

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
DECEMBER 18, 2007**

**MAYOR DON CARROLL
MAYOR PRO-TEM RON GRIGGS
COMMISSIONER INEZ MONCADA
COMMISSIONER ED COLE
COMMISSIONER MARION LEDFORD**

**COMMISSIONER CHRIS LUJAN
COMMISSIONER STEVE BROCKETT
CITY MANAGER PAT McCOURT
CITY ATTORNEY WILLIAM BROGAN
CITY CLERK RENEE CANTIN**

CALL MEETING TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE

Mayor Don Carroll called the meeting to order at 7:30 p.m. Roll call was taken, and Mayor Pro-Tem Ron Griggs was absent. The invocation was given by Pastor Richard Hicks, and the pledge of allegiance was led by Commissioner Brockett.

PRESENTATIONS:

1. Presentation by Cathy Harper on the Spaceport Authority Committee Meeting.

Ms. Harper stated that she had supplied the members of the Commission with her complete report in their packets, but she asked that they take particular note of the economic impact of the Holloman Air and Space Expo. She stated that the continued partnership will prove to be invaluable to the community as a whole, and she believes that it is important for the Commission to support it in all ways.

Next, Ms. Harper stated that the New Mexico Spaceport formal resolution supporting the Spaceport Welcome Center in Hatch was well received. The fact that the Museum of Space History will be involved in the project will bring additional exposure to the Tularosa Basin as the birthplace of space.

Dona Ana County, which has already passed the gross receipts tax, will not be collecting the tax as originally intended this upcoming January because the legislation states that the spaceport district must be formed first. New Mexico Attorney General Gary King reviewed the Regional Spaceport District Act, and it was his finding that the district must be formed first so that there is an entity to which the proceeds of the tax can be allocated. Furthermore, imposition of the tax is not a condition of the creation of the district. Sierra County is moving forward in regards to putting the spaceport GRT on their ballot, and Ms. Harper believed that April 8th is what they are looking at although the attorney general's findings may influence them to form the district first. According to the RSD Act a county or a municipality may join with another governmental entity to form that district.

The New Mexico Spaceport Authority has requested that the Commission place their organization on a City Commission agenda in the near future so that the new spaceport authority executive director may be introduced and also give a presentation to the commission on the progress of the spaceport. Ms. Harper stated that it would be her pleasure to tell the Spaceport Authority that the Commission has agreed to do so.

Lastly, as the parent of four children, all of whom have left the community in search of better opportunity, Ms. Harper encouraged the Commission to thoroughly investigate and consider any possibilities that may present a brighter future for the children from Alamogordo right at home.

Mayor Carroll expressed his appreciation for Ms. Harper's service on the advisory committee, and he stated that the Commission would be more than happy to hear a presentation from the new executive director. He suggested that they work with the City Clerk to pick a meeting time, as the Commission would be more than happy for him to update them on the state of the spaceport.

Mayor Carroll said that he did attend a debrief on the Air and Space Expo at the base, which involved individuals from the X Prize and the Air Force. Their decision time for making a decision as to whether or not they would be able to do it again next year is going to be some time either late January or early February.

2. Presentation by Tom French regarding the Silverado Plan.

Mr. Tom French stated that they had a couple of items that changed on the Silverado Plan, and as a result of that, he would not present because he didn't want to present once and then come back at a very near meeting to tell them what had changed and what hadn't.

CALL OF THE CONSENT CALENDAR: Items 3, 7, 9, 11, 12, 14, 19 and 20

It was requested that items 12 and 20 be removed from the Consent Calendar.

MINUTES:

3. Minutes of December 4, 2007 Regular Meeting and November 27, 2007 Special Meeting.

Recommendation: Approve the minutes.

CONTRACTS AND AGREEMENTS:

7. Approval of agreements with the NMDOT for the maintenance of the traffic signals at the intersection of the Relief Route and 10th Street and the intersection of the Relief Route and Mesa Verde Ranch Road.

Recommendation: Approve the agreement.

ORDINANCES AND RESOLUTIONS:

9. Consider Ordinance No. 1283 approving the lease of real property and improvements to the Center of Protective environment, INC. (C.O.P.E.).

Recommendation: Approve the Ordinance for final publication.

11. Consider Ordinance No. 1316 consenting rezoning to District C3, Business from R1 Single Family Dwelling requested by Clifton G. & Barbara A. McDonald (Case #Z-2007-0675 (A)).

Recommendation: Approve the Ordinance for final publication.

14. Consider Resolution No. 2007-61 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 December 18, 2007.

Recommendation: Approve the Resolution.

OTHER BUSINESS:

19. Public Works Bid No. 2007-010, Airport Runway Side Slope Improvements Project.

Recommendation: Award the bid to Star Paving Co. in the amount of \$82,470.96, including NMGR.T.

Commissioner Ledford made a motion to approve Items 3, 7, 9, 11, 14, and 19 of the Consent Calendar. Commissioner Brockett seconded the motion. A roll call vote was taken because of Items 9, 11, and 14, and all voted "aye." The motion carried with a vote of 6-0-0.

PLANNING ITEMS

4. Consider Ordinance No. 1318 consenting rezoning to District C-3, Business from R-3 Two Family Dwelling requested by First National Bank in Alamogordo [Case # Z-2007-06767(A)].

Recommendation: Approve the Ordinance for first publication.

Mayor Carroll read the item and asked for any questions or comments. There were none.

Commissioner Cole made a motion to approve Ordinance No. 1318 for first publication. Commissioner Brockett seconded the motion. A vote was taken, and all voted “aye.” The motion carried with a vote of 6-0-0.

5. Consider Ordinance No. 1319 consenting rezoning to R-1 Single Family Dwelling from District C-3, Business requested by Michael L. and Carol D. LeFevre. [Case # Z-2007-0677 (A)].

Recommendation: Approve the Ordinance for first publication.

Mayor Carroll explained that this is basically a request to downgrade the zoning on this particular lot from business to residential to allow them to build a single-family residence on the property.

Mark South stated that the current comprehensive plan anticipates that this area would actually be R-1. What caused all of the problems is that there are three houses at the corner of 325th and Alaska that appear to lack proper zoning. Everything they could find indicated that the lots are still zoned C-3 even though there are single-family homes on them, which are not acceptable under C-3 zoning. Given that the parcels have been C-3 for some time, mostly because of the frontage out onto Florida, staff recommended approval on this noting that the rest of the area is still zoned C-3. If this lot is rezoned to R-1, and buyers should understand that the rest of it is still zoned C-3.

Commissioner Ledford asked if any protests were received to the request, but none were. He asked Mr. South if they intended to ask the owners of the other lots to move their houses or if they were going to rezone. Mr. South stated that moving the houses might be a bit out of order, but they do want to find out how it happened to keep it from happening again.

Commissioner Cole made a motion to approve Ordinance No. 1319 for first publication. Commissioner Brockett seconded the motion. A vote was taken, and all voted “aye.” The motion carried with a vote of 6-0-0.

6. Public hearing to consider a front and back setback and lot width variance for Norma Barbosa. [Case V-2007-0519(A)] located at the northeast corner of Mesquite Street and Garcia Avenue.]

Recommendation: Approve the lot width variances with front and rear lot setbacks variance in one of the lots.

Mayor Carroll explained that this Item first came to the City's attention several years ago following a complaint that there were two mobile homes on one lot and they were being rented out as multiple units. Mayor Carroll stated that they took care of that problem but now are trying to solve the problem of the two trailers on one lot by dividing up the lots. To do that, they have to approve some non-conforming lots.

Mr. South stated that is exactly the situation, and the only other situation that would remedy the issue and bring everything back into conformance would be moving one of the units, which is really not a realistic option. This is not a good solution, but it's the best solution available.

Commissioner Ledford asked if this was a situation where normally there would be a protest area tested. Ms. Rocio Dominguez stated that they sent out letters to properties around it within a 200-foot radius excluding the right-of-way. They did not receive any protests or responses. It was also published in the newspaper.

Commissioner Lujan made a motion to approve the lot width variances with front and rear lot setbacks variance on one of the lots. Commissioner Moncada seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

CONTRACTS AND AGREEMENTS:

8. Approval of amendment to the agreement for the Flood Control Project with the U.S. Corps of Engineers.

City Manager McCourt explained that in 1998 after about 40 years of discussion and planning the City entered into an agreement with the U.S. Corps of Engineers to develop a flood control project in Alamogordo. The estimated amount of that project was \$55,200,000. City Manager McCourt showed a map illustrating why it was felt that was a major concern. It was in the interest of the City to provide a level of protection from the 100-year flood events though about a third of the area after the project would still remain in the 100-year flood plane. The numbers that were used to estimate the cost of the project were based on 1996 estimates, and now that it is 11 years later and they are actually into the construction, in many areas construction costs have risen significantly. The Corps approached the City and said they would not have enough money to complete the project as originally envisioned. They have indicated that if the City wants to complete the project as originally envisioned, there would need to be an increase. The City's portion of the increase is 25% because of when the City entered into the project agreement. For any new agreements, the local sponsor has to put up a 35% cash match for the construction and a 50% cash match for the engineering portions of the project. The additional cost to the City is \$4.2 million, and the total cost increase in the project is over \$16 million from \$55 to \$72 million. One of their major concerns is how the City would come up with its local share of the funding, and they have looked and done an analysis of one of the City's gross receipts funds, fund 42. That is where they have been paying a local share of the project, and it is also a source of funding to pay for operations on the streets and drainage operational activities including day-to-day salaries and other activities. They have projected that \$300,000 of this fund would go to the street maintenance program to supplement that program and help it along. They have projected a growth factor of 5% on gross receipts and this fund for future years.

City Manager McCourt went on to say that they then looked at when they would need to issue a revenue bond in order to pay the City's increased share of the flood control project as well as finishing up the existing costs for the project, and they anticipate that could be done out of the fund as well as increase their transfers into the street operations area by 5% a year to help them deal with inflationary costs. They do, however, run into a problem in fiscal year 2011/2012 in that they do not have a total amount of \$300,000 to shift into the street maintenance program out of the fund at that time. City Manager McCourt recommended that they approve the amendment to the agreement so that the City could complete the project. If the Commission does not wish to amend the agreement, there is enough money in the current project to finish the channel to the mouth of Marble Canyon and then bring up the channel from west of the tracks, behind Wal-Mart, past the schools to Washington Park, which would be approximately the point at which there would be no additional monies available to continue the project.

Mayor Carroll stated that just as a matter of interest there was a press release that Senator Domenici was able to get \$3.932 million dollars in the upcoming federal budget for the continuation of the flood control project. That money will go to the Corps of Engineers for the next phase of the project.

Commissioner Ledford asked if the 5% growth is in the GRT each year, and that is the case. He wanted to know how the City was doing this year, and City Manager McCourt said they are just barely ahead of 5%. Commissioner Ledford then asked for clarification regarding FY 2010. City Manager

McCourt explained that currently there is sufficient money in gross receipts coming into fund 42 that the City can take care of its current obligations on the flood control project. The City can take care of transferring an amount to the operations and maintenance of streets and drainage, and the City is currently taking \$300,000 from that source into the street maintenance program, which is different than the street operations. If the City adopts this financing plan and assuming growth continues at 5%, the City can continue to do that and increase the amount going into the street operations area at 5%. He went on to say that when they will run into difficulties is in future years because when they issued the second bond to pay for the flood control district in fiscal year 2011/2012, the City's debt service increases substantially. At that point, the City would not be generating enough additional revenue to transfer \$300,000. If the gross receipts grew at a fast rate, they would. The City would still generate \$47,000 more than what would be needed for just the debt service, flood control, and street operation. That number grows each year, and in approximately FY 2015/2016, the City would be back in the position of generating the \$300,000. Commissioner Ledford asked what interest rate they were using in the year 2011/2012 when they were talking about renewing the revenue bonds, but City Manager McCourt didn't have that number. There is a risk there that the interest rates could be much higher and the debt service would be higher.

Commissioner Ledford made the point that they have to take care of the flood situation, but they have to take care of the roads too. He asked if they did not go with the current recommendation if they could change their minds later on, and they could.

Commissioner Cole asked if in past history the gross receipts tax are about the same in the second half as the first, but the trend is that the second six months of the year actually normally brings in slightly more of the gross receipts primarily because of the Christmas shopping that occurs in December. The receipts show up in February, and it breaks out to about 49% for the first six months and 51% for the second six months of the year. Commissioner Cole asked if the percentage is through October, and that is through the actual cash receipts that the City received in the month of December 2007. The receipts were collected by the merchants back in October, and Commissioner Cole made the point that the community is in pretty good shape. City Manager McCourt stated that at this time it appears that they will make their budget estimate of a 5% growth in gross receipts over last year.

Commissioner Brockett asked for clarification on the cost division, and right now it is 25/75 and architecture and engineering will go to 50. Mayor Carroll said that would be the case if the City were to opt out now and then wanted to come back at a later date. It is problematic whether they would even consider letting the City back into the program. Commissioner Cole made the point that they would not have the senator's help at that time either. City Manager McCourt concurred that the City has been very fortunate in having a strong senator that has gotten this into the funding stream. It would probably be difficult for the City to re-enter if it got out.

Commissioner Brockett made a motion to approve the amendment to the Flood Control Project agreement with the U.S. Corps of Engineers. Commissioner Cole seconded the motion.

Commissioner Cole asked for clarification on the 3%, and Mayor Carroll offered an explanation

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

ODINANCES AND RESOLUTIONS

10. Consider Ordinance No. 1303 amending Section 5-01-035 of the Code of Ordinances concerning Temporary Alcoholic Beverage Dispensers License.

Recommendation: Approve the Ordinance.

City Manager McCourt explained that this Ordinance basically updates the language in existing City code.

Commissioner Brockett made a motion to approve Ordinance No. 1303 for first publication. Commissioner Lujan seconded the motion. A vote was taken, and all voted “aye.” The motion carried with a vote of 6-0-0.

12. Consider Ordinance No. 1317 amending certain sections of the personnel manual.

Recommendation: Approve the Ordinance for final publication.

Mayor Carroll asked a question regarding Section 11.035, Additional Compensation. In reading the language, it says, “May provide additional forms of compensation in addition to the salary plan and within the amounts approved in the budget by the City Commission.” His question was where does this show up and if this gives a city manager the opportunity with some approved budget to basically have a second salary plan for individuals. What is the process that informs the Commission of exactly how much money that is and what additional compensations are?

City Manager McCourt explained that the dollar amounts are all in the budget already and have to be in the budget. When the budget is presented, they have the salary plan in there and they discuss the types of compensation that are available. Ms. Betsy Keller explained that they are basically distinguishing between the salary plan, which is basically pay ranges that say a meter reader is going to make somewhere between \$8 and \$12 per hour base pay. But then if that meter reader happens to be bilingual, which is not a requirement in the job, these forms of pay are in addition to their base pay. They are also forms of pay that the City currently has. It would show up in the budget plan with dollar amounts.

City Manager McCourt explained that he thought the question was what keeps a city manager from establishing some new pay range without the City Commission’s approval such that the City Commission would never know those were approved. Ms. Keller stated that the personnel manual requires a city manager to prepare and present a classification plan to the City Commission every year. If it was done outside of a classification plan and not done through the budget, it would require a budget revision, which would need to be presented to the City Commission. Ms. Keller didn’t know of any mechanism other than the budget approval process that would flag a large change in pay or an unusual change in pay. Mayor Carroll made the point that at some point in time the Commission needs to see what additional compensations are as part of the budget plan and broken out at the budget time. City Manager McCourt said that what they need to do is make sure that is incorporated into the budget document—those policies, what they are and what the rates are.

City Attorney Bill Brogan suggested that they change it such that any additional forms of compensation be presented to the Commission before they are approved.

Commissioner Brockett asked if they would have to re-publish the Ordinance, and Mayor Carroll explained why he thought that this change would be nothing more than strengthening the provisions and protection to the public.

Ms. Keller stated that the workweek is the area that is most time sensitive because of the State minimum wage law change. She suggested that they remove additional compensation, and she would bring it back with the section of the personnel manual that references that they will prepare a plan and present it with the budget with an adjustment to that section stating that it would include a breakdown of additional forms of compensation. Mayor Carroll asked if they could delete the part of the Ordinance referencing Section 11-035, Additional Compensation, and just pass the first part of it. City Attorney Brogan said that would be fine.

Commissioner Brockett said that he is still unclear as to where in the budget the additional compensation would be listed. City Manager McCourt said that as they approve the budget, they approve pretty broad categories. It is included in those now, but there is nothing that is being proposed that isn’t already being done. In the budget book that is approved each year, there is a

section called the Pay Plan, and it talks about all of the positions in the City and the full-time equivalents. The City also has an approved compensation plan, which lays out all of the salary ranges and what jobs fall into each of those ranges. He indicated that in the annual budget included in the Pay Plan portion would need to be a listing of these types of compensations and which employees are eligible for them. City Manager McCourt said that he certainly didn't have a problem with that, and it could be brought back to the Commission with that stipulation written into it.

City Manager McCourt suggested that procedurally a motion should be made to amend by striking Section 11 after which if that amendment is voted on and approved, the Ordinance could be passed.

Commissioner Cole asked if the budget would police that type of activity, but Mayor Carroll pointed out that it would not.

Commissioner Cole made a motion to delete Section 11.035 regarding additional compensation. Commissioner Lujan seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

Commissioner Brockett made a motion to approve Ordinance No. 1317 as amended. Commissioner Lujan seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

13. Consider Ordinance No. 1320 Amending Section 24-01-050 of the Code to increase fees assessed for the Court Automation fee and the Traffic Safety Fee.

Recommendation: Approve the Ordinance for first publication.

Mayor Carroll read the item and asked if there were any questions or comments. He explained that this increases the court automation fee and the traffic safety in education enforcement fee by \$5 each to be added on to traffic citations. This is in keeping with the municipality having some of the monies go to Santa Fe part of which gets returned back to the City for court automation and some stays within the City for traffic enforcement and education.

Commissioner Cole asked if the Commission during the budget session already approves funds for this type of things. Mayor Carroll explained that the Commission approves the budget for the Municipal Court, and these are moneys generated through the Municipal Court that go to offset the Municipal Court budget. This would be additional money coming through the Municipal Court into the General Fund.

Commissioner Ledford pointed out that the fee is almost three times as much, and he wanted to know what the logic is and where that amount of increase is coming from. City Manager McCourt said they selected the amount because as they were working on the 2008/2009 budget, they were \$2.5 million short of having enough money to continue at the current level of operations. This in itself will not solve that, but they have gone back and cut the budget for the 2007/2008 fiscal year to last year's levels. They have held the 2008/2009 budget to 2006/2007 levels and looked at what revenue sources could assist that.

Commissioner Lujan asked if this was a department that was short in money, and City Manager McCourt explained that this would offset moneys that have to come from the General Fund to support the operations. The court automation money is kept as a separate account, and like many of the City's revenue sources, the money has to be used for specific purposes. The current fines do not provide a sufficient amount of money to cover all of the automation costs in the courts. To have the proper level of funding, they have to provide money from the City's General Fund. Commissioner Lujan asked if the department was short at least \$50,000, and it was.

Commissioner Lujan made a motion to approve Ordinance No. 1320 for first publication. Commissioner Brockett seconded the motion. A vote was taken, and all voted “aye.” The motion carried with a vote of 6-0-0.

15. Consider Resolution No. 2007-62 adopting the revisions for the Airport Capital Improvement Plan.

Recommendation: Approve the resolution.

City Manager McCourt explained that the Alamogordo White Sands Regional Airport works with the Federal Aviation and New Mexico Department of Transportation and Aviation Department to develop the airport in the manner needed to take care of the traffic needs there. As part of that, they do fairly long-term planning on what improvements are necessary, frequently 10 to 15 years out. They tend to be very expensive items.

One of the items that has been working its way up the list is an extension of the runway, and that particular item was put in because of the type of planes that they were projected to use the airport. As time has passed, the type of planes has not really materialized, and so the State and Federal FAA are a little reluctant to fund their share of the improvements, which is 97.5% of the cost. What the City has worked with them on is they have other improvements at the airport that have also been moving forward on the Airport Master Plan. In conversations with them, they are more inclined to fund those improvements. What they are asking the Commission to do is let them swap those projects so they could get those projects funded rather than ending up with nothing and no improvements.

Commissioner Brockett asked City Manager McCourt if they see this going away, and City Manager McCourt stated that they think there is still a need to do that project. What they think will happen though is the City will be unlikely to get the funding in the near future. Commissioner Brockett asked what the immediate and far-ranging impact would be on people with hangers. City Manager McCourt stated that as they expand the apron area and the taxi lanes, it would open up more areas for leasing. They would therefore be able to hopefully increase the revenue stream into the airport and provide more areas for use at the airport.

Commissioner Cole commented that last week someone stopped him and was very complimentary on how well the airport was running and how everyone was getting along.

Commissioner Cole made a motion to approve Resolution No. 2007-62 revising the Airport Capital Improvement Plan. Commissioner Lujan seconded the motion. A vote was taken, and all voted “aye.” The motion carried with a vote of 6-0-0.

16. Consider Resolution No. 2007-63 accepting a grant for Solar Power at the Airport.

Recommendation: Approve the Resolution

City Manager McCourt explained that this is another initiative they are trying at the airport to put up some solar panels. Their thought is the construction would be grant-funded, and it would be an energy generator during the day, which would make the meter run backward. During the night, of course, the airport would get the electricity to run the airport. They see it as a cost-reduction move.

Commissioner Brockett asked if the meter runs backwards and then forward but without reaching where it started if the electric company owes the City money, and City Manager McCourt said that would be true. They don't anticipate that would be the case.

Commissioner Brockett made a motion to approve Resolution No. 2007-63 accepting the Solar Power Grant at the airport. Commissioner Cole seconded the motion. A roll call vote was taken, and all voted “aye.” The motion carried with a vote of 6-0-0.

Mayor Carroll recessed the meeting at 8:30 p.m. and reconvened at 8:39 p.m.

17. Consider Resolution No. 2007-64 accepting promissory note secured by personal property between City of Alamogordo and Marietta Biscuits.

Recommendation: Approve the resolution.

Mayor Carroll explained that the City has been asked and has signed a Memorandum of Understanding with the State of New Mexico to be a fiscal agent in a transaction between the New Mexico Economic Development Department Marietta Biscuits.

City Manager McCourt further explained that this is a part of an economic incentive provided to Marietta Biscuit Company to accelerate their progress at the cookie factory. Specifically, this is to get a third line of ovens up. The factory is operating at this time. They are backing, packaging and shipping cookies out at this time. Under the City's agreement with Marietta there is a schedule of jobs and a projected time when lines would be coming on. This would accelerate the process. The State agreed to provide \$200,000 to assist them in that in exchange for which they want to see that they produce 100 jobs out there, which shouldn't be a problem as they are well on their way to exceeding the levels that the City set in its agreement. This would be secured against the equipment until Marietta showed that they had produced the necessary jobs at which time the City would release the lien.

Commissioner Brockett asked if the 100 jobs are created during the refurbishing process or after the line is up and operational. City Manager McCourt said that the way they have discussed it and are interpreting it, the jobs would be the permanent jobs that are created. They are not in addition to the jobs required. They are the same jobs that the City requires, but they will come about much sooner.

Commissioner Brockett asked with regard to 2.C what the audit schedule is, and City Manager McCourt stated that they do an annual audit, which in this case is done at the beginning of August of each year. If the City felt like it was necessary to do one before then, the City could conceivably do that.

Commissioner Ledford asked if what was filed puts the City in the first position or in an only position, and City Manager McCourt explained that it secures the loan against the physical equipment. City Attorney Brogan felt that the assumption that the equipment has no other liens on it at the present time and that the City has a perfected first interest might be premature. Number one, the City Commission hasn't approved the amendment. The City hasn't received the money, but before the money is given, the City will do a UCC search and execute a UCC1, which does put the City in first position if in fact there are no other liens. Commissioner Ledford said that he wanted to just make sure that before the money is given that would be verified.

Commissioner Cole asked if they would be bringing in the equipment for another line, and City Manager McCourt said that the plans as originally submitted called for four lines to be built within their planning. Their anticipation was going beyond that in future years to get up to six lines. They had time frames of when they would be bringing those lines on, and the reason they are accelerating the process is because they have some more contracts that they have picked up. They need to get the equipment up to produce under those contracts. Commissioner Brockett pointed out that according to the original plan, the third line would have been up and operational by the third year.

Commissioner Brockett made a motion to approve Resolution No. 2007-64 accepting the promissory note secured by personal property between City of Alamogordo and Marietta Biscuits. Commissioner Moncada seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

OTHER BUSINESS

18. Final Selection of Alternate for Expansion Waste Water Treatment Facility Expansion Study.

Recommendation: Approve the selection of Alternate 1 as the preferred method to provide for the City's future wastewater treatment needs.

Mayor Carroll explained that this is a result of a study that the City had conducted on various alternatives for the future of the wastewater treatment facility—whether to rebuild at the current location, whether to build a supplemental facility, and some other alternatives.

City Manager McCourt explained that this was part of the City's process to get ahead of the need at the wastewater treatment plant. The City is not over capacity yet. Growth continues, however, and they anticipate they will be over capacity in the future. Earlier in 2006, the City looked at alternatives on how to best address future needs, and a townhall meeting took place in October of 2006 in which those were laid out in some level of detail as to what the ways were to possibly get it done. As a result of that meeting, the recommendation and consensus was to basically rebuild the plant on the existing site as it would minimize the environmental concerns and minimize the amount of exterior piping changes that would need to be done.

What the City didn't do then was put it on the next Commission agenda to be acted upon. As they have gotten ready to go out and start doing the design work on that particular project and in getting the environmental clearances, they realized the Commission had not expressed their approval of the alternative to be pursued.

Commissioner Brockett asked what kind of environmental things they are looking at, and City Manager McCourt explained that this would be an accelerated digestive process.

Mr. Russell Still, project manager for Severn Trent, explained that the top process they are looking at putting in is a sequential batch reactor, SBR. There are several of them in the State of New Mexico, and it is a very proficient and efficient system. You can always add onto it without having to build another plant in the future. It is a simple add-on to increase capacity.

City Manager McCourt explained that another alternative was to build a supplemental plant near where the old land fill is on the west side of the tracks, which was where the City's original plant was. One of the concerns was the elaborate environmental review that would be necessary to resituate there whereas they have gone through all of those reviews at the existing site. That was one of the major concerns, and with this alternative, it would be a much simpler review. They would certainly take the steps to make sure they are properly protecting the environment.

Commissioner Brockett made a motion to approve the selection of Alternate 1 as the preferred method to provide for the City's future wastewater treatment needs. Commissioner Lujan seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

20. City IFB No. 2007-16, Water Meters

Recommendation: Award the bid to Baker Utility Supply in the amount of \$50,910.00.

Mr. Rick McCracken, Morrison Supply, stated that they also bid on the water meters and had the low bid of \$48,750. There were three amendments that came out prior to the Invitation for Bid being mailed, and he did not receive those. He was told they were faxed, in his opinion by mistake, to Las Cruces. As a result, they were deemed non responsive. Mr. McCracken explained the amendments that were issued.

City Manager McCourt stated that staff could not recommend approval because of the non response. The only way to do it would be to re bid the item. He did say there was certainly no problem with the bidder in any way.

Commissioner Brockett made a motion to reject all of the bids and re-bid the item. Commissioner Moncada seconded the motion.

Commissioner Ledford asked Mr. McCracken if he would have reissued a bid if he had received the amendments. He said that was a given. Commissioner Lujan asked for clarification on the number of meters being bid, which was provided. City Manager McCourt suggested that the members of the Commission not debate the matter any further but act on the motion.

A vote was taken, and the motion carried with a vote of 5-1-0. Commissioner Lujan voted nay.

Commissioner Brockett pointed out that any other low bidder in that situation would likely have shown up at the meeting, and the same action would have ensued.

21. Waiver of permit fee for a New Years Eve party fireworks display for the Senior Center.

Recommendation: Approve the waiver and the special fireworks display permit.

Mayor Carroll explained that the fireworks display would be for ground fireworks and handheld sparklers only, nothing over 10 feet, and it would be held in the parking lot.

Commissioner Brockett made a motion to approve waiving the permit fee for the Senior Center's fireworks display license. Commissioner Moncada seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

22. Appointments to Boards and Committees.

Mayor Carroll appointed Yanette Quintana to the Airport Advisory Board. There are still vacancies in the Senior Volunteer Programs Advisory Council and the Community Development Advisory Board. Mayor Carroll asked the clerk to notify Ms. Quintana.

UNSCHEDULED COMMUNICATIONS:

A. Bernard Edward Sternthal

Mr. Sternthal asked how he gets a response when he brings up issues at the Commission meeting. He submitted a list of his requests including improving the acoustics in the senior center, improving the lighting of the senior center, providing art supplies for the senior center and providing money so that he could go to a computer class, money spent prudently on different developments. He would also like to see more people at the City Commission meeting.

B. City Attorney Bill Brogan

City Attorney Brogan notified the Commission that this would be his last Commission meeting. He stated that the last 18 months have been a highlight of his career, and he sincerely appreciates the opportunity to have represented the City. He respects what the commissioners do and stated that they are very hard working, enthusiastic, and conscientious people.

On behalf of the Commission and the residents of the City, Mayor Carroll thanked Attorney Brogan for the contribution he has made to the community over the past 18 months. He wished him well in his future endeavors. The commissioners wished City Attorney Brogan well.

C. Commissioner Inez Moncada

Commissioner Moncada commented that January 8th is the filing date for candidacy. She is not intending to run again, and she recommended that someone from District 5 file for the candidacy.

D. City Manager Pat McCourt

City Manager McCourt stated that they passed out an update on the State minimum wage law to let the commissioners know what was happening with that situation.

The water report looks decent, and they are starting a project that was approved in the budget. They are starting the process to re-drill two of the wells in the La Luz well field, wells three and five, because the wells are old and need to be replaced.

City Manager McCourt stated that he would be out of town from December 20th through December 25th, and Mr. McNeile would be in charge during that time. He wished everyone a Merry Christmas and a Happy New Year.

Finally, City Manager McCourt provided a reminder of the legislative meeting on January 4th at the courthouse.

E. Mayor Don Carroll

Mayor Carroll reiterated the reminder of the filing date for the commission seats, and he restated that he does not intend to run for another term. There will be at least two open seats at the next election.

Mayor Carroll also recognized LeeAnn Nichols and the employees of the Finance Department. Once again, they were recognized by the local government division with a certificate of merit at the 2007/2008 budget awards.

He wished everyone a Merry Christmas and a Happy New Year, and he thanked the staff for a very good year.

ADJOURNMENT

Commissioner Cole made a motion to adjourn at 9:17 p.m. Commissioner Brockett seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 6-0-0.

/s/Donald E. Carroll

Mayor Donald E. Carroll

(SEAL)

ATTEST:

/s/Reneé L. Cantin

City Clerk Reneé L. Cantin

(Prepared by Ubiquis Reporting)

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