

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
MUNICIPAL BUILDING, 1376 E. NINTH STREET
7:30 P.M., COMMISSION CHAMBERS
AUGUST 23, 2005**

**MAYOR DON CARROLL
MAYOR PRO-TEM RON GRIGGS
COMMISSIONER INEZ MONCADA
COMMISSIONER DON COOPER
COMMISSIONER ED COLE**

**COMMISSIONER JOHN ROBERTSON
COMMISSIONER MARION LEDFORD
CITY MANAGER PAT McCOURT
CITY ATTORNEY KEN McDANIEL
CITY CLERK ANGIE RAHN-BROYLES**

Call Meeting to Order and Roll Call.

The Meeting was called to order at 7:30 p.m. Mayor Don Carroll was absent. The Invocation was given by Ms. Dottie West, and the Pledge of Allegiance was led by Commissioner John Robertson.

CALL OF THE CONSENT CALENDAR:

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

1. Minutes of Regular Meeting of August 9, 2005.

Recommendation: Approve the minutes.

6. Ordinance No. 1242 consenting to the annexation of 46.409 acres of land in Section 6, T16S, R10E, NMPM, requested by Bella Vista, LLC, et al. [Case A-05-0067(A)].

Recommendation: Approve the Ordinance for final adoption.

10. Change Order No. 1 for Public Works Bid No. 2005-004, ADA Improvements - Project 2.

Recommendation: Approve the change order.

11. Credit adjustments to water charges for high water usage caused by repairs performed by the City's Utility Maintenance crew:

- A. Mr. and Mrs. Vargas, 1512 American Way (Account No. 41193-19400), in the amount of \$73.43.

Recommendation: Approve the adjustment and require a Release of All Claims.

- B. Mr. and Mrs. Proctor, 1433 Rockwood (Account No. 69613-5538), in the amount of \$165.48.

Recommendation: Approve the adjustment and require a Release of All Claims.

Item Nos. 5(A), (5(B), 5(C), and 7 were removed from the Consent Calendar.

Commissioner Cooper moved to approve items 1, 6, 10, 11(A), and 11(B) on the Consent Calendar. Seconded by Commissioner Cole. All voted "aye". The motion carried by a roll call vote of 6-0-0.

PLANNING ITEMS:

2. Consideration of Ordinance No. 1241 for rezoning to District "R-3" (Two-Family Dwelling) requested by Billy D. Wade [Case Z-05-0642(A), 1902 and 1902½ N. Florida Avenue].

Recommendation: As the request will constitute spot zoning and will not conform to the adopted master plan, deny Case Z-05-0642(A) to amend the official zoning map of the City of Alamogordo and to change the zoning of subject property to District "R-3" (Two-Family Dwelling). [Tabled at the meeting of May 24, 2005, and Mr. Billy Wade requested item not be reconsidered until this meeting].

City Planner Sharon Few said this property was purchased several years ago by Mr. Wade, and at some time there was a conversion of an accessory building which was being used as a garage into an apartment unit. The petition requested rezoning of the property to legitimize the second unit on the property, even though it was nonconforming and there was no documentation of City approval for the conversion and necessary inspections for a residential unit. Additionally, the property was spot zoning and it did not conform to the Master Plan. When this was initially considered by the Commission in May, staff's recommendation was for denial because of those two factors—spot zoning, not legal and nonconforming, and did not conform to the Master Plan. Mr. Wade had requested time to allow inspectors to view the property. To the best of her knowledge and in talking to Mr. Wade, no inspections had been called for by the certified inspectors. It was before the Commission tonight with the same recommendation.

Commissioner Robertson asked the difference between an R-3 and an R-4 zoning. Ms. Few said the density. R-4 zoning allowed up to 1,000 square feet of lot area per dwelling unit, or multi-family. There was multi-family zoning down the street which allowed a nonprofit to go in for the daycare center. Commissioner Robertson said he was hoping Community Development Director Brian McGuire would be present tonight because he had gone and inspected this property. Ms. Few said he looked at the property, but the Building Inspectors did not view the property, and she didn't know that Mr. McGuire had viewed the inside of the property.

Commissioner Cooper asked if anything had changed as far as the construction? Ms. Few said no. Commissioner Cooper clarified that it was the same way it was when we'd looked at this last time. Ms. Few said yes, to the best of her knowledge.

Commissioner Robertson said just a half block away from this there were various properties that were already zoned R-4, so he didn't feel that an R-3 on just two structures would be that much of spot zoning. Also down through there on Florida Avenue, there were various places which had been zoned commercial—one for a daycare and another for apartments owned by Mr. Dinsdale. Mayor Pro-Tem Griggs said in looking at the map, this particular property was located at the end of a block, or near the end of a block. It was separated from the R-4, creating the issue of spot zoning. It was in the middle of an R-1 which was for single family. So whether it was spot or not, it certainly had the appearance of being such. Commissioner Robertson said he agreed, but if on the other R-4 there was just one lot between them, then it was still called

spot zoning. We had previously discussed putting commercial units or even duplexes, R-3 down through there, and we had done it before. He felt the consensus of some of us was that Florida would eventually have a lot of commercial property in that area. Mayor Pro-Tem Griggs said we had also talked about the petitioner pursuing rezoning of the whole block, and he didn't know if that had happened or not. Ms. Few said there were two other properties in the neighborhood that had additional units on the property noncompliant to the zoning, and to her knowledge, there had been no concerted effort to garner their support for a block-wide rezoning. One correction was that we had no commercial properties zoned in here between Indian Wells and 16th Street. Commissioner Robertson asked what the child care unit down there was considered? Ms. Few said that was a private nonprofit which was allowed in an R-4 zoning, and the zoning on that property was originally done for the organization that housed disabled persons. Other rezonings in the block were done numerous years ago before our current Master Plan, and the R-4 for Mr. Dinsdale was approved by the City Commission contrary to the Master Plan or staff recommendation and also as spot zoning.

Commissioner Robertson said when a situation continued on and on and on, how long did it have to keep going to be clarified as being grandfathered in? Ms. Few said it had to be in existence before the adoption of the Ordinances regulating it. These Ordinances went into effect in 1950, and the use was changed in the 1990's. So the use was changed a good 45 years after the Ordinance went into effect, and it was an illegal conversion. Commissioner Robertson said there were some more places on this block that had two or more rental units on it, though. Ms. Few said yes, she had just said there were two other properties. Commissioner Robertson said besides the spot zoning, was there any problem with zoning this R-3? Ms. Few said it didn't conform to our Master Plan. Commissioner Robertson said he believed we'd gone around that before.

Mayor Pro-Tem Griggs said one of the issues we'd discussed the last time concerning this property was if we agreed to change the zone, we were unsure of the issue of the Code enforcement and whether or not everything was done to Code. We were concerned if we did that, that if a fire or safety problem would occur with the property later on, that it could be construed the City could have some liability for that as well. He didn't know whether that would be the case or not, but it was discussed.

Mr. Jerry Mooney, representing Mr. Billy Wade, said he first wanted to apologize. After we met three months ago, he had left the very next day to go on vacation and had the intent to be back several weeks ago. However, due to some medical problems, he wasn't able to get back until just last Friday. At that time, he and Mr. Wade were going to attempt to contact the other two property owners there that had added additions on their property and get them to try and go together to do an area rezoning for the lots. They were not able to do that. However, Mr. Wade did ask for some inspections, but he was never able to coordinate them. Really, he couldn't add much more to it. They had a situation which was that along that S. Florida corridor, there were properties where people were converting their garages to rental units. They were doing it because it was economically feasible to do so. However, they were doing it illegally and everyone recognized that fact. Because it had been going on for so long, the residents along there did it without thought. He wasn't here to point fingers, but simply to say that it was an existing situation. He thought we needed to resolve the situation by perhaps reviewing the entire area for rezoning by the City Commission and the Planning and Zoning Commission. Or, the City could go the other way and give notice that what these people were doing was not legal. As far as having the houses inspected, Mr. Wade's garage was constructed of solid cinderblock with sheetrock on the inside. So as far as safety and fire safety, it was probably as

safe as any constructed house in Alamogordo, the same as the houses up in the entire University Block were all cinderblock.

Mayor Pro-Tem Griggs asked what options were available to the Commission tonight? Mr. McCourt said the Commission could vote to deny, to approve the rezoning, or to table the issue. Mayor Pro-Tem Griggs said this one had been tabled once before, so could we continually table for a period of time? Mr. McCourt said yes, for a zoning change. Mayor Pro-Tem Griggs said with this particular deal and the situation with Mr. Mooney, he felt it would behoove the Commission to consider tabling it for another period of time to give them a chance to get some of this stuff done, and if that was unsuccessful, we could address it at that time.

Commissioner Ledford said we'd talked about the other property owners rezoning to R-3. Mr. Mooney said that was for them to join them and in asking that the area be rezoned. Commissioner Ledford clarified that they could be zoned R-3 and still keep single family residential status. One of the issues mentioned was the building inspection and Code issue—where were we on that? Mr. McCourt said to the best of staff's knowledge, there had been no request to have any Code inspections done on the building in the past, currently, nor since the May meeting. Commissioner Ledford said if requested, what did that do for us? We were concerned about some possible Code violations, so was the purpose of the inspection to put that concern to rest? Mr. Mooney said it would put it to rest. If the request needed to be in writing, then he would write something up. Commissioner Ledford said between that and possibly looking at rezoning the whole block, would that take care of the issues? Commissioner Robertson felt that since some of these people involved had been gone for the past three months and also because he saw Mr. Wade in the back of the room nodding his head "yes", that it would be a good idea to put this off to a later date where they could get their inspections and to where they could talk to everyone on the block who was concerned.

Commissioner Robertson moved to table this to a later date.

Mr. Mooney suggested tabling it for 30 days. Mr. McCourt said he would actually suggest 60 days. Mr. Mooney said he would accept that.

Commissioner Robertson amended his motion to table this for another sixty (60) days. Seconded by Commissioner Cooper.

Mr. McCourt said just so everyone was real clear, 60 days may not hit exactly on a City Commission meeting date, so we were talking about the Commission meeting closest to that, which was October 25th. Mr. Mooney said that was fine.

Mayor Pro-Tem Griggs called for the vote on the motion. **All voted "aye". The motion carried by a vote of 6-0-0.**

3. Consideration of the final plat of PUEBLO REAL SUBDIVISION, UNIT 2, for forty-five (45) lots located within the City of Alamogordo for Williamson Construction, Inc. [Case S-05-0890(A), Mesa Lane at Crescent Drive].

Recommendation: Approve the final plat of PUEBLO REAL SUBDIVISION, UNIT 2, Case S-05-0890(A), located within the City of Alamogordo, with a variance on the installation of one alley, with payment of fees in lieu of public land dedication, and with a Subdivider's Contract.

Mr. McCourt said there were no staff concerns on this as they had all been resolved. The only reason this was not on the Consent Calendar was because no Planning and Zoning items could be put there from now on.

Commissioner Cole said he was concerned with the traffic flow. He'd gone up Cornell and turned on Mesa. Was Crescent going to be extended? Mr. McCourt said in the future as the land in the area continued to develop, Crescent Drive, which was on the eastern edge of this particular subdivision, would become extended south to Indian Wells. Commissioner Cole asked if there was an office complex going in there on the corner? Mr. McCourt said there was one going in on the corner of Cornell and Indian Wells. Commissioner Cole said on the east side of this development, between it and the hospital, would there be any road connections there? Mr. McCourt said on the north side was where the hospital was, and there was a drainage channel which came down along there so there would not be any road connections planned to cross that drainage channel. Commissioner Cole asked if there were any type of streets going north? Mr. McCourt said to the best of his knowledge, there were no planned streets to either the north or the east off of this particular area. Commissioner Cole clarified that all the traffic going to Indian Wells had to go down Mesa. Mr. McCourt said it would go down Mesa to Cornell to get out. In the future, Crescent would be extended to connect at Indian Wells, so it would be a second means of access to this subdivision. Commissioner Cole asked if there was a road in back of the office complex which would be running east and west? Mr. McCourt said not that he was aware of. Commissioner Cole said he assumed staff was satisfied with any type of traffic flow pattern and the safety of youngsters, buses, etc. Mr. McCourt said he believed that was correct. Commissioner Cole said it seemed that he could not see much planning for traffic for that density.

Commissioner Cooper moved to approve the final plat of PUEBLO REAL SUBDIVISION, UNIT 2, for forty-five (45) lots located within the City of Alamogordo for Williamson Construction, Inc., Case S-05-0890(A), located within the City of Alamogordo (with a variance on the installation of one alley, with payment of fees in lieu of public land dedication, and with a Subdivider's Contract). Seconded by Commissioner Moncada.

Commissioner Robertson noted there was no land dedication on this subdivision. Had it been established that they would pay the fee in lieu of? Mr. McCourt said yes.

Mayor Pro-Tem Griggs called for the vote on the motion. **All voted "aye". The motion carried by a vote of 6-0-0.**

4. Consideration of a thirty foot (30') utility easement for the extension of an electric transmission line for Texas-New Mexico Power [North of Relief Route, Case M-05-0323(A)].

Recommendation: Approve the easement in Case M-05-0323(A) for Texas-New Mexico Power for an electric transmission line.

Mr. McCourt said this was on a City-owned piece of property which was outside of the north of town at this time, but which was proposed for annexation. It was in an area where the City was developing some water facilities, tanks, and a pump station. We had coordinated with the power company and didn't see any difficulty in the granting of this easement.

Commissioner Cooper moved to approve a thirty foot (30') utility easement for the extension of an electric transmission line for Texas-New Mexico Power [North of Relief

Route, Case M-05-0323(A)]. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a vote of 6-0-0.

CONTRACTS AND AGREEMENTS:

5. Agreements with Otero County for the following:

A. Transportation of Seniors and La Luz Home Delivered Meals.

Recommendation: Approve the Agreements.

B. Library Services.

Recommendation: Approve the Agreement.

C. Retired & Senior Volunteer Programs (RSVP).

Recommendation: Approve the Agreement.

Commissioner Robertson said back in 2002, he had a lot of problems with the contracts with the County because the County's funding was one figure, and they had come in way under that figure for what they wanted to give for the Library use and the other two agreements as well. For the Seniors and La Luz Home Delivered Meals, their portion of that should be at \$23,911 for one part, and another part should be \$26,830. They were \$31,000 short of what they should be paying for the services which the City was paying for outside the City of Alamogordo. On the Library, they were paying \$120,000 short of what they should be. This year the Public Library use for the residents in the County had increased 8 percent, but none of the County's funding had increased at that time. For the RSVP program, they wanted Otero County to supply \$9,000 for the program for gasoline for transportation, and the County only gave \$2,835. He objected to all three of these tonight. He thought we were letting the people of Alamogordo down to start with. They were the ones who were furnishing the funding for the makeup of what the County was not paying. The agreements in all three circumstances stated that we would not hold them responsible for anything. He didn't agree to that and he felt the County should be held responsible for their part of these fees. He knew that in 2002 we had discussed, and all the Commissioners had stated, that they were upset about the same things. However, they'd gone ahead and voted on this because as someone had stated, if we didn't then we wouldn't even get the \$40,000 for the Library. At that time we said that we wanted to have the staff look into charging a fee to all the County people who used the Library. This was supposed to have been studied and brought back to the Commission. This was in 2002 and had not been brought back. However, in 2003 and 2004, there was a contract approved under the Consent Calendar with no decision. So it was brought back to the Commission partly to vote on for us to charge the County to use this system. However, it was never brought back and made a decision. Ms. Rahn-Broyles said that was incorrect—there was no discussion. In 2003 and 2004, the items were on Consent and they were not removed from Consent. The Commission had approved them without any discussion. Commissioner Robertson said, however, it was never brought back to the Commission before a vote to try to get any funding from the County through the residents who were actually using the Library. Therefore, he was firmly very strongly opposed to this tonight until such time as we did set in motion something where the County residents would have to start paying for the use of the Library. Also, on the Meals on Wheels, he may have to go along with it because it was so important. But all three of these agreements totally exonerated the County for anything, and he didn't believe we should allow that. We needed to

hold the County at bay for it. He knew they would say they didn't have any money, but the City didn't either. We had to scrape for everything we got. So he felt it was time for the County to jump up and start taking care of their part, or the City needed to start charging the County residents for using the Library.

Assistant City Manager Matt McNeile said staff did go every year before the County Commission with our recommendation on what we felt was their fair share. However, we were at their mercy with what they felt they wanted to allocate to the City. We agreed with Commissioner Robertson that they should pay more money, but it just didn't come to fruition. Mr. McCourt said on the aging funded programs, they were funded in a large part by some Grants from the Federal government. He knew on the meals and Senior Center program, for example, there was a prohibition on charging for that particular program. We did ask for voluntary donations on that program, and we also asked for donations on the transportation programs. He thought they were under the same agency, so he suspected there may be a Federal item prohibiting us from charging. One option was that we no longer provide the services outside the City. If somebody entered our City, though, and came into the Senior Center, then we had to provide the same service regardless in that area. We did have some discussion on the charging a fee for Library cards for non-City residents. Mr. McNeile said staff had conducted that study. Mr. McCourt said there was no way we could force the County to pony up the money. It was a political decision on their part, and to date they had not wished to provide more funding than indicated.

Commissioner Cooper said Mr. McNeile had made a statement that we "were at their mercy". Why should we be at their mercy? Mr. McCourt said because they were the decision makers who ultimately allocated their budget. Commissioner Cooper said if they didn't want to go along with the program, we ought to cease providing the services. Mr. McCourt said we could do that. We could discontinue any of these programs, and certainly we could discontinue providing the services to the La Luz area. Commissioner Cooper said he didn't believe seriously, though, that he could go along with eliminating the Meals on Wheels. However, it was a different situation with the Library and they should pay their fair share or at least come close to some figure we could live with. Mr. McNeile agreed, and he felt staff did a good job in making our presentation and points to them on what we felt their fair share should be. However, they were an elected body and they chose not to fund us. Commissioner Cooper said if they chose not to fund us, then we would choose not to service them.

Commissioner Robertson said what it broke down to was that the City had budgeted approximately \$650,000 for our part of the Library, and then there was some other funding and Grants coming in there. But that \$123,000 was figured into that \$650,000, and he didn't think it was right. We needed to do something to get back some of that funding. Mr. McNeile agreed, but when staff prepared the budget, it was based on the estimate of what the County had given the previous year. Commissioner Robertson said if it was mandatory to do this tonight, then it was something he would say that he wanted formally back in front of us within the next couple of meetings to where we could get some funding from the Library. We'd talked about it for two years now and it was time to stop talking because we were in a position now to either "nay" or "yea" with the County.

Mr. McCourt said staff had gone about as far as they could to persuade the County Commissioners to provide more funding for the Public Library. At this point he felt it would be necessary for the City Commissioners to directly interface with the County Commissioners or the County residents as far as providing additional funding. Commissioner Robertson said he was not saying that staff had fallen down on this thing, because if they had finished their

studies, then they hadn't. However, the Commission had not seen them and he felt it was time to bring them back to light.

Commissioner Moncada asked how many people we served in the La Luz area as far as Meals on Wheels? Mr. McNeile said approximately 30 everyday. Commissioner Moncada asked how many people who used the Library were from out of the City limits? Commissioner Robertson said in the agenda report it stated that 25 percent of the card holders were from the County. Mr. McCourt said that was 25 percent excluding City of Alamogordo residents, excluding people from out of state who might have a card, and also excluding Holloman AFB members who may have a card.

Mayor Pro-Tem Griggs said we'd talked about this particular issue a little bit and we had not come to a real good understanding with the County on getting increased funding from them for these programs. We had other places where we were dealing with the County on funding for things such as ambulance service or other things. Perhaps the smart thing for the Commission to do would be to schedule a meeting at sometime this Fall to deal with all of these issues where we had joint funding responsibilities and see how we could make some of this stuff happen. He didn't believe we would wind up getting the County to agree to give us more money for the Library as we hadn't been successful in that yet. He thought from a humanitarian side it was very important for us to continue to help provide Meals on Wheels. However, those were citizens who weren't coming here, but rather, we were going out of the City limits to them. He wasn't sure that was something we were even legally allowed to do other than the fact that we were being good guys and doing it. He thought it would be important that if we believed these issues needed to be where the County was going to give us the type of funding we felt was required, that we needed to sit down and talk with them eye to eye to see what happened. If they wouldn't do it, we were faced with one of two options—we could either continue to provide the service, or we could stop. Those were our options. He personally felt we needed to approve these tonight, and then set up a meeting to discuss this sort of stuff with the County so we could at least air it all out.

Commissioner Cooper agreed based on humanitarian reasons. He would reiterate his statement that he wouldn't hesitate to vote for Meals on Wheels. However, he felt it was about time instead of rolling over, that we started playing hardball with those guys that sat over there in the Courthouse and let them know our feelings regarding the Library. He felt we could vote on the two agreements, and leave the Library one out and table it so that we could get together with the County Commissioners and discuss that issue.

Mayor Pro-Tem Griggs said he was willing to take (A), (B), and (C) individually, and take motions on them in that manner.

Commissioner Ledford said every one of these agreements were less, so he didn't know if this was political or economics. He would think that every once in awhile if you got one which was fully funded, then it was political. However, that wasn't what happened here. Did the County agree with the City's calculations on the amounts we felt were their fair share? Mr. McNeile felt they respected it. Commissioner Ledford said, then, they agreed with the amount but just said they didn't have the money. Mr. McCourt didn't necessarily think that was the case. He felt it was probably both political and economical. Commissioner Ledford asked if they told us? Mr. McCourt said no.

Commissioner Cole said we'd met with the County before on these issues and tried to reach an agreement. He knew there were new County Commissioners, but we had met with them. The

statement they made was that they gave us all the money they could which was available for these programs. Regarding humanitarian ideas, food and things for the elderly were necessary, but education was pretty necessary too. Quite frankly, he was in favor of all three of these programs and the amount of money listed here, and he would have no problem in voting yes on each of them and continue with the next item on the agenda. He didn't think it was necessary to get with the County and go over this. He supported all three of these the way they were worded.

Mayor Pro-Tem Griggs disagreed and felt it was time to go ahead and address with the County once again. We may get the same cold shoulder we got the last time, but it behooved us. We were spending the citizens of Alamogordo's money and it was incumbent on us to see if we could continue to do this. He believed we also needed to ask the City Attorney to see how far we could go. Meals on Wheels was important, but should it go outside the City? Commissioner Cole said a lot of those people outside the City came in to shop. Mayor Pro-Tem Griggs said they didn't live here, though, and that was the only distinction you could make at that particular point. If it was something we could do, then fine, but what else would we like to provide to the residents of Tularosa, for instance, if that be the case?

Commissioner Robertson said in the meeting two years ago, the same thing was brought up. Mr. Vandergriff (former City Code Administrator) had checked into it, and he said that we were within our realm to go ahead and charge per card for the Library. Mayor Pro-Tem Griggs said we could do lots of different things, but he just felt it would be good to lay it on the table with the County and see. Commissioner Cooper felt it was about time we played hardball. We should approve the two tonight, and table the Library issue so that we could get together with the County and see if we could do a little pushing and shoving for a change. Mayor Pro-Tem Griggs felt we needed to address all issues, and not just the Library issue.

Commissioner Cooper moved to accept the Meals on Wheels program (Transportation Services for Seniors and La Luz Home Delivered Meals) with the amount budgeted of \$30,662. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a vote of 6-0-0.

Commissioner Cooper moved to table item 5(B), Agreement for the Public Library, until the next Commission meeting in order that we can sit down eye to eye with the County people. Seconded by Commissioner Robertson.

Commissioner Moncada requested discussion. Mr. McCourt clarified that there was no discussion on a motion to table. His question was whether we practically had sufficient time between now and the next meeting to arrange a Special Joint Session with the County. We did have Labor Day that occurred in there. Ms. Rahn-Broyles said she had spoken to the County Administrator, who had informed her that the County Commission specifically cancelled their first meeting in September due to the Labor Day holiday weekend. So the only meeting they were having in September was on September 27th.

Commissioner Cooper withdrew the motion to table. Commissioner Robertson withdrew his second to the motion.

Commissioner Cooper moved to table item 5(B), Agreement for the Public Library, until such time as we can get together with the County Commission. Seconded by Commissioner Robertson. Commissioner Cooper and Commissioner Robertson voted

“aye”. Mayor Pro-Tem Griggs, Commissioner Moncada, Commissioner Cole, and Commissioner Ledford voted “nay”. The motion to table failed by a vote of 2-4-0.

Commissioner Moncada felt we should go ahead and get what we could from the County right now on the Library, and then go back and ask for more. Because they had done this to us before for many years and they never wanted to give us anything, we might as well take what we could while we were at it. We might wind up in the end getting nothing. Commissioner Robertson said that was exactly her comments two years ago and also last year. In fact two years ago she had stated that we always had a decrease from Otero County when it came to the Library. Commissioner Moncada said we continued to have a decrease. Commissioner Robertson said every year she said the same thing—let’s get this and then put it off. It was time we did something about this. Commissioner Moncada said we might as well get what we could this year. Commissioner Cooper and Commissioner Robertson both stated that was what she had said last year and previous years. Mayor Pro-Tem Griggs said he was going to agree with Commissioner Moncada because we needed to go ahead and approve the agreement tonight, and then still set up the meeting. He didn’t know that it would do any good, but we did need to set it up. We needed to address all these issues and figure out if they were solvable. If they weren’t solvable, then we needed to agree to disagree or we understood where we were. Let’s see if they told us again and go from there.

Commissioner Robertson said with us accepting their \$40,000, could they come back legally and say we couldn’t charge anymore fees because they were already paying \$40,000? Mr. McCourt said we looked at that particular question. Under this agreement they could not do it. They potentially could do it in a future agreement, but there didn’t appear to be anything that would prohibit the City from establishing a fee structure for non-City residents to receive a Library card and to be able to use the services there. So under this agreement there was no prohibition on us establishing a fee on non-City residents. He didn’t know what the County Commission’s reaction to that might be, but it would have to be a future type action.

Commissioner Cole said he was very concerned that we were becoming adversarial with our fellow County Commissioners and he did not want that to be the case.

Commissioner Moncada moved to approve the recommendation for Library services (Otero County Agreement for Alamogordo Public Library). Seconded by Commissioner Cole.

Commissioner Ledford asked if this also included that we were going to meet with the County Commission? Commissioner Moncada said yes, most definitely. Commissioner Cooper asked what would be the sense in meeting because we already gave them what they wanted. We caved into them again, and again.

Mayor Pro-Tem Griggs said the County Commission, and Commissioner Moore especially, wanted to set up joint meetings to have with the City Commission to discuss issues where we were both involved. He thought this was an opportunity for all of us to once again do that, and we could even pick up other issues out there other than joint funding issues. Let’s talk about those and these issues as well. He didn’t think the County was adverse to having joint meetings, in fact, they wanted them. So he felt that would be something we still needed to pursue. Commissioner Ledford asked for clarification on whether the motion included us setting a meeting to meet with the County Commission.

Commissioner Moncada amended the motion to approve the recommendation for Library services (Otero County Agreement for Alamogordo Public Library), and to plan for a meeting with the County Commission. Seconded by Commissioner Cole. Mayor Pro-Tem Griggs, Commissioner Moncada, Commissioner Cooper, Commissioner Cole, and Commissioner Ledford voted “aye”. Commissioner Robertson voted “nay”. The motion carried by a vote of 5-1-0.

Commissioner Cole moved to approve the Otero County Agreement for the Retired & Senior Volunteer Programs. Seconded by Commissioner Moncada.

Ms. Sherry Langwell, City resident, asked if these agreements were public knowledge? Mayor Pro-Tem Griggs said yes. Ms. Langwell said nobody ever stated what the agreements said. Mr. McCourt said we'd had three agreements between Otero County and the City of Alamogordo. Each of them provided for different services that the City was directly providing. Those services were being provided not only to City residents, but also to County residents. So the City as the direct provider of these services, had requested from Otero County that they pay a portion of the cost of the program which reflected the County use of the program. The County had felt they were paying what they could afford to pay for the programs, and in each of the cases, that was less than what the City felt their fair share should be. The situation had been going on for many years. This particular program was called the Retired Senior Volunteer Program (RSVP). We had many retired senior citizens in this community who volunteered to help out in different organizations, and this was a kind of coordinating agency and they also paid them mileage when they drove out to different sites. Some of the sites were fairly distant, like Oliver Lee Park, so there was money involved in that type of service. Ms. Langwell asked if the Federal government paid anything? Mr. McCourt said the Federal government also paid some Grants for these programs, but it did not cover the full cost.

Mayor Pro-Tem Griggs called for the vote on the motion. **All voted “aye”. The motion carried by a vote of 6-0-0.**

ORDINANCES AND RESOLUTIONS:

7. Ordinance No. 1244 consenting to the annexation of 626.990 acres of land requested by Mesa Verde Ranch, et al. [Case A-04-0060(A)].

Recommendation: Approve the Ordinance for final adoption.

Mr. McCourt said the title of this item stated it was requested by Mesa Verde Ranch, but there were actually a large number of property owners who had requested to be included in this particular annexation. There was a map on the board which had the area laid out that was included in this particular request. We also called it the “North Annexation”. It was not all voluntary annexation, as there were some parcels of property within it that had not consented to be annexed. The City felt it didn't want to create islands within it, and that this was an orderly annexation which would allow us to provide police, fire, and zoning services to the properties in the area, and that was how it was assembled. We had discussed this a couple weeks ago and he noted that there were some individuals who attended the meeting and who had indicated their feelings on the annexation.

Mr. Jim Grundhoffer said he owned some property north of the proposed annexation. What was the impact by the annexation on Chihuahua Road? Ms. Few said there was evidently a prescriptive easement which ran on the railroad right-of-way on the west side, so it was

basically north-south right-of-way and it was on Union Pacific right-of-way. Mr. McCourt asked if there was a physical road there? Ms. Few said there was nothing she was aware of that was maintained by the County, although she had just learned that they had put a name on it. Mayor Pro-Tem Griggs asked how they currently accessed the property now? Mr. Grundhoffer said he bought the property in 1977, and he had always used Chihuahua Road. Ms. Few said our annexation would have nothing to do with this.

Mr. McCourt said if there was a prescriptive right and therefore a public easement, it would currently be County and they had agreed that any of those could be taken over by the City. Mr. McDaniel said that was true if it was a public road. However, if it was one guy using the land of another party, being the railroad, to access his property then that would be a private prescriptive easement and the annexation would not have any effect on that one way or the other. Mr. McCourt said in either case it was handled, but if it was a public road, then it became a City easement. He was not willing to make a determination tonight, though, as it really didn't affect the annexation.

Ms. Few said Mr. Grundhoffer's property did not even touch on any of the area that we were annexing. She did not know if this road was maintained or even recognized by the County, although we had written concurrence by the County that we may take over maintenance on the roads that they did. Commissioner Robertson thought the County didn't maintain anything on the railroad property. Ms. Few said that was why it was not an issue with the annexation. It was an issue that probably needed to be addressed, but not in the form with the annexation.

Mayor Pro-Tem Griggs agreed. He felt Mr. Grundhoffer needed to look into it further with either his Attorney or through a Title search to determine what other access rights he may have, or if this was the only one. Mr. Grundhoffer said there were nine individuals who had used Chihuahua Road from the end of Eddy Drive to the north for at least ten years. Mayor Pro-Tem Griggs said he appreciated that, but he didn't know that the annexation would have any impact on their use of the road. Further development down the road might, but not on this annexation.

Commissioner Robertson asked if what he was asking was whether this annexation would affect it and give him the right to use the road? Mr. Grundhoffer said basically, yes. Mayor Pro-Tem Griggs clarified that it would be to "continue" to use it. Commissioner Robertson said if it was on railroad property, the railroad would be the only one to cut it off. Ms. Few said this was being brought before the Commission tonight as an access issue, and nothing we had before us established legal locations. It was a roadway which had been named by the County just for recognition purposes, if nothing else. To the best of her understanding, it did connect all the way to the north to La Luz Gate, where there was access available from the north via La Luz Gate. But it was a different issue for legal access and not for the annexation. Mayor Pro-Tem Griggs agreed. Commissioner Cooper clarified that it had no affect whatsoever on the annexation. Mr. McCourt said correct; it had no effect on the annexation, nor the annexation on it.

Commissioner Cooper moved to approve the final publication of Ordinance No. 1244 consenting to the annexation of 626.990 acres of land requested by Mesa Verde Ranch, et al. [Case A-04-0060(A)]. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a roll call vote of 6-0-0.

8. Resolution No. 2005-30 adopting an Infrastructure Capital Improvement Plan (ICIP) for FY2007-FY2011.

Recommendation: Approve the Resolution.

Mr. McCourt said the Commission adopted an Infrastructure Capital Improvement Plan every year. This was actually the one the Commission adopted last year, but the State had required we put it on different new forms and to approve again what we had already approved. This Fall staff would be bringing a new ICIP for the Commission to go through and approve. However, for this one, it was nothing more than the Commission had already done.

Commissioner Cole moved for approval (of Resolution No. 2005-30 adopting an Infrastructure Capital Improvement Plan (ICIP) for FY2007-FY2011). Seconded by Commissioner Cooper. All voted "aye". The motion carried by a roll call vote of 6-0-0.

The Commission recessed at 8:40 p.m., and reconvened at 8:45 p.m.

OTHER BUSINESS:

9. Essential Air Service (EAS) - Alamogordo-White Sands Regional Airport.

Recommendation: Recommend to the U.S. Department of Transportation a carrier to provide Essential Air Service.

Mr. McCourt said he had passed out some supplemental material, including a memo dated August 23, 2005 regarding EAS. The memo was from himself to the City Commission and the City Clerk. The other two items he'd passed out were supporting documentation. He would give an overview on this item, and then we also had bidders who would like to provide the EAS who were present tonight. Essential Air Service was a Federal program which was funded out of the U.S. Department of Transportation. It was designed to assure that carrier service was available in markets where it was not economically feasible for it to be provided without a subsidy. The community of Alamogordo had this service for as long as anybody could remember. In recent years, there had been major reductions on the national level in the provision of Essential Air Service. The only reason we had it was because we'd always had it. In the last few years, the City had worked with some smaller carriers to see if we could develop a stronger market here, and we'd had experience with Rio Grande and Westward Air. Both of those companies were unable to continue to provide their service under their contract with the Department of Transportation (DOT).

Mr. McCourt said whenever the DOT went out for an RFP, they always gave the City and Holloman an opportunity to make a recommendation on the bidders who had submitted proposals. That was also true in this particular case. There were two companies that had submitted proposals to the DOT. One of them was Valley Air, who had headquarters in Sacramento. They were currently a provider providing service in Southern California and Nevada. The other provider was Midwest Air which was also doing business as Mesa Air, and we were much more familiar with them. Mesa Air submitted two possible proposals, one of which went over the maximum amount of subsidy that the DOT would allow, and so that proposal was unacceptable. So we essentially had two proposals—one from each of the carriers. Valley's proposal did not meet the minimum requirements of the RFP in that it did not provide a pressurized aircraft. We had faced this issue in the past. If both Holloman and the City were willing to waive that requirement, then the DOT would consider their proposal. If either party chose to not waive that requirement, then the DOT would not consider it. Mesa flew a pressurized plane called a Beech 19-D. This was a 19-seat plane, which was significant to us because currently we had a general aviation airport. If we had a commuter service that was

over a 9-seat plane, we then had to meet additional requirements that were called Part 139, which we had to get certified under. In this case, the Airport would have to get a certification. In our particular case, this would mean that we would have to submit a detailed operational plan to the FAA that they would have to approve. We would have to have that plan submitted to the FAA no later than December 2, 2005. We could probably meet that requirement with our current staffing and expertise. Within those requirements there was a great deal of record keeping which was necessary, including training, certification, and maintenance. He felt this would require a half time clerical position, and he was estimating that cost at \$30,000. That would include salary, fringes, supplies, office equipment, etc. In addition, there were two other items which would be somewhat major hurdles for us. The larger one of those was the emergency fire and rescue equipment and operations. There were four classes of Part 139 Airports, and for the class we would fall into, the requirement would be that we would have to have certain equipment and trained personnel available from 15 minutes before the scheduled arrival until 15 minutes after the departure. From the FAA's standpoint, the best situation would be for us to have a fire station on site, equipped and manned 24-7. If that were to be the case, we would estimate that it would cost us about \$350,000 capital to build the structure, and about \$100,000 in ongoing annual operating costs just for that portion. That was in addition to the earlier mention of the clerical.

Mr. McCourt said there were two other alternate paths we could follow. One of those paths was that we could request a total exemption from the requirement for fire and rescue equipment. There was a provision within the Section 139 that would allow us to do that, at Section 139.111. Staff had an opportunity to talk with the FAA specialist in this area, and he did point out to us that section existed. While he didn't say it in these words exactly, his impression from the conversation was that it was like a snowball's chance in hell that we would get the exemption. But we could ask for it and may be able to get it. The second option we had was to provide a level of safety comparability. This we had also discussed with the FAA, and this was a more likely option. Under this option, we would station the equipment at Fire Station No. 2, which was located out on Walker Road. We would also have to commit to have trained personnel available at that station during that timeframe of 15 minutes prior until 15 minutes after. They would have to be committed solely to be able to respond to the Airport. Staff felt there was a much better chance to get that option approved by the FAA. Under that circumstance, we would basically commit a person to be standing by during those times. When not standing by, they would perform other duties for the City. We would also arrange with our third tier fire fighters to be able to cover that on weekend shifts. That cost was estimated at about \$38,000, if we could get it approved. The full funding, the full staffing, and the comparable level did not have to be implemented until June 2007.

Mr. McCourt said there was also a question that the signage and lighting at the Airport was going to have to be upgraded and updated. Normally that was done through the FAA Grant program, which we were having a little problem with right now. That money was normally 90 percent Federal, 5 percent State, and 5 percent City. We did not have any costs available on what that might be at this time. That also had to be implemented by June 2007.

Mr. McCourt said in his opinion, if the City wished to become certified under Part 139, there would be an additional operating cost of about \$100,000 per year forever, as long as we maintained that certification. That would be spread out because some of it would be in DPS and some in Public Works, but that was essentially what it would cost to get and maintain the certification. These were considerations the Commission needed to discuss, and it was staff's responsibility to make sure the Commission had this information before they made the decision.

Mr. McCourt said the Airport Advisory Board met this afternoon and heard speakers from both groups and had discussion on the issue. He understood that two of the five members were not able to attend the meeting, but had reviewed the information and sent their recommendation in that Mesa should be selected. One member present recommended Mesa, one member present recommended Valley, and the fifth member recommended Mesa if the City was willing to commit to the funding to bring the Airport to 139 certification. If not, then that member felt we should go with Valley. All of the parties who discussed the issue wanted to continue to support commuter air service being available.

Mr. McCourt said we had two proposals. Valley Air Express was proposing two round trips from Alamogordo to Albuquerque five days per week, and on Saturday and Sunday there would be one round trip available each day. Mesa Airlines' acceptable proposal was for two trips per day on Mondays through Fridays, and one trip per day on Saturday and Sunday. Their routing was slightly different in that they were proposing a more circular route that would encompass Roswell. So it would go either Albuquerque-Alamogordo-Roswell, or the other direction. Both of them fell within the guidelines for the subsidy. The Federal government provided a maximum subsidy of \$200 per enplanement based on historical information. So the more enplanements, the greater the subsidy could become. If enplanements fell, so did the maximum subsidy. Some of the key issues discussed today with the Airport Advisory Board, was that the City had tried two smaller carriers and had two bad experiences. While we understood everybody was unique, perhaps we needed some reinforcement on why we should go that route a third time. Alternatively, the City was being asked to essentially provide a direct subsidy for essential air in the form of the 139 certification, and why should we do that to provide the service.

Commissioner Ledford asked if an alternative to that Section 139 requirement of fire safety with the building was that we only needed to provide that safety 15 minutes before and after, and that we could do it with what we had now? Mr. McCourt said staff felt we could provide an alternate method of providing that and that there was a high probability the FAA would agree to it. That would be to provide the equipment at Fire Station No. 2 and we would provide dedicated manning. The fire station was manned 24-7 anyway, so we would add an additional piece of equipment. Then during that 15 minutes before until 15 minutes after, we would have an additional dedicated person at the station in the event something happened, including on the weekend. Commissioner Ledford asked if that would eliminate the cost of building a structure? Mr. McCourt said if the FAA agreed. Commissioner Ledford asked if we would have additional costs at Fire Station No. 2? Mr. McCourt said that would be the additional cost of approximately \$38,000. That was the amount which would be required to man that for the personnel costs, and that figure came from DPS Chief Sam Trujillo. The other \$30,000 would be for clerical support. In his opinion, a good estimate was going to be more like \$100,000 for all of those costs combined. Commissioner Ledford asked if the City Manager was recommending that we build a structure at the Airport? Mr. McCourt said if the Commission decided to select Mesa Air, then he was going to recommend that we pursue providing the alternate level of service, and that we immediately put together our plan. That plan would do two things—first to ask for a total exemption. He would actually be astounded if we got that. He would also recommend that we request the alternate level of service.

Commissioner Robertson said under Valley's proposal it stated that it did not meet the minimum requirements. What were those requirements? Mr. McCourt said the pressurized aircraft. Commissioner Robertson said one of the main concerns was the available cargo space. How much did these planes have? Mr. McCourt said both of the airlines had plans to also do cargo hauling to supplement their income. Regarding the particular space in the planes, that question would need to be addressed to the companies. Commissioner Robertson asked if the Beech

aircraft had the requirements it did because it had 19 seats, or could they take some of those seats out and make cargo space to where it would bring it down to the 9 seats and we wouldn't have to meet the 139 certification? Mr. McCourt said he believed the certification was on the number of seats in the plane, so in theory he was correct. They had some other requirements on length and wing span, but the prime one was on the number of seats. Mr. Jim Talbert, Chairman of the Airport Advisory Board, said it was the number of seats the plane was certified by the FAA to carry. Arizona Express had tried taking some seats out, but the FAA said no and just because they had taken some seats out, it didn't count.

Commissioner Robertson said he didn't like the extra funding required at the Airport because of the 139 certification. When taking into consideration the number of passengers riding before, he didn't think it would be cost-justified to have a 19-seat plane. Mr. McCourt said there was a train of thought which said regardless of what was flying into our Airport, it would be good to at least meet the certifications of Section 139 just because it required the City to do a lot of things which it should do anyway in maintaining the Airport at a higher level. We were not required to do that now. However, if the Commission did approve that and then told him to go find the extra money, it would be a challenge. Commissioner Robertson felt the way it presently was, we ought to look at going with lesser now, and then look forward to going toward that down the road. That \$350,000 outlay for a building and the other \$100,000—they didn't have more than an average of 4 to 5 people riding a plane in any direction. He'd ridden it several times, and there were always just 3 or 4 people on the plane. Mr. McCourt clarified if we met exactly what the FAA wanted, which was staffing just for that building at the \$100,000 level, he was reasonably certain we would be able to get the alternative by being at Station No. 2. Commissioner Robertson said even so, we would still have a \$100,000 per year outlay, and he didn't believe that was cost justified just to fly 4 or 5 people at a time on a plane. Mr. McCourt said that was a decision the Commission had to make. Commissioner Robertson clarified that right now we would not have to have that if we went with Valley. Mr. McCourt said if we recommended Valley and if Holloman agreed, then the DOT may accept their bid. They still wouldn't be required to, but they might. They had in the past when both we and Holloman had agreed, but there was not a requirement for that. Commissioner Robertson thought the other carriers hadn't had the pressurized aircraft. Mr. McCourt said yes, it had always been a requirement. We waived that and Holloman had concurred in the past. Therefore, Rio Grande didn't have the pressurized craft, and Westward did. The FAA had agreed because both we and Holloman had asked them to waive the requirement.

Commissioner Cole said if the FAA approved Station 2 and all the peripheral of it, would that reduce the \$350,000 considerably? Mr. McCourt said we would then not have to have the capital outlay of \$350,000. In his opinion, we would still wind up with an additional operating cost because of the personnel involved to where we would wind up spending another \$100,000 per year than we were now. Commissioner Cole said he had no problem with the \$100,000 at the moment. Mr. McCourt said if the FAA didn't approve any of the waivers and we had to build the building and staff it 24-7, then we had the capital cost of \$350,000 and the operating costs of approximately \$130,000. Commissioner Cole said regardless of the \$350,000 capital outlay, would there still be a \$100,000 operational cost? Mr. McCourt said in his opinion if we were successful of being able to provide the alternate level of service, then we would have additional operating costs of approximately \$100,000. If we would gain a total exemption, then the costs would be around \$30,000. Commissioner Cole said if we did not go with the capital outlay costs of the \$350,000, would we also not have to go with the extra \$38,000 for a separate fire station? Mr. McCourt said the \$38,000 was for personnel costs in DPS. Commissioner Cole said at the moment there was a transfer in for the Airport of approximately \$81,000 which was a supplement from the General Fund. Then there would be \$100,000 which the City Manager

would have to find. Mr. McCourt clarified that the \$30,000 was part of the \$100,000. If we were able to receive the waivers and were able to staff at Station No. 2, that was the additional cost total between the clerical and the DPS people, supplies, gas, miscellaneous equipment, etc. Commissioner Cole asked why the community needed a pressurized aircraft? Mr. McCourt said that was required by the DOT. Commissioner Cole said with the size of our community and our revenue and expenditures, we could point out that we were a smaller community and therefore it would be better for us to go with a smaller plane, as opposed to the higher costs of a 139 certification. Mr. McCourt said if we got the certification, we would make the arguments to the FAA to try and achieve the waivers from the financial requirements. Commissioner Cole said he tended to feel the extra cost for the 139 certification were not justified. We needed other things in our community, such as streets if nothing else, and the dollar bill could be spent on better projects that would benefit the community more than just for the Airport. He knew that needed to be weighed very carefully as our community grew, but at the moment he could not justify \$100,000 more every year. In his opinion the cost couldn't be justified based on the small number of passengers that used the planes.

Mr. Mickey Bowman stated he was Director of Planning for Mesa Air Group based out of Phoenix, Arizona. Mayor Pro-Tem Griggs asked why we should choose Mesa and spend the money? Mr. Bowman said it focused on two fronts. First, the City had experience with smaller carriers over the course of the past year and a half, and most of them had been fairly disastrous—first with Rio Grande and then with Westward. Of course that didn't paint the entire picture of this particular carrier who may be Mesa's competitor, but by the same token, Mesa Air Group was a known quantity. They'd served Alamogordo for about 20 years prior to the decision to go with the smaller carrier several years ago. They were a billion dollar company. They were the Regional Airline Association "Airline of the Year" for this past year. They were listed on the NASDAQ, and they'd been profitable in the last 12 quarters. They were one of the most consistently profitable airlines in existence today in the continental United States. They brought that to the table. They brought the ability to reassure the passengers of Alamogordo that the service was going to be here and was going to last. He thought they brought the ability to actually gain ridership over time and to build the service back up and to get it back to a level needed, particularly with the Base here. Mesa was a Part 121 carrier, which meant that their planes were treated just the same as the 747's were which flew for Northwest Orient. They had dispatchers on duty. It was a single level safety which the FAA sought for Part 121, and they brought that to the table as well.

Mr. Bowman said the implications of a 139 certification were a piece of that, and was basically asking for crash and fire rescue coverage for those operations. They serviced about 26 airports across the U.S. who were EAS carriers, and several were facing these same questions about Part 139. Almost all of them were looking at a couple different ways out of this. The bulk of them were moving toward the alternate coverage pattern where they didn't have to go out and build facilities and those sorts of things. In several cases, they were also pursuing some alternate funding needs. They were looking at ways to fund the extra cost, such as passenger facility charges. They were actually having a per head tax for passengers that used the service so that the passengers actually wound up funding the dollars. He believed the State of New Mexico had in effect several programs which were funded for helping municipalities to increase their air service. The Arizona DOT had a program which had matching funds available if a consortium of communities, which could be defined as a city and a county or two small communities even if it was just one airport, went together and applied for Grants. They could actually get matching funding to improve their facilities and their service. There were some funding means out there and which were going to be available if the City went out and started beating the bushes and trying to obtain some of it. Was it worth it? He felt it was.

Mr. Bowman said Mesa brought more than just that. They were listed in all the global distribution systems across the nation, which meant they were in Orbitz and Travelocity. That meant people could find their way into Alamogordo from the east coast. They had ticketing and baggage agreements with all the other carriers in Albuquerque, with the exception of Southwest. They could transfer baggage back and forth and ticket on other carriers. They were a carrier who was just that financially solvent.

Commissioner Cooper asked if being pressurized meant they would be cruising at about 30,000 to 35,000 feet? Mr. Bowman said actually on the route down, they would probably cruise at 17,000 to 18,000 feet, which was the normal profile they used. Commissioner Cooper said he knew that unpressurized meant they had to fly under 10,000. Mr. Bowman said that was correct. Commissioner Cooper asked if the air speed was about 285 mph? Mr. Bowman said yes. Commissioner Cooper said the ridership would be 19 seats, and that size aircraft would have a good cargo space. Mr. Bowman said yes. They had a rather large cargo capacity on the Beech 1900D. They would have absolutely no problem at all with duffle bags, sea bags, and the storage of those sorts of things. The cab of the 1900D was a standard cabin and had seating on either side, so it carried into the full cargo compartment of the aircraft. Commissioner Cooper asked what engine they had? Mr. Bowman said they were Pratt & Whitney, PW100, turboprops. Commissioner Cooper asked if they had a pilot and co-pilot? Mr. Bowman said yes. Under Part 121 that was required.

Commissioner Robertson said they could haul twice as many passengers as the other carrier, and their fares were \$34 higher one way than the other carrier. How did they justify that when they could carry more passengers? Mr. Bowman said the smaller carrier operated under Part 135 which regulations were significantly less strict in terms of their training requirements in both pilot training and the fact that they didn't have to have licensed dispatchers. Part 121 carried a great deal of cost over and above the capital cost of a larger airplane. It was a single level safety with the FAA, so they had to perform to the same level of safety as a 747 operator even though it was a 19-seat airplane. So they had a much larger amount of capital costs. Saying that, they believed they could get very creative on fares. They were a carrier which had been around New Mexico for a very long time. They serviced Hobbs, Roswell, and Carlsbad now. If they looked at the air traffic trends in those communities, Hobbs was up 56 percent, Carlsbad was up 35 percent, and Roswell was up 19.7 percent. That was because they'd been very aggressive in getting out and pricing their product. They'd gone into things like coupon booklets. They actually sold ten tickets at a time for corporations, and they could use them for anyone who wanted to go back and forth. There were no advance purchase requirements, etc. for those, and they were done at cheaply discounted rates—usually down around their 21-day advance purchase fare. They saw themselves putting a 21-day advance purchase fare in the market around \$138 to \$148 round trip. Getting feedback today, they heard very loud and clear that the City would like to see something more generous than that and they could probably work with the community to do that.

Commissioner Cooper asked the flying time from Alamogordo to Albuquerque? Mr. Bowman said about 50 minutes.

Commissioner Ledford said they were financially solid and had been around for a long time, which was very important. But the reason they were successful was because they charged a higher fare and demanded more subsidy. It was also important that we provide the service to the community and the problem he had with Mesa's proposal in the past was the time they left, went through Roswell, and then went up to Albuquerque. It didn't do much good for him as a

businessman to try and make it to Albuquerque in a reasonable time—it was like 9:30 or 10:00. Which way were they proposing on the ridership? Ridership was important, and if they were going to Roswell, then they would cut some ridership out because it wasn't effective and didn't work for people. He appreciated the fares because he had a Carlsbad office and they really liked the coupons. So getting those fares down would be important, and he felt they would work at that. His concern was getting the passengers on the plane when not doing a direct flight to Albuquerque. Mr. Bowman said they had proposed that the flight would come out of Albuquerque at roughly 8:00 a.m. It would come nonstop into Alamogordo. It would then leave Alamogordo to Roswell, and then turn from Roswell back to Albuquerque. In the afternoon it would basically reverse. The airplane would leave Albuquerque at around 4:00 p.m., go directly to Roswell, then to Alamogordo, and then back to Albuquerque. So in essence the City would receive nonstop flights from Albuquerque to Alamogordo in the morning, and a nonstop back in the afternoon. Commissioner Ledford said the nonstop in the morning didn't do him any good. What he wanted to know was how quickly could he get from Alamogordo to Albuquerque in the morning? Mr. Bowman said in the morning outbound flight, the time over to Roswell was about 25 minutes, there was about 10 minutes on the ground, and then about a 50 minute leg up. So it was roughly 1 hour and 25 minutes. Commissioner Ledford said it would be leaving Alamogordo about 9:00 a.m., so they were looking at about 10:30 before he got to Albuquerque in the morning. Mr. Bowman said yes, roughly 10:30 or 10:40 a.m. if they came out of Albuquerque at 8:00 a.m. Again, he wanted to stress the fact that this was a schedule they floated as an idea. They were more than happy to work on it if the City would like to see something else. Commissioner Ledford asked why they thought he would like to go from Albuquerque to Alamogordo, when he was in Alamogordo to begin with? Mr. Bowman said the reason they set it up this way was based on research they'd done. When they had the service before, they found the bulk of the passengers using the service were actually generating outside of the City of Alamogordo. In other words, there were actually people coming from other parts of the country into Alamogordo to do business, and then went back out. So that was the reason they set the pattern as they did—so that people could get in and do their day's business here in Alamogordo, and get back out. Commissioner Ledford clarified that the demand coming into Alamogordo was greater than going from Alamogordo to Albuquerque.

Mayor Pro-Tem Griggs asked if there would be any consideration to expanding their flight schedule should conditions dictate? Mr. Bowman said absolutely. Quite frankly, he would love to have that problem.

Mr. Bill Delgado, President and CEO of Valley Air Express, said they were based out of Sacramento. They had a very good discussion today with the Advisory Board, and a lot of things came out of that today which he wanted to highlight. Regarding capital expenditures, obviously with Valley Air that wouldn't be an issue. Regarding routing, this service was an EAS service for Alamogordo. It wasn't an EAS for Roswell nor for Albuquerque. Their routes went Alamogordo to Albuquerque in the morning, and then came back to Alamogordo. Planes would be here in the evening and then be ready for flight in the morning. He didn't know how anyone could grow fare structure when the fare was almost \$400 round trip if someone just walked up to the counter. They wanted to propose an everyday walk-up fare of \$49 each way, or right about \$100. They felt they could grow the ridership because of that. The aircraft was the last item we needed to talk about tonight, and that was a big issue for a lot of people. The Chiefton was an 8 or 9-seat aircraft. It was probably operated by over a dozen carriers right now. This aircraft was operated out of Moab, Utah, which was traditionally high and hot, and it was also operated out of Palm Springs which was very high and hot. It bounced a little more than the bigger aircraft. Regarding the training for their pilots, it was very stringent from their insurance requirements. They currently carried \$25 million of liability insurance. The aircraft was used by a lot of carriers

in high, hot regions. The cargo depended on how many people were on the plane. If they had a full flight and a lot of bags, they couldn't really carry much cargo. If they had 2 to 4 people on the plane, they had the capability to carry small electronic parts and small automobile parts, packages, etc.

Mr. Delgado said he felt the most important thing on everybody's mind was whether his company was going to be around 6 months to a year from now. What Valley had found out about Westward's operation which was flawed was that they leased their equipment. His company owned their own gear, and they tried to keep it in service. Rio Grande ran their equipment into the ground and ran their engines out as much as they could. As soon as they were done, they were out of business because they hadn't put any money back into it. Westward had a great airplane, which was almost a \$2.5 million aircraft, and they were using a couple of their other routes to help out over on this route. They lost that route and so it carried over into this group, and they were out of business. Valley operated all of their routes as standalone routes, and they tried to make money or break even at the worst. They knew what they were doing with their fares, training program, and their aircraft meant that they would be here tomorrow, 6 months from now, through the contract, and hopefully even better. They were looking to expand service into New Mexico. Depending on how things went on those other routes, they would possibly be upgrading their aircraft—again not more than 9 seats because that was what they were chartered to. But they could certainly go to turbine if it meant they had to, and there was a good chance the Taos run may require that because of the heights and the skis. To meet the air service requirements and so that the company stayed in business, they had to use this aircraft and meet the requirements, other than they'd asked for the waiver from what the FAA required on the 15-seat and the two pilots. They used one pilot, and their insurance company felt pretty good about that and gave them \$25 million worth of insurance to do it. They trained their pilots with flight safety, which was a 4 or 5 day training program every year. They hired local and bought local. Their planes would be dedicated to New Mexico, and wouldn't be going back to California for service. More than likely, they would be serviced up in Albuquerque because the facilities were more extensive for what they needed done. Regarding fuel, if he was going to be charged \$4.50 per gallon, he couldn't buy it here. But if it was just 10 or 15 cents higher than Albuquerque, then certainly he would buy it here. He would buy their parts and supplies here and would hire locally.

Mayor Pro-Tem Griggs asked currently how long they had been in business and how many other routes they operated? Mr. Delgado said the company had been in business for six years. He actually purchased the company in 1999. They had operated three runs, but they had all been subsidized. Currently they only operated one run. They focused on profitability and being able to stay in business. They did a substantial amount of on-demand charter, which they would also do here. They had two aircrafts scheduled for this project, and they always kept a spare ready to go. So one plane would probably fly 70 percent and the other would fly 30 percent. When the plane with 70 percent went down for service, the plane with 30 percent would then pick up. They supplemented their income through on-demand charter. They did a significant amount of that throughout California, Nevada, and Arizona.

Commissioner Cooper asked where they would be headquartered in New Mexico? Mr. Delgado said here in Alamogordo. This service was for Alamogordo, so they would be here. Commissioner Cooper clarified they wouldn't be involved in any consortiums. Mr. Delgado said no, not at the present time. They were looking to expand service within New Mexico. Commissioner Cooper asked what their cruising altitude would be? Mr. Delgado said a normal cruise over the mountains would be 12,500 feet, which was the maximum allowable. Commissioner Cooper clarified it was non-pressurized. What was the cruising speed? Mr.

Delgado said 220 mph. Basically, they would be to Albuquerque in 1 hour 3 minutes. Mesa beat them by about 13 minutes. Valley wouldn't be having any turnaround time because they weren't going anywhere else. Their turnaround time meant that when they were ready to depart, they did so.

Commissioner Ledford asked what time they left in the morning? Mr. Delgado said 6:00 a.m., and they got to Albuquerque at 7:05 a.m. Commissioner Ledford asked what time they came back in the evening? Mr. Delgado said at 10:30. Commissioner Ledford said another issue was that the predecessor didn't seem to show up. They weren't not going to show up to make a profit—they were going to leave at 6:00 a.m., weren't they? Mr. Delgado said they were paid by how they departed. So if they didn't depart, they didn't get paid. That was why they had two aircraft. They didn't get paid on enplanements or deplanements—they got paid on departures. In order to maintain certification on the contract, they were required to maintain 97 percent reliability.

Mayor Pro-Tem Griggs said he was not familiar with this airplane at all, but did it have space or the ability to provide for individuals who were physically impaired and wanting to go to Albuquerque? Mr. Delgado said they would make arrangements for that. They had the capability to remove a seat if they had to. They were here for the community and would make adjustments. If a wheelchair came apart, they could get it on the plane. They could move a seat and it was a very quick move for them.

Commissioner Ledford said they hadn't bid the last time we did this, so had they just very currently decided to come to New Mexico? Mr. Delgado said they used a reservation system called "SkyVantage", and because they were mainly focused in Alamogordo, they had gotten the emergency order from the DOT. They had been looking to expand service, so that was how they found out about it. They also would be submitting on the Taos proposal, which would be out in about two weeks.

Commissioner Cooper asked the width of the seats? Mr. Delgado said they were standard and probably the same size seats as were on the 1900's. He didn't have the exact specifications, but could get them. Commissioner Cooper said he knew a lot of times if a person weighed over 200 pounds, it created a problem. Mr. Delgado said they were basically the same size seats as Rio Grande had in their plane. Commissioner Cooper said it was kind of hard to stand up in the cabin. Mr. Delgado confirmed that it was not a stand-up cabin. Any aircraft they proposed using would not have a stand-up cabin because those were greater than 9 seats.

Commissioner Cole asked what Mr. Delgado meant when he had stated that his company was "Alamogordo oriented". Mr. Delgado said the subsidy being provided by the government was for the City of Alamogordo. It was not for the service to tie somebody else in so they could do their thing. So it was only right that the air carrier try and support that function. They were going to try and develop a business here also. Valley were going to talk to Holloman about having direct access to their web site so they could get reduced fares. They would be focused on this route, and this route only. Those aircraft, even if they got additional service, would be dedicated to this run. They tried to take each contract as a standalone. If they submitted a contract with pricing they knew was right, they knew they would be okay. If they knew they had to rely on another thing to supplement it and then if that contract went south, it only meant that this one would start losing money. He knew everyone here understood that when you went to fly, the air carrier didn't want to pay you to fly their airplane. They wanted the route to stand alone, and he felt that was one of the advantages they also had over their predecessor. If those two other companies had taken this as a route, they would still be in business today.

Commissioner Cooper said they'd tried to link it up with that consortium, and that was what had pulled them down. Mr. Delgado said you had to build each one as a separate module in order for it to work. His company had also learned their lesson—they didn't just happen into this either.

Commissioner Ledford asked if this service would be an annual contract? Mr. McCourt said he believed it was a multi-year contract. Mr. Delgado said he believed it was a two-year contract.

Mayor Pro-Tem Griggs said one thing we ought to keep in mind if Mesa was the selection, was that the City Manager had mentioned that the improvements needed to comply with Part 139 didn't need to be made until June 2007. So we had a time period there to where effectively the only cost was the \$30,000 for the employee to do the paperwork. But at the end of that time, we would be facing something—either the capital expense of the building or the expense of the other fire fighter. So there was a window of time where theoretically we could choose Mesa and not really have a substantial cost. The Commission needed to keep that in mind.

Commissioner Cole said he was going to take the reverse of Mayor Pro-Tem Griggs's comment. If we went with Valley, we would never have to have that expense unless something else would come up with our Airport in the future. One major reason he was going to support Valley was because he thought we had better use as a community for these dollars in other locations than running a Part 139 at the moment. He would prefer to see Valley come in, and to use that money for other improvements in our community, and still have an Alamogordo-oriented airline. Albuquerque was really where our residents wanted to go.

Commissioner Cooper didn't think we should be so naïve to not think that sooner or later the FAA would bring us into compliance under Part 139 anyway. It could happen. There were Grants out there to help pay for these things, and we wouldn't have to come in right away with a whole lot of money for the additional fireman. A fire fighter for the Airport would have to be trained differently. You didn't attack a magnesium fire like you did a structure fire. These people would have to be specially trained to fight these types of fire. He was going to have to go with the Part 139.

Commissioner Robertson said if we went with Mesa, it was a sure thing that we would have to go with the 139. He didn't think if we went with Mesa that the FAA was going to really let us hold off until 2007 before we implemented all the fire equipment and things. He felt that was something which really needed to go in within the near future. He didn't feel we should be spending \$100,000 right off the bat if we could make do with Valley for the next few years. He was going to have to support Valley.

Commissioner Ledford said previously he and Commissioner Robertson had supported Mesa when they bid last time, and he had done so because he was concerned about Westward being financially able to provide service. But tonight Mr. Delgado had said they'd been around awhile and they were financially solid. To him, that was very important. The fares were very reasonable and the time of service was very reasonable. But he wanted to make sure they'd been around for awhile because interruptions in service were not good for the community. Was it appropriate to ask why the Advisory Board recommended Mesa? Mr. McCourt said the only one who really elaborated on their reasons was the member that supported Valley. That member indicated that they felt Valley had a better fare structure. The other members who weren't there did not elaborate. Mr. Talbert was one of the members present, and the fifth member did not elaborate, but just said he supported Mesa.

Mr. Talbert said the best way to describe it was that the Airport Board realized they were not in a position that they could commit the City to money. They had looked at the situation based on the type of aircraft they would like to see flying in and out of Alamogordo, and which would provide the most comfort and reliability as far as the company was concerned. Also full knowing that they could not commit the City's money to do the 139 and those that did vote for Mesa, with the exception of one, said if the City was not willing to do the 139 then they would support Valley. Those who went for Mesa did so primarily because it was a pressurized airplane. They could get up high enough for flying around here. Also, many passengers had commented that being down low beat them to death. Being up higher simply because of the pressurized airplane, allowed a smoother ride. Many had expressed to him that they were willing to spend more money for a smoother ride. Commissioner Ledford asked if they were willing to spend four times more? Mr. Talbert said no one ever said that, but they did vote with their dollars. Obviously if they'd seen enough passengers they probably would still be here, but they did not vote with their dollars. The reason they went with Mesa was mostly because of the pressurized cabin.

Major Richard Smith, Operations Officer of the Logistics Wing Squadron at Holloman, said right now Holloman's position was that they would support the contract with the requirement of the pressurized aircraft. Obviously they were not involved in committing the City's funds. If the City went with the larger carrier, there was obviously a cost. But Holloman's stance right now was that they would like to see Mesa. Their reasoning was that in the past Mesa had been the approved carrier which would allow them the possibility to book government travel. Right now all tickets booked for Holloman for official travel were through El Paso. Again, there was no guarantee that it would be booked through Alamogordo, but they would like that option. He believed the Special Order stated that both the Mayor and the Base Commander would be signing off on this.

Commissioner Robertson said if we chose Valley, would Holloman approve that? Major Smith said he couldn't speak on that. There were a lot of factors brought up tonight which he was not previously aware of regarding the additional cost of the 139. So it would be the Base Commander's determination at that point. At this point, the Commander's recommendation was to go with the larger carrier, but he was also not presented with the facts of the additional costs the City would have to bear. He was sure that would be factored into his decision. It was probably a factor in the decision the past two years. Commissioner Cole asked Major Smith to repeat what he'd said about the pressurized plane and the Commander's decision on that. Major Smith said he could not speak for the Wing Commander, but based on information brought forward tonight regarding certain costs the City would have to bear, he believed the Wing Commander would weigh that in. Obviously in the last two years the Wing had agreed to go with the carrier that did not meet the full intent of the contract.

Ms. Debbie Raymond, citizen, asked how old the airplanes were from Mesa and Valley? Mr. Bowman said Mesa's aircraft were 7 to 10 years old. Mr. Delgado said Valley's planes were twice that age (remainder of sentence inaudible). Ms. Raymond said what she was hearing from Valley was déjà vu twice. She'd heard this from Rio Grande and she'd heard this from Westward. It was exactly verbatim what Valley was saying. When Rio Grande was here, she traveled at least once a month to Albuquerque with her (wheel)chair. USDOT said they must accommodate, and it didn't matter what size the plane was—they must accommodate as long as the passenger could get on and off the plane on their own volition, and she could. That was something to consider. She was really excited when Westward came in, and when she went to travel with them, they absolutely refused to allow her to because they did not have the cargo for her chair even though it came apart. Therefore, the only other mode of transportation in and out

of Alamogordo was bus, unless someone drove. That was not good enough for her. She went up to Albuquerque for a number of reasons, but mostly to go to UNM. She could go up in the morning, and fly back that night. Regarding fares, she felt the prices both of them were quoting were reasonable to her.

Mayor Pro-Tem Griggs said we were going to pick one of the carriers tonight, so there would be something happening on this.

Mr. Mike Seymour said he was formerly Station Manager for Rio Grande for a year, and then flew for Westward Airways until they packed up and left town in the middle of the night. There were a couple of things he felt the City should take into consideration. Neither Rio Grande nor Westward had a computer reservation system which would talk with the SABRE system which would allow people to get on the aircraft. So whenever you were looking at people to utilize this aircraft, if you didn't have a reservation system which allowed the military people to get on, they just were not going to. Second, whenever you left Alamogordo in bad weather and were headed to Albuquerque, you were not going to go at 10,000 feet, at 12,000 feet, nor at 12,500 feet—you were going to go at 14,000 feet. There were certain oxygen requirements at 14,000 feet which had to be met, and for an unpressurized aircraft, that had to be taken into consideration.

Mr. Bowman said Mesa was signed on a Department of Defense (DOD) approved carrier. They actually underwent a very stringent audit process. They came in annually and audited the carrier. They were an approved carrier for DOD. They also participated in "ARC", and SATO offices were only allowed to ticket with ARC participants. That would be another advantage.

Commissioner Cooper felt that a stand-up cabin and pressurized aircraft were some of the hoops we would have to jump through with a smaller aircraft. Also weather conditions were very important because we never knew what the weather was going to bring from day to day. When you were flying pressurized, you could get that altitude, and it was very comfortable. When he first came into Alamogordo on Frontier Airlines, he thought he was going to have to see a Chiropractor or an Orthopedic Surgeon to get put back together. Rio Grande wasn't much better. Saying all of that, he would have to put his vote on Mesa because their aircraft was newer, and he felt they would work with us to arrange a schedule conducive to our air travel.

Commissioner Cooper moved to select Mesa Airlines (as the carrier to provide Essential Air Service to Alamogordo/Otero County/Holloman). Seconded by Mayor Pro-Tem Griggs.

Mr. Shawn Fregstic, Station Manager for Valley, said his airline did currently carry the insurance and many of the other requirements for the DOD. They did not have that yet, but could apply for it. They understood that they had all of the requirements for it. They had also scheduled their airline to meet 80 percent of the incoming and outgoing flights of Southwest, Delta, and American from Albuquerque. Of course, all of those military tickets would be available once they got the approval from the DOD. They already had all of the technical requirements, but merely needed to make the application for it. They were also on SABRE.

Mayor Pro-Tem Griggs said he'd wished Valley had come in before this. There were two small companies which had come in before them, and they hadn't gotten it done. Personally, he felt it was time Alamogordo bit the bullet, grew up a little bit, and addressed the air service differently than we had in the past. He didn't know which way it would go, but that was his thought.

Commissioner Moncada asked where we would get the money? Mayor Pro-Tem Griggs said we would make this decision first, and then figure that out. He felt the money was findable, just like it was in almost any other instance where we needed money. So he believed it was findable in this case as well.

Mayor Pro-Tem Griggs called for the vote on the motion. **Mayor Pro-Tem Griggs, Commissioner Cooper, and Commissioner Ledford voted “aye”. Commissioner Moncada, Commissioner Cole, and Commissioner Robertson voted “nay”. The motion failed by a vote of 3-3-0.**

Mr. McCourt said there were a couple of options. Obviously we could get another motion to see if it could pass. The DOT had asked for a reply from the City by September 12th. That was before our next Regular Meeting. We could schedule a Special Meeting when there was a full board available to address the issue. We could ask the DOT to grant us additional days to respond after September 13th, as they had done that on a similar situation previously. Mayor Pro-Tem Griggs felt that was the approach we needed to take. Mr. McCourt suggested that staff should contact the FAA and ask for a couple extra days to get us past September 13th. If we were unsuccessful, then the City Clerk would work to schedule a Special Meeting when we could get a full Commission. Commissioner Cole disagreed. We had voted tonight, and we ought to stick with the vote. Mr. McCourt said that was okay, but we had made no recommendation. Mayor Pro-Tem Griggs said that was correct—there was no service selected.

Commissioner Cole moved to select Valley Air (as the carrier to provide Essential Air Service to Alamogordo/Otero County/Holloman). Seconded by Commissioner Robertson. Commissioner Moncada, Commissioner Cole, and Commissioner Robertson voted “aye”. Mayor Pro-Tem Griggs, Commissioner Cooper, and Commissioner Ledford voted “nay”. The motion failed by a vote of 3-3-0.

Commissioner Cooper said too often we sat up here and worried about nickels and dimes. It got a little boring to step over dollars just to think we were saving pennies, and then as a result, we wound up biting the bullet and it cost us two and three times more than it would have had we gone ahead on an initial program. Mesa would give us a quantity aircraft which was new and a company with a proven track record well over 20 years. They had been recognized at Holloman, and he believed Holloman was very satisfied with their services in the past. When you were twice bitten, then you were a little reluctant. He knew the people from Valley were very sincere in their efforts, but he also remembered the people from Westward and Rio Grande were also very sincere. And here we were back to square one. We could stop right here on a 3-3 vote, but sooner or later we needed to recognize the fact that we either needed to look at a Cadillac or accept the Chevrolet. In the long run it was going to hurt the ridership here because we were not going to be able to generate it.

Mayor Pro-Tem Griggs said the Commission was very concerned about this issue. We had our concerns and things were just not working out, so we needed to proceed as the City Manager discussed. We would either have the Special Meeting, or we would address this again at our first meeting in September.

12. Appointments to Boards and Committees.

Community Development Advisory Committee. One vacancy.

Mayor's Committee on Aging. One vacancy.

Mayor Pro-Tem Griggs said on behalf of the Mayor, he would appoint Ms. Edna Stewart to fill the vacancy.

Parks and Recreation Board. One vacancy.

All remaining vacancies were rescheduled.

UNSCHEDULED COMMUNICATIONS:

A. Comments by City Manager regarding water report; and road projects.

Mr. McCourt said the water supply was good compared with last year. We had been watching it and had reduced the flows out of Bonito Lake as discussed at the last Commission meeting. Consequently, we'd turned on more wells to make up the difference there. That was to try and assure that our partner in Bonito Lake, being Holloman AFB, would be able to take their flows this Fall. Commissioner Cole asked if the recent rains had helped any? Mr. McCourt said they had increased the flows slightly, but not enough to make up for what we were taking out. So the levels had continued to fall. Staff didn't just look at what was happening right now, but was continually making projections based on historical use and in-flows. So based upon that, it looked like we were making it through this year in satisfactory shape. We were comfortable with our current water situation. Commissioner Cole asked how far below the spillway we were? Mr. McCourt said approximately 12 feet. We still had room to drop, but wanted to make sure that Holloman got their supply during the winter months.

Mr. McCourt said our road projects were underway, and there was nothing significant to report there.

B. Comments by an unidentified citizen regarding his water pressure on Birdie Loop.

An unidentified citizen asked if staff was aware that his water pressure was going up and down? He lived on Birdie Loop near where the construction was going on. Mr. McCourt said he was not. Public Works Director Jose Miramontes said he would check it out.

C. Comments by Mayor Pro-Tem Griggs regarding illness of City employee Doc Carmichael.

Mayor Pro-Tem Griggs said the City had an employee, Doc Carmichael, who we had not seen much of lately because he'd had Cancer surgery. He understood Doc was out of the hospital and at home, so would the Manager please pass on best wishes for Doc's continued recovery.

EXECUTIVE SESSION: Adjourn into Executive Session to discuss Legal and Land Acquisition issues.

Commissioner Cooper moved to adjourn into Executive Session to discuss Legal and Land Acquisition issues. Seconded by Commissioner Robertson. All voted "aye". The motion carried by a roll call vote of 6-0-0. The Meeting was adjourned at 10:18 p.m.

The Governing Body of the City of Alamogordo, New Mexico, hereby states that its regularly scheduled meeting of August 23, 2005 was called into executive session and the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

/s/Donald E. Carroll

Mayor Donald E. Carroll

ATTEST:

/s/Angie Rahn-Broyles

City Clerk Angie J. Rahn-Broyles

(SEAL)

(Prepared by Teresa Y. Gutierrez)

Approved at the City Commission Regular Meeting of September 13, 2005.