

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
SEPTEMBER 23, 2008**

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

**COMMISSIONER ERIC BREWER
COMMISSIONER JOE FERGUSON
ACTING CITY MANAGER SAM TRUJILLO
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 roll call was taken. The invocation was given by Pastor Richard Hicks, and the Pledge of Allegiance was led by Acting City Manager Sam Trujillo.

Mayor Brockett stated that he had attended a ceremony in the home of Mr. and Mrs. Ed Dittmer. Mr. Dittmer came to Alamogordo in 1956 with the United States Air Force, and he was instrumental in man's early research into space flight. He also is known worldwide for having trained six astro-chimps including the first chimpanzees to travel into space in 1961 aboard the Mercury capsule. In addition, Mr. Dittmer was one of the first Americans to perform parabolic flights over Holloman Air Force Base and White Sands Missile Range in the 1950s, a now commonplace event, which gives astronauts their first real experience of the lack of gravity. Mr. Dittmer's work with chimpanzees was predated by his work on Project Man High during the fifties, which put the first three Americans into near space in gondolas lifted aloft by balloons resulting in Colonel Kittinger making a record altitude jump from 102,800 to prove an astronaut could survive a high-altitude ejection. Mr. Dittmer served his country for three decades in World War II, Korea and Vietnam, and it began in 1942 when he was part of the First Cavalry Division stationed at Fort Bliss, the military's last horse cavalry. He subsequently enlisted in the Army Air Corps in 1946 and served in the Military Advisory Group in Saigon, South Vietnam in 1963 where he trained South Vietnamese medics and flew pilot rescue missions into enemy territory. He was shot down and successfully made his way back to friendly territory. Mr. Dittmer retired in 1973, and September 24th, 2008, is Mr. Dittmer's 90th birthday. Mayor Brockett stated that it would be recognized as Ed Dittmer Day in Alamogordo, New Mexico. He wished for people to know that Alamogordo's Ed Dittmer played a pivotal role in opening the hatch for space travel, the moon landing, and the space shuttle.

Mayor Brockett also recognized the presence at the meeting of Hubert Quintana from the Southeastern NM Economic Development District.

PRESENTATION:

1. Presentation of certificate of appreciation to DPS Officer Hiram Latin from United States Department of Justice Drug Enforcement Administration.

Mayor Brockett explained that the United States Department of Justice Drug Enforcement Administration wanted to express their appreciation to Officer Latin for his outstanding contributions to the Las Cruces office in the investigation of a drug-trafficking organization, which was responsible for the transportation and distribution of more than 80 tons of marijuana throughout the United States in a three-year period. The DEA noted that Officer Latin displayed exceptional skill in developing a routine traffic stop in the City of Alamogordo, which led to two felony drug arrests and seizure of more than 390 pounds of marijuana. The arrest was also tied to the drug trafficking organization that ultimately led to individuals being charged federally as part of a continuing criminal enterprise. The DEA recognized Officer Latin with a plaque and certificate of appreciation.

Acting City Manager/DPS Director Sam Trujillo read a letter from the United States Department of Justice, the Drug Enforcement Administration, Special Agent in Charge John Riley. He then presented the plaque and certificate to Officer Hiram Latin. Additional certificates were presented to Officer Latin for the Meritorious Duty Award; Narcotics Agent Steve Guthrie and Narcotics Commander Mike Mirabal both received the Grand Cordon Award for the recent 6 months drug undercover operation resulting in 72 felony charges and 26 defendants arrested.

PUBLIC HEARINGS:

2. Public hearing to consider a temporary structure special permit for Vision Ford Lincoln Mercury Inc. from November 25, 2008 to December 2, 2008. [SP-2008-0122(A) at White Sands Mall, 3199 N. White Sands Boulevard]

Recommendation: Approve the special permit from November 25, 2008 to December 2, 2008, with the finding that it will not be detrimental to surrounding properties.

Mayor Brockett read the item and the recommendation. There were no comments.

Commissioner Cole made a motion to approve the special permit from November 25, 2008 to December 2, 2008, with the finding that it would not be detrimental to surrounding properties. Commissioner Brewer 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 September 9, 2008 Regular Meeting.

Recommendation: Approve the minutes.

CONTRACTS AND AGREEMENTS:

6. Consider approval of a contract between the City of Alamogordo and the Otero Preventative Action Toward Health (PATH), fiscal agent for the Otero Walkability Advocacy Group (OWAG) to oversee the development of the Safe Routes to Schools Action Plan for Sacramento Elementary School.

Recommendation: Approve the contract.

7. Approval of contract with Zia Therapy Center for public transportation services.

Recommendation: Approve the contract.

ORDINANCES AND RESOLUTIONS:

10. Consider Resolution No. 2008-36 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 September 23, 2008.

Recommendation: Approve the resolution.

11. Consider Resolution No. 2008-38 adopting a revised Infrastructure Capital Improvement Plan (ICIP) for Fiscal Years 2010 - 2014.

Recommendation: Approve the resolution.

12. Consider Resolution No. 2008-39 approving an application for a loan through the New Mexico Finance Authority (NMFA) for the purchase of a Fire Truck.

Recommendation: Approve the resolution.

OTHER BUSINESS:

15. Public Works Bid No. 2008-003, Replacement of La Luz Wells No. 3 and No. 5.

Recommendation: Award the bid to Severn Trent in the amount of \$1,099,187.66, including NMGRT.

16. IFB 2008-08, Miscellaneous Foods/Dairy Products, and Items for ASC.

Recommendation: Award to Prices Creameries, eight (8) items for an estimated total of \$11,346.10. Award to Ben E. Keith, sixty (60) items for an estimated total of \$17,210.81. Award to U.S. Foods, fifty (50) items for an estimated total of \$25,697.32. Award to Shamrock, one hundred seventy-three (173) items for an estimated total of \$35,863.80. Award to Zanos, Forty-nine (49) items for an estimated total of \$19,169.43. (*Bid amount estimated total of \$109,287.46 is based on bid quantities).

SCHEDULED COMMUNICATIONS:

18. Statement regarding the Executive Session of September 9, 2008.

Recommendation: Approve the statement.

Commissioner Ledford made a motion to approve items 3, 6, 7, 10, 11, 12, 15, 16, and 18 of the Consent Calendar. Commissioner Ferguson seconded the motion. A roll call was taken because of items 10, 11, and 12, and all voted "aye." The motion carried with a vote of 7-0-0.

PLANNING ITEMS:

4. Public hearing to consider reducing the required front setback of 25 feet to 20 feet (5 feet Variance) for The Heritage Group LLC. [Case # V-08-0525(A), located at the northwest corner of Mesa Verde Ranch Road and Red Arroyo Drive (901 through 1093 Chicory Drive)].

Recommendation: Approve the front yard setback variance.

Mayor Brockett explained that the Planning and Zoning Commission recommended approval of this variance by a vote of 5-0 at their September 3rd, 2008, regular meeting, and this type of variance, which is a change of 5 feet from a setback of 25 to 20 feet, has been previously requested for other recently approved subdivisions and represents, according to staff, a change in good planning practices.

Mr. Marc South, City Planner, stated that it is consistent with what will be seen in the near future in the rewrite of the overall Zoning Code where they will recommend shifting the minimum front setback from 25 to 20 feet. Mr. South explained where the property was and stated that even if they weren't planning on making that change in general, in this particular case the setback would be 20-feet with additional front yard area across the street.

Commission Cole asked if the green area would be up to the City to maintain, but it would be maintained by Mesa Verde.

Commissioner Cole made a motion to approve item four. Commissioner Griggs seconded the motion. A vote was taken and all voted "aye." The motion carried with a vote of 7-0-0.

5. Consider Ordinance # 1343 rezoning for Part of 481 Michel Street to MH-1, Manufactured Housing Subdivision District, from MH-2., Manufactured Housing Park District, requested by John L. & Kristine C. Fambrough. [Case # Z-08-0686(A), located at the southwest corner of US Highway 54 and Michel Street]

Recommendation: Planning & Zoning Commission recommends approving the ordinance for first publication.

Mr. South showed where the area in question is.

Commissioner Ferguson made a motion to approve the ordinance for first publication. Commissioner Griggs seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

8. Consider Ordinance No. 1344 authorizing the execution and delivery of a loan agreement and intercept agreement by and between the City of Alamogordo, New Mexico and the New Mexico Finance Authority for street capital projects in the principal amount of \$7,425,000, pledged by the state shared GRT.

Recommendation: Approve the ordinance for first publication.

City Attorney Thies explained that this particular loan proposal was slated to go before the New Mexico Finance Agency Board of Directors, which is the board that makes the decision on the loan agreement. Given all of the economic turmoil of late that meeting has been scheduled, and they have rescheduled the consideration of the loan until late in October. There is still some uncertainty as to what the specific terms would be, and there is always the possibility that if the economic situation doesn't improve they would not proceed. There is going to be at least a one-month delay before the money would be available to start the construction project. The Commission could still approve the Ordinance for first publication, and it would come back before them at either the last Commission meeting in October or the first meeting in November, at which time they should have some more detailed information.

Commissioner Cole asked if this would affect the scope of the program, and City Attorney Thies said that the New Mexico Finance Authority may elect not to issue any bonds until things stabilize. They may not issue bonds for a number of months, and they would then be unable to complete that particular program. They may also go ahead in a month and issue bonds though the rates may not be as favorable. It is really uncertain until they meet in a month. The terms would be presented when it comes back before the Commission.

Commissioner Ferguson made a motion to approve the Ordinance 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.

9. Consider Ordinance No. 1345 authorizing the execution and delivery of a loan agreement and intercept agreement by and between the City of Alamogordo, New Mexico and the New Mexico Finance Authority for flood control capital projects in the principal amount of \$3,995,000, pledged by the 1984 Municipal ¼% GRT.

Recommendation: Approve the ordinance for first publication.

City Attorney Thies explained that the New Mexico Finance Authority was willing to go forward with this particular loan. It's under \$5 million, which apparently was the cut-off where they were deciding to put loan applications on hold versus proceeding forward. The loan interest rate of 4.821% has been proposed.

Commissioner Cole stated that he thought financing had already been approved at earlier meetings. City Attorney Thies said that the general concepts had been discussed, and he suggested that Mr. Threadgill provide information on the arrangements between the City of Alamogordo and the federal government.

Community Development Director Threadgill stated that the project had been approved, and the amount of matching funds that would be required was approved. This is the mechanism by which they get the cash in hand from the New Mexico Finance Authority to put into the escrow account that is required by the Corps of Engineers so that they can continue with the project. The City will draw the interest off the account, and the Corps will draw the principal off to pay for the work that is being done. The agreement for the Corps project has remained the same throughout.

Commissioner Cole made a motion to approve the Ordinance for first publication. Commissioner Griggs seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

13. Consider Resolution No. 2008-40 in support of Ruidoso Downs Race Track and Casino staying in its current location and receiving equal statutory treatment.

Recommendation: Approve the resolution.

Acting City Manager Trujillo pointed out that the Resolution has been requested by the private property owner of the Ruidoso Downs Race Track, and it's basically asking for tax parity with Indian Gaming. There has been some effort to move this racetrack to the Las Cruces area, and Acting City Manager Trujillo explained that there will be multiple entities involved--the State, the Hubbard Group, Ruidoso Downs and Indian Gaming. This request is being sought by one of those entities, and he doesn't have information from any of the other entities that would be involved in the request.

Mayor Brockett stated that his understanding when he was contacted was that the Village of Ruidoso Downs was asking for this, but it was Mr. Hubbard who was asking for it. He would at least like to have input from Ruidoso Downs. There are also other groups involved from whom the Commission may want to get input before action is taken.

Commissioner Ledford stated that they need more information. The problem he has with it is that the Resolution is asking for parity with tribal casino regulation fees, and he is not sure he supports it in that the tribal casinos are charged at a lesser rate than the racetrack casinos and there is a reason for that. It seems to him that it may not be fair to the tribal casinos. Economically, if he had a lesser fee to pay and he gets more business that means less business at the tribal casino. He doesn't know how they stand on it. Additionally, this is a private enterprise, and Commissioner Ledford was not particularly excited about the City getting involved in rates between the casino and the State of New Mexico and taking a position on that especially when there are tribal casinos that are involved in the same county that have done a lot for the community as well.

Commissioner Ferguson said that if it was the City of Ruidoso Downs that was asking for it, then it would be a bit different as opposed to a private individual asking for it. He doesn't think, however, that the tribal casinos should get a better deal than anybody else as far as what they have to pay.

Mayor Pro-Tem Lujan asked whose recommendation it was to approve the Resolution, and Acting City Manager Trujillo stated that the Resolution agenda packet was submitted by Maureen Schmittle. Mayor Pro-Tem Lujan agreed that it would be different if it were Ruidoso Downs asking for the Resolution, but he underscored Commissioner Ledford's point in that he doesn't want to make a statement that Ruidoso Downs is somehow more important than Las Cruces. Even with more information, he didn't see how he could approve it or support it.

Commissioner Brewer directed a comment to Commissioner Ferguson in that if individuals read their history, they will know that Indians have not gotten a better deal than anyone else.

Commissioner Cole made a motion to deny Resolution No. 2008-40 in support of Ruidoso Downs Race Track and Casino staying in its current location and receiving equal statutory treatment. Mayor Pro-tem Lujan seconded the motion. A roll call vote was taken, and Commissioner Ferguson voted "nay." The motion carried with a vote of 6-1-0.

OTHER BUSINESS:

14. Contract with an Executive Search Firm to Coordinate the City Manager Recruitment.

Recommendation: Provide direction to staff.

Mayor Brockett explained that staff had been directed to contact firms that specialize in executive recruiting to submit proposals to coordinate the recruitment, and the City has received four responses. Mayor Brockett read the names of those firms. He went on to say that the city manager's position became vacant on July 15, 2008, and the recruitment of a new city manager can be contracted out to an executive recruiting firm. The commission approved a budget revision in the amount of \$40,000 at the July 22nd, 2008, regular City Commission meeting to contract for services with an executive recruiting firm and provide travel expenses for potential candidates. The Commission needs to select an executive search firm.

Commissioner Pro-Tem Lujan asked what staff member was handling it, and Acting City Manager Matt McNeile had contacted the firms and gotten the proposals from them. City Attorney Thies stated that he was not sure who in addition to him may have reviewed the proposals and made any recommendations. Commissioner Pro-Tem Lujan then asked if contact has been made with the firms to get any additional information. If a firm is selected, a contract would be prepared and sent to the company for their review. Once an agreement is reached on the language, that contract would come back before the Commission, but there is no real time limit on that process. Mayor Pro-Tem Lujan said that there was no way that all of their questions about a company that they would have do this search were answered in the packets that were sent. He wanted to know what the follow-up was, and City Attorney Thies said that there is nothing that would prevent the Commission from calling one or more of the companies into a meeting to question them at that time.

Commissioner Cole said that he understood that they would be as a Commission selecting one of the firms after which a contract would be drawn up based on input from the Commissioners. City Attorney Thies said that if they would tell him any particular terms they wanted in the contract, he would include those, but otherwise he would take a basic executive search firm contract and modify it as he deemed appropriate. Commissioner Cole's suggestion was selecting the Mercer Group and seeing if they could get a contract with that group.

Commissioner Ferguson asked if there was another company that had said they would meet anybody else's price. He didn't know what the differences in the firms were. Mayor Brockett stated that they each have different pluses and minuses.

Commissioner Ledford said that everybody had received copies of the proposals, and everybody had looked at them and talked about them. His understanding was that there were some

questions and issues that they wanted to make sure that the selected recruiting firm addressed, which could probably be done in the context of the agreement with the company. That hasn't been done yet, but an RFP was sent, responses were received, and they have been looked at. He agreed with Commissioner Cole in recommending the Mercer Group, but he emphasized that the Commission needs to ensure that their questions and concerns are addressed in the contract that is drawn up.

Mayor Brockett asked if they sent a list of questions and concerns that they wanted addressed by the firms if that would be likely to change their proposals, and City Attorney Thies said that they may come back stating that they had not anticipated those things and they want to re-negotiate. The Commission would have to wait and see.

Commissioner Ledford stated that no matter who does the recruiting, they need to address the issues that are specific to Alamogordo, and the best way to do that is to let the firm know what the citizens are looking for, which is what has been done in the two-page document that Commissioner Ledford put together. The recruiting firm simply needs to understand the issues, and they then need to propose candidates for the Commission to interview knowing that those are some of the questions that will be asked or addressed.

Mayor Pro-Tem Lujan stated that those questions are going to be asked no matter what firm they utilize, but his concern had to do with the fact that the recruitment process they are looking for may be different than what the firms are used to in that they may have to go a little beyond standard procedure. Mayor Pro-Tem Lujan wanted to know if they were aware of that. He wanted to know if they would have to go back out on bid if the selected firm changed its proposal based on a clearer understanding of what the City was looking for. City Attorney Thies said they would have a right to select any of the other three because in that case it would simply mean that they could not reach a contractual agreement.

Commissioner Griggs stated that what the Commission gives the firm in terms of questions really only assists them in doing the best job in selecting the most appropriate candidate. He wouldn't be surprised if the next step after a firm has been selected and a contract sent would be for them to come and talk to the Commission.

Commissioner Griggs made a motion to approve selecting the Mercer Group, Inc. Commissioner Cole seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

SCHEDULED COMMUNICATIONS:

17. Request by Jim Randall regarding the flooding at the Oasis Trailer Park.

Recommendation: Decline to take any action.

Mayor Brockett explained that in their packets the commissioners received a lengthy explanation of the opinion of the research of this and some of the history behind it as well as some of the recommendations. Mr. Randall had initially appeared before the Commission in June.

City Attorney Thies corrected the agenda report in that the culverts were installed in 1997 and not in 1999.

Mr. Jim Randall stated that every time there is flooding there is about two inches of mud on their property. The City approved putting in the culverts that created the problem, and he has bills since then showing that he has spent \$46,642. That is wrong, and he thinks it is against the law in New Mexico to turn water on anybody.

Mayor Brockett asked if this had ever been brought before the Commission in the past, and he asked what their reaction was. Mr. Randall said that up until this year he couldn't even get help cleaning it up. Now, the City is cleaning it up and cleaning the ditches. The road is like a dirt road now, and he can't keep anything clean. They have some serious problems. Mayor Brockett asked City Attorney Thies if the Commission would have to demand that the owner of the trailer park pull the culverts but the City could not replace them. City Attorney Thies said that was correct because if the City corrects it that would be correcting a problem that benefits a private property owner. The reason for installing the culverts was to allow the owner to expand his trailer park to the east side of the drainage ditch. It's a private project. It's not a public property, and it should be the private property owner's money that is utilized to fix the problem. The City could order the owner to pull out the culverts because there is no permanent agreement that gives him any right to maintain those culverts. It would revoke his permission to install the culverts in the public easement.

Commissioner Ledford pointed out that the culvert gets plugged, and the trailer park property owner has damage also. The City could recommend that the trailer park owner put in a box culvert or keep it cleaned out himself. The problem is in a flood the mud and other debris plugs the culverts, and they don't do their job. It may, however, cost \$50,000 to \$100,000 to fix it the way it needs to be fixed, and it is a private property issue. The City allowed him to put that culvert in because that design technically should have handled the flooding, which it doesn't when there is a massive rain. They need to give the property owner his options to fix his problem.

Mr. Buddy Sanford addressed the Commission and stated that he has lived out on North Florida for over forty years, and somebody has gone in, either the City or the County, and diverted water by the water tanks and turned all of that water. There is not a culvert big enough to take care of it. It's a three or four-foot culvert and a ten or fifteen-foot arroyo. Water then comes down Florida and on Fairgrounds Road there is the same situation. Water has also been diverted down behind the City shops also, and it comes out on 25th Street down Florida. The City needs to take a look at it.

Mayor Brockett asked if the City goes in and takes the culvert out if there is a risk of the City getting stuck with putting something back in. City Attorney Thies said he couldn't say for sure. The property owner could take the City to court, and the judge may order the City to do something. It was his opinion, however, that there wouldn't be a legal basis to require the City to correct the problem. Mayor Brockett suggested that they need to contact the property owner and perhaps have the affected property owners present to see if something could be worked out. He recommended that be done before the Commission takes any action.

Mr. Randall said that if they take the culverts out, the next thing the City needs to do is box 24th Street because it is just as bad.

Mayor Pro-Tem Lujan apologized to Mr. Randall in that at the last meeting when he appeared before the Commission he had stated that he didn't think the water was coming from there and he was wrong. He went on an hour-long tour, and there were two or three different roadblocks following the trail of the creek coming down. Mayor Pro-Tem Lujan said that he thinks if the water could be diverted up higher, not so much would come through there to begin with. Even if the culverts are taken out, there is still going to be flooding because of 24th and Fairgrounds.

Commissioner Ledford asked if the City is looking into having another engineering study done to address these types of issues. Mr. Mark Threadgill stated that the Dry Canyon Drainage Master Plan would be done sometime late in October, which does encompass the property that was being discussed. It should give them a better idea of what the proper cure would be. Whether the City would be able to afford to make the corrections is another question, but they would have a better idea of what that would be. Mr. Threadgill said that many options would be presented when that plan was complete. Commissioner Ledford stated that he doesn't want to come back to the Commission and just babble about it without having some work done on addressing the problem in the meantime.

Acting City Manager Trujillo commented that it was his understanding that the City could not fix the culverts. They can only order the property owner to fix them. City Attorney Thies said that was his advice. Ultimately, if the City sat down with the property owner and he was told that the likely outcome was that the Commission would order him to remove the culverts and he balked, the City could do it. That proposal could be brought before the Commission.

Commissioner Brockett said that they needed to start by setting up some meetings.

Commissioner Cole asked if the plan that Mr. Threadgill had referred to was part of the Flood Control Project, and it is not. It is independent of the Flood Control Project and has separate funding. The City funded the Master Plan Drainage Study, and the City will have a better idea of what needs to be done and what it can afford to have done to address the situation.

Commissioner Griggs stated that the north part of the Flood Control Project initially was to come down Red Arroyo primarily, and water was to dump in from various sources to Red Arroyo. The residents from the County became concerned about that and petitioned the Commission. The Commission then discussed it with the Corps of Engineers who went back to Senator Domenici to change the design of the Flood Control Project so that instead of being a channel it would be a detention basin out of Dry Canyon to catch the water and then let it go in controlled flooding. Supposedly, that's where the Flood Control Project on the northern end of town stands. This particular study addresses where the water goes now and what could be done in the meantime to take care of things until that is ready to do the job that its designed to do. A lot of this would have been avoided had the citizens of Alamogordo approved the big ditch plan years ago, which didn't occur. The big distinction between 24th and Fairgrounds and the problem that Mr. Randall has is that Fairgrounds and 24th are City streets and Mr. Randall's problem has to do with a private roadway. Ultimately, the City is going to be served by the Flood Control Plan on the north side and the detention basin.

The final phase of the Flood Control Project will be the retention pond for Dry Canyon. That is basically going to retain the water and then in a controlled manner allow it to flow. There is still, however, a large area of watershed that won't be behind that detention pond that still has to be taken care of and controlled.

19. Appointments to Boards and Committees.

Mayor Brockett appointed Robert Joseph Andreoli to the Airport Advisory Board and Tammie Reynolds, Connie Higgs, and Grant Dalpes to the Parks & Recreation Board,

Mayor Brockett asked if the clerk would notify the individuals.

UNSCHEDULED COMMUNICATIONS:

A. Commissioner Cole

With regard to the Flood Control Project, a couple of weekends ago Commissioner Cole went to the homes of four different families and talked with them. The problem that has come up is that water is running east and west from the foothills over to Canyon Rd, which then goes on to White Sands, in rains like they have had recently. The trailer courts on First Street are receiving that run off, Desert Palms and the area west. There is a considerable amount of water running on the north side of the ditch through the trailer parks. The Flood Control Project is great, and the contractors have been doing a great job. There are, however, problems developing because of water on the outside of the ditches running into the trailer parks.

Mayor Brockett stated that it was his understanding that Dean has been ill, but he suggested that Commissioner Cole address those issues with him.

B. Commissioner Ferguson

Commissioner Ferguson went to Las Cruces and visited with the head of the Energy Department at New Mexico State who deals with solar and desalinization plants. They had a nice discussion, and he will put a report together for the Commission.

C. Acting City Manager Sam Trujillo

Acting City Manager Trujillo thanked the Commission for recognizing their officers, and he highlighted that according to the water report they are at 90.9% of capacity, which is a 0.1% increase from where they were at this time last year. The overall outlook for the fall is good, but they will continue to monitor the situation and report to the Commission.

D. Mayor Brockett

Mayor Brockett thanked Hubert Quintana for attending the Commission meeting. In addition, as a result of recent discussions between the owner of Marietta Biscuits and the Alamogordo City Attorney, Mayor Brockett pointed out that the first payment was made in advance so that the City does not have an obligation to pay them additional monies this year. Assuming they meet their job creation obligations next year, they would then get a payment of \$100,000.

ADJOURNMENT

Mayor Pro-tem Lujan made a motion to adjourn at 8:55 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 Reporting)
Approved at the Regular Meeting held on October 14, 2008.*