

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
JANUARY 9, 2001**

MAYOR DON CARROLL COMMISSIONER DON COOPER

MAYOR PRO-TEM JOHN VAN DOREN COMMISSIONER ED COLE

COMMISSIONER INEZ MONCADA CITY MANAGER PAT McCOURT

COMMISSIONER RON GRIGGS CITY ATTORNEY REBECCA EHLER

COMMISSIONER STEPHEN EASLEY CITY CLERK ANGIE RAHN

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

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

Mayor Carroll introduced and welcomed new Library Director, Jim Preston.

PRESENTATIONS:

1. Presentations on behalf of Mr. Chuck Galusha and the Adopt-A-Highway Program to various individuals and businesses for their continuing contributions and dedication to the Governor's Trek For Trash and Adopt-A-Highway.

Mr. Galusha said in 1988 a motorcycle enthusiast and one-time area resident was instrumental in bringing the Adopt-A-Mile program to Alamogordo. He coordinated it until 1996 when, because of illness, he stepped down. Present tonight were three groups which had been involved in the program since 1988, and to date there were 56 groups covering over 75 miles of local highways. On January 21st the Moose Lodge and the Alamogordo Lions Club would host a breakfast recognizing the groups and youths who had participated in the Fall Trek For Trash. These certificates were from the Governor of New Mexico to specific groups for their outstanding support and volunteering of time to keep the highways to our community as litter free as they could. He would also like to invite the Commission members to attend that breakfast on January 21st.

Mayor Carroll read the certificates from Governor Gary Johnson, and presented them to the Alamogordo Breakfast Lions, Van Winkle's IGA, the Royal Order of

the Moose #2016, the Huns Motorcycle Club, Mr. Ray Melendrez, and Mr. Charles (Chuck) Galusha.

Mayor Carroll thanked each of them for their support and dedication to this program. It was a very necessary and important program to help us keep our community beautiful and cleaned up.

Call of the Consent Calendar:

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

2. Minutes of Regular Meeting of December 26, 2000.

Recommendation: Approve the minutes.

5. Resolution No. 2001-01 Determining Reasonable Notice of Meetings of the Governing Body of the City of Alamogordo.

Recommendation: Approve the Resolution.

6. Resolution No. 2001-02 supporting an Application for a Litter Control and Beautification Grant.

Recommendation: Approve the Resolution.

9. Budget Planning Calendar for Fiscal Year 2001-2002 Municipal Budget.

Recommendation: Approve Budget Planning Calendar for Fiscal Year 2001-2002 Municipal Budget, and also set a Special Work Session to discuss budget priorities for Thursday, January 25, 2001, at 6:00 p.m. in the Commission Chambers.

12. Quitclaim Deed to Otero County for Sacramento River Road right-of-way (Parcel No. 2).

Recommendation: Approve the Deed.

13. Close-out of Projects:

A. PW Bid No. 98-016, Water Distribution and Storage Improvements Phase 1.

Recommendation: Approve the Final Adjusting Change Order No. 4 and close out the project.

B. PW Bid No. 2000-010, 15th Street and Scenic Drive Sewerline Rehabilitation.

Recommendation: Close out the project.

Item Nos. 10 and 11 were removed from the Consent Calendar.

Mayor Pro-Tem Van Doren moved to approve Consent Calendar items 2, 5, 6, 9, 12, and 13(A&B). Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 7-0-0.

CONTRACTS AND AGREEMENTS:

3. Request of Mr. John H. Robertson to discuss his Agreement on the Tenth Street purchase by the City of Alamogordo. [Tabled from Regular Meeting of 12/26/00]

Recommendation: Follow the signed approved Agreement.

Mr. Robertson said the last time this item came up, he had asked that it be put off until tonight because Mr. McCourt wasn't present. Tonight, Mr. Dean Hunt wasn't present. All concerned with this were not here. The main reason for this was because the Agreement the City had was incorrect. That was not what was agreed to when he agreed to sell the easement to the City of Alamogordo. Also, that Agreement had been altered since he signed it. He had some copies, one which was the one he signed and the other which was filed at the Courthouse. The one filed at the Courthouse had no initials up in the corner. The day he signed this Agreement, there was no one there to sign it except for Ms. Ehler, and he had said that he would not sign it without someone of authority signing it along with him. She would not sign the Agreement on the line, so she had initialed it and dated it. Whenever it finally got to the Courthouse it did not have any initials on it. Someone had taken the initials off, which he considered her signature on it. Also, his signature was not notarized, and when it got to the Courthouse it had been. Also, when it got to the Courthouse this Agreement was seven or eight pages long, whereas on the Agreement that he signed, all three pages had the initial in the right hand corner. Then there were other pages added to this when it was registered at the Courthouse as a legal and binding Agreement.

Mayor Carroll said with the exception of the initials in the upper right hand corner, what was different between the Agreement with the initials in the corner and the Agreement that was filed at the Courthouse? Mr. Robertson believed the wording in the three pages was the same; however, the Contract had been altered. Mayor Carroll said that was the Agreement. Mr. Robertson said the initials had been taken off and that was altering the Contract. He'd been to an Attorney on this and he'd had quite a few conversations with his Attorney on this, and he assured him that was no longer a binding Contract because it had been altered. Anytime a

Contract was altered, it was no longer any good. It was not notarized, which they are supposed to be before they are legal. There was a young lady's signature on the notary part, but she never stamped it. He didn't know if that was the young lady or not. It could have been someone else, and if it was, they wouldn't have even had the stamp. If she signed this, then she should have had the stamp to notarize it. It was not notarized. The content in this Agreement was not what they agreed to in three different sessions which he'd had with Mr. Hunt, Ms. Ehler, and Mr. Coleman. He took a witness with him every time they had one of these meetings because he had a feeling something was going to go wrong here. Mayor Carroll said Mr. Robertson did in fact sign it. Mr. Robertson said he had signed "a" Agreement. Mayor Carroll said whether or not he signed "a" Agreement, the Agreement with the initials and the Agreement which had been filed with exactly the same signature on it, were exactly the same. Mr. Robertson said, however, regarding the other pages with the one which was filed, he didn't know what was in them. He did not sign those with the other pages. Ms. Ehler said the other pages filed along with the Agreement was the Power of Attorney from Mr. Robertson's mother to Mr. Robertson. They had filed that along with the Agreement so that anyone looking and seeing that he filed as a Power of Attorney, could also easily find that Power of Attorney document. Mayor Carroll said the other item was a Warranty Deed.

Mr. Robertson said this Agreement was no good. What they'd agreed to in these meetings was not in there. Mayor Carroll said the reason Contracts was put in writing was exactly that, so that both parties understood exactly what they had agreed to. There was no way to enforce verbal Agreements, and that was why they were reduced to writing. Apparently, as near as he could see, the two documents, with the exception of the initials, were exactly the same. They weren't two different documents signed at different times by different people. Mr. Robertson's signature was the same on the one with the initials as it was on the one without. He didn't see the difference, because it was the Agreement that he had signed. Mr. Robertson said they were all trying to make him abide by an Agreement that was no good. It was altered and it was no good. Mayor Carroll said he didn't have the legal background, but it appeared... Mr. Robertson said he knew, but both of them were businessmen and knew that legal documents had to be notarized, and also the only way they could have legally taken those initials off would be to cross through them and all parties concerned would have had to initial that it had been crossed through. He didn't know what was changed in any of it, but he knew it was an illegal document and what he agreed to while they were trying to come to a figure on the easement, was not in this Agreement.

Commissioner Easley said on the initialed document which Mr. Robertson claimed was the original document, the very first line said it was made on the _____ day of March, 2000. On the second Agreement there was a date of March 14th. Mr. Robertson said that was not filled in when he signed it. Commissioner Easley asked if he was not aware that date would be filled in? Mr. Robertson said no, he was not. Commissioner Easley said when "John Robertson" signed on

there, did he assume that blank would stay blank forever and there would be no date on here? Mr. Robertson said yes. Commissioner Easley said when he signed it and he saw a blank for City Manager Pat McCourt to sign and for the City Clerk to sign and also for the City Attorney to sign, and those were blank, was he saying that he assumed they would never sign this document? Mr. Robertson said he assumed they would sign it. Commissioner Easley said that would then change the document. Mr. Robertson said as far as he was concerned, it was a legal document at that time because Ms. Ehler did initial it and date it. Commissioner Easley said he believed they would sign the document, but his contention was that any change, no matter how immaterial to this document, made it illegal. Mr. Robertson said yes. Commissioner Easley said they had filled in the 14th as a date and his contention was that fill-in made this an illegal document. He was contending that the fact that the City Manager signed it, which he'd be required to do by law, made this an illegal document. He was contending that the City Clerk who had to sign this by law, made this an illegal document by signing it because he signed first? Mr. Robertson said no. He was trying to twist the words around. Commissioner Easley said he was not. Mr. Robertson said there was an understanding that the City Attorney and Mr. McCourt would sign it, but as far as he was concerned the only signature on it when he signed it was her initials. Commissioner Easley asked Mr. Robertson to clarify what the material difference was, if any, between these two documents? Mr. Robertson said the Contract was altered. Commissioner Easley again asked him to clarify the material difference between the two documents. Was there any difference in points 1 through 10, between document "A" and document "B"? Mr. Robertson said yes. There were no initials on it. Commissioner Easley said in points 1 through 10, the material parts of the Contract, what was the difference? Mr. Robertson said the Contract was altered and was no good. Commissioner Easley said his assertion was that the Contract was altered, but of course the Contract was only altered in the way they normally were when signed, and the actual date of signing was put in and people signed the Contract. Mr. Robertson said however, in that fashion those initials would not be taken off. Commissioner Easley said that fashion was the legal fashion.

Commissioner Moncada asked what part of this document did Mr. Robertson not agree with? She understood what he was saying on the signatures part of it, but he said it had been altered. Was there something different here that through conversation or something which was not put in or added in, or maybe deleted from this? Mr. Robertson said yes. When they went into negotiation on this, at the first he had a list of the things he would like to have from the City to let them have the easement through his property. That list included water, sewer, the curbs and gutters, and of course the paving, the ingress and egress to turn in and out of the four lots on Tenth Street, and the property was to be "no assessment" property. In other words, in all the work the City was doing, he would not have to pay for streets, curbs, gutters, none of that. The City was to take the alleyways out. The City was going to replat the lots of both City blocks on each side of Tenth Street. On the assessment, there wasn't going to be any

assessment property on Tenth Street, Lawndale, or McLean on all 21 of his lots he had, because he owned the entire City block around there. They had to go back and change taking the lines out of some of these lots. Commissioner Moncada asked if when he signed this Agreement, if that was brought up to the attention of Ms. Ehler? Mr. Robertson said no, because it was signed very fast and the fire was flying from both he and Ms. Ehler at the time.

Mayor Carroll asked if the City had done everything they agreed to in this document? Mr. Robertson said no, it had not. Mayor Carroll asked what they had not done? Mr. Robertson said the City hadn't put the sewer in yet. Mayor Carroll said it didn't say the City would put the sewer in, but that it would provide sleeves. Mr. Robertson said all he had asked for was for the sewer to be stubbed out to the property. Mr. Hunt had already admitted to this and had got the estimates to do it, but they went ahead and laid the pavement before he got around to doing it. Mayor Carroll said this Agreement did not say that. This Agreement said that the purchaser would provide sleeves for sewer lines in the course of the improvement project. Mr. Robertson said there were supposed to be sleeves coming out on each one of these lots. They were supposed to stub them out.

Mayor Carroll said since this is a legal dispute and they were not Lawyers, he thought if Mr. Robertson had a problem with the Contract, then he needed to obtain legal counsel and proceed however he saw fit. Mr. Robertson said if that was what they would like to do. Mayor Carroll said the Commission didn't have the power to sit here and change this document. Mr. Robertson thought since they were all sitting up there, that they all had enough common sense to know where he was coming from on this thing. Like the water, they had agreed for the City to put the water in. That was the first thing they'd agreed to. He'd lived in New Mexico since 1956 and they didn't discuss property without discussing the water. He was told that it was never discussed. Mr. Hunt had come to the realization since then that it was discussed, and the water was supposed to be put in. It wound up costing him \$8,400 to put it in because he had to get it put in before they laid the pavement. Mayor Carroll said, again, he was not there, but he knew Mr. Robertson had some conversations with the City Manager. Mr. Robertson said he wasn't there either. Mayor Carroll said the problem they would have was "who said what", and that was why it got reduced to writing, so that the parties agreed as to the responsibilities of each party. They had in front of them a document which Mr. Robertson signed and the assumption had to be made that he understood and read what it was that he was signing, and the City was bound by the Contract the same way that they felt he was. He didn't have the authority to sit up there and say that they would just forget what the Contract said and they would do something different.

Commissioner Cooper said regarding the signatures, this showed that it was made on the ____ day of March. He was thinking that if Ms. Ehler had initialed it on March 3, 2000, shouldn't that appear as the day of signing because that was

the day that Mr. Robertson signed it? Commissioner Easley said Attorney Ehler couldn't sign this document. She only signed it as to form, that it was in correct legal form. Mr. Robertson could negotiate with Mr. Hunt until the cows came home and he could talk to Ms. Ehler all that he liked, but in the end any Contract he made, he made with the City Commission of Alamogordo. He didn't happen to be on the Commission the day they made these negotiations because it was right before he came on, but the Contract he made was with the Commission. Until the Commission signed off and agreed with the Contract, it wasn't going to be one. Whatever he discussed, negotiated, talked about, wished or desired, in the end he put up a proposal and the Commission agreed to it. This paper represented what the City of Alamogordo had agreed to. Mr. Robertson said he wasn't led to believe that the final stop was here. Ms. Ehler, Mr. Coleman, and Mr. Hunt had told him that she was authorized to pay \$60,000 for that easement. After he finally agreed to do that, then she told him they were going to take it to the City Commission now, which was three weeks later. Commissioner Easley said all that was part of what they might call the "tick-tock" of the Agreement, but it came down to the people who authorized Ms. Ehler to make an Agreement with him. Whether it was for a popsicle stick or \$60,000, was up to the City Commission of Alamogordo. In the end, the Agreement he made was with the City of Alamogordo, and that was what was committed to paper and that was what he had signed. If he did it in haste, it was regretful, but there it was. If he'd done it too quickly or didn't read it carefully enough to accomplish his goals, he was sorry about it. But when he represented himself with a Power of Attorney to represent his mother, he was representing good faith that he was willing to read the document and sign it appropriately. That was the situation they found this under.

Mr. Robertson said they all knew that when they went and altered Contracts, they couldn't do that. Mayor Carroll said he didn't believe it was an altered Contract. The fact that the signatures were put on it later... Mr. Robertson said it wasn't an alter when the initials were taken off? That was altering the Contract. Commissioner Easley said the initials were immaterial. Mr. Robertson said as far as he was concerned, that was a binding signature on that Contract, or he wouldn't have signed it. Mayor Carroll said there was absolutely nothing different between the Contract with the initials and the Contract without the initials. Mr. Robertson said that didn't matter at all. The Contract was altered. It didn't matter if they had erased a dot over an "i". The contract was altered.

Commissioner Griggs said that was a disputed point and it couldn't be resolved anywhere but in a court of law. That particular comment may or may not be accurate as far as the Contract being null and void. Regarding the other comment Mr. Robertson had made earlier concerning the Notary, the Notary did not make or break the Contract, but put it in recordable form. Without the Notary, the Contract could not be properly recorded. Mr. Robertson said it wasn't a proper Contract. Commissioner Griggs said no, that was not what that meant. They could deed property or do almost anything without the Notary; they just

couldn't put the public on notice by recording the document. That was the distinction and the purpose of the Notary, to recognize that he did sign the document and then the City recorded the document which would provide evidence to the public that was done. Without the Notary, that could not be properly recorded. It did not invalidate the document. Mr. Robertson said they could argue this somewhere else. Commissioner Griggs said that was not arguing; those were facts. The only thing that would have to be argued truly would be that it would have to be taken before a court to argue what happened to the document if he felt it was not the document he signed. Mr. Robertson said it seemed to reason that the City would want to put the water down through Tenth Street when they had prime industrial property. They were going to put new lines in First Street and the City was going to pay for them, so why should he have to pay for them on Tenth Street? Commissioner Griggs said that may or may not be right, but it didn't have relevance to this particular problem on what the Agreement was at the time. They had to look at what the Agreement was. If Mr. Robertson could show that in some way, shape or form that the City misled or falsified... Mr. Robertson said that was why he wished Mr. Hunt were present, because he would clarify what he said. Commissioner Griggs said he did too, but he wasn't present so they couldn't ask him. He'd like to hope that wasn't correct, but as they sat, they had really no course of action until he could verify the comments he was making. The City wasn't totally inflexible, but they did believe they had a document here which Mr. Robertson had signed, the City had signed, and that both parties agreed to. There was no mechanism to get around that without something to say that "yes" they did agree to this. Mr. Robertson said that Agreement was drawn up with absolutely no common sense to it whatsoever because they all knew that they put water to property. Commissioner Griggs said normally the way it worked was that the developer ran the water and the sewer. Mr. Robertson was the developer and normally he would run the water and sewer. Mr. Robertson asked why the water was run down through the property between Eddy Drive and McLean Avenue, was stubbed out and water meters put on all of that property and they weren't charged a dime? Commissioner Griggs said he couldn't answer that. Mr. Robertson said this was fact--Bill Morrison, Michael Shyne, and Mr. Myers all had water lines put to them. This was not in their Agreement when they came through for the easement; it was just done. Yet they stopped before they got to him, and he had to do it himself. In the first meeting he'd attended, it was agreed that the water lines would be put on his property. Commissioner Griggs asked if the City had agreed? Mr. Robertson said yes; Mr. Hunt and Ms. Ehler had. Commissioner Griggs said he'd like to say, "You bet", but he couldn't see it. He didn't have anything that told him that.

Commissioner Moncada asked if at the time Mr. Robertson signed this, was he satisfied with it? Mr. Robertson said no, he wasn't. Commissioner Moncada asked why he signed it, then? Mr. Robertson said to get it out of his hair. He and Ms. Ehler had both got into it, the fire was flying from both, and he'd just signed it to get out of there, he would guarantee.

Mayor Carroll said at this point it appeared to be a legal dispute and if Mr. Robertson felt it wasn't a valid Contract, then he thought that was the way he needed to pursue it. Mr. Robertson said okay.

Commissioner Easley moved on item No. 3, that we follow the signed and approved Agreement as the Commission had passed. Seconded by Commissioner Cole.

Commissioner Moncada said if they agreed to this, what happened if Mr. Robertson went to court on it? Commissioner Easley said the court would proceed. Mayor Carroll said that would be a determination as to whether or not it was a valid Contract. Mr. Robertson said this was a problem he'd tried to straighten up with Commissioner Moncada a long time ago. If she recalled, she was going to call a meeting with everyone concerned, and it was never done. Commissioner Moncada said she'd talked to people on a one-on-one basis, and then they'd had the following City Commission meeting on it.

Mayor Carroll called for the vote of the motion. All voted "aye". The motion carried by a vote of 7-0-0.

PLANNING ITEM:

4. Reconsideration of Carl Subdivision, Blocks 5 and 6, for four lots located within the City of Alamogordo, for John H. Robertson. [Case S-00-0693(A); W. Tenth at McLean Avenue]

Recommendation: Reconsider the approval of the subdivision, and recommend disapproval of the subdivision unless the Waiver of Protest is signed prior to January 24, 2001; if the Waiver is signed, then the subdivision plat should be approved.

Mayor Carroll said if they were to take any action on this, there would have to be a motion made, seconded, and approved by a majority vote to reconsider an action taken at the previous meeting. Normally the motion would have to be made by someone who voted with the majority on this. Since it was passed unanimously, any Commissioner was free to make a motion that they reconsider this item. Before they talked about doing that, the Code of Ordinances stated that, "Upon approval of a final plat, the subdivider shall file and record the original with the County Clerk and the recorder and deliver a copy to the County Assessor within 30 days of approval. If the final plat is not filed and recorded with the Clerk within 30 days, the City shall issue a written notice to the subdivider advising that the plat must be filed within 15 days. If the final plat is not filed by that date, the subdivision reverts to preliminary plat status without further notice or action by the City". He believed the reason this was up for reconsideration was a concern that there was no date in the approval that talked about filing the plat. He thought the Ordinances spoke to that, so he didn't know that it was necessary

for them to take any action at this time. However, it was an item on the agenda and they could certainly do it if it was the desire of the Commission.

Commissioner Easley said he would like to make a motion to reconsider to at least discuss, in addition to the date issue which was involved here.

Commissioner Easley moved to reconsider the approval of the subdivision.

Commissioner Griggs asked if they could discuss without reopening, or did they need to reopen it before they could discuss it? Mayor Carroll said normally under "Roberts' Rules" the motion and second were made, and then the discussion. But the way they had normally operated was that often times without some discussion on an item it was hard to know what motion to make or second. Therefore, he thought it would be appropriate to discuss it. It would also be better to have a second on the motion, then they could discuss it and following the discussion either vote to reconsider or vote to not reconsider.

Seconded by Commissioner Griggs.

Commissioner Cooper asked if this was done on a replat to incorporate those four lots into two? Mayor Carroll said this was done at our last meeting as part of the Agreement, going back to item No. 3, as a number of the things the City agreed to do for Mr. Robertson as part of that Contract. Mr. Robertson had filed to have this subdivision approved. Commissioner Cooper asked if there was a variance because of the 60 foot figure? Mayor Carroll said yes. There were a couple of variances in there that were really very minor in the approval of the plat.

Commissioner Easley said when they did approve this subdivision replat last time, they had waived the dedication of public land. It was approximately 3,000 square feet of land. They had also granted space that was alley space and returned it to the petitioner as well at no cost. He was not aware of how many square feet the alleys amounted to, but it was not inconsiderable. He was not proposing tonight that they do anything about the dedication of the public land on this property. They had approved it last time and he was willing to approve it again. He thought, though, that they had gotten into the habit of simply out of hand waiving the dedication of public land on virtually every subdivision that came to us. As long as he'd been on the Commission for nearly a year now, they'd done that almost inclusively, and he didn't think it was the right policy which should be followed. He wanted to bring it up and this was a good opportunity to do that for his colleagues and for the audience. They were essentially giving away land which had potential value. There may be pieces of land that were too small or too inconsequential on some plots to be worth anybody's time to take, but he thought there were considerable pieces of land they did give away. For example, this 3,000 square feet of land on Mr. Robertson's property was a piece of property that may not be extremely valuable

today, but at some point they all agreed it would be out there. He thought they were better off to exercise our right to claim that property and there was a variety of things the City could do with these properties. They might have to bundle them or other things. As a general policy, the City needed to be much more strongly in favor of using our ability to take these pieces of land, rather than just routinely waiving them away as they did on the City Commission about every two weeks. In this particular case, it was not only 3,000 square feet of land, but was plus the additional alley space they'd allocated to the petitioner as well. He did think that it would be good if they could put a date for signing for Mr. Robertson. Normally when they had people come and sign a Waiver of Protest, they were usually pretty glad to do the Waiver and get their business taken care of. Since he'd been on the Commission, Mr. Robertson was the first guy who'd had any trouble with the Waiver of Protest and he was going to speak to his Lawyer, and of course, he was certainly allowed to do that. It was somewhat vague in the rules about when he had to actually sign that Waiver of Protest by and this would sort of clarify for the City and for him that January 24th was the date that he needed to sign the Waiver of Protest. If he didn't, then it simply reverted back to the previous plat that he had before. He didn't have an unlimited period of time to decide whether he was going to sign the Waiver of Protest. He didn't know if he had decided to sign it or if he'd been in to sign it. He might have already signed it for all he knew. He believed Mr. Robertson was called last week that the Commission was probably going to be considering a date. Mr. Robertson said he'd told Mr. Hunt last Friday that he would be more than happy to sign it, but he wanted a letter from the City saying that they were going to put his sewer in like they had promised to do. He'd been waiting on that because Mr. Hunt said he was going to go talk to Ms. Ehler, and he didn't think she'd ever given an answer on it. Commissioner Easley said in Mr. Robertson's mind those were related issues, but in his mind they were not in the sense that they had agreed to a replat, 7-0-0, and he had a finite period to sign the Waiver. If he didn't sign the Waiver, then the replat did not take effect and he would have to start the process all over again. Mr. Robertson said, then, that he could go back and claim his property off of Tenth Street then. Mayor Carroll said no. Commissioner Easley said he would start over on the replat. The property he sold was just that, but the replat was where he'd changed his plotting from four lots to two or whatever it was. Mr. Robertson said he didn't mind signing it, but he wanted something telling him that they were going to go ahead and do what Mr. Hunt was in the process of doing, and Mr. Hunt had no problem in doing that. Commissioner Easley said he was welcome to try and negotiate that and to try and get the City Commission to approve it. That was fine, but he believed they needed to have a date certain for him to either sign the Waiver or the City would withdraw the plat. That was what the January 24th date would be--a 30-day date. Mr. Robertson asked if they were telling him that the City wasn't going to put the sewer in either? Commissioner Easley said no, he was not telling him that. He was telling him that these were not linked. Mr. Robertson said the reason he was doing this was that if he didn't go ahead and get something saying that the City was going to put it in, when it was put in then the City could assess him for it and he had to

pay for it. The same thing with water. His Attorney told him not to sign the Waiver at all for the main reason that he'd paid for the water lines in Tenth Street. If he signed it, then the City could come back and assess him for the water lines and he'd paid for them. Commissioner Easley said the City had a signed Agreement for those issues, and the City would live up to all of its agreements on those issues. The City had a different Agreement, which was the 7-0-0 vote to replat his four lots into two. He had a finite period of time to sign the Waiver of Protest on that or it reverted back to the four lots. Mr. Robertson said there was nothing that said he had to sign that because the City had to replat that for him; they had agreed to do it. Mayor Carroll said the City had done that. Mr. Robertson said they were asking before that was a good replat, for him to give away his rights. He still had the right to protest the amount and not the fact that they were going to assess him. Mayor Carroll said that was if an Assessment District were put in that affected whatever frontage he might have on the other streets, and not on Tenth Street. That would be the only thing the City would assess him on. Going back to the other document, they had agreed not to assess the front footage on Tenth Street for anything related to the Tenth Street Extension.

Commissioner Easley said they had a motion and second on the floor to reconsider their previous action. If they could get to that, then they could decide whether they wanted to put a date certain or not on it.

Commissioner Griggs said on the replat of the subdivision issue, the replat did not become effective until the 24th or until signed and done quicker than that. If Mr. Robertson did not agree to sign the Waiver of Protest, then that replat at that point in time became null and void and the replat could be redone. When it was redone, at that particular time if it was the desire of the City Commission, then a tract of land approximately 50 feet by 60 feet could be claimed by the City. Was that not correct? Mayor Carroll said in any future request for a subdivision different than what they had approved, the City could in fact require the public land dedication. Commissioner Griggs said they could require curb and gutter and everything they had waived. Mayor Carroll said they could require all that-- that was what the Waiver of Protest was all about. They could do a lot of those things. Any of the variances they granted would not necessarily have to be granted again if this came back again or in a different form. Commissioner Griggs asked Mr. Robertson if that was clear to him? Mr. Robertson said yes. He was going to sign it to get it out of his hair. He just wanted the Commission to know that out of 35 years of buying property all over Texas, New Mexico, Oklahoma, and Arizona, he had never been done the way this City had done him on that out there. His opinion was that they had some people not very honorable working for them. Mayor Carroll said he totally disagreed with him on that.

Mayor Carroll said on this motion to reconsider, he thought the mechanism was in place for it to work itself out. There was a motion and second on the floor, so they needed to vote on it. Commissioner Easley thought it would be good to give Mr. Robertson a reminder of that particular date certain and that way there was

no ambiguity about what the date should be or when it ought to be. Mayor Carroll said he would be notified in writing, if he hadn't already been, especially if he missed the 30-day date, of the new date. He thought the mechanism was in place so he wouldn't vote to reconsider because he didn't feel it was necessary and he didn't think it was a precedent that he wanted to get into. Commissioner Easley asked what precedent that would be? Mayor Carroll said of reconsidering these things because someone hadn't signed a document by some time that the City would like for them to sign it. That was basically what they were saying. The mechanism was there. The subdivision was approved with the condition that the Waiver of Protest be signed. So if it was not signed, then they just didn't approve it. That was his position on it.

Commissioner Cole asked the City Manager to review the steps this would take and the dates this would become null and void. Mr. McCourt read from the City Subdivision Regulations, Section 22-01-050(g). Basically, after the subdivision was approved, then there was 30 days to get the plat filed. If it was not filed within 30 days, then the City would provide notification to the subdivider, which must be done within 15 days. If it was still not done within that 15 days, then it shall revert to preliminary plat status without any further notice or action by the City. Commissioner Cole asked if that 30 days started two weeks ago? Mr. McCourt said he understood it started on the day of the City Commission Meeting when it was approved, which was December 26th. Commissioner Cole said because that was already part of the City Ordinances, would Commissioner Easley like to stay with those dates instead of this earlier date of January 24th? Commissioner Easley said actually this date was about the thirtieth day. Commissioner Cole suggested they stay with the City Ordinance and not try to make any exception. Commissioner Easley said they were not making any exception to the Ordinance, but were just clarifying these actions. Mr. Robertson said he would be down before noon tomorrow to sign the Waiver.

Mayor Carroll confirmed that an affirmative vote was to vote for reconsideration, and a negative vote was to not reconsider.

Mayor Carroll called for the vote on the motion. Commissioner Moncada and Commissioner Easley voted "aye". Mayor Carroll, Mayor Pro-Tem Van Doren, Commissioner Griggs, Commissioner Cooper, and Commissioner Cole voted "nay". The motion to reconsider failed by a vote of 2-5-0.

The Commission recessed at 8:25 p.m., and reconvened at 8:35 p.m.

RESOLUTIONS AND ORDINANCES:

7. Ordinance No. 1106 amending Chapter 28 of the Code of Ordinances regarding adjusting of Water Rates.

Recommendation: Final adoption of the amended Ordinance No. 1106.

Mr. McCourt said at the first meeting in December there were several amendments to the originally proposed Ordinance which the City Commission had approved and which had all been placed into this document. Those amendments included 28-03-080, which would be the second tier for residential property. Commissioner Easley asked if 28-03-080(1)(a) had a typo where it stated, "Effective the first billing cycle after May 1, 2000"? Ms. Ehler said no. The customer charges were not being changed and had not been changed since May, 2000. Mr. McCourt said all of the sections were cleaned up to state less than 1 inch, and under Section (1c) the tier level was changed to 2500 cubic feet. The dollar amount was changed to \$1.20 per 100 cubic feet in that same section. Under Section (2a), the customer charges per month for the nonresidential had been adjusted as approved at the last meeting. The commodity charge for less than 1 inch meters was now 1500cf, and up above it was \$9.31. Section (2c) changed to \$1.20 for less than 1 inch, and the second tier became 2500 cf. The major change where there was a lot of text was in Section (3) where they talked about multi-family residences and providing them a second option if they wished. That came out of the special work shop he'd held in December. There had been attendance at that work shop by several members of the public and they'd discussed a method to put this section in place and the dollar amounts. This section permitted a multi-family residential unit, such as an apartment building or a mobile home court, to instead of being included under Section (2), to choose to be in Section (3). It stated that if they chose to go into Section (3), they would pay a customer charge based on the number of units they had within the complex. For the period from when the Ordinance would go into effect until January 1, 2002, that would be \$4 per unit. From January 1, 2002 until January 1, 2003, it would be \$6 per unit. After January 1, 2003, it would be \$8 per unit. If they adjusted other customer charges during the interim, these would also be adjusted appropriately. If they offered this and then paid that customer charge based on the number of units, they would then receive the number of units times the tier in the less than 1 inch size. Therefore, if it was a 10-unit apartment complex and they chose this option, they would pay a base fee of \$40 per month during the first year, plus they would get a tier which went from zero to 15000 cubic feet at \$.84 per hundred cubic feet. Their second tier would then go from 16000 to 25000 cubic feet which they would pay at the second tier rate. When they went above that they would be in the third tier and would pay at the \$1.50 rate.

Mayor Carroll said this new language stated that the election may only be made once each calendar year and must be made in December. Did they not want or need to put some provision in there to allow the choice to be made between now...the first billing was from March 2001 until the end of the year. Did they not want to allow some provision in this initial year for them to make a determination, or were they going to say that there was no option until December? Mr. McCourt said his understanding was that people could opt for this prior to the first billing cycle after March 1st. Mayor Carroll asked if they needed to say that in the Ordinance somewhere? Ms. Ehler said what they were trying to accomplish was

saying the election may be made once in each calendar year so that anytime during this calendar year if an owner of a multi-family residence decided to elect to go under subparagraph (3), they could do that but then they couldn't change until December. Mayor Carroll said they could, in theory, elect to do it in October and get their bill and decide they didn't want to do it and then they could change in December. Ms. Ehler said right, but once they made the election, they were bound until December. Mayor Carroll clarified that they could do it anytime during the year for the balance of the year. Mr. McCourt said if they made no selection, then they fell under Section (2). Once they'd made a selection, unless they came in and changed the selection, they stayed wherever they were at.

Commissioner Moncada said if a complex or a trailer court had 70 units or apartments and not all 70 were rented out--some were vacant or some were used for storage--did the City still charge them for the 70 units? Mr. McCourt said any unit which was available for rental as a residential unit was charged in the base rate fee. That was determined under Section (b) of this section. Commissioner Easley said presumably if an apartment had been converted to permanent storage, that would no longer be available for rental. Mr. McCourt said that would be his understanding.

Commissioner Cooper said the City Manager had made the statement about the Commission approving this Ordinance. He believed they had approved the publication. Mr. McCourt said yes, and it was up for approval this evening. At the first meeting in December the Commission had approved some changes to the Ordinance.

Commissioner Cooper said he had an alternate proposal, which was to look at the base fee on the meters and increase them accordingly as to size, noting the fact that 9,407 of the meters were 3/4 inch and they were primarily residential. He felt a \$2 increase would bring the base fee up to \$11.31 and would be new money of \$24 for each of those meters, with the graduation of a \$5 increase to \$7 and up to \$12 on the 3 inch meter. Those figures were on residential. Going into non-residential, there would be a \$5 increase on the 3/4 inch meter. Mayor Carroll asked if that was over the existing rate or over the proposed rate? Commissioner Cooper said over the proposed. Mayor Carroll said in that case, a non-residential 3/4 inch meter would go to \$14.31. Commissioner Cooper said it would go all the way up to the 6 inch meter, which would be a \$50 increase because of the discrepancy and the uses between the 4 inch and the 6 inch. In essence, it would maintain that \$.84 per hundred cubic feet on all of the meters. That way with the increase on the base fee rate and maintaining the \$.84 per hundred cubic feet on all the meters, it would more or less balance itself out and it wouldn't have such a high impact on the water users of the City. He'd also tied onto that the fact that he would like to see a two-day per week watering from April to October, and then from October to April jump it up to three days, maintaining the no water use on Mondays of every week. He also would encourage to educate the new people coming. There were a lot of people coming

in from the East Coast who were not aware of the precious commodity they had, which was water. They had a tendency to use a little more not realizing that consequently they could be breaking the law. He would like to educate them and to re-educate the people that had been here and had become a little complacent. He felt this was an appropriate way to address the system without attacking the citizens and putting more of a burden on them as far as rates and taxes. He didn't care what they called it, it was still going to take money out of the citizens' pockets.

Commissioner Cooper said looking at tier 2 on the City Manager's proposal, it would pretty well be hit because an average family of four was going to use more than 1500 gallons of water. The average was anywhere from 1800 to 2200 for a family of four. There were other families that were larger and would use a lot more water. He felt they could conserve and maintain the integrity of the water system and keep the people from being burdened with a heavier tax or fee on the water system. He felt that right now with everything going up and everything extraneous, like gas and electricity going up, these things were being felt by the general public not only in those increases, but also were being rippled in by actually costing the people more money when they went to shop because the businesses were raising their prices accordingly. For a resident, they had no way to recoup. For an apartment owner or a mobile home park, they could adjust theirs to the point where it wasn't going to be a burden on the people that lived in the apartments and mobile home parks. These were the people that could least afford a heavy increase of this type, and that was why he'd made the proposal.

Mayor Carroll said he saw very little or no conservation built into this proposal. Also, as he read the proposal, Commissioner Cooper was hitting the lowest water users the hardest. Someone who used 500 cf per month under his plan would see a 14.8 percent increase in their water bill. Someone who used 1500 cf would only see a 9 percent increase, and someone who used 50000 cf would only see a 3.9 percent increase. He believed he had turned this thing upside down to where he was in essence rewarding the heaviest water user at the expense of the lowest water user. Commissioner Cooper said no, because if they went back to Mr. McCourt's figures in Section (3) where they would bump up \$4 per unit, \$6 per unit, and then \$8 per unit... Mayor Carroll said that was not talking about single family residences. Commissioner Cooper said he considered a person living in a mobile home park as a dwelling. Mayor Carroll said that was non-residential, but this proposal increased residential by \$2. Commissioner Cooper said right, but by the same token they maintained that \$.84 per hundred cubic feet. Mayor Carroll said under the City Manager's proposal, someone who used 500 cf in a month would see absolutely no increase in their water bill. Under Commissioner Cooper's proposal, that same individual would have their bill go up 14.8 percent because of the \$2 increase in the base rate. Commissioner Cooper said for \$2, that would be \$24 and he would much rather see the people...and he was sure it would be more palatable. Mayor Carroll asked if it would be more palatable to someone who wasn't going to see any increase at all?

Commissioner Cooper said yes because the number of people who were not going to see an increase would vastly diminish once this tier system was kicked in.

Commissioner Easley said actually he didn't believe that was true. If they looked at the figures, about 96 percent of our users were on the 3/4 inch meters. Of those, the vast majority would use in any given month 1500 cf or less, which meant they had zero, absolutely no increase in their water bill that month. Supposing he moved into tier 2, under the current plan if they used 2500 cf of water, it would put you at the very top of tier 2, a difference in cost for a month of using 2500 cf under the tiered plan versus the current plan of \$3.60. Supposing in a normal month someone used 1200, 1300 or 1400 cf, and during June through August they moved all the way up to 2500 cf--then in each of those three months they would pay an additional \$3.60 over what they were paying now. That came out to roughly \$10 for the year. Under Commissioner Cooper's plan they were taking those same people and they were charging them \$2 per month which was \$24. So they were giving them a chance to pay an extra \$14 per year over what they were going to pay now, and the vast majority of their users stayed under 2500 cf per month. Of the 10,000 meters, 9,600 of them were 3/4 inch, and the huge overwhelming majority were way under 2500 cf per month. So their actual yearly increase was going to be \$6 to \$12 per year maybe.

Mayor Carroll said another way they might look at that to offset the \$2 per month base rate charge, was that an individual could actually use 2000 cf in a month and still be cheaper than the \$2 monthly charge. Commissioner Cooper said when these base fees were set up, they took every meter in the City and averaged it out, and came out with an average of \$9.31 to maintain those meters. Mayor Carroll said it was not to maintain the meter; it was a portion of the fixed cost of the total system. Commissioner Cooper said the meter was part of the system. Mayor Carroll said that was a very small part of the base rate. Commissioner Cooper said by using his plan, it would increase revenue and it would conserve water too. Mayor Carroll said the only way it conserved water was the fact that he'd reduced by one day a week the time which the people could water in the summertime. That was the only conservation there. Otherwise, there was no conservation incentive built into this if the rate stayed the same no matter how much water they used. Commissioner Cooper said he thought the City was in the water business, and he knew they had to conserve water. He knew there were a lot of ways they could conserve water. First, they could look at some of the avenues rather than put this into effect because cutting down to two days did conserve. But as far as he was concerned, under this tiered program they were liable to see people that wouldn't even be able to afford to water one day. Show him a house here in the City of Alamogordo that only used 500 cf of water per month. Commissioner Easley said many of the people that had come from the manufactured home groups had stated that their people only used 500 to 600 gallons of water per month. Mr. Jerry Fambrough, mobile home park owner, said his tenants used 1500 to 1600 cf per month. Commissioner Easley

said Mr. Martinez had talked to the Commission before and had assured them that his people used only 500 to 600 cf per month.

Mayor Carroll said they'd seen a representative sample of water bills, not selected at random, but a representative sample. The average use for the majority of them was under the 1500 per month. That did not mean that there was no month that anyone didn't use the 1500. He looked at his water bill and the way he currently used water, he would probably go into the second tier three or four months out of the year. He did have months in the winter time where his water consumption was 600, 700 or sometimes 800 cf. The majority of the people in most of the months of the year would fall under tier 1 and not get into tier 2. In the summertime a lot of people would, but that was the behavior they were trying to influence with the tiered rate--to reduce the water consumption in the months when people were using much more water than they normally did in the wintertime. That was where a large part of the conservation came into play in this. In reality, in some cases, they were trying to change behavior. One way they did that was by increasing the cost of the water to them over a certain level. He maintained that for most single family residences through most of the year, that they would see no change from what they were paying now. That was not all of them by any means as there would be some that would be impacted, but for the majority he thought they would not for most of the months out of the year.

Commissioner Cooper said he and the Mayor have both lived here for many years. He was out at Holloman in 1952 through 1954 and the conversations regarding the water had always been here and always would be. He didn't care who anyone was or where they came from, they could not put a handle on the water situation here in the State of New Mexico or the Southwest because it changed on a daily basis. They were at the mercy of nature as to what they were going to do and how to handle it. At best, they could come up with different suggestions. As far as he was concerned, he didn't think to penalize the public and the citizens of Alamogordo to a point where it was going to cost that much more for their water...he just couldn't see it. Mayor Carroll felt Commissioner Cooper's proposal was the opposite of what he believed they were trying to do.

Commissioner Griggs said he was one that felt the behavior needed to change just a little bit because his water bill was more than likely going to go up some. The City Manager had furnished them with the information which indicated that the majority of the time the majority of the people wouldn't get out of the second tier. If they didn't get out of the second tier, the maximum increase in a residential water user's water bill would be \$3.60 per month. That was the most it would be. If they got out of that and maxed it three or four times, it still wouldn't cost them as much as Commissioner Cooper's proposal did. There were other things they couldn't lose sight of. First, they had about \$13 million worth of water and sewer capital improvements which needed to be done, and they were scheduled for over the next five years. What was outside those next five years and the next five, etc.? It was not going to stop. It was going to continue to get worse if they

didn't do something or take some action to do some of that right now. Commissioner Cooper's proposal either got them nearly \$300,000 to do \$13 million with, or it got them \$76,000--he was not certain which one was correct. Nevertheless, neither one of them was going to get them very far. They had a two-pronged approach here, and that approach with the City Manager was to give the residents the opportunity to conserve and save where they could, but it also gave the City the opportunity to raise money for the projects they desperately needed. This may increase his bill for sure. When they got out in the second and third tier, was where the money came from--the third tier was where the money came from. Right now if they stayed in the first tier, their charge for water was less than two-tenths of a penny per gallon of water. That was what they were having to pay right now. If they took it up five times, it would take it to a penny. He recognized and understood that it was going to cost some folks some money, including himself. But if they didn't do some of these other things, they weren't going to be able to afford to do them later or they were going to have to hit the residents big time, really big time. It was time that they started looking at some of that stuff and understand that the City had been a pretty soft touch in years past. They couldn't afford to be that way anymore. They had to do something which helped the City improve its water system and cost the residents the least amount at the same time. It was a struggle. They were trying to do the best they could. He thought actually that the City Manager had come up with a very good proposal and he felt it could go a ways to doing some of this stuff. Understand that the idea behind this was to raise money for projects and also to try to give people the opportunity to conserve where they could. They certainly wanted the residents to conserve if they could, but they also needed to make money. He didn't believe Commissioner Cooper's proposal would do or go far enough. He thought they had to go further and do it differently.

Commissioner Moncada said she was going back to their original proposal. She didn't like Commissioner Cooper's proposal, but she still had questions on the original proposal. The only problem she had with the option on Section (3) was that she still felt if a complex, an apartment building, or a mobile home park had ten vacant apartments or homes per month, that was \$40 which they would have to be paying when they weren't being used. They might be using them for storage or something else. They would be saving the water, but the City was still charging them for something they weren't really giving them. The City would be charging them for a unit that wasn't using the water. On the other hand someone might say that if they weren't using any water that they wouldn't be charged, but the City was charging them because they were being charged the \$4. They didn't charge \$4 on an empty house. Mayor Carroll said if the water service was there, they were charged \$9.31. Commissioner Moncada said if it wasn't used, then they didn't. Mayor Carroll said it didn't matter whether it was used. If there was water provided, unless they had the meter physically turned off, whether they used any water or not, they were charged \$9.31 for a single-family unit. What this was doing was breaking it down on a per unit basis to pay some pro rata share of the fixed costs of the water system. Each individual property owner had the

option to go with the unit charge or to go with the other. One of the things that they would want to take into consideration was their vacancy rate and what it ran. If they typically ran a high vacancy rate, then maybe the unit charge was not the way to go. That was what each individual property owner would have to decide. Commissioner Moncada asked if they would go to each individual trailer park or apartment complex and actually count doors to see how many doors they had? Mayor Carroll said yes. Commissioner Moncada asked how they knew that behind that door was an apartment? What if it was a storage area? Mayor Carroll thought there was a mechanism. Obviously the City would like to be able to just have them tell us and they could take everybody at their word. They may or may not be able to do that. He suspected that they would do some verification, if not 100 percent verification, to make sure the City was in agreement to the number of units. For some of these apartment units, he thought there was documentation available which said how many units they had. A lot of them advertised the number of apartments they had. That was something that could certainly be worked out. He didn't see that as an insurmountable problem. The option was there for the people who had multiple units to choose which way they wanted to go.

Commissioner Easley said another option which he and Mr. Fambrough had discussed was individual metering of the units, like they did now on gas and electric where almost all of them were individually metered for gas and individually metered for electric. That was an opportunity for the landlord to get around this problem because they didn't have to worry about paying for a unit that was being charged a base rate; when nobody lived there, it was not their problem.

Mayor Carroll said they didn't have any motion on the floor and they had two proposals before them. Therefore, he felt the first thing they needed to do was to decide which proposal they were going to go with and solicit public input on it.

Commissioner Cole moved to approve the tier proposal which the City Manager and the Commissioners worked on the last several sessions (Ordinance No. 1106 for final adoption). Seconded by Commissioner Griggs.

Mayor Carroll clarified that the City Manager's proposal which was before them was the one which was up for consideration.

Commissioner Cole felt that the Commission, the City Manager and his staff had tried to work with all groups that had come in with suggestions, thoughts, and phone calls. He felt everyone had been given an ample opportunity to make a contribution. They had tried to listen to all of their suggestions. He believed to a large degree they had all been encompassed into this tonight in one way or another. It was not going to please everybody, but he believed it was going to please the group as a whole. The City somehow had to have water conservation for it to progress. He felt the tier rate was a way to go. He thought the article in

Sunday's edition of the "Albuquerque Journal" just reaffirmed what the City Manager had tried to do with his staff and working with the City Commission. It was a well written article which made the City look very good in its efforts to conserve water to have a progressive community. Also, there was something in Sunday's "Alamogordo Daily News" as well. He thought if anyone read those articles, they would be proud of what the City government, Commission, and others working with them, including Mr. Fambrough and his group, had tried to do for the conservation of water. As Commissioner Griggs had mentioned, the revenue was needed for capital improvements. He would like to see it passed tonight because he felt it would be good for the community as it grew.

Commissioner Cooper said what Commissioner Cole was referring to was a special edition which was put out in Sunday's paper by the Water Planning Committee, which took in Tularosa, Sacramento, and the Great Salt Basin area. They had been in existence about nine months now and they were doing a lot of good research and bringing out a lot of excellent points. One was that if they took Alamo Canyon and clear cut it, they wouldn't have to worry about water because of the absorption of the trees and the new low growth up in there. Once that would be eliminated, all that water would be coming down through here. It was not only that, but there were other places down by Grapevine, near Texas, where there was plenty of water which was all New Mexico water and they hadn't even begun to address that. In the Salt Basin there were about 35,000 acre feet of water there which could be used here. Of course it would have to be pumped. Mayor Carroll said the City would have to obtain the rights to it because it was not our water. Commissioner Cooper said he was sure they could because it was open right now and if anybody wanted to go in there and claim it, then it was pretty much going to be theirs. This committee met yesterday, and he and Mayor Carroll were there. There was a good lengthy discussion which lasted two and a half hours, with a lot being covered. He liked to get his information first hand. If everybody was concerned about the water problems they had here, then why didn't all those people show up for these meetings? That was one thing that disturbed him. They needed to remember that they were dealing with the City of Alamogordo--the people, regardless of where they lived. Whether they lived in a half million dollar house up on the hill or a \$5,000 mobile home in a park, they still had the same rights and privileges as all other citizens. He didn't like this plan because sooner or later it would come back to haunt them. In Section 3 of that tier plan they were going to go from \$4 to \$6 to \$8 in three years. So from \$4 to \$8 in three years was doubling that additional fee. When they started out on this venture, the proposed increase from \$.84 cf up into tier 2 was going to be \$1.00; that was short-lived. Then they went to \$1.10, and now they were at \$1.20. That was \$.36 more than the \$.84. So if they kicked into that second tier, it was almost a 40 percent increase in water rates. He didn't care how much they cut the mustard or how much they sat up there and told the people what they would save by this tier program, it wasn't going to happen. It would be passed tonight, but then later on down the road he thought they would have to re-look at it. He would

make a motion right now to dismiss this. Mayor Carroll said there was a motion and second the floor now, so another motion was not in order.

Commissioner Easley encouraged the City Manager to look at that May 1st date again. His reading of it was that clearly (a) and (b) were subsumed and that was where major changes were under point No. (1). So it seemed to him that ought to be March 1, 2001. Before they published it they should look at that and clarify.

Mayor Carroll called for the vote on the motion. Mayor Carroll, Mayor Pro-Tem Van Doren, Commissioner Moncada, Commissioner Griggs, Commissioner Easley, and Commissioner Cole voted "aye". Commissioner Cooper voted "nay". The motion carried by a roll call vote of 6-1-0.

Commissioner Moncada said she wanted to thank the Utility Billing Division who had done a fantastic job on this. She'd received nothing but good comments from the general public that they'd been so helpful in answering their questions. Also, the City Manager had done a good job, as had the general audience out there who had worked so hard and had different inputs and ideas. This was a struggle and it would hurt some feelings, but it was something that had to be done. It was just too bad that the citizens of Alamogordo had to carry the burden, but it was needed. She wanted to thank them for all of their help.

OTHER BUSINESS:

8. Commissioner Ed Cole - Revenue/Budget thoughts and suggestions.

Commissioner Cole said each time they needed a new revenue, it had been the case since he had been on the Commission, that they never considered going back and looking at the City operations to see if there were ways of saving funds and revenue, instead of asking the people to pay a user fee or a tax at that time. He had mentioned earlier this evening that the tiered water rate proposal was necessary for the community to be progressive and to have reasonable growth. He wasn't saying there was anything correct or incorrect in the areas he was speaking of, but he was just asking the Commission, the City Manager, and the staff, to consider these areas or any others to see if there could be a savings throughout the coming months. He was going to talk in five areas, and he had them prioritized in his thoughts only. He was speaking only for himself as a Commissioner. He had let the City Manager know what he was doing here so it wasn't a surprise to him, and he did talk to some of the Commissioners about what he was going to be doing. He wasn't trying to catch anybody by surprise or to be controversial, but just to make some suggestions. The areas he would like to visit about for several minutes were as follows: departmental savings, staffing patterns, professional services and contracting services, flood control, and the OCEDC contribution by the City to the Economic Development Council.

Commissioner Cole said although they would like to have the Water and Sewer Department self-sufficiently financed from the users' fees, they would never get to the point of the \$13 million which had been mentioned over the last few years unless they increased the water user fee a significant amount. So he was going to suggest tonight that revenues from other areas which were taking place right now might have to be used for the Water Department. He was suggesting that these areas be revisited, and he meant strongly revisited. He felt there wasn't anything etched in stone or concrete and that things could be changed.

Commissioner Cole said earlier in the tier water rate proposal the City Manager said he was looking for some way to get \$800,000. That had been decreased to a degree of approximately \$600,000, or a \$200,000 decrease. He would like for the City Manager and his department heads, or those who were responsible for expenditures and revenues, to sit down and based on a percentage of the \$200,000 versus the total budget, versus a percent of that, to see where they could reduce their expenditures this fourth quarter for a savings that might be used in the future towards another water rate increase in the future. Maybe there could be some savings in these departments from that revisiting. He did not know what the percentage was. If there were seven departments, it would be less than 1 percent for each of the areas. The City received Grants and they had to follow the guidelines. He would like to give a couple of examples where there might be some savings the way the money would be distributed. He believed the City had already received, or would receive, a Grant for approximately \$6,000 for earthquake training. He didn't know how the money would be spent, but there might be some way it could be substituted around within the guidelines to be spent with personnel services and not on equipment or computers. There was also traffic safety and Grants for that. He knew they needed a strong DPS, but those were examples of where the money might be shuffled where there could be a savings for the redistribution of financial resources. He strongly encouraged that between the City Manager and his staff.

Commissioner Cole said the second area he would like to visit would be the staffing pattern. He wasn't saying that employees should be laid off, but if there was a vacancy or a retirement, then there might be a redistribution of a job description. A good example was the vacancy they had right now for the Assistant City Manager. That position was not filled and there was that savings. He knew they might be able to shuffle personnel and staffing patterns could be looked at. If a position was vacant and if possible, it should remain vacant.

Commissioner Cole said the third area he would like to talk about was professional services and possibly contracted service. He was speaking of departments and not personnel. Since becoming a Commissioner, he had been concerned on how many RFP's that went out. Maybe they had personnel, if licensed and certified and particularly from the Engineering Department and the personnel from U.S. Filter, where there could be some possible changes. The

City should look at the type of RFP's and contracts that were going out and whether they could be performed by City personnel.

Commissioner Cole said his knowledge on many of these areas was limited, and he thought it was limited more in flood control than in any of the others. He had studied this item thoroughly at the Library, and he'd also met with staff. He thought they could divide flood control into two areas, the southern portion and the northern portion. He thought the southern portion was far enough along that it would be tough to do anything with it, but it could be looked at. He thought all that had taken place with the northern portion was some research and study and no construction. He wasn't for sure that it couldn't be extended over a longer period of time, and maybe even changed or stopped completely. He wasn't saying that was right or wrong and that they should or should not do it, but that it needed to be revisited. There was a lot of expense for flood control and he knew it could be a catastrophic event if they had that type of rainfall.

Commissioner Cole said the last area he would like to look at, he was very cautious of. The economic development tax had been passed, the people had approved it, and they needed to go forward with it. He would like to see it be successful for the growth of the community. However, he wasn't sure that the City government should continue the \$20,000 contribution to OCEDC. He knew the economic tax which was passed should bring in approximately \$400,000 annually. He knew their regulation read 10 percent or \$50,000, whichever was less. The City Commission had said that they would like to see water and sewer areas self-sustaining, and he thought OCEDC ought to be handled the same way and they might look at a \$20,000 savings. It was not a lot of money, but it reminded him of the principle where if they saved a few dollars here and a few dollars there, it did add up.

Commissioner Cole suggested that if his thoughts tonight were a reasonable request, that the City Manager give them some input by the next meeting on whether there was a possibility to do some of these. He didn't say to start any of them, but to come back and report to the Commission if there was a possibility of doing these five or others that the Commission might suggest to where there could be savings within the budget which may eventually be used, if necessary, for capital improvements and then maybe not have a water rate increase in the foreseeable future. He wasn't referring to any cost of living, the CPI, or things like that which he knew were automatic.

Commissioner Moncada said she appreciated his comments, but she would sort of like to see that more in a work session where all the Commissioners could get together and work on it instead of bringing it before a City Commission meeting and trying to discuss things back and forth. She thought they were legitimate items, but she would like to see them more in a work session environment. Commissioner Cole said he had no problem with that. As he'd said, they were just thoughts and suggestions and were very changeable.

10. Purchase of vehicle by Department of Public Safety.

Recommendation: Approve purchase of vehicle for DPS K-9 Officer.

Commissioner Cooper said he saw the existing unit around town and it seemed to be running alright, it looked nice, and was well kept. If they were in such an austere situation where they had to watch every dollar, he would think that this would be something they would have to look at before they could make a decision of purchasing this particular vehicle. Would it have any type of extra or additional equipment in this vehicle? DPS Chief Roy Pack said it would be set up as a canine unit. As far as the funding for it, it could only be spent on this type of purchase. It was drug money and for the K-9 part of the drug interdiction programs. They spent a lot of time at checkpoints, etc. Commissioner Cooper asked if the existing unit was set up for K-9? Chief Pack said at the present time they were using a confiscated vehicle. The reason behind the purchase of this particular vehicle was because it was more of a road-worthy car and they did work the highways considerably on the road interdiction program. The present vehicle had been wrecked previously in a pursuit, and it was not designed for that type of activity. So they were looking for the purchase of a regular police package vehicle which was set up for canine. As far as the money went, they couldn't use that type of money for anything else but these type of purchases.

Commissioner Cooper moved that we approve item 10 (purchase of vehicle for DPS K-9 Officer). Seconded by Commissioner Griggs. All voted "aye". The motion carried by a vote of 7-0-0.

11. Sale of City property (2.44 acres located near the northwest corner of the intersection of Airport at Collins).

Recommendation: Approve the sale of the highest acceptable offer.

Mayor Carroll said this was a property which was advertised for sale. They had received one offer on the property. Was there anyone in the audience who would care to make an offer on this piece of property? There was no response.

Mayor Carroll said they did have an offer for the property in the amount reflected by the market analysis.

Commissioner Cooper moved that we approve this sale of the \$7,320 for that 2.44 acres. Seconded by Commissioner Cole. All voted "aye". The motion carried by a vote of 7-0-0.

14. Appointments to Boards and Committees.

Community Development Advisory Committee: Two vacancies.

Senior Volunteer Programs Advisory Council: Two vacancies (two At-Large positions available).

Airport Zoning Board. One vacancy.

Planning and Zoning Commission. Two vacancies (one At-Large and one HAFB ex-officio position open).

Cemetery Board. Two vacancies.

All remaining vacancies were rescheduled.

SCHEDULED COMMUNICATIONS FROM THE PUBLIC:

15. Request of Mr. Ethan Schulz and Mr. Allen Moore to publicly apologize to the City of Alamogordo for damages caused to the Desert Lakes Golf Course.

Mr. Allen Moore said he was here tonight to apologize for what he and his friends did by criminal damage at the Desert Lakes Golf Course. He would like to say he was sorry to Ron Whitely and Jesse Lane for stealing their golf cart, and that he was sorry to the City of Alamogordo for vandalizing their equipment which was over there. He hoped they could accept his apology and he was sorry for any inconvenience which he had caused.

Mr. Ethan Schulz said he would like to apologize to the City of Alamogordo on behalf of himself and his friends for the damage caused to Ron Whitely, Jesse Lane, and the City of Alamogordo for the damages done to their trucks and the loss of Ron Whitely's golf cart.

Mayor Carroll asked them if they would like to try and explain what had prompted them to want to do the things they did? Mr. Moore said he had no idea, other than he was bored. Mayor Carroll said it seemed obvious that they were here as part of some sort of a punishment or some sort of a requirement for their actions. What other price or penalty was imposed on them for this? Mr. Moore said they had to pay \$4,500 in restitution each within two years, they had to get jobs, maintain good grades in school, and do community service of 50 hours each. Mayor Carroll clarified that this was money that they personally had to earn and not money that their parents were going to pay for their actions? Mr. Moore said right, they had to get jobs.

Mayor Carroll said he hoped that this was the easiest part of the punishment which had been met out to them, and he hoped that it would be a lesson. When they did something like this, the person that was hurt the least was them. The others who were hurt were their parents, their neighbors, and the citizens of Alamogordo. It didn't reflect well on anyone. So he hoped that this part was the

easiest part of the price they paid for what they did and that it was a lesson learned and that they never had to go before anyone again and apologize for actions they took.

Commissioner Easley asked how old they were? Mr. Moore and Mr. Schulz both replied that they were 17. Commissioner Easley asked if alcohol was involved in this? Mr. Moore and Mr. Schulz both replied no. Commissioner Easley said that was good.

Commissioner Cooper said it did take a lot of courage to stand up and publicly apologize. He hoped that they would look to the future with that same courage and find good jobs, pay off their debts, and a lesson learned. If they didn't repeat it, then they'd learned their lesson well. Hopefully this would be something they could talk about in years to come and they would make the City of Alamogordo proud as citizens.

Commissioner Griggs said they could look at this situation and realize that it took just a little bit of very bad judgment and look where it had gotten them. It could have gone further and it could have hurt worse. Just take it to heart, turn it around and do the things they needed to do. He was sure they both had a lot to offer the community and wherever they chose to live. Take this bad deal and put it behind them, and then do the right stuff from now on. God bless them, and they needed to just get after it and do the right stuff.

Mayor Carroll hoped it was a lesson learned and not something where they would ever have to appear before anyone and apologize again. On behalf of the City of Alamogordo, the Commission accepted their apology.

UNSCHEDULED COMMUNICATIONS:

A. Comments by Mr. Gerald Moore regarding the Relief Route, park restrooms, pedestrian crossing signals for the blind, and the Primary Election.

Mr. Gerald Moore, citizen, said he had concerns connected with the Relief Route. As a citizen who lived out on the Airport end of Lindberg Avenue, it was going to be a great day and celebration when all the orange barrels were gone. In the construction of the second overpass for the new road underneath, had anybody revealed when they were going to correct what seemed to be a mistake out there instead of having to patch it all the time so that the approach would be smooth? Mayor Carroll said he understood that was part of the project. That was not a City project, but was a State Highway Department project. Mr. Moore said it was within the City limits and was something which the citizens of the community had to deal with on a daily basis. Mayor Carroll said he did not have a schedule as to when they would be finished, but part of that project was to take care of the problem he mentioned. Mr. Moore asked if anybody had revealed to the City how

and when they would take care of it or if it was going to be taken care of? Mayor Carroll said the way it was indicated it was going to be taken care of was some sort of an injection under the structure to raise it up to where it fit, and then be paved over. Mr. Moore said one of the things he'd noticed right away as he was traveling out to Holloman was that under the existing overpass, the approach from Alamogordo towards Holloman was constantly having to be repaired. When he saw what they were doing with the new ones and that they had fixed that problem, he thought they'd gotten beyond it. But it seemed that in the construction of the new overpass they'd created a little problem there. If that was going to be fixed...had the City been reassured it would be? Mayor Carroll said it was part of the project, so the State would require that it be done to the specifications and that it would be fixed.

Commissioner Easley said apparently the whole issue was a design flaw by the State Engineer's office. They'd been working on it and had problems with the same design flaw in other overpass locations around the State that were being built and were trying to figure out a good resolution to the whole thing. The City received periodic updates from the State and from the contractor on what was going on. He had failed now to believe any of their claims about when the orange barrels would be done, because those claims had come and gone, come and gone, come and gone. Mr. Moore said he wasn't really addressing a completion date, but was more concerned that the problem was taken care of. The taxpayers had paid for that new road, and when the dedication day came, he hoped it was a new road and one that was perfectly smooth.

Commissioner Griggs asked if Mr. Moore or the company he worked for were members of the Chamber of Commerce? Mr. Moore said he didn't know. He was a part time employee of NMSU and he wasn't sure if they belonged. Commissioner Griggs said they did. If they were a member, then Mr. Moore was an associate member, and as a member of the Chamber of Commerce he was welcome at the Transportation Committee meetings. That was one of the issues which usually came up at those meetings.

Mr. Moore said the construction of the Relief Route left a section of the road between LaVelle and Walker because of the previous construction out towards Holloman. What was the plan to bring that up to the same Code? Mayor Carroll said the plan was to rebuild that as six lanes with curb, gutter, sidewalks, and bicycle paths. That particular project had either been let to bid or would be shortly.

Mr. Moore said his last concern dealt with White Sands Boulevard between Tenth Street and Indian Wells. When the Relief Route was completed, was White Sands Boulevard no longer considered a part of US 70 and did the City take over responsibility for the maintenance of it? Mayor Carroll said no. The City as part of the agreement with the State on the Relief Route did accept some maintenance responsibility for White Sands Boulevard, but it mainly had to do with striping,

with snow removal, with patch and potholes. That stretch of road needed to be re-built. The State Highway Department did in fact know that. The last information he had was that the State didn't have the money to do it because in that particular stretch of road, it wasn't as simple as just going in and resurfacing it. A lot of the sub-grade had to be replaced. At this point they did not have the funding available and he didn't believe that it was in the five-year plan. Mr. Moore said his concern was that the City would take over responsibility for that section of street and that the State had just given the City this big mess. Mayor Carroll said no, the City would not take over the responsibility for the major maintenance of White Sands Boulevard, and it would continue to be US 54/70.

Mr. Moore asked if the City had gone before the meeting of Legislators asking for funding for \$70,000 for restrooms in the park? Mayor Carroll said yes. Mr. Moore asked how many restrooms that would make? Mayor Carroll said one, just like the male/female cinderblock restrooms they saw now in Alameda Park and Washington Park. Mr. Moore asked how come a restroom cost \$70,000? He bought a house which was \$70,000. Mayor Carroll said he didn't have to build it to the same specifications the City had to build its restrooms to. Mr. McCourt said, or to try and make it almost indestructible because of vandalism, handicapped, etc. Mr. Moore still thought it was a little much for a two-room job.

Mr. Moore said when he was a student over in Las Cruces, he had become aware of some signals at one of the lighted intersections for the blind. With the School for the Visually Handicapped in Alamogordo, he thought it would be good for us to have something like that. Then recently he was over in Tucson and they also had some signals for the blind. His question was, especially since Alamogordo had the School for the Visually Handicapped and the Commission for the Blind, whether anybody had ever given some thought to having at least all of the lighted intersections along White Sands Boulevard signaled for the blind? Mayor Carroll said the answer was yes. It had been discussed and there were proposals written by the Mayor's Committee for People with Disabilities sent to the Highway Department requesting signage and traffic lights. Both NMSVH and the Commission for the Blind were not necessarily in favor of putting those in. The reason was that there were very few places in the country that had them. What they were trying to do here was to train them for worst case scenario. The City would have no objection to doing that, but the request had not been made and if there had been any discussion at all, it was that they would prefer it not be done. Mr. Moore said he had gotten his information from one of the persons on the Mayor's Committee when he had asked her about this. He could understand them wanting to train people to be able to deal with situations outside of Alamogordo, but if they thought back ten years ago when the Federal government decided they all needed to have ramped sidewalks at all intersections--he thought that other parts of the country could probably go the same way and he didn't see why they didn't just step up to the plate and show a little leadership and at least put them in on White Sands Boulevard, a busy street within the community. White Sands Boulevard was very busy, and he thought for

the safety of these people... Mayor Carroll said he didn't disagree, but the people that were experts in the field were saying that was not a good idea. Mr. Moore said if he lost his eyesight, he would sure rather have chirps to help him get across the street. Mayor Carroll didn't think the City was opposed to doing it, but the people that were in that business had more or less indicated they would prefer that the City did not. If they were to change their mind, then he was sure the City would do all it could to accommodate them.

Commissioner Easley said the Mayor's Committee for People with Disabilities met at the Civic Center regularly, and he would suggest that Mr. Moore take his concern there and discuss it and he would have a pretty receptive audience. Mr. Moore said he'd like to be able to do that, but he was a part-time instructor at the University and was busy teaching classes every Monday through Thursday evening when most of these things were happening. Commissioner Easley said Commissioner Cooper went to most of those meetings, so perhaps Mr. Moore could talk with him and he could carry the idea over. Commissioner Cooper said the one thing that bothered him about those signals was the right on red rule. The blind person would get the chirping sound, get out into traffic, and then someone was turning right on red. Mr. Moore said that could be a hazard, but he believed they had white cane laws and yielding to these people. He believed the pedestrian typically had the right-of-way. Commissioner Cooper said they did, but the sad part was that some of the drivers didn't recognize that.

Mr. Moore said he'd talked with State Senator Duran and Representatives Terry Marquardt and Gloria Vaughn, and he would ask the Commission to please give some consideration and urge our State Legislature to change the Primary Election from June to March. Sometimes when they just nominated people for new Senate or Congressional positions, it was no big deal. But every four years was a Presidential election and they all knew the stories about what happened at the last one. But what happened with the Primary which they currently had in New Mexico in the month of June was that we didn't really have an opportunity to express who we might really like to see running for office. For example, in the past June Primary, John McCain was still on the Republican ticket and some others, as was former Senator Bradley under the Democratic ticket. An earlier Primary gave people the opportunity who might have wanted to vote for McCain or Bradley the opportunity to vote for them. He would like to see support for changing the Primary in New Mexico to an earlier month like March where there were some other Primaries happening at the same time.

Mayor Carroll said that issue had come up in the Legislature before and was defeated, and a lot of laws would have to be changed because right now that would conflict with Municipal elections in most municipalities in the State. He believed that behind the motive and one of the reasons not to change was that it had to do with the ability of candidates at the State level to raise funds, depending when the Primary was. If the Primary was moved up, then it shortened their window of ability to raise funds. Apparently there were a whole lot

of reasons why, because the State did look at that to go into the regional Primary and for any number of reasons, they decided not to go that route. Mr. Moore said it died. Senator Duran shared with him that she had been a part of that and he thought to make it as a regional block was great and wonderful, but at the same time he felt what happened was that people had a tendency to forget that the citizen was not allowed to share or have a voice in the politics of the nation. Regarding all these other things about laws having to be changed, people could change them if they wanted. All he was asking for was support for those sorts of changes so that New Mexico could have that voice. Otherwise, they didn't have it and a lot of decisions were made. Other than the non-Presidential positions, it was useless for them to go to the polls. If they wanted to have a voice in the Presidential Primary, by the time it came to June, they didn't have one. They just kind of went through an exercise.

B. Comments by Rev. David Rorabaugh regarding the water rate increase.

Mr. David Rorabaugh, citizen, said he had gotten a printout of his water rate usage. He understood it was already passed. He understood the need for increasing water rates and such, but he was a little disappointed. Hopefully in the future they could also take into consideration larger families and figure out some way of allowing some kind of a tier system which allowed for the needs of larger families. Not necessarily his family, but being a Minister in this community they were hurting their families when they treated them the same as an individual or a couple. It was going to be hard on families.

Mayor Carroll explained there was some relief because they had expanded the second tier from 2200 cf to 2500 cf. Rev. Rorabaugh said he had a corner lot and a lot of grass. He knew he needed to take some action on his own because they weren't in a green state, but on the other hand in looking at individual use this was a factor that needed to be considered for personal hygiene and such. When they didn't take that into consideration for numbers in a family, then they were hurting some people.

C. Thanks to City Manager and staff for the work done on the water rate proposal.

Commissioner Cooper said the right to dissent was alive and well in Alamogordo, as well as it was throughout our great State. He would yield to the majority and he would work in every way possible to see that the new water rate Ordinance went into effect and he would help in any way he possibly could. He just liked the idea that people could still dissent and voice their opinion and still walk away without any repercussions.

Commissioner Easley said he was very pleased they had passed the water tier Ordinance tonight. He wanted to thank all the citizens who participated. It was really an exercise in local government and he appreciated it. He also wanted to

thank his fellow Commissioners because he knew all of them had worked very long on this particular topic and put in a lot of time, read a lot of stuff, etc. He particularly wanted to thank City Manager McCourt and the City staff who had done a really excellent job of putting this all together. He knew they did a lot of work and were always very helpful. He greatly appreciated that.

Mayor Pro-Tem Van Doren said he would like to recognize Commissioner Cooper's efforts. He at least was interested even though he wanted to consider it as a dissent. He thought Commissioner Cooper was interested in presenting his view and he went to the trouble of working on it and to present it as opposed to giving up. He wanted to recognize the fact that he went to the trouble to do it.

Commissioner Griggs hoped with the passage of the water rate increase it would give them opportunities to improve our water system and do some things which would benefit the City. They had met with numerous members of the community, with representatives from the Hotel/Motel Association, and members from mobile home parks. Everyone of them had tried to do the best thing they could do for the community, and hopefully this was one of those things. Like he'd said earlier, it was probably going to cost him a little bit. He had a family of four and it would be a little bit expensive. But all in all when he looked back at the cost of his water and where it was now, it was a pretty good bargain. Rev. Rorabaugh had indicated that he planned on making some of his yard gravel, and those were the types of things they all needed to do. They needed to understand that water was still a valuable resource and they needed to conserve it when they could. But if they were going to use it, then they certainly needed to pay their fair share. It was harder on some groups than others, but he didn't see a way around it. If he did, he would have tried to do something different.

Mayor Carroll passed on appreciation to the City Manager and staff and everyone who had any hand at all in working through the water rate issue. It was always a difficult issue when they talked about raising the cost to our citizens for anything, especially something as needed as water. However, it was a reality they had to cope with and hopefully the tiered situation would accomplish both things they were trying to do and would in fact generate some additional revenue. But equally as important, it would hopefully change some behaviors and they would have a real conservation effort and awareness within the community.

D. Comments by Commissioner Moncada regarding the passing of Rev. Joe Emanuel.

Commissioner Moncada said she was very saddened by an obituary in the newspaper on our past Reverend, Joe Emanuel, who gave the invocation for many years. He was always here and never had any complaints. It was just sad to see that he had passed on. She felt sorrow for his wife.

E. Comments by City Manager regarding the Special (Work Session) Meeting scheduled for January 25th to look at budget priorities, and the water situation.

Mr. McCourt said through the Commission's action on item No. 9 tonight, he had set up a Special work shop on January 25th at 6:00 p.m. with the Commission and staff to look at budget priorities.

Mr. McCourt said as of today, our reservoirs were at 91.6 percent of capacity, which was very good news. That was a sizable increase since the beginning of December, at which time they were at 60.9 percent. He was sure they could have them full by the end of February. He hoped it wasn't a revisit of not going into Stage 1 rationing last summer, but he did want to get out of that situation as quickly as possible, so they were lifting the odd/even watering schedule immediately.

F. Comments by Mayor Carroll regarding a letter from the Tularosa Basin Historical Society.

Mayor Carroll said they had all received a letter from the Tularosa Basin Historical Society thanking Matt McNeile, Doug Quam, and their staff for the work they did in the restoration of the hand-drawn fire hose cart which they saw out in front of City Hall. They thanked them for that and felt it was a very attractive exhibit. It was a nice addition, and he would pass along congratulations to all the people involved in that.

Mayor Pro-Tem Van Doren moved to adjourn. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a vote of 7-0-0. The Meeting was adjourned at 10:15 p.m.

Mayor Donald E. Carroll

ATTEST:

City Clerk Angie J. Rahn

(SEAL)

(Prepared by Chief Deputy Clerk Teresa Y. Gutierrez)

Approved at the City Commission Regular Meeting of January 23, 2001.



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