

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
NOVEMBER 25, 2003**

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

**COMMISSIONER JOHN ROBERTSON
COMMISSIONER MARION LEDFORD
CITY MANAGER PAT McCOURT
CITY ATTORNEY KEN MCDANIEL
CHIEF CLERK ANGIE RAHN-BROYLES**

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 Commissioner Cole. The Cub Scouts Troop Pack 147 presented the Colors and led the Pledge of Allegiance, and the Alamogordo High School Junior Air Force ROTC Harmony and Blue sang the National Anthem.

PRESENTATIONS:

1. Presentation by Dr. Dennis Soden of UTEP regarding the results of the Alamogordo/Holloman Economic Impact Study.

Dr. Dennis Soden of UTEP presented a PowerPoint presentation regarding the results of the Alamogordo/Holloman Economic study and the impact it has on the community. Please see Attachment "A".

Call of the Consent Calendar:

2. Minutes of Regular Meeting of November 11, 2003.

Recommendation: Approve the minutes.

3. Consideration of the final plat of Sedona Ridge Estates Subdivision, Phase 2, for twenty one (21) lots located within the City of Alamogordo for Sedona Development, Inc. [Case S-03-0794(A); Birdie Loop at Oakmont Drive]

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

5. Consideration of the final plat of Collins Tracts Subdivision, Replat D, for four (4) lots located within the City of Alamogordo for George Rodriguez. [Case S-03-0796(A); Mesquite Street]

Recommendation: Approve the final plat with variances on alleys and public land dedication.

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

Recommendation: Approve the Resolution.

9. Resolution No. 2003-39 calling the March 2, 2004 Regular Election.

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

10. Resolution No. 2003-41 requesting the DFA, State of NM, approve revised budget figures for certain line items in the City's budget for FY 2003-2004.

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

13. Incorporation into the minutes of the Governing Body the final approval of the 2003-2004 Municipal Budget by the Department of Finance & Administration.

Recommendation: Approve the incorporation into the minutes. (See Attachment "B")

Item Numbers 4, 6, 7 and 12 were removed from the Consent Calendar.

Commissioner Cooper moved to approve the Consent Calendar including Item Numbers 2,3,5,8,9,10 and 13. Commissioner Robertson seconded the motion. All voted "aye." The motion carried by a vote of 7-0-0.

4. Consideration of the final plat of Sedona Ridge Estates Subdivision, Phase 3, for eleven (11) lots located within the City of Alamogordo for Sedona Development, Inc. [Case S-03-0795(A); Desert Bloom Drive at Oakmont Drive]

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

Mayor Carroll stated that one of the areas of discussion was that the developer was asking to defer the public land dedication to a later development date and staff was not comfortable with that due to the fact that this was the last phase of development. They did receive correspondence from the developer asking to have the date postponed to a future project that they have in mind and would like to work with staff to come up with a document that gives the City assurance that some public land dedication would be made in a timely manner.

Klad Zimmerle, Otero Land Surveys, reported that they are in the process of preparing a master plan for the area. Their request is to defer or postpone until a

later date and by doing so they will give a larger parcel of land that they can set aside and design around. He also stated that they would like to work with the Legal Department to prepare a document to assure the City that it will be done.

Commissioner Ledford asked what the advantage was of 1¾ acres versus what they have now. Mr. Zimmerle stated that it is going to be a lot nicer size, and much easier to develop and design. It will also give the City the opportunity to have one single larger parcel in that part of town. He stated that at this point the nearest park area is the golf course and the French area.

Commissioner Ledford said his main concern was that the developers decide not to go forward and just stop the development. Mr. Zimmerle responded by saying that Sedona Ridge has just started phase one in that area and he feels they have proven themselves very well and are ready to go forward.

Mayor Carroll stated that by entering into an agreement to defer this land dedication, it does not mean the City has signed on to whatever they want to with future development; however if it is a concern, the Commission can condition the approval of this issue tonight on an agreement satisfactory to the City to ensure that at some point there will be a land dedication of what they are deferring.

Commissioner Ledford asked if they plan on deferring on the 10 acres they already have. Mr. Zimmerle explained what they want to do is develop a master plan that includes both the property to the East and to the North, and in that master plan they will design the park area. But, first they need to see how the roads and lots layout and what will be a good location for it.

Mayor Pro-Tem Griggs stated that the subdivision is acting like a poster child for the new subdivision ordinance because they are seeing things come up that they need to address. He also stated that he feels they do need to have the legal document drawn up so it can be in recordable form and can attach and encumber the property. He felt it was a great solution to the issue and was in full support of it. Mayor Pro-Tem Griggs said that one issue he feels the Commission is concerned about is if the developers decide to stop at some point, where is the assurance to the Commission that there will be a park or land given to the City and feels there needs to be some type of agreement.

Commissioner Robertson stated that he recently visited the property and feels that where the developers are proposing to put the new park is in a much better location and supports this 100%.

Mayor Carroll stated that if there is a concern then approval could be conditioned on an agreement to the City regarding the land dedication. He also stated that there is plenty of time for a master plan to be worked out and a document be drawn up that will protect the City's interests in the event that they decide they no longer want to do any more work.

Commissioner Cooper clarified that by passing this that would give them the go ahead to start the process.

Mr. McDaniel stated that even if approved they should hold on to the plat and not release it for recording until they have the agreement ready in recordable form to go with it.

Mayor Pro-Tem Griggs motioned to approve the final plat of Sedona Ridge Estates Subdivision, Phase 3, with variances on the construction and installation of alleys: with the dedication of public land, with drainage plans and subdivider's contract and with the development of the document taking care of the public land dedication. Commissioner Cooper seconded the motion. All voted "aye." Motion approved by a vote of 7-0-0.

6. Agreement with Otero County for reimbursement of costs for the South Scenic Extension and Wright Road realignment.

Recommendation: Approve the Agreement.

Commissioner Robertson asked for an update on this item. Mr. McGuire reported that the roads are complete as far as they can go, but they can't proceed until the Railroad activates the crossing and puts in the arms. He also stated that the County had left a large berm of base course to keep anybody from getting close to it, but the City is ready to go in and start working.

Commissioner Robertson asked if they have been in touch with the Railroad. Mr. McGuire stated yes, he has called and left messages and also written a letter.

Commissioner Robertson stated that he spoke with the foremen, and the Railroad will not do anything until the road is complete. Mr. McGuire stated he was not aware of that and will follow up on this situation. He also stated that the City and the County both have agreed that they don't want to finish the road and oil it without having some type of permanent barrier across there. Mr. McGuire clarified that this agreement is just to allow them to exchange the money to reimburse the County.

Mayor Pro-Tem Griggs said it was amazing that the Railroad did not respond to them on the underpass and now the City is doing something they want done and they still will not respond.

Commissioner Robertson motioned to accept the Agreement with Otero County for reimbursement of costs for the South Scenic Extension and Wright Road realignment. Commissioner Cooper seconded the motion. All voted "aye". The motion carried by a vote of 7-0-0.

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

Recommendation: Final adoption of the Ordinance.

Mr. McCourt explained that this tax question will go on the March ballot, and if voted for, they will start seeing some revenues from it around September of 2004. He also stated that they will know more as they prepare the budget, and they will prepare budget projections with proposed projects for the Commission to review and approve.

Commissioner Cole asked if the revenue will start around July 1st for the budget year. Mr. McCourt explained that the merchants will start collecting July 1st, and then they will make monthly payments to the State Department of Revenue, who then turns it around and gives the City a check, which is anticipated around September. He also stated that if approved by the voters, they will plan in their budgeting process for the 04-05 year for projects using estimated revenue from this source.

Commissioner Cole asked about a 3-year projection plan that was submitted by Mr. Miramontes, and asked if the revenue would go into these types of street improvements or a new development plan. Mr. McCourt said that decision would be up to the Commission, staff would recommend increasing the current street maintenance projects that are planned, but ultimately they would all go before the Commission for a decision on how the revenue will be used.

Commissioner Cole asked if the money will be used on projects such as the intersection on First and Florida. Mr. McCourt replied that it can be used for that type of project and that staff will certainly bring forth proposals for consideration by the Commission. Commissioner Cole then asked where the money came from for projects such as the under structure of the streets, waterlines, sewer lines etc. Mr. McCourt stated that this particular type of money could not be used for water and sewer line type repairs. That money, he stated, comes from the Water and Sewer fund, which is generated from the rates, but they could get legislative money that is used for those types of projects to supplement the local money. Commissioner Cole also commented on the gross receipt tax and some of the Ordinances, and asked if that could be used for the improvement of under structure of the streets. Mr. McCourt stated that he was not familiar with those Ordinances and couldn't tell off the top of his head.

Commissioner Cole clarified all he was concerned about was if they do the reconditioning of the streets, is there going to be funds available to improve and change out water and sewer lines. Mr. McCourt stated that if a particular Ordinance is limited only to the same language that is in this particular Ordinance then the answer is "no", but if the language is broader and more comprehensive to capital infrastructure, the answer is "yes" it can be used for these types of purposes.

Mr. McCourt then commented on some pictures of various projects worked on this year by the Public Works Department, and how they were able to make use of all the \$300,000 for the paving projects. He also thanked Mr. Miramontes and his crews for getting this done.

Commissioner Cole expressed his concern for the need of a sunset clause in this type of taxation. Commissioner Ledford stated that the problem with a sunset clause is they will not be able to get it back, he explained it is one of those taxes where if the voters don't pass it, then it is lost permanently. Commissioner Cole stated that if he is correct, the Commission can stop it at any time if they want and it can be many years down the road, but he feels people should have the opportunity to vote on tax increases.

Commissioner Cooper motioned to accept Ordinance No. 1188 Adopting a Municipal Capital Outlay Gross Receipts Tax for Final adoption. Commissioner Robertson seconded the motion. All voted "aye". The motion carried by a roll call vote of 7-0-0.

11. Determine designation of the Civic Center now that it has been renamed in honor of Sgt. Willie Estrada.

No Recommendation.

Mayor Carroll stated that the leading vote on the name to put on the Civic Center is the Sgt. Willie Estrada Memorial Civic Center.

Commissioner Cole motioned to accept the name to be Sgt. Willie Estrada Memorial Civic Center. Commissioner Cooper seconded the motion. All voted "aye". Motion carried by vote of 7-0-0.

Ms. Scroggins thanked the Commission and wished them all a Happy Thanksgiving.

12. City Commission Regular Meeting Schedule for 2004.

Recommendation: Approve the schedule.

Mayor Carroll explained the reason for the revision in the schedule. The revised schedule has the meetings in December of 2004 as being the first and third Tuesday of the month.

Commissioner Cooper moved to approve the schedule. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a vote of 7-0-0.

Legislative Priorities for FY2004.

Recommendation: Select the capital improvement projects, prioritize, and direct Staff to prepare for presentation for the 2004 Legislature.

Mayor Carroll commented on the handout of projects that was given to the Commission and stated the total was 1.5 million and he was in agreement with some of the projects but not all and wanted to hear how the Commission felt.

Mr. McCourt stated that he had received feedback from the Commissioners, and felt there was a concurrence that the list was not correct and takes responsibility for it. He also stated that they are open to any and all suggestions on how to prioritize or what projects to replace.

Mayor Carroll stated that last year he felt the list was too long to broad, and they asked for too much money. He suggested that they ask for Items 4, 5 and 7.

Commissioner Cole said he makes Items 4, 5 and 2 his first choices, and feels Item 3 should be the lowest.

Commissioner Ledford agreed with Commissioner Cole and asked how the Legislature decides on what to approve. Mayor Carroll stated that at this point they don't know what the Legislators are interested in supporting, but typically they will support anything that is put forward, but at some point in the process they will want to know what the City really wants. He explained that when they ask for too many projects, the Legislature tries to accommodate as many as they can by giving a little here and little there. Instead, he stated, they should lower their request down to what they really want and need, and hopefully they will fully fund one or two projects instead of a little on seven or eight projects.

Commissioner Ledford asked what projects they had received partial funding for. Mayor Carroll stated that they had received partial funding for Items 1, 4 and 5. He commented on Item 1 concerning the traffic light and said that if the State is going to fund something it has to meet certain traffic requirements. Mr. McCourt replied that there are warrants and explained what they do and how they decide where a traffic light needs to go. He also said he feels there are certain intersections in town that would rate higher than this one.

Commissioner Cole asked if they could use the Engineering money to put a traffic light somewhere else or would it have to go up on Indian Wells, because he did not feel it should be placed there. Mayor Carroll said that was what they asked for, but they could ask for it to be moved to a different location.

Mr. McGuire stated that the \$25,000 was for the traffic light at First & Cuba. He stated that it was not just for engineering but for the design of a traffic signal. Commissioner Ledford noted that the point being made was that they don't want to spend \$25,000 on a location they don't want it to be placed in. Mayor Carroll said he believed that it was done in anticipation that a light would be located

there. He then asked if the State Highway Department had any control over traffic control devices on streets such as Indian Wells. Mr. McCourt said that as far as he is aware the City makes the final determination, but wanted to remind the Commission that they are frequently reminded by the Senior Center that the City promised them a traffic light at that location. Chief Trujillo stated that the State Highway Dept. has no say on the determination of where a traffic light is placed, but they do have control as to the height and style of the light.

Commissioner Moncada noted that if they sent in a smaller list to the Legislature they might have a better chance of getting more money and she was in favor of Items 5, 4, 2 and 1.

Commissioner Ledford noted that by sending a smaller list the Legislature might cut money out. Mayor Carroll stated that it is not a question of getting more or less because there is only so much they are going to be able to give. So, the question is how they are allocated. Commissioner Robertson stated that last year they sent a long list and did get funding for a lot of them, but it was just small amounts. He said he wanted to see Items 2, 4, 5 and 7 and wanted to see Item 1 left out because he feels there is no need for it as of now.

Commissioner Cooper commented that the track record shows that anything that pertains to the seniors, the disabled or to the children, the legislature favors them more.

Mayor Pro-Tem Griggs stated that it really does not matter how long the list is, and one thing they need to realize is that not all requests are from Alamogordo. He stated that he would go with Items 4, 5 and 2 as his top priorities. He also asked if the Governor had set up any type of funding for water projects. Mr. McCourt replied that the City had received 3 million dollars for the Desalination Project from the Governor, and they had applied for money from the Water Trust Board and were requesting funding assistance for various projects.

Mayor Carroll suggested the Commission send in Items 4, 5, 2 and 7. All seemed to agree.

Commissioner Ledford motioned to accept numbers 4, 5, 2 and 7 of the Legislative Priorities for FY 2004. Commissioner Cole seconded the motion. All voted "aye". The motion passed by a vote of 7-0-0.

Mayor Carroll then explained to the audience what the projects were and the total amount for each project. Ms. Coughlin asked about the traffic control on the Relief Route, and said she thought there already was a reclaimed water system at Griggs Complex. Mayor Carroll explained to Ms. Coughlin the situation with the Relief Route and reclaimed water situation at Griggs Complex.

15. Appointments to Boards and Committees.

Mayor Carroll made the following appointments:

Community Development Advisory Committee: Re-appointed Ms. Nancy Taylor, Mr. Jack Spears and appointed Mr. Ralph Davis.

Alamogordo Disability Council: Appointed Ms. Peggy Cowgill

Parks & Recreation Committee: Appointed Mr. Cesar Fausto

Planning & Zoning Commission: Re-appointed Mr. Mark Goga.

UNSCHEDULED COMMUNICATION

A. Commissioner Cole - \$300,000 for the Desalt Project.

Commissioner Cole asked Mr. McCourt if he was acquainted with the \$300,000 for the desalt project. Mr. McGuire explained that they had received the money and approval to begin construction, but a problem that they had been struggling with over the past few months was who was the federal agency for the money on the Reverse Osmosis Plant to do the Environmental Analysis. He had spoken with one of the Commissioners from the Bureau of Reclamation and it was stated that they had no contract with the City of Alamogordo to be able to do such work. He stated that it looks as if it is \$300,000 to invest in the water project north of town.

B. Commissioner Robertson - "No Left Turn" signs at Wal-Mart.

Commissioner Robertson asked Chief Trujillo about the "No Left Turn" signs at Wal-Mart because he had received a call from a citizen who received a citation for turning left. He also stated they are unauthorized signs that have never been approved by the Commission.

Chief Trujillo stated that the signs are legal signs that were required by the State and anyone who violates them can and will receive a citation. Commissioner Robertson asked how that could be when New York Avenue and First Street were not state highways. Chief Trujillo replied that New York Avenue was a state highway.

Mayor Carroll stated when they redid the overlay on that street they put in a double yellow line, and if someone were to make a left hand turn, they would be crossing a double yellow line which is not allowed.

Chief Trujillo said he felt they should not allow any exits from Wal-Mart onto New York Ave. He explained that if they were to try and change the intersection, the City would take a lot of liability.

Commissioner Moncada commented that around 5:00 p.m. it was very dangerous for anyone to turn left and supported leaving it as is rather than trying to change it.

Commissioner Robertson stated that they are unauthorized signs and the Commission should do something about it. Mayor Carroll stated that the City Commission does not authorize street signs, that is normally done by DPS. Chief Trujillo stated that the signs at Wal-Mart are official and should remain.

C. Commissioner Ledford – Joint Meetings with the County Commission.

Commissioner Ledford asked what had become of the communication meetings they were supposed to be having with the County regarding certain projects. He felt they should set up some type of system to keep in touch with each other. Mayor Carroll agreed and said it would be an opportune time to start those meetings.

D. Comments by City Manager McCourt regarding various items.

Mr. McCourt reported on the water report. Commissioner Cole asked if the watering on Sunday had changed since last year. Mr. McCourt stated that they had not yet researched that but would do so.

Mr. McCourt explained that the City had entered into an agreement with the New Mexico Transportation Dept. whereby the City would get possession of New York Avenue and Highway 2001 and they were in the process of getting that accomplished.

He mentioned a letter he had received from a citizen complimenting Officer Hunter for his professionalism in issuing a traffic citation. Apparently, the officer issued the citizen who wrote the letter a traffic citation and he was impressed by the officer's professionalism.

Mr. McCourt mentioned that he would be in Washington, D.C. the first week of December and that Matt McNeile would be in charge during his absence.

E. Comments by Mayor Carroll regarding several items.

Mayor Carroll read a letter that had been written by citizen who was thanking the Department of Public Safety for its help in handling a neighborhood problem and also complimented Chief Trujillo and his officers.

He briefly reported on the Southwest Defense Alliance Meeting he attended and how it tied in with the presentation given by Dr. Soden on environmental and encroachment issues. He stated that the City needed to continue to promote the unique capabilities of Holloman AFB, White Sands Missile Range, and Ft. Bliss.

The meeting was adjourned at 9:32 p.m.

"The Governing Body of the City of Alamogordo, New Mexico, hereby states that its specially scheduled closed meeting of November 25, 2003 at 6:00 p.m. was held and matters discussed in the closed meeting were limited only to those specified in the Notice of Closed Meeting."

/s/Donald E. Carroll

Mayor Donald E. Carroll

ATTEST:

/s/Angie J. Rahn-Broyles

City Clerk Angie J. Rahn-Broyles

(SEAL)
(Prepared by Deputy Clerk Vanessa Arreola)

Approved at the City Commission Regular Meeting of December 9, 2003.



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