

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
MUNICIPAL BUILDING, 1376 E. NINTH STREET  
7:30 P.M., COMMISSION CHAMBERS  
DECEMBER 11, 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 CLK 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. Fred MacDonald, and the Pledge of Allegiance was led by Commissioner Inez Moncada.

**PRESENTATION:**

**1. Presentation to Ms. Gisela Coleman for her service on the Airport Advisory Board.**

Mayor Carroll presented Ms. Gisela Coleman with a certificate for her service on the Airport Advisory Board.

**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.

**2. Minutes of Regular Meeting of November 27, 2001.**

Recommendation: Approve the minutes.

**3. Consideration of the final plat of Rath Tara Estates Subdivision, Phase 3, for three (3) lots located within the City of Alamogordo, for C.J. Dugan. [Case S-01-0726(A); 1400 Block of Galway Drive]**

Recommendation: Approve the final plat of Rath Tara Estates Subdivision, Phase 3, Case S-01-0726(A), located within the City of Alamogordo, with a variance on alleys, and with the execution of an Avigation Easement and a Subdivider's Contract.

#### **4. Agreement with Ms. Linda Madron for lease of the Airport Café.**

Recommendation: Approve the Airport Café Lease Agreement.

#### **8(A). Bid No. 2001-26, Zoo Animal Feed for the Alameda Park Zoo.**

Recommendation: Award to Coulston Foundation for an estimated total of \$19,791.25.

#### **8(C). Bid No. 2001-28, Miscellaneous Foods & Items for the Alamogordo Senior Center Nutrition Program.**

Recommendation: Award seventy-three (73) items to Southwest Distributing for an estimated total of \$11,073.04; Award forty-eight (48) items to Shamrock Food Co. for an estimated total of \$8,887.61; Award sixty-six (66) items to Ben E. Keith for an estimated total of \$11,442.82; and Award to U.S. Food Service one hundred fifty (150) items for an estimated total of \$26,109.44.

Item Nos. 7(A-B), 8(B), 8(D), 8(E), 8(F), and 8(G) were removed from the Consent Calendar.

Commissioner Cole said they had been given much material this evening, but it was too much to digest if it was on an item this evening. He had some reservations about material being presented to him right before the meeting when he didn't have time to study it. The items he was pulling totaled \$616,000, and he felt it was important enough to be a part of the Commission Meeting. Mayor Carroll clarified that some of these items were information which Commissioner Cole had requested. Commissioner Cole said that may be correct, but it was pretty hard to go over the material they had received in this short period of time.

Mayor Pro-Tem Van Doren moved to approve Consent Calendar items 2, 3, 4, 8(A), and 8(C). Seconded by Commissioner Cooper. All voted "aye". The motion carried by a vote of 7-0-0.

### **ORDINANCES AND RESOLUTIONS:**

#### **5. Ordinances and Resolution pertaining to Chapter 28 of the Code of Ordinances:**

##### **A. Ordinance No. 1129 amending water rates.**

Recommendation: Final adoption of the Ordinance.

Mr. McCourt gave a PowerPoint presentation on the Tier Rate System. (Note: A hard copy of the presentation is on file in the City Clerk's office with the backup

information to this meeting). Mr. McCourt explained that the tier system went into effect for billings after February 1, 2001, so they didn't have a year's worth of data at this time. They usually used a year's worth of data when making presentations.

Commissioner Cole said one of the points he was going to make tonight of why this shouldn't be approved was that it was successful financially this year. It brought in more revenue under the tier system than was expected. A few months ago Mr. McCourt had mentioned that if they had less consumption of water, it would lower the revenue and they would have to go back to the people to ask for another increase. Mr. McCourt said he did say that it would be possible if consumption dropped significantly, revenue could fall. That did in fact happen on one of the months, but on all other months the revenue actually increased although consumption decreased. The actual projections made if consumption had remained at the same level, would have been a much greater increase in revenue. However, they knew that wasn't going to happen. They knew there would be a decrease, but they didn't know how much. This was a very significant decrease in consumption. Commissioner Cole said it was also an increase in revenue. Mr. McCourt said those were the two goals set out for the program last year when they'd discussed it. Commissioner Cole said the rate increase being suggested was approximately \$350,000. Mr. McCourt said that was the estimate if consumption stayed constant. Commissioner Cole said that with the \$270,000 was asking the people for an increase of over \$500,000 over a one-year period of time. Mr. McCourt said actually it would be for a two-year period of time.

Commissioner Cole asked if he heard there was a possibility to go with a bond issue to go forward with the flood control? Mr. McCourt said the City had one revenue bond issue to fund its portion of the flood control project. It was our plan to fund our total portions of that with continuing bond issues and capital accumulation in Fund 42. The reason they were looking at using a bond issue rather than the on-hand money was because rates were extremely low. They believed it would be beneficial to issue a bond while the rates were very low, rather than using cash out of the bank and then floating a bond later at a higher rate. The \$900,000 for the drainage, which they had not planned originally, and the City's share of the actual construction of the ditch would require the City to raise additional money in the short term to continue that project. The planning was to use a revenue bond.

Commissioner Cole said his objective was to discourage this rate increase based on financial reasons and comments from the community. He'd had some say they didn't mind the rate increase, but he had more people who suggested they did not want the increase for different reasons. He did not feel they needed the rate increase at this time, but it may be necessary in the future. Was the projected 3 percent a growth in revenue? Mr. McCourt said the only growth in revenue could occur because of increased sales of water volume or because of rate changes. They did not anticipate that except for the water consumption

which was kept constant and they did incorporate in those rate increases which had been approved last year. It did work out to be approximately 3 percent for the growth in operating expenses. In fiscal year 2002-2003 it was in fact a little bit above 3 percent, and in 2003-2004, 2004-2005, and 2005-2006 it was actually a little bit under 3 percent if they carried out the decimal points further.

Commissioner Cole said he hadn't worked it out for future years because he didn't have the data, but that was why he had put the clause in that they might need a rate increase for the future. But the way he saw it, this year everything which was projected the City was going to be able to do, including all the ICIP projects. Mr. McCourt said at this time based on the information staff had, it appeared they had sufficient resources to do everything which had been projected for the current fiscal year. At this point they were five months into the fiscal year, so they were a long ways from being complete but they did believe they were on track to be able to accomplish everything which had been budgeted. Commissioner Cole clarified that there was no reason to think they would not stay on track for our revenue. Mr. McCourt said that was the best information they had currently. Commissioner Cole said he'd talked to the gas and electric companies and petroleum products had decreased significantly, and utilities were at a variable depending on how they looked at the units for the electric or gas which was being used and also the transportation charges. But at the moment they were not increasing as such. Mayor Carroll said most of our electric bills were proposed to go up between 15 and 40 percent in the City for February 2002. Commissioner Cole didn't feel they needed an increase to the rates this year or probably not even next year, though they may need to in the future. Also, on pages 217 and 218 of the budget book they'd transferred \$884,000 out of the Water and Sewer Fund which went for projects which were beneficial to the City on the water and sewer. Mr. McCourt said yes, because of the revenue brought in. Commissioner Cole said based on everything this year the City government was going to be able to accomplish what they wanted to do with the increase for the current tier rate. Mr. McCourt said they were going to be able to do what had been budgeted for the current fiscal year we were in. Commissioner Cole said they would end the year in the black. Mr. McCourt said that was a correct statement based on our current projections. Commissioner Cole said if they carried that over to next year and based on everything they had projected for next year under the current rate structure, would everything be accomplished or not? Mr. McCourt said what they had currently projected was based on the current available information and there would be sufficient revenue to fund the capital improvements in the amount of approximately \$354,000 in next fiscal year out of the Water and Sewer Fund. Commissioner Cole said he'd shown that everything was being met this year with the current revenue. The City was not hurting in any locality under water and sewer. Mr. McCourt said he would agree in the sense of what they had put in the budget because that was what they could realistically project. But that didn't answer the question of an over \$11 million backlog of capital projects, many which had been pushed off for years and years and not done. The result was the pipes he had on display; those were actual examples of water breaks and pipes that had been replaced in our system.

Those were water breaks the City had to fix and dig up and do. That was what was in the ground right now, and that was what they were trying to fix and take care of. Commissioner Cole said he wasn't arguing that, but he'd seen those pipes for over two years now and staff kept showing them. If people saw them for the first time tonight, people might jump to the conclusion that was the way they looked just six months ago. Mayor Carroll said the ones in the ground weren't getting any better. Commissioner Cole said they were using an example here that did not reflect a true picture. Mr. McCourt said it did reflect a true picture. Commissioner Cole said for years ago. Mr. McCourt said if he wanted, then he would start bringing in replacement pipes from the breaks as they were fixing them and lay them out, take some of the older ones out, and put some new ones in which were in the same condition.

Commissioner Cole said they'd gotten a good jump on Bonito Lake which they'd been doing for years. Mr. McCourt said they were getting the portions through town done, but there were still large stretches which needed to be done. The main Bonito Pipeline was being done by the Air Force because they had the ownership of it. He thought Commissioner Cole was referencing the sections of the Bonito Pipeline which came from the La Luz Plant and went through town where the City and the Air Force were jointly funding replacement of that program. Mayor Carroll clarified that the outside the City portion was funded from a different source. Mr. McCourt said correct; when they finished the portions inside the City, then they would no longer have to fund it from this source. At that point they would move to the Gross Receipts Tax for water improvements outside the City.

Commissioner Cole agreed on the \$11 million backlog. They were trying to get \$350,000 from the people for a dent in the \$11 million. The point he was making was that they could get \$350,000 every year, and maybe they should as a government, but they would never make a dent on the \$11 million unless they got money from another source; \$350,000 per year would take it two to three generations to get it finished. Mr. McCourt said they would look for a cumulative affect. Now they had \$350,000 but that number got up to \$687,000. He had said in the past publicly before this body and other groups that he felt the City should be putting \$1 million per year into the infrastructure replacement on our water and sewer system. That would permit us to take a considerable dent out of these projects. We were pursuing other sources also to see about funding those projects, and they would see that in one of his reports to them later this evening where they would request additional money elsewhere. For most of these maintenance projects they didn't find other money available. They could get loans or bond, but that was not free money. That all got paid back. The "free" money would be help from our Legislators, and there had been some Grants in the past which had shrunk tremendously in past years. The City had received assistance and was working with our Congressional delegation on expanding the water supply system and getting assistance from them on that. That was an extremely large project also which they were pursuing. He was not aware of

other sources of free money, and the only way they were going to get these items done was to raise the money to do them. Commissioner Cole said he didn't think they should expect the people on the water and sewer users fees to try to fund the \$11 million. He had pointed out that for this year it was operating in the black, but at the same time they were asking for an increase. For next year he assumed they would also make it under the current water rate structure. Mr. McCourt said he was correct there also. Commissioner Cole said the point he was making based on everything he had read which the City Manager had given them, was that they would be in the black this year and next year. He could not address all the \$11 million in the ICIP. And the flood control project really caught him off guard when the Manager mentioned that there might be another tax on the flood control. Mr. McCourt clarified that he was talking about the \$900,000 and using the existing Gross Receipts Tax to float a bond. Commissioner Cole said yes. He had not heard that before this evening.

Mayor Carroll said on the ICIP priority list, was possibly the reason some of these projects were pushed out or shown in 2004, 2005, and 2006 because we didn't have the money in the current or projected budget to do them any sooner? Mr. McCourt said yes. Mayor Carroll said that was why they were out there. If they had the revenue they would move some of these projects up into the current fiscal year or next fiscal year, and not keep pushing them out as we'd done in the past. Mr. McCourt said that would be exactly what would occur if the Commission chose to put in an increase in rates and they had additional revenue available. At this point rather than just the two projects they showed, he would bring forth the additional projects which were listed already in the ICIP. Staff would make the recommendations, but the Commission would then choose which of the projects to pursue. Commissioner Cole said he was well aware of that, but the point he was trying to make was that if they were going to increase the water and sewer for these different projects, that was one reason. The way he saw it, they were asking the people for a water/sewer increase tonight with the approval of the Commission--if they were going to ask for this increase and say these were the projects the City was going to do in the future with the amount of money they had, that was fine, but it was not the case. They couldn't get enough money from the people for water and sewer unless they taxed them to the nth degree. Mayor Carroll said because of the fact that they couldn't raise the \$11 million, then the alternative was to not do anything or raise any rates? Commissioner Cole said if they were going to the people saying we're going to raise the rates this evening to go out and do these ICIP projects...the increase being asked for tonight was not necessary under the conditions they were saying to the people. Mayor Carroll said he respected Commissioner Cole's opinion on the issue, though it was not his opinion.

Commissioner Cooper said it seemed to him that whenever they needed additional revenue, they went to the same old cow in the barn and that was the Water Department. They only had one cow to milk and it seemed they always headed to the barn to that one poor cow. He didn't think they could go there too

many times. He knew he was realistic in the fact that expenditures went up and they had to provide the services. He also knew that if they had a product and if they didn't have enough of it to sell, then they'd have to increase the price on that particular product in order to offset the loss of sales. He could tie this in because he asked for item No. 7 to be pulled from the Consent Calendar tonight, which was for Southwest Disposal. What disturbed him about that was the fact that they only had one bid, and when they only got one bid in he felt it would behoove the City and the staff to be aggressive and seek other bids. Mr. McCourt said they did, and he'd be happy to discuss it under item No. 7. Commissioner Cooper said he just wanted to tie that in because it was going to be tied into these rate increases. They were looking tonight to ask the people to pay more for the water, the sewer, and for trash pickup. He felt they had gone too many times to the people. He thought they were going to have to start looking at other ways to generate revenue. There were ways they could increase the coffers if they started looking at other avenues. He personally felt that these water, sewer, and trash rates were something he just couldn't buy. They needed to give the people a respite. They'd hit them time and time again. Whether you called it a rate or a fee, that money was still coming out of the taxpayers' pockets. He thought they needed to draw the line, and tonight might be the night to do that.

Commissioner Easley said it was déjà vu all over again. He didn't know if Commissioner Cole even remotely saw the irony of his argument here tonight, given that just about a month ago they had a very extended and lengthy discussion about resurfacing of roads, one of Commissioner Cole's pet projects, where he argued exactly the contrary position. The position was that they had money in the road repair and resurfacing fund which they spent all of, but which was not enough to take care of the vast backlog of problems they all agreed we had, and therefore, the only alternative was to put more revenue into that repair fund. They had a very serious discussion about that and they all agreed that there was a backlog of problems with roads and that they should try to look at it. Tonight Commissioner Cole argued that although there was a vast backlog of water and sewer items which needed to be taken care of, because they had budgeted almost nothing in the coming years to take care of any of those projects that as long as they were not overspending the budget that they'd done okay. It seemed to him that was like arguing that although I live in a cardboard box and eat tuna three times a day, I've learned to enjoy it and I'm okay doing that. He didn't think that was an effective argument for a way to run the City. So the irony was that last month Commissioner Cole argued one position and this month he argued exactly the opposite position. That seemed perhaps inconsistent at best. However, he would like to ask both Commissioner Cole and Commissioner Cooper who were opposed to this very, very tiny rate increase in the water and sewer rates, whatever happened to the concept of a "pay as you go" system? He suspected that most people in town would consider both Commissioners Cole and Cooper were more conservative than he was, and he firmly believed in a pay as you go system. The water system belonged to the residents; they owned their water system, operated it, and had been through a lot

of trouble in the last year to make sure it operated and provided us with water. One of the responsibilities for being a grown up and owning your own water system was to pay for it. Failing the seven Commissioners digging into their own pockets and providing \$11 million, then he guessed it was going to have to go to all the grown ups in Alamogordo to kick in their little share to see if we could move forward. He agreed with Commissioner Cole that they were never going to budge off of the \$11 million in any really fast fashion; they'd have to hit the lottery to do that. But just as they had agreed with Commissioner Cole one month ago, it made no sense to wait forever until either a lottery came in or all the roads went away to work on the road project. It made no sense to wait forever for the sewer pipes to finally cave in and the water to shut off to decide it was time for a water increase. So he couldn't agree that just because they were going to stay in the black next year for what little money they had available to deal with these very serious backlog issues, that that made it the way to go. This was a very small increase in everybody's water bill and as adults and grown ups, it was time for a pay as you go system. For many years in Alamogordo people didn't want a pay as you go system; they wanted a "somebody else pays as I go" system. Frankly he'd not heard a good argument yet about who that somebody else was who was going to pay for our water system. He didn't see where that was coming from, and until that happened, it was his job as a Commissioner to try and make sure that our water system supported itself and continued to provide safe, clean water to our citizens and safe, clean disposal of sewage water to keep our citizens in good health and our town a clean and nice place to live. That cost money and those costs went up so he had difficulty seeing the huge problem in this. Even under the best case scenario they were going to be raising water rates. Even Commissioner Cole said if not this year, then next year they would be raising water rates. What was the big advantage of waiting until next year? Would it be that we can wait until after the election next year to raise water rates? In the meantime they'd raised no additional revenue and were left next year with very little money to do capital projects, and they'd lagged over time where they didn't raise additional revenue that they would still be further behind on the capital projects. They could wait until 2004 after his next election to raise rates. That would be good too and then they would have devalued the water capital projects even further because they were going to go up in price and they will have collected less money. He weighed that against the average dollar and a half cost to a homeowner or meter user per month of this water rate increase, and he saw that in the long run the advantage accrued to every homeowner to a great deal more than just the dollar and a half more they were going to pay in this rate increase, or the \$1.75 which included their sewer increase as well. So in order to develop and build our infrastructure in this town and to keep our water supply constant and good and enable us to have a quality of life, then he was in favor of this particular bill. He recognized and respected the opinions of those who were opposed to it, but he did not buy the opinion of Commissioner Cole that they could somehow afford to put this off for a different rainy day; it was in fact raining.

Commissioner Moncada said she did believe everybody was in agreement that they did need a water rate increase and this one was a small one. The problem that she heard from the general public was that they had this increase last year and they got this money but what had the City really done? The public wanted to see what we'd actually accomplished with their money. Until we actually proved to them in some way that their money was really being utilized for certain things, they were not going to be happy even with a small rate increase. She could understand where the City sat and anyone could follow it and understand it, but if they didn't have proof out there, the citizens were not wanting this. She personally felt they needed it and it could help us, but that was not what she was hearing from the street; they wanted to see proof. They would tell her that their street, water, and water pressure were no better and their pipes were still clogged up. Mayor Carroll said unless they were there when the City was replacing the waterline on Cuba Avenue, they didn't see the new waterline. They saw the new paved street. Unless they went out on Puerto Rico Avenue between Indian Wells and 25th Street while we were replacing the line, they wouldn't see it. What they would see was hopefully a paved street. Perhaps what the City ought to do more of on all of these projects was signage explaining exactly what they were; they did it on some of the larger projects but not on some of the smaller ones. That may be something they needed to do to give a little more visual impact to some of the projects. Unfortunately, water and sewer line replacement was not a glamorous thing; when they got all done, the residents didn't see the results. It wasn't like putting up a building where people could drive by and see what the money did. It wasn't something that was highly visible, but what was highly visible was when the water was bubbling out of the street and running down the street because a waterline broke.

Commissioner Griggs said one of the things which hadn't been brought up tonight was that last year when they increased the water rates, the City Manager made a proposal which would increase the revenue generated from the rates by about \$800,000. The City Commission looked at it and felt it was just too much. So they went through it and reduced it. As they could see on some of the numbers, it was going to raise about \$260,000 to \$300,000. This new one would additionally raise the rates and make them another \$350,000. So they'd looked at doing something in two to three years which was initially proposed for one year. They had a lot of projects to do. As Commissioner Cole pointed out, this wasn't going to get them done. What was it going to take to get them done? One item they hadn't discussed and which might be available to them, was that if these rates were increased they could potentially use the revenue generated from the increase to possibly bond with. If they bonded with that revenue, then they could do substantially more projects than they could with just the increase in revenue by itself. Everyone of them had allowed this City to get in the condition it was in. There were waterlines out there which should have been replaced years ago and there were streets that should have been fixed years ago, but because they did not take the stand or step up to the plate and increase the rates and did not do what should be done because of whatever political pressure there was,

perceived or real, they were reaping the benefits of what they had done. They didn't have many choices with some of this. They could either sit here and raise rates, or cut services and look at things like the Golf Course, Library, Senior Center, or other places in town the City funded, and take money away from them. You know, Commissioner Cole brought up the issue about streets, but Commissioner Cole did not, could not, or would not find revenue to get to fix those streets. They could find it by taking it from the Senior Center, from Parks and Recreation, or from the Golf Course, but they were not about to do that. So where were they going to get it? It was not there to get unless they wanted to take it from something else. So unless they could sit here and stop worrying about whether they were going to get elected or re-elected, they had to address the issues at hand. Those issues at hand were that the City had a failing water and sewer system and failing streets, and how did they want to handle it? None of the Commission against some of this stuff had any idea of how they would take care of it. They would bring up that the City couldn't charge the people, but by golly, some of them had to decide what it was they could do and couldn't do. What did they want to do? Did they want streets fixed? Did they want their waterlines fixed and have pressure? He didn't know; maybe they didn't or maybe they didn't care. He thought it was time they had to look at that stuff and they had to do those things necessary to increase the service they could provide. What he believed may be a better answer to use this money was not necessarily to use it as they got it, but to use to bond with. That was the only way to get ahead of it in a hurry. They were behind the 8-ball and unless they could figure out a way to get ahead of the game, they were just going to get further behind. He thought they were going to have to raise rates, unless somebody else had a better idea on how to get it done. He was willing to listen to that, but he hadn't heard it.

Commissioner Cooper said when he was stationed at Holloman in the early 1950's, he would hear conversations at local restaurants and around town. It was ironic that the words they were using here tonight were also said back in 1952 to 1954 when he was here. When he came back to live in 1978, faces had changed but the comments were the same. There were a lot of things which could have been done but which weren't. They seemed to have come up with a new City Hall, new this, expand that, etc. They were looking for money to do all of those things, yet they were sitting here discussing the fact that they couldn't come up with enough money to maintain and improve our water and sewer system and he felt that was the most important thing. It was nice to see new buildings and new infrastructure, but as long as they were looking at those things and not looking at the needs, then they were right--they wouldn't even get close to that \$11 million. But if they would back off on some of these aggressive programs and projects they were looking at and zero in on the water system and sewer system, he felt they could make a lot of headway. They had the opportunity in the early 1980s to have the desalination program here and the ball was dropped on it. They had a nice reservoir over on N. Florida and at one time it took care of the needs of the City of Alamogordo. But what happened to it? It was no longer there. They had nice fancy ball fields over there now, but they could have used the reservoir

because the water used to flow into it. If they wanted to go back even further, the City of Alamogordo provided its own electricity. The building was still over on the west side of the tracks. Had they gone ahead? No, they'd gone basically in reverse.

Mayor Carroll said he'd like to set the record straight on a couple of things Commissioner Cooper just said. The reason that the desalination project in the early 1980's didn't happen was because the Federal government withdrew their portion of the funding, which was the majority of the funding for that project. The reservoir on N. Florida was not a water storage reservoir for drinking water; it was a reservoir for flood control and the reason it was no longer there was because the State of New Mexico decided it was a potential safety hazard and made the City breach it. Commissioner Cooper asked when that decision was made? Mayor Carroll thought it was breached in the early 1980's--he was on the Commission at the time they were mandated to do that. Public Works Director Jose Miramontes said it was honeycombed with holes at the base, and the State Engineer was very concerned that the thing might breach. They did not have the resources to make the repairs; it was abandoned at the State's request.

Mayor Carroll said the reason a lot of things didn't get done in the past was because they did not have City Commissioners that were willing to take the heat and do it, for a lot of different reasons. One thing that hadn't been mentioned when talking about the potential rate increase was the other issue they addressed last year when they went to the tier system, and that was the idea of conservation. They felt they needed to not only generate revenue, but they also needed to conserve water. Built into this proposed rate increase by increasing the tiers, was another incentive to conserve water. So if in fact the conservation part of the equation which was important did in fact happen, then this rate increase was not likely to generate the amount of money which was being projected. This was projected on no decrease in water consumption, which was not in keeping with the goal the Commission set last year. They set the goal of reducing water consumption, and the tiered rate structure was one way to do it. Even though they didn't go for the whole \$800,000, the reduction in consumption was more than anticipated and so they did not generate the additional revenue that was projected even for the first year. They had projected somewhere in the neighborhood of \$350,000 in increased revenue, but the other side of the equation which was the conservation, turned out to be more successful than they thought so the revenues were not there. This was a two-faceted approach; one was to generate additional revenue to try and address some of the infrastructure problems, and the other was to encourage water conservation. This was nothing more than in keeping with what the Commission signed onto last year as a long range goal. He didn't see how suddenly this should come as a real shock to any of the Commissioners or to the public because they discussed last year that this was going to be a multi-year approach and wasn't going to be just one rate increase and then they went for another five or six years with nothing more than a cost of living increase.

Mr. Miramontes said to expand on the N. Florida reservoir, he had come to work for the City 20 years ago and he remembered some of the infrastructure that was in place. Prior to that it was basically used to irrigate some of the older parts of town. When he came here, it was pretty deteriorated. In fact, a lot of the old drainage channels had been filled in and the physical structures which were made out of ties had deteriorated and rotted away. The basic infrastructure was gone, so even if the reservoir was viable, they couldn't transport the water to it anyway. It would have cost a lot of money to rebuild the whole thing. On another point to answer Commissioner Moncada's comments on what they had done, he thought they all knew there was a certain amount of lead time on these projects. They didn't just get the money and go build whatever; it took a little bit of time. He could certainly provide her with a list of what they'd done and what they planned to do. The money was there and they intended to carry it out. So it wasn't as if the money had been diverted; they couldn't take the money and use it somewhere else unless it was legitimate like where they had expenses which they had to pay Finance, for example, for some of the services they provided to the Water Department. But it had to be legitimate; they couldn't go pave streets just for the heck of it, they didn't run the Airport with water and sewer funds and they didn't run the landfill with them either. So all of that money would be spent for its intended purpose. To echo Commissioner Griggs' comments, he thought they were at a unique point in time to be able to do a lot of work if they were able to use some of those increases to bond some of the major projects. He knew the current interest rates were about as low as they'd been since the 1950's. That meant they'd be able to bond a lot more than just a year ago. Their recent pipeline project was for about \$6 million, and if they had depended strictly on revenues of \$200,000 per year, they would have never gotten it done. He didn't know exactly what it was taking to amortize that bond issue, but the infrastructure was in place and it was working. They could run the numbers and he guaranteed it would be significantly more than what they could bond with that that kind of money because of the fact that the interest rates had dropped significantly.

Mayor Pro-Tem Van Doren said assessing what he'd heard tonight, it was the progressive attitude versus the status quo. The status quo of the past was the reason why they were where they were, where for so many years nada was done and the conditions of the pipelines and everything were allowed to get where they were now. That was what he called status quo--let's not do anything. He also thought the municipal wastewater user charge survey they got tonight spoke loudly as to where they stood relative to our sister cities. Taking that into consideration along with the amount of increase this was going to amount to, with an eye toward the future as to what they planned to do, he couldn't see any objection to it whatsoever.

Mr. Santiago Villavisencio said he understood the dilemma expressed to them here. He'd been at his home for 30 years and he'd paid the price, including taxes, for the betterment of his community. He'd paid for the betterment of his street, but was doing damn good to even get the thing swept once a year. Many of the older

people on his block had died, and they'd wished and hoped that someday in their lifetime they would get it paved. They'd paid their taxes like big boys and they'd been promised better streets and a better water system, but 30 years later he was still paying the higher taxes and they had up to 147 ruts in his street, which was only 15 houses long. Now they were asking for another increase. He knew they needed the increase, but what happened over the past 29 years to his neighborhood? There were many ruts in the streets down on the south side of Alamogordo, but those people were continuing to pay taxes and were continually getting nothing but a promise. They also wanted people to cut back on their water use. He'd killed all his fruit trees to save water to do good for his City and in the hopes of getting a new street. It hadn't happened, and 30 years later he was still waiting. Now they were going to increase rates again. They could see the apathy in the community. People did talk at the coffee shops and told him he was crazy for coming to the Commission because nobody listened to him anyway. The voters voted down the Big Ditch and it was shoved down their throats anyway; the voters voted down the nine holes, and that was shoved down their throats. People were still not aware of the desalination plant and its background. He wasn't here to say they didn't need the increase; but if they voted for it, they needed to make sure what they were saying they would do. Don't make a promise and then get out of office and say "sorry". He'd had too many promises from too many previous Commissioners.

Mr. Miramontes said if Mr. Villavisencio would recall, the City personally went out there and fixed his water lines. They used brand new pipes and they'd paved half of it at the time. Mr. Villavisencio invited them over to see his street tomorrow. Mr. Miramontes said streets were a big problem and the Commission was aware of it.

Mr. Curtis West said they'd made some improvements in his area when they put the Scenic Drive pipeline through there, but they tied in Eighteenth, Fifteenth, McKinley, Tenth Street, and all the streets going east and west. He had 80 pounds of pressure when he built up in his area and he now was lucky to have 35 to 40 pounds of pressure. He asked the City Commission in writing if they would open the valve on Fifteenth Street that regulated his water and give him a little more pressure. Did it get done? No. He was told it would blow the pipeline out down on Washington and Oregon. He told them to put a regulator in there, but was told that would cost too much money and if he wanted that done, then he'd need to do it himself. He didn't believe that was what he'd moved to Alamogordo for. Another thing they were missing, in his opinion, was that he was on a fixed income and it had been cut in half with interest rates. His CD's had dropped from 5 percent to 1.5 percent. He knew that was a small amount for the Commissioners who were asking for a 700 percent increase in salary, but he wasn't going to get that kind of raise. The government gave him two to three percent per year, and that was it. He was asking them, for the retired people in this community, to give a deep consideration to this rate they were getting ready to raise. At his coffee table they'd made a bet what the vote would be, and he

could see it happening right now. He'd thought possibly Mayor Pro-Tem Van Doren had the swing vote, and he had already said which way he was going.

Ms. Gisela Coleman said she didn't have a question on the rates, which she felt they should have. She saw them digging up pipes behind her back yard so she knew where some of the monies had gone. She suggested when they did a project like this, that they put it in the paper so others would know besides just the people that lived near the project. She had a question on the tiers and the amounts. Mr. McCourt said in the first tier it was 1,500 cubic feet. Each cubic foot was 7.48 gallons of water, so that was approximately 11,000 gallons. Ms. Coleman said she never in her life used that much. She used about 750 to 800 cubic feet, so every month she got the same billing for the first tier where she really only used about half of it. So the City got \$16 from her every month extra. Mayor Carroll said no, they were only charged for what they used. Ms. Coleman said for the last two months she got the same bill, but she wasn't at her house for a couple of weeks this month. She didn't think the water meters were read every month. Mr. Armondo Ortega, Water Billing Department, explained the base rate, sewer rate, and garbage rates and how some fees would be charged exactly to the penny because of the same exact base rates. She was a consistent user and stayed around 700 cubic feet. Mayor Carroll said she was not paying for any water that she wasn't using.

Commissioner Easley moved that we approve Ordinance No. 1129 amending the water rates. Seconded by Mayor Pro-Tem Van Doren. Mayor Carroll, Mayor Pro-Tem Van Doren, Commissioner Griggs, and Commissioner Easley voted "aye". Commissioner Moncada, Commissioner Cooper, and Commissioner Cole voted "nay". The motion carried by a roll call vote of 4-3-0.

The Commissioner recessed at 9:18 p.m., and reconvened at 9:32 p.m.

#### **B. Ordinance No. 1130 amending sewer rates.**

Recommendation: Final adoption of the Ordinance.

Mr. McCourt said the revised Ordinance which was passed out tonight encompassed the changes which the Commission asked staff to put in at the last meeting.

Mayor Pro-Tem Van Doren moved to approve Ordinance No. 1130 amending sewer rates. Seconded by Commissioner Easley. Mayor Carroll, Mayor Pro-Tem Van Doren, Commissioner Griggs, Commissioner Easley, and Commissioner Cole voted "aye". Commissioner Moncada and Commissioner Cooper voted "nay". The motion carried by a roll call vote of 5-2-0.

#### **C. Ordinance No. 1132 creating charges for reclaimed water.**

Recommendation: Final adoption of the Ordinance.

Mr. McCourt said item 5(D) tonight was a direct response to the input received from the Commission at the November 13th meeting. That was a question on the inter-department charging and how to address it. Staff had tried to address the Commission's concerns about the inter-department charging in the proposed Resolution.

Commissioner Cooper said if they had the tertiary treatment setup as anticipated, he wouldn't have any hesitation to say yes on this. However, it was not in place and so he couldn't support it because of the fact of the quality of the water that was going to be put out.

Commissioner Easley moved to approve Ordinance No. 1132 creating charges for reclaimed water. Seconded by Mayor Pro-Tem Van Doren. Mayor Carroll, Mayor Pro-Tem Van Doren, Commissioner Moncada, Commissioner Griggs, Commissioner Easley, and Commissioner Cole voted "aye". Commissioner Cooper voted "nay". The motion carried by a roll call vote of 6-1-0.

**D. Resolution No. 2001-36 pertaining to sales and acceptance of reclaimed water on City owned property.**

Recommendation: Approve the Resolution.

Mr. McCourt said this addressed some of the concerns raised at the last meeting on the inter-department charging and the reality that the City did have to dispose of reclaimed water in some manner. In looking at that, they reviewed the areas they needed to use for reclaimed water and they felt they could accomplish that on the City-owned property that was using reclaimed water. To balance that, the Resolution charged the Finance Department with setting up the most efficient system to charge and then pay back the same amount of water from the reclaimed water that was placed on City property. Of course this became a Commission policy statement and could only be changed by the Commission.

Commissioner Cooper asked if they had looped the system yet? Mr. McCourt said the current system was not looped. Commissioner Cooper said what was happening to the excess water, then? Were they dumping that out at the City farm? Mr. McCourt said at different times of the year they used different amounts of reclaimed water because the ground could absorb certain areas. Out at the Airport they had some large dispersal areas which they could use for reclaimed water. If they dumped only on those areas they would run into difficulties because the ground would become saturated and the water would move and surface at other areas. During the summer they essentially used all the reclaimed water they had for our parks, cemetery, Golf Course, and the school areas. So they essentially used all the reclaimed water and that basically let the other areas "dry out" during that time of year. In the wintertime they reduced the amount of

reclaimed water distributed to the other areas, and they placed more on the Airport dispersal areas. Mr. Miramontes added that they did not dump water because the lines were not looped. They dumped water for two reasons; one was because they may not need it during the winter months, and second, because they lacked the storage capacity and the pump capacity. Those were two of the projects on our ICIP. Mr. McCourt said actually they weren't in the ICIP yet because the City had just received that report and staff would be requesting the Commission to place them into the ICIP the next time. Mr. Miramontes said when and if they looped it, it would simply help with the circulation and the quality of the water.

Commissioner Griggs said as all the Commission was aware, this was one of the things that had concerned him about how these charges would be done because the money charged to the Golf Course and the Parks Department would go into the Water and Sewer Fund for uses there, but then they'd probably have to cut services or increase fees at the other places. He was glad to see this here because he thought it would take care of the issue as he saw it.

Commissioner Griggs moved to approve Resolution No. 2001-36 pertaining to sales and acceptance of reclaimed water on City owned property. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 7-0-0.

## **6. Ordinance No. 1131 amending Chapter 14 of the Code of Ordinances regarding the rates for solid waste collection.**

Recommendation: Approve the Ordinance for first publication.

Mr. McCourt said this was the section of the Code where they established the rates to be charged for residential solid waste. They did not set any rates for commercial collection of solid waste in the City. That was left to private enterprise to address that concern. The City had re-bid its contract this year, which was under item No. 7. This would go into effect on February 1st. He had passed out a memo to the City Commission discussing how the dollar amount was arrived at. This was a direct pass-through, and there was no profit margin on this.

Commissioner Easley moved that we approve Ordinance No. 1131 amending Chapter 14 of the Code of Ordinances regarding the rates for solid waste collection (for first publication). Seconded by Mayor Pro-Tem Van Doren.

Commissioner Griggs pointed out that one of the things this Ordinance was doing, was to raise the rates for the in-ground trash containers. Mr. McCourt said that was correct, and it was specifically and directly a result of the re-bidding of the contract to provide for solid waste collection through the private entity. Commissioner Griggs clarified that affected the in-ground containers in places like Tres Lagos where the containers actually had to be pulled out.

Mayor Carroll called for the vote on the motion. All voted "aye". The motion carried by a vote of 7-0-0.

## **OTHER BUSINESS:**

### **7. Solid Waste Collection Services:**

#### **A. Bid No. 2001-23, Solid Waste Collection and Disposal for City-Owned Facilities.**

Recommendation: Award to Waste Connections of New Mexico, Inc. d/b/a Southwest Disposal Corporation, of Alamogordo, for an estimated monthly total of \$6,500.00.

Commissioner Cooper said the thing that disturbed him was a lack of participants in this bidding process. He didn't know if the City was aggressively seeking bids or not. It seemed there should be more participation. Mr. McCourt said staff also had that concern. They did aggressively seek bids and directly notified two carriers which they knew provided the services. They were directly solicited, as well as our normal bidding procedure. Ms. Veronica Ortega, Purchasing Manager, said staff did send out notice to Waste Management, as well as to call them to find out why they hadn't bid on it. It was just capital expensive for them to do that unless the City was guaranteeing them all of the commercial accounts as well. They would not come in just to do the residential. Commissioner Cooper said everybody looked upon different locations as to whether or not it would be feasible for them to come in and set up a complete operation knowing there was an operation already set in place; that he understood.

Commissioner Cooper said his own remarks regarding Southwest Disposal was that one of their trucks ran up into his driveway and cracked one of the cement pads and wiped out the meter and meter can. The City did come out and replace that, but he'd talked to the people at Southwest and he'd gotten no results. Mr. Bob Matheney, Southwest Disposal, said he did actually go to the driveway and look. The part of the driveway that was cracked, was also cracked in the same place of all the homes in that location. Commissioner Cooper said they weren't all poured by the same contractor. Mr. Matheney said if they looked at the angle of the driveways, they were all cracked in the same place. Commissioner Cooper said if he came out and looked at it, why didn't he tell him he had? Mr. Matheney said he had looked at it, but just hadn't gotten back to Commissioner Cooper on it.

Mayor Carroll said his only comment was that this looked like some significant increases from what they were currently paying. That unfortunately could happen when there was only one bid. Mr. McCourt said the City staff was also concerned about one bid, so they did review the possibility of the City actually performing this service for ourselves, hiring staff and equipment and purchasing containers

to be used at the various City facilities, and based on our cost and our best estimates, the City would not be able to beat the price of the bid. He certainly understood the concern as expressed about getting one bid, but as staff reviewed it internally to see about us doing it ourselves, it wasn't felt the City could do it at a lower cost than the private provider. Commissioner Cooper said at one time the City did collect it themselves. Mayor Pro-Tem Van Doren asked if they were trying to say there were only two people they could expect a bid from? Mr. McCourt said no; they were trying to say there were two large providers. The bid was open and could have been filled by other small providers. The commercial side was not regulated by the City, and businesses and commercial establishments in the community could make provisions for their own disposal. There were quite a few contractors that did haul their own refuse either to the landfill or Convenience Center and dispose of it there. Some of them did hire Southwest Disposal. He was not aware of any other commercial carriers currently licensed and operating in Alamogordo. Mayor Pro-Tem Van Doren said they had no other alternative, then. Mr. McCourt said there were other companies that provided this type of service. One of the others that worked in New Mexico and this part of the country opted not to submit a bid. Mayor Carroll said it became very difficult for some of the larger companies to want to get involved on the commercial accounts without giving them the entire franchise. They just didn't feel that they were interested in competing for the commercial accounts because apparently that by itself was not lucrative enough to where they wanted to put the investment in and compete with someone else. They'd been down that road in the past on the commercial. This looked like about a 40 percent increase over what was previously paid, comparing the same items they had last year versus those items this year.

Commissioner Griggs clarified this was a year-to-year contract. Mayor Carroll said it was one year with an option for a second year. Commissioner Griggs said the only thing they were locking themselves into was one year.

Commissioner Griggs moved to approve Bid No. 2001-23 for solid waste collection and disposal for City-owned facilities. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a vote of 7-0-0.

#### **B. RFP No. 2001-003, Residential Solid Waste Collection Contract.**

Recommendation: Approve the Contract.

Mr. McCourt said this was a multi-year contract for seven years with an automatic one-year extension unless the City opted not to extend for that additional one year. It was a fairly, long complex contract. The rates were on page 16; paragraph 13(a) dealt with the basic residential rate and 13(f) dealt with the question Commissioner Griggs mentioned earlier about the in-ground containers.

Mayor Carroll asked if there were substantial changes from this proposed contract to the contract that was expiring? Mr. McCourt said there were some changes, but it was not substantially different.

Commissioner Easley moved that we accept RFP No. 2001-003, Residential Solid Waste Collection Contract. Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 7-0-0.

## **8. Award of Bids and RFP's:**

### **B. Bid No. 2001-27, Lease of 5,000 Gallon Water Tanker.**

Recommendation: Award to Rust Tractor, of El Paso, Texas, the lowest responsible bidder, for a monthly lease total of \$3,975.00.

Commissioner Cole said he knew by at least one letter and an e-mail that there were people who read the minutes, and they in turned e-mailed him after the Commission Meeting on different things wanting an explanation. He wanted some information on this lease.

Mr. Duke Prewitt, Landfill Manager, said this truck was used daily, and they put about 20,000 gallons per day through the tank. Primarily they used it for dust control, for excavation, for asbestos disposal, and as the first responders for any fires they may have out there. It was full of water all the time. They got a lot of use out of it and it was a very necessary piece of equipment for them. Mr. McCourt said one of the questions was why they would want to lease it as opposed to purchasing it outright. Mr. Prewitt said to purchase one brand new right now ran about \$217,000. Right now they were on the second tanker which the landfill had in use. In December 1993 they purchased a used tanker which lasted about two years and then the bottom rusted out. The current tanker was purchased brand new in 1996. Although it had given good service, it only had about 3,400 hours on it and they'd already had to put about \$5,000 into just getting it into a condition where they could return it back to Rust Tractor and they would accept it as fair wear and tear. The bottom was rusted out on it, he'd had to scab patch it, sandblast the entire machine, and repaint it. It even had some special epoxy on the inside. Mr. Miramontes said the water out there was extremely corrosive. It was almost suitable to put in a battery, and besides that, it was hot.

Commissioner Cole asked if this was being paid for by revenue generated at the landfill? Mr. Prewitt said yes; they were self-sufficient. This year he anticipated about \$60,000 in excess of what their operating expenses were.

Commissioner Easley said he'd just seen the landfill document they'd received and he wanted to point out that this item was covered by landfill revenues.

Mayor Pro-Tem Van Doren moved to approve Bid No. 2001-27. Seconded by Commissioner Moncada. All voted "aye". The motion carried by a vote of 7-0-0.

**D. Bid No. 2001-29, PVC 12" C900 160PSI Pipe.**

Recommendation: Award to U.S. Filter Distribution, of Las Cruces, for an estimated total of \$20,416.00, which does not include NMGRT.

Commissioner Cole said he would like to know the size and type of waterlines, and why these improvements were to take place, and the time line. Mr. Miramontes said it was a 12 inch line. They were going to replace the existing waterline on White Sands which was very old. They'd had a number of water breaks throughout the years on White Sands. They planned to start in early January, it would take about three months to complete, and it would be done with our internal forces. The funding was coming out of the \$200,000 which the Commission appropriated every year for replacement of waterlines. It was part of the agreement with our insurers to try to address the worst pipes around the City to minimize the liability of the City, and that was a pretty bad area there. Commissioner Cole asked if this was part of the ICIP? Mr. Miramontes said no; he'd pulled it out of the ICIP because it was so bad he wanted to get it done. They'd had many breaks there recently.

Mayor Carroll clarified this was a project which they'd discussed coordinating with the State Highway Department for them to improve White Sands Boulevard, especially from about Sixteenth Street up to Indian Wells. Mr. Miramontes said that was correct. They had a contract whereby the City was to take over the light maintenance of White Sands Boulevard as soon as the bypass was constructed. The City was in the process of acquiring that right-of-way and part of the arrangement which he and the City Manager had worked out with the Highway Department was that they would go in and make significant paving improvements before they turned it over to the City. But one of the things which needed to be done, of course, was to replace that very old waterline. So it worked hand in hand. Mayor Carroll clarified that they would get some street repair done shortly after this project. Mr. Miramontes said they hadn't put a time table on when they would pave it, but certainly once the City said the waterline had been replaced, then the State could fund the street repairs.

Commissioner Cole asked if the bad break was down in front of the restaurant? Mr. Miramontes said yes, at Eleventh and White Sands. They'd had a number of breaks there, and they'd had additional breaks further up as well. It was a very small 4 inch, corroded line. He didn't think there was much water flowing through it right now.

Commissioner Easley moved to approve Bid No. 2001-29 for 12 inch PVC pipe. Seconded by Commissioner Griggs. All voted "aye". The motion carried by a vote of 7-0-0.

#### **E. PW Bid No. 2001-004, Alameda Park Sewer Line Replacement.**

**Recommendation: Award to Cherokee Enterprises, Inc. in the amount of \$261,875.33 (including NMGRT).**

Commissioner Cole asked if this was part of the ICIP? Mr. McCourt said yes. Commissioner Cole asked why it was funded partially out of Fund 81 and partially out of Fund 85? Mr. McCourt said Fund 85 was some bond money which was left, and Fund 81 was the Water/Sewer Fund. The bond money was a Gross Receipts Tax revenue. Commissioner Cole asked what the Alternate No. 1 was? Mayor Carroll said it was the paving. Chief Engineer Kevin Heberle said it was the 2 inch thick paving. Commissioner Cole said they would have to pave it one way or another, wouldn't they? Mr. Heberle said the base bid was not with the asphalt--to leave it unpaved. It was not going to be paved by this project. But the alternate was to add the paving in. The line ran behind the park. Commissioner Cole clarified they would go back to make it a hard surface. Mr. Heberle said yes, but not with the base bid. Commissioner Cole said he didn't understand why they wouldn't replace the surface the way it was. Mayor Carroll said it wasn't paved now, and this would not pave it all the way from one end of the park to the other; it would only pave it part way. Mr. McCourt said this actually started up near Canal and proceeded southward about half way down the length of the park, and then it turned to the west and went under the tracks. The line was a collector and actually continued north of the park and served the shopping center and those areas on the west side of White Sands. There was also a line which branched off approximately at this location to the east, and a section of it had been replaced up to about Indian Wells. It was an old concrete line. In the ICIP under the projects for next year in the Water/Sewer Fund was the continuation of the replacement of that old concrete line, continuing west up to Pecan, and then at Pecan the main collector turned north. It actually went through the alleys and went almost to the northern edge of town. That line basically served that whole northeast quadrant of the City and it all flowed down into this line which continued down and eventually reached the wastewater treatment plant.

Commissioner Easley moved we approve Public Works Bid No. 2001-004, Alameda Park Sewer Line Replacement. Seconded by Commissioner Moncada. All voted "aye". The motion carried by a vote of 7-0-0.

#### **F. PW Bid No. 2001-007, South Florida Avenue Drainage Improvements.**

**Recommendation: Award to Mesa Verde Enterprises, Inc. in the amount of \$205,477.61 (including NMGRT).**

Commissioner Cole said at the last Transportation Meeting the Mayor had made some comments that there were insufficient funds to go as far as we had wanted to. Mayor Carroll said that was correct; they'd hoped to go past the fire station and he didn't believe it would pave it that far. Mr. Heberle said that was correct.

The only pavement which was going to be done was over the drainage channel itself. The funds weren't available to pave from Panorama to the drainage structure, nor from the drainage structure to the south edge of the fire station. Those were the two additive alternates which they didn't have enough money to include. Commissioner Cole asked if this was part of the ICIP? Mr. Heberle said yes. Commissioner Cole asked if this was any way related to the flood control project? Mr. Heberle said it was separate. Mr. McCourt said this was not related to the Corps of Engineers' flood control project. The culvert they were building was to carry flows that came down and into some detention basins they had in that area. But this was not in any way connected with the project that the Corps of Engineers was doing. Commissioner Cole asked for the time line on this? Mr. Heberle said it was 90 days, and would start mid-January. Commissioner Cole asked when the Alameda Park sewer line replacement would start? Mr. Heberle said that would also start mid-January and it was 120 days.

Commissioner Cooper moved we accept Bid 2001-007, South Florida Drainage Improvements. Seconded by Commissioner Griggs. All voted "aye". The motion carried by a vote of 7-0-0.

#### **G. RFP No. 2001-004, Personal Protective Clothing.**

Recommendation: Award to Artesia Fire Equipment for an approximate amount of \$81,000.00.

Commissioner Cole said the correct date on this agenda report should be October 9th for the budget revisions. He'd talked to Fire Chief Joe Bailey on this, who was originally going to bring a suit of clothing for the Commission to see. Mr. Bailey said they had a sample set, but after the presentation the vendor had taken it back. Commissioner Cole asked what type of clothing it was? Mr. Bailey said it was the turnout bunker gear used by the fire fighters when they actually fought a fire. Mr. McCourt said they actually went into the buildings with this gear, and it was to provide them fire protection so they didn't get burnt. Mr. Bailey said in years past they'd only been able to afford the minimal acceptable level of gear, so with this Grant they would be able to afford the best gear that was out there for their fire fighters. Commissioner Cole asked if the employee had ownership of this suit? Mr. Bailey said no; every piece of equipment they issued was signed out on a sheet and when they left the department for whatever reason, DPS got the gear back. Commissioner Cole asked about a life span. Mr. Bailey said approximately seven to ten years, and with the small number of fires they had in Alamogordo it would probably be beyond that. They took very good care of their gear. Commissioner Cole asked if there was any type of training necessary to use the gear? Mr. Bailey said just normal type; they had an extensive training program which they put all of our new recruits through so they were well aware of the uses of the gear. Commissioner Cole said there was \$172,000 worth of revenue in this line item, and this would spend approximately \$81,000 of that. What were they going to use the other \$91,000 for? Mr. Bailey said he'd have to

address the Finance Director on that, but the Grant he'd received was for \$114,000 under the FEMA Grant Assistance to Fire Fighters. The other portion they were going to use was about \$27,000 for additional breathing apparatus for the older trucks, and then to go along with the personal protective equipment they would buy new boots and gloves and hoods. Commissioner Cooper asked if they planned to get the helmets with the television cameras where they could actually see where they were going? Mr. Bailey said they hoped to buy a thermal imager, so in essence with the bond money they would have an entire new ensemble from the boots all the way up to the helmet including the breathing apparatus. There was a ten percent match on that, but the State Fire Marshall didn't allow the State Fire Funds to be used for the match. So in essence there were no real hard City dollars used to purchase this; it was all paid for by Grants.

Commissioner Cole said he'd like to have a little more information on some of these bids as he studied them, and that was why he was asking questions. He did go back to the budget and cross reference them to see where we were at and how expenses were going on them.

Commissioner Cooper moved to accept (RFP) 2001-004 for Personal Protective Clothing for the Alamogordo Fire Department. Seconded by Commissioner Griggs. All voted "aye". The motion carried by a vote of 7-0-0.

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

**Community Development Advisory Committee. Five vacancies. Mayor Carroll reappointed Mr. Michael W. Green, Mr. Jack Spears, and Mr. Howard M. Smith to fill three of the vacancies..**

**Senior Volunteer Programs Advisory Council. Four vacancies (4 At-Large positions available).**

**Airport Zoning Board. One vacancy.**

**Parks and Recreation Board. Two vacancies.**

**Planning and Zoning Commission. One vacancy.**

**All remaining vacancies were rescheduled.**

## **UNSCHEDULED COMMUNICATIONS:**

**A. Comments by Commissioner Easley regarding Christ Community Church's interest in annexation; Thanks to Commissioner Cooper for his work with the ELKS; and the Opening of "Chef Lupe's" Restaurant in Alamogordo.**

Commissioner Easley asked if we'd received a response from Christ Community Church about their water tap? Mr. McCourt said we had a preliminary verbal response, but not a written one. Their indication was that they were favorably inclined toward annexation of that area as well as the subdivision they were developing immediately to the southwest of the Church property, into the City. That was based on a City staff member who attended their Trustees Meeting. Commissioner Easley said we were to cut their tap off by the 15th of December if they hadn't responded. Mr. McCourt said he would contact them to get something in writing.

Commissioner Easley said earlier he had an opportunity to thank Commissioner Cooper, and he wanted to repeat it again. He wanted to thank Commissioner Cooper for all the work he did with the ELKS Club. He'd had an opportunity recently to attend several events at the ELKS Club, which was a terrific facility for Alamogordo. He knew lots of people worked hard to make it that way and to make it a really big asset to our community. He knew Commissioner Cooper worked as hard as anybody to make it a big asset, so he'd like to say thank you for that.

Commissioner Easley said today he had the unusual good fortune of being the absolutely very first customer of the Alamogordo branch of Chef Lupe's Restaurant. The lunch was good and the menu looked good. He knew they'd had several restaurants meet their demise in the last several months here in Alamogordo, so he was happy a new place had opened up. He wished them success and he encouraged everyone to go there and try the food out.

#### **B. Comments by Commissioner Moncada regarding early Regular Meeting date of December 20th.**

Commissioner Moncada reminded everyone that the next Commission Meeting would not be on a Tuesday, but would be on (Thursday) December 20th.

#### **C. Comments by City Manager regarding offer to visit desalt plant in El Paso; ISO grading criteria; Legislative request list for 2002; Speed limit on S. Hamilton Road; Tour of flood control project construction site; and Water update.**

Mr. McCourt said he'd passed out a memo regarding a vender who was offering a visit to a desalinization facility down near El Paso, and that tour had been arranged for Monday, December 17th at 10:00 a.m. They anticipated it taking all day and staff would be arranging transportation if they were interested. Please let him know.

Mr. McCourt said he'd received a memo from the Code Administration Supervisor concerning the ISO grading criteria, and that the City just missed getting into a lower criteria. One of the ways they could get more points was if they were able

to find the time to do more educational sessions for elected officials or governing authorities. He asked the Commission to review that memo and give him their feedback.

Mr. McCourt said he'd passed out an item for the Commission's review regarding the Legislative Request List 2002. He was planning on having that as an agenda item on the December 20th meeting at which time they would look at which items the Commission felt was appropriate for them to request assistance from our State Legislators. This was to give a heads up and ask the Commission to review it prior to that meeting.

Mr. McCourt said he'd passed out a copy of an e-mail he'd received. There were several questions about the speed limit on S. Hamilton Road. He did ask the Engineering Department to do a review on that, and their review was to recommend increasing it from 30 mph to 35 mph between Desert Lakes Road and north to the new section of road where the curb and widening had occurred. They were planning on implementing that change.

Mr. McCourt said at the last Commission Meeting there was a request about a tour of the construction site on the flood control project. That had been set up for this Friday at 10:00 a.m.

Mr. McCourt said he'd passed out the water update this evening, which was in a slightly different format than it had been in the past. They were making a little headway in storage. From two weeks ago they were up about 3 percent from where they were. It did cause him some concern since they had about 80 days until they started going the other way. Mr. Miramontes had told him he was worrying too much and that they'd be okay, and Mr. Miramontes was much more experienced and knowledgeable in this area.

**D. Comments by Mayor Carroll regarding Essential Air Service; German Air Force's taking on long term care of xeriscaping at the Housing Authority; Thanks to City staff involved with the Employee Awards Banquet; Legislative Prayer Breakfast; and Changes made to our TV cable programming.**

Mayor Carroll said he was notified by Senator Bingaman where he was successful in getting the Essential Air Service subsidy for Alamogordo renewed for at least another year. He would ask the Commission to authorize the City Manager to draft a letter for his signature thanking Senator Bingaman and Congressman Skeen on behalf of the Commission and the City for their efforts in that.

Mayor Carroll said he also wanted to pass on a thank you to the members of the German Air Force who had agreed to take on the maintenance and long term care of the xeriscape garden on First Street in front of the Housing Authority.

They were out Friday getting it back into shape. They originally were the ones who'd put it in, and for whatever reason the City maintenance was not able to keep up with it. So Susan Flores had asked the German Air Force if they would be willing to step up and take over the long term maintenance, and they'd agreed. That was just another indication of what good neighbors and members of the community our German friends were.

Mayor Carroll commented on the Employee Awards Banquet and thanked everyone on City staff that had any part in setting that up. He knew the Senior Center staff had prepared the meal. There were a lot of City employees that worked hard in organizing it and in making it a very enjoyable evening. He passed on thanks to them and also to the City employees who worked to get the Christmas lights and tree up and made sure that when he threw the switch, all the lights came on.

Mayor Carroll said Friday, January 4th at 7:00 a.m. was the scheduled time for the Legislative Prayer Breakfast this year. As in past years, they would have the opportunity sometime during that day to meet with our local Legislators and give them our funding request for the upcoming Legislative Session. As the City Manager had indicated, they'd be discussing this at the next meeting, so they needed to be thinking about which were their high priorities for funding next year.

Mayor Carroll said some of the Commissioners may be getting some calls from citizens who'd noticed that the TV cable company had made some changes to the programming alignment. They'd apparently taken off the two California stations and replaced them with something else. Apparently this had just happened today, and if there was enough concern, then perhaps the City Commission may want to voice the concerns of some of the citizens to the people that made those programming decisions for the cable company.

**EXECUTIVE SESSION: Adjourn into Executive Session to discuss Threatened Litigation.**

Commissioner Cooper moved to adjourn into Executive Session to discuss Threatened Litigation. Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a roll call vote of 7-0-0. The Meeting was adjourned at 10:30 p.m.

The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of December 11, 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 December 20, 2001.**



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