

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
JANUARY 28, 2003**

MAYOR DON CARROLL

COMMISSIONER ED COLE

MAYOR PRO-TEM RON GRIGGS

COMMISSIONER JOHN ROBERTSON

COMMISSIONER INEZ MONCADA

CITY MANAGER PAT McCOURT

COMMISSIONER STEPHEN EASLEY

CITY ATTORNEY WILLIAM KIRSCHNER

COMMISSIONER DON COOPER

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 Reverend Richard Hicks and the Pledge of Allegiance was led by Commissioner Cooper.

PRESENTATIONS

1. Approval and Presentation of Resolution No. 2003-05 to Holloman Air Force Base Personnel.

Recommendation: Approve the Resolution.

Mayor Carroll read Resolution 2003-05 pledging our support to the men and women of Holloman Air Force Base for their efforts and to their families during their absence due to the recent and upcoming deployments. He noted that we were privileged to have some members from Holloman Air Force Base with us tonight including Brigadier General Select James Hunt.

Commissioner Cooper moved to approve Resolution 2003-05, Mayor Pro-Tem Griggs seconded the motion. All voted "aye." The motion carried by a roll call vote of 7-0-0.

Mayor Carroll presented the Resolution to Colonel Hunt on behalf of the City of Alamogordo.

Colonel Hunt thanked the Commission and the community for the support. He said this is one indication of the support that they get from the community all the time. He said it is a relatively stressful time for many folks at Holloman and it is nice to know the City is behind you. He introduced the people who were with him today. He introduced Master Sergeant Eitniar and Senior Master Sergeant Thomas who both just got back from deployment. He pointed out that they have about 100 to 150 people deployed all the time. He said one had been in Saudi Arabia and the other one had been in Kyrgyzstan, north of Afghanistan. He introduced Airman Clark and Airman Booze who are aircraft maintainers that are getting ready to leave. He introduced Captain Phillips and Major Williams, pilots who will be going out very soon. He said this is Airman Booze's second time here at Holloman. He explained that he brought these folks along so they could see and pass on to the others at Holloman the support of the community. He said it is stressful when you have to leave town and families behind. He said knowing the community is here to help and prays and thinks about the families makes deploying a lot easier. He stressed that they appreciate our support very much. He said they would frame the Resolution and hang it in the wing so they can look at it from time to time. He asked that everyone keep these men and women and their families in their minds and prayers when they deploy over the next couple of weeks. He told the attendees that their first airplane was deploying in the morning.

Colonel Hunt explained he had to return to work and he wanted to allow these service men and woman to return to their families. He thanked the Commission again. The Commission and audience gave the Colonel and the service men and woman a standing ovation as they departed.

2. Presentation to outgoing Commissioner Dr. Stephen P. Easley and Mrs. Susan L. Easley.

Mayor Carroll explained that no one really knows except the spouse of somebody elected to public office the sacrifice that not only they make, but that their families make. He presented Mrs. Easley with a plaque. It read in recognition of our appreciation of the sacrifices made as the wife of a City Commissioner. Mrs. Easley thanked Mayor Carroll.

Mayor Carroll thanked Commissioner Easley and expressed his enjoyment in working with him on the Commission. He presented Commissioner

Easley with a plaque in recognition and appreciation of his dedicated service to the community and the City Commission. He said normally the leaving official gets to sit in the audience and watch, but Commissioner Easley still has one more night of work to do. Commissioner Easley joked that he did not mind as long as it did not go past midnight.

3. Presentation by Mr. Mark Bushlow, spokesperson for the Alamogordo Car Wash Association, regarding water.

Mr. Mark Bushlow, owner of one of the car washes in town introduced Chuck Space, executive director of the Southwest Car Wash Association. Mr. Space explained that the Southwest Car Wash Association was a group of car wash owners and operators throughout the Southwest and those who support the car wash industry. He said they have over 1,000 members and represent over 4,600 locations. He explained that some car wash owners operate more than one location. He introduced some people with him from the association including John Nicolau, President of the association from San Antonio. He explained that Mr. Nicolau was a conveyor or full-serve car wash operator. Next, Mr. Space introduced the immediate past President Lamar Scarda from El Paso who is a self-serve car wash operator. He then introduced Bill Hayes, who is a conveyor or full-serve car wash operator from Albuquerque who is the association Vice-President. He also introduced Roseanna Hayes, the wife of Mr. Hayes, who is an important part of their operation. He added that these folks are an excellent resource for any questions we may have. He said there are also members of the Alamogordo Car Wash Association here.

Mr. Space said many communities in the Southwest, including Alamogordo are confronting issues of water availability. Everyone wants solutions to the water problems to be fair and reasonable. He said that many times they have found that decisions that are made are based on some misconceptions, misinformation, or lack of information. He added that many times these decisions could be economically damaging to specific businesses. He said that the Association has been successful in working with many cities throughout the Southwest to address their water crisis or situation, including San Antonio, El Paso, and Austin. He said they have worked with quite a few cities even extending into the Southeast. He said that they have created a program to do a couple of things. One is to provide information and data on the car wash industry because there are a lot of misconceptions and misunderstandings about the industry. They created the Southwest Car Wash Water Conservation plan. He said there are two purposes for this presentation. One to provide the data to demonstrate the environmentally friendly nature of car washes. He said that car washes have been environmentally friendly for a long, long time. Another purpose is to talk about the low water usage that car washes have. He said they want to encourage adoption of this car wash conservation

plan. They believe it is best to be proactive and adopt a plan that will conserve water throughout the year. He said that as you will see, car washes have a limited impact on the water availability. They have an economic impact on the community. He said they started investigating payroll, property taxes, and economic impact on the community. They have conservatively estimated that the car wash industry in Alamogordo has just over half a million dollars in payroll alone. In some cities, it is up to 10 or 15 million dollars. He said that not only do they feel the environment is being protected, but they are providing an economic impact for the community as well.

He asked if he could show the PowerPoint presentation and then answer any questions they may have. Mayor Carroll affirmed.

(Due to technical difficulties in the presentation hardware the Commission continued to other Agenda items and returned to this presentation at a later point.)

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.

4. Minutes of Regular Meeting of January 14, 2003.

Recommendation: Approve the minutes.

5. Consideration of the final plat of Alamo Blocks, Block 209, Replat B, for two (2) lots located within the City of Alamogordo for Edward D. Brown [Case S-02-0771(A), 1610 and 1612 N. Florida Avenue].

Recommendation: Approve the final plat with variances on alleys, public land dedication, drainage report, and on lot width.

10. Statement regarding the Executive Session of January 14, 2003.

Recommendation: Approve the statement.

11. Annual Reports from City Boards, Commissions, and Committees for 2002.

Recommendation: Accept the reports.

Item No. 9 was removed from the Consent Calendar.

Commissioner Cooper moved to accept Items 4, 5, 10, and 11 on the Consent Calendar. Commissioner Robertson seconded the motion. All voted "aye." The motion carried by a vote of 7-0-0.

Mayor Carroll asked that we move to Item No. 9 that he asked to have removed from the Consent Calendar.

9. Resolution No. 2003-03 establishing a City Charter Committee.

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

Mayor Carroll explained the this Resolution is the same as what we had 10 years ago when we had to establish a Charter Committee. He said the purpose is for the committee to review the effectiveness of the Charter and make written recommendations to the City Commission within 60 days of its appointment. He said the Resolution reads that a committee will be established of not more than 14 residents of the City of Alamogordo whereas each member may nominate 2 residents to serve as members of the committee. He said that while the Charter is somewhat silent on the issue and 10 years ago the makeup of the Commission was different than it is now. He suggested that each of them make sure the two they nominate are residents of their district. He said he realizes this may not always be possible, but he suggests that they make that effort. He noted this was the only reason he asked for it to be withdrawn from the Consent Calendar.

Commissioner Cole moved to approve Resolution 2003-03. Commissioner Moncada seconded the motion. All voted "aye." The motion carried by a roll call vote of 7-0-0.

Since the equipment for Item No. 3 was still malfunctioning Mayor Carroll continued to Item No. 12 on the Agenda.

12. Appointments to Boards and Committees.

Airport Zoning Board. One vacancy.

Community Development Advisory Committee. Three vacancies. Mayor Carroll appointed Mr. Bruce Knee.

Mayor's Committee on Aging. One vacancy. Mayor Carroll appointed Mr. Fred MacDonald.

Parks and Recreation Board. Two vacancies.

All remaining vacancies were rescheduled.

6. Consideration of Resolution No. 2003-02 adopting the Comprehensive Plan 2000.

Recommendation: Schedule the meeting at which Resolution 2003-02 adopting Comprehensive Plan 2000 is to be considered. [Tabled from 01/14/03 Regular Mtg.]

Mayor Carroll suggested that the meeting would be a work session to further discuss what they want to see in the finalized plan, with final adoption of the plan in a regular meeting. Mayor Carroll asked if Mr. McCourt had any suggested dates for this work session. Mr. McCourt replied that we have been trying to schedule these special meetings on Tuesdays because that seems to fit everybody's schedules. He asked the clerk when the next available date for this meeting was. Ms. Kidwell replied March 4, 2003. Mayor Carroll scheduled the meeting for March 4, 2003 at 3 p.m.

We now returned to item #3.

3. Continued from above.

Mr. Space informed the Commission the equipment was now working properly. He then proceeded through a PowerPoint presentation on the Southwest Water Conservation Program.

He also gave the Deputy Clerk a copy of the presentation in hard copy for the record.

The presentation explained that the Southwest Car Wash Association understands the water shortages and recognizes increased community concerns. It explained that their goals are to provide information and data on the current water use efficiency of the professional car wash operation, and create a voluntary, non-regulatory, water-efficiency partnership with us. The presentation stated that it is factual that a professional car wash uses less water than most homes and many other businesses in the community; that one car wash process uses less water than a person taking a shower at home with a regular shower head, and less water than a standard bath taken at home; and that research demonstrates that the car wash profession uses less than .2% of the municipal water supply. It also said that in El Paso research showed that all the car washes used less than ¼ of 1% of the water supply. The presentation stated that the Association is proud of the positive economic impact the industry makes on our communities. The presentation then provided additional statistics on San Antonio, Houston, and Albuquerque regarding percentage of total water use by the industry.

The presentation said water conservation is good business for everyone. However, sometimes there are overly aggressive conservation proposals that adversely and unfairly affect car washes. SCWA wants the public and our policy makers to know the insignificant impact car washes have on our

municipal water supplies. They want a voluntary partnership between the Association, the car wash owners, and us. There are two important points to this plan. First is the implementation of the car wash certification plan. They recommend it be adopted and implemented by public bodies to recognize the need for water conservation. It said that the plan provides specific criteria by which a car wash operator may be recognized by the local government. The certification program is based on the following criteria: all water using devices be maintained or improved; all spray nozzles replaced annually; all water leaks repaired; all toilets will be 1.6 gallon type toilets; all hoses/faucets be attended or use positive shut off; sweep clean all driveways and impervious area; driveways washed with high pressure, low volume water for health and safety purposes only; and, reuse spot-free reverse osmosis concentrate. Additionally, self-service car wash facilities must meet two more specific provisions. They are all chamois wringer sinks have positive shut off valves and all high-pressure wash nozzles and pump systems calibrated to flows no greater than 3 gallons per minute. Full-service car wash facilities must meet a couple additional criteria and in-bay automatic car washes must meet three more specific provisions. In order to become certified, the car wash owner submits an application agreeing to meet the criteria to the City. They are subject to inspection by a City representative. Once certified, as long as they meet the criteria they would be exempt from any watering restrictions. They are subject to inspection without notice by the City. The certified facilities would display appropriate signage promoting water conservation certification and be identified in a list of water conservation certified car wash facilities. They would also provide charity car wash alternatives to sponsor a charity and conserve water. They must participate in a minimum of three charity car wash events per year. Under the plan, charity car washes would be permitted only at certified professional car washes. It is a legal, safe way for charities to raise money and conserve water. The program presented that certified facilities would have to contribute a minimum of 5% of the gross revenues generated during the charity car wash event; or they can provide tokens or certificates at a 15% discount off regular rates to the charity organization, which can be sold or transferred with all proceeds retained by the charity. The community wins and water is saved. The presentation closed by reiterating that water is a vital resource to everyone. The car wash industry members are committed to conservation now and in the future. They pledge to continue to make it a primary focus of the car wash industry. They encourage adoption and implementation of the plan by all appropriate authorities.

Mr. Space thanked the Commission for their attention and asked if they had any questions. Mayor Carroll asked Mr. Space to clarify what a self-serve car wash is. Mr. Space explained that self-serve is where you pull in and pull the wand out, in-bay automatic is where you pull in and drive your car through an automatic washing machine, and full serve or conveyor is when

you pull in and the conveyor moves you through and people dry your car off after your car comes out. There was discussion regarding how much water is used per vehicle in each type of facility.

Commissioner Cooper said he used to take his car through a 1-minute car wash where steam was used to loosen up everything, then they would hand wash it, rinse it, and blow it dry. He said they used very little water and he wished he could see something like that. He said he thinks we only have one in-bay automatic in town. A member of the car wash association answered from the audience saying we have 1 full service car wash, 5 in-bay automatics, and 5 self-serves. Commissioner Cooper asked if they use steam anymore. Mr. Nicolau replied they do not because of the additional risks of steam and the logistics of creating it. He said they have better chemistry available now. He said that no water means any business so they are looking for conservation as well. Commissioner Cooper said that their raw material is water.

Commissioner Robertson said he is taking for granted that they want us to adopt their program. He asked if he understood correctly that they want us to exempt car washes from the restrictions completely. Mr. Nicolau replied that was correct. He listed other cities that they have showed their program to, and they completely exempted them from the restrictions. He said that the cities advertised the certified car washes in the newspaper during the time they had water challenges. Commissioner Robertson asked if the certification criteria is something the car washes should do anyway to keep their overhead down. Mr. Nicolau replied that this is something most of them do, but they are giving the municipality the right to come and inspect, regardless what level of water restriction is in effect. Commissioner Robertson asked where the car washes would be saving water if they were going to be doing these things anyway. Mr. Nicolau replied that people are washing their cars at home and using 140 to 150 gallons of water at a time according to an article in the USA Today. He said there are a number of things they are doing to conserve water. Commissioner Robertson noted that last year when we went into our restrictions we did not allow any washing of cars. He said as a businessperson he does everything he can to keep his expenses down. He said that when we get in a water crisis, everyone has to do everything they can during our hard times. Mr. Space said the key is everyone doing his or her part. They feel the car washes will be doing everything they can, but for everybody else, it is business as usual. He said they feel as if we are singling them out. He said other businesses are larger water users. He thinks the restrictions should be equally applied.

Mayor Carroll said he thinks this certification would be a good thing. He explained that we are talking about two things, water conservation on a year round basis and then water rationing. He said it does not matter how

much they are conserving, if at some point the water shortage gets to some certain level we cannot say they are totally exempt from the rationing. He said that we currently do not keep car washes from operating, but limit the hours they operate. Mr. Space asked if we were talking about an emergency. Mayor Carroll replied affirmatively. Mr. Scarda clarified that the ordinance from El Paso was from a year ago in September, when there was fear there was going to be some attacks on water supplies. It was for a very limited period of time. He referred to Stage 3 at which time the certification program would go into effect. He commented to Commissioner Robertson about what they are going to be doing to conserve water more than they already do. He said that some of them would have to scale back nozzles they have. He said that those are good management practices, but to get the certification, they would have to do that.

Mayor Carroll read a clause from the El Paso ordinance that says they limit car washing to five hours of operation per day during an emergency. He said that what they will be discussing as a later item does restrict the ability of people to wash their own car unless they have a handheld shut off. Then at the first stage of rationing it restricts individuals from washing their own cars, and later restricts charity car washes to only being at a commercial location, and at a later stage we agree to limit the number of hours a car wash could remain open and allow the car wash to determine what hours they wanted to be open, as long as they were posted. He told the car wash association that he cannot exempt them from all the rationing. He thinks the certification program is something we should look into, and there should be benefits for those that participate in it versus those that do not participate. He threw out the idea that they may be allowed to be open more hours than those who do not get certified. He clarified that it is not his intent to single out car washes or shut them down. Mr. Scarda then clarified El Paso's emergency procedures. Mayor Carroll explained that Mr. McCourt imposes it and the Commission has to ratify or overturn his action and at this stage it requires a special meeting for them to do so. He explained that Stage 3 happens when we have less than a 20-day supply of water for the whole community. Mr. Scarda said their bills go on just like any other business. He said they realize that operating without water is not possible.

Mayor Carroll told the association that he is interested in learning more about the certification program. Mr. McCourt agreed and thought it would be good to institute it in our conservation program. Commissioner Easley suggested that if we end up adopting the program that we invite other big water users to attend and participate in a certification program.

Mr. Space thanked them and requested that we postpone the passage of the Conservation Ordinance to see how we can incorporate their plan into the ordinance in the total consideration. He said they would be happy to

start working with the City. Mayor Carroll reminded them that we already have an ordinance on the books, and we are attempting to come up with one that is more favorable to the car wash folks. He said that if they do not adopt this one, the one on the books may be more onerous than the one they are proposing.

7. Ordinance No. 1166 consenting to the annexation of 56.525 acres of land requested by West Source V [Case A-02-0057 (A), US Hwy 54/70 at US Hwy 82].

Recommendation: Approve the Ordinance for first publication with the execution of the Waiver of Protest Agreement and the Annexation Contract, 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. [Tabled from 12/19/02 Regular Mtg.]

Mayor Carroll explained that when this item was tabled the Commission directed Staff to use this annexation to leverage in some adjacent property between the proposed annexation plat and the existing City limits. He explained that this is how we get to the 56.525 acres. Mayor Carroll asked if anyone was here to represent West Source V. Robert Doughty, II came forward saying he represented West Source V and Michael Shyne. He said they have satisfied their issues concerning the utilities. He said that Mr. Shyne has delivered the Waiver of Protest and an Annexation Contract to City Staff. He recommended they adopt the Ordinance.

Commissioner Cooper moved to approve Ordinance No. 1166 concerning the annexation of 56.525 acres of land for first publication. Commissioner Robertson seconded the motion..

Mr. McCourt informed the Commission that though it is not required they will be sending letters to each of the property owners that this is being considered for adoption. There were no further comments.

The vote was taken on the above motion. All voted "aye." The motion carried by a vote of 7-0-0.

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

Recommendation: Final adoption of the Ordinance as amended. [Roll Call Vote Required – Tabled from 12/19/02 Regular Mtg.]

Mr. McCourt brought attention to the public comments he had received. He said these were included in their package and one was an email and two were letters. He said those are the only written comments they have

received about the Ordinance. He said the past Staff reports and minutes were included in the Commission's packet.

Mr. McCourt said this Ordinance addresses both our water conservation and water rationing sections of the City Code. He said Section 4 also deals with some definitions. He explained that in Section 1 we borrowed the section from the El Paso Ordinance that declares wasting water as a nuisance. He said this is on Page 1, Section 1 of the proposed ordinance. He said the next change would be on Page 2.

Commissioner Cole asked about the section on daylight savings time. He asked what if we need it to go into effect at another time of year. Mr. McCourt answered that the current ordinance reads this as opposed to being in effect the entire year. Commissioner Cole said he has no problem with that. He said that it has been pretty warm and our surface water has been nil. He said there could be a possibility of needing water conservation during other times of the year. He asked what would happen in that case. Mr. McCourt answered that is what we have in affect now. The Commission has 1 day a week watering where in normal circumstances we would be allowing watering at any time on any day of the week for anybody. He explained that because of the circumstances the one-day a week watering is still in effect. He noted that other conditions have been lifted that we previously had. Mr. McCourt thanked Commissioner Cole for bringing this up because it is a good point.

The next change is on Page 2. Item 1 deals with the odd/even watering times. He said there use to be a clause that provided an exemption for newly planted areas that allowed them to water anytime on any day. He said it has been removed, but we will find it in Stage 1 rationing. He clarified that even for new plantings you would have to comply with the 3 day a week watering schedule. He said they added a new Item D on corner buildings regarding what day they get to water. He explained this is so if you have a corner lot you know whether you are considered an odd or even address based on the address that the City Utility Billing is using. He said that under Paragraph 2 we have attempted to clarify it by changing the word effluent to reclaimed water. He said that specifies that private wells are exempt from the clauses of this particular ordinance. He explained that under Paragraph 3 we changed the time. He said that the last sentence says from 9 a.m. to 6 p.m. It was changed from 10 a.m. to 6 p.m. He said it is an increase of when you cannot water by 1 hour. He stated that under Paragraph 4, we tried to clean up when treated water can be used for cleaning impervious surfaces. He said that we provided some additional examples such as buildings, decks, and other impervious surfaces. He said we have attempted to make that a little clearer. It use to say that treated water may only be used for cleaning sidewalks, driveways, or other paved areas during days and times. He clarified that we have added word

definitions in the first section. He continued that in the last section we have a special permit in case something unusual happens such as power washing down a house so you can paint it. He explained that we would be able to issue special permits for that type activity under this section.

Commissioner Cole questioned Page 2, Item 3. He asked for clarification that watering between 9 am and 6 p.m. would be prohibited. Mr. McCourt replied affirmatively. He asked if there is a limit on how many hours they can water. Mr. McCourt said there is not under this section. It only limits the time of the day they can water. Commissioner Cole said they could water from 6 p.m. to midnight. Mr. McCourt added they could have started that morning from midnight to 9 a.m. He said they could water 2 times during that one day. Commissioner Cole said so the church that was speaking to us at one of the meetings problem would be taken care under this section. Mr. McCourt replied affirmatively.

Mr. McCourt continued to the top of Page 3, Item B, which is a new item. It limits the amount of grassed area to not greater than 15%, including any square footage of any swimming pool. He said this was the recommendation from the Homebuilders Association when we adopted the Emergency Ordinance. He explained that this would codify this particular section.

He moved to Item C, a new item prohibiting new outdoor, decorative fountains that use treated water. He said that if there is existing ones they are not included. He proceeded to Section D saying it was in our emergency enactment last spring. It reads hotels and motels providing accommodations to overnight guests shall not change linens and towels daily for guests staying more than one night unless there is some special circumstance. He said Item E is an existing item, which reads that restaurants shall provide drinking water to customers only upon request. Item F was an existing item. He explained that it also included a definition of swimming pools. He said that definition was enacted and is in the definition section of this part of the Code now. Item G is an item that was used last year. It indicates that impervious pool covers are required on all pools and must be in place when the swimming pool is not in use. He said that it additionally says no water should be drained from pools into the streets or alleys of the City of Alamogordo. He explained that this does not mean it cannot be emptied, but it needs to go down into the sewer. He said there have been examples where people emptied their pool in the alley where it has created settlement or they run it down the street. It said they may have a drain available or could empty it through a clean out into the sewer. Commissioner Robertson asked if there was something that classified what a pool was based on its size. Mr. McCourt answered it has been moved to the definition section so it exists in another part of the Code that deals with Article 28.

Mr. McCourt continued through the changes and explained that Item H is a new item that has been taken from the El Paso Code. He explained that the City is guilty of this where we have grass slopes like around City Hall. He said it is difficult to properly water these areas without the water running off. He explained that what this item says is these types of areas built after February 1, 2003 have to have subsurface irrigation for those areas. He said that the pool items actually have been moved. That is why they are shown as new items in this section. They had been listed under nonessential water use restrictions before. They were moved up into this conservation section because of a presentation made that this seemed to unfairly label swimming pools. He said that they asked us to move this and we have done that in this particular ordinance. Mr. McCourt moved into Section Two of the proposed ordinance. He said that you will see on Page 4, where the swimming pool section was moved from.

Mr. McCourt said that in the new Section 3 the Ordinance talks about the bleeder lines on evaporative coolers. It says that those need to be water irrigation. He said that we did not have a way to give an exception if it could not be used for that purpose. He provided the example that if they did not have a yard, an exemption might be granted to allow that to be put into the sewer rather than allow it to flow down the street. Mr. McCourt explained that Item 5 regarding restaurants providing drinking water was moved to the water conservation section as discussed before. He said that the review has addressed two areas, water conservation and non-essential water use.

Mr. McCourt moved into the more serious sections under Section 3. He said this is when we are moving into water rationing sections. This is when we just do not have the water. He explained that we have our Code set up with 3 stages for that. As the condition worsens, additional restrictions are put on. Under Stage 1 we state when a water emergency will be declared. This was put in to comply with state law requirements. He explained that each of these stages are initially called by the City Manager, but the Commission has to ratify them. He said that in Stage 1, the Commission ratifies it at the next meeting or removes the stage. He noted that it could be at the next regular meeting or if the Commission desired, they could call for a special meeting.

Mr. McCourt explained that at this point, as outlined in Section A-2 on the bottom of Page 4 and top of Page 5, there are two basic changes. We go to 2 day a week watering, Wednesday and Sunday for odd numbered addresses, and Tuesday and Saturday for even numbered addresses. The hours when watering is not allowed are changed to be from 8:00 a.m. to 8:00 p.m. He referred to the discussion earlier when we discussed the time periods when watering may occur and said that we tightened up even further when watering may occur. He continued that on Page 5, Paragraph 3 we put in "reclaimed" and took out effluent for private wells. He said that

under Item 4 we have a clause that says no swimming pools will be filled with treated water. He explained that this does not mean that swimming pools cannot be filled. They cannot be filled with treated water. Mr. McCourt noted that treated water is a definition we have in the back of the ordinance. He asked if we wanted to go through this and come back and cover some of the points because there was a lot of discussion on this and ways we can try and work better for the swimming pool industry. Mayor Carroll suggested we go through it and come back with any concerns that come up.

Mr. McCourt continued that Item 5 is a paragraph that has been moved from the conservation to the rationing section. He said it is to allow someone who has planted something while we were in conservation an amount of time to get it established. It allows them a maximum amount of time under the permit of 30 days to continue watering 3 days a week. He noted that it use to read 60 days. Commissioner Cole asked if someone who has an existing home wants to put in a new yard would the 15% grassed area apply to them. Mr. McCourt replied that it only applies to newly constructed homes. Commissioner Cole thinks that many property owners put in gravel and left some grass may have left more than 15 % Mr. McCourt stated that if it is an existing home they would not be constrained to the 15% if they wanted to rework their yard.

Mr. McCourt went to Item 6, which prohibits fund-raising car washes during Stage 1 rationing. Item 7 prohibits washing down of decks and impervious surfaces except in hazardous situations. He said that on the top of Page 6 Stage 2 provisions begin. He noted that this is as the situation deteriorates. He said at this point there is only a 2-month supply of water available. Under Stage 2, the City Commission is called into an emergency session to ratify or lift the rationing stage. Under this Stage, Paragraph 3 we reduce outdoor watering to 1 day a week. Those days are listed as Friday and Tuesday. He said there has been quite a bit of controversy on the days in the past. They were Saturday and Sunday. He said those are days when people are normally off work. We have had a lot of comments saying they do not think that is right because for many people those are days when their time is occupied in worship and they do not have it available. He said the hours they can water are from midnight to 8:00 a.m. and then from 8:00 p.m. to midnight on the permitted day. He said that on Paragraph 4 we again change "effluent" to "reclaimed or private wells." Paragraph 5 prohibits people from washing cars at their houses now. They can only do it at a commercial business where automobiles are washed every business day. Item 6 says you cannot top off pools. He noted that this is an item he said we want to come back to in relation to the earlier discussion. It also provides an exemption for the Family Recreation Center, which is in line with the actions this last summer. He said it also provides an exemption for indoor medical and rehabilitation purpose pools. Mr. McCourt noted that

this section also has a Paragraph 7 on the top of Page 7. It says that during Stage 2 there would be a surcharge per 100 cubic feet of \$1.00 for water used in Tier 2, and \$1.50 for water used in Tiers 3 and higher.

Mr. McCourt proceeded to Stage 3 water rationing, which comes into effect when the City has a 20-day supply of water. It would require an emergency session of the Commission to either ratify or lift the stage of rationing. He said Paragraph 3 puts in the words "treated water." He noted that it prohibits all outdoor watering with treated water. He said that Item 4 talks about reclaimed water and private wells being used to water. Item 5 says there is no washing of vehicles under Stage 3. Item 6 says that Stage 3 will be in effect no longer than absolutely necessary and it shall be lifted as soon as it will not endanger the water supply. He noted that this is the action we took this last year. He said we hit a very dire state in late August. We put very stringent conditions in for a short period of time. As soon as we saw the effect of those conditions we lifted them as soon as possible. He said that Paragraph 2 on the bottom of Page 7 and the top of Page 8 talks about the transgressions. He said it was very effective to issue a charge for any transgressions this last year. It is a \$25.00 charge which progresses with each additional transgression that is added on to the bill of anyone caught not following the ordinance, and there is an appeals process. This section is proposing to enact it as a permanent part of the Code. Paragraph 3, requires the City Manager to make weekly written reports to the City Commission at any regular meeting including emergency sessions if Stage 3 rationing is in effect.

Mr. McCourt explained that the bottom of Page 8 is a newly proposed section. Mr. McCourt informed everyone that this was taken from the El Paso ordinance and these exemptions seemed to make a lot of sense. Mr. McCourt read over the list of proposed exemptions.

Commissioner Cole asked how we know that contractors are using reclaimed water for the purpose of controlling dust or compacting soil. Mr. McCourt explained that is the only thing they can get a hydrant meter for and they are specially fitted so they only go on our reclaimed water hydrants. Mr. McCourt said there is a case he is aware of where we allowed an exception for a roller because it clogged up minute holes on the equipment. He said that we have met with some builders, and they have asked if they could use potable water for settlement around some buildings. He said we did allow this in at least one case this past summer.

Commissioner Cole asked what the difference is between transgressions as explained in Item 2 and the \$500 penalty in Item 4. Mr. McCourt explained that is a separate penalty for egregious violations. Mr. Kirschner added that the transgressions were non-criminal civil penalties, but Item 4 was criminal charges. Commissioner Cole asked if the \$500 applied only to

businesses. Mr. McCourt answered that it could be to anybody, but it would be required to go through the court system. Commissioner Cole asked when does it go to the criminal aspect. Mr. McCourt answered that the criminal aspect would be filed separately as he understands it. He said it normally takes quite a while to go through that process. Mr. Kirschner added that the expectation is if we had somebody willfully and deliberately violating the terms of this ordinance. He explained this is how the City or DPS could file so we could take it through the court process.

Commissioner Cole asked if the street sweeper could use reclaimed water. Mr. Miramontes answered that we do not use reclaimed water in it except to clean the hopper at the end of the day because reclaimed water clogs up the sweeper.

Mr. McCourt finished explaining the exemptions taken from the El Paso ordinance. He noted the addition of three additional definitions including treated water, turf grass, and vehicle. Mayor Carroll stated that this took us through all of the proposed changes to the ordinance and asked for a recess before continuing through the discussion.

The meeting was recessed at 9:17 p.m. and reconvened at 9:29 p.m.

Mayor Carroll called the meeting back to order and informed the audience he was asked by Chamber President Kent House that we go support the send off for the troops leaving in the morning as Colonel Hunt had informed us of earlier. He told anyone interested to be at the Visitors Center at 6:15 a.m. in the morning.

Mayor Carroll asked if any of the Commissioners or members of the audience had problems with any part of the revised ordinance. He noted that there are some things we might want to start with that might eliminate some of the concerns. He asked that we start with the provisions having to do with swimming pools.

Mr. McCourt said there have been some verbal suggestions since we published the ordinance. Mr. McCourt said Commissioner Robertson put forth an idea that the City could provide water from a well that we have out on Desert Lakes. Mr. McCourt explained that the water is not potable water, but could be a source that people or companies could buy to fill pools. This way we would not be tapping our potable water supply. He thinks it is an innovative approach to provide a source of water for that type of activity during rationing. He said another item dealing with pools had to do with the topping out of pools or refilling of pools in various stages. He said we could address this through the same concept that Commissioner Robertson had brought forth. He reminded them to think about where we talk about new homes and 15% of the area being vegetation. He reminded

them that if a pool is put in, it is included in that 15%. He said if they are agreeable to that concept then the question becomes what is the difference between using the water to top off a pool versus watering the grass. He said it is the same use of water, and it is the same area you are talking about using it in. He asked why would you not allow them to top them off, because if it is occupied by a pool, it is not grass that is having to be watered. Mayor Carroll added that the topping out would only be allowed during normal watering days and hours. Mr. McCourt said these were two of the major difficulties we have faced on pools. He reminded them that last year we said that if they used some source of water that is not city water they could do that. He said this is going a step further and is saying we have a source of water. We are willing to set up an arrangement so that source can be used for that purpose. He thinks it is a good idea. Commissioner Cooper asked what the total dissolvable solid levels the water in the well had. Mr. McCourt said that is why it does not meet the standard for treated water. He recalled it being about 1,200 tds. Mr. Miramontes answered the tds is well over 2,000. Mr. McCourt said that is pretty hard water. It is not like seawater, which is like 30,000, but potable water is under 1,000. Mayor Carroll noted that we are not requiring them to use this well water. We are just offering it as an alternative. Commissioner Cooper said pools come with some sophisticated filtering systems and he does not know if they will tolerate untreated water. He suggested asking a professional. Mayor Carroll asked for comments from the public regarding the well water. Mr. Doughty asked if we are only covering this particular issue at this time. Mayor Carroll said that is the item we are discussing right now, but we are going to try to cover all the potential areas. Mr. Doughty asked if using water out of this well was what was on the floor right now. Mayor Carroll replied using that water for the pools is what we are discussing right now. Commissioner Easley asked how much that water would cost. Mr. McCourt replied that we have not specified that. It would need to come back to the Commission. He said we would have to figure out a way to do that. Mayor Carroll said he suspects it would be somewhere between the price between reclaimed and potable water. Commissioner Cole asked if that well is working right now. Mr. McCourt replied that it functions, but does need work. The casing is in quite bad shape. We would propose we put some sort of liner in that well if we are going to use it on a regular basis for this purpose. It would have to be equipped with a pump of some type and a stand pipe so that vehicles could be loaded there. Mr. Miramontes added that it is not functioning at the present time. Commissioner Cole asked how much money it would take to get it functioning. Mr. Miramontes estimated about \$15,000 dollars without a tank. Mayor Pro-Tem Griggs thinks it is a good idea. He said he does not see a reason to change the ordinance to say we will sell well water. Mr. McCourt said it is already okay under the ordinance. Mayor Pro-Tem Griggs asked if Paragraph 4 would be left in or are we allowing them to fill the pool regardless of the reason they lost water in it. Mr. McCourt noted that we

need to say that water loss through draining or leaks may not be made up in Stage 1 rationing with treated water. Commissioner Easley asked the car wash people if they could use the 2,000 tds water from the well. Mr. Nicolau answered that it would be impossible. Mr. McCourt said that we need to make a slight adjustment at the bottom of Page 6 to say "allow the topping out of pools when they use a pool cover." He said that as he understands the discussion, we would allow treated water for that purpose. Mayor Carroll noted that we are already saying that we require pool covers on all pools. Mr. McCourt said we need to move Paragraph 6 to Stage 3 as the new Paragraph 7. Mayor Pro-Tem Griggs asked if we needed something in Stage 2. Mr. McCourt replied that the stages are cumulative, so Stage 1 is still in effect when we go to Stage 2. Mayor Carroll asked if there was any other place that we needed to address swimming pools. No responses were made.

Mayor Carroll moved to the sections on car washes. He pointed out that there is a little inconsistency because on Page 5 under Stage 1, Item 6 it reads no water shall be used for fund raising car washes, yet in Stage 2, we say that no water shall be used to wash any vehicle including fund raising at commercial businesses. Mr. McCourt corrected the statement saying if the intent is to eliminate car washes under Stage 1 we will strike "including fund raising car washes at commercial businesses" from Stage 2 and Stage 3. Mr. Scarda told the Commission that the reason that El Paso allowed them to be held at commercial car wash businesses was so that the Commission did not have groups like the Girl Scouts coming to them and saying what do you mean we cannot have car washes to raise funds. He said it was away to allow them to continue to have one, yet have it in a more effective and conservative manner. Mayor Carroll said we may want to relook at that if we pursue the certification plan. Mr. McCourt said he did field several calls this last summer on this issue. He believes it acts as an educational tool to individuals. It makes them realize we are getting into a situation that affects their day to day lives and we need to do something here. He reiterated the crisis we are in when we are getting into rationing stages. Commissioner Easley noted there are other ways of raising funds and he prefers we stick with prohibiting fund raising car washes.

Mr. McCourt said that in Stage 3 we are proposing stricter regulations than what we have now. He explained that currently under Stage 3 car washes are restricted to a number of hours they can operate per day. Mayor Carroll personally prefers restricted hours, where we do not totally shut them down. He would like it to be similar to last year where they could choose the hours, but they had to post them. Mr. Space commented that if we wanted to be consistent with the El Paso ordinance or other ones they have been involved in it would not be limited by stage, but by emergency. He said that the car wash industry definitely wants to do their part and be a part of the solution. He said what we are doing singles car washes out.

There are many other businesses that use massive amounts of water, more so than car washes, for example hotels, restaurants, and laundry mats. He said to really impact the conservation issue they need to go after the real water users and they will be happy to go along with that. They feel singled out and picked on because they are further down the line of high users than some of the others. Mayor Carroll explained that what we call stages are levels of emergency. Mr. McCourt clarified that we declare an emergency in Stage 1, but we do not immediately put the restrictions on car washes until Stage 3. Mr. Space said maybe he misunderstood. He asked if other businesses like laundry mats and other businesses like that are restricted as well. Mayor Carroll said all outside watering is cutoff. He noted that we have already said that restaurants can only serve water upon requests and told hotels they can only change linens upon requests. He said laundry mats are different in that if he owns a washing machine, he can wash his laundry in Stage 3 whenever. If someone is not fortunate enough to own a washing machine, he does not think we should be telling that person they cannot wash their clothes because they do not have the resources to own their own washing machine. Mr. McCourt explained that there are a lot of things that we prohibit earlier than the El Paso ordinance does and we delayed restrictions on the car washes. Commissioner Robertson said there are health issues such as clean clothes. He does not feel car washing is that type of problem. He personally has a major problem like the car washes, which he has never mentioned on this Commission. He owns a car lot and when we go into these restrictions he does not wash his cars. He stressed that you do not sell dirty cars and told the car wash association that they are not the only ones affected. Every car lot in town is affected as well so he stressed that we are not picking on the car washes. Commissioner Cooper explained we have an obligation to supply water to the general public and that is where we stand on that in Stage 3. Commissioner Easley said that last spring when we talked about the car washes, we ran a list of the top 10 users and the #1 user was Applebee's, but there were several car washes on that list. He asked Mr. McCourt if this was correct. Mr. McCourt said he believes the list was provided by the car washes. Commissioner Easley believes it was a report we had generated. Commissioner Easley said that Alamogordo car washes are in our high users. Mr. Space said that is even more reason to adopt the water conservation program on a year round basis. Commissioner Easley said if 3 or 4 of the top 10 water users in town are car washes there will be a significant impact by restricting them. He said he is not advocating that we only restrict car washes. At Stage 3 we are in dire circumstances. There are more things that will be looked at. It will be a very hard time for everybody in town.

Mayor Carroll said the current ordinance shuts them down completely in Stage 3 and he proposes we just restrict their hours. Mr. Space asked how long the current ordinance had been in existence. Mayor Carroll said he

thought it had been in effect since 1994. Mr. McCourt corrected that the current ordinance actually restricts them to 10 hours a day. Mayor Carroll responded that before we changed that we did shut them down totally. Mayor Pro-Tem Griggs asked what the decision was on this. He wanted to know if we were going to shut them down or limit their hours. He asked what the language was in the emergency ordinance. Mr. McCourt said that it read no water would be used to wash any vehicle except at places where vehicles are washed on every business day. The hours shall be limited to 10 hours per day. He said that was one of the concerns, which hours. He said the El Paso ordinance limits it to between 12 noon and 5 p.m. We allow the individual car washes to decide what hours, but they must post those hours. Commissioner Easley said he believes it is a fair compromise to allow some hours during this Stage. He reminds everyone that there is not a Stage 4. At this point we are in an extreme water crisis. He thinks most citizens are going to elect to not wash their cars. Mr. Nicolau said quite the opposite happened in San Antonio. He said because people knew these certified car washes were conservative they elected to utilize them. Commissioner Cole would like to see how the hours worked last time around. Mr. McCourt said it was only in effect for a short period of time and there were difficulties in enforcement of that. Commissioner Cole said he would like to go with some limited number of hours of operation for the car washes. Mr. McCourt asked if we should modify the paragraph to read as it exists allowing 10 hours per day. Mayor Carroll said that opens it up for car lots and anyone in business involved with washing cars. Commissioner Cooper said we are missing the boat on this. He reminded everyone that we only have 20 days of water left at this point. He said you can go wash your car on the way down to the water wagon to fill up your buckets and cans with water to take home to drink. He feels every non-essential should shut down immediately. We have to put water into the homes of the residents. Commissioner Cole favored leaving car washes open for 10 hours a day in Stage 3. Commissioner Robertson recommended putting this clause of limited hours in on Stage 2, and leaving Stage 3 as completely shut off. He agreed with Commissioner Cooper that when we only have 20 days of water we do not have to wash our cars. He personally would be willing in Stage 3 to not wash any of his cars. Commissioner Moncada agreed but said we are taking livelihood of people who have families to support. Mayor Pro-Tem Griggs said it does not mean anybody in town has to use the car washes because they are open. He as an individual will not wash his car and Commissioner Cooper, Commissioner Cole, and Commissioner Robertson would probably not as well. Pat Gressman, a local car wash owner said the ordinance only lists car washes. She thinks restaurants should be limited to 10 hours. She said she agrees that she would rather have water at home that used on car washing, but if we are going to put restrictions in effect, we should restrict everyone not just car washes. Chuck Stetson who owns a car wash and a restaurant came forward. He suggested that if we go into Stage 3, why not say to Applebee's that they

have to use Styrofoam and plastic. He said we should say to all restaurants that they must use plastic glasses and Styrofoam plates. He does not want to be told to close his car wash. He suggested we add in restaurants must go to disposable service materials. Mayor Carroll said he thinks it a good idea. Commissioner Cooper pointed out what a warm month we are having and the effects of this on our water supply. Commissioner Easley said there are a number of categories of businesses in towns that use water. He recommended we direct staff or form a task force to develop a list of businesses that use the water, so as you approach Stage 3 you have a list available and can see what you want to do. Mayor Carroll thinks it is a good idea. Mr. McCourt clarified that in Stage 3, under Item 5 we are going to return to the existing language, and insert language under Stage 3 that restaurants would use disposable serving materials. Mayor Carroll said they may not be able to use plastic knives at steakhouses. He thinks there needs to be some sort of a balance. Mr. McCourt suggested we say disposable plates and cups as Item 8. Mr. Space said they have already identified some savings in the restaurant arena. He suggested that rather than trying to create it or craft it here they table that portion until staff or a task force comes back with it.

Commissioner Robertson said he does not know if we need a task force. He said we limit the car wash hours of operation. He said what he is getting out of this is that car washes are being limited and no one else is. He recommends limiting all of the high water users hours of operation same as car washes.

Mike Aragon, owner of Mike's Country Kitchen, said he does not want someone telling him what he has to serve his food on. He would go to limited hours versus serving on paper plates. He think this town has been good on conserving water. Mayor Pro-Tem Griggs asked Mr. Aragon what he thought any of the other restaurant owners would feel. Mr. Aragon said he thinks they would not want to serve their food on paper plates. He does not want to go to a restaurant and pay for a meal with a paper plate. He can do that at home. He said that everyone can save water and he thinks this town has been good about trying to save water. He said he puts his dishes in a tub of water to soak until he runs them through the dishwasher. He uses that tub of water until it is brown and uses the dishwasher to sanitize the dishes. He reads his meter daily.

Commissioner Cole said it seems to him that we are getting far from where we came from.

Commissioner Cole moved to change the section on car washes to 10 hours and approve the Ordinance with all the other discussed changes, then work with city staff to investigate other suggestions in the future. Commissioner Robertson seconded the motion.

Attorney Robert Doughty, II clarified that Commissioner Cole was moving for passage of the ordinance. Mayor Carroll responded affirmatively. Mr. Doughty said he represents Tommy and Cathy Messer doing business as Sundance Construction and Gary and Robin Anderson doing business as Discount Pools. He asked the Commission to delete two portions of this ordinance as it exists. He said they are not here to object to what the ordinance says about Stage 3. He could not stand up here and tell you that if the community only has this much water left that we need to fill pools. He said we are severely limiting pools in Stage 1 and Stage 2 water rationing. They request we delete Paragraph 1A, Subparagraph 4 from Stage 1 water rationing, which can be broken down into three parts. He covered the three prohibitions in the section. He thinks if the City Manager can take it upon himself to use his discretion to determine whether somebody can use a power wash on a building to prepare it for painting he should have the ability to issue a permit to replace water that was lost through leaks in pools. He said Stage 2 is governed by Paragraph 1B, Subparagraph 6, which can also be broken down into three parts. He covered the three prohibitions in this section. He said they should all have a letter from each of his clients. He said they came on December 19, 2002 and he brought Ed Carr to make a presentation on the effect of regulations on businesses and economic development. He said Mr. Carr could not be here tonight so he sent another good friend, but he could not stay this late to make his statement about the effects of regulation on economic development. Mr. Doughty read a portion of OCEDC's mission statement. He said the ordinance we are considering tonight seriously impacts his clients' businesses. The issues are that the ordinance singles out the swimming pool industry for harsher treatment than any other business. He said the swimming pool industry is the only business that faces a total water restriction on use of treated city water. He said the bottom line is his clients seek to be treated like any other business that is a water consumer. He asked the Commission to delete Section 1A-4 and Section 1B-6. He told Mr. McCourt that he thinks we need to take a serious look to make sure that the restrictions are cumulative and if we drafted the ordinance in that regard. He said when the courts look at it and we have listed specific terms in with general terms they will say we have to admit specific items. He said that filling the pools with water from the well would be difficult due to the transporting of the water. He said the answer is to remove the restriction from the ordinance and treat them like we do every other business. He stated they are not complaining about Stage 3 rationing.

Mr. McCourt replied that Mr. Doughty may have stepped out of the room when we struck the language that he pointed out on Item 5 in Stage 3 and we struck it in Item 5 in Stage 2. He added that they removed Paragraph 6 from Stage 2 into Stage 3. He said he will leave the cumulative issue on the Stages to the City Attorney. He said that under Stage 1 the pools can be filled and it is only a question of refilling empty pools and we are providing

a method for that to occur. Mr. Doughty asked if it reads that no pool can be filled with treated water. Mr. McCourt said it does say that, but we are providing a method for that water to be received. Mr. Doughty asked if there was any other business that could not purchase City water in Stage 1. Mr. McCourt replied that contractors could not. Mr. Doughty asked where it said that. Mr. McCourt replied that we discussed this earlier. They have to use effluent or reclaimed water. Mr. Doughty asked if this ordinance is applied to building standards. Mr. McCourt said he is not sure if we do that by regulation or under our Rate Ordinance, but it restricts the contractors from purchasing treated water for use. Mr. Kirschner told Mr. Doughty that the Commission earlier agreed that the same provisions that apply for weekday watering of the lawn will apply for the watering of pools. He believes that what is intended is that no empty pool maybe filled with treated water, but water maybe added during Stage 1. He suggested we change the wording to read no "empty" pool be filled. Mr. Doughty clarified that you can wash cars, but not fill empty pools during Stage 1. Mr. Kirschner confirmed that to be true.

Mayor Pro-Tem Griggs asked if they made to many changes to pass it for final adoption tonight. Mr. Kirschner said he thinks we are well within what it said and what was published as before. He said we are talking about relatively minor changes to the ordinance.

Commissioner Cooper added that we tell the people that they can water at certain times, but we do not tell them what they can water. Mayor Carroll said that really is along the same lines of what we have talked about topping off the pools. He said what will happen is that we will get into Stages 2 and 3 much sooner. Commissioner Moncada said we are not conserving water. Commissioner Easley said we also do not have a definition of what "topping off" the pool is. Commissioner Cole read the section about watering and the fact that it does say what they can water. He pointed out that it does not say anything about pools, but limits it to vegetation.

Commissioner Cole moved for a vote on the motion. However the motion failed for lack of a second.

Mayor Carroll said that no matter what we do someone is going to feel they were unfairly treated. He said most of the ordinances we have looked at spell out some businesses for sharing more of the burden. He does not know that there is a way to get around it unless we have no restrictions until we get to Stage 3, and we will just get there a lot sooner. Commissioner Robertson asked if they can fill new pools under Stage 1. Mayor Carroll replied they could not fill them with treated water. Mr. Kirschner stated that the amendment to allow them to add water to pools during the existing watering hours would require a change to Paragraph 4.

Commissioner Cole thinks we are at a point that it should be tabled. Mayor Carroll stated he agrees and we have an ordinance in effect now that is much more onerous than what they are proposing to do.

Commissioner Cole moved to table the item. Commissioner Moncada seconded the motion. Mayor Pro-Tem Griggs voted "nay." All others voted "aye." The motion carried by a vote of 6-1-0.

UNSCHEDULED COMMUNICATIONS:

A. Comments by Mayor Pro-Tem Griggs on various items.

Mayor Pro-Tem Griggs commended DPS after his New Years Eve ride along. He discussed the possible acquisition of land from the Tays brothers for a convention center. He also suggested the Commission consider a hall of honor for worthy citizens who have contributed to the City. He thought this could possibly be done by a committee. He referred to Mr. Howard Walker who recently passed away. He was a principal at Sierra Elementary School. He reiterated his pleasure at working with Commissioner Easley. He said he appreciates the passion he has brought to the Commission and wished him luck.

B. Commissioner Moncada commented on working with Commissioner Easley.

Commissioner Moncada commented that she has enjoyed working with Commissioner Easley. She believes his heart is with what is best for Alamogordo. She said that by him being in Santa Fe it gives us an open door there. She thinks he will be helping us in one way or another even though he will be many miles away from here.

C. Mr. McCourt gave an update on the water and well renovations.

Mr. McCourt noted that he passed out a copy of the water report and a supplemental memo from Mr. Miramontes, which indicates we are now filling the north reservoir. He said based on our estimations we think it is in the best interest to start turning on some of the wells and get that reservoir filled. He said we will be doing this. He noted that there was also a brief report on the renovation work being done on the wells. He said the Bonito Line is still not in operation because they are still making the changeovers. He said it is a little later than we thought it would be. The lake has risen some, but not as much as we would have hoped. It is at 7 1/2 feet below the spillway.

D. Mayor Carroll gave an update on Municipal Day; went over vacancy application process; and thanked Commissioner Easley.

Mayor Carroll informed the members that Municipal Day had been rescheduled to Friday, February 21, 2003. He told the Commission that he serves on the board of the Southwest Defense Alliance. He said they are having their quarterly meeting in Phoenix on the 13th and 14th of February. He plans to attend if he can arrange his schedule. He said that Commissioner Easley has served on several boards representing the City. Mayor Pro-Tem Griggs will be taking over those positions unless anyone else wanted to. Mayor Carroll then covered the process for applications to fill the vacancy created by Commissioner Easley's resignation. He suggested the Commission accept the packets through Wednesday, February 5. The packets are available from the City Clerk's office. He thanked Commissioner Easley and told him he enjoyed working with him on the Commission.

Commissioner Easley thanked everyone and jokingly forgave everyone for all their disagreements with him. He read his resignation letter to everyone. He reiterated the pleasure he has had working with the Commission, Mr. McCourt, and City Staff.

EXECUTIVE SESSION: Adjourn into Executive Session to discuss threatened litigation.

Commissioner Cooper moved to adjourn into Executive Session to discuss threatened litigation. Commissioner Robertson seconded the motion. All voted "aye." The motion carried by a roll call vote of 7-0-0. The Meeting was adjourned at 11:12 p.m.

The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of January 28, 2003 was adjourned into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

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 02/11/2003.



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