

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
SEPTEMBER 9, 2014**

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

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

CALL TO ORDER & ROLL CALL

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the City Clerk. Clerk Cantin announced there was a quorum present. Invocation by Reverend James Forney and the Pledge of Allegiance was led by Commissioner Straface.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend James Forney gave the invocation followed by the Pledge of Allegiance led by Commissioner Straface.

APPROVAL OF AGENDA

Commissioner Straface moved to approve adding the addendum to the agenda. Mayor Pro-Tem Rentschler seconded the motion. Motion carried by a vote of 7-0-0.

Mayor Pro-Tem Rentschler moved to approve the agenda. Commissioner Baldwin seconded the motion. Motion carried by a vote of 7-0-0.

PRESENTATIONS

- 1. Presentation by the New Mexico Museum of Space History related to the IMAX Improvements Project. (Chris Orwoll, Executive Director)**

Mr. Chris Orwoll addressed the commission. (Power Point presentation is in the Agenda Book) He thanked the commission for considering the Museum in the first place, and then gave an overview of work done to the Museum to date and that which is scheduled. The goal with the IMAX theatre upgrade is to see an increase in visitation. In Fall 2012 a Needs Assessment was done by the NMMSH staff and November 20, 2012, they gave a presentation to the City Commission. On January 28, 2013, the City Commission approved \$300,000 in Quality of Life funds for the upgrade of the theatre at NMMSH, and April 5, 2013, Senate Bill 60 was passed by the NM Legislature that granted \$500,000 toward the upgrade of the theatre and facilities. He showed the list of ongoing projects at the Museum. The projected start date for the theatre upgrade is October 2014, and the projected start date for the planetarium upgrade is January 2015. He showed the total cost breakdown of items and materials needed for the theatre/planetarium upgrades. He noted that the paint color being used is called Smithsonian Blue and is the color used at the Smithsonian Museum, with whom this museum is affiliated.

Mayor Pro-Tem Rentschler commented that the Space Hall and Theatre have been one of the jewels of Alamogordo, and he was thankful that the commission was able help with this. He asked which digital theatre projection equipment would be used in the upgrade. Mr. Orwoll said IMAX was one of the brands available, but they have not even come out with their digital projection system and did not know when it would be available. Also, their cost was higher than other brands. He said they would be installing a digital projection system similar to what many museum theatres throughout the United State

are using, especially those with domes. Mr. Orwoll noted this is the smallest IMAX (giant screen) Theatre in the world. With this system, they could host film festivals as well as show the IMAX films.

Mr. Orwoll commented that the Department of Finance, the Legislative Finance Committee and legislators recognized that the City stepped up first.

Commissioner Straface asked Mr. Orwoll if he was doing the leadership of the project management or if it was contracted out. Mr. Orwoll said it fell under his control, but he would be selecting contractors who would come in and do all of their own installation. When they get to the dome portion of the projects, they will have a project manager on site who will be working directly with him.

Commissioner Straface asked if those costs were included in these numbers and Mr. Orwoll affirmed they were.

PUBLIC COMMENT

Mayor Galea noted most of the people who had signed up wished to speak at the time of the agenda item they were concerned with.

A. Sharon McDonald commented on the following:

Sharon McDonald commented regarding improvements on the First Street and Florida Ave. project timeline. She had been told her parents' home is one of those recommended for demolition for this project. Her parents are in their 80's and have been in that house since she was nine years old, so she wanted to be a part of this project and know all the aspects. She would like to know how long it will take and when it will start, so they would be prepared to make other arrangements for her parents to be in a secured area. That neighborhood has been great and they have not had any problems, and she wanted to make sure her parents have a safe environment to live in. She had been in contact with Nancy (Beshaler) concerning this project.

City Manager Stahle responded it had not been decided how the realignment of that intersection would take place, and we will be involved with public information in order to let the community know of ideas. The commission will have to choose the plan they feel most prudent for the City. This will take anywhere from 18 months to two years to complete, so he didn't want Ms. McDonald's parents to be too worried about whether homes will be taken at this stage. He was glad to hear Nancy (Beshaler) had been in touch with her, but he didn't want her to feel it was a done deal that her parents would be moved.

CONSENT AGENDA

2. **Approve Minutes of the August 19 and August 21, 2014 Special Meetings and the August 25, 2014 Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
3. **Approve the Agreement with Alamogordo Public Schools related to School Resource Officers.** *(Robert Duncan, Police Chief)*
4. **Approve Resolution No. 2014-44 approving the submission of an application to the New Mexico Department of Transportation – Aviation Division for maintenance at the Alamogordo – White Sands Regional Airport, in the amount of \$11,110 with a required match of \$1,111. [Roll call vote required]** *(Matt McNeile, Assistant City Manager)*
5. **Approve the award of IFB No. 2014-05 to Basin Air, Inc. related to the HVAC Replacement – Alamogordo Senior Center project, in an amount not to exceed \$38,726.05, including tax.** *(Matt McNeile, Assistant City Manager)*

6. **Approve the award of RFQ No. 2014-03 for Engineering and Design Services to Livingston Associates, P.C. for the Water Service Line Replacement – White Sands Blvd. project. (Edward Balderrama, Project Manager)**
8. **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 2014-2015 Fiscal Year. (Renee Cantin, City Clerk)**
- A-2. **Approve Resolution No. 2014-47 approving the New Mexico Department of Tourism Litter Control and Beautification grant in the amount of \$12,000. [Roll call vote required] (Matt McNeile, Assistant City Manager)**
- A-3. **Approve Resolution No. 2014-48 approving a Grant Agreement between the City of Alamogordo and the New Mexico Department of Finance and Administration for Special Appropriation Project No. 14-L-1958 in the amount of \$25,000 for the Domestic Violence HVAC System Project. [Roll call vote required] (Ruben Segura, Grants Coordinator)**
- A-4. **Approve Resolution No. 2014-49 approving a Grant Agreement between the City of Alamogordo and the New Mexico Department of Finance and Administration for Special Appropriation Project No. 14-L-1959 in the amount of \$100,000 for the Family Recreation Center Restroom Project. [Roll call vote required] (Ruben Segura, Grants Coordinator)**
- A-5. **Approve Resolution No. 2014-50 approving a Grant Agreement between the City of Alamogordo and the New Mexico Department of Finance and Administration for Special Appropriation Project No. 14-L-1959 in the amount of \$200,000 for the purchase and equipping of vehicles for the Alamogordo Police Department. [Roll call vote required] (Ruben Segura, Grants Coordinator)**
- A-6. **Approve Resolution 2014-51 to apply for an FAA Grant to construct the 2200' runway extension at the White Sands Regional Airport in an amount up to \$6.2 million. [Roll call vote required] (Matt McNeile, Assistant City Manager)**

Commissioner Hernandez asked to remove Items 7 and A-1.

Commissioner Hernandez moved to approve items # 2, 3, 4, 5, 6, 8, A-2, A-3, A-4, A-5, A-6 of the consent calendar. Commissioner Straface seconded the motion. Roll call was taken for items #4, A-2, A-3, A-4, A-5, A-6. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

7. **Approve the award of RFQ No. 2014-06 for Architectural, Engineering, and Design Services to Lee Gamelsky Architects P.C. for the Family Entertainment Center project and approve negotiation of the professional Architectural Services Agreement. (Matt McNeile, Assistant City Manager)**

Commissioner Hernandez said he wanted to speak about this and give an update on the project. He had many questions from constituents so asked that the city manager give an overview tonight. Commissioner Hernandez did not have a problem with the RFQ itself, he simply wanted an update on the project.

City Manager Stahle spoke to this and said we have progressed through the bond package for the voters and we are at the stage of awarding the architectural contract. He said it is important to recognize there is a lot to do in order to pre-plan the construction of a building. Specifically, we want to know what the foot print would be of such a facility, what would be in it, etc. First and most important of the architects work would be to meet with the community and commissioners in order to figure out what

would make the most sense for this market. We know there will be bowling; how many lanes? A study suggested 24 lanes would be a competition problem for the facility at HAFB. We may still build 24 because we've heard from folks in leagues that is an important number. What other things will be in this? He was confident there would be some sort of an arcade probably targeting the younger kids; miniature golf or some kind of laser tag; some kind of food establishment with restaurant and bar facilities. Then we have to address the outside. There is some interest for recreational activities on the outside, as well, so that is a large part of what the architect will be working on; a layout you can be proud of. After that, they have to put the hard work in to actually design the facility. This, too, will be a long term project, probably longer than the intersection. One of the challenges you all need to help us figure out will be how will it be operated; create an LLC much like the folks in Deming did, our own staff run it, or contract it all out. Another possibility is to have just the restaurant facility contracted out and maybe some of the other concessions, in particular the video games and that sort of thing. Once you all give the blessing as to what you want built, then they have to do the actual architectural work. While the construction is going on, we need to start focusing in on some advertising and some resolutions to various topics like who will run it and how will it be run. He wasn't expecting this facility to be operational for at least 18 months and more realistically, two years. It could be faster depending on how quickly we get through the public discussion. We want to make our community proud of the look of the facility, as well. The actual location is by the movie theatre which you can see from all around, so we want it to be fairly good looking and fit into that particular portion of the city. Again, this will take in the neighborhood of a couple of years.

Commissioner Hernandez moved to approve the award of RFQ No. 2014-06 for Architectural, Engineering, and Design Services to Lee Gamelsky Architects P.C. for the Family Entertainment Center project and approve negotiation of the professional Architectural Services Agreement. Commissioner Turnbull seconded. Motion passed with a vote of 7-0-0.

A-1. Approve a one (1) year extension of the Agreement between the City of Alamogordo, New Mexico and Zia Therapy Center, Inc. for Public Transportation Services in accordance with Section 3 of the agreement in an amount not to exceed \$99,989.00 for the Fixed Route Services and \$10,000 for the Pilot Program. (Ruben Segura, Grants Coordinator)

Commissioner Hernandez remarked he had pulled this one off because he remembered when we first did the pilot program it was a one year thing. He believed this was the third time we had funded this \$10,000, and he didn't see it as a pilot program any longer. He said he could support the \$109,000, but could not support the \$10,000.

Commissioner Sikes appreciated what he said. She asked Grants Coordinator, Ruben Segura, that since it had a large ridership, was successful and accommodated both those with medical situations as well as students, couldn't we change the name from pilot program to simply program.

Grants Coordinator Segura said it becomes an official program when the commission so desires. Commissioner Sikes asked what she needed to do in order to do that. Grants Coordinator Segura said to integrate it into one transportation program. Commissioner Sikes asked if we needed to approve this item and then make a motion to make it a permanent program.

City Manager Stahle recommended that if it were to pass tonight as presented, you could then direct us to incorporate that particular element of the contract into the regular contract for next year.

Mayor Galea said she understood it was a pilot program in 2012, and since it began there are now over 600 riders per month for students, medical and other needs. She found it to be a successful program and didn't understand why there wouldn't be an opportunity to keep our students and those who need additional medical services at home in the City of Alamogordo so they don't have to go to Las Cruces.

Commissioner Straface asked the city manager if it could be incorporated in this motion and not wait a year. The city manager said there would not be a problem with that. Commissioner Straface said to motion \$109,000 plus for this, and move forward.

Commissioner Hernandez said his biggest problem was it was a pilot program and requested for one year. He didn't have a problem helping people out, but he had a problem with not being up front and saying this is what we're doing.

Commissioner Straface felt it could be corrected right now, and Mayor Galea said it could be corrected in a motion.

City Manager Stahle said when you do a pilot program it usually takes several years to decide whether it is worth it. Several of you have indicated you are comfortable with it; it is up to you to handle it any way you want.

Commissioner Straface asked the city manager if an evaluation had been made of the pilot program. City Manager Stahle said we know what the ridership is, and it is mostly students with some folks needing medical. It is open to anyone of course, and it is up to you to judge whether it is successful or not.

Mayor Pro-Tem Rentschler also remembered this being a one year pilot program, and we had suggested the ridership pay for this. Instead of making a motion, he would rather vote on them separately and combine it later; the \$99,989 and then the \$10,000 and see where it lies. He thought there was a plan for the \$10,000 to gradually go away, and he would be much more willing to support it that way.

Commissioner Baldwin said we had been very specific at the time about it being a one time deal, and not come back for any additional money. It was his understanding that the \$10,000 was a portion of funding coming from other communities, as well. Grants Coordinator Segura said part of the contribution comes also from Federal funds from the pilot project, so it is a part of a matching.

Commissioner Baldwin said he was very excited about the program and was eager to vote yes to help it get up and running, and our statements were that if it was successful it should be able to pay for itself. Mayor Pro-Tem Rentschler had mentioned there was a plan put in place to possibly raise the ridership fee and other things to alleviate our \$10,000, but Commissioner Baldwin said he had not seen that plan. He had an issue of this coming back three times in a row as a pilot program when it was originally voted as a one-time deal. He agreed with Mayor Pro-Tem Rentschler to vote on the original \$109,000 and then the \$10,000 in an additional motion.

Commissioner Sikes said we approved it the first year. The second year we discussed raising the ridership rate, and they did; we have not seen a report on whether raising the rate made an impact on the program. The one thing we have to keep in mind is there are very few transportation programs on the planet that pay for themselves; they are all subsidized. This is nice to have for our community and if we don't fund it, how many people will be effected? She would like to see the impact of the raise in ticket prices.

Mayor Galea said the City does subsidize it with the Department of Transportation, but also with the Southeastern Regional Transit District through Las Cruces.

Mayor Pro-Tem Rentschler said we have been talking about what we don't know about this \$10,000 portion of the program to Las Cruces, and he suggested we should table the \$10,000 part until we can get a proper report on how it is being spent and what the impacts are, and if it would eventually go away.

Mayor Galea said we know that at the height of the ridership to Las Cruces they have 600 riders a month. If there is not ridership to Las Cruces then those people would perhaps be forced to move to receive those services.

Mayor Pro-Tem Rentschler said he understood that, but would like to see the numbers and figures. He was certainly in favor of approving the \$100,000 for public transportation right now, but would like to see a separate presentation on this so we could have all the ridership numbers, the total costs provided by us and provided by other entities. This would give us a feel of where it is and help us decide whether to raise it to \$110,000.

Commissioner Hernandez clarified it is \$109,989 total; \$99,000 for the fixed route and the \$10,000 for the pilot program. He noted he didn't have a problem helping people out and funding the ride, but he would like to have a report from Zia in order to see if they still need the \$10,000 now and in the future. We were very specific about only doing this one year and this would be the third time we've funded this. We have two options: we can vote on it or we can table the \$10,000 portion of it.

Grants Coordinator Segura apologized that he didn't have the figures with him. He was of the assumption the commission had already approved the budget.

Mayor Galea appreciated that we should have all the facts and data, but she didn't see this as a way of helping people out; she saw it as a way of improving our economy through an intermodal system. If we don't provide this service, then people cannot live here and receive the same services through the public service system. They would have to move to Las Cruces and we don't want that.

City Manager Stahle pointed out the pilot project was integrated into this contract so if you want a detailed report at the next meeting, he thought it best to table the whole thing and wait for that report. We can ask Zia Therapy to show up and talk to you.

Commissioner Hernandez suggested completely redoing how this was done. If we are sending people out of town, he didn't want to do that. If 99% is medical, there are other ways to pay for it. It is \$10,000 of the taxpayers' dollars and is a lot of money, so we need to be very specific of what it is doing, where it is, and what the cost benefit is to Alamogordo.

Commissioner Hernandez moved to table the item until the next meeting or until they (Zia Therapy) are prepared to do a presentation. Mayor Pro-Tem Rentschler seconded the motion. Motion carried by a vote of 5-2-0. Commissioner Straface and Mayor Galea voted nay.

NEW BUSINESS

- 9. Discussion, consider, and act upon, a policy of repairs to water meter infrastructure related to the Advanced Metering Infrastructure System (Radio Read) Project. (Robert Rentschler, Requestor and LeeAnn Nichols, Finance Director)**

Finance Director Nichols told the commission the Staff had been asked to give an update on the number of breaks and other issues related to the Radio Read system. In addition, Staff was asked to explain about the timeframe that would cover these issues after the installation. The City's records show 57 repairs which is just under 3% of the total 1,961 meters that have been installed to date. Of those, 35 repairs were on the city side of the meter and 22 breaks on the customer side. There were six call-backs for water turn on. For coverage of that in the contract, Zenner will cover for 90 days after the City has notified them of the installation; the contractor will cover 90 days of that install. If there is a problem, issue, breakage or leak due to the installation of the meter, the contractor will be responsible for that up to 90 days. They are also on call 24/7 for those installations for 90 days.

When we first started this project, the contractor was just installing and then reporting breaks. We've changed that so that the contract calls for the contractor to inspect the meter before installation, to

determine if there will be any issues when the installation is made. If they feel there will be a break or a leak by installing that meter, they are to call the utility inspector of the City. That inspector will evaluate the meter and decide if it can be installed; if so, we will give the contractor the authorization to proceed. If that happens and the contractor proceeds and there is a break or leak, then it becomes the City's issue. If the contractor decides after the meter has been evaluated that they can make that exchange without compromising the system, then they will do it. If there is a leak or break, it becomes the responsibility of the contractor.

Mayor Pro-Tem Rentschler said the reason he had asked for this was the fact he had a break on the consumer side and had a water bill for \$1,200. It seemed like we were hearing rumors about the contractors doing this and he was getting phone calls from various people with this same problem. There was a point in the beginning this contractor hired someone who may or may not have been up front about breaking a meter and would leave the area rather than report it. That is the main reason he wanted this in here because he wanted everyone to understand these are the reported breaks. He asked who the prime contractor was on this, and Finance Director Nichols told him it was Zenner USA out of Addison, TX, and they were in attendance. The primary sub-contractor is Lane Plumbing and Darnold Plumbing is sub-contracted through Lane Plumbing.

Mayor Pro-Tem Rentschler said he had heard there had been problems with the ones originally hired to do this, true or false? Finance Director Nichols told him there was an issue and the sub-contractor took care of it right away. They did hire some laborers to do some of these installs who were not qualified and were making mistakes; they got rid of them very quickly. She said both the City of Alamogordo Utility Maintenance Department and Darnold Plumbing are keeping records of breaks; Darnold Plumbing is taking responsibility for the breaks. Ms. Nichols said she worked on taking Darnold's report of breaks and leaks and compared it to the Utility Maintenance Report of breaks and leaks, and she found they did not match. Utility Maintenance had a record of 57 breaks and Darnold had a record of 126 breaks. After she reviewed all again and removed any duplicates, it came to a total of 109. Darnold's report as opposed to the Utility Maintenance report for breaks which are the responsibility of Zenner do match. We are keeping track of what they are responsible for, which includes if they have non-qualified people installing the meters, and they have taken that responsibility.

Mayor Pro-Tem Rentschler said that is what he is trying to get to, to make sure the entire city understands there have been problems with these installations, and we want them to know there is at least a possibility the contractor or the city may take some responsibility for that.

Finance Director Nichols pointed out that Mayor Pro-Tem Rentschler's break/leak occurred on July 14th and the meter was installed on July 31st. She didn't want to misrepresent that every break/leak that happens during this meter installation is necessarily attributable to the installation of the meters. We do have utility inspectors with the city that will be doing inspections and they will be determining if that leak was caused by the installation or because of some other issue.

Mayor Pro-Tem Rentschler said he couldn't prove that had happened at his break, but it was right at the meter. Right after that is when he began to get phone calls from around the neighborhood. He felt his was probably not related to the meter installation, but there were others that would and would not be.

Finance Director Nichols pointed out the Public Works Dept. is aware that along with this installation, knowing there is some older and fragile piping, we expected to have some breaks and it was budgeted for. We want to keep a good record between the contractor, Utility Maintenance, Public Works and Utility Billing in order to determine the cost of that, whether it is because of the installation or the older, more fragile pipes in the older parts of town.

Commissioner Straface asked the city manager about the agenda wording and what we would be acting upon. Finance Director Nichols said she could answer that. When Mayor Pro-Tem Rentschler

asked her to get this information together he asked about policy. She thought he was asking for this item to be discussed so that the commission can understand how this project is working.

Commissioner Straface asked if we were going to be acting on a policy for repair, and the city manager said no.

Finance Director Nichols introduced the contractors in order for them to give a short presentation.

Mr. Mark Green from the Zenner Company explained that to date they had about 3,000 meters in the ground. He displayed on the overhead the readings from the meters already in the ground. To date they are able to read a little over 99% of all meters in the ground, and are getting good feed-back. We can detect issues and he looked at the leak alerts on the customer side; he explained how it works. He next showed some sample reads and how to read the report. Mr. Green explained infrastructure had been placed around town on city facilities (see pictures in agenda book), and then explained how the process works. They are about 99% done with Cycle 1, with the exception of a few repairs that need to be done on the city side, and scheduling issues with larger meters such as at the College and Space Hall Museum. Cycle 2 is about the same; we have had to stop Cycle 3 because we are pursuing a resolution to the inspection issue. This was at the request of the City and Zenner so we could find a good solution. He referred these issues to a representative of Darnold Plumbing.

Abraham Moore of Darnold Plumbing came forward to address any questions. Mayor Pro-Tem Rentschler asked him about the size of the new meters, and that they were slightly larger than the original meters. Mr. Moore said there were several different manufacturers of meters, and some were slightly bigger than those in the ground. He said the City Water Dept. could tell you more, but what they had run into was that it was very rare they have the Neptune that is a little bigger. So, if we pull a meter that is 7" long and we have a meter 7.5" long, that is giving us some issues.

Mr. Mark Green showed a slide of that. He showed an older census meter and a new Zenner meter that is slightly longer. The Zenner meters are at the current standard so they do comply with all standards set on the meter sizes. Whatever was put in years back, may not have been up to standard at that time.

10. Consider, and act upon, the dispensation of the Atari Cartridges and approve the agreement with the TBHS. (Brian Cesar, Public Works Director)

Public Works Director Cesar told the commission the last time this had come before the commission he had been asked to come up with a plan of action to distribute the games and other materials taken from the old Alamogordo landfill. He pointed out the proposed agreement in the agenda packet between the City, the Tularosa Basin Historical Society (TBHS) and the NMMSH. There was also a proposed certificate of authenticity and a plan of action.

Mayor Pro-Tem Rentschler asked the condition of all these items, whether there were any contamination concerns and if we were testing them. Public Works Director Cesar said the games were just like they had been when removed from the landfill.

Mr. Joe Lewandowski addressed Mayor Pro-Tem Rentschler's question about the cartridges. He didn't see any reason to have them tested, but if the commission felt differently, they could do so. They had spent over \$12,000 in environmental sampling and nothing in this cell was hazardous. If it had been, they would not have been allowed to go into the cell. It is up to the city if they want to test them, but he had not found any reason to do so.

Mayor Galea reiterated that the vapor testing was done to the cell, as well, so if it were contaminated these games would have been contaminated. Mr. Lewandowski agreed, but said there had not been any testing done to the individual cartridges.

Commissioner Straface read from the plan under September 30th, 'The process procedure for the release will be presented to the city manager or the city commission for approval to proceed.' He interpreted that it may go to City Manager Stahle and we may not be involved in the decision.

Mr. Lewandowski responded the thought was to not have to come back to the commission every time there was movement of the games. He recommended anything major, so the final approval to proceed would come to the commission. All the cartridges are owned by the City of Alamogordo, and we have a request from a museum in Rome, Italy for a donation. He then said he would talk to this commission as the vice-president of TBHS, saying the TBHS would not send anything to Rome, Italy without the commissioners' permission; the agreement says you have to approve something like that.

Commissioner Straface simply wanted the process clarified so someone couldn't contest anything in the future. He remarked he was fine with the city manager approving that, and simply wanted everyone to be aware of that condition.

Mayor Pro-Tem Rentschler asked if the value of the games had been determined. Mr. Lewandowski said no. Part of the problem was that this is a unique situation. They are worth \$9.00 apiece on EBay but those aren't a part of this legend, and there are a limited number. There are 792,000 down there and we got 1,300 out; 100 went to the film company, and this increased the value of the available ones. He knew there had been a \$500 offer for an E.T. cartridge. The primary goal is they go into museums in order to tell the story. The second recommendation is the City keep a certain number in inventory for whatever you decide to do in the future, and the balance will be what you decide to release. He recommended releasing them in three separate auctions, because there isn't a set number on them. He had some recommendations for a minimum bid and see how those 400 sell. The second round would have less than the first round, and by the third round, the last chance to get one, the prices would probably escalate. This gradual release was the recommendation. He said they definitely would not be releasing Pele soccer and some others with historical value; these would stay in the inventory for museums. We would possibly release a few to the museum in Rome and some to NMMSH; you would not be giving any to museums, you would simply be loaning for display.

Mayor Pro-Tem Rentschler asked if there was a problem with the Anti-Donation Clause, and Mr. Lewandowski said there was not, since you are not giving them to TBHS; we are simply holding and taking care of them for you. We will work with the NMMSH staff to catalog, inventory, seal them in bags and then they would be locked up at the Museum. We would submit a request to remove them if a request came to us. When some are sold you will be getting money back for them so it would not be in violation of the Anti-Donation Clause.

Commissioner Hernandez moved to approve the agreement with TBHS. Seconded by Commissioner Baldwin. Motion passed with a vote of 7-0-0.

11. **Consider, and act upon, the approval of Out of State Travel for the Mayor to attend the Association of the United States Army on October 13-15, 2014 in Washington, D.C. (Susie Galea, Requestor)**

Mr. Harv Hamilton addressed the commission on this item. He said that since January of last year he has attended almost all of the commission meetings and has received hardcopy minutes of all the meetings. He felt he had a pretty good idea of how the city commission members should interact between themselves, the City Staff and the media. He was present when the last commission set limits on what money it's members could get for travel and where they could receive reimbursements. He had a good idea of what could be discussed at Executive Sessions and what they could and could not reveal from those sessions. He has seen at least one staff member ridiculed and insulted here, and if I had been in his place, I would have told the commission where to stick it, but I don't have to worry about putting food on the table. This is not Chicago, it is not New York. The City Commission as a whole makes policy and supervises its only employee, the city manager. If four of you decide to you can fire him tonight then he would be gone. A lot of people out here and the ones I've talked to don't

understand that. The city manager is the one who manages the staff day to day and if there are any problems with how he manages it, the commission as a whole needs to get together on it; it can't be just one person, and I don't think I misunderstand that. A couple of weeks ago I read an article in the local newspaper that should not have contained some items and should have contained or pointed out others. Today's commentary by the mayor makes me believe she should resign if she doesn't understand and have commission members understand what her job is. Other commissions here, I would think, are in the position to sue her for some of the things she has done of late. A previous article reminded me of how I began to distrust the media during the 38 months I was receiving combat pay going to Vietnam. I extended twice for a year; they wouldn't let me extend for the third time. I blame the media for extending or prolonging that war, and many of the deaths and destruction that happened because of the media, not just the people who were the war protesters, but they were led by the media. Now, I'm not saying you can compare this article with Vietnam, but it hit this small city just as much like a bomb as Vietnam did, and it has caused a lot of dissention and upset, some of which I saw yesterday at the Fire Chat meeting. It was apparent at that meeting most of the people don't understand how the commission works and how the city works. I wonder why the Mayor ran for office because she knew the rules; she sat on the last commission and it just doesn't make sense to me that given that knowledge she should be pushing people around or making the comments she should. I don't think the media should be asking her questions. The city doesn't have the money to finance whims of commissioners or the mayor. They don't really have an awful lot of money to spare for anything. In those articles, one of the cardinal rules of leaders and management was broken, and that is praise in public/criticize in private. Since the commission includes public officials, that doesn't apply. I base these comments on the following: four years of ROTC, 22.5 years of service in the military, earning a Masters in Human Resources Management, teaching Leadership and Management to military for five years at HAFB to new and mid-grade sergeants, supervising groups of more than 100 and giving intelligence briefings to more than 50 air-crew members and other military units, and they're tough to deal with because they are sharp, being on briefing teams for generals, briefing other chief generals including Secretary of Defense McNamara and running a business and supervising people in other businesses. Having good ideas does not give the Mayor the right to run roughshod over people and the rules. She isn't the only one who can get things done and she seems to think she has to be that. As the city government is presently organized, and I said yesterday the mayor is kind of like a figurehead like the Queen of England, and she can only have the powers the other commissioners grant her, and virtually nothing else. He thanked the commission.

Michael Shyne commented that he had been selling commercial real estate for four decades. He wanted to address the idea some people have that travel is vacation time and that when the mayor goes on a trip to promote Alamogordo it is vacation time. In the forty years I have been selling commercial real estate, many times I would travel somewhere and visit someone face to face, and other times I tried to build that relationship without doing that. Today it's even easier for us to think that we can build these relationships without going somewhere because the internet is used sometimes I think, excessively in place of closer contact. Today it is more important than ever before because of the nation's economy. Ten years ago we were all competing trying to get businesses and jobs to come to Alamogordo, but the competition wasn't great. Today it is tremendous; every single city is doing everything they can to generate jobs to bring money and revenue and programs to their cities. That's why this travel and building face to face relationships, I think and I hope you think, is more important than ever before. I'm asking you to look at the Mayor's requests to travel places, to spend city money as long as objectives are set out and reports are given afterwards. I'm asking you to look at these expenditures as very valuable, because the money that will be spent is insignificant compared to the benefits the Mayor is going after. Now, it is easy to think we've got the Chamber of Commerce and OCEDC and the Committee of 50, but what separates them from the Mayor is that the mayor is the top elected official from our city. So, when the mayor meets people in other cities they have a completely different perspective on the relationship than they would if somebody is coming from OCEDC or the Chamber of Commerce; it is completely different. It is taken much more seriously and the value and impact and benefit to our town is tremendous. So, I'm simply asking that you look. It's so easy to think we're just financing somebody's vacation; not at all. This is a lot of work and it is a huge benefit to our town. He thanked the commission.

Mayor Galea said she requested that this be added to the agenda for out of state travel for the Association of the United States Army (AUSA) trip. The commission will see in the agenda packet there are a number of items to include the itinerary and a letter from the El Paso Chamber of Commerce signed by their president and their Chamber Board president. It is a formal letter of request and she read the letter (in Agenda Book). The mayor then showed a short slide show to explain what the purpose of the trip is and how it impacts our region, and not just our region, the City of Alamogordo (in Agenda Book).

Commissioner Sikes said in our packet there is a letter dated September 5th, and as you stated it is from the El Paso Greater Chamber of Commerce and she was curious that if the Arms Committee did indeed feel Alamogordo is such an important part of this triad, why wasn't Alamogordo invited. Mayor Galea said Alamogordo was invited, and Commissioner Sikes said no, they were not. They received no invitation to attend the Arms Meeting. I called and asked and we received no letter of invitation because it has nothing to do with us.

Mayor Galea said all commissioners are welcome to join me, are invited. In fact, we have other members of the Arms Committee that are part of the Chamber through the Committee of 50, and that way they have invited the Chamber itself.

Commissioner Sikes said the letter was also dated September 5th. The meeting has been in planning for a number of months; the fact it was dated September 5th indicated to me that it was probably a request made by the mayor to write a letter to invite her. That's all I could surmise; I'm not saying whether that's true or not, but that's what it looked like to me. It's an addendum to our packet and wasn't even an initial addition, so if people from OCEDC and the Chamber are telling me that we weren't invited and that it has nothing to do with us, I don't understand why we need to send you.

Mayor Galea said she understood her questions. She said I wish you could have called me and said that was your question before the meeting; I would have gladly answered it then. The original item is an original agenda item and the letter is an addendum to the agenda packet. I did say there was some discussion amongst the commission that there was a disagreement as to whether or not it was a meeting worth her time and worth the peoples' money, and so I said a formal letter of request would be beneficial.

Commissioner Hernandez moved to deny the travel. Commissioner Sikes seconded the motion. Motion carried by a vote of 6-1-0. Mayor Galea voted nay.

Commissioner Hernandez moved to approve that if she finds funds to go that she does not represent the Commission or the City of Alamogordo.

The Mayor said she is mayor even when she goes to Wal-Mart, and Commissioner Hernandez said that's fine, but we're asking that you not represent us. Mayor Galea said you are asking that I not represent you, that's your motion. Commissioner Hernandez said yes, ma'am.

Motion died for lack of a second.

A-7. Consider, and act upon, asking staff to produce a Censure or No Confidence Ordinance to supplement the current pay ordinance. (Robert Rentschler, Mayor Pro-Tem)

Mayor Pro-Tem Rentschler said he brought this item because there has been some discussion among the commission about the ability to censure members no matter who they are. This isn't necessarily directed at any individual on this commission. What this does is give accountability to all of us. This ordinance could be used against myself, against any commissioner, against the mayor, against any commissioner sitting here. All it does is say we should have a way when a publicly elected official has really gone off the reservation, done things to the detriment of Alamogordo, we can say that's enough,

you've go to stop. If it is approved at this point, this is to ask the city attorney to produce something like this. It could go as far as eliminating pay, eliminating travel for whatever period or definition that the commission as a whole thinks it should be. Again, this is not necessarily at this point in time directed against any particular member of this commission, but it could be once it is actually a law, if it becomes law; it's only accountability. All we're looking for is a way to hold this commission accountable to ourselves. It does not and cannot remove anybody from office, but what it says is we need to be responsible to each other, we need to be responsible to the citizens and what they are telling us. It is an area that is probably lacking within the City Ordinances. What you find is the pay is based upon for a commissioner and mayor the charter and the pay ordinance. The Charter guarantees us, and cannot be taken away, \$50 per regular meeting. Every commissioner you see sitting here tonight receives \$50 for their presence. That is Charter ordered and would not be removed. The pay, on the other hand, is ordinance directed and we establish ordinance. This is just a way for us to be able to say there's a way for us to correct something that's just gone way wrong that may at some point in time cost the City a lot of money. We need to be able to put an end to it before we actually get to that point.

Commissioner Hernandez said he also agreed with that. The only thing he would do, and he didn't know if it was a good thing or not, there are certain items we have where we have to go to a super majority which would be five votes in order to pass something, versus the normal four votes. He thinks this would probably be one of those items because it is pretty easy to call four people, but to do five or even six is pretty hard. I would say if we do this, it would be by a super majority vote which would be the five. That way the public doesn't think just four people got control; when you get five votes, that's a lot.

Mayor Pro-Tem Rentschler added that for him to be removed as Mayor Pro-Tem, what it takes is two seconds and a super majority of five. He thought that was a very reasonable thing to consider that it should be along that line.

Mayor Galea said she thought this was kind of what she asked for, but not exactly something she thought was positive. If you recall back to the meeting minutes from March 2014, I had asked the commission to help me with something creative, something over and above what our Code of Conduct currently states, something other commissioners aren't doing; to help me create an accountability program from within the commission group. I think that the commission has already decided that we have something that Dr. George Straface has brought to our attention as an opportunity for us to adopt covenants and goals and policies that would help us remain accountable to ourselves. I have a question as to whether or not a pay ordinance is something that the Attorney General would view as a positive ordinance, something that you can enforce in this term. For example, when you passed the ordinance originally it was not effective in the current term it was passed. For example, it was passed under Mayor Griggs' time that the mayor would receive \$750 a month for compensation for their travels, and I don't know this could be enforced under the current term.

City Attorney Thies stated the mayor was correct that you can't reduce the level of compensation during someone's term, but this does not necessarily follow that. You couldn't penalize the person by reduction of compensation even though that compensation would remain the same, and as far as limits, it's \$500 per month for commissioners and \$750 for the mayor if you structure in such a way as a penalty or a sanction and not a permanent reduction, but a temporary reduction of the level of compensation received by the elected official.

Commissioner Straface asked Mayor Pro-Tem Rentschler if he would be very clear on how he sees this ordinance impacting us and be as specific as you can.

Mayor Pro-Tem Rentschler said what I see this ordinance doing, and again I don't know that it is directable at this point in time, some may think it is but I don't know that it is. This ordinance would be something that would stay with future commissions, for this commission and future commissions from now on. I believe, again, that there comes a point in time when there's that possibility you could say this really is starting to hurt Alamogordo and has the possibility of costing us a lot; commissioner, mayor

pro-tem, mayor you need to quit. I think that is where we are at and as far as the specifics and whether it's for a month, whether it's for a year, whether it's for six months, whether it's complete loss of pay, whether it's 50% or a quarter, I think all that would be what we would ask the attorney to come up with; some sort of gradient that would be like that and the commission could actually use.

Commissioner Straface said maybe I'm just ignorant, but I would like you to look at that ordinance with me and tell me where it says that, I don't see it.

Mayor Galea said the ordinance is established as a level of pay of \$500 for each commissioner and \$750 for the mayor, so I choose to take it personally when you are going to remove travel from the only person that does the lion's share of travel.

Commissioner Straface said I don't see it. I understand the pay and all that, but where does it say in this ordinance, given whatever occurred to say as a commission, we are going to prohibit somebody's expense request or reduce their salary. Mayor Galea said it is not in there. Commissioner Straface asked if that was the proposal and Mayor Pro-Tem Rentschler said that was the proposal.

Mayor Pro-Tem Rentschler said that is the proposal, to add that to it. Commissioner Straface asked to add that to it and ask staff to develop it? Mayor Pro-Tem Rentschler said that is right.

Mayor Galea said I think the staff has just said there isn't statutory authority within the term, I do believe that would be financial coercion.

Commissioner Straface said in your position, Madam Mayor, and I do understand that, what you are saying is it would have to happen on the next term. Mayor Galea said yes.

Commissioner Hernandez thinks this is something we can ask staff to research and look at and see what is available, if we can do it currently or have to wait until the next time. With things that have happened and are happening, I think it is something that needs to be in place whether for us or for the next commission.

Commissioner Hernandez moved to approve having staff look into the possibility of writing a supplement to the current pay ordinance or whether it's for the next election.

Commissioner Turnbull asked if this wasn't what a recall election was for. Couldn't that be done to get rid of all this? I'm just asking, otherwise this wouldn't be for this term or any of us. I'm just curious; that is kind of what a recall election would be for. Mayor Galea said that is correct.

Commissioner Hernandez agreed with her; there is a process of the recall election. Currently it is almost impossible to recall even a commissioner, because of the amount of signatures needed, the amount of people who actually vote. It would have to be somebody that went out and worked it. The current situation that we have here, and I'll bring it up since we're being asked, is that we currently have on record eight hostile work environment claims filed against the Mayor of the City of Alamogordo. If you guys want to see those, if you want to know about them come talk to me and I'll show them to you. That is one of the reasons I support this is because a recall does not cover that. The citizens don't know about everything happening within our community. We have to have some sort of recourse in order to take care of these. If this is true, if this is happening, what do we do? Do we let our mayor run amok, do we let our commissioners run amok and do what they want? No, we don't. There has to be some sort of recourse to take care of those. That is one of the reasons I support this.

Mayor Galea asked him if he could state for the record the whole story, provide the whole overview of why there is a hostile work environment, or would you like me to do that. Commissioner Hernandez said I don't know why there is; I just know there are eight claims of hostile work environment.

Mayor Galea said it is relating to my statement in the newspaper on August 4th. There is a story..... Mayor Pro-Tem Rentschler interrupted to say this is more than..... Mayor Galea said no, you are going to let me finish what I'm saying because he alleged the mayor has created a hostile work environment, so I'm going to Commissioner Sikes interrupted to say to the mayor I would really hope that you don't open up this can of worms. Mayor Galea said ok. Commissioner Sikes said I would really, sincerely hope that you don't. Mayor Pro-Tem Rentschler called the question. Commissioner Sikes said you start talking, we're going to start talking. Mayor Galea said go ahead and start talking. Commissioner Sikes said ok. Mayor Galea said you want to talk about how there's micromanagement of city staff and our engineers have often left, and how we've lost other staff? Commissioner Sikes said have at it. Mayor Galea said it is ok for a blanket statement of hostile work environment to be made but no explanation. Ok, I think you all can read the newspaper from August 4th.

Mayor Galea stated there is a motion on the floor. Is there a second?

Motion is to direct staff to look into a supplement current pay ordinance and whether it can be done currently or after the next Commission that sits in 2016, in order to allow the Commission some sort of leeway to hold commissioners or the mayor accountable for actions. Commissioner Sikes seconded the motion. Motion passed by a vote of 5-2-0. Commissioner Turnbull and Mayor Galea voted nay.

Mayor Galea said I am not to tell the whole truth.

A-8. Consider, and act upon, a request for a policy regarding the White Sands Community ditch that has been abandoned by the South Side Diversion projects. (Robert Rentschler, Mayor Pro-Tem)

Mayor Pro-Tem Rentschler said I brought this after more than a year. He showed a map on the overhead of the ditch in question. He pointed out the ditch running down the middle of White Sands Community, which is a mobile home and RV park. For 50 years, the City of Alamogordo has maintained this, since it was incorporated into the City. About a year ago we found out that it may not belong to the City and the County may actually own this. The problem is this ditch is no longer in use at all and has been abandoned by the southern diversion channel flows. There are concrete channels on either side of it, and he pointed to the area on the map. There is a low water crossing and we have been maintaining this ditch for decades. He thought we should continue to maintain the ditch. At this time, the weeds are hip high and mosquitoes are bad, and he felt it was a quality of life issue. He has known the manager for many years and he would like to see an agreement for the city to continue maintaining the ditch or fill it in since it is no longer used because of the newer system of drainage ditches. There is a lot of dirt dumped on another vacant property from work the city has done that could perhaps be used to fill in the ditch. The present problem is negatively impacting the mobile park business.

Pat Stewart is the manager of this park and she addressed the commission. She stated she had been there 16 years and the city has mowed this ditch for those years. She has a lot of snow birds, RVs that come and go to see our town and they like to take walks along the ditch. Right now the ditch has got skunks, mosquitoes, snakes and more and is about 10 feet tall. This year when she called to have it mowed the city said it was the county's and the county said it was the city's. The elderly, the snow birds and the RVs walk their pets and take their strolls in the evenings and they are scared. It is hurting our business and hurting the town. She requested to have it mowed.

Bill Dennis who lived in this mobile home community came forward. He stated he has lived there for almost 31 years. About 10 years ago he called the city and they sent Code Enforcement out who told him when the flood project was finished this ditch would be filled in and the land would be given to the owners. He would like it to be filled in since it is a breeding ground for mosquitoes.

City Manager Stahle said he wished he could say we are addressing these weeds tonight, but we are down some staff and are trying to keep up with the explosion of weeds throughout the city. When we were dealing with the other part of this easement we found the city does not own this particular part of the easement, it is the county's. He had notified the county manager and they had received all paperwork on this. He felt the goal of the city and county was to get rid of the ditch because it isn't of any value and is clearly creating havoc for the residents. When he discussed this with the county manager, she reiterated she is working with her staff and they want to meet out there to discuss the boundaries. It is his understanding the county has accepted responsibility for the ditch and will send people out to take care of it as soon as they can. He asked everyone to give the county a little bit of time and see if they take care of it, a week to 10 days, and if they don't, we will. He said he would need direction from the commission to do anything. There is a legal process we must go through to abandon the easement, and as you might recall the abandonment of the other portions of this easement were problematic. He explained that process was difficult since the owner was deceased and the surrounding property owners had to go through legal maneuvers to take ownership. We don't own it, we have communicated with the county, the county has agreed to get out there and deal with it as soon as they can, and they have been talking to us about it. City Manager Stahle said he has had conversations with Mayor Pro-Tem Rentschler about finding dirt to fill it in, and we can work with whoever ends up with it, easement or no easement. Our ultimate goal is to get rid of the ditch, it will simply take time.

Mayor Pro-Tem Rentschler said he would like to see two things, to set a hard date of 10 days and if it is not done by then, the city will come and mow it. City Manager Stahle asked him not to say that to the county. Mayor Galea said we are not allowed to interfere with the county, but we are going to give them 10 days.

Mayor Pro-Tem Rentschler said ok, 10 days or we do it because it is in the city and we need to preserve the quality of life for these people. The second thing is as the Corps of Engineers finishes cementing the McKinley channel.....and he noted the city attorney was shaking his head.

City Attorney Thies said the next phase to be worked on is to reshape the curve (he pointed out on the map). He did not believe it would be cemented since the Corps of Engineers opted not to concrete the entire McKinley Ditch in order to maximize the money they had. Instead, they will only concrete the box culverts that run underneath the roads. They will more than likely be lined with rock, similar to what was done on the east side of Florida.

Mayor Pro-Tem Rentschler said there was a large pile of dirt at Fairgrounds and Pecan that could be moved over there. The last time that dirt was available, the city staff told them no according to the superintendent of the company who has been doing all the ditch work up here. He wanted to make sure this doesn't happen again, and if there is any permission to be had we need to get that permission so we can fill this in and make it an area that could be of benefit to the city.

Mayor Galea said to the city attorney she understood why our staff would say no to giving away a product belonging to the city so there wouldn't be an Anti-Donation, and she understood the need for a contract which she hoped would be pursued.

Mayor Pro-Tem Rentschler moved to approve that we mow it in 10 days if the County does not and that we pursue ensuring we can fill that ditch with any excess dirt generated by the Corps of Engineers as they continue this other diversion channel.

Mayor Galea asked what the budget impact would be of doing this work for the county. Mayor Pro-Tem Rentschler said we have done it for years and years and it is in our budget.

City Manager Stahle thought it had been described earlier that one individual with a serious mower could probably knock it out in a few hours. It is an issue to make sure they don't hit anything that would break the mowers, and he didn't know how the county would do it.

Mayor Galea was specifically talking about the dirt work that was part of the motion.

City Manager Stahle said he didn't know if we own the dirt and if it is already called for by someone else, but he got the message if we have extra dirt and can work out a deal with the county who owns the easement we can work out a way to fill it. Mayor Pro-Tem Rentschler said they were looking to get rid of it.

City Attorney Thies said normally as part of a construction project, the general contractor is responsible for hauling off the excess dirt, and they are looking for the cheapest way of disposing of it as possible. That's why during this last phase of the McKinley project they hauled it over to one of these other vacant lots. We can talk to the Corps of Engineers who will be awarding the contract for this phase prior to the end of the Federal fiscal year (end of this month), and this contractor could use that fill in this ditch.

Commissioner Straface said it seems when we start saying we are going to move dirt, mow the ditch, let's do it in 10 days, we are engaged in micro-management. We need to ask the city manager to work with his staff to solve this and report back to us.

Commissioner Hernandez seconded the motion.

Mayor Pro-Tem Rentschler said this has been going on for about a year and a half, quite a while. That is the reason it has finally come to this point to bring it to the commission.

City Manager Stahle said one important part from his perspective is if we are going out to do something now that we know we are not the owners of the property/easement, it is important that you direct us. This motion would be important if we are going to mow it.

Commissioner Straface said we engage so much in micro-management that it bothers him a lot. He understood the history and the city manager's need at this point, and he will support it.

Motion passed by a vote of 7-0-0.

A-9. Consider, and act upon, approval of Lodgers tax in sponsorship of the international event hosted by New Mexico Museum of Space History in Alamogordo for the DCA International Space Hall of Fame Induction. (Susie Galea, Mayor)

Mayor Galea is asking that no action be taken and the item be removed.

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

Mayor Galea stated if there are no objections she would appoint Mary Hammon to the Mayor's Committee on Aging and Ray Vincent to the Parks & Recreation Board. There were no objections.

PUBLIC COMMENT

A) Sharon Hodges commented on the following:

Sharon Hodges reminded the Commission of the "Gosh, I Wish I Hadn't Said That" presentation at a recent commission special meeting and she had got a lot out of it. She hoped they had the opportunity as a collective body to talk about it. She said the things the commissioners say and write, and the repercussions it has on them and their positions and on her as a resident of the city, have the potential for litigation. Litigation means money out of coffers that we don't need to be spending. She felt the commission needed to be working together and mentoring each other, so before you say something you talk to each other first to decide if it is a good thing to say. You followed that special meeting up with a work session on how you could collectively work together and have common goals. I listened to

you and watched your body language. She said she had gone to the school board meetings much as she comes to these meetings and was embarrassed because that was not as we should be acting and representing the people you are voted to represent. Dr. Straface came and in a very short time turned that board around with this same work plan. She understood the barriers because she saw a broken commission, the trust is not there. She wanted them to heed his words and work together, and remember that when you took that oath of office, you took it to represent us. You need to put your egos aside and remember why you are there. When you start holding each other hostage for your own agenda, shame on you. When you go into the public and only use a portion of the information to rally the troops, to come in here on your behalf then shame on you, because they don't have all the information. You put your fellow commissioners in a very difficult place. She was proud of them because they could have said some things that were very hurtful and shameful, but didn't. She addressed the mayor by saying she was the first in a long time that got the confidence to be sitting where she was, and it is up to you to start building fences. You are the public face and no commissioner needs to be cleaning up after you or explaining your behavior. She looked to the mayor to watch her words and begin mending fences. To the commissioners she said she challenged them to work with fellow commissioner, Dr. Straface, and come up with a plan. She had been on a long road trip with her husband and said they could live anywhere they want, but we came back to Alamogordo. She had come here as a child in 1958 from the Jersey Shores, and it took a long time to learn to love this place. She loves Alamogordo and isn't going anywhere, so she expects the best of the commission. You need to duke it out somewhere else and when you come in here to face us, you need to use the dignity of your oath of office. Next time you go to the media you need to watch your words because they hurt. When you leave out information you do a disservice not only to this commission but to the City of Alamogordo and the very people you were elected to serve.

B) Judy Tucker commented on the following:

Judy Tucker said she lived on Sunset Ave. in Alamogordo and was the widow of an Air Force retiree. She was involved as a volunteer in many areas of town and was a pink lady at the hospital. When she read Susie's article today, she was happy that somebody was going to reach out and try to get this community to grow. When they were stationed at HAFB in the 1970's, the big excitement was when McDonald's opened. We came back after her husband retired and thought this town would have grown, but were distressed to note it had shrunk. Having been an Air Force wife for 23 years, she knew the impact a base could have on a town. She felt it was extraordinarily important, and she hoped she would continue trying to do what she has for the town and write the way she has so other people understand what is happening. She felt the rest of the commission should be ashamed of themselves for keeping her from doing that.

C) Robert Clock commented on the following:

Robert Clock, 602 S. Florida, said he watched tonight's meeting. He thought he was at Mayor Galea's first meeting and told his wife, 'Oh my God'. He had served ten years on the Planning and Zoning Committee in Westminster, CO, and lived there for 40 years. He was involved in politics all of those years. What he saw in the mayor we elected by a considerable margin, to him she is maybe a notch above. He found it disheartening to see another commissioner act like a pit bull to our mayor, and he didn't like that and didn't think the voters in the city did either. He said he had only been here five years, but he saw a town he liked and was a nice place to live. Every egg we have is in HAFB, and if someone doesn't reach out and try to bring something into this town we will die; you grow or you die. He was born and raised in a little town in Minnesota called Austin, MN, the home of Hormel and Spam. At one time Hormel was a prime place to work; they had a 40 hour week before it was thought about anywhere else; you had to give a 52 week notice to lay someone off. Today, Hormel is very poor and has a lot of plants all over. Back then, there was only one plant and it was in Austin. What he was getting at is that Austin, MN went from being the pride of southern Minnesota to losing out to other towns which are much larger. In 1954 when he graduated from high school in Austin and was looking for a job, he went to Hormel who put him on the list with 162 ahead of him and they hadn't hired anyone in nine years. He decided to go into the military instead. He wondered how many young people graduating from Alamogordo High will live here when they are our age; not many because Burger King and Wal-Mart just don't cut it.

D) Eliza Fernandez commented on the following:

Eliza Fernandez said she was a citizen of Alamogordo and had been in New Mexico about 14 years and in Alamogordo about eight years. When she moved here her income dropped about \$22,000; there was nothing here. She had a job where she had more responsibilities of managing three different motels, their receivables and payrolls, and when she got here there was nothing for her. Fortunately, she did have family here and had been a military spouse for 14 years; that's what brought her here. As a military wife she was a family readiness provider and when other spouses deployed she was their point of contact. She went to state meetings from 2002 up until this past year and she had the opportunity to go to a national conference got more resources, information and guidance to share with those military members. She is now also in law enforcement and has been for five years; prior to that she worked at HAFB as a volunteer victim advocate. So, she has dealt with people in all walks of life and culture backgrounds, and she has found the younger generation here and that have been brought to HAFB think there is nothing for them here. Alamogordo is amazing if you have a family, but when she moved here in 2000 there wasn't a Chili's, Applebee's, Buffalo's or Carl's Junior. We have gotten more businesses in the past seven to eight years, and networking is essential. In law enforcement, training locally is great, training throughout the state is great; extending those points of contact and networking is extremely important. She has been with the PD for about five years and has been a detective for over a year, and there are people she reaches out to from other states who have come here to work with the City and our detectives free of charge. She can contact one of them now and have a response in a matter of minutes who is a national expert and an essential tool for us. Without that travel and point of contact she wouldn't have that resource. She is going through training this week and has met people from other agencies that she will continue to remain in contact with. So you have more than five years of experience, combined. Her concern after hearing the things said was that she does her best to be professional at every turn and hold herself and her actions accountable. If something is wrong even though it might get her in trouble, she will speak to the issue; she hoped that as elected officials representing the City they would bring attention to any wrongs since the public might not know about them. There are things she does on a daily basis that people don't want to know about, but she still has the responsibility and accountability to the citizens of Alamogordo. She hoped as they review, a complaint might be made and a valid complaint is a little different. We should dig more and be more open. There have been things she has seen and research she has done through Public Records Requests that make her wonder why things have not come out more in the past, why things have not been addressed. She said if a valid complaint was made against her and her bosses decided she could not travel or go to training, it would be hurting the City of Alamogordo because they would not have a properly trained individual. That really needs to be addressed and keep in mind the state of New Mexico is huge and Alamogordo has been on the map and in the media for positive things. It is a beautiful city and a wonderful place to live, but there are some skeletons that have been brought out to light. There needs to be transparency if there is nothing to hide. Everyone won't be happy with the decisions you make, but that's why you were elected to represent us and make those hard decisions.

E) Pat Galea commented on the following:

Pat Galea said she usually sits quietly to observe. She came to Alamogordo about three weeks before Susie was elected as a commissioner and lived in her home when members of this commission started calling to say they had two people on the commission who both think it is their turn to be mayor and we don't want contention, so we would like for you to accept the position of mayor. She fully recognized Susie was a young, blonde woman who was a military wife and who hadn't been in the community very long, and someone may have thought they would have someone they could pull puppet strings on. She was sure they were very disappointed because you have a young, blonde woman who is a military wife who is very on-the-ball, willing to reach out and accept the challenge. She has heard people say she hadn't lived here long before becoming mayor, but she did not seek to become mayor. She said I have also witnessed other people on this commission really step into it up to their hips. I was at the Snake Plant when the mayor, the governor and other elected officials were present and the mayor gave a wonderful history of the Snake Plant, information I did not know, but failed to recognize after telling us the Air Force had paid for and installed a pipeline for 30 miles, the mayor didn't acknowledge the presence of the reigning HAFB official, didn't put a shovel in his hand and allow him to participate. That

was a pretty big gap. Yes, there were some comments made in the newspaper that gets wide circulation. I'm sure every one of you can look in your background and find things you wish you had not said. I can tell you only that the highest tribute my son has paid to me was to marry the woman who is very much like me. I retired from the military as a civilian, a GS12 workforce panelist. I am one of those people who when you close the door, I am looking for an open window. I am one of those people that has sometimes opened my mouth and put my foot in it up to my knees. My husband will tell you that sometimes I do not know when to shut up. I know that when Jay selected Susie as a wife he didn't choose her because she was going to become a public official, he chose her because she makes a wonderful wife and a good mother. Most of the time when I am with Susie or with Jay, we're not talking about the City or about things that happened among the commission. We are talking about my granddaughters and who needs a ride to soccer and robotics at the same time and how I can help and when do you need help; can I come over and help clean house because Susie's out-of-town for the week. We don't discuss what goes on with you guys very often. She hoped that as an old lady you will listen to me, and when you go into your Executive Session that you guys will consider a group hug, will consider the fact you all started out liking each other and there is no reason you shouldn't continue to like each other. That is just the workings in my mind, and I wouldn't have stood up but I had a nervous feeling that said speak now. I appreciate you listening.

CITY MANAGER'S REPORT

1) City Manager Stahle said our construction projects are well under way and we should be wrapping them up in the next couple of months. He thanked everyone for paying attention to all the cones and the relocated road you try to find in the morning after they have changed it five times the week before. It is difficult and there are a lot of roads that need work, but he was proud the commission had the foresight to borrow some money on some GRT to get some of the bigger projects completed. He thanked the community for tolerating this difficult time with all the construction going on.

2) He had some good news from the FAA. We have been worried about who will pay for a gas line relocation associated with the extension of the runway at the airport. We learned from the FAA this morning that a grant should be able to cover that, so instead of paying about \$40,000 on our own we will have the Feds pay 90%, the State pay 5% and we pay only 5%. It illustrates we are cooperating and continuing to cooperate with the other agencies.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

A) Mayor Galea commented on the following:

1) Mayor Galea remarked that as alluded to earlier, there was a majority of Customer Service staff who asked I make a public apology. Working with our city manager, he asked I make it short and sweet, but I have learned now that would not be enough for our city commission so I will deliver my full address to the City Staff.

"I would like to take this opportunity to sincerely thank you for your heartfelt letter from the majority of your staff. First and foremost, I want to state it is not my intention to create what you feel is a hostile work environment for anyone working in the best interests for our City. I am passionate about the people who elected me to be Mayor and I really want to do what is in their best interests, and the best interests of the honest and hard-working employees of the City. That would include any City employee that comes to work every day and gives 100% to their duties. With regard to the email you reference in your letter, I write to Mark Citizen, 'I am of the minority group on the commission that believes that this is a criminal act committed not only by Armando, but by other employees he worked with.' This statement was made based on the information provided to me by the forensic accounting report dated July 2, 2014, conducted by the Sweetser Forensic Accounting. On page 2 it states the following: 'Although the first allegation was not substantiated, it is apparent that the employees in the Utility Billing Customer Service Department are not performing their duties in compliance with City ordinance. It should be noted that non-compliance is not limited to the Customer Service Manager.' The next paragraph is a recommendation and in there it states that, 'During an interview, one City employee was asked if they had a copy of the City's ordinance. They stated that they did keep a copy by their desk. If that is correct, giving the employees a copy of the ordinance appears not to be sufficient in order to

insure compliance.’ I am unaware if a copy of this report was ever provided to you, meaning the City employees. If not, you might request one to help clarify the situation. This was never meant to be a personal attack on any one of you or to any way impede your ability to obtain future employment, but simply a statement to a concerned citizen based on a thorough investigation provided to me. The reason I believe it is criminal is because I believe that our ordinance should be treated as law and by not treating all of our citizens fairly, I truly believe that we violated the law. Please see Section 1-01-020 Rules of Construction – Definitions from City Ordinance. Here are a few examples that have nothing to do with the Water Department to see if I can help you understand my perspective. If our citizens do not follow ordinance by allowing their property to become overgrown by weeds, we give them a ticket. If they do not comply then, we the City place a lien on their property which is enforceable by law. Please see 26-03-030 also 05 – Weeds Unlawful Growth and Removal by the City. The commission directed in the last year that a scheduled inspection route be established so that all public and private properties would be treated equally. If a business owner comes to the city limits and begins to do business without obtaining a business license, they have violated City Ordinance, and that is enforceable by law. You can see that in 17-01-100 – Offences, Nuisances, Procedures of Non-exclusion. Recently, Commissioner Rentschler worked to enact a Pigeon Ordinance, a nuisance ordinance, and the commission voted to pass the measure. Now anyone found deliberately feeding pigeons on public or private property can be found guilty of a petty misdemeanor or even a violation. You can see that at 7-05-030 and 050. Pet owners whose pets become loose and Animal Control catches them, lose the right to choose to spay or neuter those animals. That is a violation of ordinance by having their animals out of their control and therefore enforceable by law – 7-01-050 also 065. Again, it was never my intent to personally attack any of you in the Customer Service Department or any other staff, however, it is my role as the mayor to work with the commission, to direct only the city manager in order to protect the citizens by enforcing the City’s Code of Ordinances. I stand by all the City Manager’s choices in harmony with our ordinances and I do not interfere with personnel matters where the public’s trust is not concerned. I do not necessarily believe that all of you knew of Mr. Ortega’s misdeeds, and even if you did know it is understandable if you might have felt intimidated by anyone having more authority preventing any prior reporting of it. However, it is your duty as a City employee to deal lawfully and responsibly with tax payer dollars, and if you see them being handled unlawfully, it is certainly up to you to follow the rules and report the misdeeds to those in your chain of command. I feel confident that under the watchful eye of LeeAnn Nichols, your department will be heeded in a positive direction and no further digressions will occur, but that all citizens will fairly be held accountable for their water usage. I have been made to realize that the word ‘stealing’ may not have been the appropriate word to use as quoted in the August 4th news article, and that will be my last statement on the matter.”

This was dated August 24th and I did not send it on at that time because the city manager preferred a short and sweet one, but that was not satisfactory to the commission.

B) Mayor Pro-Tem Rentschler commented on the following:

1) Mayor Pro-Tem Rentschler asked Public Works Director Cesar about the drain at North Scenic and Florida. Last time it rained we had a big mud puddle there again. Are we going to get that?

City Manager Stahle asked him the location again, and Mayor Pro-Tem Rentschler told him. He said there are other things, too. If you look at where the flood came across there, we had back-hoes and loaders that left these big, deep ruts and mud on the sidewalks, and there is still some clean-up left to be done. Since it has been a month, he was wondering when it would be fixed.

Public Works Director Cesar responded saying we do have that and the list of things we still need to address from the flooding. There have been work orders come in since that time on other issues including weeds. We hoped to have that addressed last week and we were not able to complete it. We are trying to have it done by the end of this week. Mayor Pro-Tem Rentschler thanked him.

EXECUTIVE SESSION

- **Sale, Acquisition, or Disposal of Real Property (Housing Authority Properties)**

A-10. Limited Personnel Matters (City Commission)

Mayor Galea remarked to the commission that she had addressed this with our attorney, Randy Van Vleck, through the NM Municipal League regarding the Limited Personnel Matters for City Commission, and his opinion was that the commission is not considered to be personnel for purposes of the Open Meetings Act. A closed session to talk about a disruptive commissioner, for example, would be improper. There is, however, an exception for the Purchase of Real Property, for example. The mayor said she would not be comfortable going in to Executive Session regarding a Limited Personnel Matters (City Commission).

Commissioner Hernandez said we will then do that in public, right now. Mayor Galea said ok.

Commissioner Hernandez noted as stated earlier we have eight hostile work environment claims against the mayor. He said an apology does not satisfy that as our ordinances in our personnel manual. If someone has a hostile work environment against another employee or the city manager or anyone else, it must be handled through the proper procedures. He said I have looked to find out if this has ever been done; I have only found one. It was in Clovis where a commissioner and the county manager had an issue and they hired an outside person to come in and investigate it and give their opinions of what was done and what's to be done. So that is what I am asking the commission to do, because we do have to address these eight complaints. That is why I have asked for that. I actually have the person I have looked at who did the one in Clovis. The one in Clovis is quite a bit different and I'll give you the breakdown of that one. (All documents passed out by Commissioner Hernandez are in the agenda report) What I am asking the commission is that we direct Staff to look into bringing this person on board, or if not available, somebody like them to investigate this and come up with an opinion of what is to be done. I also have for you guys the actual complaints. I didn't make copies of the actual, the one from Water Billing, the seven, and will get to you guys if you don't have them. I believe as a commission we should address these as they were made. Again, I don't believe an apology, because that's not allowed by our handbook. It has to be investigated and brought forward and something come out of it. So, I'm asking the commission that we handle this in this sense.

Commissioner Sikes said she had a brief comment. Just from listening to the Public Comment this evening, I just want to say that I think that the commissioners are judged unfairly, particularly Commissioner Hernandez. When he brings this type of topic forward he initially wanted to bring it forward in an Executive Session because he doesn't want to embarrass the commission or the mayor. I find it very awkward to be going over this type of thing and a lot of blame will be thrown Commissioner Hernandez's way, and I don't think that is fair, because a lot of the topics we are covering are things that each commissioner on this commission has made a statement about. I don't know how to say it any less awkwardly, but I just want you to know that I would have preferred to step in the back and talk about this rather than embarrass the commission or the mayor. There have been some things happening that I personally don't appreciate, and I don't like for Commissioner Hernandez to take all the brunt. For example, we had an Oktoberfest last year; a lot of things came out after that Oktoberfest that put us in a very, very awkward position. The mayor took it upon herself on social media to bring up the fact that the reason we're not doing Oktoberfest on city property this year is because the commission, and she kept referring to 'the commission, the commission, the commission', as if she is above the commission. The commission voted not to absolve the German Army of a \$4,600 invoice. That wasn't the only reason we aren't doing Oktoberfest on city property this year. We had a number of citations and I think all that got resolved; we had a lot of property complaints, the corners of Florida and Fairgrounds were left with vomit, urine, puke, glass, you name it that the people who owned the property had to clean up and they didn't truly appreciate that. The reason that we didn't have any police incidents is because Chief Duncan took it upon himself to make sure we didn't have police incidents by making sure there were extra law enforcement people available, which ended up costing us a little bit more than we anticipated originally. As a consequence, the invoice to the Germans was

\$4,600 higher than they anticipated; they decided not to pay it and we decided not to absolve it, period. And some things that didn't come out that you may not be aware of is the fact that when they were unloading equipment in the parking lot, maybe the parking lot was a little bit compromised because leading up to Oktoberfest we had some rain and the asphalt was a little bit soft. They pulled an 18 wheeler in and it sunk in the asphalt and rather than leaving it there, they moved it two or three times. I don't know if anyone's noticed when you go to Grigg's Field, but that parking lot hasn't been repaved. It needed to be fixed at the tune of about \$40,000. The German Army wouldn't pay it and we don't have the money to fix it. There are a lot of reasons we did not do Oktoberfest on city property, but for the mayor to throw the commission under the bus saying we were the ones that decided we weren't doing it. It never even came before us this year. I think it was understood by the German Army that we would probably not want to do it. We didn't make any money on it, we got in trouble and we had an extraordinary amount of embarrassment when it was all said and done. That happened on social media, great, we have to deal with that and people questioned me up one side and down the other. And then, understand that over the course of the last few months, we have asked to work together as a team. I want you to know that we all like each other. When people make the accusation that we don't like each other, that is not true; I have a lot of respect for my colleagues. When we try to work together, and time and time again we find we are all working together with one exception, and we've made minimal requests that before anything be printed in the paper or thrown out there on social media, that we at least give our approval, or consent or at least we should know about it. It falls on deaf ears and it gets to us after a while. I think the Op-Ed piece in today's paper could have been handled a little differently. I think the request that was made in the thousands of words could have been handled a little bit differently. That being said, I just want everybody to know, don't focus attention on the individuals who speak up and call us things like bull dogs. We are just trying to be transparent, also, and as I said, I would have preferred in an Executive Session.

Commissioner Hernandez said the way he planned on handling this was through Executive Session, bringing it to the commission, discussing this as we are discussing right here and right now. This was just amongst the commission, no City Staff, ask the City Staff to come in once it was discussed and give them direction the commission chose. At this time, I would ask that the commission support me one of two ways; either answer the questions of the work place harassment that we are not going to do anything, or we ask Staff to engage in hiring an outside investigator to come in and investigate it, find the findings and then go from there. Those are the only two things I see, those are the only two options that I see. We either tell Staff we don't care or we do something, one way or the other. Or, unless there is a different way to address that, I don't know. I'm sorry our policy handbook, an apology does not cover what I believe has happened.

Mayor Galea said I'm sorry you misunderstood me. I wasn't apologizing to make any hostile work environment claims go away. Mr. Hernandez, I was responding to a letter that you've already handed out to the commissioners that was dated August 18th where Staff asked for a public apology.

Commissioner Hernandez said that's fine, but they've also filed a work place harassment and we need to address all eight of them because there are seven signatures on one and then there is a separate one. I believe those need to be addressed in one form or another, whether they are addressed by us writing them a letter and saying we discussed it in a public meeting and that's all we are going to do, or if you guys have a different idea. I sat here and I waited, I waited for Staff to bring us something, I waited for the attorney to bring us something, and I waited for each of us to say something and nothing was ever done. It was like ok, maybe it will just go away; it's not going away so we need to address it. However the commission feels right to address it, that's up to you guys. I have brought this to you and I recommend this, some type of form to address this so we can move on.

Mayor Galea said you are welcome to go to your Executive Session and discuss it. I'm happy to discuss it in the open. Commissioner Hernandez said we've already discussed it, so what I'm asking the commission now is to support me in directing Staff in a motion form to hire the Holcomb Law Firm to come in and do an investigation on these items.

Mayor Galea said how about the other items, there have been many hostile work environments that have been verbal and not written down. We could point out the fact there are police officers that feel micromanaged by yourself, and we did lose a city engineer because of our Mayor Pro-Tem Rentschler, are we going to talk about all these?

Commissioner Hernandez said they are not written down. If they are written down, let's do it. Mayor Galea said it sounds like a free-for-all. Ok.

Commissioner Turnbull said I received, and I don't have it with me, but I know we all received it. It is opposite of this, the hostile work environment. It's actually people that are..... Commissioner Sikes interrupted to say it wasn't signed. Commissioner Turnbull said it wasn't signed and we all know why it wasn't signed, but this one that was signed does say that they would like to have a public apology from the mayor and you gave them that. So, as far as this one is concerned, that seems answered to me. I take issue with, I don't agree with you going to the paper and we've discussed that, and I know you've just recently went again, and I am against that. But I am also against you receiving the brunt of something you didn't do but you commented on. We discussed that. We don't want you to discuss that any further with the paper. You didn't do the act; you had an opinion about it and you're getting more flack for that opinion than what, I mean, am I going to get sued for saying this? I'm just saying that she didn't do the act and she's getting more heat for it, ok. I don't want it to go to the paper anymore. But on that same thing I'm in agreement that I don't want you going to the paper anymore, and I see that you went to the paper again, I do take issue with that.

Commissioner Baldwin asked Commissioner Turnbull why she didn't want her going to the paper anymore. Commissioner Turnbull said I don't want her going to the paper anymore because like she said, she's the mayor at Wal-Mart, she's the mayor all the time. So, I would like you to come to us and say 'Hey, what do you think about this?' and get a consensus and have most of us agree at least or I say all of us agree before it goes to the paper.

Commissioner Baldwin asked what led her, what led us to that conclusion that we're having this discussion right now; repeated offenses. So, you are defending the mayor in a sense that you're saying she's taking all the flack for just a comment. Commissioner Turnbull said just for the most recent one. Commissioner Baldwin said the fall-out from the comment, the Commissioner has just handed out all the fall-out from those comments.

Commissioner Turnbull said I wish I had the other one, I didn't bring it with me but I know you guys got it. If somebody has it, I would read that. It does say there are a lot of people afraid to say something because they're probably afraid to get sued if they don't agree with what these people say, then they are looked down on. There are two sides and we are really only hearing from the side of the ones that are here; I'm just trying to see both sides.

Commissioner Baldwin asked where did that division come from? Comments made by the mayor. Commissioner Turnbull said yes, comments made by the mayor but opinions on what people did, and I have spoken to a lot of people. I don't want to go down this road, but there are a lot of people in this town that are upset that things happened the way they happened. Commissioner Baldwin said sure. Commissioner Turnbull said we aren't supposed to comment on that because it's personnel, then I don't think we should be commenting on this for the same reason, it's personnel. We were told to butt out, we were told to not have an opinion about what happened. Well then, how can we have an opinion about this? Commissioner Baldwin said because it is us. It's a big difference.

Commissioner Hernandez asked Police Chief Duncan to come up. He asked him when was the last time you and I had a discussion about your department. Police Chief Duncan said it has been a while, sir. I haven't talked to you in probably, at least maybe five months. When I first got here, we were talking a whole lot. Commissioner Hernandez told him thank you, that's what I needed to know.

Commissioner Hernandez asked City Manager Stahle when was the last time you and I had a discussion about DPS? City Manager Stahle said I've briefed commissioners on the PSAP and that's.... Commissioner Hernandez interrupted and asked when was the last time I came to you about DPS? City Manager Stahle said I have no idea; I wouldn't venture to guess, it has been a while.

Commissioner Hernandez said I got word it was bothersome and if I have an issue I don't have a problem going to Bobby. I don't have a problem going to one of the officers. If I have something that comes up I will go to them and let them know, or the City Manager, depending on where my mind is thinking I need to take it. But I do not interfere with any of the departments, none of them. A couple of months ago I had a meeting with Matt McNeile with the Soccer League. It was directed through Jim Stahle first because he is our point of contact. Jim Stahle sent it down the road and Matt and I met and occasionally I'll ask Matt where we are at with it, how we are doing with it. I do that all the time.

Commissioner Straface said I think we need to step back a moment. I think some cooler heads need to be dealing with this. Mr. Hernandez, I understand why you give us two choices. Commissioner Hernandez said absolutely, I said that. Commissioner Straface continued saying that I think all of us have concerns that we're not operating as a team, that when a decision is made by the commission we all support it, even if we personally don't agree. It's not appropriate to go out and say that was the commission, but not me. We have to own it and that goes with the territory of working as a board. Now we make our best arguments, we make our best points but if we don't influence each other we go with the majority of the board, and we support that publicly. So, we don't write editorials, we don't write Op-Eds, we don't interview people, we don't give our comments. We also have to be really cognizant, each of us, that as representatives of the commission, our words can cause litigation, which are big bucks, big dollars, hundreds of thousands of dollars for a casual remark. And that is something that is our responsibility. So I think, Mr. Hernandez, it would not be appropriate to ask for an investigation and I'll tell you why. I believe all you'll do is re-open wounds, pour salt on wounds and it won't help us reach where we want to be. I do think as a board, and tonight would be appropriate, that we take an action that says for all of us, it is not appropriate for us to act outside the team decisions. And that if you want to call it is a censure, you can say it, I would not put that in the label, but I would make it very clear of the expectations of a board. As a member of the board, I think that's what needs to happen. From this point forward we move forward with it; we don't back up. All that's going to do is serve to continue to cause division and what we need to do is come together.

Commissioner Baldwin thanked Commissioner Straface for his remarks and said I would be willing to make that remark right here in front of everybody, I've no problem with that. But, I've made that remark to this commission at least five times prior to the last two and a half years and I think that's where we are at. I've made the same comment, that same promise to my fellow commissioners, mayors and city managers that I'd stay out of their business, that I'd listen and vote; those are my two primary jobs as a city commissioner and that's basically it. I think that's pretty much what I do, but I don't see the follow-through on that commitment. Maybe doing it here in an open meeting is the answer. We've done it mostly in Executive Session and we've done it recently in some of our meetings at the Golf Course. We had at the Golf Course just recently the kum-bi-ya meetings, basically keep your mouth shut, but it didn't work. So, here we are.

Mayor Pro-Tem Rentschler said this commission has certainly got some problems, there's no doubt about it, but what I'll tell all of you is this, that we all work together. Whether you believe it or not we do good for the City of Alamogordo. There's a lot going on in the city. The union can sit there and shake their head all they want to, that's fine. They had that opportunity, but we do a lot of good for the City of Alamogordo as a commission. We don't always agree, we will never always agree. The cardinal rule has always been once the commission makes a decision you don't publicly beat your fellow commissioners for the decision that was made. We have to stand unified to the public when it comes to this stuff, even a 4-3 vote. Like it or not, and I've been on the wrong side of that a lot more than once, but at the same time if the commission makes that position, you back up and get away from it. That's what you have to do, you have to stay unified. I guess that's what I'd like to see us continue to do here. I guess I'm more concerned about what we're going to see as far as litigation is going to be concerned.

We are here today, because right now there's a real possibility, every commissioner up here believes that we may be on, the citizens, you guys, that future pay raises may be on tap for what could be hundreds of thousands of dollars. Does anybody like to see tax payer money given away like that? No, but it's brought us to this point. I promise you we would not be here except for that, the potential to lose tax payers money for no good reason. We've got to be smarter as public officials and not say things to members of the media and in other public forums that will get us sued, particularly when there may not be any basis for it and even if there is basis for it. All we've got to do is insure that the tax payer money is spent wisely and whether you like it or not, it's not being spent wisely; that's the opposite. Again, there's a reason we've come to this, and I can appreciate each and every one of you that stood up and talked to us about what you think about us. The bottom line, the truth is the vast majority of us here, the super majority certainly understand and work together to insure that good things happen to Alamogordo. What I will say, too, about Mayor Galea is she is an excellent face of the community, people remember her, people understand her. She is endearing and people recognize her from across the room, but that's what she is – the face of the community. Other than that, she has the same power as any other commissioner here, period. The City Charter insured that's what is going to happen. If we wanted a strong mayor when we put this all together, the commission at the time and at this point we're talking two to three commissions ago, decided the best thing to do was to have a weak mayor and have a mayor equal in power to the rest of the commissioners. That is why we have the division of powers we have. If the City wants a strong mayor, change the Charter. We can certainly have an Albuquerque mayor here if we want one. I was never in favor of it either way, and mostly because of what we have had for a long, long time – accountability. You had a mayor that was accountable to the rest of the commission and therefore accountable to the rest of the city, to all the residents of the city. I thought it worked well. We've gotten away from that and we've had some problems, there's no doubt about it. I can assure you one thing about all this though, this commission will overcome this. It may cost us a lot of money, but we will overcome this. We'll continue to work together and continue to do the best we can for the city; we'll continue to make sure city employees are treated fairly; we'll continue to see that the citizens are treated fairly. That's really the bottom line for all of this; we're here, I'm not here to whatever you think I'm here for. All I can tell you is that I'm here for one reason, and that is I've been in Alamogordo for 56 years. I was raised here and I like it here, and I'm here for one reason – to do the best I can for my city. If you think I'm here for whatever reason for the giant salary, well, no. The truth is if you run for one of these offices up here, if you run for one of these, just to run is going to hurt you. Try to be in business and actually sit here; it's painful and has cost me a lot. One of the things I'm really grateful for, right here and right now, is that I didn't get elected mayor. I ran because other people wanted me to, and it would have cost me a lot more if I'd gotten elected. I'm just as glad I didn't and can do without it. It's a tough job, no doubt about it. It takes a lot of perseverance, a lot of political savvy and understanding to be able to do that job. Right now, what I will promise to Alamogordo is that we can work together and we will. It's not a broken commission, just look at what's going on; we've got a great city manager right now and there's a lot of things happening for the betterment of Alamogordo. Alamogordo will continue to thrive. When you talked about Alamogordo not growing in the 1970's, I remember the 1970's because I was here. I promise you it is growing. Some will come up and talk about the restaurants and stuff that are here. There is a bunch more here now, and there's a new Albertson's going in. We fight for that stuff and we have community advocates in the form of OCEDC who look to bring people in here. It's not like we're aren't fighting to grow Alamogordo. There may have been a time in Alamogordo it did not want to grow, but it's not here on this commission. Anybody sitting here wants Alamogordo to grow. I do believe face to face is a good thing, you bet, but there are times when you have to weigh what it costs the tax payers versus what the potential is. There are times you have to think is there more to the situation than meets the eye, and many times there is. I can assure you, this is one of those times. The bottom line is this, and I would hope to get a little bit of understanding from all the citizens, from all the department heads and from everybody sitting here tonight, that this is a good commission and will be a great commission; we are going to continue and we're not broken. We'll continue to do what's right for Alamogordo, I promise you that.

Commissioner Straface said I really appreciate your statements and many of the attempts to do that. My response would be to make a motion and follow up on what Mr. Hernandez said and see where we

sit. That's all you have to do, make that motion and if there is a second you can get there if we're not willing to come together and work.

Mayor Galea asked Commissioner Straface what the motion was he was suggesting. Commissioner Straface said Mr. Hernandez said there were two possibilities.

Mayor Pro-Tem Rentschler asked the city attorney if he would talk about whether we could make it a motion and do anything that has not been advertised in advance.

City Attorney Thies said the particular action advertised was Limited Personnel Matters (City Commission). We were recessing, not adjourning into Executive Session. We did have item #13 where you consider and act upon any action that had been needed as a result of Executive Session. Whether if you make a motion, second and approve it, whether that violates the Open Meeting Act, I would have to make that assessment once I hear your motion. Having said that, if it does potentially violate the Open Meetings Act, you always have the option to cure that violation by properly noticing your intended action at the next meeting and you take that action.

Commissioner Hernandez said I will show this commission and this staff that's here and the public how serious I am about what Dr. Straface brought to us. I've actually made it my bible. These are the two copies given to us and I carry them with me all the time because this is what we have to go by. This is something brought to us and I really truly believe in this. It's not happening and several times I've called Dr. Straface and told him I cannot support this, because there's one person I felt would not follow this, and that was yourself, Mayor. Dr. Straface told me, well then there are two. And my comment to him was, you are right. Ever since then I have carried these with me because I am not going to be that person who does not follow this.

Mayor Galea said we have not adopted any..... Commissioner Hernandez interrupted to say it doesn't matter. You don't have to adopt something to follow it.

Mayor Galea said how about answer an email, answer a phone call, answer a text message. Conversations go two ways and they're often, I will say 95% of the time, one way conversations. How do we build relationships with the commission if the mayor is constantly emailing, calling, texting without return? Commissioner Hernandez asked her when she had not gotten a return from him? She asked him when was the last time you sent me an email? He said something about emails and she said I know. Commissioner Hernandez said I don't trust you. She said ok, that's your opinion. He said it's not an opinion, Madam Mayor, it's a fact; I do not trust you, I'm telling you. She said ok.

Mayor Galea said there is an item on the floor – Limited Personnel Matters (City Commission). If no action is taken then there will be no action taken.

Commissioner Hernandez said I have made a motion. I have asked the commission to look into hiring this person to come in and do the investigation and we will go off of their recommendation. Mayor Galea asked who seconded and he said there was no second.

Commissioner Hernandez asked for discussion. He said Commissioner Straface said we wait until we get cool heads, discuss this, come back with some kind of fix because we do have to answer this one way or another; whether it's we don't care or whether it's this is what we are going to do or this is what we've done. Somehow we have to answer it. He is correct. I think a different time would be appropriate.

Mayor Galea asked City Manager Stahle what action he had taken as city manager to answer the personnel matters. City Manager Stahle said it depends on which one you are describing. Mayor Galea said describe the hostile work environment ones, and he said there are several. City Manager Stahle said that one made by an individual, we've had conversation with the individual. Another put in writing by the Customer Services Department, I did send a notice, actually I sent a copy of the minutes of the last meeting at which you did make the statement, and I sent them a note saying that because

commission is not an employee of the city manager, I'm in no position to take any action on commissioners. He tried to remember about another individual one and said there were a few other items in the individual one that we discussed, but he couldn't remember off the top of his head what they are. He remarked he had some notes in his office.

Mayor Galea said if there are no other questions or comments, Commissioner Hernandez has suggested we come back to this at another time. Some commissioners said they supported that.

Commissioner Hernandez moved to approve tabling this item to have them come up with ideas on how to address this and we deal with it at a future time. Mayor Pro-Tem Rentschler seconded the motion. Motion carried by a vote of 7-0-0.

Mayor Pro-Tem Rentschler moved to approve to recess into Executive Session to discuss Sale, Acquisition, or Disposal of Real Property (Housing Authority Properties) at 10:20 p.m. Commissioner Hernandez seconded the motion.

Mayor Galea asked the city attorney if they needed to recess or adjourn. City Attorney Thies told her depending on your direction, it would be appropriate to recess. We'll discuss the possible disposition of real estate and will be asking for some direction, and based on that direction this actually will come back at a future date for more formal action.

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

RECONVENE INTO OPEN SESSION

Mayor Galea reconvened the meeting at 10:41 p.m.

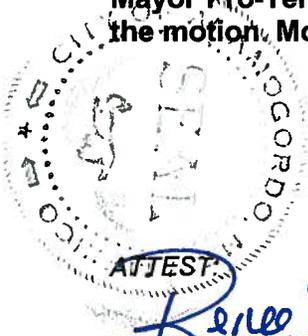
Mayor Galea stated no items were discussed in executive session accept the Sale, Acquisition, or Disposal of Real Property (Housing Authority Properties) and no action will be taken.

- 13. Consider, and act upon, any action that may be needed as a result of the Executive Session.**

No action was taken.

ADJOURNMENT

Mayor Pro-Tem Rentschler moved to adjourn at 10:42 p.m. Commissioner Hernandez seconded the motion. Motion carried by a vote of 7-0-0.



Renee L. Cantin
 City Clerk Reneé L. Cantin

Robert Rentschler
 Mayor Pro-Tem Robert Rentschler