

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
MUNICIPAL BUILDING, 1376 E. NINTH STREET  
7:30 P.M., COMMISSION CHAMBERS  
NOVEMBER 26, 2002**

**MAYOR DON CARROLL**

**COMMISSIONER ED COLE**

**MAYOR PRO-TEM RON GRIGGS**

**COMMISSIONER JOHN ROBERTSON**

**COMMISSIONER INEZ MONCADA**

**CITY MANAGER PAT McCOURT**

**COMMISSIONER STEPHEN EASLEY**

**CITY ATTORNEY WILLIAM KIRSCHNER**

**COMMISSIONER DON COOPER**

**CHIEF DEPUTY CLERK BETSY KIDWELL**

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 Father Scott Ruthven, and the Pledge of Allegiance was led by Commissioner Easley.

**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.

1. Minutes of Regular Meeting of November 12, 2002.

**Recommendation: Approve the minutes.**

3. Consideration of the final plat of Lakeside de La Luz Subdivision, Blocks 7 and 8, Replat B, for two (2) lots located outside the City of Alamogordo, but within its extra-territorial planning and platting jurisdiction, for Edward J. Meents. [Case S-02-0761(A); 18 Lake View Drive]

**Recommendation: Approve the final plat, located outside the City of Alamogordo, but within its extra-territorial planning and platting jurisdiction, with variances on alleys, on public land dedication and from Section 22-01-140(b)(1) relating to drainage plans.**

4. Consideration of the final plat of Lawrence's Addition, Block 2, Replat A, for two (2) lots located within the City of Alamogordo, for Sandy Ochoa, et al. [Case S-02-0763(A); 2605 and 2609 N. White Sands Boulevard]

**Recommendation: Approve the final plat, with variances on the construction and installation of alleys, on the dedication of public land, and from Section 22-01-140(b)(1) relating to drainage plans.**

5. Consideration of the final plat of Silver Subdivision, Replat A, for three (3) lots located within the City of Alamogordo, for The Randall Trust. [Case S-02-0764(A); 4101 - 4201 N. Scenic Drive/101 - 121 Cottonwood Drive]

**Recommendation: Approve the final plat, with a variance from Section 22-01-140(b)(1) relating to drainage plans.**

9. Resolution No. 2002-38 requesting the NM Department of Finance and Administration to approve revised budget figures for certain line items in the City's budget for Fiscal Year 2002-2003.

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

10. Resolution No. 2002-39 amending FY 2003 - FY 2007 Infrastructure Capital Improvement Plan (ICIP).

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

10.(A) Resolution No. 2002-40 updating and amending the 40-Year Development Plan for the City of Alamogordo 2000 - 2040.

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

11. Statement regarding the Executive Session of November 12, 2002.

**Recommendation: Approve the statement.**

15. Award of Bid No. 2002-17, Timber Harvesting in Sacramento River Canyon.

**Recommendation: Award bid to White Sands Forest MFP II, for a total of \$20.00/per thousand board feet (estimated volume is 250,000 board/feet).**

Item No. 6 was removed from the Consent Calendar.

Citizen John Garst asked about Item No. 15, Award of Bid No. 2002-17, Timber Harvesting in Sacramento River Canyon. Mayor Carroll explained we had sent out bid packets to 8 potential bidders and this was the only response we received. Mr. Garst replied he did not have any objections to the item; he was just curious.

Commissioner Cooper moved to accept items 1, 3, 4, 5, 9, 10, 10(A), 11, and 15. Seconded by Commissioner Cole. All voted "aye". The motion carried by a roll call vote of 7-0-0.

### **PLANNING ITEMS:**

2. Consideration of Ordinance No. 1165 for rezoning to District "D" (Business) requested by The Randall Trust. [Case Z-02-0618(A); 121 Cottonwood Drive]

**Recommendation: Approve the Ordinance for final publication.**

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

### **ORDINANCES AND RESOLUTIONS:**

6. Consideration of Ordinance No. 1166 consenting to the annexation of 32.754 acres of land requested by West Source V. [Case A-02-0057(A); US Highway 54/70 at US Highway 82]

**Recommendation: Approve the Ordinance for first publication with the execution of the Waiver of Protest Agreement, with a contract requiring that water and sewer lines be installed by the property owner in US Highway 54/70 and connected to the City's system within one (1) year, with the submittal of an application for restricted commercial rezoning and with the understanding that annexation of the property does not guarantee either the approval of any development plan or the availability of water and/or sewer services for such development.**

Mayor Carroll stated he asked to have this item removed because the recommendation from staff is not in keeping with the recommendation from the Planning and Zoning Board's recommendation. The requirement of connecting to the City's system within one (1) year was discussed, but not recommended by the Planning and Zoning Board. Mayor Carroll asked why this was being recommended. He does not remember it ever being a requirement.

Ms. Few, City Planner, answered that this was the recommendation that had gone to the Planning and Zoning Commission from Staff. She explained she had been under the impression that this was the desire from management for this

annexation. The water and sewer is at least a quarter of a mile away. The prospective annexation is speculative. There has been reticence exhibited by the City Commission on previous occasions to any annexation. To guarantee the development of the property with the utilities rather than for speculative purposes without a set development plan or schedule of improvements seemed irresponsible.

Attorney Robert M. Doughty, II represented Michael Shyne and other members of West Source V that own the subject property. He explained their goal tonight was to get the one (1) year time limit on the development deleted from the Ordinance. They believe this is an extraordinary requirement that has not been placed upon developers as a condition to receiving annexation of property.

Mr. Doughty stated this is a game of corporate chicken between Home Depot and Lowe's. He added it is no secret that Home Depot is looking at two pieces of property. One is currently inside the City and this one, that the Commission is considering here. Lowe's is considering a piece of property that is on the Consent Calendar tonight. He stated it is a corporate decision whether Alamogordo can afford both.

Mr. Doughty informed the Commission that his clients have two estimates for the installation of water and sewer services to the property. The lowest bid was \$150,000 and the highest was \$190,000. He added that the electric and gas utility companies will do their own because of the benefits.

This annexation petition was filed approximately a month and a half ago. A Rezoning Application is in process. One of the issues with Planning and Zoning was zoning this property as conditional commercial zoning. He reminded that his client informed Planning and Zoning and this Commission that he had no objection to that.

Mr. Doughty had obtained a copy of the unofficial minutes of the Planning and Zoning Meeting on this item. He stated that City Staff had recommended the installation of water and sewer utilities be made as a condition of annexation. To his client that means spending \$150,000 or \$190,000 today on that piece of property. It was presented to the Planning and Zoning Commission that there was no other example of requiring utilities to be connected within a year as a condition of annexation.

The fact that there is a Subdivider's Agreement that requires the developer to install utilities in accordance with the City's technical directives is not an issue. He stated the requirement that it be done within one year is the particular issue.

Mr. Doughty reiterated that they are only interested in being treated fairly as all other developers that seek annexation. Staff has objected that this is a speculative annexation. It is speculative annexation because we do not know if

Home Depot will come to Alamogordo. We also do not know if Lowe's will come to Alamogordo. The ability of his client to attract that industry would be severely hampered if this Ordinance were to pass with the one year requirement within it.

Mr. Doughty added there is virtually no cost to the City for annexing this property. His client will sign the Subdivider's Agreement that the utilities will be constructed to City requirements at the time of development. The property will become part of the City's tax base.

Mr. Doughty stressed the timing of this is critical to his client. Their ability to negotiate and pursue this contract will be severely damaged if this Ordinance is not amended and passed. He requests the wording be deleted that requires the installation of utilities within one year, and it be modified to read "the installation of utilities at the time of development".

Commissioner Easley asked Mr. Doughty if City Staff had defined for him what speculative annexation is. Mr. Doughty replied he did not have the conversation with City Staff. He listened to the tape recording of the Planning and Zoning Commission Meeting. He applied his own definition of speculative.

Commissioner Easley added that he had been on the Commission for almost 3 years now. This is the first time he has heard the term "speculative" annexation. He added they have discussed annexation many times, including last Fall when they discussed the annexation of Christ Community Church. They were looking at annexing a long strip of land along Scenic Drive. If speculative annexation means empty parcels of land being annexed, then we were involved in it at that time.

Commissioner Easley has not heard of any annexation case where we have required the parties to put utilities in within some specific time period. He thought it was unusual when he read it in the book.

Commissioner Easley asked Ms. Few why we are demanding these lines be put in within a year. Ms. Few replied the contract requirement is the norm for subdivisions. It has not been vigorously pursued in recent years because the annexations were either tied to ongoing subdivision activity where plans were in hand and separate subdivider contracts were being initiated almost simultaneously, or the properties were City properties that were storage tanks, the reservoirs, etc., that we have been bringing in or they were previously developed properties. Ms. Few continued that annexation contracts have been the norm with the City during her tenure. She has copies.

Commissioner Easley responded that when they worked on the North Scenic annexation project last Fall, Ms. Few worked on the project quite a bit. He asked if there was ever any discussion requiring utility placements on those properties. Ms. Few replied no, but the utilities were already in place. She noted that for the

one subdivision that was being developed there was discussion about that item. They were looking to bring it in and they were wanting to do it right away.

Commissioner Easley told Ms. Few he was not talking about the annexation of the Church property. He was talking about all the other properties that were south of there. Ms. Few replied those were leveraged. They were not voluntary petitions.

Commissioner Easley asked if there was some significant difference between leveraged not being required to put in utilities and voluntary being required. Ms. Few responded yes, based on the leveraged annexations have people that have not been pursuing annexation to the City.

Commissioner Easley said he does not recall the exact number of properties that were going to be voluntarily annexed, but they had talked to the land owners who were interested. He asked if they would have been required to put in water and sewer lines under this particular theory of annexation. Ms. Few replied there was only one property that we had a petition on. Commissioner Easley agreed, but for leverage purposes we were looking at properties down from there. It turned out other properties were willing to be annexed, not under leverage, but under voluntary annexation. Commissioner Easley stated he was asking if those would have been required to put in water and sewer lines. Ms. Few replied she does not know what would have been because we never had any other properties with petitions brought in. She added the Church property had utilities serving the property, but could not be served by sanitary sewer at all.

These properties can be served. It was her understanding that this was the direction that Staff was being told to go on this annexation.

Mr. McCourt noted that what was being suggested was not unusual because it tends to accelerate the development of the property because the annexation requestor has a larger investment. Therefore, they have a greater incentive to cause the development of the property. If the City does annex this as suggested, we are not guaranteeing the provision of water and sewer services. There will be other services we will be providing to the property such as police and fire protection if the need arises.

Mr. McCourt added that he thinks this is a good area for the City to annex because it is a likely area of commercial development. It would be valuable to the City in assisting with our tax base growth. He noted that if the Commission's desire is to not have the 1 year requirement in, it is in the Annexation Contract on Page 2 of 4, Paragraph labeled 2. Ms. Few added that it was in the suggested action for approval. Mr. McCourt replied approving this item would be sending the item for first publication, so it would be easily removed from this action.

Mayor Carroll stated that the reason for this discussion is that Staff made a recommendation, which is what the Commission has charged Staff to do. Even if the Planning and Zoning Commission did not agree with Staff's recommendation, Staff's recommendation remains the same. He summarized that the decision for the Commission was to go with either the recommendation of Planning and Zoning Commission or Staff.

Ms. Few added that a third option for the Commission would be to go with a different time frame for the utility connections.

Commissioner Easley stated he would feel more comfortable if the recommendation they vote on for water and sewer lines would be the same as what is in their for curbs, gutters, and those kind of improvements, which is at the time of site development. He did not see a reason why sewer and water lines could not happen at the same time.

Commissioner Easley noted that when he first heard of this pending request he had not received any of the paperwork or a map at the time. He said that one of the rules of annexation is you have to be contiguous to the city limits. This is an unusually shaped lot with seven sides according to his evaluation. The only place it touches the City is at the very tip end of Martin Boulevard. He asked if this was an actual street. Ms. Few replied it was kind of a street. Commissioner Easley asked if it was a tract and Ms. Few confirmed this. Ms. Few explained that it was a legal connection to the City. She stated that a professional land surveyor was putting his stamp on it that it was. Commissioner Easley accepted Ms. Few's professional advice that it was a legal connection to the City.

Commissioner Cooper asked Ms. Few to confirm that the Commission would have to delete the one year clause to make the requestor's position more enhanced for dealing with Home Depot. Ms. Few said she could not answer this in her position. Commissioner Cooper rephrased that if the Commission eliminated that clause it would enhance Home Depot going to West Source V. Ms. Few answered not necessarily because it would still have to come back for second reading on December 19th. Commissioner Cooper said he understands this, but normally when the first one is approved, the second one goes through quickly. Ms. Few replied that this document is saved and easy to amend.

Mayor Pro-Tem Griggs asked what the negative consequences would be of bringing this land into the City without the one year clause besides that there is not something to speed up the development. Ms. Few replied that the question is "if and when" it is developed. Mayor Pro-Tem Griggs referred that as Commissioner Cooper had mentioned this clause could put them at a competitive disadvantage.

Ms. Few provided the analogy of the historic comparison of the Airport Blocks area as an example. When it was annexed to the City there was no requirement

that the utilities be put in. Individual developers came in and did further subdivision and development for personal gain. Every time the City told them they had to put in curb, gutter, utilities, paving, or any type of development in the area, the engineers representing the developers would respond that they should not have to because no one else in the area has done theirs. The City said without exception that the engineers were right and would not make them do it. She explained we have had at least two assessment districts out in that area. It still is not developed to the general standard of the City. Ms. Few noted that subdivision annexation is rarely done for altruistic purposes. It is usually done for economic benefit to the property owner. The property owner receiving the benefit is to bear the cost rather than the rest of the populous having to subsidize it.

Ms. Few stated that the duty of her position is to point out and provide all the information possible so that the Commission can make an informed decision. She added that it is not her position to make the decision. She has been shot down before and held up before.

Mayor Pro-Tem Griggs questioned if this property would be coming up soon for a rezoning. Ms. Few replied that the rezoning was scheduled to be before the Planning and Zoning Commission on the 4th of December. It should be before the Commission on December 19th barring any unforeseen circumstances.

Mayor Pro-Tem Griggs understood Ms. Few's comparison to Airport Blocks. He stated he could draw distinct differences between the two. Ms. Few replied there are other examples. Mayor Pro-Tem Griggs responded that he does not recall ever seeing this while on the Commission.

Ms. Few replied they have had other developers, such as Tierra de Suenos, where they were required to put in at their own expense major utilities up front. Mayor Carroll interjected that was done as part of the development of the property. Ms. Few answered that they were in hand with their subdivision. There are many others that have out-of-pocket expenses.

Ms. Few noted that whatever time this development would come up an agreement to recoup for anyone wanting to connect to any of those lines may be appropriate because there is so much undeveloped property it would be going in front of. She stated she would be remiss if she did not point this out. Mayor Carroll replied that would be between the property owner and the developer at the time.

Mayor Carroll stated that when the property is developed the water and sewer is going to have to go in because there is no service now. Ms. Few replied that technically, they could go in with private wells and septic tank systems. Commissioner Easley replied they would not be able to do that if it was a condition of this annexation that they put in sewer and water utilities at the time of development.

Mayor Carroll stated the Commission was not waiving the requirement that the water and sewer be put in at the developer's expense. Their issue is whether or not they want to put any time frame on putting those improvements in or allow it to be done at the time of first development of the site as typical.

Commissioner Easley clarified that his decision tonight does not have to do with the relative competitive advantage or disadvantage of West Source V and their commercial development. This is true for the other item approved tonight for the Randall Trust. They asked for a straight forward rezoning and the Commission voted 7-0 to do that because it was a straight forward, unproblematic request to comply. The case is the same here. He does not know what the competitive advantage or disadvantage will be to West Source. He believes it will be to the City's advantage to annex this property on a voluntary basis while we have the opportunity. Commissioner Easley noted this is a piece of property that clearly has some fairly outstanding commercial value, now and in the future because of its location. Currently it is outside the City and does not pay us a dime in property taxes. It does not directly benefit the City. It is empty property. If it is brought in and the time frame is waived, our expenses are practically nil. It may get police and fire service, but it is a vacant lot. He believes it should be brought in because it is to the City's advantage, not as a competitive advantage for West Source.

Prior to voting Commissioner Robertson noted that he does not have a personal interest in this property, but his sister and brother-in-law do. He told the other Commission members that if they favored him to abstain from voting he would. No one expressed that they believed he should abstain.

Commissioner Cooper noted the only thing that bothers him is that this is going to be speculative.

Commissioner Cole moved to annex the property with the modification that the one year clause be replaced with "all utilities be installed at the time of development of the site." Seconded by Commissioner Easley. Mayor Carroll, Mayor Pro-Tem Griggs, Commissioner Moncada, Commissioner Easley, Commissioner Cole, and Commissioner Robertson voted "aye". Commissioner Cooper voted "nay". The motion carried by a vote of 6-1-0.

Commissioner Cole suggested that Mr. McCourt or Staff visit with Michael Shyne about bringing the property from Martin Boulevard south to the City limits in to the City as well. Mayor Carroll replied that we do not know if West Source owns that property. Commissioner Cole said he understands that, but maybe the owner would be willing to annex in as well. Mayor Carroll noted we could investigate that.

7. Ordinance No. 1168 amending Chapter 28 of the Code of Ordinances adjusting water rates, sewer rates, and reclaimed water rates.

**Recommendation: Approve the Ordinance for first publication.**

Mayor Carroll added that there was a change from what was in the agenda book. Mayor Carroll believed the changes had to do with the billing cycles. Mr. McCourt explained that this is an Ordinance that usually does get amended after first publication. Normally we see considerable comment from the public.

Mr. McCourt continued that this Ordinance has quite a number of proposed changes. He added some are housekeeping such as moving the definitions from the article on sewer to cover the entire chapter, which is water and sewer. We are adding new definitions for non-household use and household use into the definitions.

Mr. McCourt stated that on the sewer rates there is a 2% recommended adjustment to the base charge and to the commodity charge. It is the shaded area on Page 5, under Section 2. On the same page, there is a request for a change on some wording. Currently it reads "the months of December and January". The way our billings are set up is staggered. We cannot get two months reading in under those guidelines. The suggested change is to strike "months of December and January" and put in the words "two billing cycles between October 15 and January 1". The way this section works is we take the winter readings, multiply them, and average them, and we multiply that by 90%. That sets your sewer consumption rate for households. We are not able to get this done in just December and January. We need a longer period of time in order to capture two complete cycles.

Commissioner Cole asked if this would increase or decrease revenues. Mr. McCourt replied it should be revenue neutral. It is a housekeeping item to give us permission to do what we have to do anyway.

Mayor Carroll suggested the word consecutive be added so it would read two consecutive billing cycles. Mr. McCourt replied that would not be a problem.

Mr. McCourt noted on the sewer we have a rate adjustment for the septic charges. Septic charges are when commercial haulers pump out septic tanks and take it to the wastewater treatment plant. We charge them a fee for doing that. The current fee is .10¢ cents per gallon and we are proposing this be increased .11¢ cents per gallon.

Commissioner Cole noted he does not have a problem with the increases. They are probably necessary. He asked how we arrived at the increases. Mr. McCourt replied that there was an item in the agenda books showing multi-year projections. He explained that we looked at the current rate structure and available water we believe we will have. Mr. McCourt added this document should look familiar because we have used it the last couple years in basing our projections on the income necessary to operate the system. This projection is

based on us maintaining the same programs. There is no new programs or changes in here. It shows what revenue number we need and what we need to meet our bond requirements.

Commissioner Cole stated the series of increases did not seem to all be the same percent. Mr. McCourt replied they were not. Commissioner Cole stated he did not have a problem with it, but he was just trying to get the rationale of how the increases were arrived at. Mr. McCourt explained the sewer rates were pretty much a flat percent. In the septic charges, the percent would be less than a penny, so they only increased it by one penny. Commissioner Cole clarified that there was not an across the board increase. Mr. McCourt replied there was not.

Mr. McCourt noted most of the changes were on the water rates. He explained most of the meters in the City are less than 1 inch in size. Most of them we call 3/4 inch, all though there are some 5/8 inch. That is probably over 95% of the meters in the City. We charge a base fee and then a commodity fee. The recommendation is to not change the base fee, but they are recommending a change for 1 inch and 1 1/2 inch size meters. This is in response to comments we received that by going to a larger size meter you will receive proportionately more water in Tier 1 and in Tier 2 than you did with the smaller size meters. Therefore, there was an economic advantage for upsizing your meter. Mr. McCourt stated he is not totally sold on this because the cost of upsizing your meter is pretty expensive. However, because of the criticism they have made those proportional. He explained a 1 inch meter does get more water in Tier 1, but it pays a higher amount for the base fee. We do not have any household users that have larger than 1 1/2 inch meters. We have dropped off all the other size meters. If someone wished for whatever reason to have a 4 inch meter at their private residence, they would be permitted to do that. They would do that under the commercial side of the picture.

Mr. McCourt stated that the base charge that we are currently charging in Tier 1 is .85¢ cents per 100 cubic feet of water. 100 cubic feet of water is 748 gallons. We are not recommending a change in the base rate in Tier 1. This is in regards to 3/4 inch meters. On Tier 2, we received quite a bit of comment this last year on larger size families. They were being negatively impacted. Some of the analysis came back that they understood why we needed the tier system, but Tier 2 was not broad enough. The current Tier 2 includes 1,000 cubic feet of water. We have suggested that Tier 2 become 1,500 cubic feet of water. We have put more water into Tier 2 at the Tier 2 rates.

Mr. McCourt continued that in Tier 3 we are recommending an increase to the commodity cost of the water. Currently, the cost is \$1.60 per 100 cubic feet. We are recommending \$2.00 per 100 cubic feet.

Mr. McCourt informed the Commission that they are also recommending the creation of a Tier 4 and Tier 5. Tier 3 would be 1,000 cubic feet wide. Tier 4

would be 1,000 cubic feet wide. The commodity rate in Tier 4 would be \$3.30 per 100 cubic feet. The rates in Tier 5 would be \$5.00 per 100 cubic feet.

Mr. McCourt stated they did prepare an analysis which was on the second page behind the staff report in the agenda book. He explained they pulled the August 2002 bills for 8 actual accounts. This is when surcharges were in effect. They calculated what the bills would have been for water only without surcharges. This is reflected in the second column. The third column is what those charges would be under the new rate proposal they are presented with tonight. In all 8 of these accounts without surcharges there were no change in the bills. Mr. McCourt made up 2 scenario accounts, Customers 9 and 10. He explained that Customer 9 shows that because of Tier 2 becoming wider and including 1,500 cubic feet instead of 1,000, they would actually pay slightly less than they did in the current year without surcharges. Customer 10 uses 7,000 cubic feet of water. Their rate would go up substantially as you can see because of the new tiers and higher rates on Tiers 3, 4, and 5.

Mr. McCourt continued explaining that customers with 3/4 inch meters who stayed within Tiers 1 and 2 would not see a rate increase for their water. They would see it for their sewer as discussed earlier.

Commissioner Cole asked if he would add up all 4 totals in the column on Customer 9 to get their total bill. Mr. McCourt explained you would add the \$9.81 base fee, \$12.75 for water used in Tier 1, and \$15.00 for water used in Tier 2. Commissioner Cole asked Mr. McCourt if that is how he got the \$37.56. Mr. McCourt replied affirmatively.

Commissioner Cole noted that in Mr. McCourt's statement regarding those who get in upper brackets of water consumption, that they would pay more for the use of the water to discourage a large quantity of usage. Mr. McCourt agreed.

Commissioner Cole felt he must be missing something when he read over this because he did not see where they would be discouraged from using more water. Mr. McCourt explained that if he looked at Customer 10 who was using 7,000 cubic feet they would pay a bill of \$109.31 for water under the current system. He continued that under the proposed rates they would pay \$194.31.

Mr. McCourt noted that he had put some information on the white board in the Commission Chambers regarding the proposed rate structure. He stated that many times we have questions about the usage being in gallons. Mr. McCourt noted that the bills are not in gallons, but in cubic feet. He wrote out on the white board what various cubic feet of water equal in gallons. (1,500 cubic feet = 11,220 gallons) He also illustrated how much we are charging per gallon of water. In Tier 1 it is .002¢ per gallon, Tier 2 is .0018¢ per gallon, under the proposed Tier 3 it is .002¢ per gallon, under the proposed Tier 4 it is .0025¢ per gallon, and under the proposed Tier 5 it is .0032¢ per gallon.

Mr. McCourt also gave an illustration of how the bill is computed on the white board. He has heard people make the statement that if you enter Tier 2, then all your water was charged at the Tier 2 rates. That is not correct. You are only charged for the water in each tier at that tier's rates.

Mr. McCourt summarized that these are the basic changes on the household side.

Mr. McCourt continued that on the commercial side the changes are again to the base charge. This is to make them proportional to the increased volumes of water that they get. The larger size of meters permit them to get a greater quantity of water in Tier 1 and 2.

Mr. McCourt noted they have also changed the commercial tier width sizes slightly. This is on Page 8 of the proposed Ordinance. He stated this again is to make the proportional change occur between the base rate and the amount of water they receive. Per 100 cubic feet Tier 1 remains at .85¢, Tier 2 remains at \$1.25, Tier 3 goes to \$2.00, Tier 4 goes to \$3.30, and Tier 5 goes to \$5.00. Mr. McCourt noted the commercial side has more change than the residential side.

Mr. McCourt stated that what they were trying to do in these rates was tell those customers that stayed within Tiers 1 and 2 that they have helped the City and they don't get a rate increase. He added that he has received two comments already that they did not think this was good because we still needed to encourage them to conserve.

Mr. McCourt explained that the Commission may recall that when we set up the tier system we set up a system for multi-family residential units like trailer courts and apartment complexes. This was an optional method where they would pay a base fee for each housing unit within their trailer court or complex. They would then receive a tier of water. This was to put them on the same basis as a single family house. This was phased in over a period of years. Mr. McCourt explained that in this Ordinance they were adjusting that to catch up to the changes that occurred to the single family unit rates in the last couple years.

Mr. McCourt explained that Section Four includes some changes to service calls that have to be performed by the City. These are individual requests from customers, late fees, and other service fees. He believes these adjust by 2%.

Mr. McCourt stated that Section Five deals with the deposits new customers make. They have been updated because of the new rate structures to minimize the loss to other customers. He explained that when someone leaves an outstanding balance on their account and there is no deposit, it ends up as a bad debt. In turn, this ends up paid by the other customers in increased bills. Mr. McCourt continued that they are also suggesting that renter's deposits be held

until the account is closed and paid out instead of crediting it against the account when the customer has established satisfactory credit.

In Section Six for reclaimed water charges, Mr. McCourt noted the last change. He explained that we currently charge .23¢ cents per 100 cubic feet of reclaimed water. The recommendation is to increase that to .25¢.

Mr. McCourt summarized that they are wishing to discourage water use in the higher brackets. This Ordinance tries to say thank you to the lower water users by not giving them a rate increase. It makes the system more proportional and easier to understand in regard to how the tier widths are established and connected to the base fees that are charged.

Commissioner Cole expressed that he likes the idea and he believes he understands it. He asked where the incentive is to each household to conserve water. Mr. McCourt replied he was now the third person that had asked him that question concerning people who stay within Tiers 1 and 2. He agreed there is not an incentive here for them to reduce their water usage any. If they use the same amount of water next year, their water bill stays the same. Commissioner Cole noted that Customers 1, 5, and 6 have a lesser bill. Mr. McCourt replied that is because of the surcharges. Commissioner Cole said yes, but next year they are going to say "it is a lot less, so I can use more water because I am not going to pay near what I did last year." Mr. McCourt replied there is a possibility that could occur. Commissioner Cole added he also thinks it applies to Customer 9. He does not see any encouragement to households to conserve water. Mr. McCourt replied that is correct for households that stay within Tiers 1 and 2. He mentioned that because of the broadening of Tier 2 households that used between 2,500 and 3,000 cubic feet this year could actually have a lower water bill next year, excluding the surcharges. There is no financial incentive for people who stay within Tiers 1 and 2 to reduce their consumption under this proposal.

Mayor Carroll noted there is none under the current Ordinance either. He added where the incentive comes in is in a rationing situation where surcharges kick-in. Mr. McCourt added that surcharges provided a very large incentive to reduce consumption.

Commissioner Cooper reviewed what the charges and tiers have been. He questioned what happened to Tiers 1A and 2A. Mr. McCourt responded those were surcharges during rationing only. Commissioner Cooper said those tiers disappeared, but now we have Tiers 4 and 5. Mr. McCourt explained that was what was being proposed, but we did not actually have these tiers at this time. Commissioner Cooper stated he still opposed the tier system. He thinks people really do not know what they are going to be paying from one day to the next for their water.

Mr. McCourt illustrated that the first year he was here the City begged for voluntary conservation, but the use went up. When the tier system was put in, water consumption went down. This was in place for two years. When surcharges were implemented it caused dramatic changes in users' behavior and reduced water consumption considerably this year.

Commissioner Cooper said they will get to a point where they will not even be using the water. Mr. McCourt replied that if we get to the point we do not have any water to sell, then that will be a dire situation. Commissioner Cooper replied that is what is happening. Mr. McCourt stated the City is working to balance out the needs within the community and the supply of water. In the long term we have prospects for increasing the water supply.

Commissioner Cole suggested that all people should be encouraged to conserve water. He does not see it that clear in the proposed plan. He questioned whether they should look at it as a Commission more or try it for a season. Mr. McCourt replied the reason the rates do not change is the use never exceeded Tier 2. Commissioner Cole agreed, but asked if they are conserving water. Mr. McCourt replied the user did not get out of Tier 2 so they stayed under that volume of water use at their residence.

Mayor Carroll stated that the only other way to determine who is conserving water and who is not is to go to a per capita system of some sort. Commissioner Cole said that is what Santa Fe is looking at doing. Mayor Carroll replied that is a board's recommendation. It has pros and cons. He does not disagree. He had the conversation with Mr. McCourt that there is little or no incentive for water conservation in the lower two tiers. Mayor Carroll reiterated that what Mr. McCourt is trying to accomplish is to provide a reasonable amount of water for most people, which would be in the bottom two tiers. He continued that Mr. McCourt was trying to encourage the conservation in the higher levels of use for households where there is a much greater ability to conserve water than there is in the lower tiers. Mayor Carroll added that if we want to encourage conservation for everyone we need to do it in a water rationing situation.

Mayor Pro-Tem Griggs said this was really looking at the rates we charge. We are trying to cover the costs of our system and provide additional monies to build and maintain pipelines. Conservation becomes a secondary part of this. If we had all the water we need, this system would be perfectly fine. Mayor Pro-Tem Griggs noted we have other means to minimize the usage. Surcharges, rationing, and limiting watering days are examples. He thinks this Ordinance and this particular plan show we have learned a little from our experience where we have had people stand up here and say we were treating them unfairly because they had more people in their household. This plan says we agree with you and let us see if we can help this out a little. Mayor Pro-Tem Griggs stated that if the situation gets to where the water is short, we have the means in the Ordinance that is about to be presented after this one. He expressed that he thinks this

Ordinance is good and fair. He added that it should be put out to the public to see what they think.

City Attorney William Kirschner noted that there was a change that needed to be made on Page 5 regarding meter size. Meter size  $\frac{3}{4}$  inch should read <1 inch.

A member of the public, Bob LaRosa, questioned Mr. McCourt about the cost of 5,000 cubic feet of water he had mentioned earlier. Mr. McCourt replied that 5,000 cubic feet of water equals approximately 37,400 gallons. He then broke down the costs of this water under the proposed system without a surcharge on the whiteboard. It would be \$9.81 for the base rate, \$12.75 for the water used in Tier 1, \$18.75 for the water used in Tier 2, \$20.00 for the water used in Tier 3, and \$33.00 for the water used in Tier 4. The total would then be \$94.31 for water. Mr. LaRosa asked how much this bill would be with a surcharge. Mr. McCourt said they would be discussing this in the next item.

Mr. LaRosa then asked about the sewer charges on this bill. Mr. McCourt replied he was recommending the sewer rates go up by 2%.

Mr. LaRosa stated he just wanted to see what it would cost.

Mayor Pro-Tem Griggs moved to approve Ordinance No. 1168 for first publication with the change. Commissioner Cole seconded the motion. All voted "aye". Motion carried by a vote of 7-0-0.

Mayor Carroll asked for a brief recess at 8:55 p.m. The Meeting was called back into order at 9:15 p.m.

8. Ordinance No. 1169 amending Chapter 28 of the Code of Ordinances regarding water conservation and water rationing.

**Recommendation: Approve the Ordinance for first publication.**

Mayor Carroll noted there was some revised material handed out for this item this evening. Mr. McCourt stated this is the section of our Ordinance that deals with how we want to encourage conservation of water and how we react when supply does not meet our demands. He explained that currently under normal circumstances when we start daylight savings time we go to a 3 day a week watering schedule. Mr. McCourt noted that we are on a 1 day a week schedule now because of a particular situation. Normally when we are not in daylight savings time, people can water 7 days a week anytime they want. Mr. McCourt explained that currently, those with newly seeded or sodded lawns or planted trees have been granted an exemption during the 3 days a week schedule. This Conservation Ordinance proposes that during daylight savings when we use the 3 days a week schedule we remove this exemption. These people would have to

accomplish their watering of those areas during the scheduled hours and days permitted.

Mr. McCourt explained that the second change under Conservation was where we talked about using treated water for cleaning off driveways, sidewalks, and other paved areas. The proposed Ordinance includes buildings, decks, and any impervious surface. It says they can do this, but only during the days and times they are permitted. These are all during daylight savings time.

Mr. McCourt stated that on the bottom of Page 2 in the shaded area, he proposed to add that homes constructed after January 1, 2003 shall have a grassed area not greater than 15% of the lot size. He reminded the Commission that they had this discussion with the Builders' Association and this was their recommendation. He explained what he is doing is codifying it in a permanent sense in our Water Conservation Ordinance.

Mr. McCourt noted that on the revision everyone received tonight there is an additional area "C" saying there will be no new decorative outdoor fountains. He said he does not think we have any now. These are outdoor fountains that spray water up in the air.

Mr. McCourt continued that on the next page of the revision we make the clause regarding the changes of linens in motels/hotels effective year round. This says the linens are only changed when the residents change or some unusual event that they need to be changed.

Section Two, Non-essential Water Use was changed as Mr. McCourt explained. In Section 28-03-034, Paragraph 1 it could be read to say that a commercial business could have a hose that ran without an automatic nozzle shut off when they were washing vehicles. He expressed he did not believe this was the intent or desire. Mechanical car washes are permitted with a hose, but they always have to have an automatic nozzle shut off on it.

In Section Three, Mr. McCourt stated that pool covers will be required on all pools installed after January 1, 2003. This would be a requirement for a new pool.

There is a wording change in Section Four where the word effluent is changed to discharge, Mr. McCourt noted.

Mayor Carroll suggested that Item Number Five be placed in Section One as item (e) to make it consistent. Mr. McCourt clarified that he was to move it from Non-essential use to Conservation. Mayor Carroll affirmed.

Commissioner Easley said that on their gray page (the Agenda Report) it says that watering is permitted from 10 a.m. to 9 a.m., which is a pretty broad swath

and not what they intend. He believes it is correct in the Ordinance, but wanted to point it out to Mr. McCourt. Mr. McCourt replied he believes he has changed it in all the locations.

Commissioner Easley suggested we add a definition of treated water in the Ordinance because we refer to it many times in the Ordinance. He clarified that what we mean is treated water to potability or drinkability standards. He noted that our effluent water is treated, just not to potability or drinkability standards. Mr. McCourt agreed.

Commissioner Easley asked about Number 4 in Section Two regarding bleeder lines. It reads the discharge can be used to water landscaping or other outdoor vegetation except where this would be impractical or unfeasible. Commissioner Easley asked who decides what is impractical or unfeasible. He said he can understand if someone has no landscaping, but someone may declare that they find it impractical to do anything about their bleeder line and run it down the sewer. Mr. McCourt replied the Courts would have to make that decision. Commissioner Cole asked for an example where it was impractical. Mr. McCourt replied when someone does not have any landscaping. Commissioner Easley suggested this was something that could be requested through and waived by the City Manager. This would be a step before Court.

Mayor Carroll noted we have an Ordinance on the books that says you cannot do it now. However, it is done all over town. Commissioner Easley agreed and noted the Commission has talked about it on many occasions. He stated here the Commission is codifying it again and giving someone carte blanche to run it into your sewer line. Mr. McCourt suggested we add the wording "except for an exception as granted by the City Manager."

Mayor Carroll recommended we go through this Ordinance a couple sections at a time. He asked if anyone had anymore suggestions or comments on the first two sections that had been reviewed. No one commented.

Mr. McCourt continued into Section Three, which covers rationing when water supply is not anticipated to meet our demands. The first suggested change is when Stage 1 rationing is declared. He explained that it currently reads when the storage facilities contain less than 50% of capacity. This year we found that using the percent of water in the storage facilities is not a good gauge. It does not allow us to respond in a timely manner. What we need to use is storage, inflows, and well capacities to match our available water with our estimated demand for the water. Mr. McCourt suggested the comparison needs to be made and when we do not have enough to cover our water needs over the next 6 months we declare Stage 1 rationing.

Mr. McCourt explained that while the City Manager has the authority to impose Stage 1, the Commission will consider the action of the City Manager at its next

meeting. They will either ratify the decision or disapprove it. That is the same as it is now. This is a check on the City Manager to make sure he is making reasonable decisions.

Mr. McCourt stated that Stage 1 restricts watering to two days a week as it does now. He noted that he changed the hours to between 8 p.m. and 8 a.m. Mr. McCourt demonstrated that since he has an odd numbered address he could water from 12:01 a.m. to 8:00 a.m. Sunday morning and 8:00 p.m. to Midnight on Sunday night and likewise on Wednesday. He noted that we have had concerns about the shutoff at 8:00 a.m. making it difficult for some people to water. They would like more time until 10:00 a.m. Mr. McCourt reiterated that he suggests the 8 to 8 time, but knows this is for the Commission to wrestle with.

Mr. McCourt continued on to a change on Page 5 regarding lawns that were newly seeded or sodded before the Stage 1 rationing went into effect. Mr. McCourt reminded the Commission that we do not allow an exemption under the normal water conservation schedule of watering 3 days a week. Under this proposal, they would have to drop to 2 days a week. Mr. McCourt noted citizens were authorized to come in and get a 30 day exemption from the City Manager in order to get the lawn established.

Mr. McCourt continued on to the change regarding the washing of decks, sidewalks, and impervious areas not being allowed except in cases of emergency for health related standards.

Commissioner Easley asked Mr. McCourt to back up to Section 5(a) regarding newly seeded lawns. He is unsure of the intent of this statement. It reads "Anyone who has seeded or sodded lawns or planted trees or shrubs prior to this time will sign a permit to do so." Commissioner Easley asked if this means prior to Stage 1 rationing. Mr. McCourt replied that was correct. Commissioner Easley questioned if someone would get the permit to establish a lawn or after Stage 1 rationing goes into effect, but retroactive to when you put the lawn in. He thinks the intent is that we want you to establish a lawn before Stage 1. If you have you can water under these circumstances we have defined above. Mr. McCourt agreed and noted the word "time" needs to be changed to "Stage 1" and the words "to do so" need to be deleted. Commissioner Easley assumed the permit we are talking about is the permit to water the lawn. Mr. McCourt affirmed this statement. Commissioner Easley said it should read that we are authorizing them to water that piece of property for 30 days as indicated under the restrictive plans we have with the permit.

Mayor Carroll stated that he would like to revisit the watering hours. He suggested the watering hours should remain the same, which prohibits watering between 9 a.m. to 6 p.m. because we are cutting the amount of days by 1. He explained that it does not shorten the amount of hours from the current conservation, but it does eliminate one day of watering. He would be more

comfortable leaving the hours the same at Stage 1. He is not sure we want to reduce the hours even if we get to Stage 2. Commissioner Easley disagreed stating we know the rules for watering days and times are effective after this past summer. We do not know whether it was the day of the week change or the watering times change or a combination of both that produced some of the savings in water. He thinks over time people adjusted to the 8 to 8 watering system. He supported staying with the proposed 2 days a week and 8 to 8. Mayor Pro-Tem Griggs recalled that he may have been the one that recommended 8 to 8, but understands both sides of this issue. He stated that at this stage we are faced with cutting back on water usage. He supported the 8 to 8 times as well.

Commissioner Cooper asked who issued the permit. Mr. McCourt replied there is a mechanism in place through the City Manager's office now because we have allowed it currently. Commissioner Cooper asked if there was a fee for this permit. Mr. McCourt replied there was not a fee for the permit.

Mr. McCourt continued explaining that under Stage 1, Item 4 we do not allow any swimming pools to be filled. This is also the way the Ordinance reads currently. Item 5 remained the same without any changes recommended regarding allowing water to be added to pools for water loss through evaporation or splashing.

Mr. McCourt moved on to Stage 2 Rationing explaining that it currently goes into effect when supply does not appear to be sufficient to cover a 3 month period. He thinks this may be too long. He proposed to change the coverage period to 2 months because this may be more realistic. In Stage 2 the City takes some more dramatic steps, so he asked the Commission to think about this. Mr. McCourt clarified that if Stage 2 is declared, the Commission is called in to an emergency session. This is a check on the City Manager to verify that what is being done is reasonable.

Mayor Pro-Tem Griggs asked if Mr. McCourt could provide any insight using this past summer's water situation regarding when this stage would have been happened. Mr. McCourt replied he did not run that analysis, but he would go back and do that. Mayor Pro-Tem Griggs noted he would like to know this for reference.

Jose Miramontes, Public Works Director, asked if Mayor Pro-Tem Griggs was asking when we would have run out of water. Mr. McCourt replied that Mayor Pro-Tem Griggs was asking when this past summer would we have declared Stage 1 and Stage 2 of rationing using the 6 months and the 3 months estimated water supply depletion time frames.

Mayor Pro-Tem Griggs directed Mr. McCourt to not spend a whole lot of time on it, but if it can be done rather easily he would like to know.

Commissioner Robertson seemed to think the time restraint should go down to 30 days or 60 days or somewhere in between because of the problems we have faced. He stressed he feels 3 months is too long. Mr. McCourt replied that he agrees and he has struggled with this. He thinks 2 months would be more realistic. Commissioner Cooper suggested 45 days. Commissioner Robertson said if we put it in for 2 months and the City Manager thinks we are getting to a critical point prior to that then the Commission would have a special meeting. Mr. McCourt stated he was not opposed to this.

Commissioner Easley suggested 60 days as well. He mentioned he would be worried about going in less than 60 days because of the time it would take for implementation and the affect of the rationing to happen. We could end up being in Stage 3 by the time we just get into Stage 2. Commissioner Robertson replied that is why he stressed if the City Manager thinks it is getting critical a special meeting could be called.

Mr. McCourt confirmed that he would use this as direction to change the time to 2 months.

Mr. McCourt noted the watering hours in this section are changed to 8 to 8. He included a clause on Page 6, Item 6 indicating the City could fill the pool at the Recreation Center based on the discussion the Commission had in August this year. Mr. McCourt explained that Item 7 suggested a surcharge of \$1.50 per 100 cubic feet on all water used in Tier 3 or higher. This surcharge does not address the water used in Tiers 1 and 2. He noted this is much more moderate than last year because it was \$2.50 on Tier 1 and \$5.00 on Tier 2.

Mayor Pro-Tem Griggs said he had done some math on this and if every user used the max in Tier 2 we would use about 7.5 million gallons of water per day. This is more than we want it to be. He suggested that if we are going to interject surcharges into the mix, we may need to apply them at all levels to encourage conservation. Mr. McCourt replied this would be the place to put them in. Commissioner Robertson agreed based on what he saw this past summer. He thinks we should put a surcharge even on the first level of some amount. Mayor Carroll added it should apply for the second level as well. He recalled what was done last year. The surcharge kicked in at 80% of what Tier 1 was and 80% of Tier 2. This way no matter what tier you are normally in, there is an incentive to cut down. Mr. McCourt explained this was really difficult to administer and suggested a lower surcharge amount on all of Tier 1, Tier 2, and Tier 3 and above. He illustrated with the example of .25¢ on all of Tier 1, .75¢ on all of Tier 2, and \$1.50 on all of Tiers 3 and up. Mayor Carroll replied there is a point below which you cannot reduce your usage. He thinks this is something that should be done by a computer program that we should be able to figure out. Mayor Pro-Tem Griggs noted when we created Tier 1A that it probably was not that significant. He would support leaving Tier 1 off surcharges and starting it with Tier 2. Mr. McCourt asked what the suggestion of the Commission was for

surcharges. Mayor Pro-Tem Griggs recommended \$1.00 per 100 cubic feet on Tier 2. Mr. McCourt asked if there was any problem with the \$1.50 surcharge on Tiers 3 and higher. No one objected to these surcharges.

Commissioner Easley asked for verification on the provision about fountains in Stage Two. Mr. McCourt replied it had been moved to Stage One. Commissioner Easley requested that the wording be revised to say no new decorative outdoor fountains that use treated water will be permitted. He explained that the desalinization research facility intended to have a water display that showed what they do there. Mr. McCourt replied that would be modified under Conservation where it had been moved.

A member of the audience, John Garst, mentioned churches or someone could use well water or something besides city water. Mr. McCourt replied that Commissioner Easley addressed that in what he suggested.

Mr. McCourt stated that Stage 3 goes into effect when there is only 30 days of water supply remaining. This stage prohibits all watering, irrigation, and all washing of vehicles. Mayor Carroll recommended the 30 days be shortened to 15 or 20 days. Commissioner Easley argued that 15 days would not be much time to implement the rationing level. Mayor Carroll expressed the concern that we are shutting down businesses at this point. Commissioner Easley noted that we are in a critical stage and have big problems. If we wait too long we may run out of water. Commissioner Robertson noted that he does not wait until we only have 15 days of water before something is done. He recommended 30 days minimum. Mayor Pro-Tem Griggs reminded Mr. McCourt to project if we would have gotten to this stage this past summer.

Mr. McCourt stated that the penalties that were enacted for transgressions this last year had an immediate effect on compliance. The penalties have been put in as a section, with the charges progressing for transgressions within a 30 day time period. The first transgression would be a \$25.00 charge, the second would be \$50.00, the third would be \$75.00, and each additional would be \$100.00. He noted we had 60 for the entire community this past year. Mayor Carroll expressed his hopes that we used some discretion this last year especially for people who have sprinkler systems. They almost always end up with some water on the sidewalks. Mr. McCourt replied that he did not recall any cases like that. Captain Jim Bird from Alamogordo DPS stated they did not issue them in cases like that, but in cases such as water flowing down the street. Mr. McCourt mentioned there were some for watering on the wrong days.

Pat Vandergriff asked if the Commission would extend their authorization on the installation of the water saving commodes. Mr. McCourt explained that was a good program and they should consider it. Pat Vandergriff noted it was going slower than anticipated so he would ask they continue until they reach 600 and look at it then to see if we need to do more.

Mayor Carroll explained he was concerned over the wording "sprays or otherwise excessively discharged". Mr. McCourt replied we have been reasonable in the discretion on these.

A member of the audience, John Garst, commented that it seemed funny to him on the pool cover requirement issue because the City cannot cover its reservoirs. Mayor Carroll replied we have covered the reservoirs. Mr. Garst asked if he was referring to the La Luz reservoirs. Mayor Carroll affirmed this noting we were in the process of covering the 3rd one as well. Mr. McCourt noted that we do have a cover on the City pool when it is not in use.

Mr. Garst then suggested a study be done on automatic sprinkler systems to see if they are that greater of an efficiency to encourage their installation such as a rate reduction in the emergency situations.

Mr. Malcolm Ramsey, the owner of McDonald's, questioned the restriction on cleaning lots unless there is a health issue. He wanted to know if this also included a safety issue. Mr. McCourt affirmed this and read the language to Mr. Ramsey. Mr. Ramsey thanked Mr. McCourt for clarifying this for him.

Mr. Tom Messer, a business owner, asked that swimming pools be considered with the same fairness as other things that we use water for that would come in that same non-essential classification. He used the examples of restaurants, landscaping and car washes. He knows they are a livelihood, but they are non-essential. Mayor Carroll offered to move the item on swimming pools from non-essential to the general section. Mr. Messer thought that would be a step.

Mr. Messer then asked if a pool could be filled with water from an outside water source. Mr. McCourt stated they would add the language to note "not be filled with City treated water."

Mr. Messer asked if there could be more clarification on the pool covers so it will not be misconstrued. Mr. McCourt asked what Mr. Messer recommended. Mr. Messer replied a solar cover on all pools would be appropriate because any pool should have a cover on it when it is not in use. Mayor Pro-Tem Griggs asked if there were any industry guidelines on pool covers. Mr. Messer stated any impervious material floating on the surface will suffice to reduce the evaporation. Mayor Carroll noted that by just saying pool cover we are not prohibiting a solar cover or an expensive roll off cover. Pat Vandergriff asked if there was an industry standard for different types of pool covers. Mr. Messer replied there was not, but there was an 85% savings with any cover. Commissioner Easley offered the word impervious be used for the pool cover.

Commissioner Cooper asked about using the water in a pool to put out a fire with a pump. He wondered if Mr. Messer had sold any of these pumps to anyone in the area. Mr. Messer replied he hadn't, but he had spoken with Chief Sam Trujillo

regarding a list of addresses with pools to use in case of emergency. Mr. Messer replied that DPS did have a pretty good list.

Commissioner Easley moved that Ordinance 1169 with the mentioned changes be approved for first publication. Commissioner Robertson seconded the motion. All voted "aye". The motion carried by a vote of 7-0-0.

#### **OTHER BUSINESS:**

12. Sale of City-owned vacant property near 23rd Street and Stanford Avenue (South 245' of Block 400, Resubdivision of Dyer Subdivision No. 2).

**Recommendation: Approve the sale of the property to the highest acceptable bidder.**

Mayor Carroll noted there has been one bid received on this property. He does not have a problem with the sale of this property, but will not make it contingent upon the buyers getting the property rezoned for a daycare facility.

Mr. and Mrs. Barraza, the bidders who were interested in buying the property, were not present.

Commissioner Easley and Commissioner Cooper noted they agreed with Mayor Carroll. Commissioner Easley clarified that if the bidders reject the property it will just go back up for sale. Mayor Carroll confirmed this.

Commissioner Cooper moved to approve the sale of the property for \$7,500 without any possible rezoning conditions tied to the sale. Commissioner Robertson seconded the motion. All voted "aye". The motion carried by a vote of 7-0-0.

13. Legislative Request List for 2003.

**Recommendation: Select the capital improvement projects, prioritize, and direct Staff to prepare for presentation for the 2003 Legislature.**

Mayor Carroll stated that even though all these projects have some level of priority he feels the Commission needs to be realistic in the amount of money they can expect our legislative representation can obtain.

Commissioner Cole asked if the Griggs Sports Complex was getting a storage pond there for the water system there. Mr. McCourt replied that was correct. Commissioner Cole asked why it was not a pump system. Mr. McCourt replied that we currently pump there. The problem is that when we pump in the system the demand is not even. We get a lot of complaints about our watering outside the normal hours. We do not have the ability to store the water and then water

during the appropriate hours. We have to pump it. We would like to develop more storage within the system so we could adequately water during normal watering hours. Mr. McCourt continued explaining that it will also make the system work better because that is a high point in the system. If we bring the water up there and store it, it is easier for us to use it at a later time. Boyle Engineering looked at the entire water system and where we are trying to get with it. One of the big holes in the system is storage of reclaimed water.

Commissioner Cole expressed that he was surprised the cost of the ADA doors project for the Civic Center (\$10,000) was on there. He wondered if that could be done with City funds.

Commissioner Cole also asked about projects 2-3 and 3-3. He asked if they were two different projects. Mr. McCourt explained that it was a continuation of the project. He noted that 2-3 takes the project from Ocotillo southward to the Armory. Project 3-3 takes the improvements from the Armory down to Desert Hills Road. Commissioner Cole asked if this was County. Mr. McCourt replied a large portion of it was and noted the City coordinates with the County on the legislative requests.

The Commission discussed their own priorities and concerns for each of the projects. Commissioner Easley suggested they reprioritize and submit the entire list. It is his observation that our legislators go through and pick the items out based on their interests and their priorities and on the funding requested. They have some idea of how much funding they are going to have access to and they look for projects that fit. He believes that the more options we give them the more they can slide in there. Commissioner Cole agreed with submitting the entire list once it is reprioritized. Commissioner Easley expressed the First Street project was a really important project to him. He realizes money is tight in the legislature this year.

Mayor Carroll stated that when we give our legislators a list like this they are going to want to know what the top few priorities are. Commissioner Easley replied we will prioritize it for them. Mayor Carroll directed the City Manager to figure out from this discussion what the priorities were and bring the list back to them. Mr. McCourt noted the day we meet our local legislators is early in January. Commissioner Cooper added it was on January 9, 2003. Mr. McCourt stated he was going to pare the list down and prioritize it for the Commission.

14. Discussion and direction on additional signage for the Alamogordo Relief Route.

**No recommendation.**

Mayor Carroll explained that this item was based on a letter that had been received from the State Highway Department in response to our letter requesting gas, food, and lodging signs on the Relief Route.

Mayor Pro-Tem Griggs referred to an article that had been in the Alamogordo Daily News regarding beliefs that business had fallen off due to the Relief Route. After speaking with a business owner, Mayor Pro-Tem Griggs and Commissioner Easley drove the Relief Route to see what signage there was to direct travelers into town. Mayor Pro-Tem Griggs stated that there are two signs on the Relief Route, one coming from each way. They say "Business District, Next 3 Exits". Mayor Pro-Tem Griggs noted there was a guy in town selling signage on the Relief Route to local businesses for a certain fee. He believes it would be beneficial to the community to add a sign to the existing "Business District" signs saying "Gas, Food, and Lodging". He expressed his concern that saying "Business District" did not necessarily mean hotels, restaurants, and gas stations. It might mean banks or title insurance companies.

Mayor Pro-Tem Griggs stated they explained this to Mr. McCourt who wrote a letter to the State Highway Department. The State Highway Department then wrote this response letter rejecting the idea. The reason it was rejected was they felt it may be too much competition with the guy selling the advertising on signs. Mayor Pro-Tem Griggs disagrees with this and would like us to coordinate with the Transportation Committee of the Chamber. He believes it needs to be pursued from the Commission.

Commissioner Easley noted he supported Mayor Pro-Tem Griggs on this and thinks it is an incredibly small issue that we are now having to spend a lot of time on now. He noted the signs cannot be very costly and would not take much time. They do direct citizens to services. It is a benefit to the traveling public and to the City of Alamogordo. He thinks their response was a fairly lame-rejection. He does not believe it is a serious competition with the guy who sells signs. He clarified it is not the Commission's job to make his business better, but to improve traffic going through and around Alamogordo and to encourage business in our town. Commissioner Easley continued that he is glad the guy is going to put signs out there and encourages the business to buy the advertising on the signs. He mentioned that he has discussed this with the Mayor and several members of the Commission discussed it with Pete Rahn when he was still the Secretary of the Highway Department.

Mayor Carroll commented that the signage had not been right from day one. When the merchants on South White Sands came forward with their concerns it illustrated that it is more than just gas, food, and lodging signs that are needed. He noted this was discussed at both the Chamber meeting and the Transportation meeting. It was somewhat agreed that all the parties could get together, all their ideas could be assembled, and a comprehensive package could be given to the State Highway Department. Mayor Carroll continued by

noting that if we just get the gas, food, and lodging signs that may be all we get and the other problems with the signage will not get addressed. He stated we need hard information to take to them showing revenues and business are down.

Commissioner Cooper and Mayor Carroll discussed the need for "Exit" signs at each of the connector streets clearly showing the direction into town and the services available.

Commissioner Easley mentioned that this issue has been addressed in the past through the Chamber. He recognized that Susan Moss who was in attendance tonight had compiled it into a list. He recommended that everyone with ideas and the merchants on White Sands submit those ideas to Susan. Noting that he was speaking on her behalf, he was sure she would be happy to incorporate them into the existing list. He noted this could be used as their base.

Mayor Carroll noted even the signage to direct you on to the Relief Route was lacking. He thinks we should put it all together as a package to present to the District Engineer and include the items that were submitted originally that still have not been addressed as well.

Mayor Pro-Tem Griggs agreed with the concepts presented. He noted that this has been going on for a long time. Therefore, he would like something sent to the District Engineer telling him we are working on a comprehensive package, but we would like the gas, food, lodging signs promptly. He stressed that time was of essence because of the possibility of a successful ski season and the resulting increased traffic.

Commissioner Cooper said Mayor Carroll covered the need when he suggested the signs at each connector street. Mayor Carroll replied our initial request seemed simple.

Commissioner Cole noted that at the Transportation Committee meeting last week, the members wanted something to take with them to the State Highway Department on December 5th and 6th. Mayor Carroll replied the caveat was assembling the plan we wanted to present to them. He noted that part of the problem was that if the issue was not given to the Highway Department in December, it would be March before their attention was turned to anything other than the legislative session.

Mayor Carroll asked what direction they should give to the City Manager. Mayor Pro-Tem Griggs replied he would like to see a letter under the Mayor's signature requesting the gas, food, and lodging signs with a more comprehensive plan to follow in the near future. Commissioner Cole said he had no problem doing that, but he reminded that Mr. Dave Townsend stressed he would like it to be from the Transportation Committee through the Transportation Committee. Mayor Carroll replied this letter could be a response to the letter we received from Mr. Bob

Kurtz instead of the District Engineer. Commissioner Cole recommended that we let Mr. Townsend know what we are doing. Commissioner Easley stated we should ask the Transportation Committee for a companion letter along the same lines. He noted that the Commission is an independent group and should not limit itself to what we are allowed to do by the Transportation Committee on this. He added that he does want to work with them and make sure they are behind us and with us on this.

Mayor Carroll asked the members of the audience, which included some of the affected business owners, if this approach seemed reasonable and acceptable. Peter Schmidt, local Dairy Queen owner, replied it was acceptable to him. He would really like to see something telling drivers where the exits are. Malcolm Ramsey, local McDonald's owner, stated the signs are needed. He also recommended signs directing traffic to police and hospital services. He agreed with the Mayor's earlier comment that there were problems with the signage getting on to the Relief Route. He had corporate people come in and end up on the bypass not meaning to because of the poor signage. He pointed out that the tourist dollars that are spent are free tax dollars because they are not needing any services. He thanked the Commission for their efforts.

Flori McElderry, a board member of the Chamber of Commerce, approached the Commission and thanked them for recognizing the perceived problem. She asked if there was a signage package included in the Relief Route. Mayor Carroll replied he thinks there was, but it was not adequate. She asked if we had a say in that package in the beginning. Mayor Carroll replied he believed we made some recommendations, but he is not sure they ever got into what got built. Ms. McElderry noted that could be part of our argument if the research was done to go back to what was originally requested and what was originally included. Mayor Carroll noted he was not sure where the input came from because the Relief Route turned out to be a County project, not a City project. He thinks that at some point the County told the State to just finish the project. Ms. McElderry agreed the response to the letter was lame because there are many communities where you see State signs along with the advertising signage. She pointed out that we were not asking for an exception, only the norm. She emphasized that it was paramount we try to get something together to go to the Transportation Committee meeting on the 5th of December and that we are in tandem with those guys who are so well known and respected within that arena. She recognized that we are separate from the Transportation Committee, but their members like David Townsend and Cliff McDonald do carry some clout. Mayor Carroll replied that Mr. McDonald would probably know what input the community had in the original package. Ms. McElderry supported the two-part plan. Commissioner Easley reiterated that the tax revenues we generate off these people are free money essentially for us. He added that a lot of the travelers are from out of state, so they are bringing new, fresh dollars into Alamogordo if we can get them to pull off, stop and eat a hamburger or stay in a hotel. These are the very best kind of dollars we are looking for. Ms. McElderry stated that one

would think that would get somebody's attention in Santa Fe. Commissioner Cooper said you usually see those reflective signs that spell out what you can find. If they are not there, nobody even knows we are here. Mayor Carroll closed by stating we will work on both aspects of it and see what we can do.

16. Appointments to Boards and Committees.

Community Development Advisory Committee. Four vacancies.

Airport Zoning Board. One vacancy.

Parks and Recreation Board. Two vacancies.

Alamogordo Disability Council. Mayor Carroll made the appointment of Ms. Teri Roberts. He asked the Clerk to notify her. This left two vacancies.

Senior Volunteer Programs Advisory Council. Mayor Carroll made the appointment of Ms. Evelyn Diaz. He asked the Clerk to notify her. This left one vacancy.

Planning and Zoning Commission. Mayor Carroll made the reappointments of Mr. Jack M. Glahn, Mr. Precilano (Press) J. Martin, and HAFB Ex-Officio Mark Urey. Mayor Carroll also appointed Mr. Richard (Rick) M. McCracken, Jr. He asked the Clerk to notify him.

Mayor's Committee on Aging. One vacancy.

All remaining vacancies were rescheduled.

#### **UNSCHEDULED COMMUNICATIONS:**

A. Comments by Commission Cole regarding Home Depot and Lowe's.

Commissioner Cole commented that in keeping in mind with keeping Alamogordo beautiful, he hoped that if Home Depot and Lowe's do come in, they put in some nice landscaping.

B. Water Report by Mr. McCourt.

Mr. McCourt noted that he did put the water report out for the Commission this evening. He noted that on November 12, 2002 the reservoirs were at 59.3 and this morning, they were at 64.5. However, as of November 12th all the wells were off, but the Bonito line was flowing. The Bonito pipeline was shut off on November 23rd. We do not get that back until the end of April. It will be turned back on, but the water goes to Holloman Air Force Base. He noted that is a large source of water we will not be receiving for this period. The reservoirs high point

was actually 64.7. At this point we have to look for decreasing demand and increasing flows, hopefully from storms like we had today and snowfall like they were getting in the mountains today to finish filling those reservoirs. He noted that there was a short note from Mr. Miramontes in the report. Bonito Lake is still down about 9 feet below the spillway. That will also take rain and snowfall to get that filled back up.

**EXECUTIVE SESSION: Adjourn into Executive Session to discuss purchase and acquisition of water rights.**

Commissioner Cooper moved to adjourn into Executive Session to discuss purchase and acquisition of water rights. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a roll call vote of 7-0-0. The Meeting was adjourned at 11:21 p.m.

The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of November 26, 2002 was adjourned into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

---

**Mayor Donald E. Carroll**

**ATTEST:**

---

**City Clerk Angie J. Rahn**

**(SEAL)**

**(Prepared by Chief Deputy Clerk Betsy C. Kidwell)**

**Approved at the City Commission Regular Meeting of December 10, 2002.**



[City Of Alamogordo Home Page](#)

[Table Of Contents](#)

[Return to City Clerk Home Page](#)

[Return to minutes page](#)