

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
APRIL 24, 2007**

**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. A roll call was taken, and all of the Commissioners were present. The Invocation was given by Pastor Richard Hicks, and the Pledge of Allegiance was led by Commissioner Inez Moncada.

CALL OF THE CONSENT CALENDAR:

MINUTES:

1. Minutes of April 10, 2007 Regular Meeting.

Recommendation: Approve the minutes.

ORDINANCES AND RESOLUTIONS:

Item 2 was removed from the Consent Calendar.

3. Consider Resolution No. 2007-17 accepting the grant from the NMDOT for the airport to purchase the ARFF vehicle and update the airport signage.

Recommendation: Approve the resolution.

4. Consider Resolution No. 2007-18 requesting written approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico for the revised budget figures computed on April 24, 2007.

Recommendation: Approve the resolution.

Commissioner Ledford made a motion to approve Items 1, 3, and 4 of the Consent Calendar. Commissioner Lujan seconded the motion. A roll call vote was taken for Items 3 and 4, and all voted "aye." The motion carried with a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS

2. Consider Ordinance No. 1298 Amending Section 14-01-110 of the Code relating to the rates charged to residential accounts, adding a twenty-five dollar (\$25) deposit for all new accounts, and adds a new section (c) creating a fifty cent (50¢) per month fee to all residential solid waste accounts to cover the cost of operating the convenience center.

Recommendation: Approve the ordinance for final publication.

Mr. Wyatt Earp asked a question regarding the \$25 deposit, but Mayor Carroll stated that is not part of the Ordinance that is being considered.

City Manager Pat McCourt explained that the \$25 deposit was in the original draft, but the question deals with instances in which residential waste service is being provided to accounts that do not have water and sewer accounts. As it was originally written, there was some question about how to set that up, and it was unclear. It was, however, pulled from the publication at the last meeting by the Commission though they are anticipating it will be back at a future date. It will not affect water and sewer customers who are already putting up a deposit, but only customers who don't have water and sewer deposits.

Mr. Earp asked about the \$.50 cent charge, and City Manager McCourt explained that it is to help fund the convenience center, which is not funded by the solid waste charges but by an Environmental Services Gross Receipts Tax. City Manager McCourt went on to say that the concept is that since the residential customers use the convenience center at no charge it would gradually be included in the solid waste fees. The Environmental Services Gross Receipts Tax would then be used for other capital projects around the community.

Mr. Earp suggested that the Commission raise the tipping fees at the landfill instead of raising the water rates. City Manager McCourt stated, however, that the tipping fees are actually set by the Otero County and Lincoln County Joint Solid Waste Authority. The City is a member of those organizations, and the City has also been hired by those organizations to run and operate the landfill. Mr. McCourt said they could take the request to that body when they meet, which is usually once a year. The moneys from that particular enterprise don't go into any of the other City accounts. They are used solely and completely to operate the joint landfill that is located on 54. Mr. Earp asked for clarification on how the convenience center is currently funded, and Mr. McCourt explained that it is through the Environmental Services Gross Receipts Tax, which would then be used for capital expenses throughout the community. It is a restricted form of Gross Receipts Tax, but it could be used for drainage, water/sewer type projects. It could not go into something like administrative fees. There is a long list of projects that need to be done, especially drainage projects, throughout the community. A lot of the ditches need to be cleaned and re-constructed to prevent flooding situations, and funds are not available from other sources to do that.

Commissioner Cole made a motion to approve Ordinance 1298. Commissioner Brockett seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

2A. Consider Ordinance No. 1301 Amending Section 240-01-090 of the Code Concerning Additional Parking Restrictions.

Recommendation: Approve the ordinance for first publication.

Mayor Carroll read the item and noted that additional changes had been made to the Ordinance. City Manager McCourt explained that this is one of those cases where as time changes the meanings of words change. It is a section of the Parking Ordinance stating that if there is no sidewalk behind a curb there needs to be a three-foot area, which is designated as a "pedestrian travel area." Staff agrees that there does need to be a three-foot clear area to allow for doors to be opened without going into traffic. It is also a good idea for line of sight, but to call it a "pedestrian travel area" is not a proper use of the terminology and may cause the City to pick up a tremendous amount of additional expense and maintenance cost. There are many of these throughout the City, and staff's recommendation is that the three-foot area be retained but that the terminology referencing a "pedestrian travel area" be removed.

Commissioner Brockett asked a question regarding Item C and what it was referencing. Director Sam Trujillo explained that Item C is making reference to semi tractor-trailers and that parking in a residential neighborhood would be illegal. Commissioner Brockett asked if a person who drives one for a living is not allowed to park near their residence. Director Trujillo said the individual would be allowed to park in their driveway but not on the street. Commissioner Lujan asked why they would not be allowed to park on the street, and Director Trujillo said though he was not involved in the original

Ordinance he understands that it is for safety concerns as that large of a vehicle being parked on the street would cause significant traffic hazards especially depending on the width of the street. If the tires of the tractor trailer are within three feet of the curb, it is not acceptable. If individuals were parallel parking on the street next to the curb, they would not be able to open the door if it is within that three feet.

Commissioner Brockett made a motion to approve Ordinance No. 1301 for first publication. Commissioner Lujan seconded the motion. A vote was taken, and all voted “aye.” The motion carried with a vote of 7-0-0.

5. Consider Resolution No. 2007-19 increasing the Leisure Services User Fees.

Recommendation: Approve the resolution to increase user fees by 4%.

City Manager McCourt explained that these are reviewed on an annual basis, and as staff looks at them, they look at operating cost increases, specifically those in the recreational area. Fund 32 includes the library and the parks, and though there are operational cost increases in those areas, they do not look to the users of the recreation programs to cover those. They would be covered by increased transfers from the General Fund and general taxation. City Manager McCourt explained that there is a schedule, and the increase is not 4% across the board. There is some variance, and the increases have been rounded to the nearest quarter. There are some fees, such as the daily use fee, that are not being recommended for increase.

Commissioner Brockett made a motion to approve Resolution No. 2007-19 to increase user fees by 4%.

Commissioner Moncada asked if the swimming pool fee would be going up and what the additional money would be used for. City Manager McCourt said that all of the moneys collected in this regard are retained within Fund 32 to pay for the cost of operation and specifically the operations within the recreational programs. Commissioner Moncada asked with regard to that if there are problems with the heaters at the swimming pool. City Manager McCourt said that there are, and in the budget that will be proposed the heater needs to be replaced, which is a capital cost. The fee increases are not even attempting to address that. The money for that will come from the General Fund.

Mayor Pro-Tem Griggs pointed out that on the Yoga punch pass and the senior “aquasize” punch pass, if the fees are being rounded to the nearest quarter, they may need to be looked at as they are listed as \$30.80 and \$16.80.

Mayor Pro-Tem Griggs seconded the motion. A roll call vote was taken, and all voted “aye.” The motion carried with a vote of 7-0-0.

OTHER BUSINESS:

6. Appointments to Boards and Committees.

Mayor Carroll stated that there are openings on the Promotion Board, the Community Development Advisory Board, the RSVP Advisory Council and the Housing Authority Board. He suggested that anyone interested in serving on those committees notify the clerk.

UNSCHEDULED COMMUNICATIONS:

A. Commissioner Cole

Commissioner Cole commented on the approval of the funding for Abbott Ditch. City Manager McCourt provided some background in that there were, of course, some very devastating floods last

year, and there were a lot of individual projects being addressed. The last project that the City hadn't received clearance on was work on the Abbott Ditch to restore and stabilize the banks. The City has been waiting on that and pursuing it, but it had taken a very long time. Mr. Mark Threadgill had been working on it, and Mayor Pro-Tem Griggs had contacted the Finance Office that day. Coincidentally, a couple of hours later the City received a phone call in which they were told that the project was approved in the full amount. Mr. Threadgill stated that the approved amount was \$570,254 of which the City has to match \$39,000, \$102,000 is coming from the State, and the remaining \$428,000 is federal funding.

City Manager McCourt said that the City had previously bid the contract and so would be ready to go and not have to delay. They have been in touch with the contractor, and he is going to start mobilizing immediately. They are hopeful that the contracts will show up within the next couple of days; they will be signed, and the project will be on its way.

Commissioner Cole asked if there was a clause in the bid to address inflation, and Mr. Threadgill explained that they didn't actually go out to bid but used the General Services Administration contract for this particular project. Mesa Verde has indicated that they will honor the quote that they presented in late November of last year.

Commissioner Cole thanked the City Manager, City staff and others. He expressed that he hoped they would be able to progress and stay on the time line particularly with the June rains coming soon. Commissioner Cole also stated that he didn't want to take away from the e-mail that Mayor Pro-Tem had sent, and Mayor Pro-Tem Griggs explained that he had sent an e-mail to the chief of staff of Governor Richardson's office. The e-mail went out at 8:30 and the response came at 10:30 so it may have been coincidental or just very good timing, but it certainly seems to have worked out, which is a real positive for the citizens of that area.

B. Mayor Pro-Tem Griggs

Mayor Pro-Tem Griggs stated that he and the Mayor had the opportunity to talk with some citizens of Otero County that were involved in Leadership Otero. There were a lot of impressive people, and they were able to talk frankly about quite a few things. Mayor Pro-Tem said that he believes meetings such as that bring about good things.

C. City Manager McCourt

City Manager McCourt said that a memo was placed in the mailboxes of the Commissioners from himself and the Assistant City Manager concerning the land exchange with the Board of Education. It is the land exchange for the property next to the senior center for land on South Florida. They are proceeding with that.

City Manager McCourt had been asked what was going on with Ocotillo Road, as it seemed to have been graded and torn up but was sitting dormant for a while. What apparently happened was that the contractor had ordered some materials but did not get what was ordered. There has been a delay while the correct materials were brought in. That project should be back on track as of May 1.

City Manager McCourt also provided an update on South Florida, and that contractor is due back in the beginning of May to plane the road down and take some of the undulations out.

With regard to the water report, the City is in good shape but ran into what might be a big problem last week. There is apparently an old dump that the rains have exposed, which might be putting some pollutants into the water supply. They have cut off that source, and the City is taking immediate action to get the problem addressed to make sure the water supply remains safe and secure for the citizens.

D. Mayor Carroll

Mayor Carroll received a letter from the Forest Service, and they are requesting comments, questions and concerns on a proposed project to salvage dead and dying trees on approximately 250 acres that have been impacted by the insect defoliation near Cloudcroft. He would like to have the City respond in that it is in favor of them doing what they need to do to clear that area and get the dead and dying trees out of there while at the same time encouraging them to be perhaps more proactive instead of reactive when it comes to the forest thinning issues.

Mayor Carroll also has an invitation from the Friends of Historical Tularosa and the Village of Tularosa. They will be hosting a Memorial Day observance at Veterans Park in Tularosa on the 28th of May, and the City has been invited to participate. Mayor Carroll said that he would not be able to attend so if there were any Commissioners that would be able to make that and are interested, he would post the invitation on the Board in the Commission office

Mayor Carroll recognized Sergeant Syling and Officers May and Borunda for the efforts that they put forth over the weekend. They were in attendance at the Meth Awareness Week ceremonies and the Crime Victims' Week ceremonies this Sunday as well in addition to having extended duty Saturday because of the various high school functions that were going on in the area.

Mayor Carroll also made note of the fact that the Showtime Studio Stars were world cup champions this weekend in hip hop dancing.

Commissioner Moncada made a motion to go into Executive Session to discuss threatened and pending litigation (Alamogordo Federal) at 8:04 p.m. Mayor Pro-Tem Griggs seconded the motion. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

EXECUTIVE SESSION: Recess into Executive Session to discuss threatened and pending litigation (Alamogordo Federal).

Commissioner Brockett made a motion that the City Commission come out of Executive Session and back into Open Session for the purpose of conducting business in accordance with what was discussed during Executive Session at 10:00 p.m. Seconded by Commissioner Lujan. A vote was taken, and all voted "aye." The motion carried by a vote of 7-0-0.

OPEN SESSION: Motion to go into open session.

7. Action if any from the Executive Session.

Recommendation: Need a motion to approve any action taken on any posted items discussed in Executive Session. If no decisions were made the following statement should be read: The matters discussed in the closed meeting were limited only to threatened and pending litigation (Alamogordo Federal) as specified in the posting of the closed meeting.

Commissioner Cole made a motion that the matters discussed in the closed meeting were limited only to threatened and pending litigation (Alamogordo Federal) as specified in the posting of the closed meeting. Seconded by Commissioner Lujan. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

ADJOURNMENT

Mayor Pro-Tem Griggs made a motion to adjourn the City Commissioner meeting at 10:27 p.m. Seconded by Commissioner Lujan. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

/s/Donald E. Carroll

Mayor Donald E. Carroll

(SEAL)

ATTEST:

/s/Reneé L. Cantin

City Clerk Reneé L. Cantin

(Prepared by Ubiquis Reporting)

Approved at Regular meeting held on May 8, 2007.