

**CITY OF ALAMOGORDO, NEW MEXICO
JOINT CITY/COUNTY COMMISSION SPECIAL MEETING MINUTES
WILLIE ESTRADA MEMORIAL CIVIC CENTER, 800 E. 1ST STREET
WEDNESDAY, MAY 28TH, 2008
2:00 P.M.**

CITY COMMISSION:

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

COUNTY COMMISSION:

**CHAIRMAN DOUG MOORE
VICE CHAIRPERSON CLARISSA MCGINN
MEMBER MICHAEL NIVISON**

CALL MEETING TO ORDER AND ROLL CALL

The meeting was called to order at 2:04 p.m., and roll call was taken. For the City Commission, Mayor Pro-tem Lujan, Commissioner Griggs, Commissioner Ledford, and Commissioner Brewer were absent. For the County Commission, Member Nivison was absent.

1. Otero County Detention Center Fees.

Chairman Moore said that he had pledged that they would look at the fee that they are charging at year's end. They do have access now through the State legislature to some additional funding to offset some of the state prisoners, which are by and large the difficulties in years gone by in terms of them trying to keep the facility operational. Based on the analysis by the administrator of the Detention Center, while House Bill 316 did pass, the funding was limited. It had very little physical impact, and they have had a total yield of about \$60,000 gross, which wasn't dramatic enough to offset a large portion of their operational costs so that they could consider a lower rate. They do intend to pursue 100% funding in all years in the future. As soon as the funding becomes substantial enough, it could make a difference to their operation, and they would certainly consider a reduced rate for the City and other users.

Commissioner Cole asked if that meant that they continue on with what is in place at the moment, and that is the case. Chairman Moore said that it was not their intention to consider renewal of the contract at the meeting. It was the intent to discuss the potential for a lower rate. Clarification was provided by Chairman Moore in that the intent of the special meeting was to allow for discussion of common interests of the City and County, but no action was intended to be taken.

2. Dispatch Services.
a. Public Safety Answering Point.

Mayor Brockett explained that they have had a Joint Powers Agreement in effect for not quite a month. Chairman Moore provided background information for the Item and explained that the State has desired for about four or five years now consolidated emergency 911 answering points. When the issue first came up, it was to be able to afford through the funds that are provided via

phone bills the ability to have enhanced equipment that would be able to give a GPS location on a cell phone. That was going to require an upgrade of hardware as well as software. To that end, discussions have been taking place. For the first two or three years, that discussion focused on who was going to get the money, as both the City and County had been receiving funding for their operations. For a couple of years, they both vied for the funding, and what they began to see was an unfunded mandate. One of the real requirements was a consolidation of dispatch. The City dispatches all of their emergency services via their own facilities, and the County does likewise. Embracing the intent of the unfunded mandate would require substantial funding on the part of both the City and the County to construct a facility and equip it properly so that they could combine their efforts. As they looked at the possibilities of trying to comply with the request and as they evaluated the safety factor, they couldn't see how it was going to help. They were concerned particularly with regard to having a back-up system.

If the County's system goes down currently, it diverts all calls with the flip of a switch to the City, and they dispatch. It is the same for the City back to the County. With their new proposal and only one facility in the County, having a back-up system would be technically difficult, and they felt it would provide a reduced safety factor rather than enhancing it. They didn't show great interest in the consolidation. Finally, through a mediation process the City and the County have come to an agreement. They have executed a Joint Powers Agreement that they will embrace a single facility within the County, and one entity will support the other entity's equipment in terms of a back-up system and financially. They will intend to back up themselves, and in the Joint Powers it also says that they would entertain consideration of consolidation of dispatch if and when State funding becomes available. Chairman Moore said he is pleased with the Joint Powers Agreement. Both the City and the County worked hard on it, and they are awaiting the decision of the Department of Finance on the acceptance of the Joint Powers Agreement as a legal document. They also are waiting for their decision on the 911 grant funding to provide enhanced equipment.

Mayor Brockett stated that they have been in touch recently with DFA after they submitted the Joint Powers Agreement to them, and the discussions are ongoing. Chairman Moore said they have not really had any fruitful and lengthy discussions, but they do believe that those will take place in the not too distant future.

3. Discussion on Relief Route connector on First St.

Mayor Brockett explained that this was a Joint Powers Agreement between the City of Alamogordo and the County of Otero dated June 26th, 2007 as the project lies within the City of Alamogordo and within Otero County. They entered into a cooperative agreement with the New Mexico Department of Transportation by which the Department is participating in the cost of the property acquisition, design, engineering and construction of the West First Street realignment, which is a road connector for the Alamogordo relief route in Otero County. First Street from White Sands to the Relief Route does need some work, and Mayor Brockett asked City Manager McCourt to provide an update with regard to land acquisition and far-reaching plans to get it accomplished.

City Manager McCourt stated that they had finished the acquisition of the right-of-way that they need. They have received legislative help--both the City directly and the County. Since the City was coordinating the majority of it, the County was receptive to allowing them to also coordinate the use of the County's money. They are currently in the process of expending the moneys that they received, and that will be done before June 30th or the legislative grant will expire. City Manager McCourt was not sure of the County's expiration date. If they had longer, City Manager

McCourt said that they would prefer to use the money in actual construction during the next fiscal year. Chairman Moore said that it was his understanding that they did get an extension on the County's portion of the money. It will extend for an additional two years. City Manager McCourt said that it has taken them a bit longer than expected to finish securing the right-of-ways. That is complete, however, and they are almost ready to construct.

4. Subdivision Ordinance Consolidation.

Chairman Moore explained that as most folks in the subdivision or planning and zoning environment are aware, the City and County have overlapping jurisdictions. The City has an extraterritorial zone that extends quite some distance outside the City limits, and the City has the ability and the authority to review any subdivision that comes up in that extraterritorial zone even though it lies in the County and outside the City Limits. The County also has to review those subdivisions for compliance with the County ordinance.

Chairman Moore said that perhaps they should look at their two subdivision ordinances because the County's recognition of land masses is drastically different than that of the City. In the extraterritorial zone it is difficult to apply both ordinances because one or the other won't fit. Chairman Moore stated that he knows that the purpose of having the ETZ is that ultimately as the City grows those subdivisions and properties will come inside the City limits. The desire is that they have appropriate fire protection and those kinds of things, which will help the City facilitate the fire ratings that are needed in the City.

Mayor Brockett asked if the County had just passed a new subdivision Ordinance, which they had, and Chairman Moore said that it had been about a two-year process. City Manager McCourt said that he thinks it is a good idea to take a look at these things, and he explained that it is further complicated by the City's utility extension area, which encompasses areas that are more prone to be annexed into the City in the short-term future versus the long-term. City Manager McCourt explained how the City has tried to address related issues by granting variances to the subdivision requirements with a provision that the subdividers exercise a Waiver of Protest Contract. The theory is that if at a future date those areas became annexed into the City and if the improvements in the area were to be upgraded, an improvement district would be set up within that area. The property owners in the immediate area would pay for the costs of bringing that infrastructure in on par with the rest of the City and the bill for that would not be passed on to other taxpayers in the City that have already paid it when they bought their house. The recommendation to review the ordinances in tandem has real merit.

Chairman Moore indicated that the Building and Contractors' Association was heavily involved in the re-writing of their subdivision, and they may be a common ground that can be used. Certainly, the City and County would want their input.

5. Joint Water Plan.

Chairman Moore stated that they have a forty-year water plan, and they are probably twenty years into that. The County is not as heavily involved in water issues as the City in that the County does not have a water right. There has been some discussion that perhaps the County should look at the water plan and revise it, and there are several entities within the basin that keep up with these kinds of projects. Chairman Moore was hopeful that in the future they could join their efforts so that when water plans are developed, they have pretty much the same plan.

Mayor Brockett said that he thought it was a great idea for them to work together. City Manager

McCourt said that the City's latest update to their water plan was done in November of 2006. He believed that the City has provided copies to the County of updates that the City has done. The City has also participated jointly with the County and other entities in the regional water plan, which is up for discussion in terms of getting it updated. City Manager McCourt said that he would anticipate that both the City and County would be participating in the review and discussion of that document. From the staff's standpoint, City Manager McCourt said that they would not be looking for an update to the City's water plan until after the 2010 census when they would have definitive population figures that would be put in. They certainly anticipate reviewing the City's water plan every five years.

Mayor Brockett said that perhaps with the City and County working together, they could address the water plan issues a bit more easily. It is his hope that they could continue to look at things in a joint effort.

Chairman Moore said that seeing the process that the City has been through with regard to the water plan has brought the issue to the forefront for him. There were a couple of times that the County was considered to be adversarial to the City's well field, and the County provided some comments that were not well-received by the City. If the County and City could agree to method, methodology and science and then proceed down those lines so that if they need to count on one another or validate future plans, they could start from the place that they were in agreement.

Mayor Brockett said that it is very important that they be good neighbors to each other.

Commissioner Cole asked what they look at to have a plan of cooperation between both government agencies, as Alamogordo is more urban whereas the County is going to be more rural. Chairman Moore made the point that while the two commissions may not always agree, if they could come to agree on the method and methodology, they could work toward the point of having water plans that say the same thing. It's all the same landmass, and it's all the same amount of water. Mayor Brockett said that to him it is a position of continuity and using the same standards. It is not necessarily agreeing on individual issues.

6. Water Development Plans.

Item number six was addressed under item number five.

7. Development of Bypass Route.

Chairman Moore explained that at some point in years gone by there was a plan to build a loop that would integrate part of the bypass, part of Martin Luther King and connect into Scenic by the tanks. He asked if that was still a viable plan.

City Manager McCourt stated that Wright Ave is what is used commonly though Martin Luther King would be the name of the road that would be located parallel to and south of Wright Avenue. It would tie into where the City business park is, and there is a section of road that continues out to the Otero County Detention facility. The plan is to loop that up to 70. The original planning had been to continue that same road eastward across the tracks. There is some money under GRIP-2 to continue Martin Luther King to the east. At this point the City is planning on tying it into South Florida. There is a plan on the books to continue that further east all the way up to connect into South Scenic near the Alamo Tanks are where the terminal end of South Scenic is now. City Manager McCourt went on to say that it is becoming increasingly difficult to see how the City would be able to accomplish the connection from the south end of

South Scenic down to the South Florida and Martin Luther King intersection because of development activities that have occurred through that area and not reserving the right-of-ways during the approval process for those development activities.

Mayor Brockett asked if that is not feasible if they would be looking at South Florida to Panorama and then east to Scenic, and City Manager McCourt said they could go up Ocotillo, though that would be a difficult process also as there is very limited right-of-way to develop that into the size of road that would be appropriate to carry the volume of traffic. The longer-term plan would be a route from 54 to 70, which would take a significant volume of traffic that comes from Holloman and bring it into the lower southern portion of the City, which would relieve the strain as it comes off of 70 now and on to White Sands Boulevard. There is also a longer-term plan that is not in the City plan at this time that when Martin Luther King reaches 70 that route will then continue in a northerly direction paralleling the existing relief route ending up north of where the relief route ties back into 70.

Mayor Brockett asked how far along the planning is for the route between 54 and 70, and City Manager McCourt said that the City has the right-of-way between 54 and Airport Road. It then doesn't have sufficient right-of-way up to 70. The major landowner had spoken with City Manager McCourt regarding the price for acquiring that right-of-way, and the City does not have the money to do that at this particular time. Nor does the City have any money to do additional construction other than what is in GRIP-2. They are hopeful that the GRIP-2 funds will be sufficient to finish the connection from 54 extending Martin Luther King eastward to South Florida and extending South Florida southward to complete that particular leg.

Commissioner Cole asked if it is the extension of Martin Luther King west or further south, and City Manager McCourt said that when Martin Luther King crosses 54 it would turn slightly to the south and then turn back due west. City Manager McCourt then explained the route up to the Detention Center. They had envisioned the road being a bit further to the south, and when the railroad built their site there, they located it further north than anticipated. The City then had to realign where Martin Luther King was going to go.

Chairman Moore said that if there is something they can do to move the process forward, they would be happy to entertain doing so, particularly if that is building small pieces that they think they could get built between the highway at the jail and developing that one-fourth of the loop.

8. Flood Control Projects/Updates.

City Manager McCourt explained that the City is a member of FEMA Flood Control, and there are areas in the City that have been mapped for the 100-year flood. The City has been working with the Corps of Engineers since the late fifties to develop a plan on how to address flooding situations in the City of Alamogordo. The ultimate plan that was decided on and approved by the City Commission in 1998 involved basically a three-tier project. One of the tiers is a south channel that catches the water from Marble Canyon and Goat Springs and transmits it through concrete channels and a large detention basin near the Mountainview School. It then continues west until it exits the City limits west of Lavelle Road. It then spread out in the natural flow pattern. That leg of the project is nearly completed. The second phase will be what's called the McKinnley Channel, and City Manager McCourt described the route of that channel. The third major phase involves a detention basin being built north of the City in the well field area where the City owns quite a bit of land, which would collect the flows coming out of Dry and Demon Canyons. The flows would then be released at a controlled rate.

Commissioner Cole said that phase one is supposed to be completed in December of 2008. There is some question on how soon the McKinnley Channel will be bid out because the City doesn't have the plans and therefore doesn't know how much right-of-way has to be acquired. The City has most of the right-of-way, but there are still a few small areas where the channel makes turns that have to be addressed.

Chairman Moore said that there has been some discussion that some of the County residents west of Alamogordo on the receiving end of all the water that is being funneled through town. There has also been a lot of discussion about the culverts when they did the bypass in terms of being inappropriately sized or inappropriately positioned such that the historic flow path has moved. Chairman Moore said that based on some of the flooding that they have seen in the county especially in areas adjacent to cities and villages, they have requested that the Corps of Engineers help them look at six canyons and/or drainages to help them evaluate the natural occurring drainage that they have, what the abilities are, how minimally they could go in and enhance the naturally occurring ditches and arroyos to try and facilitate and enhance the flow a little bit in addition to helping the County understand the dynamics of long-term projects like the City has entered into where the County has larger populations and more private property developing. He wanted to let the City know that they are looking at those areas and starting to move forward. They would appreciate the involvement of the City in that process. The County has also bounced around the idea of whether they should create a drainage board or flood commission. They are resistant of more government, but they are also concerned for the well being of the citizens and their private property.

Mayor Brockett asked about the work that is being done on either side of Tularosa, and Vice Chairperson McGinn said that right now the State is doing some work on some of the bridge culvert areas. They have done some work going north toward Tularosa to divert the water from going across the highway. The County also has had some flooding incidents in similar areas along Riata Road. This October they are going to start with the first bridge culvert along one of the arroyo paths as well.

Commissioner Cole asked if there is going to be a detention pond somewhere around Alamo Canyon, and City Manager McCourt said that in the plan of the Corps of Engineers there is no detention pond south of Alamogordo. The detention pond they have is the one by the middle school, and there is another one planned north of Alamogordo. The City of Alamogordo does not have a master drainage plan. It has been working to fund it, and while there are lots of things the City would like to be able to do it is always a question of being able to afford to do them. There are some plans to do some drainage control around Martin Luther King and Hamilton Avenue. There are also some smaller detention ponds around town and detention areas that they have been working to develop to hopefully alleviate some of the downstream affects of storms. That also affects the area west of town where the canal goes out between Canal Street and Indian Wells. There are some long-range plans to develop some more detention ponds in that particular area to try and capture those flows and then slow the release through that part of town and ultimately diminish the impact outside of the town where it flows also. City Manager McCourt said that it is the same with the Alamo Canyon flows that are coming down the channel that crosses Hamilton very close to Martin Luther King. They are hoping to develop some sort of detention basin in that area to capture those and then to control the release and flows further downstream. That will only affect a small portion of the flows that come from Alamo Canyon.

Commissioner Cole asked a related question regarding how the water tends to flow out of Alamo Canyon by South Scenic. Chairman Moore said that there used to be three channels. One went northwest. One went straight west, and the other one went southwest. Now, the bulk of the feed

is going to the south. Mayor Brockett asked if anyone has looked at what they might be able to do to slow down the flow, and City Manager McCourt said from the City's standpoint they have developed some detention basins in the area behind Panorama. City Manager McCourt explained some of the flows by showing appropriate maps.

Chairman Moore stated that part of their energy has been to focus on where the biggest threat is to life, health and property, and what they have seen out of Alamo Canyon is that it's a flash event that is huge and devastating. The County needs to look a little harder at some of the drainage issues though they are not all in agreement as to how to do that. Another consideration is whether levies should be implemented to help address the situation.

Mayor Brockett took the opportunity to welcome Tim Smith as the new county manager. Mayor Brockett also stated that it sounded like there is a spirit of cooperation that they have needed to have between the County and City Commissions. He would like to see more joint meetings and he is committed to keeping the door of communication open, particularly as many things they are doing will affect kids and grandkids in the future. Chairman Moore said that there is enough common ground and enough commonality in the issues that they should focus on the areas they can get along. Some of the other areas may follow along.

Mr. Doug Post commended and applauded the commission members for having the meeting. As a candidate for State representative for District 51, which is in Alamogordo, he hopes they will continue joint dialog in the future in an effort to build consensus. Mr. Post encouraged them to look for other sources of water and to jointly work on those projects with the flood control as well.

ADJOURNMENT.

Chairman Moore made a motion to adjourn at 3:17 p.m. Commissioner Cole seconded the motion. A vote was taken, and all voted "aye." The motion carried by a vote of 5-0-0.

Mayor Steve Brockett

Chairman Doug Moore

ATTEST:

ATTEST:

City Clerk Reneé L. Cantin

County Clerk Robyn Holmes

(SEAL)

(SEAL)

(Prepared by Ubiquis Reporting)
Approved at Regular City Commission meeting held on June 10, 2008.