

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
MAY 25, 2004**

**MAYOR DON CARROLL
MAYOR PRO-TEM RON GRIGGS
COMMISSIONER INEZ MONCADA
COMMISSIONER DON COOPER
COMMISSIONER ED COLE**

**COMMISSIONER JOHN ROBERTSON
COMMISSIONER MARION LEDFORD
CITY MANAGER PAT McCOURT
CITY ATTORNEY KEN McDANIEL
CITY CLERK ANGIE RAHN-BROYLES**

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

The Meeting was called to order at 7:30 p.m. The Reverend Rick Steele gave the Invocation, and Commissioner Ledford led the Pledge of Allegiance.

PRESENTATIONS:

1. Presentation by the Golf Course Clubhouse Committee regarding a new golf course clubhouse.

Recommendation: Approve the design recommendation of the Committee.

Mr. Grant Dalpes of Desert Lakes Golf Course and Mr. Ross Small of Architects Studio in Albuquerque presented a PowerPoint presentation. They pointed out present concerns at the golf course, and presented a conceptual design and probable cost for a new Clubhouse.

Mr. Dalpes stated that the problems the public had encountered while using the Clubhouse were consistent plumbing problems, cracks in the walls and foundation, holes and leaks in the roof, and electrical concerns. In general, the building was old and well beyond its life expectancy. He had the maintenance record showing the constant upkeep that was needed and said it was very expensive to maintain.

He explained that the planning process started with the Commission requesting a conceptual design and a budget. They created a committee and solicited public input, and then identified services required and discussed the space that would be needed for those services. He said the committee discussed the relationships of the spaces for management purposes, and then acquired an architect.

Mr. Dalpes said the members on the committee were Doc Carmichael - Superintendent, John Brown, Larry Shulse, Dorothy Auld, Luis Jimenez, and Inez Moncada – Commissioner. They also received help from Ed Kimber (former engineer) and Peter Schmidt, whose expertise was in the food and beverage department.

He stated they had received public input during the entire process and had suggestion boxes mounted for three months. They asked the members what they wanted to see in a new Clubhouse. There was a survey completed in December 2003 and received 305 responses. Of those 305 responses, 79 were specifically concerning a new Clubhouse.

He pointed out that the committee identified needs and met on a weekly basis to discuss and prioritize numerous items such as identification of services they currently had and services that they did not have but could provide.

Mr. Dalpes mentioned that they had 3,300 residents in their database that played golf in the last two years. In addition, they had 500 residents from Holloman AFB that had played in the last two years. He pointed out that it was a blue-collar golf course and the 2003 survey showed a

median income at \$39,000. He said the golf course had an average of approximately 50,000 rounds played annually which was high use for a community this size.

He explained that a new Clubhouse could provide an increase in revenues in the areas of food and beverage, tournaments, and golf shop sales. He said it would allow them to capitalize on items that they were not able to capitalize on before, and he gave examples of functions and tournaments. He pointed out that it would directly increase the green fee revenues and the Gross Receipt Taxes. (See Attachment 1).

He mentioned that the old Clubhouse was costing the City money just to keep it afloat. A new, modern facility would reduce the operating costs—it would meet current building codes and safety requirements, and would address ADA concerns. Also, an energy efficient design will help lower operation costs.

Mr. Ross Small presented a conceptual design showing illustrations of the Clubhouse. (See Attachment 1). He pointed out there was a concern where the new Clubhouse would be built and the obvious advantage was to keep the building where it was because of the paved parking lot, landscaping, and corner location for greater access. He mentioned there would be no cost pertaining to the infrastructure or utilities because they were already there. He stated they would have to demolish the building, but there would be modifications for the new building in order for it to fit. He pointed out that in order for the golf course to operate properly, they needed visual access to the tee boxes at the first and the tenth tee, and they needed visual access for monitoring the driving range, which would bring in major revenue. He explained where the pro shop, offices, snack bar, and meetings rooms would be in relation to the floor plan and said they would need to rework the parking area. He said that after speaking to other golf course professionals who had built facilities, their recommendation was to separate the food services and pro shop. That way if one area was closed the other side could still be in operation. (See Attachment 1)

Mr. Small stated since the Clubhouse was located near a residential neighborhood, they wanted to use building materials that would fit into the surrounding area; however, they did not want it to look like a large house. He said it should be as appealing as possible, at a reasonable cost, and he showed some photographs of what it would look like. He said they would use basic materials such as stucco, copper for accent around the roof, and it would be kept simple.

Mr. Dalpes stated that the rendering was very close to what it would look like. He said the committee looked into the probable cost and it was researched in detail. He added that it was a conceptual design and they were not able to get the exact amount of what it would cost; however, they had received two third-party estimates on construction costs. He said they had talked to numerous contractors and consultants who were interviewed for quotes on items such as demolition, the parking lot, cart staging modifications, putting greens, driving range modifications, a temporary facility, and equipment. They looked into outside funding sources for certain items like the putting green modifications and they might have a sponsor for that. He pointed out that there was no Tiger Golf in the current building; however, there were having discussions with the Alamogordo Public Schools.

Mr. Dalpes said the projected budget estimate was at \$1.8 million. In addition, 15% services for architect, engineering, permits and inspections. They would also have a 10% contingency and tax. He said it was only a probable cost and the only way they could get a hard cost was to have construction documents and go into the bid process for accurate costs projections.

He said there was an obvious need for a new building and the current building was not worth maintaining. The plan they had been presented was thoroughly researched and it addressed the needs of the facility at a reasonable cost and it also capitalized on opportunities they were

currently missing out on. He said the committee's recommendation was to go forward with a Request for Proposal (RFP) for construction documents, and then go out to bid. He requested that the Committee be kept involved.

Commissioner Ledford asked why they had cut out part of the putting green in the rendering. Mr. Dalpes replied that it was the chipping green. Commissioner Ledford asked if the \$1.8 million was a cost without outside funding or grants. Mr. Dalpes replied that it was the cost without outside funding. Commissioner Ledford asked what the additional revenue would do to the subsidy. Mr. Dalpes replied that it would reduce the amount of the subsidy, but he did not know how much it would reduce it. He explained that the operations of the Clubhouse would still be under his contract, so if there were more costs, it would cost him more to run it.

Commissioner Cole asked if Commissioner Ledford was referring to the \$170,000. Commissioner Ledford replied he was referring to the deficit they had at the golf course. He stated that Mr. Dalpes was familiar with the budget and the subsidy and wanted to know what it would do to it. Mr. Dalpes replied that it probably would not get rid of it, but it would stay the same or be a little less. He said it would make the golf course operationally self-sufficient. He noted that when he looked at the budget, some of the things that were being done were close to operational, and the capital that went into keeping the facility up to speed was a large part of the subsidy.

Mr. Dalpes said he believed the revenue in green fees would go up, which might not be a sudden jump; however, it would be very similar to what they went through when the golf course was remodeled. He said the first year they did not see a huge increase, but when the word was out that the golf course was better, more people started to come to the golf course and they saw a steady increase in green fee revenue. He said revenue had been up 8-10% every year. Commissioner Ledford asked if he would advocate an increase in green fees. Mr. Dalpes replied that it was coming--rates had not been raised in two years.

Commissioner Cooper said it would be pleasant to have dinner parties in banquet rooms with matching dinnerware. He said the City did not have too many facilities like that so they could see an increase in revenues from 20 to 45% within two to three years.

Commissioner Robertson commended Mr. Dalpes and the committee for the time and effort they spent researching the data. He said the Commission had allotted money for this study to be done and he saw no reason why they should not approve the design now.

Commissioner Robertson made a motion to approve the design of the building and keep the committee involved. Commissioner Cooper seconded the motion.

Mayor Pro-Tem Griggs commended the committee for a job well done. He said that taking into account all the comments and ideas that people had, the committee had come up with an attractive and functional building. He believed it would be a great asset to the community and was in support of the motion. He said they needed to determine what the next step would be now that they had a design. He asked what direction they would need to go after they approved the design and what they would need to do to make the Clubhouse a reality.

Mayor Carroll questioned whether they were going to go out and build exactly what was said or whether they were agreeing to the concept of the design that was presented.

Commissioner Robertson said he thought they were just approving that so it could go to a bid and they could find out what it would cost. Mayor Carroll replied that when they start talking about approving the design versus approving the concept of the design, they needed to be

careful of what they wanted exactly. Commissioner Robertson replied that he thought the bid was to see what the cost would be to build the building.

Mr. Small replied that it was only a concept at this point. Commissioner Robertson asked if it was subject to change after the bidding. Mr. Small replied that it would not, because there was no engineering done on the site. Mayor Carroll said he thought the concept of the design was fine versus the design. Commissioner Robertson said that even though they were not voting on building the building, they were voting on accepting the concept. Mayor Carroll pointed out that the motion was to approve the design. Commissioner Robertson said that was what they were asked to do in the recommendation.

Mayor Carroll commented on the preliminary numbers that were given and said his rough calculations indicated the cost somewhere between \$2.4 - \$2.5 million. Mr. Dalpes agreed but said it was a high number. Mayor Carroll pointed out that they did not have \$2.4 – \$2.5 million.

Mayor Carroll asked Mr. Dalpes if he was confident that the size of the food and beverage area would accommodate the needs of the golf course, and that they would not be getting into competition with private enterprise just for the sake of having a facility that would accommodate large numbers of people. Mr. Dalpes replied that they were very careful not to do that. He said his first priority was to serve the needs of the golf course and if it went over that, it would be up to the operator to expand it. He said the kitchen would be able to service the banquet room/tournament room and the actual load capacity was 155, which was not a huge room.

Mayor Carroll said the scale might be deceptive, but it appeared that the building was 2 -2 ½ stories high. Mr. Dalpes replied that it was more for appearance and some of the height was to hide the coolers on the roof.

Mayor Carroll commented on the time and effort it took to put the plan together. He said it was now time to determine if they would be able to fund such a facility; and until they could get a bid, they would not know the final cost. Commissioner Ledford questioned how much it would cost to get to the point of having something to present for a RFP. He mentioned that they had approved \$100,000 and \$30,000 had already been spent. He asked if they were going to use the balance for the RFP. Mr. Dalpes replied that it would probably be more than the balance.

Mayor Pro-Tem Griggs said he understood the motion on the floor; however, it might not be clear enough. Mayor Carroll replied that it was fine to approve the conceptual design; however, as part of proceeding with the project, they needed to make some determination where the money was going to come from and how much they would budget for the project. He said they needed to either they spend what it takes to built the Clubhouse or scale back some items to be within a budget; nevertheless, the Commission would need to make that decision.

Mr. Dalpes commented that if they were to get an architect within a reasonable amount of time, the architect would be able to tell them if the numbers were accurate.

Commissioner Cooper commented on the heating and cooling systems and suggested they place them at ground level and not on the roof in order to save money. Mr. Dalpes said that was one of the ways of working with the architect and finding ways of cutting costs. He said the longer they waited, the more costs could increase.

Mayor Carroll said they needed to make the determination of how much money the City had to put into the project. He mentioned that there had been some discussion on refinancing some bonds to have additional capital to pursue this project. Mr. Dalpes said they had discussed that with the architect and staff.

Commissioner Cole mentioned the meeting scheduled for June 9, 2004, where they would be discussing the refinancing of the bonds, and wondered if that would be an ideal time to look into that question. Mayor Carroll replied that there were a number of demands and needs for whatever additional capital they could come up with. They had approximately a million dollars left from the last funding that might be used for the Clubhouse; however, they would still be short a considerable amount of money. Commissioner Cole mentioned that they had GO Bonds for the library and they might be able to use some of that money for the Clubhouse. Mayor Carroll replied that it would all depend on what information they received at the meeting on June 9, 2004. It would give them some indication of what additional revenue would be available by refinancing the bond issue.

Mayor Pro-Tem Griggs suggested voting on the motion and instructing Mr. Dalpes and the committee to work with Staff and determine the different options they had on the design to build the Clubhouse and bring it back to the Commission.

Commissioner Moncada agreed with Mayor Pro-Tem Griggs. She said the concept was great and they did need a Clubhouse. She felt they should allow Staff to work with Mr. Dalpes and come up with some figures that the Commission could look at when they review the bonds. She said that would determine what they had and could give them a better concept on which to make a decision. Commissioner Ledford commented that the meeting on June 9, 2004 was not about how much was going into the golf course, but for refinancing. He said that they would not have the numbers back from the golf course in time.

Mayor Carroll replied that they would know whether they would be unable or unwilling to refinance those bonds, and whether they had enough money to do it. Commissioner Ledford said that was correct; however, they would not have the numbers to decide whether to refinance. Mayor Carroll replied that they had a basic ballpark estimation of \$2.4 – \$2.5 million, and the discussion on June 9, 2004 would let them know how much they could refinance.

Commissioner Robertson restated his motion to approve the conceptual design as recommended and keep the golf committee involved. Commissioner Cooper seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

Recessed at 8:30 p.m. and reconvened at 8:45 p.m.

PUBLIC HEARINGS:

2. Public hearing to consider a special permit for a temporary structure for Alamo Motorsport, Inc. [Case SP-04-0107 (A), 801 S. White Sands Boulevard].

Recommendation: Approve the special permit for Case SP-04-0107(A) to allow the placement of a temporary structure (tent) at 801 S. White Sands Boulevard from June 20 through July 6, 2004, with the finding that it will not be detrimental to surrounding properties.

An unidentified representative commented that they had been in town for three years and at 801 S. Whites Sands Blvd. for two years. Basically, they tried to promote the safety of fireworks by limiting what they sold. He said sales had increased and believed it might help illegal importation of fireworks from the County areas into the City. They had two locations in the County and had decided voluntarily not to open them due to the fire danger.

Mayor Pro-Tem Griggs moved to grant the special permit SP-04-0107(A). Commissioner Robertson seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

3. Public hearing to consider a special permit for a temporary structure for SECURA, LP [Case SP-04-0108 (A), 2222 N. White Sands Boulevard].

Recommendation: Approve the special permit for Case SP-04-0108(A) to allow the placement of a temporary structure (tent) at 2222 N. White Sands Boulevard from June 20 through July 5, 2004, with the finding that it will not be detrimental to surrounding properties.

Mayor Carroll commented that they would need to cut the weeds back as part of placing the facility at that location.

Commissioner Cooper moved to approve the special permit SP-04-0108(A). Commissioner Moncada seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

Call of the Consent Calendar: [Roll Call Vote Required – Item Nos. 7, 11, 12, 13, and 14]

Item Nos. 4, 7, 8, 11, 12, 15, 16, 17, 18a, 18b, and 18c were on the Consent Calendar. Item Nos. 5, 13, 14, were removed from the Consent Calendar.

Mr. John Garst requested to have Item Nos. 7 and 12 taken off. Mayor Carroll asked Mr. Garst if he wanted to discuss them as a separate item or just needed some explanation. Mr. Garst replied that he needed some explanation. Regarding Item No. 7, Mayor Carroll explained that they currently had an ex-officio from Holloman AFB on the Planning and Zoning Commission and it was being requested to allow someone from Holloman to fill-in for the representative in the event they could not make the meeting. Mr. Garst asked if Holloman had a Planning and Zoning Council. Mayor Carroll said they did not. He explained that the purpose of having a representative from Holloman was for them to have input and so that the City would not inadvertently do anything that would have a negative impact at Holloman. Regarding Item No. 12, Mr. McCourt explained that it was a Legislative grant they had received from the State and they needed a Resolution from the City to designate who the signatory would be before releasing the money. He said it would be used to construct a storage system for reclaimed water at Griggs field.

Commissioner Cooper asked if Item Nos. 7 and 12 were back on the Consent Calendar. Mayor Carroll replied that they were.

4. Minutes of Special (Budget) Meetings of May 3, 4, 5 and 6, 2004, and Regular Meeting of May 11, 2004.

Recommendation: Approve the minutes.

7. Consideration of Resolution No. 2004-25 regarding the Holloman Air Force Base ex-officio representative on the Planning and Zoning Commission.

Recommendation: Approve the Resolution. [Roll Call Vote Required]

8. Renewal of Permit Agreement with Mr. James T. Lynch, III regarding courtesy benches.

Recommendation: Approve the Agreement.

11. Resolution No. 2004-06 approving the intent to submit a 2005 Community Development Block Grant application for sewer system repairs and infrastructure improvements north of Indian Wells Road and east of Pecan Drive.

Recommendation: Approve the Resolution [Roll Call Vote Required]

12. Resolution No. 2004-26 authorizing the City to enter into a grant agreement with the New Mexico Environment Department and to establish signatories for the grant.

Recommendation: Approve the Resolution [Roll Call Vote Required]

15. Statement regarding the Executive Session of May 11, 2004.

Recommendation: Approve the statement.

16. Waiver of permit fee for the 4th of July fireworks display.

Recommendation: Approve the waiver.

17. Special Permit for White Sands District of the Boy Scouts of America to discharge BB guns and plays archery at the New Mexico School for the Visually Handicapped.

Recommendation: Approve the Special Permit.

18. Award of Bid and RFP's:

A) Public Works Bid No. 2004-003, South Florida Avenue Improvements – Re-Bid.

Recommendation: Award to Star Paving Company in the amount of \$63,769.69 (includes NMGR).)

B) RFP No. 2004-004 Fleet Preventative Maintenance/Lubrication Services.

Recommendation: Award to Desert Sun Motors, Inc., for oil, lube, and filter services for an estimated total of \$12,000 for FY 2004/2005.

C) RFP No. 2004-006 for the City's Annual Financial and Compliance Audit for fiscal year ending June 30, 2004.

Recommendation: Award contract for year 1 of 3 to Henderson, Black & Company.

Commissioner Cooper moved to approve the Consent Calendar including Item Nos. 4, 7, 8, 11, 12, 15, 16, 17, 18a, 18b, and 18c. Commissioner Moncada seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

Mayor Carroll mentioned that one of the items they approved on the Consent Calendar was a Community Development Block Grant application (CDBG) and he wanted to thank the committee members for the work and effort they put into the grant application.

PLANNING ITEMS:

5. Consideration of the final plat of MOTEL 6 SUBDIVISION, REPLAT H, for two (2) lots located within the City of Alamogordo for Motel 6 Partnership [Case S-04-0824(A), 202 Panorama Boulevard].

Recommendation: Approve the final plat of MOTEL 6 SUBDIVISION, REPLAT H, Case S-04-0824(A), located within the City of Alamogordo with variances on the construction and installation of alleys, on the dedication of public land, and from Section 22-01-140(b)(1) relating to drainage plans.

Mayor Carroll said he had no problem with approving the final plat of the subdivision into two lots; however, there had been some discussion with the Planning & Zoning Commission that there might be some potential access problems to the property. He said everyone needed to be aware that if there were concerns with access to that property that they would be addressed at the building permit phase of the development.

Commissioner Cooper moved to approve the final plat of MOTEL 6 SUBDIVISION, REPLAT H. Commissioner Robertson seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

6. Consideration of the final plat of LOMA VISTA SUBDIVISION, REPLAT C, for one (1) lot and the vacation of an alley located within the City of Alamogordo, for Tool Box, Inc. [Case S-04-0825(A), Loma Vista at 201 S. Canyon Road].

Recommendation: Approve the final plat of LOMA VISTA SUBDIVISION, REPLAT C, Case S-04-0825 (A), located within the City of Alamogordo, with variances on the dedication of public land, and from Section 22-01-140 (b) (1) relating to drainage plans, and with either a Subdivider's Contract or a Waiver of Protest Agreement.

Mr. Klad Zimmerle said this was a matter of cleaning up a mistake that had been made. He explained that two alleys had been platted next to each other; one did not have utilities, so they were trying to consolidate that into the property. The street would not be used for access, but access would be coming off of Canyon Road and then off the east end of the property. Mr. Zimmerle said they had been out there with Community Development representatives when the dual alley was discovered.

He said they had agreed that they would improve the culverts on Canyon Road and gravel the existing alley; however, there was no discussion regarding a Waiver of Protest Agreement or a Subdivider's Contract. He said the area had already been through an assessment district and water/sewer had been added, so they did not feel they were necessary.

Mayor Carroll explained that it had been City policy to require that either a Subdivider's Contract for improvements or a Waiver of Protest Agreement be signed in the event that the property was developed at some future date. He said the developer or property owner would agree not to protest the actual formation of a potential assessment district; however, they would not waive their rights to protest the amount of assessment. Mr. Zimmerle replied that it had been through an assessment district and did not know how many other assessments could be stacked on top of each other. Mayor Carroll noted that the recommendation from Staff and the Planning and Zoning Commission was to require either a Subdivider's Contract or a Waiver of Protest Agreement as a condition for approval.

Mr. McCourt stated that it appeared that there were two adjacent public roadways, Loma Visa Drive and Sierra Blanco Drive. He asked if either of the roadways were improved. Ms. Few replied that neither of the roadways was improved.

Mr. Doug Nelson said that what he was doing was to help the City and he shouldn't be penalized for it. It was not like he was coming in with a new subdivision because the subdivision was already there and all they were doing was cleaning up a mistake made by the City and improving two back-to-back alleys. Mr. Drunzer, the previous owner of the property, had told him that the property had already been hit with an assessment district and all he was asking for was to have the right to protest.

Mayor Carroll said that typically the City required either a Subdivider's Contract or a Waiver of Protest Agreement for any development and he was concerned that a precedent would be set if they allowed Mr. Nelson to not sign either. He explained that the City typically did not impose assessment districts unless a percentage of the people in the area requested it. Mr. Nelson replied that Mr. Drunzer was not aware of the assessment district until the work was being done. Mayor Carroll said he did not know if there was anything that precluded more than one assessment district in an area, but would assume the assessment district was for water and sewer and not for paving. So, there would not be another assessment district for water or sewer, but he did not know if there would be one for paving. Mr. Nelson replied that he could understand if the land was just being developed and it was a raw piece of property, but the land was already subdivided and the stake was just not recorded correctly on the City's maps. He pointed out that the only reason they knew the two 20-foot alleys existed was because of the survey. Mr. Nelson said he understood the Mayor's concern.

Commissioner Cooper asked if they were going to do anything about the double alley. Mayor Carroll replied that it was not their intent to vacate the alley. The concern Mr. Nelson expressed was the requirement for the Wavier of Protest.

Mayor Pro-Tem Griggs mentioned that the reason they had redone the new Subdivision Technical Standards was to avoid issues like this; whereas, their decision making on property would be inconsistent and they wanted to keep a consistent approach.

Mayor Pro-Tem Griggs moved to approve the subdivision as recommended by Planning and Zoning and with the signing of either the Subdivider's Contract or a Waiver of Protest Agreement. Commissioner Robertson seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

9. Ordinance No. 1185 amending Article 2-13 of the *Code of Ordinances* concerning City Purchasing and Construction Project Administration.

Recommendation: Approve the Ordinance for first publication.

Mr. McCourt commented that currently their purchasing was split into two groups, Purchasing Department and Community Development. Community Development would handle the purchasing for construction projects. He said what they were doing was consolidating all of those within the Purchasing operation and they would have primary responsibility.

Commissioner Cole moved to approve Ordinance 1185 amending Article 2-13 Code of Ordinance, concerning City Purchasing and Construction Project Administration for first publication. Commissioner Robertson seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

10. Ordinance No. 1204 amending Sections 28-03-035 and 28-03-037 and enacting Section 28-03-038 of the *Code of Ordinances* regarding water use.

Recommendation: Approve the Ordinance for first publication.

Mr. McCourt commented that they needed to amend the reading of the section on water conservation non-compliance, so it could be understood that it did not only apply when the City was in a Phase 3 rationing. He explained that they made a section to cover the total water use area. He said the second item being addressed was where the Commission ratified the City Manager's recommendation regarding the water use. It was noted that it should be done by resolution, which would provide more public notice, as opposed to minute action.

Commissioner Cole moved to approve Ordinance No. 1204 amending Sections 28-03-035 and 28-03-037 and enacting Section 28-03-038 of the Code of Ordinances regarding water use for first publication. Commissioner Cooper seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

13. Resolution No. 2004-27 supporting the funding for the extension of Fairgrounds Road from North Scenic westward to the Relief Route.

Recommendation: Approve the Resolution [Roll Call Vote Required]

Commissioner Robertson stated that he definitely supported the resolution. He said he had received a call from Mr. Aubrey Dunn who was very concerned about the project and who had contacted Congressman Steve Pearce's office. He said that evidently, Congressman Pearce was unaware at that time that Fairgrounds Road was going to go through one of the Commissioner's property, and Congressman Pearce was concerned about it. He said after a phone call from Mr. Dunn, the project had been placed on the back burner until such time this committee could take action on it. Commissioner Robertson said if the committee was to go ahead with Fairgrounds Road that was fine. He said what Mr. Dunn and the insinuations that he heard were that they would like for us to, instead of earmarking this for Fairgrounds Road, put it

on whichever road they seem fit or whatever they think is needed and that was the decision that Congressman Pearce was waiting on.

Mayor Carroll clarified that this item was on the agenda because he had received a telephone call from a Carl Bernal of Congressman Pearce's office. Mr. Bernal had indicated to him that there had been some local concerns raised by citizens and some members of the City Commission about this project and the Congressman wanted to make sure that the City Commission was in fact in support of the funding request and asked that they express that support by resolution.

He commented that the Fairground Road extension had been in the ICIP and was part of the original relief route project. He explained that what made it different was the concept of a bridge over the railroad to allow faster access from the relief route on the west side of town to the hospital. The Commission was aware and approved the letter that had been sent last year under his signature to Representative Pearce requesting funding for this project. At that time, Congressman Pearce was not aware of the ownership of the property and when it was brought to his attention he wanted to make sure that this was a project that had the support of the City Commission and was not going to put him in any unfavorable position.

Commissioner Robertson said that was the impression he received and after thinking about it, he was not too sure if that was the best place to put the access to the highway. He thought the Commission down the road should have a choice where they would want to place it first, because right now they had two accesses to that bypass and neither was completed.

Mayor Carroll replied that it was not access to the highway; it was access from the relief route to the hospital. He said what made this project attractive for federal funding was the relationship between the hospital and Holloman AFB--that it was a joint facility. He said he did not know how much federal funding would be available to do just any kind of road in Alamogordo, but what made Fairgrounds Road a candidate for some federal funding was the relationship between the base and the hospital.

Commissioner Robertson said he was definitely for federal funding, but he was not sure if that was the best place to build a road. Mayor Carroll pointed out that this was the project that they had requested and Congressman Pearce was asking for reaffirmation.

Commissioner Robertson made a motion that they accept Resolution 2004-27. Commissioner Ledford seconded the motion.

Mayor Pro-Tem Griggs noted for the newspaper, audience, and the Commission, that the Griggs Family Trust did own property adjacent to the hospital where the roadway would go through. He said there was a meeting with the hospital and Congressman Pearce about a year ago and they discussed several items, one being a direct access to the back of the hospital for improved response time. This particular plan for Fairgrounds Road had been in the Comprehensive Plan for three years and was the only roadway that had any potential tie to federal funding because of the relationship between the hospital and Holloman AFB. That was the reason why the Congressman saw it as being important enough to grant \$5 million for building the road.

Mr. Paul Banse asked if there was a project to extend Indian Wells Road over the railroad tracks. Mayor Carroll replied there was. Mr. Banse asked if they were going to build a bridge. Mayor Carroll said there was never any talk about bridges over the railroad tracks for any of the relief connectors. Mr. Banse said they had just enacted the Gross Receipt Tax for highway money and as long as he voted for it, he expected asphalt on the roads. He questioned if they would be giving the City some money or if they would be giving all the money to complete the

project. Mayor Carroll replied that they would get all of the money to complete the project in its entirety.

Mayor Pro-Tem Griggs explained that the Transportation Bill which had been passed by the House contained \$5 million for Fairgrounds Road, and the Senate Bill had the same amount. He said they were in conference or about to go into conference to balance out the numbers, because the Senate Bill was \$300 plus billion dollars and the House Bill was \$200 plus billion dollars. He said there was no guarantee that the money would come to the City.

Mayor Pro-Tem Griggs pointed out that he would abstain from voting because of the Griggs Family Trust.

Mr. John Garst asked if the extension would be four lanes. Mayor Carroll replied that it would not. Mr. Garst questioned why they didn't build a bridge over the Indian Wells tracks since the road was already there and it would be closer for Holloman. There was brief discussion on two-lane verses a four-lane road. Mr. McGuire stated that the engineering report said they did not have enough room to place a bridge over the Indian Wells tracks. He said it was even going to be marginal for a ramp up and the ramp down at Fairgrounds Road.

Ms. Janet Buckman, representative from Gerald Champion Regional Medical Center, said they supported the road for a number of reasons. Several patients asked about it and they had done studies on the access road and it would save time. She said there was a substantial amount of time saved coming in from Holloman in terms of medical emergency. Roughly two minutes could be cut off of a transfer, and from a medical emergency standpoint, two minutes could mean life or death. She stated that at the current time the only access to the hospital was via Scenic Drive. She gave an example of what happened two years ago concerning a fire and there was problem getting the fire truck to the scene. This would provide another access point if something were to happen on Scenic Drive. Ms. Buckman stated that the hospital supported this roadway.

Mr. Pete Estrada reminded the Commission how during the baseball season that road was very congested with traffic and asked that they take into consideration the traffic jam that would occur if there was an emergency.

The vote was called on the motion. **All voted "aye." Motion carried by a vote of 6-0-1. Mayor Pro-Tem Griggs abstained.**

14. Resolution No. 2004-29 declaring the intent of the City to reimburse itself, in regards to expenses on the Alamogordo Regional Water Supply Project, with the proceeds of a loan agreement between the NM Finance Authority and the City.

Recommendation: Approve the Resolution [Roll Call Vote Required]

Commissioner Robertson asked for clarification. Mr. McCourt replied that it was part of their continuing work to secure funding to build the overall RO system on the west side of town. He said it was a low interest loan from the State of New Mexico. If the loan was approved, they would then start doing the engineering work, Community Development would get reimbursed for working on projects, and this would allow their expenses to be charged against the loan.

Commissioner Robertson asked how the loan would be paid back. Mr. McCourt replied that they would pay the loan back from the water/sewer revenues.

Commissioner Robertson asked if they would have the money for that because he understood that the additional funding from the increased rates would go for repairing new water lines. Mr.

McCourt replied that they were not indicating they would not build those projects that they discussed during the budget process; the capital money was planned for capital improvements in the system. If the loan was approved, it would go back to the Commission for approval, but it would have to be paid out of the water/sewer revenues. Any money they received anywhere other than a grant to build the desalination process would have to be paid from the water/sewer fund. Mr. McCourt said they would not find money less than 2%, and it was part of the on-going efforts to secure the necessary funds they needed, as inexpensively as they could, to construct that project. He stated that assuming the resolution was approved, they would start working on the project and it would allow them to be reimbursed on the project for work done.

Commissioner Cooper moved to approve Resolution 2004-29. Mayor Pro-Tem Griggs seconded the motion. All voted "aye." Motion carried by a vote of 7-0-0.

OTHER BUSINESS:

19. Notification of vacancies on Boards and Committees.

Community Development Advisory Committee. One vacancy.

Mayor Carroll mentioned there was a vacancy on the Community Development Advisory Committee, and anyone interested in that position should contact the City Clerk's office.

SCHEDULED COMMUNICATIONS FROM THE PUBLIC:

20. Mr. Glynn Bolin will address the Commission regarding ordinances that are not being enforced.

Mr. Glynn Bolin said he was at the meeting to address an ordinance that was not being enforced concerning trash and non-operational vehicles. He said the County had an ordinance, but was unable to enforce it because it was in the City limits. He said he notified DPS and they told him it was in the County limits. He said it was finally brought to court and the judge gave the man thirty days to clean it up and it still had not been resolved. He said there had to be a way to resolve this problem.

Mayor Carroll said they had wrestled with the same problem in other parts of town. He said they had attempted and had some success in streamlining their process through Code Enforcement. He said in instances where they had not responded to the requirements of Code Enforcement, it had been brought to Municipal Court. He said there were some legal processes that they had to go through concerning notification and a time frame that had to be given; however, they could not control the court's outcome.

Mr. Bolin mentioned he had a letter from his sister in Las Cruces who was having a similar problem and it had been cleared up within 24 hours. He said a friend in Capitan was fined \$300.00 each day until he cleaned his yard. He said the City should have a time frame and if the time frame isn't met, a mandatory penalty should be automatically imposed. Mayor Carroll replied that they had some authority, but not unlimited authority to set some of those conditions. Mr. Bolin said those penalties should be set like traffic fines.

Mayor Carroll said they did have fines set for violations of the ordinances, but the only way they could be imposed was through the court system. He said what they had tried to do if someone did not comply was to shorten the time between Code Enforcement giving them notice to clean it up and when it went to court. Mr. Bolin replied that it had been nine months and nothing had been done. Mayor Carroll stated that he had driven out to the neighborhood and to the property

that Mr. Bolin was discussing and he certainly did not want his neighborhood to look like that; however, it was not as bad as some of the houses out in that area.

Mr. Bolin asked how the situation was going to be corrected and mentioned that he had a petition that 70 people had signed who wanted something done. Mayor Carroll pointed out that since the time Mr. Bolin had spoken to Mayor Pro-Tem Griggs, they had changed some of the policies and procedures and Code Enforcement had gone out to the entire area and given notices of violation where they existed.

Commissioner Robertson questioned if they had a mandatory fine and asked how the Judge would improve that fine. Mr. Ken McDaniel said he was unsure but would have something for the Commission at the next meeting.

Mr. Bolin said that if they could make an example of three or four people, he would guarantee them that they straighten up.

Mayor Pro-Tem Griggs said he had spoken with Mr. Bolin a couple of time and had brought it up to the Commission. The Commission had allowed Code Enforcement and City Staff to adjust their procedures to see if they could be more effective. Mayor Pro-Tem Griggs said they had not been effective with Mr. Bolin's situation until March when Mr. Bolin's neighbor went to court and the judge gave him thirty days and fined him. He said he had been out there and had seen some improvement. He pointed out that one of the issues was a chain link fence around a yard and for some reason some people just did not want to keep their yards cleaned.

Commissioner Robertson stated that they could not do anything tonight; however, the City Attorney would be looking into it for the next meeting.

Mayor Carroll said he understood Mr. Bolin's concern and frustration and they would have Code Enforcement look into more; however, they were limited on what they could do. Just because a person's property looked unsightly, it did not give the City the authority to take belongings off their property.

21. Mrs. Mary E. Noriega, 101 Maryland, requests that the City install safety barriers in front of her property due to the number of vehicles that have crashed into her front yard because of the traffic light at the intersection of Maryland and First Street.

Ms. Leticia Ortega, granddaughter of Mrs. Mary Noriega, explained that her grandmother's home was located at the intersection of Maryland and First Street. Her grandfather built it over 50 years ago and they were both lifetime residents.

She mentioned that over the past 50 years there had been continuous street improvements and businesses established there, and the traffic had increased immensely since Wal-Mart was built.

Ms. Ortega stated that her grandmother, now 82 years of age, enjoyed her yard, which had been well taken care of and had won several awards, but her grandmother was afraid to go out in her yard for fear of a car crashing through it.

She stated that the total number of accidents had been numerous, and someone had even lost their life before Wal-Mart was built. Ms. Ortega's mother showed photos of accidents that had taken place at that intersection. She said that an accident had occurred there in May 2004 and if it had not been for the planter on her grandmother's porch, the vehicle might have ended up in her home. The car ended up less than ten feet from her living room. Another accident had occurred where a woman had a seizure and her insurance would not pay for damages; however, the woman's husband said he would reimburse them for the damages.

She questioned if any impact studies had been done prior to Wal-Mart adding a stoplight there, and if there were studies done, they wanted copies of them. She also questioned why the residents had not been notified of the City's impending action and why a traffic light was allowed in a residential block. Ms. Ortega wanted to know what the City was going to do to rectify the situation and they wanted copies of those plans.

Ms. Ortega mentioned lowering the speed limit from 35 mph to 30 mph; adding guard railing to prevent any vehicles in the yard; and possibly installing a "No U-turn" sign. She said people were using her grandmother's driveway for turning around.

She stated that the City had an impending liability when Wal-Mart was granted access to that intersection, and the City would have an impending liability should they not seek to remedy the situation within the next 30 days. Ms. Ortega said the family of Santiago M. Noriega was requesting that the City at this time pursue a remedy for the safety, not only for the family, but also for those who traveled though that intersection. She stated that the family was willing to seek legal counsel if need be in order to protect their home.

Mayor Carroll replied that they had recently become aware of the problems that existed at that residence and he was not sure how to solve the problem at this point; however, there might be a way to protect that property without making it look unattractive and without making it look like a fortress.

Mr. McCourt mentioned that they had to maintain their right-of-way in a manner that protected the traveling public and had to be very conscience of what was placed in that right-of-way because it then would become a liability to all the citizens of the City. He said he would meet with Staff and explore the issue to come up with a solution.

Mayor Carroll said they wanted to solve the problem and one simple solution would be to place protective barriers across the front lawn, which would solve the problem, but that might not be what they would want in the front yard. Ms. Ortega replied that the barriers would probably be on the easement coming off the street. Mayor Carroll noted that there were some sight triangles that needed to be maintained for traffic. He said they understood the problem and would do what they could to remedying the situation.

Commissioner Moncada mentioned the accident report Chief Trujillo had given the Commission and asked the Chief if he remembered the peak hours when the accidents occurred. Chief Sam Trujillo replied that First Street was historically known as the worst street for accidents, and out of seven of the worst intersections in the City, four of them were on First Street. He said Ms. Ortega was correct, there were a lot of accidents at First Street and Maryland Avenue. He said that was the only residence that he knew of that was on the corner of a lighted intersection. He said Indian Wells Road and Florida Avenue did have residences, but there was another access road between the streets. He pointed out that the accidents that had occurred there had been the fault of the driver; it was not the intersection or the design.

Chief Trujillo stated that in the year 2000 they had 12 accidents; in 2001 they had 14 accidents; and in 2002 they had 5 accidents. They had done some research and found that they had a drop in accidents because they had a strategic traffic enforcement program at that intersection in 2002. In 2003 they had 7 accidents, and in 2004, thus far, there had been 5 accidents. He believed the accidents that had occurred were due to the high school students leaving the campus due to the new block scheduling because there was such a large amount of vehicles flooding First Street and White Sands Boulevard during that short period of time.

He said to answer Commissioner Moncada's question, he did not have the statistics at this time; however, they did keep track of those statistics and most accidents were occurring at lunchtime, after school, and after work.

Mayor Carroll asked if the accidents were caused by people running the red lights. Chief Trujillo replied that it was people trying to beat the light and having collisions with the vehicles going westbound. Mayor Carroll asked if it would be possible to program the lights to turn red at the same time to completely stop the traffic at the intersection in both directions for some length of time. Chief Trujillo replied that it was possible to program the lights in that manner. Mayor Carroll said he did not know if it would help. Chief Trujillo said it could work in both directions, but once the drivers became aware of the other vehicles stopping at that time, there might be an increase of people running the light just because they know the other side is also going to be stopped. He mentioned that reducing the speed limit could cause traffic to back up on First Street.

Mayor Carroll commented that the only solution might be to install protective barricades around the property. Chief Trujillo replied that if the City were to place solid barricades, there would be a potential of having minor become major accidents; however, it would stop anything from penetrating that yard. He cautioned about placing barriers because then they would need to look at the rest of the City and he gave an example of the recent accident on Florida Avenue where the vehicle went into the yard and it was not at an intersection. It was mentioned that they might look at the possibility of placing an advertisement bench in that area, which would slow the vehicle down and possibly keep it from going onto the property. There were some options available for that particular residence and they would need to examine them. Mayor Carroll asked that it be pursued quickly and that they come up with a solution to the problem.

Commissioner Robertson asked how many vehicles had crashed into the yard. Chief Trujillo replied that there was one in 2004, one in 2001, and one in 1992. Commissioner Robertson asked if Ms. Ortega's comments were true concerning the City being liable for the traffic light. Chief Trujillo replied that if he was asking if someone could sue the City--anyone could sue the City. Chief Trujillo explained that there had to be a study conducted and approval granted before the traffic light could be placed at the intersection. It would also have to meet the State requirements before it could be installed at the intersection. He stated that he believed Wal-Mart placed the light at that intersection with the approval of the City.

Commissioner Robertson commented that the best solution was to have the four-way stoplight turn red simultaneously, as the Mayor had suggested. Chief Trujillo said there were consequences to that and it would cause traffic to back up especially after school hours. Commissioner Robertson said that if that occurred then maybe they would find alternative routes. Chief Trujillo mentioned that they had placed four police cars on First Street and it did not deter the traffic.

Commissioner Moncada commented that the only way to slow traffic down was to have a closed campus at the high school. Chief Trujillo said he had met with school officials and stated that most of the accidents were coming from the high school. He said there were 510 vehicles leaving campus in a ten to fifteen minute time span. It was a significant number of vehicles that were entering onto the major street at one time. He said they had discussed it and did not want to get into an argument for or against block scheduling, but they were concerned with the impact of accidents. They advised the superintendent that DPS would provide statistics at the end of the school year to compare it to last year and they were going to look for alternatives as far as lunch was concerned.

22. Several contractors would like to discuss Ordinance No. 1208 regarding the administrative fee for new construction or to re-establish connection to City utilities.

Mr. McCourt said he had met with the President of the Builder's Association and they worked on a possible solution. He said they were planning to bring an amendment to the ordinance at the next Commission meeting. He said the amendment was to discontinue the \$250.00 administrative fee at the hook-up end.

Mr. Doug Nelson said their main concern was Ordinance 1208. He pointed out that if a homeowner wanted to discontinue service for whatever reason, the homeowner was given the choice by the City to either continue having the service at \$18.00 a month or disconnect from the system at no cost to them. However, the next person who purchased the property would incur the cost of \$250.00, along with other administrative fees. The average homeowner would pay about \$640.00 to reconnect to the system and they felt that was a flaw in the ordinance in the way it had been written. He said the fee should be paid by the current property owner, not the next property owner. The other concern they had was the \$250.00 fee for new construction, which was not an accurate fee considering it was an administrative fee for the time it took a clerk to input the information into the computer for billing.

Mr. Garst suggested looking at how much it was costing to connect and disconnect on the rental properties because they were dealing with a different category of people.

Commissioner Cole asked how the expansion tanks were inspected. Mr. McCourt replied that the Expansion Program was being built into new construction. Commissioner Cole asked if the backflow valve was rechecked in rentals as people moved in and out. Mr. McCourt stated that what triggered that event was when a meter in an existing structure was changed out. Commissioner Cole asked if it was a one-time check. Mr. McCourt replied that they checked the backflow preventer annually. The expansion tank was a different question and that was being addressed with new construction. Commissioner Cole asked if that was a one-time event. Mr. McCourt replied that it was.

UNSCHEDULED COMMUNICATIONS:

A. Comments by City Manager Pat McCourt:

1. He commented on the current water report and said they would have sufficient water without going into the rationing stages. He said Bonito Lake was not going over the spillway and was holding steady. Mr. Miramontes said they would start to see a drop in the reservoir at the loop but not to be alarmed. Mr. McCourt said they did not have the Prather Wells turned on. They were having problems with Well 7 but they were addressing that problem.

Commissioner Robertson asked if it would be possible to receive reports concerning the thinning out of Bonito Lake because he had concerns with the Capitan fire. Mr. McCourt replied that they had almost completed the large timber thinning and there was small thinning that needed to be done. Mr. Miramontes replied that he would get a report for him. Commissioner Robertson asked if it had improved around the lake in case there was a fire by the lake. Mr. Miramontes replied that there was an improvement; however, there was fuel in there--meaning the small brush.

2. He reminded the Commissioners of the Special Meeting scheduled for Wednesday, June 9, 2004, at 2:00 p.m. at Fire Station No. 5, for the purpose of discussing options relating to the refinancing of the 1996 Gross Receipt Tax Bond.

3. He mentioned that he would be out of town Thursday, Friday, and Tuesday (Memorial Day Weekend) and Mr. Matt McNeile would be in charge.

B. Comments by Mayor Don Carroll:

1. He wished everyone a safe Memorial Day holiday and reminded everyone what Memorial Day was really about.

2. Air Force personnel were being deployed overseas during the next five to six weeks and he asked everyone to keep them in their prayers.

Commissioner Cooper made a motion to adjourn. Commissioner Moncada seconded the motion. All voted "aye." Meeting adjourned at 10:25 p.m.

/s/Donald E. Carroll

Mayor Donald E. Carroll

ATTEST:

/s/Angie J. Rahn-Broyles

City Clerk Angie J. Rahn-Broyles

(SEAL)

(Prepared by Deputy City Clerk Karen H. Groves)

Approved at the City Commission Regular Meeting of June 8, 2004