

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
MUNICIPAL BUILDING, 1376 E. NINTH STREET  
7:30 P.M., COMMISSION CHAMBERS  
FEBRUARY 22, 2000**

***MAYOR DON CARROLL COMMISSIONER LEE MORTON***

***MAYOR PRO-TEM JOHN VAN DOREN COMMISSIONER RON GRIGGS***

***COMMISSIONER INEZ MONCADA CITY MANAGER PAT McCOURT***

***COMMISSIONER ROGER POWELL CITY ATTORNEY REBECCA EHLER***

***COMMISSIONER AL HERNANDEZ CITY CLERK ANGIE TRUJILLO***

**Call Meeting to Order, Roll Call, Invocation, and Pledge of Allegiance.**

The Meeting was called to order at 7:30 p.m. The Invocation was given by Father Scott Ruthven, and the Pledge of Allegiance was led by Commissioner Ron Griggs.

**PRESENTATIONS:**

- 1. Presentation by Dr. David Townsend, and adoption of Resolution No. 2000-06 recognizing an advisor of Historical Monuments for the City.**

**Recommendation: Approve the Resolution.**

Dr. David Townsend said they had before them Resolution No. 2000-06. He had indicated to the Commission at a prior meeting that the Centennial organization would be going out of business. They had discovered it was almost as difficult to get out of a 501-C3 as it was to get into one, but they were as quickly as they could divesting themselves of assets and closing out their operation. That should be final within a month or so. The work that had been started by the Centennial was too valuable to simply let go, besides which, there were a good many initiatives that

were still continuing with the Centennial. For example, one of the subcommittees, the Buffalo Soldier subcommittee, had activities this coming weekend with a recognition of the Buffalo Soldier in Founders Park. They also had the Hispanic Pioneers subcommittee operating, and that group was in the fundraising mode and had commissioned two pieces for Founders Park. So, there was work which needed to continue. He thought there also needed to be a process and procedure which regularized the bringing to the Commission of suggestions concerning Founders Park and historic recognition. The prayer of this Resolution established a committee which would operate under the Commission's auspices that suggested a procedure where the committee would make its recommendation to the Commission concerning historic recognition and which established the process for raising continuing funds for historic pieces. It appeared that the Centennial would be able to transfer over about \$5,000, give or take at this point, into the City's operation for that committee. All in all he felt this Resolution would continue the work the Centennial had begun and would regularize the process which brought historic pieces to the City.

**Commissioner Powell moved for approval of the Resolution. Seconded by Commissioner Morton. All voted "aye". The motion carried by a roll call vote of 7-0-0.**

Mayor Carroll presented a Proclamation to Dr. Townsend outlining his past accomplishments, listing the many successful events of the Centennial Celebration, and naming him as official City Historian for the City of Alamogordo (see Attachment "A").

**2. Presentation by Library Director Paul Miller regarding his proposed six-month leave of absence to Baku, Azerbaijan.**

Mr. Miller presented a map to the Commission showing the location of Azerbaijan. Mr. Miller said he was offered a job by the State Department to work for the local embassy in Baku, Azerbaijan. There were three Librarians in that country who knew English, 12 who were studying English, and approximately 90 who were totally lacking English. He was supposed to teach them English, typing, computer skills, install internet terminals in the libraries, teach them how to use the internet, design web pages for them, convert their card catalogs to digitized databases, and install equipment in 12 libraries, and be back in Alamogordo by October, and do it all for half the pay he was making here. He had worked for a couple of years in

**Egypt and he had done similar things on a more modest scale. He had done a multi-cultural kind of library service. He ran libraries in Germany at one time as well. This was an extremely unique opportunity.**

**Mr. Miller said Azerbaijan was part of the Soviet Union until 1991. They broke away, not without some bloodshed but they did get away relatively painlessly. Chechnya was just one county removed from them and that was apparently where the Soviet Union drew the line. Because the Caspian region had a lot of oil, off Baku which was the capital of the country, the oil reserves out there under the Caspian Sea were said to be equivalent to those possessed by Kuwait. So there was an enormous amount of money there. Right now and for the last several years, the United States had been in competition with Japan and China and many other countries who were trying to get contracts to help them develop their oil because there was big time money there. The United States had signed \$64 billion worth of contracts within the last five years and there was much more to be had. He suspected that the State Department was spending money on a Librarian to help them automate their libraries as one little piece of a big propaganda effort to show them that we Americans were good guys and so they should give us contracts. It was just a piece of foreign policy as executed by our government.**

**Mr. Miller said for hundreds of years the Azerbaijanis, who were anomaly Islamic people, used the Arabic script for their language. But when Russia took them over in the 1920's, they made them change to a Roman script, like our alphabet. In 1939 Stalin was getting very paranoid about these Islamic republics, and he imposed upon them a unique script. They each used a Russian script, but each had a different one so that once they learned their script they could not communicate with each other and be compatible. So they had this Russian script for many years, and then in 1994 they dumped that and went to using the English script. One of the Librarians over there had told him that each time they changed their script, they were forced to burn all their literature. This was a country where all the statues and squares had a literary heritage and their literary culture was one of their main points of self-identification. So it was tragic what had happened to their libraries over the years. Right now all their libraries were academic, and they had no public library tradition. Another thing they hoped was that he would sew the seeds of a free public library. Right now all their libraries had the majority of their collections behind locked cages. Even here the Universities used to have closed collections where the user had to go to the card catalog and write down the name of a book and give it to the Librarian who would go get the book. In Azerbaijan the majority of their collections were not only behind cages, but then there was no reference for them for the items offered to the public. It was a ridiculous situation, unlike here where the Librarians had real service orientation. His job was not going to be simply an exercise in library technology, but part of the effort was going to be in**

trying to teach people who'd had this mentality that the less people knew the better, to one of where the more information people had and were able to discuss, the better it was even if it meant that in the short run the politics became a little more pretentious like it was in our country all the time. The alternative was always something much less desirable, which was what these countries had in the past. He was really excited about going and was real proud of this effort to change them. They actually stopped teaching their children Russian in 1994 and were now teaching them English, so they really were trying our way of doing things on for size. He was ready to get there. He really appreciated the City allowing him to get over there for six or seven months to do this.

Mayor Carroll thought it was a tribute to Mr. Miller and his expertise and reputation in the field and he brought great credit on the City of Alamogordo. Commissioner Powell said he was really proud of Mr. Miller. It was through Mr. Miller's efforts and the efforts of his staff that they had brought the Library to its present point.

The Commission recessed at 7:50 p.m., and reconvened at 7:55 p.m.

### **Call of the Consent Calendar:**

Items on the Consent Calendar are considered routine and should not require further discussion. A single motion will approve all items marked "CC" unless removed at the request of a Commissioner, City staff, or a member of the public. Items removed from the Consent Calendar will be heard in the numbered sequence.

### **3. Minutes of Regular Meeting of February 8, 2000.**

**Recommendation: Approve the minutes.**

**5. Consideration of the final plat of Alamo Blocks, Block 107, Replat A, for three (3) lots located within the City of Alamogordo, for William H. Nutting et al. [Case S-00-0653(A); 1204 and 1206 Fourteenth Street and 1311 Filipino Avenue]**

**Recommendation: Approve the final plat of Alamo Blocks, Block 107, Replat A, Case S-00-0653(A) with the required variances, located within the City of Alamogordo.**

**6. Fuel Storage Agreement with White Sands Soaring Association.**

**Recommendation: Approve the Agreement.**

**7. Ordinance No. 1085 amending Chapters 8 and 22 of the Code of Ordinances relating to drainage requirements. [Case M-99-0283(A)]**

**Recommendation: Approve the Ordinance amending Chapters 8 and 22 of the Code of Ordinances, in Case M-99-0283(A), relating to drainage requirements for final publication.**

**8. Ordinance No. 1088 amending Section 14-01-110 of the Code of Ordinances regarding Rates for Waste Collection.**

**Recommendation: Approve the Ordinance for first publication.**

**9. Resolution No. 2000-07 adopting additional fees for the Leisure Services Division (tennis courts).**

**Recommendation: Approve the Resolution.**

**10. Statement regarding the Executive Session of February 8, 2000.**

**Recommendation: Approve the following statement and authorize it to be included in the minutes of February 8, 2000: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of February 8, 2000 was adjourned into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure."**

**11. Award of Bid:**

**B. PW Bid No. 99-018, West Tenth Street Extension, Phase 1.**

**Recommendation: Award to Mesa Verde Enterprises Inc., in the amount of \$252,395.79, including NMGRT.**

**Item Nos. 4, 11(A) and 11(C) were removed from the Consent Calendar.**

**Commissioner Powell moved for approval of Consent item Nos. 3, 5, 6, 7, 8, 9, 10, and 11(B). Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a roll call vote of 7-0-0.**

**PLANNING ITEMS:**

**4. Consideration of the final plat of Heights Addition, Block 11, Replat C, Units A, B, C, and D, as amended, for one (1) lot located within the City of Alamogordo, for Tays Investment Corp. [Case S-00-0651(A): Crescent Drive]**

**Recommendation: Approve the final plat of Heights Addition, Block 11, Replat C, Units A, B, C, & D, as amended, Case S-00-0651(A), located within the City of Alamogordo, with variances on the construction and installation of streets (curb,**

**gutter, paving, and sidewalks), on the installation of water lines, on the dedication of public land and from Section 22-01-0140(a)(19) relating to drainage plans; with public access, and with a Waiver of Protest Agreement and a Subdivider's Contract.**

**Mayor Carroll said he had this item removed from the Consent Calendar. Because with some of the variances that were being requested because of the location of this parcel of land in relation to what had currently developed, it may make sense to postpone that. However, he had a problem with granting these variances under the color of a Waiver of Protest. As he understood a Waiver of Protest Agreement, what this would entail for the City to require at some point in time for these improvements to be made, was to form an Assessment District to do that. He had some real concern of getting into a situation where they started having little Assessment Districts all over town. This was an area which was obviously going to grow and be developed. He just had some real concern over the way that these exceptions from what they normally required of this type of development be done. That was his concern with what was being proposed here. As he understood it, the reason for this action was to facilitate the extension of a sewer line to allow some additional use or some additional development on another piece of property that was not this one.**

**Mr. Barry Burke, representative of the petitioner, said the reason this was even before the Commission was in order to get the sewer line through there, they had to take an easement off the back of the lot. It was about 500 feet from Indian Wells Road and was isolated. It was about 120 feet by 120 feet, and it didn't warrant any improvement at this time because they had absolutely no plan to do anything with it at this time. The requirement for a Waiver of Protest came from the City. The petitioners were willing to sign one if that was what the City wanted. Mayor Carroll said the Waiver of Protests were normally required in the event that the City had an Assessment District to require those improvements. That was his concern. He would be more comfortable with some sort of an agreement that said at the point in time when either the property owner developed it or the other area was developed to where those utilities and infrastructure was provided to the edge of that property, that it be done and not be required to go through an Assessment District to get it done. Mr. Burke said that suited them fine. Mayor Carroll said he understood where the Waiver of Protest came from and he understood that he saw it for the first time when he got his packet, and that was his concern. Mr. Burke thought all the landowners around there would be delighted if the City would take that approach to these things.**

Commissioner Powell agreed with Mayor Carroll and said he would support any recommendation he had. Mayor Carroll said he didn't know whether there was an easier way to protect the City to get those improvements done at a time when it made sense to do them, short of having to force an Assessment District. Mr. McCourt said that was where this particular item came from. The properties were individually owned and they developed at different times so the question became how they got that development to occur and all the parties to participate in the development so that they would pay their fair share. He would expect that this was viewed as a tool to permit that to occur, to permit that coordination between varying property owners in the immediate area and bring them together to fund the improvements. As they said, it did kind of put the City in the middle of the situation and created an improvement district rather than as they normally did it now with the subdivider up-fronting the money for the improvements. Mr. Burke said the ownership was not isolated. Mayor Carroll said basically it was one owner. Mr. Burke said on both sides of Crescent Drive was basically one owner, and when it got developed, it would get developed. But they didn't want to go out and spend money to build a street and put in a waterline 500 feet from the nearest street and waterline.

Mayor Carroll asked if there was an alternative method to do this, short of getting into the Assessment District? Ms. Ehler said not one that was coming to her mind at this moment.

Commissioner Powell said he would like to see it proceed to at least get a sewer line done. What was postponement of the balance of the sewer line going to do? Mayor Carroll said the sewer line was all they wanted to run. As he understood it, the only reason this piece of property was involved was because they needed an easement through it to connect the sewer line over to another piece of property, and that was where they really wanted the sewer line. Mr. Burke said it would eventually service a lot of properties, some of which they owned, and a lot of which they didn't own. Commissioner Powell asked how they could fix that short of postponement, allowing the sewer line and yet not development of the Assessment District and the curb, gutter, street, etc.? That would still need to be done by the developer, if and when that happened. Mr. Burke said they'd rather sign a Waiver of Protest than have the City postpone it while they figured out some other way to do it. Mayor Carroll said his concern with the Waiver of Protest when it was basically one property owner out there, was that at some point everything else could develop out there and the only recourse the City would have at that point would be to force an Assessment District. Mr. Burke said he didn't think so. The cost of the them putting it in themselves was considerably less than the cost incurred in an Assessment District. Mayor Carroll said he was saying that the cost for the City to put it in would be cheaper... Mr. Burke said no, the cost to the landowner to put it in. The City was never going to

ever have to pay to put that stuff in. There was no intent on the landowner's part to foist that cost off on the City. This was the City's requirement that created it. The City said they must sign a Waiver of Protest or go out and put in 100 feet of street and 100 feet of waterline that connected to nothing and which would probably just lay there for a number of years. The owners were willing to sign a Waiver of Protest. Commissioner Powell asked if that would un-obligate them in the future? Mr. Burke said no; when it came time to develop it, it would get developed. The only time a Waiver of Protest came in was if it needed doing and they refused to do it, and then the City came and did it. Ms. Ehler said she didn't quite see it that way. It happened when people developed and didn't put in the necessary facilities, and then the necessary owners wanted to have their area upgraded. That was when they did an Assessment District. Mr. Burke said the Waiver ran with the land anyway.

Mr. McCourt felt this was an effort on the part of staff to gain some additional leverage for the City at a future time to encourage the development. As Mr. Burke had indicated, it was frequently a lower cost for the subdivider to install the improvements themselves, rather than go through the improvement district.

Mayor Carroll said the City Attorney appeared to be saying that there was no other mechanism to do this. Commissioner Powell said there had to be some language they could put in somewhere which would follow this thing; whether it would ever get done or not was a different story. Mayor Carroll said he didn't have a problem in postponing the infrastructure improvements; his concern was to make sure some mechanism was there that did not put the burden on the City to force that to happen at some point in time by going to an Assessment District. Mr. Burke said he didn't think there was a big problem with that because the people they were talking to, essentially, were people who were building a lot of sewer line that wasn't going to serve anything they owned, to get to the stuff that they did own. They weren't trying to pinch pennies or squeeze somebody.

**Commissioner Morton moved to approve the final plat of Heights Addition, Block 11, Replat C, Units A, B, C, & D, as amended. Seconded by Commissioner Hernandez. All voted "aye". The motion carried by a vote of 7-0-0.**

**OTHER BUSINESS:**

## **11. Award of Bid and RFP:**

### **A. PW Bid No. 99-017, Parks Maintenance Building.**

**Recommendation: Award to TC Enterprises, Inc. in the amount of \$303,084.00, including NMGRT, and increase the project budget to \$309,850.00.**

**Mayor Pro-Tem Van Doren said he was trying to put this particular item in sequential order for himself to understand why it had transpired from having \$382,574 in the 98/99 adjusted budget figure for the 96 Gross Receipts Tax under Fund 67, down to where they were now. He was all for Parks to get out of their present building, but he couldn't see the City putting out and receiving a bid that exceeded the budgeted amount by \$55,000, and then negotiating with the contractor to bring it within budget. Then apparently they negotiated with the contractor partially, apparently, because they still had to come up with \$16,500 out of an operational fund. He didn't understand how Parks could have \$16,500 in an operational fund which they could pull out and apply to this without it infringing upon some other area. To him, this just wasn't adding up. He had talked to the City Manager on this, but he didn't understand why they had gone to the extent they had to remodel the Fleet Maintenance building to a certain extent, or why they weren't taking the \$200,000 out of this and adding to the money that was left and building a Fleet Maintenance building and moving Parks into the old Fleet Maintenance building. If they didn't do that, they would have to build a Fleet Maintenance building in the not too distant future, and then they would have an extra building out there. Also, he couldn't understand why they designed it by what they needed, and now all of a sudden he was told that they didn't really need that. He would like an answer to all of those little items.**

**Mr. McCourt said they were talking about two separate structures and two separate sources of money. The Fleet Maintenance building was in a bond issue which was passed in 1996 by the City. It specifically pertained to various improvements around the City, including improvements to the Golf Course, Zoo, etc. What occurred was that when that was passed, it was stated that the Fleet Maintenance building was the lowest priority. So what monies were left from the bond issue after each of the other projects were completed, was what would be used for the Fleet Maintenance building. That had been working along for a couple of years, so as they approached the current 1999-2000 budget, there was a sum of money remaining that was then budgeted by the Fleet Maintenance personnel on how they were going to use those**

funds. They were going to do renovations on the existing building, they were going to build some carports to park the equipment under, put some lift equipment in the existing building, and change some doors so they could drive through the existing building. They set up a budget to do that. As Mayor Pro-Tem Van Doren stated quite correctly, there had been a proposal at one time that if there was sufficient funds to build an entire new building for Fleet, then at that time the Parks Department would move into the building which Fleet Maintenance was in now. There just wasn't enough money to do that. When they got into last year's budget process, the Commission injected \$300,000 into the budget to build a new Parks building. That was put in Fund 24, and they did sorely need a new building. That was the best estimate on the cost of it. Incidentally, that money was coming from the General Fund; there were no bond monies being used for this facility and it was all committed from the General Fund. That had been moving along and they had moved jointly with the rest of Public Works to bring in a gas line so they would have gas services available to the different buildings. That was how a portion of the money got spent. They had constructed their pad to raise the building up out of the flood plain, as had Fleet constructed their pad to where they were building a carport so that the equipment parked there would be raised out of the flood plain in that area. The item did go out to public bid for the construction of the building, and it was being designed by Engineering to include what items they felt could fit within the budget constraints that were placed there. The bid came in higher than they anticipated, at which time the Parks Foreman and the Engineering Department sat down and negotiated out everything they figured they could cut. At that time they were still over budget and he told them they couldn't award the money, unless they could come up with the money from somewhere else. The Parks Foreman then looked at his budget, and one of the larger items he had cut was the cost of water. As they would recall, they had converted a considerable amount of the parks over from potable water to effluent water. He also took some money out of fertilizer and new plants, and those items would just have to be delayed. However, the Foreman felt that getting the building constructed was of a higher priority and he trusted his judgment in the operation of the parks on that. As Mayor Pro-Tem Van Doren had indicated, it was a good idea. Conceivably, they could have taken the \$300,000 and matched it up with the remaining bond money back at the beginning of last year and said build the Fleet building and then we'll move the Parks in, but they didn't. At this point as he looked at what the Fleet folks had committed, either encumbered or spent on their facility, he believed it came to about \$130,000 out of the available money they'd had on the road they'd gone down. The Parks folks had also spent some money and the road they'd gone down to construct their building—this configuration was going to work. It may not be the optimal configuration. He thought Mayor Pro-Tem Van Doren was suggesting that perhaps they didn't put these two pieces together since they were individually developed. Staff didn't know they were going to get the \$300,000 for the Parks building, as it was not initially in last year's budget. It was put in late in the process by the Commission to recognize that need and put that money in the budget to be used for that purpose, and they had followed through on it. That was how it developed and that was what had happened to this point.

Commissioner Powell asked if the Parks building would be able to be built on the lot in a way that it could be increased in size somewhere down the road if the funds were to become available? It looked like they had reduced it by 1,500 square feet total, but it had gone from 60 feet by 150 feet to 50 feet by 150 feet, and from 18 feet high to 16 feet high. Was it going to be built on a lot where if they came up with the funds to put another 1,500 feet of the same width and heights, that would be possible? Mr. McCourt said the mound of earth they had built and compacted was going to be large enough to have a larger size building on it. However, they had taken ten feet off the width, so it would be difficult to expand it at a later date. The length was 150 feet wide, and they had gone from 60 feet to 50 feet deep, and they had lowered the height 2 feet in order to bring it in. So they were not going to raise the height and he would be very surprised if they expanded the depth of the building. Commissioner Powell asked, though, if there was room available at some time where they could expand? Mr. McCourt said there was room where they could do that at that site.

Mayor Pro-Tem Van Doren asked how often the City negotiated with a contractor that had a bid which exceeded \$55,000 over the budget to do that sort of thing. Was it our policy to do that? Mr. McCourt said the City worked with the low bidder to see if they could bring it down within our budget constraints, and they had done that on other bids also. Mayor Pro-Tem Van Doren said he didn't recall a bid which had exceeded the budgeted amount by \$55,000, though, where they had decided to negotiate with the contractor and in addition had to come up with \$16,500 extra from somewhere else to meet a lesser thing than what they wanted. Mr. McCourt said they frequently re-budgeted money; they had to because they couldn't award a bid unless they had money available to pay for that contract. So that was not unusual. In fact, they just did it on one of the consent items, which was to move some money from one budgeted line item to another in order to cover the cost of that Phase 1 on Tenth Street. That was not that unusual of a circumstance as they tried to get these projects done within the budget. Mayor Pro-Tem Van Doren said he just didn't understand this. Perhaps he hadn't been paying attention or something, but he always thought that when a bid exceeded the budget by \$55,000, they simply rejected the bid and re-bid. Mr. McCourt said one of the options of the Commission would be to reject all bids and re-bid it.

Commissioner Powell said as long as he had been on the Commission, he knew there had been times when they went back and negotiated with the original contractor, especially if square foot cost was about the same, so that it would fall within the budget. Certainly it was an option to reject everything, but he thought when they did that they had found a couple of things happened. First, the local contractors had

all of their dollars out on the table and there was no longer anymore secrets in the bid process. Local contractors had a problem with having to put all of their numbers out there. He thought the City and anybody else had found that it was not necessarily more convenient, but more prudent to try to negotiate with the low bidder square foot per square foot costs to stay within the budget. Mayor Pro-Tem Van Doren asked if he recalled having to negotiate with the contractor when the bid exceeded the budget by \$55,000? Commissioner Powell said specifically, no, he couldn't. However, at the same time, were they even sure that their original budget cost was where it should have been and what it should have been? Mayor Pro-Tem Van Doren said apparently they were not anymore sure of whether they needed that size of building or not either. Commissioner Powell said taking somebody who was in a shack out there and if he said they needed to negotiate down and try to do something, Mayor Pro-Tem Van Doren would probably do the same thing as the Parks Foreman had done. Mayor Pro-Tem Van Doren asked what he had done? Commissioner Powell said he had negotiated down the size of his building in order to have a new building. Mayor Pro-Tem Van Doren said he wouldn't be able to support this.

Commissioner Morton asked if they had abandoned plans to redo the Fleet Maintenance building and move them in there? Mr. McCourt said they were not moving the Parks into the Fleet Maintenance building. Commissioner Morton said that was what they had talked about a while back—that eventually they would build a new Fleet Maintenance building and put Parks in there. Had that been abandoned? Mr. McCourt said yes. At this time they were taking the available funds that were remaining within that bond account, and they were doing renovations on the Fleet building, building the lean-tos, and they were putting the new equipment into the existing Fleet building. Mayor Pro-Tem Van Doren asked why the money that was being used to build the Parks building couldn't be added to the funds which remained in the original money for the Fleet Maintenance building? Mr. McCourt said that money could be. It was General Fund money and could be used for the Fleet Maintenance building. Mayor Pro-Tem Van Doren said he didn't understand why they hadn't taken that route. Mayor Carroll said because during the last budget cycle, the Commission directed the \$300,000 be devoted to build a new Parks building. Mayor Pro-Tem Van Doren said that was an oversight on his part. Mayor Carroll said that was the desire of the Commission. It looked like they had negotiated the size of the building down. The per square foot cost appeared to be the same, but they had scaled the building down. As he saw the options, it was to award a contract for a scaled down building, or if the decision was made that they had to have the 9,000 square foot building then they didn't award the contract and re-bid it next year and fund it with next year's budget to cover the additional cost.

Commissioner Moncada said it appeared that they needed the larger size building, and now they were going down on it. Were they going to run themselves into some kind of trouble by not having the proper size of building that was originally needed? In future years would they not have enough room or have to go for additional space, and be back at the same point of more money? Commissioner Powell said that was why he asked about that. If she was in the Parks Manager's position, she would have done the same thing as he did, and negotiate down to get a new building. That was why he had asked about what the possibility would be in the future if they were to come up with another \$30,000 or \$50,000 to get that building back to the square footage it was originally at. The Commission could take that amount of money and put it into another budget so they could add on. Mr. McCourt said in his opinion, next year's budget was going to be much, much more tighter than the current budget. Commissioner Powell said that didn't mean that the one the year after that was going to be that way. Right now they needed something out there because they basically had nothing. Mayor Pro-Tem Van Doren said they had needed it for a long time and he understood what Commissioner Powell was saying when he stated, "If you were in the Parks Manager's position...". But they were not in the Parks Director's position.

Commissioner Griggs said in this particular deal there were more things that concerned him other than the fact of whether the building was big enough. It wouldn't really surprise him that when they looked at what they needed, they tried to make it as big as they could possibly get. When they cut 10 feet off the building on that one side, they were really not going to be able to add onto that side very well. The only thing they could do was to extend the building out making it longer than the 150 feet. He thought if they felt they could live with the building and if the Commission thought it was a good process, then they ought to go ahead and approve the bid. What he was concerned with a little more than that part of it, was that they'd had two bids for two buildings recently come in well over budget—this one and the fire station. The fire station they wouldn't negotiate on particularly, but this building they were willing to do that on. What concerned him was what signals they started sending to the contractors out there on what they would negotiate and what they wouldn't. He believed the City needed to look at its internal policy and make it known to the people out there that if the City sat there with a budgeted number, that they would be willing to negotiate with the low bidder up to a certain percent for a specified period of time to see if they could negotiate the bid down near the budgeted amount. If they could not, then they left it to where everybody understood that the City would at that time go out and re-bid the project. He thought that was a real fair way to do that with everybody that was out there. In this instance the bid was nearly 20 percent over budget when it first came in. They had one contractor that was \$20,000 less than the second bidder, but maybe the second bidder could bring it down. When they started looking at the percentage on this thing and not the dollars, they were up there pretty high in what they were deciding they were going to negotiate. He thought they needed to really consider what signals they sent to

everybody by doing that. He really pushed for the fact that they needed to be consistent in the way they handled things each and every time, and not just haphazardly. Mr. McCourt said on the fire station they had bidding irregularities from all the bidders. Commissioner Griggs said that was true. However, had the amount been there, it wouldn't have been that much of a difference then and they could have negotiated that had the subcontractor's bid not been pulled.

Commissioner Hernandez asked how they came about the number they had budgeted here? Mr. McCourt said he knew \$300,000 was what the Parks Department had asked for the building originally, and that was what the Commission had put into the budget for them to use for that purpose. Commissioner Hernandez said the reason he asked that was because in the past they would have an Engineer's estimate on all their bid tabulations for buildings, streets, etc. They had three bids here and none of the three had them so they had nothing to go by as far as what the estimated cost would be, i.e., what it would cost to buy a piece of pipe or what concrete cost per foot. Second, they were talking about 10 feet here which didn't sound like that much. A couple of weeks ago American RV was down at IGA and he had walked into one of the RVs which was ten feet wide, and then he had walked into one with the pull-outs and it was a big difference in that it almost seemed like a house. Ten feet didn't seem like much but it actually was quite a bit. It sounded like they were just negotiating a smaller building, but not a smaller price per foot. So they were really not negotiating anything. He felt if they were going to go into a smaller building, maybe the second lowest bidder would say they were going to do it a whole lot cheaper. Mr. McCourt said the price per square foot did work out to be approximately the same. Commissioner Hernandez said they were basically not gaining anything. They were not giving any of the other bidders the option... And he somewhat disagreed with Commissioner Powell as far as the numbers on the table. They'd been over that several times. If the bid didn't fit our needs, then it was not where the City needed to be at.

Commissioner Morton said he agreed with Commissioner Hernandez and Commissioner Griggs. These bids were made at 60x150x18. Now they were going to negotiate 50x150x16 with one bidder only. If they were going to cut the size of the building to suit one bidder, they should re-bid all the bidders at that size. Let all of them have an equal shot. As far as the numbers being on the table, they all knew about that. Why negotiate with one, without giving the same opportunity to the other bidders. If they were going to go 50x150x16, he felt they should re-bid it. Commissioner Powell said, then, that if it came in at a higher bid then they could hold everything else until the next fiscal year. Commissioner Morton said that was the risk they faced. When he had made his tour of the City's facilities, he was mortified when he went in that Parks building to see them even trying to work in it. It was no question they needed the building. However, with the amount of money

they were going to spend and how they were going to spend it, he just couldn't see them giving the low bidder a chance to say what they would do with it at a different size and not give the other bidders the same opportunity.

Mayor Carroll said there were a number of things that concerned him on this. First, they shouldn't miss a bid by that amount on a metal building. It ought to be easy enough to get a pretty close ball park figure on a metal building. As far as the size of the building, he didn't know whether they started out with a 9,000 square foot building and said they needed so much to build it or whether they said for \$300,000 they could build a 9,000 square foot building. He had no doubt if it were 12,000 square feet, that they could use 12,000 square feet. So the question became not so much what they would like to have, but what they really needed that would take care of today's needs and leave some room for future needs. He didn't know if anyone had that answer at this point. Commissioner Griggs asked Public Works Director Jose Miramontes if he knew about this project? Mr. Miramontes said no—he was not involved with this project at all.

Commissioner Morton said if someone came to them and asked if they wanted a 9,000 square foot building or a 12,000 square foot building for the same price, they would say 12,000 even if they didn't need but 9,000 square feet. Mayor Carroll said he didn't know where the 9,000 square feet came from. Whether that was the size of the building they designed and then went out and multiplied it by some number to get the amount of money they needed, or whether they were told there was a sum of money which they could have to build whatever they could build, none of them knew.

Commissioner Morton felt that they should not only be going out for bid again, but that they should state what size of building was needed. Apparently just a figure was drawn out here of 9,000 square feet. Mayor Carroll said they didn't know that. He agreed with Commissioner Griggs that they needed to have some policy which said that at some point in time they reject all bids and start over, or there was some room to negotiate. There had to be some leeway, and it needed to be a percentage because they had negotiated sums a whole lot more than \$50,000, but not on a \$300,000 project. Commissioner Morton thought Mr. Balderrama should have been here tonight, but he wasn't.

**Commissioner Morton moved that we table this until Mr. Balderrama can come before the Commission with the requirements of his department size-wise, money-wise, etc., and at that time consider whether we should re-bid or accept this bid.**

Mr. McCourt suggested that they have Mr. Doug Quam here, as he was the Parks Foreman. Mr. Balderrama worked in the Engineering Department.

**Commissioner Morton amended his motion that we table this until Mr. Balderrama and Doug Quam can come before the Commission with the requirements of his department size-wise, money-wise, etc., and at that time consider whether we should re-bid or accept this bid. Seconded by Commissioner Moncada. All voted "aye". The motion carried by a vote of 7-0-0.**

**C. RFP/CPM No. 2000-01, Engineering Services for the Design of Tenth Street Extension, Phase 2.**

**Recommendation: Award to Souder, Miller & Associates.**

Mayor Carroll said he had concern over this item in the fact that they'd had to dip into the Phase 2 extension money to be able to do Phase 1 of the Tenth Street Extension. He wanted to make sure that before they got further along on this project, that they did in fact have enough money to complete it as somebody had decided it needed to be engineered. Also, in the budget it showed that they were going to do the engineering in-house on this project, and now they were proposing to outsource it. He had some concerns in making sure that they had enough funding to do it as they had currently proposed it be engineered. Mr. McCourt said he had the same concerns.

Chief Engineer Kevin Heberle said they had just decided to have it designed this fiscal year and that wouldn't happen if they did it in-house. Mayor Carroll said as he understood the budgeting process, Engineering charged for their services. If he had already budgeted to charge this project for the engineering and then they weren't going to do the engineering, was his department going to reimburse this project the cost of that engineering?

Mayor Carroll felt they needed to table this item also.

**Commissioner Hernandez moved to table. Seconded by Commissioner Morton. All voted "aye". The motion carried by a vote of 7-0-0.**

**\*\*Further discussion on this item was brought up after "Unscheduled Communications".**

## **12. Appointments to Boards and Committees.**

**Community Development Advisory Committee: One vacancy. Mayor Carroll appointed Mr. Michael W. Green to fill the vacancy.**

**Senior Volunteer Programs Advisory Council: Two vacancies (one At-Large and one Senior Companion Rep vacancy open).**

**Alamogordo Promotion Board: One vacancy (tourist related industry rep).**

**All remaining vacancies were rescheduled.**

## **UNSCHEDULED COMMUNICATIONS:**

**A. Comments by Commissioner Hernandez regarding his tenure on the Commission.**

**Commissioner Hernandez said this was he and Commissioner Powell's last meeting for now. It had been a privilege to serve the constituents of District 3, and it had been a pleasure to serve with the Commissioners present and past that he had served with. He appreciated the support from the staff and residents of Alamogordo.**

**B. Comments by Commissioner Powell regarding his tenure on the Commission.**

**Commissioner Powell said he had served eight years on this Commission and it had been with a lot of pride and a lot of emotion as well. He first wanted to thank everyone for the opportunity to serve. It had been a pleasure for him to do that. He would like to thank his constituents who had allowed him that opportunity for two terms. He would like to also thank his fellow Commissioners who he'd had an opportunity to serve with. He would also like to thank the City staff and the City Manager. He felt leadership started at the top, and he felt that eight years ago they had no leadership. In the last year they had developed a leadership process through the Commission and the City Management to develop that. They'd had a lot of positive things happen in eight years if they would think about it. It hadn't been just the Commission that had done this, but the community had really seemed to come together. For instance, Kids' Kingdom—what could be better for the community than something like Kids' Kingdom? They had Founders Park, the gazebo in the park, the Senior Center, City Hall, and the Bypass. They were growing and it was a neat positive thing. Tonight earlier there were two people who had served the community—Dr. Townsend and Clif McDonald, and the rolls they played in the community were just so important. He hoped that he was able to continue that. On a personal note, he had a list of staff he wanted to give thanks to. A special thanks went to City Clerk Angie Trujillo, Chief Deputy Teresa Gutierrez, City Manager Pat McCourt, City Attorney Becky Ehler, Finance Director LeeAnn Nichols, Public Works Director Jose Miramontes, City Planner Sharon Few, Chief Engineer Kevin Heberle, Engineer Dean Hunt, Surveyor Paul Light and the rest of the Engineering staff, Library Director Paul Miller, and Personnel Manager Brian McGuire.**

**Commissioner Morton said he hoped he would not be making this same speech, and he hoped to remain on the Commission. If not re-elected, he echoed every single word Commissioner Powell had said.**

**Commissioner Griggs felt they were lucky to have people like Commissioners Powell and Hernandez take the time to participate in City government and do the things**

they'd done. He grew up here and there had been a lot of changes in Alamogordo, and most of them were positive. They were getting a lot of processes set up with the City Manager so they could continue to make Alamogordo a much better place to live. He wanted to thank both Commissioners Powell and Hernandez for the time they'd put in and the job they'd done.

**C. Comments by City Manager regarding wells, and the Gross Receipts Tax.**

Mr. McCourt said they'd turned on the wells to get the reservoirs full, and as of this morning they had them up to 93 percent. They were feeling very comfortable that they would have them full to start the summer. They were working with Holloman on a few issues as well, and were feeling better about the water situation. The flows were still way down and they were still pumping wells, but they anticipated they would have a period to allow those wells to recover before they got into the summer period.

Mr. McCourt said he had sent the Commission a memo indicating that the Gross Receipts had come in for the month of February, and based on budget projections they were slightly below where they needed to be to make their full budget on historical percentages. They would continue to monitor that. He didn't think there was reason for alarm at this time.

**D. Comments by Mayor Carroll welcoming new staff writer to the "Alamogordo Daily News"; congratulations on 1999-2000 Budget Award, and thanks given to Commissioners Hernandez and Powell.**

Mayor Carroll introduced Mr. Gaylon Parker from the "Alamogordo Daily News". He was the City beat reporter now, as Ms. Lisa Turner has relocated to Arizona.

Mayor Carroll congratulated Ms. Margie Gary of the Finance Department as the City's budget was a 1999-2000 Budget Awards Program winner. She would be receiving a certificate of merit recognizing our community at the Annual Budget Conference in Taos. The budget preparation and display was largely Ms. Gary's work and she had done a great job.

Mayor Carroll said he would like to say "thank you" and "good-bye" to both Commissioner Hernandez and Commissioner Powell. He had enjoyed working with both of them over the years. He'd learned quite a bit from both of them and he thought over the years they had done some good things together. The Commission would miss them and he felt the citizens of the City of Alamogordo owed them a great deal of gratitude. He had enjoyed it, and wished them both well.

**\*\*Engineer Dean Hunt said regarding item 11 (C) which had been tabled, it was a MAP Agreement with the State Highway Department. In that agreement the City needed to be contractually committed by June 30<sup>th</sup>. In order to meet that deadline, the schedule he'd put together was that he would like to have the Engineer on board and the Agreement finalized by March 7<sup>th</sup>, with a Notice to Proceed to the Engineer by March 13<sup>th</sup>, and then advertised on May 21<sup>st</sup>, 28<sup>th</sup>, and then the next Sunday. That would permit him to get the bids in and get it on the first Commission Meeting in June. What he was asking them to do was if there was any possibility to reconsider this item. Mayor Carroll said the item had been tabled. If that timeframe was such that it couldn't be changed, then if the Commission could get the answers needed and if necessary, they could call a Special Meeting to award that bid. But at this point in time there were still some uncertainties as to how they wanted to proceed with it. Mr. Hunt said as far as in-house versus a consultant, to design this type of project in this timeframe, it was going to take more than the staff that Engineering had at this time in order for them to keep up with the other projects they had. That was the reason they had gone outside. He would have loved to have done this project himself.**

Mayor Carroll said at this point it was tabled, and if a Special Meeting was needed to do it, then they could address that.

**EXECUTIVE SESSION: Adjourn into Executive Session to discuss limited personnel matters, and acquisition of real property.**

**Commissioner Morton moved to adjourn into Executive Session to discuss limited personnel matters, and acquisition of real property. Seconded by Commissioner Hernandez. All voted "aye". The motion carried by a roll call vote of 7-0-0. The Meeting was adjourned at 8:55 p.m.**

**The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of February 22, 2000 was adjourned into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure.**

---

**Mayor Donald E. Carroll**

**ATTEST:**

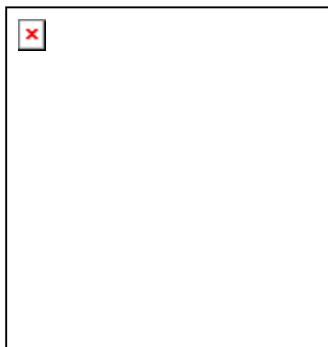
---

**City Clerk Angie J. Trujillo**

**(SEAL)**

**(Prepared by Chief Deputy Clerk Teresa Y. Gutierrez)**

**Approved at the City Commission Regular Meeting of March 14, 2000.**



[City Of Alamogordo Home Page](#)

[Table Of Contents](#)

[Links & Picture Book](#)

[Return to City Clerk Home Page](#)