

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
7:30 P.M., COMMISSION CHAMBERS  
JANUARY 13, 2009**

**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 Steve Brockett called the meeting to order at 7:30 p.m. Roll Call was taken, and all of the members of the Commission were present. The Invocation was given by Pastor David Crispin followed by the posting of the colors by the Alamogordo High School Air Force Junior ROTC. The Pledge of Allegiance was led by Mayor Pro-tem Chris Lujan.

**PRESENTATIONS:**

Mayor Brockett asked Pat White to approach the podium, and Mr. White explained that the Alamogordo Community Services Department was awarded the sweepstakes trophy for the last Christmas Parade. He went on to say that everyone in the department contributed their time, talent and resources to build their float and “low-rider” sleigh. On behalf of the department, Mr. White presented the trophy to Mr. McNeile, the director of the department.

Mayor Brockett notified the commission and the public that the agenda was revised to include Items 2 and 16 on the consent calendar.

**PUBLIC HEARINGS:**

1. Public Hearings for liquor license applications for:
  - A) **Transfer of ownership of existing Dispenser Liquor License # 119** ~~from~~ Backdoor Enterprises, Inc. to Alamo Quik Pik, Inc. Application # A-580073, located at 1501 Indian Wells;
  - B) Restaurant Liquor License (**Beer and Wine License** on-premise – consumption only), Application No. A-579980, to Mayton Restaurant LLC d/b/a My Mother’s Place, located at 600 N. White Sands Blvd.;

*Recommendation:* Approve the applications for Transfer of Ownership to Alamo Quik Pik, Inc. and one new Beer and Wine license for Mayton Restaurant, LLC d/b/a My Mother’s Place.

Mayor Brockett read the item and the recommendation. He announced that it was a public hearing and asked if there were any comments regarding the licenses. No comments were made.

**Commissioner Cole made a motion to approve the applications for Transfer of Ownership to Alamo Quik Pik, Inc. and one new Beer and Wine license for Mayton Restaurant, LLC d/b/a My Mother’s Place. Commissioner Ferguson seconded the motion. A vote was taken, and all voted “aye”. The motion carried with a vote of 7-0-0.**

**CALL OF THE CONSENT CALENDAR:**

Item #11 was removed from the consent calendar.

**MINUTES:**

2. Minutes of December 16, 2008 Regular Meeting.

*Recommendation:* Approve the minutes.

**CONTRACTS AND AGREEMENTS:**

3. Consider approval of an amendment to the agreement with PreCheck.

*Recommendation:* Approve the amendment to the agreement.

4. Consider approval of amendment #4 of grant agreement with FEMA-1659-DR-NM for repair of damage during 2006 floods.

*Recommendation:* Approve the amendment to the agreement.

**ORDINANCES AND RESOLUTIONS:**

6. Resolution 2009-01 determining reasonable notice of meetings of the Alamogordo City Commission.

*Recommendation:* Approve the Resolution.

7. Consider Resolution No. 2009-02 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed on January 13, 2009.

*Recommendation:* Approve the resolution.

8. Consider Resolution No. 2009-04 accepting the New Mexico Department of Transportation Reauthorization Grant # A03-0466 in the amount of \$25,000 for the S. Florida Avenue Reconstruction project (EN0305).

*Recommendation:* Approve the resolution.

**OTHER BUSINESS:**

12. Approval of "Commercial Handicapped Parking Only" signs for Otero County located at 1000 New York Avenue.

*Recommendation:* Approve the placement of two signs at the above-listed property (County Court House) along with four signs that were already there prior to Ordinance No. 1326 and waive the fees for the signs.

13. Review "Resident Parking Only" and Resident & Commercial "Handicapped Parking Only" sign locations for the purpose of determining continuance or discontinuance of each location.

*Recommendation:* Authorize all locations on Exhibit "A" to continue to be posted.

14. Public Works Bid No. 2008-011, Replace Well 6.

*Recommendation:* Award the bid to Severn Trent in the amount of \$134,564.55, including NMGRT.

15. Approval of Temporary Alcoholic Beverage Dispenser's License for Palm Side, for an event to be held on February 14, 2009 at the Willie Estrada Memorial Civic Center.

*Recommendation:* Approve the temporary license.

16. Statement regarding the Executive Session of December 16, 2008.

*Recommendation:* Approve the statement.

**Commissioner Ledford made a motion to approve Items 2, 3, 4, 6, 7, 8, 12, 13, 14, 15, and 16 of the Consent Calendar. Mayor Pro-tem Lujan seconded the motion. A roll call vote was taken due to Items 6, 7 and 8, and all voted "aye". The motion carried with a vote of 7-0-0.**

#### **OTHER BUSINESS:**

5. Consider Ordinance No. 1349 amending section of Chapter 19 the code of ordinances concerning Golf Course Fees and Rates.

*Recommendation:* Approve the ordinance for first publication.

Mayor Brockett read the item and the recommendation as well as the background from the agenda report. The recently expired contract with G&L Golf for operating Desert Lake Golf Course ran on a calendar year basis, but the City generally operates on a fiscal year basis with the new year starting on the first of July. These differences present certain difficulties when developing a budget for the operations of the golf course. Staff is requesting a change to establish club rates on a fiscal year basis.

Commissioner Ledford asked when and how this would affect the extension of the golf course contract, and Mr. McNeile said that it would not affect the contract that the City has with the golf pro to run the golf pro operations. The golf pro would prefer this method to calculate rates as well to make it easier.

**Mayor Pro-tem Lujan made a motion to approve Ordinance No. 1349 amending section of Chapter 19 in the code of ordinances concerning Golf Course Fees and Rates. Commissioner Brewer seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.**

9. Consider Resolution No. 2009-05 adopting summary minutes for the City of Alamogordo Commission meetings to begin July 1, 2009.

*Recommendation:* Approve the Resolution.

Mayor Brockett read the item and the recommendation. He explained that each commissioner had an example of summary minutes from an August 2008 meeting.

Renee Cantin, City Clerk, explained that she is looking at this as a place to save on the budget for the next fiscal year. The majority of the budget is her salary, the salaries of three employees, and the election expenses, which are hard to cut because already they only budgeted for one for the next fiscal year, July 1, 2009, to June 30, 2010. That will be the regular election in March of 2010. As she was reviewing the budget, she needed to find about \$12,000 more in cuts, and the only two options are to either cut one of the employee's positions to about 20 hours or part-time or cancel the current transcription service and doing the City Commission meeting minutes in-house. Previously, there was a full-time chief deputy clerk that did the minutes in-house, and that's because they're exhaustive at this time. Even a somewhat short meeting can come up to about 15 pages of minutes with one item that has a lot of discussion.

In order to do the minutes in-house with the current staff, they would have to be summary minutes, and Ms. Cantin stated that at that time if for any reason they have an item that needs more detail in the minutes that can be stated for the record. A bit more detail can be added at that time. The rest of them would be like the sample that was submitted for the August 28<sup>th</sup> minutes. Ms. Cantin went through the sample of the summary minutes. She also stated that the agenda books are available on the web site, and the minutes have been available also. Anybody can go in and read that part of the meeting.

Mayor Brockett stated that the shortened version is a concern to him especially when they get into requests for legal opinions. He asked if they wanted something that was more detailed they could ask for that after the meeting, and Ms. Cantin said that it would be better if it was asked for during the meeting. Mayor Brockett would like the commissioners to be able to notify the City Clerk if they want detail on any item from the Commission meeting by Thursday at 12:00 following the meeting. Ms. Cantin confirmed that this request could be agreed to.

Commissioner Ledford stated that the reason they outsourced the preparation of the minutes several years ago was to save money. He was confused about now bringing it back in to save money. He thought the difference was that by going to summary minutes it probably would take a lot less time, and he appreciated that they were trying to cut the budget. However, he has had to go back to prior minutes, and the detail being there has helped him a lot. He didn't know why for \$1,000 a month, they couldn't type up minutes, and he reiterated that he likes the minutes. Commissioner Ledford then talked about getting used to using the computers now and instead of having the book having to find a computer to put the disc in. He went on to say that he knew there had been discussion about cutting the budget by 10%, and Ms. Cantin indicated that this would be a budget cut for FY2010. Normally, when there are budget issues regarding the following year, they have budget hearings and discussions. After that, certain people evaluate whether it is the right kind of budget cut so that service to the community is not jeopardized. If the approach was going to be taking a 10% cut across the board, Commissioner Ledford had a hard time with that in general. Maybe cutting the budget this way isn't the best approach because maybe there is another department who will cut their department 15%, which would mean this department would only have to cut 5%. He wanted to know why they were jumping the gun prior to going through the normal process.

Ms. Cantin stated that they were asked to take this step, and she is trying to take the step to meet the 10% cut without losing personnel. Commissioner Ledford asked if she had been told to cut 10% no matter what, and Ms. Cantin said that when she met with the Budget Committee she was asked to complete the 10% request. Ms. Cantin had been instructed to come back with recommendations, and Commissioner Ledford reiterated his question as to why action then was being taken before the formal budget hearing.

Ms. LeeAnn Nichols, Finance Director stated that what the Budget Committee has asked the departments to do is to bring back the recommendations for cutting 10%. That is in a preliminary review stage, and no decisions have been made for those cuts because they haven't had time to consider all of the impact on the service levels. The approach they are taking is that the City Manager is charged with presenting a balanced budget to the Commission. They are trying to balance the operating budget and haven't gotten to the capital budget yet. They have received recommendations from all departments, and they have asked all departments to do what they can to bring back a recommendation that meets and equals a 10% cut. No decisions have been made regarding any impact to service levels. Ms. Cantin was bringing the summary minutes before the Commission to get an idea of how they would feel about them, but the Budget Committee has not made a decision on reducing the service.

Commissioner Ledford stated that what is most important is to make sure they have a balanced budget and a proper approach to the budget. He expressed concern that cutting 10% across the board is not the right answer. In total that may be right because they have to find the money, but when they look at the year-to-date budget for six months, they are 650,000 behind the budget. As far as actual 2008 versus 2009, they are ahead of where they were last year. What has happened is that

they are not meeting the 2009 budget revenue wise, and so the Budget Committee has rightly asked that the budgets be cut.

Commissioner Ledford said that he is not in favor of summary minutes, and the reason Ms. Cantin wants to do it--to save on the budget. Departments will have to be looked at individually to decide what the appropriate cuts are, and that is what is done during the budget process, which is not here yet. Ms. Nichols reiterated that the 10% cut is a preliminary stage, and they are asking everybody to make that effort. They will then evaluate the service impacts that would occur as a result of suggested cuts and make decisions on whether that service should be recommended to the commission to be cut or not. They are not anywhere near that stage.

Commissioner Ledford didn't think he could make a decision until they have a chance to review the budget and it goes through the budget process.

Commissioner Ferguson commented that they were spending \$1,000 a meeting, and he doesn't think anyone is going to look back at every item. They could look through the agenda and indicate which discussions should be on the record, and then they could go back and look at it at any time. He thought it would save some money.

**Commissioner Ferguson made a motion to follow the recommendation and approve the Resolution for adopting summary minutes for the City of Alamogordo Commission meetings to begin July 1, 2009.**

Mayor Pro-Tem Lujan stated that he thought they should leave it alone right now. Though they might not think information is important now, it may be important later on. He would not be able to support it right now though he thanked Ms. Cantin for her efforts.

**Commissioner Cole seconded the motion.**

Commissioner Griggs stated that he wasn't sure that he disagreed with the concept of summary minutes. He thought good points had been raised, but he thought that Commissioner Ledford's point that normally the discussion is held during the budget hearings was the most valid in that if indeed it is decided that they need the full minutes that is when they would need to make that decision. He expressed his appreciation for what Ms. Cantin was doing.

**Commissioner Ferguson made a motion to approve Resolution No. 2009-05 adopting summary minutes for the City of Alamogordo Commission meetings to begin July 1, 2009. Commissioner Cole seconded the motion. A roll call vote was taken, and the motion failed with a vote of 2-5-0. Commissioners Griggs, Ledford, Brewer, Lujan, and Brockett voted "nay".**

#### **OTHER BUSINESS:**

10. Discussion and action on Public Service Company of New Mexico's request to purchase easements from the City of Alamogordo for a planned 115kV electric transmission line which will provide improved service to the Alamogordo area.

*Recommendation:* Approve the easement.

Mr. Mark Threadgill, Community Development Director, explained that this easement with PNM Electric basically is to the west of White Sands and the railroad. It is south of First Street and cuts over to the relief route. It follows the relief route for about 1,500 feet, cuts across the relief route and then south on the west side of the relief route. There was an appraisal done by PNM, and there were originally four parcels that they were looking at. They settled on another route for the fourth parcel, and there are three in the agreement. The appraisal came in at about \$104,000, and the proposal made by PNM was for 50%, \$52,300 for the easement, their argument being that this is a benefit

both for the community, which it is in that it brings in another source of power to the community. They're not fully taking the property so that the City still has some beneficial use of the property.

Mayor Brockett asked if they are looking at it as something that will help out with the future development of the City, and it would be a second source of power coming into the City. In the spring of 2008, PNM had notified the City that due to power usage if they had an extremely warm summer there could be rolling brown outs. The addition of this line coming into the community would probably alleviate that problem in the future.

Commissioner Ledford said that he remembered that situation in the spring, and at that time he had talked to somebody at PNM as it was a pretty serious situation if they could even find the equipment that was needed. He doesn't think it was available, and he asked if this easement would mostly alleviate that issue. Mr. Threadgill said it would for the most part. It would be an additional 115kV feeder line coming into the community.

Commissioner Ferguson asked what the City could do with that property once they have the easement. Mr. Threadgill said that basically they could build a building on it, though not directly under it. There are existing power lines there now, and Mr. McNeile said he thought these would just be new power lines added in.

Mr. Rob Roberts, representing PNM, stated that one stretch of the easement is 40 feet wide, and it is right on the edge of the property. The City could use it for landscaping, parking, driveways and parking, or anything that wouldn't interfere with their right to operate or maintain the lines or the structures on the property. Another portion of the easement is 70 feet wide, and the same goes for that portion as well. A lot of the line would run where existing lines already are.

**Commissioner Ferguson made a motion to approve the Public Service Company of New Mexico's request to purchase easements from the City of Alamogordo for a planned 115kV electric transmission line which will provide improved service to the Alamogordo area. 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.**

11. Confirm selection of Mr. Jeff Rhodes as Temporary Municipal Court Judge.

*Recommendation:* Confirm the selection in accordance with Section 18-02-080 of the *Code of Ordinances*.

Mayor Brockett indicated that this item was pulled by Commissioner Ferguson, and he explained that the reason he pulled it was because he has a personal relationship with Mr. Rhodes and didn't want to vote on it as part of the Consent Calendar. He wanted it voted on separately.

Commissioner Cole asked why it is called temporary, and Mr. Matt McNeile explained that this position is for when Judge Lee is out of town at training or on vacation.

Mayor Brockett stated that at the budget hearings in the previous year they had heard from Judge Lee just how much time he does spend out of town at training.

**Commissioner Griggs made a motion to approve Jeff Rhodes. Mayor Pro-tem Lujan seconded the motion. A vote was taken, and the motion carried with a vote of 6-1-0. Commissioner Ferguson voted nay.**

17. Appointments to Boards and Committees.

Mayor Brockett appointed William Brogan to the Planning & Zoning Commission. Mayor Brockett asked if the clerk would notify him. He held off on the Community Development Advisory Committee as well as the Mayor's Committee on Aging.

**UNSCHEDULED COMMUNICATIONS:****A. Commissioner Cole**

Commissioner Cole requested an update on the bridge on Ninth St. between Oregon & Washington.

Mr. Matt McNeile explained that the direction to staff had been to see how much it was going to cost to fix the bridge and also how much it would cost to bring the temporary bridge in to see if that would work. They contacted the company that is doing the Corps of Engineers project, as they are experts in concrete, bridges, and construction. Mr. Brian Cesar said that in talking to the contractor for the Corps of Engineers at the time that they asked them to come in and look at the structure on Ninth Street, they indicated for a design build the structure to be at \$85,000. That is not in the present budget. To take the temporary bridge that was used up on Scenic for crossing Abbott Ditch, they would need to contact the manufacturing company and have them re-engineer it for Ninth Street. When they placed it on Scenic, it cost the City in-house between \$20,000 and \$25,000 to prep Scenic.

Commissioner Cole said that he has never been in favor of the temporary bridge, but the problem was he thought they could probably find that money in the budget. That road is affecting people and businesses, and nothing seems to be happening. The question is being asked why is the City sitting there doing nothing? No one is doing anything.

Mr. Cesar said that at the time they did close down the structure per New Mexico Department of Transportation's recommendation, he did ask if they could use the 2004 gross receipts tax money that was dedicated to street maintenance. At that time, he was directed not to try to use any of that money and that the structure on 9<sup>th</sup> Street would be included in the G.O. Bond.

Commissioner Cole asked if they assume that portion of the bond issue doesn't pass, what would be done, and Mr. Cesar said that in the next couple of weeks they do have capital requests going before the Budget Committee. It will be included in there as a back-up if the gross receipts tax is not passed in March. It will be included in the budget. If the bond is approved, it can be removed.

Commissioner Cole said that some type of action needs to be taking place, whatever it might be, whether it's input from contractors or some type of design. Members of the community could be told what is being done to fix that bridge in addition to being told that bond issue moneys would go toward that if it does pass.

Mayor Brockett's recommendation was to have everything in place to start whatever it is that needs to start, and if the bond passes, they will be that much further ahead. It should be a high priority fix.

Commissioner Cole commented that he stated to a business owner that he could not see how Ninth Street being closed could affect his business when people could drive from Tenth Street to get there. The business owner said that it has, however, and he is being told that it is affecting some businesses east of the bridge as well.

Commissioner Griggs said that the issue that needs to be brought up is the money has to be taken from somewhere. That is one of the things that has to be considered. What is going to be moved back to do that? This issue underscores the importance of the bond issue, what it means to each person in the community and what it does.

Ms. Nichols informed the commission that if they chose to do the Ninth Street bridge and correct it now, they wouldn't be able to get reimbursed from the bond issue.

**B. Mr. McNeile**

Mr. McNeile provided the water report. Things are looking okay. The reservoirs are getting fixed, and the spillway is overflowing, which is good news. He also stated that they had received a letter from AFSCME, which is the union representing blue-collar employees, asking them to open negotiations. They will be doing that in the near future.

### **C. Mayor Brockett**

Mayor Brockett commented that in the last week they received the EIS schedule from SWCA. It appears the final record of decision is scheduled to be finished by April 1, 2010. Commissioner Griggs, Mr. McNeile and City staff met with BLM and SWCA last week and had a very productive discussion.

Mayor Brockett also stated that the following Tuesday at the 19<sup>th</sup> Hole, he and Mr. McNeile would be giving a presentation to the building contractors of Otero County regarding the bond issue and why they need to support it.

Mayor Brockett has also asked that at the next meeting a proposal be brought before the Commission such that the 10% that locals can get on bidding processes be moved up to 15% provided that the City attorney finds that it's legal. City Attorney Thies said that so far based on the research he has done it appears to be permissible. Currently, they get a 5% preference, and if they are not the low bidder they are given the option to meet the lowest bid. If they elect not to, the City selects the lowest bid. Mayor Brockett stated that local businesses need the help, and that industry affects a lot of others. The building trades and all of the ancillary businesses that are affected by it are probably the second biggest engine that drives the economy locally.

The last Commission meeting in February is on February 24<sup>th</sup>, which also happens to be the night that the Municipal League has its reception in Santa Fe during the Municipal League Day at the state capital. They need to discuss moving that meeting to Monday.

**EXECUTIVE SESSION:** Recess into Executive Session to discuss threatened or pending litigation (Desert Foothills Park & Tim Keelin, et al vs. City of Alamogordo) & sole source purchases exceeding \$2,500 (Progressive Environmental).

**Mayor Pro-tem Lujan made a motion to recess into Executive Session to discuss threatened or pending litigation (Desert Foothills Park & Tim Keelin, et al vs. City of Alamogordo) & sole source purchases exceeding \$2,500 (Progressive Environmental) at 8:33 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.**

18. Action if any from the Executive Session.

*Recommendation:* Need a motion to approve any action taken on any posted items discussed in Executive Session. If no decisions were made the following statement should be read: The matters discussed in the closed meeting were limited only to threatened or pending litigation (Desert Foothills Park & Tim Keelin, et al vs. City of Alamogordo) & sole source purchases exceeding \$2,500 (Progressive Environmental) as specified in the posting of the closed meeting.

### **ADJOURNMENT.**

**Commissioner Ferguson made a motion to adjourn at 9:46 p.m. Commissioner Griggs seconded the motion. A 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 Ubiquis Reporting)*

*Approved at the Regular Meeting held on January 27, 2009.*