

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
7:00 P.M., COMMISSION CHAMBERS  
SEPTEMBER 24, 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 7:10 p.m. Roll Call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Invocation was given by Pastor Justin Crispin and the Pledge of Allegiance was led by Mayor Pro-Tem Hernandez.

**APPROVAL OF AGENDA**

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

**PRESENTATIONS**

- 1. Presentation by the Corps of Engineers related to the Flood Control Projects & possible action on a Support Letter to the Corps for the North Detention Basin reevaluation.**  
*(Jason Thomas, City Engineer)*

City Engineer Jason Thomas recognized the Corps Project Team who were in the audience. Michael Martinez was the project manager from Albuquerque and John Long was the resident engineer. He said they could answer any questions he might not be able to. The City Engineer said that at the end of this short presentation he would cover the recommended action on the re-evaluation of the North Channel Project and the Corps Project.

City Engineer Thomas said the investigation of Alamogordo flooding was initiated in 1958 and the survey report was completed in 1961. The recommended construction of a standard project flood diversion channel was made at that time and from everything we can gather it was a very large channel with a 90 foot bottom, probably carrying about a 500 year storm. The 33,830 foot long channel was aligned north and south along the eastern edge of the city and was designed to discharge flows into the Red Arroyo west of the city. The Alamogordo Flood Control Project was authorized by the Flood Control Act of 1962 and the design was completed in 1964. It provided protection beyond the 100 year flood. The construction plans were appropriated in 1966 with a 25% local share of the project cost or a match. The City was unable to implement bonding for the match in 1965 and 1974 so it remained inactive until 1979. In 1982 the plan was recommended as still being feasible and the realignment of the upper 12,000 feet of the channel was necessary due to development that had occurred along the east side of the city. The project was reactivated in 1986 with funds appropriated to resume pre-construction planning. In 1989, the City requested the project scope be reduced to provide protection to what is called the 1% annual chance of a 100 year flood event. Supplement 2 to the General Design memo was completed in 1989 for the 100 year plan. In 1992 the City requested the project be phased to spread the financial requirements out over time. The Corps evaluated three alternatives at that time. The Commissioners were given a handout showing the overall phases of the project. The Northern Diversion Channel 1 would drain Beeman and Dry Canyon; North Diversion Channel 2 is the Tays/Holcomb Channel which flows through NMSU-A and past the Hospital; the South Diversion Channel combined with McKinley Channel. The South Diversion Channel is on the far southern end of town and has been completed. McKinley

Channel is the one they are working on now. In 1992, an interim letter report provided the decision to proceed with a general re-evaluation report. He explained that this graphic is an old one and North is to the left and the North Channel, the Tays Channel flows into the former detention basin near the Public Works yard. The McKinley Channel is the one being worked on right now, and the South Channel has been completed. In 1998, the Corps recommended construction of the North Diversion Channel and the South Diversion Channel combined with McKinley Channel. The Tays/Holcomb Channel was not economically justified. It eventually floods 25<sup>th</sup> Street and N. Florida. He pointed out the Tays/Holcomb Channel alignment and he pointed out the remnant of the storm water detention facility that was breached years ago and was just adjacent to the Public Works yard. With this project the ditch would be constructed and then a pipe would extend to the left for discharge of storm flow. The South Diversion Channel alternative has a 10.5 foot trapezoid bottom that varies here and there. The McKinley Diversion Channel Addition provides protection to the south/central part of Alamogordo. It will have a very large sediment basin at the upstream end just like the South Diversion Channel does.

The North Diversion Channel alternative had two sediment basins and went straight, due west, through what is now a residential area and then discharged into the Red Arroyo. Changes have occurred to the concept of the North Channel. In 2002, the City requested an investigation of constructing a potential structure and moving up the North Diversion Channel to collect flows from Dry and Beeman Canyons. In 2004, the Energy of Water Appropriation Act directed the Corps to study the north detention basins instead of the North Channel. He pointed out these areas on the overhead map. What has been done to date are – on the South Diversion Channel, Phase 1 was completed in 2002, Phase 2 in 2004, Phase 3 in 2007 and Phase 4 in March of 2011. In May of 2013, the McKinley Channel saw the completion of Phase 5, and Phase 6 is currently under construction. They are now at the Cuba crossing and next will go to the Madison crossing near Yucca Elementary. That will include Phase 6. General construction costs to date are \$38.9 million dollars. He showed a concept of the Marble Canyon sediment basin at the top of the South Channel. He showed some pictures of some of our recent floods and noted the loose vegetation marking the high water as well as some other areas in the city and the dates of completion for some of the channels. The City's investment to date with escrow deposits of the Corps, sewer and water relocations and other soft costs totals \$9.3 million. The flood plain area of the South Channel was revised by the Corps of Engineers and 375 properties were removed from the Flood Zone as a result of the construction of the South Channel. The next thing will be the completion of the McKinley Channel 7 & 8 and the remainder of the channel from White Sands Blvd., basically the fill-in projects between White Sands Blvd. and Madison – Phase 7. Phase 8 will be from Madison all the way upstream to the large sediment basin upstream of the channel. Phase 7 construction award is anticipated in September of 2014 contingent upon Federal funding. Phase 8 construction is expected to be awarded September 15 of next year, again contingent upon Federal funding. The City's funding obligations for Phase 7 & 8 are expected to cost up to \$19 million dollars with the City's match being \$4.8 million. The City must purchase easements and rights-of-way and pay for all utility relocations. Fortunately, in this agreement with the Corps, the costs are credited towards the City's match. Right now we have a current fund balance of in escrow with the Corps of \$1.7 million dollars and on July 2014 they will need to have the rest of our \$2 million dollar match in escrow. With the money available and with the money we need for right-of-way estimated at \$250,000.00, we have a deficit of \$550,000.00. That was one of the numbers you saw in the ICIP program recommendations from the Staff. Phase 8 will require \$2.5 million in escrow, and we are projecting the start of Phase 8 construction that is north of the Madison crossing in January of 2016. Potential revenue and funding sources are Fund 42 for Streets and Drainage (1984 GRT). We don't know what other projects are looking at that so we don't have any recommendations at this point. Also, there will be funding through the ICIP process and any other grants, loans or bonds. Our Finance Dept. did apply for an NMFA loan but it was ranked very low. He next talked about the North Detention Basin saying additional environmental work would be needed because the basin area was not in the original 1998 Feasibility Study so a re-evaluation study is required. The Corps has not pursued funding to accomplish this study and it will take about two years and cost about \$1 billion dollars. The City's match will be half of the study costs - \$500,000.00. If the City wants to move forward with the re-evaluation of the North Detention Basin it could include other alternatives besides the Basin itself. It would address flooding on the northern end of town. The City has to provide a letter to the Corps requesting that action and the Corps will need to program funding into their Federal

budget request. The earliest that work would begin would be October of 2016 and the City's match would be required at that time. He asked for questions.

Mayor Galea said she understood what the Commission must decide tonight which was whether to move forward with a letter to the Corps to get the future study done of which the City of Alamogordo share would be \$500,000.00. City Engineer Thomas said that is correct and added that in the discussions with the project manager, he would recommended the Tays/Holcomb channel be re-done because it causes a tremendous amount of flooding on 25<sup>th</sup> Street and in the neighborhood

Commissioner Rardin said this drawing you handed out to us tonight isn't the same one we did a walk-through on three years ago. The original plan was built up right behind Christ Community Church and went north. This one is showing that further to the north and then the water would come out the detention basin they built behind the church, come down the existing channel and at Florida and Scenic it would go in both directions – south down the existing channel and tie into Canal and west down an arroyo out towards the highway. Why did they change it?

Mr. Mike Martinez, project manager for the Corps of Engineers explained the plan presented tonight was from the original plan out of the 1998 Feasibility Study. He wasn't familiar what other plan was presented to them a few years ago and he said he would follow up and find out more. This present plan was from the original 1998 Feasibility and for which Congress authorized construction dollars.

Commissioner Rardin said this one here looks like you go a little north of town after you collect the water and then go west while being further to the north than the original. Mike Martinez saw what he was talking about and said that was correct. The original authorization was only for a channel and it did have a series of collections. In the 2004 award that re-authorized, Congress told the Corps that they didn't want a channel done but instead a detention basin. A detention channel was shown for the northern part of the city but it never went further than that to come up with the actual 35% Feasibility Study. It was a rough budgetary-type of design and so the question being asked of you tonight is if there is interest to continue with the north study and to get actual numbers and a design. We need to move forward with the hydraulic and geotechnic investigation of the area to make sure that a detention is still suitable, including the Tays/Holcomb area that was dropped out of the 1998 Feasibility study. It would be one way or the other because of the drainage.

Commissioner Rardin said we took a field trip three years ago and the whole Commission walked the area behind Christ Community Church to show us where it would start and end. It looked like a good plan that would work and it gave two areas for the water to go different directions. It sounds like a funding issue on your part in Congress, and he thought the other plan would work a lot better. Mr. Martinez said he would look into that. He said this is not locked in stone and is a conceptual idea of what a detention area would look like. In his research of their records, he hasn't found anything more than a conceptual idea was prepared, but he will go back and try to find the plans the Commission had seen three years ago. He thought those were ideas at the time.

Commissioner Rardin said the plan or concept drawing they had in place utilized the existing channels to flow the water. Currently, it floods at Scenic and Florida and all that water runs down Florida. There is a ditch there by the German Elementary School and the old plan built the detention basin up above at the base of Beeman and Dry Canyon behind the Church. It ran the water down that channel by the German School all the way to Canal. The City screwed up by giving a portion of an easement away but there is still enough for you to build that drainage structure through there to relieve the water in two different directions. This had to have been three to four years ago because he remembered an issue with one of the sub-dividers who had just put in a sub-division out there. We were worried about that easement at the time and he remembered it was an 80 foot wide easement of which 40 feet had been given away by past commissions.

Mr. Martinez assured him what they are seeing was a conceptual area and there is definitely room to change it. We are going to try to find the most economical way to do this and will use any existing structure. There are existing channels out there that can be improved because once you detain it you

must slowly release it. Commissioner Rardin said they had numbers of how many millions of gallons of water it would catch and hold and at what stage they would release it. They had the flows calculated for the flows that run down the canal, how fast it would release and what would go east and what would go south. His issue was if we would flood people out who lived to the north of town in rural areas.

Mr. Martinez said when we create a design we cannot impose additional damages to the area. He said could not find the design they had seen before and Commissioner Rardin said he would look in his office to see if he still had it.

City Attorney Thies said the design Commissioner Rardin is taking about was done by Bohannon-Huston. It was a large detention pond that was designed in about 1978, and then from the detention pond outwards it was the City's obligation to get rid of the water once it was released from the detention pond. The original plan was to run it west and dump the water in Red Arroyo. The City encountered some push-back from the residents out in that area about dumping that amount of water in even dry canyons. That is part of the reason we vacated 100 – 200 feet of easement that ran to the west. Once we realized we didn't have easements to dump the water to the west, we began looking at alternatives. It was at that time we decided to have Bohannon-Huston study the options and one of the options was to run all the water down what we commonly call the Nueces Trailer Park Ditch. The second option was to split the water at the intersection of N. Florida and Scenic and run a portion of the water down what we retained in easements to the west, and the rest to the south to the Nueces Trailer Park arroyo until it hit Canal Street which was the arroyo to the west, dump it out behind the railroad and feed it out somewhere beyond there. The City Attorney noted Dean Hunt was present at tonight's meeting and explained he had been our City Engineer for many years although he wasn't sure he was here when this project had really gotten started. He had worked extensively with the Army Corps of Engineers concerning this particular issue and he may be able to shed further light on it.

Dean Hunt of Hunt Engineering responded to Commissioner Rardin's question. He said we did go out in the field and he recalled the flow from that detention pond were around 700 CFS. That information was incorporated into Bohannon's study of Dry Canyon Channel. That's where we proposed to do two detention ponds downstream. Commissioner Rardin said one was at Fairgrounds and one just north of the Canal Ditch where the Church sits. Commissioner Rardin said that is probably why Mr. Martinez can't find the plans, because they were produced by Bohannon-Huston. Mr. Hunt responded Bohannon took off from the numbers given by the Corps.

City Manager Stahle pointed out what is being recommended to you tonight is to reassess this whole north basin scenario. There was a change made that may not take into account the current condition and it really does need to be re-assessed and re-evaluated. We've got to contend with the problems down Florida and the legitimate option could be that basin that used to exist by the Public Works yard. He recommended the Commission re-evaluate this whole North Detention Basin Concept. He cautioned re-evaluation is an expensive proposition, but it won't be if the Feds don't come up with their half.

Mayor Galea asked what the potential was of it costing the City more than \$500,000.00 for authorization of the re-evaluation. Mr. Martinez said the best way to answer that is that the estimate is high. The worst case scenario is it would cost \$1 million dollars. If there is an existing study out there such as the one done by Bohannon-Huston or any other, it would bring that cost down. He said he presented the \$1 million dollar Feasibility Study because it was much easier to come back with lower figures than higher.

Commissioner Rentschler said what this actually does is look at Dry Canyon which is the canyon by the first truck escape ramp going up Hwy. 82. The rain that fills that basin comes all the way down and across and fills it. What we were looking at when we were out in the field was a berm 30-45 feet high on the south side and running  $\frac{3}{4}$  of a mile down. It was divided in two directions – Red Arroyo and to another retention pond or two and ended up in the Indian Wells Channel and then went across

to the west. That was the original concept we were given and it seemed pretty reasonable.

Mayor Galea said if there were not any other questions, the Commission could or could not authorize re-evaluation of the North Basin to mitigate flooding in the future.

Commissioner Rardin asked if we authorized to re-evaluate this and send the letters of support, you guys are going to do it whether we agree or not. Do you think you will shift it to the north and do something different or look at the plan we just discussed.

Mr. Martinez said without the letter of support the Corps cannot move forward, so that is a key right now. He said he needed that to get into the Federal budgeting cycle since it is one of the first things they look at. The second part of your question is yes; we will look at the alternative features and evaluate all variations. Commissioner Rardin said that other option seemed very well thought out, because it caught all the water coming out of those canyons and released it at a slower rate so it wouldn't overwhelm anyone. The existing channels are not big enough for the amount of flows.

Commissioner Rentschler noted it said re-evaluation and asked Mr. Martinez if he had an evaluation. Mr. Martinez said the original evaluation they had was a 1998 one which recommended Red Arroyo. The channel is no longer an option so it will be a re-evaluation.

**Commissioner Rentschler moved to approve the City send a Support Letter to the Corps for the North Detention Basin Reevaluation. Mayor Pro-Tem Hernandez seconded the motion. Motion carried by a vote of 7-0-0.**

City Manager Stahle noted one of the heads of the Corps of Engineers was due to tour this part of the country and in the City of Alamogordo at about 4:00 or 4:30 tomorrow afternoon. She will be looking at the Cuba Construction project. Commissioner Rardin asked if there was a chance they could get any time with her tomorrow and City Manager Stahle said if you show up you may. Mr. Martinez said her purpose in coming was to have face time with local sponsors. She is presently in El Paso and will be here tomorrow. Jason is scheduled to meet with her at 3:45 tomorrow and Commissioner Rardin said he would also attend.

**2. Presentation by the Friends of the Library (FOL) related to Banned Books Week on September 22<sup>nd</sup> – 28<sup>th</sup>, 2013. (Karen Hutchison, FOL Membership Coordinator)**

Karen Hutchison addressed the Commission on behalf of Friends of the Library. She explained activities that would be going on at local libraries and invited the Commissioners to attend. She pointed out Banned Books Week was a national event supporting the freedom to read. This year Banned Books Week is September 22<sup>nd</sup> – 28<sup>th</sup> so we are right in the midst of it. It highlights the value of free and open access to information. Banned Books Week brings together the entire book community including librarians, book sellers, publishers, journalists, teachers and readers of all types in shared support of the freedom to seek and express ideas even those some consider unorthodox or unpopular. Banned Books Week 2013 is celebrating more that 30 years of the freedom to read. This freedom is not only to choose what we read but also to select from a full array of possibilities fully rooted in the First Amendment to the US Constitution which guarantees freedom of speech and freedom of the press. Although we enjoy an increasing quantity and availability of information and reading material, we must remain vigilant to insure that access to this material is preserved. These censures who continue to threaten the freedom to read come from all quarters and all political parties. Even if well-intentioned, censures try to limit the freedom of others to choose what they read, see and hear. As Supreme Court Justice William J. Brennan said most eloquently in *Texas vs. Johnson*, 'There is a bedrock principal underlining the First Amendment. It is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.' And if we are to continue to protect our First Amendment we would do well to keep in mind these words of Nom Chanskee who said if we don't believe in freedom of expression for people we despise, we don't believe in it at all. It is important that a broad spectrum of books be made available to our citizens and in particular our youth. She said she has the pleasure to be a part of a

gathering twice a month that includes high school girls. A week ago she brought the list of classics that had been banned and challenged and also the top 100 banned and challenged books of 2000-2009. She passed the list around and asked the young women if any of them had read any of the books. All of them had read some and this was not surprising because included on the list were books that were required reading in English classes, especially in honors and advanced placement English classes. She asked the young women why they thought these books might have been challenged at various places in the country. One responded with great candor and wisdom by saying some people don't want us to think. In Alamogordo we want our young people to think and we want them to think broadly and creatively and critically. We want them to understand not every person is just like them and not every circumstance is just like theirs. We want them to make good choices and wise decisions; we want them to understand justice and be just. We want them to be prepared for what is next on their path – we want them to read. For the last several years the Public Library as well as the Friends of the Library have held events to raise awareness about Banned Books Week. This year at the Public Library there are two different display areas. One is just as you walk in and the staff has done an awesome job in displaying book covers of books that have been challenged and banned in various places in the country and why those challenges were put forth. There is a display of actual books further into the library. At the Townsend Library at NMSU-A, they have recordings of people reading from their favorite banned book and then telling why that ban occurred. Those recordings will be available on the NMSU-A website. This Thursday the Friends of the Library will be holding a discussion and information session at the Library at 6:30. On Monday, September 30<sup>th</sup>, the regular Library Book Group will have as their selection a book called 'Speak' that is a young adult book being challenged. She hoped anyone would consider participating in any or all of these events or at least step into the Library and see the displays. She closed with the words of Supreme Court Justice, William O. Douglas, who said, 'Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us.' Ms. Hutchison thanked the Mayor and Commissioners.

**PUBLIC COMMENT**

The Mayor noted six people had signed up to speak but they chose to speak later in the meeting.

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

3. **Approve Minutes of the September 10, 2013 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
5. **Approve the incorporation into the minutes of the Governing Body the final approval by the NM Department of Finance and Administration of the City's final budget for the 2013-2014 Fiscal Year.** *(Renee Cantin, City Clerk)*
6. **Approve the Lodger's Tax Expenditures for Tourism & Travel.** *(Jan Wafful, Administrative Assistant)*
7. **Approve Resolution No. 2013-30 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed as of September 24, 2013. [Roll call vote required]** *(Kathy Gilsdorf, Budget Analyst)*
8. **Approve authorizing staff to commence contract negotiations for RFP No. 2013-006 Fixed Network Mesh Automated Meter Reading (AMR) System for the City of Alamogordo with the overall highest rated proposal, Zinner USA.** *(Armando Ortega, Customer Services Manager)*
9. **Approve the award of RFQ 2013-07 to IDESaA, Inc. for SCADA/RTU Programming and Commissioning Services.** *(Bob Johnson, Contract Coordinator)*
10. **Approve the award of RFQ 2013-08 to General Hydronics, Inc. for On-Call Utility**

**Services.** *(Bob Johnson, Contract Coordinator)*

11. **Approve a Franchise Agreement with Choice Waste Collection.** *(Brian Cesar, Public Works Director)*
12. **Approve an amendment to the 2009 Project Participation Agreement between the City and PreCheck.** *(Stephen Thies, City Attorney)*
13. **Approve a grant agreement for a New Mexico Tourism Department (NMTD) Co-op Marketing Grants - Agreement Number 13-418-3002-0007 for tourism advertising in the amount of \$40,000.** *(Jan Wafful, Administrative Assistant)*

Mayor Pro-Tem Hernandez asked to pull Item # 4 from the Consent Calendar for discussion. City Attorney Thies asked Item #14 be removed from the Consent Calendar for further discussion. He felt we needed to clarify the intent of the amendment to the ordinance.

**Mayor Pro-Tem Hernandez moved to approve items # 3, 5, 6, 7, 8, 9, 10, 11, 12, 13 of the Consent Calendar. Commissioner Talbert seconded the motion. Roll call was taken for Item #7. Motion carried with a vote of 7-0-0.**

**ITEMS REMOVED FROM CONSENT AGENDA**

4. **Approve a Resident Parking Only sign for a residence located at 1503 Wilson Ave.** *(Renee Cantin, City Clerk)*

Mayor Pro-Tem Hernandez said this request barely met the requirements. It bounds Washington Park and there isn't any parking on Washington Ave. He said if, for instance, Item #18 is approved tonight than no parking signs will be posted in front of the residences' houses and neighbors won't be able to park in front of their houses. This request for the Resident Parking Only sign somewhat meets the requirements and in his application he states this is so his neighbor may not use his parking and that is a concern to him. We will possibly start getting a lot of these if this is approved.

City Clerk Cantin told the Commissioners she had consulted the City Attorney and he had agreed this 500' radius included that part of the park which is a public meeting place, as the ordinance states. There have been others within the City that have had problems with neighbors parking in front of their homes. It is up to the Commission to approve or not approve.

Mayor Pro-Tem Hernandez wanted everyone to look at the map and reiterated the application stated he didn't want his neighbor to park in front of his house. Mayor Galea said she understood what he was saying and that there would be a number of No Parking signs throughout the entire 500' circle on this map if that's the reason for the sign. Mayor Pro-Tem Hernandez said if we approve this at 1503 Wilson Ave., then tomorrow 1505 or 1501 will have their neighbor move to that area and we will continue to have this. If Item #18 is approved tonight some of those will be within 500' of the school which is a public meeting place. We will have neighbors fighting with each other over parking. Mayor Galea understood and said she has neighbors who park in front of her house but they work it out with communication.

Commissioner Rentschler asked what the problem was and if a commercial entity was parking there. No one was sure but noted on the application it said trucks and trailers. Mayor Pro-Tem Hernandez said it could be a motor home. Commissioner Rentschler said we don't allow them to park on the streets anyway.

Tom Lubenau, the requester addressed the Commission. He noted he has lived at this address since 1968 and has had all sorts of neighbors since then. He didn't want the Commission to think this was a trivial request because it has been going on for two or three years. The thing that finally got to him was the fact the neighbor was parking his trailers in front of Mr. Lubenau's house and leaving them

there. He also would park his car in front of the trucks and leave them there and he already had 1.5 times the curb space Mr. Lubenau had. He owns two trucks, has a camping trailer about 30' long and another trailer with ATVs all parked in the front and nothing is parked in the back. It has been a headache and lately after we had an argument about leaving an unhitched trailer in front, the neighbor told him to call the police and was pretty belligerent about it. This is why Mr. Lubenau chose to apply for this parking sign. The neighbor told him he had the right-of-way and Mr. Lubenau told him he could park in front of his own place, but he has never done that. Mr. Lubenau called the police and they have been on it, but he needs some help with this.

Mayor Galea stated she realized this was an extremely challenging situation for Mr. Lubenau and it was unusual someone would park so many trucks and trailers in front of his house. Mr. Lubenau said you should see it and then you would understand.

Commissioner Rardin asked Mr. Lubenau if the neighbor had been cited for this by the police when they came out. Mr. Lubenau said he told his neighbor he hoped he wasn't going to leave that trailer in front of his house, and his neighbor said he had the right-of-way and cussed him. That's when he said to call the police. After thinking about it, Mr. Lubenau decided to apply for a Residence Only Parking sign, and he told the Commission he didn't mind people parking because of the park or anything like that and he hasn't ever had a problem with that.

Commissioner Rardin asked him when this neighbor parks the trailers or trucks in front of his house, do they stay there for days or hours. He told him after he talked to the neighbor he moved the trailer across the street from his house. Mr. Lubenau suspected the neighbor across the street had run into one of his trucks and said again this neighbor has more curb access than he does. Commissioner Rardin said he thought the city ordinance read if that vehicle was parked more than 72 hours it could be cited. So he asked if the neighbor was leaving the trailer parked there for this long and Mr. Lubenau said it was parked for over four days in a row. Commissioner Rardin said it was illegal for an unhitched trailer to be parked in front of a house. Mr. Lubenau said this neighbor was clever enough to keep a vehicle hitched to it.

Mayor Galea thanked Commissioner Rardin for his clarifying questions. She would like to see that he contact the police, and Mr. Lubenau said he had done so. She asked if the neighbor had been cited, and he said they couldn't because what would they cite for. The Mayor answered it would be for parking the trailer on the street and he said the police told him to call them if he saw it unhitched and they would give him a ticket for that.

Commissioner Baldwin asked the City Attorney Thies how a Resident Parking Only sign would prevent the neighbor from parking in front of the house. City Attorney Thies stated if you approve the sign it gives Mr. Lubenau the exclusive right to park in that area. Commissioner Rentschler asked City Attorney Thies exactly what the ordinance was regarding how long one could park trailers or vehicles in the street. City Attorney Thies believed it was 24 hours and Commissioner Rardin said it was 72 hours. He had gone through this in his district where there was a tow-truck and an RV. The Police Department had marked the tires and cited whoever was there. City Attorney Thies said he could be correct. Commissioner Rentschler said it certainly isn't over 72 hours and Commissioner Rardin said he didn't think so.

City Clerk Cantin told them the resident pays for the sign and its installation, and City Staff installs the sign.

**Mayor Pro-Tem Hernandez moved to deny this request because he was afraid it would open a can of worms. There was not a second.**

**Commissioner Rardin moved to approve a Resident Parking Only sign for a residence located at 1503 Wilson Ave. Commissioner Rentschler seconded the motion.**

Commissioner Rardin said this is a hard one to weigh because we are setting a precedence. He noted he had this same issue with a neighbor and it is very frustrating. Commissioner Rentschler added the Commission had never not approved one of these requests.

Commissioner Baldwin asked if we have a choice to change the 500' to a smaller distance. City Clerk Cantin said the ordinance states 500' and if you want to change that we would have to do so by ordinance. Commissioner Baldwin said no.

**Motion passed with a vote of 6-1-0. Mayor Pro-Tem Hernandez voted nay.**

**14. Approve the first 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. (Stephen Thies, City Attorney)**

City Attorney Thies stated the reason this was pulled was to seek a clarification of the intent of the amendment made to the ordinance presented to you at the last meeting. He said as for the changes to the ordinance there was some language deleted, but the changes would be in the definitions provision where it defines an adjoining lot or parcel. Part of the discussion and the motion defined that adjoining lots or parcels would include any property that abutted a right-of-way and would be deemed to be an adjoining lot or parcel. Why that becomes important is when someone wants to establish a bee hive on their property, the ordinance requires them to notify adjoining property owners. The discussion was whether the owner of property divided by an alley, easement or street would have to notify the property owner on the other side of the alley, easement or street. The other amendment was on page 5 – Notification Signs. This is what we are seeking to clarify because he recollected the Commission wanted the requirement the property owner establishing a bee hive on his property would have to post their property with the information for the general public that there was a bee hive on the property. City Attorney Thies said there was a question as to whether or not this had been included in the amendment to the ordinance.

Commissioner Rentschler asked the City Attorney what his question was.

City Manager Stahle said to look at page 5, item F. He said the real question was whether or not you had directed us to include the property owner with bees post their property accordingly. From the record, that did not appear to be the direction. It appeared that the property owner just needed to notify the neighbors, so we are asking if you want to leave F. in there or take it out.

City Attorney Thies said City Planner South had just pointed out a duplication of some sense. He pointed out on page 4 at just above Residential Districts there is an identification sign that was presented to you at the last meeting requiring the property owner post their property. We are seeking whether or not that is to be included and if so F. should actually be moved up underneath (1)J on page 4.

Mayor Galea said we should either move F. to (1)J or strike F. entirely. City Attorney Thies said if you delete J. that takes care of F. and we'll just take care of it before it is published. The City Attorney said the question before you is do you want the property owners establishing a bee hive on their property to post their property.

Commissioner Rentschler asked if we would be requiring re-notification every two or five years and City Attorney Thies said no. Commissioner Rentschler said it would be one time only and if a neighbor moves out and another moves in the beekeeper is not required to notify. City Attorney Thies told him once the person seeking to establish a bee hive on their property has notified their neighbors they are not obligated to do so again. Commissioner Rentschler said he wouldn't have a problem with the sign.

Commissioner Talbert recommended striking F. completely. Commissioner Rentschler asked if he would leave J. and Commissioner Talbert said yes. Commissioner Baldwin said F. was one of the

options we had discussed and we chose the notification in lieu of the sign in the front yard. Mayor Galea said if we strike F. there is still notification, just without signage in the yard. Commissioner Rentschler asked again if J. would remain in place and the Mayor told him yes.

Commissioner Rardin didn't read in there that they had to submit an application to the city, and City Attorney Thies said it was still in there. Commissioner Rardin said his main reason for that was for the safety of the Police and Fire Departments when they responded to a lot.

City Attorney Thies clarified that the identification signs in J. on page 4 is a requirement they put on the bee hive itself. That was contained in the model ordinances we used to create this ordinance. Paragraph F. on page 5 would be an additional notification that would be a sign posted on the property and not posted on the bee hive itself. It would have to be posted in a manner that anyone walking by would be able to observe it and realize a bee hive is being maintained on the property. So it is separate notifications – on the bee hive and on the property.

Mayor Galea said she had observed from her field research with the bee-keeping community that smoke was calming to bees. Commissioner Rardin didn't know anything about it, but if he was an officer walking into a burning house and there was a bee hive out back, he would like to know this. The Mayor said she understood.

Mayor Pro-Tem Hernandez pointed out that Item I. on page 4 would apply to what Commissioner Rardin was talking about. Concerning Item G. on page 4, he said we had talked about taking Africanized bees and mixing them with the regular bees, and this would prohibit that.

Mr. Rob Shepler addressed this concern. He said when you re-queen an existing colony with a new mated queen the maternity population turns over in about six weeks. We can take an existing Africanized colony and have a European colony in that time. Mayor Pro-Tem Hernandez asked if Item G. needed to be removed. Commissioner Rentschler said he didn't think we would be re-queening Africanized bees inside the city limits. It would normally be done when you take them to Mahill. Mr. Shepler told him as you develop bee keepers in Alamogordo you'll find there are somewhere in the neighborhood of 50 swarms or extractions done in the city at least every year. When we get a swarm call we find a ball of bees that is generally an Africanized colony. Your bee keepers will be re-capturing those colonies and re-queening them so it is desirable not to have Africanized bees in the city. Commissioner Rentschler said we should leave G. in the ordinance and Mr. Shepler agreed. The part about the marked queen is almost redundant to that but does compliment it.

Mayor Galea asked Commissioner Rentschler what the incentive would be for the bee keepers to recover the swarms; for example, there could be a swarm out at a park or school and when recovered they could re-queen them and create docile bees within six weeks. Commissioner Rentschler said it should not be within the city limits. Someone like Mr. Shepler could recover the swarm, take it out of the city limits, re-queen it and in six weeks sell the hive to someone. The Mayor said she understood.

Commissioner Sikes asked Mr. Shepler if he saw people doing that. He told her yes and when you get new bee keepers they will be getting calls from the County Extension office to get swarms which they will take to their aviaries and introduce a new queen. Technically, these exist in the city now and Commissioner Rentschler interrupted to say no one is raising them now. The Mayor said it is a great thing that these people are taking these Africanized swarms from our parks and raising docile bees. Commissioner Rentschler said they need to take them to Mayhill to do that and not within the city limits of Alamogordo. Mayor Pro-Tem Hernandez said that isn't always the case. Mr. Shepler told Commissioner Rentschler if that was his call, he would respect that, but he thought the City would be better off encouraging bee keepers to replace those African queens with European queens so that they can outcross and calm down the rest of your Africanized bee population. This will take time, but by allowing the keeping of European bees and the changing of genetics, you will outcross the Africanized bees and calm them down. Commissioner Rentschler didn't want to bring Africanized bees from somewhere else like Tularosa to Alamogordo. He thought if there was a swarm of them they should be put in the freezer because there isn't a reason to allow them at all. Mr. Shepler was in

agreement with not wanting to have any Africanized bees, but felt he was shooting himself in his foot by not allowing city bee keepers to change them to European bees and noted if there were local bee keepers you would have more of a possibility to change their genetics. If we miss a swarm, they will continue to have wild colonies. Commissioner Rentschler asked what is done with a captured swarm and whether they can fly around. Mr. Shepler told him they do fly around, are not kept in a container and have access to your flowers. Commissioner Rentschler said he disagreed strongly with Africanized bees being kept in Alamogordo.

Commissioner Baldwin agreed with Commissioner Rentschler but felt the whole intent of having bee keepers here is to turn Africanized bees into more docile honey bees, and Mr. Shepler agreed. Commissioner Rardin felt G. goes against that and he had no problem with Africanized colonies being taken from a park and slowly converted. He felt that was the whole intent.

Mayor Pro-Tem Hernandez asked if Item G. could be changed to state 'no Africanized bees may be kept on a property under the regulations of this section except for conversion' and to allow eight weeks. Mr. Shepler thought that would be great. Mayor Pro-Tem Hernandez said that way you wouldn't be allowed to raise and keep them. Commissioner Baldwin said to say 'you cannot colonize' and Mr. Shepler said the correct term would be 'propagate'.

Commissioner Sikes asked Rob Shepler if someone was going to capture a swarm of Africanized bees, they would probably not be a novice at this. Typically, the ones converting the bees probably know a little about what they are doing. Mr. Shepler agreed and noted we have a tight community of bee keepers, and if we had a novice that wanted to capture an Africanized colony, they would work with an experienced bee keeper and be checked on frequently.

Mayor Galea asked the City Attorney if he could add to Item G. an exception to propagate the bees, and City Attorney Thies suggested adding some time limit (he suggested 12 weeks) which allows for the turn-over of the colony.

Commissioner Rentschler said we are writing a law here and we've heard the word 'probably' used quite a bit. We need to be definitive and need to know who starts the clock and who stops the clock. Mr. Shepler said 100% of the bees in Alamogordo have tested positive as Africanized and we do re-queen them. Commissioner Rentschler asked him why they don't simply kill these swarms and Mr. Shepler said they do kill some. Commissioner Rentschler reiterated when an Africanized swarm is captured you have Africanized bees for some time until the colony can become calm honey bees, and if you have children or animals it could be a problem. There are too many variables.

Mayor Galea noted Africanized bees are here whether they are kept or not. Commissioner Rentschler asked Mr. Shepler if a bee keeper could buy a hive from him and he said he had none for sale, but hoped to at some point. Commissioner Rentschler asked if anyone sold bees like that. He said they are brought in from out-of-state quite readily.

Commissioner Rardin asked if a hive were next to a burning house, would the bees become aggressive. Mr. Shepler said they use smoke when examining a hive. If a bee smells smoke they go into the hive and begin ingesting massive amounts of honey so if they have to leave the hive they will go with a full belly and can begin a new colony someplace new. So, they become very docile if there is a fire and smoke close.

The Mayor said there was a suggestion to strike F and leave J, and item G. has been discussed. Commissioner Sikes thought we should strike G; Commissioners Rentschler and Talbert disagreed. Commissioner Sikes said the bees are here and having an ordinance will not dilute them or cause them to leave. Why don't we allow people who know what they are doing re-queen and dilute the genetics. Commissioner Talbert said that's what it needs to say because what dilutes them is that they die in about six weeks and a honey bee is born. He favored the ordinance saying you can't intentionally keep an Africanized colony and not attempt to change it.

Mayor Galea said the consensus is to leave G. as is with the exception to propagate the bees within eight weeks.

Commissioner Rentschler said it was a public safety issue and felt they should be killed when captured. Commissioner Sikes noted bees in general are dying and every year they help us by pollinating our crops. It is a serious situation and we have to look at this from the stand point we need to make our local Africanized bees gentler. We've been talking about this way too long and since we are one of the only cities in the United States having an ordinance against the keeping of bees, maybe there are others out there smarter than we are. We can go ahead and pass an ordinance so people who know what they are doing can raise bees.

Mayor Galea said to strike F. and leave J, and leave G. with the exception of eight weeks to propagate bees. Commissioner Sikes asked if that would mean we would need a bee testing group who would go around seeing if all the bees were gentle. She felt this would make things too complicated. Mayor Galea asked if she would like to remove the language stating a time period. Commissioner Sikes said G. reminds her of pit bulls. They can be gentle but some people raise them for fighting purposes. She said there isn't a purpose or point to keeping Africanized bees and not try to make them gentler. Anyone who goes to the trouble and expense to raise bees for honey isn't going to raise Africanized bees.

Mayor Galea asked if any Commissioners were opposed to removing the terms under the section concerning prohibition. That exception would be only to propagate the bees.

Commissioner Rentschler asked about pit bulls kept as watchdogs but are nice to the people in the house. What if a criminal element wants to keep Africanized bees? He felt 'no Africanized bees' should be left in and if we don't know about it than we just don't know about it.

Commissioner Rardin asked Rob Shepler if Africanized bees begin calming down as soon as they are re-queened. Mr. Shepler told him they will die off over a period of about six weeks. Commissioner Rardin asked if they remain technically Africanized bees over that six week period, and Mr. Shepler replied that over the course of time they will become less aggressive, but the bees from the original queen will retain that same aggressiveness. They all have to die off. Commissioner Rardin agreed with Commissioner Rentschler. We can't allow anyone to keep Africanized bees.

Rob Shepler thanked Commissioner Talbert and Mayor Galea for coming to see the two types of colonies and observing the significant difference between the calm bees and the aggressive bees. He didn't know of any bee keeper in their right mind who would want to keep Alamogordo bees. Mayor Galea agreed.

City Planner Marc South addressed Commissioner Rardin's question about keeping a log. Planning and Zoning has already been discussing how to do this and noted there would be a paper-based log available for anyone to see of approved licenses. At the moment, we are working through how to get it into HTE – our common database for the city including the Police Department.

Mayor Galea said Commissioner Rentschler and Commissioner Rardin are in favor of keeping G. as is and she asked for other opinions from the Commissioners. Commissioner Rardin said he did not have an issue with adding the time limit, but how will we check this. The Mayor agreed and said that was why she was against a time limit.

The City Attorney asked if they wanted the property owner/bee keeper to post with a sign or not. They said no and asked to strike F. on page 5 and J. on page 4. The Mayor said an exception needed to be added to G. on page 4 that was an exception for those who propagate and there would not be a time frame.

Commissioner Talbert moved to approve the first 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, subject to amendments. The amendments would be to strike F. on page 5, strike J. on page 4, and include G with the exception to propagate without a time frame. Commissioner Sikes seconded the motion. Motion passed with a vote of 6-1-0. Commissioner Rentschler voted nay.

### **UNFINISHED BUSINESS**

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**15. Consider, and act upon, the first publication of Ordinance No. 1448 related to the use of cell phones in vehicles. (Stephen Thies, City Attorney)**

City Attorney Thies told the Commission this was a modification of a cell phone ordinance drafted subject to review by City Staff, by Commissioner Talbert. It prohibits any person from operating a motor vehicle on a street when using a mobile telephone or personal digital assistant to engage in a call or create or send a text or read a text message whether or not the vehicle is in motion. There are certain exceptions found later in the ordinance: use of a mobile phone for communicating with 911; any law enforcement or fire/police officer or other emergency service officials, first aid emergency medical technicians and personnel, or any safety officials in performance of official duties; use of a hands-free mobile telephone device; use of a mobile telephone when the vehicle is legally parked (not at a stop sign); using a navigation device for safety related reasons.

Commissioner Rardin asked Police Chief Duncan since the last time we have talked about this ordinance, how many citations have been written for distracted driving. The Police Chief told him none had been issued.

Mayor Pro-Tem Hernandez asked Police Chief Duncan if a policy had been implemented in his department not allowing his police officers to use a phone while driving. Police Chief Duncan told him they are not allowed to use a cell phone when in a police car. Commissioner Rardin asked if he could pull one of his officers over next time he sees that happen and the Police Chief said to let him know if he sees that. Commissioner Rardin said he sees it all the time. Mayor Pro-Tem Hernandez said that is why he asked this question. Mayor Galea understood the radios can be a challenge because of reception. Commissioner Rardin and Mayor Pro-Tem Hernandez said they were talking about texting.

Commissioner Rentschler asked the Police Chief about the police cars with computers in them, and whether this would prohibit them from being used while the car was in motion. Police Chief Duncan said as soon as the laptops are installed in the police cars, he assured them the officers would not be on their laptops when the vehicles were in motion. Commissioner Rentschler hoped they would use the laptops to do their paperwork when they were parked instead of going to the station to do the work. He wondered if 'personal digital assistant' wouldn't include the laptops.

Commissioner Talbert had spoken with Chief Duncan about this and he had agreed with the ordinance as written. He had the ordinances from 15 other cities in New Mexico and he picked out some that were bad and some that were reasonable. He had tried to go through them concerning this issue and checked to see how many citations had been issued. After speaking with a judge, he found the problem to be it was the police officers opinion that a driver was being distracted while talking on a cell phone, and then it was the judge's opinion whether or not there was distracted driving. This is why we pass ordinances so as to clarify to both the police officers and the judges what is meant by distracted driving. Driving with a dog in your lap is against the city ordinance, but he hasn't seen any tickets. There are plenty of demonstrations of accidents from people talking on cell phones because they are only using one hand on the wheel. He noted he is trained to talk on a radio while doing other tasks and finds it to be difficult. It takes a lot of concentration to dial a phone number or text. Commissioner Talbert said the purpose of this ordinance is to provide clarity to both the police and judiciary as to what we mean by distracted driving. Other things have been defined such as having your arm around someone or having a dog in your lap so that the police officer can say that is what they saw and the judge can say that is what the law says. He addressed how enforceable it is stating

HAFB and every military base in the country enforces it, and people are very cautious when talking on cell phones on military installations. Obviously, not everyone gets caught; there isn't a 100% ordinance. This ordinance does allow for hands-free device and he agreed the distraction is between your ears and not talking on the phone, but because so many cars are equipped with hands-free devices it would be totally impractical to say you can't use a hands-free device. He said Chief Duncan has just had hands-free installed in his car so he can talk on his cell phone while driving and Commissioner Talbert thought many of the commissioners had the same. He said it was not 100% perfect, but at least you have two hands on the wheel and aren't looking at the cell phone. This ordinance also allows for the opportunity to pick your cell phone up and decide whether you want to talk to the caller or not, to disengage or to pull over to talk on the phone. It would make it legal to talk on your cell phone when you are legally parked, but not when you are stopped at a stop light. Stating how old a driver can be makes it difficult for an officer to decide, and is not a valid point. He wanted to see us create a situation where we can make safety a more important issue than our own personal convenience, and that is why he designed the ordinance as is.

Commissioner Rardin is kind of on the other side of this. He proceeded to list the areas he had trouble with such as: Item #1: No person shall operate a vehicle while engaged in any activity which interferes with the safe operation of the vehicle. Commissioner Rardin thought that covers it all because if that officer feels you are doing something that doesn't allow you to safely operate that vehicle he can pull you over and write a ticket. Therefore, if you are talking or texting and are all over the road he can pull you over and write a ticket. Commissioner Talbert said it would then be up to the judge's opinion and that's the point. We need to clarify what we are doing. Commissioner Rardin felt it was cut and dried – we don't enforce it.

Mayor Pro-Tem Hernandez called for the question.

**Commissioner Talbert moved to approve first publication of Ordinance No. 1448 related to the use of cell phones in vehicles. Commissioner Sikes seconded the motion. Roll Call was taken. Motion failed with a vote of 2-5-0. Mayor Pro-Tem Hernandez, Mayor Galea, and Commissioners Baldwin, Rentschler and Rardin voted nay.**

**16. Consider, and act upon, the first 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. (Stephen Thies, City Attorney)**

City Attorney Thies said when we initially drafted the ordinance there were certain requirements that certain groups be represented on the Housing Advisory Board and we have had difficulty recruiting those individuals. This amendment would remove that requirement and the board would have one person from a non-profit community-based organization and preference would be given to individuals who have experience in residential construction, real estate sales and management of residential lending. Preference would mean we wouldn't be obligated to appoint someone, but that experience would give them preference. The other change would be to remove the section stating the Advisory Board would serve as the hearing panel to hear grievances pursuant to the Housing Departments Grievance Policy. Instead it would state the Grievance Policy would provide for the appointment of a Hearing Examiner to hear the grievances instead of the panel from the Advisory Board.

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

**17. Consider, and act upon, the first publication of Ordinance No. 1450 setting a policy for Out of State Travel for Commissioner's. (Stephen Thies, City Attorney)**

Mayor Galea said she had put items on the agenda in the past when she had out-of-state travel, and there had been past mayors who had not requested any authorization to travel out-of-state. She felt it was prudent to always request approval from the Commission before she did travel.

**Mayor Galea moved to approve first publication of Ordinance No. 1450 setting a policy for Out of State Travel for Commissioner's. Mayor Pro-Tem Hernandez seconded the motion.**

Commissioner Talbert didn't have a problem with any of this but it says the people who are traveling are in the voting group. He wondered if it was right for the one traveling to possibly have the deciding vote. And what if the whole Commission was going out-of-state?

Commissioner Rardin would like to add that El Paso would not have to have approval to travel since it is so close. He didn't think the whole Commission would ever travel out-of-state at the same time and he felt the Commission needed to approve any out-of-state travel for any Commissioner. That will make it look like we are above board. Mayor Galea remarked she had never requested any reimbursement to travel to El Paso, and mentioned she was going there on Thursday.

Commissioner Rardin asked if his requested change could be added to the ordinance and City Attorney Thies told him it could be by moving to amend the ordinance to add an exception that travel to El Paso would not need prior approval.

**Commissioner Rardin moved to amend the motion to include travel to El Paso will not need prior approval from the Commission. Mayor Pro-Tem Hernandez seconded the motion.**

Andrew Baker addressed the Commission saying he had seen the two articles about this subject in the newspaper and agreed with some and disagreed with some of them. He said you are entrusted with our tax dollars, but one of the things in his experience as a member of the US Air Force was if he had a trip you wanted to take you must first provide a cost estimate. Then you would have to state what the benefits and adverse effects would be to the organization. It should depend on the cost of the trip whether in-state or out-of-state. It would make it easier to all involved to list a minimum dollar amount in the ordinance. For instance, if it was going to cost you \$350.00 to go to Albuquerque and the dollar amount was \$500.00, you wouldn't have to obtain permission from the Commission. You would simply need to state the purpose and how much it would cost. If it was going to cost more than that, then you would need to get approval.

Mayor Galea noted the Commission had a travel budget and they worked hard not to go over that. She mentioned the trip to the NMML Conference this year and how they all car-pooled and didn't book at the most expensive hotel. She didn't know how to better the process for travel.

Commissioner Rardin said the intent was the out-of-state travel. The networking done within the State was valuable and he didn't always see the benefit of any other travel.

City Manager Stahle clarified the fact this ordinance as written only says you authorize it if expenses are incurred. It doesn't stop a Commissioner from traveling at their own expense and not expecting reimbursement. This is literally to cover an expense if you want it covered by the City, and we would have cost estimates.

**Mayor Galea restated the Motion to amend the original motion to include travel to El Paso will not need prior approval from the Commission carried with a vote of 7-0-0.**

**Mayor Galea restated the original Motion to approve first publication of Ordinance No. 1450 setting a policy for Out of State Travel for Commissioner's carried with a vote of 7-0-0.**

**Meeting was recessed at 9:10 p.m. and reconvened at: 9:21 p.m.**

**NEW BUSINESS**

Mayor Galea asked the Commission if they had a problem with hearing item #19 before item #18 because the requester was from El Paso. They all agreed.

**19. Discussion, and possible action, on request by Ray Baca related to tenants water bills.**  
*(Armando Ortega, Customer Service Manager)*

Mr. Ray Baca addressed the Commission and passed a handout to all the Commissioners. He said he was the managing partner for a company that owns approximately 100 apartment units in Alamogordo. He said he had a difference of opinion concerning one of the City's laws. He had managed apartments all over the country for 35 years and was surprised to learn of the requirement you have where the landlord is held accountable for the unpaid water bills of the tenants. He felt like the tenant makes an individual contract with the water company and puts up a deposit, and it is up to the water company and the tenant to work it out. We have worked our best within your law. He explained that recently, in March of this year, he had received a letter that said he owed \$1,700.00. He pointed out the package of old bills he had received stating that starting in June of 2009 someone left owing \$29.21, then \$49.29, then \$82.84, etc. on down the list he had handed out to the Commissioners. This list went through 2012. Essentially, in March of this year he was being billed for something that happened four years ago. He didn't think it seemed fair because he felt the water company had a responsibility to let him know within a reasonable amount of time of his debt so he could clear it. He contacted the water company and they said he needed to pay it and then he spoke to Commissioner Talbert who referred him to the City Attorney. They discussed this and he told the City Attorney he wasn't trying to fight it nor was he asking the City to change it. He asked for some reasonable consideration of the fact it was a four year old debt. Mr. Baca offered to pay years 2011 and 2012 and the City waive 2010 and 2009. He said his purpose tonight was to bring to light an issue that, as a property owner and a tax payer, he would like the Commission to look at as if they were in his position. If someone contacted you to say you had a Visa bill you didn't pay four years ago and you have to pay now, what would you say? We had deposits on some of these people and we refunded some of these deposits not knowing there were outstanding water bills. He said the water company has a tough job, but in most cases water companies send out a bill month after month. He knows he did not get 50 water bills per month that were unpaid, or 30 bills, or anything of the sort. He begged the Commission's indulgence to set a policy saying the water company has a right to collect, but they must be diligent in that. If they haven't done anything after two years, then the taxpayer or the ultimate person responsible should be given some consideration. He asked for that consideration from the Commission.

Mayor Galea clarified he was asking for a reasonable amount of time to collect within two years time, and Mr. Baca said that was his suggestion. He said two years was a general statute of limitations on many things. He didn't know if there was any limitation or not at this time.

Commissioner Baldwin said the agenda packet showed he was contacted via letter in 2009 and again in 2013 in reference to some of the outstanding debt. He showed it was sent to Monterrey Properties Limited in El Paso, Texas. Mr. Baca said he never saw that letter and it could have been lost in the mail or his secretary could have thrown it out, but he asked where the rest of the letters or certified notices were. If that letter was mailed in July of 2009, why didn't he receive a letter in 2010, 2011 and/or 2012, and in March of 2013 he got this package of bills.

Commissioner Rardin said one bill was dated October 23, 2009, one was December 16, 2009, and then the next was March 18, 2013. Why wasn't anything sent between December of 2009 and March of 2013?

Customer Service Manager Ortega responded that he hadn't given the Commissioners all the copies. He simply wanted to show that Mr. Baca had been notified. We have a very good working relationship with his property managers. \$1,800.00 for four years at the amount of water bills we push for his apartment complexes is a very, very low rate of unpaid bills. We have given them the authority to call us at any time when a tenant is going to move out and we give them the amount a tenant still

owes so they can take it out of the security deposit if need be. We notified his previous property manager of these unpaid water bills. The City of Alamogordo will not put a lien against the property for any amount under \$200.00, so that's why these haven't been processed in that manner.

Commissioner Rentschler asked if these were for different apartments and Customer Service Manager Ortega said they were all different apartments.

Commissioner Talbert said he had discussed with Mr. Ortega earlier about the City pursuing these individuals. Customer Service Manager Ortega said the City has exhausted all their options. He said we could send them to collections, but after two years we have to go after the homeowners. This is following State statute that allows us to have an ordinance allowing us to go after the property owner.

Mayor Galea asked Mr. Baca about the water billing customer service persons who had talked to his management company or local management team to let them know of the unpaid water bills prior to the tenants moving out. She asked for any proof that the tenants were not billed or proof he had that these amounts had not been recovered from the tenants before they moved. Mr. Baca said he could produce ledgers showing some deposits had been forfeited and that they had tried to call, but for some reason these were not covered. Some of the managers said they had called but there wasn't a bill, and perhaps they didn't call. All he was saying was the property owner who was ultimately responsible needed a little more diligent effort in being contacted. Whether he sent one or three letters, he was contesting they send letters every month. He had received this package of bills in March, but prior to that time he had not seen any letters.

Mayor Galea asked what would be the best way to contact him if there was a balance owed. He said by mail or by phone. We are listed on public record. Going forward is not a problem because he thought both of them were more aware of the problem now. If there are any 2013 bills out there he hoped to see them soon, but his concern were the bills from three to four years ago.

Commissioner Sikes asked Customer Service Manager Ortega if we were dealing directly with these tenants, and he said yes until it gets to the point where the bill is uncollectible. She asked if we request deposits and he said we do. Commissioner Sikes asked why we are handing back deposits and he told her the deposits are reconciled to their final bill, but unfortunately some are to the point where they are two months behind. When we account for non-payment you have a final bill on top of the two months so this is the result. Commissioner Sikes clarified that you kept their deposits and this bill is over and above that, and Customer Service Manager Ortega agreed. Commissioner Sikes asked what a typical deposit was and he said \$140.00 for renters and \$70.00 for homeowners. Mr. Ortega had given Mr. Baca the option to put Owner Waiver Forms on his properties and this would increase the deposit to \$210.00 and Mr. Baca would no longer be responsible for unpaid bills. Mr. Baca told the Commission the \$140.00 deposit was very steep. When he was first made aware of that option to stay out of it and increase the deposit to \$210.00, he felt it was too onerous for most his renters who already have to come up with the first month's rent. He wasn't sure how to make it any better.

Harv Hamilton from the audience shared his experience where a person moved out. Mr. Hamilton came down to the City to make sure all the bills had been paid. He did the same with all the other utilities, and he found out he wasn't able to get this information. Two years later he received the bill. He said it was something to think about.

Commissioner Rentschler asked the City Attorney about the ramification of bills over two years old. City Attorney Thies said currently there is a statute of limitations that applies to our ability to foreclose a lien from utility charges or other liens which are usually abatement. That statute of limitations is four years. Expressly, it is court created and as a result it doesn't apply to our ability to pursue the property owner. Arguably, it is a contract between the property owner and the City. A contract statute of limitations could potentially apply, but off the top of his head he wasn't sure what that statute of limitations was.

Mayor Galea was concerned that if we write off any amount it will be billed back to the taxpayers. Commissioner Rentschler said part of the problem is that Staff is denying customer request based upon city ordinance, so if we release some of this we are stepping outside the city ordinance. People come to us regularly with water bills and typically that isn't what we do. Mayor Galea thought that Mr. Baca was requesting a variance from the ordinances just like the variances for Planning and Zoning.

**Commissioner Rardin moved to deny the request. Commissioner Baldwin seconded the motion.**

Commissioner Rardin said we need to back up our City Staff and we have to follow the ordinance. He went on to tell Mr. Ortega his department works well with Mr. Baca's management team, and he asked that the Customer Service Department work really hard with them in the future to keep this from happening again. He said he would be irritated if this happened to him, but he also understands having to send it to collections and having to wait two years to go after them. Mr. Ortega said he had already talked to Mr. Baca and said they would be more diligent in contacting him or for him to contact them at any time. He went on to say they work with all the property managers in the city concerning this issue and it's getting better. He'll do his part if they will do theirs. Commissioner Rardin said it would be best for them to contact us since we don't know when they are moving in or out.

Ray Baca agreed and from his position, that is their process. He said if you deny this motion he would be very disappointed. At the very least, he felt a procedure needed to be put in place to notify property owners at some reasonable amount of time and not wait two, three or four years. Sometimes people make mistakes and it is unfair to go back to the old bills for collection. It is poor business practice and it speaks poorly for how business is handled. Commissioner Rardin said according to our agenda report you were notified October 23, 2009. Mr. Baca said no action was taken and it was forgotten, and four years later they want me to pay it.

Commissioner Rentschler asked Customer Service Manager Ortega if we are at fault here. Is the City bearing responsibility for not informing him? Customer Service Manager Ortega said no because he had sent letters informing him. Commissioner Rentschler asked if they had been sent in a timely basis from 2009 on and Mr. Ortega said yes.

Commissioner Talbert said he knows it's expensive, but maybe we need to clean things up. He suggested Return Receipts so we would have proof of who signed for it. Mr. Ortega said we do Certified Mail if we are going to put a lien on the property, and Commissioner Talbert thought it should be before a lien is filed. Customer Service Manager Ortega said they would look at this, but Return Receipt mail was very expensive. Commissioner Talbert agreed but said this is very expensive. Mayor Galea agreed with Commissioner Talbert about this and even though it's expensive it provides better customer service.

Commissioner Sikes commented on the bills included in the packet and that some have a history of non-payment. Could we up a deposit when an individual has a history of non-payment? A \$200.00 deposit is extremely high, but not paying your water bill is a detriment to the City. Customer Service Manager Ortega said we could address that during our rate review since it is a part of that ordinance. If we do that we can look into a structured deposit system.

Commissioner Rentschler asked Customer Service Manager Ortega what the cost was to send a Certified letter. He couldn't remember but thought it was about \$4.00. Others said it was about \$6.00 to do this. Commissioner Rentschler said there are 50 on this list. We don't normally have this problem.

Mr. Baca expressed that a water company knows when a meter gets turned on and off. Some of these meters could have been turned on after these bills were outstanding. When they go to turn on a meter he assumed they know there is a history showing the prior tenant had not paid. At that point, some contact should be made to the property owner alerting them that an individual is asking to have a meter turned on, but they have an unpaid water bill. At that point we could address the issue. He

thought that since apartments are transitional housing, from six months to a year, many of those meters were probably turned back on for other people.

Mr. Ortega said we cannot deny renters, especially on water service, if another renter has an unpaid water bill. Mayor Galea asked with the meter change-over within 30, 60 or 90 days, would you be able to notify. Mr. Ortega said they are notifying them.

**Roll call vote was taken by the Clerk. Motion carried with a vote of 7-0-0.**

**18. Consider, and act upon, the re-striping of Juniper Drive, between Tenth Street and the divided median north of Aspen Drive, to move the travel lanes to the west side of the roadway with a parking lane on the east side and the installation of "No Parking" signs on the west side of the road. (Robert Rentschler, Commissioner)**

**Mayor Galea moved to not restrict parking but to reduce the speed limit to 25 miles per hour. Commissioner Sikes seconded the motion.**

Diana Trunzo addressed the Commission. She had a handout for the Commission and said she was here to try and put a stop to Commissioner Rentschler continued harassment of the good people of Juniper Drive. She stated she would like to do this once and for all. She remarked Commissioner Rentschler would have you believe there is a traffic flow problem and a parking problem on Juniper Drive, but he has failed to prove that over and over again. She said Juniper Drive does not have a parking problem and does not have a traffic flow problem. Unlike Commissioner Rentschler, she said she could prove it to them with simple common sense and the laws of physics.

Ms. Trunzo asked them to take a moment to think about the question she was about to ask because she felt some of the Commissioners still had some previous concerns about the Juniper Widening Project. She asked how was it even possible to have a traffic flow or parking problem on Juniper when there is a known, prevalent speeding problem on Juniper. This is against the laws of physics because you can't have both at the same time. The fact is, we have so few cars parked on Juniper that it allows for the speeding. If speeding occurs, there obviously is not a traffic flow problem. She had highlighted an area on the handout because she really wanted them to look at it on behalf of the residents faced with having this possibly forced upon them. Here are some facts: If one-sided parking is implemented, the City will be putting the residents of the targeted area of Juniper, as well as their family, friends, contractors, and whoever else is subjected to this, in an Ultra Hazardous situation. She said this is straight out of the law book for Tort Claims. If we are forced to have to cross Juniper to get to our side of the road where we live, with known, prevalent speeding cars (especially around the curve) it will be a matter of WHEN someone will be hit and possibly killed, not IF it will happen. You are asking us to have our children and grandchildren cross this two lanes of speeding cars to get to our side of the street. This isn't fair and I wouldn't ask you to do that or expect you to do that. All we are asking for is the same consideration.

It's not only that; it is our property values. It's going to be the folks on the other side of the road who will be inconvenienced by the folks on the west side who have to park over there. As you said earlier about the gentleman having a problem with folks parking in his spot, that same thing will occur. She has documented everything, taken pictures, driven around this morning from 10:30 to about noon on all city streets taking pictures, and she was shocked to find there were two cars on their street at noon. After 5:00 p.m. there are more cars on every street, but we had two. Of the 15-20 streets I went to, there were far more than that. If you are thinking about doing this for Juniper you have to do this for every residential street in Alamogordo. It's only fair and right, because he has not proven there is a traffic flow or parking problem on Juniper.

Andrew Baker addressed the Commission saying like Commissioner Rentschler and Ms. Trunzo, he also lives on Juniper even though his address is on Aspen. He said he lives on the north end of the portion being discussed tonight. He said since this came out he had sent the City Manager and City Engineer emails giving his opinion on why the re-striping and restricting of parking should not happen.

He figured the Commission had seen that. Since that time he has kept track of the parking on Juniper and found that since the 18<sup>th</sup> of September at 11:00 a.m., there were exactly four cars parked in that section of Juniper. On the 19<sup>th</sup> of September at 3:05 p.m. there were five cars, and on the 20<sup>th</sup> of September at 6:19 there were six cars and at 19:00 (7:00 p.m.) there were seven cars. On the 23<sup>rd</sup> of September at 3:25 there were two cars. Tonight at 6:45 on his way here there were four cars. Each of those times and dates there were no cars parked parallel to each other causing a flow problem. This, he noted, was just a small sampling of what is happening on the street and it is every day. There is not a flow problem. We've asked for the police to come in and clock the speeders and they have done so. They found there is a slight speeding problem. Traffic counts show there is not that much of a traffic flow to cause the road to be widened, so why should the parking be restricted. Cars do slow traffic down and that is what we are looking for – safety of pedestrians, safety of family. Keep the cars there and it will slow traffic down. You worry about bees biting somebody but it will hurt worse when you get somebody wrapped around another car.

Harv Hamilton addressed the Commission and said he had been up here too much and preferred to have Tiffany Owen or Gloria Stone up here. He got involved because Gloria told him it was in the works. About October of last year he started building what he thought would be a wheel chair sidewalk up to the house simply to improve the value of the property. In December he decided to hold off after seeing the dimensions and at the Open House he pointed out the problem with the extra five feet. Since he traveled so much on the streets he saw what happened on Scenic when that was redone and people went up and down on their driveways and damaged their cars. When he got the notice he wasn't sure all the residents would have gotten it. It seemed to him that over a period of time the one-side parking was compromised. Tied to that compromise was to slow down the traffic. He was looking to slow down the traffic and that's why he had the signs made and paid to have them installed. There are five in my yard and one in the Stone's yard, and we disagreed. She wanted the street widened and I didn't. He mentioned he doesn't hear well and doesn't always hear or comprehend what the Commissioners say. It seemed to him the whole process became personal with the newspaper calling us a small group of organized people. He said he calls this group the Messengers. After we saw the article in February we went and surveyed people and got information from the City of who attended the meeting in December and found 35 people attended even though some had not signed in. Commissioner Talbert signed in but Mr. Hamilton said he and some others had not. His point was it was a messenger problem that became personal. That is when he began talking about a compromise and that upset some people. At this point, Mr. Baker held up some charts and pictures for Mr. Hamilton to refer to. Mr. Hamilton stated he didn't know what the 85 percentile meant so he got a definition from the City. 35 is the point above or below which there is likely to be an accident. He pointed out the intersection around the curb and said they are voting with their foot to go faster in both directions than what the current speed limit is. There are two intersections there and you can't see, so that is why the last time he was here he said responsible people slow down at the curve. According to the only traffic study, it was already five miles above the posted limit. He also tried to find out in this area (he pointed to the charts), where you have a card with the posted speed and later on you have another one pointed in the other direction. He asked if there were reported speeds on that and was told perhaps it could have been done, but there was no tape in the machine. This was related to him through another person. He did know that when the policemen where in two areas he pointed to on the pictures, the signs were still up and the carts were there. This was done in the summer time when the traffic flow is different and people aren't going to and from school. He pointed to one spot and said that at 7:00 in the morning, it will get you nothing. He pointed out his house and said the people working for him watched the policeman all the time and saw people were slowing down because of the cart. The second thing he needed to correct was that he had asked the City how many tickets were given out and they told him 12, not 2. Two were for seatbelts and two were for registrations. The last thing his wife wanted him to hit on was when he made his invitation that you can see in the minutes you just approved, you will find what he intended to say was he and his wife would invite any one person to stay with them to see if there is speeding. If it is a group affair, we will move to our other home and you can stay there as long as you clean up after yourselves.

Ms. Theta Harshey addressed the Commission. She said they still live at 1109 Juniper and they can't sell the place because nobody wants to live on Juniper since the traffic is too fast. There has been a

house with a sold sign and it has been taken down because she has grandchildren. She had read about the problems we've been having on Juniper and it's totally unnecessary. Ms. Harshey told Commissioner Rentschler she was going to move next door to him and become his worst nightmare. She said she could not imagine why this little bit of street from 10<sup>th</sup> to Aspen has become such a thorn in your side. When she called him a couple of years ago about the gentleman using the back end of his truck as a dumpster, and about the gentleman who lives two doors from the end on 10<sup>th</sup> and Juniper who had a business going on there, you told her you don't even drive that way and instead go down 15<sup>th</sup>. Now you are up and down that street 100 times a day, you say. She had also been told you said Gloria Stone was 100% behind this, but when I talked to her on Sunday she said absolutely not. She told Ms. Harshey that when she had spoken it had been as an alternative opposed to the widening. We do not want one side parking and it is not fair to us that you are not letting anybody park in front of our house. There is no place for them to park. The girl who lives across the street has her father come every other weekend and he has a horse trailer. She commented that it is attached to the truck. It is not fair to us who pay our electricity, our water and our taxes. These people on Juniper deserve the same as the people on the good end of Juniper.

Commissioner Rentschler said here's what we've had. We looked at Juniper and he had walked his district twice, even though he said his friend in the back doubted it. That was always a major contention with the block down on Juniper and he has lived there for 25 years. Why else would he have picked that; why else would that have been something his district wanted? That's the reason it is because of the people that he's talked to in that district. Commissioner Rentschler said his tenure here has been about one thing, or maybe a couple of things. The main thing has been roads, water and roads in particular looking at traffic flows. If you look at what's going on at Washington now and the debate we are having about attaching Pecan to Fairgrounds, he said he had been on the ground floor with all that. Traffic flow is an important thing to Alamogordo. When the older part of Juniper was built, as you all know, 10<sup>th</sup> Street ended at Juniper. The City decided they should allow the contractor building that to narrow the road, but they kept the right-of-way so they could open the road later on. As soon as they built the rest of Juniper, they made it what it has become – a feeder. We've talked about this in terms of traffic. He then told the audience to let him have his say noting he has sat on his hands and stayed quiet while they were coming for the last six months. What do the traffic counts really show? They show 2,000 cars a day on that road. Now the City backed up because of cost to widen Juniper, and if you have listened to any of our discussion this afternoon about cost, there is a possibility if we re-look at the way it was done, he might still have four votes. Commissioner Rentschler said because of the cost and the need to do other roads in Alamogordo, we have backed away from it. He asked what the alternative was. He said you still have the underlining problem of 2,000 vehicles a day, you still have people that park a van that doesn't move for weeks at a time and he didn't think had ever left the property. It sits on the curb where you can't see around it, and there are other vehicles that need to park next to each other and you end up coming right at each other. For the record, the traffic trailers you see do not have any recording capability, much to his chagrin. 2,000 vehicles a day and he asked Police Chief Duncan again about how many speeding tickets there were and was told only two. When asked from the audience what period that covered he told them it was six months from January to the end of June. Someone from the audience said something and Commissioner Rentschler responded he would like to finish. You believed you had this residential street designed as a way to feed traffic in to the rest of the residents back there. It isn't a little residential street, it is a feeder. At one point in time many of you told me you would accept no parking over the widening, so this is a compromise that allows you and the school bus to pass each other at the same time and it allows traffic to flow. You all won and then you wondered if you really won. He said the truth is, you may have won but do you know who lost? The citizens of Alamogordo lost and 2,000 vehicles on that street a day lost. The people who thought it was common sense to fix this were the ones that lost. He asked how it was fair for 2,000 vehicles a day as opposed to six, which were the number of Juniper residents at this meeting. He said he wasn't asking to give up parking completely and noted they had looked at it carefully to see which side the water flows on and which side has the most parking. He talked to Gloria and she thought at the time it was a compromise and he thought so, as well. If the City doesn't do anything after we understand the traffic flow than we are remiss. We can't continue to allow cars to come at each other at high speeds, according to you all, and stated he didn't think there was a speeding problem and felt the police bear that out with 360,000

vehicles on that street and two speeding tickets. This is nothing more than a compromise and most on Juniper have figured out how to park off the street and said he knew Ms. Harshey had parking in the back. He said he would go along with the 25 MPH speed limit and thought it reasonable. At the same time, a reasonable compromise would be to let traffic flow there.

Mayor Galea said she was not opposed to one-sided parking throughout the whole city and noted she had lived in many cities with multiple residential streets with only one-sided parking. What came to her mind was Arapaho Trail that she thought was in District 5 and it has more than 2,000 cars per day. Commissioner Rentschler said it doesn't anymore because Florida has been opened. He said to do a traffic count and the Mayor said she didn't want to spend another \$50,000.00 to do that. He said it doesn't cost that much. She continued by saying she was for this but said we are not talking about a policy or ordinance change about one-sided parking per street width or types of residential streets. We are nit-picking one street and Commissioner Rentschler said that's not true. She said we are talking about just Juniper tonight.

Commissioner Rardin asked to call the question to vote on this item. The Mayor said if you vote yes then you are not restricting parking and you are reducing the speed limit to 25 MPH, and if you vote no you are restricting parking.

**Roll Call was taken by the Clerk. Motion carried with a vote of 5-2-0. Mayor Pro-Tem Hernandez and Commissioner Rentschler voted nay.**

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

Mayor Galea said that in the last election there was a bond issue about a bowling alley. She wanted to see a charter amendment for Public Arts. In Arizona, they have a charter amendment for public arts. That means if they are doing major road construction, 1% of the total project cost is spent on public art. For example, if NMDOT redoes White Sands Blvd. in 2015, 1% of that total project cost must be used to improve the aesthetic appearance of White Sands Blvd. She said we could, with the help of the City Manager and Planning and Zoning, create some kind of parameters. We do not want 1% of every pot-hole filled to go toward public art, so there might be some exclusions or exceptions in regards to maintenance and street repairs. Perhaps we could see a larger over-view at a future meeting of what it would entail to come to the voters.

Mayor Pro-Tem Hernandez agreed saying if you go to Las Cruces it looks really nice. He didn't think 1% was a whole lot and wondered what it would get for us. If we are doing something like White Sands Blvd., he didn't want to just see something in one place. It should be along the whole way and maybe we could add to that with City funds. Mayor Galea told them the City Managers budget in 2011 included \$50,000 for beautification.

Commissioner Baldwin said he was not opposed to the idea, but the varying difference in projects is what Mayor Pro-Tem Hernandez is talking about. Should there be a minimum or maximum, for instance if a project is over \$500,000 the 1% will be enacted, and/or if you have a \$3 million dollar project it might not dictate that 1% to beautify that stretch of road. So, could that money be used for another project? If you only use half of that amount what would you do with the other half? Mayor Galea understood what he was saying and told him when she had visited with the Finance Department in Phoenix, Arizona they said sometimes they would use it for filling pot-holes. That 1% would be used to paint a park bench or some other beautification.

Commissioner Rardin asked her about referring to it as a charter amendment and wondered why it would need to be part of our Charter. He thought it could be done per ordinance since the Charter basically just governs us and how the city functions. Mayor Galea said we could do so by city ordinance but wondered if this Commission would like it to go to the voters. Commissioner Rardin thought we would have a better chance of passing it by ordinance. He explained a charter amendment is set in stone and it takes quite a lot to change it. An ordinance can be tweaked or changed much easier whereas a charter amendment can only be tweaked by a special election.

Commissioner Rardin agreed we need to do something about White Sands Blvd. because it is an ugly road.

Mayor Galea asked if anyone had an objection for this to come back to a future Commission meeting as an ordinance. No one objected.

Commissioner Rardin voiced he would like to see on the ballot a bond issue for a bowling alley.

City Clerk Cantin interjected she had asked Eric Harrigan from RBC Capital Markets, our financial advisors, to come to this meeting and he was here tonight to give a presentation on our bond capacity. She thought it would be good to hear where we are before going any further.

Mr. Erik Harrigan of RBC Capital Markets told the Commission in 2009 when the City issued its General Obligation Bonds, those bonds were structured to allow for the additional issuance of GO bonds without a debt service tax increase. He said he would talk about what a General Obligation Bond was and how they were secured and paid, and what is the statutory capacity (what the State allows) cities can issue up to – what your practical capacity is given your current debt service tax rate. Another important part of that is the question that goes before voters. He remarked he was not bond counsel and he could speak generally about it. When it comes down to forming a question to go before voters it will need to be reviewed by the bond counsel. Mr. Harrigan said a General Obligation Bond was basically a full phase of credit of the issuing of the governmental entity. In the State of New Mexico, a General Obligation Bond is backed by property taxes on residential and non-residential properties within the area of the city. Those revenues are collected to pay back that service. It is considered the most secure form of municipal debt and is typically the highest-rated debt of an entity. It is the same for the City of Alamogordo as it is for the State of New Mexico. The State of New Mexico has a higher bond rating on their GO bonds than their Severance Tax Bonds. Because it is the highest-rated debt it has the lowest interest cost associated with it, versus for instance, Gross Receipts Tax borrowing. They also have favorable terms because there aren't any reserve funds required. The debt service tax rate is just set at what is necessary to pay the principal. The State Constitution limits the amount of general obligation bond any governmental entity can have outstanding. Cities and Counties are 4%, School Districts are 6% and so on. The City's projected assessed value for 2013 is \$511 million which is up slightly from last year. This allows the statutory capacity or constitutional capacity, if you will, of \$20.4 million dollars. The City, at any one point in time, cannot have over \$20.4 million of General Obligation Bonds, and right now the City has two outstanding General Obligation Bonds in the amount of \$7.4 million dollars and that would take the City to abruptly 36% bond capacity. That gives you a little less than \$13 million dollars in total statutory capacity. In 2009, the City did issue General Obligation Bonds that were used for roads, bridges and to fund the Waste Water Treatment. Mr. Harrigan next pointed out when the 2009 Bonds were structured they were structured so there would be a decline in debt service in the 2015 fiscal year to allow for the additional issuance of General Obligation Bonds, and to maintain the City's debt service tax rate. The City's debt service tax rate for this upcoming year is \$1.47 mills, and that is expressed per \$1,000.00 of assessed value. Last year was \$1.46. Based upon that current tax rate there is a capacity to issue up to \$6.1 million dollars in additional General Obligation Bonds in 2014. This assumes a 3% growth of the City's assessed value and an average interest rate of 4.25%. The issuance of GO bonds does require voter approval prior to the issuance of the bonds and without the issuance the General Obligation Bonds the debt service tax rate will fall. He showed the comparison of the various municipalities around the state that have them. The City of Albuquerque has the largest debt service tax rate at \$4.9 mills, but they go out for GO bond elections of usually over \$100 million dollars. Rio Rancho is similar to the City of Alamogordo and you'll see that on average the City of Alamogordo's debt service tax rate is a little bit below what the average is for all other similar sized cities. Mr. Harrigan said the City over the last 10 years has experienced on average about 6.7% growth. If you look at what has happened over the last several years the City of Alamogordo is unique, because many cities have experienced declines in their assessed value. The City of Alamogordo has seen on average a 4.4% increase annually. When it comes to GO bond questions, it is important to ask a specific question for a specific project. There is a law called 'Log Rolling' that doesn't allow a lot of different projects in a question. For example, you can't say roads and a library.

Depending on the number of projects you want to send out to the voters to approve, they would all have to be separate questions. The Bond Counsel can help advise on the exact language and he gave some sample language. He showed a sample time schedule that assumes an election in March of 2014. You are looking at about a three month process from the day you adopt an Election Resolution to the actual election. There is about a 90 day window for purposes of planning. There are a number of weekly publications required by state law that must occur prior to the election. He had some information about what has been going on in the municipal markets. We have seen an increase in interest rates in the last three months and a lot of that has to do with an improving economy to the positive news on the home front in terms of home prices rising. The most recent information shows that even with the increase in interest rates home values continue to rise. The Federal government has been purchasing \$85 billion dollars of Federal Treasuries and Securities on a monthly basis to artificially keep rates low and keep money flowing in the economy. Last month they indicated they would begin tapering that back, so interest rates shot up. This wasn't anticipated and it also wasn't anticipated that the Fed. said they wouldn't taper back, so rates went back down. He gave some information from a historical standpoint and said there would be some issues in Washington that would be heavily debated over the next month or so. Generally speaking, we are still anticipating over the next 12 months that interest rates will be relatively low. He asked for any questions.

Commissioner Rentschler asked about our average interest rate on the current bonds. He knew when we just got through re-funding the last bonds we'd been using for the most recent amount of road work, we re-funded to a much cheaper interest rate. He also wanted to know if they were 20 year and what percentage they were. Mr. Harrigan told him the capacity is 20 year final maturity at 4.25%. Given current market conditions that should be easily attainable.

Commissioner Rardin said when we refinanced that last Quality of Life one it was 2% or 2.5%. Mr. Harrigan said that was a Gross Receipts Tax bond. He said the last GO bond issue you re-funded in 2000 for General Obligation Bonds in 2011 had interest rates that ranged from about 0.96% to a little over 3%. He said that on average the City's interest rate was in the neighborhood of 3.5% on all the outstanding GO bonds including the 2009 and 2011. Commissioner Rentschler told him he would be curious about that and what the terms are as far as maturity. Mr. Harrigan said your 2009 GO bonds were 20 year bonds and mature in 2029; your 2011 bonds which were re-funding of the 2000 mature in 2019.

Commissioner Rardin asked which one is callable next year. Mr. Harrigan thought it was one of the joint water & sewer, but Commissioner Rardin said it was a Quality of Life and thought it was a 2004. Mr. Harrigan said it was the 2004 State Shared GRT for general purpose for the Quality of Life. It has the 4% interest rate and will be callable next year, and given the current interest rate it should generate a pretty decent amount of savings.

Commissioner Rardin said last time we did this bond issue at the last election it was somewhat spur-of-the-moment because we didn't want to kill the school boards bond issue. One of the biggest complaints he heard was it being a property tax issue. Is there any way we could look at doing it as a Gross Receipts Tax Bond? He didn't think we had any room on our GRT's to do another bond. People asked why only those with property should pay for it. Commissioner Rardin said he would be in favor of it if done as a GRT, because that way everyone pays for it.

Mayor Galea said the GRT's bring to mind the Hold Harmless issue that is changing. Commissioner Rardin didn't think that was for Quality of Life and the 3/8's is to off-set the Hold Harmless part of it. We couldn't use that for Quality of Life. Mayor Galea said it could be for anything, even public safety.

Commissioner Rentschler expressed when we start thinking about GRT stuff you need to remember what else is up next that is our economic development taxes here. We must choose carefully what we ask voters to approve because they might not approve any of it if there is too much there. Commissioner Rardin said they might approve one and vote all the others down.

Mayor Galea asked Mr. Harrigan what the deadline was for the Bond Counsel to see the City's application to get it on the ballot as a GO. Mr. Harrigan told her if you are going for a March 2014 election, an election resolution has to come before the Commission in December. You have some time to draft an election resolution, but the biggest issue is the election resolution has to include the question or questions that are to go out to the voters.

City Clerk Cantin told the Commission it was her understanding an ordinance would have to be passed in order to include that on the election resolution. There are time frames within GO bond ordinance and in the past, because of the deadline to pass the election resolution, we would call a special election within the regular election. She thought we were closer on the deadlines with December 11<sup>th</sup> being the last date the election resolution can be passed and if you pass a GO bond ordinance you have to hold the election within 60-90 days. Those are the deadlines we would have to look at, and part of the reason we are bringing this to your attention for discussion now is we are running real close to that one month time frame in order to get the first and the final publication of an ordinance in order to include it on the election resolution.

Commissioner Rardin said he would like us to look at putting the bowling alley question on the ballot so the voters could decide if they wanted it or not. When we did the golf course it took two or three times before they got it approved, and this is the same thing.

Mayor Galea would like to discuss a bond to increase Public Safety. There are a number of items we can approve in our next budget, but we do not have funding for capital improvement within the Police and Fire Departments. For example, the police buy their own guns and there are radio connection challenges, and the Fire Department may need something, too. Both the Police and Fire Departments could come to future Commission meetings to present their needs. There are things we cannot afford, but the citizens would prefer increased public safety.

Mr. Herrigan said that brings up an important point. Because you are issuing tax exempt bonds, there are certain IRS regulations you have to live with. One is the assets you are financing must have a greater life than the average life of the bonds.

Mayor Galea said Commissioner Rentschler was talking about guns for police officers and if they are suspended they have to turn in their badge but can take their gun home because they own it. Police Chief Duncan told the Commission, for years the department has had to purchase their own weapons and this is a huge problem. When we first hire young police officers they not only have to buy their hand guns, but they also have to buy all the gear they wear including boots. When it comes to ammunition, it sometimes takes us six to eight months to get the different kinds of ammunition it takes to provide for four to five different calibers of handguns. He said the officer at the back of the room tonight was his firearms instructor, and we always have a major problem simply getting ammo to qualify. If we could have this same type of platform with everyone having the same type of hand gun, in the worst scenario, if an officer were to go down and we have to take that hand gun from that down officer we would have no problem shooting it because we would all be proficient in firing that hand gun. Every branch of the military has this so it would be a huge asset if we could have the same type of platform.

Commissioner Rentschler thought a couple of years ago when we were looking at morale, we figured out a way to match what the County is doing. That included assault weapons, individual cars, bullet-proof vests that matched the uniforms, etc. He thought this was an ongoing program. Police Chief Duncan told him all the above has occurred. He was talking about hand guns worn on the hip. Commissioner Rardin said we are a little off topic, and Mayor Galea said this was something she thought would be included on the ballot, but now she understands we can't because the assets, the weapons, won't last 20 years. Now she knows it has to be something retained for 20 years.

Commissioner Rardin said basically we want a charter amendment we decided would be an ordinance, to bring some information back concerning the GO bond for the bowling alley or fun center, and public safety. He remarked Commissioner Rentschler had touched on one that needs to be on

there or we will have to hold a special election. It is the Sunset Clause of the Economic Development Tax. Do we want it on this election or hold a special election? He wanted Staff to bring back some information on this because we don't have a lot to show for what we've done with the money. We have roughly \$4 million dollars in the bank and nothing to show for it.

Commissioner Sikes thinks we need to consider looking into a Convention Center. Mayor Galea said that is \$25 million in some cases. She said the one in Las Cruces is rather a bare-bones building but is a multi-purpose building that cost \$25 million. Our capacity is approximately \$13 million.

Commissioner Rentschler said we can ask for Staff recommendations on roads.

Mayor Galea said maybe we just don't need to look at a bond right now, and Commissioner Rentschler said that is true. He said you have to look at those interest rates and 4% in 20 years is a lot of money compared to what we are paying now. Commissioner Rardin said if we wait until two years from now the interest might be at 6% or 7%. The last election was a good one to look at because our rates were at about 2%. He didn't think we would find interest rates this low in the next 20 years.

Mayor Galea remarked she had heard voters say about the bowling alley they didn't like the variables in the bond language and other concerns. Commissioner Rardin said we were kind of rushed and we had to wait for the school bond election to be over. He felt we could be better prepared this time.

Mayor Galea said this will come back to us at a future commission meeting when we discuss a potential ordinance for Public Art, the GRT for Economic Development and the Bowling Alley for bonding. She didn't know how to handle the Public Safety challenges.

City Clerk Cantin stated we would need some preparation time in order to proceed. Tomorrow is the deadline to put the book together for the first meeting in October. Mayor Galea asked if she was recommending the second meeting in October, and City Clerk Cantin told her they would need to have the first publication approved by the October 22, 2013 meeting. She said it could possibly be on the first meeting in November, but the November and December meetings are on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays. We would loose that extra preparation time. Mayor Galea asked if we could do a Special meeting if needed.

City Manager Stahle said we will work out the details of the schedule and package some information for you on all the items you have discussed already with some recommendations. Commissioner Rardin said we could always do an addendum to the agenda in order to put it in a little later than tomorrow.

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

Mayor Galea asked if any Commissioners had any recommendations. She announced the Boards and Committees with current vacancies and appointed Jesse Carr and Justine Chavez to the Mayor's Committee on Aging. She asked the City Clerk to notify these individuals.

**PUBLIC COMMENT**

None.

**CITY MANAGER'S REPORT**

1) None.

**REMARKS AND INQUIRIES BY THE CITY COMMISSION**

**Commissioner Talbert commented on the following:**

1) Commissioner Talbert said the NM Wing of the Civil Air Patrol flew numerous sorties looking for the lost fire fighter in the Jemez. The Alamogordo squadron flew six sorties including the one where he was located.

**Commissioner Rardin commented on the following:**

1) He asked the City Manager about the GRT Reports they used to receive. He wanted an update on that because it had gone out the Monday before last and we should have received it. City Manager Stahle said he had been discussing this with the Finance Director and you will all be getting a detailed report shortly, and Commissioner Rardin hoped it would be within the week. Commissioner Rardin said in the past when the State sent it out and as soon as the City received it, it was forwarded to the Commissioners. City Manager Stahle told him that he and the Finance Director wanted to send out something that made more sense of the raw data. Commissioner Rardin told him he liked the raw data, and the City Manager said he would get it both ways.

2) Commissioner Rardin then said they used to get the monthly Interagency Transfers and he would like to see that again. It lets us know where we are financially throughout the year. He remarked we are a little down on our GRT's for this year, and we need to be aware of that. City Manager Stahle said he understood.

3) Commissioner Rardin had an issue with the fact that two weeks ago when it was raining we had an officer standing in the intersection again at 1<sup>st</sup> and Washington to catch people who were not wearing a seatbelt. There were so many police cars in that intersection that it was bottle-necking traffic, and he felt it was creating more of a hazard by doing this.

City Manager Stahle asked if he was asking for that issue to be brought before the Commission for consideration of a policy change. Commissioner Rardin said it wasn't a policy and the City Manager told him it was a policy of the Police Department. He asked if Commissioner Rardin would like to override that and put it on the next agenda. Commissioner Rardin said this is the first time he has ever seen this, and City Manager Stahle said it is a technique other jurisdictions use but it is something this Commission can take a look at if they choose and could be put on a future agenda. Commissioner Rardin said the streets were wet and what if his brakes had locked up and he had run the officer over. We have a liability with an officer standing there especially with a wet intersection. Do we really need to harass the citizens of Alamo over not wearing their seat belts? If they reach over and put it on after seeing the officer than you have reached compliance. He thought it looked like we were poor and trying to gain revenue, and that is what he was hearing from people. They were saying the police can't catch the guy stealing things out of their houses or breaking into their cars at night, but you can harass me on my way home because I don't have my seat belt on.

City Manager Stahle told the Commissioner he heard him loud and clear, however, if you would like to give direction to the Police Department on that policy he suggested it be placed in front of the Commission for their direction. Commissioner Rardin said he would like it put on the agenda.

4) Commissioner Rardin said his last comment was about the Aerospace presentation that was here about six weeks ago. He wondered where we were on that, and City Manager Stahle told him he had communicated by email this afternoon with Bill McMillin and we aren't very far. Mr. McMillin did respond back and so he needs to put something together for him to consider. Commissioner Rardin asked to have something on that at the next Commission meeting. City Manager Stahle said that was problematic because the agenda packet materials are out this week for the next meeting, and that would require him to respond to something he hasn't received yet. He said he would try.

City Manager Stahle said you're talking about entering into a contract before we have any direction on what kind of service you want done. He recommended we have that conversation before we pick somebody and say do this for us. Staff needs direction on what it is you are seeking this individual to do. He gave in an email to the Mayor a list of things, but he didn't come back and say here is the specific detail of all that. We have to refine that and bring it to you and he said he could have that on the next agenda. Commissioner Rardin had read the minutes from that meeting and that was the general consensus of the Commission to get the information and bring it back to us so we can decide

whether or not to negotiate a contract with this guy. It has been six weeks and should have been back to us by now. City Manager Stahle asked him what exactly he wants at the next meeting and Commissioner Rardin told him he wanted to know how much it would cost, the scope of what he would provide and other various stuff. City Manager Stahle said he had also reviewed the minutes and didn't read them that way, but he would go back and double check them. Commissioner Rardin said he was in that meeting and the City Manager remarked he was in the meeting as well. Commissioner Rardin said he didn't think they did verbatim minutes, but he remembers talking a lot more than the minutes said. Again, he said six weeks was ample time to get with the guy and figure out the scope of work.

Mayor Galea asked Commissioner Rardin if we can wait until the October 22<sup>nd</sup> meeting simply because of the policy of having things placed on the agenda and having the agenda packet ready. Commissioner Rardin felt we would be passing up an opportunity and he would like to pursue this opportunity because the man seemed to know what he was talking about. He didn't guarantee we would vote to give him a contract, but he would like to at least look into it. Mayor Galea asked if anyone was opposed to putting it on the October 8<sup>th</sup> agenda even if it was added as an addendum and no one was opposed. The Mayor asked the City Clerk and City Manager to put this item on the October 8<sup>th</sup> agenda even if it has to be an addendum.

**Commissioner Rentschler commented on the following:**

1) Commissioner Rentschler wondered if our agendas were coming out too early. It seems we are looking at things that staff has to have two days from now or we do it by addendum. He felt part of it could be better handled if the staff had more time to put it together before handing it to the Commissioners. He said we went from the Thursday before to one and a half weeks before, but it seems like the Monday or Tuesday wouldn't be unreasonable to get an agenda out for the Commission to peruse. He didn't think they needed two weekends. He also said he schedules his life around this Commission and we have been adding an awful lot of special meetings. He said we aren't going to do anything between now and 2:00 a.m. in the morning and he could be here doing stuff instead of at a special meeting. We've already changed the agenda time and if he has work to do for the City he would rather do it now. There are people here that need to make a living and this is not the way you make a living. He asked that out of respect for us to please keep the special meeting stuff to a minimum. Mayor Galea told him she could make a living as an accounting manager but she works full time for the City as Mayor and she was sorry if that offended him. He said it doesn't offend him it simply isn't a full time job. He said he could not work full time as a Commissioner and it never was a full time job. The Mayor said it really could be and he said it really shouldn't be. Commissioner Rardin said he wasn't paid to be a full time Commissioner and he agreed with Commissioner Rentschler. He said most of us have day jobs and if we had to come in an hour early on Tuesday and stay a couple of hours late, he wouldn't mind doing that in order to avoid a Monday or Thursday meeting. City Manager Stahle pointed out there had only been one special meeting since he had come. Commissioner Rardin told him there had been numerous meetings before he came. City Manager Stahle said he was trying very hard to make the meetings as productive as you can make them and then addressed the procedure of getting the agenda out two weekends in advance for the Commission and the citizens. He said it was his fault and not anyone else's. He thought it good public policy to give the Commissioners and citizens ample time to review it instead of springing it on them the Friday before. He said he would take a look at that and admitted today's with the Executive Session they needed to get to had just happened this afternoon. Most of the other things we knew in advance, and we do sometimes send the agenda item without the backup documents just so you will know what will be talked about and then send the backup documents later. He thought it was good policy to do it this way and if they wanted to he would reconsider it, but right now he was standing by it. Commissioner Rentschler said he would like him to reconsider it. Mayor Galea asked if anyone else would like for the City Manager to reconsider and Commissioners Rardin and Talbert said they would. Commissioner Rardin said he wouldn't mind if the City Manager wanted to send out a draft agenda and mentioned he had nine emails the other day for one meeting. He never could find the one with the original agenda. He checks his email once a day and finds this very confusing. Mayor Galea said the Commission could just create these addendums, for example for Mr. McMillin again. It could wait for the 22<sup>nd</sup> but since it is to be on the October 8<sup>th</sup> agenda there will be a need for an

addendum. Commissioner Rardin said if the agenda didn't come out until the Friday before the meeting there would be plenty of time for it to be put in there. The City Manager wasn't sure there would be enough time because we are relying on someone else to do that. If it was just staff putting something together on that particular topic he was confident, but when we are asking a consultant to do something you have to be a little bit sensitive to that situation.

Commissioner Sikes thought we need to be a little bit more sensitive to the point that City Manager Stahle made also, about the public knowing what is on the agenda. One of the complaints she would hear was there wasn't time to investigate the issue when the agenda book came out the Friday before the meeting. Commissioner Rentschler said it came out on Thursday. Commissioner Sikes said she liked the idea of giving people more time to not only see the agenda, but to talk about and research it. It doesn't have to be as long, but she appreciated having more than a week to look at the agenda before talking about it. Commissioner Rardin said he doesn't normally read it until the weekend before or even the Monday before the meeting. Commissioner Sikes says it's not all just about us. Mayor Galea agreed with her about thinking most about the public.

**Commissioner Sikes commented on the following:**

- 1) She thanked the Library and Library staff for bringing things to the attention of the community. If people could visit the Library to see what that staff has done they would be pretty impressed.
- 2) She thanked the Mayor and Deputy City Clerk Jacobs for quickly putting together the POW/MIA Proclamation for the POW/MIA commemoration last Thursday at NMSU-A. It was well attended and appreciated. She had sprung it on the Mayor pretty quick and the people present at the commemoration were very appreciative.
- 3) Commissioner Sikes said she had never followed up on the water pressure issue. She has had a couple of calls and asked for some follow up on that. She also said people ask her about job openings with the City, but she doesn't know anything. She asked if when significant jobs are filled maybe we could hear about them at the Commission meetings. Commissioner Rentschler suggested putting it on the website and City Manager Stahle said a notice could be sent out.

**Mayor Galea commented on the following:**

- 1) The Mayor said Secretary Hill was here with Governor Martinez in regards to Veteran's Cemeteries. The Mayor had begun working with Secretary Hill on Memorial Day weekend and then waited for the Governor to make this great announcement. The Veteran's Affairs through the Federal Government will be funding three small Veteran's Cemeteries about four to five acres in our area. The City will need to work with our legislators to find 10% of the cost and the State will need a designation of four to five acres. It has to be within VA requirements: a scenic area (BLM land on the mountainside is what they are looking at). The State would build the road and sprinkler system. The Veteran's Council has been asking for a Veteran's Memorial Park much like Tularosa has, and this would be a great way to have that park. Working with the State and Federal Government and with the State maintaining the cemetery we could designate this in the City of Alamogordo, working with the BLM and our Legislators. She mentioned there was some push-back from the Board of Trustees in Tularosa and members of Lincoln County, because they would like for the VA designation to go to Ft. Stanton which is #78 on the list. However, we have almost 7,000 veterans living in Alamogordo who want the cemetery here. Commissioner Baldwin asked her if she said the State would maintain it and she said yes. The State would build the road and sprinkler system but she was sure they would maintain the yard and cemetery plots. The Veteran's Cemetery in El Paso is maintained by the Federal government because it is a national cemetery. This one would be a cooperation between the State and Federal government. Commissioner Rardin asked to have staff look at potential areas around town because it might be a fight to get BLM land. Mayor Galea said they want a significant space that we own. Commissioner Rardin said the Tays property was a possibility. Mayor Galea wanted a representative for Secretary Hill to come to a future Commission meeting to give an overview. Commissioner Rardin said staff could look at potential locations we already own.
- 2) She thanked Police Chief Duncan. When she was leaving the Evening Glow at the Balloon Fiesta on Saturday night, there was a lot of traffic attempting to turn from La Velle Road onto Hwy. 70. She asked for him to send someone out to help with the traffic and they responded quickly. City Manager Stahle said that was on his birthday.

**ADJOURNMENT**

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Commissioner Rardin moved to adjourn the Regular meeting at 11:15 p.m. Mayor Pro-Tem Hernandez seconded the motion. Motion carried with a vote of 7-0-0.

Mayor Pro-Tem Hernandez moved to adjourn into Executive Session to discuss Threatened and Pending Litigation (Premier Pellets) at 11:17 p.m. Commissioner Rentschler seconded the motion. Motion carried by a vote of 7-0-0.



ATTEST:

  
\_\_\_\_\_  
City Clerk Renee L. Cantin



\_\_\_\_\_  
Mayor Susie Galea

*(Prepared by Nancy Jacobs, Deputy Clerk)  
Approved at the Regular Meeting held on October 8, 2013.*