

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
JUNE 9, 2009**

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

**COMMISSIONER - VACANT
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 p.m. Roll Call was taken by the City Clerk. Invocation by Commissioner Cole. The Pledge of Allegiance was led by Commissioner Griggs.

Mayor Brockett noted the Passing of Christopher Kurth of Alamogordo; he was an Army Specialist who died last week in Iraq of wounds suffered when an anti-tank grenade hit his vehicle. Christopher was a 2005 graduate of Academy Del Sol High School of Alamogordo and is survived by his wife Robin and family members in our community. Last week marked the 65th Anniversary of the D Day Landing, where American soldiers gave their lives fighting to reserve our rights to speak freely, assemble and govern through a democratic process that insures a freedom not found in other parts of the world; as was the case of many of those young men who died on the beaches of Normandy. Christopher, who he knew personally, was only a few years removed from High School, yet was willing to give the ultimate sacrifice to his country in order to preserve the ideals of freedom. This City Commission and our entire community, offer to the Kurth family our deepest sympathies and our sincerest condolences.

Staff requested to withdraw item # 12.

CALL OF THE CONSENT CALENDAR: [Roll Call Vote Required – 6, 7, & 8]
Items on the Consent Calendar are considered routine and should not require further discussion. All items marked "CC" will be approved by a single motion unless removed at the request of a Commissioner, City staff, or a member of the public. Items removed from the Consent Calendar will be heard in the numbered sequence.

CALL OF THE CONSENT CALENDAR: Items #3, 4, 6, 7, 8, 10, 11, & 14.

Items # 8, 10 & 11 were removed from the consent calendar.

MINUTES:

CC 3. Minutes of May 26, 2009 Regular Meeting and May 18-19, 2009 Budget workshops.

Recommendation: Approve the minutes.

CONTRACTS AND AGREEMENTS:

CC 4. Approval of an application for participation in the Officer Down Memorial Grant Program.

Recommendation: Approve the application.

ORDINANCES AND RESOLUTIONS:

CC 6. Consider Resolution No. 2009-26 supporting the New Mexico Department of Tourism

Litter Control and Beautification grant for Keep Alamogordo Beautiful (KAB).

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

- CC 7. Consider Resolution No. 2009-27 authorizing publication of a notice of sale of \$7,420,000 City of Alamogordo, New Mexico General Obligation Bonds, Series 2009.

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

OTHER BUSINESS:

- CC 14. Statement regarding the Executive Session of May 26, 2009.

Recommendation: Approve the statement.

Commissioner Ledford moved to approve items #3, 4, 6, 7, & 14 of the consent calendar. Mayor Pro-tem Lujan seconded the motion. Roll call was taken for items #6 & 7. Motion carried with a vote of 6-0-0.

PUBLIC HEARINGS:

1. Public hearing to consider a temporary structure special permit for Vision Ford Lincoln Mercury Inc. from July 16 to July 21, 2009. [(SP-2009-0125(A)) at Lowes Pay-N-Save, 675 E. 10th St.]

Recommendation: Approve the special permit from July 16 to July 21, 2009, with the finding that it will not be detrimental to surrounding properties.

Mayor Brockett read the agenda item, no discussion washeld.

Mayor Pro-tem Lujan moved to approve the special permit from July 16 to July 21, 2009, with the finding that it will not be detrimental to surrounding properties. Commissioner Ferguson seconded the motion. Motion carried with a vote of 6-0-0.

2. Public hearing to consider a temporary structure special permit for Vision Ford Lincoln Mercury Inc. from August 6 to August 11, 2009. [SP-2009-0126(A) at White Sands Mall, 3199 N. White Sands Boulevard]

Recommendation: Approve the special permit from August 6 to August 11, 2009, with the finding that it will not be detrimental to surrounding properties.

Mayor Brockett read the agenda item, no discussion was held.

Commissioner Ferguson moved to approve the special permit from August 6 to August 11, 2009, with the finding that it will not be detrimental to surrounding properties. Mayor Pro-tem Lujan seconded the motion. Motion carried with a vote of 6-0-0.

ORDINANCES AND RESOLUTIONS:

5. Consider Resolution No. 2009-22 accepting grant agreement 09-9697 from Children Youth and Families Division for improvements at the domestic violence shelter.

Recommendation: COPE requests approval and acceptance of the grant. Staff recommends approval based on the condition that COPE agrees to pay a 15% administrative fee. Approve the resolution. [Roll call vote required]

Mayor Brockett read the item and introduced Ms. Sheila Harrison and said that it appears with this letter that you do not have any problems that the City would bill COPE on an hourly basis for cost incurred with a maximum of up to 15 percent of a total capital improvement grant amount of \$135,769, is that correct?

Sheila Harrison, Board President of COPE said yes, it would be billed hourly at minimal pay and has been approved by our board for the City to be the Fiscal Agent and we will pay accordingly.

Commissioner Cole moved to approve Resolution No. 2009-22 based on the condition that COPE agrees to pay a 15% administrative fee. Commissioner Ferguson seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-0-0.

8. Consider Resolution No. 2009-28 supplementing Ordinance No. 1356 which authorized the execution and delivery of a loan agreement by and between the city and NMFA in the maximum principal amount of \$5,520,673 for street infrastructure projects.

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

Sam Gill from Modrall, Sperling and Erik Harrigan from RBC Capital Markets were present to answer any questions the Commission may have.

Mr. Gill said that we originally came to the Commission with a Loan Ordinance. The NMFA has come up with the final numbers for the sale of the loan. Basically where we are right now is we have the final numbers we will adopt the supplemental resolution tonight which essentially sets the final numbers and we will have the closing approximately June 18th in which time we will enter with the loan agreement with the NMFA.

Mr. Harrigan announced back last year the city looked at financing these bonds through either negotiated sale with underwriters or private placement through the New Mexico Finance Authority based upon the submittals that were provided at the time the private placement through the New Mexico Finance Authority was the best alternative for the City and we went down that route. At that time, the all inclusive cost, what we call the true City's borrowing cost is about 4.79 percent. The final results, the rate are 4.41 percent which is better than we expected, so we were pleased with the results. The sale resolution that is before you is finalizing and putting the par amounts, the principal amounts and the other information that was in the resolution that you approved earlier this month.

Commissioner Cole asked Brian Cesar, Public Works Director, that document setting on the desk in the Commission Office, the streets that are listed in there, is this related to that? Brian Cesar, Public Works Director replied this is the first half of the money that we are going to be requesting to do the 2008 projects, the street portion of it, the ADA compliance, the curb and gutter work, the alley aprons and eventually the paving.

Commissioner Cole asked is that 100 percent of those listed in that document.

Brian Cesar, Public Works Director replied that there is still one outstanding street that we still need to have designed and that is Hamilton Road and that will come in the second half of the monies that he believed the Finance Department will be going after in Fiscal Year 10. Interim City Manager, Matt McNeile confirmed this.

Commissioner Cole asked Commissioner Griggs if he is incorrect, he thought Hamilton Road had a higher priority than that.

Commissioner Griggs replied to Commissioner Cole, that he thinks that some on the things that occurred with Hamilton Road, there is a water line for the base that is near the street, and there may be some right-of-way acquisition. He thinks what has happened is the Hamilton is not quite ready to proceed with and the others were. That was the plan that was presented by staff and the way staff went. Hamilton to him is still an extremely important piece in the puzzle and we need to work towards getting it done, but there are issues with it that some of these others don't have that allows us to move forward on them where we couldn't move forward on Hamilton.

Mayor Brockett asked Mark Threadgill when they arrived at this, because it was news to him too. The reason he is asking is because he thought our highest priority was Hamilton.

Mark Threadgill addressed the Commission, the staff presented a list of 13 streets, there were several meetings and the decision was made at that time to do the bulk of the streets and give them right-of-way because the money was going to be split pretty much between the 13 streets and Hamilton. We were going to get the biggest bang for the buck right out of the gate by doing the 13 streets that we had on the drawing board already and Hamilton would come on with the second round of funding out of the 2008 streets gross receipts tax.

Brian Cesar, Public Works Director said the other consideration that we had at the time, was South Florida from Panorama to Desert Lakes was already under construction. We planned to have this money available much earlier and because of what is going on in the world right now financially, it took much longer to secure this money. We couldn't isolate the Golf Course area and have Florida closed and Hamilton at the same time. Since we were coming in with two separate pots of money, it was the decision of the Commission at that time to put the majority of it out on the street and come back and hit Hamilton on the second phase.

Commissioner Cole moved to approve Resolution No. 2009-28 supplementing Ordinance No. 1356 which authorized the execution and delivery of a loan agreement by and between the city and NMFA in the maximum principal amount of \$5,520,673 for street infrastructure projects. Mayor Pro-tem Lujan seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-0-0.

OTHER BUSINESS:

9. Request from Renee Sena regarding a request for a water bill adjustment.

Recommendation: Deny the request.

Katie Josselyn, Utility Billing Supervisor, stated that the Sena experience is a pretty typical leak that comes through our department on a regular basis. However, there was a large amount of water that occurred with their leak. According to their letter and the invoices that they provided, the entire line from the street to their house was replaced. We did make one adjustment to their account. The leak occurred over two billing periods. We were able to make one adjustment for them; however the second adjustment is over the \$1,000 threshold that our office is approved to process without Commission approval.

Mayor Brockett said that on this particular item, there was one leak and it seemed like it was spread over two billing periods. Ms. Josselyn confirmed this.

Ms. Sena said what brought this to our attention, is that we received a door tag notice that said the meter reading was high. Immediately we called Lane Plumbing and asked them to come out and look at the situation and they did find a large water leak under the driveway next to the garage. We did have it repaired immediately. The bill did run into two billing cycles. After our adjustment, we received our second water bill and are requesting a second adjustment. We have been a customer since 2005 and have never have paid the bill late or had any problems at all. There is a payment history attached for your review.

Mayor Brockett stated that this does require Commission approval before being processed.

Commissioner Ledford stated that we were allowed to do it because of two billing cycles. As the Mayor said, we had a smaller leak abatement applied for the month before and this is where most of the leak abatement is occurring.

Katie Josselyn verified the largest amount occurred in the second billing.

Commissioner Ledford continued by saying that he didn't think this is unusual at all. He thought it had come before us because it is over the \$1,000 amount and he had no problem with the adjustment.

Commissioner Ledford moved to approve the adjustment. Mayor Pro-tem Lujan seconded the motion.

Commissioner Griggs said that the recommendation of Staff is to deny the request. He believed Staff is saying that because it exceeds their authority.

Ms. Josselyn confirmed this saying that is the typical thing that our office does if it is outside of our scope, it is our recommendation. In our opinion this is a typical request, had it not gone over the threshold, we would have processed it.

Commissioner Griggs went on to say that maybe he should have gone over these before or recognized it before, but it looks to him that if Staff supports the abatement, maybe that is what Staff needs to say. We support the abatement although we don't have the authority to grant it.

Ms. Josselyn stated that in fact she and the City Clerk have had that discussion on a number of occasions recently and we have been contemplating how we should handle that. From what she understood, the direction was from the prior City Clerk for one reason or another, but it would probably be a good idea for us to discuss that a little more.

Commissioner Griggs said that he thinks that it would be a good idea to do that instead of just saying deny because you obviously think it is doable and you think it should be done. You don't really want to deny it, other than the fact that it is out of your authority.

Motion carried with a vote of 6-0-0.

10. Approval of Change Order No. 3, for PW Bid No. 2008-007, US Hwy 70 Pedestrian Pathway.

Recommendation: Approve the change order and close out the project.

Commissioner Ferguson pulled this item for discussion.

Mark Threadgill, Community Development Director said this is the third change order and the final to close out the project. As you can see it is a decrease in the contracted amount, the project came \$15,372 under contract and five days ahead of schedule. We have to close out the project contract and return the funding to the funding sources and make reports to the appropriate entity and this takes care of all of that. Commissioner Ferguson said he is glad to hear that we finally have a Change Order that actually saves the City some money.

**Commissioner Ferguson moved to approve the change order.
Mayor Pro-tem Lujan seconded the motion. Motion carried with a vote of 6-0-0.**

- CC 11. Award of Public Works Bid 2009-006, FY2009 Street Maintenance Project.

Recommendation: Award the bid to General Hydronics, Inc. in an amount of \$3,693,951.70, including NMGRT.

Mayor Brockett called the attention to the change in the amount on the agenda and agenda report.

Commissioner Ferguson moved to award the bid as presented. Commissioner Cole seconded the motion. Motion carried with a vote of 6-0-0.

12. Consider additional 2004 / 2008 GRT streets and water projects.

Recommendation: Approve the projects.

Withdrawn.

13. Request by Commissioner Ferguson to change the time of the Commission meetings and request to have Unscheduled Communications at the beginning of one meeting each month.

Recommendation: Approve time of Commission meetings and whether to change the Unscheduled Communications.

Mayor Brockett stated that we did have this discussion once before brought up by Mayor Pro-tem Lujan, and said that he would let Commissioner Ferguson tell his thoughts on it.

Commissioner Ferguson said that Staff did some checking for him and found out that Otero County, they have their meeting at 6 o'clock and they have very good attendance. Their Work Sessions are at 6 and they have an average of 20 attendees, which is more than what we have at our meetings. Las Cruces does theirs at 1 o'clock in the afternoon, which is also televised and is standing room only. Quarterly they do it at 5 o'clock and it is good depending on the topics, of course they are a larger city. The School Board had theirs at 6 o'clock but we did not get a response from them. He was thinking that we are up here to serve the public; this is not for our benefit just because we might have to work late or something like this, these meetings are for the public to come and see what we are doing for them. If somebody wants to come listen to us, he doesn't think they should have to wait until 7:30 or 8 o'clock at night. We could start at 6 or 6:30 whatever the Commission would like and get this over with and not have to stay until 1 or 2 o'clock in the morning. Also, he had talked about having unscheduled communications on either the first or second meeting of the month at the beginning, but limit it to ten minutes. We could still have a regular unscheduled at the end, so if someone had more that they need to say that will last longer than ten minutes, they can avail themselves to that. We are here to serve the people and he thinks this will make it much easier and we might get some more people to come because we are here early enough so that they can get over here. They may wait until 7:30 and then say their favorite show is coming on TV and say they are not going to come to the Commission Meeting because they are not going to stay till 10 or 11 o'clock at night to find out what is going on. Donald Yee has it streamed on the internet but there are a lot of people who don't have that and don't know about it, and he hopes that more and more people are looking at it. He hopes that he is getting a lot of hits. He would still like to request that the Commission seriously consider starting earlier because there is no reason for us to start at 7:30, there is absolutely no reason to start this late. He doesn't know why, he guessed that is just the way it was, but don't see any reason for us to and would like to make a motion for us to change the time.

Mayor Brockett asked if Commissioner Ferguson was making a motion before they got a chance to discuss it and asked to discuss it before a motion was made. Mayor Brockett said he is not sure he would have run for City Commission if he had to be there at 6 o'clock, or 1 o'clock or 5 o'clock. It is difficult for him because he does work for a living and we are a volunteer governing body. By this he meant that they don't get paid except for two meetings each month. We are here to serve the public; he thinks each Commissioner has to answer, for them selves, whether they feel like they are doing the best job that they can in terms of serving the public. 7:30 is a time that, he is not tied to it, but as

it turns out, it is a good time for him personally, so he would continue to support 7:30. Maybe way back when, he wasn't here when it happened, maybe they decided to come up with a time that was good for everybody. Yes, the County does do their meetings at 6 and he had been to some meetings where they do have good attendance, but he had also been to some meetings that have been not very well attended. He had been to meetings here where they have had people out in the hallway and next door, that have had to listen to what is going on, and we have had crowds like what we have here tonight and he would like to thank everyone for being here. 7:30 is what has worked best for him. He thinks two of us up here are employed, one goes to college, and we have three that don't work. That is a good diverse cross section of the City. In order to get candidates to come in, he doesn't think you should limit them to a time when it would be difficult for them to take off work early, because not everyone who runs for City Commission owns their own business. Not everyone works in town, some people have to leave town to work as was the case with Former Mayor Carroll. In regard to unscheduled communications, many of the unscheduled communications that we have had, the only one he could think of that happened earlier this year, is a request for a clarification of an item that we discussed earlier that evening. He thinks the unscheduled should be at the end because we do have people that do request scheduled communications in order to, for example two weeks ago we had a lady who was here, she spoke to us and she requested to go on the agenda. If we had other people speak before her, to me, he thinks that might put an end to people who do request a specific time to speak to the Commission and be put on the agenda. Those are his thoughts, he would just assume keep the unscheduled at the end of the meeting.

Commissioner Griggs said he has been on the Commission since 1999 and the Commission has always met at 7:30, that does not necessarily make it the right thing to do or the wrong thing to do, but it is what the Commission has done. The Commission, from what he had been able to find out, has actually met at 7:30 since prior to 1982. It is certainly a substantial change if indeed we were to go to a different time. He thinks when you look at some of the others, you look at the County, there might be reasons why they have theirs at 6 pm, they have numerous people from across the County which takes them hours to potentially to get Alamogordo, so it is helpful for those people to be able to be there and still get home in some sort of a reasonable hour. They used to meet, when we owned the Title Company, at 10 in the morning because they had meetings at that point and time and they found out that was good for the people who had businesses and not necessarily for any body else, so they attempted to change their meetings and did. As Mayor Brockett mentioned, there are a lot of people who might not be able to run for Commission if meetings were during the day. Las Cruces, the last time he checked, paid their Commissioners somewhere between \$9,000 and \$10,000, so they may, if they had a business, be able to take time off from that business because your income was supplemented. He doesn't know that, but we have a challenge, it seems, to get people to run for City Commission. This particular election that we have coming up, we do have three candidates, which hasn't been the norm and may be a good sign. At least two of those gentlemen own businesses or work for a living and earlier in the day might be extremely difficult for them. Without an overwhelming reason to change the time, he couldn't support that. He doesn't see that that would really be a benefit to you, the Commissioners or to the public. As far as having unscheduled at the front of the meeting, in talking to Former Mayor Carroll, he indicated that they did have those at one time and that it was a difficult situation to manage so they moved them to the end. If an individual really does want to address the Commission, they have the perfect right to get on the agenda and do so. While he does appreciate you bringing these up so that we can at least talk about them and let the public understand what we are thinking, he couldn't support either one.

Commissioner Ferguson said he disagreed with you all. He thinks that having the meetings earlier doesn't mean that it has to be 6 o'clock, that is the time that Otero County, Las Cruces and APS does theirs. he just believes that if we did have them earlier, we would get more attendance and more people coming to our meetings and that is what we are here for. We represent our whole City and we also represent each district. If someone can't get off and make it here by 6:30, maybe they should not run for public office. If they want to make the commitment to run for public office, whether they get paid anything or not, they are doing it as a service to help the citizens and trying to make the City work. He would like to get the most participation from the City as he can.

Commissioner Ferguson moved to approve changing the time of the City Commission meetings to 6:30 p.m. Mayor Pro-tem Lujan seconded the motion. Motion failed with a vote of 2-4-0. Mayor Brockett, Commissioner Griggs, Commissioner Cole, & Commissioner Ledford voted nay.

Mayor Brockett said he thinks that things like this do need to be brought up from time to time. There were originally four, three candidates for the District 3 City Commission, they may have thought twice about running, because he knows that when he ran he had Commissioner Griggs and Commissioner Ledford tell him that you have two meetings every month and they start at 7:30, but they didn't tell him about all the other ones, but that's alright, they probably forgot when they were talking to him. It is just for him personally he thinks 7:30 is reasonable. He looked at the Town Hall meetings, we've had some at 7 with good turn out and bad turn out, some at 6 with poor turn out and good turn out and some at 5.

15. Appointments to Boards and Committees.

Mayor Brockett did not appoint anyone at this time.

SCHEDULED COMMUNICATIONS FROM THE CITY COMMISSION:

16. Request from Commissioner Cole to discuss special circumstances relating to disconnection from city services.

Commissioner Cole said that there is a lady who lives at 1819 Constant who called him to talk about a situation that she was facing and he did not realize at the time that it was the case, our policy with the City. He talked with City Staff and they researched it to a degree and told him that it was and he did not realize it was also the case; it is not to take anything away from Staff, because they did their job. This lady is an elderly lady and is moving to Texas to live with her daughter because of her age and health. The mobile home on her property, she is giving it away and the property will be cleaned up and be cleared. As she was getting ready to move, she found out she either would have to pay for maintenance of the lines for two years which would be approximately \$600 rounded off or have the can removed which again would be about \$600. He asked her, let him talk to the Commission and Staff and he thinks what she understood and what he found out is the case. The reason he asked for it to be under Unscheduled Communication, he just wanted the Commission to be aware of what is happening in this particular time. She is not asking for it to be changed, she is just moving and clearing the property and didn't think she needed to pay for water or the line maintenance for two years.

Mark Threadgill said about two weeks ago Commissioner Cole called about a constituent that had called him and had apparently been through the Water Billing Department on a disconnect from City services. At that time she was informed that it was 24 months of base rate or approximately \$600 to disconnect from the City's water system. At that time Commissioner Cole called, he was not aware of that requirement but he told Commissioner Cole that he would look into it and give the lady a call and he did. We do have an ordinance on the books, Ordinance 1210 passed by the Commission in 2004 requires a disconnect fee once you totally cease using City water and sewer. This was discussed during two meetings in 2004 and finally passed in July 2004, Commissioner Cole, Ledford and Griggs were on the Commission at that time and supported the ordinance. There was much discussion on whether this should be an up front fee, when you connect to the City services, or a back end fee, when you disconnect from City services. The primary rationale to the fee is that the City has to maintain those services to all the properties within the City. Whether you using the service or not, that waterline still runs out in front of your property and the water line has to be maintained, replaced when it leaks, the water had to flow through the lines; whether you use it or not, there is an ongoing maintenance to the system. That is what this fee is all about, whether you pay up front, as a new user or are leaving and totally disconnecting from City services. He called Commissioner Cole after he did his research, then he called the lady back and explained to her what the situation was and read her the ordinance and basically told her that her options at that time were to pay the fee up

front to have the services disconnected, pay the base service fee of 24 months, or she could call her Commissioner back and see what he could do about it. He guess she did and that is where we are right now. There was much discussion in 2004 on whether this should be a front end or a back end charge and how much that should be.

Mayor Brockett asked if she was explained all of that, the supporting on the infrastructure. Mark Threadgill confirmed this. Mayor Brockett continued by saying that because if she is not a part of supporting the infrastructure, as he understands that ordinance, the rest of us will take that burden on. Someone would have to pay for that.

Commissioner Griggs said Mark you did mention that she could continue to pay the monthly base fee. He wanted to ask you as well as Commissioner Cole; since she is moving the mobile home off the lot does she intend to sell the lot? Mark Threadgill confirmed this. Commissioner Griggs said potentially she could pay the monthly fee for two months and sell the property and be done with it.

Mark Threadgill said that he did point that out to her when he spoke to her.

Commissioner Cole said he pointed that out to her also, that this will not support what she is asking; there are lots that have been for sale 6 months. She mentioned the conditions, the weeds and the trash. He is just a part of the variable trying to help her out. Her thought is when she leaves; it probably will not sell for a lengthy period of time. She has already moved she is gone; he told her that he would bring it to the Commission and explain her circumstances and get back with her. That is why he put it under unscheduled communication just to make sure he speaks on her behalf and make sure the Commission is aware that other people are moving under these conditions.

Mayor Brockett said that this is a question that he was asked about a year and a half ago and he did this and gave it back. Some people understand it and accept it and some people just feel like "they are not on the property and don't use the water, why should I have to pay it?" He think one you explain to them the infrastructure and maintenance support they all seem to come around and understand that.

Commissioner Cole said that she was fair; she was not irritated with staff. She just wanted him to know about it and he did not realize it until he was asked this question.

Armando Ortega, Customer Service Manager, said that our staff is approached with this situation several times a year. Our staff is well aware of Ordinance 1210. We have to intelligently explain it to different customers several times a year. The Utility Billing and the Finance Staff is aware of how the ordinance works and what its purpose is. He will remind you of Getty Simons, she came to us from First Street and we had to take care of her situation the exact same way.

UNSCHEDULED COMMUNICATIONS:

A. Robert Rentschler commented on the following:

1) He knows that sometimes we discuss water issues and parks issues. There is one park in my district which is the median on Juniper. The people, who built or bought their property, were asked to give up some of their property for a park. City Attorney Thies replied you can get the information from the County Clerk's office and he agreed to find that information. Mr. Rentscher also asked about putting the effluent line in the intersections on Juniper.

Mayor Brockett said on item #12 one of the things we were looking at was adding projects.

Brian Cesar, Public Works Director said right now the 2008 GRT Street Maintenance project we have a water line from Washington all the way to Scenic that will be replaced. He gave a bit of detail on the projects that will be presented.

Mayor Brockett asked about a park on Washington across from Oregon Elementary and also a little

area off of Panorama, how are those addressed.

Brian Cesar, Public Works Director responded all of the parks you see that are green are watered with effluent water.

Mr. Rentschler said very good that's what he wanted to hear.

B. Commissioner Ferguson commented on the following:

1) He asked earlier about us checking into impact fees. Matt McNeile replied we are studying them and it will take time to look at other cities.

C. Mr. McNeile commented on the following:

- 1) Water report.
- 2) He invited Edward Misquez to address the Commission.

He announced the union has reached an agreement with the City of Alamogordo and he extended his appreciation to the city. It wasn't an easy process, but we managed to save jobs.

D. Mayor commented on the following:

1) Thanked Carol Henry and Mrs. Cash who were Masters of Ceremonies for this last weeks pageant.

EXECUTIVE SESSION: Adjourn into Executive Session to discuss threatened or pending litigation (Oasis Mobile Home Park); and purchase or acquisition of water rights (Sheffield & SW New Mexico Water Association offers).

Mayor Pro-tem Lujan moved to adjourn into executive session at 8:30 p.m. to discuss threatened or pending litigation (Oasis Mobile Home Park); and purchase or acquisition of water rights (Sheffield & SW New Mexico Water Association offers). Commissioner Ferguson seconded the motion. Roll call vote was taken. Motion carried with a vote of 6-0-0.

ADJOURNMENT.

/s/Mayor Steve Brockett

Mayor Steve Brockett

(SEAL)

ATTEST:

/s/ Reneé L. Cantin

City Clerk Reneé L. Cantin

(Prepared by Marsha D. Brady)

Approved at the Regular Meeting held on June 22, 2009.