

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
NOVEMBER 9, 2004**

**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
CITY CLERK ANGIE RAHN-BROYLES**

Call Meeting to Order and Roll Call.

The Meeting was called to order at 7:30 p.m. The Invocation was given by Rev. Howard Hallmark, the Posting of the Colors was by the Alamogordo High School Air Force Junior ROTC, and the Pledge of Allegiance was led by City Manager Pat McCourt.

PUBLIC HEARINGS:

1. Special event permit for Kerry Maupin. [Case SE-04-0002 (A), 311 Desert Sun Court].

Recommendation: Approve the special event permit for Case SE-04-0002(A) to allow the 20th Annual Coming Home for Christmas arts and crafts show from November 13 through 22, 2004, at 311 Desert Sun Court, with the finding that it will not be detrimental to surrounding properties.

Mr. Kerry Maupin said he was present to represent his wife, Gay. This was the twentieth year of the show, and they had become involved with it over ten years ago as crafters. This was their sixth year helping as organizers.

Mr. Maupin read a prepared statement: "The Coming Home for Christmas arts festival is unique in the Alamogordo area. The traditional use of a private home lends to the unique atmosphere of the show. There are no booths set up. All art works are displayed in the home using each room to create pleasing and natural displays. Christmas trees are decorated with ornaments for sale, items are hung on the walls, and each room is decorated with its own theme and flavor with Christmas music playing throughout, all weaving together to create an extraordinary atmosphere to delight all. Not only does the show provide a unique experience for guests, it also provides the artists and participants with income support and recognition."

Mr. Maupin said he understood there was one letter of protest, and maybe another letter of concern. His neighbor, Mrs. Fettinger, had sent in a letter protest, and he went and visited with her today. She did give him a letter of release to give to the Commission, saying she was okay with the show.

Commissioner Cooper moved to accept the Special Event Permit for Kerry Maupin (with the finding that it will not be detrimental to surrounding properties). Seconded by Commissioner Robertson.

Mayor Pro-Tem Griggs said in one of the letters of concern, the gentleman stated that when parking near the 8th hole and the 9th tee, that cars were subject to errant golf balls. He felt that was an accurate statement, and suggested that Mr. Maupin remind people that they could

possibly be hit with a golf ball. Mr. Maupin said they would put a sign up which notified people of the same.

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

2. New Small Brewer (Master) Liquor License, Application No. A-402024, for Wayne Scott d/b/a Plaza Pub II, 1004 N. White Sands Blvd., Alamogordo, NM.

Recommendation: Approve the new license.

Mayor Carroll stated that this was a Public Hearing, and asked if there was anyone present to speak either for or against the issuance of the license?

Mr. Wayne Scott stated that this had been a long process, and he and his family were looking forward to being good citizens of the business community. He thanked the Commission for considering the request.

Commissioner Robertson asked if they would be brewing beer there in the establishment? Mr. Scott said yes, they were going to try to brew some there. Commissioner Robertson said if they stopped brewing it there, with this license could they actually import beer from outside? Mr. Scott said as he understood it, they could.

Commissioner Cooper moved to accept the new Small Brewer (Master) Liquor License, Application No. A-402024 for Wayne Scott d/b/a Plaza Pub II. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a vote of 7-0-0.

CALL OF THE CONSENT CALENDAR:

3. Minutes of Regular Meeting of October 26, 2004.

Recommendation: Approve the minutes.

9. Lease Agreement with the Otero County Sheriff's Department for the Longridge Tower and building space.

Recommendation: Approve the Agreement.

12. Investment Report for the quarter ending September 30, 2004.

Recommendation: Accept the report.

13. Award of Bids:

- A) Bid 2004-15, Resilient Wedge Gate Valves.

Recommendation: Award to Morrison Supply of Alamogordo for an estimated total of \$74,430.00.

- B) Public Works Bid No. 2004-002B, Improvements to Alamogordo-White Sands Regional Airport.

Recommendation: Award Schedule I to R-Con Construction, Inc. in the amount of \$72,053.75, inclusive of NMGRT; Schedule II to Mesa Verde Enterprises, Inc. in the amount of \$101,677.77, inclusive of NMGRT; and Schedule III to Star Paving Company in the amount of \$91,656.98, inclusive of NMGRT.

- C) Public Works Bid No. 2004-009, Florida Avenue Waterline Replacement & ADA Improvements.

Recommendation: Award to Cherokee Enterprises, Inc. in the amount of \$173,125.65, inclusive of NMGRT.

Commissioner Cooper moved to accept items 3, 9, 12, 13(A), 13(B), and 13(C) on the Consent Calendar. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

4. Ordinance No. 1226 approving a project in accordance with the Alamogordo Economic Development Strategic Plan: Project MOTO.

Recommendation: Approve the Ordinance for first publication.

Mr. McCourt said Mr. Carr had appeared at the October 12th meeting and had given them the economic rundown on Project MOTO. This was a project being considered for economic incentives to locate in our community. After that time as those involved were reviewing the Economic Development Act which the City had adopted, they made note that they had to do this through an Ordinance and a hearing process. So this was brought back with the same information that was in the previous application so they could move the project forward and have the ability to negotiate. Nothing had changed since the October 12th meeting.

Commissioner Cooper moved to accept Ordinance No. 1226 approving a project in accordance with the Alamogordo Economic Development Strategic Plan: Project MOTO (for first publication). Seconded by Commissioner Robertson. All voted "aye". The motion carried by a vote of 7-0-0.

5. Resolution No. 2004-48 authorizing the extension of exercise of City Building Permit Authority into areas near City well fields.

Recommendation: Approve the Resolution.

Mr. McCourt said currently the City had extraterritorial jurisdiction within five miles of the City. Within that five mile area, there was also a separate area for which the City had agreed to provide Building Code inspections and permits. We were interested in extending that close to our well fields and close to Holloman so that perhaps we could use this under the AICUZ Plan and to help protect the Base from possible inappropriate encroachment. He recommended the extension of the areas as suggested.

Commissioner Cooper moved to accept Resolution No. 2004-48 authorizing the extension of exercise of City Building Permit Authority into areas near City well fields. Seconded by Commissioner Robertson.

Mr. Eduardo Tovar said he lived off of N. Florida close to the well fields. The City already had a five-mile limit outside the City, so how far was this extension supposed to carry? The well field already fell within the five miles. Mr. McCourt said this did not address our extraterritorial jurisdiction. This addressed a separate matter, which was Building Codes and allowing the City to do inspections and permits within this particular area. Mr. Tovar said the five miles already encompassed the well field area. Mr. McCourt said yes, but not for Building Codes. Mayor Carroll said this was for building inspections and building permits. Mr. Tovar said he was within that five miles and he had to get a building permit. Mr. McCourt said he was within the current area now. This Resolution would extend it to a larger area. Mr. Tovar asked how much farther? Mr. McCourt said it was an irregular shape. It proceeded north perhaps another mile, and south about two miles.

Building and Zoning Manager Pat Vandergriff said they currently did not take the five miles, and even under the new proposal they wouldn't take the full five miles on building inspections. This would basically extend it beyond the area of concern that the Engineer had brought up in the study on the well fields to the north, and would take it a similar distance beyond the well fields the City had to the south. It also included Holloman.

Mayor Carroll clarified that it still did not go to the full five mile extent of the City's extraterritorial zoning authority. This was merely for building inspections and building permits. It was separate from the extraterritorial zoning authority. Mr. Tovar said he had to get a permit from the City, so they were already talking about the permits within the five miles. Mr. McCourt said not everywhere within the five miles.

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

6. Resolution No. 2004-49 designating an approval office for exempted subdivisions [Case M-04-0316(A)].

Recommendation: Approve the Resolution.

Mayor Carroll said the Commissioners had all received a revised copy of the Resolution. Mr. McCourt said when the Commission had revised the Subdivision Ordinance, part of the efforts were to streamline the process to allow a quicker review time and procedure. Included within this was a section called exempt subdivisions. That particular section required that the planning authority or the designated official make a determination that the subdivision qualified as an exempt subdivision. The planning authority was defined as the City Commission, or whoever they designated. We had not designated an individual or an office for that purpose. Staff was suggesting that be done with this Resolution, and the recommendation would be to designate the City Attorney to do the review to see if it met the qualifications for an exempt subdivision. If that was correct, it was then signed off on by the City Manager, so they would maintain a checks and balances system with multiple staff reviewing it. Also, they still would not have to take each of these to the City Commission for approval.

Mayor Pro-Tem Griggs clarified that the ultimate approval would still be the City Manager's office. Mr. McCourt said that was correct.

Commissioner Cooper moved to approve Resolution 2004-49 to designate an approval office for exempted subdivisions. Seconded by Commissioner Robertson.

Mr. Steve Sandoval, surveyor, said he became a little worried when it was said that the City Attorney's office would be handling the determination on whether or not these would qualify as exempted subdivisions. Mr. McCourt said the City Attorney would review it versus the definition within the City Code for exempted subdivisions, and make a determination as to whether it met the qualifications under that section. Mr. Sandoval said his concern was that the City Attorney's office was very busy, and these things took a long time as it was. Would it be deadline driven on the City Attorney's office, or something along those lines? He just wanted to make a request that it would be somehow streamlined other than turning into a lengthier process. Mr. McCourt said if he recalled correctly, he believed it had to be done within ten days. Mr. Sandoval said that hadn't been met. Mr. McCourt said that was because we had a glitch in our Code in not having it set up, and we were trying to correct that.

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

PLANNING ITEMS:

7. Consideration of the final plat of LA LUZ CROSSROADS SUBDIVISION for twenty-three (23) lots located outside the City of Alamogordo, but within its extra-territorial planning and platting jurisdiction, for Donald Burton [Case S-04-0838(A), Gravel Pit Road at Laborcita Canyon Road].

Recommendation: Per the Planning & Zoning Commission motion, approve the final plat of LA LUZ CROSSROADS SUBDIVISION, Case S-04-0838(A), located outside the City of Alamogordo, but within its extra-territorial planning and platting jurisdiction, with variances on the construction and installation of alleys, on the installation of utilities (water and sewer), on the construction of streets to City standards (dedication, curb, gutter, sidewalk, and paving), on the dedication of public land, and from Section 22-01-140(b)(1) relating to drainage plans. [Tabled at the 9-28-04 Meeting, and again at the 10-12-04 Meeting]

Mayor Carroll said this was a subdivision which the Commission had some concerns about, and we had asked the petitioner if they would be willing to table this to allow us to sit down so that we could see if there was any way to resolve both their desire to proceed with the project, as well as the concerns that were raised as far as possible encroachment on existing water wells and water rights. It was his understanding there had been several meetings and that the meetings did not bear any fruition, and the petitioner wished to proceed as originally requested.

Commissioner Cooper thought we'd worked this over as much as we possibly could.

Commissioner Cooper moved to accept the final plat of LA LUZ CROSSROADS SUBDIVISION for twenty-three (23) lots located outside the City of Alamogordo, but within its extra-territorial planning and platting jurisdiction, for Donald Burton (with variances on the construction and installation of alleys, on the installation of utilities (water and sewer), on the construction of streets to City standards (dedication, curb, gutter, sidewalk, and paving), on the dedication of public land, and from Section 22-01-140(b)(1) relating to drainage plans). Seconded by Commissioner Robertson.

Mr. John Herrera, La Luz resident, said he lived pretty much across from this subdivision. He was at the meeting this afternoon for the County Planning and Zoning Commission. The issue was that there were some corrections and additions that had to be made to some of the issues

that had were brought in their planning. He realized that the City probably did not have that much authority in the La Luz district, even though it had a lot of water coming out of the La Luz area. The issue that concerned the La Luz residents was a water issue. They were talking about 23 wells, which would have a definite effect in the La Luz system. When he was on the Water Board back in 1977, they had a case where Lakeside de La Luz formed their own association. They had their own well, and that well went dry. La Luz could not leave those people without water, so they had to extend the water up to that area. They took the well those people had, and he didn't know how much longer it was going to last. Assuming now that something could happen to these 23 wells, then La Luz would then have to extend the water to that subdivision, and that was his concern. He realized everyone had their hands tied one way or another, but he wanted to get a feeling from this Commission as to why.

Mayor Carroll said the City did attempt to negotiate with the petitioner to try and address some concerns regarding that. We were unsuccessful of that, and it was his reading of the City's current Ordinances that we really had no rational basis to deny their subdivision. Because it was within the extraterritorial zoning of the City, it was a concurrent thing with the City and the County as well. The County may have different regulations and Ordinances which would allow them to address some of the concerns we could not presently address. He suspected the next place for Mr. Herrera to take his concerns would be at the point where this item came before the County Commission for their consideration.

Mr. Herrera said the reason he was here was because he didn't realize the City of Alamogordo would have to have any input into a subdivision that was there in La Luz, and if it did, perhaps it was because of the water issue. Mayor Carroll said we did have subdivision planning and platting authority, but not directly related to the water issue. It had kind of been an awakening for the City as well in that area. Mr. Herrera said he could understand that. He felt it was only beneficial that whenever there were projects like this coming up, they should really be looked into because when it came down to water, the City was rationing water in the summertime, as was the village of La Luz. Water was a key issue in this particular subdivision. There were other issues that came out of this County Planning and Zoning Commission, but he believed that the water issue was the one which concerned us the most. They were drilling a lot of wells, and it would suck up some of the water. Mayor Carroll agreed. In this particular case the City did not have a mechanism to address that concern. He was hopeful we would take steps to ensure that in the future we would have a little better mechanism to address some of these issues as they arose.

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

Mayor Carroll asked that City staff review some of our Ordinances relating to subdivisions and zoning, and see if there were any changes which needed to be made to allow us to address some of the concerns that were raised in this particular subdivision request.

8. Consideration of the final plat of TOVAR SUBDIVISION under a "family claim of exemption" for three (3) lots located outside the City of Alamogordo, but within its extra-territorial planning and platting jurisdiction, for Eduardo Tovar [Case S-04-0851(A), Arroyo Ridge Road at Tovar Acres Road].

Recommendation: Approve TOVAR SUBDIVISION, Case S-04-0851 (A), located outside the City of Alamogordo, as an exempted subdivision.

Commissioner Cooper moved to accept TOVAR SUBDIVISION, Case S-04-0851 (A), located outside the City of Alamogordo, as an exempted subdivision. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a vote of 7-0-0.

Mr. McCourt clarified that the documentation would be signed tomorrow, and available from his office.

OTHER BUSINESS:

10. Revised Street Maintenance Program.

Recommendation: Approve the revised plan.

Mr. McCourt said the Commission had asked staff to revised the last Street Maintenance Program which was brought to them. At that time, the Street Maintenance Program with its new funding source was rotating between half collector streets and half local streets. The Commission asked staff to revise that so it would be collector streets and then local streets throughout the City in every second year. Public Works Director Jose Miramontes had done this and he had kept it within the estimated income budgets and listed the next four years of the project. Staff was a little leery on getting out further in advance of that because of the cost estimates in performing the work. He proposed adding a year, each year, as we progressed through the system so that we would always have four years out in front of us.

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

11. Power Line Easement for Texas-New Mexico Power Company across City-owned property located near LaVelle Road.

Recommendation: Approve the Easement.

Mayor Carroll stated that this item had been withdrawn from the agenda. Mr. McCourt clarified that staff had asked for it to be withdrawn when they realized a procedural step had been skipped. There was actually nothing wrong with the easement.

14. Appointments to Boards and Committees.

Mayor Carroll said in the past he had been reluctant to approve people for more than two consecutive terms. Occasionally he had done that because we had been unable to find people who were willing to serve on the Boards. An exception to that was on the Cemetery Board, where he would be appointing two individuals to their sixth term on the Cemetery Board. The Cemetery Board was made up of three people: a representative from each of the funeral homes and a private citizen. It made little sense to not have representation from the funeral homes on this Board, and that was the reason that their terms seemed to go on forever. However, on some of these other Boards he would make the appointments, but on others would hold off on making third and fourth appointments for another meeting to see if there was anyone else interested in serving.

Alamogordo Disability Council. One vacancy.

Mayor Carroll appointed Mr. Jeffrey Gaede to fill the vacancy.

Cemetery Board. Two vacancies.

Mayor Carroll reappointed Mr. Harold O'Dell and Mr. Robert Ortega to fill the vacancies.

Community Development Advisory Committee. Four vacancies.

Mayor Carroll reappointed MSgt. Bruce Knee to fill one of the vacancies.

Mayor's Committee on Aging. Five vacancies.

Mayor Carroll appointed Mr. William Skiben, Mr. Gene Howard Hallmark, and Mrs. Lou Hastings, and reappointed Mrs. Margie Aguayo to fill four of the vacancies.

Planning and Zoning Commission. Four vacancies.

Mayor Carroll reappointed Mr. Michael O'Hara, Mr. Richard "Rick" McCracken, and Mr. Mark Urey to fill three of the vacancies.

Senior Volunteer Programs Advisory Council. One vacancy.

Mayor Carroll reappointed Mr. Ed Worthington to fill the vacancy.

All remaining vacancies were rescheduled. Mayor Carroll said in these other vacancies where the people had already served two terms, he would probably appoint them to continue to serve at the next meeting if there were no others interested in serving.

UNSCHEDULED COMMUNICATIONS:

A. Introduction of new Executive Director for SNMEDD.

Mayor Carroll introduced Mr. Hubert Quintana, who was the new Executive Director of the Southeastern New Mexico Economic Development District.

Mr. Quintana said he was very happy to be back with the Economic Development District. He'd left the District fifteen years ago and had spent a little bit of time working with the Water Defense Association, which was involved in the water lawsuit with the Mescalero's and the United States in protecting the stream systems of the Hondo, Bonito, and Ruidoso Rivers. They also opposed the Mescalero's high level nuclear waste facility that was to be based in Mescalero. He'd also put in a stint for a little over eight years with Chavez County as their County Manager, and then he was most recently with the Public Regulation Commission in Santa Fe, and he also ran the State Fire Fighters Training Academy for a few months before coming back to the Economic Development District. He was very happy to be back, and he was looking forward to working with Alamogordo to see if we could bring in more economic development in the community for water, sewer, streets, and those types of things. Also, he hoped to help find some monies to tie in with the City's money to get the maximum impact out of those dollars.

Mayor Carroll said we were happy to have Mr. Quintana back with the District and looked forward to working with him for many years to come.

B. Comments by Commissioner Cooper regarding our troops in Iraq and Afghanistan and Veteran's Day.

Commissioner Cooper reminded everyone to keep our troops in Iraq and Afghanistan in our prayers, as they were in harm's way and so far we had lost twelve individuals in the siege of Fallujah. Let's keep them in our prayers and carry this over to Thursday, which was Veteran's Day. Let's honor all veterans on that day and keep those things in mind.

C. Comments by City Manager regarding the water report; City Awards Banquet; and renaming of a street in honor of Martin Luther King.

Mr. McCourt said the recent rains and cooler weather had done us well. Bonito Lake was still below where we would like it, and what we needed was more snow in the higher levels for that. Otherwise, he felt we were doing okay. He'd mentioned at the last meeting that the Bonito Line had broken, but it was all repaired and was flowing at this time.

Commissioner Robertson said if we were at 100 percent capacity, how many millions of gallons of water could we actually hold? Mr. McCourt said in our reservoirs we could hold approximately 188 million gallons. We also had some storage capacity in our steel reservoirs around town. Public Works Director Jose Miramontes said he never included those figures, which were about 20 million gallons altogether, as they fluctuated with fire protection, etc. He never gave those figures because he never knew himself. Late in any given day we may have about 10 million in storage, and then at midnight we might be back up there at 18 million gallons.

Mr. McCourt reminded everyone that the City Awards Banquet was scheduled for December 4th, which was a time to recognize the City employees that served the City well.

Mr. McCourt said we had received a request from the Otero County Martin Luther King, Jr. Committee to consider naming a road in our community in honor of the late Dr. King. Staff would start processing that internally and reviewing it, and would see about bringing a recommendation to the Commission.

D. Comments regarding AICUZ Plan.

Community Development Director Brian McGuire reminded everyone that the public meeting on the AICUZ Plan was scheduled for Monday evening at Yee's Restaurant at 7:30 p.m. It would be advertised in the paper, and this was the first step in the holding of public meetings. This had to do with the City's wanting to work with Holloman AFB to assure that we did not have any building going on which would come within the flight space of the approaches to Holloman. This was the first step we had to take in our looking to see if there were any Ordinances we needed to pass.

E. Comments by Mayor Carroll regarding thank you received from Charlie Lee family.

Mayor Carroll read a letter he had received from the family of Charlie Lee: "Our entire family would like to thank the Alamogordo City Commission for being a part of naming the Alamogordo Bypass for Charlie T. Lee, and in also honoring our family by proclaiming Sunday, October 24, 2004, as 'Oliver M. Lee Day'. The work of the City shops in mounting the Oliver Lee bas relief, and for setting up Founders Park for the dedication also deserves a big thank you. Mayor Pro-Tem Griggs was there representing the City, and we surely did appreciate his presence. We

are most appreciative and proud to be part of Alamogordo and Otero County", signed from the Charlie T. Lee Family.

Commissioner Cooper moved to adjourn. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a vote of 7-0-0. The Meeting was adjourned at 8:11 p.m.

"The Governing Body of the City of Alamogordo, New Mexico, hereby states that its specially scheduled closed meeting of November 9, 2004 was called into executive session and the 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 Rahn-Broyles

City Clerk Angie J. Rahn-Broyles
(SEAL)

(Prepared by Teresa Y. Gutierrez)

Approved at the City Commission Regular Meeting of November 23, 2004.