

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
NOVEMBER 16, 2010**

**RON GRIGGS, MAYOR
ED COLE, MAYOR PRO-TEM
MARION LEDFORD, COMMISSIONER
JOE FERGUSON, COMMISSIONER
ROBERT RENTSCHLER, COMMISSIONER**

**JOSH RARDIN, COMMISSIONER
AARON RANCE, COMMISSIONER
MARK ROATH, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

CALL TO ORDER, ROLL CALL, INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Griggs called the meeting to order at 7:30 p.m. Roll Call was taken by the City Clerk; she also announced there was a quorum present. The Invocation was give by Reverend James Forney. The Pledge of Allegiance was led by Commissioner Rance.

APPROVAL OF AGENDA

Mayor Griggs asked for a motion to approve tonight's agenda.

Commissioner Rardin moved to approve the agenda. Commissioner Rance seconded the motion. Motion carried with a vote of 7-0-0.

Mayor Griggs said before we go any further into tonight's agenda, he would like to talk a little bit about the presentation that Mark Threadgill and Nancy Beshaler gave dealing with FEMA and the changing with the flood maps. He wanted everyone to know that it is very important with changes in these flood maps that people go to their lender and determine whether or not your home is in a flood zone. He would ask that everyone who has a mortgage, to do those things to ensure their homes are not being added to a flood plain, and if it is, that you act quickly, you can obtain lower cost flood insurance.

PRESENTATIONS

- 1. Presentation to Jan Wafful, Community Services Administrative Assistant and Otero County Film Liaison, for her exceptional service in film on behalf of the City of Alamogordo. (Ron Griggs, Mayor)**

Mayor Griggs read and presented the Mayor's Commendation award to Ms. Jan Wafful.

- 2. Presentation on OCEDC Annual Report for Fiscal Year 2009/2010. (Mike Espiritu, President and CEO)**

Mayor Griggs read the agenda report and turned the floor over to Mr. Mike Espiritu, President and CEO of Otero County Economic Development Council (OCEDC)

Mr. Espiritu began by thanking the Commission for giving him the opportunity to update everyone on what OCEDC is doing for our community. Our mission is to purely and solely to market and promote the City of Alamogordo by encouraging job creation through the formation of new business, the retention, expansion, or relocation of existing business, and the general diversity of the economy throughout Otero County. There are many people within the community who volunteer their personal time, business time, and extra hours to help promote and develop economic development for all the citizens of our city. We appreciate the efforts of the City Commission and the City Staff that work so hard for everyone in the City, and often enough we don't say thank you enough, so thank you for all that you do for all of us. As you know, 2009 was filled with a lot of different things, as we saw our country in recession and some things that we did to help market and promote Alamogordo and Otero County we did some trade shows and symposiums. We received a list, via direct link to our target

and market areas. These include renewable energy, aerospace industries and workforces, and worked towards those other pieces of legislation, locally and at the federal level, to help create and sustain jobs in Otero County. We advertise in a variety of different ways, and last year we advertised in several different trade publications, through videos and through print media. These articles that are read by those companies and those CEO's, that are looking to relocate their businesses to here or anywhere in the world. We do target those specific trade publications and we advertise very strongly in them. When we get ready for a trade show, we actually identify potential clients and we send them information about Alamogordo and then we visit with them and follow up with them afterwards. As you recall, we have had some successes that we have worked on this past year. The Legislative Advocacy, these don't create jobs, but they do assist us with maintaining jobs and help us maintain the attractiveness of a business in the community. We attend the Legislative Sessions, and we advocate strongly for those Bills that are before the House and the Senate, and our Representatives to try to retain the State incentives needed for us to be successful in drawing new opportunities to our town. We were successful in the avocation in all the items that was shown on the slide. One thing he wanted to point out is on the top line, and that is Rural Health Care. We are a rural town, and rural healthcare for many is foreign, but it was a Bill in the House this year that was to eliminate the tax credit for the rural hospitals as a way to attract doctors to rural communities. Because of our actions and endeavors, that bill was stopped and we retained that incentive for Gerald Champion and others just like them. We also participate on a Federal level, and as you can see we work very strongly on retaining missions and the things that keep Holloman moving; that includes ensuring we keep an economic budget to help keep those financial issues with the representatives and we do that several times a year. The Alamogordo Primate Facility, which is another area that is not new, based jobs, but it is helping to save jobs. As you have been involved as a Commission and as the State has been involved and Senator Udall's office and Congressman Teague have been very active in trying to stop the job loss at Holloman AFB and those employees. He knows Mayor Griggs and several others have been very actively involved in the PNM rate case, and if you recall, the driver that brought that to the forefront as an issue for many communities and OCEDC and it's board is pleased to see the Commission take such a strong lead with the rest of the Mayor's in Southern New Mexico, and we appreciate the efforts you are talking for the people, and to attract clients to Southern New Mexico. He did address CHINS. As you may have heard, CHINS will have a significant budget reduction on the horizon and they have called OCEDC for help and we in turn talked with the Mayor and that has help stop job loss for a very important and needed resource for children in Otero County. Workforce Development is another area that we are involved with. The Career Technical education is a program that is offered to the Alamogordo Public Schools and NMSU-A. Without a work development program, you cannot support a supply of people in a workforce of new industry and plants. We are very actively involved with trade shows with business visits with young people, as early as 8th grade, in our local schools and that is important. He thinks Children in our schools have a deeper understanding of where they want to go and more importantly, curtailing those occupations to those two facilities so that students will be more successful in life. The Advanced Trades Center is something you are familiar with, we have needed this Center to help create those skillful workers that we need in town and to attend NMSU-A. OCEDC was very involved in advocating on behalf of NMSU-A, for the funding of that facility as well as continued funding with the main campus in Las Cruces. We work closely with the Eastern Area Workforce Development Council, the NM Department of Workforce Solutions and iTsQuest. Regional Alliances, to us if very important and he sits on the board of regents because he wants to ensure things get done and benefit Alamogordo. Some of the areas we are involved with are the Association of Commerce and Industry (ACI), NMIDEA, Eastern NM Economic Development Alliance (ENMEDA), Mesilla Valley Economic Development Association, Chaves County Economic Development Corporation and SNMED Council of Governments. Local Advocacy, we work very closely with a company called Manufacturing Extension Partnership, and we partner with them to help with the Small Business Development Centers. He can't say enough about how much he appreciates Jan Wafful when it comes to Film and Otero County. We are graced with her talent and her skills to help bring people here to film. Not only are there high budget films that come here, but commercials and documentaries as well. We also have a film festival every spring and that is called the Desert Light Film Festival, and that is for kids and is held at the University. Ms. Wafful works with Mrs. Joan Griggs to be able to present that to kids and it is sponsored by JC Penney. Some of the projects last year and the prospective opportunities for 2009-2010 have been

Project Collections-Call Center, Project Satellite-Small Satellite Manufacturer, Project David – Solar Panel Manufacturer, Project Panel - European Solar Panel Manufacturer and Project Hitch - Small manufacturer, Components. Some Prospective Recruitment Opportunities for 2010 – present are Project Solid - Advance Laser Manufacturer, Project Plasticycle - Plastic Recycler, Project Bio – Power- Renewables - Bio-Mass, Project Finish - Industrial Cable Manufacturer, Project Salaz-Salsa manufacturer, Project Adventure-Aircraft storage, Project Caliche-PV Solar Power Plant, Power Champion-Solar Collector Manufacturer, Project Dome-Call Center, Project Nacho-Warehouse for Plastic Distribution and Project Special K - Metals Recycling. Other projects we are looking at are EDGRT Election, Project Wood - Sawmill, Pellet and Shaving Company, Sun Edison -12 MW Solar Field, First Solar - Solar Field (PNM), Axio Power – Solar Field, Affiliated Computer Service (ACS), Alamogordo Primate Facility, Ruidoso Racetrack, CHINS, Project Spark - Electrical Supply Company, Project Beds - Hotel, Project Diner – Restaurant, and IHOP. These projects are all in Otero County and will assist with the economy. We received a lot of e-mails and Correspondence that request information about our town, and we are always more than happy to talk with them and encourage them to relocate to Alamogordo; we don't want to compete with local businesses but we do let them know about the town that we have. We also remain active in tourism and it is important because many visitors that come to Alamogordo end up relocating here because of everything our community has to offer. He asked if anyone had any questions.

Mayor Pro-Tem Cole said under Other Project, it caught him by surprise because the community and several others work with CHINS. What type of relationship does your office have with CHINS? Mr. Espiritu explained the project, in this case, we received a phone call of distress because of a budget reduction that was being forecasted for the CHINS organization, and as a result would have eliminated some of the jobs and resources provided to our young people in our county and we got involved by bringing it to the attention of the City and the Mayor provided some documentation to help that from happening. Mayor Pro-Tem Cole asked if there was any financing on their part. Mr. Espiritu explained that they were merely the go between to help get the word out. Mayor Pro-Tem Cole thanked him for his explanation.

Mr. Espiritu showed a video highlighting OCEDC, Alamogordo, and Otero County.

Mayor Griggs said one of the things that he might want to add to his slide presentation is the GRIP ordinance that the City just passed. He then asked if there were any additional questions or comments on this item. Hearing none, he thanked Mr. Espiritu for his time.

CONSENT AGENDA (Roll Call Vote Required for Item No. 5)

Mayor Griggs asked if there were any members of the Commission or audience who wished to have an item removed from the Consent Agenda for more clarification.

Commissioner Rance asked that Item # 5, 7 & 11 be removed from the consent calendar. Commissioner Rardin asked that item #14 be removed from the consent calendar. Commissioner Rentschler asked that item #6 be removed from the consent calendar.

Mayor Griggs asked for a motion on the balance of the consent agenda.

3. **Approve Minutes of the October 26, 2010 and November 1, 2010 Regular Meetings of the Alamogordo City Commission.** (*Renee Cantin, City Clerk*)
4. **Approve statement related to the Executive Session of November 1, 2010.** (*Renee Cantin, City Clerk*)
8. **Approve an Amended Agreement with the NM Economic Development District, Non-Metro Area Agency on Aging (NMAAA) for the Nutrition Service Incentive Program (NSIP).** (*Matt McNeile, Assistant City Manager and Veronica Ortega, Senior Center Manager*)

9. **Approve an Amended Agreement with the NM Economic Development District, Non-Metro Area Agency on Aging (NMAAA) for the Senior Programs.** *(Matt McNeile, Assistant City Manager and Veronica Ortega, Senior Center Manager)*
10. **Approve a Co-op Marketing Grant Agreement, No. 11-418-3002-0112-C, from New Mexico Tourism Department (NMTD) related to tourism advertising.** *(Matt McNeile, Assistant City Manager and Jan Wafful, Community Services Administrative Assistant)*
12. **Approve an Agreement with Alamogordo Chamber of Commerce for tourism promotional services.** *(Stephen Thies, City Attorney)*
13. **Approve an Agreement with Alamogordo Chamber of Commerce for facility maintenance, overhead, and operational expenses of Aubrey L. Dunn, Sr. Visitor's Center.** *(Stephen Thies, City Attorney)*
15. **Approve Commercial Permit Amendment for Silver Linings Aviation related to Aerial Banner Towing.** *(Matt McNeile, Assistant City Manager and Parker Bradley, Airport Manager)*
16. **Approve a leak adjustment request by Penny Duda, 2603 19th St., pursuant to the leak abatement policy.** *(LeeAnn Nichols, Finance Director and Katie Josselyn, Utility Billing Supervisor)*

Commissioner Ledford moved to approve items # 3, 4, 8, 9, 10, 12, 13, 15 & 16 of the consent calendar. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

5. **Approve Resolution No. 2010-33 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 November 16, 2010.** *(LeeAnn Nichols, Finance Director)*

Mayor Griggs read the agenda item and turned the floor over to Commissioner Rance.

Commissioner Rance wanted to let the City Manager know that he supports the concept of providing phones to the Directors; however, he has a couple of questions just for clarification purposes. He asked the City Manager to explain. Will City Staff be charged a fee for personal use, or will they be using it all for personal use. City Manager Roath explained that there is a policy for that and he would have to go back and look at that policy. He believes that what happens is a billing is sent to each department and they review those and sign off on any personal charges and they have make restitution on those charges.

Commissioner Rance just wanted to ensure that we are in compliance with the IRS and we are a not for profit or compensation issues. City Manager Roath assured him that the finance department is very good at going back and ensuring any expenditure is authorized.

Finance Director Nichols explained that the City is in the process of updating the taxable benefit policy. We do not have a current policy for charging personal cell phone use on the City phones, but there is a policy that we are looking at. Our cell phone policy itself requires that the uses of City cell phones use them very minimally for personal use. We are looking at about a three percent charge, but we have not limited that at this time. City Manager Roath added that we do get sent the bills and the finance department has us sign off on those.

Mayor Griggs asked if there were any further questions or comments on this item. Hearing none, he

asked for a motion.

Commissioner Rance moved to approve Resolution No. 2010-33 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 November 16, 2010. Mayor Pro-Tem Cole seconded the motion. Roll call vote was taken by the City Clerk. Motion carried with a vote of 7-0-0.

6. **Approve the award of a contract to HDR Engineering Inc. for Traffic & Geometric Studies, RFQ No. 2010-02, for the base amount of \$120,447.51 plus NMGRT. (Mark Threadgill, Assistant City Manager and Dean Hunt, City Engineer)**

Mayor Griggs read the agenda report and turned the floor over to Commissioner Rentschler.

Commissioner Rentschler said he is concerned about the cost of this and looking at \$120,000 to do a study just doesn't seem right. He thinks we should use some of the \$120,000 to pick some of these and do them. What he would like to understand a little better is what we are going to gain from this as far as the \$120,000, do we expect to save that amount of money during construction or reconstruction. Assistant City Manager Mark Threadgill said he could not say that we could save that money, but what we will have is better options to choose from on each of these projects. If you look at the list, let's just look at number one, Indian Wells Road (Puerto Rico Avenue to Pecan Avenue) Corridor Operational Improvements, there are five intersections there and one of them is offset, Pecan, Washington, across Indian Wells. We would need a preliminary solution and an estimated cost of that solution for address problems along not just that intersection, but all the intersections there. We have issues going on at Hamilton and Panorama, and Panorama/Ocotillo and South Florida as well. What are options and what are our probable costs of pursuing those problems at these intersections. If you read the background, we are looking at possibly having them remain un-signalized, we could do roundabouts, we could do signals and there are other realignment possibilities. We would have to figure out what the cost is and what designs would need to be incorporated in these intersections. To say that we could save this money in the final construction, he can't say that, but to give us a better number of choices for each of these we would need some hard data. A lot of these projects are data driven; what are the traffic loads, how many people are turning right, how many people are turning left, how many people are going forward. On the speed study from First Street to Desert Hills and South Florida, there are no provisions there for people coming in and out of Florida, going into driveways, coming out of driveways, and we have some intersections there as well. There are some standards that have to be collected and analyzed and there are standards that we use to be determined, stop signs, lower speeds, higher speeds, and standard zones. There is some data that will be collected, analyzed and used to find solutions to the problems in these areas. All these areas were identified by various Commissioners and Staff during the process of putting this RFQ together.

Mayor Pro-Tem Cole wanted to know where South Florida started, is it at First Street. Mr. Threadgill confirmed that it would start at First Street and go south and North Florida would start at First Street and go north.

Commissioner Rentschler asked if we have ever done these kinds of studies in-house because we have traffic engineer is that not correct. Mr. Threadgill confirmed that we do have a traffic engineer on staff at this time, but he will be retiring from the City, reluctantly, on December 20th of this year. Commissioner Rentschler thinks \$120,000 may be too much money to be spending on some things that we might already know about on some of this. You mentioned that there are going to be some offsets, so we know about the realignments that we will need there. Mr. Threadgill wanted to call everyone's attention to page 7 of 9 in the response, Task 2, First Street and Florida Avenue Split Intersection Analysis, they will be evaluating existing traffic operations, travel patterns, land use, geometrics, and right-of-way critical to understanding the cause for the delays and coming up with a realignment alternative. The pending cost of that study will be \$13,286.

Commissioner Rentschler asked if they have these broken out by costs. Mr. Threadgill confirmed that and said if you go through and look at every task, the pending costs are listed there. Commissioner Rentschler wanted to know if we could go through and eliminate those that we don't need. He doesn't know what we are going to do at Panorama and Hamilton, and he doesn't see a need to do anything there. He doesn't see the need to do it and he thinks we should take this \$120,000 and use it for something else and have staff do the studies in-house. Mr. Threadgill stated if what you are saying is that we hire a second engineer, he supports that 100 percent, but that is an on going cost and this is a single, one-time expenditure, to address these eight tasks and that way we will have the data and a preliminary set of documents that we can use. We will have the data based on standards that set the criteria to get each task accomplished within the guidelines of the standards. Commissioner Rentschler asked if we have budgeted for this; did we expect this when we did this year's budget. Mr. Threadgill stated that it was discussed during the budget hearings.

Commissioner Ferguson wanted to confirm that our traffic engineer is retiring. Mr. Threadgill said that our City Engineer, who also happens to be the Traffic Engineer, is retiring at the end of the year. Commissioner Ferguson wanted to know if we will be hiring someone to replace him. Mr. Threadgill stated that what we are in the process of trying to fill that position. Commissioner Ferguson asked when we hire that person, is he going to just be the City Engineer or are they also going to be the Traffic Engineer. Mr. Threadgill said he will primarily be the City Engineer but with any luck that person will also be qualified to be a Traffic Engineer. Commissioner Ferguson stated that if he was retiring and we were not going to be hiring anybody else he could see spending this money, but if we are going to hire someone who has the capability to do it in-house, he would rather use that money to pay that person because we are going to be hiring someone anyway.

Mayor Griggs said one of the things that Mr. Threadgill just brought forward is that we have been discussing this for a while, and it was brought up again when the intersection of Florida and First Street was discussed. He doesn't know that we have ever discussed the dollar amount, but he didn't think that we all thought that if we brought a company in to do the study that it wouldn't cost anything. We have been talking about and he thinks the issue is at the moment is that the amount is \$120,000 and it is a number that no one expected. Mr. Threadgill explained that this includes more than just the First Street and Florida preliminary. Mayor Griggs understands that, but as Commissioner Rentschler mentioned just a few minutes ago he is not sure if there are any that we can remove from the list. There have been issues with Indian Wells at Puerto Rico and Pecan for a long time. He thinks he has a simple solution, but he does not have any good data to make a recommendation. As far as the First Street and Florida speed study goes, he thinks he could do that by himself, but he does understand the engineering aspect of it. South Florida and Panorama/Octotillo goes, that has been an issue that Mayor Pro-Tem Cole has brought up several times where he would like either a four-way stop or a signal light there. As for Panorama and Hamilton Road, which is going to become one of the more congested area in town once the hotel is up and running. First Street and South Canyon Road, that alignment has been talked about well before the City Manager McCourt left. Indian Wells and Scenic and 10th Street and North Scenic, he didn't realize we were looking at those, but he thinks we could.

Commissioner Rentschler suggested that we prioritize these and come up with what is the most pressing need, and save some of this for our new engineer that we will be hiring. There are some things in here, for instance, Panorama and Hamilton Road; we don't know what the traffic is going to be like once the hotel opens, for all we know no one will stay there. He realizes that it may increase some, but we don't know what the traffic is going to be like or if it is going to be a problem. The only alternative for that area is putting in another traffic light. Mr. Threadgill explained that the tasking order in this will have a number of alternatives, it could be a roundabout, it could be a three-way stop, it could end up being a traffic signal; but it will be the best solution for that traffic flows, the travel patterns, the projected growth in that particular intersection, and that goes for all the intersections on the list. We tried not to tie the hands of the person doing the study and providing us with templates and projected costs of each of the solutions.

Commissioner Rentschler asked what timeframe we are looking at here; how long this study will take to be accomplished for \$120,000. Mr. Dean Hunt, City Engineer stated that timeframe will be

developed after the approval of the contract. Commissioner Rentschler said it seems like we should know that in advance, whether it is going to take a year or two months, or something like that before we approve it, because if it is going to take a year, he would rather hold off until we see what the engineer is going to do. If they can have it done in 30 days and we will have it all done, then he will be more interested. He then asked Mr. Hunt if this list is prioritized as to how he would like to see it accomplished. Mr. Hunt stated he had no agenda in mind when he put it together, but he can say that a study like this normally takes about three months. That would be his estimate and expectations; it would certainly not take a year to complete.

Commissioner Rentschler asked if we own the equipment that is involved in this kind of analysis. Mr. Hunt stated that we do not; we own some of the equipment, but we do not own all of the equipment, we don't own two counters. Commissioner Rentschler asked if we could buy a couple of those with \$120,000. Mr. Hunt tried to explain that there is a lot more to this than just the counters. Commissioner Rentschler understood that, but if we are looking at corridors that were discussed, he does not see Juniper on here, and what the traffic flow is and what is to be done about the width. He expected that to be done in-house, and that is what he expects on most of these tasks. That is his recommendation and he is remiss to spend \$120,000 on this all at once. If it was brought to him in little pieces, he might be more apt to support it. Mr. Threadgill said he can address the Juniper question first. Yes, the plan was to have staff complete that study and the study on Indiana, because that was brought up at the same time as Juniper. At that Commission meeting we did decide to complete that in-house and he hoped to do that before Mr. Hunt retired, but that is not going to happen. That will be something that we will be doing if the new City Engineer is qualified, otherwise we will have to go out to contracted service on that. This contract is task order driven and there are provisions in it that allows us to add tasks to it, should we find other studies that need to be done. As far as doing this in-house, and do it as Commissioner Ferguson has suggested, at some point we probably could do it in-house, but the timeframe is going to be greatly expanded. With Mr. Hunt leaving, we have a new City Engineering coming on board, hopefully soon, but there is going to be a settling in period where he will have to come up to speed on all the projects. We have a number of projects ongoing, which require the expertise and attention of a Civil Engineer, but he will not have a great deal of time to dedicate to individual traffic studies, so what we would be doing is just extending this out for many years, depending on his workload and providing he is fully qualified when he comes on board to do traffic engineering. The primary purpose of a City Engineer is to be a Civil Engineer, and that is the primary function that they carry out; for the entire civil project, roads, drainage, box culverts, buildings, and those sorts of items.

Commissioner Rentschler stated that you just made my point for him in that it could take years to do these studies, but his problem with that is that it could also take years to implement what they want at the same time. The realignment at Florida and First Street, we are talking about millions of dollars that we don't have and it is not going to happen anytime soon, so at that point in time are we going to need another study that allows us to go ahead and do that because we were not about to do it when the first study was completed. Is it going to be five years or so when the country recovers that we start seeing some capital outlay money come down from Santa Fe. He would like to see the results of every one of these studies and know exactly what it says. He doesn't know that he needs to, but for \$120,000, he worries about it for a couple of years. Mr. Threadgill said his counter to that would be that you mentioned that it could be years before we could even get any capital outlay money and he knows that is based on the state of the economy. However, we could use this lull time, while waiting on the availability of funds, is start making plans and developing "shovel ready" projects, so that when the funding becomes available, we are ready. One of the problems we ran into with the ARRA projects, when we got our funding, is they were really looking for "shovel ready" project, so we scrambled to get our two projects to the state of being "shovel ready". What we have since been told, that if there is a new round of ARRA money, and it is anybody's guess right now, they are going to be literally looking for projects that are ready and on the shelf and have all the specifications and are ready to go to bid the day they give you the money. During lull periods of funding, planning and preparing for that next surge of available funds is, in his opinion, a worthwhile endeavor to give us that little edge when it is time to give the money.

Commissioner Rance wanted to comment that the issue is probably the \$120,000, it seems a little steep, and that equates to \$15,000 a project. What if we took the top four projects, even though the whole \$120,000 is already budgeted, let the City prioritize the top four projects and figure on only using \$60,000 of that money. He asked if that would be more palatable to Commissioner Rentschler or is that not acceptable to the City Manager. City Manager Roath stated that we could enter into a master agreement and do an individual agreement as supplementary agreement to the master for each project. Clearly, we recognize that the intersection of Panorama and Hamilton is going to be a problem, and if we take a proactive approach in trying to address it before it becomes more of a problem. It is not just the issue of the hotel; it is the issue of the restaurants in the area which already causes quite a bit of bottle-necking. There is also additional housing being built by the French Brothers and there are going to be some new road improvements that are going to be made. What Staff has attempted to do, and what we thought the Commission has asked us to do, is take a proactive approach to address some of these issues. We could prioritize some of these issues and if the Commission decides it wants to tackle a certain number of projects initially, we could enter into a master agreement, and start with those particular projects, see where we are at on those projects when we come back to the Commission and see if the Commission wants to add any projects to that planning efforts so we can continue to address these issues. His concern with regards to relying on staff, the individual that we are trying to hire to replace Mr. Hunt, is not only going to be over Engineering, ultimately that person is going to be over the Public Works Department as well. We are asking that person to not only be over the Engineering Department, we are asking them to assume the additional duties of the Public Works Director/City Engineer and have that person jump into these project and have a learning curve to address all of the other things on their plate and he thinks that it unrealistic. If the majority of the Commission is not in favor of having all of these projects looked into at once, he thinks we could go into a fall back position and enter into a master agreement and begin to identify these projects. As we get these completed, we could come back to the Commission and let you look at what else is needed so we can address them because all of these intersections in a lot of these are critical areas that we do have problems with. Whether we take these as a whole or address them individually, he thinks we do need to do them for the long term standpoint. The issue is, do we have the money to do all of them, no; is it a good time to do all the planning effort to get them in place so that when money does become available we are ready to go, yes. Our question now is what our priority is and that is what we are looking to the Commission for.

Commissioner Ledford knows that some of these projects we have been talking about for quite sometime and before most of us got on the commission. What always happens is that we never actually know how to take care of one of these issues because we don't have a study to know what our options are or what our cost availability is. Let's use the first intersection for example, we talked about that several months ago and we stopped it because we didn't know what our options were, and that is the whole point of doing this study, to find out if it is going to cost us \$3 million or \$150,000 for a light. We have addressed every single one of these in that kind of fashion, to him it makes more sense to get our study done on all of these projects so that we can see what we can afford, and see what our options are; yet at the same time, we are doing well on our projects, we are coming under bid on some of our capital projects, and hopefully we can take advantage on these cost savings as well as going out to bid and get some of these tasks done. The only reason they have not been done is because we haven't had the money. The whole point is that all of these things get stopped because we don't know where we stand and what are options are. As he looks at these and he is ready to do them all because he thinks they have all been discussed before, whether three years ago, two years ago, or in budget hearings. He says we do it, find out what our options are so that we can duke it out on which ones we want to trash because of the cost and what needs to be done, and that was the whole point of this. We had 11 bids, \$120,000 is a lot of money, but he doesn't know if it is well spent because we are going to get something done instead of just talking about it, because we could do it at a time when the costs are down, and he thought that is what we were talking about. He is assuming \$120,000 is a good bid. Mr. Threadgill said this was an RFQ, so dollars won't be involved yet. He would like to get this going because some of these projects are pretty major, and if we want to talk about the first four, which he is going to take very personal, he doesn't know if we can do it for \$3 million, but we might be able to do something for with a couple hundred thousand, but he just doesn't know. He is in favor of approving this so we know what we are talking about because we

have some money that we can't spend until we know what our options are.

Commissioner Ferguson asked when they do this, are they going to try and figure out how the town is going to change. For example, Scenic and Indian Wells, Scenic and First Street, and Scenic and 10th Street, are they going to try and figure out how much traffic is going to be there so they will know whether they should put a light there versus a stop sign. Those are going to be the only two choices at those intersections. Mr. Threadgill stated they will analyze traffic patterns, travel patterns, road patterns, projected road patterns, but those will all be taken into consideration. Commissioner Ferguson said lets take Panorama and South Florida, there are only two options, they can either put in four way stop signs or they put a traffic light there. Mr. Threadgill stated they could also put in a roundabout. The option is that we put nothing there; it could remain as it is. Commissioner Ferguson said then there are only three options because he has not seen very many roundabouts. Mr. Threadgill stated they are actually very common in the United States. Commissioner Ferguson said there are only three options and he doesn't think we need to spend \$8,000 to tell us that. Most of this is not going to happen for a long time and someone will be coming before another Commission 10 years later and say that we need to have another study done because things have changed because now that we have the money, we need another study. He does agree with taking the top three and doing those, because it is realistic. He wants everyone to think, can we realistically take the top three, use the money and get them all done, instead of doing all of these at once and we can do nothing about them until we get the funding. He would rather spend a little less, do two or three, and find the money for them, because we could at least have \$60,000 to try and complete a project.

Mayor Pro-Tem Cole said that he agrees with Commissioner Ledford very strongly. When we read of these eight possibilities, he was very pleased to read them and he thinks we should do them immediately and see where we go with this amount of money. \$120,000 as the total budget is very insignificant; with a multi-million dollar budget, \$120,000 is not money. If we were to do all eight of these at the moment and get the information, we could make a decision of which of the eight we want to do first. He knows we would have to prioritize them, but he is definitely in favor of doing them all, and that is his thinking. He assumed staff has already looked at these thoroughly, and more or less ranked them. Mr. Threadgill stated they are not presented to you in any ranked order. Mayor Pro-Tem Cole asked if they were the top eight. Mr. Threadgill said those were the top eight that were identified in the RFQ, but we did not identify them in any particular order. Mayor Pro-Tem Cole wanted to rephrase that, these are the top eight that need to be done. Mr. Threadgill confirmed that these are the top eight that do need to be done. Mayor Pro-Tem Cole restated that he would like to have all eight of them looked at so that we can see where we end up and maybe we can do the top three depending on how they come in, but he doesn't know where to start. He still thinks Commissioner Ledford is correct and thinks we need to have them all looked at now.

Mayor Griggs said one thing that we need to keep in mind as well, is that once Hamilton Road is bid out, and we know the numbers for Hamilton Road, we still have a substantial amount of money remaining from the 2008 Gross Receipts Tax bond left. One of these projects or all of them could be identified as one of the things to be done with portions of that money. When we say that they won't get done, that may not be right because we may have the opportunity to do them because we have an available source of money that we haven't had in the past. He thinks that is one thing to weigh as we end the discussion. We have different points of view, we have laid it out, so he would entertain a motion on this item.

Commissioner Rance moved to approve the award of a contract to HDR Engineering Inc. for Traffic & Geometric Studies, RFQ No. 2010-02, for the base amount of \$120,447.51 plus NMGRT. Mayor Pro-Tem Cole seconded the motion. Motion carried with a vote of 5-2-0. Commissioner Rentschler and Commissioner Ferguson voted nay.

- 7. Approve request by INTERA Incorporated for an increase to their standard billing rates.**
(Mark Threadgill, Assistant City Manager)

Mayor Griggs read the agenda report and turned the floor over to Commissioner Rance.

Commissioner Rance said this may go back to Mr. Threadgill, but he is not sure. He asked if he could get an explanation on why we would approve an increase on our billing rate prior to our contract expiring. We had an option clause in the contract, and they didn't meet the standard, at least that was his understanding. He asked Mr. Threadgill to let him know if he is reading that differently. Mr. Threadgill explained that this is an "uh-oh". If you read the letter that was attached from INTERA, they clearly admit that this is an oversight on their part. This is an On Call Environmental Services Contract for an initial period of two years, which was signed in August of 2008; in August of 2010, we gave a two year extension, as was in the original contract. The pricing in this original contract was meant to last from August 2008 to August 2009, with renegotiation. At the renewal period, if they asked to have it renewed, we were to have another negotiation, but they did not increase their prices in 2009, but they did ask for the extension to 2010. We allowed them the extension and worked it up, and for whatever reason, they believed they had 90 days from the time of the extension to ask for the rate increase, instead of 90 days before. He does not know the reasoning behind it, but they did ask for the increase after the fact. Because this was outside of the scope of the contract, the clause in the contract did not allow for this increase, this is not something that Staff or the City Manager could approve; it has to come back to the Commission. This was explained to INTERA, and that is why this item is before you now. We have reviewed their increases and it is a two percent increase in labor for INTERA, and a four percent increase on their parametric standards, but they did have a significant reduction in their reproduction charges, which if any of you are familiar with environmental studies, we make hundreds of thousands of copies of papers of various reports to be sent to various agencies, so that could be a significant decrease in charges, and there is also a slight decrease in mileage charges as well. We are asking that these rates be valid until August of 2011. But as Commissioner Rance pointed out, this is an "uh-oh" moment and we don't have an "uh-oh" clause in our contract and this is INTERA's attempt to rectify that "uh-oh".

Commissioner Rardin asked how often we utilize these services throughout the year. Mr. Threadgill stated it is on an as needed basis, so when we need to have some environmental work done on a project, like Fairgrounds Road, or work done out at the airport, we will call them. They get a Task Order which lets them know what it is they need to do, what the deliverables are and we already know what the rates will be, and they let us know how many hours each task will take to complete and we come up with a rate and they agree on it, and that is what the Task Order goes for. It is not a continuous thing, we would go six months without using them, or we could call them in three times in one month, it just depends on the projects and it depends on the requirements for that project. Commissioner Rardin wanted to know within the foreseeable future, between now and then, how much we are going to be using them. Mr. Threadgill said he knows of three projects, but we will only be using them once within the foreseeable future.

Commissioner Ledford wanted to know what kind of increase we gave our staff last year. Mr. Threadgill said it was a one percent increase. Commissioner Ledford asked who does most of the work, the Parametric, is that what you expect. Mr. Threadgill stated they seem to do the bulk of the work. Commissioner Ledford asked if that is where the big-wigs are. He also wanted to know who really does most of the work, and he believes it is the lower ranking employees. Mr. Threadgill said they would really question an invoice from them that said they will be the bulk of the hours. We know that the Senior Principal Investigator, they will typically charge us a couple of hours because it is going to be their signature on the final report; but we would expect the majority of hours to be at a much lower level, because the engineers are the ones out in the field collecting the data. Commissioner Ledford asked if he thinks they deserve this. Mr. Threadgill stated they believe it is a reasonable request on their part.

Mayor Griggs asked Mr. Threadgill if we have some control over who they send out. Mr. Threadgill said we do have a little bit of control. If they were going to send out a Principal Investigator for 12 hours on a 20 hour project, we would certainly question that and say that we will not accept that on the project, but to get a valid report signed off and submitted to NMDOT, for their concurrence, we will have to have some of their hours attached to it to verify that it was an official that signed off on the report. We can negotiate what hours we are going to use for each project, and ultimately, we do have

the option to say that they are too expensive and we can go out to bid with someone else. We would have to begin the process again and go out for RFQ and hire a new firm. Mayor Griggs thinks we could use a new firm right away, and still have this firm on standby, or is this firm exclusive. Mr. Threadgill explained they are On-Call services. We went out for RFQ, because we anticipate that it is going to exceed \$50,000 per year for professional services, so we have to go through the formal process of getting services on board. Through the RFQ evaluation, they are experienced and knowledgeable and have the qualifications to do the jobs, so we had the contract set hours for the first year and then we go from there.

Commissioner Rardin wanted to know what happens if we don't approve this, do they just continue doing it at this rate, or what. Mr. Threadgill explained that they could continue doing the work at the current rate, they could notify us that it is no longer useful for them to operate at these rates and use the termination clause in the contract and we would have to go out for RFQ and start that process to get another firm on board; those are the options.

Mayor Pro-Tem Cole wanted to know what Staff's recommendation is. Mr. Threadgill stated their recommendation is to approve the request. It is out of the ordinary, we admit it, but the firm admits they did not ask for the increase at the time that they should have, based on the contract, but we have reviewed their request and they have held their prices for two years. They could have asked for a request in August of last year, but they did not.

Commissioner Ledford asked if they are pro-city; are they friendly to the city. Mr. Threadgill said they are very cooperative with us; we have had very few issues with them in the work that they have completed. Their primary contact, Mr. Peter Castigila, has worked with the City through several firms over the years and has always been reasonable on all projects.

Commissioner Rentschler wanted to know what the cost for a typical contract with them amounted to. Mr. Threadgill stated that since each one has different requirements, he does not know if there is a typical cost. Commissioner Rentschler asked what is the most they have charged and what is the least they have charged. Mr. Threadgill said he is not able to say at the moment, he would have to go back through and get those details. Commissioner Rentschler wanted to know if it is \$10,000 or \$5,000. Mr. Hunt stated it is more closely to \$20,000. Commissioner Rentschler said \$20,000 is the average, so we are looking at about an \$800 increase here. Mr. Hunt stated it would be \$800 per project, so the \$20,000 would go up to \$30,000, but we just don't know, it just depends on the project.

Mayor Griggs said these guys are asking us to increase their rates at a time when there are probably companies around that are interested in work. You obviously think that the rates are reasonable and that they are not higher than someone else that is in business today. Mr. Threadgill said he will not say that we couldn't find someone who might do it at a less expense, provided they have the qualifications, but based on our review of the rates, we believe it is a reasonable request. He won't say they are the lowest, but we know for a fact that they are not the highest. Mayor Griggs asked when this contract will expire. Mr. Threadgill stated it will expire in 2012. It was originally completed in 2008, and it is a two year contract with a two year extension.

Mayor Griggs asked if there were any further questions or comments on this item. Hearing none, he asked for a motion.

Commissioner Rentschler moved to approve the request by INTERA Incorporated for an increase to their standard billing rates. Commissioner Ledford seconded the motion. Motion carried with a vote of 6-1-0. Commissioner Rance voted nay.

Recessed at 8:57 and reconvened at 9:10 p.m.

- 11. Approve Professional Services Contract between Versions Innovative Design and the Alamogordo Department of Public Safety for establishment and operation of a website for the Alamogordo Theft and Crime Network. (ATAC Network). (Sam Trujillo, DPS**

Director)

Mayor Griggs read the agenda report and turned the floor over to Commissioner Rance.

Commissioner Rance wanted to ask Chief Sam Trujillo, DPS Director, if this went out for bid, and how did you arrive at the number. By doing the math, he believes it is \$1,500 short over the gifts, where are you getting that. Chief Trujillo explained that this is under \$10,000, so it does not go out for bid according to our City's processing system. At the time, we were doing the agenda report, we still had funds coming in, so this was our best guess at what we will be receiving. Right now, we have received \$9,000 of donations for this particular project. He offered to show a presentation of where the donations came from. Commissioner Rance stated he does not need the presentation, unless the Commission so desires.

Mayor Griggs asked if there were any further questions or comments on this item. Hearing none, he asked for a motion.

Commissioner Rance moved to approve the Professional Services Contract between Versions Innovative Design and the Alamogordo Department of Public Safety for establishment and operation of a website for the Alamogordo Theft and Crime Network. (ATAC Network). Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

14. Approve a Contract with Otero County Economic Development Council (OCEDC) related to operating expenses and marketing services. (Mark B. Roath, City Manager)

Mayor Griggs read the agenda report and turned the floor over to Commissioner Rardin.

Commissioner Rardin said he just wanted to get the changes clarified. The City Manager said that there were a few words that were changed and he would like to have all of them clarified. City Manager Roath stated that he did have a meeting with the Chairman of OCEDC as well as the President and CEO of OCEDC last week. We reviewed the contract and there were some minor changes to the contract as written. The first change occurred on the sixth "whereas", where the word marketing was inserted so it now read "Whereas, OCEDC was formed for the purpose of marketing, among other..." and it goes on from there. The Original draft just had "the purpose of, among others..." The second change was the insertion of the sentence in 1E, where we had "in further of the agreed-upon goals and objectives, OCEDC shall provide a work plan, including a marketing plan, to the City no later than 45 days after the effective date of this Contract", and the question came up, what if we want to, based on circumstances during the year, Economic Development wise we wanted to change our work plan, so he suggested adding the sentence "OCEDC may revise the work plan at any time; provided, OCEDC submits the revised work plan to the City within 30 days of any revision", so that the City Commission will be aware of any changes in their work plan. This still gives OCEDC the flexibility their work plan and adjust to it based on the circumstances they are working on, on a daily basis, but also a notification of any change to the City. The next change is on the sentence below that that says "The marketing plan by OCEDC, shall was stricken and may include, at a minimum, the following", and there is a list that their marketing plan might include; this allows, as earlier stated, this contract proposed that in 45 days OCEDC would come back with a work plan that would include a marketing plan. What they have is some possible suggested strategies for the marketing, but they are not limited by these and they are not required to have these, depending on their expertise, would then submit their marketing plan, based on what they would propose for the City Commission to consider. There was also a change that was made in regards to 2A, and it was something that was brought to him by the finance director; we originally had in there that at the beginning of each quarter they would be paid the \$7,500, but after looking at it, the finance director suggested that in the most recent past we had changed that to the end of each quarter for their payment. He talked with Mr. Espiritu and he had no problem with that minor change. There were some changes made at the end of the document in regards to changing September to November, and the title of Mr. Espiritu, which is no longer Executive Director, but is President and CEO.

Mayor Pro-Tem Cole wanted to know, on 2A, in regards to the \$30,000, was that in the email that was sent out to the Commissioners. City Manager Roath stated it was and that is what was agreed to by the City Commission as the fund for this year, was the \$30,000 and paying \$7,500 per quarter.

Mayor Griggs asked if there were any further questions or comments on this item. Hearing none, he asked for a motion.

Commissioner Rardin moved to approve the contract with OCEDC related to operating expenses and marketing services. Commissioner Rance seconded the motion. Motion carried with a vote of 7-0-0.

UNFINISHED BUSINESS

17. **Consider, and act upon, the first publication of Ordinance No. 1383 amending Section 29-04-060 of the Code of Ordinances concerning Porches and Carports.** *(Stephen Thies, City Attorney)*

Mayor Griggs read the agenda report and turned the floor over to City Manager Roath.

City Manager Roath stated the City Attorney has been working on this issue and he knows that he has made some revisions as the Commission has requested. He then turned the floor over to City Attorney Thies.

City Attorney Thies this ordinance has been before you on three separate occasions, you have had the opportunity to make comments and suggestions. He incorporated those into this, hopefully, final draft of the ordinance. One of the issues he would like to draw your attention to is one of the comments that was made last time was whether or not should they have the ability to encroach on the front yard setback for porches. As a result, what he did is draft the ordinance to not allow open porches to encroach the front yard setback. You could simply pass the ordinance as presented, and it would be deleted. If you wanted them to have that option, you could then amend the ordinance to include the writing that he struck out addressing porches. Mayor Griggs said that is one of the ones that he had mentioned about porches, but he doesn't remember seeing a front porch that would encroach into a setback. He does not see that we need that provision and he approves the striking of it, but if the Commission feels like it is a good thing to have, he is willing to entertain that. He just doesn't recall ever seeing a porch encroaching on a front setback.

City Attorney Thies said he could continue going through the ordinance, but he does not have his notes in front of him to remember which changes were made from a prior draft. Commissioner Ledford believes that was the only change we made. City Attorney Thies stated there were some language changes and some restructuring of the ordinance, but otherwise it included the issues that were addressed last time.

Commissioner Rardin asked if we ever came up with the permit process for this ordinance. He remembers talking about that and he wants it to be a simple and easy process where someone could walk in and the staff in the office up front should be able to do it real quick. City Attorney Thies said it was his understanding that the Community Development is working on a permit application to try and make it as simple as possible. They are going to try to limit it to one page, but it might go on to the second side. There are only two people in the Community Development Department right now, there is a chance that both of those people could be absent and they may be unable to review it while the applicant is standing at the desk. Commissioner Rardin asked if we are going to set a time frame on the review process and issuing of a permit on that. City Attorney Thies stated that would have to be up to the person who oversees that department; whether or not they want to create some paper policy that they have to turn around and approve it or deny it within a certain amount of time. Commissioner Rardin said he would like to see a really quick turn around time on something like this, maybe even one day or a walk in or something like that.

Commissioner Rance said he understands the concern about not having a porch noted in this ordinance, but is there a reason not to have it in here, just because; what would it hurt if someone takes a porch and extends that porch into a carport. Mayor Griggs thinks if they are going to have a carport, you build a carport. He just can't imagine someone turning their front porch into a carport. If someone was to come in to get a permit to build a carport, he could understand that. But what you are saying is that if someone comes in and wants to add on a semi enclosed front porch in front of their house and make it out of screen. He has ascetic problems with that, but at the same time he doesn't see it being something that someone would hardly ever do. If someone wanted to do that, it is something they could come in and request a permit.

Mayor Griggs said one other thing, and it is not terribly critical, but we have been talking about 10 feet and 20 feet, because when we deal with those portable carports; do we even know that they are 10 and 20 feet, or are they 12 feet and 24 feet. City Attorney Thies stated he does not have any knowledge regarding the size of those carports. Commissioner Rardin thinks they can order them at any width that they want. Mayor Griggs said if we restricted them to 10 feet and 20 feet, if someone wanted to put in a 24 foot one, they would have to come in and ask for a variance.

Mayor Griggs asked if there were any additional questions, and to remember this is for first publications. Commissioner Rardin asked if we made changes to the widths or setbacks to the final publications. Mayor Griggs said we can, but it depends on whether we have to go back out for first publication if we make it more restrictive. City Attorney Thies stated any changes that we made would require republication. Normally when you are looking to make it more restrictive, you are limiting the rights of the people who are affected by this ordinance, we would be required to republish it.

Commissioner Rardin said if we are going to do that, then he would like to change the 20 feet to 24 feet. He thinks some of those double carports are 24 feet wide and we have it limited to 20 feet or 1/3 of the width of the front of the property. Most lots are 60 feet, so it is going to be 20 feet, he would like to change that to 24 feet. Mayor Griggs asked Commissioner Rardin if he thinks the single width carports are 12 feet. Commissioner Rardin said he is not exactly sure, but they are between 10 and 12 feet. Mayor Griggs agrees that we should change it to 12 feet and 24 feet.

Commissioner Rardin asked if we reduce it after the final publication, would we still have to go back for first publication. He can check on the size of the carports and see what size they come in. City Attorney Thies asked when you say reducing it, are you saying going from 24 feet back to 20 feet. Commissioner Rardin confirmed this. City Attorney Thies if we did that, you would have to republish it because you are making it more restrictive. Commissioner Rardin asked what if we increased it from 20 feet to 24 feet. City Attorney Thies said the argument could be made that you should republish it, but if you are not restricting it, you could.

Mayor Griggs said he doesn't understand that. If we came in right now and the first publication came in with 10 feet and 20 feet, and then we went to final publication and decided to increase it, would we have to go out for first publication again? City Attorney Thies stated you are less likely to get some objection if you are expanding the rights of a person than if you are restricting them; normally, you should republish an ordinance if you make any subsequent change to it.

Commissioner Rardin said he would still like to change it to 12 feet and 24 feet. He then asked what the one about 16 feet, under Restrictions, c(1); it mentions the maximum width of each carport being limited to 16 feet. Mayor Griggs thought it was for duplexes. Commissioner Rardin said it says for detached single family dwellings or any two-family dwelling use. He is guessing those are for duplexes or a town house. Mayor Griggs thought that is what he was thinking as well, and a multiple family dwelling could be a four-plex. We stopped this ordinance at that point and are not going past four-plexes. City Attorney Thies confirmed that. Commissioner Rardin decided he would rather leave it as it is and he will check on the width of those portable carports City Attorney Thies said one of the issues on the four-plexes, and limiting them to ten feet, is if you allow 12 feet and you have four carports sitting in front of a 60 foot lot, that make 48 feet of the front of the property nothing but carports. Even 10 feet would be a large portion span of the carports.

Mayor Griggs asked if there were any further questions or comments on this item. Hearing none, he asked for a motion.

Commissioner Rentschler moved to approve the first publication of Ordinance No. 1383. Commissioner Rardin seconded the motion. Motion carried with a vote of 7-0-0.

NEW BUSINESS

- 18. Consider, and act upon, the first publication of Ordinance No. 1388 amending Chapter 13 Flood Damage Prevention in order to meet the Federal Emergency Management Agency (FEMA) minimum requirements and to remain compliant with the National Flood Insurance Program. (Mark Threadgill, Assistant City Manager)**

Mayor Griggs read the agenda report and turned the floor over to Mr. Threadgill.

Mr. Threadgill explained that this is for the first publication of Ordinance 1388, amending Chapter 13 Flood Damage Prevention, which we already have on the books. These amendments are required to maintain our positioning the NFIP regulation, to meet the minimum in that regulation. The key changes to Chapter 13 are that definitions were added from FEMA and as a result of a 2008 review of the City's compliance with NFIP requirements. We go through a review process and we are part of the community rating system and we get points for how well we follow ordinance, the assistance we provide, the information we provide, and our performance right now, because of our participation all the residents of Alamogordo are eligible for a five percent discount on their flood insurance through the NFIP. As we expand our program, work harder and get better at it, which Nancy Beshaler, who is our Flood Plain Manager, has been doing, is that this will increase and could rise to as much as 45 percent. We are not there yet, but we are working towards that goal. Also, it updates the reference to the new maps that will be come effective on December 17th, 2010; our current maps are from 1983, so it has been quite a while since we have had updated maps. We have added Declaration of Public Nuisance and Abatement of Violations language, which allows us to go in and take care of, once declared, a property that is not flood proofed or prepared for a flood, as a nuisance and abate that violation. We also added language that would allow the City Engineer, the Flood Plain Administrator, to designate a representative to administer a flood plain ordinance; that was also a requirement. We removed the language related to the issuance of the certificate of occupancy for buildings, because we no longer do the issuing of building permits, the inspections, and the issuance of the certificate of occupancy. Approving this for first publication allows us to meet the timelines and have this new ordinance adopted in time for the new maps to be effective December 17th, 2010. He asked if anyone had any questions for him.

Commissioner Ledford said his question what is our responsibility, as far as liability goes, for the City. Mrs. Nancy Beshaler our role is to enforce the property management ordinance, which is what you have in front of you, and in most cases that has to do with building requirements. When someone comes in for a building permit, we review it for zoning, we do a flood plain determination and if they are in a flood zone, we tell them what their base line elevation is and we tell them they need to build that at or above that base line elevation. That is typically our role in this. We do get request from lenders and homeowners and we do give them that information. Lenders, she would say 99 percent if not 100 percent typically make their own determination.

Commissioner Ledford thinks she is talking about new construction and what is involved. The more he learns about this, the way the property lines go, part of it is in a flood zone, so they are going to have to get flood insurance. Not everyone got a letter, does that mean he is not in a flood zone. He thinks this is going to make a difference in the appraised values of house that require flood insurance and those that do not. It could have impact on the marketability, especially when the standard rates go up down the road and he just wants to make sure that it is not the City's responsibility because we missed something. Maybe he is just over reacting, but that just concerns him. He appreciates us being proactive and he thinks they have done an excellent job and helping people is good, but it could

have a significant impact when it comes down to dollars per year for a premium. Mrs. Beshaler agreed and said this is a muted community, and showed and explained the flood plain map and the differences between the 1983 map and the current one. Part of our job with the NFIP is to provide information to our citizens. She sent out the letter and tried to put enough caveats in there to say that the lenders make their own determinations and nothing is guaranteed.

Commissioner Ledford said let's say a year from now when we get our updated map because of the flood project, is it possible that someone could be in a flood zone then that is not in one now. Mrs. Beshaler said it is possible. Commissioner Ledford can they be grandfathered in. Mrs. Beshaler said they can't because there were provisions for grandfathering in based on that process, which is a letter of map provisions, which is different than updating the entire map for the community. Commissioner Ledford asked if a year from now we find out that we are in a flood zone, are we going to get grandfathered premiums. Mrs. Beshaler stated it is based on the lender.

Commissioner Rardin said in the past when we built things a particular lot may be in the flood zone, but as long as the structure itself was not in the zone they did not have to carry flood insurance, is that going to change with this. Mrs. Beshaler said she thinks if you are in a flood zone whether you build the structure above the base line elevation or not, you still have to get flood insurance. What building that above the base line elevation does is gives you better insurance rates. Commissioner Rardin said he is asking is, by the 1983 maps, part of his lot is in flood zone, but the structure is set on the part of the lot that is not in the flood zone, so he doesn't have to carry flood insurance on his house right now; is that going to stay the same to where you situate your structure on the lot, if you are in one of those gray areas where you are practically in and practically out do you still have to get the insurance. Mrs. Beshaler said her understanding is that the lenders do that all differently, some are stricter than others and some are more lenient than others, so it is up to them to make the determination.

Mayor Griggs said one of the things that staying current and staying up with this and being approved by FEMA is that they help us fund the Flood Control Project, which they fund 75 percent of. It will cost \$90 million to complete and we don't have that much funding, so it is important to stay up with this.

Commissioner Ledford thinks that our flood plain has expanded with our flood project, does that seem strange to you. Mrs. Beshaler explained that the maps will project the flood project. Commissioner Ledford asked if she thinks it will get cut. Mrs. Beshaler said it will take some people out of the zone.

Mayor Griggs explained to Commissioner Ledford that when the Flood Control Project was initiated, in discussions with the Corps, and he does not know if we still have those maps or not, they indicated what portions of town should be protected from flood with each individual part of the project. The south part, which was mostly Marble Canyon, and the north part, which took in most of the community and according to those maps, the majority of the community will come out of the flood zones once the south and the north is built. Now that is according to those maps at that time.

Mayor Griggs asked if there were any further questions or comments on this item. Hearing none, he asked for a motion.

Commissioner Ledford moved to approve the first publication of Ordinance No. 1388 amending Chapter 13 Flood Damage Prevention in order to meet the Federal Emergency Management Agency (FEMA) minimum requirements and to remain compliant with the National Flood Insurance Program. Mayor Pro-Tem Cole seconded the motion. Motion carried with a vote of 7-0-0.

19. **Consider, and act upon, the first publication of Ordinance No. 1391 to amend the zoning map to change the zoning of N Scenic Dr between 2689 & 2691 to C-3, Business District, from R-1, Single Family Dwelling District, requested by Otero County Hospital Association. (Matt McNeile, Assistant City Manager and Rocio Dominguez, P & Z Coordinator)**

Mayor Griggs read the agenda report and turned the floor over to Assistant City Manager Matt McNeile.

Mr. McNeile began by saying this is the first of two zoning issues that will come before you tonight. The first is Ordinance No. 1391, changing the rezoning R-1 to C-3, and staff is recommending approval for first publication. He showed a map of the area to be rezoned and said it is their understanding that they will be constructing medical offices in this area.

Mayor Pro-Tem Cole said the offices that are being built out there at the moment, are they going to be in this section that we are discussing. Mr. McNeile explained that this change will be for future development. Mayor Pro-Tem Cole wanted to ensure that it will not include the construction of the offices that are going up now. Mr. McNeile confirmed this. Mr. Marc South, City Planner added that the offices that he believes Mayor Pro-Tem Cole is referring to are Dr. Anireddy's offices those are not within the area of this rezoning because they have not been annexed into the City yet. We are providing services to them, under a pre-annexation agreement, and we are trying to get a few things worked out before we annex that piece of property into the City.

Commissioner Rance asked Mr. South if he could point out where Fairgrounds Road was located on the map. Mr. South pointed it out and Mr. McNeile explained that it was near the left side of the property that is to be rezoned. Mayor Griggs added that Fairground Road's existing stub-out is at the Southerly end and they have moved the Fairgrounds entrance at the top of the hill, which will and meet up with the existing Fairgrounds Road, once both parties have completed their portion.

Mayor Griggs asked if there were any further questions or comments on this item. Hearing none, he asked for a motion.

Commissioner Ferguson moved to approve the first publication of Ordinance No. 1391 to amend the zoning map to change the zoning of N Scenic Dr between 2689 & 2691 to C-3, Business District, from R-1, Single Family Dwelling District, requested by Otero County Hospital Association. Commissioner Rance seconded the motion. Motion carried with a vote of 7-0-0.

20. **Consider, and act upon, the Final Replat C and Subdivider's Contract for the Christian Science Society of Alamogordo, located in Alamo Blocks, Block 216. [Case # S-2010-1070(A), on Greenwood Ln. and 16th St. between Hawaii Ave. and Puerto Rico Ave. (1023 E 16th St.)] (Matt McNeile, Assistant City Manager and Rocio Dominguez, P & Z Coordinator)**

Mayor Griggs read the agenda report and turned the floor over to Mr. McNeile.

Mr. McNeile said this is the second item coming before you tonight. We re-visited this several meetings ago; this is where the Habitat for Humanity Help is going to be going. Staff does recommend approval of the final replat and will be at 16th Street between Hawaii Avenue and Puerto Rico Avenue. He explained the details of what will transpire, and said it is going to take three existing lots and five lots out of them.

Commissioner Rardin wanted to know if this is the replat we approved to do the smaller lot widths a few weeks ago that would take them from 60 feet down to 54 feet. Mr. McNeile confirmed this and said it was with a variance.

Commissioner Ferguson asked if we will be able to put a portable building on the smallest of the five lots. Mr. McNeile said he really didn't know what they would be putting there. Commissioner Ferguson asked if they could put a carport in there. Mayor Griggs said if it is smaller than 20 feet or a third of the lot.

Mayor Griggs asked if there were any further questions or comments on this item. Hearing none, he asked for a motion.

Commissioner Rardin moved to approve the Final Replat C and Subdivider's Contract for the Christian Science Society of Alamogordo, located in Alamo Blocks, Block 216. [Case # S-2010-1070(A), on Greenwood Ln. and 16th St. between Hawaii Ave. and Puerto Rico Ave. (1023 E 16th St.)] Commissioner Ferguson seconded the motion. Motion carried with a vote of 7-0-0.

21. Consider, and act upon, Resolution, No. 2010-32 Opposing Legislation Repealing the Hold Harmless Provision. (Mark Roath, City Manager)

Mayor Griggs read the agenda report and turned the floor over to City Manager Roath.

City Manager Roath said first of all, if you recall when he first came to the City a year ago, the Commission had us prepare a similar resolution; it was adopted by the City Commission and presented to our Legislative Representatives to express our concern with the Hold Harmless Provision, that it not be repealed and the impact it would have on the City of Alamogordo. This is a similar resolution and we wish to add that to the items that will be presented to the delegation here shortly. It points out the potential impact to the City, the General Fund, for example is over \$1.4 million, and it would impact that. He knows there has been some discussion that he has been apprised of that took place while some of the Commission attended the New Mexico Municipal League Conference in Taos, that the Governor, or at least some of his representatives expressed that they may either repeal it or attempt to repeal it under the current financial conditions. They also mentioned staging a phased approach, and obviously any of those alternatives would impact us seriously. We are asking again that the Commission support similar legislation, like they did last year, so that we can present that to the delegation.

Mayor Griggs said as everyone may remember, when we talked about the letter that he wanted to send to our delegation dealing with particular issues that impact Alamogordo, this was one of those items. The State of New Mexico, right now they are placing budget short-falls and he believes the number \$450 million. They may look for any particular opportunity they may find to help them cut that back. The City of Alamogordo will be impacted, as the City Manager says, more than \$2 million annually if the Hold Harmless provision is repealed, which means there will still be no tax on food, but the communities that were held harmless of any reduction in tax, because of this provision, we would now have to handle that because we would not get any payment from the State. What we are going to do, in this particular deal, is we will be \$2.5 million short in our annual budget, and we would have to figure out how we could either reduce services or increase fees in order to cover that. He thinks this is an issue that was created by the State and he thinks it is an issue that needs to be dealt with by the State and he thinks the State should do what it needs to do absent taking the money out of the community coffers. When we talk about Alamogordo, we are talking about \$2.5 million, and Albuquerque is looking at about \$30 to \$40 million, and the State needs to figure out a way to deal with that. Someone is going to be impacted, and if we have to deal with it here, we are going to have to impact something. He thinks we need to do what we need to do to help the State, but he doesn't think this is one of them. He was surprised to see this on the agenda at this point, but after the City Manager's explanation of providing this with the packet of Capital Outlay information that we have, he understands and would recommend that we go ahead and sign the resolution and move forward.

Mayor Pro-Tem Cole wanted to address the City Manager and say he assumes we all pass it, but he would like him to send a copy to the Municipal League since they are also writing a letter.

Mayor Griggs asked if there were any further questions or comments on this item. Hearing none, he asked for a motion.

Commissioner Rardin moved to approve Resolution, No. 2010-32 Opposing Legislation Repealing the Hold Harmless Provision. Commissioner Ferguson seconded the motion. Roll call vote was taken by the City Clerk. Motion carried with a vote of 7-0-0.

22. Appointments to Boards & Committees. (Ron Griggs, Mayor)

Mayor Griggs appointed Andrew Gomolak and Jerry Wolf to the Planning & Zoning Commission. He asked the City Clerk to notify these individuals.

CITY MANAGER'S REPORT

- 1) He wanted to thank the Commissioners that attended the Public Auction that the City had, it was very successful and he wanted to thank the Assistant City Manager as well as all the staff that was involved in that, we successfully sold some of the items that we declared as surplus and hopefully made some space for some additional items that we may declare surplus in the years to come.
- 2) He wanted to mention Mr. Threadgill and Staff is continually working on Dilapidated Building issue. In one of our recent reports to the Commission, we did have one house where the occupant took care of their own situation and we also have some properties that have been put on notice and they will be brought to the Commission next month for further action. We are moving forward on that process and he thinks that it is a success.
- 3) He said the City Attorney has been involved in PNM, and since it was brought up this evening, he wanted to ask him to advise the Commission on that PNM rate increase.

City Attorney Thies stated currently there has been mediation going on between PNM and all the interveners and we are all just trying to reach some type of solution. As soon as we reach an agreement, they would then go to rate design. We are at a point where the mediator is going to determine that we are too far along in that process, too close to the hearing, at which time he would say that the mediation is not going to be successful and the parties would prepare for the litigation. Mayor Griggs asked if we were about at that time or are we at that time. City Attorney Thies stated we are close; we are beyond the date that he initially indicated that he will allow mediation to go beyond. Initially he said the first week in November and we are in the second week of November. Whether there is going to be an agreement, he is not real confident, but he does know that some of the discussions that have been had on the revenue requirements, some of the proposals have been considered and would be beneficial to the people who are located in the south, and that is us and about 12 other communities; it would lessen the potential increase of the rate.

REMARKS AND INQUIRIES BY THE CITY COMMISSION**Commissioner Rance commented on the following:**

- 1) He wanted to know where we are on securing an adequate phone conferencing system.

City Manager Roath indicated that we have the facility maintenance looking into the issue and preparing cost estimates for that.

- 2) He said he spoke to the City Manager a week or so about the potential, of providing to the various media outlets, some type of high level or mid level summary so that they could interject them into their Correspondence; where are we at on that.

City Manager Roath stated that he has been thinking about that, but has not done anything about it at this point.

Commissioner Rardin commented on the following:

- 1) He wanted to know why Mr. Pavelka can't be appointed to the Airport Advisory Board.

Mayor Griggs explained it is because he is a fixed based operator and he does not want to appoint a fixed based operator to the board because he believes there is the potential for conflicts with them; and that is with any fixed based operator. He would like Mr. Pavelka to be the Ex-officio member. The board is also rewriting their by-laws to address situations like this. He then asked the Clerk to take Mr. Pavelka off of the applications for the Airport Zoning Board.

Mayor Griggs wanted to return to item 22, because he overlooked that item.

EXECUTIVE SESSION (Roll Call Vote Required)

Recess into Closed Session in compliance with Section 10-15-1.H, NMSA 1978 (2001 Cumulative Supplement), to discuss:

Mayor Griggs said we have a need to adjourn into executive session and asked for a motion to adjourn.

- **Threatened Litigation: ADA Compliance Review**

Commissioner Rardin moved to adjourn into Executive Session to discuss threatened litigation: ADA Compliance Review at 9:59 p.m. Commissioner Rentschler seconded the motion. Roll call vote was taken. Motion carried with a vote of 7-0-0.

ADJOURNMENT



Renee L. Cantin
City Clerk Renee L. Cantin

Ron Griggs
Mayor Ron Griggs

(Prepared by Marsha D. Brady, Deputy Clerk)

Approved at the Regular Meeting held on December 7, 2010.