

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
7:30 P.M., COMMISSION CHAMBERS
MARCH 28, 2006**

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

**COMMISSIONER CHRIS LUJAN
COMMISSIONER STEVE BROCKETT
CITY MANAGER PAT McCOURT
CITY ATTORNEY KEN McDANIEL
CITY CLERK ANGIE RAHN-BROYLES**

Call Meeting to Order and Roll Call.

The meeting was called to order at 7:30 p.m., and all of the members of the Commission were present. The Invocation was given by Rev. Bill Heithold, and the Pledge of Allegiance was led by City Commissioner Marion Ledford.

Mayor Don Carroll said Mr. Jesse Placker and Mr. Paul Banse, citizens of the community, had recently passed away and he wanted to extend sympathies to their family and friends. Mr. Jesse Placker had been very active in the community advocating for the handicapped, and Mr. Paul Banse was a regular attendee at the City Commission meetings and was very vocal in giving the Commission guidance.

PRESENTATIONS:

1. Presentation of plaque to Mr. Eugene G. Everett for his years of service on the Housing Authority Board.

Mayor Carroll presented a plaque to Mr. Eugene Everett for his years of service on the Housing Authority Board. Mr. Everett thanked the Board members, Commissioners, and especially Mr. John Robertson and Mr. Don Cooper.

Mayor Don Carroll noted that Item Nos. 10, 11 and 12 had been withdrawn. Also, there had been a request from the petitioner on Item No. 3 to reschedule to when they could be present.

CALL OF THE CONSENT CALENDAR:

The Mayor then asked if there were any Items on the Consent Calendar that the Commissioners or anyone in the audience would like to have removed or discussed as a separate item or explained in greater detail. No one had any issues, so he entertained a motion to approve Item Nos. 2, 13, 16, and 18 on the Consent Calendar, which are listed below:

2. Minutes of March 14, 2006 Regular Meeting.

Recommendation: Approve the minutes.

13. Agreement with the Alamogordo Friends of the Zoo (AFOTZ).

Recommendation: Approve the agreement.

16. Ordinance No. 1261 dealing with certain sections of the Code of Ordinances pertaining to Code Enforcement and the administrative fee.

Recommendation: Approve the ordinance for final adoption. [Roll Call Vote Required]

18. Resolution No. 2006-24 adopting the City of Alamogordo All Natural Hazards Mitigation Plan (2006 Revisions).

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

Commissioner Ledford moved to approve Item Nos. 2, 13, 16, and 18 on the Consent Calendar. Seconded by Commissioner Cole. Mayor Don Carroll, Mayor Pro-Tem Ron Griggs, Commissioner Inez Moncada, Commissioner Ed Cole, Commissioner Marion Ledford, Commissioner Chris Lujan, and Commissioner Steve Brockett voted “aye”. The motion carried by a roll vote of 7-0-0.

PLANNING ITEMS:

3. Consider Ordinance No. 1265 rezoning to District “C-1” [Neighborhood Business] requested by Jennifer Taphorn [Case Z-06-0656(A), 1120 E. Twelfth Street].

Recommendation: As the action would be “spot zoning” and off-street parking would be inadequate, deny the ordinance for Case Z-06-0656(A). [Roll Call Vote Required]

Mayor Don Carroll said he was asked to move the rezoning hearing for this item to the next available meeting and entertained a motion to table this Item until the next City Commission Meeting.

Commissioner Ledford moved to table Item No. 3. Seconded by Commissioner Moncada. All voted “aye”. The motion carried by a vote of 7-0-0.

4. Consider a five foot (5') setback variance for Heredia Properties, LLC [Case V-06-0493(A), 2010 Pecan Drive].

Recommendation: Approve the variance with the condition that the porch be removed after the building addition is completed for Case V-06-0493(A).

City Manager Pat McCourt explained that the petitioner changed an entrance while undergoing construction so they could have a proper entrance for the disabled. He added that the staff supports the temporary allowance of this structure and its removal upon the completion of construction. Commissioner Ledford asked whether they were trying to approve the variance and why it would be a variance if it will be removed.

Mayor Don Carroll said they were approving whether they can continue to have this intrusion and setback until construction is complete, and modifications on the building. Commissioner Ledford then asked if the applicant disapproved of removing the front porch, to which Mayor Don Carroll answered he did not believe so. Mr. Alterson said as far as he knew, they had not responded to a request for information.

Commissioner Ledford declared that it is a rather involved front porch and that he was a little surprised there is not an issue. Mr. Alterson added that they should know about its removal once construction is complete. Commissioner Ledford then asked if they were given a building permit to do this construction and whether it included the front porch.

Sharon Few explained that the building permit was issued erroneously due to a breakdown in communication between offices and said the variance was needed prior to the permit issuance, but that it was not. She said that normally the permit would include the proper variances. She then said she had left messages with Dr. Heredia’s office for the Planning Commission and the City Commission, but that he had not returned her calls. She added that the petitioner had been mailed recommendations.

City Manager McCourt said that to the best of his knowledge, the building permit does not give a variance, to which City Attorney McDaniel added that he did not think there is a variance by implication. Mayor Pro-Tem Griggs then asked if the front door would move with the construction. Sharon Few answered that she understood the porch would move to the south side of the same wing, but she was not 100% sure. She then added that it was moved to the side to get the staff and clients out of harm's way during the construction and to provide handicapped access. Since she had not restudied the plans, she did not know where the front door would be.

Commissioner Cole commented that he thought the person doing the construction work had agreed to tear down the porch after the refurbishing was completed and that when the permit was issued, the porch was not part of the construction and the City said the porch had to be removed. He asked if the construction had already taken place, and whether they were telling the petitioner that he must remove it and that it was not in the permit.

City Manager McCourt explained that the petitioner had come in and asked if he could build certain items in compliance with the code. A building permit was issued saying if he built it that way, it would comply with the building codes, which did not indicate it could be built into the setback areas. Apparently, they were told then they needed to request a variance for that and for whatever reason, they did not. They proceeded to build this structure within the setback in apparent violation of our zoning codes.

Mayor Don Carroll said this appeared to be an after-the-fact request for a variance. They were, apparently, put on notice prior to the construction, that this aspect would not meet the zoning ordinance. Sharon Few said they met with the builder prior to the permit being issued and were advised a variance was needed. The permit was issued and the structure was built over the setback requirements.

Commissioner Ledford said he understood Ms. Few had told the person he had to have a variance and that they did it anyway. He asked how the City inspection process works and why they were allowed to build. Sharon Few explained that it was about the time of departmental transition and it was built before inspections were called for. She said the porch went up rather quickly. She added that the porch in question came up before the permit was issued and construction was done and that she had met with the builder on this issue. The permit was issued subsequent to this meeting.

Mayor Don Carroll asked if the applicant was aware that this would go to Planning and Zoning and had he been notified of their recommendation. Sharon Few answered yes.

Commissioner Moncada moved to approve the variance with the condition that the porch be removed after the addition is complete. Seconded by Commissioner Brockett. All voted "aye". The motion carried by a vote of 7-0-0.

5. Consider Ordinance No. 1266 rezoning to District "R-2" (Townhouse) requested by Ron Giron [Case Z-06-0657(A), 721 and 731 S. Florida Avenue].

Recommendation: Approve the ordinance with the condition that only two (2) shared driveways be allowed onto Florida Avenue for final publication for Case Z-06-0657(A). [Roll Call Vote Required]

City Manager McCourt explained that this is currently zoned for apartment use and this ordinance would allow it for townhouses. A staff concern was that S. Florida is a heavily traveled road and too many entrances would interfere with traffic flow.

The petitioner, Ron Giron, came forward and said he could comply with that recommendation and go with two entrances.

Commissioner Ledford moved to approve Ordinance 1266 with the condition that only two (2) shared driveways be allowed onto Florida Avenue. Seconded by Commissioner Moncada. Mayor Don Carroll, Mayor Pro-Tem Ron Griggs, Commissioner Inez Moncada, Commissioner Ed Cole, Commissioner Marion Ledford, Commissioner Chris Lujan, and Commissioner Steve Brockett voted “aye”. The motion carried by a roll vote of 7-0-0.

6. Consider Ordinance No. 1267 rezoning to District “MH-1” (Manufactured Housing) requested by Ed Rothenberg [Case Z-06-0658(A), Lots 10 through 13, Block 7, Haynes Addition; Lots 15 and 16, Block 7, Haynes Addition; Lots 11 through 13, Block 9 Haynes Addition].

Recommendation: Approve the ordinance for final publication for Case Z-06-0658(A). [Roll Call Vote Required]

City Manager McCourt said there was one opposition and that this area is north of 26th Street but he did not think the staff had an issue with it. Mayor Don Carroll said the staff was initially concerned with drainage, but that had been satisfied. The developer had requested that Lots 1 through 5, Block 9 be removed for consideration from this rezoning. This original request had been withdrawn based on staff recommendations.

Commissioner Ledford asked if the only difference between R-1 and MH-1 was that MH-1 allowed for mobile homes or if it also allowed for single-family. Sharon Few answered that it allows for single-family, manufactured housing or single-family site-constructed.

Mayor Pro-Tem Griggs moved to approve Ordinance 1267. Seconded by Commissioner Lujan. Mayor Don Carroll, Mayor Pro-Tem Ron Griggs, Commissioner Inez Moncada, Commissioner Ed Cole, Commissioner Marion Ledford, Commissioner Chris Lujan, and Commissioner Steve Brockett voted “aye”. The motion carried by a roll vote of 7-0-0.

7. Consider Ordinance No. 1269 consenting to the annexation of 3.694 acres of land requested by Bella Vista, LLC [Case A-06-0068(A), Convair Circle].

Recommendation: Approve the ordinance for Case A-06-0068(A) for first publication.

Sharon Few explained that Convair Circle is a parcel of property at the northwest corner of a recent annexation, Bella Vista. It was platted in the 1950's, it is outside the City limits between Cottonwood Heights and Highway 82. They had received an initial development plan and staff had believed it would be used for drainage, a park area and a few subdivision lots. Instead, the plan incorporates nine lots.

City Manager McCourt asked that the item be tabled since this information had just come in and there appeared to be concerns. He said staff needs to evaluate whether it is in the City's best interest prior to making a recommendation to the Commission and that is why he would recommend it be tabled.

Mr. Klad Zimmerle, explained that he had submitted a subdivision preliminary plat several months ago, known as Bella Vista. This was presented to the planners and tabled pending improved engineering drawings. Bella Vista, LLC tried to obtain this parcel when they obtained the other parcel for the annexation, but at that time the owner did not want to sell this parcel. Through negotiations, they have purchased it. This will be part of the large development, Bella Vista, which has been presented on a preliminary basis and the final drawings will be presented on the upcoming deadline next week. Hopefully, the annexation and the subdivision will go through concurrently. This is blended into the design and engineering of Bella Vista.

Mayor Don Carroll asked if the preliminary plat submitted for Bella Vista, which is east of this, included

this. Mr. Zimmerle said no, which was why they were here now and that it is in the plan coming before the Commission. He added that it had been engineered and worked on with staff. Mr. Zimmerle reminded the Commission that this was for first publication of the annexation. They will be submitting Bella Vista on April 3 and will start the City process then. After 30 days, it goes to the Planning Commission and 30 days later it will go to the City Commission for final.

Commissioner Ledford wondered whether without this annex that process could take place and Mr. Zimmerle said that was correct. Commissioner Ledford then asked if this will be part of the public dedication for the subdivision, to which Mr. Zimmerle answered that they are looking at cash in lieu.

Mayor Pro-Tem Griggs commented that several months ago they had approved annexation of property southeast of Florida and there still are no development plans for that. It had all been brought into the City. He asked if they brought this one into the City what the bigger concern would be.

City Manager McCourt said the immediate concern was that the Commission is responsible for the surrounding roads and they are not developed. Mr. Zimmerle said he believed it would be the developer's responsibility to build them. City Manager McCourt disagreed and said that they could use the subdivision that already exists. Mr. Zimmerle replied that those lots were substandard. He added that the circle is not platted into lots. The road will be built to City standards around it. It is being annexed with it.

Mayor Don Carroll pointed out that the Commission could ensure this upon approval of the subdivision. Mr. Zimmerle said that a complete staff review in Planning will take three days and then it will go to Planning and Zoning. Mayor Don Carroll explained that staff will have that plat for evaluation prior to Planning and Zoning and before final action on this annexation. He said to keep in mind that this is for first publication on this annexation. When this plat shows up in the subdivision plans, if it is not deemed in the City's best interest, the annexation will not take place at final adoption.

Commissioner Moncada asked if the City knew now what it will do with that and Mayor Don Carroll answered no. Mr. Zimmerle said they had submitted a plat, a preliminary layout to the Planner. Ms. Moncada said the Commissioners had not seen it.

Sharon Few commented that if the City Commission wanted to defer this until the next meeting for first publication, the review timing would allow final publication of the annexation after the planning committee meeting, but prior to consideration of the subdivision by the City Commission. Sharon Few explained that there would be a delay, but that if the first publication is authorized now, it would come back to the City Commission for the annexation in the April 25 meeting. The subdivision will not go to the Planning Commission until the May 4 meeting and come to the City Commission the end of May. If the annexation were deferred for first publication until April 11, it would return to the City Commission after the Planning Commission meeting and prior to final consideration of the subdivision by the City Commission. The Commission could still complete the annexation before the subdivision came forward.

Commissioner Ledford said he did not have a problem approving first publication. Mr. Zimmerle asked if complete staff comments needed to be prepared two weeks before Planning and Zoning and Ms. Few said it was required the week before Planning and Zoning.

Mayor Pro-Tem Griggs commented that Planning and Zoning had recommended they approve the annexation with the understanding that it does not guarantee approval of the development plan and availability of water and/or sewer services. It does not necessarily authorize anything. He saw no reason not to do it tonight. Mr. Zimmerle reiterated that it had been approved by Planning and Zoning and undergone intense review. He added that he would like to see it approved tonight.

Commissioner Lujan asked if he could make a last recommendation on whether to defer it still and, if so, why. City Manager McCourt said he thought it should be deferred until the next meeting so staff

could look at it. He said he had heard that if they do not, it could be used as leverage that they had expended money on it. He urged it be allowed to go forward.

The Bella Vista developer, Mike Drunzer, said they had bought that parcel to square up Bella Vista and that tonight they were just trying to annex it so they could develop it into the master plan. He asked for a simple vote for clarification of the annexation.

Commissioner Moncada commented that staff and the City Manager still had questions and a two-week delay would answer some of them.

Commissioner Moncada moved to table the item and delay it for two weeks. Seconded by Commissioner Lujan. Mayor Don Carroll, Commissioner Inez Moncada, Commissioner Ed Cole, Commissioner Chris Lujan, and Commissioner Steve Brockett voted “aye”. Mayor Pro-Tem Griggs and Commissioner Ledford voted “nay”. The motion carried by a vote of 5-2-0.

8. Consider Ordinance No. 1268 rezoning to District “R-2” (Townhouse) requested by Tool Box, LLC [Case Z-06-0659(A), 830 through 990 Sierra Verde].

Recommendation: Approve the ordinance for Case Z-06-0659(A) for final publication. [Roll Call Vote Required]

City Manager McCourt fully supported the request.

Mayor Pro-Tem Griggs moved to approve Ordinance 1268. Seconded by Commissioner Brockett. Mayor Don Carroll, Mayor Pro-Tem Ron Griggs, Commissioner Inez Moncada, Commissioner Ed Cole, Commissioner Marion Ledford, Commissioner Chris Lujan, and Commissioner Steve Brockett voted “aye”. The motion carried by a roll vote of 7-0-0.

9. Consider the final plat of Hermoso el Sol Subdivision, Replat A, for eighteen (18) lots located within the City of Alamogordo for Tool Box, LLC [Case S-05-0923(A), 830 through 990 Sierra Verde].

Recommendation: Approve the final plat for Case S-06-0923(A), with the requirement that the developer cover the costs of curb milling or re-paving the street.

City Manager McCourt said it was fully supported by the staff. Commissioner Ledford said a comment had been made regarding firefighting capabilities and operation to adjacent structures. He asked whether this safety issue had been resolved. Sharon Few said it was a blanket statement from Public Safety. The lot configuration will not change in that there is presently no alley.

Commissioner Ledford moved to approve the final plat with the requirement that the developer cover the cost of curb milling or re-paving the street. Commissioner Cole seconded. All voted “aye”. Motion carried by a vote of 7-0-0.

10. Consider the final plat of Cottonwood West Subdivision, Replat B, for forty-seven (47) lots located within the City of Alamogordo for Herrell Realty, Inc. [Case S-05-0910(A), 4100, 4130, and 4160 N. Scenic Drive].

Recommendation: As all required plat modifications and improvement plans have not been provided, deny the final plat for Case S-05-0910(A).

This item was withdrawn from the agenda.

11. Consider Ordinance No. 1259 rezoning to District "R-1" (Single Family Dwelling) requested by Herrell Realty, Inc. [Case Z-05-0653(A), 4160 N. Scenic].

Recommendation: Approve the ordinance for Case Z-05-0653(A) for final publication with the condition that the developer provide an eight foot (8') tall noise attenuating barrier (i.e. block wall) on the west side of this property for the protection of an adjacent pre-existing business. [Roll Call Vote Required]

This item was withdrawn from the agenda.

12. Consider a five foot (5') front setback variance for Herrell Realty, Inc. [Case V-06-0494(A), 4160 N. Scenic Drive].

Recommendation: As a "hardship beyond the control of the applicant" can not be shown, deny the variance for Case V-06-0494(A).

This item was withdrawn from the agenda.

CONTRACTS AND AGREEMENTS:

14. Project Agreement with PreCheck.

Recommendation: Approve the agreement.

City Manager McCourt explained this would be funded with our economic development fund. The Commission had approved it for acceptance at the last meeting under the economic development plan. This company plans to relocate to the north side of town. They do background checks on individuals and the hiring would be local. They have a data storage facility. According to a City analysis, the cap is \$675,000 by the City for the economic development fund.

Ed Carr pointed out that a positive aspect of this contract is that it had been pre-signed by City staff without comment or change, which shows good staff work.

Commissioner Ledford moved to approve the contract with PreCheck. Mayor Pro-Tem Griggs seconded. All voted "aye". Motion carried by a vote of 7-0-0.

15. Contract Agreements with Mesa Verde Enterprises, Inc, under its General Services Administration (GSA) contract, for infrastructure improvements on the northwest side of Alamoqordo.

Recommendation: Approve as follows:

- A) Contract for Westside Infrastructure Improvements Phase 1A in the amount of \$1,500,000.00;
- B) Contract for Westside Infrastructure Improvements Phase 1B in the amount of \$499,019.24; and,
- C) Contract for Westside Infrastructure Improvements Phase 1C in the amount of \$674,672.21, and grant provisional approval for use of the funds through the NMFA for this contract.

City Manager McCourt briefly outlined the phases. The project was divided into three phases due to funding received. The Governor committed to the \$1,500,000.00 for the development of this project's infrastructure and put the City on a level playing field with other communities in the State. The City wants to specifically demonstrate how that is being used. The \$499,019.24 was local money being used to extend the sewer line northward up to Mesa Verde Road along the relief route. It had a dual purpose of providing infrastructure for the entire west side of town, which is being funded by local City money. The third item was money the City received through the New Mexico Finance Authority for waterline development. Although the Commission thought it was done with this issue, they had still been discussing this item this afternoon, which was why they were asking for provisional approval on the contract.

Commissioner Ledford asked if fronting the money before it arrives from the State entered the City into a note agreement with PreCheck. He added that the City is supposed to receive the money in July 2006.

City Manager McCourt clarified that the agreement did not involve PreCheck. It involved the City and the State of New Mexico. The City had been assured of receiving that contract within the next week. He agreed that they would not be eligible for reimbursements until after July 1, 2006 and that they had had discussions with the local government finance office and they were comfortable with the agreement.

Commissioner Ledford asked if it hooks up east to their waterline and whether they were going further with this project in terms of the waterline. City Manager McCourt said this was part of a larger water project for the whole west side, which will tie into the City's desalinization project. This project will also extend a water line south to 1st Street down the relief route and tie into an existing water main and up Route 82 to our waterline at 82 and Florida. It will also involve a ground storage tank and an elevated steel tank at that location. This is a part of that project that loops a line east from the relief route and Mesa Verde Road under the tracks to White Sands Boulevard.

Commissioner Cole moved to approve Contacts A, B, and C for item number 15. Seconded by Commissioner Brockett. All voted "aye". The motion carried by a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

17. Ordinance No. 1264 amending Section 2-13-260(3) of the Code of Ordinances to allow the purchase of homes for the Housing Authority up to \$65,000, was previously \$50,000, without the prior approval of the City Commission.

Recommendation: Approve the ordinance for first publication.

Mayor Carroll commented that they had addressed this item when they sat as the Housing Authority Board during their budget hearing to allow this increase and that this is the ratification by the City Commission, since it falls under the auspices of the City purchasing ordinance.

Commissioner Cole said that based on that meeting, he would move to approve the increase from \$50,000 to \$65,000 and approve the ordinance for first publication. Seconded by Commissioner Moncada. All voted "aye". The motion carried by a vote of 7-0-0.

19. Resolution No. 2006-26 approving pre-grant contract expenditures for infrastructure installation regarding Project PreCheck.

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

City Manager McCourt explained that this resolution clearly stated the City Commission is aware it will be reimbursed after July 1 and that they will expend the money beforehand. They had verified with the State that this was the proper way to handle this item. The \$1,500,000 is in the State's budget next fiscal year, which begins July 1. However, because of the City's interest to comply with its commitments to install the infrastructure for PreCheck, they needed to start before the money is available.

Commissioner Ledford moved to approve Resolution 2006-26. Seconded by Commissioner Brockett. Mayor Don Carroll, Mayor Pro-Tem Ron Griggs, Commissioner Inez Moncada, Commissioner Ed Cole, Commissioner Marion Ledford, Commissioner Chris Lujan, and Commissioner Steve Brockett voted "aye". The motion carried by a roll vote of 7-0-0.

OTHER BUSINESS:

20. Select a member of the City Commission to represent the City on the Otero County Solid Waste Authority (OCSWA).

Recommendation: No recommendation.

The Mayor explained that former Commissioner John Robertson held this position on the board, so a replacement was needed. Commissioner Lujan volunteered to serve on the board.

Mayor Pro-Tem Griggs moved to appoint Commissioner Chris Lujan to the Otero County Solid Waste Authority Board. Seconded by Commissioner Ledford. All voted "aye". The motion carried by a vote of 7-0-0.

21. Appointments to Boards and Committees.

Mayor Carroll appointed Mr. Andy Andres to serve on the Housing Authority Board, and Mrs. Geneva Wooten to serve on the Mayor's Committee on Aging and asked the Clerk to so notify them. Vacancies still remain on the Community Development Advisory Committee and the Senior Volunteer Programs Advisory Council.

UNSCHEDULED COMMUNICATIONS

- A) Klad Zimmerle.

Mr. Zimmerle asked what the notification policy was to inform the people who have submitted and presented an item when the City withdraws something from its agenda. City Manager McCourt said he did not know what that policy was but he would check into it and let him know. Mr. Zimmerle commented that the City needs to follow up on that because applicants are not being notified of agenda changes.

- B) City Manager Pat McCourt.

City Manager McCourt commented that the City had received notification from the Department of Transportation about an emergency order requesting proposals for Essential Air Service for Alamogordo and Holloman Air Force Base. He said the DOT was canceling the award to Valley Air Express due to apparent problems with their certifications.

He commented on the water levels and said that despite the recent rains, the Bonito Lake is still 18 feet below the spillway. So, the City does not anticipate a substantial water supply from Bonito this summer. The City is maximizing its reservoirs for the summer demands.

In the interest of water conservation, individuals are permitted to wash their cars from a bucket or with a garden hose that has an automatic shut-off valve. Water is not allowed to be wasted and if it flows off into the street, it would be a violation of the City's conservation ordinance.

Commissioner Cole asked if this includes water running down the street from washing a car. City Manager McCourt replied that he did not believe the City would issue a citation in that circumstance, unless someone has an open hose running on the ground.

- C) Mayor Don Carroll.

Mayor Don Carroll explained that they had asked the City historian, Dr. David Townsend, to put together a committee to come up with recommendations about a Hall of Honor. Their findings have

been collected and everyone present should have a copy in their mail boxes. He asked that they please read through them and be prepared to discuss whether and how the City would like to proceed.

EXECUTIVE SESSION: Mayor Carroll said there was no need for an Executive Session to discuss threatened and/or pending litigation, so he would entertain a motion to adjourn.

Commissioner Cole moved to adjourn. Seconded by Commissioner Moncada. All voted "aye". The motion carried by a voted of 7-0-0. The meeting was adjourned at 8:47 p.m.

The following statement relates to the Executive Session held by the City Commission on March 28, 2006 at 6:00 p.m.: "The Governing Body of the City of Alamogordo, New Mexico, hereby states that it scheduled a special executive session for March 28, 2006 at 6:00 p.m. and the matters discussed in the closed meeting were limited only to those specified in the notice of meeting."

/s/Donald E. Carroll

Mayor Donald E. Carroll

ATTEST:

/s/Angie Rahn-Broyles

City Clerk Angie J. Rahn-Broyles

(SEAL)

(Prepared by Ubiquis Reporting)

Approved at the City Commission Regular Meeting of April 11, 2006.