

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
OCTOBER 14, 2008**

**MAYOR STEVE BROCKETT
MAYOR PRO-TEM CHRIS LUJAN
COMMISSIONER RON GRIGGS
COMMISSIONER ED COLE
COMMISSIONER MARION LEDFORD**

**COMMISSIONER ERIC BREWER
COMMISSIONER JOE FERGUSON
INTERIM CITY MANAGER MATT MCNEILE
CITY ATTORNEY STEPHEN THIES
DEPUTY CLERK MARSHA BRADY**

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

Mayor Steve Brockett called the meeting to order at 7:30 p.m. Roll call was taken, and all of the commissioners were present. The Invocation was given by Mrs. Dottie West, and the Pledge of Allegiance was led by Commissioner Griggs.

Mayor Brockett read a portion of a letter from the International City Manager Association Executive Director Robert O'Neil, addressed to Acting City Manager Matt McNeile, as follows: "On behalf of the executive board and staff of ICMA, I offer congratulations on your election as President of the New Mexico City Management Association. Serving as the chief representative of appointed municipal executives in your state is an extremely important responsibility. We at ICMA want to be of service to you, so please feel free to call us." Mayor Brockett extended his congratulations to Mr. McNeile. This is Mr. McNeile's second term.

PRESENTATIONS:

1. Presentation by the Alamogordo Public Library Foundation regarding the Strategic Plan for the future of the library and a request to be included in the bond issue that will be considered at a special meeting.

Mayor Brockett noted that Nadia Sykes, the President of the Alamogordo Public Library Foundation, will be presenting. He noted that next week at 6:00 p.m. we will be having a special meeting dealing with water rates and the wastewater treatment plant. On November 11 at 6:00 p.m., a special meeting will be held for staff to present recommended projects, after which the Commission will select the items. Mayor Brockett informed the public of the regular commission meeting to be held on Monday, November 3, to enable the Commissioners to follow the election coverage on Election Day.

Ms. Nadia Sykes congratulated Mr. McNeile and addressed the Commission. She thanked the Commission and the library supporters present at the meeting. They are demonstrating support for the building or reconstructing of a new library. On January 9, 1961, a bond election was passed by the citizens of Alamogordo for \$175,000 to build a 10,280-square foot library. The open house was held May 27, 1962. In that era, less than 60,000 people used the facility annually. By 1974, the library was becoming overcrowded. Efforts were started to obtain funds for an addition. A bond election was held June 29, 1976, and failed.

In 1984, the Library Board asked the Commission to fund an addition/remodeling project as a capital project to be funded by revenue bonds secured with a .25% gross receipts tax. The Commission approved the proposal and construction was completed in February 1987 at a cost of \$871,042, bringing the library square footage to 20,754. In 1999, the Library Board conducted a 20-year space needs study, concluding that the current building is not meeting the community's needs. In 2000, a group of citizens with long-range vision worked out a complicated, successful plan to donate the IGA building and surrounding property to the City of Alamogordo, free and clear. Evan and Esther Sheldon, library lovers and long-term residents of Alamogordo, established a trust calling for their money to be used to pay for all living expenses for Evan and Esther until their death. Then the remaining funds in the trust were to be donated to the City of Alamogordo for the construction of a new library, to be named the E.H. Sheldon Public Library.

The IGA property became the largest donation in the history of the City of Alamogordo, debt-free and ready to be constructed into the new E.H. Sheldon Public Library. The value of the IGA property was appraised at \$1.6 million. The Sheldon Trust agreed to donate an additional \$500,000 cash on approval of the donation by the City, with the caveats that the construction must begin and be irrevocable within five years of Esther's death, and that the library must be at least 40,000 square feet, and the name E.H. Sheldon Public Library must appear on the building. The project was submitted to the Commission on April 17, 2001. At a follow-up meeting on May 8, 2001, the Commission approved the donation documentation and a written agreement to finding the conditions of the donation, and it was finalized on May 16, 2001.

In 2001, the City hired an architect to conduct a library feasibility study, which yielded three options and concluding that construction of a new building on the old IGA lot would provide the best value. In 2002, 356 randomly-chosen adult Alamogordo residents were polled via phone survey, and 73% felt that a new library was very important. In 2004, the Alamogordo Public Library Foundation was formed. The Foundation is a 501(c)3 non-profit company founded to advocate for a new library, library projects, and raise funds for the Alamogordo Public Library.

For the past four years, the organization has queried the community, sent mailings, hosted events, held monthly board meetings, met with business leaders, evaluated the usage data from the library, looked at building plans and spoken with professional builders, all as volunteers. On March 15, 2005, a bond election was defeated. Only 3,300 voters participated. In 2007, a series of special meetings and public workshops was held. An informal public vote among the audience members at last August's Town Hall meeting indicated overwhelming support of the library as the top priority. In this meeting, the City Manager presented a plan to finance a new library on the IGA site. Construction costs for the new building were updated to \$10 million. However, the project could be completely financed without creating a new real estate tax by simply extending and renewing the existing general obligation bond, which will mature in 2009 and 2020. If the voters approved an extension and renewal of the bond, the money raised, along with the Sheldon Trust donation, would totally fund the construction of the new library.

Ms. Sykes elaborated at length on the many benefits to communities of public libraries, and of utilizing the IGA site for new library construction. The Alamogordo Public Library needs more handicapped access, special needs equipment, a new young adult room, more parking, more quiet study areas, more room for library materials, and more computers. There are over 200,000 visitors to the library annually. About 400,000 go to White Sands. Over 250,000 items are circulated. Over 32,000 adult and 7,000 youth Internet sign-ups were logged at the library. More than 115,000 items are in the collection, and more than 27,000 library cards have been issued. The current library is 20,000 square feet. By the year 2020, it is estimated that 40,000 square feet will be necessary to meet community needs. The Sheldon Trust has donated land, a 50,000-square foot building, and a value of over \$1.6 million in a prime real estate location to be used as a library for Alamogordo; in addition, \$500,000 in cash.

Ms. Sykes noted that Representative Vaughn was instrumental in acquiring \$1.223 million in capital outlay funds to be used for a new library. Additionally, the Commissioners passed a motion to endorse the construction of a new library. The Alamogordo Public Library Foundation, with the unanimous support of the Alamogordo Public Library Board and the Friends of the Library, recommend using the donated land and building.

There is room in the IGA parking lot to begin new construction while leaving the existing building in place. There is 25,000 square feet of usable library that can be constructed in the existing IGA building. The remaining construction and demolition can be phased as funding becomes available. Estimated cost for reconstruction or new construction of a new facility is approximately \$250 per square foot. The existing library could be renewed as a municipal building.

Ms. Sykes asked the Commission to commit to going forward with a new library and not returning the property to Mr. Shyne. She asked the Commission to reconfirm the motion passed to support the construction of a new library. She recommended a meeting between the Commissioners and the trustees of the Sheldon Trust (Michael Shyne and Theresa Keelin) to discuss extending the five-year irrevocable timeline for the initiation of construction, which is approaching.

Mayor Brockett thanked Ms. Sykes for her presentation. He asked how much money the Foundation presently has. Ms. Sykes indicated it has approximately \$90,000. Mayor Brockett asked how much is available from bonds appropriation. Ms. Sykes indicated \$1.2 million, but some has been encumbered for architectural studies. Mayor Brockett asked if \$4.65 million is approximately what they are asking for, and Ms. Sykes said that is approximately correct.

Mayor Brockett said two people contacted him and asked to speak. He noted that many Commissioners were contacted by Foundation representatives, as was Harris Blankenship, a commercial builder. He invited Mr. Blankenship from National Construction to come forward and make his presentation. Mr. Blankenship said that a feasibility study was ordered by the previous mayor, who stated the IGA building was the driving force for the study. He feels that may have influenced those conducting the study. Mr. Blankenship indicated that prior to doing anything with the existing IGA building, a study regarding hazardous materials must be conducted. There was no mention of this in the feasibility study. Mr. Blankenship noted that, with the option of a new building, there would be the expense of getting rid of the existing building. That cost will need to be investigated.

Mayor Brockett asked Mr. Blankenship if a hazardous material study would have to be performed on the entire building or only the portion that is being proposed for renovation. Mr. Blankenship said yes, that is a requirement of the Air Quality Board. A survey must be done on the entire building before anything is done to any portion of the building.

Mike Smith, the Secretary of the Public Library board, came forward to speak. He noted it has been 21 years since anything has been done for the public library, which is remarkable considering the traffic at the library. It is not uncommon to see as many as 700 people in the library in a day. Mr. Smith strongly urged the Commission to consider the current proposal. Mayor Brockett thanked Mr. Smith for his comments and for his volunteer service to the community.

Michael Shyne came forward to speak. He reiterated Mr. Blankenship's concern about asbestos, etcetera in the existing IGA building and noted that there is probably asbestos in the current library building. Asbestos remediation is a very common construction cost. Even if the current library building was renovated, there would be asbestos remediation issues. This remediation is an issue in every older building in America and is not anything unusual. Mayor Brockett thanked Mr. Shyne for his comments.

Mayor Brockett invited Maude Rathgeber, who had also requested to speak, to come forward. Ms. Rathgeber noted that she organized Friends of the Library in 1959, served for 18 years on the Library Board, and served for 13 years on the State Library in Santa Fe. Ms. Rathgeber noted the age of the IGA building and the damage to some business property on 10th Street. She feels the IGA building is in too poor a state of repair to be considered to house a new library. In addition, the building is in one corner of a large property. There is a lot of pavement, and landscaping at the site would be a long time coming. She commented that the palm trees placed on the east side of the existing library building have really enhanced its appearance. She believes that adding to the present building would be more efficient and less costly, and that it should then remain the Alamogordo Public Library and not be renamed. Ms. Rathgeber also proposed that the children's room at the library be extended and renamed the Gloria Vaughn Children's Room, and that the meeting room that would be added on the south end of the building be renamed for Esther Sheldon.

Ms. Joylyn Mercouris came forward to speak. She expressed the importance of taking advantage of the IGA lot, but not necessarily using the existing building. She suggested the possibility of using the

parking lot area for the first 25,000 square feet of the new library. At a later date as finances permitted, the IGA building could be taken down, and the 25,000 square feet could be added to. Mayor Brockett thanked Ms. Marquist for her comments.

Mr. Joe Quintana came forward to speak. He expressed his opinion that if we merely add to the existing library building, we will outgrow it again in another five to ten years. He said that if a new library is constructed at the IGA site, there is a large amount of room for further expansion in the future. The old library building can be used for city offices, and therefore not wasted. He urged the Commission to put the children and the community of Alamogordo first. Mayor Brockett thanked Mr. Quintana for his comments. Ms. Dalia Maribal also came forward to voice her support for a new library to benefit the children and the future of the community.

Ms. Sykes noted that the existing library building is not much newer than the IGA building. She mentioned that the library has been profitably recycling for quite a while. They use the existing IGA building for their book sale twice a year. Approximately a third of the building is utilized for this purpose. The library raises approximately \$16,000 a year through the book sales. Ms. Sykes thanked the Commission for their time and attention.

Mayor Brockett asked the City Clerk to contact the Commissioners regarding their availability for a meeting on Tuesday, November 11, at 6:00 p.m. for a special meeting on the bond issue projects.

Mayor Pro-Tem Lujan stated that he has been against a new library, but is not against the library, per se. He expressed his appreciation for everyone's presentations, which have caused him to consider rethinking his opinion. He said that Mr. Blankenship and Mr. Shyne's comments are both valid, and there will most likely be many more issues beyond asbestos. He agreed with Mr. Quintana that taxpayers' money should be put toward the children and the future of the community; but it should also be put toward something the taxpayers want, and this has been voted down two times.

Mayor Pro-Tem Lujan noted that in the budget meeting, members of the library staff asked to close on Sundays because they could not afford to be open and/or did not have the manpower. He indicated his main concern has always been the costs in future budgets of operating a new, larger library. These costs need to be investigated. He requested some information from library proponents for the next meeting. Mayor Brockett asked for other comments and heard none.

2. Presentation by Nancy Montgomery and Dr. Cheri Jimeno from NMSU-A regarding their plan to install a Smart Crosswalk at 2400 N. Scenic Dr.

Dr. Cheri Jimeno, President of NMSU-A, came forward to speak. She noted that enrollment is booming at NMSU-A. There is an over 30% increase from last fall. The university's prime concern is the safety of its students and employees, and there is great concern about crossing N. Scenic Drive safely. She referenced a letter she sent to the Commission several weeks ago outlining a proposal for a solar-powered Smart Crosswalk, the first in Alamogordo. They are proposing that the City would provide its expertise in installing the crosswalk.

Nancy Montgomery, the Director of Facilities at the campus, came forward to speak. She referenced some literature provided to the Commission on Smart Crosswalks. As pedestrians walk between the ballards, the crosswalk would be activated, causing it to flash. Originally, Fairgrounds Road was to be extended so that hospital traffic would use that route, but that did not happen; therefore, the traffic on N. Scenic is extremely heavy. In addition, the new housing development in the area is adding to it. Many students and staff of the university must cross N. Scenic Drive frequently.

Ms. Montgomery said the university is willing to purchase the hardware for \$25,000, which consists of the ballards, the flashing pedestrian-crossing light, the in-roadway warning lights, and push-button manual activation devices for visually-impaired students. Mayor Brockett asked what exactly flashes. She said they are called in-roadway warning lights. She directed the Commission to the second page of pictures, where this is depicted more clearly. When someone sets foot in the crosswalk, it starts

flashing for the entire length of time until they go from curb one to curb two. Mayor Brockett asked if it would be visible in snow. Ms. Montgomery said she has not personally seen it operate in snow, but the system has been in place in Washington State. The upright pedestrian-crossing signs also flash.

Ms. Montgomery reiterated that the university is willing to purchase the \$25,000 system. They have spoken with Brian Cesar and Larry Garner, who gave them an estimate of \$3,200 for installation. They are asking the City of Alamogordo to supply the installation. Ms. Montgomery added that Larry Garner told her it would take an \$800 drill bit, which the university would donate.

Mayor Brockett asked Mr. McNeile if projects like this have been done for schools. Mr. McNeile noted that they have been installed in safety zones at almost every public school in the city, and arrangements have also been made with the German school.

Commissioner Cole commented that this is a good idea. He is concerned about the pedestrian bridge that Rails to Trails put up, which was about \$100,000. It does not have the stopping or slowing down of traffic. He feels there is a better safety factor if pedestrians could walk above and not have traffic stop. He suggested investigating other options before approving this particular idea.

Commissioner Ferguson made a motion to provide labor to install the Smart Crosswalk. Commissioner Griggs seconded the motion and requested discussion.

Mayor Pro-Tem Lujan said he was not aware the Commission was taking action on this matter tonight. Mayor Brockett asked City Attorney Thies if the Commission is permitted to take action. Mr. Thies indicated it is on the agenda, and therefore action can be taken.

Mayor Pro-Tem Lujan suggested that any other options will cost more money. The Smart Crosswalk is the cheapest and best way to go. Commissioner Cole said his concern is safety, not cost. Mayor Brockett asked Mr. Cesar if we will be looking at solar-powered items such as these in the future. Mr. Cesar stated that there will be an electrical backup, and we will be looking at solar options in the future. Mayor Brockett asked if Mr. Cesar has any experience with Smart Crosswalks. Mr. Cesar indicated that the engineering department discussed, about three to five years ago, trying a Smart Crosswalk at 10th Street and Oregon. Mayor Brockett asked how this cost compares with that of a regular crosswalk. Mr. Cesar said a regular crosswalk is essentially tape, maybe \$1,000. Mayor Brockett said this seems to be the way of the future, especially in an area with an abundance of solar power. Mr. Cesar noted there is a standard city crosswalk at this location currently; just the painted lines on the road. He said the Smart Crosswalk would be safer.

Commissioner Griggs noted the increased enrollment at the university. Many classes are held at night, which diminishes the safety of the current crosswalk. This would certainly enhance that. He cited an incident at First Street several years ago, after Mountain View was built, where a student was hit crossing the street. At that time, an over-the-street crossing facility was discussed. The estimate was approximately \$1 million to build a bridge. That shows how difficult/expensive that option would be as opposed to a Smart Crosswalk. Commissioner Griggs indicated that he would support the Smart Crosswalk project.

Commissioner Brewer asked who would repair the Smart Crosswalk equipment. Mayor Brockett and Ms. Montgomery indicated that the equipment would belong to the City. Dr. Jimeno stated that if the City would consider putting an overhead ramp on N. Scenic, they would certainly be open to it. They are trying to come up with a solution that would better serve the needs of university students right now. The university is asking the Commission to use them as a pilot test, as there are currently no Smart Crosswalks in the state of New Mexico.

A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

PUBLIC HEARINGS:

3. Public Hearing for Application No. 569260 to grant a new Beer and Wine Liquor License to Margo's, Inc./DBA Margo's Mexican Food located at 504 E. 1st St., Alamogordo, NM.

Recommendation: Approve the application and Beer and Wine License for Margo's.

Mayor Brockett asked for comments from the Commission and the audience. Hearing none, he asked for a motion.

Commissioner Cole made a motion to approve the application for Beer and Wine License for Margo's. Commissioner Brewer seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

CALL OF THE CONSENT CALENDAR (Items 4, 6, 8, 9, 16, 17, 18, 19 & 20):

Mayor Brockett asked if the Commission, Staff, or audience would like to pull any items for discussion.

- CC 4. Minutes of September 23, 2008 Regular Meeting.

Recommendation: Approve the minutes.

- CC 6. Approval of two airport commercial permits for:
 A) Desert Sky Helicopter Services, LLC. – Operated by Spencer Baldwin – A five year permit with the option of three additional five year extensions for Area W4-A.
 B) Howard Enterprises, Inc. – Operated by James Howard – A five year permit with the option of three additional five year extensions for Areas E4-D and E9-A1.

Recommendation: Approve the airport commercial permits.

- CC 8. Consider Ordinance No. 1343 rezoning for Part of 481 Michel Street to MH-1, Manufactured Housing Subdivision District, from MH-2, , Manufactured Housing Park District, requested by John L. & Kristine C. Fambrough. [Case # Z-08-0686(A), located at the southwest corner of US Highway 54 and Michel Street]

Recommendation: Approve the ordinance for final publication. [Roll call vote required]

- CC 9. Consider Ordinance No. 1345 authorizing the execution and delivery of a loan agreement and intercept agreement by and between the City of Alamogordo, New Mexico and the New Mexico Finance Authority for flood control capital projects in the principal amount of \$3,620,000, pledged by the 1984 Municipal ¼% GRT.

Recommendation: Approve the ordinance for final publication. [Roll call vote required]

- CC 16. Cancellation of IFB No. 2008-03, Lease /Purchase Digital Sign.

Recommendation: Approve the cancellation of City IFB No. 2008-03, Lease/Purchase Digital Sign, to Commercial Sign Art in the amount of \$42,467.00.

- CC 17. IFB 2008-06 Automated Fingerprint Identification System (AFIS).

Recommendation: Award the IFB to Sagem Morpho Inc. in the amount of \$44,568.00.

- CC 18. IFB 2008-10 2,000 GL Water Truck & Dump Truck.

Recommendation: Award the IFB to Southwest Truck, item one 2,000 GL Water Truck in the amount of \$84,604.00, item 2 with option 2B in the amount of \$74,804.00 for a total of \$159,408.00.

- CC 19. Cooperative Purchasing Interlocal Agreement – Houston-Galveston Area Council (HGAC).

Recommendation: Ratify to purchase using the HGAC Interlocal Contract for Cooperative Purchasing.

- CC 20. Change Order No. 3 and project closeout, Plaza Hacienda Sidewalk Improvement, CDBG Project No. 07-C-NR-I-1-G-1.

Recommendation: Approve the change order and project closeout.

Commissioner Ledford made a motion to approve the Consent Calendar, including Items 4, 6, 8, 9, 16, 17, 18, 19 & 20. Commissioner Ferguson seconded the motion. A roll call vote was taken for Items 8 & 9, and all voted “aye.” The motion carried with a vote of 7-0-0.

PLANNING ITEMS:

5. Public Hearing to consider an off-street parking variance for First Baptist Church [Case V-08-0526(A)], 1100 Michigan Avenue.

Recommendation: Approve the off-street parking variance.

Mayor Brockett indicated that this item came before the Planning and Zoning Commission at their October 1 meeting and passed by a vote of 3-0. Commissioner Cole asked if, unless someone wants to ask question about this, the Commission can go ahead and approve it. Mayor Brockett asked the Commission and the public for comment, and heard none.

Commissioner Cole made a motion to approve the off-street parking variance. Commissioner Griggs seconded the motion. A vote was taken, and all voted “aye.” The motion carried with a vote of 7-0-0.

CONTRACTS AND AGREEMENTS:

7. Consider approval of a supplement to the PB Americas, Inc. design agreement for the revised design of the West First Street to Relief Route Segment 1A project, PW Bid 2001-006.

Recommendation: Approve Supplement 1 to the agreement in the amount of \$5,186.54, including NMGR.

Mayor Brockett asked Mr. Threadgill to speak. Mr. Threadgill said the new design for West First Street realignment was done under a non-competitive procurement through professional services exception under \$50,000. With this supplement, the total PB contract for this redesign will go over \$50,000; therefore the Commission's authorization is required. Mayor Brockett asked if this was a situation where the curb, gutter and sidewalk were not included in the original design. Mr. Threadgill confirmed that is the case. They wish to use the curb, gutter and sidewalk as an alternate in the bids. It will cost about \$5,000 to have that drawn into the engineering drawings.

Commissioner Ledford confirmed with Mr. Threadgill that the Commission has to approve the additional amount, but not RFP it. Mr. Threadgill said the original amount was under a professional services contract. Commissioner Griggs noted that we have been requesting money from the state legislature on an ongoing basis. He asked how much money we have received toward this project, and if we have revised estimates for the cost of the roadway. Mr. Threadgill said we have approximately \$1.1 million in the construction budget. To go from west of the railroad tracks, do the realignment, and get us about 900-1000 feet east of the bypass will cost about \$850,000, which is the

engineer's estimate right now. That is why we are looking at an alternate, because we have a small cushion there. Mr. Threadgill said we're continuing to ask for money in the upcoming ITIP, and we'll hopefully get enough money to continue the road all the way to the relief route.

Commissioner Griggs asked if we are close to having this funded. Mr. Threadgill said we will go to construction in January or February on West First Street, and we will get to within 1,000 feet of the relief route with the funding we have right now. Commissioner Griggs asked if the plan is still to make this four-lane roadway. Mr. Threadgill called it a "very improved two-lane."

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

ORDINANCES AND RESOLUTIONS:

10. Consider Ordinance No. 1346 approving the NMFA loan for the purchase of a Fire Truck for \$196,910.

Recommendation: Approve the ordinance for first publication. [Roll call vote required]

Mayor Brockett asked if this fire truck expenditure has been approved in principle by DFA. Lee Ann Nichols, City Finance Director, said the fire truck is being financed through the New Mexico Finance Authority, and the loan application has been approved. This is the first publication of a long ordinance. The principle and interest will be paid, as pledged by the State Fire Funds, and that has been approved by the State Fire Marshall.

Mayor Brockett noted the City has been looking at the northern part of the city for a fire station, as well as the preliminary for a new fire station near the airport in the southern part of the community. He asked Sam if this would go to the one up north if we purchased it. Sam, Director of Public Safety, confirmed it would go north. They envision needing two fire substations in the near future, one on the north end of town and one to replace Station #2 and Station #3 (combining those two stations at the airport in the near future.) Right now they are looking at Fire Station #8, which will be on the north end.

Commissioner Cole asked how the last fire truck the City bonded for compares in use to this new one. Sam said they are considered Class A pumpers, and they are similar trucks. They are a smaller version than a ladder or tanker truck, and they are basically for fighting structure fire. Mayor Brockett asked for more comments. Hearing none, he asked for a motion to approve the ordinance for first publication.

Commissioner Cole made a motion to approve Ordinance No. 1346 for first publication. Mayor Pro-Tem Lujan seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

11. Consider Resolution No. 2008-41 in support of the City acting as fiscal agent and entering into a formal agreement with a domestic violence service provider (Center of Protective Environment - COPE) to submit a grant application to CYFD.

Recommendation: COPE is requesting approval of the resolution. [Roll call vote required]

Mayor Brockett asked if 15% is normal. Mark Threadgill noted that 15% is generally budgeted at the beginning of in-house projects (projects with City funds) for project management and overhead costs, and the same factor was applied to this project. It is not reimbursable. Project Management and Engineering is considered an internal service fund, and they reimburse themselves through services provided to projects. The 15% is used for budgeting purposes only; actual hours are tracked and billed to the individual projects. It could be up to \$45,000. Another example is the Housing Authority.

When we do work for them we bill them on an hourly basis like any other project. We budget 15%, but we have never actually hit the full 15%. Mayor Brockett asked if the museum would be similar. Mr. Threadgill said we are funding that out of local funds, but it is also budgeted at 15%.

Mayor Brockett asked Maureen Schmittle, Grant Coordinator, to address the Commission. Ms. Schmittle reiterated that we are mentioning to COPE the possibility of an administrative fee up to 15%. The request is up to \$300,000, a competitive request through CYFD. If the Commission chooses to act as fiscal agent for this grant application, COPE has agreed to develop and submit the proposal. Then we would find out later whether the project was funded. If it is not funded, she is not sure if COPE has a contingency plan to address the maintenance needs and the balance of the playground, for which there is a \$50,000 grant currently available. She recommended that they keep those two projects separate. They will address it if they are not awarded the CYFD grant.

Mayor Brockett asked Kay when the announcement will come regarding who gets the money. Kay said the proposal is due on October 27, but a specific day has not been indicated. They indicated four to five weeks, but she feels it will take longer, as she has never received a response in that short a period of time. We will likely know by Christmas. Mayor Brockett asked if Kay understands the discussion of the administrative fees, and she said yes. She did not get board approval to accept responsibility for \$45,000. She said some of her board members are present and willing to do what they need to do to get the work done. Mayor Brockett said he understands that she cannot speak for the board at this time.

Mayor Brockett asked for comments from the Commission and heard none. He suggested that Kay meet with the board, determine if she needs Mr. Threadgill or Ms. Schmittle to address any questions on the administrative fees, and then come back to the Commission. Kay said the problem is that the proposal needs to be submitted before the next Commission meeting.

City Attorney Thies said if she submits the grant agreement application, it would come back for ratification. At that point, the proposal could be considered where COPE would be required to pay the 15% administrative fee. Mayor Brockett asked if we can agree to be the fiscal agent tonight. City Attorney Thies said we have the option of not approving the grant application, and the money would go back to the state.

Commissioner Ledford asked if the amount could be raised. He asked Kay if she has put an amount on the grant application, and she said no. Commissioner Ledford suggested putting the application in for around \$340,000 to set this in motion and see what happens. Ms. Schmittle said none of the state funds will reimburse the City for City staff time. Therefore, the issue is not that the grant application should be for a higher amount. The issue is that the funding would have to come from a different source. Commissioner Ledford said he thought it fell under Engineering and Planning. Steve said only for outside engineering, not for internal costs the City incurs.

Ms. Schmittle said that may also be an incurred cost that was not estimated. There have always been internal costs burdened to the City and not recaptured. Staff recommended that we attempt to recapture those. Commissioner Ledford said he would hate to go through all this work and then decide it cannot be done. Mayor Brockett asked for a motion to approve the resolution.

Commissioner Ferguson made a motion to approve Resolution No. 2008-41. Commissioner Brewer. A roll call vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

12. Consider Resolution No. 2008-42 identifying the top five recommendations for Infrastructure Capital Improvement Plan for FY 2010-2014.

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

Mayor Brockett said last year the top five items were Fire Station #8, First Street extension, ADA compliance, Drainage Master Plan, and Hoosier Drainage, respectively. All but the last received something from the state. He asked Mr. Threadgill for comment.

Mr. Threadgill said this item ties into Item #14. After the top five are identified, then would be approval to forward the booklets (which the Commission received a week ago) to the state for compilation and presentation to the legislature. Before the Commission is a list of ten priorities that were put forward first by staff, then run by the Commission, and then presented at a Town Hall meeting and on our website for citizen input. The Town Hall meeting considering these items was one of the best-attended Town Hall meetings in the 26 months Mr. Threadgill has been with the city. The second sheet in the booklet shows the public vote on the priorities. There was a slight difference between the Web voting in which the ten projects were ranked. At the Town Hall meeting, attendees voted by placing five stickers on poster boards listing the projects. The results are on Page 2. It is up to the Commission to decide on the final five to be forwarded to the legislature.

Commissioner Ledford noted the list of what was put in last year and what has been received thus far, and it is never enough. It would be nice to complete a project. If we got \$200,000 and need another \$800,000, what are the chances of getting that? Priority is one thing, but we need to try to get as much as possible. What is the best approach? Mr. Threadgill said he cannot read the legislature's mind. There is a limited amount of money to disperse, and Alamogordo is one of many cities in New Mexico looking for funds. There are several hundred projects listed, and they are all worthy.

Mr. Threadgill noted that First Street is finally coming to fruition with a little money over a number of years. There is finally enough money in the construction pot to proceed. Fire Station #8 will require another \$200,000, which may take four years to obtain. The Commission could choose to set some money aside each year and think long-term, or to select only one project to put all money towards. It is up to the Commission. The legislature asks for the top five; they will not fund any five 100%. There is unfortunately not enough money to go around.

Commissioner Griggs said we must be cognizant that Alamogordo is only one of several entities asking the legislature for help funding projects. We have designated Fire Station #8 and First Street extension as projects for several years, and they are still high priority. The fire station is a high priority for that part of town. On the others, we usually request ADA help to continue an ongoing project that may be years from completion. Mr. Threadgill said on those, the legislature probably funds everything we ask for each year because the amounts are small. Commissioner Griggs recommended continuing with Fire Station #8, the First Street extension, and ADA compliance, and then two other worthwhile projects.

Mayor Brockett asked Commissioners to express their top five in order. His top five would be Fire Station #8, First Street, ADA, wastewater treatment, and reclaim water distribution to storage, respectively. Commissioner Griggs said he agrees with the fire station and First Street, but may not rank ADA third. We can initiate the wastewater treatment plant request and may get enough to start the design work. He asked Mr. McNeile for the dollar amount on the swimming pool solar panels, and Mr. McNeile indicated \$250,000. The solar panels would save electrical expenses over time. Commissioner Griggs said he would support the solar panels prior to the reclaim water.

Commissioner Ledford asked how much we need for the wastewater project, and Mr. Threadgill indicated \$4.25 million for 2010. Then 2011 would be \$8.5 million, and 2012 would be \$2.25 million. His ranking is ADA, First Street, Fire Station #8, wastewater, and reclaim water, respectively. Commissioner Cole said his five would be the same, but asked if we have any choice on ADA due to federal regulations. The choice is asking the legislature to pay for it versus us paying for it. If the federal government demands we continue, will the state fund it? Mayor Brockett noted it has been funded in the past. Mr. Threadgill said we have received between \$50,000 and \$150,000 a year over the last four or five years from the legislature for ADA projects. Commissioner Cole asked if the City has to supplement that. Mr. Threadgill said when road projects are done, we have to do ADA. If we exceed the \$150,000, the City picks up the rest. Commissioner Cole's priorities are Fire Station #8,

First Street improvements, wastewater, reclaim water, and emergency radio equipment upgrades. If we cannot get sufficient ADA money, he would trade the emergency radio equipment for the ADA.

Mayor Brockett asked Mr. Threadgill if he knows of any instance where the federal government has come down on a community for not spending enough on ADA. Mr. Threadgill does not know of any municipality, county or state sanctioned by the federal government for not spending enough on ADA. Complaints have arisen for a community not providing accessibility to a certain group, and the government has stepped in. They are usually specifically complaint-generated.

Commissioner Brewer's top five are fire station, First Street, wastewater, ADA and solar panels. Commissioner Ferguson's top five are fire station, First Street, ADA, wastewater, and reclaim water. Commissioner Ferguson indicated he has been researching solar and would recommend doing a cost analysis. He has found that the solar would cost more than electricity. Mayor Brockett said we are talking about passive solar water heating, not potable take [phonetic]. Mayor Pro-Tem Lujan's top five are fire station, reclaimed water, wastewater, emergency radio equipment, and ADA. He was conflicted between First Street and emergency radio equipment upgrades. He chose equipment upgrades because we have to come to compliance within a certain amount of time, and we should start now.

Mayor Brockett indicated that overall, Fire Station #8 is first priority, First Street second, wastewater third, ADA fourth, and reclaimed water fifth.

Commissioner Cole asked if we did anything last year with drainage at Hoosier Field. Mr. McNeile said we were not funded for that project. Commissioner Cole noted that we are carrying over several projects from last year. Mr. McNeile indicated we are trying to build funding for some projects. Commissioner Griggs said he had recommended pursuing the Hoosier Field project through another source. He asked how much money we are asking for this time. Mr. Threadgill indicated \$350,000 this year and \$510,000 next year. Commissioner Griggs commented that operational costs continue to rise year after year, and he feels solar panels would be beneficial to the rec program. The legislature could potentially fund it all in one fell swoop with \$250,000.

Mr. Neile said according to his information, the payback is 30-37% per year. If we are spending \$80,000 a year on natural gas to heat the pool, the solar would pay for itself in six years. Mr. Threadgill noted we would be replacing a fossil fuel with free renewable energy. The governor is heavily promoting renewable energy sources.

Mayor Brockett stated that State Representative Gloria Vaughn asked to address the Commission and welcomed her. Representative Vaughn said the governor looks hard at water issues, so perhaps water projects should be given priority. Last January an order went to legislators to pass a bill requiring communities requesting funding be given two years to work on the project or funding would be lost. Mayor Brockett asked if that had changed from previous criteria, and Representative Vaughn indicated it is something new. It applies to projects from last year forward. She said the governor is ready to sign any water bill.

Having heard that, Mayor Brockett asked if anyone wished to change their vote. Commissioner Cole said he thought the Governor said last year or the year before that if we do not submit five, he would return the priority list. Mayor Brockett noted we have always submitted at least five. Representative Vaughn said that five projects are submitted, but it is then up to the legislators. Representative Vaughn said she would go for the water projects because they have the best chance of acceptance. Mayor Brockett said there were two votes for emergency radio equipment, one for MMS, and two for the pool. Everything else was in agreement with these top five. He asked for a motion to approve the resolution with these five projects.

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

13. Consider Resolution No. 2008-43 accepting a grant agreement from State DFA for domestic violence shelter operations in the amount of \$14,600.

Recommendation: COPE is requesting approval of this resolution. [Roll call vote required]

Mayor Brockett confirmed with Mr. McNeile that this is money that the state is giving to the organization, and we would be the fiscal agent. Mr. McNeile noted this also happens with the Senior Center, where the state comes up with additional funding and distributes it to the organizations. Mayor Brockett asked for discussion. Hearing none, he asked for a motion.

Mayor Pro-Tem Lujan made a motion to approve the resolution. Commissioner Brewer 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:

14. Legislative priorities for FY 2009-2010.

Recommendation: Approve forwarding the booklets to New Mexico State Legislators.

Mr. Threadgill said they will update the booklet and provide copies of the updated pages for the Commissioners' booklets. It will then be forwarded for consideration and marketing of projects with the Commission's approval. Mayor Brockett asked for comment or discussion.

Mayor Pro-Tem Lujan made a motion to approve forwarding the booklets. Commissioner Ferguson seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

15. Utilization of the Alamogordo White Sands Regional Airport for XPrize Events and other activities and elated to Spaceport America and economic development in the area.

Recommendation: Approve the event to be held at the Alamogordo White Sands Regional Airport and approve the necessary infrastructure improvements to hold the event.

Mayor Brockett asked Parker Bradley to come forward. He confirmed with Mr. Bradley that we would be approving state-funded and state-identified infrastructure. He asked for Mr. Bradley's comments on the plans. Mr. Bradley said he was approached in September by Mr. Landeene, the director for Spaceport. The XPrize event did not have a home at that time. The AFB commander, because of risk analysis and current projects, did not want the event held there this year. Three years ago it was held in Las Cruces, and they built an infrastructure for the event. They will hold the event in Las Cruces this year, but they are looking at Alamogordo for future years. A safety analysis by the FAA will be required, and infrastructure put in place, paid for by the state and/or the XPrize Foundation.

Mayor Brockett asked what happens if the gross receipts tax for Spaceport fails and we approve this. Mr. Parker said if Otero County does not approve their portion of that, they essentially relinquish their seat on the board. Mayor Brockett asked if that would affect the XPrize location, and Mr. Bradley said he does not believe so. Alamogordo is a better site for many reasons, including airspace controls and population density. They are very interested in having the event in Alamogordo and developing the appropriate infrastructure that would also enable related industries to come here.

Mayor Brockett asked if the state would impose infrastructure that would affect people who own hangars, etcetera. Mr. Bradley stated that is a main reason for the FAA safety analysis. Mayor Brockett confirmed with Mr. Bradley that the City would not pay anything, but would assume maintenance. Mr. Bradley said he discussed maintenance with them, and it is open for discussion. City Attorney Thies suggested conditional approval subject to these terms being worked out and

brought back as a complete package. They are currently trying to ascertain whether Alamogordo would consider the XPrize competition being held here in future years.

Mayor Brockett asked if we are set up to accommodate the attendance numbers for XPrize. Mr. Bradley said events have been heavily attended in the past, but all in one location. They are looking at a more distributed event. There wouldn't be more than about 500 people attending the XPrize competition because it is restricted to those involved in the actual competition. Education Day includes live and recorded feeds being broadcast elsewhere, somewhere that is more appropriate for a larger venue. This would spread out and reduce the impact of a large crowd in one place.

Commissioner Ledford asked if this has been run by the Airport Advisory Board regarding its effect on airport operations. Mr. Bradley said he met with them and got their tentative approval. Commissioner Griggs noted that last year's XPrize Lunar Landing competition was held in conjunction with the Holloman Air Show, and the base estimated attendance at 50,000 to 100,000 over the course of the three-day event. The education part of the XPrize was very beneficial to attending students. Alamogordo becoming the permanent home of the XPrize competition would be very exciting for the community.

Commissioner Lujan asked if the Spaceport tax on November 4 is going to affect this such that we should put it off until after that time. Mr. Bradley said this is more of a show of support that, as they start making plans for next year and thereafter, they have a sense of whether the community is interested. They can then begin approaching the appropriate federal and state agencies for studies, etcetera. This will not be the last time he or Mr. Landeene will come before the Commission. IF the airport is being considered, the FAA and the AST will evaluate the airport and the safety impact on private infrastructure to see if it is an appropriate site. If that works out, they would come before the Commission for approval.

Commissioner Lujan asked if this would be difficult to change in the future. Mr. Bradley indicated this would be tentative support, subject to addressing further issues in the future. This is not sealing the deal in any way. Mayor Brockett said he does not see a downside to this, and asked for a motion.

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

21. Waiver of partial alarm fee for Dr. Moezzi.

Recommendation: Approve the request of waiver for \$80.

Mayor Brockett asked Mr. McNeile for his comments. Mr. McNeile noted that, per City ordinance, fees are charged based on number of alarms DPS responds to, according to Section Municipal Code 17-09-090. We miscalculated the alarm fees for Dr. Moezzi. He was moving from one building to another, and we treated it as one account instead of two. There was an \$80 overcharge, and staff does not have the ability to waive that fee.

Commissioner Ledford made a motion to approve the request. Commissioner Lujan seconded the motion. A vote was taken, and all voted "aye." The motion carried with a vote of 7-0-0.

22. Appointments to Boards and Committees.

Mayor Brockett appointed Janice C. King and Sharon R. Rudisill under the Senior Volunteer Program Advisory Council. He is holding off on appointments to the Airport Advisory Committee and the Mayor's Committee on Aging.

UNSCHEDULED COMMUNICATIONS:

A. Interim City Manager Matt McNeile

1) Water Report

Mr. McNeile noted that everything looks good on the water report provided by Public Works Director Brian Cesar.

B. Mayor Brockett

1) Oktober Fest - Mayor Brockett thanked the German Air Force for hosting the OctoberFest. Colonel Hans Weber and his staff did a great job.

2) Tomorrow evening from 5-7 p.m. in Commission chambers will be our kickoff for the Mayor's Advisory Youth Council. Mayor Brockett would like to invite the Commissioners and audience to come.

EXECUTIVE SESSION: Adjourn into Executive Session to discuss threatened and pending litigation (labor issues and PSAP), and the purchase, acquisition or disposal of real property rights (XPrize Competition terms.)

Mayor Pro-Tem Lujan made a motion to go into Executive Session at 10:10 p.m. to discuss threatened and pending litigation (labor issues and PSAP), and the purchase, acquisition or disposal of real property rights (XPrize Competition terms.) Commissioner Ferguson seconded the motion. A roll call vote was taken and all voted "aye." The motion carried with a vote of 7-0-0.

ADJOURNMENT.

/s/Mayor Steve Brockett

Mayor Steve Brockett

(SEAL)

ATTEST:

/s/Reneé L. Cantin

City Clerk Reneé L. Cantin

*(Prepared by Ubiquis Reporting)
Approved at the Regular Meeting held on October 28, 2008.*