

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
7:30 P.M., COMMISSION CHAMBERS  
FEBRUARY 23, 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 Brockett called the meeting to order at 7:30, and roll call was taken by City Clerk Renee Cantin. Mayor Pro-Tem Lujan was absent. The invocation was delivered by Pastor Bill Heithold followed by the posting of the colors by the Alamogordo High School Air Force Junior ROTC. The Pledge of Allegiance was led by Commissioner Ledford.

**PRESENTATIONS:**

1. Presentation of Certificates of Appreciation to the two outgoing Planning and Zoning Commissioners, Sabrina Marshall and Karlon Cox.

This item was withdrawn from the agenda.

2. Presentation by Farley Vener, CPA, from the firm of Hinkle & Landers, P.C., regarding the fiscal year 2007-2008 Annual Financial Report.

Mr. Farley Vener presented the 2007-2008 Annual Financial Report to the Commission. In general, the City will remain in good financial standing, and on a full accrual basis, the increase in net assets was approximately \$6 million in the black for the year. Mr. Vener went over the three independent audit reports, and one is the opinion of the financials as to whether they are materially correct. The opinion was unqualified and therefore was a clean opinion, which means there were no issues with the presentation or the numbers, as presented in the audit work. The second report is a report on the internal controls over the financial accounting and compliance. There were four findings for the fiscal year, and to put that in perspective, it's four findings compared to the prior year in which there were nine findings. The findings from the prior year were resolved. There were two new findings and two that were repeated. Overall, the audit was very smooth. The staff was very professional, and as an auditing firm, they appreciate doing this audit because of the professionalism.

Commissioner Cole complemented LeeAnn Nichols, Finance Director and her staff for the good job they have done. He thought it was excellent work. Mayor Brockett seconded the commendation.

**CALL OF THE CONSENT CALENDAR:**

**MINUTES:**

3. Minutes of February 10, 2009 Regular Meeting.

*Recommendation:* Approve the minutes.

**ORDINANCES AND RESOLUTIONS:**

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

*Recommendation:* Approve the ordinance for final publication.

- CC 5. Consider Ordinance No. 1350 amending sections 11-160 and 14-050 of the Personnel Manual concerning Paid Time Off (PTO), acting pay, interim pay, and union employees.

*Recommendation:* Approve the ordinance for final publication.

**OTHER BUSINESS:**

6. Consider award of Public Works Bid No. 2009-003, South Florida Ave. Waterline Replacement ADA & Storm Drain Improvements.

*Recommendation:* Award the bid to Star Paving Co. in the amount of \$783,503.00, including NMGRT.

7. Consider approval of Change Order No. 4 on Public Works Project No. 2008-01, South Florida Avenue Reconstruction - Phase 2.

*Recommendation:* Approve the change order in the amount of \$24,986.23, including NMGRT.

8. Statement regarding the Executive Session of February 10, 2009.

*Recommendation:* Approve the statement.

9. Approval of Temporary Alcoholic Beverage Dispenser's License for Palm Side, for an event to be held on March 21, 2009 at the Willie Estrada Memorial Civic Center.

*Recommendation:* Approve the temporary license.

**Commissioner Ledford made a motion to approve items 3, 4, 5, 6, 7, 8, and 9 of the consent calendar. Commissioner Griggs seconded the motion. A roll call vote was taken because of items 4 and 5, and all voted "aye." The motion carried with a vote of 6-0-0.**

10. Appointments to Boards and Committees.

No nominations had been received.

**UNSCHEDULED COMMUNICATIONS:**

**A. Commissioner Cole**

Commissioner Cole asked Director Trujillo to address the City Commission regarding a yacht that has been blocking an alley. Sam Trujillo, DPS Director, thanked Commissioner Cole for calling in advance about the situation. The original complaint came in to the Code Enforcement Division with regard to junk in the area north of Abbott ditch. It is a flood area, and it was damaged by the flood in 2007. The junk turned out to be a large boat that an individual has on that property. It was treated basically as an unhitched trailer, and it was in a wide portion of the alley. Because of the damage that had occurred, they had been pretty lenient on enforcement with the amount of debris that was in that area. The boat, however, was in violation of the Ordinance by being unhitched. They contacted the owner of it, and the owner hitched it to a vehicle, which made it legal for a short period of time. It then remained there in excess of 72 hours, which was then illegal. They got in touch with the owner again and indicated that something needed to be done with the boat, move it or get it on to private property and off of the alley. The owner believed there was going to be damage caused to the boat because of the slope of the alley that existed from the repair of the flood area, but the City has been working with the owner to try to find a way to get the boat removed. The Street Department is scheduled to try to

change the slope in the alley to see if it can be removed. Director Trujillo expects the problem to be solved fairly quickly. There shouldn't be any reason it can't be moved within the next 15 days. Commissioner Cole expressed his appreciation to them for taking care of that.

**B. City Manager McNeile**

City Manager McNeile asked Dean Hunt to provide an update on the schedule for the culvert crossing at Canyon Rd. and where that project stands. Dean Hunt, City Engineer, reported that he has been working with the Corps of Engineers. They have executed a change order, and the contractor began construction. The work should be completed by the following week, and what they're going to do is excavate on either side of the box culvert and bring it up with engineer fill. Then they will place base and re-pave the road. It should be completed by the latter part of next week. In the meantime, the road will be closed. However, there is access to the school from First Street.

Commissioner Cole said he was happy to hear about the project, and he asked if there are going to be sidewalks there. Mr. Hunt said it's not part of the Corps' project, but they can place sidewalks between the guardrail and the fence along the east side. Commissioner Cole asked if there is some way to make sure there will be sidewalks where the bridge is for the students, and there is enough room to build an ADA-compliant walkway between the guardrail and the chain-link fence though it would just be at the structure. Commissioner Cole suggested that Mr. Hunt speak with the school about the project. The question was raised as to whether the project would be completed before Mimosa is blocked, and that is correct.

Mayor Brockett asked Mr. Hunt to comment on the work on 70 between the overpass and Walker, and Mr. Hunt said the project involves placing a sidewalk at Walker Road and connecting to the existing sidewalk that is at the intersection of 54 and 70. It is about a 60-day construction project at the most, which means it will probably take another month and a half.

The water report is available.

**C. Mayor Brockett commented on the following:**

Mayor Brockett asked Director Trujillo to comment on the policy of DPS with regard to child crosswalks at schools, and they do work with the schools in terms of the school crossing guards and providing training. Sometimes the guards are adults and sometimes children at the schools. The children are supervised by an adult. As far as enforcement, DPS does provide extra patrols in all of the school zones at various times. There aren't enough officers to cover all of the school zones, but they do provide enforcement. In addition, they hold monthly meetings in their Department in which they evaluate the accidents that have occurred in the previous month so they can target certain areas to help reduce traffic accidents. If they are specifically looking at the school zones, there is a lot of media information that they put out at the beginning of the school year and right after Christmas, and then they send out officers to go to locations between calls. Another thing they use in those areas are traffic trailers that they can set up in various locations around town. Mayor Brockett said that he thinks they do a fine job at the crosswalks having had three children attend elementary and one go through junior high and high school. He has always noticed a presence. As far as enforcement is concerned, they have targeted both directions where they have had vehicles they have had to issue citations to and also pedestrians in crossing at places other than crosswalks.

Mayor Brockett asked Director Trujillo to also comment on going to Santa Fe to meet with the Police Chief's Association to discuss various bills that have been presented to the legislature. They are working with lobbyists to address law enforcement issues that have arisen this year, but Director Trujillo didn't comment further at this time.

**EXECUTIVE SESSION:** Adjourn into Executive Session to discuss disposal (lease) of water rights (Bonito Lake).

Commissioner Ledford made a motion to adjourn into Executive Session to discuss disposal (lease) of water rights (Bonito Lake) at 7:50 p.m. Commissioner Brewer seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 5-0-0. Commissioner Ferguson was not present for the vote.

**ADJOURNMENT.**

*/s/Mayor Pro-tem Chris Lujan*

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Mayor Pro-tem Chris Lujan

(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 March 9, 2009.*