

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
August 13, 2024**

**SUSAN PAYNE, MAYOR
SHARON MCDONALD, MAYOR PRO-TEM
NICHOLAS PAUL, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**JOSHUA RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
RICK HOLDEN, CITY MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

CALL TO ORDER & ROLL CALL

Mayor Payne called the meeting to order at 6:34 PM. Roll Call was taken by the City Clerk. Commissioner Burnett was initially absent but would later attend by cellphone until his service dropped. City Clerk Hughs announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Commissioner Robinson, and the Pledge of Allegiance was led by Mayor Payne.

APPROVAL OF AGENDA

Mayor Payne moved to amend the Agenda by moving Items 20 and 21 to take place before Presentations. Commissioner Robinson seconded the motion.
Motion Passed with a vote of 6 - 0 - 0.

EXECUTIVE SESSION

20. Recess into Executive Closed Session in compliance with 10-15-1(H)(8) NMSA (as amended) to discuss: Real Property land acquisition of Mountain Park Trout Farm located at 1086 US Highway 82 and the Flores Property located at 1020 US Highway 82, High Rolls, NM. (Roll Call Vote Required)

Mayor Pro-Tem McDonald moved to Recess to Executive Session at 6:41 p.m.
Commissioner Tapley seconded the motion.
Motion passed with a vote of 6 - 0 - 0.

RECONVENE INTO OPEN SESSION

21. Take any action as a result from the Executive Closed Session.

Commissioner Tapley moved to Reconvene into Open Session at 7:08 p.m.
Commissioner Robinson seconded the motion.
Motion passed with a vote of 6 - 0 - 0.

Mayor Payne said we would allow staff and Stein & Brockman to make a contingency offer on 1086 US Highway 82.

Mayor Pro-Tem McDonald moved to make the motion stated by the Mayor.
Commissioner Tapley seconded the motion.
Motion passed with a vote of 6 - 0 - 0.

PRESENTATIONS

1. Presentation Regarding City of Alamogordo's F4 Fighter Jet and the Gateway Monument. (*Jerrett Perry, and the F4 Action Committee*)

Jerret Perry gave his presentation regarding the history of the F-4 Phantom II, the preliminary Gateway Monument site plans at the intersection of Highway 54 and Highway 70 where the City's F-4 static display will be placed, and sponsorship opportunities.

PUBLIC COMMENT

Marie A. Diaz said that in June, the Commission approved calculating the sewer charge to be ninety percent of the water usage and took away the winter quarterly rate. For this reason, we get a much higher utility bill. I called Las Cruces, Roswell, and Farmington, and they all use the winter quarterly rate. My sewer rate has been less than \$20 for a long time. On the last bill, dated July 17th, it quadrupled. For the Commission to approve the ninety-percent increase, something must be really wrong in Public Works or the Water and Sewer Departments that citizens do not know about. PNM and New Mexico Gas will have increases next year, but they won't be ninety percent. I did not flush my toilet for a ninety percent increase. I have always paid my utility bills and want to keep my plants alive. So why are we being charged ninety percent? Ninety percent is outrageous and is not right.

Teresa Bornmann said the City's AquaHawk system shows that my water goes up consistently in the summer. It goes up on Wednesdays, Fridays, and Sundays, which are the days I do my outside watering. My water goes from three hundred cubic feet in winter to twenty-two hundred cubic feet in summer. I like my trees and can choose to use my water, but I do not choose to pay for the sewer that you say is going down the line that clearly is not. I can prove my water is not going down the line, but the City cannot prove that ninety percent of my water is going down the line. Everybody should pay the same amount based on what they put down. The winter quarterly rate was a great way to do it if you are going to use an arbitrary number and do not have metering. It only seems fair that you use something that reflects the water going down into the sewer, not water being used for evaporative cooling systems, pools, or outside watering that never goes down the sewer line. The number used is arbitrary because you cannot meter it, so you need to use something more reasonable than ninety percent of the bill all year. I wish you would reconsider going back to the quarterly rate.

Mayor Payne said that Commissioner Burnett joined the meeting by cell phone at 7:39 PM.

Gerald Dodd said regarding the bill passed for sewer consumption, you are billing us for services not provided. I water my trees and grass, and you charge me for sewer consumption for water that never enters the sewer. Do you think charging for a service you are not providing is right? I ask you to reconsider that point. By having a flat rate instead of a tier system, you are charging everyone the same rate. Maybe ten percent of the community is getting a break at the rest of our expense. Please reconsider instituting the tier rate. Years ago, I spoke to the Commission regarding utility and camping trailers parked in the front yard. We also have them parked and unattended on the streets. We are slowly becoming a trashed city, and you cannot tell the difference between where the City and County start. It wasn't like this when we grew up and had presentable front yards, but now we have used cars and camping trailers parked in them. We will look more like the County if you do not do something. I ask you to consider trashed front yards.

Spencer Bond said he wanted to speak about Elijah Hadley's death at the hands of an Otero County Sheriff's Deputy. I have been out every day this week protesting the horribly cruel death, but I have not seen any of the Commission there. Elijah was shot somewhere between nineteen and twenty-one times. How is that right? How is it acceptable to defend someone capable of shooting a seventeen-year-old child that was supposed to graduate this year, that many times? Our government is not meant to murder us in the street. They are there to lift us up, defend us, and support us, but that did not happen. This Saturday, we will meet at 5:30 at the Otero County Fairgrounds, and I would like for the Commission to be there to stand for Elijah Hadley, and say that his death was unacceptable and preventable. As citizens, we will not stand for a county that will brutally murder its citizens. Later on this Agenda, there will be a resolution encouraging Governor Lujan-Grisham and state legislature to prioritize public safety for the citizens of New Mexico. What about the public safety of the citizens of Otero County?

CITY MANAGER'S REPORT

None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

2. Approve the minutes for the Regular Commission meeting on July 23, 2024, and the Special Commission Meeting on July 30, 2024. (Rachel Hughs, City Clerk)

3. Consider, and act upon, Ordinance 1699 for adoption and final publication, repealing Article 09-02 Cemetery Board and Article 02-04-120 through 02-04-180 Mayor's Youth Advisory Council of the Alamogordo Code of Ordinances. *(Stephanie Hernandez, Assistant City Manager)* (Roll Call Vote Required)
4. Consider, and act upon, Ordinance 1705 for adoption and final publication, approving a loan from the New Mexico Finance Authority regarding the Yearout Contract and EPC project. *(Evelyn Huff, Finance Director, and Chris Muirhead)* (Roll Call Vote Required)
5. Consider, and act upon, Resolution No. 2024-52 authorizing the Mayor to execute the agreement with the Southeastern New Mexico Economic Development District/Council of Governments to include the annual contribution of \$9,125. *(Rachel Hughes, City Clerk)* (Roll Call Vote Required)
6. Consider, and act upon, agreement with Otero County for receipt of the \$35,000 reimbursable grant award for the Alamogordo Public Library services to County residents. *(Kim Underwood, Library Manager)*
7. Consider, and act upon, Resolution 2024-53, declaring 405 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety. *(Josh Sides, Code Enforcement Manager)* (Roll Call Vote Required)
8. Consider, and act upon, Resolution 2024-54, declaring 502 S. Canyon Rd. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety. *(Josh Sides, Code Enforcement Manager)* (Roll Call Vote Required)
9. Consider, and act upon, the award of Public Works Bid No. 2024-003, New York SMP-8th to 10th Project No. EN2305, to General Hydronics Utilities LLC, related to the Alamogordo New York SMP-8th to 10th project for an amount not to exceed \$1,823,734.45, including NMGR. *(Justen Boyle, Project Manager)*
10. Consider, and act upon, the award of PW Bid 2024-004 Rehabilitate Taxiway A to Mesa Verde Enterprises, Inc. in the amount of \$1,285,875.00, excluding NMGR. *(Troy Orr, Airport Manager)*
11. Consider, and act upon, an amendment to the funding from the New Mexico Economic Development District, Non-Metro Area Agency on Aging for the Nutrition Services Incentive Program (NSIP). The amendment revises the original FY23-24 contract amount from \$61,016.00 to \$60,644.67, thereby decreasing the total dollar amount by \$371.33 *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*.
12. Consider, and act upon, acceptance of FAA grant award number 3-35-0001-036-2024, to Alamogordo-White Sands Regional Airport, in the amount of \$547,208, to Reseal Taxiway A Pavement. *(Troy Orr, Airport Manager)*
13. Consider, and act upon, acceptance of FAA grant award number 3-35-0001-035-2024, to Alamogordo-White Sands Regional Airport, in the amount of \$448,000 FAA, to Reseal Taxiway A Pavement. *(Troy Orr, Airport Manager)*
14. Consider, and act upon, acceptance of NMDOT-AD grant award number ALM-2501 to Alamogordo-White Sands Regional Airport, in the amount of \$453,120, to Reseal Taxiway A Pavement. *(Troy Orr, Airport Manager)*
15. Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County

residents. The total amount budgeted is \$49,834.00 (\$29,334.00 for home-delivered meals and \$20,500.00 for transportation). *(Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)*

Mayor Payne said we would pull Item 7.

Mayor Pro-Tem McDonald moved to approve the Consent Agenda as amended.

Commissioner Robinson seconded the motion.

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

ITEMS REMOVED FROM CONSENT AGENDA

7. Consider, and act upon, Resolution 2024-53, declaring 405 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety. *(Josh Sides, Code Enforcement Manager)* (Roll Call Vote Required)

Avelina Monroy said the owner of 405 Delaware is incarcerated, which is one of the reasons the property is in poor condition. I am asking the Commission to extend this two to three weeks to allow us to take care of the things wrong with the yard and house. We cannot fix everything because it has been badly damaged. We are not young, but we have family members that could help us. I do not want the owner to lose his property and not have a home when he is released. That property has been in our family for at least eighty years. Mayor Payne asked how long the owner had been incarcerated. Ms. Monroy said he has not gone to trial but has been there for eight months. He is in bad trouble. Mayor Payne said even if we take action on this, you have two years to do something with the property. I was asking to see if he might be out within those two years. Ms. Monlely said she did not know how to answer an entity that wanted to take his property. That is why I am here. Mayor Payne asked if the owner was a family member. Ms. Monroy said yes, he is my great-nephew.

Mayor Pro-Tem McDonald said she received a voicemail about this from Lina Monroy after 5:30 p.m. today. Ms. Monroy said everybody called her Lina for short.

Mayor Payne asked Code Enforcement Manager Sides to explain the process to Ms. Monroy. He said the process normally begins with a letter asking for consent, but that was not done this time because of extenuating circumstances. A notice of violation letter was sent and subsequently posted on the property. The PowerPoint attached to this item shows when that was done. This was not something done last week or a month ago; it happened several months ago. I delayed bringing this before the Commission because of the extenuating circumstances. Once it is condemned, they have up to two years to bring it into code. Mayor Payne asked if the owner had lived in the property. Code Enforcement Manager Sides and Ms. Monroy said yes. Ms. Monroy said part of the damage done to the house was done by people involved in the trouble the owner was in.

Mayor Payne moved to Approve the Resolution.

Commissioner Paul seconded the motion.

Motion Passed with a vote of 6 - 1 - 0. Commissioner Rardin voted nay.

NEW BUSINESS

16. Consider, and act upon, Ordinance 1706 for first publication, approving a loan agreement in the amount of 32,500,000 with the New Mexico Finance Authority for repairing, replacing, extending, and upgrading water and sewer infrastructure. *(Stephanie Hernandez, Assistant City Manager, Chris Muirhead, Modrall Sperling, and John Archuleta, Bosque Advisors)*

Mr. Muirhead said this is the first reading of a loan ordinance for utility system improvements up to \$32,500,000. The Finance Department, the City Manager's Department, and the Utility Department identified up to \$30,000,000 worth of projects doable within a three-year window. That is what we would look at for financing purposes and to ensure we are in compliance with the Internal Revenue Code for tax-exempt debt. The extra \$2,500,000 is a cushion for whatever the number turns out to be. This ordinance is for system improvements paid from the net system revenues of the joint utility system. You take your gross revenues to your joint utility system, pay operation and maintenance to ensure everything keeps running and in good shape, and whatever is left is known as net revenues. Net revenues are what is available for debt service on any loans outstanding with the pledge against the

system. The City does have a couple of loans outstanding currently with the New Mexico Finance Authority with the joint utility system. This is different from the transaction you just approved in the Consent Agenda, which is a gross receipts tax pledge to keep them separately. Both are debts of the City. One is a gross receipts tax pledge limited solely to a specific gross receipts tax. This debt would be if you choose to go forward with it. Again, this is just the first reading; it would be limited to just the net system revenues of the utility system. The lender can't look to any other gross receipts tax or property tax if there should be a shortfall in those revenues. However, they can compel you to raise your rates to ensure the debt is paid. Making sure you are comfortable with where the rates are is something to keep in mind when looking at this. We will go through this in more detail when we get to the actual consideration of this ordinance. Given the size of it, this will probably have to be a simultaneous deal with their own bonds going out. We would be looking to close later in the year or early 2025 for the financing. I wanted to make sure we got this in front of the Commission to ensure you are aware things are moving since this has been an issue in discussion, particularly system rates and potential projects that need to be done for the utility system.

Commissioner Robinson asked when the second reading of the ordinance was expected. Mr. Muirhead said that it depends on how quickly the City and the lender want to move. I would think the reading to consider and adopt would be later in November or early winter. There would be plenty of lead time to discuss this internally, figure out what number you want, and what the projects and next steps are. The lender we are focused on, the New Mexico Finance Authority, would probably not be able to fund this loan until the end of this calendar year.

Commissioner Paul said in this round one of funding to do these projects, what is the horizon for other projects going forward? How many years out are we from another large round? City Manager Holden said over the next five years, we will be incrementally doing these, with this being the first phase. That \$160,000,000 roughly approved in all of the rate structure and ordinance would be broken out over that period of time. You already have a list of all the projects included on that. As Mr. Muirhead said, we do have some time from this point to narrow that list down and become specific on the projects you all want to do first. Most of what we initially looked at deals with the Walker area, where we have had a lot of water issues and problems. This gives us a placeholder in the process to get it done by early 2025 and get these projects moving. Commissioner Paul said in the big picture, we put out these rate increases that caused a lot of disturbances, but we have \$160,000,000 in projects we are looking to achieve. Could we potentially do that over a five-year period? City Manager Holden said that is what we are shooting for. That is why the revenue stream is so important. The revenue stream predicted with the rate structure is needed to pay the \$160,000,000 off. Commissioner Paul said he wanted to clear that up because the Commission is receiving a lot of questions from citizens regarding why the rates are going up so much. City Manager Holden said we have that spread over seven years. Mayor Payne said we are being very transparent and demonstrating that we are moving forward with these projects. We are not voting on that tonight, but that is what we are talking about. We are looking at starting in the Walker area, but with all these projects, the plan is to have them completed in the next seven years. There was a necessary reason for raising water rates.

Commissioner Rardin asked what the debt service was on the \$32,000,000. Mr. Muirhead said about \$2,300,000 a year. Commissioner Rardin asked what that would be monthly. Mr. Muirhead said \$200,000. Commissioner Rardin asked what the purpose of doing this tonight was versus a month from now if we cannot bond this until October or November. Are the rates substantially better now than they would be in thirty or sixty days? City Manager Holden said he did not know if a month made a big difference. Mr. Muirhead said no, the rates would be speculative and would not be set until December, probably. I think the staff's intent tonight was to let you know things are moving and to bring into a public forum that these discussions were going on, such as discussions with the lender and what a first issuance of the bonds would look like at \$30,000,000. There is no magic for tonight. It's a placeholder that you've done this and put it out there for the continuing public debate. Adopting the ordinance won't be until later. Commissioner Rardin said we typically have our first reading and then the second within thirty days, but you are telling us we cannot borrow any money until December. Mr. Muirhead said this was unique, but from a legal standpoint, it is fine to do this tonight and then have the second reading or adoption in October or November. From doing this for thirty years, I can tell you that you usually see them one after another. So the structure is unique but not improper. Commissioner Rardin said a couple of people spoke about sewer rates tonight, which have been a heated portion of this. How much of the sewer rate is coming into play with us borrowing this? City Manager Holden said depending on what you do with that, we will look at this bonding proposition in the aggregate based on the entire system revenue necessary to support those bonds. If, for some reason, you literally backed away from the sewer portion, I think we would need to go back and potentially add that number back to the water side. Again, it is based on a total revenue projection. Commissioner Rardin said his biggest concern was that this year is the largest portion of the rate, but next year at this time we will have the same discussion, and then the following year again the

same discussion. We are looking at a substantial increase over the next five years. I am concerned with the sewer rate charge and how it is written now. It was mentioned that NMFA can come in and force us to raise rates at any given time. City Manager Holden said absolutely if we cannot support the debt service we commit to with the appropriate revenue stream through those user fees. They can come in and do that. Commissioner Rardin said it was concerning that if staff does not give us correct information, then the State has to come in and force us to raise rates to service the debt. That shows we are not doing our job. City Manager Holden said he could understand that from both sides of the equation, but you have to start somewhere. Mr. Muirhead said City Manager Holden was absolutely correct, but it would not be at any given time, it would have to be a default. It would have to be a situation where the City is in default of making its debt service payments. They would not have some supervisory authority over your system. It would be as a lender with a lien on these sources of revenues that they could compel you to raise them if there is a default on the loan. Hypothetically, ten years from now, if it was a little low for whatever reason, you could use other legally available funds to make sure it is paid. Whomever the lender may be, they have no authority to come in and tell you raises. It has to be triggered by a default. Commissioner Rardin asked if these were for thirty years. Mr. Muirhead said working with everyone, he was speculating that it could be thirty years and from what made the most sense from an economic basis. Shorter or longer will dictate annual payments and total interest paid. You and staff would have to look at your options. I suggested thirty years as a typical long-term investment. Commissioner Rardin asked how this would work if the first reading was passed tonight. Would we see a second reading in December? Mr. Muirhead said there was no magic if the Commission wanted to do this tonight or not. It has served its purpose for what the staff wanted to do and ensures everyone is on the same page moving forward. These things are happening and the real work is making sure the community knows these things are happening. It is fine if you want to wait and adopt it in October. Commissioner Rardin said in the meantime, streamlining this list was mentioned. Can we see the actual, exact projects we are doing? City Manager Holden said the Commission would be involved in that, but we will work from the Master List in the Rate Study Packet you already have. We will initially target the big ticket items that need immediate work. Public Works Director Nunnelley has already done some of the pre-work. It will not be hard to hone that list down into the first \$30,000,000. As Mr. Muirhead mentioned, our entire point in putting this on here now is because the Commission has done a great job in approving a rate structure that is not just kicking this down the road, as has already been done year after year. We are making drastic moves forward to solidify the future. Staff's standpoint is that we are not waiting. We are already charging the money, so let's start putting it out there. It is important to get this infrastructure in place for people ten to twenty years from now, who will benefit from these services. We are making it known that we are ready to start the process, which is why the rates were approved by the Commission to start last month. That way we could have the revenue necessary to get these bonds for Mr. Muirhead and others to get started, and we are going to have others following. There is no magic in doing it tonight versus October, because the soonest we can probably get the fiscal money is roughly in January.

Mayor Payne said we have a lot of sewer infrastructure repair needs, correct? Utilities Director Nunnelley said our customers flush it, and it simply goes away, but they do not realize the work going on to capture it and return it to our parks and green spaces. Over the years, many people have seen the Street Maintenance Program, or SMP, where we go in and replace water lines or asphalt that makes everybody happy. All of the years, we neglected the sewer system. It is not a positive pressure system, it is just gravity, so it simply flows. We have been uncovering lots of city mains over seventy years old where the entire top is completely gone, which is going to pose a lot of collapses in streets and alleys. We recently had a big intersection project by Alamo Tire, and when we went to pothole that line, there was no top or pipe to pothole. We ran a video camera and over a third of the pipe was completely missing. At that point we had to spend over \$500,000 to do a short section of pipe under an emergency project. We have that same problem all over the city and we need to address it. That's just the sewer system, but we also have problems at the Plant itself. Part out there were constructed in the '70's and are still on the original infrastructure. We did a major overhaul and rehab with Phase Three back in 2012, but we need to get to Phase Four with the contact chamber and upgrading the lift stations. We have so many upgrades, and it is huge on our sewer system. Mayor Payne said she had been on the Commission for eight years and would take responsibility for not doing something sooner, but she had not previously known about this. It was not communicated to us. I was stunned when I saw the pictures and found out how bad it was. Unfortunately, because of this, we have had to take drastic measures. I am sorry it had to happen like this, but I am not sorry we are doing it. It is necessary.

Commissioner Robinson said he went on a tour and saw some of the infrastructure that is crumbling and needs work. There are dedicated staff here that care about this. When people kick the can down the road and don't know about the problems, the problems multiply and become critical. Education is important. A quick overview would help the public understand what brought us to this state. It will be expensive, and we will have to sacrifice. The Mayor is

right that we have not known the story. We must communicate what has happened and what we must do to remedy it. I applaud staff because it is a tremendous effort to keep water and sewer going in this community.

Commissioner Paul said he has yet to receive a water bill with the increased rates on it. People say their sewer rate is ninety percent of their total water usage. How did we get to that ninety percent? Where did that number come from? Was it from the consultants we used? There is truth in the points made from earlier public comments about how much water is used per month versus how much actually goes down the drain to the sewer. Assistant City Manager Hernandez said the winter quarterly average number was arbitrary. There were people who were paying zero all year long. Others had a leak and were paying astronomical amounts all year long. The ninety percent is not arbitrary. We looked at all the capital needs on both sides of it, how critical they were, how we were going to fund it, and what revenue stream was needed to cover that. That is where the number came from. City Manager Holden said the comments made earlier were certainly reasonable, but from an overall revenue stream projection to pay debt, that revenue stream is not going to change. How we collect it may change. It may have to go back more towards the water side. That is how rate design works, whether it is water, gas, or electricity. The revenue stream needs to move where it needs to be, so you can recover enough revenue to pay the debt service. Mayor Payne said so it more about optics, really. City Manager Holden said if you went back to the winter quarterly average, there would be a deficit in the projected revenue stream to pay the \$160,000,000 back. You would have to recover it somewhere else in the water system. You still have to pay for it.

Assistant City Manager Hernandez said to address Commissioner Robinson, I agree that education is key. I have been the one taking the calls, and I have spoken to hundreds of citizens. Every concern that has been brought to me is a legitimate concern. We do not belittle their concerns. I speak to them about the critical needs we are getting to, that the Commission voted unanimously to protect the citizens of Alamogordo, and that it is the Commission's obligation to protect the water source to ensure everyone in the City has access to the same quality of water. We are getting to a critical point where the State can step in and tell us what to do. I have eleven different examples of where the State has come in because of the water quality, and they include Ruidoso, Bloomfield, Bernalillo, and more. Once you start discussing the realities with the citizens, they become less upset about the situation. Commissioner Robinson said when the citizens do not know, they complain and point fingers. You have to let them know, whether it is a series of articles or you spend hours explaining it to them.

Commissioner Rardin said his water bill went up \$14, but ninety percent of his calls were about the sewer rates. A neighbor of mine who waters his yard and uses a swamp cooler had his bill go up \$70, most of that being sewer consumption. I agree with citizens on that, but I also see the staff's side, where we have to make up the revenue somewhere. I think there may be a balance between there. Assistant City Manager Hernandez said she encouraged anyone on the Commission with an upset constituent to refer them to her. I have sometimes spent hours with them discussing the GovRates Report in-depth. Citizens have legitimate concerns, and I take those concerns to heart. I understand the ones on fixed and lower incomes because I have family members like that. Once you talk to them, and they understand it is less about the rate than the infrastructure itself and the amount of money to fix the infrastructure, whether it is sewer or water, then they become more understanding. Commissioner Rardin said that Mr. Dodd, in the previous Public Comment, mentioned he was paying for a service he was not utilizing. I think that citizens watering their yards feel the same way he does. I also talked to local businesses that had irrigation accounts or car washes. The commercial side has taken a substantial hit on watering itself. One of the local car washes had their monthly water bill go up \$1000. It is hard for a small business to recoup that kind of money. That is where my concerns are with rushing into this. I understand we need to lock this in, but this can will get kicked down the road for five more years, and those discussions will be heated. Mayor Payne said we would make up the money one way or another, whether through increased sewer or water. Does this matter one way or another? Assistant City Manager Hernandez said it won't for them, but when talking to citizens, it will. Mayor Payne said if we approve this tonight, will it matter if we go back and switch things? Commissioner Rardin said it was a wasted move because this is the first reading. Mr. Muirhead said that this does not lock you into anything. It is just authorizing publication when you get to that point. Nothing is done until you do the ordinance and adopt it, and even then, it would not be until you close the loan and are using the \$30,000,000. Then you are locked in. This really has no binding effect. You could never come back to this, and this does not require you to.

Commissioner Burnett left the meeting at 8:35 PM because his phone call dropped.

**Commissioner Robinson moved to Approve.
Mayor Pro-Tem McDonald seconded the motion.**

Motion Passed with a vote of 5 - 1 - 0. Commissioner Rardin voted nay.

17. Consider, and act upon, Resolution 2024-56, approving the location of the City of Alamogordo's F-4 Fighter Jet. (Rick Holden, City Manager, and Stephanie Hernandez, Assistant City Manager) (Roll Call Vote Required)

City Manager Holden said we have been working on the F-4 project since I began working here. Mr. Perry gave his presentation with a recap about it earlier. We are at a point in this process where we need to have the Commission authorize the location through resolution. Staff will continue to work on logistics with the F-4 Committee to pay for the move and ensure we have money set aside for maintenance going forward. The airplane belongs to the City of Alamogordo and no one else. The logistics of how it will be displayed will be resolved nearer to completion. Mayor Payne said she was glad we cleared up who owned the airplane.

Commissioner Burnett rejoined the meeting by phone call at 8:40 PM.

Commissioner Tapley asked if the City was going to purchase the property on which the airplane would be displayed. City Manager Holden said no, they are giving us permission to use that property. We will have a memorandum of understanding with them to be in agreement. The State has already approved the location, so we are not infringing on the right-of-way. We will not have a deed or title to the property. Assistant City Manager Hernandez said we have a forty-year agreement with New Mexico DOT for the location, and we are also working on agreements with Maverick. Commissioner Rardin asked why we needed an agreement with Maverick. She replied that they would give the ingress to get to it. He replied that since we are already in negotiations with NMDOT, I have always had the vision to do some landscaping to dress that corner up. This would be the perfect opportunity to do that. I previously asked the former City Manager about getting permission from NMDOT for that. Maybe it could just be xeriscaping or something like that. She replied that we are calling it the Gateway Monument because it will be more than just the plane. She said there would be the plane and it would be xeriscaped. He asked if it would be the whole corner. She said just the section we have a right to. We will have to maintain the whole section because it is the City's plane. Our agreement with NMDOT is that we have to maintain it. Our Parks Department will help keep it clear. He asked if that would be from the back of the sidewalk to the Maverick fence. She said the agenda attachment to the resolution showed the whole section. Commissioner Tapley asked if there would be parking there. Assistant City Manager Hernandez said yes. He said that is great advertising for Maverick. She replied that this had started in 2021 before Maverick was there. When Maverick bought this from Medlin Ramps, they were told this was happening and were fully on board with it. Commissioner Rardin asked if it would sit as close to the sidewalk as shown on the map. Will it sit that close to the highway? Mr. Perry said it was not close to the highway and was a good distance away. It is closer to the Maverick Station than the highway. Commissioner Rardin said so we won't have to worry about vehicles hitting it. Mr. Perry said right. City Manager Holden said that the map is not precise. Mr. Perry said it was just the initial scale.

Mayor Pro-Tem McDonald moved to Approve.

Commissioner Paul seconded the motion.

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

18. Consider, and act upon, Resolution 2024-55, a Resolution Encouraging Governor Lujan-Grisham and State Legislators to Prioritize Public Safety for the Citizens of New Mexico. (Susan L. Payne, Mayor) (Roll Call Vote Required)

Mayor Payne said that Governor Lujan-Grisham was recently at a town hall meeting in Las Cruces to talk about public safety. While I am glad she was there, I was disappointed because I didn't know about it, and I would have liked to have been there. I would like to see her and other state legislators come to have a discussion about this. I have real concerns about things going on in our community. Let's direct staff to write a letter encouraging them. It may just be symbolic, but I think this is important. In 2022, New Mexico was number one in the country for violent crime. Commissioner Rardin said we have lost two police officers here, Officer Corvinas and Officer Ferguson.

Commissioner Burnett left the meeting at 8:49 PM because his phone call dropped.

Commissioner Rardin moved to Approve.

Commissioner Tapley seconded the motion.

Motion Passed with a vote of 5 - 1 - 0. Commissioner Robinson voted nay.

19. Consider, and discuss providing staff with directions to set up a Town Hall Meeting with Governor Lujan-Grisham and state legislators to discuss crime and mental health. (Susan L. Payne, Mayor)

Mayor Payne said again, we should encourage our Governor and legislators to come to Alamogordo and have a conversation about criminal justice, public safety, crime, and mental health. Governor Lujan-Grisham came to Officer Ferguson's funeral, and she even mentioned that she wanted to come here and have conversations with us.

Mayor Pro-Tem McDonald said she agreed that something needs to be done. We have a law that benefits squatters, and a lot of squatters are dealing with mental illness. We have forty-five days before we can evict somebody, and I think the problem will continue to get worse. Having the Governor come down would be nice, but things need to happen. We are not giving solutions. I feel there are laws in place that give other people the benefit of the doubt. They can stay in a place, tear up a home, and trash it. Something has to be done with the law. When we start moving where a law can be made, then that has some teeth. Mayor Payne said we need to talk about that with the Governor. Las Cruces just passed two new ordinances, one of which pertains to shopping carts. To paraphrase the other ordinance, one of the options the judge can give as an alternative is voluntary mental health or drug counseling. I do not know if that would work, but that is the idea. I have been vocal about bail reform, which is an epic failure that allows people to be on the streets with zero accountability. It is frustrating. We need to take those steps so people realize we are serious about this. Mayor Pro-Tem McDonald said if we set this up, are we just looking to someone else to give us the resolution? Mayor Payne said change can only take place at the State level. There is nothing we can do here. The law you were talking about is not local. It is a State law. If we want change, we must direct it to the state legislators and Governor, who can do something about it.

ADJOURNMENT

Commissioner Rardin moved to Approve at 09:08 PM.

Mayor Pro-Tem McDonald seconded the motion.

Motion Passed with a vote of 6 - 0 - 0.

ATTEST:



City Clerk Rachel Hughs


Mayor Susan Payne

(Prepared by Dylan Aleshire, Deputy Clerk)

Approved at the Regular Meeting held on August 27, 2024.

