

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
MUNICIPAL BUILDING, 1376 E. NINTH STREET  
7:30 P.M., COMMISSION CHAMBERS  
JUNE 26, 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 Manager Pat McCourt; Parks and Recreation Manager Matt McNeile was present as Acting City Manager. The Invocation was given by Rev. Jim Forney, and the Pledge of Allegiance was led by Mayor Pro-Tem John Van Doren.

Mayor Carroll announced that item No. 9 had been withdrawn from tonight's agenda.

**PRESENTATION:**

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

Mr. Ed Carr, Executive Director of OCEDC, said 1-800-FLOWERS was scheduled to come here about the 10th of July to pick their exact site of location. It boiled down to about four principal choices, two privately-owned buildings and two pieces of City property. The choice was to either renovate an existing building or to build a new building on City property. They were keeping their options open to look at other properties around town, and they hadn't made that decision yet. There seemed to be some discussion internal to the company over whether they should lease a building and put \$2 to \$3 million in renovation to the property versus building a new building which would take longer, and there was a faction to get up and started quicker. They had to weigh those options and that was what they were doing. They had talked to staff about the mechanism which the City would then do, and he thought they'd made some progress on that. They continued to answer daily questions of the company and requests for information, which the latest was for an interpretation of State laws on taxation and regulation and what would be taxed for the kind of commerce they did. That information

would be given to the City for its review to make sure there was no problem. If there was a difference of opinion, then that would have to be worked out. It would also go to the State Tax and Revenue Department for a ruling. Hopefully within a couple weeks they would get a firm decision on the site.

Mayor Carroll asked if their business differed from the other types of call centers in New Mexico that there should be some question as to an interpretation of what was taxable and what wasn't? Mr. Carr said no, but every place they went they sent a letter to the State and to the local municipalities to make sure ahead of time that their interpretation of the rules were what the State or locality's rules were. Because they were in the floral business and they did wire transfers and that kind of thing, there might be a slight change or interpretation on that. It shouldn't be any different than any other e-commerce business.

Commissioner Cole asked if on July 10th they were coming in specifically to look at rental property or else property to build on? Mr. Carr said yes. Commissioner Cole asked if they would still meet their timeline of September? Mr. Carr didn't think there was any way they could build a building that quickly, and he thought they realized that. That would also be part of their decision-making process. If they built a building, they would not meet their deadline, but obviously that was strictly up to them.

Commissioner Cooper asked if they worked basically the same as Total Floral or FTD? Mr. Carr said they were competitors. They actually used those services to meet the demand for their floral delivery, so they had their own network of florists which they used primarily. However, he understood that they would use other florists and other services if they couldn't meet their own demand because the one thing they didn't want to do was to not meet an order. Commissioner Cooper asked if they selected a local florist for this area? Mr. Carr said Stone's Gardens was their local florist. If 1-800-FLOWERS was to get an order for delivery in Alamogordo, Stone's Gardens would be the principal florist to get that order. If they couldn't meet that for some reason, then one of the other local florists would pick up the slack. He also wanted to note that flowers.com was a competitor of 1-800-FLOWERS.com.

### **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.

## **2. Minutes of Regular Meeting of June 12, and Special Meeting of June 19, 2001.**

Recommendation: Approve the minutes.

**3. Consideration of a four foot eight inch (4' 8") rear yard setback variance for Carl E. Gebhardt.** [Case V-01-0441(A); 1812 Washington Avenue]

Recommendation: Approve the rear yard setback variance for Case V-01-0441(A).

**4. Consideration of a side yard and a rear yard setback variance for S. Bert Atkins.** [Case V-01-0443(A); 1700 La Luz Place]

Recommendation: Approve the requested variances for Case V-01-0443(A), with the condition that the carport never be enclosed.

**7. Consideration of the final plat of Motel 6 Subdivision, Replat G, for sixteen (16) lots located within the City of Alamogordo, for C. Michael Shyne, et al.** [Case S-01-0709(A); 242-392 Panorama Blvd.]

Recommendation: Approve the final plat of Motel 6 Subdivision Replat G, Case S-01-0709(A), located within the City of Alamogordo, with variances on the construction and installation of alleys and on the dedication of public land, and with the condition that the drainage plan be approved by the City Engineering Department prior to the plat being released for filing.

**10. Renewal of Agreement with Alamogordo Friends of the Zoo (AFOTZ).**

Recommendation: Approve the Agreement.

**13. Resolution No. 2001-14 removing uncollectible and unsecured utility billing and other miscellaneous accounts from the City's accounts receivable.**

Recommendation: Approve the Resolution.

**15. Statements regarding the Executive Sessions of June 12 and 19, 2001.**

Recommendation: Approve the following statements and authorize them to be included in the minutes of June 12, 2001: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of June 12, 2001 was adjourned into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure."; and "The Governing Body of the City of Alamogordo, New Mexico, hereby states that its specially scheduled meeting of June 19, 2001 was adjourned into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure."

**16. Close-out of PW Bid No. 2000-002, Crockett Springs Waterline Replacement.**

Recommendation: Close out the project.

## **17. Award of Bid:**

### **A. Bid No. 2001-10, Miscellaneous Foods and Items for the Alamo Senior Center Nutrition Program.**

Recommendation: Award to Ben E. Keith, sixty-three (63) items for an estimated total of \$11,435.30; Award to US Foodservice, one hundred eighty-two (182) items for an estimated total of \$32,753.91; and Award to Southwest Distributing, ninety (90) items for an estimated total of \$13,642.33.

**Item No. 9 had been withdrawn from the Agenda.**

**Item Nos. 8, 12, 17(B), and 17(C) were withdrawn from the Consent Calendar.**

**Mayor Pro-Tem Van Doren moved to approve Consent Calendar items 2, 3, 4, 7, 10, 13, 15, 16, and 17(A). Seconded by Commissioner Griggs. All voted "aye". The motion carried by a roll call vote of 7-0-0.**

## **PLANNING ITEMS:**

### **5. Consideration of a five foot (5') side yard and an entry variance for Gary L. Lane.** [Case V-01-0442(A); 438 Desert Lakes Road]

Recommendation: Approve the side yard and entry variance for Case V-01-0442(A).

**Commissioner Cooper moved to approve item No. 5 (the side yard and entry variance for Case V-01-0442(A). Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 7-0-0.**

### **6. Consideration of Ordinance No. 1122 for rezoning to District "D" (Business) requested by Glenn Brook Homes et al.** [Case Z-01-0603(A); 403-511 Maricopa Trail]

Recommendation: With a finding that the rezoning will not grant a discriminatory benefit to the landowner and/or harm neighboring properties or the community welfare, approve Case Z-01-0603(A) to amend the official zoning map of the City of Alamogordo, to change the zoning of subject property to the more restrictive classification of District "D-2" (Neighborhood Business) with the conditions that the property only be used for mini-storage units and that access be from the south via Maricopa Trail, which must be improved to City standards, and to approve the Ordinance on such for final publication.

Mayor Carroll said tonight they had received some expanded correspondence from one of the property owners in the area, as well as detail of the actual percentage of protests to the rezoning. This originally went to Planning & Zoning as a request for "D" zoning, but the Planning & Zoning Commission recommended denial of that rezoning.

Mr. Glenn Corley was present.

Commissioner Cooper asked if there had been questions on the radio tower there and how they could build next to it? Mr. Corley said there had been some discussion on the new Federal regulation that for residential purposes outlined, it was the fall line of the radio tower plus 30 feet. It was questionable on exactly how they read it, but basically they didn't want anybody to finance those houses. The finance people couldn't get their government insurance on the loans because of the fall line.

Commissioner Cole asked if the City Attorney had done any researching in that area? Ms. Ehler said no. She was unaware of that. The Federal Communications Commission had regulations that prevented cities from zoning out towers even in residential neighborhoods. Commissioner Cole asked if that would affect multiple complex type of homes which he said he might build if they could not build the storage units? Mr. Corley said it would if it was a government-backed multi-family project. If it was private-backed, then it did not.

Commissioner Cooper asked if he ever thought about going to the single units rather than multi-plex? Mr. Corley said he had run the numbers on that. The way the road laid out, it was not economically feasible to put in an entire road for just one side service for single-family residences. It made lots way too expensive to be within that reasonable market. Commissioner Cooper thought if he could stay within the confines of single units, then maybe they could have an area over there designated as a small park. He thought it would be quite an inducement for people. Mr. Corley said the main thing on the single-family prospect was that it was just not economically feasible to do so because of the road expanse for just one side of the road. They didn't get the use of both sides because of the way it laid to the radio station. Commissioner Cooper asked if he was ready to do the other side? Mr. Corley said not immediately; maybe in one to two years depending on market conditions.

Commissioner Moncada said in the updated information they'd just received, she showed that they had 18.7 percent protest against this, which changed from 20 percent they originally had. Mayor Carroll believed there were some withdrawals of protests which may account for the decrease from what was initially over 20 percent to the 18.7 percent. There were some additional comments from one of the property owners in the packet, as well as copies of the letters withdrawing protests from four property owners who had initially protested. Commissioner Moncada said that still seemed quite high for protests, even at 18 percent. Mayor

Carroll said the impact of the protests, be it over the 20 percent or be it the fact that denial was recommended by the Planning & Zoning Board would take a majority vote of all the members of the City Commission to override the recommendation of Planning and Zoning. In this case since all seven members were present, it would still be a requirement for four affirmative votes.

Commissioner Cole asked Mr. Corley if after the notification of protest went out to the property owners, he had mailed out a letter to them or else he had someone walk around with the letters for the signatures. Mr. Corley said he had mailed them because from some of the people he had spoken with shortly after the Planning Meeting, they did not understand that there could be four-plexes in that area, which would create more traffic and more noise than what the mini-storages would. He wanted to make sure the people were fully informed of what would go in there and gave them the opportunity to withdraw their objection to the mini-storages. Commissioner Cole said he had the right to do that, but did he also have somebody walk around and talk to the people? Mr. Corley said no, they had just mailed it. In the mailing they included a self-addressed, stamped envelope to the Planning & Commission so they could send those letters in if they so desired. They just wanted to make sure the people were fully informed and not misinformed that the mini-storages were a request in lieu of the four-plexes. After the Planning & Zoning Meeting he had the understanding that those people did not understand that. He wanted to make sure they did and to have the opportunity to know it and to either withdraw their request or reply however they wished. Commissioner Cole asked if there was anybody in the audience that would like to talk about the understanding of the letter or not understanding the letter, or not getting data to back up the letter? Commissioner Easley requested that they finish with Mr. Corley before they go to the audience.

Commissioner Easley said he had noticed in these kinds of cases in the past where they had surprisingly high protests that sometimes the people who were writing letters did not seem to be fully informed of the situation and the zoning request. As an example, one of the protesters wrote, "We went through this a few years when Mr. Corley wanted to rezone the property from single family to multi-family dwellings. The City Council showed it was very prudent in turning down his request", yet obviously it was zoned for multi-family dwellings. Mayor Carroll believed that was a different area and the request which was denied was for a much more extensive rezoning to "C" than currently existed. Mr. Corley said that was correct. He had a purchaser who was interested in the property if they could do duplexes. They didn't really want duplexes per se, but they wanted to do a zero lot line and sell, so they tried to get the zoning so that the developer who wanted that could do what he was formed to accomplish. It would have been no different than a single-family residence. Commissioner Easley said his point was that he was not sure if this letter writer was aware of all the salient details or not. They seemed to be not altogether aware. Another individual who lived on Alamo Canyon Road wrote in to protest that she was against the rezoning of her property from District "C" to District "D", and of course this rezoning had nothing

to do with her property. Mr. Corley said that was the way he understood it. Commissioner Easley said clearly she may be misinformed or misunderstand what she was writing in to protest. Even if she owned a nearby property, no one was asking to rezone her property, and that was evidently what she mentioned in the letter. She seemed to be a little confused. When they had all these protests from people, he always wondered if all of them were exactly well informed about what they were protesting about. So when Mr. Corley was writing to ask if they understood what they were protesting about, it was probably not a bad thing to do. Mr. Corley said he wanted to make sure that they were fully informed to the best of his ability, without knocking on their doors and bothering them.

Commissioner Moncada said regarding the one letter Commissioner Easley was referring to, she believed the protester did understand what she was referring to or what they were trying to pass here. Perhaps it was just worded a little differently. After she'd spoke with the lady, she was quite aware of what the intent of this protest was.

Mayor Carroll asked if the property which was currently zoned "C" and which Mr. Corley was asking to have rezoned, was part of the original subdivision, or was it a subsequent rezoning? Mr. Corley said it was a subsequent rezoning which he had requested about 19 to 20 years ago. Mayor Carroll said the majority of the homes there were not that old, so the people that bought homes in the last 19 or 20 years certainly had the opportunity to know that this property was zoned "C". Mr. Corley said that was correct. Mayor Carroll said they did not necessarily have the opportunity to know that at some point in time there would be a request to rezone it for something else.

Commissioner Griggs asked Mr. Corley how many people he'd visited with since the Planning Meeting that had indicated that they had changed their mind or they were willing to consider mini-storages? Mr. Corley said he had only personally spoke with two of the people, being Sid Anderson and Wayne Cox. Mr. Cox and his wife were not fully aware of the four-plex situation, and his understanding in that conversation was that he would withdraw his protest to the rezoning. Mr. Anderson's basic point of view had been that he lived there and he had friends, and he didn't want to step on anybody's toes, but he felt the mini-storages would be nice, or the four-plexes as well. He knew that whatever was put in there would be of a high enough standard that it wouldn't hurt the area. Commissioner Griggs asked if many people in the neighborhood had seen his plan or concept for these units? Mr. Corley said they had not proposed any overall concept for the units. The reason they hadn't was that in order to pursue with all of that, they had to have the proper zoning, which was what they were starting with here. He didn't have pictures, but there was a really nice mini-storage in Las Cruces next door to Rowland's Nursery. It was a very nice looking facility, and that was what they were wanting to do. The entire project was at least a year to a year and a half away if they received the zoning. In order to pursue with it they had to have the proper zoning because it was very costly to get to that point. So they just took the

first step of the process. They didn't mean to create havoc in the area and cause problems. They didn't want to hurt anybody, but were just trying to take that normal process. It had kind of mushroomed into what it had. That was the reason he'd sent the letter; those had been zoned and were zoned currently for the four-plexes. Their idea was that there would be less traffic and less noise with the mini-storages and less use on the City facilities with water, sewer, garbage pickup, etc. It would be all private maintenance within the compound.

Commissioner Cooper said he had the letter from the Cox family, and they made reference that the City did not want to mix residential and commercial property in this manner. The term used was "spot zoning", and they wished to see the same decision made on this request as that of single-family dwellings.

Mayor Carroll said the petitioner was requesting "D" zoning, which was recommended denial, which was spot zoning. Staff was recommending "D-2" zoning, which would not be. He didn't know whether that would be acceptable to Mr. Corley. Mr. Corley said the mini-storage was the only thing they were after. Without that, the four-plex was fine.

Mayor Carroll said of the four letters from people withdrawing protests, were all of them within the protest area, or were there some outside the protest area? City Planner Sharon Few said two of them were within the protest area, and two were outside the legal protest area. Mrs. Dye and Mr. Hill were within the legal protest area and withdrew their protest. Mayor Carroll said they didn't show up on his list as being within the protest area. Ms. Few said on the addendum it showed them. Mayor Carroll said that was not in his original backup. Ms. Few said Mr. Hill was shown withdrawn at the time the packet came to the City Commission, and Mrs. Dye was shown as a protester. Commissioner Easley asked if the 18.7 percent protest included the letters from people who were occupants but not owners of property? Ms. Few said no; just the owners. Commissioner Easley clarified it was all owners who were in the protest area. Ms. Few said yes; and that 18 percent was without Mrs. Dye or the Hills.

Commissioner Easley said staff was recommending that if they were to approve this, that it be approved as a "D-2" zoning (Neighborhood Business). Would that be acceptable to Mr. Corley? Mr. Corley said yes. Commissioner Easley said staff had also recommended a number of restrictions with that "D-2" zoning, such as the entrance had to be on Maricopa Trail and they would have to improve the road, and it could only be used as a mini-storage, etc. Would all of those restrictions be acceptable to him? Mr. Corley said yes. Those were in their original thinking to begin with, with the exception of the access from Arapaho Trail. Originally it would be better for them without access from Arapaho, but they didn't want to cut off all the City facilities. So they incorporated two cul de sacs so that fire trucks and garbage trucks could turn around and nobody would be restricted from travel there. But as far as access to the mini-storage units for the

people that used them, it would only be off of Maricopa Trail and not through Arapaho, which was really better for him.

Commissioner Easley clarified that the present zoning of the radio station property next to this was already a "D-2". Ms. Few said yes; it was conditional "D-2" for only a radio station. Commissioner Easley further clarified that sometime in the past that had been approved by the Commission. Ms. Few said yes.

Commissioner Moncada said the original letter which went out to the residents in that area was for a "D" zoning. Now what they were saying was that Planning & Zoning had denied that zoning, and this was basically the same thing with the only difference being that it had some rules and regulations with the "D-2". So they were still protesting almost against the same thing. She wanted the general public to know that their protests were still basically the same. Mayor Carroll said, however, the "D-2" zoning would be more restrictive. They needed to keep in mind that regarding the request Mr. Corley was making to build mini-storage sheds, unless it was conditional rezoning, there was nothing that said he had to build mini-storage sheds. He could do anything that would be allowed in "D" zoning. If they were to approve "D-2" instead, he would still be able to do anything allowed in "D-2" which was more restrictive, unless the Commission were to make any rezoning conditional upon him doing a specific thing. Commissioner Moncada said that was what she wanted to get across because their protest was actually still on the basic concept. Mayor Carroll said apparently what they were objecting to was the mini-storage sheds, and he thought they would be opposed to those in either zone.

Ms. June Carl, 803 Arapaho Trail, said the traffic was terrific there and had been for some time since the new addition had been built out there. They did not need another storage there. She counted four or five on First Street. There were plenty of storages there. She didn't understand because that was a place for families there. They had children going through there, and yet there were big cement mixing trucks going through. Those had already been there so they had to put up with that kind of stuff, but they didn't have to put up with this storage. There were all kinds of people in this storage business. Her daughter was the Manager of the min-storage over on Cuba, and it wasn't much fun--they could just ask the people over in that area. They didn't need this now. She knew that most of the people here would say the same thing.

Mr. William Bickham, 900 Arapaho Trail, Lot No. 41, said he was the one who ran this petition from house to house. He didn't particularly care about having a mini-storage in this area. He'd been there for 22 years and raised six kids there. It had been a nice area and he didn't care to have them built. The owner said mini-storage, but he could build anything once he got the zoning there. Commissioner Griggs said as a point of clarification, if they voted to approve the change in zoning to "D-2" with the restrictions outlined by our Planning staff, only mini-storages would be allowed there and no other type of business would be

allowed. By way of discussing this a little bit, he didn't know how many people out there were aware that it was already zoned multi-family so they could have apartment-type buildings there. There was liable to be a lot more people and traffic with apartment complexes than there would be with mini-storage units. So if traffic was a big concern--he didn't know if it was a valid concern, but if it was a concern then it was a concern. Mr. Bickham asked if changing the zoning from "C" to "D" would drop the value of the property? Commissioner Griggs said he couldn't speculate on whether it would or not. Commissioner Easley asked Mr. Bickham if he'd said that he didn't really mind if it was mini-storages there? Mr. Bickham said he didn't say that--he'd said he didn't want mini-storages. Commissioner Easley clarified that if it was restricted to mini-storages, that he still didn't want that. Mr. Bickham said correct.

Mr. Enrique Telles said his wife, Helena, was the one who'd written the letter to protest against the storage. They'd owned the property since 1975 and they'd seen the neighborhood grow and become a very good neighborhood. He didn't see where an increase would be a major problem because since the construction of the new Middle School, the traffic on Florida, Plainview, Arapaho, and Canyon Road had already increased. So the addition of multi-family housing in there would not affect the traffic as much as had already been affected with the addition of the school. They were against the changing of the zoning, and they did not want storage units there. Regarding Mr. Corley's friend, Mr. Anderson, he lived outside the protest area according to the map they'd received. Mr. Anderson lived on Plainview and it was not on the maps which showed the properties affected by the zoning. He lived outside the "affected" people. He also believed that 18 percent of the people affected was still a considerable number of citizens against the zoning. He didn't particularly care for the storage units because he felt they would devalue the property. There were plenty of storage units on First and Cuba already. One had already added 100 more units on Cuba and Indian Wells, and many of those were still vacant. So any more additional storage units at this time were unwarranted.

Mr. Wayne Cox, 409 Santa Clara Court, said the property in question butted up to his back yard. If he had a choice between some two-story apartments staring down in his back yard or low level lighting storage units, he believed he'd settle for the storage units. He'd like to see single family because when he bought his house seven years ago and up to just two weeks ago, everyone was still being informed that it would be houses. But that wasn't the way it was turning out, so if he had a choice between multi-family housing or the storage units, he would go with the storage units. Given that choice, he would retract his letter of protest.

Commissioner Cole said on the letter which was mailed and/or hand delivered to the people, the comments he'd received were that they did not understand the multiple type dwelling for the area versus the storage units. He thought there was a misunderstanding after the letter went out regarding the single type of dwellings. The indication he'd received was that the letter which went out was not

clear. So he wasn't sure where that left the people who were speaking tonight, if they knew what they were signing at the time. He felt there was not a clear understanding of the letter which went out after the original protest by the residents of the area.

Ms. Sharon Carl, 803 Arapaho Trail, said she worked at the Shuttle Mini-Storage. Like her mother had said, they did not need any more storage sheds. If they tried to get out into the traffic recently since they'd been repairing the road, it was terrible. They had to go one way to get out to go up First Street or any other place in town. If this storage came in, there would be 18-wheelers and all kinds of people coming in. Some undesirable and some good. She didn't appreciate having any more storage sheds. As it stood now, they had five alone on First Street, and she knew there were lots of others.

Ms. Sue Ellen Cox, 409 Santa Clara Court, said the reason why she and her husband had switched from protesting to not protesting was because the alternative was multi-family. She was in multi-family where she was a Manager for ten years and lived on-site and she knew what dealing with people packed into areas was like. She lived on-site with them and she watched the trash pile up and listened to the noise from stereos and to people fighting out in the yards and inside their apartments, under her and around her. She knew the problems with the bugs and also with police coming in because of domestic violence. It was just awful. She had not run storage units so she couldn't say anything about them, but she thought they would be fine. If she had her druthers, then she'd prefer the storage units. Commissioner Cooper said if multi-family dwellings were bad, then wouldn't she have to say that the effect of those would have a dire effect on the existing and new homes over in that area? Ms. Cox said she believed it would. She was in it for ten years. Whenever they had somebody apply, they could have perfect credit and everything else and they looked like they were real nice people, but they never knew until they'd been around for awhile. Commissioner Cooper felt it could have a dire effect on the real estate value for that entire area, including Mr. Corley's development over there. Commissioner Cooper asked what she felt the storage sheds would do? Ms. Cox said she had not had experience with them. The people problems would be in and out; they would not stay there. They would not be there in the middle of the night playing radios. If they did put trash out there, it could be picked up. She worked on Cuba right next to the other storage sheds and it always looked real nice, but that might be because the Manager went out and picked it up. She didn't have that much experience in that area, so she couldn't answer his question. But she did know about property management, and it could be bad. Commissioner Cooper thought if he was going to move into Mr. Corley's subdivision over there, he didn't think he'd like to look across and see storage sheds either. Ms. Cox said she didn't want either one; she'd rather have single-family housing. Commissioner Cooper agreed.

Mayor Carroll said this area was about 97,000 square feet. He was reading 400 storage units, or 52 units of two-story four-plexes. With our current zoning and regulations, was either one of those scenarios possible on that amount of ground? Ms. Few said the scenario of 400 units for mini-storage given the dimensions and size that Mr. Corley put forward in his conceptual drawing, was without an off-street parking variance and without replatting the property to include the vacation of a City street and incorporating that into Mr. Corley's holdings. The multi-family zoning required 2,000 square feet of lot area per dwelling unit. So if a lot was 8,000 square feet, the max would be four units that could go on it if the setbacks were there. So probably 52 would be a little aggressive. Mayor Carroll said there were also requirements for off-street parking and those sorts of things with the multi-family dwelling. Ms. Few said yes. Other uses that could go in with the "C" zoning would be schools, churches, or professional offices such as doctors, lawyers, or accountants. Commissioner Easley asked about group homes? Ms. Few said group homes could go in any residential area under Federal law.

Ms. Virginia McKenzie, 806 Arapaho, said she was right on the corner of Maricopa and Arapaho, and she was against the storage facilities for the lighting and the traffic. She used to live in Texas in a really nice area by a storage unit, and it ended up as a teenage hangout with graffiti and loud music late at night. She was against it.

Mr. Telles said he'd forgot to ask where Mr. Corley got the information on the tower regarding the fall zone and how that would effect the existing houses that were there on the north side of the radio station. Were those going to be grandfathered in? If it effected those houses, it would effect the new ones or even if it was the storage units. If the thing was going to fall, then it would fall regardless of what was there. Mayor Carroll said it was his understanding at this point that there was no clear clarification whether there was a restriction due to towers or not, and if there was, what it was. Mr. Corley said his understanding was from an appraiser who recently appraised the property before they started the last phase of development. He understood that single family homes could not be financed with standard VA backing, FHA, or any type of government assistance because they wouldn't insure the loans. Private financing or real estate contracts were fine. The homes that existed were grandfathered and could be financed any way whatsoever, but for new homes he couldn't go in and develop the land, put a home on there, and sell it VA or FHA; it would have to be private funding. That was the reason they started looking to see what they could put in there besides high volume multi-family dwellings, and a mini-storage was what they came up with for the lesser amount of traffic and noise.

Commissioner Moncada asked how that would apply to an apartment complex? Mr. Corley said it didn't apply to a complex; just to a single-family residence. That was what had led into this process. Commissioner Moncada said it was amazing that they were jeopardizing one group but yet not the other. Mr. Corley said he

personally didn't feel they were jeopardizing. He owned a lot of property there and were selling homes. He personally owned ten of those homes and he didn't want to hurt his value either. So whatever he put in there, he wanted it to enhance the area and improve the value, and not harm it.

Commissioner Griggs asked if he intended to fence the mini-storages? Mr. Corley said they would be gated and compounded with high security and video cameras. It would have low-level lighting, but with security gates. Of course, there would be no access from Arapaho which would cut the traffic down on Arapaho and would only be through Maricopa. It would be fenced off and compounded, and in a nice way that would enhance the area and not harm it. He didn't want to harm his own personal property value. It would have six foot high fences.

Commissioner Easley said he found this to be not an inappropriate use of the property. It evidently didn't consume water or resources as 50-some multi-family dwellings would do. In his view it was likely to create less traffic than that number of multi-family dwellings would create, less noise, and less general obnoxiousness. He had used mini-storages himself, including Ms. Carl's, for several years. Hers was a nice one and he hoped whoever would manage this one would do as good of a job as Ms. Carl did at taking care of hers and it would make it a good thing as well. While he recognized that a number of neighbors in the neighborhood were less than enchanted with this, they evidently had a limited range of options as did Mr. Corley. He sensed Mr. Corley would rather build single family homes along there but he felt prevented and it was his property and his land and he was trying to do something good with it that would not diminish the property values. He appreciated that, so he was prepared to support it tonight if they planned to bring it to a vote.

**Commissioner Easley moved that we consider and approve Ordinance No. 1122 for rezoning and that we approve that for a rezoning to District "D-2" (Neighborhood Business) with certain conditions, that the property only be used for mini-storage units, that access be from the south via Maricopa Trail which must be improved to City standards, and to approve the Ordinance on such for final publication. Seconded by Mayor Pro-Tem Van Doren.**

Commissioner Moncada felt they all had a duty here, and she believed Mr. Corley's plan was a good one. Nevertheless, the amount of protest in that area was high enough that she felt as Commissioners they had to also recognize the people that lived in that area and they had to support them on their decision. They did live in that area and that was why a lot of those people had come to voice their opinion. Therefore, she would not support this.

Mayor Carroll said he had a similar feeling as Commissioner Moncada. Because of the large number of adjacent properties that had protested this, he would be unable to support the motion.

Commissioner Cooper said he too could not support it. He saw these established neighborhoods fastly disappearing from the horizon. He enjoyed progress, but he didn't want to see progress that was going to harm a neighborhood that had been there and stabilized for years and years. He personally could not support it.

Commissioner Cole said he would not support it either, especially since he'd had people calling him and visiting with him. For the same reasons that Commissioner Moncada stated, he could not support the storage unit request, "D-2" or otherwise.

Commissioner Easley said for the record he wanted to point out that while it was true that approximately 18 percent of the people did protest, it was also true that left approximately 82 percent that didn't. Mayor Carroll said no; that was 18 percent of the property owners and not 18 percent of the people that lived in the neighborhood. By far, Mr. Corley was the largest property owner within the 200 foot area, so that did tend to distort. Ms. Few said actually it was the owners of 18 percent of the property within 200 feet, and Mr. Corley was the majority of the land as he owned all of it on Coronado.

**Mayor Carroll called for the vote on motion. Mayor Pro-Tem Van Doren, Commissioner Griggs, and Commissioner Easley voted "aye". Mayor Carroll, Commissioner Moncada, Commissioner Cooper, and Commissioner Cole voted "nay". The motion failed by a roll call vote of 3-4-0.**

The Commission recessed at 8:36 p.m., and reconvened at 8:45 p.m.

## **CONTRACTS AND AGREEMENTS:**

### **8. Joint Powers Agreement with Alamogordo Public Schools for reciprocal use of facilities.**

Recommendation: Approve the Joint Powers Agreement.

Mayor Carroll said he didn't have a real concern over the concept of the Joint Powers Agreement, but he did have concerns over what he felt should be some additions to the language in the Agreement. On Exhibit "A" where it talked about water, he believed there should be language added to this portion of the Agreement which said that while the City would make a reasonable attempt to provide water, that they neither guarantee the availability or the quality of the water, and that the City reserved the right, if it began to charge other users, to also charge the Schools. Also, on the last page where it talked about the use of

the Griggs Sports Complex, he saw in the Agreement that if the City was using the School's facilities that we were required to coordinate with them, but he saw no language where it stated that the Schools needed to coordinate with us. He felt they needed to coordinate with our Parks and Recreation people. The way he read this it could say that the Schools had first rights to use the fields and he felt that could pose a problem. He'd like to clarify that to indicate that the usage needed to be coordinated with our Parks and Recreation people. It appears that the Schools wrote the Agreement, signed it, and sent it to us. If the City made these changes, then he assumed we would sign it, send it back to them, and see if they agreed with the changes.

**Commissioner Cole moved for approval with the changes as stated this evening. Seconded by Commissioner Cooper.**

Commissioner Easley recommended that they table this until the next meeting, make the changes, and then approve it at the next meeting, which would give them time to not only see the changes, but to also send them to the School District. His preference would be just to table it and change it and see it next time, and to also talk to the School District and make sure it was okay with them. Then in two weeks they could pass it then. He had no objections to the changes the Mayor had stated. Mayor Carroll asked if he was saying that if the Schools objected, then we wouldn't make the changes? Commissioner Easley said no. If the Schools objected, then we would presumably negotiate some agreeable language between the two parties. Was there any deadline or reason they had to do this tonight? Parks and Recreation Manager Matt McNeile said no. Commissioner Easley suggested they just table it, make the changes, have the Schools sign off on it, and then bring it back. Commissioner Cooper felt the changes were so minute that if we would just send it back, they would agree to it. Mayor Carroll said since their language said that only in the event of new or existing changes in the bonds would we charge them for recycled water, he didn't know how agreeable they would be to the change he'd suggested. He had no problem either way.

Mayor Carroll said a motion to table would override.

**Commissioner Easley moved to table this. Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 7-0-0.**

Mayor Carroll asked Mr. McNeile to get back with the School officials and let them know of the proposed changes that were being recommended to the Agreement.

## **11. Amendment to the City Manager's Employment Agreement.**

Recommendation: Approve the Amendment.

Mayor Carroll said the City Manager's performance had been evaluated, and this Amendment to the Contract was a recommendation coming out of that evaluation.

Mayor Pro-Tem Van Doren said inasmuch as his evaluation was what it was, he would decline to support this. Commissioner Cooper said as was his evaluation, he also declined to support it.

**Commissioner Easley moved that we approve the Agreement. Seconded by Commissioner Moncada. Mayor Carroll, Commissioner Moncada, Commissioner Griggs, Commissioner Easley, and Commissioner Cole voted "aye". Mayor Pro-Tem Van Doren and Commissioner Cooper voted "nay". The motion carried by a vote of 5-2-0.**

## **RESOLUTIONS:**

**12. Resolution No. 2001-13 requesting the NM Department of Finance and Administration to approve revised budget figures for certain line items in the City's budget for Fiscal Year 2000-2001.**

Recommendation: Approve the Resolution.

Commissioner Cole asked what generated the increase of the \$100,000 in revenue, and then the expenditures of \$240,000? He believed the answer to that might be in Revision 1, Fund 27, in the Corrections Funds. Finance Director LeeAnn Nichols said yes. Fund 27 was basically an agency fund where they collected money through the courts and it was distributed to the State. It also paid for the prisoners' support, and the City paid for that cost. The revenues were underestimated and were being increased there by \$23,000. They were increasing the expenditures by \$155,974, and the majority of that was because the prisoners' support cost for this fiscal year had increased. Those revenues were coming from the fines that were charged through Municipal Court for chemical tests, DWI prevention, and court automation fees. They were automatic charges that went through the court system.

Commissioner Cole asked if financial support of different areas, such as senior citizens and recreational, was being supported from the General Fund to the tune of \$132,000? Ms. Nichols said no; it was being supported at \$388,000; the increase was the \$132,000. Just to note, the General Fund did collect court fines, so that cost could be offset from the General Fund. She believed that was around \$350,000.

**Commissioner Cooper moved to approve Resolution No. 2001-13. Seconded by Commissioner Easley. All voted "aye". The motion carried by a roll call vote of 7-0-0.**

## **SCHEDULED COMMUNICATIONS FROM THE CITY COMMISSION:**

### **14. Commissioner Ed Cole - Addressing options for Long Term Investment Instruments.** [Tabled from Regular Meeting of June 12, 2001]

Recommendation: Consider the sale of the Long Term Investment Instruments.

Ms. Nichols said from the investment review on May 22nd with the presentation by Chris Butler from Amherst Securities, there was great discussion in the consideration and possible action of the long term investments. She and the City Manager had discussed the options before them, and they had agreed that it would be advantageous to the City to sell the principal only instruments. Those would be considered the zero coupons. The sale of these investments would cause the City to adjust investments from the current financials, decreasing a fund by approximately \$650,000. In addition, they discussed two inverse floater instruments the City held valued on May 22<sup>nd</sup> at \$325,000 less than our book value. The City Manager was not too concerned about those inverse floaters because they did bring in investment income through the year. The zero coupons did not. She and the City Manager had discussed and recommended that if the investments were sold, that the value difference come from Fund 49, which was the 1986 Gross Receipts Tax Fund, which was restricted to water improvements outside City limits. This fund had accumulated a balance of over \$2.9 million and could assume the loss while maintaining sufficient funds to meet the capital needs as addressed in their 5-year ICIP Plan. In addition, they had discussed the interest earned on reinvestments of the proceeds. In their packets there was a spreadsheet for the 1986 Gross Receipts Tax Fund, Fund 49. They had re-estimated the current fiscal year and where they believed they would end that year on June 29th of this year. They had completed the projects listed in the current fiscal year and they'd brought in a little additional revenue in that fund basically due to investment income. They had estimated the ending balance for that fund to be \$2,967,111. The write-down of the zero coupons only would deduct \$650,000 from that figure, bring it to \$2.3 million. If they would like to consider the zero coupons, it would take it to \$1.9 million. They had also included in this schedule the fiscal year 02' preliminary budget which was adopted by the City Commission, and it included all of the projects which were budgeted and discussed in the public hearings. In addition, they had carried out the next four-year projection and the projects listed there were those projects that were included in the 5-year ICIP Plan. If they looked at the bottom line, there was sufficient funding to make the adjustment in the books. The advantages for selling these investments were that it eliminated the risk of the City and by reinvesting the proceeds, the rate of return would be higher. In addition, the qualified opinion would be removed from the annual financial statement.

Ms. Nichols said she did want to discuss market changes. The figures used on the spread sheet in Fund 49 were the figures they used in the May 22nd meeting when Mr. Butler gave his presentation. At that time the market value of the investments showed at a \$960,000 adjustment. On June 20th that increased. She got new bids for those investments, and they had increased by \$135,000. However, today they had dropped back down to the same value of May 22nd. In talking with investors, she believed that in anticipation of a rate cut by the Feds that was the reason it had dropped a little bit. The Feds would make a decision, and they would know that decision by tomorrow at noon. In that decision if they did choose to lower the rates, it could affect the LIBOR rate, which was what these investments were subjected to, the zero coupons and the inverse floaters. If there were no changes in the rates, the market would not see much of a change. Mr. Butler had indicated that if the rate was cut, it could increase the value by \$50,000 overall, but if there was no change that it may decrease those values by \$10,000, which in the case of our investments wouldn't be very significant. Reinvestment rates were also fluctuating. She had spoken to Mr. Butler about the callable agency securities he'd spoken to them about, to put the proceeds in to reinvest. Where he provided that, it would produce 6.2 to 6.7 percent in interest. Mr. McCourt was not too sure about that type of investment as he felt it was the same kind of investment they were already in. In research, he had found that those agency securities were not backed by mortgages, but were backed by the agencies that provided them. The risk of those investments was not as risky as the ones we were presently in. There was a little risk, but it was very minimal. For no-risk investments there was the overnight State pool. In May the overall investment pool was paying 5.46 percent. It was down from 6.22 percent at the end of March. The current rate right now was 4.58 percent. U.S. Treasuries, three to eight years, ranged from 4.25 to 4.8 percent. T-Bills ranged from one year to six years, 3.55 to 4.97 percent. CD rates, one year, was 4.06 percent, and five years was 5.09 percent. These rates were not close to the 5.35 percent that were estimated in the Fund 49 spreadsheet which the use was calculated on. At a 5.35 percent interest rate, the City would earn back the money on these bonds in five years and four months. Basically since the rates were not at that 5.35 percent, it was more like seven years.

Ms. Nichols said in addition, the City Manager did want the Commission to consider that if we did sell, the proceeds would be reinvested and the interest be put in Fund 49 until that fund would regain back its money. Or, 75 percent of that investment income could be put into Fund 49 and the remaining 25 percent could be distributed.

Commissioner Cooper said before the meeting tonight he saw where it stated that the economy was sluggish and was not rebounding as anticipated. Therefore it did call for another rate cut, which would help us out.

Mayor Carroll said for the inverse floaters, what had been the annualized return on those? Ms. Nichols said there were two of them, and they averaged together

about 5 percent. They had earned \$724,361 in the last seven and a half years on those. To date they had earned an average of 5 percent. However, she would like to pass out an interest earnings sheet which she had done on those inverse floaters combined. From this chart she showed the amount of interest they'd earned on a monthly basis beginning July 1999 all the way through May 1, 2001. They could see in the chart that fluctuated pretty much and they'd really hit bottom here. They were earning good interest on that in the beginning years of this investment, anywhere from \$10,000 to \$15,000 per month. She felt they were called inverse floaters because they fluctuated with the market. So the interest the City earned between April 2000 and last February was probably an average of \$2,000 per month, as opposed to \$10,000 or \$15,000.

Ms. Nichols said she was also going to pass out to the Commission the market differences between June 26th, June 20th, and May 22nd. She'd also asked Mr. John Brown from Edward Jones to be present tonight in case the Commission had any questions for an expert investor.

Commissioner Easley said they'd spent considerable time looking over these figures, and to him it seemed a prudent course that they would do this. He'd like to hear Mr. Brown's professional opinion on whether this would be a good investment strategy for the investments the City was planning to sell? Mr. Brown said he believed selling the zero coupons was very important. If they looked at the price of the zero coupons today, they matured in 2023; if they calculated what the price was today and what they were going to get in 2023, he thought they'd find that would make hardly any money. Whereas, if they took the same dollars and were to ladder treasuries over a six-year period, they would not only eliminate much of the volatility--zero coupons were the most volatile bond they could buy, especially long term--then when the one year matured they could move it to a six-year, and on and on and on. Then they could own them forever and eliminate the risk. If the interest rates were to rise, they would go with the interest rates. On the other hand, if the interest rates went down, their ladder would have to go out just a couple years longer in order to keep a good rate. He just didn't believe that these type of long term investments were prudent for the City. Right now, these types of investments fluctuated daily, whether they dropped rates, raised rates, or did anything. They would fluctuate with the market, so basically he thought they just had to get a price which they felt was a fair price and make their decision with that. Commissioner Easley asked about the inverse floaters which were at least a little more lucrative; was this a good time to sell those? Mr. Jones said he would not own an inverse floater. His firm would not own an inverse floater, and they'd been in business since 1871. They were too risky.

Mayor Carroll said if they chose to divest the City of these, then would the plan be to get a bid this Thursday? Ms. Nichols said yes. She had four on her list to obtain bids from, but one had withdrawn. She did have three entities which she would be sending bids to so as to ensure that we got the best price possible.

Mayor Carroll said by waiting until Thursday, assuming there was any positive impact on these by virtue of whatever action the Feds might take, they had the opportunity to avail themselves of that. There was normally a three-day trading period. Ms. Nichols said if they did it on Thursday, they would probably not get the proceeds until July 3rd. Mayor Carroll said the City would still have the option or the ability at that time to write those down on our books the day they actually sold them. That would take care of any audit exception for this fiscal year. Ms. Nichols said yes.

Commissioner Cole asked Ms. Nichols if she was waiting until Thursday to see what happened tomorrow with the Feds? Ms. Nichols said yes. Commissioner Cole asked if she felt it would be that much of a factor either way? Ms. Nichols said no, but she'd never played the market until now. Mayor Carroll said as Mr. Brown had said, it might not make any difference at all, but if in fact it did then one would seem to think that it would be a positive action. If it was going to make a difference, then it was more likely to be in our favor than against us. Ms. Nichols said the talk was that the Feds were either going to lower the rate or do nothing. If they did nothing, then we stood where we are now. If they lowered the rates, there might be a small impact to the positive side. Mayor Carroll said for whatever the talking heads on TV were worth, the talk appeared to be not whether, but how much. Mr. Greenspan tended to operate in his own world so they may or may not know what they were talking about.

Commissioner Cole said each of them had talked about this for several hours, and he had researched it back to 1993.

**Commissioner Cole moved to sell them (all five of the long term investment instruments) based on a bid we would receive on Thursday and write the change in making the adjustments against Fund 49 and do that effective prior to the end of the fiscal year. Seconded by Commissioner Cooper.**

Commissioner Griggs thought this was a very prudent move on the City's part. He felt the opportunities to invest this money even in the State pool, the liquidity it provided and the opportunities offered, was something we could really use in the future.

Mayor Carroll said they had struggled with this over the years, and basically the timing to liquidate these had never been more attractive. Even though it would take a little time to recover the initial loss over the long term, the revenues would far outweigh what they would otherwise gain if they held them to maturity. He felt it was important to note that these underlying securities went to cover long term obligations of the City and these funds were not needed for the day-to-day operation of the City. So there would no impacts on the day-to-day operation of the City. The funds would still be there in the City's financial statements underwriting long term obligations of the City which basically included things like bond reserves and customer deposits and those sorts of things. So in no way

would they impact the day-to-day operation of the City. This was one of the reasons it was attractive to do it at this time--because they could do it without impacting the day-to-day operations because they did have enough cash reserves in Fund 49 to cover the short term loss on the investments.

Commissioner Easley said he too supported this. He felt it was a very prudent thing for the City to do. It was a very complicated task and he commended his fellow Commissioners for having stuck to this very arcane bit of business for the Commissioners to look into, the investment strategies, etc. He believed it was the correct path to take for the future and that at some point a few years from now the future City Commissioners and the citizens would be glad that they did this today. He strongly supported it.

Mayor Carroll called for the vote on the motion.

**All voted "aye". The motion carried by a vote of 7-0-0.**

#### **OTHER BUSINESS:**

##### **17. Award of RFPs:**

##### **B. RFP/CPM No. 2001-01, Architectural Services for a Feasibility Study for a new or refurbished Alamogordo Public Library.**

Recommendation: Award to Isaac Benton & Associates, AIA.

Commissioner Cole asked about the time line on this study. Mr. Preston said this would take approximately five to six months. They hoped to begin in early August, and to have it completed sometime in January. They were presently in the process of discussing that once the project was completed, the information obviously would be public and available for public input. They were hoping that the results would then go to the Commission sometime in February for selection of one of the three options which would be part of the Request For Proposal. What they were investigating right now was the possibility of having a general election to vote on the selected option sometime in April or May of next year.

Mayor Carroll said before they started scheduling elections, they needed to check the election calendar. Mr. Preston said they were in that process right now. What he was sharing with the Commission was preliminary information. Mayor Carroll said the windows for elections were sometimes very narrow. Mr. Preston said yes, and they were in the process right now of investigating those windows.

Commissioner Cole asked if this would be an election on the type of facility and where it was located? Mr. Preston said that was yet to be determined. Ms. Ehler said the exact question which went on the ballot would be framed by the Bond Attorneys.

**Commissioner Cole moved to approve (to award to Isaac Benton & Associates, AIA). Seconded by Commissioner Griggs. All voted "aye". The motion carried by a vote of 7-0-0.**

**C. RFP/CPM No. 2001-04, Engineering Design Services for the design of the Green Reservoir to La Luz Filter Plant 30-inch Diameter Water Transmission Pipeline.**

Recommendation: Award to Livingston Associates.

Commissioner Cole said once this was completed, would the City put in this line? Was it in the budget for next year and was the City committed to it? Was the \$48,000 coming out of this year's budget? Chief Engineer Kevin Heberle said no, it would be next year's budget starting July 1st. Once the design was completed, they would get it constructed. Commissioner Cole asked about the time line on it. Mr. Heberle said it was probably about a 60-day design period, bidding, and then 150 days for the construction--five months. It should be completed by April or May, 2002. Commissioner Cole asked when the City would go out to bid on this? Mr. Heberle said in September or October, 2001. Immediately after design, they would bid it.

**Commissioner Cole moved for approval (to Livingston Associates). Seconded by Commissioner Cooper. All voted "aye". The motion carried by a vote of 7-0-0.**

## **18. Appointments to Boards and Committees.**

Community Development Advisory Committee: Two vacancies.

Senior Volunteer Programs Advisory Council: Four vacancies (4 At-Large positions available).

Airport Zoning Board. One vacancy.

Alamogordo Disability Council. Five vacancies.

No appointments were made, and all remaining vacancies were rescheduled.

## **UNSCHEDULED COMMUNICATIONS:**

**A. Comments by various citizens regarding the "Gay Pride Month" display at the Library.**

Mr. Jack Brock, Pastor of Christ Community Church, thanked the Commission for hearing from the community in regard to the conflict going on at the Public Library. Since their tax dollars supported this working institution, he felt it was not only his duty, but also his privilege to address the issue. He spoke for a large number of people, many of whom did not attend Christ Community Church. For the Library to be used as a social and political agenda could only create unrest in our community as it had. Promoting "Gay Pride Month" was an offense to a large majority of the people in our City. They were offended and grieved and deeply disturbed because some 3,000 children had been encouraged to learn how to use the Library this month. He personally strongly believed that our City Fathers and Mother certainly were not unconcerned that our Library would be used as a means of promoting the Gay Pride Month agenda. He requested permission to be placed on the agenda of the next City Commission Meeting, and he also requested that this body decide what the policy would be for our Public Library in the future.

Mr. Wes Blanchard said regarding the Library expansion, he would anticipate that the City was going to need the help of the people and perhaps the dollars in the community. The Gay/Lesbian issue was a very controversial one and he felt this controversy could lend itself to be taken up by the very people that the City perhaps wanted the support of when they came to increase the presence of the Library in Alamogordo. When he went to the Library, he'd seen a significant number of children and young people and this display was available for them to see. Children could draw some conclusions from a display like this, and he didn't think it was necessary to bring this conflict to the community. His point was that the Commission should talk to the Library staff to see if this display was really necessary.

Mayor Carroll said this was not an initiative that was undertaken by the Library staff, the Library Director, or anyone in the City. This was a request which was made by a citizen to allow it. While it may be offensive to many, unfortunately the courts had decreed over and over again that local governments were extremely limited in their ability to refuse to do these sorts of things or have these sorts of displays in public libraries. He understood the argument that the courts seemed to say that it was perfectly fine to have this but that they couldn't have the Ten Commandments, which made little or no sense to most of them. However, what they all needed to realize as citizens was that the problem did not lie with the desires of the local governments or even at the State level. What drove a lot of this happened at the Federal level because of the Federal Judiciary. So the real answer to being able to have some local control over a lot of these things lie in the people that they sent to Washington and the ones they elected to make those decisions as to who became members of the Judiciary. By the meeting of the 10th, the City would try to outline some of the thinking that went into local government's ability, or lack of ability to do things which on the surface the majority of the community obviously wanted. They saw a good example of what happened with the High School based on the complaint of one individual. If it was

really the desire of the community, they could try and enforce censorship of this kind, the City would get sued, they would go to court, and ultimately the City will lose. So the more the community got up and made an issue of this, the more that the people who were promoting some of these things gained.

Mr. Blanchard said when the community did not stand up and be counted on the subject, the wrong message was sent out. Mayor Carroll said many other communities have felt the same way, many have gone to court, and have lost. That was the decision they were faced with--was it the best use of taxpayers' money to fight battles which they could not win. Mr. Blanchard thought they could win if they wanted to, but they couldn't if they went in with a defeatist attitude. There was concern in the community and the Commission was elected to look into them to the degree they could. He knew there were dollars which had been spent in this community that had been less well spent than they could have been, and if some of those dollars had to be spent even though it might be a losing cause, to stand up and say that Alamogordo would run its Library, then he felt it would be worth the cause and the money and they would have the support of the City.

Mayor Carroll said this particular display would come down Saturday. At the next meeting they would try and have a discussion of what the City may be able to do. He had no problem in trying to go to the limit to accommodate the wishes of the majority of the citizens of Alamogordo, but they needed to understand what the potential ramifications were. If there was a way to develop policies and procedures that could avoid some of the controversial things that sometimes the Library and the community were subjected to, then he was all in favor of trying to do that. But he felt they needed to spend some time and carefully examine it and make sure that what they were doing would accomplish the goal they were trying to achieve.

Commissioner Cooper asked if the Mayor had stated that a citizen went into the Library and set this display up? Mayor Carroll said no. He believed a citizen requested that the display be set up. He was not there, so he would ask that if he was incorrect...the Librarian was here. Commissioner Griggs said whether it was an employee of the Library or one of them, or whoever, they were more than likely either a citizen of Alamogordo or the County. He thought they could eliminate any discussion on that. Mayor Carroll said he didn't know exactly who it was. Commissioner Cooper asked if someone had to give the individual the go ahead to put that display up? Mayor Carroll said he didn't know whether they wanted the City Librarian to try and defend it or the City Attorney... Commissioner Cooper said he didn't want anybody to defend it; he was just asking a question. When that display was asked to be put up by a citizen, did somebody have the authority to tell them to go ahead to put it up? Library Director Jim Preston said he was the one who had the authority to say whether a display could go up.

Mr. Fred McDonald, Pastor, said in Alamogordo he appreciated the strong sense of community, family, and values. Often time our leaders were not willing to move forward because they weren't certain of the support that stood behind them. As the Christian community they felt there were values which were worth preserving over the years and which were worth fighting for and were even worth losing. There were battles which could be won, and traditional values were worth fighting for.

An unidentified citizen said she was voicing her adamant objection to the City Library promoting the display of Gay Pride Month. She felt it was an offense to the people of Alamogordo and Otero County. A sexual choice should be kept private and definitely not displayed in our Library no matter what that choice was. Young people using the Library may be influenced by the display and taught that homosexual lifestyle was acceptable. She felt it led to a lack of respect of parental and church guidance. Alamogordo was in the process of trying to pass a bond issue for the Library. She believed that the display of the Gay Pride Month would hurt this effort. If many of Alamogordo and Otero County citizens were offended by this display, they may vote against the bond issue. She felt the display should be removed immediately, and she wanted to know what was going to happen in the future.

Mr. Robert Smith expressed his extreme disapproval of the Public Library's display of support for Gay Pride Month. He said it was not "Gay", it was sad and it was a sin. Some believed that because the Supreme Court had declared homosexuality legal, that it was also then right. Some believed it simply an alternative lifestyle. Most of them believed it was a moral issue and something wrong because God said so. Some extremists believed they had the right to abuse homosexuals and lesbians emotionally and physically and he hoped they would all find that attitude despicable. They couldn't give equal time and space and publicity to all opinions, but our society was built on the implicit assumption that in the free market place of ideas, the best ideas won precedence over time. Behind the scenes an extremely loud, but very small, minority had unduly influenced our legal and court systems and changed our nation's moral landscape. Many of those changes promoted in those fancy term names of diversity and inclusiveness did more than just reflect the nation's moral blindness. There had been serious damage to an entire generation of our young people leaving them with such moral blindness that many of them were entirely unable to distinguish between what was right or wrong even in the simplest of matters. The social engineers promoting things like Gay pride would quickly tell us that President Lincoln simply didn't know what he was talking about when he declared that the Bible was the greatest gift that God had given man. They would also declare that George Washington could not justify many of his remarks promoting the necessity of paying honor to the Bible, to God, and to promoting a moral community. Washington's farewell address, once a school textbook used for an entire century, was no longer used because it was too religious and was now inappropriate. A minority of our society sought to completely eradicate all signs of

public faith replacing them with an agenda which promoted free filth in the name of free speech. One could oppose that behavior without being homophobic. He felt sorry for homosexuals and lesbians. Many hid their sin in shame, and some had lost their sense of shame and now wanted not just public permission, but they were requiring public affirmation. That was the purpose of the poster display--gaining public affirmation. But no one would ever require our private affirmation. Most of us were still able to distinguish between what was merely legal and what was truly right. He saw no one promoting heterosexual pride month, so why should our City be publicly promoting the recognition of homosexuals and lesbians? He suspected they would find the very large majority of folks in our community agreed that this behavior was something they didn't want supported in any venue in any of our City properties. They didn't want homosexuals and lesbians and their behavior being promoted in any place in our City, including the Library. This was one of those issues where indecision or abstention were not viable options. If the Commission took no action at the next meeting, they would be consciously supporting the opinions of a distorted minority at the expense and ignoring a very vast majority. They didn't want the children exposed to the City's public promotion of homosexuality and lesbianism.

Ms. Maude Rathgeber said she had served 18 years on the Public Library Board. She'd received numerous calls from people expressing their concern about the exhibit at the Library. Her main concern was the children enrolled in the summer reading program at the Library. They did not get any Federal money in New Mexico for libraries, nor for this library. To her that underscored the fact that they could be a little more careful about what they were doing in their library because Federal dollars were not telling them through the paperwork what they must do. Our money came from our citizens who supported this library with their taxes, support, contributions, and interest. They needed to consider that when they talked about whether or not they could do something. She wondered where the Library Board was when this issue came up, and if they were included. The Library Board should be an advisory group. The County helped to fund the Library, and with a little bit of State aid, that was all the area they received money from for this Library. It was our New Mexico money, Alamogordo money, and Otero County money which supported this Library. Where were our Library Board members when this display went up? As a result of the school prayer issue which had agitated and hurt many people in this community and now with this issue from the Library, they were not in very good stead with the public. They were not taking Federal money for the Library and they needed to consider that it was our own money and so we would run our Library our own way with our dollars and cents. She also wanted to point out that Mr. Jim Vaughn, husband of Representative Gloria Vaughn, was here tonight representing Gloria on this issue.

Mayor Carroll asked if the State Library had any policies or any guidance which they could provide the City that would enable us to come up with some policies that might keep these objectionable things out of the Library in the future? Ms.

Rathgeber said she would find out. Most of the use of the State Library was adults and researchers. She didn't think the State Library would even tamper with an issue or an exhibit like this. When she was on the Library Board here, they wrote some of their own policies and she felt it would be wise for the Library Board to put on their thinking caps and write their policies now because they should be in charge of the Library. Mayor Carroll said if there was some place they could go to get some policies which could be implemented, it would be most helpful to them.

Ms. Sharon Proctor said in visiting the Library she had run over a list of books and videos promoting Gay Pride Month. She was deeply grieved that the Library she frequently visited and supported with her tax dollars would allow this kind of material for readers of all ages to read. She questioned one of the Library staff about it and was told that from another Library staff member they were given permission to put this information out. Where was the line drawn to decide what should be put in our Library to read.

Mr. Mark Joyner said he had some concerns about Gay Pride Month. He found it difficult to teach his daughter his Christian values when she went into a public place where there was a display that talked about Gay pride. The Mayor had said that there were some things they couldn't fight, but our government began at the local level. They must be able to elect the local officials that represented their interests. If the Commissioners couldn't support the values which this City had lived with for many, many years...as citizens they would vote and would speak and do those things within the law. Be advised that they would use their voice at the voting booth.

Ms. Gloria Killian asked that as the Commission looked at this, that they would bring forth virtuous things to be displayed at the Library. She saw homosexuality and drunkenness as vices, and she would ask them not to promote those types of things, but to promote for our children and for our citizens those things which were virtuous. By having something like this displayed, what would prevent a citizen who had a vice of drunkenness to come in and ask to display that type of thing?

Mr. Brian McGuire said he felt the need to offer a slightly different view. He was a westerner and one of the family values he was taught was tolerance of others. When he heard of this controversy he wandered over to the Library and the poster was an 8 1/2 by 11 inch size piece of paper. The four or five times he visited the Library, he'd seen no one at the site. He disagreed with whether this was an issue of the majority of the people of the City. The people who had spoken here had not expressed his feeling. He viewed Alamogordo as having a great diversity, and part of that diversity was our tolerance for people that were different. He did not see the display as promoting Gay and Lesbianism. He didn't envy the Commission in sitting where they were, and he did not want to see this issue become a tempest in a teapot and take away from the value that Library

had for our community and had provided for our community. He really hoped they did not let a 30-day period of time out of any one month both lead us to a level of censorship and to try to defeat the purpose of the Library. He believed that people had to have a tolerance for differences if they were going to survive as a community. He too was a Christian, but he did not believe that compelled him to act against people that were different than he. There were a lot of people in his lifetime that were different and who had sorely tried his patience, but he had never tried to censor them. He would ask the Commission to deeply consider that. One of the whole purposes that many of them in this country valued was freedom.

Ms. Jean Jamison said her position against the display was very adamant. She believed most of the citizens in Alamogordo and Otero County were opposed to the Library being used to advocate Gay Pride Month. Every month of the year was dedicated to something or another for City, County, State, or Federal government, and the Library did not see fit to put up displays for them. Children visiting the Library were taught by this display that the homosexual lifestyle was acceptable. The City was trying to pass a bond issue which will enlarge, enhance and remodel the old IGA store for a new Library, and the Gay Pride display could do nothing but hurt that effort. She asked that the display be removed tomorrow.

Mr. Jack Rathgeber thought they took the defeatist attitude nowadays and always worried about being wee losers. In his day they felt they were winners and if someone said they would sue them, they stood up and said if they wanted to sue then stand up and we'll see if we can knock you down. Back in those days they referred to these people as queers, because they thought they were. Now the attitude that we were losers and they could walk over the top of us was wrong. The Boy Scouts had stood up against these people and they were winners right now. There was no ruling out of the Supreme Court which said the Boy Scouts couldn't keep these people out--they could. This was not a Church versus State, but it was a civil rights thing they were walking on. Their civil rights shouldn't be walked on because we all fought the wars for civil rights, but by the same token, all of us had civil rights and until somebody actually put us down and didn't just run a bluff on us, we were standing on our own ground. He thought the City ought to stand up and say wait until somebody sues us and a court tells us we can't do this and then we won't do it anymore. But if that was the case, they could have all kinds of people down there putting displays in the Library. The smart thing to do was to let these people live their lifestyle in their own privacy and let us live our lifestyle in our privacy and don't insult our children by putting that stuff up in front of them and we'll try not to insult their children by putting up the Ten Commandments. Let's stand up and find out who's right in this thing.

Mr. Tim McGinn said this issue had been brought to his attention at Otero County as well. He asked the Commission to please say no to this sort of thing, and to push them back to a more positive moral center.

Mr. Preston said as Library Director he had reviewed this issue with his advisory Library Board and they had not taken any formal collective action. However, they had allowed the display to continue to stand. Basically what he was reporting was that the issue had been formally and publicly reviewed with them at their last Board meeting.

Mayor Carroll felt that what had become of this was that they needed to establish some policy, and he didn't know at this point what it was or whether it was something they could defend if they had, that some way allowed the Library Board and City to have some regulation of displays that may be divisive within the community. He felt that was the task the Commission had been given this evening and it was the task they would give to our City Attorney or to anyone who felt they had suggestions which we could do to keep this type of controversy from arising in the future. It would be on the next agenda. He didn't know whether they would have an answer at that time, but at least they would be further along in trying to address the concerns which were raised here tonight.

Commissioner Cole said he'd attended the meeting at Bethel Baptist and the next day he had written thank you notes to Superintendent Phil Knight and others, and he appreciated the civility and how people spoke. He appreciated the Constitution of this Nation and he had a strong feeling for the Bill of Rights. He appreciated the judicial branch. They all at times agreed with decisions which came from our government officials, and at other times disagreed. When they disagreed he hoped they could fight back in a way that was proper. He wished he could speak right now not as a City Commissioner but as a person who really believed in the Lord Jesus Christ and that what was displayed over there was wrong. As a City Commissioner within their legal system what they could do properly and together, he would work for that. But as an individual, and he'd been over there at least three different times to look at the display--he disagreed with it. He understood the position of each Commissioner or any government official that they had to uphold the law. But personally he would join the battle with each of them out there to fight what was displayed over there. He did not support it.

Commissioner Cooper said he was thankful for everyone here tonight and they'd voiced their concerns and were absolutely right in their statements. He believed 100 percent in the Lord Jesus Christ as his savior and he prayed to him every day and he worshipped him with all his heart and all his soul. If they believed in the Bible, and he did, it said wholeheartedly that in the eyes of God homosexuality was an abomination. The Bible was the first book written and he would rather read that book on a daily basis than to try to read some of this other literature that was being put upon us. He was glad they were all here, he was one of them, and they would do whatever they possibly could to see that this divisive episode would be put behind us. When they left here tonight they would leave here with happy hearts and good thoughts because that was the way God intended them to live. He understood where Mr. McGuire came from and they did have to look at these issues in a different light, but that didn't necessarily change

his mind as a devout Christian. He hoped there was a way possible that they could address this situation and he was sure with action on the Commission's part that they wouldn't have to look upon this episode as something that...they would be able to forget about it and let it go. Once they left here tonight he felt that was what God would want them to do. He knew it hurt and the decision of the Library Board was that it would stand. There was another issue about the display of the Virgin Mary, the mother of God, in a bikini. The good people came to her side with pure hearts and pure intentions, but the law said it had to stay. He didn't think they could tolerate these things any longer because they were tearing at the very fabric of what made this country great. When they sang "God Bless America" and when they said "One Nation under God", they were very special phrases to him and he thoroughly enjoyed saying them. Without God in the schools they could see what had happened. It used to be that when they were in the school house if they got caught running in the halls or chewing gum, they had to go to the Principal's office. Not anymore. Rape, murder, assault, intimidation on teachers--that was the norm now. Why? Because of the very reason that God was taken out of the schools. He had to admire a Judge in Alabama who had maintained the Ten Commandments over his desk. He said they would stay there, and they were still there. They had to take a stand. There was a country song by Joe Stampley which said very simply, "You've got to stand for something or you'll fall for anything".

Commissioner Easley said it was very, very late, so he would just save his comments for next time.

Mayor Pro-Tem Van Doren said he had to agree with those comments that had already been made. He appreciated the individuals that had come and presented their opinions. He had a problem in understanding--someone had to say, "Okay, we'll go ahead with this". If they had any two cents worth they would know that it was very controversial. So inasmuch as they got around the controversy of it by saying, "Oh, but we have to, the law says that we have to", then he asked them to show him where it said that they had to and that they couldn't stand up and represent some decency. Like the Commissioner said, if they didn't stand for something, they would fall for anything.

Ms. Ehler said if he would like an answer to that question, it was in the First Amendment to the Constitution which guaranteed freedom of speech. There were certain areas in the communities which were historically a public forum. The Town Square was the traditional public forum but they didn't have them anymore. Libraries were now the traditional public forum which must remain open to varying points of view. The limitations on the local government in regulating the speech in the Library were limited to time, place and manner. In a Library manner would mean they couldn't go in there and give a speech because it was supposed to be a quiet area, but if they wanted to present printed material then it was to be allowed in that place. The time was they could do it during the regular hours of the Library but they couldn't demand to have it open for their use when it

was not Library hours. Regarding place, for instance, over at our Library they did have a table in the lobby where people put various printed materials of all kinds of things--some public announcements. There was one member of the County who put out her own newsletter from time to time and she placed it over there for distribution. The Library could restrict those types of voluntary publications to a certain place in the Library and did not have to allow them to go everywhere. But content-based restrictions were not allowed under the First Amendment of the Constitution, and that was where the law came from. Mayor Pro-Tem Van Doren asked if he could go over and post anything that he so desired? Ms. Ehler said the old example which used to be allowed was that it had to be something short of yelling "fire" in a crowded theater. Mayor Pro-Tem Van Doren said then, he could expect to be able to post a sign over there next week? Ms. Ehler said there was also a bulletin board at the end of the table where the public put material where people did post things. People posted requests to baby-sit, announcements of community gatherings, and that kind of thing.

Commissioner Moncada said she was also a Christian and she was not here to judge anyone whether they were black, brown, Mexican, whatever they wanted, Gay, Lesbian--she was not here to judge them. In this situation she took the individual for whatever they were. In this situation at the Library she would not have seen this negatively. What she would do with her grandkids would be to say, "Look, this is this and I'm going to teach you my way and the values I was brought up with". She would not turn it to a negative thing, but to use it as a tool because that was why she went to the Library with her grandkids--to learn and educate them and that was what they got when they went to the Library. That was how she would have used this tool. If they had good morals and their intentions were good, whichever way they were brought up, that was what they would portray to their own kids. So she thought the issue right now was that as Board members they needed to come out with guidelines on what they thought was educational and what was going to help our kids learn.

Commissioner Griggs said this was an issue which troubled him. He didn't believe the lifestyle some of those folks had chosen was proper. He thought it was wrong. He felt they also had a different obligation with the Library, and he felt they really needed to consider the whole issue. He didn't like where the display was. A while back there was a big uproar concerning Columbus Day and the ability or the promotion of Columbus Day because there were certain Indian groups who felt it was really a bad thing to recognize someone who basically came over and caused the annihilation of races. This issue troubled him and he thought it showed that they needed different procedures or guidelines at the Library to know if information such as this wound up being displayed. It hadn't been that long ago that they had Black History Month, not that he wanted to equate the two, but those were certain months that they allowed things to be recognized. He didn't know the answer. He appreciated everyone's point and for the most part he agreed with it. He felt they needed to go back to the Library and try to determine procedures and ways that things can be looked at, and make the

determination whether or not there were things they should not allow in the Library. Let's see what we can come up with and involve everyone and see what can happen.

Mayor Carroll said this item would be on the next agenda, and he was sure between now and then there would be a lot of community discussion over the issue. He thought all the Commissioners had pretty much expressed their understanding of the concerns of the community and they would do the best they could as a collective body to try and deal with and address those concerns.

### **B. Comments by Mr. Roger Powell regarding ongoing problems with the apartment complex behind his house.**

Mr. Roger Powell, 2510 Jeane Court, commended the Commission on their management of the City affairs, and especially on the support of the new Director of Public Safety, Sam Trujillo. Tonight under item No. 6 the neighbors in that area were concerned about storage units built in their back yard rather than a four-plex or apartment building. He could tell them, they would rather have storage units in their back yard than an apartment building. He had addressed the Commission once before about concerns he'd had. Some of them had been taken care of, but many had not. Currently there was the Las Ventanas Apartments on First Street, which had 400 plus units, and there was only one access road into the complex. He had 40 apartments sitting in his back alley, and it had three access points--two onto a public street and one into an alley. It was an alley that was still so full of dirt and grime that it was filthy. Under item No. 6 tonight they were going to require that guy to bring his access street up to City standards. So he would like to know that if they were going to allow this apartment complex to have access to and from their apartments through the alley, were they going to require that the alley be brought up to City standard streets? He was talking about pavement because he was tired of eating the dust. He'd tried a number of times to contact Code Enforcement with no luck. He said it was time to say no. They had a CEO come down from Albuquerque who was the guy doing the corporation that formed this complex, and he sat right in this Chambers and said that the ponds would be fenced, there would be gravel in the bottom of them, they would evaporate in a certain amount of time and would have grass in them--none of that had happened. One had a fence around it and that was it. The other one didn't have a fence around it, didn't have gravel in it, and didn't have grass on it. One of these days, and it was not a matter of if but when, they would have a large rain storm, the ponds would fill up with water, and one of our kids would drown. The guilt should be right here because this City didn't do something about it. Why were they letting somebody in Albuquerque come down here and dictate to us and tell us what they were going to do, and then don't do it and still allow it to happen? It was not working, it was not fair, it was not right. They had a water leak there the other day and it must have taken five or six days for that little bit of water to evaporate out of the pond of dirt. It was fixing to be mosquito time and who was going to fight the mosquitoes? He

needed the City's help. The light pollution was unbelievable. He didn't even have to use his back porch light anymore because the great big spotlight thing from the apartments shown right down in his back yard, and of his neighbors on the south side of Jeane Court, he was probably the furthest one away from the complex. So they needed the City's help. They still had gravel and trash and stuff blowing all over the place, and they weren't even open yet. Six months ago he'd also talked to the City about a possible Ordinance to not allow the use of a piece of equipment called a steel wheel vibrator which caused a bunch of damage to the homes there. He hadn't seen any Ordinances come out of this Commission. He hadn't seen any of the Commissioners approach the City Manager and say they wanted an Ordinance against that so it didn't do damage to their homes. He was asking for the Commission's help to help remedy some of the situation over there and get it taken care of before they had an accident. They had dust over there which was unbelievable. Before they had natural mesquite bushes which helped to keep the dust down, but right now there was nothing. They'd asked for water, the City would water down once, and then the next time the wind blew it was back to usual. He commended Commissioner Cole about what he was trying to do, and he was running up against a brick wall. He was asking the rest of the Commission to help him hit that brick wall and push it down so they could get something done. It wasn't as big an issue as what was going on at the Library, but it was still about community and about neighbors trying to survive in the area.

**C. Comments by Acting City Manager regarding an open house at the Civic Center on June 27, 2001.**

Mr. McNeile reminded everyone about the open house meeting concerning the Indian Wells-Canal Street extension and the West First Street realignment, scheduled for Wednesday, June 27th at 6:30 to 8:00 p.m. at the Civic Center.

**D. Comments by Mayor Carroll regarding the House of Representatives of the State of New Mexico also recognizing the three Police Officers that rescued a toddler from a burning home; Public Hearing for Redistricting to be held July 10, 2001 at 6:30 p.m.; and reminder of the Fourth of July parade and fireworks display.**

Mayor Carroll said at the last meeting they'd recognized some Department of Public Safety Officers for their heroic display of bravery in saving the life of a young girl. Those Officers were Richard Henley, Dusty Collins, and Troy Thompson. He wanted to let the community know that the House of Representatives of the State of New Mexico had also recognized their bravery and extended certificates acknowledging that. They would be presented to the Officers at an appropriate time.

Mayor Carroll mentioned that on July 10th at 6:30 p.m. they would have a Public Hearing on the proposed redistricting of the seven City Commission districts. The Commission had narrowed it down to two choices, and those had been posted at

City Hall and the Library. These were the districts which were mandated by law that we adjust for compactness and population after each Census. This would be the first of a couple of Public Hearings.

Mayor Carroll reminded everyone of the upcoming Fourth of July Parade and fireworks. He hoped everyone would have an enjoyable and a safe Fourth of July.

**EXECUTIVE SESSION: Adjourn into Executive Session to discuss collective bargaining strategy.**

**Mayor Pro-Tem Van Doren moved to adjourn into Executive Session to discuss collective bargaining strategy. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 7-0-0. The Meeting was adjourned at 10:50 p.m.**

The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of June 26, 2001 was adjourned into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

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**Mayor Donald E. Carroll**

**ATTEST:**

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**City Clerk Angie J. Rahn**

**(SEAL)**

**(Prepared by Chief Deputy Clerk Teresa Y. Gutierrez)**

**Approved at the City Commission Regular Meeting of July 10, 2001.**



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