

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
MAY 27, 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 Brockett called the meeting to order at 7:30 p.m., and the roll call was taken. Commissioner Cole was absent. The invocation was delivered by Pastor Vaden Gilloth, and the pledge of allegiance was led by Commissioner Ferguson.

Mayor Brockett noted the passing of former Commissioner Don Cooper, who had been very proactive as a volunteer and as a City Commissioner. Having known former Commissioner Cooper for over 20 years, Commissioner Ferguson stated that Commissioner Cooper's heart was in everything that he did, and he tried to do the best that he could for Alamogordo. He lived for Alamogordo and loved it. Commissioner Griggs had the opportunity to serve with Commissioner Cooper on the Commissioner for six years, and he described Commissioner Cooper as an advocate for the community.

PRESENTATIONS:

1. Presentation by Tom Springer regarding the Rails to Trails easement and approval to grant an easement.

Recommendation: Direct staff on how to proceed.

Tom Springer, president of the New Mexico Rails to Trails Association, stated that he was before the Commission seeking their approval for putting trails in eight parcels of land that are owned by the City of Alamogordo and to bring to the attention of the Commission two rights-of-way where they would like to locate their trail. Mr. Springer showed the locations of the parcels and provided maps showing the 68-mile loop of trail that they are working toward.

Mayor Brockett stated that three members of City staff had looked over the plan, and there were a couple of concerns, one of them being the Sacramento Prickly Poppy in the Fresno Canyon area. Mayor Brockett went on to say his recommendation was that the City should continue to work with the New Mexico Rails to Trails Organization to make the trail happen. He didn't know whether the pipeline easements would lend themselves to permit the trails or not. His understanding was that they are subject to different guidelines than normal easements. Mayor Brockett also brought up the close proximity of the trail to the shooting range and his concern regarding that.

City Manager McCourt stated that the City does support the trail, and it is in the comprehensive plan. They have some concerns regarding the security on the water system, and the shooting range is an old one. That same area, however, is planned for a large detection basin in the flood control projects. They will need to plan around those types of projects and plan in the security. City Manager McCourt then talked about the Sacramento Prickly Poppy, and he suggested that they need to proceed very cautiously in that area. Taking all of these things into consideration, City Manager McCourt believes they need to move forward. The easements that he reviewed clearly are not broad enough for a trail to be authorized, and so that will have to be secured from the underlying property owner. That said, they don't see a problem with the trail co-existing with the pipeline easement other than the concerns regarding the security of the system.

Mayor Pro-Tem Lujan asked what the total amount of City property will be used, and Mr. Springer said that he believes it's a total of 4.1 miles with an eight-foot corridor through the City-owned property. Mayor Pro-Tem Lujan expressed some concern regarding the use of the property and keeping them available for future property trades and other such things. Mr. Springer said that they are not expecting to do major construction, and the impact on the property should be minimal.

Mayor Brockett agreed that it is a worthwhile project.

Mayor Pro-tem Lujan moved to direct staff to move forward with this project.

Commissioner Ferguson seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

2. Presentation by Marc South, City Planner on the current status of the Draft Environmental Impact Statement for the Snake Tank project with the Bureau of Land Management & Senator Bingaman's office.

Recommendation: Direct staff to prepare letter to Sen. Bingaman's office in Las Cruces in reference to this project.

Marc South, City Planner, addressed the Commission, and at the time of their last presentation, they were expecting the Notice of Availability of the Draft EIS to be published in a reasonably timely manner. Since that time, when the draft EIS got to Washington, it was decided that the issue was of special interest to someone at the Department of the Interior. They also felt that particularly the discussion of the alternatives was too technical. The project has been kicked back to SWCA, the consultant, who is currently re-writing parts of it. SWCA has committed to having it to BLM in Las Cruces somewhere in the June 13th to June 20th period. BLM has committed that it will not only be to DC but the notice will be published in the federal registry roughly four weeks after that, which allowing for normal slippages of time should be about August 1st.

Senator Bingaman's office is more than willing to provide help to the City particularly once the document gets back into federal hands, which is once it is received by the BLM in Las Cruces. They have asked for a written request regarding their involvement from the City, and they have also asked for a written timeline of what has happened in the project as well as information concerning what parts of the financing for the project are in place and what parts still need to be put in place. They have the sense that the City may want to talk to them in the future about that. Mr. South said they are working on those documents, and that should be provided to the City to send to Senator Bingaman's office in a week or so.

Mayor Brockett asked if the comments from the Senator's office indicated that they should wait on further action until the review takes place, but Mr. South said that interfering with the process while SWCA is re-writing it would kind of be a waste and might actually slow the process down.

Commissioner Ledford asked if the special interest pertains to surface or sub-surface issues, but Mr. South did not know the nature of that special interest.

Commissioner Griggs asked if the guy at BLM that thought the information was too technical understood that it has taken them nearly five years to get it that technical, and Mr. South said that it was pointed out to him. Mr. South said that he clearly pointed out to them that the City Commission was not happy with the delays. Commissioner Griggs asked if they had involved anyone from Senator Domenici's office, but Mr. South said they had not involved them because they are not sure whether the clock may run out on Senator Domenici's office before they are at the point where the help they could provide would be worthwhile. Commissioner Griggs pointed out that Senator Domenici has been supportive of the project from the start and perhaps has less political risk at this point. If the timeline holds, Commissioner Griggs suggested involving both offices.

Commissioner Ledford asked what they are going to do if they go through a draught like they did four or five years ago. He thinks effort needs to be exerted to let them know the seriousness of the project. Mr. South said that they have made that effort, but water projects just are not at the top of the list.

Mayor Pro-tem Lujan made a motion to direct staff to prepare a letter to Senator Bingaman's office and Senator Domenici as well as Congressman Pearce in reference to this project. Commissioner Ferguson seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

CALL OF THE CONSENT CALENDAR:

MINUTES:

3. Minutes of May 5-8, 2008 Special Budget Meetings and May 13, 2008 Regular Meeting.

Recommendation: Approve the minutes.

ORDINANCES AND RESOLUTIONS:

5. Consider Resolution No. 2008-17 approving the Laws of 2008 for: (1) \$50,000 to renovate the COPE office, and (2) \$147,000 to renovate the Plaza Building/Museum.

Recommendation: Approve the resolution.

6. Consider approval of Resolution No. 2008-20, approving and accepting the New Mexico Department of Transportation (NMDOT) Capital Cooperative Agreement Certification Project No. TPE-5910(2); Control Number L2038 for the LaVelle Road Hiking and Biking Trail.

Recommendation: Approve the resolution.

7. Consider approval of Resolution No. 2008-21, approving and accepting the New Mexico Department of Transportation (NMDOT) Capital Cooperative Agreement Certification Project No. TPE-054-4(1)66; Control Number L2047 for the ADA compliant pedestrian facilities/pathway.

Recommendation: Approve the resolution.

8. Consider Resolution No. 2008-19 accepting a Capital Cooperative Project Agreement and Certification Project No. ST-5910(1); Control No. L2077, with the New Mexico Department of Transportation.

Recommendation: Approve the resolution.

OTHER BUSINESS:

11. Consider approval for a "Commercial Handicapped Parking Only" sign for 1119 Ohio.

Recommendation: Approve the placement of one sign at the above-listed property upon the applicant's payment of \$100 for the sign.

12. RFP 2007-016, Engineering Services for La Velle Road Reconstruction.

Recommendation: Award the RFP to Souder, Miller, & Associates.

13. IFB No. 2008-04, Breathing Air Module.

Recommendation: Award the IFB to L.N. Curtis & Sons in the amount of \$35,530.00.

14. RFP No. 2008-006, Fleet Preventative Maintenance/Lubrication Services.

Recommendation: Award to Master Tune, of Alamogordo, NM, for an estimated yearly total of \$4,500.00.

Commissioner Ledford moved to approve Items 3, 5, 6, 7, 8, 11, 12, 13, & 14 of the consent calendar. Mayor Pro-tem Lujan seconded the motion. A roll call was taken because of Items 5, 6, 7, & 8, and all voted "aye." The motion carried with a vote of 6-0-0.

PLANNING ITEMS:

4. Consider Ordinance # 1336 rezoning for 18 Alamogordo Drive to M-2, Industrial District, from R-1, Single Family Dwelling District, requested by JLM & Associates. [Case # Z-08-0680(A), located at the southeast & southwest corners of 1st Street and Charlie T Memorial Relief Route].

Recommendation: Approve the ordinance for first publication.

Mayor Brockett read the Item and explained that it is an issue for which the Planning and Zoning Commission recommended approval by a vote of 4-0 at their May 7th, 2008, meeting. The re-zone would include adjacent rights-of-way and the subject property's 61.681 acres. The Commissioner first approved an agreement for the acquisition of right-of-way for the extension of West First Street to the Relief Route as called for in the Master Plan and the commencement of construction for the west side water lines project on February 13th, 2007. No protest letters had been received.

City Manager McCourt explained that this was a case where they annexed in a large piece of property, and when they annex in property, it automatically comes in as a residential property. The re-zone is in line with the Comprehensive Plan for the development of that part of the City, and they would recommend moving forward.

Commissioner Griggs asked if it has always been listed as coming in as M-2, and that is the case.

Commissioner Ledford made a motion to approve Ordinance No. 1336 for first publication. Commissioner Griggs seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

OTHER BUSINESS:

9. Gettys Simon is requesting a waiver or reduction in the disconnection fee from the City Water System, 103 Texas Ave, Account # 12283-9076.

Recommendation: Deny the request.

Armando Ortega explained that this is a customer who is requesting special relief. They have Ordinance 1210 that requires that all customers pay at least the minimum distribution charges or the base rates. The customer feels that her mother was a taxpayer in the community for a long period of time, and her mother is incapable of taking care of herself now and is living with her brother. The customer had a very substantial leak. They brought in a plumber, but it was unsafe for them to go under the home and fix the leak. No one is going to live in the property, and they are going to put it up for sale. They are asking that the amount that they paid towards the leak be credited toward the disconnection charges of Ordinance 1210. Staff did inform the customer that if they had the leak fixed, the abatement program would give them a credit that could be used toward the disconnection of the service.

Commissioner Ledford asked if the cost occurred while the individual was living at the property, and they were not living there though they were paying for the water service and garbage charges as well. The customer has already paid the water bill, and the disconnect would be \$549 to disconnect from the City system. The credit would be roughly \$380. Commissioner Ledford stated that this is simply a policy that they do not have. The customer is also requesting that base rates be charged from the point that the customer's mom moved out of the house to current, which would remove the garbage charge. They paid \$10 per month.

Mayor Brockett asked when the family realized that there was a leak, and Mr. Ortega said that the brother had come in to talk to him in October of 2007. Commissioner Griggs didn't see where the City had any latitude, and Commissioner Ledford said that they have to fix the leak to get the credit. Mayor Brockett supported denying the request.

Mayor Pro-Tem Lujan asked if there was anything in the Ordinance they were missing by which they could address this issue, but Mr. Ortega said he thinks the Ordinance speaks for itself. The Ordinance was set up to help alleviate large bills, but they still put some responsibility on the customer. He thinks the Abatement Policy is a good policy and covers everything. Mayor Pro-Tem Lujan asked how the situation would affect the new owner if the property were sold, and Mr. Ortega said the City really couldn't get involved as the leak is on the personal property of the homeowner. The City's responsibility ends at the meter. City Manager McCourt said that perhaps what Mayor Pro-Tem Lujan was suggesting was that they flag the account. Mr. Ortega said that they could flag the account, and the meter reader would sit there when they turn the water on. If there is a problem, they will tell the customer there is a problem that has to be looked at.

City Attorney Stephen Thies said that it is the property owner's obligation to disclose the information regarding the leak. It is not the City's responsibility.

Commissioner Griggs made a motion to deny the request. Mayor Pro-tem Lujan seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

10. Update on the Mountain View Trailer Park.

Recommendation: None.

City Attorney Thies stated that since the last update for the criminal charges that were brought against the property owner, the appeal went from Municipal Court to District Court. A court trial was held the past winter, and the owner was convicted of four of the charges and acquitted on the other six charges. He was sentenced to a total of \$1,190 in fines and fees. In October of last year, the City cleaned up the property and incurred \$3,432 in costs. They filed a lien for the clean-up costs shortly thereafter, and at the beginning of the year, one of the lien holders that has a mortgage against the property started foreclosure proceedings on the property. The City filed its answer stating that it had a lien against the property and is entitled to be paid for the amount of the lien. The first lien holder also filed an answer stating that they're owed roughly \$51,000 on their lien. In addition, the property owners did not pay the property taxes for two years, and it is unlikely that they will pay for 2008. There is a considerable amount of money owed against that particular property. The urgency is that as the property sits unattended and nothing has happened in the foreclosure proceedings neither the first or second lien holder has pursued completing the process so they would acquire ownership of the property and the City would be responsible for taking care of it. It is also his understanding that because the property is not secured there may be vagrants and transients going onto the property. There was also a fire at one of the trailers a couple of weeks ago that was put out by the Department of Public Safety.

Mayor Brockett suggested that it would be wise to schedule the Item for Executive Session at the next meeting.

15. Appointments to Boards and Committees.

Mayor Brockett appointed Randall Hayes to the Alamogordo Promotions Board, and he asked the City Clerk to notify Mr. Hayes of that appointment. He read the other vacancies. Mayor Brockett indicated that he would like to meet with Kandra from the Daily News regarding the boards and committees.

UNSCHEDULED COMMUNICATIONS:

A. Doug Post and Lane Barrett

Doug Post stated that he is a candidate for State Representative for District 51 of Alamogordo. He also introduced Lane Barrett who is running for County Commissioner in District 3. They offered a working partnership relationship should their candidacies be fruitful in the upcoming elections.

B. Mark Reeves

Mark Reeves stated that he is one of the landowners on Ohio and understands that they have approved the placement of a handicap parking sign for a commercial business adjacent to his. He applauds the passing of that, but he is concerned about the placement of the sign. He proposed that the sign be placed in between the respective businesses adjacent to the area.

City Manager McCourt stated that it would be placed in front of the individual's property that has requested it and is paying for the cost of purchasing the sign.

C. Mr. McCourt commented on the following:

City Manager McCourt provided the water report and stated that assuming that they get a moderate rainy season, they should be all right. They are looking at getting well #5 re-drilled. They will make sure that it is available for use.

City Manager McCourt was planning to be on vacation the next week. Matt McNeile would be in charge.

He reminded the Commissioners that they have a joint meeting with Otero County the next day at 2:00 p.m. at the Willie Estrada Memorial Civic Center.

D. Mayor Brockett

Mayor Brockett explained that Dean Hunt contacted the New Mexico Department of Transportation concerning the severe bump on the overpass, and they are going to work on it in the next couple of weeks. He also stated that on June 3rd there would be a special meeting to discuss the road tax and the projects for the roads

Mayor Brockett also commended Commissioner Griggs with regard to the email about the existing property tax bond that would expire the next year. He had some items that he recommended they look at including the Library, tennis courts, and other areas. He would like to see staff move forward looking at some of the issues considering what Commissioner Griggs offered.

ADJOURNMENT

Mayor Pro-tem Lujan made a motion to adjourn at 8:35 p.m. Commissioner Ferguson seconded the motion. A vote was taken and all voted "aye." The motion carried with a vote of 6-0-0.

ADJOURNMENT.

/s/Steve Brockett

Mayor Steve Brockett

(SEAL)

ATTEST:

/s/Reneé L. Cantin

City Clerk Reneé L. Cantin

(Prepared by Ubiquis Reporting)

Approved at the Regular Meeting held on June 10, 2008.