

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
JANUARY 14, 2003**

MAYOR DON CARROLL

COMMISSIONER ED COLE

MAYOR PRO-TEM RON GRIGGS

COMMISSIONER JOHN ROBERTSON

COMMISSIONER INEZ MONCADA

CITY MANAGER PAT McCOURT

COMMISSIONER STEPHEN EASLEY

CITY ATTORNEY WILLIAM KIRSCHNER

COMMISSIONER DON COOPER

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. The Invocation was given by Rev. Raymond Ewing and the Pledge of Allegiance was led by Commissioner Easley.

PRESENTATIONS:

1. Presentation by Mr. Drew Downing, Deputy Associate Director, Petroleum and Water Business Area, US Army TACOM-TARDEC, regarding a test site in Alamogordo for a rapidly deployable water pipe system.

Commissioner Easley introduced Mr. Drew Downing and Mr. Steve Moyer from US Army TACOM-TARDEC. He explained that he met Mr. Downing in December in Arlington, Virginia when he was there working on the Expeditionary Water Project. This is one of the water projects that has to do with R.O. that we are bringing to Alamogordo. He pointed out that Mr. Downing lived in Las Cruces for several years, but now lives in Michigan. He stated that they had a meeting this afternoon with various interested parties for a longer presentation and then they brainstormed to develop civilian applications of this US Army project. He explained that tonight's

brief presentation was for those Commissioners who could not attend today's meeting and for the public at-large. He asked that something be published in the newspaper because they are soliciting ideas and input from citizens who have ideas on how this system could be utilized.

Mr. Downing explained that this is an existing Army program called RIFTS (Rapidly Installed Fluids Transfer System). Mr. Downing stated the reason he felt it would be prudent to explain some of the systems the Army has for moving water is the three water projects coming to this area. He stated that the RIFTS program is the Army's future system for transferring bulk liquids in a tactical operation. He noted that his operation is responsible for providing materials that get water and fuel transported across the battlefield. He does not want anybody to confuse them with the Corp of Engineers who deals with things like permanent facilities whereas they work on a mobile, rapidly transportable type system.

Mr. Downing illustrated the major components of RIFTS. He explained that the conduit retrieval is an automatic system that is a spool system on the back of a prime mover that deploys the conduit. He said that their concept right now is for that platform to hold about a mile of the hose conduit. He stated that the pumping stations would be packaged in ISO containers which would be 8' x 8' x 20' containers. He said these would potentially pump up to 800 gallons per minute of liquid. He continued that there is a command and control module, which consists of a couple sub-components including a monitoring system to monitor the pump stations, a leak detection system, and a computer aid system. He said the concept is for us to be able to take large quantities of liquid, in the millions of gallons per day magnitude and be able to transport it up to hundreds of miles into the battle space over any type of terrain and up and down through various elevations. He explained the Army has an application for it on the petroleum side for moving large quantities of fuel. He said they would like to get into the area of water transport as well. He said his organization does a lot of water purification engineering for the Army so they understand the water side. He explained that they have large water storage systems that store 800,000 gallons of water and systems that store up to almost 4 million gallons of petroleum in one location. He said they also deal with smaller systems. He explained that all though he may talk in terms of fuel, the concepts apply to water as well. He illustrated an example of pumping fuel from an offshore oil tanker and pumping it through the conduit of the RIFTS system. He stated that you would ideally follow existing roadways, but it is not required. He stated that the primary requirements are being able to deploy this system in terms of 20 miles per day (their objective is 30 miles per day) and recover it at 10 miles per day. They would like to pump up to 850,000 gallons a day. He explained they could pump smaller quantities as well, but this would be a maximum rate. He noted that it would all be modular designed in the ISO containers. The system would be transported

by a C-130 aircraft, which can land and take off in unimproved runway systems. The Army Load Handling system is the prime mover that deploys the system over the ground. It is similar to what you see as commercial trash movers. He explained the vehicle has arms that hookup to the container and pull it on to the back of its bed. He added that it is also helicopter transportable. The system is automated and remote operated. He said that based on terrain you would have pump stations located in different places so you could tailor the system for anywhere. He explained you would download topographical data into the computer, you would click two points on the map, and the computer would design the pipe trace for you. It would tell you where you needed to locate all your major components and what components you would need. Your deployment team would take the list, get the parts, and then go out and put it in place. He said they were trying to minimize strategic lift and operating personnel.

Mr. Downing continued that the result of the meeting today shows there are many applications, in their opinion, for RIFTS not only in the military, but non-military as well. He said homeland security comes to mind. He illustrated that if a treatment plant or source water was contaminated or terrorized, you could set this RIFTS system up to take water from another location and pump it 100 miles from one town to another to supplement their water needs. He also said forest fire fighting is another area it could be used. He said that Cloudcroft might not have a lot of water to fight potential forest fires. You could take water from here and pump it up to help fight forest fires. He added drought relief, augmenting Holloman's water requirements, disaster relief, and humanitarian aide are areas where the system could be used. He said that the grime water from the water production plant project could possibly be used to fight fires. He said RIFTS could be tailored to suit basically any need. He thanked the Commission for the opportunity to talk about the project and opened the floor for questions and ideas. Mayor Carroll thanked them for coming and thanked Commissioner Easley for arranging this presentation.

Commissioner Easley added that he thinks the issue of fire fighting in the mountains is a very promising area for this system. He said it would help to minimize the economic damage we have from forest fires in Otero County and in New Mexico. He thinks we should pursue that with the Forest Service, the County Commissioners, and the Village of Cloudcroft and those areas. He pointed out that the advantage of the system is that it is rapidly deployable. He said that during the fires at Yellowstone a community was saved by setting up a sprinkler ring system around the community. He reiterated that the public contact the Commission or Mr. Downing with any ideas because it could be a great idea just waiting to happen.

CALL OF THE CONSENT CALENDAR: [Roll Call Vote Required - Item No. 6]

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

2. Minutes of Regular Meetings of December 10 and 19, 2002.

Recommendation: Approve the minutes.

6. Resolution No. 2003-04 requesting the NM Department of Finance and Administration approve revised budget figures for certain line items in the City's budget for Fiscal Year 2002-2003.

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

7. Review "Resident Parking Only" and "Handicapped Resident Parking Only" sign locations for the purpose of determining continuance or discontinuance of each location.

Recommendation: Authorize all locations on Exhibit "A" to continue to be posted with "Resident Parking Only" or "Handicapped Resident Parking Only" signs.

9. Close out Public Works Bid No. 2002-007, 2001 CDBG Gas Service Lines.

Recommendation: Close out the project.

10A) Award of Bid No. 2003-01, Street Sweeper for the Street Department.

Recommendation: Award bid with options to ACM Equipment Rental and Sales Co., for a total of \$109, 287.00.

Item Nos. 4 and 10(B) were removed from the Consent Calendar.

Commissioner Cooper moved to approve the balance of the Consent Calendar (Item Nos. 2, 6, 7, 9, and 10(A). Seconded by Commissioner Robertson. All voted "aye." The motion carried by a roll call vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

3. Ordinance No. 1171 amending Chapter 24 of the Code of Ordinances regarding fines for second offense DWI.

Recommendation: Final adoption of the Ordinance. [Roll Call Vote Required]

Mr. McCourt explained that we sent this out for first publication after the last meeting. He said that this is a proposed ordinance that would permit the municipal judge to allow an individual who had their license suspended

for driving under the influence to get permission to use their vehicle to go to and from work. They would have to agree to have this interlocking device installed in their vehicle. He said they would breathe into the device and if their breath contained a certain amount of alcohol, the vehicle could not be started. He explained that this law has been passed at the State level and is relatively new. He stated that if we do not pass this, our municipal judge would not be able to give individuals with licenses that were suspended under DWIs a special permit. Mr. McCourt said there was someone here tonight to explain the device.

Commissioner Moncada asked about a person having more than one car. Mayor Carroll referred the question to Mr. Louis Spere of The Safety Institute. He explained that Mr. Spere's company had contracted with the State for the program. Mr. Spere said his company has been the Draeger distributor for many years. He explained that Draeger is a manufacturer of the interlocking devices. He added that drug and alcohol identification is nothing new to his company. They have been doing this for about 10 years now. He noted that they do not know exactly what the State is going to do because the regulations have not been finalized yet. He went to Durango, Colorado to Draeger headquarters to review the problems with the interlocking devices. He said that specifically a person will be violating the regulations and the stipulations set up by the court. When the court gives someone the privilege of using one of these devices there are going to be some very tight guidelines set. He said if they violate those guidelines they will be in contempt of court. He said there have been revocation laws on the books for many years. He said they were around 37 years ago when he was in law enforcement. He stated that just the idea of losing your drivers license has failed miserably so now we have to fall back on technology. He noted that the machines would request a test before a person can drive the car. He explained that the device will request another test from time to time after the car has been started as a mechanism to keep one person from blowing in the device and the offender from driving off in the car. It will not stop the car because that would be too dangerous, but it will keep a record. He explained that from time to time the records are pulled off the computer in the car and a report is produced that is usable by the court so they know when the car has been used. He said it is possible that someone besides the person who has the device will get in it or the person may drive a car other than the one they have the device on, but when they do they violate the law just like they violate the law now if they drive with their license revoked. He added that the purpose of this device is to give people a chance to continue to work who have had DWIs. He said there are several statistics on these. (He gave the Commissioners a handout of statistical information and an article from the El Paso Times newspaper.) He mentioned that the article from the Sunday El Paso Times said there were 10,000 attempts by intoxicated persons to drive a vehicle that the devices have detected in Pennsylvania. He noted that Pennsylvania has more

people than we do. He said that the problems with drunk drivers are universal though. He said if New Mexico was one-tenth as successful as Pennsylvania was, that would be 1,000 people that would be prevented from driving their car while intoxicated, which would certainly be valuable.

Commissioner Robertson asked if a person who gets their second DWI would be required to have the device put on all their vehicles registered with the DMV or only one vehicle. Mr. Spere said they could put these in multiple cars at their own expense. He stated that the more units they have put in to cars, the more it is going to cost them. Commissioner Robertson asked if they would be specifically required to put them in all vehicles registered to them. Mr. Spere answered that this would be entirely up to the judge upon conviction. He said we are flying a little blind in that area because the State has not completed the exact regulations the judges are going to be required to work under.

Commissioner Cooper asked about products like mouthwash that have a certain amount of alcohol in them. He wanted to know if this would affect the device. Mr. Spere replied that these products do not affect the devices or regular breath testing equipment. He explained that in a 15-minute timeframe, any alcohol that is not in the blood stream is dissipated. Only the alcohol that is in the circulatory system is detected.

Commissioner Moncada asked if the individual pays for the device. Mr. Spere replied affirmatively. She said that she read they would be charged anywhere from \$1 to \$2 a day for this. Mr. Spere said the prices will be set by the State of New Mexico and it looks like it will be somewhere around \$50 a month. Commissioner Moncada clarified that this was the price to have a device in their car. Mr. Spere confirmed this. Mayor Carroll asked if there was going to be a statewide indigent fund set up for those who prove to be indigent to pay for the devices. He wanted to know if there was the possibility that the local governments would end up picking up these costs. Mr. Spere said that the way the Legislature set this up is that 10% of the money collected goes into the indigent fund. He said what was to be set up by regulation, which has not been set up is who is going to administer this fund. He said there have been suggestions that local government, Traffic Safety Bureau, or the counties with their regular indigent fund administer it. He said he spoke with Draeger and Traffic Safety Bureau today and now it looks like this may have to go back to the Legislature this session because of some hang ups in it. Commissioner Moncada asked what would happen to individuals if they could not pay it or if they refused to pay it. Mr. Spere answered that they would have a certain amount of time and then the car would stop. He said depending on what the State tells them to do, they would collect for the first month or two up front. He said that the equipment is set up so that it tells the person within a week of when their payment is due that they have 1 week and then the car is going

to stop. He said then the car virtually stops after the week and the person has to call them to get them to come out and reset the machine. Commissioner Moncada asked what happens when a family has one car and multiple people use the car to go to work, and the car stops because the device has not been paid for. She said that the State has caused the other members who use the car to be unable to get to work. Mr. Spere said that neither he, nor the State, nor the City has caused the other members anything. The person who caused this is the one who was arrested for DWI. He said we should not lose sight of that fact. Commissioner Moncada replied she understands that. Mr. Spere said people are well aware of the consequences of DWI, including the family members. He said one of the things that was done several years ago when someone was driving a car under a revoked license was the car was immobilized for 30 days. He said we already have that in the law. He stated this means that nobody drives that car for 30 days. He said that this was put in there so that the other members would do everything they could to keep the person with a revoked license from driving the car because they would end up having to walk. William Kirschner, City Attorney, stated that the interlocking device is restricted to vehicles that the person wants a work permit to drive. He said if you have a situation like this where the car has to be used for multiple people to get to work, and there is that danger there, the choice could be not to have a work permit for the person who cannot afford to drive that car. He explained therefore the interlocking device would not need to be on the vehicle and the others could drive it to work. He said if we do not have the interlock device, the State will not grant the work permit or the limited license as they call them.

Mayor Carroll asked if it was a condition that the person given the interlock device not drink any alcohol. Mr. Spere replied that the machines will be set somewhere between .03 and .05, but the State has not determined where yet. Mayor Carroll asked if it would be recorded in the log if someone who has an alcohol level that is too much to allow the car to start attempts to start the vehicle. Mr. Spere replied affirmatively. Mayor Carroll asked if this is a violation of the agreement. He said if someone has the interlock device and is concerned about not violating it, the best way for them to find out if they have had too much alcohol would be to blow into the device to see if they have too much to allow them to drive. He wanted to know if this counts against the person. Mr. Spere said that one of the points that is being argued is how many freebies are they allowed, one or two. He said if they try once or twice it will be on the record, but beyond that, it shows they are habitually going to try to drive that car. He said at that point it becomes a violation. He noted that the machines are set up where if it detects alcohol it will wait 15 minutes before it is tried again. He said this is because of residual alcohol. He explained that if a person has just put shaving lotion on or something that has a high concentration of alcohol and he goes out and blows in the device the car would not start because it

detects the alcohol. He said that 15 minutes later that alcohol will be dissipated and then the car will start. He said obviously you could not hold this against a person because it was just some shaving lotion. Mayor Carroll asked if the record was time and date stamped. Mr. Spere replied affirmatively. He explained it is a computer built right into the car and they download it from time to time.

Commissioner Robertson asked if there was a set time limit how long the device had to be on the vehicle. Mr. Spere said that right now they are talking about 1 year at the present time.

Mayor Pro-Tem Griggs clarified that if we do not pass this we do not grant our municipal judge the opportunity to allow for work permits. Mr. Spere said that is what he thinks, but Mr. Kirschner is more qualified to answer this. Mr. Kirschner added that this is correct. He said the permits are actually issued by DMV or the Traffic Bureau, but they will not do it unless we have it in the judgement so we have to have it in there if we want to allow this.

Commissioner Robertson said he spoke with Judge Steven Lee and Mr. McCourt. Judge Lee told Commissioner Robertson that if we do not pass this he does not have the authority to order these be put on if they want to drive to work. He said without this authority these people cannot put it on and the State will not issue it to them. He said what we are doing is giving Judge Lee the authority to allow these people to drive to work with these devices.

Mr. Ron Whitely, a member of the audience, stated that most second or subsequent DWIs end up with no car insurance. He questioned whether we have given any entertainment to making insurance a proviso to getting the device. He said many of them could not get insurance after the first DWI. He said not only do we have the possibility of somebody who is going to drive again and again, but is going to drive without insurance. He said it is time to consider the victims. Mr. Kirschner replied that the judge could certainly make that a condition of the sentence, but he has not looked at the sentencing authority of the particular judges so he cannot say particularly concerning that. He said this is another issue we will have to look at that is not connected to what is going on here. He has written an ordinance having to do with this and he would certainly be glad to circulate something if there is enough support. He said the problem is really on the State level. He said there does not seem to be sufficient enforcement. Mayor Carroll added that he believes there has been legislation passed specifically about what Mr. Whitely is talking about of much tighter enforcement for insurance. He said without it the license plates are removed from the car. He agreed that there are two different issues and the judges within their discretion will consider this. Mr. Spere said that he does

know that it is against the law to drive a vehicle that is not insured in the State of New Mexico. He by law would not be allowed to put the device in a car that does not have insurance on it. He added that this requires him to be diligent and to ensure that when the device is installed the person has insurance. Commissioner Easley asked if there was any recheck or verification after the device is installed that the insurance is still in effect in case they only purchased one month or something like that. Mr. Spere replied he is not sure how he is going to do this, but he is going to have enough of an investment here that he is going to have to do this.

Mr. Mick Hampton inquired what the effect on deaths in Pennsylvania was from the 10,000 detections. Mayor Carroll replied he did not know and Mr. Spere said they did not have that information.

Commissioner Cole moved to approve Ordinance 1171 Amending Chapter 24 of the Code of Ordinances regarding fines for second offense DWI. Commissioner Easley seconded the motion. All voted "aye." The motion carried by a roll call vote of 7-0-0.

4. Resolution No. 2003-01 determining reasonable notice of meetings of the Governing Body (Alamogordo City Commission).

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

Mayor Carroll asked Mr. Ted Dyer, a member of the audience, if he had a question on this item since he asked that it be removed from the Consent Calendar. Mr. Dyer asked what is "reasonable." Mayor Carroll replied that reasonable notice is determined by statute as a regular meeting is 5 days in advance, a special meeting is 24 hours in advance, and an emergency meeting is 3 hours in advance. Mr. Dyer asked how this was published. Mayor Carroll replied it is published in the newspaper and here at City Hall. Angie Rahn, City Clerk, explained that the Commission adopts the meeting dates in November the prior year. She said that we publish the entire list of all the yearly meetings in the legal section of the newspaper in November. She said this is posted on the bulletin board right out in the foyer and out in the front of City Hall and they stay posted the entire year. Mr. Dyer asked about special meeting postings. Ms. Rahn replied they are posted on the same bulletin boards and we follow the guidelines that are listed for special meetings and emergency meetings. Mayor Carroll added that he believes this is a uniform resolution that is adopted by governing bodies throughout the state. It is set out in State statute. Ms Rahn replied that is correct. Mr. Dyer asked if special meetings were published in the newspaper. Ms. Rahn replied that we post it and we fax it to the media to notify them of the meeting. She stated that faxing it to the media is not something we have to do legally, but we do it anyway. She added that we have the option of publishing or posting the date of the meeting, and we post it when it is a

special meeting. Mr. Dyer asked if we follow that up with a notice to the paper. Ms. Rahn replied that we fax the actual notice of the meeting to the media. Mayor Carroll added that was both print and broadcast media. Ms. Rahn confirmed that we also have it on the web page. Mr. Dyer said he was just concerned about the populace at large being notified of the special meetings because they might not make it over here to City Hall. He said he does not make it over to City Hall to see if special meetings have been called. Commissioner Easley said that the web page is the easiest place to check. Mr. Dyer replied many constituents do not have web access. Mayor Carroll replied that we normally give as much notice as possible, but the Resolution is set up as he explained by statute and is followed throughout the state. It is set up for the very purpose of doing a special meeting if necessary. He said that if we know we are going to have a special meeting and we know it early enough in advance then we notify the media earlier in advance. He said this says the minimums in which we are going to do it. It does not mean that if we are going to have a special meeting a week from today, we are going to wait until 24 hours before the meeting to let the media to know. Mayor Carroll said we would notify the media and public as soon as we know we are going to schedule a public meeting.

Commissioner Cole moved to approve Resolution 2003-01. Commissioner Cooper seconded the motion. All voted "aye." The motion carried by a roll call vote of 7-0-0.

5. Resolution No. 2003-02 adopting the Comprehensive Plan 2000.

Recommendation: Reschedule consideration of Resolution 2003-02. [Tabled from 11/19/02 Special Mtg.]

Commissioner Cooper moved to table Resolution 2003-02 until the January 28, 2003 meeting. Mayor Pro-Tem Griggs seconded the motion. All voted "aye." The motion carried by a vote of 7-0-0.

Mayor Carroll stated that the item is not available for discussion when it has been tabled. Ms. Few said she wanted to let the Commission know that they have been able to finally open the map files. She said they will have the materials to the Commission no later than the 28th and there will be more changes than they originally had reviewed at the meeting of November 19th. She suggested they may want to set a special meeting after they get the materials so they have time to review them. Mayor Carroll asked if the extent of the changes will be with the maps and not with the narrative that they have already been through. Ms. Few replied that the narrative was not the problem. She said the problem was getting into the maps and getting them open. She said that if it were not for the efforts of the City MIS department and Dale Emrich of the GIS department the maps would not be open today.

OTHER BUSINESS:

8. Appropriations from the 94 GRT Bond Refunding.

Recommendation: Establish an amount for use by the Golf Course for planning the construction of a future Clubhouse facility.

Mr. McCourt said this is an item we have been discussing since he has been here. He knows we have had it in our ICIP since he has been here to rework the clubhouse at the golf course. He said there was quite a bit of discussion at the time we did the bond refunding about looking at the clubhouse or convention center as one of the uses of the funding. He said he thinks it is a good idea to start working on this and planning for this. He mentioned that many of them have had an opportunity to go through the clubhouse. He said it is old and there are problems with the existing building that need to be fixed. He thinks we need to start the process to decide what we are going to do with the facility. He said that he thinks that 18 months is a reasonable amount of time to work with the professionals at the golf course. He suggested the Commission set up a committee to work on this particular subject and form a consensus about what we want to do there. He said there are many decisions that need to be made and brought back to the Commission before we get an architect on board. He stated the questions of whether we want to renovate the existing building, build a new structure, and if so, where, and what facilities we want there as examples. He said they are asking to set aside some money to start working on this. Commissioner Moncada asked for clarification on what the \$100,000 was going to pay for right now. Mr. McCourt said he would expect that the bulk of it will go for architectural fees. He said right now, there is a lot of work that needs to be done by a committee to bring a general concept to the Commission. He thinks this will give them encouragement that the Commission is sincere about wanting to proceed with the process. Commissioner Robertson asked if he was wanting to take this out of the current golf course committee's hands and put it in another committee's hands. Mr. McCourt replied that we do not have an official golf course committee and that is why he suggested we set up a committee for this particular project. He said we certainly have some very active individuals who have worked hard on the golf course and he would strongly support their representation on this committee. He said he thinks we should have the golf course professional, the golf course superintendent, and perhaps a couple Commissioners on the committee. Commissioner Robertson asked if we were talking about the golf course tonight or if we were talking about a convention center too. Mr. McCourt replied that there has been discussion in reworking the facility to possibly be used as a convention center also. Mr. McCourt said that decision has not been made and this is one of the areas this committee should debate and discuss and bring back

their recommendation to the Commission on what needs to be done in that area.

Mr. Grant Dalpes, the golf course professional, said he wrote the letter requesting this item. He said that this has been talked about for several years. He would like to chair the committee and his primary goal would be what is best for the golf course. He said that is what he is after and if something else can bloom from it that is fine, but the golf course needs have to be number one and the clubhouse has to be situated in a place that is going to be good for the golf course. He said that would be most of the work the committee would have to do for the first part. He added that they would probably not spend money until they develop those things like what we are going to do, where we want it, and what it is going to house. He said that after this, we would have to survey and obtain experts advice and that is when we would have to spend some money. He said his concern and the committee's concern (he said he believes he is speaking on their behalf) is that we want what is best for the golf course. They do not mind if something else transpires from this, but they emphasize their priorities. He said there are a lot of things that have to go into the planning like the input from the Commission, input from the golfers, and the committee that is concerned about the golf course.

Commissioner Moncada asked if we are tying up all the money from the bond by saying convention center/clubhouse and if we will have any money for a convention center now. Mr. McCourt said there is a large lump sum of money that has not been appropriated to any individual projects. He asked Ms. LeeAnn Nichols, Finance Director if she knew the amount that has not been designated. Ms. Nichols replied from the audience to the effect that she believed there was 1.3 million dollars designated for the clubhouse/convention center purposes. Mr. McCourt clarified that we were not asking for all the money to be appropriated for this project here. He said that it would be up to the Commission to decide how the remainder of the funds would be used.

Commissioner Robertson asked if we need to put these figures on the line tonight. He said he thinks they should give Mr. McCourt the authority to appoint this committee and let them discuss where they want it, what they are putting in it, and come back with some facts and figures. He would like to see this set aside until a committee can come back with something firm. Mayor Carroll replied that at the point the committee comes together and sees what we need and want you go out and pay for some expertise to tell you what your wants are going to cost you. He does not know that this committee is going to have the expertise to decide not only what they want, but also how much it is going to cost to do it. He thinks that is where the expertise you hire comes in along with an architect for the design. This will tell you whether what you want to do is feasible or not feasible. He said that

is the point that he sees the money being spent. He said up to that point we may commit to expend up to so many dollars, but we are not going to actually spend any of it until the committee makes some recommendations, and the committee and the Commission are in agreement that is what we want to do. Commissioner Robertson said that is why he would like to see this put off until such time the committee could bring the information into the Commission. Mayor Carroll said the architect is at the tail end of this process. He thinks what they are asking for is some assurance that if they go through the work and effort to come up with something that something will happen at the end of it. Commissioner Robertson said that is his question, do we need to actually allocate the \$100,000 tonight, or should we see what we need to do before we do that. Mayor Carroll replied he thinks we can allocate it, but it does not necessarily commit it to spend the entire \$100,000, but it shows that the intent is there to follow through with the process.

Mr. McCourt said that at the point the City would be going out to hire an architect they would go out on a professional service contract. He said we expect that would be over \$25,000, which is the legal limit and at this point it would have to come back to the Commission for approval. He asked that if they are uncomfortable setting aside that amount of money, that they set aside some money. He said there are going to be some things that have to be done even in the preliminary stages. He gave examples like a surveyor having to go out and mark corners and the expense of maps.

Mayor Pro-Tem Griggs reminded the Commission that when we were first discussing the refinancing of the bond he suggested they put \$750,000 towards the building of a clubhouse. He thinks it is perfectly reasonable to establish an amount for them to get started on a clubhouse facility which is what our recommendation is, to establish an amount for use by the golf course for planning and construction of a future clubhouse facility. He stated that he is certainly willing to support that tonight and to go with \$100,000.

Mr. Dalpes said that he knows that he, personally, and several people on the committee will not start a project until they know there is some funding there. They are not going to go through a bunch of leg work and then find out down the road that it is not acceptable, and we decided we do not want to do this and all we are going to do is go in there and fix that thing up. He said he knows that is not possible. He added they are not very comfortable with saying, "let us get started on it" with no funding. Commissioner Easley said that it occurs to him that to say we will give you funding and take whatever you come up with would be irresponsible. He clarified that it is not that he does not trust what they will come up with, but we might not like what they come up with or we may not be in a position to do anymore on it because of financial exigency that occurred to the City. He said Gross

Receipts Taxes continue to go down and maybe we will not have the money. He said we all have to be hopeful that we will have the money to do something on the clubhouse. He added that he supports it and supports getting some money ready. He is not sure they can support the concept that they should allocate the money so they can support whatever it is they (the committee in general) come up with. Mr. Dalpes said he wrote in his letter that they would report to the Commission on a regular basis. He said it is not something that they plan on going out and coming back with this idea. He stated that they want involvement from the Commission and probably need to have a Commissioner or two on the committee as well as the City Staff and the golfers, just as the same basic board when we remodeled the golf course. He said that was a very positive project for the City of Alamogordo. He said there were some mistakes made and things we could correct now, but they did a pretty good job from where they started. He said they need something to get started so they know the Commission is just as committed as they are.

Commissioner Moncada said she does not have a problem with that. She would go with \$750, rather than just giving them the whole \$100,000 to play with. Commissioner Easley corrected that she meant give them \$75,000. Commissioner Moncada confirmed that is what she meant. Mayor Carroll said that the dollar amount is not near as important as the commitment. He said if we are uncomfortable with \$100,000, let's say \$25,000. He added that when we get to the point that the Commission agrees that we are going to go out and hire someone to put this together for us, the \$25,000 is not going to be enough and we are going to have to fund the additional amount. He said whether we put the \$100,000 in a line item tonight or only part of it in tonight, we are going to have put in some money that is near the low end, and hopefully not anywhere near the high end. He said he is not uncomfortable with making it \$100,000 and stated that just because it is in there we do not have to spend it all.

Mayor Pro-Tem Griggs asked Mr. McCourt about the library work line item. Mr. McCourt said the line item was for the feasibility study and the architectural work and drawings. He asked Ms. Nichols if she remembered the amount. Commissioner Cole said he went back and got those figures. He said the total was \$92,209 for a \$6 million dollar project. He said he got the figures from the Finance Department. Commissioner Cole said that in the negotiation the \$750,000 was the correct figure from Mayor Pro-Tem Griggs for this project. He added that in the negotiations some of them were looking at a combination clubhouse/convention center. He said he knows some of the Commission did not support this, but it was brought up as a possibility. He added that there was not support for a conference center up by the university at that time by a few of the Commissioners. He said he does not have a problem with the \$100,000, but he does not see why we cannot go ahead and go out for the architectural services to

answer those types of questions instead of paying \$100,000 for an investigation then go back on top of that for a bid for architectural services. Mayor Carroll corrected that we are not talking about doing this twice. Commissioner Cole replied that the thing is we keep doing study after study. He said he understands through Code Enforcement that Mr. Vandergriff has actually been inspecting that building. Mr. Dalpes replied that he has. Commissioner Cole said he thinks Mr. Vandergriff is getting a report put together. Mr. McCourt replied that he has a copy of that report. Commissioner Cole said he asked Mr. Vandergriff if he had an estimate and if that building could be renovated. Commissioner Cole said that Mr. Vandergriff told him that he estimated it could be renovated to a good building at approximately \$200,000. He stated that he has not read Mr. Vandergriff's report yet, but would like to. Mr. McCourt replied that he has the report, but that Mr. Vandergriff did not make that type of analysis in his report. He did an inspection of the structural integrity of the building and some of the items that would need to be addressed. He did not prepare a cost estimate on redoing those. Mr. McCourt said he would be happy to share the report and explained it has color printing in it so he did not make copies for everybody.

Mayor Carroll said that one of the things that he would expect this committee to do is look at the feasibility of renovating the current building to meet the needs of the golf course. He reminded everyone that the building was a country club, not a golf course clubhouse so there are some areas that are non-functional solely for a clubhouse. He added that he had a problem with what happened with the library where a figure was thrown out there of \$6 million dollars and so we ended up designing a \$6 million dollar building. That is not what he wants to see come out of this clubhouse project. He wants recommendations of what we need, what will satisfy, and what will be functional for what we are trying to do at the golf course. He is not wanting them to go back and design a \$1.3 million dollar clubhouse. He said the first thing is to figure out what you want and need, and then you figure out what it is going to cost. He said that derives whether or not you can afford to do it. He said if we can do for \$400,000 what needs to be done, then that is all he wants to spend. Commissioner Cole said he completely agrees with Mayor Carroll.

Commissioner Cooper said that golfers are a rare breed. He said they travel all over the countryside and the world. They have seen different clubhouses and think they are beautiful. He said if they come together and put the features they like into one clubhouse we could come up with something really good. He said he thinks we need the seed money to get this thing off the ground and suggests we stay with the \$100,000 and get going on this.

Commissioner Robertson moved to approve \$100,000 for planning the construction of a future Clubhouse facility. Commissioner Cooper seconded the motion.

Commissioner Moncada asked about the committee. Mayor Carroll said he had no problem with appointing Mr. Dalpes to set up a committee to proceed along the lines we have been discussing. Mr. Dalpes replied he could bring back who he plans on being on the committee for the Commission to approve. Mayor Carroll asked that all the various interest groups are represented on the committee. Commissioner Easley asked that they appoint a couple of citizens who are not golfers to the committee so they can get the perspective of most of the citizens who do not golf.

Mr. Ted Dyer, a member of the audience asked where we are on the flood control project. Mayor Carroll replied this has nothing to do with what we are discussing. Mr. Dyer replied that he thinks it does because the bond issue was for flood control. Mayor Carroll replied it was for several purposes. He explained that one of them was to refund the portion the City needed for flood control and that has been done. Mr. Dyer said he brings this up as a citizen of Otero County who lives within 5 miles of the extraterritorial zone within the City's responsibility for planning, and it is rumored that the north channel has a very detrimental effect on his property and his life and the lives of some 200 to 300 residences in that part of the County. He said he needs to hear from the Commission because he has heard that they do not have the money for the dam at the mouth of Dry Canyon and Beeman Canyon in lieu of the ditch that was to be installed there on the north channel. Mr. Dyer said that if we do not have the money for our 25% of 3 million, which is \$750,000, for the dam, which was mentioned here today, that this is why he believes it is relevant. Mr. McCourt said he has an item that he will be discussing later this evening under his report on flood control. He will be asking the Commission to schedule a special meeting for that purpose. Mr. Dyer said he appreciates that, but he would hate to see something go to a vote using a bond issue. He thinks the Commission has a responsibility if they have a portion of that flood control that the bond was allocated for and now they are saying they do not have the money. Mr. McCourt interjected that the Commission discussed the refunding at very great length and allocated a portion of the refunding proceeds for purposes of flood control. Commissioner Easley said he recalls \$3 million dollars being allocated. Mr. McCourt continued that it is reserved and being used for that purpose and no other purpose. He stated that there were additional funds made available through the refunding that the Commission discussed at very great lengths of other needs in the community also. He stated that is the portion of the money they are discussing now. Mr. Dyer said he understands this, however the availability of that money came from a bond that was construed for flood control. Mr. McCourt responded that was not true. He said that money

came from a Gross Receipts Tax that had virtually been used for all recreation type projects in the past. He said that when they refunded it the Commission agreed to allow a portion of that to be used to help fund the flood control project. He said that in the past it was used for the golf course, the swimming pool, the recreation center, and the ballfields. Mr. Dyer replied that he understood what they were saying, but it seems to him that if they needed money to facilitate the construction of their 25% that was designated by the Federal program to construct a dam up there, they would not use \$750,000 to construct something that was "nice". He said that tonight he heard them say keywords like needs, wants, effective, and affordable. He said he would add to that list "protecting the citizens and being responsible." Mayor Carroll replied that we do not know the cost to build the dam at this point. Mr. Dyer responded that the Corp of Engineers briefed it at \$13 million. Mr. McCourt pointed out that perhaps Mr. Dyer should ask the County Commission to come up with some money to protect those County residents, which he is one of. Mr. Dyer replied that Mr. McCourt knows they have a 5-mile extraterritorial responsibility. Mr. McCourt replied that we do not. Mayor Carroll said that we do not have a flood control protection requirement in the extraterritorial zone. Mr. Dyer replied that they designed this program to protect the citizens and they are saying that the Otero County residents are not their responsibility. He said he is asking the Commission to take a look at this thing, if they have to have this golf course clubhouse then make it so stated. He asked what about the flood control that they have been so adamantly pursuing for the City of Alamogordo and its residents. He told Mayor Carroll that he (the Mayor) has said it is the County drawing the line. Mayor Carroll responded that we have other sources of funding to meet our obligations under the flood control project in the long term. He stated that this discussion was a lengthy one of what the City wants to provide to its citizens. He added that there are many needs and wants in the community and the job of government is to try to recognize and address as many of those as they can. He said they are not considering building a clubhouse at the expense of the flood control project. He said the fact that they are allocating some City resources to something other than the flood control project does not mean that we do not care about the flood control project. He illustrated that the fact that we fund the police department does not mean that we do not care about the flood control project. He stated that the flood control project has been ongoing. There has been discussions. There is still engineering going on. He said that for us to say we cannot consider building a clubhouse at our golf course now because we may need some additional funding in 2009 for a flood control project makes no sense. Mr. Dyer said it does not make sense to him either. He said it also makes no sense to him that the City would make the statement that they do not have the money to build a dam. Mayor Carroll replied he did not say we did not have the money, and told Mr. Dyer he is the one that said that. Mr. Dyer replied that is what is rumored. Mr. Dyer restated his question of "where does the flood

control on the north project north channel stand"? Mayor Carroll replied that Mr. McCourt said he is going to discuss a special meeting on the flood control project for later this month or next month. Mayor Carroll said he does not know and neither does Mr. Dyer, what the proposed modification to the flood control project is going to cost. Mr. Dyer replied that he does know and he believes that Mayor Carroll knows too. He said they were briefed here in this room and the minutes will reflect it was 13 million dollars. Mayor Carroll asked versus how much. Mr. Dyer replied versus 10, it was an increase of 3 million dollars. Mayor Carroll said that number was an estimate by one of the Corp of Engineers people off the top of their head. Mr. Dyer replied that it was not off the top of their head, it was over 12 months of engineering study to obtain that figure. Mayor Carroll replied there will be plenty of time to discuss the flood control project. He added that if every time the City wants to spend money on something other than flood control Mr. Dyer comes up and tells us we cannot do it because we need to do flood control. . . Mr. Dyer interrupted and told Mayor Carroll that he could cover it however he needs to, but his problem is if we are taking monies that were allocated to it. Mayor Carroll reiterated that we are not taking monies that were allocated to flood control. Mr. Dyer replied that we allocated 3 million of this and we have 2.47 million over to do capital outlay. Mayor Carroll replied no. Mr. Dyer said his needs and requirements change often and when they change he is sometimes required to spend money that he did not allocate. Mayor Carroll replied that the funding source that we are using for the golf course and some of the other quality of life issues, recreation type things had traditionally been allocated totally for those projects. He said we financed the bonds to generate the 8 million dollars. Mr. McCourt stated that this is a totally irrelevant argument and the reason it is irrelevant is the refunding issue has to be spent within a specified period of time. Mayor Carroll said it has to be spent within 3 years. Mr. McCourt replied that we will not even be close to that project in that period of time. Mayor Carroll stated that in any event we have not taken 2.5 million from the flood control project. He explained that in essence what they did was take 3 million from recreation projects and put it towards flood control projects. Mr. Dyer replied that he understood and he did not want the flood control project per se. He asked that they consider paying for what they are going to do with flood control now rather than waiting. He said their quarter share would be \$750,000. He asked if the Commission would think about it before they allocate this portion out of the bond where they already allocated 3 million. He said maybe they should take a little more, the 25% and facilitate that north diversion dam instead of a channel. Mayor Carroll reiterated that there are requirements in the bond to have it spent within 3 years. He said they could not take this \$100,000 and reserve it for a project that is coming up in 2008 or 2009 whenever that portion of the project happens. Mr. Dyer said he does not recall when that portion of the project is scheduled, but he recalls it being 2007. Mayor Carroll replied that it still

is past the time. He added that he does not think it is that soon. The overall project is running behind.

The vote was taken on the above motion to approve \$100,000 for planning the construction of a future Clubhouse facility. All voted "aye." The motion carried by a vote of 7-0-0.

10B) Award of PW Bid No. 2002-017, Oregon Park Tennis and Basketball Courts Resurfacing.

Recommendation: Award bid to 3 B's LLC, in the amount of \$25,780.78 (including NMGRT).

This item was pulled from the Consent Calendar by Mayor Carroll.

Mayor Carroll said that while the bid was for resurfacing 4 of the tennis courts, they actually have 8 tennis courts. It seems to him that this may be an opportunity to do all 8 courts at the same time instead of doing part of them now and part of them down the road. He said the price we got seems fairly reasonable so he asked Mr. McCourt to maybe consider a change order to do all 8 courts. Commissioner Robertson recalled the original estimate to be about \$50,000 to do them. Mr. McCourt replied that was correct and we have a much better price on this than we anticipated. He said that we would support the request to do all 8 courts at this time. He noted that our concern is that we normally restrict any change orders to 10% of the original bid amount. Because this is a large change we would negotiate with the bidder, we anticipate we would exceed that amount. He said that we would not feel comfortable doing that unless the Commission would wish to move in that direction. Commissioner Cole asked if we were also doing the rink over by the Boys and Girls Club. Mr. McCourt replied we were also doing that and we believe we will have sufficient funds to do it. He explained that the reason it is not in this bid is that it is a different type of resurfacing process that will be done. He said it will be bid separately. Mayor Carroll said his recommendation is to give Mr. McCourt and Parks and Recreation the leeway to decide whether or not it makes sense to make a change order at some point. He pointed out that the item on the agenda tonight is to award exactly what was bid.

Commissioner Cole asked if they had decided not to do the basketball courts. Mr. McCourt replied they are being done as part of this bid here. He said this is for the basketball courts at Washington, and four of the eight tennis courts. Mr. McCourt said they feel they have sufficient appropriations to do all 8 of the tennis courts. Commissioner Cole asked if they were combining the 2 for that amount of money. Mr. McCourt replied that they feel it would be prudent while we have the contractor mobilized and here to see if we could not get all of the courts done. Commissioner

Robertson asked if we had the estimate of what it would take to do the other 4. Mr. McCourt referred this question to Mr. Matt McNeile, Community Services Director. Mr. McNeile answered from the audience to the effect that the additional 4 courts would run approximately \$18,000.

Mayor Carroll suggested we award this bid as advertised and give staff the authority to visit with the contractor and see what kind of a price we would get on expanding the project. Commissioner Easley replied he agreed with this, especially since there was only one bidder on here.

Commissioner Cooper moved to award Bid No. 2002-017, Oregon Park Tennis and Basketball Courts Resurfacing. Commissioner Cole seconded the motion. All voted "aye." The motion carried by a vote of 7-0-0.

11. Appointments to Boards and Committees.

Airport Zoning Board. One vacancy.

Alamogordo Disability Council. Two vacancies. Mayor Carroll appointed Mr. Ed Grabman and Mr. Mark Goffman.

Community Development Advisory Committee. Three vacancies.

Mayor's Committee on Aging. One vacancy.

Parks and Recreation Board. Two vacancies.

Senior Volunteer Programs Advisory Council. One vacancy. Mayor Carroll appointed Mr. Paul Vigneault.

All remaining vacancies were rescheduled.

The meeting recessed at 9:10 p.m. and was reconvened at 9:20 p.m.

SCHEDULED COMMUNICATIONS FROM THE PUBLIC:

12. Mr. Harold O'Dell - concerns regarding Monte Vista Cemetery.

Mr. O'Dell asked the Commission for their thoughts on getting some additional funding for maintenance and so forth at the cemetery. He asked the Commission if they had done the replat on the new sections tonight before he got there or if it was scheduled for a later date. Mayor Carroll replied that was not on here tonight. Mr. O'Dell explained that the new sections behind the Optimist field were numbered entirely different than the other sections so they told him they have to do a replat. He said he does not understand because it is just a renumbering. He said they are

reluctant to get started in there because the easements that are between the sections where the water lines would go do not have the water lines in there. He explained that the water lines were put in before the surveying was done. He said that if you look at the maps, instead of the water lines coming straight down through the easements, they come at an angle through corners of the section. He said he does not think this is good. He said that the cemetery crew does not want to have to be patching a water line back together every time they dig in that section. He explained that if they take all the money that it is going to take to move these water lines to where they should be, they will take all the maintenance money away. He asked that the Commission work with Mr. McCourt and Parks and Recreation to find some additional funding at least short term to help get through this process.

Mayor Carroll responded that he understood that the concern was the numbering of lots being numbered from front to back instead of back to front or something. Mr. O'Dell replied that they zigzag around. Mayor Carroll said that he thought there was some disagreement whether we started selling those spaces from the front to the back or back to front. Mr. O'Dell said he did not know there was any discussion on the new full grave section of selling those in different areas. Mayor Carroll replied that he does not think this has come before them at this point. Mr. McCourt replied that we did approve the plat.

Mr. O'Dell stated his concern was funding on this (the water line issue) taking away from maintenance funding. He said it was from the Enterprise Fund, which he does not completely understand. Mr. McCourt replied it is a heavily subsidized Enterprise Fund. Mayor Carroll added that it really is not an Enterprise Fund because it does not pay for itself. He explained that part of the money is allocated to go into perpetual care, but it is highly subsidized by the Commission.

Mayor Carroll told Mr. O'Dell that the Commission would be willing to work with the Cemetery Board, Doug Quam, and Matt McNeile to rectify the problem. He said they cannot say how much additional funding they will be able to put into it this fiscal year. Mr. O'Dell replied it is an unknown, but he wants them to be aware that those requests may come up. He asked that they give them serious consideration when they do. Mayor Carroll replied they would.

UNSCHEDULED COMMUNICATIONS:

A. Paul Winrow, an employee of Albertson's, came forward to explain the store's closure and thank the Commission and the community.

Paul Winrow, an employee of Albertson's, came forward to clear up a couple misconceptions on the Albertson's store which is closing. He said that in the 11 1/2 years that they have been in business, they have always made a profit, and they are still making a profit. He said that the market share they have is well above industry standards. He said they are doing well on both accounts. He continued that the main reason he is here on behalf of the employees is to thank every Commissioner, Mayor Carroll, businesses, and the innumerable people who have given their support not only in the 11 1/2 years, but now. He said we are an opinionated, bickering, discorded people as you can see here. He said we are not afraid to state our opinions and act upon them. He said that when threatened, the people of this town really come together. The amount of support they have gotten has moved all the employees at the store. He said he called his sales manager in Phoenix a couple days before to find out the store closing procedures. He said the first thing the manager mentioned was that he received a call from the Mayor of Alamogordo. He said this was unheard of, they had never gotten anything like this before in all the other closings. He said they are hearing from Pete Domenici, the Governor, and Senator Bingaman. He said it is a long shot that they will save the store. He reiterated on behalf of all the employees their thanks for the support, the petitions, and the calls. He said it has really moved them and it is greatly appreciated.

Mayor Carroll thanked Mr. Winrow. He said he had planned to comment on the Albertson's closing. He said that the President of the Chamber of Commerce, Ed Carr, and he, himself, did have a telephone conference with some of the management of Albertson's. He said they wanted to see if there was any way we could provide more information to them on some of the things that were happening or could happen here in our community to see if they had factored those things into their decision. He said that they were told that they were very impressed with the support from this community, including telephone calls, emails, and everything else. He said they were also impressed with the increased volumes of sales that the store experienced over the past several days following the announcement. He said that they were also very frank that even if they could sustain the increased levels of sales, it was not sufficient to generate the revenues they felt they needed to have from this store as part of their long range strategic plan and this sort of thing. He said that they never indicated that the store was not profitable. He said that what they have said is that in their planning, this store does not fit into their long range plan. He said that they gave us no hope that the decision would be reversed. Mayor Carroll said he did thank them for the support that Albertson's and its employees have given the community over the years. He said they have truly been outstanding corporate citizens and partners and members of our community. He said it is a sad thing that decisions are made in corporations that impact a small number of people in one area. He stated

that this is not the only store they have closed. They have totally gotten out of a number of markets. He said they have either closed or are in the process of closing 165 stores. He said that what this brings up is a need for this community to take another look and make a commitment to shop here at home. He said we still have a tremendous amount of leakage to neighboring communities where people tend to go to shop. He said those monies that leave Alamogordo make it difficult for not only the locally owned businesses, but in many cases national chain businesses to reach the level of profitability they need or have determined they are going to have. He said Albertson's is a tough example of this and may be a belated wake up call.

Commissioner Cooper asked what the relationship was between Albertson's and Walgreen's as far as the liquor license was concerned. Mayor Carroll replied they are not affiliated with Albertson's at all other than they share a common building. He said they do not share a liquor license with Albertson's.

B. Mr. McCourt reviewed the water report, set up special meetings for the La Luz/Fresnal Canyon water issue, the flood control project, the City's investment funds, and the Subdivision Ordinance and thanked the Commission for allowing him to serve for 5 years.

Mr. McCourt said he had passed out a water report to the Commission tonight. He explained that we continue to be in much better shape than we were last year at this time. He said our wells have been off since about October allowing them to recharge as well as filling our reservoirs. He said we are ahead of where we were last year at this point in time. He said the north reservoir cover is due for completion in about 10 days. Kevin Heberle, City Engineer said it would be about a week. Mr. McCourt said at that time we will begin filling that reservoir also. He said at this time our condition looks much better than it did a year ago.

Mr. McCourt said he also passed out a memo this evening dated 01/13/2003 concerning an individual who would like to have a meeting with the City concerning the La Luz Fresnal area. He said this is a follow up to the meeting when the State Engineer was down and discussed the limitations he is putting on new wells. He said he will set up the meeting if they are interested in attending the meeting. He said they have asked for January 23rd or 24th. Commissioner Cole, Commissioner Robertson, and Mayor Carroll replied they would like to be invited. Mayor Carroll asked that it be posted and set up as a meeting. Mr. McCourt told Angie Rahn, City Clerk, he would coordinate this with her.

Mr. McCourt said that some time back he and the Finance Director discussed our use of the State Investment Pool for investing purposes. He

said that our concern was that as interest rates begin to rise, this will be a lagging lift for us because of the nature of the pool and the type of investments. He said we may want to look at other ways of safeguarding the money and increasing our potential income from interest earnings. He said they would like to schedule a special meeting to discuss this issue and this issue alone on February 18th. He said that would be between our regular meetings in February. Mayor Carroll reminded him that February 20th was Municipal Day in Santa Fe. A couple Commissioners responded that a daytime meeting would work for them. Mr. McCourt replied he would set it up with Ms. Rahn.

Mr. McCourt said he would also like the Commission to consider a special meeting on February 11th from 3:00 to 5:00 p.m. with the County Commissioners. He stated that the purpose of this meeting would be to discuss the flood control project and some additional information that we just received as of early December from the Corp of Engineers. He said he knows the County is quite interested and he has talked with them. He said they have a regular meeting scheduled that evening and we do too, that is why we want to schedule it from 3:00 to 5:00 p.m. on Tuesday, February 11th. Mr. McCourt asked if this was acceptable and there were no objections voiced. He said he would coordinate this meeting then.

Mr. McCourt said he was completing 5 years of service. He thanked the Commission for allowing him to become part of the community and serve as City Manager.

Commissioner Robertson asked Mr. McCourt if the Biomass meeting for tomorrow had been cancelled. He confirmed that they (Biomass) cancelled it.

Commissioner Cole asked Mr. McCourt about the Subdivision Ordinance. Mr. McCourt replied that we were looking at it being on the agenda for January 28th. Mr. McCourt noted that we will also be looking at the proposed water conservation ordinance at that time and it may be a lengthy topic. He asked the Commission how they would like him to proceed. Mayor Carroll replied that he thinks they could overload themselves very easily. He said the Subdivision Ordinance is complicated enough. He said he has read through it and he has some concerns. He suggested another special meeting devoted just to this cause. Mr. McCourt asked when they would like it scheduled. February 4th was suggested with no objections. Commissioner Cole asked if everyone had a copy of the current ordinance. Mr. McCourt replied that it was in the code book.

Commissioner Cooper stated his sadness about seeing Albertson's close. He said there were a lot of good people there and they are really going to struggle now. He said that hopefully we can help them in some way.

C. Commissioner Easley commented on the closing of Albertson's and on his own resignation from the Commission.

Commissioner Easley urged everyone to continue their phone calls and emails to Albertson's and see what can be done. He said there is no reason to give up now, even though the odds are not good. He said he has lost track of how many times the Commission has changed their minds because all though they had decided one thing, citizens came to them with their sincere and often passionate concerns about the issue. He said that they adjusted their way of thinking and accommodated the concerns.

Commissioner Easley also announced to everyone that he had accepted a job with the Governor's office in Santa Fe, as many people already were aware. He said his secret was busted in part by our ace reporter, Megan, at the Alamogordo Daily News who published it in the paper a few weeks ago. He said he will be leaving Thursday morning to go start his first day of work in Santa Fe. He said he is looking forward to the opportunity to be the Deputy Chief Information Officer for the State of New Mexico. He said it is an exciting chance for him and a good opportunity for Alamogordo. He said he will be able to continue to pursue the interests of Alamogordo in Santa Fe. He said he will do so at every opportunity he can get. He told everyone that he has really enjoyed being on the Commission up to and including this very night. He stated it has been a really interesting job and he is glad he did it. He said he does have to resign, but he has told the other Commissioners that his plan is to resign at the end of the month following the next meeting. He said he could resign now, but he is trying to allow the Commission enough time to work out the details of his replacement. He stated that the Charter requires his replacement be appointed rather than elected since he is in the second half of his term. He thanked the public and the City personnel for making his term a great pleasure on the City Commission.

D. Mayor Pro-Tem Griggs commented on Robert Hawkins and Debbie Raymond and Commissioner Easley.

Mayor Pro-Tem Griggs told everyone that he had spoken with Debbie Raymond recently and neither she nor Robert Hawkins are doing very well. He encouraged anyone who knows them to take an opportunity to call them or visit with them. He said that Mr. Hawkins cannot leave his house. He does not know what affects Mr. Hawkins, but he believes Ms. Raymond has cerebral palsy. Brian McGuire, Personnel Manager, commented from the audience. He suggested contacting Mr. Hawkins through e-mail and said Ms. Raymond may still be in the hospital.

Mayor Pro-Tem Griggs commented that it was an opportunity for Alamogordo to have an insider in State Government with Commissioner

Easley moving to Santa Fe. He said that hopefully he will be able to help us out every now and again. He wished Commissioner Easley well. He said Commissioner Easley has worked hard on the Commission. He said that even though there have been times when there were disagreements among the Commissioners, Commissioner Easley has always done what he felt was right. He said that is what you elect the person for. He said he appreciates the work Commissioner Easley has done.

E. Mayor Carroll thanked Commissioner Easley, discussed the vacancy appointment process, and thanked Mr. McCourt for his 5 years of service to the City.

Mayor Carroll told Commissioner Easley that all though his time on the Commission had been short, he had some good innovative ideas and some enthusiasm that they could pick up from. He wished Commissioner Easley the best of luck in Santa Fe.

Mayor Carroll said the Charter is somewhat specific on the procedure they need to follow in appointing a replacement, yet there is a lot the Charter does not spell out in exactly how to go about doing it. He said he has had some discussions with the City Clerk regarding how they may want to consider approaching this. He suggests that when the vacancy exists, they allow a period of time, probably a week, to allow people to pick up a package which will contain their affidavit that they are in fact eligible to fulfill the position as far as residency, registered voter and other requirements that are in the Charter, and an application that asks for information that would give them a little insight to those people they may not know personally. He said once they get these statements of interests they can proceed with the nomination process at the first regular meeting following the effective date of Commissioner Easley's resignation and at the subsequent meeting they would appoint one of the nominees. He asked if anyone else had any ideas they wanted to bring up for discussion. No one voiced their ideas. Mayor Carroll recommended they proceed with accepting applications for a week after the vacancy.

Commissioner Robertson asked if people could go ahead and start picking these applications up. Ms. Rahn commented that she believes they need to wait until we have a vacancy on the Commission, which is the effective date of the resignation.

Mayor Carroll thanked Mr. McCourt for the job he has done for the City for the past 5 years and said he looks forward to many more years of Mr. McCourt being with the City.

EXECUTIVE SESSION: Adjourn into Executive Session to discuss acquisition of real property, acquisition of water rights, and pending litigation.

The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of January 14, 2003 was adjourned into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

Commissioner Cooper moved to adjourn into Executive Session to discuss acquisition of real property, acquisition of water rights, and pending litigation. Seconded by Commissioner Robertson. All voted "aye." The motion carried by a roll call of 7-0-0. The Meeting was adjourned at 9:58 p.m.

Mayor Donald E. Carroll

ATTEST:

City Clerk Angie J. Rahn

(SEAL)

(Prepared by Chief Deputy Clerk Betsy C. Kidwell)

Approved at the City Commission Regular Meeting of January 28, 2003.



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