

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
OCTOBER 28, 2003**

**MAYOR DON CARROLL
MAYOR PRO-TEM RON GRIGGS
COMMISSIONER INEZ MONCADA
COMMISSIONER DON COOPER
COMMISSIONER ED COLE**

**COMMISSIONER JOHN ROBERTSON
COMMISSIONER MARION LEDFORD
CITY MANAGER PAT McCOURT
CITY ATTORNEY KEN McDANIEL
CHIEF DEPUTY CLERK BETSY KIDWELL**

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. James Forney. The Colors were presented by the Alamogordo High School Junior Air Force ROTC and the National Anthem was performed by the Color Guard choir. The Pledge of Allegiance was led by Mayor Carroll. Mr. McCourt was absent.

Mayor Carroll presented Mr. Vandergriff with a plaque from the New Mexico Home Builders Association and thanked him and his staff for all their hard work and dedication to the City of Alamogordo.

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 October 14, 2003.

Recommendation: Approve the minutes.

3. Consideration of a ten foot (10') front setback variance and a 2.7:1 off-street parking ratio for Restaurant Concepts II, LLC [Case V-03-0464(A), 1355 S. White Sands Boulevard].

Recommendation: Approve the ten foot (10') front setback variance and the 2.7:1 off-street parking ratio variance.

6. Consideration of the final plat of MOBBS SUBDIVISION, REPLAT A, for two (2) lots located within the City of Alamogordo for J. K. & B. Investments [Case S-03-0790(A), 2251 N. White Sands Boulevard].

Recommendation: Approve the final plat with variances on the dedication of public land, and from Section 22-01-140(b)(1) relating to drainage plans.

7. Consideration of the final plat of HOLIDAY SANDS UNIT 2, REPLAT D, for two (2) lots located within the City of Alamogordo for Home Depot U.S.A., Inc. [Case S-03-0791(A), 3400 N. White Sands Blvd.].

Recommendation: Approve the final plat with variances on the construction and installation of alleys and on the dedication of public land, and with a Subdivider's Contract.

14. Award of Bid No. 2003-21, 16" PVC pipe to be used for the Scenic and Green Reservoir North Florida project.

Recommendation: Award to Baker Utility Supply for an estimated total of \$11,319.00, not including NMGRT.

16. Approval of City Manager's amended watering schedule.

Recommendation: Approve the amended watering schedule.

17. Amendment to the leak abatement policy of the Utility Billing Department.

Recommendation: Approve the amended policy.

18. Investment Report for the quarter ended September 30, 2003.

Recommendation: No recommendation.

Item Numbers 8, 10, 11, 12, 13, and 15 were removed from the Consent Calendar.

Commissioner Cooper moved to approve the Consent Calendar including Item Numbers 1, 3, 6, 7, 14, 16, 17, and 18. Mayor Pro-Tem Griggs seconded the motion. All voted "aye." The motion carried by a vote of 7-0-0.

2. Consideration of Ordinance No. 1187 for rezoning to District "C" (Multi-family Dwelling) requested by Earl L. Schuremean [Case Z-03-0623(A), 2417 Pecan Drive].

Recommendation: Approve the rezoning of subject property to District "C" (Multi-family Dwelling) with the conditions that the density be limited to a maximum of three (3) attached dwelling units and that the property be re-platted into one (1) lot within twelve (12) months of the this zoning action, and to approve the ordinance on such for final publication. [Roll call vote required.]

Mr. Torian, representing his mother and stepfather, stated that they bought the property in 1993 as a triplex. He said that they went to the County records and

researched it back to 1987 and on the taxes it shows it as a triplex. He stated they were unaware of the problem until a few months ago when Mr. Vandergriff wrote them a letter to make them aware of the problem. Mr. Torian stated that they are trying to correct the problem at this time and that is why it is before the Commission. Commissioner Cooper asked Mr. Torian if he wanted to keep it as a triplex and Mr. Dorian answered yes. Commissioner Robertson asked him if he was keeping the existing building a triplex and clarified that all Mr. Dorian wanted to do was rezone the triplex from the now existing "A" single family to the triplex zoning. Mr. Dorian replied affirmatively.

Commissioner Cooper moved to approve Ordinance 1187 for final publication. Commissioner Robertson seconded the motion. All voted "aye." The motion carried by a roll call vote of 7-0-0.

4. Consideration of a twelve foot (12') front setback variance for Ysidro Coyazo [Case V-03-0465(A), 845 San Juan].

Recommendation: Approve the requested front setback variance with the condition that the carport never be enclosed (open on three sides).

Commissioner Robertson asked what type of carport would be built, a portable carport or a regular wood structure with composition roof. Mr. Coyazo explained that it will be the new type of carports they have come out with. It will be an all metal structure and the posts will be brick like the house. Mr. Coyazo referred to a picture showing the Commission exactly what the carport will look like. Commissioner Robertson stated that we have 3 different companies in town that are building these types of carports, but as of right now our zoning is not allowing them to put a lot of these in, even though most of them are beautiful carports.

Commissioner Cole stated that there are 3 families that live on the same block as Mr. Coyazo protesting this. He asked if Mr. Coyazo has come to any type of agreement with any of them regarding the carport. Mr. Coyazo explained that there is one individual that feels that he should not be allowed to build the carport. He added that they are not aware that it will not be enclosed. Mr. Coyazo noted that he can build a carport, but wants to get approval from the Commission to build this type of carport. He said that there is a certain individual who thinks he will eventually enclose the carport, but he has assured her he will never do so. Commissioner Cole asked Ms. Few if the structure could be enclosed if someone else moves in or if they would have to go through the City for approval. Ms. Few replied that if the Commission approves it the way staff has recommended with the condition of the unit staying open then it would have to come back through the Commission and the public hearing process for it to be enclosed.

Commissioner Cole asked if this was similar to the attachment from the previous meeting where a structure was built in the golf course area. Mayor Carroll stated that structure was a rear yard patio and the item had to do with a rear yard

setback. He added that it is his understanding that if it is not going to be attached to the house, there is no requirement to even come to the City Commission. Ms. Few clarified that if it is not attached to the house there is nothing allowed within the 25 feet front setback, and the detached building would have to be 10 feet from the main house. She added that it is not legal in the front yard if it is not attached. Ms. Few also stated that Mr. Coyazo could build a carport today that has a 15 feet front yard setback. She discussed the design of any roof extension from this type of carport. Commissioner Cole said that he thought that the only reason Mr. Coyazo was coming before the Commission was for the setback condition. Ms. Few stated that Mr. Coyazo is here to request a variance so that he can build his carport to the certain design structure he wants. Commissioner Cole asked Ms. Few if she had stated that no detached structure can be placed in the front of the house. Ms. Few clarified that if it is a detached carport it cannot go in the front yard, but explained that Mr. Coyazo is planning to build an attached carport that is closer than the Codes would allow to the front property line.

Commissioner Ledford stated that he has been down in that area. He feels that people don't want the structure to be built because all the houses in that area look similar and none have carports. He said that Mr. Coyazo can build a carport, but the real issue is that the one he wants to build requires a variance for the setback. Commissioner Ledford asked if there were any restricted covenants in this subdivision that would prohibit this carport from being built. Mr. Coyazo stated that when he bought this house in Mission Hills there were no restrictions as to what a person could do to their homes. Since living there Mr. Coyazo stated that he has added 600 square feet and a fence to his home. He added that the new carport will not throw anything off. He stressed that he just wants to beautify his house and is adding more to his house to appraise later if he decides to sell it. Commissioner Ledford asked if the building of a carport would raise the value of the house. Mr. Coyazo stated that to be honest he is building the carport to protect his vehicles and to beautify his home and the neighborhood in general. Mr. Coyazo added that he does not feel that by building this carport he will be throwing anything off. He stated that he could understand if he was building something awkward, but he is not. He said that he is going to be spending \$7,000.00 to have the carport built by a contractor.

Commissioner Ledford asked if there is a safety issue with the building of this carport. Ms. Few answered that the Engineering Department does not feel there is a safety issue as long as it is left open. She said that if the carport were to be enclosed it would create a major problem between vehicles and pedestrians with blind spots. Commissioner Ledford clarified that if someone else does buy the house they cannot enclose the carport without getting a variance and coming before the Commission. Ms. Few answered that was correct. She added that all variances are filed at the County and become part of the property records. She said that all variances can be picked up on title searches.

Commissioner Cole asked Ms. Few what the protest ratio is. Ms. Few answered that it is 6%. Commissioner Ledford asked what the rule is regarding what percentage is required to deny the variance. Ms. Few answered that if the owners of 20% of the property or more within the 200 feet legal protest area submit a written protest, it requires an extraordinary affirmative vote of the City Commission to approve the action. Commissioner Ledford asked Ms. Few if the 3 people that protested are all on the same block. Ms. Few stated that one is located on the far end of the block on the same side of the street and the other two live across the street. Commissioner Cole asked Ms. Few if she attended the Planning & Zoning Commission when this issue came up. Ms. Few stated that she was there. Commissioner Cole asked Ms. Few if she had heard the concerns of the residents from that block. He stated that one concern was the property value. Mr. Coyazo stated that he had spoken with this certain individual and promised that he would never enclose the carport because he feels that is her biggest concern.

Commissioner Cole asked about how long he had been living in this area. Mr. Coyazo stated that he was the third person on that block. He added that he picked his lot and had his house built by a contractor according to the way he wanted it . He stressed that when he bought the house and property there was no rule that they could not build carports and add to their homes. He stated that he will not build a carport that will make his neighborhood look bad. He said that he lives there and respects the neighborhood.

Commissioner Moncada stated that the neighborhood is very nice, very clean and well kept. She said that Mr. Coyazo does have the right to build this carport and the only thing he is asking is just to build a little closer to the fence. She said she does not think that this carport would look like a sore thumb out there because it is going to be done in such good taste. She said that if allowed to build a regular carport it would look worse because he would make a long extension in order to cover all his cars and he would have to brace it some how.

Commissioner Moncada moved to approve the setback with the condition that the carport would never be enclosed. Commissioner Robertson seconded the motion.

Mayor Pro-Tem Griggs stated he feels Mr. Coyazo has the right to build this carport. He said that he appreciates what Mr. Coyazo has done by investing so much money and time into the property. He added that by building this carport it will make his home look a whole lot better, but he is unaware if this answers the question for someone down the block that does something different that may not be as attractive as this one. He noted that there are a lot of builders in the audience and said that he thinks this is one thing they need to consider when they develop property. He said that they need to look at the restrictive covenants and take the approach to eliminate carports. Discussion continued regarding the building of carports.

The vote was taken on the above motion. Commissioner Cole voted "nay." All others voted "aye." The motion carried by a vote of 6-1-0.

5. Consideration of a seven foot (7') front setback variance and a 2.7:1 off-street parking variance for Paul McGregor [Case V-03-0466(A), 1413 S. White Sands Boulevard].

Recommendation: Deny the requested front setback variance and off-street parking variance.

Commissioner Cole moved to deny the variances. Mayor Pro-Tem Griggs seconded the motion.

Mayor Pro-Tem Griggs stated that he believes that on this particular issue denial is definitely appropriate. He added that had Mr. McGregor brought in some sort of design or some type of plan it may have been looked at differently. He noted that without knowing exactly what Mr. McGregor intends to do, he feels it is to open ended. Mayor Carroll agreed.

The vote was taken on the motion. All voted "aye." The motion carried by a vote of 7-0-0.

8. Renewal of Traffic Signal Service Agreement with Otero County.

Recommendation: Approve the agreement.

Commissioner Robertson asked why are we taking on the responsibility for this project. Mayor Carroll stated because it is an agreement that the City has had with the County because they do not have the personnel or the expertise to maintain the signals. He explained that it is an area of cooperation that we have entered into with the County in the past and that it is a no cost, no liability situation for the City of Alamogordo. He said that we are reimbursed for our expenses and they assume full responsibility for any liability that happens in regards to the traffic signals. He added that this is just simply a renewal of an old contract we had.

Commissioner Cooper asked if the light that intersects Florida and Highway 82 is to remain as a blinker caution. Mayor Carroll stated that he assumes it will remain the same.

Commissioner Robertson asked if this was also an addition to the agreement. Mayor Carroll stated that it may be, but he does not remember whether this agreement was in place when the Relief Route was completed or not. Mr. McNeile stated that it is an addition.

Commissioner Cooper moved to renew the agreement. Commissioner Robertson seconded the motion. All voted "aye." The motion carried by a vote of 7-0-0.

9. Ordinance No. 1188 Adopting a Municipal Capital Outlay Gross Receipts Tax.

Recommendation: Approve the Ordinance for first publication.

Commissioner Cole moved to approve Ordinance No. 1188 for first publication. Commissioner Robertson seconded the motion.

Mayor Carroll stated that they need to decide whether or not they want to have Section 6, which is the delayed repeal in this ordinance. He said that he doesn't believe that the last time they talked about this that they had envisioned it sunseting. He clarified that if they approve this ordinance it will be without Section 6. Commissioner Cole stated that he is going to vote in favor of this, but that he believes in a sunset clause. He added that he thinks that the condition of our streets necessitate the approval of this by the voting public. He stressed that he believes in a sunset clause just like Congress.

The vote was taken on the motion. All voted "aye." The motion carried by a vote of 7-0-0.

10. Resolution No. 2003-32 Increasing Code Administration Permit Fees.

Recommendation: Approve the Resolution. [Roll call vote required.]

Mr. Doug Nelson came forward to represent the Otero County Association of Home Builders. He said that he spoke on behalf of many of the members in the audience and that they want the Commission to know that they are against the additional increase. He stated that on average each new home permitted through the City of Alamogordo costs home builders \$800, which covers a general building permit, electrical permit, and plumbing permit. They feel these fees are adequate and are average or above average for other cities in New Mexico. Mr. Nelson added that permit fees have an inflation index built into them. He explained that as the homes increase in value so do the permit fees. In 2002, the average home built in Alamogordo had a value of \$142,000. Today, in 2003, the average value is \$175,000. He stated that this alone generated a 19% increase. He noted that the value of the homes in Alamogordo did not increase by 19%, but that the increased values of these homes were given by the City of Alamogordo staff. Mr. Nelson gave some examples as to what he meant.

Mr. Nelson stated that the City staff is asking them to accept an increase in the permit fees for this year of 35%. He explained that this was the 15% that has already been formulated with an additional 20% for a total of a 35% increase, which he feels is quite large at one time. He reminded the Commission that new

home residential construction created more than \$850,000 in gross receipts tax last year in Alamogordo. He added that to date in 2003 it is now well over \$1,000,000. In closing, Mr. Nelson stated that as a Home Builders Association they are not against City Staff in general; they are currently working with the City staff on a new subdivision ordinance, new subdivision regulations, and are having open discussions and debate with City staff on how to help the City of Alamogordo grow without hurting City government.

Mayor Carroll stated that if the average permit fee for a house was \$800.00, the background material that the Commission has indicates that with the proposed increase it would run that up to about \$888.00, which is not a 35% increase. Mr. Nelson then explained that if you take a home that his company built in 2002, it was evaluated by the City at \$102,000. He said that they take that value to base the permit fees on. He said that the building permit at that time was around \$310 for that home, which does not include the plumbing or electrical permit. He explained that the same floor plan on the same street in the same subdivision was valued at \$118,000 in 2003, which increased the permit to \$370. He stressed that the homes certainly didn't increase by 15-20%, but that City staff has increased their values to help increase their permit fees. He noted that he is unaware of where this additional 20% comes from, and that is why they are saying that they already had an increase this year of 15% on average for most homes built.

Mr. Vandergriff stated that the City does not raise the valuation on the homes. He said that the valuation is established based on a national chart, which is issued by the State of New Mexico. He explained that the permit fees have always been based on valuation and the permit fees that are used today are basically the same ones that were used in 1980 against the dollar valuation, which has gone up a considerable amount since 1980. He pointed out that they took an average house that started out with permit fees of \$740.00 and ran this entire scenario on it and they came out with \$888.00.

Mr. Vandergriff pointed out that \$800 is an average in a community that is a combination of both state and local inspections, but the averages range anywhere from \$1,500 to \$2,000 for all permits for full service inspection departments like Alamogordo. He stressed that he feels it is necessary for them to be as efficient as humanly possible, but at the current time they have hit a point that they are allocating almost all of their resources trying to keep up with the building industry. He stated that Code Enforcement issues are basically going by the wayside entirely, He explained that what they have found from that issue is that they are allocating monies toward construction and they are not taking in the amount that they are spending, nor are they cutting back on the amount of people they have out in the field or the technologies and controls they put in place. He added that they certainly want to continue to improve, but cannot do that at this level. He stated that he wants to see Alamogordo keep the best

inspection system in the state, but right now they are bringing in 75.7% of what they are spending, and they cannot continue to operate like that.

Mayor Carroll asked Mr. Vandergriff when was the last time we had an across the board increase in fees. Mr. Vandergriff stated that in the actual fee itself it raises annually based on the increase in the valuation and stated that Mr. Nelson is right about that. He said that the fee structure itself is the same fee structure they had back in 1978. The basic minimum fee is still \$15.75 for \$25,000 evaluation. He added that the difference is that in order to provide the service necessary for full scale construction, we were simply never charging a high enough rate against that dollar valuation. He explained that is why we are now in a position where they have to start picking it up or they can not maintain service.

Mr. Vandergriff stated that in about 1995 or 1996 they readdressed the electrical situation and brought a new inspector back in because they felt it was necessary. He said that they needed to generate enough money to pay for an electrical failure. Mayor Carroll asked if this has yet happened and Mr. Vandergriff stated that no it has not yet happened. Mr. Vandergriff also stated that when they addressed the plumbing fees around the same time they did not increase them because the fee became higher on a big project and that is what ended up hitting the home builders, but they took the overall numbers down for things like water heaters, because the contractors were losing jobs because they were paying \$40 for water heater permits. He noted that now they pay \$5.25. He explained that since then they have adjusted all of the fee structures so that all their income has basically remained exactly on projection. He noted that they lowered their fee structure for all the little jobs where people would otherwise do it without a permit. He explained that this was creating a problem.

Commissioner Robertson stated that he had spoken to Mr. Nelson before the meeting and they were discussing the fact that Mr. Vandergriff lowered the individuals from the remodels. Mr. Vandergriff stated that it was not on just the remodels but on the plumbing fees. He said that they had some plumbers approach them saying that when they have to pay the permit fee to replace the water heaters they are putting the plumbers out of business and putting somebody unlicensed in the business. Commissioner Robertson explained that is not what he means by a remodel. He clarified that he meant for someone wanting to go in and build a carport or going in and tearing out a wall to expand a living room into a den. He asked what the rates were for these types of projects. He said that he was trying to compare that to the rates on the new houses to see if we might go up on the remodel permits and also on the private homeowners building their own homes, so it would not be so hard on the contractors. Mr. Vandergriff stated that they were looking into that but were concerned about the legalities of doing that.

Commissioner Robertson asked City Attorney Ken McDaniel if it is illegal to go on the permits for the remodel for homeowners. Mr. McDaniel stated that if

you are talking about the same type of job, you would have to have some type of justification that it is more work to inspect it in order to go up on the fees. Mr. Vandergriff noted that one thing we would need to consider is if they make some alternating fee schedule he is not absolutely sure whether our computer system would be able to do this or not. Commissioner Robertson stated that maybe they are spending more time on a remodel because most of the people don't know what they are doing as compared to the contractors. Mr. Vandergriff stated he understand what Commissioner Robertson is trying to say but stressed that he does not want to spend \$75,000 for some add-on to our computer system that will accommodate them being able to bill the contractors differently. He added that if the computer system will allow them to do this then they will, but he stated that he has a bad feeling that it may create a nightmare on the City's end or the tax assessor's end or both.

Mr. McGuire stated they agree with the homebuilders and they have been working together to bring before the Commission the issues of declining revenues in the City. Commissioner Cole asked if there has been declining revenues. Mr. Vandergriff replied that overall revenues have declined, but their revenues are up. Mr. McGuire stated that he recognizes that their gross receipts tax has gone up this year, but the budget that was presented to the Commission for this year is about a million and a half less than it was the previous year. He stated that there is only two ways of balancing a budget like this and that is by balancing income and services. He noted that they are only doing what they believe were instructions from the Commission, which is for them to look at revenues that are out of balance. He said that is what they have done and now are coming back to the Commission and it looks like this is an area in the general fund where the income and the outcome and the costs are not in balance. He stated that is where they get the 20% figure.

Commissioner Robertson asked how much the fees are going to go up in the next year by using this 20% figure. Mr. Vandergriff stated that it is going to be based on the property valuations on the charts. He explained how they use the charts for valuation on a local level. He added that the total operational budget figure they have this year, which is on the agenda report is about \$40,000 less than what it was originally. He stressed that they are doing everything in their power to save money yet continue to provide full services. He said that with this increase they will only be bringing in 75.7% of the outgoing in that area, and are still not coming up to 100% income versus expenses. He said that eventually they are going to have to start picking up on the percentage they charge on the dollar value because they have been behind the power curve all along.

Mr. Vandergriff stated that he doesn't see a necessity for them being up in the \$1,500 to \$2,000 range, but there is a necessity that they get in the range of \$1,000 per new construction over the next few years in order for them to simply maintain status quo.

Commissioner Cole stated that he disagrees with the revenue and knows it is pinched because of how it has to be spread and therefore there is less. He added that this is a budget decision and asked why it could not wait until the budget process where they could ask in depth questions. Mr. Vandergriff replied that it couldn't wait mainly because the income levels are going to be what his budget is based on next year. Commissioner Cole stated that it doesn't have to be increased this budget year. Mr. Vandergriff replied there will be no show of income that can be looked at in the next budget year to be assured as to what is really there in order to budget for them. Mr. McGuire stated that they felt it should be brought before the Commission now so when they get into the budget cycle in the beginning of the year they would have some type of indication as to how it will play out and would not have to be guessing.

Commissioner Cole asked Mr. McGuire if he is asking the Commission to put it into effect in the next 30 days. Mr. McGuire replied affirmatively. Mr. Vandergriff stated that currently their income levels are about 8 to 9% over what they should be at this point in the year. He added that like the contractors they have no idea what is going to happen to the economy next year. Commissioner Cole said that he feels he does not have enough information to make a decision. Mr. Vandergriff referred to the figure sheet stating the only thing the figures didn't show is where exactly the money is going, but right now they are just applying it against the expenses for the budget year and it does go into the General Fund. Mayor Carroll noted that the General Fund is what pays for Code Enforcement. Mr. Vandergriff stated that their income for this year is about 9 to 10% above what it should be. He noted that the figures he provided include an increased completion for the end of the year from the previous projection, plus the increase that would come about from the 20% increase. He said that totals the \$54,000 they had for actual income increase. He said that it gave them a chance to see what the actual expenditures were to keep up with the full construction cycle.

Commissioner Cole stated he understands Mr. Vandergriff views, but he strongly feels that they need more information to make a decision. He also referred back to Mr. Vandergriff saying that in addition to the 20% increase he will be proposing increases of 3 to 5% over the cost of living increases over the next several years. He said now he hears from Mr. Nelson that in the increased cost of homes there is already an automatic fee increase. Mr. Vandergriff stated that what happens when they calculate their permit fee, which is based on a percentage of the dollar valuation of the home, they reach a point where they figure they are not paying for it. He added that if they continue to run their expenses in accordance with cost of living adjustments or other methods of determining the increase in the economy, they continue to run foot for foot and they will never hit a break even point.

Mr. Vandergriff stated that 20% sounds like a lot of money and it is. He added that if they don't continue to go up 3 to 5% per year over what the inflation rate is they will never get to where they are paying for themselves. Commissioner Cole

stated that he will not support this. Commissioner Ledford asked if the value of a house and the permit fees have gone up 15% per year over the last few years. Mr. Vandergriff stated that it has been going up about 4 to 5% per year. Commissioner Ledford then asked if that was not the COLA. Mr. Vandergriff stated that it is COLA, but they cannot just go up 3 to 5% a year till they catch up. Commissioner Ledford stated that this situation is kind of like water and that it operates in the red, but we don't run double water rates because we messed up and didn't raise the rates. He said we can only do a little bit at a time and maybe 4 or 5% is not the answer. He added that if it went up 15% this year and we are asking for another 20% that sounds significant. He stressed that he wants City government to be operated on a balanced budget, but feels it needs to be done in due process and to do it all in one night is a difficult thing. He added that the contractors need to realize that we can't perform that same service for the same cost a year later. He stated that we are not behind because of what we did last year but because the last 30 years we had not done what we were suppose to do, and we got behind on COLA because of the valuation process. He stated that if the valuation doesn't continue to grow at 4 to 5% then we have a problem. He added that he doesn't agree that we need to have a large increase to get to where we need to be all at one time. He said he feels we need to spend more time on this. He said he finds it difficult to put this much of an increase in at one time. Commissioner Ledford then discussed the volume of work and the effect of increased volume for Code Administration.

Mr. McGuire stated that it sounds like what the Commission is saying is that 20% is too big of a chunk to swallow and they need more information. Mr. Vandergriff stated that initially when he talked to the builders he got very little resistance from them, even the subcontractors who he thought would be upset. Mayor Carroll suggested that they go back and look at this issue again. He added that what the builders need to understand is that if their costs go up our costs go up also, and what the staff is saying is that regardless of the valuation, regardless of any of the increases, we are not recovering enough of our cost to merely be able to have fees go up in relation to valuation. He said that we have to have something more than an increase in valuation. He suggested that they come back with a phased in plan that shows fees are going to go up some percentage over the next few years.

Mr. Nelson stated that there are some issues that really need to be addressed. He said that City staff needs to spend more than just 10% of their time with the contractors versus 90% with the individuals. He added that there needs to be ways to make the system more efficient for contractors who are doing this day in and day out. He noted that when they bring in a set of plans they sit for 2 or 3 weeks going through Code. He stressed that processes need to be looked at to see if it is necessary to view every plan that a contractor brings in or can it be done in a quicker amount of time to save City staff time in reviewing this and save contractors time in having the project tied up for 2 or 3 weeks. He said that these are very big issues to their association because time is money in their

business. Commissioner Ledford asked Mr. Nelson if we are not in a process with this new subdivision ordinance that is looking at ways to make things more efficient. Mr. Nelson stated that was correct with the subdivisions, but that is for the developers, not the builders in general. He said that is the next step they are going to take. Commissioner Ledford then asked Mr. Vandergriff if he agrees that this step would help with the cost. Mr. Vandergriff replied that they are the best in the state for the money. He added that the same permit might take 3-4 months in Albuquerque, but they are down to being able to get them out in about a week or two. He added that right now that is the best they can do, but if there was more income and more budget they could provide more service. Commissioner Ledford stated if we are the best in the state, than we are giving pretty good service, and we need the contractors to see that we are doing this. Mr. Vandergriff stated that as far as any of the individual plan reviews go, he has heard that before. He said that the problem is that if they don't review them even on individual housing, ISO will lower the ratings and raise the insurance rates. Mayor Carroll stated that we go over this every year around budget time, they ask for more staff and we ask where the money is coming from. He stated that he feels at this time a motion to table would be in order.

Commissioner Cole moved to table the item for further review by staff. Commissioner Robertson seconded the motion. All voted "aye." The motion passed by a vote of 7-0-0.

11. Resolution No. 2003-36 Approving the Intent to Submit a Grant Application to 3Com Urban Challenge Computer Infrastructure Program.

Recommendation: Approve the Resolution. [Roll call vote required.]

Commissioner Cole stated that he did not understand what he was reading and he wanted more information. Mayor Carroll stated that it is just a grant, there is no impact if we don't get the grant. Ms. Nichols stated that our MIS dept is applying for a grant that would give them \$100,000.00 in materials and supplies that would help improve our communication infrastructure system where our computers and telephones are concerned. Commissioner Cole than asked Ms. Nichols what happens if we do not get the \$100,000.00, and what exactly they are asking the Commission. Ms. Nichols stated we just don't get it and we don't do the upgrades. The Commission is simply being asked to support the application for the grant, it is required for the grant application to show that the City of Alamogordo Commission is in support of them applying for the grant.

Commissioner Cole moved to approve Resolution No. 2003-36. Commissioner Cooper seconded the motion. All voted "aye." The motion passed by a roll call vote of 7-0-0.

The meeting recessed at 8:40 p.m. and reconvened at 8:50 p.m.

12. Resolution No. 2003-37 Authorizing support for a Cooperative Severance Tax Agreement Certification Project for a traffic signal at the intersection of Puerto Rico Avenue and Indian Wells Road.

Recommendation: Approve the Resolution. [Roll call vote required.]

Commissioner Robertson asked where the item came from he wasn't aware that we were putting up a street light at that certain intersection. Mr. McGuire stated that it was in our ICIP. They went up during Legislative Day and talked to the committee about the problems Seniors have coming out of Puerto Rico. He said that instead of giving us the full grant they gave us a planning grant. He said that this is simply requesting the Commission's support to receive the money. This year they will do the engineering and planning of it and then they will go back to the legislature and ask for the traffic lights. He noted that the traffic light cost about \$175, 000 – \$200,000. He said that is what the one on Cuba and 1st Street cost.

Mayor Carroll stated that this is one that has been requested for several years by the folks at the Senior Center and with Sierra School it does become a problem getting in and out of the intersection. Mr. McGuire stated that they probably need the traffic light on Cuba and Indian Wells more than they need this one, but this is what the Legislature authorized and they can either accept it or lose it.

Commissioner Robertson asked Mr. McGuire how long we have to spend this money. Mr. McGuire stated that we have about five to six years. Commissioner Robertson stated that he is aware that it is on their wish list, but they did not budget any money for it. Mayor Carroll stated that we have till June 30, 2008.

Mayor Pro-Tem Griggs stated that one thing people should realize is that the Legislature is very kind to Seniors and anytime there is a project that deals with the Senior Center, they look favorable on it. He added that it is one thing in the ICIP that they may have had things that were a greater priority, but it is one that the Legislature picked to fund. Mayor Carroll stated that this is the problem that we or any community runs into when they ask the Legislature to help fund a project. He said that they very seldom fund the full amount of the project in any given year. He added that this is something that will be beneficial to us in future years. He noted that we can show that we have partial funding and now need more.

Commissioner Robertson moved to approve Resolution No. 2003-37.
Commissioner Cooper seconded the motion. All voted "aye." The motion carried by a roll call vote of 7-0-0.

John Garst stated he wanted to raise total opposition to this. He said he feels it is ludicrous. He added that \$25,000 is a drop in the bucket. He stated that the light needs to be at Cuba. He explained that if it is moved to Cuba, it is going to open

holes so that people can make it across. He said that the real question is whether these people should have a license.

13. Resolution No. 2003-38 Authorizing support for a Supplemental Cooperative Severance Tax Agreement Certification Project to widen and realign and install sidewalks, streetlights, curbs, gutters and ramps on the First Street Extension to the Relief Route.

Recommendation: Approve the Resolution. [Roll call vote required.]

Commissioner Cole asked if this is a grant where we have to match the monies given by the Legislature. He asked if the state is going to put \$541,000 into this. Mr. McGuire stated that there is no match involved. Mayor Carroll stated that with the total of all the monies outlined they would be putting in the \$541,000. Commissioner Cole asked how the \$196,400 comes in. Mayor Carroll stated that this is added to monies that we already have received. Commissioner Cole asked about the \$42,000. Mr. McGuire stated that it is money that we already received. He explained that for the entire project they had an engineer design the First Street extension to the Relief Route under contract in 2001. He noted that the total project is \$1.2 million. Mayor Carroll stated that basically it is just adding Sections D & E to the already received monies, and that it shows up as a new agreement but it is just amending an existing agreement. Commissioner Cole asked if there is enough money to do the job. Mr. McGuire answered that there is not enough money to perform the job. He stated that we must keep going back to the Legislature and keep accumulating it.

Discussion continued regarding the funding and when the monies had to be spent by. Commissioner Cole commented on the realigning of the sidewalks. Mayor Carroll stated that the project will do nothing more than get First Street extended across the railroad tracks. Mayor Pro-Tem Griggs asked what the total cost on this project is. Mr. McGuire stated that the total cost on this project all the way out to the Relief Route is \$1.2 million and that is based on estimates from three years ago. He noted that they are doing this incrementally just like they do many of their projects. He said that is one reason that they are putting forth the gross receipts tax.

Commissioner Cole asked if this is one of the projects that they already discussed and approved. Mr. McGuire answered yes, they have already designed it and have began collecting money for it and this is just another part of the funding. Commissioner Cole asked for an explanation of the ramp because he was not aware of what that meant. Mayor Carroll answered by stating it refers to handicapped access ramps. Mr. McGuire stated that when they do new construction like this they have to assure that they meet all the ADA requirements for ramps and sidewalks.

Commissioner Cole moved to approve Resolution No. 2003-38. Commissioner Cooper seconded the motion. All voted "aye." The motion carried by a roll call vote of 7-0-0.

15. Award of RFP/CPM No. 2003-01, Engineering Services for the Alamogordo Sewer Master Plan.

Recommendation: Award to Molzen-Corbin & Associates.

Commissioner Cole asked if the plan will include areas that are in close proximity to the City that might come into the City within a reasonable amount of time. Mr. McGuire replied that they are looking at the sewer master plan in accordance with the whole comprehensive plan. He pointed out that the comprehensive plan does deal with those areas that may come into the City. He noted that one of the reasons they are doing this is to take a strategic look at things. He said that the ICIP deals with what we can see right now.

Mr. McGuire stated that they have a grant and have hired somebody to go out and look at things in a long term way so we do not run into a situation of an area running out of sewerage capacity, for example.

Commissioner Cole asked how far out this project will go. Mr. McGuire replied that he doesn't believe that they will be asking the contractor to plan for more than five miles outside our limits, but they will negotiate this with the contractors.

Mayor Pro-Tem Griggs noted that these will be directions to look in certain ways because that is where we see growth going. Mr. McGuire added that we are getting growth both north and south. Mayor Carroll said that if they look at this in conjunction with our comprehensive plan they will make sure everything is in sync. Mr. McGuire replied that the comprehensive plan will be the controlling document. He said that they will study it and tell us what the impact is going to be on the City.

Commissioner Cole asked if this is going to be for the ICIP. Mayor Carroll stated that the ICIP is generally bricks and mortar items. Mayor Pro-Tem Griggs clarified that we had gotten a grant for the sewer master plan. Mayor Carroll clarified that this is what this is and that it is part of the \$100,000.

Mayor Pro-Tem Griggs moved to award RFP/CPM No. 2003-01 to Molzen-Corbin & Associates. Commissioner Cooper seconded the motion. All voted "aye." The motion carried by a vote of 7-0-0.

19. Appointments to Boards and Committees.

Mayor Carroll reappointed the following:

Charlie Hainline and Dick Garrett to the Airport Advisory Board.

Mack Kiely, Jr. to the Airport Zoning Board

Rudy Gross and Gisela Coleman to the Mayor's Committee on Aging

Richard Haskell to the Parks and Recreation Board

Wayne Mattson, Robert Turrentine, Maxine McKenzie, Ruth Berg, and Dorothy Bower to the Senior Volunteer Programs Advisory Council

UNSCHEDULED COMMUNICATIONS:

A. Commissioner Cole inquired about the Prather Wells and the status of street repairs.

Commissioner Cole asked Mr. McGuire to update the Commission on the Walker-Prather wells and the chip seal project being done on the streets. Mr. McGuire stated that he spoke with Robert Blanton, Streets Manager, to find out what the status was on the Cutler project. He noted that Mr. Blanton said that they will be finishing the Brookdale area today. He said that will leave only the golf course area. He noted that as of yesterday, they have completed approximately 663,000 square yards and have approximately 150,000 square yards left to do. He said they expect to be finished by Friday. He noted that they will have used all of the money allocated to that project by then. Commissioner Cole asked if that is the \$300,000.00. Mr. McGuire replied affirmatively.

Mr. McGuire stated that they have been pumping the Prather wells 24 hours a day for the last week or so to see what they are producing and to try to improve the production of the wells. He explained that with a new well you must keep it operating to find out how it is going to produce. Mr. McGuire stated that the south well has been producing at the rate 360 gallons per minute and the north well is only at 270 gallons a minute. He said this equals about 907,200 gallons a day. He stated that the quality of the water is very high at 640 to 680 total dissolved solids. He explained the piping of the water into town. He noted that we have stopped feeding the whole south end of town from the La Luz well fields and are using the water from those two wells to supply it. He noted that they have shut the wells down today because they were starting to run into problems with sustaining production. He explained that they had not planned on operating them 24 hours a day. He pointed out that they had originally expected 400 gallons per minute out of the south well and 475 gallons per minute out of the north well.

Commissioner Robertson asked what type of drawdown they are having. Mr. McGuire stated that the draw down in the south well is about 60 feet, which still gives them 136 feet of water above the pumps. He added that the north well is getting 68 feet of drawdown, which leaves about 125 feet of submergence.

Commissioner Robertson asked what type of drawdown we are getting from the monitoring wells over by Boles Acres. Mr. McGuire stated that they have not heard back from the monitoring of those wells yet. He said that it is his understanding that the USGS is monitoring them once a month. He said that our draw down levels are staying the same at the level we are pumping. He said that the aquifer is filling in at that level and we are not going any lower. He added that we are maintaining 125 feet of water on one well and 136 feet on the other well above the pump so we still have plenty of water flowing in.

Mr. McGuire explained that right now our concern is whether there is enough room around the side of the pumps for water to get in. He said that we are getting some capitation and are not sure where the air is coming from. He added that we are contacting the people who supply the pump and are asking them for a pump that is smaller in diameter to see if that will increase production. Commissioner Cole asked if General Hydronics is involved in the pump itself. Mr. McGuire replied no, that they did the transition lines and the pump contractor is Alpha Southwest from El Paso.

B. Commissioner Robertson suggested we turn the IGA building back over to Michael Shyne.

Commissioner Robertson stated that last year the lady (Carla Schuller) from the Library came before the Commission. He stated that he supported this lady 100% because she came up with a plan of how we could remodel the old IGA building at no cost to the City. He said that since she is no longer around he sees no reason why we should continue keeping the building. He explained that he went down to the County and pulled the tax bills. He said that the last year that IGA was in business their tax on that building was \$19,736. He added that the year they were not in business the tax on the building was \$17,886. He stated that right now it is costing the City that amount of money plus \$560 a year on the electric bill and \$1,588 for the commercial property insurance. He said that it is costing the City \$20,000 a year to keep that building laying dormant.

Commissioner Robertson stated that he feels they are at a point where they all must agree that with the water problem we are having and with having to look at building our RO system and acquiring water, it is going to be a while before they are going to be able to do anything with the Library. He added that another reason he feels they need to get the building turned back over to Michael Shyne is that the Library Board has spent a lot of time trying to come up with some way to remodel that building. He referred to a letter from the Library Board that said they still want part of the quarter percent gross receipts tax so they could remodel the building. He said that he feels they need to put this to an end because too many people are putting too many hours in on a useless project.

Mayor Carroll stated that he had a conversation with Mr. Gallagher from the Library Board regarding that letter. He said that he told him that the quarter

percent that they had thought was going to be available is not going to be available. He said that Mr. Gallagher asked if the Commission had made a decision as to what was going to happen with that piece of property. Mayor Carroll referred him to the City Clerk's office to see if any minute action had been taken because he believes that the consensus was never to remodel that building. He recalls the consensus was to tear it down and build a new building.

Mayor Carroll added that they have asked to be on a future agenda for the Commission to make a decision as to what they are going to do with the building. He said that they are still looking for grant money to assist in that project. He agreed that it should come back to the Commission if they have not already made a decision what they are going to do.

Mayor Carroll asked Commissioner Robertson if the tax he mentioned was the total tax or the tax that went to the City. Commissioner Robertson replied that it was the total tax. Mayor Carroll explained that on residential property only about 25% of the tax comes to the City.

Commissioner Robertson stated that he asked Mr. Shyne if he would talk with the ladies donating the building to see if they would change the designation of the building for something else. He said that Mr. Shyne said he would talk with the ladies. He added that Mr. Shyne feels it is a bad idea and it should be kept for a library.

C. Mayor Pro-Tem Griggs commented on the recent water hearing.

Mayor Pro-Tem Griggs noted that the hearing for the City's request for ten thousand acre feet of water up north of Tularosa was held over the last couple weeks. He said there was a lot of discussion from the opposing side about the actual amount of water that we are looking for. He explained the City's graduated pumping plan. He added that the hearings were very interesting, and our attorneys have indicated to us that we did well. He said that they feel that the people who put on the case for HFR did a good job also.

Mayor Pro-Tem Griggs stated that this particular application has some major policy ramifications for the State Engineer. He said that there is an issue of dynamic irrigation drawdown. He explained that the City of Alamogordo has about 23,000-acre feet of water rights on paper right now, but we can only get about 8,000-acre feet of real water. He said that this 10,000-acre feet would give us a total of 33,000-acre feet of water rights. He said that when these people talk about water rights, they assume that we are getting everything we have in our water rights. He said that is going to be a real policy matter for the State Engineer.

Mayor Pro-Tem Griggs noted that the Governor has indicated that he is going to give us \$3 million dollars to support our desalinization plant, but has never said

he was supporting this application. He said that it is his belief and the belief of the Commission that we will not impair any parties in or around Tularosa. He added that there was a lot printed in the newspaper that was not in the City's favor, which he felt was unfortunate because there were a lot of things that were in the City's favor at the hearings.

D. Matt McNeile gave the water report.

E. Mayor Carroll commented on the recent water hearing and a letter from some citizens thanking him and the City Street Maintenance Division for being extremely professional and courteous.

Mayor Carroll informed everyone that he had received a letter of thanks from some citizens regarding work that had been done on Lamar Circle. He said they commended the City Street Department employees for being extremely courteous and professional.

Mayor Carroll explained that the water hearings seemed to go well. He said that it may take any where from 1 year to 3 years before we receive a decision from the State Engineer.

The meeting was adjourned at 9:35 p.m.

Mayor Donald E. Carroll

ATTEST:

City Clerk Angie J. Rahn-Broyles

(SEAL)
(Prepared by Deputy Clerk Vanessa Arreola)

Approved at the City Commission Regular Meeting of November 11, 2003.



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