

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
JANUARY 25, 2005**

**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 and Roll Call.

The Meeting was called to order at 7:30 p.m. The Invocation was given by Rev. Fred McDonald, and the Pledge of Allegiance was led by Commissioner Ed Cole.

CALL OF THE CONSENT CALENDAR:

Items on the Consent Calendar are considered routine and should not require further discussion. All items marked "CC" will be approved by a single motion 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.

1. Minutes of Regular Meeting of January 11, 2005.

Recommendation: Approve the minutes.

4. Resolution No. 2005-02 (Concept Resolution) supporting an application to the NMDOT for assistance in a project to construct ADA compliant pathways along U.S. 70 and White Sands Boulevard.

Recommendation: Approve the Resolution.

5. Resolution No. 2005-05 approving the intent to accept a Grant provided by the NM Energy, Minerals, Natural Resources Division-Clean Energy Program- to assist in funding the Alamogordo Public Library Green Building Project.

Recommendation: Approve the Resolution.

6. Resolution No. 2005-06 supporting legislation to stabilize funding for the State Aviation Division of the New Mexico Department of Transportation.

Recommendation: Approve the Resolution.

8. Annual Reports from City Boards, Commissions, and Committees for 2004.

Recommendation: Accept the reports.

9. Statement regarding the Executive Session of January 11, 2005.

Recommendation: Approve the statement.

10. Award of Bids:

A) PW Bid No. 2004-007, Alamogordo Regional Water Supply Project – Test Wells.

Recommendation: Award to Stewart Brothers Drilling Company in the amount of \$593,658.31, inclusive of NMGRT (Otero County).

B) Bid No. 2004-18, Infrastructure Upgrade – Phase I.

Recommendation: Award to Currey Adkins in the amount of \$79,733.12, inclusive of NMGRT.

Commissioner Cooper moved to accept items 1, 4, 5, 6, 8, 9, 10(A) and 10(B) on the Consent Calendar. Seconded by Mayor Pro-Tem Griggs. All voted “aye”. The motion carried by a roll call vote of 7-0-0.

PLANNING ITEMS:

2. Consideration of Ordinance No. 1231 for rezoning to District "C" (Multi-family Dwelling) requested by Darryl Gallent [Case Z-04-0637(A), 1317 Eighth Street].

Recommendation: Approve Case Z-04-0637(A) to amend the official zoning map of the City of Alamogordo, to change the zoning of subject property to District "C" and to approve the Ordinance on such for final publication.

City Planner Sharon Few said it was discovered several months ago that this property had been utilized as a multi-family dwelling with a duplex in the front and two freestanding apartments. The zoning on the property, however, was for two-family, so there were two more units on it than the zoning allowed. The property has transferred ownership and there had been a fire, and that was discovered when the Building Permit was taken out for renovation work and there were questions raised about the total number of units. The current property owner had come in and submitted paperwork for rezoning. It would be in conformance with our Master Plan, as we had anticipated this area for higher density than two-family. There was already multi-family in the neighborhood, both apartment units on the corner of Eighth and Cuba, and others in towards the center of the block. We had received one protest on the property, but it was subsequently withdrawn in writing by the protestants after they listened to the proceedings at the Planning Commission Meeting, and staff was recommending approval.

Commissioner Cooper moved to approve Case Z-04-0637(A) to amend the official zoning map of the City of Alamogordo to change the zoning of subject property to District “C” and to approve the Ordinance on such for final publication. Seconded by Commissioner Cole.

Commissioner Robertson asked if the staff had a problem with this being done? Mr. McCourt said no, not at all.

Mayor Carroll called for the vote on the motion. **All voted “aye”. The motion carried by a roll call vote of 7-0-0.**

3. Consideration of Resolution No. 2005-03 to change a street name or name a future street for the Rev. Dr. Martin Luther King, Jr. by the Otero County Martin Luther King Jr. Committee [Case M-04-0319(A)].

Recommendation: Approve the Resolution effective January 1, 2006, changing the name of Fairgrounds Road, or any future extension, without payment of additional fees and with the requirement that the addresses of adjacent lots remain unchanged, for Case M-04-0319(A).

Mayor Carroll said this item may not be as straightforward as we had all understood it to be. He thought everyone assumed that the existing property owners along Fairgrounds Road were in agreement with this name change, and now it appeared that some of them may have had second thoughts on it. He didn't think there was any disagreement among the Commission that it was appropriate to name a street for Dr. King. The question now became whether this was the best choice, or was there some other choice.

Mr. Richard Coltharp, a long time member and current Chairman of the Otero County Martin Luther King Jr. Committee, said in 1955 in Montgomery, Alabama, a lady named Rosa Parks had just gotten off work. She was tired and got on the bus to go home, but she didn't feel like walking all the way to the back where she was supposed to sit, so she didn't. A young preacher in Montgomery named Martin Luther King, Jr. heard about this and realized the injustices of anyone being forced to sit at the back of the bus, especially the busline's primary patrons. Rev. King felt it had been long enough and it was time to do what was right. He organized a boycott and within a year the rules were changed. About that same time here in Alamogordo, there was a sign hanging in the Plaza Bar which said "No Mexicans, Indians, or dogs allowed". Blacks weren't mentioned in the sign probably because it was understood at that time that they weren't even supposed to be inside the bar where they could read the sign anyway. Perhaps inspired by news coming out of Montgomery about Rev. King and seeing local Hispanics, Native Americans, and African Americans returning from service in World War II and the Korean War, the bar's owner took another hard look at the sign. He thought it had been long enough and it was time to do what was right. More than 40 years ago President Linden Johnson signed the Civil Rights Act of 1964 granting all citizens the rights that were supposed to be granted to them almost 200 years earlier in the Declaration of Independence and the Constitution, and 100 years after that in the Emancipation Proclamation, but it still didn't exist for many people in America. Prior to that, Johnson had seen what King had done in Montgomery and other cities in the south. He'd seen black citizens denied the right to vote—our democracy's fundamental right. He'd seen the fire hoses, dogs, bricks, and bats turned on black citizens, and he'd seen the non-violent response of King and his followers. He'd heard King's dream of his children being judged not by the color of their skin, but of the content of their character. It had been long enough, LBJ must have thought as he signed the Act. It was time to do what was right. It had been 50 years since Dr. King organized the Montgomery boycott and had been 41 years since he spoke of his dream at the March on Washington. It had been almost 40 years since King won the Nobel Peace Prize, 37 years since King was assassinated, 19 years since King's birthday became a national holiday, and 13 years since a multi-cultural group of Alamogordo citizens organized to begin celebrating King's birthday to keep his dream alive, so why didn't Alamogordo have a public reminder of the glory of Dr. King's dream? Like so many progressive cities across America did, why didn't Alamogordo have a street named for Dr. King? It had been long enough and it was time to do what was right.

Mr. Coltharp said this group had been working for a couple of years now to get this street name, and over the past few weeks they had been talking to the businesses on Fairgrounds Road. The reason they picked Fairgrounds Road in the first place was because of all the existing

roads in the City, it was the one that had the least impact because there were only four commercial businesses on the street. They also liked that it was visible and had future plans to be extended both to the east to Scenic Drive and to the west to the Relief Route. Over the past week they'd been calling various Commissioners. He'd talked to Commissioner Robertson today, and after he'd explained that the group had gotten written support from the only four commercial businesses on the street, he went and talked to them some more and had gotten a paper from one of the businesses saying that they'd changed their mind. So now they had 75 percent support instead of 100 percent, but he still felt there would be minimal impact. One of the things the City did if there was a name change, which he felt was a good idea, was they would wait a full year for the name change to go into effect. That allowed the businesses time to use up their existing letterhead and change their listing in the phone book and those types of things so that they didn't have to go through extra expense. Some of the Commissioners had talked to him about future streets coming in and naming one of those after Dr. King because they had not been named yet, and there was a lot of logic to that. However, what was on the agenda tonight talked about Fairgrounds Road. If four of the Commissioners voted "yes", then they could start now and on Martin Luther King Day next year they could dedicate a road. He felt it had impact for the City economically. It was a high visibility road and new businesses considering coming to Alamogordo saw it and it would show that Alamogordo was accepting to all people and we were progressive. He encouraged the Commissioners to vote "yes" on this item.

Commissioner Cooper added that it took the City of Alamogordo 50 years to recognize one of their own as a hero. It took the City over 25 years to recognize a law enforcement officer that was killed in the line of duty. It took another 20 years to recognize that another officer was killed in the line of duty, and also, his medical assistant associate was injured to the point where she remained in a comatose state until she died in 1996, and finally they were recognized. He thought it was time that we recognized Dr. King. He felt that the Fairgrounds Road project should go through. It was in his district, and he was 100 percent behind it.

Commissioner Robertson said he had talked to three of those businesses today, and one of the other Commissioners had already talked to some of them, so it was not something that he was just dragging about the bushes. Three of these different businesses had changed their minds and did not want the name of the street changed, mostly because of the cost to change their letterhead and all of their paperwork. For two of those businesses, not only did it affect their business in Alamogordo, but they also had businesses in Las Cruces, Albuquerque, and Santa Fe. All of their letterheads were the same, and all four addresses were on their letterhead. So it would really go to an astronomical figure to change all of their letterhead and paperwork. They didn't realize what it was going to take when they first signed this petition, but they did want to change their mind now. Two of them had asked him if he would reflect this to the Commission tonight. One of them had given him a letter, which he would read into the record: "To Whom It May Concern: Last week I signed a petition regarding the name change of our street. I feel I signed it under false pretenses and now wish I had not signed. I do not wish to have the name of our street changed.", and it was signed by Marie Porter who was with Regional Medical Supply. He agreed with them as it would take a lot of money to change all of those letterheads, and also it was not something which could be done by simply changing the street sign. It took a lot of money for the City to change all of its maps and everything else that was concerned. However, he was in agreement with everyone on the Commission that we did need to name a street after Dr. King. He didn't know which one, but if we all worked together with the building contractors, then we could find an appropriate street that everyone felt would add to Dr. King's name. Tonight he was requesting that we all be allowed to work together and find one we could name after Dr. King, instead of going to the cost of these merchants on that street.

Commissioner Ledford asked if Commissioner Robertson said that three of the four businesses had changed their minds? Commissioner Robertson said yes. Commissioner Ledford asked Mr. Coltharp if he had talked to these businesses before they'd signed the petition? Mr. Coltharp said yes. Commissioner Ledford asked if he had not explained to them about the cost of transition? Mr. Coltharp said he'd talked to them all and explained to them what was going on. One thing he made sure to mention to all of them was the year lapse which was set up for the specific reason so they would have time to change their letterhead, get their address changed in the phone book, etc. Commissioner Ledford asked if they had all agreed to sign after that? Mr. Coltharp said yes. Commissioner Ledford said he guessed they'd all now decided to change their minds. Commissioner Robertson said actually there was one of them—Linda Lane—who said that if her husband had been there that she wouldn't have signed it anyway. Evidently several years ago they'd wanted to name that street after Jesse Lane's father, who owned Alamo Pipe at that time. Jesse was the one who had objected to it and got it killed because, again, of the cost they were going to have to incur by changing all of the letterhead. So this man knew what it would cost and he didn't want it named after his father because of that cost, and he sure didn't want to name it after someone else because of the same reason. Commissioner Ledford said one of the reasons we'd picked this street was because there were only four businesses, and he would think a lot of other streets would have a lot more businesses. So he was wondering what street it would be that would have no businesses on it. Commissioner Robertson said he was recommending talking to the contractors and getting some main street going into one of these residential areas. You could never tell, and they may wind up with a street with \$200,000 to \$400,000 homes on a street named after him. He just didn't know at this point what the building contractors might have in mind.

Mr. Isaiah Scott, Vice Chairman of the committee, said they had the four signatures on the paper, so where was the false pretense that they signed it under? Mayor Carroll said he had no idea. Commissioner Robertson said he didn't know—the lady had just given him the letter. Mr. Scott said yes, but one of the businesses was using the term that they had been given false pretense for it. Where was the false pretense? The committee had followed the procedure. The next thing was that it had been in the paper for over the past two week period, and there had been no conflict. There was no conflict until this afternoon? He felt the committee needed an explanation on that basis.

Mayor Pro-Tem Griggs said he could not address that and he did not know what the false pretenses may be—that may be the language Ms. Porter used and it might not be the language anyone else here would use. When this first came up, his thought would be that we look at areas in town we would have opportunities to name streets after that wouldn't affect anybody if they existed. There was only one he knew of which existed. The street was not built, but it was a major planned addition to the City, and it was the South Scenic Extension. Basically it would run from Florida to Highway 70 out west of the jail. It was the continuation of the loop. If they looked at Scenic Drive, the whole plan at one time was to move from north to south. Several meetings back we had a subdivision that wanted to come in and block Scenic Drive's progress up around Canyon Road. Scenic Drive as it was planned, may not occur. This southerly loop part could and should be developed from Highway 70 at least to where it would intersect with South Florida. That also brought it across Highway 54, which made it the first major thoroughfare you would see as you entered Alamogordo from the south. If you used Fairgrounds Road, it of course would not be the first major thoroughfare you would see as you came in from the north. That was an option. He didn't know how everybody here would feel about that, and he didn't know how everybody out there would feel about that. He appreciated

the fact that all of the committee members recognized an urgency to name a street, and here it was. Maybe Fairgrounds Road was an excellent opportunity to not disturb many people. One of his thoughts was that if you did not have to disturb anybody, why disturb some whether it was three or four or eight or ten or twenty or thirty? He thought the South Scenic part was a solution and would actually give the City an opportunity to work with our Federal delegation and help us get Federal funds to help build that street. Currently in the Transportation Bill there was authorized money for Fairgrounds Road, which should come very close to making it complete from the Relief Route to Scenic. The reason we talked to the Federal government about that was because of the relationship with the Hospital. The relationship with the Hospital and the Air Force Base gave us a tie to ask for Federal funding. We didn't have that before then. If we looked at BRAC, which was about to occur in May, hopefully it would be positive where Alamogordo would benefit. That would then help us be able to ask for Federal funding to be able to finish our loop on the southern end of town to help people from the Base come into town and go on around. Having that road named for Dr. King might actually help obtain funding for that road. He didn't know that it would be a for sure deal, but it certainly couldn't hurt. He would rather see that than Fairgrounds Road, just because Fairgrounds Road had some people on it already and this other road did not. It would be in his district, but that was not why he was in favor of it.

Commissioner Cooper said referring back to Fairgrounds Road, the "Lane" name had been honored over there because there was an archway that led directly into the Fairgrounds which had the "Lane" name on it. At that time Mr. Lane did not want that street named for him, but they did honor the man by putting his name on that archway over the main entrance into the Fairgrounds.

Commissioner Moncada said referring back to Mayor Pro-Tem Griggs's suggestion, did we foresee a time limit on perhaps when that road might get started? Right now it was like a dream that we wanted this loop. Mayor Carroll said part of it existed now—that was the road from Hamilton Avenue out to Highway 54. It would be a continuation in both directions, from that portion of road that currently existed. Mr. McCourt also pointed out that this would be the road which went through Airport Business Park. We just got the EDA Grant to start constructing down there, and this would be a section of that same road. Commissioner Moncada said she didn't know how long we wanted to prolong this into naming another street. She personally didn't have a problem with Fairgrounds Road. Many people moved and they did have to change their checks and stuff, but giving everybody a year to do this was a fair chance for them to use up a lot of their paper and checks, and then they could switch over the following year to the new name. The other portion of this also sounded good to where if you were coming in from El Paso, that would be the first thing you saw before you entered Alamogordo. She didn't know the time limit of the committee and if they felt it was urgent to do it right now, or if they were willing to wait a little longer. She could go both ways on this. Ms. Few said time wise, the extension of what was now South Scenic east from Hamilton Road for about a half mile, would be before the Commission next month for dedication with the subdivision. Commissioner Moncada wasn't sure if everyone could visualize what portion of the City we were talking about here. Looking at the map might make it a little clearer for everyone to see where we were talking about. (Note: Mr. McCourt went to the displayed map and showed the path of the proposed southerly loop). Commissioner Moncada clarified that portion of the road where it connected to Highway 54 was before someone would reach the J&J Mini Market as they were entering Alamogordo from the south.

Commissioner Robertson said since we already had the first section of that road across the railroad, was there a problem in naming that after Dr. King, and just extending it on around as

we did the road? Mayor Carroll felt that was what had been suggested. Right now that portion of road had no name and might not even be on many of the maps. This was one of these issues when you talked about renaming a street, it could be a difficult one. Some of us were under the impression that there was not a problem with changing the name of Fairgrounds Road. This was an issue he would hope would not be divisive, and that no one would come away from this feeling that they were forced to do something that they weren't comfortable doing. In light of the comments that had been made and the letters and the potential that some of the people had now had second thoughts, what was the feeling of the group as to the possible alternative which had been suggested as something we could move forward to and not have anyone feel that they were being forced to do something that they were not comfortable with? Mr. Coltharp said he couldn't speak for everybody, but he felt the group would like four Commissioners to vote "yes" tonight so that they would know tomorrow that they would have a street named right away. If that was not the case, as soon as we could get a street sign up for this other road, for even the small portion that existed now, then they would probably like that too. Mayor Carroll felt that for the portion of the road that already existed, that sign could probably be up as soon as it was printed. There shouldn't be any delay there. We could certainly name that street tonight. Assuming the votes were there, we could also rename Fairgrounds Road, but there had been some concern expressed by some Commissioners as well as some of the property owners as to whether that was the appropriate street to change the name on. He was agreeable to do it either way. Mr. Coltharp asked exactly where the other road ran? Mayor Carroll said it was from Hamilton Road, south of the Golf Course, out to Highway 54. It already ran into Highway 54, and the ultimate plan was to continue it west on the other side of Highway 54 out to intersect with what was now Airport Road that came in from Highway 70. It would run all the way through to Highway 70, which was where we planned to have a Business Park.

Commissioner Cooper said he was there when they talked to all the business owners, and they all agreed to the change. It hadn't been that long ago where there was a street here in Alamogordo that had been named for 90 years. A couple of individuals came before the Commission and had the name changed from Porto Rico to Puerto Rico. That was still a name change of spelling which affected an entire neighborhood. Mayor Carroll said the name of the street was not changed, but the spelling of the name. Commissioner Cooper said it still required everyone to change the names on their checkbooks and the whole thing. Commissioner Robertson said Commissioner Cooper could sit up here and say, "Yeah, let's do it" because the money wasn't coming out of his pocket to change all of those things. Commissioner Cooper said it wasn't coming out of anyone's pocket.

Mayor Carroll thought it was everyone's intent to have this be something that when it was done, everyone could celebrate and not have any divisiveness involved in doing it. We had paperwork that said the businesses on Fairgrounds Road were for it, and now we had paperwork that said they were not for it, so he didn't know which to believe at this point. As for the other street, there was no one out there and there was no problem in changing that one tonight, but as for Fairgrounds Road there may be. Mr. Coltharp said speaking on behalf of the committee, he felt they would prefer that at least four of the Commissioners vote for Fairgrounds Road tonight and be done with it. They didn't want to risk offending four people, but sometimes you had to offend a few people to get things done. Failing that, they would take another road. Commissioner Moncada asked if they had thought about another road, or perhaps they did not have the information on the alternative road being talked about. Were they dead set on Fairgrounds Road? Mr. Coltharp didn't think they were dead set on any particular road. They had other choices, like Panorama and First Street, but Fairgrounds Road was the easiest change among those for sure. He liked the concept of this new road, but had little confidence that it would be

fully completed. Commissioner Moncada said the same was with Fairgrounds Road, as it would be time before the two wings were actually developed. She felt the beauty of this was that if we had an overhanging sign as you came into Alamogordo, his name would be the first thing to be seen as you entered Alamogordo. She didn't have a problem either way, but she sure did like the concept of the one coming in from El Paso. Mayor Carroll said while we had plans for both of these roads, there was no guarantee that Fairgrounds Road would get extended in either direction any faster than this other road.

Mr. Gaston Sanders, a member of the committee, asked if as this road developed on around to Scenic, would that entire loop be named after Dr. King, or would only the section from Highway 70 to where this road met Scenic be named after Dr. King? Mayor Carroll said at this point he would say only to the point where it would intersect with Scenic Drive. Mr. Sanders said at 2:00 this afternoon he'd talked to Mrs. Lane, who was one of the co-owners of APSCO, Inc. She called her husband on the phone and both of them agreed to be the fourth entity to sign that support. He was with Commissioner Cooper and Richard Coltharp when Morrison's and also the management of New Mexico Power and Light signed their support. He assured the Commission that those three entities were very in favor of supporting Fairgrounds Road to be renamed Martin Luther King. He'd had no contacts since they'd gotten the signature from the medical supply company, but if we were counting heads, then it was only one that was probably a challenge and no more.

Mr. Ron Jeske, Internal Auditor for the City, said he'd seen many roads that had been named memorial highways here in New Mexico and in California. There were memorial highways over top of national roadways, such as I-10, I-8, and so forth. As such, the address could be referred to as the "Memorial Highway" or "I-10", like in the Los Angeles area. Perhaps the Commission might want to consider and this group might want to propose that a section of Highway 54 from the outskirts of Alamogordo, through Alamogordo to the south, could carry on a theme of recognizing Dr. King. That way when you entered the City, it would be from both ends of town as the Martin Luther King Memorial Highway. It did not disrupt anybody in the description of their property legally, their addresses and letterheads, but it did put a large green sign on both ends of town that recognized Dr. King. Mayor Carroll said he understood what Mr. Jeske was saying, but the highway from Alamogordo south was already a memorial highway. It was the "John T. Hutchins Memorial Highway"—there were just no signs out there that said that. Mr. Jeske said a little sign would clear up a lot of confusion. Mayor Carroll said this was one of the things that had gone through the State bureaucracy and they'd allowed the highway to be designated that, except they were looking for someone else to pick up the tab that said that, and so far no one had stepped forward. That road was unfortunately already spoken for.

Commissioner Ledford said there was a lot of confusion on who was for or against this. Had the committee considered the South Scenic area? He sensed from what they were saying, they wished for the Commission to vote on Fairgrounds Road and see what happened from that first. Would they be interested in tabling this tonight, and then they would have a chance to discuss this? Mr. Coltharp said first and foremost, they wanted a street named after Dr. King. They had picked Fairgrounds Road as their first choice because it made a lot of sense and would be lower impact than other existing streets. Their initial letter to the City requesting this said in effect that Fairgrounds Road was their first choice, Panorama was second, First Street was third, and that beyond that any other existing or future street to be named would be their next choice. They would prefer Fairgrounds to be selected tonight, but if not, they would pursue other choices. Commissioner Ledford said he'd stated that he was in favor of this, but based on the information he had now, there had been some conflicting items. All he was asking was to try and clear it up. To say he wouldn't support Fairgrounds Road, was not saying that he wouldn't support a road

named after Dr. King. Also, they had not had time to think about this South Scenic loop before tonight, and if they were to go back and look at it, they might like it better and it might make a lot more sense. It would seem to him that everyone ought to at least consider that. If they came back after that consideration and Fairgrounds Road was the one they wanted, then he didn't know why we couldn't do this at the next meeting. His concern about the vote was that now things had changed, and he wanted to consider what those businesses had to say. He wanted to exhaust the possibility that we couldn't at least consider this other option which might be favorable to everyone. Mr. Coltharp said if the Commission voted "no" on Fairgrounds Road, then they would bring in another request, probably requesting the South Scenic as soon as they could.

Mayor Carroll said he didn't think that meant that the committee would have to start over. The wording on the agenda would allow the Commission the flexibility to name any street. Mr. McDaniel said this Resolution specifically stated Fairgrounds Road, but the discussion item talked about either changing a street name or naming a future street after Dr. King. If the Commission were to table this tonight, he didn't think there would be any problem in having it come up at the next meeting as to changing the name of the extension at the south end of town. Commissioner Ledford said he was thinking in terms of us doing something so they could see a road named tomorrow. Mr. McDaniel said if they did it for the street at the south end of town, they could do it right away, whereas Fairgrounds would take a year before the new signs could go up.

Mayor Pro-Tem Griggs said it appeared to him that what we had tonight was consideration of a Resolution to change a street name or to name a future street. Just because the Resolution in the packet said Fairgrounds Road, didn't mean that it should tie us to just that road. If we wanted to choose to name Washington Street, then we should be able to do that. Mr. Coltharp said the way he read it was that the part about Fairgrounds Road was the recommendation of Planning and Zoning. Mr. McDaniel felt the agenda item was broad enough to cover doing this.

Commissioner Moncada said given the information we had, it appeared there was only one protest on Fairgrounds Road. Usually when there was more than 50 percent of the people involved who were protesting, then we had a tendency to try and honor them. Right now we only had one person who was protesting, so if they were trying to weigh it out, then it was almost a go. Commissioner Ledford said it was not a challenge of whether we were for or against it; his question was whether or not the committee would be willing to consider the other action without us having to take action on Fairgrounds Road. Commissioner Moncada said if it came before us in this form, then we would have the protest before us.

Commissioner Robertson said if it was going to be such a big deal on these protests, then he would suggest just setting this thing aside until the next meeting, having staff contact all persons involved over on the street, and he was sure they would run into two or three other protests. Commissioner Moncada said if we didn't do that every time, what was the fairness in that? Commissioner Robertson said these people did protest verbally to two different Commissioners. Commissioner Moncada said she didn't have that. Commissioner Robertson said she had one written protest.

Mr. Coltharp felt if a Commissioner were to make a motion tonight to propose that South Scenic Road and its extensions, both east and west, would be named after Dr. King, then most of the committee members would be satisfied.

Commissioner Ledford moved that the road east and west from the future South Scenic be named "Dr. Martin Luther King Avenue". Seconded by Commissioner Robertson.

Mayor Carroll clarified this was for the road extensions, and not the existing South Scenic. It would be where that current road intersected with South Scenic out to Highway 70. Mr. McCourt clarified that it would be the loop of South Scenic where it currently crossed and intersected Highway 54, with the extensions east and west of that as they were developed, westward to 70 at a minimum, and eastward at least to Florida Avenue, because the road would be reaching Florida within the next couple of years. Mr. Coltharp encouraged them to add to the motion that the sign for the existing portion go up as soon as possible.

Commissioner Ledford amended his motion that the road east and west from the future South Scenic be named "Dr. Martin Luther King Avenue", and that the sign for the existing portion of that road go up as soon as possible. Seconded by Commissioner Robertson.

Mr. Coltharp reiterated that where Scenic Drive ended now, was where this road would start. Mayor Carroll said yes, assuming we ever got that far east with the connection. From Highway 54 to Hamilton Road existed now. Any future extension going east would carry the same name until it ran into Scenic Drive. Going west would carry it at a minimum to where it intersected with Highway 70.

The Commission recessed at 8:25 p.m., and reconvened at 8:44 p.m.

(NOTE: Because of a tape malfunction, the recording became inaudible at this point, and the remainder of the minutes were transcribed from notes which had been taken by Deputy City Clerk Sonya Mitchell).

Mayor Carroll asked if the scope of the wording on the agenda would allow for the rewording of the Resolution tonight? Mr. McDaniel said a motion could be made for a substitute Resolution, or simply changing the wording of the Resolution would accomplish the same thing.

Commissioner Ledford amended his motion that we accept amended Resolution No. 2005-03, stating that the existing road between Hamilton Road and Highway 54 and the westward extension of that road to Highway 70 and the eastward extension to where it intersects with South Scenic Drive be named "Dr. Martin Luther King, Jr. Drive", effective immediately, and that the sign for the existing portion of that road go up as soon as possible. Seconded by Commissioner Robertson. Mayor Carroll, Mayor Pro-Tem Griggs, Commissioner Moncada, Commissioner Cole, Commissioner Robertson, and Commissioner Ledford voted "aye". Commissioner Cooper voted "nay". The motion carried by a roll call vote of 6-1-0.

Mayor Carroll stated that we needed to get the signs ordered and up as soon as possible. Mr. McCourt said he was not sure how long it would take to get them made, and then installed. Commissioner Robertson felt we needed to make it as quick as possible.

Mayor Carroll thanked the committee for their efforts, as well as anyone else who had been involved in the process.

OTHER BUSINESS:

7. Purchase of 16.962 acres of land adjacent to the Alamogordo-White Sands Regional Airport from Mr. Lee J. Shamaley.

Recommendation: Authorize the purchase.

Mr. McCourt said staff approved of the purchase of the subject property.

Commissioner Cole moved to authorize the purchase of 16.962 acres of land adjacent to the Alamogordo-White Sands Regional Airport from Mr. Lee J. Shamaley. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a vote of 7-0-0.

SCHEDULED COMMUNICATIONS FROM THE PUBLIC:

11. Request of Ms. Lorraine Shewan d/b/a Alamogordo Brewing Company, Inc. for reconsideration of the requirement to construct a fence on the north property line at 817 and 819 N. Scenic Drive.

Mr. Gary Shewan, Alamo Brewing Company, was present. He wondered what the problem was, and requested an explanation as to why he should be required to build a fence. Mayor Carroll explained that there were concerns from neighboring property owners. Part of the alley had been used as ingress and egress onto Scenic Drive. Placement of the required fence might restrict that traffic flow and there would be no access out if the fence was built on the north property line. Mr. Shewan thought a cement barricade had been built to prevent that. Mayor Carroll explained various zoning issues. Mr. Shewan asked if a hedge would suffice? Mayor Carroll stated that the direction of the Commission was that a solid wall or fence be constructed. Mr. McCourt said that this was the same requirement that had been required of others as well. Mr. Shewan stated that he felt a hedge would be more appealing than a fence. Mayor Carroll stated that a wall of sufficient height was required, and it needed to be a solid fence constructed of either cement or cinder block. Ms. Few restated the motion which the Commission had approved, "that a solid wall or fence be constructed on the north property line".

Commissioner Robertson asked if barricades could only be built on the north side of the property? Mr. McCourt showed the property line on the map. He stated that the concern was that the parking lot still had access onto Scenic Drive. Commissioner Robertson asked if the alley was paved? Mr. McCourt said yes.

Commissioner Cooper asked what the purpose of this requirement was? Mr. McCourt said to protect adjoining residential areas from noise, etc.

Commissioner Cole felt that with a wall there, then safety would be a factor. Mr. McCourt stated that staff would make sure the line of sight was not obstructed

Mr. Shewan asked if it would be okay to construct the fence from wood? Mayor Carroll felt it would be fine as the recommendation was just that a solid wall or fence be constructed. Commissioner Cole asked why there was no written recommendation on the Agenda Report? Ms. Rahn-Broyles stated that this was a request from the public, and therefore, there was no recommendation offered by staff.

Mayor Pro-Tem Griggs moved to deny the request (for reconsideration of the requirement to construct a fence on the north property line at 817 and 819 N. Scenic

Drive). **Seconded by Commissioner Cooper. All voted "aye". The motion carried by a vote of 7-0-0.**

UNSCHEDULED COMMUNICATIONS:

A. Complaint by Desert Palms Retirement Community regarding dust on haul road.

Mr. Richard Ulm, representing Desert Palms Retirement Community, complained about dust problems from the haul road near their community. He had met with Commissioner Cole and Mr. Vandergriff, and was told that the hauling was due to the Corps of Engineers' ditch project, but that it should have been completed within eight to thirteen days. However, there were still 300 to 600 dirt hauls being done from 7:00 a.m. until 5:15 p.m. every day. The trucks were supposed to go along an alternative route to lessen the impact. They now had dirt bikes and ATVs using that road as well. They even had a four-wheel pickup go down that road between 60 to 70 miles per hour on Sunday afternoon. There were people out there all hours of the night waking them up. The property owners there could not enjoy their property or the outdoors because of the dust. Their cars were also full of dirt because of this, and they wanted the haul route changed. They were promised that the hauling would be over in eight to thirteen days, but the hauling went on and on, and they had word that it would continue to go on. They knew the hauling had to take place, but if the road was moved 150 yards south through that 19-acre piece of property, they could eliminate 60 to 70 percent of the complaints by residents of Desert Palms, Las Ventanas, and from the other neighborhood that was directly west of them.

Ms. Ulrike Krueger, representing the U.S. Army Corps of Engineers, was present. She explained that the prime contractor for the project had hired subcontractors to do excavation of the basin. Therefore, any excavation spoils would belong to the subcontractor. As soon as it left the boundaries of the flood control project, it was no longer under the jurisdiction of the Corps or even the prime contractor. So of course the subcontractor wanted to sell his spoils for profit, and he used this road to haul the dirt out. The trucks were not under the Corps' jurisdiction, but she had a concern because of safety, as well as dust control. The City, the Corps, the property owner, and Mr. Ulm had all gotten together to try and figure things out. The property owner had then given permission to the trucking company to use the property for the haul route. Once the issue was resolved and the hauling had stopped, the Desert Palm residents would get their cars detailed and perhaps some kind of a treatment to the outside of their trailers. The City agreed to put up "No Trespassing" signs, and perhaps some kind of a chain gate system to secure the area. Also, once the haul route was no longer needed, it was agreed that it would be returned to its natural drainage, as well as seeded to help return it to its natural terrain. Community Development Director Brian McGuire said the City could not be responsible for the relationship between the contractor and the subcontractor.

Mr. McCourt said the Corps of Engineers was the managing partner on this project. The City's coordinator was Mr. McGuire, and he had been working with the Corps, the residents, and Commissioner Cole in trying to iron out all of these problems. The City did not have direct control over the contractor or subcontractor, so we had to deal with it through any City Codes, and that was what we had been trying to do.

Mayor Carroll suggested that there may be a certain amount of leverage that existed between the managing contractor and their subcontractor. Ms. Krueger said that was what the Corps had been trying to exercise throughout this process.

Mr. Ulm explained that they'd received absolutely no relief after the original contract was fulfilled. The road was all filled in and the trucks were done hauling dirt, but now they had a new contract with Tom Overstreet and his 42 acres of property, to put dirt on his property. That was directly in line with what was going on. The existing haul road now came in off of Canyon Road and it ran right across the back of Desert Palms and Las Ventanas. Mayor Carroll asked if he was saying that this haul road needed to be taken out, and another one put in? Mr. Ulm said yes.

Mr. McGuire said he had tried to work with everyone involved. Mr. Ulm disagreed, and said Mr. McGuire had never returned his phone call. Mr. McGuire thought the present hauling would go on for another three weeks. Ms. Krueger felt that was a conservative estimate of time. She had a person out there eight hours a day trying to monitor the situation and overseeing the watering down of the dust, but the trucks were moving too fast. The trucks were tarped over, but obviously there was some loose dirt still escaping. Mr. McGuire said they'd also asked them to reduce the size of their loads and to sweep out any loose dirt. They had been doing this at first, but had stopped recently, and they needed to start doing it again.

Mayor Carroll asked how long the hauling would be going on? Ms. Krueger said there would be no more traffic after three weeks behind Desert Palms. Mr. McCourt said actually, the problem would then move.

Mr. Ulm said now a new problem had been brought to his attention today. With all of this rumbling and vibration from the trucks, it was causing the piers that the mobile homes were on to move. They now needed to address the fact that all of these mobile homes were becoming unlevel. He implored the Commission to take a look at what was actually going on. If the haul road was moved 150 yards to the south, they could eliminate 60 percent of their problems.

Mayor Carroll asked if anyone had spoken with the property owner and asked if he would consider allowing that road to be moved? Mr. Ulm said he had spoken to Shawna Gonzales, who was the property owner of that 19 acres, and she lived in Santa Teresa, New Mexico. She told him she had not given permission to the trucking company to run that, and that was why the trucks were on First Street initially—because she would not give them permission. In subsequent phone calls to her, she told him she had not given the trucking company permission to be on the haul road where it was at right now. Consequently, he didn't know where the City gave permission for this to happen. Mr. McCourt said the City did not do this; it was an involvement between the trucking company and the property owner.

Commissioner Ledford asked if this would be considered trespassing? Mr. Ulm said yes, it would. Commissioner Ledford said she needed to call DPS, then. Mr. Ulm said the thing was that she was out of City, and she didn't know what all was going on with it. She and her brother inherited the property when their uncle died. The brother lived in Houston. Mayor Carroll said if they were using Ms. Gonzales' property without her permission, she needed to file a complaint. Had we received any complaint from the property owner? If not, then there was nothing the City could do. He couldn't imagine the trucking company just decided to do it because that put them at potential risk. Commissioner Robertson asked if maybe the company had called the brother to get permission? Mr. Ulm said he didn't know. Mr. McGuire said when he talked to the hauling company, they had indicated that the brother had said it was okay.

Commissioner Ledford asked why this situation was the City's problem? Mr. McCourt said we were merely assisting in trying to resolve the problem, although it was an outside issue. Mayor Carroll said it sounded like the City had no legal ability to prohibit what was happening. We

could certainly try and find out from the hauler whether they had permission, and if they did, then there was not much we could do about it at that point. Even if they didn't, until the property owners filed a complaint, there was nothing the City could do. As long as it was on private property, the City could not require them to be "good neighbors". Mr. McGuire said he would again try and talk to them to see if they could get the haul route moved further south. He could also talk to them again about keeping it watered, and also that speed may be an issue they could address. He estimated that he had been spending up to 16 to 20 hours a week on this situation, and he was upset that he had been accused of doing nothing. Mayor Carroll asked who we had been talking to on this? Mr. McGuire said the project manager. Mayor Carroll suggested talking to the owner of the trucking company to reinforce that they were doing better, but still not good enough. He didn't feel it was very likely that we could try and convince anyone to move the haul road, but we would certainly do what we could on that. Mr. McGuire said he would talk to the owner of the company and see if he could get them to move the road south. They had voiced a concern that by moving it south, it would disturb a whole lot more soil than was already disturbed now. However, if they were going to be there another three weeks, then he felt that was a fair thing to ask them to do.

Mayor Carroll said regarding evenings and weekends when there was no one authorized to be out there, we would ask DPS to patrol that area. Mr. Ulm pointed out that Mr. Vandergriff had not come through with his promise of putting up the "No Trespassing" signs and the chain locks out there yet.

Commissioner Robertson said since they were running on private property, he assumed there was no way we could assess a speeding ticket on anyone out there. Regarding dirt bikes, didn't we already have an Ordinance which banned them from being within the City limits? Mr. Ulm said yes. He had been working with Chief Trujillo on this over the past few weeks.

Mayor Carroll said we would do the things we had discussed, but unfortunately the City's hands were pretty well tied at this point on what we could do. Mr. Ulm asked if he had any kind of commitment on this three week thing? Mayor Carroll said we couldn't give that; it had to come from the project people. Mayor Pro-Tem Griggs said we couldn't prevent them from getting contracts up there with any of the other parties that had parcels up there either. It seemed this trucking company was a little bit of a bad neighbor. He felt the only thing the City might have control over was for a nuisance problem, and he wasn't sure we could even do that.

Mayor Carroll said the point we kept going back to was that the City did not have the authority to require them to move the haul road. So the best thing we could do would be to go back to the haul company and see if they could be convinced to do it.

B. Comments by Commissioner Cole regarding the Library Bond election.

Commissioner Cole asked Mr. McCourt to give an update on the Library Bond issue. Mr. McCourt said there were some individuals present tonight who wished to give an update on the issue, but the City could not get out and promote the vote on an election. The Library had a group that was working towards this.

Mr. Alan Stitch, Co-Chairman of the Library Campaign Committee, Ms. Mannie Salgado, Acting Director of the Library, and Mr. Loren Robinson, Treasurer of the Library Campaign Committee, were all present.

Commissioner Cole asked if we had developed a contract with any architect for the Library project? Mr. Stitch said we only had the contract with the architect for the feasibility study, which had been completed. The architect was continuing to work with the Library Committee on this, but it was on his own time and he was not being paid. Commissioner Cole asked how the Grants were selected and applied for? Ms. Salgado said the City's Grants Coordinator, Maureen Schmittle, Joan Griggs, and she were working on the Grants. The only Grant the architect had worked with them on was the Grant to the New Mexico Energy Department. They were applying for a lot of other Grants, but the Architect was not involved with any of them. Commissioner Cole asked if these Grants were anticipated to come out of the \$6 million fund? Mr. McCourt said that was correct, and all of the Grants had to be able to assist in the development of the project. They were all integral into the project. Commissioner Cole said if any of the Grants were approved, was it added in on top of the \$6 million? Mr. McCourt said that was probably not the case because we were not expanding the project with these Grants, but were anticipating that they would help defray the cost of the construction. Commissioner Cole asked if anybody was evaluating these Grants? Ms. Salgado said the committee was applying for them, but they came to the Mayor for signature. Mr. McCourt clarified that they each came to the Commission for final approval. Ms. Salgado said we had several waiting for approval, and we did get a denial from Kresge.

Mr. Robinson said they had a strategic campaign to get a yes vote on this Library. They were willing to knock on doors and ask people to vote for it. As citizens they had a right to do that, and they were passionate about this Library. They had even extended this to school children, as school children used the Library. They also had a can drive going where kids were collecting cans so they could feel a part of building this new Library. Mr. Stitch said they had established a Public Library Foundation that was now collecting money for the Library. They had about \$10,000 on hand already. They also had a Political Action Committee which was financing the non-free advertising they had. A local contractor had promised to demolish the old IGA building for free, which was saving \$250,000 right there. They had been handing out fliers at every opportunity, including the public schools, County Fair, and the Christmas Arts and Crafts Fair. They'd spoken about the issue to several different civic groups, placed coverage in the "Alamogordo Daily News" and the "Bucksworth" newspaper, appeared on local radio stations, started several fund drives, raffles, a silent auction, as well as anything else they could think of to raise money for the Library. As well, they had applied for the several Grants.

Mayor Carroll said he appreciated the efforts the supporters were putting into this. Tax increases were never popular and were always a hard sell, but he felt that if there was enough citizens' involvement pushing for it, that it could happen.

C. Comments by City Manager regarding water report; upcoming Special Meeting; upcoming management training session; concerns of citizens from the Bellamah Addition; and safety concerns at the Airport.

Mr. McCourt said our 180 million gallon reservoirs were actually a little behind last year, but we'd had much more opportunity to rest our well field this year, and we had also had a very good snowfall and a relatively wet winter. We were fairly confident that the levels in Bonito Lake had come up, and we had increased the flows substantially out of Bonito Lake. We were not too concerned with our reservoir levels at this point, as we felt we would be in a correct position by the start of the season.

Mr. McCourt reminded the Commissioners of a Special Meeting scheduled for 2:00 p.m. on January 31st at the Fire Station on N. Florida Avenue to discuss possible annexations. This had

been previously discussed during the budget sessions, and staff would bring the Commission up to date on the issues.

Mr. McCourt said he and Assistant City Manager Matt McNeile would be attending mandatory training in Albuquerque on January 27th.

Mr. McCourt said staff was really frustrated on this whole hauling issue. We were concerned and trying to work with the situation, but just didn't have many tools to work with.

Mr. McCourt said last October some citizens from the Bellamah Addition had presented a petition concerning problems in their area, and staff had immediately addressed it. Public Works Director Jose Miramontes and his crews had assessed the safety issues. There was quite a bit of pothole filling which had been done, and they had also worked on the vegetation removal. Also, the broken curbs had been addressed. There was also a request to do some traffic calming in the area. Our initial review indicated what they were requesting wasn't justified by the traffic flows. Staff had set up a test 3-way stop at the intersection of Rolland and Bonnell. It was currently being tested to see what concerns may come up. We always became concerned about the law of unintended consequences. There were also some sidewalk areas that were being addressed. Sidewalks were the responsibility of the adjoining property owner to be maintained, and we were in the process of notifying those owners. We had not changed the street maintenance program. Certainly these streets needed maintenance, and we found that true throughout our community. Some of these streets would eventually show up, but they had just not shown up for the next couple of years. We were continuing to work on the streets as they came up, including the infrastructure underneath them. As we were doing that, we were also bringing those areas into compliance with the ADA requirements. Commissioner Cooper said the residents seemed to be satisfied with the work that was being done. Mr. McCourt said we hadn't got everything done that they would like, but we certainly were taking action to address them.

Mr. McCourt said there were some current problems at our Airport, and we'd become aware of some safety concerns with vehicles and trailers parked in taxi-way areas. Staff was looking to address those concerns, and we were proposing to send a letter to all of the lessees (copy of draft letter distributed to Commission). It would also be posted at the entrances to the Airport, as well as in the pilot's lounge. It indicated to people that it was necessary for them to clean up these unsafe conditions, and that we just could not allow it to continue. They would be given a timeframe before we would institute active enforcement. If they chose not to comply, we certainly would take appropriate action to remove the unsafe conditions. There were designated areas which would be made available for parking. We would be establishing a fee for them to use those areas, and also for the fuel trucks to make sure they were not scattered about the Airport in dangerous situations. We had coordinated the designated parking areas with DPS to make sure that the fuel trucks would be in a safe location.

Commissioner Robertson asked if we had ever gotten the ownership of those buildings straightened out? Mr. McCourt said we had been working on that, and the Airport Manager had told him today that he was just about done with it.

EXECUTIVE SESSION: Adjourn into Executive Session to discuss threatened and/or pending litigation and/or acquisition of water rights.

Commissioner Cooper moved to adjourn into Executive Session to discuss threatened and/or pending litigation and/or acquisition of water rights. Seconded by Commissioner

Robertson. All voted "aye". The motion carried by a roll call vote of 7-0-0. The Meeting was adjourned at 10:04 p.m.

"The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of January 25, 2005 was called into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure."

/s/Donald E. Carroll

Mayor Donald E. Carroll

ATTEST:

/s/Angie Rahn-Broyles

City Clerk Angie J. Rahn-Broyles
(SEAL)

(Prepared by Teresa Y. Gutierrez)

Approved at the City Commission Regular Meeting of February 8, 2005.