CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
DECEMBER 16, 2008

MAYOR STEVE BROCKETT
MAYOR PRO-TEM CHRIS LUJAN
COMMISSIONER RON GRIGGS
COMMISSIONER ED COLE
COMMISSIONER MARION LEDFORD
COMMISSIONER ERIC BREWER
COMMISSIONER JOE FERGUSON
INTERIM CITY MANAGER MATT McNEILE
CITY ATTORNEY STEPHEN THIES
CITY CLERK RENEE CANTIN

CALL MEETING TO ORDER, ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Brockett called the meeting to order at 7:30 p.m. Roll call was taken, and all of the commissioners were present. The invocation was given by Pastor Richard Hicks, and the Pledge of Allegiance was led by Kerry Krzenski.

Mayor Brockett introduced Ms. Kerry Krzenski as the president of the Mayor's Youth Advisory Council, and he gave her an opportunity to speak to the audience. Ms. Krzenski stated that she is a senior at Alamogordo High School, and she has lived in Alamogordo for 18 years. In addition, she has been in the high school's Air Force Junior ROTC program for three and a half years and currently holds the position of support squadron commander as a member on the senior staff. She has also been on the JROTC color guard team for 3.5 years, and in connection with that has presented the U.S. and New Mexico state flag at different events around town and in smaller neighboring cities. Ms. Krzenski has also been a member of the Alamogordo FFA chapter for 2.5 years, and with that she has participated in several horse and livestock judging competitions throughout New Mexico. Finally, Ms. Krzenski has been a member of the National Honor Society for 2.5 years, and at the beginning of the school year was selected to be on the Alamogordo Public School Superintendent Student Advisory Council, which advises the superintendent on various school-related issues.

Ms. Krzenski then stated that as the president of the Alamogordo Mayor's Youth Advisory Council she would encourage the other officers and work hard with them to bring high school teams in Alamogordo together so that they can make a difference in the community. She thanked all of the adult advisors for the Alamogordo Mayor's Youth Advisory Council for their time and effort in making the program possible.

PRESENTATIONS:

1. Presentation by the Masonic Lodge of a Bible for swearing in officials.

Jerry Browning Master, Elmer Sanders, Jordan Glass, Joe Glass and John Glass presented a King James Version of the Holy Bible from the Sacramento Masonic Lodge to Mayor Brockett on behalf of the City to use in the swearing in of officials. Mayor Brockett thanked County Commissioner Doug Moore who arranged for the presentation.

2. Introduction and appointment of new officer’s for the Mayor’s Youth Advisory Council.

Recommendation: The adult advisors of the MYAC recommend the appointment by the Mayor of Kerry Krzenski (President); Leanna Terrazas (Vice President); Chelsea Rhind (Secretary); Baxter Pattillo (Treasurer); Jessica Shaw (Historian); Daniel Livingston (Public Relations/Media Director); and Crina Floruta (Activities/Events Director).

Mayor Brockett explained that the Council will be an advisory committee of the City Commission and will make recommendations and reports to the City Commission regarding youth issues. Of course, the final determination for all matters will be made by the City Commissioner. A kick-off meeting was held in October, and during the November meeting the candidates were presented sheets and given

the opportunity to vote. Mayor Brockett introduced the officers and recognized the adult advisors who had been extremely helpful in the dedication of the Council. The officers were appointed as presented.

CALL OF THE CONSENT CALENDAR:

MINUTES:

4. Minutes of December 2, 2008 Regular Meeting.

Recommendation: Approve the minutes.

CONTRACTS AND AGREEMENTS:

7. Franchise Agreement with Tool Belt d/b/a Alamo True Value Home Center for commercial solid waste disposal services.

Recommendation: Approve the agreement.

8. Approval of airport land lease for Ed Pavelka / Ed's Flying Service, Inc. (area **W2-C**) Twenty (20) year Hangar Land Lease with the option of two (2) five (5) year extensions.

Recommendation: Approve the lease.

10. Approval of an amended agreement between the City of Alamogordo and the Otero Preventative Action Toward Health (PATH), to oversee the development of the Safe Routes to Schools Action Plan for Sacramento Elementary School.

Recommendation: Approve the agreement.

ORDINANCES AND RESOLUTIONS:

11. Consider Ordinance No. 1348 amending certain sections of Chapter 28 the code of ordinances concerning water and sewer rates.

Recommendation: Approve the ordinance for final publication. [Roll call vote required]

OTHER BUSINESS:

15. Public Works Bid No. 2008-005, Convenience Center Truck Scale (Rebid).

Recommendation: Award the bid to Habitation, Inc. in the amount of $86,000.00, including NMGRT.

16. Public Works Bid No. 2008-007, US HWY 70 Pedestrian Pathway.

Recommendation: Award the bid to General Hydronics Inc. in the amount of $170,390.19, including NMGRT.

17. Public Works Bid No. 2008-009, Repair La Luz East Reservoir Cover.

Recommendation: Award the bid to The Snow Company, Inc. in the amount of $477,214.38, including NMGRT.

18. Consider approval of Change Order No. 3, Public Works Project No. 2008-01, South Florida Avenue Reconstruction – Phase 2.

Recommendation: Approve the change order in the amount of $66,819.28, including NMGRT.

19. Waiver of permit fee for a New Years Eve party fireworks display for Senior Center.

Recommendation: Approve the waiver and the special fireworks display permit.

20. Statement regarding the Executive Session of December 2, 2008.

Recommendation: Approve the statement.

Commissioner Ledford made a motion to approve Items 4, 7, 8, 10, 11, 15, 16, 17, 18, 19 and 20 of the Consent Calendar. Mayor Pro-tem Lujan seconded the motion. A roll call vote was taken because of Item 11, and all voted "aye." The motion carried with a vote of 7-0-0.

PRESENTATIONS:

3. Presentation and Discussion on status of Building Codes Division and direction from City Commission.

Recommendation: Provide direction to staff.

Mr. Threadgill gave a presentation on the resurrection of the Building Codes Division. By way of background, Mr. Threadgill stated that in July of 2008, the Commission approved the first publication of Ordinance 1340, which repealed and amended sections of Chapter 8, Code of Ordinances, Building and Building Regulations and would revive and reenact all repealed sections on June 30th, 2009. On August 11th, 2008, the Commission approved and adopted Ordinance 1340 Concurrent with that adoption, the Commission directed staff to prepare a plan to revive the Building Codes Division on July 1, 2009, and address all issues leading to the action of August 11th, 2008. Community Development and the Building Official have prepared a high level plan and response to the Commission's direction and the intent of Ordinance 1340. While there was no shortage of problems with the Building Codes Division, some internal, some misunderstandings and some with the Ordinance, ultimately the entire division failed due to a lack of personnel. They had vacancies in the inspector positions, and they could not perform the functions they were charged to do through the Ordinance and by the Commission. Part of the problem with the lack of personnel was that the state actually controls how a municipal building codes division is staffed and operated. Statutes require that municipal inspectors have to be certified by the Construction Industries Division, a state agency. The Administrative Code also states that inspectors certified in a second discipline may only inspect in that secondary discipline under a primary inspector. If there is no primary inspector, the secondary inspectors can't perform inspections. The state also sets the certification requirements for primary inspectors. Typically, they include four year's experience and a journeyman's rating in their particular trade, which means very few people are qualified or will qualify to have two primary certifications. In order to maintain the viability of the division in rebuilding and to avoid the pitfall in the past, a lack of inspectors, they would have to have dual primaries in every trade--buildings, plumbing, mechanical and electrical.

Maintaining and establishing appropriate staffing levels is difficult in the best of times, and the construction industry is notoriously cyclical, which can be seen right now. In 2008 and going into 2009, the activity has dropped considerably. The industry will tell you there is just no business out there right now. Permits are not being issued, which means there are no inspections to conduct. The state establishes the qualifications and job descriptions for municipal inspectors, and when there is a certified inspector, the state says that the certification is only good in a particular municipality. An inspector in Ruidoso with a primary certification issued by the State cannot inspect in the City of Alamogordo. The certifications are specific to particular municipalities. Mr. Threadgill then showed a slide depicting the permitting activity over the last seven fiscal years, and based on that information

they proposed a new staffing table eliminating the part-time data entry clerk and implementing a plan reviewer and primary inspector. It just makes sense that the plan reviewer is also a building inspector. It doesn't have to be, but it would work out a little bit better. If the plan reviewer were also a mechanical inspector, then a secondary wouldn't be needed and they could have another primary building inspector. This is a way to gain double primary coverage for each of the trades in the area. Consequently, they wouldn't be relying on a secondary certification, which could only work under a primary. They will keep the three primary inspectors as they had in the past and add two additional primary inspectors in whichever trades need to be covered to insure that there are two primaries in each of the inspection areas, electrical, mechanical/plumbing and building. The proposed staffing level eliminates the chance that with a single resignation, which is what occurred in the past, the division would be without a primary inspector in any of the trades. It also allows for a dedicated plan reviewer, which eliminates the need for field inspectors to double as plan reviewers, which was also done in the past and resulted in a priority quandary between plan reviews and field inspections. In general, it will expedite the plan review process though that will be somewhat dependent on workload. They should be able to deliver an acceptable drop-dead time for plan reviews. One of the primary complaints by the construction industry had been that once they took on plan review, they could sit there from 7 to 45 days before they were returned. With the new plan, they should be able to tell an applicant the day they will have their plan back, end of story.

Mr. Threadgill went on to say that they would be implementing technology that will allow inspectors to spend more time out in the field. In the past, inspectors would pick up their inspection list in the morning, go out in the field, do their inspections, hand-write their results, come back in the office in the evening, deliver their inspection results to the part-time data entry clerk who would transcribe the results into the permitting system, print out the reports for the next day and update the status. This all took time out of the inspection schedule, and when multiple people handle the same data, errors are made.

Mayor Pro-Tem Lujan asked for clarification regarding back-up inspectors and primary inspectors, and clarified that if one primary inspector is not present, there will still be a primary in place to conduct full inspections. He asked if cost information would be presented, which Mr. Threadgill indicated would be the case.

On-line access to Building Codes will also be given to field inspectors so that customers can be shown what the code says when they're out in the field. They will also have portable printers so that the code can be printed as well as inspection results, which should minimize inconsistencies and misunderstandings.

In terms of expenses, Mr. Threadgill explained that based on the research they have done, the salaries for each of the primary inspectors would be $40,000 to $50,000 per year plus benefits. That represents a slight class change from NR6, which they are now, to NR5, and that would be necessary to hit the top end of the target. The estimated payroll fiscal impact based on FY09, in which there are three inspectors, a part-time data entry clerk, a permit technician and a building official currently budgeted, would be an additional $199,500. The additional annual operating expenses would be $25,000 to $30,000, resulting in a maximum of approximately $250,000 over the FY09 adopted budget. The additional operating expenses include everything involved in supporting three additional people--fuel, insurance cost to have WIFI or some kind of wireless interconnectivity between the field and office, safety gear, etcetera. This would also require an additional capital outlay of about $102,000, which would be for three additional vehicles at approximately $20,000 each, ruggedized laptops with vehicle mounts and wireless access at about $5,500 per unit (seven because they want that capability for the plan reviewer as well), and portable plain-paper printers. Mr. Threadgill reiterated the importance of the on-line access to the Building Codes and real-time access to building permit status. They would be able to track in real time correction notices and COs that have been issued, which couldn't be done in the past.

Mayor Pro-tem Lujan asked who would be taking on the job of the data entry clerk, but Mr. Threadgill stated that if the inspectors were out in the field with the laptops and the connectivity they have explained, they wouldn't need a data entry clerk.

Mr. Threadgill stated that with regard to total fiscal impact for the year, the re-organization would see a net increase of 2.5 full-time persons increasing the adopted budget by $230,000 in personnel and operating costs for the FY10 budget. The first-year capital expenditures would be approximately $100,000 for the purchase of rolling stock and laptops with a recurring cost of capital equipment replacement of about an additional $15,000 a year. They have programmed for replacement of equipment over a period of time.

Commissioner Cole asked what type of training the inspectors would need to operate these things in the field, and Mr. Threadgill said that it would not take much. It is fairly self-explanatory, and after a day or two they should be perfectly comfortable with what they are doing in the field. With regard to the proposed changes, they would go from an annual budget of approximately $433,361 adopted FY09 to $676,361 for FY10, which is a significant increase. That said, having looked at what has happened in the past, they simply can't do it the way they have in the past or they will be right back to where they were in not being able to do inspections. The increase is necessary to do it right, and all of the changes are predicated on the way the rules are currently written. The Construction Industries Division through an interpretation of HB219 has floated many plans in the past few months to change how all of it works. A simple change like allowing a state-certified inspector in Alamogordo to use his/her certification in Las Cruces or visa versa to back up communities could change the whole thing and would significantly reduce the cost. That, however, doesn't exist right now and would take an act of the legislature.

Mayor Pro-Tem Lujan said that so far it looks absolutely fantastic, and he thinks progress is really going to be made. Quality is really what everybody is looking for in terms of the services that are going to be provided. He wanted to know, however, an estimate of what the cost of the department was before compared to revenues and what the gap was compared to what the new numbers might be. Mr. Threadgill moved to the next slide and showed that from FY04 to FY07 revenues exceeded expenditures. FY08 came to a crashing halt because they weren't capable of doing the job. It is difficult to predict revenue because it is linked to fluctuating construction activity. They are currently 69% down combined over FY07 in permit numbers. Fees will also impact revenue, and they are generally tied to the value of the construction. Revenues increased annually from FY02 to FY06. Even if they hadn't had a rate increase, which they did in 2004, the revenues would have increased. Activity increased, and prices went up in the building industry. As prices went up, the fees went up because they are based on a percentage. Revenues are generally going to follow the increase in construction activity. In FY07, the City experienced a year over year drop in revenues, which coincided with a year over year drop in activity. Activity declined again in FY08, and there was a drop in revenues as well as a dramatic drop in expenditures because the City lost all of its inspectors. The City isn't collecting permits right now, but they still see the numbers. A review of the number of permits issued year-to-date indicates that the activity is down 69% overall from FY07. The estimates are that for FY09, if they were still issuing permits and conducting inspections, the revenues would be in the $200,000 to $300,000 range, which again would depend on the mix of the values of the construction. Based on current economic conditions and trends, Mr. Threadgill stated that they don't see that getting any better in FY10. Looking at new construction, in FY07 there were about 18 new commercial permits and about 63 new residential permits in the first five months. In FY08, there was a pretty good drop, but in FY09 there have been only two commercial permits in the first five months and 22 or 23 residential permits. For residential permits, there is an 88% drop over FY07, and for commercial permits there is a 64% drop, for a combined decline of 69%. Even if they did it the old way, the revenues coming in this year wouldn't cover the cost of the operation.

Mr. Threadgill pointed out that if the policy is that the division pays for itself based on the fees collected, which is a policy decision that the Commission collectively makes, if the revenues do not match the expenditures and they can't get enough business to pay for the staff and equipment, then they could get a subsidy, which could come from general tax revenue, or they could decrease the

size of the staff. The revenues won't currently support the plan that is being put before the Commission, which is why Mr. Threadgill wanted direction from the Commission. They have had years where they brought in considerably more revenue from permits and fees than they expended. That money went into the general fund and disappeared. Instead, if they are going to run on a pay-as-you-go philosophy, when they have flush years, that money should be put in a reserve so that when there are lean years they have something to dip into. Mayor Pro-Tem Lujan thought that wasn't allowed, and Mr. Threadgill said that they weren't keeping any of it though he couldn't address the cap on what is allowed to be kept in reserve. The industry, again, is cyclical, and the best they can do is try to fill the middle and minimize the variance between the peaks and valleys on the services levels that are being provided.

Mayor Pro-Tem Lujan pointed out that the numbers they've come up with are pretty high though he likes the services that could be provided. At the same time, he doesn't want to put all the effort and money into bringing it back if there is no plan to address the declining industry.

In summary, Mr. Threadgill stated that for FY10 they would need an additional $245,000 to fund the proposed staffing level and the technology changes. They believe that will allow them to provide the level of service with the safety net required to keep them from getting in the situation they were in before, unless the state changes the rules, which they won't know until March or April of 2009. Unfortunately, as they are putting the plan together, they are working on reducing the FY09 budgets by 10%. Revenues are flat, and they don't see them coming up any time soon. They need direction. With regard to subsidies, Mayor Brockett stated that Mr. McNeile attended a meeting in Albuquerque regarding gross receipts tax and what the state is looking to do, which does have precedent. Mr. McNeile explained that they had attended the New Mexico Municipal League winter meetings, and one of the issues they addressed was that the State is facing a significant budget shortfall. They are looking at various ways to recapture money from local government, and right now they are compiling lists of capital outlay projects. One of the things that has been done in the past and could be done this year would be to recapture a percentage of the local share of the state gross receipts tax, which would have a significant impact on Alamogordo's ability to plan and budget.

Mayor Brockett stated that he recently received a memorandum from Robert Apodaca, who is a director in the Department of Finance Administration. It is a grim document with regard to what will happen with the State with cash shortfalls and how it will affect municipalities. Local legislators are anticipating a tough time as far as projects. In his opinion, the attempt to start from scratch with the Building Codes Division has been done for all the right reasons, and he felt the plan was excellent and very proactive. That being said, the economy itself wouldn't allow them to go forward with the plan at this point in time though the work has merit and should probably be filed away and brought back later. In the meantime, they have to wait and see what the State does. The majority of individuals in the contracting business would like to have the Building Codes Division back, but they want it to come back right. Unfortunately, there is a problem with money right now, and to Mayor Brockett it makes no sense to move forward with it at this point.

Mr. Threadgill commented that the industry will come back and always does. Mayor Brockett asked, however, how difficult it would become to find qualified inspectors and will they ever paint themselves into the same corner, which is what they are afraid of. Mr. Threadgill also stated that right now because the industry is down it would be super easy to fill the positions. Mayor Brockett suggested that they should keep it as is right now.

Commissioner Ledford asked for clarifications on the revenue and expenses projected for FY10. Mr. Threadgill reiterated that they are looking at expenditures in FY10 of $676,000 with revenues estimated at a maximum of $300,000--so a deficit of $376,000. Commissioner Ledford asked if the state inspectors are tested in the same way as the ones they would hire, and Mr. Threadgill said that they have the same qualifications and he is told they take the same examination and get the same certificate except theirs is statewide as opposed to municipal-specific. Commissioner Ledford pointed out that it doesn't make sense, and he asked if the State's fees have increased, which they have not though Mr. Threadgill has heard that they are reviewing their fees because they are running a deficit

as a division. That will probably hit during the upcoming legislative session. Commissioner Ledford said that in his conversations with contractors things seem to be going smoothly, and they are happy with it.

Commissioner Ledford made the point that the recession is a global issue, and in response to Mayor Pro-Tem Lujan's question, he explained that this is a General Fund operation, not an Enterprise Fund. When there is excess, it goes to the General Fund, and when there is a deficit, they pull out from the General Fund, which is how the department runs. In theory, they track it because they want to see how much is being put into the General Fund or taken out. The General Fund is the reserve, basically. He asked how the other municipalities are handling the situation, and Mr. Threadgill said he had not spoken to them since they hit the current recession, but when he was the operations analyst and was reviewing this, none of them operated their Building Codes Division as Enterprise Funds. They did not expect their revenues to meet or exceed expenditures. They set fees at what they thought were acceptable levels, and what they didn't get in fees, they made up from other funding sources or didn't provide the service. Ruidoso, for instance, did building but not electrical/mechanical. Commissioner Ledford commented that Alamogordo was on the cutting edge in bailing out, and he wanted to know if other municipalities are following suit or keeping operations in-house. Mr. Threadgill said that according to what he has heard, they are keeping it in-house.

Commissioner Ledford agreed with Mayor Brockett in that they ought to revisit the issue at a later date and continue to have a relationship with the state. To put the situation into perspective, Mr. Threadgill stated that if they had the staff now that they had a year and a half ago, half of the staff would be twiddling their thumbs most of the day based on the current activity level.

Commissioner Griggs asked if when Mr. Threadgill spoke about increased revenues and surplus in the department he was talking about solely the Building Codes Division, which he was. Commissioner Griggs then asked whether the primary/secondary inspector issue is statutory or regulatory, and it is both. The statute side is the CID sets the qualifications as standards, and the regulatory side is the Administrative Code sets what the standards are. Commissioner Griggs stated that he wouldn't be surprised if in the upcoming legislative session certain things are dealt with, and that is what Mr. Threadgill said they are expecting. In light of that, Commissioner Griggs felt that it would be premature to take action prior to that. Commissioner Cole agreed with the suggestions of not taking action now, and he also felt it would be important for Mr. McNeile to keep the Municipal League informed and be involved in their discussions regarding the topic. Mr. McNeile stated he would e-mail them.

Mayor Brockett asked Mr. Threadgill if it was in mid-September when they saw the decrease in revenue and activity or if it was before that, and Mr. Threadgill said that it really started in FY07. The precipitous fall began in probably June or July of 2008. July 21, 2008, was the first day of the State issuing permits and doing inspections, and though there is no tie-in and it is purely coincidental, it was pretty much from that time forward there has been the significant drop in permit activity and new construction.

Commissioner Ledford made a motion to leave the department as is and bring back the plan presented for future consideration. Mayor Pro-tem Lujan seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

PLANNING ITEMS:

5. Public hearing to consider reducing the required side setback of 5 feet to 1.7 feet (3.3 feet Variance) for the Church of Nazarene. [Case # V-08-0528(A), located at the northwest corner of East 16th Street and Hawaii Avenue (1601 Hawaii Ave.)]

Recommendation: Approve the side yard setback variance.

Mr. South, City Planner, directed the attention off the Commission to Report #5 and a drawing depicting the issue in Item #5. He explained that their request would allow them to split off the house that was formerly a rectory into a separate sellable house. In order to do that, the way the house, garage and church are arranged, they requested a variance on the side yard setback. Staff supports it principally because the way the garage is arranged no one could conceivably buy the property and not realize that the church is within five feet of the garage.

Mayor Brockett pointed out that it was a public hearing and asked if anyone had comments.

Commissioner Ferguson made a motion to approve the side yard setback variance. Commissioner Brewer seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

CONTRACTS AND AGREEMENTS:

6. Approval of an amendment to Subdivider's Contract for Mesa Village Unit 1 concerning placement of final lift of asphalt on Mesa Village Drive.

Recommendation: Approve the amendment and authorize the City Manager to sign the amendment.

Mayor Brockett explained that the amendment would permit more time to determine the final development pattern prior to the placement of the final lift of asphalt. It is anticipated that the amended agreement would result in fewer cuts in the public street thereby reducing future maintenance problems.

Commissioner Cole made a motion to approve the amendment and authorize the City Manager to sign the amendment. Commissioner Brewer seconded the motion. A voted was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

9. Approval of a special use permit for La Luz, Fresnal and Maruche Canyons for the New Mexico Department of Forestry.

Recommendation: Approve the special use permit.

Mayor Brockett explained that this item was removed from the Consent Calendar

Donna Owens, the new district ranger on the Sacramento District for the Forest Service, took the opportunity to introduce herself and to clarify that it is a special use permit from the USDA Forest Service not the New Mexico Department of Forestry for the water pipeline from La Luz, Fresnal and Maruche Canyon.

Mayor Brockett asked how long it took them to get the permit re-issued, and Mr. McNeile stated that it took four years.

Commissioner Ledford pointed out that the special use permit Authority Agreement should be with City of Alamogordo leaving out "of Accounts Payable."

Mayor Pro-tem Lujan made a motion to approve the special use permit to the City from the USDA Forest Service as amended striking out "of Accounts Payable." Commissioner Griggs seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

Mayor Brockett recessed the meeting at 8:52 p.m. and reconvened it at 9:05 p.m.

ORDINANCES AND RESOLUTIONS:

12. Consider Resolution No. 2008-48 calling a Special Municipal Election to be held on Tuesday, March 10, 2009 for the purpose of General Purpose Obligation Bonds not to exceed $8,500,000 and a Water and Sewer Bond not to exceed $6,500,000.

Recommendation: Approve the resolution.

Mayor Brockett pointed out that two weeks ago five commissioners unanimously approved the language of the bond issue, and he asked Commissioners Ledford and Brewer if they had any comments to make or needed clarification on anything.

Commissioner Ledford asked if it was the desire of the Commission to leave the library item as broad as it was, and Mayor Brockett explained that the Commission did not want to get in a corner with no options. They wanted to keep it very general such that the Commission could address the specifics in the future. Additionally, with regard to Item number 2, DPS made it clear that there is a need for two fire stations, but the highest priority is in the northern part of the community, which they did not make specific as far as location. City Attorney Thies explained that by having the water and sewer bond separate, that amount would not apply to the debt limitation.

Commissioner Griggs pointed out that he had asked at the prior meeting whether they wanted to be any more specific on the library question because the library board had brought something forward that perhaps was too specific, but what they as a body had discussed was the remodeling of the existing building or the remodeling of the old IGA grocery store. It wouldn't hurt for them to be that specific on the question. That would preclude them from building new, but they don't believe they will have enough money for that in any case. It would allow them to be more specific in telling the public what their plan is. Commissioner Griggs asked City Attorney Thies if they do all the projects that pass with dollar amounts assigned to them and there is money left over what would happen to those funds, and City Attorney Thies said they could use it as long as it is for the same purpose. For instance, if the identified park projects came in at $3 million, they would have another $130,000 to spend on parks. Funds have to be spent on their approved purpose. Commissioner Griggs said that his concern is that some of the language is limiting, and he wants to be sure that they can do additional things in those categories if all of the money is not utilized.

Mayor Pro-Tem Lujan asked how long if there is money left over they have to spend it on a project, and City Attorney Thies said that there are certain rules, and Ms. LeeAnn Nichols said that 80% has to be used in three years.

Mayor Pro-Tem Lujan asked Commissioner Griggs to clarify how he wanted to change the library item, and Commissioner Griggs said they could mention in Item one or right below one to "projects included," or say "the library project being the remodeling of the existing library building or remodeling of the old IGA grocery store as determined by the City Commission." Mayor Pro-Tem Lujan said he is fine with that, but City Attorney Thies said that the difficulty that is encountered when the alternative is included in the question is someone could challenge it. His advice was to leave it general.

Commissioner Griggs said that he thought it would be important for them to be as specific as they possibly could be because school bonds have been defeated in the past because they weren't specific enough in terms of what projects would be entertained.

Mayor Brockett pointed out that they have had good exchanges regarding the library, for example, as well as the other projects. The future of the decisions should be left to the Commission based on input from the community. He is telling folks that they really don't know exactly what they are going to do, but they are going to work through it. The commissioners should be clear in giving their own definitions to the public when asked, which will be important for the individual groups to do as well that will be lobbying the voters for approval.

Commissioner Cole asked if he was correct that the question for the library could include tearing down the IGA building, and City Attorney Thies said that they could decide to build a new building on the IGA site the way that it is worded currently.

Mayor Pro-tem Lujan made a motion to approve Resolution No. 2008-48 calling a Special Election to be held on Tuesday, March 10, 2009 for the purpose of General Purpose Obligation Bonds not to exceed $8,500,000 and a Water and Sewer Bond not to exceed $6,500,000. Commissioner Brewer seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

OTHER BUSINESS:

13. Appointments of Board Members to the Public Safety Answering Point (PSAP) Board.

Recommendation: Approve the appointment of Sam Trujillo, Becky Ehler, Kelly Wallis, and Noble Johnston to the Public Safety Answering Point Board.

Commissioner Griggs made a motion to approve the appointment of Sam Trujillo, Becky Ehler, Kelly Wallis, and Noble Johnston to the Public Safety Answering Point Board. Mayor Pro-tem Lujan seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

14. City Commission Regular Meeting Schedule for 2009.

Recommendation: Approve the schedule.

Mayor Brockett read the Item and explained the posting process for the City Commission meeting. The item was pulled from the last meeting's agenda because Mayor Pro-Tem Lujan expressed an interest to change the time of the meetings. Mayor Brockett pointed out that there would be a meeting on Monday, March 9th, which would be posted.

Mayor Pro-Tem Lujan stated that the meetings were originally set at 7:30 because of the previous Mayor's work location. The County meetings start at 6:00 p.m., and he wondered if starting the meetings earlier would be better. Mayor Brockett commented that when Commissioners Ferguson and Brewer ran, they ran because they knew that the meetings would start at 7:30. That appealed to Mayor Brockett as well. Commissioner Brewer said that he is comfortable with the 7:30 time, and 6:30 would be a strain for him. Commissioner Cole said that he thought they should stick with 7:30 so that the community would have time for dinner and plenty of time to attend the meeting if they wanted to. Commissioner Ledford said he is conditioned to 7:30 on the second and fourth Tuesday, and he is okay with the calendar that is shown. Commissioner Griggs said he has been doing 7:30 for nine and a half years, and he is used to it. He was open to changing it if it would increase participation, but he thought they had seen through some of the Town Hall meetings that hadn't been the case.

Commissioner Cole made a motion to approve the City Commission Regular Meeting Schedule for 2009 to be held at 7:30 p.m. Mayor Pro-tem Lujan seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

21. Appointments to Boards and Committees.

Mayor appointed Lewis Jollett to the Airport Advisory Board; Mark Goga to the Planning & Zoning Commission; and Bruce Knee, Anthony Williams, and Gloria Vaughn to the Community Development Advisory Committee. Mayor Brockett asked City Clerk Cantin to notify those individuals of their appointments.

A. **Joylynn Marques**

Ms. Marques wanted to make sure that with regard to number one on the bond they would in good faith consider all three options for the library--the existing building, the IGA building, or a new building. She has been telling people that they are trying to get the best thing for the community.

Mayor Brockett said that they would have to do so, and they agreed to put it out in front, which took a commitment on their part. They have talked to people regarding more than just the library project.

B. **Lynn Seeds**

Ms. Seeds commented regarding the wastewater treatment plant and stated that in 2004 the inspectors said that it would take $15 million to bring it up to standard. With the bond passing at $6.5 million, they will have to make up the difference. She wanted to know if they had discussed that.

Mayor Brockett said they have done a study and within two and a half to three years they would have the necessary funding through sewer rates.

Mrs. Seeds asked if she was correct in understanding then that no work would be done for at least three more years.

Mayor Brockett said that Severn & Trent has told them that they don't know when work will commence.

Matt McNeile said that as soon as they get the engineering design and study done, they would know when and how fast they need to move. They did a conceptual study in 2004 when they hired an engineering company to look at their capacity and current infrastructure to see what future needs would be.

C. Commissioner Cole

Commissioner Cole commented that with regard to flood control, he had received phone calls from individuals who were very happy with how the flood control projects was moving along. He thanked the workers and how they are grooming the sides for the walkers. They are packing it down with heavy equipment for those who walk in the area. Normally phone calls or e-mails are on the negative side, and he tried to thank the workers today for the good job they are doing. He then commented on Canyon Road and how they are going to try to rebuild a ditch of some type to drain the water back into the flood control ditch like they did on the west side of Canyon Road. He thought they may want to follow up on that, but he had a nice time with the phone call and walking around to talk to and thank the workers.

D. Commissioner Griggs

Commissioner Griggs commented that there was a project that they started about six or seven years ago, the southern extension of South Florida, which will probably be complete at the end of this year. Just because something doesn’t happen right away, doesn’t mean it won’t happen. It may take a while to get things done that are good for the community, but that doesn't mean they won't get done.

E. Mr. McNeile

Mr. McNeile commented that this Saturday at dark is the annual holiday luminary event at the Alameda Park Zoo at 4:30 or 5:00.

F. Mayor Pro–tem Lujan

Mayor Pro-Tem Lujan commented that the Christmas Parade was nice, the Cowboys won a game, and Obama was elected president. Things are picking up.

G. Mayor Brockett

Mayor Brockett wished his colleagues, City staff and everyone in Alamogordo the happiest of holidays. He also recognized Commissioner Griggs, Matt McNeile, and Renee Cantin for their involvement in the parade as well as the Community Service float with the grinch.

EXECUTIVE SESSION: Adjourn into Executive Session to discuss threatened and pending litigation (PSAP), and limited personnel matters (Acting Personnel Director PTO payout).

ADJOURNMENT.

Commissioner Cole made a motion to adjourn into executive session to discuss threatened and pending litigation (PSAP), and limited personnel matters (Acting Personnel Director PTO payout) at 9:48 p.m. Commissioner Brewer seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

/s/Mayor Steve Brockett

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Mayor Steve Brockett

(SEAL)

ATTEST:

/s/Reneé L. Cantin

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City Clerk Reneé L. Cantin

(Prepared by Ubiqus)
Approved at the Regular Meeting held on January 13, 2008.