

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
APRIL 27, 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, Roll Call, Invocation, and Pledge of Allegiance.

The Meeting was called to order at 7:30 p.m. City Manager Mr. Pat McCourt was absent, but Assistant City Manager Mr. Matt McNeile was present. The Reverend Richard Hicks gave the Invocation, and Commissioner Cole led the Pledge of Allegiance.

PRESENTATIONS:

1. Presentation by the Otero County Economic Development Council regarding the scheduling of a Special Election on August 31, 2004 for the consideration of an Ordinance delaying the repeal of Ordinance No. 1091, which would allow the Municipal Infrastructure Gross Receipts Tax to continue to be used for furthering and implementing economic development through December 31, 2010.

Recommendation: Authorize the drafting of an Ordinance delaying the repeal of Ordinance No.1091, and schedule a Special Election on August 31, 2004.

Mr. Ed Carr requested that the City Commission schedule a Special Election for August 31, 2004, to allow them to extend the options on the Municipal Infrastructure Gross Receipts Tax. He pointed out that the local option Gross Receipts Tax; Economic Development Fund had been very successful for the City.

He said 1-800 Flowers.com recruitment had exceeded all of the established goals in their first year by creating over 700,000 labor hours, at a minimum of \$7.00 an hour, which would be 4.9 million dollars in direct salaries per year. He stated that unemployment had gone down from 5.6% in January to 5.2% in February, which was the lowest it had been in five years.

He said that over the past year they had been working on nine on-going economic developmental projects in various stages of recruitment; everything from initial contact to negotiations. He added that they had a five-year sunset and they were requesting another five years to further the projects.

Commissioner Robertson asked if they could reschedule the Special Election until March. Mayor Carroll replied that they could not because the Commission had made a decision last fall to reserve a date in August for this issue.

Commissioner Robertson asked when the sunset date ended. Mayor Carroll replied that it would end December 31, 2005. They would need to have an election in place before that date so there could be a continuation of the tax. However, they would need to hold an election prior to September 1st, in the event that the issue was not successful, thereby giving them another chance in August 2005.

He stated that if for some reason the tax did not pass in August of 2004, they would need to wait another year before it could be placed on the ballot again. He said there should be some potential projects already developed so that the voters would be able to see how the money was spent on economical development of the City.

Commissioner Robertson asked why it was not on the last election ballot. Mr. Carr said there were strategic reasons why it was not on the ballot, and the primary reason was that there would be two competitive tax issues on the ballot at the same time, meaning that there would be a risk of either one or both not passing.

Mr. Carr pointed out that 1-800 Flowers.com was creating \$250,000 in Gross Receipt taxes. He said that since they were paying more into the City than what was originally projected over a five-year period, the City was making money and the GRT would be paid off before the five years.

Mayor Pro-Tem Griggs pointed out that any election they have now would have to be a special election since the next Commission election was two years away.

Mayor Pro-Tem Griggs made a motion to authorize the drafting of an ordinance delaying the repeal of Ordinance No. 1091 and schedule a special election on August 31, 2004. Commissioner Cooper seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

Mayor Carroll stated that the ordinance would be presented for action at the May 11th Commission Meeting.

2. Presentation by Mr. Sam Sandoval regarding the Air Installation Compatible Use Zone (AICUZ) Plan.

Mr. Sam Sandoval made a Power Point presentation to the Commission and it has been made part of these minutes as "Attachment 1". He presented the Air Installation Compatible Use Zone (AICUZ) Plan from Holloman Air Force Base and pointed out that it was the Air Force's primary land use program for promoting compatible land development in areas within the vicinity of military installations subject to aircraft noise and accident potential. He pointed out that Holloman Air Force Base and the City had a long history of working together. He stated that the Air Force required the public's cooperation and he had already addressed this at a public meeting at the Civic Center to the Otero County Economic Development Council (OCEDC), the Community Impact Committee, and to the working group of the County Commission.

Mr. Sandoval stated that one of the Air Force's goal was to participate in the local planning process concerning the land use compatibility, and it was important for the City to continue to inform HAFB of any planning and zoning actions that would affect base operations. He said it was more difficult to plan once development has moved in than it was to plan before the fact.

Mayor Carroll stated that he would recommend that the Commission direct Staff to take the necessary steps to plan and incorporate the recommendations of the AICUZ into both the subdivision and zoning ordinances. Staff would have the opportunity to make recommendations to the Commission and then they would take it to the residents for any comments or affect that it might have on them by adopting the plan. He said if the Commission agreed, he would go ahead and direct Staff to make the necessary arrangements to consider adopting the recommendation that was in the AICUZ plan and adopt it as part of the City's comprehensive plan.

Commissioner Cole asked Mr. Sandoval if there were any existing land uses that were incompatible with the study that he had done. Mr. Sandoval replied that there were none and all the land around HAFB was compatible. Mayor Carroll replied that the City's goal would be to keep it that way in the interim, and ultimately adopt it. He stated that Holloman did have an ex-officio member on the Planning and Zoning Commission, and if the City were to stray from the policies, that would be an appropriate time for HAFB's representative to bring it to the City's attention.

Mr. Sandoval stated that the plan could adjust to the zoning ordinances and subdivision regulations to support the compatible land uses.

Commission recessed at 8:00 p.m. and they reconvened at 8:07 p.m.

Call of the Consent Calendar: [Roll Call Vote Required – Item No. 8]

Items Nos. 3, 4, 5, 6, 8, 9, and 10 were on the Consent Calendar. No items were removed from the Consent Calendar.

3. Minutes of Regular Meeting of April 13, 2004.

Recommendation: Approve the minutes.

4. Contract with New Mexico State Risk Management for Employee Health Insurance.

Recommendation: Approve the Contract.

5. Consideration of off-street parking variance for Tool Box Inc. [Case V-04-0470(A), 1603 through 1668 Loma Vista]

Recommendation: Approve the off-street parking variance for a ratio of 1.5:1.

6. Consideration of the final plat of Reynolds Subdivision, Replat D, for Kenneth Barlow [Case S-04-0818(A), 3030 Hamilton Road at Hamilton Ridge Avenue]

Recommendation: Approve the final plat.

8. Resolution No. 2004-20 requesting increases in Leisure Service User Fees.

Recommendation: Approve the Resolution. [Roll Call Vote Required]

9. Statement regarding the Executive Session of April 13, 2004.

Recommendation: Approve the statement.

10. Report on the Spay/Neuter Contract with Dr. Staley.

Recommendation: No action required.

Commissioner Cooper moved to approve the Consent Calendar including Item Numbers 3, 4, 5, 6, 8, 9, and 10. Mayor Pro-Tem Griggs seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

7. Consideration of the final plat of Alamo Canyon Estates Subdivision for Nelson & Nelson, Jr. [Case S-04-0819(A), Alamo Canyon Road]

Recommendation: Deny the final plat.

Mayor Carroll stated that the recommendation was to deny the final plat for nonconformance with the Comprehensive Master Plan concerning the extension of South Scenic Drive. He said there had been extensive discussion between the petitioner and Staff.

Mr. Klad Zimmerle, representing the Petitioner, stated that there was some history on that particular item. He stated that the plan for the South Scenic Extension had been drawn, drafted and adopted by the City in 1989. He pointed out that there had been no active acquisition of a right-a-way and no planning, so it needed to be properly acquired and planned. He stated that there were some subdivisions that were approved by the summary procedure by both the City and the County that did lie within some of those corridors. He said there were homes and a fire station that were built within and very near the corridors. There was a subdivision that was being proposed that would pass through the corridor. He said a majority of the Bureau of Land Management (BLM) land by the relief route was headed south of Canyon Road.

Mr. Zimmerle read a letter that said there was a joint project between the State Highway Department and the City to work on both South and North Scenic. This subdivision was reviewed by the New Mexico Department of Transportation and five other departments, and their only comment was the drainage section, and they had recommended that the County initiate requirements for each property owner to detain any additional run-off on their lot.

Mr. Zimmerle said if they gave or sold the City the right-of-way, it would be a 120 foot strip, which was the dimension being discussed and it would sit a quarter of a mile from the end of the present Scenic and two miles from Hamilton Road where Scenic ends now.

Mr. Zimmerle requested that this item be tabled for further investigation by the Commission.

Mayor Carroll said he appreciated that both Mr. Zimmerle and Mr. Nelson were willing to work with City staff. He said that the original plan went back to 1989; and was incorporated into the Comprehensive and Traffic Plan, and he agreed that it should be resolved.

Mr. McGuire pointed out that the reason for the denial was due to the conflict between the directions of the adoption plan and they would look in to it and report their findings back to the Commission.

Mr. Zimmerle requested that the Commission reconsider the recommendation. Mayor Carroll replied that the appropriate motion was to table the item.

Mayor Pro-Tem Griggs moved to tabled Item 7, the final plat of Alamo Canyon Estates Subdivision. Commissioner Cooper seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

OTHER BUSINESS:

11. Appointments to Boards and Committees.

Mayor Carroll mentioned there was a vacancy on the Community Development Advisory Committee and anyone interested in that position should contact the City Clerk's office.

There were two vacancies on the Alamogordo Promotion Board. Mayor Carroll said he would delay the two reappointments.

There were two vacancies on the Public Library Board and Mayor Carroll reappointed Ms. Elise Haley and Mr. Michael Smith.

SCHEDULED COMMUNICATIONS FROM THE COMMISSION:

12. Commissioner Don Cooper – Preparedness and preparation on parades and activities.

Commissioner Cooper commented on how hard it was to organize a parade and that it took a team effort to have a successful parade. However, he could no longer continue to do the parades and the City would need a younger person to take over the task of promoting the parades. He said there was nothing more gratifying than to have everything come together and he would be willing to help the next person who took the job. He said he would hope that there would be a 4th of July parade.

Mayor Carroll stated that on behalf of the City and the City Commission, he wanted to let Commissioner Cooper know that they appreciated all of his hard work and effort.

UNSCHEDULED COMMUNICATIONS:

A. Commissioner Cole commented on the Cedar and 10th Street water break and that all repairs were completed and he wanted to thank Road Maintenance.

B. Mr. Matt McNeile commented that the Bonito Lake level was about one foot below the spillway and rising. The water storage was at 91% capacity and currently none of the wells were running. He said the lake level was expected to be full by April 30th.

C. Mayor Don Carroll Comments:

1. He commented on the Tenth Annual Earth Day Celebration and thanked all of those who made Earth Day a success.

2. He commented that the Commission had received an invitation for May 1st from Tularosa for the dedication and grand opening of their new water processing plant and public safety building.

3. He commented on receiving an invitation from the New Mexico Merchant Marine inviting the entire community to their 15th Annual Veterans Memorial Service at Fort Stanton on May 29th.

Commissioner Cooper motion to adjourn. Commissioner Robertson seconded the motion. All voted "aye." Meeting adjourned at 8:45 p.m.

/s/Donald E. Carroll

Mayor Donald E. Carroll

ATTEST:

/s/Angie Rahn-Broyles

City Clerk Angie J. Rahn-Broyles

(SEAL)

(Prepared by Deputy City Clerk Karen H. Groves)

Approved at the City Commission Regular Meeting of May 11, 2004