C was voted on. Motion carried by a vote of 7-0-0.

Commissioner Rardin asked what the time line was to get this out to bid. City Engineer Thomas said we could probably advertise in two weeks; the plans are already prepared. Commissioner Rardin asked if it could be awarded by the end of the year, and the City Engineer said that is correct. Commissioner Rardin asked how long it would take to complete the project and the City Engineer said about a six month time frame. City Manager Stahle said we may want to work with the school system since they have a campus right there and may not want to have construction going on that would disrupt their operations any more than possible. City Engineer Thomas said we have a provision in the contract that piece of work needs to be done either during the Winter Break or Summer Break to minimize disruption to the campus. Commissioner Rardin said we have time constraints on our money and if we wait until May or June of next year to begin the project, we won't have time to get it finished before our money goes back to the State. We need to get this spent, reconciled and done by December of next year, whether we disrupt anyone or not. He wanted to see this one out as soon as possible.

Mayor Galea asked if this portion could be completed during the Winter Break and the City Engineer told her he would have to look at the schedule, advertise, re-bid, award and see what kind of constraint it would put on the contract. We are well aware of the December deadline and fully intend to have it completed by then; there is plenty of time to have it completed by then. City Manager Stahle said Mother Nature may have something to say about it, too.

NEW BUSINESS

A-1. Discussion, and possible action, related to Operation Buckle Down. (Robert Duncan, Police Chief)

Police Chief Duncan addressed the Commission and explained Operation Buckle Down telling them it is sponsored by the National Highway Safety Administration and is federally funded by a grant. He said there are approximately 74 law enforcement agencies throughout the state that perform this special operation. The main purpose is to ensure compliance with the seatbelt law as well as for child safety restraints. It does prevent injuries and when you enforce a law with some type of monetary penalty, it does change some peoples' way of doing things. We did perform a total of 12 operations in

2013. We have done a total of 10 roving patrols throughout the City and that means a total of two patrol cars that go throughout the city and observe those not complying with the safetybelt and child restraint laws. They issue either a warning or a traffic citation. When we did the 10 roving patrols we had a total of 20 hours worked and all we issued out were eight seatbelt citations. We decided to put an officer in their blue uniform and wearing an orange vest on medians at busy intersections as well as two patrol cars. This officer would use the police team concept, and when he spotted someone not in compliance with the seatbelt laws he would radio one of the patrol cars who would then pull that vehicle over. We did those operations on August 22nd and September 12th. On August 22nd we issued 29 seatbelt violations and on September 12th we issued a total of 16. If you break that down per hour, the 10 roving patrol cars issued one citation for 2.5 hours. For August 22nd the amounts was one citation per hour and for September 12th we issued out one citation per 1.5 hours. He felt the two operations that had officers standing in the medians were great operations and he was informing the City it was a great success.

Commissioner Talbert asked if he addressed people riding in the bed of a pick-up truck. Police Chief Duncan told him they do, but it is not against the law. Commissioner Talbert questioned this law and the Chief told him he didn't know why the state did not address this.

Commissioner Rardin said he was the one who asked for this to be added to this agenda, and the City Manager had stated it was a policy to do this. He didn't know when the Commission made it a policy, but he thought it was border-line harassment of the citizens. When it was done down here on September 12th the traffic was bottle-necked with rubber-neckers, those slowing down because they saw all the officers, wet roads because of the rain and in his opinion it was unsafe for the officer to be standing out there. Commissioner Rardin said he could have run the officer over with his ¾ ton truck if he had slid and hydro-planed. The one in August was on White Sands Blvd. and 10th Street which is a very, very busy intersection. He felt this was not safe for our officers to be standing out there with nothing around them. Again, he stated it was border-line harassment. He was all for enforcement of seatbelts and speeding, but he wondered if it needed to be taken that far. This is why he asked for this to be on tonight's agenda. If that officer were to see somebody reach over and put on their seatbelt after he sees them, let them go on their way. He didn't know if the PD had ticket quotas or not, and he didn't see the need to write a bunch of citations, unless it is someone who they see doing this every day. He said he did not approve of that type of enforcement.

Mayor Galea told Commissioner Rardin she saw a pattern where he instructed the Engineer how to build roads and now Police Chief Duncan how to provide Public Safety. This is an inter-office policy and even though the Commission directs policy, we certainly don't challenge the inter-office policies our Chief of Police establishes through a state grant. Commissioner Rardin rebutted saying we can dictate that and that is our job. We are here to defend the citizens of the City. When they are out there getting tickets for that, it is wrong. Mayor Galea asked for violating a law? Commissioner Rardin said they are violating a law, but the way they are doing it is just wrong and not safe. What happens if that officer gets killed and run over? We'll have a law-suit on our hands because we let them stand in an intersection like that. It just is not right, period.

Mayor Galea understood the safety aspect, but asked how this could be done any better. Commissioner Rardin told her his other operations worked fine with the cars around town. These guys are all over the place and you can see if someone is not wearing their seatbelt when you drive by. Mayor Galea said she could not. Commissioner Rardin said he could and told her to be more observant. He said again he didn't see the need to harass the citizens of Alamogordo in that way. Enforce seatbelts by driving around in the cars, just don't stand on the street corner. He noted Mayor Pro-Tem Hernandez was there the other day when that one was going on and he had the same opinion. There were so many officers there that you almost couldn't get through the intersection. It was uncalled for.

Commissioner Rentschler disagreed with the Mayor. He said it is our position to consider what is happening to our citizens. As far as the seatbelt, he had been an EMT for 30 years and certainly supported that. He said it was very noticeable when someone was not wearing their seatbelt, and

when it comes to this, when the Corps had shut down White Sands Blvd. and posted 15 MPH speed limits we told the PD to not enforce it. They had been down there with the radar and giving ticket after ticket. We were blunt about that and told them they would not enforce it. It was something that had happened and this was the same type of thing. He wasn't sure he agreed with this method of enforcement.

Commissioner Sikes agreed with the Mayor. We have hired a police chief with extraordinary credentials who has probably done operations very similar to this in metropolitan areas. We aren't doing it every day and do it so infrequently it emphasizes what the problem is. The only thing she would improve is to publicize it and let people know that is what you are doing even if it is only for one day. She didn't have a problem with it. She said we have an engineer we hired who has exceptional credentials and we seem to think we can build roads better; we have a police chief who we took a long time to hire and we need to listen to what he has to say when it comes to public safety. She thanked the Police Chief.

Mayor Galea said perhaps advertisement of Operation Buckle-Down would promote more seatbelt awareness and the wearing of.

Mayor Pro-Tem Hernandez agreed with Commissioner Rardin when he saw the one on Washington that caused a lot of bottle-necking. It wasn't so much concern for the officer there. He also saw an officer at 1st Street and Maryland and he thought it was on the same day as the one on Washington. That one concerned him because of the amount of accidents at that intersection which have included roll-overs and crashing into the fence. There was one there two-three weeks ago and a car took out the light system. That part does concern him. The second part is that these guys are qualified, but if we take that attitude we might as well rubber stamp everything. Commissioner Sikes said we aren't asking them to run the City, we are asking them to run DPS. Mayor Pro-Tem Hernandez said he totally agreed, but sometimes we see something they don't consider. The officer at the Maryland and 1st Street intersection was in a very dangerous spot. He encouraged her to pull up the numbers and see the number of roll-overs and crashes that have occurred there. He isn't saying he wants to do their job; he wants them to consider that sometimes they may not see something we see. Commissioner Sikes added a lot of times they see things we don't see because they have the training and experience. Mayor Pro-Tem Hernandez agreed.

Mayor Galea noted Operation Buckle-Down is tied to a state grant, and the commission will have an opportunity to vote on that grant the next time it comes up for renewal.

Commissioner Rardin asked the Chief that when he worked for the State Police, how many times did they do this. Police Chief Duncan told him in the last five years it has been a tremendous operation around the state. Commissioner Rardin said he had never seen this anywhere else. He asked if the State Police conducted this on the highways and Police Chief Duncan told him it was not done on highways or interstates, but they did go in every city including Albuquerque and it was a huge success. The Police Chief said he would get it advertised in the newspaper and on the local radio stations. He noted they were here to prevent injuries and save lives, and this operation isn't going to be done all the time. He felt it was a pretty good operation even when we run a laser and use the police team concept to radio cars down the road, but he said he would take any other suggestions and comments. He was here to help make the city safe.

Commissioner Rardin told Police Chief Duncan his reasoning was when you have a constituent who calls and says you can't solve my property crime or a murder case from three years ago, but you can harass us in the intersections for seatbelts. He said he knew it was not harassment, per say, but we need to focus on the real crimes. If they don't have their seatbelt on, even though it is against the law, it is the same as speeding. He knows he speeds and we all speed and it is against the law. Do we really need to focus on that? He had issues with it when they stand in the intersection and then he is the one to get calls about it. They ask him why the PD can't get this or that fixed. Commissioner Rardin said he read the police logs every morning and you see all the crimes going on. Why don't we solve those instead of writing seatbelt tickets? He said that is where he is at on it.

Mayor Galea would like to see Operation Buckle Down continue to promote public safety.

Commissioner Rardin moved to approve to continue with Operation Buckle Down but not use the officer's standing in the intersection method of enforcement. Commissioner Rentschler seconded the motion. Motion failed with a vote of 3-4-0. Commissioner Talbert, Commissioner Sikes, Commissioner Baldwin & Mayor Galea voted nay.

Commissioner Rardin said he had talked to an officer in the intersection and he could tell the officer felt stupid standing in the intersection. They will do what the Chief asks them to do, but do we really need that kind of enforcement for seatbelts. After the motion failed, Commissioner Rardin asked John Bear who reports for the Alamogordo Daily News to let people know to call the ones who voted nay instead of him when they get tickets. Mayor Galea said to call and she would chasten them some more; Commissioner Talbert said he would tell them to wear their seatbelt because he has taken enough dead bodies out of cars and would rather not take out any more.

17. Consider and act upon proposed terms and conditions of a professional services agreement with Bill McMillan, President of the New Mexico Aviation and Aerospace Association. (Stephen City Attorney)

City Attorney Thies explained the highlights of the agreement. Staff was directed a couple of meetings ago to contact Mr. McMillan who had presented before the Commission in August or early September. You asked Staff to contact him and ask what he had to offer in the way of aviation related economic develop services. The City Attorney had phone conversations with him last week and he forwarded a full scope of services which is attached to the service agreement in your agenda packet. There are nine different tasks he is proposing to do, and for performing those tasks he would agree to a sum of \$40,000. He would perform the nine tasks over a period of five months.

Commissioner Rentschler was under the impression we were going to utilize him as a head-hunter, so to speak, and reward him when he actually brought us a company. Mayor Galea said that is not his interest. He doesn't have an interest in collecting a finder's fee.

City Attorney Thies said the tasks include he would put us in contact with potential aviation-related businesses willing to re-locate. During one of his phone conversations with Mr. McMillan, they had discussed the head-hunter concept, but we ended it with the proposed scope of services at the proposed cost. The Commission could go from there.

Commissioner Rentschler asked about the nine measures and City Attorney Thies told him the nine measures he was referencing were the performance measures we would use to see if he successfully performs each one of those nine tasks. The nine tasks are set forth in the exhibit attached to the agreement. Task # 1 is Aviation Recruitment where he would develop a recruitment plan that would identify our strengths, labor pools, resources, etc. and try to put us in touch with aviation related businesses.

Commissioner Rentschler said the Improvement Plan is not what he was expecting. He was expecting something concrete that we could follow and he was expecting someone to speak with and go through OCEDC. He also saw it would come out of the General Fund and it says greater than \$50,000. City Attorney Thies said it was less than \$50,000 and explained the fees were \$40,000 and we'd be paying GRT so that is why it says less than \$50,000. We are capped without going to RFP to less than \$50,000 on a services agreement, and that is why it says less than \$50,000. Commissioner Rentschler noted for clarification the > (less than) is the other direction than < (more than) on the agenda report. The GRT would be about \$3,200 or \$3,300, roughly.

Mayor Galea had expected only aviation recruitment and the language is very loose when it talks about bringing a prospective company within 30-45 days. She said she could bring in someone to have lunch with her in 30-45 days, but that doesn't mean you are giving her \$40,000. She didn't like

the loose language in the aviation recruitment which was the only thing she found most exciting about the proposal. The other services she saw were already being done or worked on by OCEDC. We certainly don't need an FAA liaison because of the new Airport Manager coming soon who would be able to do that.

Commissioner Talbert agreed with what she was saying. What he sees here is what OCEDC and the Airport Manager will be doing. It hasn't been done lately simply because we haven't had a manager out there. When we bring Duke on board, he will be taking care of a lot of this and Commissioner Rardin didn't see \$50,000 in value in this agreement, especially when we don't have that amount to use like this. The Mayor agreed.

Mayor Galea asked the City Manager if he could discuss with Mr. McMillan only doing Aviation Recruitment and also bring a more finite proposal of what that would entail and a finder's fee. City Manager Stahle said he would do that and added the Airport Advisory Board had done a good job of doing the FAA liaison work, as well. We haven't had an Airport Manager in a while, but he felt that board did a terrific job.

Commissioner Talbert recommended we deny this and pursue something different.

Mayor Galea asked the City Manager to do this and bring something back in the future.

Mr. Jim French addressed the Commission saying he completely agreed with where the Commission was headed on this and the only thing he had to add was a lot of this scope was a duplication of what OCEDC is already doing, especially with the Airport Manager coming on. He reached out to Bill McMillan and invited him to one of their board meetings, and if he can bring some expertise we are all in favor of that. As a taxpayer, he was very leery of the cost, and he wasn't sure what the taxpayer would have received for the money. He remarked OCEDC was fully prepared to work with him if you decide to do that.

18. Consider, and act upon, the first publication of Ordinance No. 1451 amending the official zoning map of the City of Alamogordo, changing the classification of the north half of Lot 8 and the south 37.5 feet of Lot 9, Alamo Blocks, Block 64 (commonly known as 1218 Michigan Ave.) from R-3 (Two-Family Dwelling District) to R-4 (Multiple-Family Dwelling District). (Marc South, City Planner)

City Planner South told the Commission this request originated in another matter that will ultimately be coming before you at a later date. A City employee was called to this location and discovered the residence there is a three-plex, where R-3 only allows a duplex (a 2 family dwelling). After research and discussion, we determined it has been a triplex since somewhere, at least, in the late 1960's and maybe older. Before other things can happen, there is an affirmative need to rezone the property to multi-family, since that is the next step up from duplex. Staff did not make a recommendation on the rezoning application; the P&Z commission recommended approval. He then showed this area on overhead slides. He pointed out other properties that were C-1's, R-3's and R-4's. Both the current Comprehensive Plan and the one in process envisions this as a transitional zone. It is turning into multi-family housing of duplexes or more than duplexes and R-4 which allows for small professional offices. Staff had no recommendation and P&Z was in favor of it.

Commissioner Rentschler asked if there were any parking problems associated with this, and Mr. South said there were none that have been developed. Commissioner Rentschler asked the nature of the complaint that took them to this property, and Mr. South told him it was a complaint from a tenant concerning windows being large enough for ingress and egress; whether they met code and also smoke detectors. The inspector started counting units and found three.

Mayor Pro-Tem Hernandez said he didn't have a problem with any of this other than on the application it shows they paid a \$200.00 deposit on a \$400.00 fee. He wanted to make sure the entire fee was paid. City Planner South said the entire fee had been paid.

Commissioner Rardin asked if this was the one where they converted a storage shed to living quarters, and the City Planner South told him it was, but until the re-zoning is approved when or if you pass the ordinance tonight and then in a few weeks, then that question will be ripe for discussion. Commissioner Rardin said with the three properties currently zoned R-3, aren't there actually four properties counting the storage shed? The City Planner said that was correct.

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

19. Notification of Vacancies on Boards & Committees. (Susie Galea, Mayor)

Mayor Galea announced the Boards and Committees with current vacancies and noted there would not be any appointments since there were no nominations.

Commissioner Rardin asked Staff to research all boards and committees and see which ones we don't need to have. He knew we had to have some according to law, but he wondered if some could be done away with or combined.

City Manager Stahle clarified with Commissioner Rardin he wanted a list of all of the Boards and Committees and see which ones are required and which ones we might recommend are not needed. Commissioner Rardin said some have never had anyone appointed to them. He knew we had to have some for certain grants, but he felt there was no point if no one wanted to serve.

City Clerk Cantin told the Commission she doubted she could have that information for the next meeting. Commissioner Rardin suggested the first meeting in November. City Clerk Cantin said she would get with all the Staff liaisons in order to find out what the regulations were.

PUBLIC COMMENT

Janet Quick commented on the following:

1) She told the Commission she was the President of Otero Hunger and was here on behalf of the La Placita building. She said that is one of their soup kitchens and we have six in Alamogordo at this time. They serve Monday – Saturday with Otero Hunger Monday – Friday and the one at La Placita on Wednesday. That is our largest serving meal with between 75-80 people per week. She invited anyone to come down tomorrow to see the people who are served. We serve the homeless, the underprivileged and children who come from football practice. The serving hours are from 5:00-6:00.

CITY MANAGER'S REPORT

1) None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Baldwin commented on the following:

1) With the election coming up, he wanted some kind of training for people who consider running for the Commission or Mayor. He wanted Staff to work on this so there would be some kind of get-together for those who sign up to run. It would be a pre-training prior to the NMML training for elected officials. Mayor Galea said she and the City Clerk had already had this discussion and were on the same wave.

Commissioner Talbert commented on the following:

1) He said he was seeing more and more abandoned houses in Alamogordo and has talked to Mr. Baker at Code Enforcement about it. We need to do something to get the owners to clean up their properties. As houses become abandoned or fore-closed upon, we need to hold the banks feet to the fire to keep the houses clean and the weeds from becoming overgrown. He said there was one

incident where local pets were being injured by rattlesnakes because the grass was so high and was like a jungle, yet no one was doing anything about it. The owner had simply walked away from it. It doesn't look good for the city and we need to make sure these property owners comply with city codes.

Mayor Galea reminded him Fire Chief Ward had sent an email to everyone concerning new protocol established for complaints, so as you come across those vacant properties contact Fire Chief Ward.

City Manager Stahle said they will try to start tracking the number and type of complaints, action taken, time taken and who we are dealing with. Part of that problem is that the property is bank-owned or owned by an out-of-state individual and this complicates life immensely. We have a mobile home park in the city limits that has been basically walked away from. It is not being maintained at all, is not secured and it is dilapidating quickly; the property owner is out-of-state. We need to work out a system to contend with these situations effectively. He said they were on this problem, but it was a time-consuming task and it could take a lot of cost in case we have to go in and fence it off. He said he would put together a report in the next several months in order to give them an example of what code enforcement had been doing and what improvements had been made.

Mayor Galea commented on the following:

1) She announced she had two proclamations. One was Domestic Violence Awareness Month (October) and there will be a candlelight vigil headed up by C.O.P.E. this Thursday night at 7:30 in the Rose Garden across from the Public Library. The other was Anti-Bullying Day for Friday, October 11th and the public schools had planned events within each school to foster awareness.

Commissioner Rardin commented on the following:

1) He asked for an update from City Attorney Thies concerning the culverts at the Oasis Trailer Court. City Attorney Thies told him it was scheduled for trial on October 16th. He asked for an update at the next meeting of the outcome of that trial. He wanted to know if they could remove or not remove those since it had been a three year process.

2) He had a call today from some people from Kiwanis on Cornell concerning us forcing them to put in a new driveway. He wanted to know how we can force them to put in a driveway. Commissioner Rardin knew it was to curtail some flooding issues and one of the remedies it looked like you all had done was going to create some huge flooding issues for everyone west of them. He thought that would put us in liability, so he wanted to look at that. City Manager Stahle replied he would be happy to meet with him and noted he was keenly aware of this and there is a drainage easement we are trying to make use of. He said it had been discussed in the past with the decision made not to pursue it because it would cause drainage and flooding issues when it rains.

3) Commissioner Rardin asked about a six month evaluation for the City Manager, and the City Manager told him he has been here 4.5 months. Commissioner Rardin said we have always done an evaluation at six months and wanted the Commission to be aware of this. We need to get the questions put together for this and do an evaluation of the City Manager.

EXECUTIVE SESSION (Roll Call Vote Required)

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

- **Acquisition of Water Rights (Lincoln County).**
- **Purchase, Acquisition, or Disposal of Real Property (Lease of La Placita Building located at 3102 North Florida Avenue).**

ADJOURNMENT

Commissioner Rentschler moved to adjourn into Executive Session to discuss Acquisition of Water Rights (Lincoln County) and Purchase, Acquisition, or Disposal of Real Property (Lease of La Placita Building located at 3102 North Florida Avenue) at 9:53 p.m. Mayor Pro-Tem Hernandez seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.



Renee J. Cantin

City Clerk Renee J. Cantin

Al Hernandez

Mayor Pro-Tem Al Hernandez

(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on October 22, 2013.