

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
MUNICIPAL BUILDING, 1376 E. NINTH STREET  
7:30 P.M., COMMISSION CHAMBERS  
APRIL 10, 2001**

**MAYOR DON CARROLL COMMISSIONER DON COOPER**

**MAYOR PRO-TEM JOHN VAN DOREN COMMISSIONER ED COLE**

**COMMISSIONER INEZ MONCADA CITY MANAGER PAT McCOURT**

**COMMISSIONER RON GRIGGS CITY ATTORNEY REBECCA EHLER**

**COMMISSIONER STEPHEN EASLEY CHF DPTY CLERK TERESA  
GUTIERREZ**

**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 Rev. Raymond Ewing, and the Pledge of Allegiance was led by City Manager Pat McCourt.**

**PRESENTATIONS:**

**1. Presentation by Commissioner Don Cooper proposing the dedication of Fire Stations No. 5 and No. 6.**

Commissioner Cooper reviewed the written history of both Lt. James Monroe Vigil and Norma G. Sutherland as was included in the agenda backup. He proposed to dedicate Fire Station No. 5 located on South Florida to Lt. Vigil's memory, and Fire Station No. 6 located on North Florida to Ms. Sutherland's memory. Station No. 4 was previously dedicated to the memory of Officer Bruce Richards, who was involved in the same incident as Norma Sutherland, but who had died at the scene. He requested the Commission to agree with him on the proposed dedication of the two stations.

Mayor Carroll said there was no doubt that these two individuals certainly did give the full measure of devotion to our community and certainly were worthy of recognition. They didn't really have a policy on naming things after individuals, but he didn't see any reason why they could not in this case. At one time the Commission was approached with the idea of placing a memorial in Monte Vista Cemetery to recognize all of the area law enforcement people who had either died in the line of duty or after retirement. However, at this time nothing had come of that.

Commissioner Easley wanted to clarify for the record that what they were talking about was dedicating the building with a plaque of some sort rather than naming it after the

individuals. Commissioner Cooper said that was correct. Commissioner Easley asked if that was also the wish of DPS? Had there been any discussion at DPS on their feelings? Acting Chief Mike Mirabal said he had talked to some of his people. They felt this was a long time coming, especially for Lt. Vigil. He didn't believe any of them working today personally knew the man, but they knew about the situation and the people there at the time who worked with him. He felt it was a majority consensus that this was a good idea to dedicate the fire stations to these individuals who had given their lives.

Commissioner Moncada felt this was a good step, as well as an appropriate place. What better building than a fire station which was related to DPS. Perhaps in the future if they did have other buildings which needed to be dedicated, they should be related together with the person that worked in the building or was tied to the same kind of business.

Mayor Carroll said they had no policy and at some point in time they may want to think about adopting one. Did they need to vote on this dedication tonight? Ms. Ehler said no. Mayor Carroll said unless there was some objection, they would just direct the City Manager to make arrangements that at the time these stations were brought on line that there would be an appropriate plaque and an appropriate dedication of the facilities to those individuals.

Commissioner Easley asked City staff to begin thinking about putting together some kind of policy that related to the naming of City buildings as well as dedicating City buildings. They could then review that at some point and implement a policy. He didn't see it as a number one priority, but at some point after they got through the effort they might just want to look at getting a reasonable policy on the books which was not too restrictive and which give them some guidelines to work with.

Mayor Carroll said if there was no objection, then at the time these two buildings were brought on line, they would be dedicated in memory of Lt. Vigil and Norma Sutherland. He thanked Commissioner Cooper for his effort in this. Commissioner Cooper said he owed a lot to the Chief and the others who had helped him obtain the information on Lt. Vigil. He felt so humbled to be able to do this for two great people.

## **2. Presentation of Certificate of Achievement from the Local Government Division of the Department of Finance and Administration (DFA) for the Budget Award for Fiscal Year 2000-2001.**

Mayor Carroll presented the Certificate of Achievement to Accounting Manager Margaret Gary and the entire Finance staff for their work on producing the budget. Finance Director LeeAnn Nichols also read a poem of appreciation, and presented Ms. Gary with a personalized plaque for her efforts.

### **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 March 27, 2001.**

Recommendation: Approve the minutes.

**5. Agreement with Air, Soil and Water Environmental Consultants, Inc. to allow them to place three groundwater monitoring wells on City property.**

Recommendation: Approve the Agreement.

**7. Statement regarding the Executive Session of March 27, 2001.**

Recommendation: Approve the following statement and authorize it to be included in the minutes of March 27, 2001: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of March 27, 2001 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 Bids:**

**A. Bid No. 2001-05, 6,000 lb. Forklift for the Alamogordo Airport.**

Recommendation: Award to FMH Material Handling Solutions for a total of \$23,250.00.

**B. Bid No. 2001-06, Extrication Equipment.**

Recommendation: Award to Fire Service Equipment of Rio Rancho, NM, the lowest responsible bidder, for a total of \$13,374.00.

**Item Nos. 8 and 9 were removed from the Consent Calendar.**

**Mayor Pro-Tem Van Doren moved to approve Consent Calendar items 3, 5, 7, and 11(A-B). Seconded by Commissioner Cooper. All voted "aye". The motion carried by a vote of 6-0-0.**

**PLANNING ITEMS:**

**4. Consideration of Ordinance No. 1115 amending Chapters 2 and 22 of the Code of Ordinances pertaining to fees for planning items and subdivision inspections. [Case M-01-0294(A)] [Tabled from Regular Meeting of 3/27/01]**

Recommendation: Approve the Ordinance amending Chapters 2 and 22 of the Code of Ordinances in Case M-01-0294(A), for first publication.

Mr. McCourt said the Commission had asked for some additional information at the last meeting, and part of that had been provided in the Agenda Report. In addition, they had been provided with a supplemental piece of information this evening which was also in line with what they had requested concerning how much it cost the City to process these various requests.

Commissioner Easley asked for clarification on how to read the table of fees and costs. For example, under annexation, item (A), the current fee was \$210, cost to the City was \$190+, and then were all the subordinate items summed together? City Planner Sharon Few said those fees made up the \$190. For a three-quarter acre annexation comprising two lots, that would be the fee under the current schedule. However, under item (B) for annexation, a 116-acre annexation would generate a fee of \$1,360 at this time. Commissioner Easley clarified that the +\* was just a footnote marker in this case. Ms. Few said yes. Mr. McCourt said the \* was referred to on the bottom of page 3 under non-quantified costs. Ms. Few said where there would be a fluctuation in the fee because of the size of the request or the acreage or number of lots, she had substituted in sample cases for the fees and the costs trying to give averages from the year.

Mayor Carroll said these were basically out-of-pocket costs to the City to handle these things. It did not take into account the actual cost of the department or the building, depreciation, or those sorts of things. Last year's department budget for the Planning Department was about \$60,000. That was not to say that all of the Planning Department's time was spent exclusively on these items, but a large majority of that time was.

Commissioner Cooper asked when the last time was that these fees were addressed? Ms. Few said 1988.

Commissioner Easley asked the basis upon which the 1988 fee structure was put together? Ms. Few said it was an attempt to cover the basic costs and also some of the operating costs. Also, there was a very extensive comparison of what other cities in the State charged. With the exception of Carlsbad who at that time was basically giving everything away, they either charged no fees at all or they were just token fees. Our fees were brought up to not even match the other cities. There was a document on the fees and the analysis which was pretty thick. Commissioner Easley said obviously what they put into the category of costs to the City was only those things which were really, totally, absolutely, directly, completely, and without a doubt, attributable to that particular activity. In those cases, which looked like virtually every case, our actual costs to the City were below our current fee, let alone our proposed fee. That either meant that our current fees were already set at an acceptable rate to cover our costs, or those guys in 1988 had incredible foresight to set their fees at such a level that by 2001 they would still be covering the costs involved. Alternately, another interpretation would be that they were putting more things in their costs than we were proposing. As they'd talked about, salaries were not in there, nor were utilities, depreciation, vehicles, fuel, etc. Even with the proposed fees, did they estimate that the new fees would cover the cost of the department? Ms. Few said no. Commissioner Easley clarified that they would not generate enough revenue to cover the costs. So even if they were to say that legitimate

costs of the Planning Department would be the cost of the Planning Department, their proposed fee structure would not make that whole. Even though what they'd included tonight on this list showed that the current fees covered those very limited items, they still would need some more room to be able to say that they were actually paying anything close to the cost. With that in mind, then he could probably go along with the proposed fee increases. If they were going to make their decision strictly based on the items that were listed on the page as those items, it was hard to say they weren't keeping up because clearly our fee did cover all those items. He was satisfied and he was hopeful it would satisfy Commissioner Griggs if he was here that it was a fair reading of the paper they'd looked at.

**Commissioner Cooper moved that we approve Ordinance No. 1115 amending Chapters 2 and 22 of the Code of Ordinances of the City of Alamogordo, New Mexico, pertaining to the fees for planning items and subdivision inspections (for first publication). Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 6-0-0.**

#### **ORDINANCES AND RESOLUTIONS:**

**6. A. Ordinance No. 1116 issuing Industrial Revenue Bonds for Presto Manufacturing Company, Refunding Series 2001.**

Recommendation: Final adoption of the Ordinance.

**B. Bond Purchase Agreement.**

Recommendation: Approve the Agreement.

Mr. McCourt recommended the Commission approve this.

**Commissioner Easley moved that we approve Ordinance No. 1116 issuing Industrial Revenue Bonds for Presto Manufacturing Company, Refunding Series 2001 (for final adoption), and the subsequent Bond Purchase Agreement. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 6-0-0.**

#### **OTHER BUSINESS:**

**8. "Resident Parking Only" sign for 1206 Hawaii Avenue.**

Recommendation: Approve the placement of one sign at the property upon the applicant's payment of \$50 for the sign.

Commissioner Easley asked if anyone was present to speak on this request? There was no response. Commissioner Easley said his concern was that they passed these "Resident Parking Only" signs out on some regular basis to people who requested them. In the end,

however, the streets belonged to all of us to park on, including those that were across the street from the Alternative High School, the main High School, or somebody's church, or whatever else. He was curious to ask if anyone had been present tonight on what the exact problem was. That was to say, was the parking in front of that house producing a particular problem for the homeowner, did they not have a driveway or area to park in, or were they just annoyed cosmetically because somebody parked in front of their house? Evidently no one was present to answer any of those questions.

Commissioner Cooper said he could answer one of them. He drove by 1206 Hawaii, and there was enough room in the driveway to put approximately five vehicles. There were two in there already and he was sure one of them was disabled because he saw it way in the back. But there was enough room to get at least five vehicles in there. He was glad Commissioner Easley agreed with him on this because to him these "Resident Parking Only" signs were sort of like a privileged valet parking. It was nice to be able to say that nobody could park in front of their house except them, but he didn't agree with it. Everybody paid taxes, these were public streets, and he didn't feel that there should be privileged parking for anybody.

Commissioner Easley said in his view, in the case where someone had a house which didn't have onsite parking at all and that was their only parking venue, they probably did them a disservice to not give them one. However, in a case where there was adequate parking on their lot, it then became a question of whether there was some other nuisance the Commission didn't know about. It was certainly not on the application where the nuisance would become people doing things in front of their house in an untimely basis. He didn't feel people attending the Academy del Sol was, per se, a nuisance. While he may not prefer people parking in front of his home, people did park there and there was not much he could do about it. It was a public street and he didn't propose to ask for a "Resident Parking Only" sign. He believed on this item he was going to vote no since they had no one here to ask about what extenuating circumstances there might be which would require them to put a sign up.

Commissioner Moncada said although she understood where Commissioner Easley was coming from, there was a time that they almost had to take every situation one by one. For instance, across from her house there was a Union meeting place. She only had one parking space in front of her house. At the time they were having their meetings they took up the whole parking area because they didn't have enough parking spaces. So they took up all the parking spaces in front of all of her neighbors, including her house. Sometimes they didn't let out until 10:00 or 11:00 at night, and here she or her neighbors were coming home from work and had to literally park a block away from their house just to get to their house.

Commissioner Easley said if the homeowner had no parking, driveway, or access and if that was their only place of parking, he was pretty much okay with giving them a "Resident Parking Only" sign. But when they did have a place to park in a driveway or a garage, then it became less critical that they had a "Resident Parking Only" sign. He agreed that they needed to look at these things case by case and he was willing to on this

one, except that there was no one here to ask any questions of. He couldn't get his questions answered other than what he knew from Commissioner Cooper who drove by.

Mayor Carroll said they had a very loosely written Ordinance to try and address the resident parking concern. He felt they had typically strayed from, if not the language of the Ordinance, certainly the intent of the Ordinance. As he understood, the requirement for resident parking was that on an ongoing basis an individual had trouble parking in front of their house and not something on an infrequent basis where it was more of a pet peeve rather than anything else. On several occasions he'd asked that they revisit this Ordinance in light of trying to tighten it up and word it so that it accomplished what he thought was the original intent of the Ordinance. In the past the Commission had just routinely approved everyone that came along, and maybe that was the feeling on the part of the petitioner. Out of courtesy to the individual who had applied, they might want to consider tabling this and giving that individual an opportunity to appear before the Commission and present whatever facts they may have that may indicate a hardship which they were not aware of.

Commissioner Cooper said he remembered the conversation they'd had on this, and the Mayor's suggestion was that they go back and revisit all of the signs to find out whether they were being used or abused. The fact that a person did not like someone to park in front of their--he was sorry, but he lived in a cul de sac and maybe he should put the entire cul de sac as "Resident Parking Only".

Mayor Carroll said in the past they had issued "Resident Parking Only" signs because of people that were impacted by the former Post Office. The Post Office was no longer there, but the signs still were.

Commissioner Easley thought it might do well to actually revisit the Ordinance. Perhaps they could direct the City Manager to pull them a copy of the Ordinance and pass it out so they could all look at it. Perhaps they might want to have a sunset provision where they were granted a sign for a period of two years and then it expired and they would have to renew and reapply. Mayor Carroll believed they reviewed them on a three-year basis. Commissioner Easley said he certainly had no objection to tabling this item so that if Mrs. Venegas or Amanda Brusuelas wanted to come and speak on this issue, that would be swell.

**Commissioner Easley moved that we table item No. 8 for consideration at our next meeting when hopefully the petitioners might be here in person. Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 6-0-0.**

Mayor Carroll directed the Clerk to notify the petitioner that this item was tabled, and if they'd like to, then they were certainly welcome to attend the next meeting and make a presentation as to why they felt they needed the sign.

## **9. Application for participation in the 2001 Fire Protection Fund Distribution.**

Recommendation: Approve the Application for participation in the 2001 Fire Protection Fund Distribution.

Commissioner Cole said he was glad to see the \$165,000 coming in under this. He wondered what it meant to have two main stations, and also, an explanation on why the additional funding may not be received until financial year 2003. From his figures, the \$138,000 was about a 30 percent increase over last year, and if it turned out to be \$165,000 then it would be about a 55 percent increase. Mr. McCourt said they currently had one main station down at Police headquarters. The second one they were talking about was the one being built on S. Florida. Filing that as a second main station should not involve any additional costs over what we had now because they were planning on equipping the station as part of the construction. The staffing level should not be altered from what they already had in their plan. So there should be no additional staffing nor pieces of equipment other than what they'd already planned in our improvement of the fire services. That had been a multi-year plan which they'd been working on to improve our fire services, with one of the goals being to get us a better fire rating. Certainly even if we didn't accomplish that goal, we did know we would have a higher level of fire protection in the community when completed.

Commissioner Cole asked why the increase was so significant? Fire Chief Joe Bailey said the Fire Marshal made a re-interpretation of the existing rules that governed his allocation of funds. What they found when they looked at the original language in the Statute was that the Statutes would allow for more than one main station. Normally you may not find that in a city such as Alamogordo, but certainly in a city the size of Albuquerque or Las Cruces. Several of their stations would meet the category for main stations. It had always been the Fire Marshal's goal to pass out as much money to the fire departments as he possibly could. The majority of that money was returned to the State every year because the funding was based upon every fire department in New Mexico being a Class 1, which they were not. There was a chart which came along with the funding and it was based upon your insurance rating. Alamogordo was now at a Class 5, so that was how their funding was based. When the State allocated that, it was based to where Alamogordo could eventually come to a No. 1. The State Fire Marshall returned millions of dollars every year to the State coffers, so it had always been his philosophy to get as much money out the fire departments as he could. He found a way to do that was to have cities like Alamogordo where they met all the requirements for more than one main station, apply for more than one main station. That increased our funding from a substation to a main station by \$27,000. Commissioner Cole clarified if they didn't get the second main station, then it would revert back to the \$138,000. Mr. Bailey said yes. He had talked to the State Fire Marshal at length and they weren't sure they could jump through all the hoops and get the funding this year since it was the first year it had been available to us. They may not be able to come up with the additional funding this year because of all the requirements they would have to meet and they had a review team which would look at it to make sure Alamogordo qualified. So when he worked on preparing the City budget, he had put in there what was pretty much assured we would get, which was the addition of two substations at \$15,827 per station. In the City budget it was only \$138,000, but our

funding application did request for the main station and that was why it was higher than the budget.

**Commissioner Cole so moved (to approve the Application for participation in the 2001 Fire Protection Fund Distribution). Seconded by Commissioner Cooper. All voted "aye". The motion carried by a vote of 6-0-0.**

#### **10. Schedule Special Meeting regarding Future Needs of the Library.**

Recommendation: Schedule the Special Meeting for Tuesday, April 17, 2001, at 7:00 p.m. in the Commission Chambers.

Mr. McCourt said they had talked generally about the needs of the Library and planning for the future of the Library. Part of that was that they needed to get out and talk with the community to make sure they were aware of what the City was talking about. He suggested a meeting for next Tuesday evening, and at that meeting he would ask our Library Director, Jim Preston, to make a presentation on the work that had gone into developing the needs assessment for the Library and the various options they'd reviewed as far as how to address those needs in the future. He expected it would take them an hour or two to work through that. Mayor Carroll said there were some other individuals that would like to make some presentations to the City regarding the Library also. Mr. McCourt said it would fall in with that total presentation. This was an open meeting.

Mayor Carroll instructed the scheduling of the meeting.

#### **UNSCHEDULED COMMUNICATIONS:**

##### **A. Thanks from Commissioner Cooper.**

Commissioner Cooper thanked everyone for helping him with his presentation this evening and the results of it.

##### **B. Congratulations from Commissioner Easley.**

Commissioner Easley said he was fortunate to be able to attend the State Science Fair last weekend. He wanted to congratulate all of the students from Alamogordo who did well on that, including his own daughter. He particularly wanted to congratulate Eric Heberle, our City Engineer's son, who got an award from the State Highway Department, as well as Amy Robb who won Honorable Mention in her category. She was the niece of Diane and Doug Quam. He also wanted to pass on the good news that this past weekend in Cloudcroft, Erin Griggs, Commissioner Ron and Joan Griggs' daughter, won the Miss Southern New Mexico Pageant and in June she would get to represent this area in the Miss New Mexico Contest. Congratulations to Miss Griggs and her family.

##### **C. Comments by City Manager regarding budget update; water update; City water rights; and water conservation.**

Mr. McCourt said they continued working on the budget. At the last time he reported, they were \$1.5 million off. Now they were down to half a million off. They were getting closer and would have it balanced before the Commission received it.

Mr. McCourt said regarding water usage, the usage was faster than production which was normal for this time of year. Our reservoirs were at 85 percent and there were two wells turned on at this particular point. The Bonito Line did break last Friday and they were in the process of working on it. Commissioner Cole asked if that was another break in addition to the one they were told about at the last meeting? Mr. McCourt said yes. This only underscored the reason why they needed to replace that particular line.

Mr. McCourt said they had done a test boring on Well No. 9, and apparently it had come in quite good so they were now looking at putting in a well of 16 inch diameter. That well would be used as a recharge well and as an emergency supply well after they had it completed.

Mr. McCourt said he'd received a fax addressed to himself and the Mayor which he'd made copies of. It was concerning an individual who wanted to buy some water out of Bonito Lake from the City. He asked the Commission to review it and they would consider it at a future time.

Mr. McCourt reminded everyone that water conservation went into effect on April 1st.

#### **D. Comments by Mayor Carroll regarding NMML District Meeting; veto on Capital Outlay Bill; and plans to delete EAS.**

Mayor Carroll said the Municipal League District Meeting was held here last Friday. They had a number of Commissioners and staff there, but unfortunately most of them had to leave before the League passed out the forms to see if anyone was interested in serving on any of the Policy Committees. The Policy Committees would meet June 23rd in Albuquerque. They included the Environmental, Energy & Natural Resources Committee; the Finance Intergovernmental Relations and Taxation Committee; the combined Governmental Operations, Human Relations, and Community Economic Development Committee; and the Public Safety Policy Committee. If anyone was interested in serving on any of those Policy Committees, please let the Clerk's office know and they could get the information up to the League office.

Mayor Carroll said the Governor did in fact veto the Capital Outlay Bill this year. Alamogordo and Otero County faired quite well with a combined total approaching \$5.2 million for the three municipalities and the County. He and Mr. McCourt had lists of the various projects which were funded. Alamogordo was very successful. He believed every request was funded to some level. Certainly thanks to our Legislative delegation was in order, and hopefully the Legislature and the Governor would be able to reach some accommodation and the Capital Outlay Bill would be signed and they could move forward with some of these projects. Until such time as it did happen, the City Manager

had indicated that none of these projects would show up in the forthcoming budget. So if in fact the funding did become available, then they could add them to the budget.

Mayor Carroll said he'd received a call from Senator Bingaman's office who wanted to inform Alamogordo that as part of the administration budget, there was a plan to delete the Essential Air Service (EAS) subsidy for the City of Alamogordo. The current thinking was that if you were within 100 miles of a major airport then you didn't need a subsidy. Senator Bingaman did get a commitment by the Department of Transportation to continue to negotiate with Mesa Airlines on a new Subsidy Agreement. The current Agreement expired last September and they'd been going at the old rate on a month-to-month basis. The Department of Transportation would continue to negotiate a new Agreement with Mesa Airlines. It would probably be a minimum of six months before Congress decided whether or not to uphold the President's recommendation on whether to restore funding for the Essential Air Service. Senator Bingaman was working diligently to get that funding restored. At this point in time they still did have funding, but they would have to wait and see what happened with that.

**EXECUTIVE SESSION: Adjourn into Executive Session to discuss acquisition and disposition of real property.**

**Mayor Pro-Tem Van Doren moved to adjourn into Executive Session to discuss acquisition and disposition of real property. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 6-0-0. The Meeting was adjourned at 8:30 p.m.**

The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of April 10, 2001 was adjourned into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

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**Mayor Donald E. Carroll**

**ATTEST:**

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**City Clerk Angie J. Rahn**

**(SEAL)**

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

Approved at the City Commission Regular Meeting of April 24, 2001.



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