

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
JULY 24, 2001**

MAYOR DON CARROLL COMMISSIONER DON COOPER

MAYOR PRO-TEM JOHN VAN DOREN COMMISSIONER ED COLE

COMMISSIONER INEZ MONCADA ACTING CITY MGR BRIAN McGUIRE

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. Rick Steele, and the Pledge of Allegiance was led by Mayor Pro-Tem John Van Doren.

PRESENTATIONS:

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

Mr. Larry Shulse, President of the OCEDC Board, said last Friday Qwest had verified that 1-800-FLOWERS had signed the contract with them for services and equipment with a finish date of October 1, 2001. That was less than the 90 days they normally took, but Qwest had assured that they would do everything in their power to get this thing done. The County had signed a Resolution granting a five-year commercial personal property tax abatement to 1-800-FLOWERS. Regarding the building they were purchasing from the French Brothers, 1-800-FLOWERS had the contract in hand though he wasn't sure whether it had been signed yet or not. The State of New Mexico in-plant job training contract was at 1-800-FLOWERS as well, and it was for \$942,800 and the provisions of that were that there would be 350 jobs within six months of the signing. There was still an outstanding question which 1-800-FLOWERS had of the Tax & Revenue people. They didn't anticipate any problem there, and it was more of a clarification than anything. The contract between the City and 1-800-FLOWERS was being finalized as well. OCEDC had spoken to the 1-800-FLOWERS site selectors today, and they were not aware that the Qwest contract had been signed. They were pushing on the signing of the building contract as well. Everything seemed to be going in order.

Mayor Carroll asked if there had been any revised target date for when they wanted to be up and running? Mr. Shulse said they hadn't heard any more, but the last he heard was October 1st, which kind of fit in with the Qwest contract and that timeframe. If Qwest could get their stuff done, he expected them to open up October 1st.

Commissioner Easley asked when 1-800-FLOWERS would begin recruiting personnel, and would they do that through the Department of Labor or through their own personnel department? Mr. Shulse said he would imagine they'd be recruiting through both, and he expected that to happen next month. There was a fair amount of training they wished to do in advance and set-up, etc. Mayor Carroll said there were employment applications available at the Chamber. Mr. Shulse said as they were filled out and returned to the Chamber, they were being forwarded onto 1-800-FLOWERS. Hopefully everyone realized that there was testing that went along with that when they had the job fair, and that would still have to be done for anyone who applied now. Mayor Carroll said he understood there was going to be a job fair out at Holloman for their personnel. Was that more of a generic job fair, or was it any way targeted to 1-800-FLOWERS? Mr. Shulse thought it was just generic. About two to three weeks ago he thought they'd received an additional 200 to 300 applications over and above what they had at the job fair itself. Commissioner Cooper thought they'd have to start their personnel training by the end of August or first of September. Mr. Shulse said of the initial batch of applications from the job fair, they would probably hire right off of those.

2. Presentation by Livingston Associates regarding an update on the Alamogordo Desalination Feasibility Study.

Mr. Eddie Livingston, Livingston Associates, said the goals were to develop somewhere between five and fifteen million gallons per day of an entirely new supply for the water system for the City. The water quality was to basically match the spring source up in the mountains with a total dissolved solvents range of about 800 milligrams per liter, hardness of 450 milligrams per liter, and sulfates of 450 milligrams per liter. Their goal was to also utilize the brackish groundwater reserves in the area as the supply. The status of the tasks they had undertaken were as follows: to determine groundwater quality and the amount of groundwater storage in the area; to develop a groundwater flow model to simulate pumping and determine the amount of draw-down; to evaluate the various desalination treatments (IX, NF, RO, and EDR), which they had done; to perform pilot testing for both reverse osmosis and electro dialysis reversal; to look at the locations for siting a future plant and well field locations, which they had done in a generalized area and were now focusing on a more specific area; to evaluate the brine disposal; and to develop capital and treatment costs of water. They would be drilling a well north of Tularosa and perform additional tests on that well. It was an area just south of Three Rivers and looked like a very promising well field. They needed to drill and run some aquifer tests on that.

They were in the process of just now completing the environmental assessment for that and getting BLM approval. He anticipated within the next month they would be out there drilling. They would run a reverse osmosis pilot on that particular well for three months and look at the treatment costs for it. That would be happening after they tested the well. They would evaluate the legal impacts which were based through the water rights of the project, as well as the environmental impacts of the desalination process. They were presently looking for three specific plant locations, and would actually be preparing some preliminary plant designs. The final report was due by December 31, 2001.

Mr. Livingston said some of the results they had obtained so far were on the availability of groundwater. There was over 200 million acre feet of groundwater in storage in the eastern side of the Tularosa Basin. The solidity ranged from about 1,000 milligrams per liter (mg/L) which was the upper limit of fresh water to 10,000 mg/L which was the upper limit of brackish water. Of this area they were looking at using for the project in the TDS range of 1,000 to 4,000 mg/L. There was about 20 million acre feet of what they would consider "recoverable water". Of that 20 million acre feet, over a 40-year period they would use less than 1 percent of that, and that didn't even take into consideration the recharge which would happen in the aquifer. So for all intents and purposes it was really an unlimited supply. Commissioner Easley asked if that estimate on the 40-year period was assuming the City's maximum capacity to pump and process, or was it if they were substituting that water for all of our water? What was the basis for the 40 years? Mr. Livingston said the basis for that would be augmentation of existing supplies. He felt they were conservative and would consume maybe 5,000 to 8,000 acre feet throughout the 40-year period, so it kind of balanced out with growth and everything else, and it was actually substantially less than 1 percent. Conservatively speaking, it was about 1 percent. That was assuming up to 15 million gallons per day. The idea would be to spread out the well field pumping along Highway 54 from north of Tularosa all the way to Carrizozo. That way it spread out the pumping.

Mr. Livingston said the pilot testing was all around Tularosa because there were existing wells there and farms where they could dispose of the water while they were testing. They had looked at three ranges of total dissolved solids (TDS) to create a high range of 3,000 mg/L, a medium range of 2,000 mg/L, and a low range of about 1,500 mg/L. This site was kind of a high TDS range of a little over 3,000 parts per million TDS, and they were able to drop it down to 22 mg/L which was better than the bottled water they paid for in the stores. The chlorides were down from 180 mg/L to 5 mg/L; sulfates were down from 1,730 to 11 mg/L; hardness went from 1,880 mg/L down to 8 mg/L; and the feed pressure was only 135 pounds per square inch, which was very low, and they were able to recover 65 percent of the water that went through the pilot plant. That meant that only 35 percent was considered wastewater. Commissioner Cole asked how they disposed of the wastewater? Mr. Livingston said the easiest thing to do was to evaporate it by building a giant pond, and the dry product was basically like the

White Sands. There were agricultural uses for it, or it could be used for building drywall. The other method of disposing of it was drilling a deep well and injecting it back into the saving aquifer. They were actually looking at some other methods that might even recover some of that brine stream. They were working with New Mexico Tech which might allow them to recover some of the saline water at a very low cost. They were looking at co-generation of recovery to possibly regenerate warm water. UTEP had a solar pond which they were looking at to do the same thing. They were looking at some other recent technology where they built greenhouse covers over these ponds and used the solar energy to evaporate the water and collect it on the glass and let it drip off and it could then be recovered as basically distilled water. If the brine water was not really salty, they could grow hay with it or use it for other agricultural uses. Evaporation was the cheapest thing. There was a gentleman in Tucumcari who actually was experimenting with growing some brine shrimp. Commissioner Easley confirmed that the dry byproduct after evaporation was essentially the same thing as the White Sands gypsum. Mr. Livingston said yes. Commissioner Easley said they could actually start their own gypsum industries there with that byproduct if there was a sufficient supply.

Mr. Livingston said the second pilot site was at Villa del Sol in Tularosa. The results were that the TDS of 2,380 mg/L was brought down to 70 mg/L; chlorides and sulfates also did very well. The feed pressure was down to 110 psi, and recovery was 72 percent. The last site was west of La Luz, and the water there was about 1,400 mg/L and was brought down to 60 mg/L. The feed pressure was down to 107 psi, with recovery at 75 percent. All these pilots were very successful. Even the EDR site they ran on two locations was very successful with very high recovery. Commissioner Cole asked if they wanted the psi figure to be low or high? Mr. Livingston said that was the water pressure they had to push the water through the membrane. The membrane was very tight quarters so it didn't get the salt through but let the water through. So it took a lot of pressure to push the water through and to keep the salt out. City water pressure ranged from 50 to 100 psi in some areas. They wanted that figure to be low because if they ran it through a high pressure pump, the higher the pressure, its energy cost more. Higher psi took a bigger pump and a lot more energy and cost a lot more. Commissioner Griggs asked if the psi was the main factor to drop the total dissolved solids in the water? Mr. Livingston said yes. The higher the TDS, the higher the salt content, the higher the pressure that was required to push it through. The membranes would reject 98 to 99 percent of the salts. Commissioner Griggs noted the site with the highest psi was also the best water. Mr. Livingston said the reason it was higher on the other sites was because they had an "O-ring" leak on one of the pressure vessels so a little bit of the feed water was getting mixed up with the treated water. The other sites should have been down also. Mayor Carroll said since this was going to be a blend operation, whether or not it was 20, 30, 50, or 100, the real trade-off would be the energy cost versus the absolute minimum hardness going into the system because they were going to blend it anyway. Mr. Livingston said that was correct. The goal was

to introduce a new water supply which matched the springs, and then they would blend that untreated water to get the salt up to match the springs. Mayor Carroll said it would destroy the plumbing infrastructure if they put that good of water into the system.

Mr. Livingston said the potential primary well fields they were looking at were at Three Rivers, the Oscura area, and the Carrizozo area. The Tularosa area was secondary because they would have to pump it into the system under higher pressure, as well as the La Luz area. They were really not considering either Tularosa or La Luz at this point. Regarding the potential plant locations, they liked the area between Tularosa and La Luz because it was the lowest elevation in the Bonito Pipeline. The idea was to use the Bonito Pipeline, where they would actually add the flows into the pipeline. So they wanted the plant located near the pipeline. Hydraulically it made sense because if they pumped into the pipeline upstream, they would have a lot of gravity head coming down the line and would actually be able to use that head to try to pressure membranes and thus, it would lessen the need for high pressure pumps. Using a system in this configuration, they would cut the cost of water down 30 percent. Also from the plant there was just a little bit of a rise and then a drop in elevation to get down to Alamogordo, so they would just need very low pressure pumps to get it from the plant into town and it would almost flow by gravity. There was a lot of hydraulic reasoning behind locating the wells and plant like they did, and it was all based on minimizing costs. Also, having the plant at that location allowed other customers who might want to buy into the project to be identified. The Village of Tularosa was looking at additional supplies, as well as the La Luz Mutual Domestic Water Association. They could look at this as a regional supplier. Mayor Pro-Tem Van Doren questioned the area of the plant, which he thought sounded like it would not be near La Luz. Mr. Livingston said it was actually near the La Luz Gate Road.

Commissioner Cole asked if the less than 1 percent water they talked about being used was before the possibility of the other surrounding communities using the water? Mr. Livingston said yes, although if all the communities used it, it still would not bring it up to 2 percent.

Mr. Livingston said a conceptual plan for a 10 million gallon per day system would be as follows. They would blend Bonito Lake water treated up at the lake and the wells with a combined TDS of 2,000 mg/L, for a total feed flow of 11.9 million gallons per day. Then they would use the old Bonito Pipeline as a low-pressure bypass feed line and use the new pipeline as a feed to the plant. They would bypass about 5 million gallons per day under low pressure, and then use about 6.9 million gallons per day going through the plant. This would result in a plant feed pressure of about 130 psi, which would all be by gravity flow. They were also able to recover the pressure left on the brine side of the membranes, which would be coming out at about 80 psi, and they could use a recovery device on that and possibly do something with that as well. The plant recovery would be

at about 73 percent, with a permeate flow at 5 millions gallons per day at 20 total dissolved solids. They would then blend those two and have 10 million gallons per day available to the City, with an overall blended TDS of about 760 mg/L. So the overall recovery of the total system was about 84 percent, which was a very high recovery. Their brine waste was under 2 million gallons per day with TDS of the brine at about 7,300. So they would find something beneficial to do with that brine.

Commissioner Easley said regarding the bypass of the old Bonito Pipeline, what kind of condition was that piece of the pipeline in? Was it in good enough shape to work as a bypass pipe, or were they going to have to do a lot of extensive renovations on it too? Mr. Livingston said the reason they wanted to use it as a low pressure pipeline was so it would de-rate...they were having trouble running now with the high pressures. So they would de-rate it to less than 50 psi, and down to possibly 35 psi. They felt they would have pipeline longevity at the lower pressures. Under the replacement of the pipeline they were actually removing a couple of short segments of the line, so they would have to go in with low pressure plastic pipe and replace some of those sections. However, that was minimal cost to the whole project.

Mayor Carroll said in addition to the 10 million gallons from this, the City would still have whatever water they were getting out of the La Luz/Fresnal and Alamo Canyon. Mr. Livingston said absolutely. Mayor Carroll clarified that the plan would be to mix what was coming out of the R.O. system with what was coming out of the La Luz/Fresnal system. Mixing the two would still achieve somewhere in the neighborhood of 800 TDS overall. This could mean, in the summertime anyway, the possibility of 10 to 12 million gallons per day without pumping any of the wells in the La Luz well field. Mr. Livingston said that was correct. Mayor Carroll said this really had the potential to more than double the available water for not only the City of Alamogordo, but for the surrounding area. Mr. Livingston said they had backup in case they had a problem at the plant. It allowed them a lot of flexibility in how they wanted to operate the system.

Commissioner Easley asked if there were any estimates right now about how much such a water plant would cost, full scale operational? Mr. Livingston said they were working on that. One thing that would really keep the cost of a plant down was the fact that they were only having to treat half of the flow. So they were only having to build a 5 million gallon per day R.O. plant, but they would get the benefit of 10 million gallons per day total. Just the plant and the facilities itself would be somewhere in the order of \$7 to \$10 million, as well as the well fields and things like that to supply it. Utilizing the existing pipeline was going to save a lot of money. Commissioner Easley said that was actually quite a bit cheaper than what they had first thought. Mr. Livingston said they had to drill somewhere anyway, and the cost of treatment was relatively low compared to everything else.

Call of the Consent Calendar:

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

3. Minutes of Public Hearing of July 10, and Regular Meeting of July 10, 2001.

Recommendation: Approve the minutes.

Mayor Carroll said some corrections had been made to the Regular Meeting minutes of July 10th. This was a difficult set of minutes to transcribe and as the process went on, there were numerous, minor corrections which were made and highlighted. There was nothing which changed the tenor or flavor of the minutes, but there were some minor corrections.

6. Resolution No. 2001-15 authorizing the Mayor to execute a Membership Agreement with Southeastern New Mexico Economic Development District (SNMEDD).

Recommendation: Approve the Resolution.

10. Easement with Qwest Corporation.

Recommendation: Approve the Easement.

Item Nos. 7, 8, and 9 were removed from the Consent Calendar.

Mayor Pro-Tem Van Doren moved to approve Consent Calendar items 3, 6, and 10. Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 7-0-0.

CONTRACTS AND AGREEMENTS:

4. Joint Powers Agreement with Alamogordo Public Schools for reciprocal use of facilities. [Tabled from 6/26/01 Meeting]

Recommendation: Approve the Joint Powers Agreement.

Mayor Carroll said when this was previously before them, he had raised a couple areas of concern having to do with the statement on water and also use of the complex at Griggs Field. Both of those items had been addressed to his satisfaction, and he no longer had any problems with the Agreement.

Commissioner Easley moved that we approve item No. 4, Joint Powers Agreement with the Alamogordo Public Schools for reciprocal use of facilities.

Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 7-0-0.

ORDINANCES AND RESOLUTIONS:

5. Ordinance No. 1123 amending Chapter 2 of the Code of Ordinances dealing with the Executive Director of the Housing Authority.

Recommendation: Approve the Ordinance for first publication.

Ms. Ehler said the State Legislature back in the 1950's had created a whole Article of Statute dealing with Public Housing Authorities and how employees of Housing Authorities were to be treated. There had been some instances in the State where that Statute had caused some personnel actions. They thought through an exercise of Home Rule Authority that the City could make it very clear that the Housing Authority Director was treated the same as all the other Directors in the City, and that was what this Ordinance was attempting to do.

Commissioner Cooper moved to accept Ordinance 1123 creating a Section 2-09-020 of the Code of Ordinances dealing with the Executive Director of the Housing Authority (for first publication). Seconded by Mayor Pro-Tem Van Doren. All voted "aye". The motion carried by a vote of 7-0-0.

7. Resolution No. 2001-16 adopting the Annual Budget for the 90th Fiscal Year 2001-2002 and requesting written approval from the Local Government Division of the Department of Finance and Administration, State of New Mexico, for the revised budget figures computed on July 24, 2001.

Recommendation: Approve the Resolution.

Mayor Carroll said they had received a corrected copy for some of the backup material for this item, basically having to do with a revised General Operating Fund beginning balance. That obviously translated into a difference in the ending balance.

Commissioner Cole said the expenditures for last year were approximately \$51.2 million, and this year they were approximately \$45.3 million. Why was there a decrease of approximately \$6 million in expenditures? Finance Director LeeAnn Nichols said the majority of the difference was due to the fact that the flood control bond proceeds they received last year, on which the revenue had dropped as well, was budgeted at \$4 million last year and they had spent that down and would be spending \$1.3 million as opposed to the \$4 million. They had spent the fire service bond down. They were complete with the parks building for capital projects and wouldn't have that next year. Fire Station No. 5 was just about complete. They had budgeted \$1.4 million in expenditures on the Bonito

Pipeline last year, where they had \$791,000 this year. They were spending down the 1996 Gross Receipts Tax Bond, and they were also spending down the 1996 General Obligation sanitary water improvement bond and the 1998 joint water and sewer bond. She believed the combination of those things pretty much was the difference between the expenditures of last year and expenditures of the current year.

Commissioner Cole confirmed that a revision was when the Commission approved a change to the budget, and there were 13 of them here. Ms. Nichols said yes. Commissioner Cole asked if there was a cash carryover on any of the revisions? Ms. Nichols said actually what happened was when they adopted the preliminary budget, they adopted that with estimated figures of cash carryovers. Unfortunately she didn't have a crystal ball, so she couldn't do that exactly and therefore they had to make all the carryover beginning balances exactly what they were.

Commissioner Cole said in late June the Commission had approved selling some of the City's investments. He wondered how that had affected the final budget? Ms. Nichols said under Fund 49, 1986 Gross Receipts Tax Fund, they were starting the year with \$2.2 million. That number would actually have been \$872,000 more. Basically if they still had those long term investments, this number would have been larger at \$3.1 million. Commissioner Cole said that was where the loss showed. Ms. Nichols said yes. It did not affect revenues or expenditures.

Commissioner Cole said in the area of economic development, what were the projections from the 1/8th of 1 percent? Ms. Nichols said they had projected just a little over \$500,000. The difference shown was some interest income and a Grant which was in there.

Commissioner Cole said on page 7, revision 2, what did operational mean? Ms. Nichols said it meant operational salaries. The salary wages were divided up between supervisory, operational, temporary, and part-time. Commissioner Cole asked if the Chamber was involved in the Lodger's Tax? Mayor Carroll said for a portion of it. Part of the Lodger's Tax went to the Promotion Board and part of it went to the City's operations. Commissioner Cole asked why under operational they had retirement and all that in here now? Ms. Nichols said there was a salary increase for a staff member assisting with promotional coordinator duties for the Promotion Board. Commissioner Cole asked if it was a new position, or a position already existing? Ms. Nichols said an existing position. Acting Manager McGuire said it was part of a reclassification of another position. He believed the Commissioners had a letter in their packets which referred to that. The Promotion Board asked for some of those Lodger's Tax promotion monies to go back into funding a position where the work had formerly been done by the Chamber. They were still working on making that happen. When they did that, they sent it back to us and said to put it back into salary. What was represented there was how that

would be spread out in salary. Commissioner Cole said he could explore it more with Ms. Nichols later on, but he just thought the Lodger's Tax was more Chamber oriented and now all of sudden it looked like a substantial expense for something he wasn't aware of.

Commissioner Cole said he noticed some changes under the Library in the area of materials used. It was almost \$12,000, and he wondered how that would affect them? Ms. Nichols said they had cut their budget in order to allow for additional expenditures plus an increase in a salary. She believed it was also an existing staff member.

Commissioner Cole said under Revision 10...these reclassifications and reallocations had caught him by surprise. What had happened here where all of a sudden tonight they were hearing about these reclassifications and reallocations? Didn't they approve this tonight to go to Santa Fe? Ms. Nichols said yes. Under Revision 10, basically when they did the estimates and the rollover, in the Accounting Department they took the current payroll and rolled it into the budget. They did that in March and went through one run of the budget, made a bunch of changes, and then did another rollover. The last rollover they did was in early May. They did not do one after that and they had failed to put in a cut-off time for the merit increases, and there were merit increases given after that point that didn't get in that rollover and therefore they were not in the preliminary budget. The reclassifications could be answered on by the Personnel Manager/Acting City Manager. They were in the back of their packet.

Commissioner Cole said quite frankly he needed someone to sit down with him and go over that. Ms. Nichols said she would be happy to. Commissioner Cole said he questioned the reclassifications and reallocations coming to them tonight, and maybe the timeframe said it was necessary, but they had no backup information on why or why not they were taking place. He hadn't had a chance to read the memo Mr. McGuire referred to. Mr. McGuire said his understanding was that Revision No. 10 was because during the budget process the City Manager approved three or four reclassifications, and they had a lasting salary impact. As Ms. Nichols had said, they didn't think to cut off the merit system early enough in the year, so this was more or less a bookkeeping exercise to get the balances in. Ms. Nichols said on the merit portion it was.

Commissioner Cole said his next question was on Fund 33, and he was going to use pages 11 and 15 as cross references. On page 15, Fund 103, Fire Services Bond, was that the \$2 million one? Ms. Nichols said yes. Commissioner Cole said under Fund 33 he had a question on the money. Ms. Nichols said \$42,000 did represent the loan from the New Mexico Finance Authority to build Fire Station No. 5. That was the money that was left over because the project wasn't 100 percent complete, but it was very close. That was the remaining balance and it was being carried over. The original project was about \$572,000, and they'd spent about \$530,000. The \$42,000 left over was estimated to all be spent by June 30th.

Commissioner Cole asked if the Lodger's Tax revenue was split up between the Chamber and the City? Mayor Carroll said no. It was split up between the promotion activities for the City of Alamogordo and the City. It was a 60/40 split. Forty percent of the money generated by the Lodger's Tax was required by Statute to be spent for promotional activities. That was the budget that the Promotion Board operated with. The other 60 percent stayed with the City for use and what was used to fund operations at the Civic Center.

Commissioner Cole asked if Fund 37 was a \$15,000 Grant from the State for a highway cleanup? Ms. Nichols said yes. She thought it was in addition to what was estimated the City would receive back in March. She believed they'd received a little more than expected. Commissioner Cole said that was a nice sum of money to clean a highway.

Commissioner Cole said on page 13, Fund 47, what was that State Grant for? Ms. Nichols said the City had received a Grant for about \$830,000 and they used that money to do work on the Tenth Street project. They were eligible with that project to spend all but the \$319,000, which must be returned. This was a different kind of Grant. Normally the City paid the expenditures up front and then the State reimbursed us. In this case, they gave the City this money up front.

Commissioner Cole said under property acquisition for a \$97,000 increase, what type of property was that for? Ms. Nichols said some of that money would be used for rights-of-way for the flood control project. Basically, they had estimated a little of that money would be spent last year, and they didn't spend it. Therefore, what they were doing now was budgeting 100 percent of what they had in that fund in case they needed it for property acquisition, and specifically the flood control project.

Commissioner Cole asked under Fund 81, what type of improvements were projected for Alameda Park? Mr. McGuire said he understood it was for paving the parking lot and the sewer line. It was scheduled for last year and had been carried over. Commissioner Cole asked if it was the same as for the two streets? Ms. Nichols said Rosalia and Hawaii were separate projects. Mayor Carroll said they showed up in Fund 81. Ms. Nichols said that was for the water line side of the project.

Commissioner Cooper moved to approve Resolution No. 2001-16. Seconded by Commissioner Griggs. All voted "aye". The motion carried by a roll call vote of 7-0-0.

8. Resolution No. 2001-17 requesting the New Mexico State Highway & Transportation Department to continue its project to expand U.S. Highway 70.

Recommendation: Approve the Resolution.

Mayor Carroll said he had asked to have this item placed on the agenda. He had received a call from the State Highway & Transportation Department requesting that the City of Alamogordo take a position on the four-laning of Highway 70 between the Inn of the Mountain Gods and Roswell. There had been some resistance to the project by some of the landowners and property owners in the Hondo Valley area. The Highway Department would like to see that there was in fact support for the project. There had been a number of communities along the way that would be impacted by that project from the standpoint of economic development opportunities, increased safety for tourists, and commerce that had taken a position supporting the Highway Department's goal of four-laning Highway 70 completely through the State. That was the reason this item was on.

Commissioner Cole asked why anybody would not want a four-lane highway? Wouldn't it increase economic benefits? Mayor Carroll said he didn't profess to know all the concerns that had been expressed by some of the people in the area. What he had been told was that they had some concerns that the four-laning would increase traffic. He thought whether it was four-laned or not the traffic was going to increase because of NAFTA, because of the four-laning of other highways in the southern part of the State, and because of the increased tourism that was generated by Ruidoso and Ruidoso Downs. He believed they had also expressed some concerns about the proposed design; some people may feel that they wanted more turnouts and more crossover points on the proposed four-laning to facilitate access into their particular properties. He also understood there were some people that were concerned that somehow the four-laning might impact some of the potential water rights that existed up there, some of the acequia conditions. So while he didn't see the City of Alamogordo wanting to necessarily get crossways with our neighbors to the east, he thought it was important that we take a position that we feel that it's important that Highway 70 is in fact improved hopefully to four lanes, but that at the same time the Highway Department recognize the concerns that have been raised by the property owners in that area and take steps to address them.

Commissioner Cooper asked if this would be used as a hammer on the residents of the Hondo area? Mayor Carroll said no. Ultimately the issue would be resolved between the Highway Department and the residents in the area. He thought what they were doing here was just stating that we as citizens from a neighboring community who do in fact utilize Highway 70, feel it is important that it be upgraded for safety reasons and for other reasons. Commissioner Cooper said the reason he brought that up was because the Highway Department could say the City of Alamogordo wanted this and they could use us as a tool. Mayor Carroll said he didn't see it that way. He thought the Highway Department would like to feel that the concerns raised by the people in that area did not reflect the concerns of all the people in Southern New Mexico; that there were other communities that did feel it was important that the highway be improved. Some of the concerns raised at one of the public meetings was that they felt their quality of life would be impacted by increased traffic. He felt the Highway Department

was soliciting input from neighboring communities to help ensure themselves that they were not on the wrong side of the issue.

Commissioner Griggs said he'd been a user of Highway 70 since 1954 when his family moved from Portales down to Alamogordo. He'd seen a lot of changes on the highway. He had an opportunity to attend the meeting in Ruidoso when they discussed this. There were very few residents of the Hondo Valley there at that time. He believed they also had a meeting in Hondo a day or two later and there were far more people there then. When they looked at a map of New Mexico, Highway 70 was basically one of two highways that would traverse the state east to west. Highway 70 attached into Las Cruces by tying into I-10, and then it went across and ran into I-40 when it got to Amarillo. It was a major highway and could have a lot of economic impact for the City of Alamogordo. The Hondo Valley was one of the prettiest places in New Mexico. The Highway Department had done an outstanding job so far by looking at their design trying to minimize impact to the valley, but also to facilitate the travel through the valley. He thought they would probably wind up doing some more to that because of concerns of the people. He thought it was important for the City to support the efforts of the Highway Department to four-lane that highway, both for safety reasons for the people that traveled through there and there was no question that it could have an economic impact to our City through the ease of travel from east to west.

Mayor Pro-Tem Van Doren moved we approve Resolution 2001-17 requesting the NMSH&TD to continue its project to expand U.S. Highway 70. Seconded by Commissioner Griggs. All voted "aye". The motion carried by a roll call vote of 7-0-0.

9. Resolution No. 2001-18 requesting Governor Johnson to call a Special Session of the Legislature to address Capital Outlay Requests.

Recommendation: Approve the Resolution.

Mayor Carroll said he asked to have this item placed on the agenda at the request of the Mayor of Bloomfield. He had called and faxed an item requesting that the Commission consider this and support it. Mayor Carroll said he had told him that as a matter of courtesy he would bring it before the Commission, but that his recommendation would be to take no action on it. Initially a number of the communities in the Northwest part of the State had gotten together with Resolutions and with the idea of having a meeting with Governor Johnson. In fact, the meeting was scheduled for July 26th. It was his understanding now that the meeting had been cancelled and that the Governor would meet individually with the Mayor of Bloomfield. Subsequent to that at the Resolutions Committee of the New Mexico Municipal League, there was discussion on the concept of these Resolutions. There would be a Resolution presented to the delegates at the Municipal League conference to stress to not only the Governor, but also to the Speaker of the House and the President Pro-Tem of the Senate, the needs of

various communities regarding capital outlay and the various projects for the capital outlay funds, and to urge them to resolve the issue. The potential problem they ran into which was explained very well at the Resolutions Committee, was basically "Politics 101". We could find ourselves in the middle of a dispute between the Legislature and the Governor and from a municipal standpoint, that was a no-win situation. He had told the Mayor of Bloomfield that he would in fact bring this before the Commission. His recommendation would be to take no action on it, and if it did come to a vote, he would vote not to approve the Resolution.

Commissioner Easley said he fully agreed with Mayor Carroll, and that they should take no action. The remainder of the Commission agreed. Commissioner Cole felt it was too late in the season for a Special Session on this anyway with redistricting coming up.

Mayor Carroll said since this was an item on the agenda, could they just take no action, or did they need to vote it down? Ms. Ehler said they could take no action. If there was no motion, then the item died for lack of a motion.

OTHER BUSINESS:

11. Water tap at Christ Community Church (outside the City on North Scenic) - permission to use the tap for residential development.

Recommendation: Clarify the original motion.

Mayor Carroll asked if anyone was present to represent Christ Community Church on this item? There was no response.

Mayor Carroll said Commissioner Moncada and he were on the Commission when this item originally came up, and he would try to give his best recollection of it. The initial request was to allow a tap on a water line that ran along Scenic to allow for the watering of some Afghan Pines that the Church wanted to plant at their outdoor amphitheater. The Commission at that time agreed to do that with certain conditions, the main one being that at such time that the property was developed, the Church would petition for annexation into the City or if that did not happen, the water tap would be disconnected. He believed at that time everyone was under the impression that the piece of property could be annexed into the City, but he also understood that subsequent to that it was discovered it was not contiguous to the City limits and so therefore at this point it could not be annexed into the City. His recollection of the original tap and the condition that was put on it and the limitation was a goal to promote annexation of adjacent property into the City, and that this was a way to make that happen and also not totally violate the existing moratorium on outside the City water sales. Since it didn't appear that the Church could annex into the City at this time, with the moratorium he didn't see why they would be able to entertain this request for a water tap.

Commissioner Moncada said that was correct. She remembered very clearly when they had initially come before the Commission and their agenda was mainly for the trees. She remembered asking them if they were going to ever build residences, and they had clearly stated that they weren't. She didn't see how it would be possible for the Commission to pass this being that they did have a moratorium on so many other requests that had been before them way prior before some of the Commissioners had been on this Commission. It wouldn't be fair for them to award this to Christ Community and not to the other people that had been before them many times and asked for the moratorium to be lifted. Therefore, she couldn't support this issue right now.

Mayor Carroll said he had not seen it, but he understood there had been a request filed with, he assumed, both the County and the City to further subdivide the property where the Church was located. He wasn't sure what, if any, impact that would have on this water tap but it would still be an outside the City water tap.

Commissioner Easley said on No. 3 of the recommendations from 1994 it stated, "when the property is developed it will either be annexed to the City or the water connection will be terminated". Did the Church and the chapel and all that construe development on that property? Was that the same property they were talking about? Mayor Carroll said yes. Commissioner Easley clarified that the water wasn't terminated. Mayor Carroll said the water tap had not been terminated. Commissioner Easley said hypothetically the water tap ought to be terminated. Mayor Carroll said it should be, and it was his understanding that the Church did in fact drill a well and they were supplying the building with well water and that they had only utilized the tap from the City for irrigation purposes. Commissioner Easley said these recommendations were not contingent on that; they were contingent on if they developed the property, i.e., other structures, then the tap should be terminated. Mayor Carroll said yes. Also, just for information, when they built the Church the State Fire Marshall would not give them an occupancy certificate because he was concerned of the lack of fire protection. Therefore in order to assist in resolving that problem, the City did allow them to tie into the line for a fire hydrant for fire protection. He didn't see that as necessarily in conflict with the moratorium because that was obviously something that hopefully would never be used. That was an attempt to allow them to be able to utilize the facility that they built.

Commissioner Easley said he assumed the water the City did sell them through their tap was at the out-of-City rates. Mayor Carroll said he believed so.

Commissioner Cole asked if this also referred to the subdivision going in now by the Church? Mayor Carroll said no. The subdivision adjacent to the Church was owned by them, but it was an outside the City subdivision and they had neither City water nor City sewer. They owned some land west of the Church on the other side of Scenic, and the City did approve that one a year or so ago. Mayor

Pro-Tem Van Doren clarified there were two different subdivisions. Mayor Carroll said yes; he understood the piece of property they'd made application to subdivide was the piece of property which the Church currently sat on.

Commissioner Easley said they had a well to feed the Church, so did they actually still need our tap? What size meter was it? Public Works Director Jose Miramontes said it was a 1 inch tap. Commissioner Easley assumed they were still using that tap to irrigate the pine trees. Mayor Carroll said in keeping with the arrangement the City had with them, we probably should disconnect them from that tap.

Mayor Pro-Tem Van Doren moved that we refuse to allow the water tap for Christ Community Church outside the City on North Scenic. Seconded by Commissioner Cooper.

Mr. Miramontes asked if the motion was to disconnect the tap? Commissioner Cooper said if they were denying the tap, then they were. Mayor Carroll said there was an existing tap there. Commissioner Easley said the tap was not going away unless the Commission specifically took that action. Commissioner Cooper said he understood they were going to discontinue the tap--that was why he had seconded it.

Mayor Pro-Tem Van Doren amended his motion to the fact that they remove the tap (to not only deny the use of the tap for residential development, but to disconnect them from the water tap). Seconded by Commissioner Cooper.

Mayor Carroll clarified that the motion was to not only deny the use of the tap for residential development, but to disconnect them from the water tap. Mayor Pro-Tem Van Doren said yes. Commissioner Cooper said yes.

Mr. Miramontes asked if that included the tap to the fire plug? Mayor Carroll said no.

Mr. Monroe Curtis, citizen, said he wanted to verify that the subdivision did not have City water. Mayor Carroll said no. When it was approved by both the City and the County, it was approved for individual wells and septic tanks.

Commissioner Easley said he would like to further consider amending the motion, which was that the City give them a 90-day notice that the City was going to disconnect the tap, rather than disconnecting it tomorrow. That would give the Church a chance to rework their plumbing or whatever they needed to do for their pines so as not to cause undue hardship.

Commissioner Easley moved to amend the motion to include a 90-day notice period if they were going to disconnect. Seconded by Mayor Pro-Tem Van Doren.

Commissioner Cooper didn't know why they needed 90 days. He thought 30 days would be sufficient. Commissioner Moncada said in all fairness. Commissioner Cooper said he was tired of seeing these free rides.

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

Mayor Carroll said the original motion was to deny the use of the tap for residential development and to disconnect the Church from the tap within 90 days.

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

12. Appointments to Boards and Committees.

Community Development Advisory Committee: Two vacancies.

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

Airport Zoning Board. One vacancy.

Alamogordo Disability Council. Five vacancies.

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

UNSCHEDULED COMMUNICATIONS:

A. Update on the water situation.

Mr. Miramontes said he had passed out an update on our water situation. We were sitting at about 46 percent of maximum capacity in storage. Six of the eight major production wells were operating, and Bonito Lake was down about 5 foot. They hadn't had much in the way of rain, so it was really impacting our system. If it continued, he expected to go into Stage 1 water rationing. He wasn't prepared at this time to make that recommendation, but he wanted to brief them on it.

Commissioner Cooper said he understood there hadn't been any really hard-packed snow up in the mountains since the mid-80's, that they hadn't had any significant amount of rainfall, and that everything was basically dropping off. Were they kind of early into cranking up all the wells? Mr. Miramontes said no-- they always started that in December. Commissioner Cooper said the drop-off at Bonito was quite significant. Mr. Miramontes said he didn't know about the rainfall and precipitation being down since the mid-80's, but certainly in the last three years it had. Commissioner Cooper said Snow Valley had been bought three

different times and each time the bank had to take it back because of the fact that there had been virtually no snow.

Mr. Miramontes said he thought they were doing fairly well now, but if it continued, then they would have to go into Stage 1. Mayor Carroll asked if it was correct to say that at the present time they were trying to balance the water supply versus the energy cost of pumping all the wells? Mr. Miramontes said that was correct. Last year they had spent in excess of \$120,000 in extra pumping and that was pretty significant. They were trying to keep that as low as possible.

Commissioner Easley asked if our electricity costs had begun to moderate any? Mr. Miramontes said they had used less power this year. Commissioner Easley asked if the rates had started to flatten out or even go down yet? Mr. Carlos Salas, U.S. Filter Project Manager, said they had stayed the same.

Commissioner Cole asked what Stage 1 involved? Mr. Miramontes said under Stage 1 rationing what would happen was that they would require users to water their lawns two times a week instead of typically three times per week. Also, those with swimming pools would not be able to refill them as the levels dropped.

B. Update on Library Board policy regarding displays.

Library Director Jim Preston said the Library Board was in the process of soliciting comments from the public and reviewing various exhibit policies from different public libraries across the United States. He was estimating that the Library Board would be carving out a display policy and would perhaps have it to the Commission by sometime in October.

C. Introduction of new Public Housing Authority Director.

Mr. McGuire said he wanted to introduce everyone to the new Public Housing Authority Director. City Manager Pat McCourt had made the selection, and Ms. Cheryl Town had accepted it last Friday. They were pleased to have found someone in the City who could accept the promotion.

D. Comments by Mayor Carroll regarding a letter from the Superintendent of the White Sands National Monument; need to change the August 28th Regular Meeting date to August 27th; NMML Annual Conference voting delegates; and disaster exercise scheduled for August 4th

Mayor Carroll said he had received a letter from the Superintendent of the White Sands National Monument thanking the City for their help in locating and securing some rock for the patio at the Visitor's Center at the monument. It turned out that the original rock came from some place in the La Luz Canyon area. The City owned some land up there and were doing some renovation, and the monument had asked to use some of that rock to reconstruct the patio in its

original configuration. The City was able to accommodate them, and this was a letter of thanks to the City, and especially to City Manager Pat McCourt and (Property Manager) Dale Emrich in helping to make that happen.

Mayor Carroll said the Annual Conference for the Municipal League would be held in Gallup this year the last week in August. As sometimes happened, the date of the conference seemed to conflict with our second meeting in August. Therefore, there would be an item on the next agenda requesting that the Commission move the August 28th meeting to Monday, August 27th so that those Commissioners who desired to attend the conference could in fact get there for the opening of the conference.

Mayor Carroll said as was customary, the League requested that the City certify a voting delegate and an alternate for the Annual Business Meeting. As they had typically done in the past, if the Mayor was attending he was the voting delegate and the Mayor Pro-Tem was the alternate. He understood Mayor Pro-Tem Van Doren would not be attending the conference. Mayor Pro-Tem Van Doren said that was correct. Mayor Carroll asked Commissioner Moncada if she was attending? Commissioner Moncada said yes. Mayor Carroll said if there was no objection, then he would be the voting delegate and Commissioner Moncada would be the alternate.

Mayor Carroll said the Local Emergency Planning Committee had a full scale disaster exercise planned. They would be simulating a fairly high magnitude earthquake that would impact the City of Alamogordo. Any Commissioners who were interested in observing the exercise, were certainly welcome to do so. He believed the staging area would be at the soccer field parking lot at about 8:00 on Saturday morning, August 4th.

Mayor Pro-Tem Van Doren moved to adjourn. Seconded by Commissioner Moncada. All voted "aye". The motion carried by a vote of 7-0-0. The Meeting was adjourned at 9:07 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 August 14, 2001.



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