

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
May 28, 2024**

**SUSAN PAYNE, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
NICHOLAS PAUL, COMMISSIONER**

**MARK TAPLEY, COMMISSIONER
WARREN ROBINSON, COMMISSIONER
RICK HOLDEN, CITY MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE

Mayor Payne called the meeting to order at 6:30 p.m. Roll Call was taken by the Deputy City Clerk. Deputy City Clerk Aleshire announced there was a quorum present. Mayor Pro-Tem McDonald attended remotely. The Invocation was given by Pastor Louie Olivas of Christ Community Church, and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

Commissioner Rardin moved to approve the agenda.
Commissioner Burnett seconded the motion.
Motion carried with a vote of 7-0-0.

PUBLIC COMMENT

Rick Carrier, John Harris, Jim Talbert, Roberto Hicks, Jaqueline Alexander, Mike Haymes, Kevin Dunshee, and Manny Gonzales signed up to speak under Item 14. Ali Kassam signed up to speak under Item 17.

CITY MANAGER'S REPORT

City Manager Holden made the following remarks:

1. Jimmy Vargas is the new Public Works Director starting today.
2. As of this morning, the fire has affected 107,078 acres and is zero percent contained. Five hundred and thirty-three personnel are involved in this, and \$5.1 million has been spent. They expect elevated winds on Sunday. We are working with King Industries to push Fire Management assistance grants; plus, the Commission can approve emergency declarations so we can apply for federal and state funding. A special meeting will be called for the Commission to approve the emergency declaration.
3. I met with some representatives of the Parks and Recreation Board. We have had over \$8000 in damage to our Parks since January. Doors, toilet paper dispensers, and LED lights were destroyed, and there was graffiti, too. I assume it is kids. We are trying to figure out a way to mitigate that, maybe a nighttime watch. We don't have staff that can be dedicated to that purpose. We have the same type of damage going on all over town. The police department is active in all of this, but they can only be in one place at any given time.
4. The Golf Course has had issues. Staff are working to get reclaimed water into the ponds and replace mechanical equipment with automated ones. We have been averaging 1,200,000 gallons of reclaimed water a night. We are getting adequate water now. The biggest water issue will be solved once we are able to install the new irrigation system. Through Senator Griggs's assistance, we got the money for that this year, but it won't be here for a while. We have a commitment from the Governor's Office to have enough money to completely redo the irrigation systems on the front and back nine. Right now, we are putting as much water as we can on it. I walked the golf course, and I saw greenery. We will

allow people to continue to drive on the fairways, but they have to understand if they do that, grass will have trouble growing. The reclaimed water is shared throughout the community. Once it goes to Lavelle Lake, it splits, and part of it goes to the golf course, and other parts go to parks and baseball fields. I have asked the Parks and Recreation Director to dial those other parts down to ensure the Golf Course has plenty of water. The Golf Course produces revenue, and we need to keep it in good shape.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Burnett made the following comments:

Thank you to the community for your support, especially the Police Department, Fire Department, AMR, and the Sheriff's Office. The quick response they had was amazing. My daughter was diagnosed with epilepsy about eight years ago. She was there, but she wasn't. You could talk to her, but she could not answer. Over the last three months, she developed tonic-clonic seizures. That caused her to stop breathing and her heart to stop. Two weeks ago, on Monday, my wife went into her room and found her unresponsive. 911 was called, and they performed CPR on her for about twenty minutes and got her back. They airlifted her to El Paso. She was somewhat stable. They did everything they could do, but they didn't know what was going on. On Tuesday morning, she passed away. The autopsy said she succumbed to SUDEP, sudden unexpected death in epilepsy. I wanted to clear the air.

Mayor Payne said that Commissioner Burnett and his wife showed strength in the face of the unimaginable. Through your daughter's story, she can save lives. Commissioner Burnett said it was a rare condition. The fact they were able to revive her let us give her a proper goodbye.

Commissioner Rardin made the following comments:

I want staff to look at what it would cost to replace the water line parallel to the highway to Walker. It broke on Saturday morning and was redone past the corner around the truck stop. It seems like it is a weekly thing. Can we start working on a design? We may have a tort claim because a guy ran his car into the sinkhole created by the latest break on Saturday. City Manager Holden said he was aware there were a lot of issues out there. A lot of the things are in our Capital Improvements Plan. There are things that need to be done out there in general, it's not just that line. Commissioner Rardin said there have been around fifteen breaks in that area in the last year and a half. City Manager Holden said those things are part of our plan.

Mayor Payne made the following comments:

Commissioner Paul and I attended a memorial on Base. I also attended the change of command out at the Base. This upcoming weekend is the Airshow. It will be on Sunday, and there will be a preshow on Saturday. It is at Washington Park, and it is called Meet the Thunderbirds. On Monday, they will present us with the Altus Award.

CONSENT AGENDA

- 1. Approve the minutes for the Regular Commission meeting on April 23, 2024. (Rachel Hughs, City Clerk)**
- 2. Approve the minutes for the Budget Hearing Workshop on May 6, 2024. (Rachel Hughs, City Clerk)**
- 3. Consider, and act upon, Resolution 2024-25 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the**

revised budget numbers computed as of May 28, 2024. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

4. Approve Resolution 2024-26 designating the City Clerk as the Custodian of Records and the method of destruction of City records as witnessed shredding. (Rachel Hughs, City Clerk) (Roll Call Vote Required)

5. Consider, and act upon, Resolution No. 2024-28, requesting approval to salvage the P-2V aircraft at the Alamogordo-White Sands Regional Airport. (Troy Orr, Airport Manager and Veronica Ortega, Community Services Director) (Roll call vote required)

6. Consider, and act upon, an amendment to the grant funding from the Non-Metro Area Agency on Aging FY24 contract, to revise the original contract amount from \$510,892.63 to \$470,892.63. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

7. Consider, and act upon, a funds appropriation of \$55,575.00 through the Capital Outlay Bureau with the Aging & Long-Term Services Department for the purchase of a new Senior Center vehicle. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

8. Consider, and act upon, a one-time grant of \$1,500 from the Non-Metro Area Agency on Aging to promote Senior Center socialization activities, including the purchase of small equipment/electronics. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

9. Consider, and act upon, the award of RFP 2024-100 On Call Pavement Patching to Mesa Verde Enterprise Inc. (David Nunnelley, Acting Public Works Director)

10. Consider, and act upon, an amendment to the grant funding from the New Mexico Aging and Long-Term Services Department for the Senior Companion Program (SCP) and Foster Grandparent Program (FGP) FY24 contracts, to revise the original SCP contract amount from \$69,782.50 to \$57,782.50 and the original FGP contract amount from \$69,525.00 to \$27,725.00. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

11. Consider, and act upon, awarding IFB No. 2024-03 to multiple vendors, in the amount not to exceed \$140,125.60 related to Herbicide and Fertilizer, for multiple departments. (Evelyn Huff, Finance Director)

12. Consider, and act upon, acceptance of a \$30,000 grant award from the Carroll Petrie Foundation to Alamogordo Animal Control. (Debbie Osborne, Grant Coordinator)

13. Consider, and act upon, Resolution 2024-27, dissolving the Alamogordo Disability Council, Community Development Advisory Committee, and the Mayor's Committee on Long-Term Aging. (Stephanie Hernandez, Assistant City Manager) (Roll Call Vote Required)

Commissioner Burnett removed Item 9. Commissioner Rardin removed Item 5.

Commissioner Burnett moved to approve the Consent Agenda as amended.

Commissioner Robinson seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

5. Consider, and act upon, Resolution No. 2024-28, requesting approval to salvage the P-2V aircraft at the Alamogordo-White Sands Regional Airport. (Troy Orr, Airport Manager and Veronica Ortega, Community Services Director) (Roll call vote required)

Commissioner Rardin asked if this would be replaced with an existing aircraft as a display. City Manager Holden said there are no replacement aircraft planned at this point. Commissioner Rardin said he was told there are two in flying condition sitting in a hangar out there. Airport Manager Orr said those two belong to Neptune Aviation Services, which is the fire service that originally owned them. They are not on the docket to give to the City.

Commissioner Rardin moved to approve.

Commissioner Tapley seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

9. Consider, and act upon, the award of RFP 2024-100 On Call Pavement Patching to Mesa Verde Enterprise Inc. (David Nunnelley, Acting Public Works Director)

Commissioner Burnett said over the past couple of years, Mesa Verde had bills that were not paid that we wrote off. I believe there is a water bill. Finance Director Huff said three years ago, we had a write-off for Mesa Verde for a kiosk meter. The City Manager at the time chose not to pursue it and included it with the write-offs. Commissioner Burnett asked if they knew whose water bill it was. She said with kiosk meters, readings are supposed to be turned in every month, which is hit or miss. That one was initially reported as lost, then it came back, and it had a large reading on it. There was controversy that maybe it did not start at the reading we thought it did. Commissioner Burnett said it is hard to award them a contract when they do not pay bills. She said they currently do not have unpaid bills.

Commissioner Rardin asked what the amount on this contract was. Finance Director Huff said it is on call and budgeted up to \$300,000 out of Fund 109. He asked if this was on call as needed. She said the idea was to do as many as possible with the amount. Former Public Works Director Beshaler took it to the engineers, and they looked at the amount of backlog at the time. They said the \$300,000 was enough for the backlog at the time. However, this was a while ago. It may or may not now get everything that is backlogged. Commissioner Rardin asked if City staff would work on this as well. City Manager Holden said City staff will be working on this. When this was done, the plan was for a contractor to come in, assist, and subsidize our group so they could catch up. We are going to count on Mesa Verde to help. Asphalt repair is more expensive than most people think. \$300,000 will not go far. Commissioner Rardin asked if the backlog was close to five hundred now. City Manager Holden said it is at least that many. Our GIS has a new map that lays those out so you can see where they are. As they are repaired, they will be removed from the list. If things go well, we will be able to show you snapshots of that by next month. Finance Director Huff said to be clear, this is coming out of Fund 109, so it needed to be a one-time capital project. It cannot be continuous because then it would fall into operations, and 109 is not designated for that.

Commissioner Robinson moved to approve.

Commissioner Rardin seconded the motion.

Motion carried with a vote of 7-0-0.

NEW BUSINESS

14. Consider, and act upon, Ordinance 1698, for first publication to amend Chapter 4, Article 4-06-060 of the Code of Ordinances concerning Fees and Conditions at the Alamogordo-White Sands Regional Airport. (Troy Orr, Airport Manager) (Roll Call Vote Required)

City Manager Holden said this is not some arbitrary thing. In the City's 2022 Fiscal Year Audit, findings addressed leases, property values, and fair market values. These were things the City was written up for. Between then and now, we are charging rent on things we didn't always charge rent before, and those rents are higher because they are based on fair market value. That applies to the airport leases as well. Tonight, we are not talking about specific rates. When we get to the numbers, the Commission will be able to consider local economic factors. You will have leeway and the opportunity to negotiate the rate, so we will come up with rates that are fair for everybody.

Airport Manager Orr said the text in the proposed ordinance is listed as 1661, and it needs to be corrected to 1698. We will get that updated. For background on what is being proposed tonight, some rates and fees for the Airport are in the Code of Ordinances under Chapter 4. It is limited to parking rates, landing fees, and fuel flowage rates. Historically, the rest of the fees, such as leases, were determined by the airport manager. The problem is that nothing authorizes the airport manager to do that. Under Article 4B, the leases are specified, and the amount of rent shall be at the rate specified by the City Commission per square foot per year by ordinance. That is part of what we are doing here. The Code of Ordinances and minimum standards direct me as Airport Manager to review the rates and fees and propose changes to the City Manager and City Commission. We do not have a document on current rates and fees. Without that published document, it can be difficult for tenants at the Airport, or those looking to rent or fly in, to know what to expect. I am working on this document, and the intent is to combine all the rents and fees from Chapter 4 of the Code of Ordinances with our in-house rates and fees into a single document. That can be updated by ordinance on a regular schedule, either one, three, or five years, as determined by the Commission. I attached a sample of rates and fees to the ordinance, but it is not intended to be final. It is imperative you get a chance to look at it and have the opportunity to figure out the best rates for the Airport. The first step is to remove conflicting language from the Code of Ordinances, which we are discussing tonight. My proposed amendments remove all mentions of specific rates and, in addition, add Paragraph K, which refers the reader to the rates and fees document. We can publish that document on our website for anybody to review. Once this stage is approved, we will submit new rates and fees documents for the Commission's review on June 25th.

Commissioner Rardin asked why we didn't amend the existing ordinance to take out existing fees before we had the rate sheet. You said this is just an example? Airport Manager Orr said the rates and fees sheet is an example based off Las Cruces's Airport in terms of formatting. We have to remove the old language first before adding new language to avoid conflicts. Commissioner Rardin said so we will have this same ordinance back in thirty days to amend and put that rate sheet in? Airport Manager Orr said in thirty days, we will bring you a finalized version of the ordinance for final approval. At the same time, we will propose the new rates and fees document, and then you will have time as normal to review it. Mayor Payne said so the rates and fees document will not be part of the ordinance. Airport Manager Orr said it would be its own separate entity. As things stand right now, we must amend the entire ordinance if anything changes in the rates and fees. Commissioner Rardin said he did not have a problem with that. That gives the public more time to review and look at it because it has two readings. If it is done by resolution, it is one vote and done. Is that what we are proposing? Are we changing the rates by resolution or ordinance? Airport Manager Orr said per the language in the lease and ordinances, it has to be done by ordinance. Commissioner Rardin said he would like to see the rate sheet in the ordinance. If we change it, it takes about forty-five days. I think everybody is in an uproar about the land leases. What will be the rate for those? This states \$0.15 for unimproved land per square foot per year. Is that rate going to \$1.50? Airport Manager Orr said \$0.15 per square foot per year is for land leases, specifically unimproved land intended to be used with new hangar development. Commissioner Rardin asked what rate will all the existing hangars be charged at? Airport Manager Orr said currently, \$0.15 per square foot. After the new ordinance is passed and finalized, the intent is to change existing leases as the land lease expires at the twenty-year mark. It is to change them over to an aeronautical lease and charge an increased rate. The \$1.50 square foot per year is a theoretical maximum and not meant to be taken at face value.

Assistant City Manager Hernandez said this same structure will be used for the upcoming water rate item. We must amend the wording in the ordinance before bringing any proposed rates to you. The rate is not set; that is for the Commission to discuss between now and the 6/25/2024 meeting. At that meeting, we will have different rates for you to approve. Keep in mind these will not take effect as of the reading, it will be as the leases expire. Right now, we only have one pending that already expired. The next ones it will affect will be in 2026. Even though we are proposing this now, it will not affect everyone immediately.

Commissioner Rardin asked why there was a large increase. It goes from \$0.15 to \$1.50. Assistant City Manager Hernandez said that was proposed because it is based on different variables like the rates in Las Cruces and neighboring airports. That is the absolute maximum we would be able to charge, considering the economic dynamics of Alamogordo. We know that is probably not what the City Commission will approve, but we wanted to give you the maximum and various options. You will get those options at the 6/25/2024 meeting, and that is where the Commission will set those rates. Commissioner Rardin asked if we would have an idea of what they may be. Assistant City Manager Hernandez said we have about ten different rates we could do. Commissioner Rardin said the fee document in the item is what caused the huge uproar. She said it has, and we are aware of that, but if we want any significant economic development, we need to move towards fair market value on these leases. Everyone wants development, but no one wants change. We have to go from land rates to aeronautical rates if we want to have any economic impact.

Commissioner Rardin said if we do the increase, what will the extra revenue be used for? Acting City Manager Hernandez said there is no extra revenue. We subsidize the Airport and lose about \$200,000. You are asking the citizens of Alamogordo to subsidize \$200,000 for thirty-one people. Commissioner Rardin asked what about the budget book. She said you are considering grants in that. If you take out grants for specific projects, the City of Alamogordo loses money. Look at transfers out. We have citizenship of thirty-one thousand people and thirty-one people using airport hangars. Commissioner Rardin gave an example of the current rate, saying they would pay \$600 a year. Under the new rate here, they would pay \$6,000, which seems excessive. Mayor Payne said that's not final; staff has ten different rates for us to look at. Acting City Manager Hernandez said we have \$0.12 down to where we are losing money. That is a policy decision the Commission will have to make. Do we really need to elevate this Airport to an economic driver, or will it be status quo? At the end of the day, that's the Commission's decision. Commissioner Rardin said the government is nonprofit. Acting City Manager Hernandez said we are not trying to be profitable. He said that we need to charge enough to cover the cost of the services we provide. Mayor Payne said we need to do some sort of compromise. We need to look at this critically, but it doesn't mean we are out to get everybody's money.

Commissioner Rardin asked if we would look at basing the rates off the appraisals of the land. Airport Manager Orr said they already are. \$0.15 per square foot for undeveloped land is based on the 2023 Fair Market Value Assessment. That is for undeveloped land, not land with a hangar on it. Commissioner Rardin said that when people leased the land, it was undeveloped. They upgraded it and put the hangar on it. Assistant City Manager Hernandez said this is not just from our perspective. We are calling in consultants and have spoken to FAA. We are looking at grant insurances that FAA put in. We are not looking at this to make money off the Airport. We are trying to improve the Airport, but those costs are millions of dollars. Even if they put a ninety-five match, that is a lot of money for the City of Alamogordo, and we are already losing money subsidizing it. Now, you are asking us to double that subsidy.

Commissioner Tapley said he was told that aeronautical leases are based on the City doing the structure maintenance. These guys spent lots of money to build hangars on raw land, and they maintain it. Could you explain that to me? Airport Manager Orr said there are multiple types of leases. We do not own any hangars. Aeronautical leases do not have new hangars on them where that initial

lease period has expired. The intent, per FAA, is that the initial lease period should be based on fair market value for unimproved land. Once that expires, it is up to the City to determine a fair rate. The City can decide whether \$0.125 per month is fair or if \$0.15 per square foot for all hangars is fair. That is up to the Commission to decide. Commissioner Tapley asked if the contract said that the City would own the building after twenty years. Airport Manager Orr said yes. Per the lease, at the expiration of a land lease, the City can revert that property and any improvements on it back to the airport sponsor. In this case, that would be the City of Alamogordo. Currently, we are not looking at reverting any property just for reversion. Any reversions we were to undertake require us to maintain them and require the City to pay for repairs and upkeep. We just do not have the time or personnel. Commissioner Rardin asked if we had to pay them fair market value for the building. Airport Manager Orr said we do not. Per the lease, all improvements on the parcel belong to the City. It is a little bit like a net-net-net lease on a commercial building. If you enter into a commercial lease on net-net-net terms, any modifications you make to that building when your lease expires do not belong to you anymore. They belong to the building owner unless you, at your own expense, remove the improvements. Commissioner Rardin asked why these guys couldn't take their hangars down when the lease expires. Airport Manager Troy said they absolutely can. That's in the lease. There are provisions for if the City chooses not to revert the improvements, then the lease is expected to return the parcel to the City in the condition it was received in. We are not looking at doing any of that. Commissioner Rardin asked how many years it would be before every lease is affected by this. Airport Manager Troy said that, at the minimum, the majority of them expire in 2032, but even then, there are hangars that have ten-year options after that. Commissioner Rardin said so between ten and twenty years.

Mayor Payne said thirty-eight hangars are owned by thirty-one people. How many of those hangars actually store aircraft? Airport Manager Troy said the vast majority of them do. I have not been able to put foot into hangars yet. Mayor Payne asked if he was allowed entry. He said not currently, no. I have been working on other things as opposed to hangar inspections.

Commissioner Rardin asked where the Neptune hangars were on for their lease. How many years? Airport Manager Troy said that Neptune's expires in 2032. It is the largest single hangar we have. Neptune does not actively use that hangar; they use it to store decommissioned aircraft. They may choose to utilize it at some point, but there has not been any new activity in that hangar for about five years.

Public Comment

Rick Carrier said he was a hangar owner at the Airport. He recommended disapproving the rates sheet.

John Harris asked why they couldn't tie the hangar increases to CPI, the Consumer Price Index. That is used for just about everything in economics.

Jim Talbert said he served as the Airport Manager for nine years. I never set those lease rates; that was not my responsibility. I have three hangars at the Airport and strongly oppose this whole idea. Ten years ago, we used CPI to determine how much we increase rates by. Every hangar lease was a CPI increase. Some may be varied. We are already doing that; we are already increasing the rates as it goes. Our Airport is incredibly important for Medivac, so this affects more than the people who have leases. We provide services for airplanes dealing with forest fires. Last year, the Mayor of Ruidoso said we saved his city from the Gallon Canyon Fire. Our Airport saved that city. When I was Airport Manager, I came up with a list of ways to generate revenue from the airport separate from leases. Every one of those was turned down. The City did not want to do that. They did not want to build shade hangars. We have to look at unintended consequences. There are fees out there that the City is not now collecting, but I do not know why.

Robert Hicks said he recommended that the Commission send the rates sheet back to the City Manager and task him to work with the Airport Advisory Board to come up with a plan for an active and self-sustaining Airport.

Jacqueline Alexander said her family has owned hangars at the Airport for almost forty years. In March, I was presented with a letter from the City Attorney through Mr. Orr's office to vacate a hangar lease for one of the small hangars. I was given thirty days as an eviction notice to remove the hangar and its contents from the parcel. I explained to them that I had been waiting on a lease from the City of Alamogordo for longer than eight months because my lease expired last June, and I was told that's okay because we did not want to renew it. We have other plans for that property. You have thirty days. We had been invoiced for an entire year's lease for the 2023-2024 administrative year by the City of Alamogordo and had paid that lease last June. I contacted the City Attorney because my conversations with Mr. Orr were contentious, inexcusably rude, and undesirable. I was told that's tough; we have other plans for the property. I asked him what the City had planned for that property, and I was told I do not have a right to know. So, I asked him again, and he said he did not have to tell me. I went over the details of my lease with the City Attorney, and since I had paid for the lease up through the 30th of June, then I am good through 30th of June this year. I no longer have that option. I am the leaseholder who does not have a lease. The presented rates are unjust. I ask you to vote down this ordinance.

Mike Haymes said he has had ten hangars in one building at the Airport for about twenty years. Based on what they would bring in, I paid the price for the hangars and have maintained them and good relations with the City. My lease twenty years ago was probably \$1,200 a year. I now pay \$2,000 a year for ten hangars because the CPI kicked in. I understand inflation, that's fine. I get \$200 a month for my hangars. Based on the City's figures, I would have to raise the monthly rate to about \$700-\$800. The people who rent my hangars cannot afford it and would leave. I would not be able to rent the hangars. Mayor Payne asked how much he paid for the ten hangars. He said he paid \$2,000 a year for ten hangars for the land. The hangars are ours. The hangar building consists of about fifteen thousand square feet. There are ten separate hangars in that one building. They are enclosed t-hangars.

Kevin Dunshee said the hangars were built with private money from people who took risks, which they basically upkeep. All these private investors give value to the Airport. If you take, their investment goes away. If you support buying and renting the buildings, the City could raise money. But what is fair market value? We have only had one hangar built in the last ten years because the numbers are that tight. If you turn the Airport into a piece of concrete, raise the value of that land lease, and people will stop investing. It's a business decision. If you kill the ability for us to store airplanes and have activities out there, you will lose the Airport. Commissioner Burnett asked what the average cost of building a hangar was. Mr. Dunshee said it depends on size, but at a rough guess, you are looking at \$100,000 for concrete and \$300,000 to \$400,000 for metal. Mayor Payne asked if that is what it is now. Mr. Dunshee said that is what it is now. Mayor Payne asked how much it was back in 2009. Mr. Dunshee said it did not matter. My leases are twice as much as I used to pay. I do not know what it was back in 2009.

Manny Gonzales said he was with the Airport Advisory Board. The Board stands ready to come up with an idea that is fair. FAA interpretations are broad.

Mayor Payne said she did not know if the Consumer Price Index would work, but we will need to take a closer look at this. Please explain how we got to this place and those leases. Address our other options to generate revenue. Airport Manager Orr said we are not here to talk about rates today. Historically, we have increased the rates by CPI every year. It was five-point one percent in FY24, and five-point four percent in FY23. To my knowledge, those rates were not approved by ordinance. We have been increasing them by numbers tied to inflation. I do not know if we can call that fair market value. In 2022, the State of New Mexico directed the City to perform a Fair Market Value Assessment.

The Assessment was done in 2023, and that determined the \$0.15 rate. The intent was to set that as the rate for FY25, and then go on from that as a baseline. It also makes the rates more fair; people paid different cents per square foot based on when they got the initial lease and those rates at the time. Some people pay significantly less than others in terms of square footage. As far as how we got the dollar sign, the \$0.125 came from a basic breakdown of expenses and revenue brought into the City. Grants aside, we bring in approximately \$250,000 a year in total expenses. That is mostly pay for the two employees plus upkeep and maintenance of the facilities. It does not include work on the runways. As far as revenue, the past three-year average was \$163,000. That is an approximate \$100,000 shortfall. On top of that, there are two leases the City pays for at a total value of \$130,000. Mayor Payne asked what he meant by the City paying for two leases. He said the City pays for two special case leases at the Airport. We are essentially renting them to ourselves for bookkeeping. Ignoring those, that is still an approximate \$100,000 shortfall every year. While FAA and State grants are an option, the FAA only handles runways and taxiway services, and to a lesser extent aprons. That means we rely on State funding for everything else, and those grants are very competitive. We do not have the funds now to get into that competitive field. Mayor Payne asked if those were typically matching. He said usually, yes. It depends on the grant and grant source. FAA grants are seventy to ninety percent, depending on the project. The State of New Mexico tends to match based on project. The City is still on the hook for that percent, and when you are talking about a \$3,000,000 project, that is a lot of funding the City has to come up with. We have not been able to maintain the runway, taxiway, and apron the way we need to. There are bad spots in the apron where the asphalt is sinking and we do not have the ability to pay for those repairs. We are trying to make do with a five-year plan, but that plan is about ten years old and has little progress made. Everything we want to do with repair, maintenance, and funding all costs money we do not have right now. I want to point out that I am responsible for reviewing leases and fees, and I can recommend those changes to the Commission, but I do not have the authority to make my own changes. If I propose \$0.125, you are within your authority to tell me no. I think we all agree a smaller number is more appropriate, but we have yet to set that.

Assistant City Manager Hernandez said we are looking at every source of revenue; we are not just talking about leases. We are in a fantastic position with our new City Manager, who has successfully run an airport. We are not here to make a profit. Everything that comes in will be reinvested back into the Airport. We cannot even get the machinery and equipment needed to do proper maintenance. We are not trying to make a profit. We are trying to elevate the level of the Airport. That is our goal. We are not in a place where we can be a revenue-generating entity. We need to make upgrades, maybe have the City purchase some hangars, get some aeronautical and non-aeronautical businesses. We are in a position to do that.

Commissioner Paul said this agenda item tonight is to consider and act upon the amendments to Chapter 4. So, what we are looking at is striking fees that are in Chapter 4. That's all. Is that correct? Airport Manager Orr said yes sir. The intent of this ordinance is to strike fees from Chapter 4, specifically Article 4-06, where specific fees and conditions are laid out. Commissioner Paul asked if anywhere in Chapter 4-060 addresses anything with aeronautical or land lease rates? Airport Manager Orr said no sir, the ordinance itself does not cover leases at all, which is part of the problem. I can look at the history of the leases, but I have no idea how they came up with the dollar amount at the time. When we are trying to run a business, that is not equitable. Commissioner Paul said hypothetically speaking, if the ordinance is approved this evening, this is simply going to allow us the opportunity to then consider what City staff brings in terms of rates, which would then be incorporated into this specific ordinance? Airport Manager Orr said no sir. That will be a separate fee sheet. Mayor Payne said rates and fees will no longer be part of the ordinance. Assistant City Manager Hernandez said we will bring it to you through resolution. Airport Manager Orr said we will bring it either annually, every three years, or every five years. Assistant City Manager Hernandez said that will come to Commission on 6/25/2024 for approval. Commissioner Paul said so with that rate sheet, the Commission at the time can determine how frequently that needs to come back before the Commission? Assistant City

Manager Hernandez said yes. It and the fee sheets will be put on the website so there are no hidden costs. Everyone will know what they are paying for all the different services. Commissioner Paul said so the Commission is ultimately responsible for approving any changes to the rate sheet. Assistant City Manager Hernandez said yes. Once the Commission approves it through resolution, City staff does not have the authority to make any changes to that. It will have to come back to Commission.

Mayor Payne said part of the issue is that there was a potential rate sheet included with the agenda. Just so everyone is clear, we are talking about rates, but we are not approving any rate structure tonight.

Commissioner Rardin said he thought the rates needed to be part of the ordinance. Ordinances take longer, and it gives the public more time to comprehend what we are doing. If we do it by resolution, it often goes onto the Consent Agenda and is done by one vote. Nobody pays a lot of attention to it. I do not understand why we have this sheet on the agenda because this created all the issues tonight. I do not understand why we do not have the rate structure. I do not understand why we are changing the ordinance before we know what the rates are going to be. I am leery about it. I do not want to vote on this, have it go into effect, and then we have no rates. Why do we not have it all as one package? Mayor Payne said the last line in the ordinance mentions the fees are detailed in the rates and fees document. Commissioner Rardin said by then the ordinance is passed, and we are forced to pass a resolution. Why are we doing it that way? Assistant City Manager Hernandez said the resolution will be what you tell us. If you tell us that you want it exactly as it is, we are not forcing anything on you. Mayor Payne said the resolution could be to keep it the way it is. Commissioner Rardin said it could. Assistant City Manager Hernandez said she understood what he meant by giving people more time, but if you pass the resolution and there is pushback, we can bring resolutions back at every meeting. There is no need to skip meetings. This is generally how it is done. Commissioner Rardin said not in the past in Alamogordo. All the rates are in our ordinances. Mayor Payne said that is part of the problem. He said you are asking us to change the ordinance, but we do not know what this will be until thirty days from now. Mayor Payne said the changes to the ordinance do not affect rates either way. Commissioner Rardin said they are taking all the rates out. Mayor Payne said they are taking them out, but they do not affect it either way. If we leave it in, it still may not affect it. Assistant City Manager Hernandez said that as this is, it does not address what we are debating today. Commissioner Rardin asked why it was put in the agenda then. She said that was our attempt to be transparent. This is what the fee sheet will look like, what we are going to, and then by June 25th, each of you get to tell us the amounts you want. Then you will approve the resolution as stated. We will have a lot more information on rates, how much people are currently paying, what they are projected to be billed in 2025, different options for the Commission, etcetera. Commissioner Rardin said he would feel more comfortable if the rates were done by ordinance, not resolution. Assistant City Manager Hernandez said even if they are not currently part of it? Commissioner Rardin said they kind of are. Assistant City Manager Hernandez said the leases are not. Mayor Payne said the rates are not currently part of the ordinance.

Commissioner Burnett asked if staff could include other potential revenue streams. Airport Manager Orr said yes sir. We just wanted you to understand what our end goal is, which is why we provided the sample. If I brought this to you without that, there would be a lack of context regarding what it means and why. We did the ordinance first to avoid conflicting language in two different legal documents.

Commissioner Rardin asked if staff were looking at a rate increase for once a year. Airport Manager Orr said that would be review of the City Commission at least once a year, but it could be every three or five years. The intent is to look at the economic situation and have the Commission determine whether rates go up, down, or stay the same. Mayor Payne asked when the last time the Commission reviewed rate increases at the Airport. Airport Manager Orr said as far as he could tell, never. I looked back to 2007, and it may have been done differently, but as far as I can tell, there has never been an ordinance or resolution proposed to the Commission to set lease rates. Commissioner Rardin said I do not think we have. Commissioner Burnett asked when the last time the rates were raised. Airport

Manager Orr said this fiscal year. Commissioner Rardin said that was based on the Consumer Price Index. Airport Manager Orr said that has been the case for some time. Mayor Payne asked if the Commission was supposed to approve that. Airport Manager Orr said yes ma'am, that is in the lease language, the current lease standard, which was published in 2006. Mayor Payne said that is problematic in itself. Airport Manager Orr said that is a big part of why we are doing this. We are protecting the City from potential issues.

Mayor Payne moved to approve.

Commissioner Robinson seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 5-2-0. Commissioners Burnett and Rardin voted nay.

15. Consider, and act upon, Resolution No. 2024-29 requesting interim approval from the Local Government Division of the Department of Finance & Administration, State of New Mexico, to adopt the Preliminary 2024-2025 Budget as of May 28, 2024. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Finance Director Huff said this was the same budget discussed at the hearing at the beginning of May. Budget Analyst Gutierrez emailed the Commission the corrected budget book to handle calculation errors. I wanted to point out two things and highlight them. First, we have a position at the library not included in the preliminary budget. What was emailed to you fixes that. The second is on the summary budget books for the budget hearing. We did not include electricity and phone service for Bonito Lake for the Dam Area. Those are the only two differences.

Commissioner Rardin asked about Fund 81 and the \$3,000,000 difference. Where are we making that up? We went from \$10,000,000 last year to \$13,000,000. Where is that revenue coming from? Finance Director Huff said that was talked about in the email. Commissioner Rardin said he did not think he got that email. She said we sent that two days after the hearing. It lays that out and shows the spreadsheet with all the different lines. Depending on what gets voted on tonight, that will be brought before you for the final budget, like anything that needs to be reprojected. Commissioner Rardin asked if we were potentially using revenue from Item 17 in this budget. Finance Director Huff said no. It was projected completely off what we had historically and with a percentage attached to it.

Commissioner Burnett moved to approve.

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

16. Discussion and provide directions to staff regarding 3751 Mesa Village Drive, Alamogordo NM 88310 (Rocket City Family Fun Center). (Rick Holden, City Manager and Stephanie Hernandez, Assistant City Manager)

City Manager Holden said we are in pending litigation in this matter. We will not have any discussions whatsoever regarding the current state of litigation or Mr. Chun individually. This is strictly based on future planning. We need direction from the Commission to resolve this and figure out where we are going with it and what will happen next.

City Manager Holden said there were basically three things. One was to sell the building outright and be completely out from underneath it. We got an appraisal, and it appraised for more than we owe on it. The bonds we owe on it are about \$5,200,000. Two, you could lease the building out to someone else to operate it similarly to what was done. We would have to go to a request for proposals to do that, where we could lay out the guidelines. We would publish the request, receive the proposals, review them, and if the Commission chose to look at one, we could go into negotiations. Third, and

the least ideal option, is to have the City run a facility there by creating another department. Those are the three primary options based on the last meeting. If we could get direction and ideas from the Commission, we can start on this.

Assistant City Manager Hernandez said there was a discussion that the citizens voted for a bowling alley. The actual language on the ballot basically states a recreation center. Mayor Payne asked her to read the wording on the ballot. Assistant City Manager Hernandez said, "...shall the City of Alamogordo issue up to \$6,000,000 of general obligation bonds to be repaid from property taxes for the purposes of building, beautifying, improving, acquiring, constructing, equipping, and improving the land, and building for public parks and related recreation facilities. Project includes a family recreation center to be located at Site 8 Mesa Village". City Manager Holden said it says recreation center, but the correspondence I saw says bowling alley, and that was not on the ballot language. Mayor Payne said that is where the controversy came in. Why are you building at Mesa Village when the kids cannot get out there? They were thinking of a recreation center type of facility. I do not know what the intent of the Commission was at that time. City Manager Holden said people have contacted me with interest in the building, but I have sat down individually to talk about options because I do not believe we are at that point. That is where we wanted feedback from the Commission.

Assistant City Manager Hernandez said the appraisal came in at over what we owe on the bond. Regarding the rental appraisal, it is important that everyone understands there is no more than \$2000 a month. That has gone away. In this appraisal, the company suggests \$12, but they give a range from \$9 to \$12, and that is \$315,000 a year. We can take it down based on the economy to seventy-five percent, and that still takes it to \$230,000, which is about \$20,000 a month. Even if you take it down to twenty-five percent, which we would have to really justify, you are still talking \$7,000 a month. If we go out for RFP, it is important it is understood that we cannot do the \$2,000 a month. It will be significantly higher. Also, we have discussed internally that if the Commission's decision is not to go for RFP, then there is not a company capable of running both. We would request permission to do two RFPs. One is to run the restaurant, and the other is to run the recreation facilities. If you want to bring this internally, we will have to decide what that looks like. I do not think it will be a full restaurant, but that is for the Commission to decide.

Commissioner Rardin said when this was originally proposed, there were three pieces. If you broke into two RFPs it would not work. Both would go bankrupt. Assistant City Manager Hernandez said it did not work as it is now. We could keep it together, but now you are asking one company to pay an extremely high monthly rent, too. Commissioner Rardin said if one company does not do it all, parts of it may do good, but others may not. It has to be done as a complete package. We had people interested in running that, but due to the politics of the time, some of them bowed out, and others just weren't qualified bidders. It was a mess. If we go down that road, the RFP needs to be to run the facility as a whole. It does not need to be broken up into pieces. Mayor Payne said if it is broken up, that is up to the individual submitting the RFP. It is up to them if we break it up into separate components. Our concern is, can they pay their rent? Commissioner Burnett asked how much it was making generally. Assistant City Manager Hernandez said we do not know. Financial statements were never provided. To address Mayor Payne, there are lots of ways we can split this up. There could be an RFP for the restaurant while the City runs the bowling alley. Commissioner Burnett said it is hard to put it out for RFP if you do not know how much money it was making. Assistant City Manager Hernandez said that is our problem. We are in litigation, so there is not much I can say.

Commissioner Rardin asked if staff had reached out to Brunswick, which was one of the original bidders. They run these facilities all over the country. Assistant City Manager Hernandez said we have not reached out to anybody. He said they were very interested in running the facility and had a good business plan, model, and setup. Mayor Payne asked if that was the one that owned the IRS money. I was on the Commission at the time, and I have the information if you would like to look at it.

City Manager Holden asked if there was interest in selling the building. Assistant City Manager Hernandez said that would help our debt capacity. Commissioner Paul asked if staff could reach out to a broker like Newmark that specializes in specialty use. With interest rates as they are, and given what we know, is there a huge market demand for this? Or is it appraising for \$5,250,000 and you have to take a \$1,500,000 haircut to incentivize someone? Assistant City Manager Hernandez said we have not reached out to anyone. This is the first time we could bring this forward to the Commission for direction. City Manager Holden said we are assuming we will get the building and equipment back to us. Assistant City Manager Hernandez said, referring to LEDA, that has been met, but the money LEDA paid for was mostly construction. There is not a lot that should leave the building.

Mayor Payne asked if there was a consensus or comment about the first option, which is selling the building. Commissioner Paul said until we talk to a broker, we do not know. We do not know what the marketplace is for that type of asset. Have staff call brokerages and reach out to them. Mayor Payne said she agreed with Commissioner Paul. Commissioner Rardin said it does not cost us much for staff to put out an RFP and see what the response is. If there is no response, we know what avenue to take. If no one is interested in running this for us, we can dump it. City Manager Holden said he has talked to people, and from a local perspective, we would have to treat them like we would any RFP recipient. We can put together a suggested RFP for consideration, along with commercial real estate checks.

Mayor Payne asked if selling the building was on the table. Commissioner Robinson said yes. Commissioner Rardin said he felt we should put an RFP together, advertise it for forty-five days, and see what interest we have. If there is no interest, we do not have another option. We either run it in-house or sell it. Assistant City Manager Hernandez said by the next meeting, we can make phone calls and see what the interest is. We can bring the RFP to Commission, so you can see what it looks like for you. Commissioner Paul asked what the commitment was if we receive replies. Commissioner Rardin said we could throw them all out. That is another issue, we do not know if we can allow another operator in there yet. City Manager Holden said that is my worry. Assistant City Manager Hernandez said that is if it goes to litigation, which we are not saying. We are saying if it does. City Manager Holden said we do not want to continue waiting to come up with something. When the ball drops, we want to be ready to go.

Mayor Payne said so we want to look at the potential if we decide to sell it, and we want to look at an RFP. Do we want to look at the City running it? Commissioner Robinson said no. Commissioner Rardin said that is the last option. Do the RFP first. If there is no response, reach out to real estate consultants. Mayor Payne said we need to do both; there is interest in selling the building. I do not think we need to put one before the other. Assistant City Manager Hernandez said her plan is to make phone calls and see if there is a market, see if there is potential, and then work with Purchasing and Finance Director Huff to get an RFP, whether full or split. Then, bring both to the Commission along with information. City Manager Holden said the Commission could help amend it. Commissioner Rardin asked staff to reach out to Brunswick. Assistant City Manager Hernandez said she would. City Manager Holden said we would get those things back to the Commission.

17. Consider, and act upon, Ordinance 1700 for the first publication, repealing Chapter 8 Article 8-08 "Cross Connection, Prevention, and Control", and amending Chapter 28, "Water, Sewer, and Sewage Disposal". (Bryan Mantz, GovRates Inc. President and Rick Holden, City Manager) (Roll Call Vote).

Mayor Payne said there is a small change in the ordinance in the packet. If you look at 28-02-080 Public Building Connections, under A, it says no public service building. It should be changed to all public service buildings.

Public Comment

Ali Kassam said he is here to talk about the base rate to anyone connected to a water meter, whether the meter is active or not. My partners and I bought a mobile home park at 1101 Mescalero Street. It is completely vacant with no homes attached. There are five water meters for the property. When we bought it, we did not sign up for water service, but by ordinance, we were automatically enrolled in water service. We found out we were being charged \$80 per water meter per month to use zero gallons of water. Every month, we are being charged \$400 to use zero gallons of water on a property with no structures. Back in my home, we used 5400 gallons of water, and our rate was \$25.33. It is crippling our investment. We are in the process of installing all new sewer and water lines and working with a civil engineer to redesign plumbing. From start to finish, this process will take about six months until we have running water. In that time, we will have run about \$2,400 in utility billing to not use a single drop of water. We were told the only option was to opt-out was to have plumber disconnect our water meters entirely, which is a huge investment, or pay two years worth of base-rate to opt-out of water service, only to then opt back into water service six months later. In general, the policy makes no sense. If we use the water, it seemingly will cost us less. If we ran the water, they would charge us for the water we use as opposed to the base rate. Utility Billing told us the policy in the ordinance was that if you have a meter connected, you must pay the base rate. Mayor Payne said that with this ordinance, when it goes into effect, if it passes, it will do away with all of that. Commissioner Robinson said that does not help him right now. Mayor Payne said she was not sure we could help him right now. That is not an actionable item.

City Manager Holden said he thought we could solve that problem, but it could not be done today, tomorrow, or next week. A lot of it depends on where we are headed. Tonight, we are not going to talk about the rates. Tonight, we have to get our ordinance up to date, similar to the Airport. Then, we can come back with a rate structure.

Mr. Bryan Mantz gave his presentation.

City Manager Holden said this has been in the making for years. The rate process and design were being looked at. We heard things from the community and Commission, and we put things in to make this a simpler water bill. It will cost money going forward, but rates have not increased in nine years. The primary reason for raising rates is for bondable capacity. We cannot go out and do \$160,000,000 worth of projects through 2032 until we get some stuff done. You cannot go to the bond market without a rate plan the Commission has adopted and guaranteed the ability to keep rates up with the cost of our debt service and operations. With the built-in adjustments, there will be some difficulty, but the likelihood of having water is greater if we provide a future for it. Tonight is the actual ordinance to adopt so we can get it in place, then when we come back in June, you will get the rate proposal that will spell out costs, service fees, and other rates. If approved, they will go into effect on July 8, 2024.

Commissioner Robinson asked if there would be time for people to review this. City Manager Holden that June 25, 2024, meeting is when the floor is open for people to get up and ask questions and comments. The Commission has the prerogative to adjust rates as you see fit.

Commissioner Paul said there were several areas that are replacing the City Commission with the City Manager. Can you explain the reasoning behind that? City Manager Holden said there will be odd things that fall outside the scope of traditional ordinances and rates. This gives me the ability to deal with customer issues and resolve problems. It's not to change rates, it is to resolve daily issues not typically the Commission's responsibility. Assistant City Manager Hernandez said that is basically what is. There are a lot of day-to-day operational things in here that should not rise to the Commission level. Everybody has the option to come to the Commission. It was not intended to take things out of the Commission's hands, it is to streamline this. Depending on when the issue arises, it can be weeks before we resolve it.

Commissioner Rardin said he would like it changed to say that the Commission can overrule staff. One of the biggest issues I see in the building industry is timelines. We drop a permit, and it can take longer than it's supposed to. I would like a timeline in the ordinance of staff has twenty-four, seventy-two, whatever it may be, to get that permit out. If they do not get it to their review committee, that would be Section 28-02-40. That's where it states that. There is no timeline. City Manager Holden asked what the preference was. Commissioner Rardin said twenty-four hours. Assistant City Manager Hernandez said we do not always have the staff. We mostly do forty-eight to seventy-two.

Commissioner Rardin said a lot of this is going to the Planning and Zoning Office. Do we have to add additional staff to cover this? Finance Director Huff said things going into Planning and Zoning is backflow near the end. That has been in there; that is how it was initially passed. A lot of what was changed was the rewording. Commissioner Rardin said he would like any kind of permit that comes to the City needs to have a timeline for staff to follow. In our world, time is money. To staff, two weeks does not mean anything, but to us, two weeks is a huge deal in the industry.

Commissioner Rardin said in inspections and connections, it states the public works inspector. I do not have an issue with that, I just want to make sure we are not stepping on the State's toes. We handle part of it and the State handles part of it. Utilities Director Nunnally said we handle that. Commissioner Rardin said the meter back to the service line is our part, and the State is from the meter to the house. Finance Director Huff said that is what we are saying, which is inspecting the sewer connection, which is into our line. Commissioner Rardin said he wanted a timeline for when that inspector comes out there in the ordinance. Finance Director Huff asked if it was appropriate to put a timeline in an ordinance versus a policy. Putting a timeline in an ordinance does not allow for consideration for staff, funding, or changes in State law. We have two public works inspectors, but one just put in the two week notice, and one is on FMLA. Assistant City Manager Hernandez said because a lot of this was stricken out, we have policies we will bring forward on June 25, 2024. We can add that. Commissioner Rardin said the State used to have it where you called it in the inspection would be done within twenty-four hours. That has changed due to staffing, I think it is forty-eight now. It is important to us because we cannot schedule things until we know about the inspections. City Manager Holden said let me do an internal policy. I have never seen anything like that in an ordinance, not that it can't be. It is easier to operate by policy. There may be times it is difficult to meet those requirements. We are working through our new system to provide an online opportunity for contractors to pay and receive the permit online. There will be things built in to help speed up those processes.

Commissioner Rardin said I saw a statement in here often, in the absence of a formal study recommendation or schedule of adopted rates. Is that basically saying this will increase each year unless the Commission says yay or nay? Finance Director Huff said we would have to bring it back each to the Commission. It is saying that we do not have to do a full rate study every year. That has taken us two years to complete. We can come back every year and ask for the CPI without going through a full study.

Commissioner Rardin said 28-02-120 is the liens and charges. It doesn't look like anything is changing there, but let's talk about it. That has been very heated in the rental market. Landlords are being stuck with a water bill they did not sign up for. I understand we have a waiver. That lien needs to follow the tenant, not the property owner. PNM and New Mexico Gas do not charge the property owner. Finance Director Huff said PNM and New Mexico Gas have a leg up on that because they are State. They have a bigger database than we do. There is another area here in the utility billing part of it, that discusses more about owner responsibility. I think we made changes to that. City Manager Holden said that is part of the problem. We end up with all these liens and foreclosures because of those situations. We are trying to fix that. Commissioner Rardin said it needs to follow the person that signed up for the service, not the owner of the property. Finance Director Huff said 28-03-060 talks about billing procedure. Section E states that any unpaid charges for water, sewer, or garbage collection will result in a lien upon the property served by such services superior to all other liens, unless the owner has

filed a City-notarized form releasing the owner of responsibility. You are still going to have to sign the waiver if you do not want it to lien your property. We have about fifty-fifty. For example, at the Housing Authority, we never filed the waivers because we wanted our tenants to pay lower deposits. We ate water bills, it did happen, but we felt it helped our occupancy.

Commissioner Rardin asked how we enforced temperatures and the PH of liquids. How do you know what I dump down the drain? Utilities Director Nunnelly said we do that by industrial discharge. Currently, we only have two places. One is out on Airport Road, which consists of the septic collars; the other one is the RO plant on LaValle. Both have manholes we can go in and test any time. Any time we get hits out at the plant, we usually go back to those locations and start testing. Either we are getting something wrong from industrial discharge, or someone is doing an illicit discharge. Commissioner Rardin said so it is not so much residential users dumping stuff. It is large dumping into the system. Utilities Director Nunnelly said correct.

Commissioner Rardin said my other questions have to do with backflow testing and installing meters. It said there is a double-check valve in there. Will that be on all new residential meters or more on the commercial side? Utilities Director Nunnelly said almost all commercial businesses have to have a backflow. Whether an RP or reduced principal high hazard exists or if we are just using the double-check. On all residential we have the check valve as well. Commissioner Rardin said there is a section about testing. Will that be mainly commercial, or will every residential customer have to start paying to test their backflow? Utilities Director Nunnelly said it is commercial. We don't have too many accounts. Any residential places to actually have a well. Half that ordinance has been on the books for so long, and it was mandated back in the early 2000's. However, the City has not been proactive about it. Commissioner Rardin asked if there would be a cost put on every resident for a yearly backflow test. Utilities Director Nunnelly said no. Assistant City Manager Hernandez said we pull that ordinance out of Chapter 8 and put it into Chapter 28. It has been on the books; it was just pulled into the appropriate place.

Commissioner Rardin said the fire suppression section says that system will need its own specific backflow to prevent cross-contamination. Utilities Director Nunnelly said that was correct.

Commissioner Rardin said we referenced the Technical Review Committee and Planning and Zoning in some permits. That review committee holds things up sometimes. City Manager Holden said we have to be careful about that timing. It is not just one person making that decision. If the Committee has a delay to meet, and there are other critical issues, that forty-eight hours can be an issue. Assistant City Manager Hernandez said it deals with the Fire Department, Public Works, Utilities, and Planning and Zoning. There are a lot of departments that need to make sure their parts are okay. None of it is intentional, and they try to meet every Thursday, but some are complicated. City Manager Holden said they are not intentionally trying to hold stuff up. We do things faster here than others. Commissioner Rardin said we are used to the private sector where we make it happen overnight. City Manager Holden said that cities do not operate like that. Commissioner Rardin said that is just the first stop for the builders. Our fees paid here are two to three times higher than what we pay for what we have to have to do the job. The holdup here, timewise, is longer than what it is at the other one. City Manager Holden said he previously sent something to the Commission that details how the City responds to customers. It is part of the deal to speed the process up efficiently. We want to be more business friendly. Assistant City Manager Hernandez said that was under responsive.

Utilities Director Nunnelly said a correction needed to be made. It says fifty degrees Fahrenheit, it should be sixty-five. Assistant City Manager Hernandez said on Section 28-02-320, Section E, Item A, it says any liquid or vapor having a temperature higher than one hundred and fifty degrees Fahrenheit or fifty degrees Celsius. It should be sixty-five degrees Celsius.

Commissioner Robinson moved to approve with changes.

Mayor Pro-Tem McDonald seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 7-0-0.

18. Appointments to Boards and Committees. (Susan L. Payne, Mayor)

Mayor Payne appointed Erich Wuerschling and Manuel Gonzales Jr. to the Airport Advisory Board, Billy Tucker to the Airport Zoning Board, Rhonda Alterson to the Alamogordo Public Library Board, and Lori Armstrong to the Parks and Recreation Board.

ADJOURNMENT

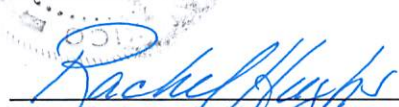
Mayor Pro-Tem McDonald moved to adjourn at 9:58 p.m.

Commissioner Burnett seconded the motion.

Motion carried with a vote of 7-0-0.



ATTEST:



City Clerk Rachel Hughes



Mayor Susan L. Payne

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on June 11, 2024.