

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
SEPTEMBER 11, 2001**

MAYOR DON CARROLL COMMISSIONER DON COOPER

MAYOR PRO-TEM JOHN VAN DOREN COMMISSIONER ED COLE

COMMISSIONER INEZ MONCADA CITY MANAGER PAT McCOURT

COMMISSIONER RON GRIGGS CITY ATTORNEY REBECCA EHLER

COMMISSIONER STEPHEN EASLEY CITY CLERK ANGIE RAHN

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

The Meeting was called to order at 7:30 p.m. Absent was City Attorney Rebecca Ehler.

Mayor Carroll said tonight we were a nation and a community both in pain and in sorrow. The terrorist attack in Washington and New York had left a lot of people dead or injured. There was not a community in this country that had not or would not be touched one way or another by what happened today. Alamogordo was certainly no exception. As they all knew by now, Retired Police Lieutenant Al Marchand was on one of the flights which struck the World Trade Center. In addition to extending our prayers and sympathy to the families of all of those who were killed or injured in today's horrific events, a special condolence, prayers and thoughts go out to Lt. Marchand's family and friends.

A moment of silent prayer was observed.

The Pledge of Allegiance was led by Mayor Don Carroll.

Mayor Carroll said our nation and community would overcome the events of today and we would continue to be the bastion of freedom throughout the world--of that he was certain.

PRESENTATIONS:

1. Presentation of Governor's Community Achievement Award, First Place for the State of New Mexico, Keep Alamogordo Beautiful Program.

The item was withdrawn and rescheduled for the September 25th Regular Meeting.

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

Mr. Ed Carr, Executive Director of OCEDC, said 1-800-FLOWERS had communicated that they still planned to be here next week if air travel permitted. Their Human Resources people and recruiters would be here to start interviewing the following week. The contract for the IGA building on N. Florida was signed Friday, and the contract for the City incentives was in New York and was in for their legal review. They did intend to start construction on refurbishing the building immediately.

Commissioner Cole asked the deadline on the in-plant training funds. Mr. Carr said it was last Friday, but was extended until today. He wasn't sure how much the events in New York affected 1-800-FLOWERS in getting that. Because there were some errors in the math of the in-plant training funding which 1-800-FLOWERS caught in their review, it had been sent back to the State to revise those numbers. There wasn't anything controversial there, but the State had actually extended the deadline for 1-800-FLOWERS to have it back to them until today. The State was under the gun to make the changes, and 1-800-FLOWERS was only waiting for the State to make the changes and they'd sign it.

Mr. Carr said he'd talked to 1-800-FLOWERS' real estate manager and he said he didn't see any show stoppers in the incentive contract, but just wanted to put it in their terms. He thought there'd be some changes as far as full time or full time equivalent jobs, but he wanted to see what the contract looked like before he commented on it.

Commissioner Cole asked if 1-800-FLOWERS was going to move to any other complex temporarily? Mr. Carr said they needed to have a building or room in a building of about 800 square feet which would allow them to do interviews and hiring and possibly some interim training. Right now they were trying to push the construction as quickly as possible so that a portion of the building could be used for training. Only if that got delayed would they then need another facility to do anything but recruitment and maybe some rudimentary training. Their hope and desire was that they wouldn't have to do that--they'd get enough of the building to where they could block off one section and start their training there. They had not slowed down on their timeline to interview the people they'd not had a chance to interview yet and start the hiring process.

Call of the Consent Calendar:

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

3. Minutes of Regular Meeting of August 27, and Special Work Session of September 5, 2001.

Recommendation: Approve the minutes.

6. Ordinance No. 1124 amending Chapter 2 of the Code of Ordinances clarifying the ability of the Public Housing Authority to purchase houses.

Recommendation: Final adoption of the Ordinance.

7. Resolution No. 2001-23 authorizing City Credit Cards for Management Employees.

Recommendation: Approve the Resolution.

Mayor Carroll said that item No. 5, Renewal of Airport Standard Commercial Leases for Greg Hock, The Fambrough Family Trust, and Ralph (Jac) Curry, had been withdrawn from the agenda and would be considered at a later date.

Mayor Pro-Tem Van Doren moved to approve consent calendar items 3, 6, and 7. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 7-0-0.

PLANNING ITEMS:

4. Consideration of the final plat of Cottonwood Heights Unit 4, Replat C, for four (4) lots located within the City of Alamogordo, for OHHO Limited, Inc. [Case S-01-0715(A); Cottonwood Drive at Frenwood Avenue]

Recommendation: Approve the final plat of Cottonwood Heights Unit 4, Replat C, Case S-01-0715(A), located within the City of Alamogordo, with a variance on access to a public street for Tract A. [No recommendation is offered on the acceptance of Tract A for a park.]

Mr. McCourt said regarding the acceptance of Tract A for a park, that matter was still under staff review. He'd been out with the Parks and Recreation Manager and the City Engineer to look at the property. He didn't believe they were ready with a recommendation yet as to whether that was an appropriate site for a park. That then left the question that if ultimately the City didn't accept it, it would leave a tract of land with access available only through two alleys. Mr. McCourt said the other questions which staff had about this item had all been resolved.

Commissioner Cooper said his question on this was the location which was very close to the drainage ditch. Mr. McCourt said it abutted the drainage ditch. Commissioner Cooper said that drainage ditch was sort of a notorious road when there was an abundance of water which came down through it. He thought the developer, Mr. Herrell, would be better off if he just left that and used it as a buffer to protect the rest of the subdivision.

Commissioner Cole asked why that tract of land wasn't made part of the lots and just included with the lots? Mr. McCourt said that was the developer's call. Originally on the existing plat, it was platted as lots. However, as they'd replatted it, they had this area they had not platted that way.

Mr. Charlie Herrell, developer, said to answer Commissioner Cooper's question, that was exactly what the subdivider had in mind, was to use it exactly as he'd said and that was the reason it was left that way. Commissioner Cooper said it was a good idea. Mr. Herrell said he hadn't intended to do anything with it. If anything was done with it, maybe one of the neighbors that was buying an adjoining lot might want to park an RV over there or something. It would be restricted on the restrictive covenants where it couldn't be a junk pile. They'd take care of it. The only reason this was brought up to the City as a park was that it turned out to be that part of the City's Planning and Zoning Commission wanted to know if he'd give it as a park. He had said yes if the City would maintain it and green it up.

Mr. McCourt said the City appreciated that offer. However, what staff would like was a little more time to study that question--at least a couple weeks. Mr. Herrell said that was fine; he had no objection to that.

Commissioner Cole asked why it was not included with the lots and sold with the lots? Why was it pulled out other than a buffer zone for the arroyo? Mr. Herrell said it was really not a usable piece of land in connection with another lot. In order for them to get utilities to those front lots, they needed an alley so they put an alley between it and the other instead of running it down that drainage canal. It was just not feasible to put with another lot. It was kind of hard to sell a lot that would wind up being close to an acre inside the City. Commissioner Cole asked if originally it was part of the lots? Mr. Herrell said not part of that lot. Commissioner Cole asked if it was part of the lots before he moved the cul de sac out? Mr. Herrell said before he took the cul de sac out, there were two lots next to the drainage ditch and neither one of them was feasible to build on.

Commissioner Cooper said he'd watched that development because he'd lived in that area for fifteen years. He had to praise Mr. Herrell for it because it had turned into a beautiful subdivision. Mr. Herrell said they did their best to protect purchasers that came in there and bought property. The last thing he wanted was trouble with the neighbors on both sides.

Commissioner Cole asked the rationale for Robert Bradley Drive not being extended over the arroyo? Mr. Herrell said the former City Manager and former City Engineer recommended that they not be tied together. If they drew on their map from Glacier Drive to Robert Bradley Drive and took it north and tied it in, they would find that 90 percent of the traffic leaving the mall would come across the road and go through those two subdivisions. That was the reason for it not to be. Northpark Subdivision was supposed to build a bridge down across Dry

Canyon to tie into Dooley Street. That had gone by the wayside and was not likely to happen. Commissioner Cooper said the reason for that was because Robert Bradley Drive had not been brought down far enough to tie them in. Mr. Herrell said if they would look over all the development he'd done, Robert Bradley Drive was supposed to continue to go right on through to the County shops. Could they imagine the County shops getting on that road and coming up through there and going to Cloudcroft with their graders and other equipment? There were a lot of reasons they wouldn't tie together.

Commissioner Cole said he was just out there walking the arroyo trying to get a good idea on this. At this moment the arroyo was all clogged with dirt and debris there. Mr. Herrell said when they got through, it would be cleared out. Right now they were throwing dirt on the lots right there. Commissioner Cole said regarding the very last home they were building right now, how was the drainage channel going to be constructed so it would not damage the homes on either side of it? Mr. Herrell asked Commissioner Cole if when he was out there looking around, whether he'd seen the drainage down on Cottonwood Drive near Mosswood Drive? Commissioner Cole said no. Mr. Herrell said it would be constructed 20 foot wide and paved, and built up on each side of it so it would take the water and put it back in the ditch.

Commissioner Cooper said he and Code Administrator Pat Vandergriff had gone out and looked at it. He knew the developers had filled in the ditch so that they could have easier access to get the materials in there. He was assured, as well as Mr. Vandergriff was, that once that area was complete, they would take the grader and go back in and clean the whole thing right out. Mr. Herrell said the ditch would continue right on through there and should be impassable. Commissioner Cooper said he'd like to see a barricade at the end of Robert Bradley showing a dead end because he wouldn't want anybody to try and drive into that ditch. Mr. Herrell said the City had agreed to put up a barricade there.

Commissioner Cooper moved that we approve the replat on Cottonwood Heights (Unit 4, Replat C) for four lots. Seconded by Commissioner Griggs. All voted "aye". The motion carried by a vote of 7-0-0.

OTHER BUSINESS:

8. Appointments to Boards and Committees.

Community Development Advisory Committee: Two vacancies.

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

Airport Zoning Board. Two vacancies. Mayor Carroll reappointed Mr. Mack Kiely, Jr. to fill one of the City representative vacancies.

Parks and Recreation Board. One vacancy.

Mayor's Committee on Aging. One vacancy. Mayor Carroll appointed Ms. Yvonne B. Roberts to fill the vacancy.

Alamogordo Disability Council. One vacancy. Mayor Carroll appointed Mr. Thomas E. Byers to fill the vacancy.

All remaining vacancies were rescheduled.

UNSCHEDULED COMMUNICATIONS:

A. Request of Mr. Elmer Swanson regarding his car being hit by a golf ball near Desert Lakes Golf Course.

Mr. Elmer Swanson said he was traveling on Hamilton Road when a golf ball came over the fence and hit the window behind the driver's seat. He had his window open, so another 8 inches and it would have hit him right in the temple. He was wondering if he would be treated the same way dead as he was alive. He had gotten a couple of estimates on fixing the window, and one was \$371 and the other was \$281. His insurance company said he would pay the \$251, and they would pay the \$30. It was the millionaire who got away with this. The little pensioner like himself had to pay the biggest part of the bill, and he didn't think that was fair. He didn't think it was fair that they could not travel safely on City streets. These City streets belonged to the public and they were controlled by the government and the Commissioners of the City. The golf course should be made safe so that golf balls didn't come over the fence and hit passengers driving their cars. If he'd gotten hit in the temple and that ball had killed him, he would have wrecked his car and probably killed somebody. He was asking the City Commission if they would pay the portion he had to pay, the \$250, to fix his window because the window was broken at no fault of his.

Mayor Carroll said he would ask the City Manager to respond to the request because this was an issue that periodically came up. Mr. McCourt said he did have an opportunity to talk with Mr. Swanson by telephone last week. The responsibility lay with the individual that struck the golf ball and took it outside the playing area of the golf course. They'd had this issue arise before and had a lot of discussions with the City's insurance company concerning this particular issue. As they had told us, the responsibility was not the City's but was the individual that hit the golf ball. As they'd discussed, the reality was that if those people would step forward and take responsibility for their actions it would not necessarily improve the concern of golf balls coming out of the golf course, but it would certainly take care of the financial responsibility to pay the deductible on these broken windows. The City policy had been that these were not the responsibility of City government, but were the responsibility of the individual golfer. Just as with people playing out on the golf course, if their golf ball hit

another individual or hit a house which was adjacent to the golf course, that was the responsibility of the individual golfer. In a baseball game if a bat or a ball flew up into the stands, it was the responsibility...and most of them said that they took that risk when they went to see those events.

Mr. Swanson said he understood that, but he was traveling on a City street, and the streets were the responsibility of the government. The government went to a lot of trouble to make the City streets safe. They built curbs, put in lights, striped the streets, and saw that they were paved properly. Mr. Swanson said he was riding on this street, obeying all the laws, when a ball came and hit his car and broke his window, and he had to pay for it. How about the people who were killed and maimed in the incident at the World Trade Center today--were those injured people going to have pay to get themselves mended? Mr. McCourt said he didn't know who was going to pay their medical expenses. He knew if somebody was standing on the side of the road and threw a stone which hit a car or dropped a stone from an overpass which struck a vehicle passing underneath, it was not the government's responsibility. It was the responsibility of the individual who did the inappropriate action. That was what happened in this case.

Mr. Swanson said when that ball hit his car, he looked in his rearview mirror and he saw the ball bouncing on the blacktop. He stopped in about 30 feet, picked up the ball, and took it over to the Golf Pro. Of course he was looking out at the driving range, but he didn't see anybody out there. So the person who hit that ball had a quick coverage to get into to not be seen. Somebody hit the ball, and the only person available near the driving range was the Pro. He was thinking to himself at the time that the Pro could have done it; he'd just sneak right back into his little hut and nobody would see him nor suspect him because he wasn't supposed to be out there driving balls--he was in his little office. On Labor Day morning when he got hit, between 11:45 a.m. and 12:30 p.m., who paid to drive a golf ball? Was there no record? On Labor Day nobody was on the range when he'd looked over. The person who hit that ball had access to quick coverage. The golfer knew he'd hit his vehicle, and that was why he hid. He didn't see anybody else to blame but the guy who was in the Pro Shop. He felt he should not have to pay \$250 to fix his window when he didn't break it. Mr. McCourt said he agreed--the person who hit the golf ball should pay the \$250. Mr. Swanson said he paid taxes to the City and had done so for ten years since he had lived here. He paid his insurance agent over \$650 every year. He'd had one minor accident in ten years. They were making plenty of money off of him and nobody wanted to pay his expenses. He paid around \$700 in taxes every year for the past ten years, which was \$7,000 and nobody wanted to plunk out \$250 to help him pay for his window. He was a pensioner who just barely got by as it was. This month he had to pay quarterly income taxes of \$325. He had a sick wife who was an invalid and it cost him to have someone stay with her while he was away from home. So far over the past six weeks he'd spent over \$3,200 just for that. He couldn't afford to put out \$250 for a broken window.

Mayor Carroll said it was unfair to the individual and the City recognized that, but that was the position the City was forced to take--that it was not liable and therefore could not reimburse him for the amount. Mr. Swanson said when talking about policies, policies were always broken or changed. He was certain that the Commission could change its policy for one time if they wanted to. Mayor Carroll said the problem became that they couldn't just change it for one time. Mr. Swanson said how about the fact that the fence wasn't high enough? How many balls had come over there in the last ten years? Mayor Carroll said he couldn't answer that. Mr. Swanson said he would think somebody should have to answer it.

Mr. Swanson said he guessed this was the end of his plea. Mayor Carroll said he was sorry they couldn't give him the answer he was looking for, but it was the position the City was forced to take in this instance.

Commissioner Griggs said he received a call today from another individual out by the golf course named "Joe Darrell". Mr. Darrell's car was hit Sunday morning by a golf ball, and it was the third time his car had been hit. They'd had a conversation on it and Mr. Darrell heard basically the same information that Mr. Swanson had heard tonight. Commissioner Griggs said to him, it was reprehensible that the individual who hit the ball disappeared. On the incident that happened with Mr. Darrell, it was Sunday morning and there was a golf tournament out there. He actually got out of his car, walked along the driving range, and no one accepted responsibility for their action. He didn't know how they accomplished that part of it. These individuals knew what they were doing when they went out there, they knew they were responsible should they hit a ball that carried the fence and struck a vehicle or struck a person. There was no answer to that. Mr. Swanson said he was sure the Commission had the privilege of selecting an insurance company who would pay for golf balls that went over the fence. Maybe then, they would elevate the fence, or perhaps the insurance company would insist upon the City having to do that. Commissioner Griggs said he didn't know whether that would be correct or not. On this particular thing with Mr. Darrell, his comment was that the ball was hit extremely high and he didn't know that any fence they could put up would stop that particular ball that struck him. Mr. Swanson's incident may be different and a higher fence may have helped. The City actually had in its Capital Improvement Plan, money budgeted in the future for fencing out there. Whether that would come to pass exactly as they had it planned or not, he didn't believe any of them could answer that. That was something that several of them had discussed and talked about amongst themselves to help the individuals who were driving out there and through no fault of their own had financial losses due to people on the golf course. He believed the City needed to reinforce more with the golfing public and the public in general the fact that they were responsible and that they should be either man or woman enough to stand up and say they did it and to give their name for insurance purposes.

Mr. Swanson said since there was only one person out on the range on Labor Day, it seemed to him that the Golf Pro would have known who it was. Even if the guy hit it and got out of site, the Golf Pro must have known that one person that was out there. Commissioner Griggs said he would actually trust our Professional to let Mr. Swanson know who it was if he knew, and he would have to believe that he did not know the particular individual at that time.

Commissioner Easley said he knew this had been a continuing problem for them to consider what to do, and he knew they had some proposed remedies such as the netting. There were other remedies that were conceivable and it was possible they should consider them. One of those remedies would be to just close down the driving range. If the citizens who used the driving range couldn't accept responsibility for the damage they caused, then perhaps that was just not a service the City could afford to provide to citizens. He didn't think it was the best option, but it was certainly a possible option. Another option would be that since they had difficulty with the people who used the driving range accepting responsibility for the balls they hit out and the balls that did damage, then perhaps they needed to make an incentive plan built in here. They knew it was the case where they did refuse to accept responsibility, because in the best of his knowledge in 100 percent of the cases where they had damage reported from golf balls, no one accepted responsibility. The ball got hit and the damage was done, and then the golfers either disappeared or just stood there. That was not good. So perhaps when they considered renewing the contract with the Golf Pro, they should consider making our Golf Pro responsible. He was not now, but he could be. What they would make the Golf Pro responsible for was this: if he couldn't identify and get someone to come forward to claim the damage and take care of the damages, then the Golf Pro would take care of the damages. That was one possible incentive to have a little policing out there. The golfers would then know they were hurting the Golf Pro if they were too cowardly to admit that they were the ones who hit the ball. He didn't think this was the best resort either. He didn't have any actual desire to penalize the Golf Pro, but it was one way of getting policing on the driving range to minimize this problem. He thought an alternative way which was in our grasp which was not too punitive and would give them something to work with, would be to set up a system where they put a surcharge on a bucket of balls. If they went out there and wanted to hit a bucket of balls, they accepted responsibility, and that included financial responsibility. They would put a surcharge on a bucket of balls which would go into a fund dedicated to reimbursing people like Mr. Swanson. If they put a surcharge of \$1 per bucket, at some point they would raise enough money on \$1 per bucket that they would have a satisfactory fund. Then when people came in and made legitimate claims, they would have to organize the system and make it so that they would be limited on how many claims they could make in a given year, and have some reasonable proof that the damage was done by a golf ball today, and not sometime last month. All of these were quite solvable issues and problems and all could be taken care of by this sort of self-insurers' fund, and this would be a fund in fact collected on people who used the service, meaning the driving

range. He thought that would be, short of the net which was still a good idea, his most preferred item. One of the difficulties with getting the net was that it cost approximately \$100,000, and the City didn't really have a good source of \$100,000 for a net. But there was no reason they couldn't take part of the surcharge fee on the bucket of balls and apply it towards the cost of purchasing a net. Once they got the net up and the netting became longer and taller, then the need for the surcharge on the bucket of balls would probably diminish over time as well. So the risk to the traveling public, the need for the surcharge, and all of that went away if they had a satisfactory netting enclosure. It would seem to him one way to finance the net would be with this user fee for people who actually used the service. He'd actually hit a bucket of balls out there himself and that would be a cost he was prepared to pay. He was probably as dangerous as anybody out there given his lack of golfing skill, so he didn't think it was an unreasonable burden on someone who was already paying for a bucket of balls. As they were thinking about a net, he would propose that they seriously consider imposing some kind of a user fee like that.

B. Comments by Commissioner Cooper regarding terrorist attack.

Commissioner Cooper said everyone needed to say a prayer for this country because they were going to rebound. Let God be with Becky and the family of Al Marchand at this time. He was totally unprepared for this, but he, Alamogordo, and DPS would survive. This touched every person in the United States.

C. Comments by Mayor Pro-Tem Van Doren regarding the upcoming S.P.I.R.I.T. Conference and a replacement for him on the S.P.I.R.I.T. Board of Directors.

Mayor Pro-Tem Van Doren said the City of Dalhart, Texas, would be the site for S.P.I.R.I.T.'s annual Fall Conference on Friday and Saturday, October 26th and 27th for anyone who might be interested in that. In conjunction with that and in anticipation that come next March 6th he shan't be on the Commission, it would be inappropriate for him to expect to represent the southern half of New Mexico for S.P.I.R.I.T. and pursue their goals of lobbying for the four-laning of Highway 54. He did think it would be apropos for him to see if there was anyone on the Commission who would be interested in being the Southern New Mexico representative for S.P.I.R.I.T. He did intend to go to the conference and if someone was interested, he would see to it that they were his replacement.

D. Comments by Commissioner Moncada regarding the dedication of the mural at Founders Park.

Commissioner Moncada thanked DPS for doing such a wonderful job last Saturday. The dedication of the mural at Founders Park had gone extremely well. DPS worked very well as far as closing the streets and having the traffic flow through there smoothly.

E. Comments by Commissioner Griggs regarding terrorist attack.

Commissioner Griggs said today our country had suffered more than one of the most evil acts every perpetrated either in the United States or anywhere else in the world. He'd watched it off and on today on TV and it was beyond comprehension. There were no good things that came out of it. Some how or another it was fortunate that the buildings went straight down and didn't fall over, but one of the things they could take a little solace in was the fact that the individuals who actually perpetrated the crime were burning in hell tonight. All they could hope for was that they continued to search for and found those guys who were responsible and behind those who flew the planes, and make them stand for their crime.

F. Comments by City Manager regarding Founders Park dedication; water update; upcoming IIMC meeting; meeting relating to water (Fresnal Canyon); and dedication of fire stations postponed.

Mr. McCourt said Commissioner Moncada had stolen some of his thunder in thanking DPS for helping with the Founders Park dedication. He'd also like to thank the Parks Department and the Streets Department who got out there and got the barricades set up and the chairs set up, and who had helped to make that a nice event.

Mr. McCourt said regarding water, they were currently at 35 percent of capacity in our storage. It had actually improved slightly in recent days. They'd turned on some more wells and the demand seemed to be diminishing a little as the weather started to cool off. They were in good shape to get through this year, and then they'd start our storage to get ready for next year.

Mr. McCourt said he would be at the Annual Conference for the International City Management Association in Salt Lake City, and he would miss the next Commission Meeting.

Mr. McCourt said there was a meeting scheduled with the State Engineer here in Alamogordo, but the final date had not been set. It was previously announced it would be September 27th. However, because State Engineer Turney wanted to be in attendance, that date was a little up in the air and may occur on September 26th instead. He would pass on the status of that meeting as it was received.

Mr. McCourt said the dedications for the fire stations had been set for tomorrow, but they were postponed at this time.

G. Comments by Mayor Carroll regarding the terrorist attack on the U.S. today.

Mayor Carroll said this evening he'd received a couple of calls from people questioning the long lines at the gas stations and at least one station that appeared to have had a substantial increase in the price of gasoline. He would hope that the citizens of our community would not overreact to the events of today. Everyone needed to conduct themselves as much in a normal fashion as they could. What happened today was an aberration for sure, but he hoped the citizens of Alamogordo would remain calm and not feel that there was any need to be filling up their gas tank or stocking up on food or anything like that. The situation did not warrant that level of concern here in Alamogordo.

EXECUTIVE SESSION:

Adjourn into Executive Session to discuss threatened/pending litigation and limited personnel matters.

Mayor Carroll announced that the items scheduled under Executive Session would wait until a later meeting, and they would not hold the Executive Session tonight.

Commissioner Cooper moved to adjourn. Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 7-0-0. The Meeting was adjourned at 8:20 p.m.

Mayor Donald E. Carroll

ATTEST:

City Clerk Angie J. Rahn

(SEAL)

(Prepared by Chief Deputy Clerk Teresa Y. Gutierrez)

Approved at the City Commission Regular Meeting of September 25, 2001.



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