

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
AUGUST 27, 2001**

MAYOR DON CARROLL COMMISSIONER DON COOPER

MAYOR PRO-TEM JOHN VAN DOREN COMMISSIONER ED COLE

COMMISSIONER INEZ MONCADA CITY MANAGER PAT McCOURT

COMMISSIONER RON GRIGGS CITY ATTORNEY REBECCA EHLER

**COMMISSIONER STEPHEN EASLEY CHF DEPUTY CLK TERESA
GUTIERREZ**

Call Meeting to Order, Roll Call, Invocation, and Pledge of Allegiance.

The Meeting was called to order at 7:35 p.m. Mayor Pro-Tem John Van Doren was absent. The Invocation was given by Commissioner Ed Cole, and the Pledge of Allegiance was led by Commissioner Don Cooper.

PRESENTATIONS:

1. Presentation by the New Mexico Airport Manager's Association naming the Alamogordo-White Sands Regional Airport as "Airport of the Year" for 2000-2001.

Mr. Mike Rice, New Mexico State Aviation Director, said the Airport Manager's Association was a subsection of the New Mexico Municipal League. The criteria to receive this particular award included administrative expertise, long term capital improvements and continuity, long term maintenance and upkeep program, and community acceptance and support. He said he would like to congratulate Airport Manager Duke Prewitt, who was one of the most respected Airport Managers in the State, and also staff member Rene Montalvo who had worked very hard to keep it very sharp and aggressive.

Mr. Rice presented the award to Mayor Carroll to accept on behalf of the City, who in turn presented the award to Mr. Prewitt to display at the Airport.

2. Presentation by Otero County Economic Development Council (OCEDC) with an update on 1-800-FLOWERS.com.

Mr. Ed Carr, Executive Director of OCEDC, said 1-800-FLOWERS had requested a modification to the original agreement which would pay them \$225,000 of the first year's incentive up front. There was sufficient money in the economic development fund to do this. OCEDC recommended approval of this request since the job creation claw-back provisions would remain in place and it shouldn't affect the overall contract. Also, Ms. Denise Thompson, Human Resources Director for 1-800-FLOWERS would be in Alamogordo Wednesday through Friday to scout the area. She was also going to bring with her the Operations Manager and the interim Call Center Manager. They would all be present at the Rotary Club meeting on Thursday if the Commission would like to meet them. Her intent in coming here was to lay the groundwork for the recruitment of people. Also, she would be looking for corporate apartments and things like that for their temporary personnel. On the 16th and 17th of this month, two members of the 1-800-FLOWERS Information Technology Department were here doing a site survey of the Qwest infrastructure--the fiber optic connection--to the Florida Street IGA to make sure it met their needs. They suggested one improvement to that. There was a 25 foot difference between the fiber going in and the fiber going out and they wanted a redundancy, which Qwest provided, however, at the minimum distance apart. They would like to see that spread apart more and it would come as a change request to Qwest if they deemed it was cost effective to do it. As far as the Information Technology guys were concerned, they would like them as far apart as possible in case a guy with a backhoe cut one cable and they didn't realize it because it was redundant, and then it went 25 feet more and cut it again. That would cause them to be out of operation.

Mr. Carr said OCEDC had reviewed the City's contract with 1-800-FLOWERS. They'd discussed it with the City Manager, who had turned it around today and they now had a final draft copy. He would send it off tomorrow to see what they said about it. They had not seen this contract yet, although the provisions that were contained within the contract were items they'd talked about for quite a while. Also, 1-800-FLOWERS was still in negotiation with the French Brothers over the building. They expected construction to start as soon as they got approval and they had a contract with the City and the incentives.

Mr. Carr said he wanted to call everyone's attention to an article in the "New Mexico Business Journal" on Otero County and Alamogordo.

Commissioner Cole asked questions on the incentive contract regarding the various terms of that agreement. Mr. McCourt said it was \$225,000 which was basically put up front when 1-800-FLOWERS first started recruiting, training, and hiring people here. At the end of the year, they would then see if they had 300 full time jobs that had been on board for 180 days. They basically had six months to get 300 full time jobs up, and then they had to retain them through that period. If they were successful in doing that, then after a one-year period they'd earned the \$225,000. If they had not, for every full time equivalent, they owed the City \$750.

That was what was meant by the "claw-back provision"--basically if they failed to reach their established goals in the contract, then they had to pay the City back money. It would be taken off their future payments they received from the City, and at the end of the contract the City would be able to pursue them if they owed us anything at that time. The additional \$25,000 to bring it to the \$250,000 maximum per year was a provision if they exceeded their full time employment. So if they hired more full time positions in that first year, they could earn an additional \$25,000 per year maximum.

Commissioner Cole asked why the repayment back to the City could not be collected at the end of the first quarter? Mr. McCourt said they had to have the people on board for six months, 180 days, so they wouldn't even know if they'd accomplished that before a minimum of six months. It was also to give them some ramp-up time to get the people on board during that first year. In the contract, the City had a provision where it could go in and do job audits more frequently than that. It was at least annually, but more frequent if it appeared that they were actually running under their employment goals. They wanted to avoid a situation where on the 365th day they suddenly hired fifty people and put them on the books so they could make their quota. What the City wanted to see was that they had full time jobs on there and they were sustained and ongoing jobs. So there was a 180-day clause in the contract where the people had to maintain the jobs as full time positions. Commissioner Cole asked if they were looking at the budget year or calendar for that \$250,000? Mr. McCourt said the time period wasn't set on a calendar year. It would start whenever they made their first payment. For instance, if they made their first payment on September 1st, then it would be through August 31st of the next year. The City hoped to make the first payment on October 1st; the sooner the better from our standpoint. Mr. Carr said there was no way the building could be up and operational by the time 1-800-FLOWERS wanted to start training, and they needed to determine if there was need for another building as an off-site training campus kind of thing. Mr. McCourt said because of these things, they didn't have that first date yet. Commissioner Cole asked if it would stand to reason that it may be November? Mr. McCourt said it may be. They had indicated that their season started fairly early in the Fall and they started really ramping up. Therefore, they wanted to get the people on board as soon as they could. Mr. Carr said 1-800-FLOWERS said they could have a contract within 48 hours of them coming to terms on the building. Then as soon as their lawyers got to see the City's contract and if they agreed to it, it could happen very quickly.

Mr. McCourt said they had a draft contract, and it embodied the items the City Commission had previously discussed. It included the jobs for cash and the claw-back provisions, and the safeguards the City had built in there. They did anticipate some negotiation on some minor points. Mr. Carr said this was a negotiation and there was a lot of back and forth. The final agreement may be different than what they had just described, but to date this was the deal which was on the table and what they believed the agreement would look like. They

had delayed getting this contract on paper because of several different offers and counter-offers which had been going on since May 22nd when the Commission had met and approved the incentives. Until they came to a final agreement exactly what form the incentives would take, this was the best they knew right now. So they wanted to get something on the table to see if they could all agree to it.

3. Presentation by the Alamogordo Artists Alliance to familiarize the Commission with the aims of their organization.

Dr. David Townsend, Historic Recognition Committee, felt he should clarify two or three points for the Commission's benefit. The Historic Recognition Committee had an Art Subcommittee. The only power the Historic Recognition Committee had was the power to make recommendations to the Commission, and generally those recommendations had been pretty limited to Founders Park. Their Art Subcommittee had only the simple, basic charge to recommend to the Historic Recognition Committee that a particular piece of art was acceptable within the parameters for Founders Park. It was never intended that they be an overall art committee for the City or anything of that sort. So the Commission needed to keep in mind that the Historic Recognition Committee's Art Subcommittee was very, very limited in its function. It recommended to the Historic Recognition Committee, and they recommended to the Commission. One other point may need clarification. The art pieces which had gone into Founders Park were public art only in the sense that they were accessible to the public; but they were not under any legal definition "public art". That was to say that no public money had gone into the artwork down there. Every piece that had gone into the park and would come into it in the immediate future had been sponsored and had been patronized by an individual or an organization. Ernie Lee Miller was constantly plagued with questions about how much the City was paying her. The answer to that was that the City was paying her nothing. She operated on commission to those entities that had commissioned her to do the work. He didn't know exactly what the presentation would be this evening, but this Commission should look at the idea of having some art group or art committee which was working with the idea of bringing money into public art, Grant money and that sort of thing. However, that was not the function of the Historic Recognition Committee.

Ms. Ann Bagby, Alamogordo Artists Alliance, said they wanted to acquaint the Commission with their organization, but they also wanted to make some suggestions they felt would be of benefit to the community. Some of their members and supporters present tonight included Dr. David Townsend, Mr. Don Thorp who was the local representative from the State Arts Commission, and Ms. Kathy Flores-Halge who recently retired as Chairman of the Art Department at the University. She had hoped Ron Geisheimer from the Flickinger Center could also be here, but his schedule precluded him from being present. They had an ongoing exhibit at the Counseling Center at Tenth and College, and they also had a show during the month of September at the Eagle Ranch. She invited

everyone to attend the opening which was scheduled for Friday, September 7th, from 7:30 to 9:30.

Ms. Bagby handed out a list of suggestions for a City Art Commission/Advisory Board. She explained that the purpose of the Artists Alliance was to promote excellence in the arts here, and also to serve as a voice for local artists. Their primary focus was visual arts, but they believed in the interconnectedness of all the arts disciplines and their importance to the community, to education of children and adults, to improving the quality of life in this community, and to attracting businesses and individuals to the area. Of course, they wanted to benefit the members of their group which went without saying, but they also had some strong feelings about benefiting the community. They saw a great deal of potential here for growth in the arts and art activities and in support for the arts. They could help, but they also needed help from the City. They would like to very respectfully request that the City do a study of the issues, the possibility of having a City Art Commission or Arts Advisory Board. Her list of suggestions included what an Arts Advisory Board would function as. She was also gathering information from around the country, and she would be happy to share that with any of them. The Artists Alliance would like to hear from the Commission after they'd had time to study this and look into it. In their packets was also a handout on one percent for art called "Art in Public Places". It gave a brief description of how it worked; basically one percent of construction money was set aside for original art in and around the building. It was to enhance a site, and was also done using a committee who would call for artists to submit work under certain specifications, and then select work that best enhanced the site and best went along with the type of building.

Ms. Bagby said she was glad Dr. Townsend spoke clarifying the function of the Historic Recognition Committee. They felt that a City Art Commission would be like an overall umbrella group and do quite a few things to enhance the City and quality of life here. One thing would be to work with all the artists and performing groups in the area to foster working together to develop more attention to the arts and be able to publicize art events and possibly keep a monthly calendar going to let all the public know what was happening in the arts. Also, funding was a big, important part of this. This area had really been shortchanged when it came to State arts funds. Of course Santa Fe and Albuquerque had the political clout and savvy to secure the largest percentage of those funds, but there was no reason why we shouldn't get it here. She thought they just needed to work harder. She thought having a City Art Commission to help with that would definitely be an asset. She'd had conversations with Don Thorp also about the possibility of a group in the County or in the area working together to secure more arts funding and to do a similar job. However, she felt it was really up to the City first to make some headway into this field.

Commissioner Easley said he and Ms. Bagby had talked in the past and he knew she now understood how the Historic Recognition Committee worked and that

those were private commissioned works and so forth. Ms. Bagby said what she was bringing to the Commission had nothing to do with Founders Park. They as a group and she as an individual did not want in any way to diminish anything which had been done in Founders Park. She felt they had a great legacy there and Ernie Lee had a great legacy for herself, for the community, and for history. That was really outside of this. They were talking about the future. She felt having an Art Commission and doing one percent for public art would really help ensure that everyone got a chance to try to work.

Mayor Carroll asked the definition of a professional artist. Ms. Bagby said some people would say that it was a person who made all of their living by art. That didn't always hold true, though, because in a depressed area like Alamogordo it was pretty hard to do that. Even when it came to graphic arts, it was very hard to make your entire living through art. She thought it came down to being an issue of intent. There were people in the community who would prefer to use art as more of a hobby and that was very important. Art was an important means of self-expression; whatever the art form was. There was no way to calculate the value of that for an individual and a community. The intent was important. She thought it was the attitude of maintaining high standards of constantly growing and constantly pursuing what they did. Artists were usually very directed and very driven people. There was an issue that they all wanted to earn a living, but artists wanted to earn a living doing what they did best, just like an engineer or any other field. It was an issue of intent, and the professional was going to show in the quality of exhibits and the professional was going to keep learning, keep trying, keep working, and keep promoting. All of the art was one-of-a-kind art as opposed to crafts or as opposed to copies of things. Mayor Carroll said based on what Ms. Bagby had just indicated, it would seem that this advisory group would be limited to a very select number of individuals. It would seem like this would automatically disqualify anyone who painted or did any art or any of those things as a hobby but occasionally sold some works, or any theater groups that did it. Those were not professionals that earned a living. Ms. Bagby said that was where they would have to take the word "professional" with a large grain of salt. Even in their group when they were writing their Bylaws, they came to "what is a professional artist?". They had people who had several degrees and people who had no degrees and yet were very talented artists. No matter how talented the artist, some people sold and some didn't. They couldn't even use income as a basis for it. As far as an Art Commission or Advisory Board situation, she saw that as probably a small, odd-numbered group of people that had an interest in the arts, but who were aware of political issues involved, what was happening locally, and of quality and standards, etc.

Mayor Carroll said he'd also noticed that they envisioned this advisory group establishing policy for public art and commissioning. Was he correct that if there was State money involved in the building project, that the one percent did in fact apply and that the ground rules and regulations were set by Santa Fe and not by the local community? Ms. Bagby said she believed that was for a State-owned

building. Mayor Carroll said no; he believed if there was State money in the building--it didn't have to be State owned. That was pretty much the case when the City built the Senior Center because there were State funds involved. The guidelines and regulations which needed to be followed came from Santa Fe.

Commissioner Cooper asked if she was asking the Commission tonight establish an Art Commission? Ms. Bagby said she was asking them to study the possibility. She realized it involved budgets and that sort of thing. Commissioner Cooper clarified that the City would select the individuals to be seated on this Art Commission. Ms. Bagby said in most cities it was Mayoral appointment. Commissioner Cooper asked if what she wanted to do was to open up competition for all artists in the area to vie for a particular project. If the City wanted to do a mural out in the hallway, then the artists would be able to put a bid in. Ms. Bagby said yes. The City would already have an amount of money it had allotted to that, and then they would call for artists to submit designs. Then a committee would approve the design.

An unidentified member of the Artists Alliance said New Mexico was already know for the arts and it was part of what drew people to our State. They'd had some remarkable successes coming out of our community. One of her students left here and went to Santa Fe and worked as a waitress for about four years while she painted. Her name was Melinda Holland, and she was now selling her paintings in Chicago, Denver, Santa Fe, and other places for \$5,000 to \$10,000 apiece and selling lots of them. There was a market out there, and already New Mexico was recognized for this. Also, they knew that Las Cruces was well known for its murals. She was familiar with a community in Canada that started a project where they painted murals throughout the entire community and it had been a tremendous draw. It was what had revived the community after the fishing industry disappeared. Of course they didn't know what the potential was until they'd had an opportunity to really have a commission look at what draw this might be for Alamogordo and how much they could take advantage of. What was already existing was tremendous and certainly the first step would be to have the City's support for that and to have the Commission appoint a committee of people that not only represented professional artists, but also who just loved the arts to support this effort. She encouraged them to give serious consideration to what the additional potential could be to draw interest in the arts and people to Alamogordo in the future.

Mayor Carroll said the Commission could certainly look at this. He was still unclear on a lot of what the function of this Art Commission would be, but he was willing to sit down and visit and try and understand how that was envisioned. They would look at it. Ms. Bagby said she appreciated the City's willingness to study it, and she'd be very happy to help with anything they could.

Ms. Bagby said the Painted Ponies of New Mexico was a public arts project. It went throughout the State except for this area. It was organized by a group called

"Horsepower" in Santa Fe. They were a for profit group, but they functioned to raise money for nonprofit groups. This public art project showcased New Mexico artists and then it provided money for New Mexico charity groups. By doing that, it brought tourism. It was a way to promote tourism and bring more tourist dollars around the State. When the Painted Ponies project started about a year ago, they intended and tried to notify every Chamber of Commerce in the State. Not everybody knew about it, though, and it apparently didn't happen. By the time anyone in Alamogordo found out about it, it was too late to get in on it. It was so successful that they decided to do a second edition of these ponies. If they could picture a life-size fiberglass horse, the horse was sponsored by individuals, a group of individuals, a business, or whoever. The sponsor paid a minimum of \$5,000 for a horse, and artists submitted designs to Horsepower. The sponsor could pick his or her design and they could also decide to work with a particular artist. All of that would be approved through Horsepower. The artist then got \$1,200 of that \$5,000 for executing the design on the horse. The horse itself cost \$1,400 to produce, and the remainder of that \$5,000 went to Horsepower to help promote this and pay for expenses, installation, and graffiti-proofing, etc. The horses were then put on display for about five months. At the end of five months they were auctioned off. The auctions were public and also on E-Bay. She just read that one horse was auctioned off for \$25,000. The sponsor got to decide where the auction money went. It had to go to a New Mexico 501C-3, nonprofit charity group. The sponsor got to pick the design, work with picking the place where the horse resided for a short time, and then pick the charity the money went to. There was a network of these Painted Ponies all around the State, with the exception of here. Of course a lot of them were in Santa Fe and Albuquerque, but even over to the east, Carlsbad, Roswell, and Artesia had lots of ponies over there. Carlsbad had a dozen. There was also a possibility of having a regional partnership, which was a group of cities getting together. For instance, if Alamogordo, Cloudcroft and Tularosa decided to form a regional partnership to do the ponies, then they would receive money from the State Department of Tourism to help promote it for maps and brochures and that sort of thing. This really gave a fresh approach to promoting a City or promoting businesses. The sponsors, the artists, and the cities had gotten a lot of publicity. She thought in the future they would see more of that reaching Alamogordo. She thought of it as kind of a win-win situation. When she'd talked to people about it, some people would say \$5,000 was a lot of money. Yes it was, but when they considered money that had been raised for other projects in the area, she thought it was there. One Downtown merchant had told her they couldn't afford it because they were just a small business, but she told them if all the Downtown merchants got together and chipped in to get the \$5,000, they could have a pony right down there on Tenth and New York. There were various arrangements. It was a good fundraiser, and very good for promoting the area and for Alamogordo. It may take a little imagination to visualize these horses, but if they went to the "gopaintedponies.com" web site, they could see colored pictures of a lot of them. They now had a regional contact, who was John Nelson in Carlsbad. They also had two meetings in Las Cruces this week; tomorrow at 5:00 and

Wednesday morning at 10:00 a.m., for anyone at all who was interested and wanted more information. She believed they were going to try to have some actual ponies and artists there. The Commission had articles in their packets from "SouthwestArt Magazine" and "New Mexico Magazine". They gave a lot of good information.

Ms. Bagby said she appreciated the opportunity to speak to the Commission, and she hoped to hear back from them. Mayor Carroll thought the Painted Ponies had some potential for the community and the area. He hoped there were some groups or businesses that might be interested in getting together to sponsor one. Ms. Bagby said before tonight's meeting she'd heard of a group in town that was interested in one. She felt it would be a great thing for Alamogordo.

4. Presentation by the Friends of the Hondo Valley regarding the project to expand U.S. Highway 70.

Mr. David J. Hall, Friends of the Hondo Valley, passed out a flier, a map of the Hondo Valley area, and an Engineer's report on the Hondo Valley highway. Mr. Hall said he wanted to start out by saying that he was not in opposition to U.S. Highway 70 being widened all the way through the State. It was very important that it be widened. Truck traffic was increasing at the rate of 18 percent every five years. They expected a huge amount of NAFTA traffic that should increase the amount of truck highway traffic on U.S. 70 by forty percent. In addition, there was a plan in the works to build a waste facility outside of Roswell which would bring ten trucks from the West Coast on U.S. 70, incidentally through Alamogordo too, carrying highly toxic waste of 497 types. There were also provisions in the waste disposal plant to bring low level radiation. They needed a safe highway. He wanted to also say that he lived on the most dangerous highway in the State of New Mexico--U.S. 70 through Hondo. No argument. They all knew personally what had happened to Alamogordo a year and a half ago when they lost some of their very distinguished citizens. He saw that wreck and it was a tragedy, and it happened every week in their valley. They heard a siren and asked themselves who got killed. The reason he was motivated to be involved in this project was because three months ago they buried a child of one of his employees named Cisco Aragon. His seven-year old child used to come to the house and would always thank his family for letting him play. He was so polite and always told his wife how beautiful she was. He was killed on the highway by a truck going 80 mph, after his father had turned across the highway. He was 18 inches off the highway when the truck slammed into him. They built a coffin for him and painted a picture of his Appaloosa horse on it, and they had the funeral at the school.

Mr. Hall said people would ask why he would be opposed to a four-lane highway through Hondo Valley. The reason was that it was a very narrow valley and they had not done a design, and they couldn't do a design that was safe. In fact, it recreated exactly in our minds the situation they had experienced with the Alamogordo crash and the Cisco crash. The shoulders were two, four, and six

feet. On pages 4 and 6 of his handouts they would see the cross-sections of the highway. There were no middle turning lanes which meant that school buses which transported 130 children every day, would take 14 left turns in the morning and 14 left turns at night across the highway. They would have to stop in the fast lane--no middle lane--of a four-lane highway, wait for oncoming traffic, and turn across. There was no room for a safe highway for them to pull over. The greatest incidence of school bus accidents happened when children were getting on and off. There were two and four foot shoulders. It wasn't the Highway Department's fault--the valley was too narrow. They didn't have room for this highway. Most of them had traveled through that area, and they knew how narrow the valley got. They had a river right alongside it where the highway was now, and they had extremely dangerous situations. There was no place for police to pull people over right now, and there wouldn't be any in the future. There wouldn't be places for senior citizens to turn into the Senior Citizen's Center in San Patricio. The 200 parishioners who went to church every Sunday would have to stop in the fast lane of a four-lane highway and wait for oncoming traffic to pass before they turned left. Those were the circumstances--turning off the highway--which happened to the Alamogordo citizens. They didn't have a safe situation. In addition to that, it was going to destroy their community. They were a rural farm community and they couldn't communicate with each other. People made trips everyday back and forth in the valley. They weren't going to be able to move farm equipment or have access to the kind of communication they already had. There was an alternative route which had been considered by the State, but which had been discounted. There were four reasons why it had been discounted. First, it would cost more. Second, it would involve six and eight percent grades, similar to the grades between Carrizozo and Vaughn. Third, they would have to go through National Forest land. But the main reason his group felt they didn't want to do it was because they would have to fight the forest guardians who were going to say that there might be a Spotted Owl up there, and that was in their report. The report said that was the main reason--a Spotted Owl. The people in the Hondo Valley were at a disadvantage because they were not an endangered species. People weren't, and they didn't have the protections endangered species had.

Mr. Hall said he had read the Commission's informal minutes from when they had originally passed the Resolution. One of the questions which came up was why Alamogordo should be concerned about Hondo. He was a Native New Mexican, and when he grew up they all felt they knew everyone in the State, except for those from Albuquerque. They grew up feeling that New Mexicans ought to care about each other, and that was what he was appealing to--Alamogordo caring about somebody else the same way they felt as New Mexicans. He asked the Commission to please consider changing their Resolution. They needed support. People asked why it should matter if Alamogordo passed a Resolution. Hondo was not an incorporated town and did not have a City Council or any organized form of government. They were up against Ruidoso who wanted this no matter what at any cost to go through the valley. They needed the support of some community because it went into the Federal report. It was desperately necessary

for them to have some people stand up for the Hondo Valley and say, "Hey, let's fight this Spotted Owl fight. Let's consider a rural community and protect it, and let's be fellow New Mexicans who care about each other". They really would like the Commission's support to change the Resolution to at least say "consider the Hondo Valley bypass". It was a matter of life or death to them.

Commissioner Cooper said at the last meeting he had deep reservations about this Resolution. They were going to use Alamogordo as a tool to try to force this thing through the Hondo Valley. Looking at the map supplied, the bypass would actually be a much safer route because it was a lot straighter. Granted it would cost more. Over the years he felt it had become where they didn't really care about people anymore. Just look at the bottom line--dollars and cents; where can we save a penny here or a dollar there. He thought it was about time they started looking at these things and saying enough was enough. Let's start looking after one another. He would recommend that they rescind the original Resolution because they did not have this information when they made that decision. He felt had they had it, their decision would have been otherwise.

Mr. Hall submitted a copy of a petition signed by 80 percent of the people that lived on that highway.

Commissioner Easley confirmed that they could not take any action on this item tonight because it was only a presentation. They would have to put it on the calendar if they wished to vote on it at the next meeting.

Commissioner Cooper said he remembered when Alamogordo was Alamogordo. When they put the four lanes through Alamogordo and changed the name of Pennsylvania Avenue to White Sands Boulevard, it stripped a lot of the identity of this beautiful community. He thought they should learn from a past mistake so that it wouldn't happen to any other parts of this country, and especially to any part of the great State of New Mexico. He thought it was a travesty to have things like this happen, and it was always being done in the name of progress.

Mayor Carroll didn't feel the Resolution the Commission had already approved in any way precluded a bypass around the Hondo Valley. He didn't think in that Resolution that they had basically told the Highway Department or anyone else how to build or where to build the road. Basically it said, "...requests that the Highway Department use the methods and design that it believes will accomplish its goal of increasing the Highway to four lanes and making it safer for all travelers while insuring the viability of existing water rights". Mr. Hall said that was the part the Highway Department was using against them. They were saying that the City was giving its (support) to their existing design, and they were using it against the valley. He didn't know how the Mayor interpreted that, but the Highway Department said the City was suggesting to them that they use their best judgment and that there not be any input from the community disagreeing

with what their judgment or design was not. As their design stood, it was going through the valley.

Mayor Carroll said the Resolution that Mr. Hall was proposing was saying that the City didn't support that, but supported a bypass. He thought he could sympathize with the Highway Department in their concern for the Spotted Owl. The Spotted Owl in Otero County had proven to be a formidable adversary. It had shut down an awful lot of things, and he suspected that it could in fact make it impossible to take the road through there. That he didn't know. He had not seen anything that the Highway Department had put out or how seriously they considered any other route. Mr. Hall said he knew it had done great damage to Otero County and it was doing great damage other places--the environmental movement. They'd just had a forest fire with a lot of people killed, and there were people in Oro Grande that couldn't get water because of the chubs. He felt they should take a stand just like they took a stand against the "Great Southwest Fly Catcher". This was the time to do it. If they just kept rolling over and letting people's lives be in jeopardy--not just jobs... He was arguing that they take a position which would stand up to the State. It may take a year to battle the lawsuit and find out what the results were, but it was worth the year and the effort because they had 130 school children at stake now. It was a similar situation to the fire; it was not different. The Highway Department took it very seriously. He had the report in which they said, "Additionally this route would require the construction of a new four-lane highway across ten miles of Lincoln National Forest, the Forest lands, as well as the adjoining State and private lands along the route encompassing important habitat, including potential habitat for the Mexican Spotted Owl, a Federally-listed threatened species. For these reasons, this route has not recommended for further consideration". That was the reason. He knew they had sympathy for the owl, but he was coming here pleading for children's lives.

Mayor Carroll said as was indicated, they could take no action on this tonight. Mr. Hall asked if there was a chance to get it on another agenda for a Resolution? Mayor Carroll said yes, it could be a request for them to consider as an action item at a future meeting. Mr. Hall said he thought he'd done that since he'd sent in a Resolution. Mayor Carroll said Mr. Hall had really missed the deadline and it was kind of a miscommunication. He had originally indicated that he'd spoken to the Mayor who had indicated that he would put it on the agenda, and because of that miscommunication they'd kind of done this as a courtesy. If he would meet the deadline for getting things on the agenda for action items, they could certainly consider it.

5. Presentation by the International Association of Firefighters Local F-164 regarding the upcoming "Fill The Boot" fundraiser.

Mr. Donald E. Westerbur, Lieutenant at the Holloman AFB Fire Department, said he'd been a firefighter for 22 years, and 18 of those years were at Holloman. He

was recently voted in as the Vice President of the Local 164 International Association of Firefighters. They'd been involved with the Muscular Dystrophy Boot Drive for the last 15 years. Last year they were able to collect \$11,300 plus. He was directly involved with it last year and they were real proud of that. In the past 15 years they had collected over \$46,000 and donated it to "Jerry's Kids". It was really a worthwhile cause. After being elected to take over this function, he was informed that he needed to get a Parade Permit from the City to be able to go out there and stand in the street and do the boot drive. When he submitted the Permit, Public Safety Director Sam Trujillo said he could give the Permit as long as the firefighters would not enter the street. In the past years they'd done that, it was the only way to accomplish this. They'd tried every year to beat their old record. Six years ago they'd challenged El Paso to see who could raise the most money, and they had beat El Paso. The only way they could do this was if they were able to go out into the street and stick a fireman's boot at somebody's window and ask them to please give to the kids. They'd never had an accident, nor had there been a traffic accident. They did this at the intersection of First Street and White Sands Boulevard, and there had never been a traffic accident because of them out there. They had never had so much as a sprained ankle coming off or on the curbs. Granted last year they did have a couple of non-adults under the age of 18 on the streets, but he was in charge of that this year and he would not allow children in the street. There were a lot of kids that liked to help and a lot of firefighters' wives that liked to help. He was not here to represent just Holloman--he was representing all the firefighters in the Basin. This was a three-day deal from 9:00 to 5:00 p.m. A lot of the local merchants donated food and drinks. He would not allow children out there in the street. The only time they would be in the street was when the traffic came to a complete stop at a red light. That was when they rushed out and went in between the cars and knocked on the windows, and as soon as the lights changed and the cars started to move, then it was off the street and onto the curb until the next traffic light.

Mr. Westerbur said Director Trujillo had said his group was breaking the City Ordinance. He was not familiar with that particular Ordinance. If there was such an Ordinance, then he was asking the Commission tonight to make a temporary amendment to it so they could continue to do this drive. It was his understanding that the bypass was due to open that weekend, so that would really hurt them. They tried very, very hard to beat their record each and every year and they'd done it for fifteen consecutive years, and he would like to see it done again this year. He apologized for this being last minute. It was just dumped on him a week and a half ago, and he'd put in for the Parade Permit the very next day.

Commissioner Cooper said he spent quite a long time with Chief Trujillo regarding this. He remembered a community he'd lived in where they had something similar, and they called it "Bucket Day" and they went around with the buckets. What they did was to not go out into the streets, but they went to the shopping malls and throughout the neighborhoods. In other words, they

canvassed the entire city and as a result, they garnered quite a chunk of change by doing that and it was safe. Mr. Westerbur asked how many days they did this bucket thing? Commissioner Cooper said just one day. If the firefighters could basically do the same thing, there were an awful lot of people in the shopping malls on these days. Mostly when they were out of their vehicles was when they were more generous really. Mr. Westerbur asked if this "Bucket Day" was in Alamogordo? Commissioner Cooper said no, but when people were outside of their vehicle they were more generous because they could get to their money. It was a safe procedure. It would take a little more effort, but to go and canvass the neighborhoods, the Wal-Mart area, Albertson's, K-Mart, and other high traffic areas, it would make it much safer. He would say that they could probably without a doubt beat their last year's quota by doing that and it would be a lot safer. He didn't know if Chief Trujillo had made mention of it, but there had been a marked increase in traffic on White Sands now. So it was getting to a dangerous point where people were not even safe trying to cross with the traffic light in their favor or in a crosswalk. He was just throwing this out for consideration and to look at it, but he had seen it work and he knew it did work. It was a lot safer and he suspected they could really beat their last year's figures by doing that and it would be a lot safer. They'd get a lot more exposure because they'd have the entire City and not just one intersection. Mr. Westerbur said this was a nationally recognized fund raiser and they did it all over the country. Commissioner Cooper said he understood, but they would take their boots to all the high traffic areas. He was just throwing this out for consideration so it would actually make it a lot safer for everybody and they would expose the operation to the entire City and not just limited to one intersection. He'd seen this boot day and it was a great program and he did support "Jerry's Kids".

Commissioner Moncada said she remembered last year they'd had quite a discussion on this particular situation. Her feelings still stood the same as they did last year and she felt it was a very good and worthy cause. She knew that come the first of September she would see the firefighters out there and they did a fantastic job. She had yet to see anyone get in her path when she was trying to turn, or in anybody else's path. They were very aware of what they did and how much they collected. As far as being at Wal-Mart or K-Mart, you might catch a person walking out and they might donate some money, but the beauty about having somebody at an intersection was that she knew she might go to that intersection two or three times that day and she might give them \$2 or \$3. Every time she went there she would give them change or a dollar, versus if they only saw her at Wal-Mart at one time, she was only going to give them \$1 there. So she could see where they could get a lot of money at an intersection versus at Wal-Mart or at K-Mart. She just sort of felt that people were geared to see the firefighters there. If they weren't going to have any kids there, she felt that was even better.

Mayor Carroll said the last time this came up, the argument and discussion was pretty much the same. No one disputed that it was a very worthwhile endeavor.

The concerns of the Department of Public Safety, the City Attorney, and the City Manager were the potential liability and the potential for accidents. The fact that they hadn't had any could be construed as nothing more than an extended period of good luck. The last time this was done, he had reservations then. There were guarantees made by the representative of Mr. Westerbur's organization of how they would conduct themselves as far as where they would be, when they would go in the street, and where they would go in the street. He went by that intersection several times and they totally disregarded every representation they made. Mr. Westerbur apologized for that. Mayor Carroll said they could go through this year after year. He realized it wasn't Mr. Westerbur, but the individual representing the organization was just as sincere that year. He knew if they had a bunch of volunteers, they couldn't necessarily control each and every one of them every minute. But that particular year they did not limit themselves to the intersection; they were half way up First Street, almost a half a block in either direction from the intersection, and to his way of thinking it became a very unsafe situation. Our Public Safety people had recommended that the Commission not allow this. That was the reason the City paid these people--to make those kinds of recommendations as to what they felt was safe for the community and potentially unsafe and dangerous. He had reservations the last time he voted to approve it, and he wasn't sure he was going to be able to go with it again this year because the representations that were made concerning the conduct of the folks that were doing the collecting were totally ignored the whole day. Mr. Westerbur said it could have been from a lack of briefing the people as far as how to conduct themselves when they were out there. He knew for a fact that he was involved and he was even two blocks up White Sands Boulevard collecting money because the traffic was backed up that far. He agreed about the traffic in Alamogordo. Was the bypass going to open up that same weekend? Mayor Carroll said it would probably not open up until one day during the week. There was a ribbon cutting for September 5th with the Governor coming down and that sort of thing, so he doubted if they would open it prior to that.

Commissioner Moncada said she realized what the discussion was last time, but was there any way that perhaps if they told the group that they could only have "x" amount of people out there at one time--that way it was easier for them to control their people versus having a lot of volunteers out there. If they put a cap and said they could only have five people out there, it would be easier for them to control their people and not have so many out there at one time. Would that be easier?

Mr. McCourt said everyone understood this was a good cause; that was not the question. They appreciated everything the firefighters did. He'd had the experience in boot drives in other communities, and precisely Osage Beach, Missouri. They never went out into the streets. They used the exits from major shopping areas, and that was where they did their collections. First, it was inherently dangerous to allow people to run around in traffic. Second, they couldn't just do this one time. Once they'd opened the door here, they would

have to do this for any group that wanted to. They couldn't just say it was okay for one and not for somebody else. This was just an inherently dangerous thing to have happen.

Commissioner Easley asked if they would be required to vote to agree to this? They were asking for a temporary amendment to an Ordinance. Mayor Carroll said that they couldn't do. But the Chief or City Manager had the authority to approve the Permit. Commissioner Moncada clarified that it was for this weekend. Mr. Westerbur apologized for this being so late, but it was just dumped on him a week and a half ago. He'd just received from UPS over 100 T-shirts, and they always gave them out to the volunteers along with big posters and stickers for the people donating.

Chief Trujillo said there was a City Ordinance which dealt with this, and basically they would have to say that they were going to allow this group to violate that City Ordinance. He believed that in order to do that, they would have to go through the City Commission. Ms. Ehler said there was no way to do that. The only way to amend an Ordinance was through publication two weeks prior to the meeting where the decision was made. It would have to be some sort of agreement to not enforce the Ordinance for some period of time. They had this discussion three years ago about the First Amendment. Regarding the panhandlers in the street, it would certainly provide them with a perfect lawsuit if they tried to shut them down after this.

Chief Trujillo said he had three main issues. The first one was safety. This was a high traffic area and he definitely would not recommend that they have pedestrians walking out into the middle of the street. His second concern would be the liability part of this. If they allowed this, then were they responsible for the injuries that occurred out there or the accidents that occurred because of it. The third issue was the other groups that were involved. Potentially he could see a soccer group or any other group applying for this same type of Permit to raise funds, which would also be good causes but would they authorize them to be out there in the middle of the street? The original Permit was basically authorizing this group to be out there in the street, and his recommendation was that they not allow that. The solicitation was fine, but not to walk between cars or go out to the middle of the street. Mr. McCourt said perhaps the City could assist them in lining something up at the exit points from Wal-Mart, the Cottonwood Festival, and at the Mall. They could assist the group in getting some locations such as that where they could set up, but they wouldn't have to be out in the street. It was a little more disbursed than they'd been in the past, but still major traffic areas where people were coming out. Chief Trujillo felt he could provide whatever assistance they needed to be safe. A lot of those locations mentioned were private organizations and they would have to get permission from them to operate in that parking lot.

Commissioner Easley said his honest opinion was that in the past in his life and in his car, although he appreciated the firefighters collecting the money for Muscular Dystrophy, when they were out there in the street it made him nervous. It made him nervous that someone was going to get hit or that he was going to get hit when driving through the intersection because somebody was not paying attention. People generally darting in and out of cars, whether they were selling newspapers in El Paso or they were collecting funds at the firefighter's boot, made him nervous and he wagered that there were a lot of other people that it also made nervous. He would tend not to support the Permit. He would support the City Manager's suggestion that they find high traffic areas where they could safely participate and collect. He would make another suggestion as well. There was a Jazz Festival scheduled for September 15th, and if they wanted to send a couple of firefighters and a boot to that event, he would make sure that they got in there and made the rounds. There should be roughly 1,000 people in the park that day. If Mr. Westerbur wanted to see him on it, then he would accommodate that happening. Mr. Westerbur said he appreciated that, but it was traditionally Labor Day Weekend. As far as letting every soccer team do this, the City would just say no because this event was a National function. Ms. Ehler said they could not treat groups disparately. Just because something was a National group, it did not give it any standing as far as violating Ordinances or giving any greater First Amendment rights than any other group had.

Commissioner Moncada said because of our Ordinance and the time schedule now, it seemed like they wouldn't have enough time here. So it seemed like the best thing right now instead of getting turned down completely, was to go along with what the City Manager and Chief of Police had discussed. Since they had so many volunteers, they would be able to be at all of these areas. That might be their best bet. But if our own Ordinance wasn't going to allow them to have this, then they might get shut down completely. Mr. Westerbur said he was afraid of that--he felt they had just lost a whole bunch of volunteers because that was the whole spirit of this thing. He could meet with DPS on this because he was into safety too and he definitely didn't want to see anybody get hurt. Mr. McCourt directed the Chief to work with Mr. Westerbur in trying to get some of the sites set up for him precisely to be used.

Mayor Carroll said he was certainly not in a position to speak for the management of any of the malls or shopping centers, but in the past they'd been pretty perceptive to charity-type things on their property. He would suspect that would continue. The same would be for the officials of the Cottonwood Festival. Commissioner Cooper said they were meeting Thursday and he could bring that up at the meeting. Mayor Carroll said typically the Cottonwood Festival had 10,000 people through there over the weekend. Mr. Westerbur said he would need to make a call down to El Paso to the Regional Director of MDA to see if it would be okay to extend the drive to accommodate that weekend. Mayor Carroll clarified that the Cottonwood Festival was this weekend, the same weekend as their boot drive. In fact, he believed one year that the firefighters did in fact have

something set up at the Cottonwood Festival. Mr. Westerbur said they could work with that. It wasn't going to make very many people happy, but they could work with it. Commissioner Cooper said there were well over 10,000 people that came through the Cottonwood Festival each year. If they just broke it down to Labor Day only, they were looking at well over 3,000 people on that day alone. That was a good concentration of people at one spot. Mr. Westerbur said they'd give it a shot, and he'd come back and let the Commission know how it went.

The Commission recessed at 9:03 p.m., and reconvened at 9:15 p.m.

Call of the Consent Calendar:

Items on the Consent Calendar are considered routine and should not require further discussion. A single motion will approve all items marked "CC" unless removed at the request of a Commissioner, City staff, or a member of the public. Items removed from the Consent Calendar will be heard in the numbered sequence.

6. Minutes of Regular Meeting of August 14, 2001.

Recommendation: Approve the minutes.

8. Resolution No. 2001-21 requesting the NM Department of Finance and Administration to approve revised budget figures for certain line items in the City's budget for Fiscal Year 2001-2002.

Recommendation: Approve the Resolution.

Commissioner Cole moved to approve the Consent Calendar (item Nos. 6 and 8). Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 6-0-0.

PLANNING ITEMS:

7. Consideration of a 2,300 square foot variance for Rudolfo Hernandez.

[Case V-01-0446(A); 509 Virginia Avenue]

Recommendation: Approve the variance to the size of a detached accessory building for Case V-01-0446(A).

Mr. Al Hernandez was present to represent the petitioner.

Commissioner Cooper asked if they would be doing any body or fender repair or cleaning? Mr. Hernandez said he wouldn't be doing any painting. He may be doing some body repair on his own vehicles that he did restore, but only one every five or six years. It was not anything different than anybody else did now that worked at their house, but not commercially.

Commissioner Moncada said she didn't see a problem with this. She thought it was great and he could work inside of his shed and keep it nice and neat. That

block looked pretty good to begin with, and she felt it would be a blessing to have a building in there where he could do his work and not have it exposed to the general public.

Mr. Hernandez said he was mostly going to be using this shed for storage. He didn't have any sites in mind for restoring a car at this point. So that was really not even a question, but was brought up by a person that wrote a protest. Occasionally he would use it for his own garage as he did his house now. It wasn't going to be any different than that, but it wasn't going to be used for any commercial restorations or anything like that. He would store commercial equipment in there that he had for his business, but other than that, nothing that wouldn't be allowed by the City.

Commissioner Cooper moved that we approve the 2,300 square foot variance for Mr. Hernandez. Seconded by Commissioner Easley. All voted "aye". The motion carried by a vote of 6-0-0.

OTHER BUSINESS:

9. Appointments to Boards and Committees.

Community Development Advisory Committee: Two vacancies.

Senior Volunteer Programs Advisory Council: Three vacancies (3 At-Large positions available).

Airport Zoning Board. One vacancy.

Parks and Recreation Board. One vacancy.

Mayor's Committee on Aging. One vacancy.

No appointments were made, and all vacancies were rescheduled.

SCHEDULED COMMUNICATIONS FROM THE PUBLIC:

10. Comments by Mr. Sylvester Mattox regarding various complaints and concerns with respect to the Department of Public Safety.

Mr. Sylvester Mattox, citizen, said he was a former City Commissioner and former Mayor Pro-Tem. He was present on behalf of Citizens for Concerned Government and himself. His concerns were with respect to the Police Department, and he had a lot of concerns regarding the operation of the Department. This wasn't directed at the new Chief, but his main concern was that his force wasn't very good at making out police reports. He thought this Commission should require every Police Officer to be retrained in this field

because their reports on the whole were awful and terrible. Other concerns included catching our kids and not reading them their rights with parents present. He had a report right in his brief case now concerning his own child who they'd done like that. He thought a program should be administered to give these young Police Officers the training they needed, because their reports were awful. Being one of the longest running Mayors and Commissioners in Alamogordo, Mayor Carroll should take the lead in this with the Commissioners. He had come forward and made some good recommendations in the past; for example, with blacks not being hired on the Police Department and black people not getting promotions in the Police Department. Mayor Carroll had taken the lead in that in trying to get black people promoted, but with the type of system that was in place now, black people didn't get promotions. There was only one--he thought it was Wendell Jones--that did get one. But when they had a buddy-buddy system in the Department, they didn't get promotions then. Another concern was that once upon a time there was a black Police Officer who'd almost lost his life in the line of duty. He wondered if he'd ever received any kind of commendation for his work? That really hurt him and took a toll on him, and he was one of the best Officers that had ever been with the Alamogordo Department of Public Safety, and they knew who he was talking about. He thought that Officer should have at least been recognized.

Mayor Carroll said he honestly didn't remember on that one, though he thought there was some recognition at the time of the incident. He couldn't swear to that. Mr. Mattox said it seemed to him like everything was sort of swept under the rug somewhere and he was just left out there. The man should have been recognized for his work, plus he wasn't promoted because it was said that he didn't know how to make out reports, and he was kept from promotions up until the recommendation came from Mayor Carroll that he be promoted. This system which was in place at this time should be re-thought. Did they give psychological reports on Officers before they were hired? Mayor Carroll said there was a psychological test that all Police Offices had to take. Mr. Mattox asked if it was in the Academy or after they were hired? Chief Trujillo said it was before they were hired.

Mr. Mattox said he was asking for a retraining program with these young Officers. Mayor Carroll suggested that Mr. Mattox try and get with Chief Trujillo and let him explain what training the Department did have, and maybe Mr. Mattox could offer some suggestions as to what other things they might need to look at and some other things he felt they were not adequately trained on. If there was a way to correct the problem, they would. Mr. Mattox said definitely because he had a lot of citizens' complaints that had occurred and he had them in writing as such. For example, there was some harassment which had been taking place with one of our local citizens. He would be glad to get together with the Chief. Mayor Carroll said there were procedures within the Department to handle citizen complaints. If they hadn't been brought to the Chief's attention, there was not much he could do about it. Mr. Mattox said they kind of changed Chiefs like they did socks. Mayor

Carroll said it hadn't been quite like that. Mr. Mattox said those were basically some of the complaints he'd gotten and it was just time that these things be addressed. Mayor Carroll said if he would visit with Chief Trujillo, it would give him an opportunity to see if he could take care of the things that were of a concern to Mr. Mattox.

Mr. Steven Smith, citizen, said he was employed by the Alamogordo Public Schools as a custodian. His main concern was their youth. He worked with them everyday, saw them everyday, and he heard them everyday. Our youth were at times proud to be on probation. He didn't understand that at all. They spoke of being on probation as a game that was being played. There were so many of them and he didn't know what type of trouble they were getting into around this City, or if it was just harassment against the young people here. They had to do something with their young people to get them to understand that there were laws and the laws were there to make a point, and the point was not for them to go to jail or be on probation--it was to abide by those laws and to be productive citizens in the future. There also seemed to be a differential between the black children and the poorer children and the better off children. They had one particular child who was in jail right now, and some incidents had happened with other kids from a different group and they were on the street right now, walking around, and back at school. He didn't know if this young man in jail was even getting an education where he was at, but he knew there had to be some things done as far as our youth were concerned. He thought it was up to the people, the Commission, and the City to help out. Rather than our young people being put into jail or being arrested, they needed to find other areas where they could help them.

Mr. Wendell Baker, citizen, said he was a new business owner in town. He'd had the unfortunate privilege of encountering or being the victim of some of the vicious acts of the local DPS here at his place of business. In an attempt to rectify an incident that happened on May 21st, he attempted to contact Chief Trujillo, as they had directed Mr. Mattox to do. When he went over to attempt to speak with him, he was then referred to a Sgt. Livingston, which led him to believe that there was no course of action for him, no recourse, or no corrective remedy. He asked Sgt. Livingston if he was Internal Affairs, and the response was no, that they didn't have that. That indicated to him that DPS did not have anyone to oversee that type of activity within the Department. Sgt. Livingston told him he was only an administrator and that he was only authorized to submit facts to the Chief for the further admonishment of the Officer if they were found to be in error or at fault. With reference to the youth, he did think there was a grave problem here. He'd had the privilege to read several police reports. He used to study the law a little bit, and the Officers had ulterior motives often times when they spoke to our youth. They made voluntary effusions to things that were not stated by the accused. With that, they now had one of our youth confined because of that reason. In one particular report, because of the Officer's volunteering to things that weren't true or weren't stated, he'd used the guise of

administrative action to ascertain facts from the accused in a judicial manner. He didn't understand how an Officer by him being abreast or cognizant of the law would take that type of abuse and use it against a 15 year old kid. He had children of his own and he was quite sure some of the Commissioners had children of their own also. He felt if an Officer was empowered and sworn to uphold the law, that he should not use those mechanisms or those manners to falsify things and make those type of voluntary effusions to the detriment of the child. He would more or less go along with Mr. Mattox in stating that he felt there should be something from this particular group here so empowered through the Commission to have some type of Internal Affairs established there at the Police Department. For instance, they could have an Officer that is required to report also be required to confer with the accused violator there in the Department prior to any action being taken against the Officer.

UNSCHEDULED COMMUNICATIONS:

A. Request of Zia Therapy Center to be placed on September 11, 2001 Agenda regarding needs of proposed funding.

Mr. Richard Barbaras, Executive Director of Zia Therapy Center, said regarding the public transportation issue, the bus had been ordered and should be here the end of this week or the first part of next week. They'd been working on the route the bus would run and had been very involved with DPS getting their input. Chief Trujillo had some concerns, and they had revised the route based on those concerns. They were safety concerns regarding a big bus and a small street type of situation. They were making progress, but they found themselves in a very difficult position of having to apply for funding for the program for next year before they started the program this year. This would only happen one time because assuming it went next year, then next year they'd at least have a track record. At this point they had no track record with public transportation. However, it had been real obvious as they had worked on designing the route that they were going to need a second bus to really, adequately serve the needs in Alamogordo. The route that had evolved was basically a three-hour route completely around the City and there were a few areas it did not adequately cover. A second bus would allow them to expand the route slightly as well as reduce the time it took to go around.

Mr. Barbaras said earlier he had passed out a summary of the budget figures. He realized they could take no action tonight, but this was kind of a heads up that they had requested to be on the next agenda, and he would have a presentation at that time.

Commissioner Cole asked if the \$70,000 was a contribution from the City? Mr. Barbaras said at this point the City was putting \$54,000 into the public transportation system for the 2001-2002 fiscal year. If they did end up purchasing another bus and expanding the route, then the City's match they would be

requesting was \$70,122, which was an increase of about \$17,000. Mr. McCourt clarified that this was for the new fiscal year. Mr. Barbaras said this was the year that would actually start October 2002. The \$54,000 was for the current fiscal year, and the \$70,000 was for the second year of operation. Commissioner Cole said his biggest concern was that the City was always strapped for money, and he was quite concerned where they would find new funds for new programs that were going to be embellished or increased. He was very concerned on the condition of their streets and the improvements they needed within the community. The money had to come from some place, and when that happened, then something else had to suffer.

Commissioner Griggs clarified that the approval from the City was just for the initial year of operation, and there had been no approval from the City for any years thereafter. What obligation would the City have to approve that...when they talked about it next time, should they attempt to take some action on it when they didn't even know how successful the bus system would be in the initial year? Mr. Barbaras said they were placed in the unfortunate position of having to ask for money from the State before they could start the first year. If the Commission did not approve some version of their request, then there would probably not be a second year. This system was funded on a year-to-year basis by the State Highway Department. The match needed to be approved on a year-to-year basis, so it was really up to the Commission what they chose to do. If they chose to maintain it at the current level, then they would remain with just simply one bus. If they wished to expand it and add the second bus, the money would not go to buy the bus, but would go to operating the bus. Zia would put in the match for the bus itself.

Commissioner Easley said they were not asking for any actual funds tonight at all. They were only being asked in principle to support the project. They had all agreed that if after the first year the bus system didn't work adequately, then the City didn't intend to put anymore money into it and at that point they would pull the plug, which would then make the second year impossible not just for a second bus but for any bus at all. They couldn't know that at this point since the bus hadn't actually started. He believed what Zia was asking the City to do was to make a letter of commitment saying that in principle we understood that our match would be \$70,000 or whatever was agreed to. Having agreed to that, we also would put in our letter, "contingent upon the following circumstances: that the bus is successful in the first and meets our criteria", and we would agree subsequently to authorize that money.

Mayor Carroll said basically at this point they were supporting Zia's effort to acquire another bus and saying that we will consider a Resolution of support and funding. That at least got the project going. If they didn't get past that step, then no matter how successful the first bus was, they were not going to get the second one. There would be time before the City actually wound up having to spend money in the following year to ascertain whether the project was going to

work or not. The reality was that if in fact this bus route was successful, the demand was going to be on the City to continue to provide funding for it. Once they let the genie out of the bottle, they would be in the bus transportation system if it worked. The City had committed to give it some time and see if it worked. If it did, then it was going to be an ongoing expense of City government. If it didn't, then they had at least given it a chance and they could at that point tell other citizens and other groups that said they needed to have a bus system, that it had been tried and they could not make it work. This was just part of seeing whether or not they could make something work.

Commissioner Cooper asked how many passengers the bus would accommodate? Mr. Barbaras said 25 plus two wheelchairs. Commissioner Cooper asked if it would take three hours to get around the entire City? Mr. Barbaras said that was their projection. Commissioner Cooper asked what would happen if the bus went out of service; there would be a lot of irate citizens waiting without transportation. If they started relying on that bus showing up at a certain time, what would happen? Mayor Carroll said the way this thing was set up, that was Zia's concern. Mr. Barbaras said they had three vans which the State had provided for the Welfare to Work program which they really didn't use to their full capacity. The State was willing to let them use these vans anytime the bus was out of commission.

Commissioner Easley asked Mr. Barbaras if he needed any kind of documentation from the City at this point in time? Mr. Barbaras said simply a letter of support for the project.

B. Commissioner Cooper encouraged everyone to attend the upcoming Cottonwood Festival.

Commissioner Cooper encouraged everyone to turn out for the Cottonwood Festival. It was going to be a great weekend, and he invited everyone to come out and enjoy. It was a tremendous program and spoke well of the City.

C. Comments by City Manager regarding water update; ICIP Work Session; ribbon-cutting ceremony for dedication of Relief Route; and thanks to everyone for the support he and his family had received during their recent time of need.

Mr. McCourt said the reservoirs were at 36 percent capacity at this time. That was normal for this time of year, and water consumption usually started to back off as the weather started to cool a little.

Mr. McCourt said the Commission had received a book this evening which was for the Work Session scheduled for September 5th at 2:30 p.m. at the Multi-Purpose Room in the Library.

Mr. McCourt said preliminary information had been received that there was going to be a ribbon cutting on September 5th at 1:00 p.m. for the dedication of the Relief Route.

Mr. McCourt said he would like to thank the staff and Commission for supporting him and his family during their time of need. Staff had done a good job of taking care of things.

D. Comments by Mayor Carroll regarding the upcoming Labor Day Weekend.

Mayor Carroll wished everyone a safe and enjoyable Labor Day Weekend.

Commissioner Cooper moved to adjourn. Seconded by Commissioner Cole. All voted "aye". The motion carried by a vote of 6-0-0. The Meeting was adjourned at 9:50 p.m.

Mayor Donald E. Carroll

ATTEST:

City Clerk Angie J. Rahn

(SEAL)

(Prepared by Chief Deputy Clerk Teresa Y. Gutierrez)

Approved at the City Commission Regular Meeting of September 11, 2001.



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