

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
MARCH 27, 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. Tom Beach, and the Pledge of Allegiance was led by Boy Scout Troop No. 239.

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.

1. Minutes of Regular Meeting of March 13, 2001.

Recommendation: Approve the minutes.

2. Consideration of a five foot (5') front setback variance for Jesus Pacheco.

[Case V-01-0438(A); 613 Kingston Drive]

Recommendation: Approve the five foot (5') front setback variance with the condition that the carport never be enclosed, for Case V-01-0438(A).

8. Ordinance No. 1114 amending Chapters 8 and 12 of the Code of Ordinances regarding Building Codes and Regulations.

Recommendation: Final adoption of the Ordinance.

11. Statement regarding the Executive Session of March 13, 2001.

Recommendation: Approve the following statement and authorize it to be included in the minutes of March 13, 2001: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of March 13, 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."

13. Application for participation in the 2001 Law Enforcement Protection Fund Distribution.

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

14. Final Adjusting Change Orders and Close-Out of Bids:

A. PW Bid No. 98-015, Water Distribution and Storage Improvements, Phase II.

Recommendation: Approve Final Adjusting Change Order No. 3, and close out the project.

B. PW Bid No. 2000-014, Fire Station No. 5 Sewerline.

Recommendation: Approve Final Adjusting Change Order No. 1, and close out the project.

C. PW Bid No. 99-017, Parks Maintenance Building.

Recommendation: Approve Final Adjusting Change Order No. 2, and close out the project.

Item Nos. 3, 4, 10, and 15 were removed from the Consent Calendar.

Mayor Pro-Tem Van Doren moved to approve Consent Calendar items 1, 2, 8, 11, 13, and 14(A-C). Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 7-0-0.

PLANNING ITEMS:

3. Consideration of the vacation of Lot 21, Desert Hills, Unit 11, for Desert Hills, Inc. [Case M-01-0292(A); 2508 Oakmont Drive]

Recommendation: Approve the partial vacation of Desert Hills Unit 11 for Lot 21 in Case M-01-0292(A).

Commissioner Cole said he'd like to get a clearer understanding of any public lands that would be donated through the subdivision and how that would be protected in the future. Mr. McCourt said if they proceeded south on Florida Avenue, they came to the end of the current City road and then this was located on a paved, private road which came around and re-entered the subdivision. Commissioner Cole clarified that the exact location was northeast of a home presently being constructed on Oakmont Drive.

Mr. McCourt said he understood this was basically to un-plat a piece of land in the subdivision plat. City Planner Sharon Few said that was correct. They were removing it from the subdivision plat, vacating it, and then under the next item (item No. 4), they were coming back and dedicating a different configuration of lot and street. For public land dedication the agreement had been with the Desert Hills people that upon completion of the subdivision, a total acreage would be turned over. She was not prepared tonight to provide that total acreage which would be due the City.

Commissioner Easley said under item No. 4, it discussed the public land dedication. There it stated that that essentially what they were doing was indicating that any public land which would be required to be dedicated because of this piece of property would be included with the total dedication which at some later date Desert Hills Subdivision would turn over to the City. So they weren't really waiving public land exactly, but just aggregating this public land claim with the other public land claims and turning them over all at once. Commissioner Cole asked if that was a binding type of agreement? Ms. Few said yes, because it was included in the specific wording of the City Commission action for the approval of the subdivision.

Commissioner Cole said as he was driving out there, he felt it would be quite difficult for some of our fire vehicles to maneuver around. Eventually with the way it was growing, he felt there would have to be some type of fire station out there. Also, if Florida was extended on out and Oakmont going on, it could actually connect the two streets eventually as it grew east. Ms. Few said actually Florida Avenue would be scheduled to continue due south, and then there would be a connection with platting of Oakmont to the east to connect with Florida. Commissioner Cole said if that all took place right now, would it all be in the City limits? Ms. Few said basically all of the area west of Florida Avenue was inside the City, including the private connecting road between Florida and Oakmont. There was additional acreage east of Florida Avenue that included the Edwina/Bill/Joel Danley properties, plus Caneadea. Mr. McCourt said he understood Commissioner Cole's question to be if Florida Avenue was continued south, would the land on the west side of it be in the City limits currently. Commissioner Cole said one reason he was asking was where the current new fire station was being built, and he was really thinking somewhat of fire safety. It did clarify some of the questions as they approved this. He had no further

questions other than to make sure they did have the public land which was still in the Agreement to be dedicated to the City. Ms. Few said that was correct.

Commissioner Cooper said he understood that particular parcel of land would be difficult to build on. Mr. Klad Zimmerle, Burke & Associates, said the back of the property was elevated at this time and they'd have a steep driveway coming off of it. They were providing additional frontage so they'd end up with a total of 70 feet at the building setback line, which would make it a much more buildable lot.

Commissioner Easley moved that we approve the vacation of Lot 21, Desert Hills Unit 11, and that we approve the final plat of Desert Hills Unit 11 Subdivision, Replat D. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a vote of 7-0-0.

4. Consideration of the final plat of Desert Hills Unit 11 Subdivision, Replat D, for one (1) lot located within the City of Alamogordo, for Desert Hills, Inc.
[Case S-01-0700(A); 2508 Oakmont Drive]

Recommendation: Approve the final plat of Desert Hills Unit 11 Subdivision, Replat D, Case S-01-0700(A), located within the City of Alamogordo, with variances on the construction and installation of alleys, on the dedication of public land, and from Section 22-01-140(b)(1) relating to drainage plans, and with a Subdivider's Contract.

This item was discussed and voted on under item No. 3 above.

5. Consideration of Ordinance No. 1113 amending Chapter 29 of the Code of Ordinances pertaining to residential shelter care facilities. [Case M-01-0293(A)]

Recommendation: Approve the Ordinance amending Chapter 29 of the Code of Ordinances, in Case M-01-0293(A), pertaining to residential shelter care facilities for first publication.

Mayor Carroll said the Agenda Report indicated that this was something required to bring the Ordinance in compliance with State and Federal requirements. Mr. McCourt felt it was actually cleaning up our Ordinances due to court cases which had struck down similar type Ordinances. Ms. Few said that was exactly correct. The provisions in this section of the Ordinance were put into place several years ago to help the City regulate the intrusion of multi-family residential shelter care facilities and the more restrictive residential zoning districts--the single family and two family. In it the provisions were included for notification of property owners within 200 feet and publication in the paper of the proposed establishment of a residential care facility, just as they did for variances and other types of zoning. Nationwide the courts had held that this was inappropriate and unconstitutional. So they were eliminating the notification procedure, but maintaining the compliance requirements that were set forth. That would be compliance with Building Codes and Fire Codes, the licensing requirements with the State,

limitations on commercial signage and such, and the necessity for obtaining a City Business Registration unless they were a certified nonprofit. They were going to completely strike that section, but the City Attorney recommended that they eliminate only the notification and publication section.

Commissioner Cooper moved that we approve Ordinance No. 1113 amending Chapter 29 of the Code of Ordinances pertaining to residential shelter care facilities (for first publication). Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 7-0-0.

6. 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)]

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

Mayor Carroll said he'd asked the question earlier on how much revenue they expected this to generate. Mr. McCourt said he did get a chance to relay that question but didn't know whether there was an answer ready or not. He did want to mention to the Commission that this was part of the ongoing budget process where they'd asked all departments to review fee structures to see if they were appropriate within their areas, just as they'd seen other ones earlier this year. These types of fees were particularly looked at because they were much more connected to the direct user and impact. They were looking at them very heavily to see if the other taxpayers were being burdened to pay for costs that should be borne by the direct beneficiary.

Mr. McCourt asked Ms. Few if she'd had an opportunity to look at that question. Ms. Few said she'd only had a very few minutes to look at the question, and it was based on the case fees only. As they knew, the case costs and revenues were dependent on the demand placed by the public on them. Sometimes it tended to be a crystal ball situation as to what the economy was going to do and how the public was going to react. Based on the cases that the Planning Department processed in the 2000 calendar year, they would see an increase of approximately \$7,000. There was no calculation done on the increase in the inspection cost for subdivisions. Mayor Carroll said they'd picked a new number to charge for these services, and he wondered how they'd arrived at that number. Did they know what their costs were to arrive at that number, or were they looking to generate a certain amount of additional revenue for the department? If it was the latter, then how did they arrive at the number if they didn't know what it was going to generate? Ms. Few said in coming to a proposal to submit to the Commission for new numbers, they'd looked at the costs that were in place in 1988 for the actual case costs, and the increases that had been incurred. They went with rounded figures to try to come to some point of agreement. In some instances the figures were a little higher than what the current costs were, and

other figures may be a little lower. But they had tried to match them to cover our costs. For example, the increase in the charges for the zoning was higher proportionately than the other cases because although they'd had increases in actual costs for postage, the cost for the fees associated with certified return receipt this year alone increased 22 percent. So they were paying nearly \$4 an item for certified return receipt, whereas the postage increase itself was only a penny an item.

Commissioner Cole said the last increase was approximately 12 to 13 years ago. He didn't know what the inflation would be for 12 years, but looking at some of these figures going up from \$200 to \$400, it seemed to him was a significant increase above and beyond. He would like to have a dollar figure of what type of costs they were looking at in 1988 and what they were looking at now, and how this was going to cover it and was it going to be covering for another five or six years in the future so there wouldn't have to be another increase? He had gone back and researched and this Commission had approved at least six types of increases this past year and now they were looking at a seventh one for somebody of our community to pay, whether it was a business or an individual. This to him seemed liked significant increases in all areas. He would like to have a rationalization that it needed to be increased that much--100 percent for 12 to 13 years. Were there other things he wasn't aware of that had caused it go up, at least in the administrative fee or salaries? Mayor Carroll said salaries was one thing. Commissioner Cole said he'd like to have some justification. Mayor Carroll thought that was the answer to the question he'd just posed--he'd asked how they arrived at the numbers, and they said they looked at the cost of doing the various types of cases and that was how they arrived at the figures. Commissioner Cole said he'd interpreted their answer as a generalization type of answer. It seemed to him that there ought to be some figures for 1988 compared to figures of the present time to justify overall the increase. Ms. Few said they could be provided, but not at this moment. If she'd been aware of their request, then she would have been happy to provide them tonight, but she would be happy to get them to the Commission as soon as she possibly could. Commissioner Cole said he'd sure like to have them before he cast a vote tonight. Mayor Carroll said to keep in mind that this was for first publication and was merely to get it out and to alert the citizens of the proposal. So this did not mean it would happen. It would take another vote for final adoption.

Commissioner Moncada asked if Commissioner Cole was asking to give an explanation on each individual increase? For instance, the first fee went up by \$200, the second was \$50, etc. Did he want her to break them down? Commissioner Cole said on the second page under (f), where it said pre-application review, the amount was \$0 and it was now going up to \$25. Mayor Carroll said obviously that was a tremendous increase from \$0, so maybe they were giving something away for many years that they no longer should be giving away. Commissioner Cole said he would like some type of mathematical analysis starting at 1988 and coming up to this time. He understood if they were projecting

into the future because postage was probably going to go up another penny next year, so that would probably increase everything else. He could understand looking to the future for a short term, but they kept going back to the community for more funds. Maybe it was necessary.

Commissioner Easley said he would feel a little bit more comfortable with some numbers, but from a different perspective. He felt that what they spent in 1988 and what they took in during 1988 were irrelevant. What actually mattered now was what they actually spent to do this work in 2000 and what they took in as revenues during 2000. That would be the pretty much coherent analysis to take a look at. If they found that they spent considerably more than they took in revenue, then that would be the justification for raising these fees a reasonable amount to cover our costs. So it didn't matter how much things cost in 1978 or 1988 or what the percentage increases were; what they were concerned about was whether they were appropriately covering these costs out of these user fees. Before he voted in favor of this, he would actually like to see something along those lines, where they understood what it cost recently to do the work that was involved here and what revenues they took in.

Commissioner Cooper thought what they were trying to do was to catch up for what had been lacking over 13 years. He knew that each and every year the cost of operation within the department had gone up continuously, yet this had not been addressed. By looking at these figures over the past 13 years, basically they were just coming up to speed. He thought that if they checked the numbers, they would find they were still at a break-even or may even be operating at a loss. Ms. Few said some of the areas would be operating at a loss. For example, the 1 1/2 percent inspection fee was a figure which had been in place since 1950. Instead of trying to bring it up to where it would cover, they were just trying to move it forward some. Anything would be an improvement. On the items such as the annexation, that was not actually a \$200 increase on the annexation. It would be establishing a flat \$400 because they were eliminating the \$10 per acre fee. She would be happy to get that information for either a second view of a first reading, or for the second reading.

Commissioner Griggs said he thought everyone knew what he'd been trying to discuss since he'd been on the Commission concerning the Subdivision Ordinance and the zoning. They may indeed need to increase these fees this much, or possibly even more. He thought it also highlighted the fact that our Subdivision Ordinance was old and they needed to fix our Subdivision Ordinance and probably change some of our zoning regulations. He would like to see them do it all at once because it needed to be done. So let's take the opportunity now, change the Subdivision Ordinance, bring it up to date, and change our zoning and bring it into uses which might help make the City Planner's job simpler and make it better for the community. He thought that was what they needed to look at other than just this piecemeal changing of the fees right now.

Mayor Carroll said he didn't have any argument that they certainly needed to update the Subdivision Ordinance and Zoning Ordinance. He was not sure that was something they were going to do in one or two meetings. He thought that would take some time. In the meantime, they had a request to generate some additional revenue to help offset some of the costs involved. If they went back and looked at the budget, they would find that the revenue generated by fees didn't come anywhere close to covering the cost of the Planning Department. That did not mean that they should adjust the fees to totally cover it because there were some things that needed to be provided. But as the City Manager pointed out, it was an attempt to try and distribute some of these costs more accurately to the people that were actually causing the expense. His recommendation would be to approve this for first publication and have Ms. Few bring some numbers back at the next meeting. If they were in agreement and comfortable with those numbers, then they could approve it for final adoption at some point in time. If not, then when it came back for final adoption they just didn't approve it. If they didn't take some action tonight, then they were just moving everything down the road at least two weeks.

Commissioner Easley said another alternative would be that they table this item for two weeks until they got the numbers, and Ms. Few might want to change some of these numbers in the intervening period of time, increase some, reduce some, etc. Then they could take a look at it again in two weeks. He'd be more inclined to support a tabling.

Commissioner Cole moved to table this until the next meeting. Seconded by Commissioner Easley. All voted "aye". The motion carried by a vote of 7-0-0.

CONTRACTS AND AGREEMENTS:

7. Contract Agreement with Otero County Economic Development Council (OCEDC) to authorize the use of Economic Development Gross Receipts Taxes for promotional efforts.

Recommendation: Approve the Contract with OCEDC to market economic development for the City of Alamogordo.

Commissioner Griggs said under paragraph 3 on the fourth line, he felt the two words "to be" needed to be changed to "may". Mayor Carroll asked if he was saying that they wouldn't necessarily have to use the money for advertising and marketing, but could use it for something else? Commissioner Griggs said no; he didn't think that was the way this paragraph read. It said that they agreed to provide funding with a cap of \$50,000 to be used for advertising. He thought "may" be used for advertising was what they could do with it. He believed the words "to be" were in error. Commissioner Easley said the "to be" referred to the 10 percent allowable under the Gross Receipts Tax, and not what the 10 percent

would be spent on. Commissioner Griggs said that was the way he interpreted it. Commissioner Easley said it stated that 10 percent, etc., etc., etc., to be used, and the fund was to be used for advertising. What he and Commissioner Griggs were saying was that it may be used, rather than make it an absolute to be used of that 10 percent and must be used, but that they were advocating that they make it more conditional that the 10 percent may be used for those purposes but maybe not. Commissioner Griggs said the paragraph read, "The City agrees to provide funding to OCEDC from the Economic Development Fund that states 10 percent of the Economic Development Gross Receipts Tax collected per fiscal year, with a cap of \$50,000 per fiscal year to be used for advertising and marketing of the City of Alamogordo...". It was sounding better as he read it, but the way he read it the first time it was not that way. Commissioner Cooper said he saw nothing wrong with it.

Mayor Carroll said if he understood what Commissioner Griggs was saying, if they changed it to "may" that would more appropriately be in a preamble to an Agreement. Was he saying that they needed to make it plain that "up to 10 percent that the City may use for advertising"? Commissioner Griggs said that the City may give up to that. Mayor Carroll thought that would be more in a preamble. It seemed to him that the language "to be" limited the use of the money once they gave it to OCEDC. Commissioner Griggs said he would agree with that reading, but that was absolutely not the way he read it when he first looked at it and that was why the word "may" seemed more appropriate to him. As they sat here and looked at it more and more again, the "to be" seemed appropriate.

Commissioner Easley thought it could be clarified by instead of saying "may be used", that they say "may be made available for the purposes of advertising and marketing". That would then capture both items and specify what the money would do, advertising and marketing and the conditional purpose which was that it may be made available. Commissioner Cooper thought it would then make it an open Agreement. Mr. McCourt asked what other uses they would anticipate? Commissioner Easley said he didn't. Mr. McCourt said it did open it up to other potentials. Commissioner Cooper said it did. Right now the way it stated that the 10 percent or \$50,000 cap would be used totally for marketing and advertisement, period. Mayor Carroll thought they had to read that paragraph in conjunction with the wording on the previous page which said, "...therefore, it is agreed by and between the parties...". So if they changed that to "may", he would read that to say that after OCEDC had the money they would have some other option to use the money rather than for advertising and marketing. Commissioner Easley said evidently they needed to clean up this paragraph because evidently reasonable people could read it in two entirely different ways. Commissioner Cooper said he didn't see how they could because it was as plain as could be that it was to be used solely for advertising and marketing, period. Commissioner Easley said perhaps some other wording would make it clearer, but all they were trying to say was that the money would be used for advertising

and marketing but it may be used for other... He felt the issue was that the Commission may or may not choose to dedicate the entire 10 percent of the money to this purpose. That was the conditional part they were talking about. However, once the money was dedicated, it would be used for advertising and marketing. That was the two points and he was not sure that the language was clearly expressed. Mayor Carroll said he understood where they were coming from with it now.

Commissioner Easley said the law said that the City may give up to 10 percent, but it didn't require them to give any percent or anything in between. So he was trying to clarify the language of the Contract. He didn't believe there was that much question about it amongst all of the parties here tonight, but given that in five years some or all of them might not be here to worry about it, what went into the Contract actually did matter. So the language should be appropriate to designate the fact that we the Commission would determine what percentage of money went into this purpose, but that the purpose remained advertising and marketing.

Commissioner Cole said the State guidelines had named some other areas that the 10 percent or \$50,000 could be used for, like for administration. So if they wanted to use part of it for administration, in the way this was worded did it mean that they could not? Mayor Carroll said he wouldn't read it that way. He would say that within their advertising and marketing efforts, they were going to incur some administrative expenses to do that. Commissioner Cole asked if administration would be considered part of this, then? Mayor Carroll said that was the way he interpreted it. Commissioner Cole said he would think of marketing as sales and displays, and he wasn't thinking of staff or that part of it for the \$50,000. Mayor Carroll said if they were going to contract or hire someone to do some of the advertising and marketing, there were costs involved in that. So that would be part of what would be a legitimate expense for the \$50,000, and not to say that their efforts needed to be such that they would wind up at the end of the year with \$50,000 worth of brochures or \$50,000 worth of paid ads. There would be other expenses involved in the marketing and advertising process. Commissioner Cooper said that would be legitimate expenses to come out of that \$50,000 or 10 percent. When they had discussed this and they talked about the advertising and marketing, that 10 percent or \$50,000 cap would be strictly for advertising and marketing and the administrative expenses would come out of that. Commissioner Cole asked why the Commission couldn't approve the 10 percent to OCEDC and let them use it however they saw fit under the guidelines set down by the State--marketing, administration, or otherwise? Why did the Commission have to limit it tonight to that phrase?

OCEDC Director Ed Carr said that since OCEDC would be the recipient of this money, he agreed with Commissioners Griggs and Easley that the language may need to be clarified there. It was certainly not their intent to do anything other than what they had told the Commission, which was to use it for marketing. The

language may need to be cleaned up to make it clearer that OCEDC could use it for advertising but to also give a prerogative to the City to stop giving them the money at some point in time and use it for some other purpose like an incentive to a client. There should be language in there which allowed that as well. Mayor Carroll said he understood where Commissioners Easley and Griggs were coming from. They wanted to see some language in here which said that even though they had a contract which said the City may give them up to \$50,000 in a year, they were not committed to that in any one year.

Commissioner Easley proposed some language changes to paragraph 3 that seemed to him would possibly correct this: "The City agrees to provide funding to OCEDC, from the Economic Development Fund, up to 10% of the Economic Development Gross Receipts Tax collected per fiscal year, with a cap of \$50,000 per fiscal year. These funds will be used for advertising and marketing...". So they would make this into two sentences. The first one said the City would provide OCEDC funds up to 10 percent with a cap. The "up to" gave the City the flexibility to provide up to 10 percent without requiring a specific percentage at any point. Commissioner Cooper suggested adding the wording, "...to be used solely for advertising and marketing...". Commissioner Easley said that would be fine. Mr. Carr said it certainly handcuffed them a little bit in their ability to forecast how much money they were going to be able to use for marketing. They would like a reasonable time at the termination of this to be able to adjust to that. With a marketing plan it was predicated on using so much money, and if they got stopped in the middle of that without sufficient warning it could derail the whole program. Commissioner Easley thought perhaps they could add a further sentence which said that the City would give OCEDC 60 days' notice in writing of any intention to change the agreed upon percentage. That would keep them from being hung out to dry because the City up and changed it one night. Mr. McCourt pointed out that the entire term of this Agreement was 15 months. So they were unlikely to make any substantial changes during that time. If they were going to start a marketing program, \$50,000 was a lot of money but in the national scheme of things it was not much. So they had to have a consistent program they were running and that they could count on funding during that time. Mr. Carr said they would certainly hope that if the Commission did decide to terminate it at some point in time, that they would take that idea into consideration because any disruption in the marketing plan just derailed the whole program. It had to be consistent and ongoing and a multi-year thing. If the City decided to put language in there, he hoped they would seriously consider any stopping of that plan because it would really derail the whole effort. It may cause them to lose money in the long run because they would have stopped and then would have to start again.

Mayor Carroll thought maybe they were getting off the track here. Either they were going to enter into a Contract to provide OCEDC with 10 percent or \$50,000 per year to do marketing or they weren't. If they were, then that was the purpose of the Contract. If they were going to leave it to, "Well, maybe we will;

maybe we won't", then there was no sense having a Contract. Commissioner Easley said that wasn't quite true, if they had no Contract then they didn't give them any money at all. The Contract was the vehicle by which they all agreed to the terms of the City's arranging to give OCEDC the money. Mayor Carroll asked if they were interested, then, in entering into a Contract which obligated the City to give OCEDC "x" number of dollars over this 15-month period. The additional language which Commissioner Griggs had to add in was very appropriate.

Commissioner Griggs said he tended to believe that Commissioner Easley had re-worded paragraph 3 pretty well. Maybe the "up to" in this particular Contract just needed to be 10 percent and go from that. He thought that clarified the statement in 3, or at least it did for his understanding. Commissioner Cooper asked if he wanted to eliminate that \$50,000 cap? Commissioner Griggs said no; they couldn't eliminate that.

Commissioner Easley read paragraph 3, as re-worded: " The City agrees to provide funding to OCEDC, from the Economic Development Fund, 10% of the Economic Development Gross Receipts Tax collected per fiscal year, with a cap of \$50,000 per fiscal year. These funds will be used for advertising and marketing of the City of Alamogordo for recruitment of new, expanding or relocating businesses to Alamogordo." So they'd made two statements there which clarified the issue. Commissioner Griggs agreed. Commissioner Easley said the only other word proposed there was, "...to be used solely *for advertising and marketing...*". *He didn't know how everybody else felt about that. Commissioner Cooper said it would pretty much cover it all.*

Commissioner Griggs said regarding paragraph 4, it talked about the City paying OCEDC 10 percent of the money received each month. It stated, "The amount will be paid until a maximum of \$50,000 is reached per fiscal year. The City shall pay to OCEDC by the end of the month in which the Gross Receipts distribution is received." This did not provide for that instance where the City and OCEDC would probably be working jointly, because that was the way it should be, but the City was going to have to provide incentives that may have to cut into this money. He had proposed some rather broad language which basically stated, "However, the City and OCEDC hereby agree that should incentives be required to entice a business to locate or expand in Alamogordo, the payments to OCEDC under the terms of this contract may be reduced or suspended in order to provide such incentives." Mr. Carr thought it was just common sense that if they had a client that needed incentives and the funds had not generated enough money yet, that the marketing plan could be curtailed with a joint Agreement so they could proceed on with the incentives. Commissioner Griggs said the reason being with that was that he was afraid that the Contract as written stated that the money would be paid regardless of whether they needed to use it for something else at an agreed upon time. So they might as well have something in here that allowed that. Commissioner Easley said it sounded satisfactory to him.

Commissioner Cooper said the term "paid" sounded kind of cold because they would be releasing these funds to OCEDC. Mr. McCourt said they would be cutting them a check. Commissioner Cooper said yes, but that was not a payment. That would be giving them the funds which they agreed upon on an installment basis. Mr. McCourt said he understood under this Agreement that every month the City would get the receipts in and would turn around and cut a check to OCEDC of 10 percent of whatever the receipts were they received under the Economic Development Tax until they reached an amount of \$50,000 in a fiscal year. Then they would take it and put it in their bank account and work on their marketing plan, and then they would provide the City with a quarterly financial report on how they'd used the monies they'd collected. Commissioner Cooper said he just liked the phrase "release the funds on a monthly basis" rather than "to be paid". Finance Director LeeAnn Nichols said she would have to pay OCEDC by check; she couldn't just release funds to them. They'd have to give payment by check or wire transfer.

Mayor Carroll asked if the changes suggested by the Commission were acceptable to OCEDC? Mr. Carr said yes. Mayor Carroll said he didn't see why they couldn't approve the Contract with the changes as proposed.

Commissioner Easley moved that we approve item No. 7, Contract Agreement with Otero County Economic Development Council to authorize the use of Economic Development Gross Receipts Taxes for promotional efforts, including the changes to paragraph 3 and paragraph 4 that we have discussed. Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

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

Recommendation: Approve the Ordinance for first publication, and final hearing on April 10, 2001.

Mr. McCourt said this had a history behind it which actually went back to first enticing Presto to come into our community and set up a manufacturing operation. Presto was one of our larger employers and they'd brought quite a few jobs here and had been here many years. They competed for labor in a lot of markets. These Bonds allowed them a subsidized interest rate on their debt. They were extending this debt out by doing this refunding and allowing them to maintain a low cost of operations. It didn't cost the City anything to do this, but it certainly helped them maintain a competitive advantage in keeping their labor force and their operations here in our community. He strongly recommended the Commission approve this.

Commissioner Cooper moved that we accept Presto Refunding Series 2001 Bond Ordinance No. 1116 (for first publication and final hearing on April 10, 2001). Seconded by Commissioner Griggs. All voted "aye". The motion carried by a vote of 7-0-0.

10. Resolution No. 2001-08 requesting the NM Department of Finance and Administration to approve revised budget figures for certain line items in the City's budget for Fiscal Year 2000-2001.

Recommendation: Approve the Resolution.

Commissioner Cole said on Revision No. 5, what was the contracted service of \$500,000? Ms. Nichols said Southwest Disposal was paid out of that, as was the City of Alamogordo for some contract services that might be the tipping fees at the landfill. Mr. McCourt said at the Convenience Center they had those large dumpsters there and as they got filled, the City contracted with Southwest Disposal to haul them to the landfill and empty them, and of course they were replaced with an empty container. Depending on how much was generated which went into dumpsters, in this case they were estimating that through the year they wouldn't have enough money to pay all the costs. It was a volume factor.

Commissioner Cole said on Revision No. 6, under Fund 12 did the department end the year with a deficit of \$678,000? Ms. Nichols said the Fund ended with a deficit and in that fund they had several departments. Commissioner Cole clarified it wasn't all Engineering. Ms. Nichols said that was correct. The \$616,000 did apply strictly to engineering fees. In the Finance Department they budgeted engineering fees at 15 percent of every project, and they budgeted that through an expense account and then receipted it into Fund 12 as a revenue for engineering fees to cover the engineering costs. They failed to put the correct total in there; the total of that revenue should be the \$2,177,000, and they had put it in there as \$1,560,000. So it was to correct that. If they did complete all of those projects by the end of the year then they would collect the \$2.1 million as opposed to the \$1.5 million. Commissioner Cole asked if most engineering fees were from capital projects? Mr. McCourt said yes. In the General Fund there was a line item which Engineering charged against when they did items which weren't connected with capital projects, such as when they did a traffic study, work for Planning and Zoning, plat reviews, flood plain reviews, etc. They did do other types of work that wasn't necessarily connected with projects and that was then charged against the line item they had in the General Fund.

Commissioner Cole so moved (to approve the Resolution). Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 7-0-0.

OTHER BUSINESS:

12. Sale of City Property (Lot 27, Mission Hills Subdivision).

Recommendation: Approve the sale of Lot 27, Mission Hills Subdivision, to the highest acceptable offer.

Mayor Carroll said the City had received an offer of \$13,000 on this piece of property. Were there any other bids? Mr. McCourt said he wasn't aware of any.

Mayor Carroll asked if there was anyone in the audience who would care to make an offer on this particular piece of property? There was no response.

Mr. McCourt recommended that the Commission approve the sale. As he'd stated often, if they didn't have a use for the property for other City purposes, then he'd rather see it put back on the tax roles.

Commissioner Cooper moved to approve the sale of Lot 27, Mission Hills Subdivision, located at 862 Mimosa Avenue, Alamogordo, Otero County, for the amount of \$13,000. Seconded by Commissioner Easley. All voted "aye". The motion carried by a vote of 7-0-0.

15. Award of Bids:

A. PW Bid No. 2000-013, Bonito Waterline Special Repairs.

Recommendation: Award to Smithco Construction, Inc. in the amount of \$174,281.25 (includes NMGRT).

Commissioner Cooper said he had no problem with item A.

This item was voted on under item 15(B).

B. Re-consider PW Bid No. 2000-017, Cuba Avenue (Indian Wells Rd. to Tenth St.) Repaving and Street Improvements.

Recommendation: Award to Smith & Aguirre Construction Co., Inc. in the amount of \$372,448.83 (including NMGRT).

Commissioner Cooper said when this bid initially went out to another contractor, there were two other projects that were slated to the tune of about \$89,000, which were Hawaii Avenue and Rosalia Lane. He wasn't too thrilled about pulling money out of one project to reinforce another. He'd looked at Hawaii and Rosalia, and they were both in not that great of shape. He believed Rosalia Lane would demand immediate attention. Therefore, he would like to see Rosalia Lane put back on so they could get that street done this year and then look at Hawaii the next budget go-round. Mr. McCourt said if Commissioner Cooper would like him to prepare a budget amendment to increase the budget of the Streets

Department to get those streets back on, then he'd be happy to prepare that for Commission consideration. Both of those were listed in next year's project list for the Streets Department. Commissioner Cooper said he didn't think that Rosalia could last that long. Mr. McCourt said they had many streets in town that were in great need of repair. If they were to say that he had to take the money away from the Cuba Avenue project, then they couldn't award this contract because they didn't have the money. In fact, he didn't know where he would get the money to do a budget amendment, but if the Commission wanted him to do that then he would certainly get one ready and bring it to them.

Mayor Pro-Tem Van Doren asked how often they'd pulled money from the Cuba project? Mayor Carroll said about three times. Mayor Pro-Tem Van Doren said it was time that they got that one done. Commissioner Cooper thought it was time that they should stop stealing money from different projects to go over to another one. Mr. McCourt said he agreed; all they had to do was to have enough money and then they wouldn't have to do that. He didn't disagree because those other roads needed to be done also. There was absolutely no question about that. Commissioner Cooper said they could look at Hawaii another year, but Rosalia was in pitiful shape. He knew there were other streets also, but when they had them on line to do them and then they had to pull money out to go back to Cuba--pulling the money out from the Cuba project three times still didn't justify it as far as he was concerned.

Ms. Nichols recalled at the last meeting staff had brought the Commission an item, and on the Agenda Report which the Commission approved, they had approved the transfer of funds already. Commissioner Cooper said yes, but that was when the bid was awarded to Johnson & Danley. Mayor Carroll said it was the same bid and the same dollar amount. Smith & Aguirre were the low bidder in dollar figures, and Johnson & Danley had a local preference and they were within 5 percent so under the City's Ordinance, they were offered the opportunity to accept the contract at the same bid price, which they did and the contract was awarded. Since then, Johnson & Danley had come back and said they would prefer not to accept it, so the City was going back to the original bidder. The amount had not changed and they had not done anything dollar-wise which they didn't do when they initially awarded the contract. He assumed there was no problem and that Smith & Aguirre were still interested in doing the project for this amount of money. Mr. McCourt said they were ready to proceed. The local preference did not allow the contractor to receive more money than the low bidder. They would have to accept the bid at the same price as the low bidder. So the dollar amounts were identical. Commissioner Cooper said according to his figures, there was a difference of \$10,000. Mr. McCourt said that was correct. Johnson & Danley's bid was higher. The local option was an Ordinance we had which said that if we had a local vendor within 5% of the low bid, then the City would offer them the opportunity to take the contract at the same price as the low bid. They didn't get any additional dollars. So the taxpayers still got the lowest possible price. That was what Johnson & Danley initially said they wanted to do--

that they would take it at the same price as the lowest bidder. After that, they came back and said they had second thoughts and didn't want to do that. So the low bidder was still willing to perform at the same price. There was no dollar change in this item. Commissioner Cooper said he would like to see the process sped up as far as Rosalia Lane was concerned. Mr. McCourt said he would see about doing that and see if they could get a budget amendment or suggestion prepared on how they could do that. He would tell them that since they had reviewed the transportation budget today, one of his directions was to have those two projects in next year's budget and that they would be on the top of the list.

Commissioner Cole asked if the timeline for Cuba would still be about the same? Mr. McCourt said yes. Smith & Aguirre said they would complete the project within the original time frame. So they hadn't even lost any time with this process.

Commissioner Easley moved that we approve the award of bids in item 15(A) and 15(B). Seconded by Commissioner Griggs. All voted "aye". The motion carried by a vote of 7-0-0.

SCHEDULED COMMUNICATIONS FROM THE CITY COMMISSION:

16. Commissioner Ed Cole - Update on Budget Preparation.

Mr. McCourt said that Commissioner Cole had submitted his questions earlier and the Finance Director had an opportunity to work on some of the answers, and a copy had been provided to each Commissioner.

Commissioner Cole complimented the Finance staff on putting the budget together, as well as Mr. McCourt on the message he had included therein. He also felt the City was fortunate to have this Commission governing the City.

Commissioner Cole said he would like to have some questions answered before they went into the budget meetings. He was aware of the cost of living adjustment, as well as the Consumer Price Index and how they would effect the budget. Even if the budget was not increased at all next year, it would be a decrease because of the effect of these two factors.

Commissioner Cole asked if they could take the 1990 population and the expenditures, and then the population of 1999 and the expenditures, and compare the growth of the population to the expenditures. Then if possible for 2000-2001, look to see if the population growth paralleled the budget increases throughout the years.

Commissioner Cole asked the projected revenue for 2000-2001 compared to the estimated revenue of 2001-2002? If these figures were available, a graph would be a good way to illustrate that.

Commissioner Cole said under the organizational chart on page 7 of this year's budget, there were seven divisional areas with departments listed under five of them. Did any of these areas expect increased expenses or increased staff?

Commissioner Cole asked if at this time the staff foresaw any need for increases in user fees, the Gross Receipts Tax, General Obligation Bonds, Special Assessment Bonds and Revenue Bonds? There had been six increases to the people and businesses of this area since he'd been on the Commission.

Commissioner Cole said he'd also like to know how the flood control project was being paid for. He'd needed a clearer clarification on flood control, because sometimes he felt like they were putting more into flood control than they were into other aspects of the community that needed it.

Commissioner Cole said he'd also like to have a clearer understanding on personnel. How many of the listed vacant positions had been filled?

Commissioner Cole said as he researched each of these areas, he wanted answers before they went into the budget workshops with staff. Mayor Carroll thought that was what the budget process was--for staff to put together this information and give it to the Commission. Was Commissioner Cole saying he wanted staff to give the Commission the information before they put it together? Commissioner Cole said trying to study it in a short period of time and to come to an understanding of it was difficult. But if they had some of these answers beforehand, it would help him to make decisions on the budget. There were different things which they couldn't make a decision on in those few hours four nights in a row if they didn't have some data previous to it. His objective for next year was to have a budget that was not increased or no new taxes next year or staff slots filled, but instead, using that money for street maintenance. His objective for next year was a status quo budget based on the current revenue they were receiving. He knew it would be difficult with the inflation factor and cost of petroleum products. He felt they needed to tighten up the belt instead of asking for more fees and/or different types of taxes.

Mayor Carroll commented on the wanting of numbers prior to the completion of the preliminary budget. He thought they needed to recognize that the earlier in the process that staff provided numbers, the more subject those were going to be to change as they got further into the budget preparation. If Commissioner Cole was willing to accept that and to understand it, then they could probably give him all kinds of numbers right now. But if he was looking for the number which was going to wind up in their final preliminary budget document, he wasn't sure they were in a position to give very many of those. Commissioner Cole said he understood that and he did not intend to create hardship on staff. He knew staff had to be doing preliminary work so they could present it to the Commission.

Mayor Carroll said regarding the comparing of dollars of expenditure versus population, certainly it could be done but he didn't think it would tell them anything because based on this year's Census figures where they now showed a population of 35,500 versus 27,000, a large percentage of that increase was due to an undercount in 1990. He thought that comparison might be somewhat misleading, but it was certainly a number which could be generated. Commissioner Cole wondered if the German population was included in the 2000 Census? Mayor Carroll said yes; the people that were here on Census day were counted.

Mr. McCourt said each year in the budget they did a comparison between the actual numbers for the prior fiscal years, both on incomes and expenses. At the present time, he had the requests in, as well as the estimates on income and expenses--what they had actually received or expended plus what they projected. Based on that, staff then gave their best estimate of how much they would have to start off the next fiscal year. They then had made their best estimates of revenues in each of the various funds, as well as transfers based on the assumption that would remain at the same levels as the previous year out of the General Fund. They then had a slight modifier on that for the types of new charges that perhaps had in the past been paid at 100 percent out the General Fund which were now being distributed so they got a better costing of the cost of services.

Mr. McCourt said in any case, they had started the budget process already and he had given them a sheet tonight which showed where they presently were. Those numbers were going to change dramatically, but by the time the Commission got the budget it would be in balance. He'd met with several of the departments already and their budgets were not what they'd requested. There were no tax increases that he was aware of that were proposed for next year. There were no Bond issues that he was aware of that they were proposing for next year.

Ms. Nichols pointed out that the budget document in its entirety was not complete until October. If any of them had specific information or specific reports that they were going to want to see prior to or at the public workshops for the budget, she would definitely like to have those lists now because they would have to start putting it together now. Of course they weren't done with the budget, but at least she could get a preliminary report together to do that. By the time the City Manager got done, they had very little time to put the budget together for the Commission. In her experience, the Commission gave the City Manager their consensus and direction on the budget and what they wanted to see in the budget, and it had always been the City Manager's job to put the budget together based on that consensus and direction of the Commission. Then by the time it went to the Commission in the workshops, the Manager had done what they'd asked him to. It did make it a lot easier to do it that way because the Manager already knew the Commission's needs and what they were looking for, and that

was what the Manager did when he put that budget together. If he couldn't stay within the constraints, then at the workshops he would give the Commission an explanation of why. Basically, it made it easier to do the budget that way. The workshops were held during the second week of May. If the Commission should decide to make a change and it was drastic, staff would have to ask for an extension from DFA. The budget was scheduled to be adopted by the Commission during the last meeting in May. If they made any changes to that budget, the Finance Department would need the time to make those changes.

17. Commissioner Ed Cole - Discussion of a City Street Maintenance Plan.

Commissioner Cole said comments had been made to him and he felt the same, about when something would be happening with our streets. It was a concern whether street maintenance was taking place. He used the Quarterly Reports, the 2000 Comprehensive Plan, the 1999 ICIP, the budget, and the proposed seven-year capital improvements plan for 1992-1999. He had researched for revenue for street preventative maintenance, a schedule for street preventative maintenance, and staffing for street preventative maintenance. Almost at once he found out that he was going to have to distinguish between projects and maintenance. He defined preventative maintenance as work done before damage or deterioration had taken place to a street on a timely fashion. His first question was the amount of money in this year's budget which was allocated to street maintenance. His second question was how this revenue was generated. His third question was whether there were other sources of funds which could be used for street maintenance. He'd like to know how the 1984 Gross Receipts Tax was broken down for street maintenance and any other project. Regarding pages 18 and 123 of the budget, he never could find an explanation in his research for the \$685,430 for street maintenance. How many City streets for this budget year had been designated for preventative maintenance, and to the best of his knowledge, that answer was none. Could the Gross Receipts Tax which was now being used for flood control, be used for street maintenance if the City Commission so desired? Everyone knew he had questioned the flood control project, and he wondered if they were putting so much money into certain projects that it was a detriment to other projects. Was there a possibility of hiring seasonal workers for the warmer months to do street maintenance?

Mr. McCourt said they had capital and maintenance and then they had band-aids. It all took money, and they just didn't have it. Commissioner Cole said regarding the \$55 million in the budget for the flood control project over a ten-year period of time where the City would pick up 25 percent, he came up with \$13.8 million as the City's share, or \$1.38 million per year. He was wondering if that should be re-evaluated.

Mr. McCourt said they did always have to trade off one service for another. The City had entered an Agreement with the Corps of Engineers already, so he should keep that in consideration. The money being used for the flood control

project, Fund 42, was what they also could use for streets and drainage projects. Using the cash flow projection, he anticipated they would have several years just to maintain the minimal level of services they were currently at in the streets and that they would have to make substantial transfers from the General Fund to help support the streets operation just to maintain the very basic levels they currently had, much less to increase their level of services which he would support with a very large maintenance program. Staff could put together a maintenance plan, but they knew there was just no source of funding.

Mayor Carroll asked if what Commissioner Cole was asking was for the Commission to consider canceling the flood control project with the Corps of Engineers? Commissioner Cole said no; what he wanted was for them to go back and re-evaluate everything. That might be an option, or it might be an option to just stretch it over a longer period of time, or it might be to just continue on and let the streets deteriorate. He knew the City didn't have the money, but they needed to have a certain amount to maintain the City. Mayor Carroll said the problem Alamogordo had, as well as every other community, was that there was not enough money to adequately address the infrastructure. If they had another \$2 million per year to put into streets, they would never catch up on streets. The capital needs of this community were well beyond the City's ability to meet them. When Commissioner Cole started his presentation, one of the key things he'd mentioned was that he didn't want to raise any rates. Obviously if they didn't raise any revenue, they couldn't even continue to do what they were doing, let alone get further ahead. It was a priority thing. Even if they shifted priorities, it was not going to solve the problem to the degree that Commissioner Cole was hoping to solve it.

UNSCHEDULED COMMUNICATIONS:

A. Update from Acting Police Chief regarding recent citizen complaint.

Acting Police Chief Mike Mirabal updated the Commission on a problem that had come before them a month earlier where a citizen complained about some drug dealing going on at 14th and Ohio. About a week after that DPS had hit that house with a search warrant and they did take out an amount of drugs and paraphernalia, so it was taken care of.

B. Comments by Finance Director regarding error in figures.

Ms. Nichols said on agenda item No. 7, she did have an error in there. The total collection for the Economic Development Tax was not \$19,000; it was \$37,303.

C. Comments by Commissioner Moncada regarding the disposal of recyclable items.

Commissioner Moncada received a call from a citizen who took their recyclable items to the recycling stations here in town. They had been told that those particular items were taken to the landfill, and they were very upset and disappointed. Could that be clarified? Public Works Director Jose Miramontes said that was correct; most of them did end up at the landfill. There had been no market for plastics or newspapers; no one would buy them. There was a market for cardboard and aluminum. In large volume, there was a market but it did not pay much. The City had just purchased the equipment to bail it together and they would be taking it to El Paso; that was for plastics and newspapers. On cardboard there was a market even though they didn't make very much. They had been selling aluminum, and there were some people coming from El Paso to purchase scrap metal. Mayor Carroll said those markets came and went. What the citizen was being told was correct. The City recycled to the extent they were able to, but if there was no market then basically it was going to wind up in the landfill. Mr. Miramontes said the City could not store it because they had no room.

Mr. McCourt said the market changed periodically, and the whole recycling concept was kind of like "the chicken and the egg". They wanted to continue to encourage people to develop that practice and those habits, but then they got to a point where they had all this potentially recyclable stuff but they didn't have any place to recycle it so they had to eventually dispose of it. When the markets got better, then they sold. Mr. Miramontes said a good indicator of how recycling was going, would be if they read labels. Some years ago they would tend to see a lot of paper products which were made with recycled products, but now it had pretty much disappeared. They would see it in products made in Taiwan or Southeast Asia, but they wouldn't see it in the U.S. However, to get this material to Southeast Asia was very expensive. Staff was going to make an effort to get more of the stuff bailed and then they would send it to El Paso. Hopefully they would make a little more money. When people contacted the Convenience Center or his office, he would go out of the way to explain to them that there simply was no market for it. There were people who took it very personal and it was very important to them. For example, there was one gentleman who suggested that they set out a separate area at the landfill and store it for the future. By State regulations they had to bury the stuff.

D. Comments by City Manager regarding the March Gross Receipts; water update; NMML District Meeting; and Lower and Upper Heights Reservoirs repair updates.

Mr. McCourt said he'd passed out a memo on the March Gross Receipts. Even with the change that Ms. Nichols mentioned, it was about a quarter percent change. They were still slightly ahead of normal collections at this time of year. It would appear they were going to collect what was budgeted, and as they may recall, they'd reduced budget estimates this year from last year considerably.

Mr. McCourt said our water was still in fairly good shape. Our reservoirs were at 93.3 percent, and Holloman was currently using water off of our system which was normally no problem because the Bonito line pretty much balanced what they took. The Bonito line went down Friday night. It was now not flowing, so our out-flows were a little heavier than normal. The City cooperated closely with Holloman on this. They happened to be in the process of changing out some piping in the well field, and they could not go on the well field at this time. At this time they would stay on the City's water system, and the City had turned on one well. Mr. Miramontes said repairs were underway jointly with Holloman and some of our contracted personnel. They expected the repair to be finished by tomorrow, and hopefully the following day they would start flowing some water. Mr. McCourt said the projection was for a dry Spring and late Summer rains. They were still in much better shape than they were last year at this point.

Mr. McCourt said the NMML District Meetings were being held on Friday, April 6th, at the Civic Center in Alamogordo. He encouraged those who could fit it into their schedule to try and attend it. It would give them a Legislative wrap-up.

Mr. Miramontes said the Commission had funded repairs for the two reservoirs on the east side of the mountain. Lower Heights Reservoir was undergoing repairs right now and he expected those would be completed next week, and then they would start on the Upper Heights Reservoir. They were spending about \$350,000 for both reservoirs. On the Lower Heights they were putting in a new floor, doing some structural repairs on the inside, and sandblasting and coating the inside and outside. This should add about 20 years' life. They would do the same thing for the Upper Heights Reservoir. Both reservoirs had not had any major repairs in 20 years, and that was about the life span of a steel reservoir of that type. Mr. McCourt said this was the type of preventative maintenance they had to do on these steel tanks. Mr. Miramontes said all of the tanks had been done at one time or another in the recent past.

E. Comments by Mayor Carroll regarding new Census figures and excellent work done by Cecilia Ashe and her Complete Count Committee; and plans to attend a future New Mexico Town Hall Meeting.

Mayor Carroll said he attributed the new Census numbers to two things. First was the excellent work that Cecilia Ashe and her Complete Count Committee did in getting people to reply to the Census and fill out the forms. Also, he felt there was obviously an undercount in 1990. He was trying to make arrangements to give appropriate recognition to Cecilia Ashe and her Committee at some time in the near future.

Mayor Carroll said he'd been invited to be a participant in an upcoming New Mexico Town Hall Session which would be discussing a New Mexico tax structure. If he could arrange his schedule, he'd like to attend that. It was up in Angel Fire for about three days.

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

Mayor Pro-Tem Van Doren move to adjourn into Executive Session to discuss acquisition of real property. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 7-0-0. The Meeting was adjourned at 9:50 p.m.

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.

Mayor Donald E. Carroll

ATTEST:

City Clerk Angie J. Rahn

(SEAL)

(Prepared by Chief Deputy Clerk Teresa Y. Gutierrez)

Approved at the City Commission Regular Meeting of April 10, 2001.



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