

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

Mayor Don Carroll called the meeting to order at 7:30 p.m., and Mayor Pro-Tem Ron Griggs was absent. The Invocation was given by Pastor Bill Heithold followed by the posting of the colors by the Alamogordo High School Air Force Junior ROTC. The Pledge of Allegiance was led by Commissioner Steve Brockett.

**PRESENTATIONS:**

1. A special thank you to the City Commission for their support from Dave Plotner, International Police Instructor who just returned from the Middle East in Jordan on October 18<sup>th</sup>.

Mr. Dave Plotner explained that he has just returned from 31.5 months in the Middle East where he was involved in training Iraqi police cadets at what is now the biggest police-training academy in the world. The Academy will be closing next month at which time all of the training will take place in Iraq. The Iraqi training mission involves police officers from 19 countries who are training the Iraqi police cadets, and it is very popular to trade pins. In an effort to promote tourism in Alamogordo, Mr. Plotner had sent a letter to the City Commission in June of 2004 requesting City pins, and the Commission had approved 300 pins and had given them to Mr. Plotner's wife who in turn brought them to Jordan. Mr. Plotner brought with him the pins that he had traded the Alamogordo pins for, and he also brought a flag from Jordan on which were the signatures of instructors from the 19 different countries.

Cadets are brought to the Academy in groups 1,400 to 1,600 individuals. They begin with classroom training in which they learn crime scene investigation, domestic violence and democratic policing, and then the last four weeks take place in operational policing where they receive field training in police survival, temporary check points, permanent check points, vehicle search, firearms training, defensive tactics training and field and building searches. There are approximately 2,600 to 3,000 cadets on the ground at one time. The instructors were from America, Great Britain, Sweden, Slovenia, Slovakia, Singapore, Poland, Jordan, Iraq, Hungary, Finland, Estonia, the Chek Republic, Croatia, Canada, Belgium, Austria and Australia.

Mr. Plotner showed a video of the training and went on to explain that the portion of the Academy that he worked in was outside, and when they got rain, they would work under very large tents. The temperatures in Jordan in the winter are very mild, but in the summer the temperature is up to 140 degrees. The cadets are trained in the use AK-47 and Glock 9 mm firearms. Mr. Plotner expressed his appreciation for the Commission's support in sending the pins, and he said he knows that two police officers from Great Britain and one from Austria have already been to Alamogordo. At least two other officers and their families from Great Britain and at least six from Canada will be coming through Alamogordo in the next year or two.

On behalf of the City of Alamogordo, Mayor Carroll thanked Mr. Plotner for being a great ambassador for the community and also thanked him for his service to the country. Mayor Carroll presented a photo to Mr. Plotner of the hats that he had sent back for the DPS Department.

Mayor Carroll announced that Ms. Renee Cantin has recently earned the designation of Certified Municipal Clerk, which is awarded by the International Institute of Municipal Clerks. It is granted only to those clerks who complete demanding educational requirements and who have a record of significant contributions to the local government, their community, and their state. Mayor congratulated Ms. Cantin on her achievement.

Mayor Carroll also announced the accreditation of the Alamogordo Department of Public Safety as of Friday, November 3<sup>rd</sup> when the New Mexico Police Chief's Executive Board met to review the final report on the department for state accreditation and unanimously voted for approval. They found DPS to be a fine, professional organization complying with and in accord with the applicable standards of the New Mexico Municipal Law Enforcement Professional Standards Council. Mayor Carroll and City Manager McCourt will be accepting an award at the Annual Law Enforcement Conference in December. Mayor Carroll congratulated Chief Trujillo and everyone in the Department of Public Safety who had a hand in going through the accreditation process.

### **PUBLIC HEARINGS:**

2. Public hearing to consider a temporary structure special permit for Jack Key Motor Company [Case SP-2006-0114(A), 3199 N. White Sands Boulevard].

*Recommendation:* Approve the special permit for November 14 through November 20, 2006, with the finding that it will not be detrimental to surrounding properties.

There was no public comment.

**Commissioner Cole made a motion to approve the special permit for November 14 through November 20, 2006 with the finding that it will not be detrimental to surrounding properties. Commissioner Lujan seconded the motion. A vote was taken, and the motion carried by a vote of 6-0-0.**

### **CALL OF THE CONSENT CALENDAR:**

#### **MINUTES:**

3. Minutes of October 24, 2006 Regular Meeting.

*Recommendation:* Approve the minutes.

### **CONTRACTS AND AGREEMENTS:**

4. Acceptance of a contract agreement with the Otero County Economic Development Council (OCEDC); for marketing expenses.

*Recommendation:* Approve the agreement.

5. Acceptance of a contract agreement with the Otero County Economic Development Council (OCEDC); for a yearly contribution to OCEDC for operating expenses.

*Recommendation:* Approve the agreement.

6. Approval of an amendment to the agreement with Alamogordo Chamber of Commerce for professional services.

*Recommendation:* Approve the amendment to the agreement.

7. Approval of airport land leases and commercial permit for Area E4-D, and Area W2-B by Ed's Flying Service, Inc. (Edward J. Pavelka).

*Recommendation:* Approve the leases and commercial permit.

#### **ORDINANCES AND RESOLUTIONS:**

8. Consider Ordinance No. 1282 adopting the 2006 amendments to the Uniform Traffic Ordinance.

*Recommendation:* Approve the ordinance for final publication. [Roll Call Vote Required]

#### **OTHER BUSINESS:**

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

*Recommendation:* Accept the report.

11. Consider award of Public Works Bid No. 2006-012, West Side Water Lines.

*Recommendation:* Award the bid to General Hydronics, Inc. in the amount of \$1,448,727.10, including NMGRT.

12. Consider award of City IFB No. 2006-15, Hot Mix for Cutler Project FY07.

*Recommendation:* Award the bid to Mesa Verde Enterprises, Inc. in the amount of \$344,790.03, including of NMGRT.

16. Incorporation into the minutes of the Governing Body the final approval by the NM Department of Finance and Administration of the City's final budget for the 2006-2007 Fiscal Year.

*Recommendation:* Approve the incorporation into the minutes.

17. Statement regarding the Executive Session of October 24, 2006.

*Recommendation:* Approve the statement.

**Commissioner Ledford made a motion to approve items # 3, 4, 5, 6, 7, 8, 10, 11, 12, 16, & 17 of the consent calendar. Commissioner Lujan seconded the motion. A roll call vote was taken, and the motion carried by a vote of 6-0-0.**

#### **ORDINANCES AND RESOLUTIONS:**

9. Consider Ordinance No. 1286 approving the lease of real property and improvements to the Tularosa Basin Historical Society.

*Recommendation:* Approve the ordinance for first publication.

Mayor Carroll explained the changes that have been made to the Ordinance, which make it more definitive. This was funding that was requested and approved at the last legislative session to fund the purchase of the old plaza complex by the Tularosa Basin Historical Society for use as a museum. The anti-donation clause of the State constitution precludes the State from giving the property to a non-profit organization. The City agreed to be an intermediary and will actually receive the funding from the State. The City will own the building and property and will enter into an agreement with the Historical Society to operate and maintain a museum on that site for the benefit of the citizens of Alamogordo and Otero County.

**Commissioner Brockett made a motion to approve the first publication of Ordinance No. 1286. Commissioner Lujan seconded the motion. A vote was taken, and the motion carried with a vote of 6-0-0.**

13. Request from the Otero Association of REALTORS to allow public access of zoning map information.

*Recommendation:* Susan Phillips, president of the Otero Association of Realtors, requests a status report regarding the Community Development Department's efforts to improve access, including electronic access, to the City's zoning map and parcel specific zoning information.

City Manager McCourt explained that Mr. Alterson had prepared a staff report on the current status, and was available to speak.

Mr. Bill Schimmer, president elect for the Otero County Association of Realtors, explained that the Association represents approximately 400 people comprised of 190 realtors, 25 appraisers, 23 affiliate members and their employees all of whom have an interest in real estate including zoning. They would like zoning access implemented so that the public, appraisers, realtors and others may easily obtain the zoning for any given address. It has come to their attention that zoning information is available in most other municipalities in New Mexico simply by addressing a website, making a phone call, viewing a map or looking in a file in the zoning office. It is their understanding that the map is in process and a computer program for the database was purchased at some time in the past, and they also noted that the assessor has a field available for zoning. It seems that there ought to be a way for zoning and other information to be shared between City zoning and the assessor's office. Realtors and appraisers use the assessor's records for many pieces of information such as the year built, square footage, number of rooms, bedrooms and bathrooms, and whether the property is considered a site-built home or a mobile home. Zoning would be a welcome addition.

Mr. Schimmer introduced Debbie Alton, a realtor and broker associate with Affinity Real Estate. She loves to be in real estate in Alamogordo, and one of the greatest things she likes to tell out-of-town prospects and new City residents is how spoiled the citizens are to live in such an awesome community. Ms. Alton makes contacts with numerous out-of-town prospects every month, and Alamogordo is no longer a well-kept secret. People from all over the United States have discovered it.

Ms. Alton explained that she had recently received inquiries from two out-of-town customers from California. They arrived in Alamogordo the last week of March 2006, and after looking at many different homes in the Alamogordo area, they found a property on 19<sup>th</sup> Street and Cuba that the seller had owned since 1980, which was perfect for them. They put it on contract immediately, and it consisted of two homes on one lot built approximately in the 1950s. The appraisal was ordered on April 22<sup>nd</sup> and the property was due to close at the end of April. Southwest Appraisal called Ms. Alton a few days later to inform her that there was a problem in determining the zoning compliance for the property. The appraiser left the zoning compliance undetermined on the official appraisal, but he made notes concerning it on the addendum. When they spoke on the phone, it was suggested that they obtain a certificate of zoning for the property. The lender phoned Ms. Alton next to inform her

that the underwriter denied the loan because of the undetermined compliance with zoning and suggested that the loan package be taken to another lender locally who might not be as concerned about the zoning because the loan would be kept in house.

At this point, the buy is financially obligated to pay for an appraisal, a home inspection, and many other loan-related fees and is yet unable to close on the property. The seller had also already replaced a roof on one of the homes and was financially responsible for the repair intending to pay the roofer at closing. Unbelievably, the buyers still wanted to buy the property as long as they could determine that the zoning is not illegal, and they turned to the realtors for help and guidance. Their first encounter with City Planning and Zoning was not as helpful as they would have hoped. The present procedure to request a certificate of zoning requires a written request with a fee of \$50, and there may be a response in 30 to 45 days.

The zoning was eventually worked out, and after several extensions the sale closed on July 17<sup>th</sup>, 2006. This required much extensive research by the seller, the original owner, both listing and selling agents and patient third parties waiting for payments. Ms. Alton feels that zoning information should be easier to obtain in a much more timely manner, and as a director with the Otero County Board of Realtors she assured the City of their support in accomplishing this.

Mr. John Barber then addressed the Commission, and he explained that about 15 years he had purchased a zoning map from the City of Alamogordo, which he has attempted to update and so he does have access to the zoning information. However, he feels that others should have access to the information as well. He explained that it is very difficult to get zoning information in Alamogordo whereas many of the little towns around Alamogordo can give him zoning information over the phone within five minutes. The information over the phone, however, doesn't hold up well in court. Many other surrounding cities also offer zoning maps, and even if the City charged \$250 he would be willing to pay for it to have the zoning maps. He wanted the City Commission to be aware of the seriousness of the problem.

Mr. Jerry Rooney addressed the Commission and reminded them that he has appeared before them about four times on the issue of zoning. He explained that one of the duties of a real estate agent is due diligence and providing information to potential buyers so that they get what they pay for. It should not be difficult to get zoning information, and that information should be based on legal address rather than street address. In today's world of technology, it is not very difficult to compile the necessary information. The idea of having to write a check for \$50 and then having to wait for anywhere up to six weeks is ridiculous. The City of Alamogordo benefits from the real estate business, and the information should be almost free. It is his understanding that Planning and Zoning has purchased the necessary computer program but that they simply don't have the wherewithal to implement it. He asked that the Commission see what can be done to resolve the matter.

Mr. Bill Schimmer addressed the Council and again went over the current process for obtaining zoning information. He said that about a year ago he requested a copy of the City map. The map that he was provided had many layers that could be added or removed depending on what was required, and to add zoning would be of great benefit. He said that he realizes that there are variances and permits that have allowed changes to zoning, and an index by property address of the known variances and permits would be a starting point. They understand that the project may put a burden on the employees of the zoning department, and he offered services in whatever way they can be used. They are willing to help however they are needed. He stated that they would like to see a motion to give Arthur Alterson the strong backing of the Commission, a priority ranking, and the support that is needed to accomplish the goal in an acceptable time frame. Their goal is for the public, realtors, appraisers and others to get information on zoning for specific property addresses quickly from a website or other means, and when a certificate is required to have the minimum charge for the service.

City Manager McCourt said that the Commission has approved money into the budget to get the layer constructed within the GIS system.

Mr. Alterson explained that the Community Development Department has very strenuously been working on getting the zoning layer into the City's geographic information system. Staff has had to go back to data from 1950 when the Zoning Ordinance was originated to make sure that no parcel is ignored in terms of rezoning action to come up with the most accurate map possible. It is their intention to have a draft of a paper map to bring to a public hearing before the Planning and Zoning Commission and then bring to the Commission for approval in December 2006 to then have an adopted zoning map. It is a painstaking search for information, and he apologized for the delay as he fully agrees with all of the comments that have been made as to its necessity.

City McCourt said they are looking at making the information available through the City website. The website information would not likely be ready in December, but that will be the next step.

Mayor Carroll asked what could be done in the interim to speed up the process of verifying zoning. Mr. Alterson said they would work out a program where the zoning should be clear so that an answer could be received in a matter of a couple of days.

Commissioner Ledford asked if Mr. Alterson has met with the realtors, and he then asked the realtors if they are here because they have not been happy with what he has said. Mr. Schimmer said they wanted to know what was happening, whether the Commission supported it, and whether it would address the problems down the road.

Mr. Schimmer said that a couple of years ago they moved towards a new program to control their MLS database, but they did not interface with the tax records at that time because of cost. They will be looking at that again in the future, and everything that is on the assessor's tax records could be input into the MLS, which would save the realtors the problems of wrong tax amounts and other things. Perhaps zoning should be involved in that as well.

Commissioner Cole asked what the amount was that had been approved in the budget to address this issue. Mayor Carroll did not have the amount, but he said he felt the problem is not that there are insufficient funds but that it takes time to get it done. Commissioner Cole asked that City Manager McCourt provide them with that number.

Commissioner Brockett expressed their support for the project and asked that the Otero Association of REALTORS stay on top of it and ensure that it is getting done. Mr. Schimmer suggested that a deadline be established, but they will proceed as planned and after getting to the point in December when the map is done perhaps they can see what a reasonable timeframe is for proceeding to the next step.

14. Rudy & Maria Somers, utility bill request.

*Recommendation:* Deny the request.

Mr. Rudy Somers explained that they have been in Alamogordo for 12 years, and they live in Alamogordo because they love it. Since June 1st they have been working in El Paso, but they still live in Alamogordo and are usually there one or two days a week. Recently, when they got home, their water was shut off, and he called the utility department who said it was an emergency shut-off because water was running. Mr. Somers said he checked everything, and there was no water running. Inspector Guzman came to their home, and together they checked for leaks again and found none. Since traveling to El Paso, they routinely turn off the water softener, the air conditioner lines and the toilet lines off before they leave, but the only thing they haven't done has been to turn off the main line.

After receiving the bill, he went to the Utility Department to speak with them, but he had not filed a report with the Department of Public Safety at that point. He subsequently filed a report with DPS, but the bill was over \$800.

Mayor Carroll explained that this problem occasionally comes up, and the Commission has struggled over the years to address it. He went on to explain the leak abatement policy where there is evidence of a leak. When a bill gets to a certain point there is a mechanism to partially adjust the bill in that situation. Unfortunately, the policy is such that without being able to verify that there was a leak in the system, they have to assume that for whatever reason the water went through the meter and consequently needs to be paid for. The only thing they could do would be to arrange for payment of the amount over some period of time.

Mr. Somers said he did find a hose in the back of the alley where someone may have hooked up and filled containers while they were away, and that is why he filed the report with the Police Department. Mayor Carroll explained that though that may be the case, the policy does not in that situation allow for the bill to be waived.

City Manager McCourt said that his understanding of the policy is the same as the Mayor's. The City would be happy to set up a payment plan. Mr. Somers asked if they could revise the policy, but Mayor Carroll said that they have struggled with trying to come up with a policy that best meets the needs of the City and the citizens and they are open to suggestions. However, that is the policy at this point.

Commissioner Lujan asked what the longest is that they can stretch the amount out for. Mr. Ortega said that the longest would be a year. Mr. Somers would have to pay the current charges each month, and they would take the "leak" amount and divide it by twelve. That would be paid each month on top of the current charges. Mr. Ortega also suggested that Mr. Somers have a meter calibration test done. If the meter is not reading within the allowable range, under the City's policy they would have to grant an abatement. City Manager McCourt said that could be worked out with the Water Billing Department. However, if the meter comes back as reading within the specifications, Mr. Somers would be responsible for payment of the charge for having that done.

Commissioner Ledford asked if there have been any bad readings before or after that, and Mr. Ortega indicated that is correct. Commissioner Ledford made the point that since it has been running fine since, he would encourage Mr. Somers to be aware that meters rarely fail.

Commissioner Moncada asked how old more or less the meter is, and Mr. Ortega said that the City converted to a new system in 1993. The meter has probably been in the ground eight or nine years based on the serial number. Commissioner Moncada asked if meters could give bad readings one month and then go back to normal. Mr. Ortega said that in his experience if a meter goes bad it usually dies and the City has to then change it out. A meter normally slows down until it finally stops, which is to the homeowner's advantage.

**Commissioner Brockett made a motion to deny the request. Seconded by Commissioner Lujan. A vote was taken, and the motion carried by a vote of 6-0-0.**

15. Discussion with Mr. Ignacio C. Enriquez regarding the protest the City of Alamogordo has filed against the Immaculate Conception Catholic Church Cemetery's Application No. T-5155 for the New Appropriation of Underground Water in the Tularosa Basin, Otero County, by drilling a new well.

*Recommendation:* Based upon our Hydrologist recommendation maintain the protest.

Item #15 was withdrawn at the request of the petitioner.

18. Appointments to Boards and Committees.

Mayor Carroll reappointed Ms. Lou Hastings and Ms. Betty Marinell to the Mayor's Committee on Aging. He also reappointed Ms. Sharon Gardiner and Ms. Sabrina Marshall to the Planning and Zoning Commission and appointed Mr. Roberto Skaar. For the Planning and Zoning Commission HAFB members, Mayor Carroll appointed Mr. Daniel Cass and Mr. Andrew Gomolak.

The following vacancies still exist:

Mayor's Committee On Aging—two vacancies.  
Airport Advisory Board—one vacancy.  
Parks and Recreation Board—one vacancy.  
Alamogordo Promotion Board—two vacancies.  
Senior Volunteer Program Advisory Council—two vacancies.  
Community Development Advisory Committee—two vacancies.

Mayor Carroll asked anyone interested in serving on one of these boards to please contact the City Clerk's office.

### **UNSCHEDULED COMMUNICATIONS:**

#### **A. Commissioner Cole**

Commissioner Cole asked for an update on the bridge on Scenic as well as First Street and South Florida.

City Manager McCourt said that they are anticipating that the temporary bridge on Scenic will be opened by Thursday night. The crews have moved along quickly, and it should be in operation in less than two weeks since its arrival. Mr. Alterson said that there is some patchwork that needs to be done on First Street, and the Cutler machine will be in next week. Under the street maintenance program that machine will also be used on Juniper, which will be done first allowing the work to be completed on First Street that needs to be complete before the use of the Cutler machine. The South Florida project is also scheduled for paving next week.

Commissioner Cole asked about Abbott Street and if traffic will be blocked going south on Scenic. Chief Trujillo explained that they did a traffic study in anticipation of the opening of the bridge, and they believe the safest way to do it is to block off Abbott on both sides so that traffic can flow one lane north and one lane south. If any part of Abbott is opened up, they anticipate that people may potentially go the wrong direction, which would result in a head-on collision.

Chief Trujillo explained that they have addressed how individual property owners would be able to access their property, and they have also been in contact with the trash collectors. City Manager McCourt asked Mr. Alterson to ensure that Ann French has the appropriate information to make a public service announcement.

Commissioner Cole commented on the meeting last night with the Abbott Street citizens, and he thanked those who were involved. Commissioner Cole walked the arroyo last night, and he commented that at certain points it is below the size of his body and in other places it is over his head, which surprised him. Two suggestions were made at the meeting last night, and Commissioner Cole asked if there could be more communication with the people. They do not know what is going on or why things are going on. The other suggestion had to do with the engineering of the arroyo and whether that needs to be addressed. He thought the meeting was well worth the time.

#### **B. City Manager McCourt**

City Manager McCourt said that the City is in good shape as far as the water report.

**EXECUTIVE SESSION:** Adjourn into Executive Session to discuss threatened or pending litigation, and purchase, acquisition or disposal of real property with Checkpoint, Mr. W. Fireworks, & PSAP.

**Commissioner Moncada made a motion to adjourn into Executive Session to discuss threatened or pending litigation with Checkpoint, Mr. W. Fireworks, & PSAP at 8:53 p.m. Commissioner Lujan seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried by a vote of 6-0-0.**

*/s/Donald E. Carroll*

---

Mayor Donald E. Carroll

(SEAL)

ATTEST:

*/s/Renee Cantin*

---

City Clerk Renee Cantin

(Prepared by Ubiquis Reporting)

Approved at Regular City Commission Meeting on November 21, 2006