

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:00 P.M., COMMISSION CHAMBERS
SEPTEMBER 10, 2013**

**SUSIE GALEA, MAYOR
JASON BALDWIN, COMMISSIONER
NADIA SIKES, COMMISSIONER
ROBERT RENTSCHLER, COMMISSIONER
JOSH RARDIN, COMMISSIONER**

**AL HERNANDEZ, MAYOR PRO-TEM
JIM TALBERT, COMMISSIONER
JIM STAHLER, CITY MANAGER
STEPHEN THIES, CITY ATTORNEY
RENEE CANTIN, CITY CLERK**

CALL TO ORDER, ROLL CALL, INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Galea called the meeting to order at 7:00 p.m. Roll Call was taken by the Deputy City Clerk. Commissioner Talbert attended the meeting by teleconference. Deputy Clerk Nancy Jacobs announced there was a quorum present. Invocation was given by Pastor James Forney and the Pledge of Allegiance was led by Commissioner Rentschler.

APPROVAL OF AGENDA

Commissioner Talbert asked to remove Item #7 from the agenda and table it until the next meeting.

Mayor Pro-Tem Hernandez moved to table Item #7 until the next meeting on Sept. 24, 2013. Commissioner Sikes seconded the motion. Motion carried with a vote of 7-0-0.

Commissioner Rentschler moved to approve the agenda. Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

Mayor Galea presented an Oktoberfest Proclamation. She noted this was to be the largest Oktoberfest outside of Munich, Germany.

PRESENTATIONS

- 1. Presentation from NMDOT Design Team regarding an engineering study for the US Hwy 54/70 Corridor between Alamogordo and Tularosa. (Souder, Miller & Associates)**

City Engineer Thomas introduced representatives of the NMDOT design team – Paul Zagone with Souder, Miller & Assoc. of Roswell and Jeff Fredine with Parsons Brinkerhoff of Albuquerque. They would be presenting a study of the US54/70 Corridor between Alamogordo and Tularosa.

Paul Zagone thanked the mayor for attending the last public meeting and showing an interest in this project since it will certainly affect Alamogordo. He stated the reason NMDOT contracted with Souder Miller to do a study was first to identify any deficiencies within that corridor from the Alamogordo Relief Route north to Tularosa. The corridor stops at the intersection of Bookout Road and Radio Road where the Travel Center is. We are at the end of Phase IAB Detailed Evaluation and the next part will be Phase C – finalizing Environmental. Then we will go to preliminary design. The purpose of the study is to improve safety and traffic operations within the corridor by addressing structural, geometric and drainage deficiencies. The need is based on uncontrolled access especially that first mile where vehicles have the ability to come on and off the road at various locations. There are some steep slopes, inadequate clearance between driving lanes and drainage structure end treatments which he felt anyone who has driven it has seen. There is erosion and sediment at drainages and scour concerns at the bridge over La Luz Creek. Scour means there is an erosion problem. The Department put in a gabion structure below that in the 1990's, but even this gabion structure that's hold the stream from cutting back under the bridges is now eroding. Concerning the uncontrolled access, he said there are 2.5 times the median openings allowed according to NMDOT standards for

that corridor. There are 82 driveway openings anywhere from 12 ft. wide to 625 ft. wide and 40 ft. wide is the maximum for highway openings. Essentially, people come and go anywhere along the business frontage and this causes conflict in traffic. There are about 2.5 miles of slopes that are over 4 to 1 and anything steeper than a 4 to 1 slope is not considered recoverable. The longest section of that is along the west side towards the north end of the project. Concerning the guardrail, several paving projects have been done through that corridor and some have used federal funds when the state didn't have the money. They committed to do a safety project along that road, but when they did it they didn't have the money to extend the structures. They put the guardrail up and it created several problems. He pointed out an example of erosion at the downstream end of the large box culvert where the stream is cutting back. There is about a six foot cut and one of the things we'll do is mitigate that. Some public comments we had were: take the guardrail down completely, access/uncontrolled access, no left-turn bays, how their property would be impacted, right-of-way impacts should be avoided, dangerous side slopes in the project area, additional signage for speed and "wrong way", bicycle/pedestrian accommodations, right-turn lanes needed at La Luz Gate, La Luz intersection needs to accommodate trucks (trucks don't slow down), concern with losing driveways/access modifications, and Alamo Transit, Cottonwood Christian Fellowship, James Neal Trucking all expressed a need to maintain access.

We have come up with four Build Alternates along with two Bridge Alternates. One of the things we were asked to look at was building a six lane road – three lanes in each direction. The traffic counts don't warrant three lanes in each direction, nor do traffic projections out 20 years. We have identified everything that would need to be done in the future when it would be expanded to three lanes in each direction. With each of the alternatives we looked into putting in a raised median, curb and gutter and keeping a depressed median that is there presently. There are two alternates for the bridge and both would be expanded to six lanes sometime in the future. One would be a single bridge which would entail us having to make modifications to the approaches at both ends. The other was twin bridges much like what is there now. The reason those bridges need to be replaced is because they are both constructed on spread footings. When you have the scour erosion with the stream cutting back, it makes the bridges scour critically. If it were to scour back far enough, when you get to the foundation it is obvious there isn't any foundation. The older bridge has structural deficiencies within the deck and was built in 1927 while the other was built in the 1950's. Anyway you look at it, we are going to replace both.

The Evaluation Criteria we used for the whole corridor is access management, safety, drainage, constructability and right-of-way, cost (both construction and maintenance), aesthetics, environmental and multi-modal (bicycle, pedestrian, equestrian) and public and business support. We've had two public meetings at this point and have collected and summarized the public comments. Access Management shows 111 Intersections/Driveways including county roads and 55 Median Openings. The allowable access for that corridor is 118 Intersections/Driveways and 22 Median Openings. There are several median openings that were created over the years and are not legal, and we are going to try and correct those issues. We want to consolidate existing access using joint access and frontage roads, and limit median openings. Standard median openings are a minimum of 600 ft. and in rural areas one every half mile. We want to improve the median openings with no left turn bays so people have to slow down within the driving lane to make a left turn. We also will work on driveways because some of the driveways are very steep. Standard is to give them a landing zone at 2% instead of a 10% slope about 22 ft. from that road. We'll be following NMDOT Access Guidelines from the NMDOAT State Access Management Manual.

Next, Mr. Zagone showed a slide of the preliminary proposed Access Control Management. He pointed out what each area was and new driveways and proposed frontage roads. The next slide showed needed safety improvements including extending structures, moving the guardrail out, an eight foot shoulder and outside that shoulder another two feet to the face of the guardrail. Presently, you have an eight foot shoulder and then suddenly guardrail only four feet from the shoulder strip. It's an unexpected change to drivers and is probably why some of them are getting hit. He said that for drainage improvements, there are presently seven structures that are under size, so part of the project is to increase their size or add barrels to the structures. They need to be cleaned out and the

drainage downstream needs to be cleaned out. He showed the gabion structure that was being undermined. The raised medians will require more work on the inside shoulders, six lane alternates would have greater right-of-way impacts (although out in the future that may be required), and extending the drainage structures and addressing slopes have potential to impact right-of-way. Right now he said they are really trying to focus on doing most of that work within the existing right-of-way. One of the things they are looking at are metal barriers to keep from extending them that far out.

Mr. Zagone went over the estimated costs for the whole corridor:

- Alternative 1 = \$20,844,212 (6-lane depressed median)
- Alternative 2 = \$15,470,843 (4-lane depressed median)
- Alternative 3 = \$23,001,774 (6-lane raised median)
- Alternative 4 = \$17,628,405 (4-lane raised median)

The final alternative will probably be a combination of the two and the more urban area on the south end will probably have a raised median for a portion which will allow for other work on the inside median and aesthetics.

The Bridge Alternates go with the above and the difference between a single bridge and a double bridge comes to about \$41,000.

- Bridge Alternate A – Stage 1 = \$1,922,000 (twin bridges/four lanes)
- Bridge Alternate A – Stage 2 = \$2,343,944 (twin bridges/three lanes)
- Bridge Alternate B – Stage 1 = \$1,883,300 (single bridge)
- Bridge Alternate B – Stage 2 = \$2,305,245

Mr. Jeff Fredine spoke to the Commissioners about the remainder of the evaluation. He talked about the accommodation for aesthetics and they found there are always opportunities for aesthetic design whether there are four or six lanes. With the depressed median alternatives, it limited the opportunities for additional aesthetic considerations, whereas the raised median provided opportunities for colored concrete or landscaping. All the build alternatives will accommodate multimodal activities, meaning bicycle and pedestrian through an additional shoulder. With the environmental considerations, the six lane alternatives will have a larger impact simply because they have a larger footprint. The corridor is fairly well developed, but there are some areas of wildlife habitat for burrowing owls and the smaller animals that will need to be considered.

The preliminary recommendations were for four lanes throughout the corridor and a combination of raised and depressed medians with the raised at either end of the corridor near Bookout Road and US 82 near Alamogordo. The raised medians are effective at the lower speed and provide more opportunity for the aesthetic which would again give the driver a mental clue they are coming up to something different and need to reevaluate their surroundings. For the remainder of the corridor it would be a depressed median based on constructability and cost concerns. At La Luz Creek, they recommended two separate bridges because they are consistent with driver expectation. If you had a single bridge, the roadway would need to be narrowed before and after and that would be another transition or decision point for the driver. Access control would be implemented as per the plan sheets they had provided earlier. He mentioned those were preliminary recommendations pending consideration of public input. He said you do not see public and business support because we are in the process of developing it. The final recommendation will come after that.

Mr. Fredine presented the project schedule saying they are in the IAB process which is a detailed evaluation of the alternatives prior to an environmental clearance which they are at the tail end of. Then we will enter into Phase IC which is the environmental clearance which we anticipate can be cleared through a categorical exclusion with the Federal Highway Administration and the Department of Transportation. They feel that is an appropriate level of analysis. The documentation that supports that is as thorough as an environmental assessment. Then we would inter into Phase ID which is our preliminary design after the environmental clearance. The schedule should be pretty close to what we are showing. Phase II is final design for the project which will occur in the spring (May) of 2014 and then construction is anticipated to be in the fall of 2014. We do have \$6.8 million programmed for construction and this won't cover everything in the corridor. The top priority the DOT wants to address

is the La Luz Creek bridges because they are at a critical stage and need to be addressed. With the additional funding currently programmed, those bridges won't cost the full \$6.8 million. The DOT would like to prioritize individual projects throughout the corridor and implement them as funding allows. The priority for the phasing would be to replace the bridges and then address the drainage structures with the end treatments that are so close to the road. Then, access control and the left-turn lanes would be addressed, the steep slopes and finally the section of pavement near the La Luz Gate intersection that is the worst pavement in the corridor. He thanked the Commission for the opportunity to present this tonight.

Mayor Galea asked about the closing of driveways because there are too many and how the property owners will manage. Mr. Zagone said everyone will have access to their property and the ones being closed are because they were not permitted. We will help the property owners go through the permitting process. He mentioned these are all proposed and he knew of at least one, Alamo Transit, that will definitely change. They have concrete trucks that will be making u-turns to get in and out of there and we don't want concrete trucks making u-turns. We will adjust that situation and that will actually help the church access across the street. We won't be giving everyone a crossover, but everyone will have access to the highway. Some may have to go down the highway to make a u-turn in order to get to their property. We will be talking to each of the property owners.

Mayor Galea mentioned the pistachio farms that people come to see and wondered if they would have median access. Mr. Zagone told her McGinn's has that because it is across from a county road. Heart of the Desert has a turn-out just to the north of the business and we would probably modify their drive-way to tie it to this crossing. There are some others we are looking at to tie together.

Commissioner Rentschler asked about going from 55 to 22 median openings and u-turns. He next asked about the La Luz Gate and the right turn lane and wondered if right turn signals were included. Commissioner Rentschler said we've been trying to get the State to do this for a number of years. Mr. Zagone didn't think they would have right turn signals and stated the problems at that intersection. Commissioner Rentschler thought there was a way to do it and pointed out ways to do so. Mr. Zagone said he didn't know if a right turn arrow at the traffic signal would happen or not.

Commissioner Rentschler asked about driveway access cost and asked who bears the cost. Mr. Zagone said the cost of the change in the driveway itself would be covered by NMDOT. Commissioner Rentschler said the only frontage road appeared to be the one on the east side of the road on the north lane headed out of Alamogordo. He asked if there would be any more frontage roads and Mr. Zagone told him there were two or three other short frontage roads further north and all on the east bound side because we have right-of-way there. In order to put a frontage road on the left side, we would have to buy right-of-way.

Commissioner Rentschler asked if the access roads would be dirt or paved and Mr. Zagone said at this point it would be gravel, but that would all be up to money. We are looking at almost \$25 million including the bridges and we have \$6.8 million programmed. Our job is to have the entire thing designed and then the Department will phase that work over a period of years. Commissioner Rentschler asked where the money will come from and was told it will be federal money. Most of the major construction will be federal money, so he assumed since they are designing all this following federal guidelines and specifications, they will be using those federal funds.

City Manager Stahle was concerned if plans will be on the shelf very long and then have to be refreshed when brought back out and have increased costs. He wondered if any effort was being made to secure federal funds and get this thing done all at once. Mr. Zagone knew the State had a long range funding plan, but didn't know much effort had gone into getting \$25 million dollars. The DOT, District II and the Cities of Alamogordo and Tularosa would need to help push this. City Manager Stahle said this is why he raised this issue. This is a valuable project for our community and everyone on that roadway and there isn't enough money to complete the project. It would behoove us to have conversations with congressional delegates in order to get assistance in completing the project. Mr. Zagone said the bridge project will have to go and is already funded. The rest of the

projects will be designed and when pulled off the shelf they will be reviewed for specifications, and there usually is not a big change. City Manager Stahle said sometimes a lot of money can be spent on that final.

City Manager Stahle asked about street lighting at intersections and crossings, and Mr. Zagone said these had been addressed. City Manager Stahle asked about landscaping and Mr. Zagone said this was also included as part of the final design. Those estimates are real rough now because we haven't completed the final design. You are looking at close to \$25 million for the whole corridor.

Mayor Pro-Tem Hernandez asked about the lower section on the road on sheet 5. He wondered if it addressed the drainage issue in that area because that drainage problem had closed down the road five or six times in the last few years. He knows the land owners and there is water and mud crossing the road there. Mr. Zagone said it is being addressed. Mayor Pro-Tem Hernandez then asked about the depressed median on slide 18. Mr. Zagone said there will be a cable barrier at that spot. Mayor Pro-Tem Hernandez referred to this as a cheese grader and said this is a highly used road. He said we bring motorcyclists to our area and the cable barrier was more cost efficient than a barrier, but he didn't know which one was safer.

Commissioner Rardin mentioned Alamo Transit and asked what the proposal was for them. Mr. Zagone told him the cross-over would be moved to access their property and the Christian Fellowship across the road. Commissioner Rardin said when he tries to access that in his dump truck it is difficult, and Mr. Zagone told him there will be a left-turn bay in both directions. This is one of the issues they would be going over with the property owners.

Commissioner Baldwin asked about the traffic counts not warranting a six lane road and wondered what the current traffic counts were. Mr. Zagone said it approached 20,000 vehicles per day with a range of about 15,000 around Tularosa and to the south end of the corridor which showed close to 20,000. Commissioner Baldwin asked what it would take to get six lanes. Mr. Zagone said he did not have that answer but at this point there was not enough traffic to warrant six lanes.

Mayor Galea thanked them for their presentation. Mr. Zagone asked the Commissioners to please send them any comments they might have on this.

PUBLIC COMMENT

A. Harv Hamilton commented on the following:

Mr. Hamilton told the Commission he was here to present the first of four installments of two petitions from people who live along the area of Heights School. Some were either for or against extending the school zone down to College. He said this is the area between Juniper and College, and 7th St. to, but not including, Aspen. There are 150+ people who want it, and even though no one signed the petition against it, he knew of three who had made it known they didn't want it done.

Mayor Galea told Mr. Hamilton the APS School Board would likely take an interest in this since they would be the ones to authorize these cross walks. He said this is extending the lighted school zones and he thought the Commission, as movers and shakers in this town, should get this information first. A copy of this will be presented to them, he said, and noted he had addressed them back in March at a School Board meeting. Mayor Galea thanked him for his time. She asked Mr. Hamilton to give the petitions to the Deputy Clerk.

CONSENT AGENDA (Roll Call Vote Required for item No. 4)

2. **Approve Minutes of the August 26, 2013 Regular Meeting of the Alamogordo City Commission.** *(Renee Cantin, City Clerk)*
3. **Approve statement related to the Executive Session of August 26, 2013.** *(Renee Cantin, City Clerk)*

4. **Approve Resolution No. 2013-29 to apply for an FAA Grant to design the 2200' runway extension at the White Sands Regional Airport. [Roll call vote required]** (*Matt McNeile, Assistant City Manager*)

Commissioner Hernandez moved to approve items # 2, 3, & 4 of the consent calendar. Commissioner Rentschler seconded the motion. Roll call was taken for item #4. Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

5. **Consider, and act upon, the first publication of Ordinance No. 1447 amending Chapter 7 of the Code of Ordinances to allow for the keeping of bees and the regulation thereof within the City of Alamogordo.** (*Marc South, City Planner*)

City Planner South spoke about how the Planning and Zoning Commission had come to their recommendation to approve this amendment of the ordinance. P&Z had a total of three meetings on this issue and had two public meetings. The P&Z determined bee keeping would not be detrimental to the city under the conditions proposed in the final draft ordinance. He told the Commissioners the final draft was in their packets under Version 5. P&Z was very careful and asked him to be very careful when presenting to the Commission that they may very well find verbiage in there you don't want. The concepts are what P&Z were committed to getting in the document. The two crucial documents are Version 1, where we started and Version 5, where we ended up. The other ones are there so you can see the various considerations that came into play as we worked through the process. The first question they addressed was that the original draft not only address bees, but small and large animals. The P&Z felt strongly that the proposal be amended to address strictly bees.

That isn't to say there are not issues related to small and large animals, but the desire was to keep this as clean and simple as possible. If there is a desire on the part of the Commission to have another look at small or medium sized animals, we will deal with that separately. We didn't want to mingle the two. Some specifics in the original proposal were the proposed registration with the NM Department of Agriculture (NMDOA). The bee keepers had a problem with that because NMDOA doesn't require registration unless you have at least 15 hives, at which point you become a commercial aviary. The proposal was requiring registering with the NMDOT and they wouldn't know what to do with it if we sent it to them. We felt strongly to take that one out and it was removed in the final version. The final version does have registration with the city and that was a bone of contention all along. They preferred not to even do that. As staff we advised if there was no registration at all, we would not have any way of knowing where the hives were and so wouldn't have any way of enforcing regulations ultimately drafted into the ordinance. The original draft provided for specific approval by adjacent property owners. P&Z considered this at some length but decided against this. They were very reluctant to create a property right in the zoning code that was subject to consent by the neighbors. That's not the case with any other portion of the zoning code in the city. If you go through the minutes, you'll see permission was considered and posting a sign on the property was considered, but both were ultimately rejected. The key point as far as P&Z was concerned was if someone wants to be a bee keeper and one neighbor doesn't want him to, they couldn't come up with any objective standards. The P&Z was not comfortable with anyone being at the sufferance of their neighbors. They considered other animals such as dogs and cats, but a neighbor's permission was not required for any of these. There were some modifications in the administrative part of Version 1 that are fixed in Version 5 where responsibility for enforcing this was spread throughout the city government. P&Z felt that responsibility should be vested in the City Manager or his designee in order to have only one point of contact. If Version 5 is adopted more or less as is, we will be coming back to you at some point for establishing a fee for the processing of the application and registration. We think the request will be for a minimal fee such as are for ordinance reviews – about \$50.00. The

proposal sets specific standards in terms of trying to correlate the number of hives per lot sizes in the city. A standard lot of 6,000 sq.ft. (60'x100') is the standard and the majority of city lots are that size. Based on information we had including the original draft ordinance, we decided two hives on a 6,000 sq.ft. lot was not unreasonable. We verified this with other sources and bee keepers. As your lot became bigger, you could have more bees. There are standards in here for screening so that the bees are screened off in some degree. If the hive is where it is supposed to be there will still be a screen required to keep them from flying right onto the adjacent property. We also discussed this with the bee keepers and they thought it reasonable. There is one point that has remained in the ordinance that we like but admit it is somewhat problematic, the marking of queens. Queens can be marked when they are put in and the hive is established. The marking does wear off with time, so that can be a problem. Requiring queens to be marked is neither unreasonable nor inconsistent with the general rules that govern bee keeping. The major reason P&Z ended up thinking the way they did is that we have bees and we aren't going to do away with bees. The available evidence is that having the standard honey bee variety will tend to keep Africanized bees out. They will cross breed and this will tame the Africanized bees down somewhat. There will still be Africanized bees in the city, but allowing for bee keeping should lessen the impact. The one issue raised by members of the public has to do with those allergic to bee stings. Available evidence shows those people are about 1% of the population. You could assume 300-350 of Alamogordo residence are allergic whether they know it or not. That is a real concern and we don't want to minimize it. He said there were a number of bee keepers who are allergic to bees, and he noted his mother-in-law was allergic to bee stings and was a farmer's wife who worked in the fields and kept her epi pen with her. So, he said they felt this was a manageable issue. Those were the biggest pros and cons.

Commissioner Rentschler said he was under the impression they would be presented some sort of ordinance that required neighbor approval, similar to what we have when we have people who go out and look for a variance. City Planner South said that is not in the final draft. The P&Z recommended strongly against that, but as always he told the Commission they have the right to put it back in. Commissioner Rentschler said the problem he had was he has had to treat anaphylactic reactions to various things. He wanted to see some sort of neighbor notification and gave the example of having a three year old daughter who didn't know she was allergic to bee stings and the neighbor had bees, and she was stung. If I know my daughter is anaphylactic and dies because of a bee sting from bees kept by my neighbor over my objections, is there anything about liability insurance included in the ordinance. City Planner South said the city would not be liable, but Commissioner Rentschler said he was talking about the bee keeper having liability insurance. This is problematic and Commissioner Rentschler felt this could have been avoided by having some sort of neighbor notification. City Planner South said again, you are talking about 1% of the population, and Commissioner Rentschler said out of the approximately 70 people here tonight, that would be one person. He went on to say if you haven't witnessed one having an anaphylactic reaction, it is something to witness.

City Planner South reminded the Commission this is only a recommendation from P&Z and the City Commission can do whatever they want to the ordinance. He explained the options they considered – 1) direct consent from the neighbor, 2) posting (sign visible on your property).

Commissioner Rardin asked about Section 2 addressing pot bellied pigs. It says additions are highlighted and we have the keeping of Vietnamese Pot-Bellied Pigs and Pigmy Goats. City Planner South told him that is the way the present ordinance reads right now. It got pulled out at one point and then was put back in. Commissioner Rardin said that in one area of the ordinance it says you can't have poultry or livestock and that seems to contradict what it says in another spot. City Planner South said that is another discussion we will need to have in the future. Chapter 7 isn't one of the most orderly defined and we will need to address it at a later date.

Commissioner Rardin said as far as getting neighbor approval, if your neighbor doesn't want you to have it, you won't. He agreed with posting a sign stating you have bees, but not necessarily getting your neighbor's approval. City Planner South said we brought it to you in order to let you know what our discussions had been and what you do with it is up to you.

Mayor Galea said she has bushes that attract bees so she should get a sign out. She asked the City Clerk to put a slide on the screen showing her in a bee keeper's suit working with bees. She had done some field research with Mr. Rob Shepler and found they were very calm bees.

Mayor Galea asked for any public comments on this subject. Kathleen Gilliam spoke against beekeeping in the city. She had a copy of Versions 1, 2 & 3 of amending Chapter 7 – Animal Control. She said it appears she would be the only one to speak out against this change. She is aware bees are essential to life on earth and she does not have a fear of bees. Her primary focus is to bring attention to the safety issues of the citizens of Alamogordo who have severe allergies to bee venom, not to mention those who are unaware they have this life-threatening allergy. People living in Alamogordo who have this allergy should not have the added concerns and worries about health issues allowed with having bee keeping in the city. She understood that about 1% of the population has severe allergies to bee venom, but she saw on a recent ABC Evening News Report on August 9, 2013, Diane Sawyer reported there was an increase in the number of bee stings across America and about 3% had allergies to bee venom. Allowing bee keeping in the city could affect property owner's rights to a safe environment and affect the quality of life for people living near hives by curtailing outdoor activities due to a large number of bees in the area. Property owners should be given the right to protest bee keeping in their neighborhood that could affect them and their property. She said she had talked to many in the city about the bee issue. Those she spoke with unanimously echoed the sentiment, 'Not in my back yard'. Not one person wanted bee keeping in their neighborhood. The posting of a sign on the property warning of bee keeping and the registration of the bee keeper with the state, county or city, or getting a permit to do bee keeping does not solve the health issues. In conclusion, she felt the loss of one person, especially a child as a result of an allergic reaction to bee venom is not worth the revision to this code. After all the meetings, presentations, newspaper articles, letters and legal drafted options, the bottom line is should bee keeping be allowed in the city. In her opinion, bee keeping should not be allowed in an urban area. She said the Africanized (feral) bees are resistant to diseases, viruses and mites that honey bees have, so they may become extremely important in the future for cross-breeding. They are survivors and protective of their environment.

Beverly Eckman-Onyskow spoke about keeping bees. Ms. Eckman-Onyskow told the Commission she kept bees in Michigan and she would like to keep them in Alamogordo. She has a local business that provides garden consultation and soil testing. Being involved in this has made her even more aware of the plight of bees. Alamogordo is the only city in New Mexico that prohibits bee keeping. 'Bees are Essential to Life on Earth' was the headline of one of the stories she had written for the Alamogordo Daily News. The August 19th issue of Time Magazine had as their cover story, 'A World Without Bees – The price we'll pay if we don't figure out what's killing the honey bee'. It has information from many experts and she went on to quote statistics such as 1/3 of the US honey bee colonies died or disappeared over the last winter. The number of commercial bee keepers has dropped by some ¾ over the last 15 years and there were barely enough viable honey bees in the US to service this year's billion dollar almond crop. The bees are dying on a scale rarely seen before and the reasons remain mysterious. An initial factor was Colony Collapse Disorder identified in 2006 which Time Magazine termed a horror movie mystery. Mites have ravaged honey bee colonies since they were accidentally introduced into the US in the late 1980's. Another factor is the use of a class of pesticides that were introduced in the mid 1990's of which bees seem uniquely sensitive to. Other factors are increased urbanization and suburban sprawl which have removed many bee friendly plants over a wide area. The absence of bees would tremendously decrease our food options, especially produce. She encouraged the Commission to adopt the ordinance allowing bee keeping in Alamogordo so we can do our part to rebuild the declining honey bee population.

Rob Shepler told the Commission he had initially planned on speaking about bee attacks, but instead decided to speak on community and bee keepers. The bee keeping community is an interesting one and he finds it very supportive to be in this group. They network on line to help each other with bee keeping issues. He knew the Commissioners had heard from all over the state from the bee keeping community, and he felt if they passed the law you would see a lot of support for your future bee keepers. He told of bear attacks this year and after posting this on line had many bee keepers come to help him rebuild the fences. There is a significant difference between the honey bee and the

Africanized bee, and if you haven't heard about the recent Africanized bee attacks in Texas you should do so when you go home tonight. There have been several fatalities in both Texas and Alamogordo, and he felt Alamogordo has been very lucky so far. By introducing European bees, the Africanized bees will be gentled over a period of time. He encouraged the Commissioners to pass this law and they will continue to have seminars to support new bee keepers.

Mayor Galea said she appreciated all the P&Z had done and she liked that it discussed colony density - properties of less than 2,400 sq. ft. cannot support a colony.

Commissioner Rentschler wants to see some sort of neighbor notification. He had that concern and having helped care for those with anaphylactic reactions, he felt it was only right. In the past Rob Shepler had said they were not opposed to this and he asked him again if he would be opposed to this. Mr. Shepler said it would close the door for some people to keep bees. He noted one can keep a baby-eating pit bull dog in their yard without neighbor permission. Commissioner Rentschler said baby-eating pit bulls don't fly around and land in your kiddie pool. Commissioner Rentschler saw a distinct difference in the two. He asked him again if he would consent to this and Mr. Shepler said he would like people smarter than himself decide that.

City Manager Stahle said what he was hearing from Commissioner Rentschler was the notification of neighbors which was a lot different than a mandate to get permission. That is your choice, of course, and is something you could put in this. It is kind of consistent with Mr. Rardin's signage requirement. That alternative is one you could plug in if you wanted.

Commissioner Rentschler said by notification he envisioned some opportunity, maybe two weeks, for the neighbor to appear in front of the Commission if they feel they can't have this next door to them. He thought the idea of diluting the Africanized strain of bees was a really good idea, but he wanted the citizens of Alamogordo to have some sort of mechanism to protest. Mayor Galea asked what he would say to someone who had bushes that attracted bees. Commissioner Rentschler said if he had a child with a deadly reaction to bees, he would take the bushes out.

Commissioner Rardin agreed about notifying the neighbors, but he asked the bee keepers how far bees would go from the hive, and was told three to five miles. He said you might need to notify in a two to three block radius so anyone with that allergy would be aware.

Beverly Eckman-Onyskow said there are bees in Alamogordo and Otero County. Dr. Carroll Sutherland, who she knows reasonably well, told her at a recent plant clinic there was not a way to tell the Africanized bees from the European bees without laboratory experiments. She said there are bees everywhere now and if we had some of the gentler, friendlier bees it would dilute the population.

Commissioner Rardin said he is in favor of keeping bees within the city limits, but the neighbors need to be notified when a hive is to be moved into the neighborhood. He didn't think they should have an appeal process or have to ask for permission from their neighbors, but a letter should be sent to everyone in a two to three block radius to make them aware. He noted he has a young child and doesn't know if she is allergic to bees or not, but if she happened to be and someone moved a hive in next door he would be concerned. Ms. Eckman-Onyskow replied if she put a sign in front of her house stating she had a colony, where would her responsibility end when it is known bees fly three to five miles. Commissioner Rardin said if you were moving a hive right next him, he would like to know, and those living two to three blocks away should be made aware, too.

Commissioner Sikes said points made tonight have been interesting. What stood out most to her was that we have bees in Alamogordo and they aren't going to leave if we don't pass the ordinance. Right now every bee sent to the Department of Agriculture for testing has been an Africanized bee. If you read how people get hurt by these bees, you find out their hives were disturbed by vibrations, lawn mowers and other noises. They swarm and kill dogs, adults and babies. She has never heard of gentle European honey bees swarming and attacking like this. We will be diluting bees not getting rid of them, and she was personally more frightened by the existing bee population in town than having

people raise the gentler European honey bees. In the past six months, she has gone to seminars and meetings held by the bee keepers and found it is not something you pick up one morning and decide to do. This is a planned and expensive thing to do which takes time, effort and equipment. These are responsible and committed people who love their bees. It is a tragedy when a Queen is lost or a hive dies. She repeated the Africanized bees we currently have in Alamogordo are much more dangerous than the ones bee keepers are keeping. Commissioner Sikes didn't think this was as dangerous of a prospect as they were making it out to be, and this was evidenced by the fact no other city in New Mexico requires any of this. Ms. Eckman-Onyskow thanked her and agreed. She said the kinder, gentler, friendlier European bees will dilute the Africanized population and help rebuild the whole bee population that has fallen by 35% last winter alone. She said there would not be a mad rush to keep bees if this ordinance is passed. Most people couldn't care less and won't put out the time or investment to raise bees.

City Planner South spoke to say another option is to maintain a registry of these beekeepers that would be a public record.

Commissioner Rentschler asked about notification and whether or not it should be three blocks out, but if there was a concentration next door then that could be a problem. He suggested notifying everyone who's property touched your own. That gives people an opportunity to speak their mind. Also, if he was looking to buy a house and the property next door had a sign that said 'Bee Colonies', would that factor into his consideration and/or the value of the house. He felt some sort of a notification wouldn't be a killer to this ordinance. He didn't feel notifying eight property owners was that big of a deal, and in this day and age when we don't know our neighbors very well it is common decency to let your neighbors know this. He stated again, he agreed we needed the European honey bees to dilute the Africanized strain. Commissioner Rardin said perhaps the City could notify the neighbors instead of the bee keeper doing so. He also felt eight people around you aren't that many to notify.

Kathleen Gilliam spoke again saying it isn't always the first bee sting that causes a reaction. It could be the second or even third that causes the reaction. Some have their children tested and find them to be negative, but in a year they might develop an allergy to bee stings. Ms. Eckman-Onyskow made one final comment about her granddaughters and whether they would have a reaction. One lives in a rural environment and one in an urban environment. We can't wrap them in cotton and put them in a satin cage, even if we would like to. Having domestic bees will make the environment safer for our children and grandchildren.

Mayor Galea looks at this as a public safety issue. From the research she has done, she knows that by allowing European honey bees we will become a safer community because there won't be as many Africanized bees. Commissioner Rentschler said no one has proposed that we not allow this. We are only speaking to notifying the neighbors.

Commissioner Rentschler moved to amend Version 5 of Ordinance No. 1447 amending Chapter 7 of the Code of Ordinances to allow for the keeping of bees and the regulation thereof within the City of Alamogordo, to allow notification of neighbors whose property touches that of the potential bee keeper, including across the alley and street, and that the bee keeper present proof of this notification at the time of application for registration with the City.

Commissioner Rardin asked him if the potential bee keeper would notify the property owners or the City would notify the property owners. Commissioner Rentschler clarified the property owner would be required to notify, but the City could notify, too. He said that could be left to discussion at a later time. City Planner South asked if that included properties across the street and Commissioner Rentschler told him it would include properties across the alley and across the street.

Commissioner Rardin seconded the motion.

The Commissioners discussed which part to approve first and Commissioner Sikes stated they were opening a can of worms. Mayor Galea asked her if she would like the amendment to be separate from Item #5, or make her own separate motion to approve a version. Commissioner Rentschler stated there was a motion on the floor.

Commissioner Talbert said we need to specify how far out to notify. Commissioner Rardin said we stated any property that touches the property and include across the alley and across the street. Commissioner Talbert said that was alright.

Motion carried with a vote of 6-1-0. Mayor Pro-Tem Hernandez voted nay.

City Attorney Thies suggested there might be a misunderstanding about what the language would be, and there are some language issues in Version 5 that need cleaning up. If we go to first publication on what you have presented to us and bring it back for second consideration and adoption and possibly change the language again, we will have incurred a fair amount of expense.

Mayor Galea asked him if he could bring it back to them for first publication with the final language at the next meeting, and the City Attorney thought that would be best. Mayor Galea asked if a motion was needed to do this. He suggested tabling until the next meeting. City Manager Stahle agreed with City Attorney Thies' direction and thought it should be cleaned up and brought back.

Commissioner Rardin asked if the ordinance would be cleaned up for bees only or for everything in the ordinance. City Attorney Thies said it would be for reviewing Version 5 for language and with the inclusion of the notification and registration process. Commissioner Rardin thought they should do the whole thing instead of doing just the bees. City Attorney Thies asked what he was looking at and he replied the part concerning poultry. He had a constituent who lived in a high-end subdivision who had a neighbor with chickens. He was concerned about this and said the ordinance said you could have them here but not there.

City Attorney Thies explained even though our ordinance allows for chickens in some zones, restrictive covenants would prevail over our ordinance. They could be much more restrictive than our zoning ordinances allow in the way of uses. Commissioner Rardin asked who enforces those and the City Attorney told him it would be the property owners who find the chickens objectionable. Commissioner Rardin said unless the property owner wants to spend thousands of dollars going to court to enforce the restrictive covenants, those covenants have no teeth. The City Attorney then said this is a whole different argument that isn't a part of this tonight.

Mayor Galea asked to have the first publication for just bee keeping come back to the Commission and then P&Z can consider poultry in the future. Commissioner Rardin said we've done this in the past when a whole ordinance needs to be addressed, but we only look at part of it. We have a number of ordinances just like this where the whole ordinance needs to be addressed because it is 60 years old.

Commissioner Rentschler moved to table the first publication of Ordinance No. 1447 amending Chapter 7 of the Code of Ordinances to allow for the keeping of bees and the regulation thereof within the City of Alamogordo, with the amended language cleaned up and brought back to the September 24th City Commission meeting. Commissioner Rardin seconded the motion. Motion carried with a vote of 6-1-0. Commissioner Talbert voted nay.

6. Consider, and act upon, a request to unfreeze the Special Events Manager position.
(Katie Josselyn, Human Resources Manager)

HR Manager Josselyn spoke to the Commission saying this was a presentation from the last meeting which her staff had further researched in order to answer some of the questions raised by the Commissioners. They looked at what the ramifications would be for not having this position in place and what the increased opportunities would be if the position were revived. We used to have

someone in the late 1990's who was a liaison to the Chamber and it was eliminated in 2009. Since then some of those duties have simply gone away and some have been distributed to other departments and staff members. The ramifications of losing this position are numerous such as city resources like parks are under utilized and result in the lose of tourism opportunities, resources are not utilized to their full potential, and it's an overall sense of community for us to have someone who can bring these events and facilities to life. Spreading these responsibilities to several individuals resulted in poor or non-existent communication between the City and its former partners and has resulted in damaged relationships with outside entities and an overall negative perception. Staff members who have helped with these duties have been left with less time to address their day-to-day responsibilities. Quality-of-Life in Alamogordo has been an area of interest and concern with the Commission. Bringing back this position would give us a staff person who would be a focal point for activities and events for all to enjoy. We have been bombarded concerning events for the youth in our community such as Teen Dances like they used to have. Two popular events held at the Zoo and park and co-sponsored by the City are the Cottonwood Festival and Earth Day, yet there is little communication between the City and the other organizations. This position would fill that point-of-contact for the City. The City has acquired a Liquor Dispensers License which has partially facilitated the addition of events such as Fourth Fridays at the Zoo, the Pup Fish games, Oktoberfest and many uses at the Civic Center. These events create additional work and thus a need for a Special Events Manager. In addition to better communication of current events, the City has several facilities including parks and meeting places that could be better utilized. It has been brought to our attention that several people were not even aware of city facilities they could use. Recently we had a Commission meeting at one of our fire stations and it was a surprise to many we have this building to offer for outside meetings. We could also handle more activities by seeking users. The success or failure of these events and the missed opportunities or lack of events is a reflection of the City itself. Entertainment and beautification are major components to the Quality-of-Life aspect necessary to not only stimulate growth in Alamogordo, but to create an overall sense of community for our residents. We owe it to the people of our community to showcase our resources and better manage beautification efforts to reinvigorate the community. Reinstating a Special Events Manager will certainly help and she strongly encouraged the Commission to reinstate this position.

Commissioner Rentschler asked if more than one position was combined under this position in 2009. HR Manager Josselyn recalled in the late 1990's there was a staff member who heavily coordinated with the Chamber of Commerce. After that, we had a couple of positions that handled these events together. There was a staff member at the Recreation Center handling mainly adult events, and a Special Projects Manager who was under the City Manager and facilitated the Keep Alamogordo Beautiful (KAB) programs.

Commissioner Rentschler said it was kind of a half/half position with KAB at one time and was combined with what Jan Wafful is doing now, until that position became more than she could do. At the same time, didn't the Recreation Facilities manager help with this as well? HR Manager Josselyn said that person probably did help with this at that time. Commissioner Rentschler asked if the Recreation Center manager position had been filled yet and she told him it was still out for recruitment. Commissioner Rentschler said he had trouble with this because the \$54,000 was not budgeted. He also had heard something about how this position would create more overtime and more work for other city employees. His real problem was expansion of government when we didn't plan on it and the fact we have done without it all these years. He wondered if the Recreation Center Manager would be able to do a lot of what the Special Events Manager would do. He felt this could be absorbed by other managers who had been doing this for the last six years.

Commissioner Rardin agreed with Commissioner Rentschler. He said staff had been doing this and doing a good job. Some of the emails and letters that have been floating around saying some of our events have not been up to par are a slap in the face to the staff who has been working hard on these events. They go in after hours, evenings and weekends. He gave the example of the Pup Fish games and how Assistant City Manager McNeile started the whole thing and has kept it going. He didn't see the need to hire and pay someone else when the events are being handled just fine. He suggested bringing this position back next year, or incorporating the duties into an existing position

and giving that position a \$10,000 raise. He mentioned incorporating these duties into the Recreation Center Manager position like Commissioner Rentschler had suggested. He did not believe in growing our government.

HR Manager Josselyn said we currently have about 25 positions frozen, and most of these are in the Parks and Recreation department. She agreed that many have worked hard. Commissioner Rardin asked her if we approved this tonight are you going to come back to us in a month asking to unfreeze some of the other positions in order to support this position.

City Manager Stahle said this is his request. He felt it was appropriate to fill this position, not so much to take the load off of others, although that would be part of it, but to provide opportunities for more to be done in the City. It would be consistent with the two primary goals set by this Commission at the Retreat – Economic Development and improved Quality-of-Life for our citizenry. This position will focus on providing, identifying, marketing and creating opportunities for our citizens whether they are youth, elders or those in between. He felt it an appropriate position and was not about growing government. We can absorb the \$54,000 in this year's budget and he was planning on submitting a balanced budget for next year. He said it is unusual to present this just a couple of months into the fiscal year, but he has been here three and half months and feels this position needs to be unfrozen. He felt it should be unfrozen, created and the citizens of Alamogordo need to be given the opportunity to see what is possible with the use of our existing facilities. He came from areas that had dedicated people who focused on bringing activities to the community. He pointed out it isn't just for bringing activities, but also to bring in people. He gave as an example Over the Line Tournaments that are particularly interesting in terms of bringing a lot of people to an area to use ball fields. We have a lot of ball fields and a band stand that have not been used since he has been here. These are opportunities for us to do better than we are and that is what this is about. He will not bring them a budget asking for a lot of positions to be unfrozen, but he believes this city needs this position and it will be good for the community. We will make it work financially.

Commissioner Sikes said she has spoken with the people who have been 'pulling-off' these events in the past years and these people have job descriptions that don't include a lot of the work they are doing. When she first heard about this position she agreed with Commissioner Rentschler and Commissioner Rardin, but after talking to these people who have been overworked, having a focused person to do this seemed like a logical idea. She noted there are a lot of things we could be doing that we are not because there isn't anyone focused primarily on the event. She thought we would all ultimately benefit from this position, and the \$54,000 is not the salary – it is the amount with everything included. When you think of the overtime we are paying now, we might save money.

Mayor Pro-Tem Hernandez appreciated HR Manager Josselyn presentation, but he felt like tonight's presentation was a quick fix. You are going to hire one person at \$54,000 and this person is going to coordinate events, but the persons doing them now will still be doing them. He didn't think there was enough planning with this idea and wanted them to look into what it was going to do, what it was going to bring, and what else are we going to need with this. It already lists supervising up to 10 part-timers and is it part of the cost? He didn't think there was enough planning and he didn't want it included in this year's budget. He wanted it done right.

City Manager Stahle said he was not suggesting those folks who have been putting in extra time and work will not continue to do that; this is about expansion of opportunities to the community. They are going to have to stay within the bounds we have already established in our budget. This position will hopefully bring about ideas, projects and programs that others may have an interest in doing here. He again spoke about Over-the-Line Tournaments and that we simply advertise out for it and provide a place to do it and someone to talk to about coordinating parking, lighting, etc. We haven't thought it all through, but that is why we need that position. We need someone that will be devoted to concentrating on what the needs are, bringing in the activities and coordinating with them. This is in addition to what we are already doing and there are those in our City doing fantastic work already. This is to give them some help, to help coordinate with other organizations in the community and to address some of the needs that are there because of the lack of utility of our resources.

Commissioner Baldwin said this is within the goals and tasks we direct the staff to do. Promoting our community is a Quality-of-Life issue. He said there were many measurable goals in the examples of work and central duties. Could we unfreeze this position for two years and see if it works; show us what has been done in that two years for the City of Alamogordo? If it doesn't work, it will go back to being frozen and City Manager Stahle said we could certainly do that. Mayor Pro-Tem Hernandez said it would have to be a contract position if only for two years. You can't hire an employee and tell him the job will only be for two years. City Manager Stahle said any position we create is subject to funding by this Commission, and the Commission can do away with any position. Commissioner Rentschler reminded the Commissioners we aren't about laying people off. He wouldn't want to go into this with that idea and he wouldn't want to see the time come when employees are told they are being laid off because we don't have the money to pay them. If this position is funded, it won't be going away in a couple of years.

City Manager Stahle believed this position would prove its worth within two years and the Commission would want to keep it more than he would. Mayor Galea said there are measurable benchmarks and we would look for an increase in the amount and quality of events.

Commissioner Sikes asked if this position would fall under Assistant City Manager McNeile. She said Assistant City Manager McNeile has had to rely on many of his directors to do this job and maybe he had some insight. Assistant City Manager McNeile told the Commission it is true the workload has been spread out among many people, but the job has got done and he didn't think they had failed at any of their events. This position would be a great benefit for the Community Services Department and for attracting and organizing new events.

Commissioner Rardin asked if it would be something that could wait. He asked Assistant City Manager McNeile if we were going to have that many new events between now and next May that we need to have this position unfrozen now. Assistant City Manager McNeile said City Manager Stahle has made a recommendation. City Manager Stahle replied that the issue of whether we wait is totally yours.

Mayor Galea stated the Commission had two letters in front of them, one from HAFB and one from Christa Haynes, agent and owner of Empire Insurance, LLC, and asked the Deputy Clerk to add these to the record. She noted there were four people signed up to speak to this issue. She read the Holloman letter:

'Dear Commissioners,

As representatives of Holloman's Airmen, representing over 3,500 enlisted personnel at Holloman, we'd like to express our unanimous support for the creation of a Special Events Manager position in Alamogordo.

It has long been of concern to Holloman leadership, that members find more outside activities in the Alamogordo area. Of particular concern is a need for more events geared towards young single individuals. We see this proposal as an excellent opportunity to improve quality of life in Alamogordo by creating new and varied activities for these younger active duty Airmen, and further enhance the existing close relations between Holloman and Alamogordo.

We urge you to support funding for this position.

Sincerely,

MSgt Christopher Dwyer, President, Holloman Top Three Association

SSgt Christine Anderson, President, Holloman middle Two Association

A1C Benjamin Hedges, President, Holloman Airmen's Council

Rich Couture, owner of Fun Flicks spoke to the Commissioners. He supported this measure and felt it was a win/win between business and government. From a business owner's standpoint, if this position was available, he would have a point of contact with the City concerning special events. On the flip side, the City would have their own expert coordinating special events and promoting local businesses. He said he ran the 'Movies Under the Stars' series at Griggs Field and had over 1,200

people show up. He organized it himself with the sponsorship of 10 businesses and it was a great accomplishment. He wants to extend his business and do more for the community. He would like to have a point of contact to help him expand his business out to other parts of the year. He listed upcoming events where he will be showing movies for family fun. He felt this position would help create more ideas such as video game events at the Boys/Girls Club or the Rec. Center, a Drive-In event at the High School and auto events. He would like to put on more of his family friendly events utilizing our parks system and even at the Alamogordo Senior Center. This is a Quality-of-Life thing.

Commissioner Rardin asked him about Fun Flicks and who his point of contact was at this time. Mr. Couture told him he had gone to the City website and then contacted the mayor and the Assistant City Manager. The mayor had told him about Oktoberfest, but it was mainly his entrepreneurial spirit that made his movie events happen. He would find out about an event and then find who the main person was to talk to. It wasn't always the same person for the City. He told them he wants to have an event at the Toy Train Depot and show the movie 'Polar Express'. He has a sponsor for this but would like to have a City staff person to work with.

Mayor Galea said some emails showed there wasn't any staff available to help with some events because they were already busy with another.

Mr. Couture agreed everyone is concerned with additional costs, but as a business owner, it would make operating and organizing an event easier to have this point of contact. Commissioner Rentschler asked Mr. Couture if this was a business that he charges for and he told him the event begins at \$2.99 for the Movies Under the Stars that he does both here and in El Paso. He was picked for 11 events in El Paso by a City representative. He would go to the Special Events coordinator who highlighted the Quality-of-Life events, and he had his movies at four of the parks for eleven events there. They were so happy with him that they booked him for next year. The position you are considering tonight would be someone who could get business and government to work together.

Commissioner Rentschler said if we funded this, he would want to know there was a way to pay for it other than to take it straight out of the General Budget. Mayor Galea noted Mr. Couture did not charge the City a fee when he showed his movies. Mr. Couture said he had 10 sponsors for his series of movies.

Melanie Anaya said she visits businesses and they tell her they look on the websites of other cities the same size as Alamogordo and see many more events are scheduled than we have. These businesses wonder why we don't do the same in order to bring in more revenue. The Cottonwood Festival, Wine Festival and Ruidoso Aspenfest all generate traffic through Alamogordo. Having an Event Manager would encourage tourism, promote the city and bring in revenue. She mentioned these events, the Pup Fish games and Fun Flicks have brought crowds and perhaps an Events Person could help Assistant City Manager McNeile promote the games more. These draw families and generate tourism. She said she speaks with HAFB In Processing every Monday and talk to these young people who express they would like to see league or team events. Young airmen would also like adult events not in a bar scene, like a dance at the Civic Center. She supported the Mayor in expressing favor of unfreezing the position.

Christa Haynes read the letter she had earlier given to the Mayor and that each Commission had in their packet in which she supports this position. In her letter she said:

'It recently came to my attention that the City is looking at the option of reinstating the position of a City Events Manager. As a business-owner, mother, runner and "event planner" in this City I firmly stand behind this action. Event planning is a full time task in its own right. No person tasked with the other important activities of running a city as grand as Alamogordo can successfully accomplish the goal of attracting, inventing, promoting, coordinating and maintaining events for this city. We've all been to events that lacked expert coordination; often people don't return and an event that is a superior idea for fellowship, fun and camaraderie falls to the wayside. As a business person, I know the importance of choosing the right things to focus my time on that are the most productive activities

for my business as well as the areas I excel in and the areas I should leave to other people. Sometimes that means hiring to a weakness.

Alamogordo is weak when it comes to social events. Since arriving here in 1994 as a military brat, it's been a struggle to fill the family's calendar with the meaningful memories created by small-town events. Yes, there are clubs and the Chamber and sports and things like Cottonwood and the Wine Festival, but there is no strong hub of communication for what's going on, who's doing it, what it supports, and how to get involved. All of the same people are on all of the same boards promoting all of the same causes asking for all of the same money from all of the same population of the community that has money to give. It is my contention that a City Events Manager is not only good business for the City of Alamogordo, but this position could serve as a hub and as a means of creating activities that serve to generate interest and revenue without the underlying burden on the business-owning community.

Every year, I help create, in some capacity, the Miss Alamogordo/Miss Otero county Pageant. I have helped coordinate the Sunset Run and Zach Trak, both largely the work of Rosemarie Ferrara at Alamoshape. I've worked at Cottonwood, the Wine Festival and the Fair. I've also seen some great performances at the Flickinger center, occasionally bowl on base, and once in a blue moon go skating at the roller arena.

As a City, we are not lacking in things to do and places to do them, but what we are lacking is a way to attract people TO activity. Business owners have been concerned with survival in this economical climate, and not all business owners are great event planners. With a City Event Manager that is willing to work with various groups and business owners to attract and maintain events and activities that will add to the quality of life in Alamogordo, the City can only win.

An alternative to reopening the position, in my opinion, is to put out to bid a contract for the same type of event coordinator. There is no reason that I can see that our great City shouldn't have someone in this position, whether as a city employee or contract hire.

I urge you to consider this and ultimately vote for the improved quality of life in Alamogordo.'

Sincerely,

Christa Haynes

Ms. Haynes mentioned she has planned several events and is partnering with a doctor to open a race event planning company.

Dr. Juan Garcia said he is an Alamogordo citizen in favor of refunding this position. He thanked the City for being a proficient city government in New Mexico. He has done research on this type of position and found eight out of the ten largest zoos in the nation run by cities have event coordinators. 59 Libraries run by cities nationwide have event coordinators. El Paso has a Community Development department that not only develops the city but coordinates many of the events they have. Las Cruces has a Community and Cultural Services Department and they promote city services for the citizens. Ruidoso also has a Community Development Department. He had looked at Human Resource departments for many of these areas and looked at the job descriptions of the position. The common thread in all was this person would raise revenue for the city and they would provide information resources for the citizens of the city. He felt refunding this position would bring the city a return on their investment. They would make the goal of keeping the community informed and giving them resources needed to improve their quality of life. He guaranteed that if this position were approved, he would not apply for the position.

Commissioner Baldwin moved to act upon a request to unfreeze the Special Events Manager position. Commissioner Sikes seconded the motion. Motion carried with a vote of 4-3-0. Commissioner Rentschler, Mayor Pro-Tem Hernandez and Commissioner Rardin voted nay.

NEW BUSINESS

7. **Consider, and act upon, the first publication of Ordinance No. 1448 related to the use of cell phones in vehicles.** *(Stephen Thies, City Attorney)*

Removed from agenda at request of Commissioner Talbert.

8. Appointments to Boards & Committees. (Susie Galea, Mayor)

Mayor Galea announced the Boards and Committees with current vacancies and noted there were not any applications. No appointments were made.

PUBLIC COMMENT

None

CITY MANAGER'S REPORT

1) City Manager Stahle asked the Commission to meet one week from tonight for a Study Session on September 17, 2013 at 7:00 p.m. at Fire Station #5. The ICIP will be addressed. Commissioner Rentschler will be out of town so will meet with City Manager Stahle for a briefing before the meeting.

REMARKS AND INQUIRIES BY THE CITY COMMISSION**Commissioner Rardin commented on the following:**

1) He asked about Section 2 in the ordinance that addressed chickens, and wondered if the ordinance prohibits chickens in the city limits or allows them within the city limits

City Attorney Thies responded the ordinance allows it if the particular zone allows it. He gave the example that R-1 and R-2 zones permit this, but other districts do not. Commissioner Rardin said this is probably because this ordinance is over 60 years old, and the City Attorney agreed. City Attorney Thies remarked the so called sustainability trend across the United States where you are loosening your rules prohibiting animals or bees is because people want to keep things for food. The trend is to allow this.

Mayor Galea said if someone wanted to raise chickens, there is a clause in the ordinance pertaining to a nuisance and this could be reported to the City.

Commissioner Rardin said a man on First Street and New York had what he called pygmy goats right by WalMart. He had them tested to prove they were pygmy goats and these are allowed within the City limits. Commissioner Rardin felt that within the next 30-60 days, our City Attorney could redraft the ordinance, over and above the bee part, and bring it back to Commission. He felt it was like so many other ordinances on the books – 50 to 60 years old and needed readdressing. He wanted it brought up to the year 2013 instead of 1947. He said the builders were pushing to do their zoning ordinances where some of this would be addressed. Some patches have been made but they did not address the whole ordinance. He again requested to see a redrafted ordinance in 60 days without the part about the bees.

City Manager Stahle agreed this section in particular needs help. He said it was not unusual that zoning codes are updated more frequently than he has seen here. He remarked that during the conversation about bees they took out the sections Staff had proposed to clean-up the animal section of the zoning code. We are still interested in seeing that progress. It is important we go to the P&Z Commission with this so he asked that the Commission be flexible with their timeline. We need their recommendations and reactions for consideration, and he added there were a lot more sections of the Zoning Ordinance that needed updating.

Commissioner Rardin thought 60 days was reasonable. City Manager Stahle said there had been some issues of attendance with the P&Z Commission, and he noted they had put off this month's meeting until this Thursday. He told Commissioner Rardin he would work on this.

Commissioner Rardin wants to see results and see them quickly. City Manager Stahle said he

thought it could be done because Staff has already proposed updates, but as with bees he said animal privileges in urban areas are also controversial.

2) Commissioner Rardin said the same constituent asked about covenants in the subdivisions and who enforces those covenants. He asked since we approve those subdivisions, why don't we have anything to do with enforcing those covenants? City Attorney Thies said that is true and the City have the responsibility of enforcing the covenants. We don't see or review the covenants enacted by subdivisions and our current ordinance does not require that they be submitted for review. Occasionally, if you have a townhouse, condominium or home owners association, some ordinances will contain a provision that requires the covenants be submitted, reviewed and commented on. We have nothing on the books, so if the subdividers make a subdivision and want to place restrictive covenants on it at the time the subdivision is approved, we never see it and it is up to the owners of the property to enforce that.

City Manager Stahle noted he had a lot of experience in this area. He thought we ought to be having Staff review Covenants, Conditions and Restrictions (CC&R). The primary reason is to make sure there aren't any allowances for things our zoning code does not allow in a residential zone. For that reason, he encouraged us to take a hard look at that section of the zoning ordinance. He wasn't suggesting a property owner could not add conditions or rules they feel appropriate for their neighborhood. That is a private party contractual agreement and the City has nothing to do with it.

Commissioner Rentschler said the truth is ordinances supersede any of those covenants and we really don't want to get into enforcing the covenants the various groups have.

Commissioner Rardin said there was a subdivision in the County they worked on. In order for them to enforce their covenants, it takes legal action. Commissioner Rentschler said usually there are 20 property owners that come to do this.

3) Commissioner Rardin asked about the travel policy for any elected official going out of state and if Staff had brought anything back on this. City Manager Stahle said we will work on it and he apologized saying he had not had the time. Commissioner Rardin thought it would be on this agenda. City Manager Stahle again apologized and said he would take care of this quickly.

4) Commissioner Rardin asked about the aerospace industry consultant that was at the last meeting. From what he had understood from the staff, we were supposed to be getting with him to get pricing, fee schedules, and other numbers in order to get the ball rolling. City Manager Stahle told him he had a conversation last week with them to try and get the ball rolling. He had asked to also get with OCDEC since the contract is with them, to make sure we are coordinated in our efforts. Commissioner Rardin said it would be a separate contract and not with OCDEC. He wanted to see this pursued fairly quickly.

5) He heard the cost of Florida Avenue from 16th to 10th Streets is going higher and higher. A previous commission had approved this and when Cutler came through the last time, that road was supposed to be repaved. He didn't want to cut projects we have already told the public we are going to do because of prices going higher. He wanted to see it go out for bid the way it was designed when the previous commission approved it and got it rolling. He understood the road may only last 10-15 years as opposed to lasting 20-26 years with the new design, but he was against changing the scope of work in the middle of a project. Portions are done, but the road is a disaster where the utility work was done. It has been two years since we've done the utility work there and he asked Public Works Director Cesar about this. Public Works Director Cesar said it had been a little over a year. Commissioner Rardin has received complaints on this and he drives it daily. He would like to see it finished and not change the scope of the project. That money has to be spent by the end of the year or we will lose it.

City Manager Stahle said we'll talk about this on September 17th. He told the Commissioners City

Engineer Thomas was on top of this one and stated, 'There's never enough time to do a project right and plenty of time to do it over.' When we are spending taxpayer money we want to get it right the first time. He didn't know about any changes to the original scope and didn't know what the original scope was.

Commissioner Rardin said it has already been approved by a previous commission and have put in the paper numerous times which roads will be worked on. When these costs go higher, we have to scale the projects back. He wanted to do the projects they had told the public they would do, because we are running out of the money. Once that money is gone, we'll have to find other funding sources.

City Manager Stahle said we intend working on this along with other important topics at the September 17th meeting. He asked if the scope had changed.

City Engineer Thomas explained the original concept of the North Florida Paving Improvement Project was to pulverize and pave. 12" of existing material would be ground up and then paved. The problem with that concept was there was only 2"-3" of asphalt over 2"-3" of aggregate, over dirt. You would be mixing a tremendous amount of dirt in to create a base and then paving on top of that. It is not even possible to do this. Commissioner Rentschler said it has been done time and time again and Commissioner Rardin agreed. Commissioner Rardin said the cutler process we have used on numerous roads is essentially the same thing – they mill and fill. It isn't a Cadillac but it is a new driving surface and the constituents are happy. City Engineer Thomas told him if they did milled an overlay on North Florida between 10th and 16th, it wouldn't last 3-4 years because the road base is so poor and there have been many water main breaks. There is little material to live with based on traffic projections.

Mayor Galea asked him on a cost benefit analysis if this would be a waste, and he said yes, for that particular street.

City Manager Stahle this doesn't negate the prospect of doing something on that project. We'll bring the game plan to you on the 17th and you should be happy.

Commissioner Rardin said from Indian Wells to Scenic it is the same thing. We have milled and filled that and it shows some wear but should last us 10-15 years which the previous commission expected. That's how we budgeted it and we all knew we'd get 10-15 years out of that road. He wanted to follow that plan.

Commissioner Rentschler told City Engineer Thomas that our area doesn't get as much weather as back east with constant freezing temperatures and two feet of rain. We are very dry and our roads last better.

Commissioner Rardin said Florida from Indian Wells to Scenic had an enormous amount of rain when they did that infrastructure and has done very well. They had it wide open and the portion of Florida down there floods when it rains. It was washing asphalt everywhere, and that road is fairing well. He noted he and Commissioner Rentschler were the only ones of the present commission that were part of that and he would like to see it carried on. We could change the scope afterwards, but now we are on a limited budget that has a limited time to be spent.

Mayor Pro-Tem Hernandez commented on the following:

- 1) He said there were three roads he would like the City Engineer to look at: 1) Washington from 10th to 1st Street that was done 20-25 years or more, 2) Florida from 16th Street to Indian Wells, and 3) 16th Street from White Sands Blvd. to Florida. Those three roads were done like you are thinking of doing Florida from 10th to 16th and failed tremendously. 16th was actually done twice within five years and Washington was a really big deal and created a lot of trouble for a lot of people.
- 2) Mayor Pro-Tem Hernandez mentioned we had talked about a sign ordinance several months ago. Staff had brought a sign ordinance to us and he had killed it at the time by saying we shouldn't create another ordinance when we have ordinances we don't enforce. There are still wood trucks sitting on

our property on White Sands Blvd. and Indian Wells. Garage sales were there on our property last weekend. We need to clean them up and start enforcing this. The private property is advertised on Holloman Yard sales as a car lot. I would receive a ticket from a police officer if I was speeding, and these people need to get a ticket, also. Mayor Pro-Tem Hernandez called Chief Duncan to report this and they took care of it, but there were three vehicles in the same spot the next day. We need to stay on top of this to help keep our city clean.

City Manager Stahle clarified his concerns of sales on public and private property. He said we could deal with those on public property fairly quickly, but we'll talk to the private property owners. Mayor Pro-Tem Hernandez explained this was an ordinance and explained that if a car is parked on property, it must have a signed letter in the dash saying it is allowed to be there.

Commissioner Rardin said he was going to send the city manager a text on Saturday about these sales. On the corner of Indian Wells and White Sands Blvd., which belongs to the City, there was an older man and lady who unloaded their stuff out of a horse trailer. Another gentleman unloaded furniture from his flat bed truck at this same place in order to sell it. City Manager Stahle said we could post those properties with signage that says 'No selling on public property'. Commissioner Rardin said that might help further north where Allsup's bought the old Express Lane there is a lot where cars are sold.

Mayor Pro-Tem Hernandez said all that is blight because it is simply junk to be sold. Do we need to add or stagger Code officers? He knew one officer works on Saturday and thought maybe we could stagger the officers. City Manager Stahle asked the Commissioners to email these concerns to him or staff and we will get after the problems. Mayor Pro-Tem Hernandez asked how much wood does a wood seller need to sell before we issue him a permit and have him pay taxes in the city. City Manager Stahle said he always saw a wood truck there and Mayor Pro-Tem Hernandez said there were three of them. Shouldn't they be required to register as a business when there are two wood yards in town that pay county taxes.

Commissioner Rentschler commented on the following:

1) This coming Friday – Sun Zia will give a presentation in Ruidoso at noon at the Museum of the Horseman. It will be a subcommittee of the Department of Rural and Economic Development. They are scheduled to begin at noon, and he invited other commissioners to come in order to make sure that line has gone north. We should arrive at 10:00 a.m. or so. Our two senators will be there as well as others.

Commissioner Sikes commented on the following:

1) She had received an invitation for Sat. 14th that will be open to public. Dr. Garcia, from NMSU-A works with students there. It is the League of United Latin American Citizens (LULAC) induction of officers and will be held from 3:00-5:00 p.m. She encouraged all to go.
2) She was in a meeting last Tuesday and gentleman wanted her to talk about this. The Friday before Labor Day he had a pipe break. He knew he would have a lousy time with this, but went ahead and called the City at 3:30 p.m. Three young men arrived at his house within 15 minutes to fix the pipe. This man could not compliment these young men enough, and Commissioner Sikes thanked Public Works Director Cesar and his department.

Mayor Galea commented on the following:

1) The Day of Caring project happened recently and Megan Wade and City Manager Stahle were instrumental in all that was accomplished. About 98% of those who helped were HAFB volunteers.
2) The Chamber of Commerce and OCEDC will be doing a Branding Session on September 12, 2013.
3) The GAF has been very thankful for the use of City facilities for Oktoberfest. Several of our city employees have been working very hard on this. She went to a tasting tonight and received a stein, and went on to describe what would be served.
4) She received a Certified Municipal Officer designation from the NMML when she and some of the other commissioners and staff went to the NMML Conference. She also ran in a fun run and came in

second.

5) On the next agenda she asked to see a Charter Amendment discussion for Public Art. This is something they do in Arizona. 1% of every major road construction project is dedicated to public art.

6) She would also like to see on the next agenda discussion of a Public Safety Bond. This would include both the police and fire departments.

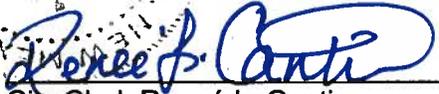
7) She addressed rumors about the former landfill sight and mercury there. She asked Public Works Director Cesar and City Manager Stahle to check on this, especially the pipeline to the Desalination Plant and the Desalination Plant itself. She would like the correct information to be publicized. City Manager Stahle has asked for this to be done. He said Megan Wade would work with Public Works Director Cesar on this.

ADJOURNMENT

Mayor Pro-Tem Hernandez moved to adjourn at 10:04 p.m. Commissioner Sikes seconded the motion. Motion carried with a vote of 7-0-0.



Mayor Susie Galea


ATTEST:


City Clerk Renee L. Cantin

*(Prepared by Nancy Jacobs, Deputy Clerk)
Approved at the Regular Meeting held on September 24, 2013.*