

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
AUGUST 8, 2006**

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

**COMMISSIONER CHRIS LUJAN
COMMISSIONER STEVE BROCKETT
CITY MANAGER PAT McCOURT
CITY ATTORNEY WILLIAM BROGAN
CITY CLERK RENEE CANTIN**

CALL MEETING TO ORDER, ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Reverend James Forney, and the Pledge of Allegiance was led by Commissioner Steve Brockett.

PUBLIC HEARINGS:

1. Public hearing for approval of a special permit for Jack Key Motor Company to allow the placement of a forty-foot by eighty-foot temporary structure from August 11 through August 25, 2006 for a special car sale at the White Sands Mall.

Recommendation: Approve the special permit with the finding that it will not be detrimental to surrounding properties.

Commissioner Ed Cole made a motion to approve the permit. Mayor Pro-Tem Ron Griggs seconded the motion. A vote was taken, and the motion carried by a vote of 7-0-0.

CALL OF THE CONSENT CALENDAR:

Items #8 and #15 were removed from the Consent Calendar.

MINUTES:

2. Minutes of July 25, 2006 Regular Meeting.

Recommendation: Approve the minutes.

PLANNING ITEMS:

3. Consider the final plat of **MARKET PLACE, REPLAT A, SUBDIVISION**, for C. Michael Shyne [Case S-06-0929(A), 3313-3751 N. White Sands Blvd.].

Recommendation: Approve the final plat of **MARKET PLACE, REPLAT A, SUBDIVISION** with variances on the construction and installation of alleys and from Section 22-01-040 relating to drainage plans; with the dedication of an easement for Scenic Drive to the west property line of the subdivision; with the developer being responsible for the required intersection and signal modifications on North Scenic Drive at North White Sands Boulevard; with the payment of fees in lieu of land dedication; and with a Subdivider's Contract.

WITHDRAWN BY PETITIONER

CONTRACTS AND AGREEMENTS:

4. Hertz Corporation airport lease extension.

Recommendation: Approve a one (1) year extension of the Contract.

5. Agreement with New Mexico State University-Alamogordo for the purpose of providing safety and security at the New Mexico State University Alamogordo Campus.

Recommendation: Approve the agreement.

ORDINANCES AND RESOLUTIONS:

9. Consider Resolution No. 2006-53 approving and accepting the New Mexico Department of Transportation (NMDOT) Capital Cooperative Agreement Certification Project No. ST-4921(202); Control Number C6S64, in the amount of \$500,000, to plan, design and construct improvements to a double penetration roadway, South Florida Avenue, to Desert Lakes Road in Alamogordo, Otero County, New Mexico.

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

10. Consider Resolution No. 2006-54 to authorize the Mayor to enter into a grant agreement for a Special Appropriation Project SAP 06-1164-GF grant with the New Mexico Environment Dept. for the Alamogordo Reclaimed Water Distribution and Storage System in the amount of \$150,000.00.

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

11. Consider Resolution No. 2006-57 authorizing application for Water Trust Board Grant for the Alamogordo Reclaimed Water System Looping Project.

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

12. Consider Resolution No. 2006-58 authorizing application for Water Trust Board Grant for the Alamogordo Regional Water Supply Project.

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

OTHER BUSINESS:

13. Investment Report for the quarter ended June 30, 2006, in accordance with the City of Alamogordo Investment Ordinance.

Recommendation: Accept the report.

14. Consider award of RFP No. 2006-004 for Engineering Design Services for South Florida Avenue Reconstruction Phase 2.

Recommendation: Award RFP No. 2006-004 to Souder Miller & Associates.

17. Statement regarding the Executive Session of July 25, 2006.

Recommendation: Approve the statement.

Commissioner Ledford made a motion to approve items 2, 4, 5, 9, 10, 11, 12, 13, 14, and 17 of the consent calendar. Commissioner Brockett seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried by a vote of 7-0-0.

CONTRACTS AND AGREEMENTS:

6. Approval of Subordination agreement of City position on Sunbaked Biscuits Inc. building on La Velle Rd.

Recommendation: Approve the Subordination agreement.

City Manager Pat McCourt explained that this item is part of the economic development program that the City has in place with respect to Sunbaked Biscuits. It is a positive item in that they have been moving along at a much more rapid pace than anticipated when the agreement was entered into, being currently about four months ahead of schedule. SBI moved into the old Presto building, and it has been converted into a bakery. The first oven is in operation, and is now undergoing quality assurance checks. They are ready to start the production of and sale of cookies.

When the City entered into this agreement, there was additional assurance for the City in the form of a first mortgage on the building and the land under the building. Because Sunbaked Biscuits is ahead of schedule and producing many more jobs than anticipated, they find themselves in need of a line of credit in order to buy materials for which there will be about a 45 to 50-day time lag before they receive their money back from the cookie sales. They have worked with a local lending institution to secure a line of credit, but the institution is also looking for security for their loan as would be expected. They have asked that the City take a second behind Sunbaked Biscuits on the line of credit.

The SBI building itself is estimated to have a value of approximately \$11 million, and the maximum amount that the City would put out is \$3 million. In addition, some of that \$3 million has already been paid back through the jobs that have been established. The maximum line of credit that the company is willing to sign on to at this time is \$2 million. Overall, the City would be looking at \$5 million of debt secured by \$11.5 million of property. Even though the City is moving into a second position, City Manager McCourt feels there is adequate coverage for protection of the taxpayer's money. There are a few details that need to be worked out for the actual subordination agreement, and he asked that the attorneys be allowed to finish the wordsmithing on that.

Mayor Carroll's recommendation is to approve this item.

Chris Roberts, CEO of Sunbaked Biscuits, reported that they are indeed about four months ahead of schedule, and they have reached and achieved many goals faster than they ever thought would have been possible. He commented that it is directly related to the citizens of Alamogordo who have put in hard work and long hours in the achievement of those goals.

Sunbaked Biscuits has completed 90% of the scheduled renovations, and the only remaining items include interior liner panel that has to go up and the painting of the exterior. To date, more than 67 individuals are employed, and they are scheduled to hire another 10 next week. Of the 67, only 3 have been brought in from out of the state, and they have been brought in to help with training and start up. Mr. Roberts reiterated that line one is up and operational, and over the last few weeks samples have been run, which has provided a great opportunity to train the workforce.

The samples have been provided to the brokers who have in turn presented them to potential buyers. The potential buyers have placed the product into their process to ensure quality and download the information necessary for barcode scanning. They have had positive feedback on both the pricing and quality of the product so they are very optimistic.

To date, the gross payroll of Sunbaked Biscuits has totaled \$838,000, and under their contract with the City this is equivalent to creating approximately 45 jobs. Initially, the projections in the contract called for the creation of the equivalent of about 20 jobs. To capitalize Sunbaked Biscuits, the owners initially invested \$7.9 million in equipment for the project. Additionally, Sunbaked Biscuits has expended over \$2.3 million on the renovation of the facility, which includes the \$1.5 million that

has been provided by the City under that contract. Of the \$2.3 million, 85% was spent within Alamogordo via local suppliers and contractors and distribution in wages to the community. The owners have also expended another \$1.7 million in additional equipment that was necessary to make the facility state-of-the-art, which mostly consists of packaging equipment.

A lot of the citizens of Alamogordo have invested a lot of time and effort as well as the City in subordinating the interest to allow them to have a line of credit, which will untie their hands and allow them to have some operating capital since they have sped up the process of getting the facility up and running and into production, which will in turn provide more jobs for the community.

Commissioner Cole asked Mr. Roberts to introduce his father, Dave Roberts, whose corporation is the co-owner of Sunbaked Biscuits. He also introduced the CFO, Mr. Timothy Whitehead. Mr. Roberts invited the community to come to the facility, taste test the cookies, and see how they are manufactured on an industrial scale.

Commissioner Ledford said that he has followed Sunbaked Biscuits pretty closely, and the fact that they have met every requirement, been ahead of schedule and done everything and more that the City has asked is a great thing. His recommendation is to continue the City's support of Sunbaked Biscuits by proceeding with this.

Commissioner Ledford made a motion to approve the subordination agreement subject to the approval of City attorney and the attorney of the lending institution. Commissioner Moncada seconded the motion. A vote was taken, and all voted "aye." The motion carried by a vote of 7-0-0.

7. Approval of two – one-year contract extensions for professional services with G & L Golf, Inc.

Recommendation: Approve year two and year three of the one-year contract extensions.

City Manager McCourt explained that the City went out on RFP five years ago to secure management of the Pro Shop and the golf course operations. G & L was the successful bidder at that time, and the contract did provide for three one-year extensions, one of which has been exercised. Renovation of the clubhouse has been taking place for the last year or so, and through that process G & L has asked that both one-year additional options be exercised at this time in order to give them a two-year timeframe in which to move forward with moving into the new clubhouse and completing the business. It is in line with their current contract, and staff does support it.

Mayor Pro-Tem Griggs made a motion to approve the extension. Commissioner Cole seconded the motion. A vote was taken and all voted "aye." The motion carried by a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

8. Consider Resolution No. 2006-52 adopting an Infrastructure Capital Improvement Plan (ICIP) for FY 2008.

Recommendation: Approve the resolution.

Mayor Carroll explained that he requested that this Item be removed from the Consent Calendar in order to allow for a little further discussion and deliberation with regards to it. Staff has recommended what they consider to be the top twelve projects that might be submitted for a capital improvement plan. Within those twelve the State DFA wants the City to pick the top five. In looking at the list, Mayor Carroll said that he suspects that his top five would not necessarily agree with staff's recommendations for the top five. He also suspects that some of the other Commissioners may have some other differences.

City Manager McCourt stated that staff would support the idea of not taking action on this at the current meeting, but stated that they would request that a special meeting be scheduled to address it. Staff doesn't really understand why DFA has asked that they prioritize as far as the top five. City Manager McCourt stated that as he was sure the Commission would remember that the capital improvement list is probably 50 pages long with many, many projects on it. Many of them come with dedicated funding sources so from an administrative standpoint, the prioritization doesn't make sense to them. It is, however, a State requirement.

Mayor Carroll asked that City Manager McCourt propose some dates for the meeting. The City Clerk will coordinate the scheduling of a special meeting. Commissioner Cole asked why the five couldn't be selected from the list that the Commission had approved last year. Mayor Carroll pointed out that some of the items on the top-five list last year aren't on the list anymore. One was the extension of South Florida, and funding has been secured for that project from State and local money.

Mayor Pro-Tem Griggs asked if the City has issued an RFP for asphalt. City Manager McCourt said they did and they received back two quotes that were about 30% higher than the previous price. It is being prepared for the consideration of the Commission, but staff has also been looking at strategies to reduce the cost and stretch that budget. Mayor Pro-Tem Griggs suggested that the bid information be brought to the special meeting as it will impact the cost of the road projects.

Commissioner Brockett made a motion to table this resolution. Mayor Pro-Tem Griggs seconded the motion. A vote was taken, and all voted "aye." The motion carried by a vote of 7-0-0.

OTHER BUSINESS:

15. Consider approval of the agreement for the Disaster Assistance grant from the State of New Mexico.

Recommendation: Approve the agreement.

Mayor Don Carroll explained that this item was pulled from the Consent Calendar in order to give the public some idea of what is available.

City Manager McCourt stated that at the last meeting a budget amendment was presented to the Commission, which envisioned the City receiving approximately \$700,000 from the State of New Mexico to assist Alamogordo with disaster relief in bringing the public infrastructure back to its previous condition. He went on to say that they were pleasantly surprised when they received the proposed agreement from the State in which they have agreed so far to put in \$1,101,000 of State money. The City does have to match that 25% with locally generated dollars. Bringing the infrastructure back to a higher level can be considered, but the State would not participate in that part of the activity. It would have to be done with 100% local dollars.

Commissioner Cole asked that an explanation be given for the benefit of those attending the meeting of what the \$1.1 million is. City Manager McCourt explained that the Commissioners have been given a breakdown of a series of projects that are numbered Public Works 4001 through 4008, which is an estimate on the cost of bringing the infrastructure back to its pre-flood condition. The total to do that is estimated to be \$1,468,575 of which 25% has to come from strictly local money. The State has told the City that if when they actually go out to do the repairs and get the contracts and it turns out to be higher than estimated, the State would be amenable to increasing their share of the money.

The City is prohibited under the New Mexico Constitution from using public moneys to assist private individuals, but the City is continuing to work through the Governor's office and the State FEMA office to get help for private citizens from the federal arena. A request has been forwarded, and what the City has been told is that there has not been enough public damage to qualify for assistance. However, they do believe that the private damage may qualify. If that is approved at the national level, it would free up various programs for private individuals to be able to participate in. He said

that they checked on the status of that last Friday, and they have been told that it is in Washington at this point and a committee is reviewing it. That is a two to three-week process normally depending on what other work loads come into them. He anticipates that it will be at least a couple more weeks before they hear anything, which will come through the Governor's office. The federal delegation has also been contacted and asked to look at it and see if they could provide any assistance in getting approval. Mayor Carroll said that it is his understanding that the delegation has contacted FEMA and urged them to give a positive response to the request.

Maryellen Agnew addressed the Commission. She lives at 3006 Abbott and said that she was flooded a second time on Sunday afternoon when the rains came. It is devastating to be without a home and to have to depend on others. They have seen the workers clean out the alley and do some digging in the ditch, but she wanted to know if anyone had gone back to see how deep they had dug the ditch. It is loose gravel, and she wanted to know if they could dig a little deeper into the rock so that when the water comes it won't go flowing out all over the place. She said they are ready to start rebuilding their homes, but asked how they can do that when the ditches will likely overflow again. She said all they are asking is that the ditches be dug deep enough and well enough so that when they rebuild their homes, they don't go through this tragedy again.

Commissioner Cole made a motion to approve the disaster assistance grant agreement with the state. Commissioner Brockett seconded the motion. A vote was taken, and all voted "aye." The motion carried by a vote of 7-0-0.

16. Voting delegate and alternate delegate for the New Mexico Municipal League Annual Conference Business Meeting being held August 30 through September 1, 2006 in Taos, NM.

Recommendation: Select a voting delegate and alternate.

Commissioner Marion Ledford made a motion to approve Mayor Don Carroll as the delegate and Mayor Pro-tem Ron Griggs as the alternate. Commissioner Steve Brockett seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

18. Appointments to Boards and Committees.

There is a vacancy on the Disability Council, and Mayor Carroll said that he has been notified that there is a potential vacancy on the Promotion Board from the lodging industry. One of the members is no longer a resident of Alamogordo, and in addition, one of the members of the Parks and Recreation Board has moved from the area. Letters will be sent to both of the individuals indicating that they have missed several meetings and that if in fact they do not respond to the letter the assumption will be made that they are no longer interested in being on those Boards and other individuals will be appointed to those positions. The vacancy on the Promotion Board is reserved by Statute for a representative of the hotel/motel industry, but the Parks and Recreation Board is something that would be open to anyone. Mayor Carroll asked that if anyone is interested in serving in those positions that they notify the City Clerk.

UNSCHEDULED COMMUNICATIONS:

- A. Flood Issues

Sam Powell, who lives at 3102 Abbott Avenue, addressed the Commission. He stated that he had been asked to address the Commission not only for himself but on behalf of some of his neighbors. As he had not had a chance to confer with them, he asked that they be allowed to speak on their own behalf. There were about 20 individuals present at the meeting who were from Abbott Avenue and the surrounding area.

Mr. Powell asked that the Commission ask the City to please provide them with one dump truck, one road grader and one altering vehicle with a bucket to perhaps widen the lower arroyo that is behind their homes between Abbott and the Dessert Foothills Park. In the last three months, they have been flooded three times. It is still monsoon season, and so they anticipate that the burm will be breached again if the problem is not addressed. He credited the City with responding very quickly each time they have flooded. He explained that the current situation is that there is a burm that has been put in place from the debris that has washed down the arroyo. The City has come out, and each time it has flooded, they have stacked it a little higher. The first time it was maybe five feet, then maybe ten feet, and now it is very high and in some places up to 10 to 20 feet high and very thick. However, as Ms. Agnew pointed out it is loose aggregate, and it washes away very quickly in the swiftness of the water that comes down from the Canyon as was evidenced this past Sunday.

Mr. Powell didn't know what the City might do to address the problem long-term, but short-term because most of the walls that protected their properties and houses from flood damage from the arroyos were knocked down by the flood on June 22nd, they haven't had a chance yet to build them up. The alleyway is now two to three feet higher than it was prior to the floods so that for many of the properties on Abbott, the alley is higher than the grade of the owners' homes. Most of the time when it rains the alleyway fills up, the levy breaches, the water hits the alley, and it runs right into their properties because there is no wall to stop it. If the City could bring the alley road back down to grade so it would be lower like it used to be, it would protect their properties. The burm still breaches in a 30-minute flood. He thanked the Commission for allowing him to speak.

Mayor Carroll said that the long-term solution is one that they are going to have to wrestle with, but he asked City Manager McCourt to provide some insight on what may be done as a short-term solution.

City Manager McCourt said that he has been working with the Public Works Director, and they are looking at deepening and trying to move the channel to the South. Water has a tendency to go where it wants to go, but they are certainly willing to try to address the problem. They are concerned about deepening the channel because the whole area is loose aggregate. The houses are even built on loose aggregate, and they are concerned about the exact affects they are seeing with the rapid erosion. They have seen it further downstream where the channel has been cut down to close to 20 feet. They are concerned about the collapse of the banks either from the top edges or slumping in. He said they are in the process of contacting some contractors with the heavier equipment, and they are looking at widening it, deepening it, and attempting to move it. They are collecting prices to bring in heavier equipment than what the City has.

City Manager McCourt will be meeting with Mr. Miramontes to see what can be done about the slope. It doesn't sound like the problem is insurmountable especially if they are able to move the ditch to the south.

Mr. Powell said that when he got back two days after the flood on June 22nd he only saw heavy equipment there for three or four days, and now a month or so has passed and he hasn't seen any heavy equipment come back to do anything. Sunday there were two bulldozers there, and just one of those could do a lot to get rid of some of that stuff.

Nadine Manker, who lives at 3204 Abbott Avenue addressed the Commission. She suggested that perhaps they could use concrete barriers like are used in the highway to line the edge of the alley or the rock boxes could be stacked up and tied together in an attempt to keep the water in the arroyo.

David Agnew, who lives at 3006 Abbott Avenue, addressed the Commission. He asked for clarification on why making the ditch deeper wouldn't help. City Manager McCourt reiterated their concerns. He pointed out that the arroyo and alley have to be lower than their property lines to get the water to flow where it should. He suggested that they have engineers look at the problems.

Marcy Swain, who lives at 601 Sundial addressed the Counsel and asked if any of the \$1.1 million is appropriated for the arroyo that is going behind Abbott. City Manager McCourt said that some of it has already been used and will be used for the contractors that were hired to come in and clean the arroyo. It is money that can be used to repair public infrastructure. On a large section of 10th Street the asphalt was removed, and there was mud and debris all over around Scenic Avenue as well as Canyon Road. City Manager McCourt reiterated how the money from the State can be utilized.

Mr. Agnew said that he luckily had flood insurance and will be able to rebuild, but what is the point of rebuilding if it just going to get flooded out again. He has X number of days to rebuild, and if he uses it judiciously, he can get more from the flood insurance. He asked what the timeframe would be because he can't see spending \$6,000 to put a wall in if it is just going to be breached again by a flood. They are inclined to build the wall first, but he really needs to know the timeframe of when the arroyo will be fixed.

City Manager McCourt said that the reality is they can't produce a system that is fool proof. What they try to do and what they have tried to do in the City is build a system that will handle the floodwaters 99% of the time. He also said that as the Commission is aware they are required to follow certain purchasing guidelines under the State law. They can't just go out and hire a contractor to do it. They have to get quotes, and that will be done as quickly as possible.

The City will do the short-term fix as expeditiously as possible. City Manager McCourt explained that the long-term plan to address this area is the project they have been working on with the Corps of Engineers. It has been proceeding from the West side of the City towards the East. The first part of that project is called the South Channel, which is what they are currently working on with the Corps of Engineers. The project has reached the Mountain View Middle School where there is a large basin. The next phase is to build a channel from the Mountain View Middle School up to the mouth of Marble Canyon where there is a large settlement basin that is designed to capture the debris that comes out of Marble Canyon. It is designed to handle the 100-year flood event. The water is planned to then be diverted as it comes out of Marble Canyon down the channel to where the large detention basin is near the Mountain View Middle School. It then continues on a channel westward past La Velle Road where it fans out in the natural flow path. The detention basin is so that it doesn't have an accelerated rate to reach that point. That will provide a much higher level of protection than is currently available in that area. It also has an overflow component for larger storms that will take water out of the settlement basin and flow it down the ditch. He talked to the Corps of Engineers on Friday, and they have planned to award that in September of this year with the construction timeline being 18 months from the time of award to completion. However, the final property hasn't been acquired, which may delay the award of the contract until such time as it is acquired. The short-term phase will hopefully be done in two weeks.

George Manker, who lives at 3204 Abbott Avenue said that he has been a resident on Abbott for 12+ years, and he thanked the City Commissioners, Manager, Engineers, Supervisors and primarily the equipment operators for the work that has been done because everybody has put extra time in. He also mentioned that the mistake was made years and years ago by a different Commission when they approved the development of that area. They made a mistake, and the residents are suffering for that and will be for a long time.

David Agnew said that he would feel comfortable if he could just stand in the arroyo and see that it is lower than his property and the alley as well. That is what he means by making progress. He would like to see some progress made on that.

Mayor Carroll assured him that they would do as much as they can as fast as they can to provide short-term relief while they are looking toward the long-term solution. Ms. Agnew reminded the Commission that there is a very large water line that runs across the arroyo that was put in a few years ago. They can't go deeper than that pipeline. City Manager McCourt said there are actually two pipelines, but they have discussed lowering them in order to lower the ditch.

Commissioner Moncada asked if it would be possible for the City to first work on the alley so that the water doesn't run into the houses. Mr. Miramontes said there is not enough drop from the alley into the current channel, and that would just channel more water into the properties. The channel needs to be deepened before they can work on the alley.

Commissioner Cole said on Sunday when the earthen dam was breached as he was observing it, there was the earthen dam and when the water reached it, because the alley is higher it did run into their homes. At the moment it is breached, the water goes into the homes.

Mr. Miramontes explained that it is sloping into the property, and there are limitations on what they can do with the alley because of gas lines, telephone cables and other lines. Mayor Carroll pointed out that what the residents want to know is that the City will do all that it can, and that will happen.

Gene Canard, who lives at 3008 Abbott Avenue addressed the Commission and said that it is his feeling that there is something going on other than just the amount of water that fell at this particular time. He thinks the Canyon needs to be looked at particularly in regard to a bridge that was built there. It's not as deep as it was and he feels that if it is made deeper, that would fix the problem.

Brian Swain, who lives at 601 Sundial Avenue, addressed the Commission and said that the water had no banks as it ran. It has no place to go when the arroyo is filled with aggregate and rock.

Mayor Carroll said that the City Manager has taken some notes and it is their intention to lower the ditch. Sam Powell thanked the Commission.

Wayne Walker, who resides at 504 Sundown Ave. addressed the Commission. He said they did suffer a bit. Their back alley is as high as their back yard, and during a normal rain they still get water that comes into the backyard because the alley is always higher. It would be nice if they could get a grader down there.

Commissioner Cole asked about the walls that are missing on Abbott. It is the City policy to issue a permit for \$35, but he said that almost all of the residents will have to put up block walls. He asked if the City Manager could look into giving relief such that the families can put up their block walls without going through the permitting process or a rebate process. Several of them are putting up their own walls on the old foundation, and if the foundation has been eroded, they are replacing it.

Mayor Carroll pointed out that the permit fees are not just to create revenue. It is also to make sure that the walls are built according to regulations, but the staff can look into that.

Lawrence Manker asked why they have to get permits if the walls are replacement walls and not new ones. Mayor Carroll reiterated the rationale of trying to keep the walls built to code.

Mayor Pro-Tem Griggs said he does feel that they should be required to get the permits initially, but if there is a way to wave the fees for permits of any sort on the homes where the sewer charges have been waved he would support that. That is a way the City could help. City Manager McCourt said that City Attorney Brogan is looking into that.

Commissioner Lujan asked how deep the nearest utility line or wire is in the alley. Mr. Miramontes did not know. Typically, it is around 30 inches, but there are some in that alley that just are on top of the ground. Commissioner Lujan asked how many inches higher it is than the back yards. A conversation was held off microphone regarding how deep utility lines are. Commissioner Lujan asked Mr. Miramontes to look into it to see if they can slope it away from the property.

B. Commissioner Brockett

Commissioner Brockett expressed his appreciation for the comments. He appreciates that they are moving as quickly as they can.

C. City Manager Pat McCourt

City Manager McCourt reported on the water supply, and said that Alamogordo is on track with the projections for the summer. Bonito Lake has come up five feet in the last few days, and today it is 20 feet below the spillway.

City Manager McCourt did also report considerable flooding at Canyon Road where the future ditch will cross it to go into the detention basin at the Mountain View Middle School. They have talked with the Corps of Engineers about short-term solutions for that, and they came back to the City with a half-a-million-dollar price tag for solutions that they could get done in about two months. Then they would essentially remove them all when they start the next phase of the project. They didn't feel that would be in the City's best interest so they decided not to proceed. Staff is working on some solutions themselves, and the Corps also presented a proposal to build a wall on the diagonal channel that goes from the bowling alley across to the main drainage ditch. They wanted about \$100,000 to build a wall to raise the level of the western Dike two feet. City Manager reported that they told the Corps no on that because Mr. Miramontes and his crew had already gone out and raised the level of the dike about two feet with the public works crews and dredged soil up from the ditch to raise the level. The whole channel will eventually be abandoned.

City Manager McCourt had another gentleman come and talk to him about concerns he has about obstructions to drainage that are happening in the county that he feels are increasing the flows of water that eventually arrive within the City in the existing drainage patterns. He wanted to know if the City would be interested in filing a suit against those private property owners out in the County to compel them to change the drainage back to what he feels are the original flow patterns. He did indicate that he had talked to the County, and the County has indicated that they are working with the property owner to try and get those patterns re-established. City Manager McCourt has not talked to the County about where they are with that particular item.

City Manager McCourt will be on vacation August 17, 18 and 21st. Assistant City Manager Matt McNeile will be in charge.

D. Mayor Don Carroll

Mayor Carroll reported that the New Mexico Municipal League annual conference is coming up at the end of the month. He said that if the Commissioners' plans to attend the conference change, they need to let the Clerk know in order to meet the cancellation deadlines. There are timely issues on the agenda. He will be moderating a panel with City Manager, DPS Director, and others to address the flooding that happened. Alamogordo is certainly not the only City that experienced it, just the first.

Commissioner Brockett made a motion to go into Executive Session at 9:12 p.m. to discuss limited personnel matters. Mayor Pro-Tem Griggs seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried by a vote of 7-0-0.

EXECUTIVE SESSION: Adjourn into Executive Session to discuss threatened or pending litigation, and purchase, acquisition or disposal of real property.

/s/Donald E. Carroll

(SEAL)

Mayor Donald E. Carroll

ATTEST:

/s/Renee Cantin

City Clerk Reneé Cantin

(Prepared by Ubiquis Reporting)

Approved at regular meeting held on August 22, 2006.