

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
MARCH 25, 2008**

**MAYOR STEVE BROCKETT
MAYOR PRO-TEM CHRIS LUJAN
COMMISSIONER RON GRIGGS
COMMISSIONER ED COLE
COMMISSIONER MARION LEDFORD**

**COMMISSIONER ERIC BREWER
COMMISSIONER JOE FERGUSON
CITY MANAGER PAT McCOURT
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 commissioners were present. The invocation was given by Pastor Justin Crispin, and the pledge of allegiance was led by Mayor Pro-Tem Chris Lujan.

Mayor Brockett recognized Sam Trujillo, DPS Director, as he was selected as vice president of the Police Chief's Association. He will be assisting with legislative agenda items and issues affecting law enforcement throughout New Mexico.

PRESENTATIONS:

1. Presentation by Farley Vener, CPA, from the firm of Hinkle & Landers, P.C., regarding the fiscal year 2006-2007 Annual Financial Report.

Mr. Vener presented a summary of the audit for fiscal year 2006-2007. The opinion that the independent audit had given on the financials for the City was an unqualified opinion, which is a clean opinion--the best opinion that can be received. The numbers presented in the audit are considered materially correct. Mr. Vener went on to say that there were nine findings in total for the fiscal year, and of those nine findings one was a repeat finding and the other eight were current. Overall, there were no major issues to be concerned about. The findings have been reviewed by management and the audit staff, and they feel that most of them are being resolved.

Mayor Brockett asked if the findings from the previous year had been resolved, and Mr. Vener explained that they showed in the audit report the status of prior findings. In the prior year, there were eight findings, and of those eight findings, seven of them were resolved. One was modified in that the condition was very similar to what it was last year but a little bit different. Mayor Brockett commented that he and Commissioner Cole had gone through the Audit Financial Report, and it looked like a very positive report.

Commissioner Cole complimented LeeAnn Nichols, Finance Director, the finance staff, and all of those who worked on the audit. They did a fine job. Mr. Vener stated that they had the audit report to the State auditor's office on time, which in the context of many municipalities is not always true, and he also stated that the staff does a very good job.

PUBLIC HEARINGS:

2. Public hearing to consider a temporary structure special permit for Jack Key Motor Company. [SP-2008-0117(A) at White Sands Mall, 3199 N. White Sands Boulevard].

Recommendation: Approve the special permit for April 24, 2008 through May 4, 2008, with the finding that it will not be detrimental to surrounding properties

Commissioner Cole made a motion to approve the special permit for April 24, 2008, through May 4, 2008, with the finding that it will not be detrimental to surrounding properties.

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:

MINUTES:

3. Minutes of March 11, 2008 Regular Meeting.

Recommendation: Approve the minutes.

CONTRACTS AND AGREEMENTS:

4. Approval of airport leases for Gary Farmer & Darrell Latham, Lot E13-B.

Recommendation: Approve the airport leases.

5. Approval of airport land lease transfer from Roderick George Beckett to the "Roderick George Beckett and Carol Beckett Revocable Trust", Lot E10-B.

Recommendation: Approve the transfer of the land lease.

6. Approval of airport land lease transfer from Mr. Finch to Skyline Aviation, Lot E6-D.

Recommendation: Approve the transfer of the land lease.

7. Amendment to the agreement with Sedona Development.

Recommendation: Approve the amendment to the agreement.

8. Agreement between Administrative Office of the Courts and Alamogordo DPS for Service and Enforcement of warrants.

Recommendation: Approve the agreement.

ORDINANCES AND RESOLUTIONS:

13. Consider Resolution No. 2008-10 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 March 25, 2008.

Recommendation: Approve the resolution. [Roll call vote required]

OTHER BUSINESS:

15. Approval of Temporary Alcoholic Beverage Dispenser's Licenses for Palm Side.

Recommendation: Approve the temporary licenses for May 17, 2008, June 28, 2008, and August 2, 2008 at the Willie Estrada Memorial Civic Center.

16. Statement regarding the Executive Session of March 11, 2008, March 17, 2008, and March 25, 2008.

Recommendation: Approve the statement.

Commissioner Ledford made a motion to approve Items 3, 4, 5, 6, 7, 8, 13, 15, & 16 of the

consent calendar. Mayor Pro-Tem Lujan seconded the motion. A roll call vote was taken because of Item #13, and all voted "aye." The motion carried with a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

9. Consider Ordinance No. 1326 adding Section 24-01-085 to the Code Ordinances regarding commercial handicap parking signs.

Recommendation: Approve the ordinance for first publication.

Director Sam Trujillo explained that what was before the Commission was the result of a request by a business owner who wanted to put a "Handicap Parking Only" sign in front of his business on the street. In reviewing that request, staff discovered that there was not a mechanism to do that. There was a mechanism for establishing "Residential Parking Only" signs, but not one establishing handicap parking on the street. As a result, they developed an ordinance that mirrors the residential parking ordinance but would allow for handicap parking on the street. There is a standard \$100 fee associated with the cost of putting the sign at the location if approved in addition to a \$50 fee to defray the cost of mailing notices to the surrounding locations up to 200 feet.

Mayor Brockett asked for clarification on the purposes of the \$50 fee, and Director Trujillo reiterated that it is to defray the costs associated with notifying the residents or businesses within 200 feet of the proposed location, which would be done by staff. The \$100 fee is for the cost of the sign. Commissioner Ledford stated that the business that had initiated the request had offered and plans on paying for the modifications necessary to provide the handicap parking. He asked if that needs to be addressed in the Ordinance to make it clear that costs associated with making modifications such as painting and ramp modifications to provide the handicap parking have to be paid by the individual making the request. The Ordinance is just to address the sign.

City Manager McCourt stated that the entry into pedestrian ways is at the curb cuts at the corners, and if a particular property wants an entry from the street, they would make arrangements to do so on their own.

Director Trujillo stated that the Ordinance would have to be reviewed annually by the City Commission.

Commissioner Ledford made a motion to approve Ordinance 1326 for first publication. 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.

10. Consider Ordinance No. 1329 amending sections of the personnel manual concerning Safe harbor provisions for FLSA and nepotism.

Recommendation: Approve the ordinance for first publication.

Mayor Brockett explained that there are three components being addressed by the proposed amendment. One is the Safe Harbor Clause under the Fair Labor Standards Act, which is a safeguard in case the City ever makes an improper deduction from an exempt employee's pay or misclassifies an employee. It provides a means for those things to be addressed by providing a complaint mechanism through the personnel department. It also takes on two issues regarding nepotism in the current Ordinance.

Ms. Betsy Keller, Personnel and Safety Manager, stated that she believed the Fair Labor Standards Act Safe Harbor provision was pretty self explanatory in that they are just trying to put an extra safeguard in for the City and a complaint mechanism for employees if they feel like the City has engaged in a prohibitive practice under the Fair Labor Standards Act. It would provide the City with a

layer of protection before someone would file a complaint with the Department of Labor. They could bring the complaint to personnel so that they could research the situation.

The two areas on nepotism that they are recommending be changed include the Personnel Department. A few years ago when they did the rewrite of the Personnel Manual they added a provision that stated that relatives of members of the Personnel Department could not hold full-time or part-time regular positions with the City of Alamogordo. They have found that to be overly restricted, and they have researched how other cities handle it. In addition, they don't restrict any other departments even though other departments deal with sensitive materials, such as payroll, legal, and the City Manager's office. It would not give anyone in the Personnel Department the right to supervise a relative, but it would allow them to hire, for example, someone to work at the senior center, or at DPS, or at another Department if they had a relative working in Personnel besides the position of personnel and safety manager.

The second nepotism change being considered is removing the clause with regard to elected officials. There is one elected official with the City who is actually in a separate branch of government, which is the judicial branch. He has no authority over an employee for any other City department, and he is asking that it be changed just to City Commission members.

Mayor Brockett asked if the purpose of the nepotism changes would be to broaden the labor pool, and Ms. Keller said that is the case.

Mayor Pro-Tem Lujan commented on the nepotism policy with regard to the Personnel Department, and he said he had read it and it was brought to his attention by some employees who were not in favor of it and don't like the idea of it being changed. He stated that it was put in there to protect City Hall, to protect one department from the other and to protect rumors and gossip from going out from City Hall--to protect each department from the other. He does not agree with making the change. He sees no reason to change it.

Ms. Keller stated that she had researched that argument herself, and the arguments that she got back were that someone could have a best friend, for example, in the Personnel Department. It doesn't provide a protection necessarily. If there is an issue with confidentiality, whether it's an employee to a family member or an employee to a best friend, that is an issue that needs to be addressed by corrective action regardless of whether it involves family members, acquaintances or friends.

Mayor Pro-Tem Lujan reiterated his opinion that the clause was put in there to protect the City and departments with regard to confidentiality. He doesn't see any reason to change it. Ms. Keller replied that the clause has only applied to the Personnel Department when there are the same issues in other departments. Mayor Pro-Tem Lujan said that perhaps that needs to be looked at and researched, which he would be in favor of, and he would hate to vote against all of the changes because of that particular piece. Yet, he felt constrained to maintain the protection that it provided. Ms. Keller provided policies from other municipalities in New Mexico, none of which prohibited nepotism with regard to a particular department. They have not found any that have the restrictions with regard to a particular department.

Mayor Pro-Tem Lujan stated that just because other municipalities don't have it, there are reasons why that policy was put in place, and he doesn't see any compelling reason to make the change. Ms. Keller did point out that they have run into situations where they have had a family member of a staff person in the Personnel Department who couldn't be put in critical positions for the City. They have lost either a qualified candidate or a qualified employee, and they would like to prevent that.

Mayor Brockett asked if the Ordinance could be put out for first publication without that one component, and Commissioner Griggs asked if the Ordinance went out for first publication with that section included and they received sufficient feedback to say that it is an inappropriate provision that for final publication it could be removed. He asked if it would have to be republished in that instance, and City Attorney Thies stated that he felt that would be a substantive change and it would need to be

re-published. Commissioner Ledford stated that he understands the nepotism policy to be very serious, and there is an issue of the labor pool and how positions are filled. But there is also the issue of what happens when there is nepotism and potential collusion or whatever comes about because of it, favoritism, hearsay, and others. He didn't see why they couldn't put it off for a time and look into it in more detail.

Commissioner Cole made a motion to table the item and bring it back at a later date. The motion died for lack of a second.

Mayor Pro-tem Lujan made a motion to amend section D to replace the language with the language in the existing Ordinance. Commissioner Ferguson seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

Mayor Pro-tem Lujan made a motion to send the Ordinance for first publication. Commissioner Ferguson seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

11. Consider Ordinance No. 1330 amending sections of Chapter 8 of the Code concerning buildings and building regulations.

Recommendation: Approve the ordinance for first publication.

Mayor Pro-tem Lujan made a motion to table Item #11 until the next meeting. Commissioner Brewer seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

12. Consider Ordinance No. 1332 amending certain sections of the Code of Ordinances dealing with Code Enforcement.

Recommendation: Approve the ordinance for first publication.

Sam Trujillo, DPS Director, stated that in 2005 the City Commission voted to transfer the code enforcement responsibilities from the Community Development Department to the Alamogordo Department of Public Safety. At the time that DPS took over that responsibility, they advised the Commission that they would return before the Commission to periodically update them on the procedures and update the Ordinance as required. They have several recommended changes, and they felt that it would be appropriate time to update the City Commission on code enforcement operations.

DPS operations involve police, fire, dispatch including ambulance dispatch for the City and the County, animal control and code enforcement, and Director Trujillo's presentation specifically addressed code enforcement. The request to transfer code enforcement responsibilities to DPS in April of 2005 was generated by community demands to both management and the City Commission for stricter enforcement of code violations. The Department of Public Safety began code operations on July 1st, 2005. Prior to that transfer they requested a legislative policy statement, and the statement that was developed at that time was stricter compliance and swifter enforcement. DPS had asked for a commitment by both management and the City Commission, and they had asked that after the legislation the Commission assume the role of an observer and trust the enforcement and judicial process, which was the process that was going to be used for code enforcement from that point forward. They also asked that the code enforcement responsibility be clearly identified. Before that could be done, they had to identify what a code enforcement officer would be. Code enforcement officers are individuals hired by the City who are empowered to enforce specific code violations. In small communities, they tend to be employees assigned to other responsibilities also--for instance, building inspectors may also be code enforcement officers. In larger communities, there tend to be full-time code enforcement officers who are responsible for enforcing the laws that the Commission establishes. In Alamogordo, there are full-time code enforcement officers, and in most cities in New

Mexico code enforcement falls under the planning division. In Alamogordo, it operates as a different division.

The responsibilities of the code enforcement officers as established in 2005 include advertising, sidewalks, graffiti, garbage and trash, unlawful accumulation of growth, businesses to be licensed, garage and yard sales, vegetation and water conservation. They do not have authority in any of the other sections listed in City ordinances. Forty-four percent of the calls in 2007 had to do with weeds, and Director Trujillo presented a chart showing the percentages of calls associated with each area.

Since weeds and trash tended to be the area requiring the most enforcement, they developed a procedure for handling that. If there is a violation involving trash or weeds, DPS receives a code complaint. If they are able to contact the owner or occupant of the property, they respond to the location, identify and report the violation, take photographs, and serve the owner or occupant notice of the violation. They then return to the property in 15 days, which is a change that the Commission made early on in the process. It used to be 10 days, but it was changed to 15 to allow for the second weekend. At that point, if the property is cleaned, the case is closed. If it is not cleaned, they can issue a citation to Municipal Court on the spot or they can send a summons from the Municipal Court for the person to appear. If they plead guilty, the potential fine is up to \$500 and up to 90 days in jail. Normally, the Court orders the individual to get the property cleaned, and they generally give them about 30 days.

If they plead not guilty in Court, and there is a Court date scheduled, that can occur any time within the next six months. Unfortunately, the property can then still remain in violation for up to six months. They have a right to a hearing in Court as part of the due process. Commissioner Ledford asked if there had ever been a case of someone pleading not guilty and what their reason might be. Director Trujillo said that they have had situations in which individuals have pled not guilty, and one of the reasons they cite is that it is a private property right. The individuals have a hearing, and the code officer testifies. The property owner or occupant also has the opportunity to testify, and it is then up to the judge to determine if they are actually in violation or not. If the judge determines that they are in violation, a Court Order is issued. If the individual is ordered to clean the property within 30 days and they don't do so, the Court can hold them in contempt. If the judge rules that they are not guilty, then the case ends. Commissioner Ledford stated that he assumed the private property right would be out of the jurisdiction of the Municipal Court. Mrs. Becky Ehler, DPS Legal Advisor, explained that generally the Municipal Court would set a trial within six weeks of the time a person appears for arraignment. If the individual wants to take the private property right forward, they have a right to appeal to the District Court after the Municipal Court hears the case. That happens occasionally. Mayor Brockett asked if the six months includes the entire Court process with postponements, and Ms. Ehler explained that they have to bring them to trial within six months from the date that they're arraigned in Municipal Court or else they lose the case.

Director Trujillo then explained the procedure if they are unable to contact the owner, and they have had several situations like that where the owner lives in another state. They still receive the code complaint and respond to the location. They identify and record the violation, and even if they are unable to contact the owner, they still have to serve notice. The way they do that is they post a red code violation on the property. They also do property research at the County and mail a certified letter to the property owner. After 15 days, again, they go back and re-inspect the property. If it is cleaned, the case is closed. If it is not clean, they schedule abatement. There is a list of contractors in Alamogordo that they contact, and they pay for the cleaning of the property. In order for the City to recover the cost, in the Ordinance there is a \$200 administrative fee that is attached along with the cost of the abatement. It is recovered through the utility bill, and if that is not paid, the City puts a lien on the property and ultimately can foreclose on it. They have not had to foreclose on any properties, but they have filed several liens. Director Trujillo then contrasted the two processes, and he explained that they must choose one path or the other, and generally they make that determination simply based on whether they can contact the owner or occupant or not.

In 2007, in the Code Enforcement Division they handled 1,904 calls. That represents 1,092 citizen-initiated calls and 812 officer-initiated calls. They issued 83 non-traffic citations, which is basically a complaint for a person to go into Municipal Court, and they issued 28 summonses. The rest of the 1,904 calls were cleaned up within the 15-day time limit. The system is not set up to charge individuals. It is set up to encourage them to take care of their property.

Commissioner Ledford asked for clarification on when the citations are issued, and Director Trujillo explained that the vast majority of the time they just have to contact the occupant or owner and they get the property cleaned. When code enforcement goes back to inspect, it is no longer in violation. In 2007, 83 times they went back in 15 days, and property had not been cleaned. If the individuals are repeat offenders, code enforcement may issue a citation the first time. Director Trujillo then presented a bar chart showing by quarter the violations that occurred, the citations that were issued and then the abatements. They are having good cooperation from the public as far as getting property cleaned.

Director Trujillo then presented a chart showing the difference between 2006 and 2007 in terms of the citizen-initiated calls and the officer-initiated calls. They are seeing a reduction in the number of complaints that they are receiving from the public. The number of calls that they are responding to is increasing, but that is from the code officers switching from a reactive mode to a proactive mode. They do still receive a lot of complaints, and one of the biggest ones they still get are individual property rights compared to quality of life issues, which is a battle that government deals with in a variety of areas, not just code enforcement. Living in a city does come with certain restrictions. One person's trash is another person's treasure. A lot of people do not feel that weeds and trash are one of their biggest concerns, particularly when they are living from paycheck to paycheck. Another response that they receive is individuals saying that they can't afford to get their property cleaned up. DPS has worked hard to address that issue, and they maintain a list of individuals or groups that have contacted them that are willing to help property owners get their property cleaned. That may include Boy Scouts or civic organizations. They let the person who needs assistance make contact with the organizations, and they can help get that cleaned up. That information is provided when code enforcement sees that it may be an issue. Checks are not done to verify whether individuals really can afford the clean up.

Mayor Pro-Tem Lujan asked if when code enforcement has to initiate an abatement they could get some of the volunteer organization to do the clean up and then the City could give a donation to their organization, but the City has an anti-donation clause. The easiest way to do an abatement is for the individual to contact the contractor, and then they are charged the cost. If the City has to contact the contractor, the individual will not only be charged the cost of the abatement but also the additional \$200 fee.

A huge complaint when they first started was individuals asking why they should receive a citation when others are in violation, but as they have gone on with the process, they are hearing that complaint less and less because they are now able to hit the other locations also. The change to 15 days for the clean up has minimized the complaints about not having time to do the clean up. In addition, the code enforcement manager has been able to work with people when they contact them with some type of reason for needing more time and they have been able to give a little more time. The standards listed in the Ordinance are arbitrary, and they say that the weeds cannot be over six inches. However, normally by the time they get a code violation and have to respond, it is a significant problem. Commissioner Brewer asked if there is a difference between weeds and grass because his grass often gets higher than six inches. Director Trujillo stated that with regard to the Ordinance, it is specifically for weeds. They do not have a height requirement on grass, and it has not been a big issue in the community.

James Baker, Code Enforcement Manager/Supervisor, then explained that over the last year the Code Enforcement Division has encountered some circumstances where the existing ordinances have proven to be inadequate for the circumstances, and they have targeted four ordinances for proposed changes. The first change that they propose is to give code enforcement the authority to ensure that fire hydrants are not blocked in such a way as to hinder access by the Fire Department.

They want to add a subsection B to the existing hedges and shrubbery section. The current standard is a three-foot clearance. The second change they are proposing would reflect the same standard for all streets in terms of tree trimming, and the reason for that is that large trucks go on both main streets and residential streets. The current height standard for residential areas is low enough that damage can be done to the trucks. The proposed change would make the standard on all streets 14 feet, which would apply to all streets. They chose 14 feet because that is the maximum height regulation for all trucks by State statute and City ordinance. Commissioner Ferguson asked if that would include avoid stop signs being covered up by trees, but Mr. Baker stated that is actually covered in a current ordinance. Commissioner Ledford asked if they are anticipating this being a major problem as it is something that could cost homeowners several hundred dollars and the 15 days for correction still applies. It is only a change of six inches from the current requirement for residential areas, and again it would make the requirement the same for all areas.

Mr. Baker went on to say that another section they would like to change is the accumulation of garbage ordinance, as the language is a bit vague. They want to clear that up by adding Subsection C, which would address the dumping of debris on a non-adjointing property, which would be illegal. The issue of trees and debris going from one yard to another is a civil matter. The fourth ordinance charge pertains to the use of public ways. A good chunk of the section is directed toward commercial activities, the display of merchandise and advertising signs. That is really more appropriate for code enforcement than it is patrol, and the change would allow them to enforce that.

Mayor Pro-Tem Lujan asked what Subsection D addresses, and Mr. Baker explained that all of the subsections address exceptions to the Ordinance.

Commissioner Brockett asked how close to a merchant's front door they could have a sidewalk sale, and Mr. Baker explained that, for instance, on New York Avenue the property line runs right at the edge of the building. They would have to get permission from the City Manager.

Commissioner Griggs asked if there is an ordinance or a position in the ordinance book that may deal with the clear sight triangle and being able to adjust the height of hedges for visibility purposes. Mr. Baker said that it is covered under the ordinance, and if it is a sight obstacle, they can address that.

Commissioner Cole made a motion to approve Ordinance No. 1332 for first publication. 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.

OTHER BUSINESS:

14. Appointment of a city elected official to serve on the Southeastern New Mexico Economic Development District (SNMEDD) Board.

Recommendation: Appoint a representative to the SNMEDD Board.

Mayor Brockett explained that the need is to appoint a representative to the Board. Former Mayor Carroll was the previous representative, and Mayor Brockett asked City Manager McCourt for his comments.

City Manager McCourt stated that an individual does have to be appointed by the Commission, and he stated that an item coming up on the next agenda is a considerable rate increase for dues from the organization. Commissioner Cole stated that in the past the mayor has filled that position.

Commissioner Cole made a motion to appoint Mayor Brockett as a representative to the SNMEDD board. Mayor Pro-tem Lujan asked if Mayor Brockett wanted to serve on that board. He agreed to. 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.

17. Appointments to Boards and Committees.

Mayor Brockett appointed Lisa Renken to the Community Development Advisory Board, and he outlined the other vacancies that currently exist, which include one on the Senior Volunteer Program's Advisory Council, one on the Airport Zoning Board and one on the Alamogordo Disability Council. One application has been submitted for the Public Library Board.

UNSCHEDULED COMMUNICATIONS:**A. City Manager McCourt**

City Manager McCourt reported that he did distribute the water supply update. The City is not in any trouble, but he wanted to keep them apprised of the situation.

He reminded the Commissioners, particularly Mayor Brockett, Mayor Pro-Tem Lujan and Commissioner Cole, that they have a joint solid waste meeting on Thursday evening. A van would be leaving from Alamogordo at 3:30. The meeting will be held at 6:00 at the Ruidoso Downs Senior Center.

Finally, City Manager McCourt stated that Ms. Keller has accepted a position with El Paso County and will be leaving the City. City Manager McCourt expressed that he is sorry to see her leave the City, but he is happy for her in that it is a wonderful opportunity. Her last day will be April 16th. Mrs. Elsie West will be the acting personnel manager.

B. Mayor Pro-Tem Lujan

Mayor Pro-Tem Lujan commented that the Saturday in the Park was a great success. He thanked the staff for all of their work.

EXECUTIVE SESSION: Recess into Executive Session to discuss purchase, acquisition, or disposal of real property (S. Florida Project). [Roll call vote required]

Mayor Pro-tem Lujan made a motion to go into Executive Session at 8:50 p.m. to discuss purchase, acquisition, or disposal of real property (S. Florida Project). Commissioner Ferguson seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

OPEN SESSION: Motion to go into open session.

Commissioner Cole made a motion to go back into open session at 9:10 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.

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 purchase, acquisition, or disposal of real property (S. Florida Project) as specified in the posting of the closed meeting.

Commissioner Griggs made a motion to approve authorizing staff to proceed with the condemnation of the property necessary for the South Florida Ave Reconstruction Project, construction maintenance easements 2, 5B, 7, 17, and the Right-of-way 7.

Commissioner Ferguson seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

ADJOURNMENT.

Mayor Pro-tem Lujan made a motion to adjourn at 9:12 p.m. Commissioner Ferguson seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

/s/ Steve Brockett

Mayor Steve Brockett

(SEAL)

ATTEST:

/s/Reneé L. Cantin

City Clerk Reneé L. Cantin

(Prepared by Ubiquis)

Approved at the Regular Meeting held on April 8, 2008.