The following is a verbatim transcription of minutes for the work session meeting of the
City of Las Cruces – Airport Advisory Board held on April 18, 2019. The meeting
was held at the Las Cruces International Airport, Conference Room, 8960 Zia
Boulevard, Las Cruces, New Mexico.

Members Present:
  Dan Privette, Chairman
  John Darden, Member
  William Soules, Member
  Wes Baker, Member

Members Absent:
  Ross Palmer, Vice-Chairman
  Gay Lenza, Member
  Yvonne Flores, City Council Liaison

Others Present:
  Hal Kading, Southwest Aviation
  Mike Kading, Southwest Aviation
  Nathan Wilcox, Lynco Flight Services
  Andy Hume, Airport Administrator
  Kent Freier, Molzen-Corbin
  Jim Ratje, Public
  DeeDee Irick, Francis Aviation
  Rob Wood, Public
  Ted Linnert, Public
  Brett Hahn, EAA/Brahn Comprehensive Solutions
  Ellie Stager, Public
  Lori Romero, Airport Admin. Asst. - Recording Secretary
  Dr. Griselda Martinez, Interim Economic Development Director

1. Call to Order: Chairman Privette called the work session to order at
   approximately 1:19 p.m.

2. Determination of Quorum: A quorum was noted.

3. Discussion Items:
   a. Minimum Standards:
      Chairman Privette: So, we’re here to discuss minimum standards. Mr. Hume,
      did you have something you wanted to say to that as we begin to start?

      Mr. Hume: I do, Mr. Chair. Thank you very much for recognizing me. I want to
talk about the approach to the review of the Minimum Standards because the
approach to them is the same as the approach to the Rules and Regulations,
and hopefully gives sort of a good foundation for the whole purpose of
discussing the questions that have been submitted, the comments that have
been submitted and also the rest of the conversation at this work session. So,
first thing I want to say is how many people, how many times have you heard
people say, or maybe you have said, "The City is not business friendly." Raise
your hand. Okay, we are flipping the script at the airport. We are going to be
business friendly at the airport. I’m making that statement. That is a very bold
statement. I’m going to back it up in every way that I can, and we’re starting
with the Minimum Standards, okay?

There is an appropriate level of oversight that is needed to make sure that we
are meeting the goal of Minimum Standards and according to the FAA, those
goals include:

- Promoting safety
- Protecting users
- Enhancing availability of services
- Promoting orderly land development
- Providing clear and objective distinctions between service providers
  who “get it” and want to provide a good service, and those who
don’t.

So, those are the goals as set forth by the FAA for Minimum Standards. So, if
we’re saying we’re going to be business friendly, and we’re saying there’s an
appropriate amount of oversight, and we now have the understanding of
where the FAA is coming from when it says it’s good to have Minimum
Standards. What we are proposing here, what staff is proposing here are
Minimum Standards that are truly Minimum Standards, not asking the owners
that will provide obstacles to business development here on the
(unintelligible). We want to have Minimum Standards that are predictable, that
are consistent and that are flexible.

No businesses, even if you’re in the same business, then two businesses are
alike, different business owners have different goals – some want to stay
small, some want to grow. What we want to do is to provide an equitable
playing field for anybody who wants to come and do business at the airport,
okay? So with those goals in mind, and working with Mr. Hahn – Brahn
Comprehensive Solutions, through this process of review, excuse me, every
time we had a question about something we always came back to “is it
protecting, is it providing the safety, is it protecting the users, is it reducing
barriers to business on the airfield?”

So, I wanted to sort of give you all a sense of the mindset that we had as we
were going through the process, and we’re using that same mindset on the
Rules and Regulations. There’s a little bit of difference there because the
Rules and Regulations don’t necessarily have anything to do with business
but again - are we providing an appropriate level of oversight? Are we
providing guidelines that can be implemented in an equitable manner, okay?
Are there any questions about the ... sort of the foundation with which we
went through and reviewed the document?

Board Member Darden: May I ask a question, sir?

Chairman Privette: Yes sir.

Board Member Darden: Mr. Chairman. Is this going to be approved as an
ordinance, did this come through as an ordinance or as an ordinance, the
Council takes certain action and it's more difficult to make changes to it down
the line. I just want to understand how we're reviewing and what there's
regulations and rules that can be changed by either the Council or the
Manager depending on where they come from, where there are ordinances
that you only change by Council, but only after 60, 90 days.

Mr. Hume: Mr. Chair, good question Mr. Darden. The short answer is this is
going to be ordinance. What we've been doing is, we've been reviewing with
the Minimum Standards, and also now with the Rules and Regulations. This
will be a repeal of Chapter... current Chapter 7.5 - the aviation chapter, and
we'll replace it with these new items here. 7.5 will have three sections. One
will be sort of a general section that will have definitions, things like that in
there. Section 2 will be the Rules and Regulations and they are put above the
Minimum Standards, which will be Section 3, because Rules and Regulations
apply to everybody. So that's the framework right now. Chapter 7.5 has, I
don't know, 6 or 7 or 8 different chapters in there and there's some lack of
cohesion - it's an older code. That's why we're looking at this holistically,
that's why we're making sure there's internal harmony because this is going
to be an ordinance and the last thing, you know Mr. Darden, we're dealing
with legal issues. If you have two clauses, within the same code that conflict
with each other, okay, then now what do we do? So, this will be an
ordinance.

((Laughter))

Mr. Hume: I'm sorry?

((Crosstalk))

Chairman Privette: That's right, see what the lawyer has to say.

Mr. Hume: So, that sort of is in a nutshell where we were coming from when
reviewing this. If I may, Mr. Chair, if the choice of the Board is to go page by
page through the Minimum Standards, obviously that's... this is your work
session. The suggestion of staff is that this has been out for well over 45 days
for public review and comment. Provided to you in a packet are about, I don't
know, 14, 15 comments that we did receive over that period of time. My
recommendation, Mr. Chair, is to focus on these comments. If they lead to
other discussion, that’s fine, but for the purpose of the work session, you
know, these were items that were identified by individuals who reviewed this
document as potential questions and so, that would be my recommendation
and thank you very much, Mr. Chair for allowing me to have an introduction to
this very important process.

Chairman Privette: I certainly… I appreciate what you said and how we intend
to be equitable to everybody who would like to business out here at the
airport and be out here at the airport. My understanding is that intend to
repeal 7.5 completely, the accepted version. Is that…?

Mr. Hume: The current version will be repealed, yes sir.

Chairman Privette: Okay. In my mind, the way I would like to have seen
things, I’ve made comment to that is – I would have liked to have seen a red
line edited version of “it used to this and now we need it to say this.” I don’t
completely understand how we got from this and there was much, much work
done on the July 2016 version and now we’ve come to this and this doesn’t
line up with this very well at all, in my mind.

Mr. Hume: Okay, Mr. Chair, we can… Mr. Hahn has been keeping iterations
of the work that we’ve been doing so we can provide some of that. Also, staff
has been working on what we call a crosswalk that says, “if you’re looking for
any coordination between the old code and the new code, here’s how you
would do it.” Quite frankly, I will say this, the new code is… we approach the
new code in a fundamentally different way than the old one was written and
so making the connection… making a direct connection between the current
code – I’ll call it the old code – the current code and what we’re discussing
today, they’re not exactly apples and oranges, but they are certainly oranges
and grapefruit. So… we will do our best to work on that and provide that but
it’s…

Chairman Privette: If there’s a version that’s completely taken out of the part
that we intend to repeal, without seeing it in the new version, it would be nice
to know why that version was taken out – what the thinking was on that
process, you know, like I said a red line edited version in my mind would have
worked better.

Mr. Hume: Okay.

Chairman Privette: That’s just my thoughts.

Mr. Hume: I’ll work with Mr. Hahn and see what we can put together.

Chairman Privette: Alright, I guess if anybody has any general comment
before we start down this road here on the printed comments of what…

Board Member Darden: Mr. Chair?
Chairman Privette: Yes sir.

Board Member Darden: I have a comment that wasn’t on here (unintelligible). I don’t mind us going down this list however you want to do it, you’re the Chair, but let’s say if we come to a page where we have a comment, will we be able to interject? This thing goes by page, this whole list...

Chairman Privette: Yeah, as I expressed in our last meeting, I think that this being a public forum, we should be able to interject any time something that stands out...

Board Member: Thank you.

Chairman Privette: ...and as Mr. Hume has stated, this has been out for quite a whole and that’s where I found the difficulty in making… I felt that there was a lot of areas to make comment on and having to write all those comments would have taken me a long time, but... Does anybody have any general open comments on any particular part that they’ve seen that they don’t see addressed on this list?

Board Member Darden: Sir, on the Application to Conduct Business, page 7G, whenever you get to Page 7… It’s just an observation that a lot of this is saying a limited liability company is saying they’re huge now and so you… I would think that all you’d need is a Manager of the limited liability company. There are two types of limited liability companies – member owned, and manager owned. Member owned, yeah you get to all the members. Manager owned, the manager signs for the limited liability company. It’s something that Jennifer at the legal office can probably suggest a little better language, but I can see that a hundred people will sign the limited liability for a big company. I mean, signing whatever application which would be a pain in the neck.

Mr. Hume: Okay, thank you.

Chairman Privette: And so, on that Page 7, it’s highlighted “Current Application needs doc review.” Do we have a current application?

Mr. Hume: Staff is still working on it, Mr. Chair.

Board Member Darden: Every member of EAA would have to sign. It’d be a local example if EAA wanted to avionics, wanted to do some special business.

Chairman Privette: And certainly again, Mr. Hume, Mr. Hahn, in your holistic approach every time we make reference to something like this, something like “The current application needs review,” that document needs to be attached to this – it’s a holistic piece. And I would assume there would be one more final draft put together before it’s voted on and accepted as a complete unit?
Mr. Hume: Yes sir, Mr. Chair, that’s correct.

Chairman Privette: And would City Legal look at that prior to us or would we approve it first and then it would go to Legal?

Mr. Hume: Mr. Chair, you would approve it first and then it would go to Legal as part of the review before it goes to City Council.

Chairman Privette: And if there were corrections then from Legal then it would come back to us, prior to us taking it to City Council?

Mr. Hume: We can certainly bring back any comments that they have if there were not any substantive changes, I think that the recommendation of this body would still hold. But if there’s something of substance that they sort of tossed back our way, we would certainly bring that back and have further discussion on it.

Chairman Privette: Okay. Alright, if nobody else has got any general questions or comments, we’ll move to some of the proposed comments and edits. “Will there no longer be dumpsters?” ~ Mr. Kading.

Mr. Kading: Who is the City? The Airport Manager?

Chairman Privette: As I read, the Airport Manager has authority over the airport.

Mr. Hume: Yes, the Airport Manager does, in some cases, though, the City as the larger entity has the say over things. For instance, you know, we would go to the City’s Legal Department for review of certain items, so I think I... and we can go back through this and make sure we are specific when it is specifically the Airport Manager, it should be “The Airport Manager shall do this or do that”...

Chairman Privette: Yes, yes.

Mr. Hume: ...as opposed to when we’re talking about the City, it might include “The Airport Manager and others from the organization...”

Board Member Darden: Mr. Chairman, I guess that’s part of my overall comment ‘cause I was on the original home rule charter commission and the concept was “This is a manager run city with Council setting policy. So, to me the City is the manager, the ultimate, this person who as you have new managers, you have managers, they draw different paths and have different people doing different things. So, it’s, uh, you know, the City Managers designee is always the one, right? The Airport Manager now, but to do this, that and the other Public Works or whatever, Economic Development, whatever, it’s always the City Manager’s designated person and we’ve seen
over the time the difference between Mr. (unintelligible) and Mr. Garza and their immediate predecessor, their different channels to run things, but it's always the Manager who makes that decision. The Manager's subject to Council's firing him or her, but the Manager makes the decision. The Manager (unintelligible) to my way of thinking is the City and the Manager's designee is the person who makes those decisions as he has it charted; he has his flow chart.

Mr. Hal Kading: Well, my concern is several months back we were getting letters from all kinds of different facilities in the City and what do they got to say about it? I want to refer to the Airport Manager as the direct to us.

Mr. Hume: Mr. Chair, I want to address that comment if I may. That... that concern was expressed to Airport Staff a few months ago and so we've agreed from City Hall is if there is something that needs to come from the City, from City Hall from downtown to the airport, it will be routed and come from the Airport Manager as opposed to coming from Risk Management or Public Works or some other entity within the City and so we have addressed that and we're working that way from now on.

Chairman Privette: Shouldn't that be said in here?

Mr. Hume: Mr. Chair, I think Mr. Darden expressed it quite well – different City Managers have different ways of doing that. We can propose it. I don't think it belongs in the Minimum Standards. It could be something that maybe is in the general section of the code but thank you for bringing that up Mr. Kading and it's noted, and we can see how that fits in with the recommendations.

Chairman Privette: What I've got is a very valid point. We need to figure out the best place to put that 'cause you know, as you stated, you know, any kind of action item should be funneled through you, and vice versa, they should go out from you first in the beginning as well.

Board Member Darden: I'd think you've ke your code in the first chapter of the first part – he's talking about three chapters: an opening, a middle where's there's Rules and Regs hard to ruin the Rules and Regs, and the third the Minimum Standards. It needs to be up set up front, of course you have Fire and... Fire and Police that are outsiders that need to be outside the...

Chairman Privette: Certainly, they would take precedence over the City.

((Crosstalk))

Mr. Hume: So, Mr. Chair, what I'll jump in really quickly here on that first item. The short answer to the question is the City will continue to provide dumpsters. The purpose for Item #4 is, don't let your trash stack up outside of your hangar. We had that issue with a couple of tenants in past months. That's the point of this item. It may not be clear in stating that. We... the City
is absolutely happy to coordinate with our tenants, provide a central location for waste disposal. We are actually looking at a central waste disposal for waste oil as well so that we don't have to have drums peppering the airport that, you know, leak and spill and everything else. So, we're very happy to work with our tenants on that. The point of this is, you know, don't stack up your boxes outside of your hangar. So, if it's not clear then Staff can go in and make it clear.

Chairman Privette: And perhaps on your newsletter, you want something like that, make it aware to everybody that dumpsters are available to anybody. They don't belong to any one particular business.

Mr. Hume: Okay.

Chairman Privette: And then regarding “Shall furnish adequate...?” Adequate what? That should be on Page 4 as well.

Mr. Hume: Yeah, yeah, please do Mr. Hahn.

Mr. Hahn: Regarding Page 4 through dash 6, that was a typo. It should read “Shall furnish adequate service of...” - so there were two words that were left out (unintelligible)... “service to...”

((Crosstalk))

Mr. Hahn: Yeah. It would basically be the same language as in the previous that you were supposed to provide adequate service of whatever aeronautical activities that you have. So, it will be revised in the next draft.

((Unintelligible))

Chairman Privette: Alright, you're going to revise that whole paragraph then?

Mr. Hume: Yeah, we'll revise Paragraph 6. That'll be Section 3, Paragraph 6.

Chairman Privette: And 5.3 “Who decides what is adequate?” I guess that's kind of back to City Manager for you as the Airport Manager.

Mr. Hume: This is for 3.8. This item here also corresponds with a couple of other comments down below. For example, on Page 13, the item on Page 13 was considered “Defined as sufficient space?” In the current code specific space requirements are called out: 3,000 square feet, 5,000 square feet, something like that. This is one of those areas where we have to rethink government oversight. Why do you need 3,000 square feet to do a business? Who came up with that number? Is it based on something? I have no documentation saying it's based on a study of this and that. What I do know is there are building codes and there are fire codes. And those codes provide the oversight to the size of the business you want to create. It tells you how
many bathrooms you need to have, ADA accessibility, the fire code talks about fire suppression, all those types of things. So, in looking again and looking at this document, we’re saying if you want to provide a particular service, you need to examine what that service is. And also look at what your goals are. Your goals may be very... you just want a little, a small space because you're going to be working on (unintelligible). That’s all you want to do. You’ll work on one place at a time, you’re not going to need a very bit space for that. Versus we want to repair 737’s okay? So, when we say sufficient size then it’s up to the owner of the prospective business to say “I’ve consulted the building code. I’ve consulted the fire code. I’ve looked at how much funding I can get and based on all of those things and what I want to do, this is what I’m proposing. So, and then what’ll happen is it’ll get reviewed by right now CID, the state Construction and Review Division does the planned review and the permitting and inspections. And they’re going to look at those aforementioned codes to make sure that you’re following those to do your... to conduct your business properly. The fire department will do their annual inspections to make sure that you are operating properly within the bounds of the code. So that’s sort of the reason why we’re saying “sufficient or adequate” as opposed to saying a number in those situations.

Chairman Privette: Understood, but I think the question is who decides whether it’s... who decides that it is sufficient? And if, I think it’s the statement is kind of ambiguous. I think it needs to be clearly stated that you said that, you know, all applicable codes and regulations need to be adhered to. But the question as I understand it here is “Who decides what is adequate?”

Mr. Hume: Good point, Mr. Chair. On the previous page, Page 4, at the top under Item K it says exactly what you just stated.

Chairman Privette: Then do we need Line 8 at all?

Mr. Hume: Line 8 provides guidance and a framework for a perspective owner and operator, as they're negotiating their way through to opening a business on the airport. When I sit down and I talk with somebody who’s proposing a business, I can look at 8 and say “Have you thought about these specific items?” as opposed to opening a code book and saying in this case it provides an opportunity for dialogue. And to prompt the owner to think about these things. Ultimately the codes themselves will determine what those needs are. But I think that’s sort of the thought process behind saying “Consider adequate space for these needs”.

Chairman Privette: So, then we’re saying at the end of the day is that the Operator is the person who decides what is sufficient and adequate.

Mr. Wilcox: Mind if I chime in here?

Mr. Hume: Sure, go ahead.
Mr. Wilcox: So, the intent of the language is by mutual agreement. So, from the airport perspective, SASO - Special Aeronautical Service Provider and the City can come to an agreement on an adequate sized facility for that operation.

Board Member Baker: So, what if there’s a dispute?

Chairman Privette: Yeah?

Ms. Irick: Huh.

Mr. Wilcox: I don’t think the City should have anything to do with that.

((Crosstalk))

Mr. Hahn: Well, in the previous language the City stated in writing that there had to be 3,000 square feet or 6,000. There was a very specific number. And as we’re all aware of here and at the airport, we have a real shortage of hangar space and hangars and office space. And the previous language basically precluded anybody from coming in and being able to rent a hangar or office space because maybe that office space didn’t meet the previous Minimum Standards. So, it would be by mutual agreement. In other words, if you wanted to have an aviation parts department here at the airport and you said “I need about 1,200 square feet” and the airport said “Well, we have several office areas that are 1,200 square feet by mutual agreement, if that would be able to create a business opportunity where there was not one before.

Mr. Hume: So that other thing, too that I’ll just tack onto that is ultimately is up to the City and also CID to say, “Based on what you’ve presented are you following the code?” So that’s sort of where that mutual agreement comes in because the Operator can say “Here’s my proposal” but then I can say “Yeah, but it doesn’t meet the code.” So there has to be that give and take to have that discussion.

Mr. Hal Kading: Why is CID involved?

Mr. Hume: Because this is a City property and City cannot inspect buildings on their property except by special permission by the State.

Mr. Hal Kading: I thought we were home ruled?

Mr. Hume: We are home ruled but that does not apply in this particular case.

Mr. Hal Kading: I mean this used to be a big battle between the City and...
Mr. Wilcox: It still is.

((Crosstalk))

Mr. Hal Kading: CID did not help get stuff done.

Mr. Hume: That is correct. And just as little bit of background Mr. Chair, the City actually had an agreement with CID that for a five-year period the City took over inspections on the airfield. That... as that agreement was coming to an end back in June of last year, we petitioned CID to retain inspections and... and plan reviews and CID said no. So that agreement ended, and we are back under CID for final review and inspections.

Chairman Privette: So, can that...

((Crosstalk))

Mr. Wilcox: So, that dictates everything right there.

Mr. Hume: Yeah, um...

Mr. Wilcox: It's not really under mutual agreement (unintelligible). I mean if a guy wants to open a 100 square foot office, as long as it meets code, it meets the code.

Mr. Hume: Mm-hm.

Chairman Privette: So, I don't know that the language on that Number 8 is good.

Mr. Hume: So, let's parse Number 8 just a little bit. The first part says, "Each Operator shall lease or construct a building or buildings." That is on the Owner and Operator to do that. That "Shall provide sufficient and adequate space", that's where we turn our attention to the codes.

Ms. Irick: Mm-hm.

Mr. Hume: And so, the Owner is providing these things, but it has to follow the code. And according to K, it... it, K outlines the codes and regulations and so on that need to be followed. So... so that's how 8 is intended to work.

Dr. Martinez: So...

((Crosstalk))

Chairman Privette: Should you put... I'm sorry to interrupt, so should you put 8 on top of K? As a prelude to K?
Dr. Martinez: Or as a Mr. Wilcox referenced... mentioned, just refer to that will meet code requirements?

Mr. Hume: Refer back to K

Dr. Martinez: As per K

Mr. Hume: Okay, okay

Chairman Privette: Put 8 on top of K, I like that. So, we’re going to make 8 refer back to K?

Board Member Baker: And does 8, does 8 preclude somebody from doing business with a facility? In other words, if you had a flight instructor who didn’t really need any... any building space, does 8 say they have to have a building?

Mr. Hume: Um, so if you’re a flight instructor, do you need an office to conduct your business?

Board Member Baker: That’s what I’ asking.

Mr. Hume: Do you need to well, um...

Board Member Baker: And I’m saying you don’t.

Mr. Hume: A flight instructor is not going to have need for a place to have his computer and...

Board Member Baker: They could use our hangar. They could go down to their hangar; they could go down to their own hangar.

Chairman Privette They could sit in the airplane.

Mr. Hume: Then I would submit that if that’s your proposal, that you show how the space that you’re using is in compliance with the codes. So, the EAA hangar is code compliant and the EAA says “Yeah, we’re willing to sublet you 50 square feet to let you set up a desk and a chair and a table, then... then by virtue of EAA meeting code, they would meet code.

Board Member Darden: So, sir, if you have a flight instructor that doesn’t have a hangar out here, code is... who is a flight instructor, then they’re an Operator then and they have to come through and get a business license and all that stuff.

Mr. Hume: Yes sir.
Board Member Darden: Even though I called the person up and say “Hey, do you still have your instructor’s license for the City?” “Yes.” “Would you go fly with me and check me out by my annual? That person has to have a... and the reason I ask is I used to have a guy who was really good to tell me, he lost his medical and he decided to quit. But he just operated out of the house.

Mr. Hume: Yes Mr. Chair any business needs to have the proper registration and licensing with the State and the City of Las Cruces.

Chairman Privette: Insurance.

Mr. Hume: Yep, insurance. Those rules for running a business are different from these rules here, from where you run your business, but they still apply across the board to all businesses operating in the City of Las Cruces.

Chairman Privette: Okay, so are we going to rework Number 8 then?

Mr. Hume: Yeah, we will make Number 8 more clear.

Chairman Privette: Alright. 5320 Current Insurance Table.

Mr. Hume: That’s this table Mr. Chair, that was passed out. It was available for handouts, it currently is an appendix with the current code, and we will actually probably have it in the body of the new code so that it’s, you know so that you don’t have to look somewhere else for it. But these insurance requirements were taken straight from Risk Management. I worked specifically with the Risk Manager in determining what is necessary given the different types of businesses, their needs and their activities, so this is the matrix that will go into the minimum standards,

Chairman Privette: So, on our next revised edition we will have appendices with all these various tables and lease rates, insurance rates, all that will be attached as an appendix to this version, or the newest version when you redo this?

Mr. Hume: Lease rates are not part of the ordinance, insurance requirements are. They will be included in the next what we will call, final draft. But lease rates and those types of things are handled differently from ordinance. So...

Chairman Privette: Okay.

Mr. Hume: But we can make this available to everybody as well.
Chairman Privette: Alright. So, we got Appendix 1. Now there was a question there as to how soon the City should be notified if coverage was changed, raised or lowered, I guess.

Mr. Hume: Mr. Chair...

Chairman Privette: Probably lowered.

Mr. Hume: The items here and Items 18 through 28 were reviewed by Risk Management and edits were provided. Comments were provided by Risk Management and incorporated in here, so this is in line with current City insurance approach...

Chairman Privette: 18 through 28?

Mr. Hume: ... approach. 18 through 28. Yes.

Chairman Privette: So, you said Risk Management has edited these pages?

Mr. Hume: Yes, they have provided comments and edits for those 11 items.

Chairman Privette: So, there will be edited items in 11...

Mr. Hume: No, they’re already included in them.

Chairman Privette: This is the edited version?

Mr. Hume: Yeah, this is what they provided, including what they provided for us.

Chairman Privette: And they’re... So, Risk Management is okay with 18 through 28?

Mr. Hume: Correct.

Board Member Darden: Dan?

Chairman Privette: Yes sir.

Board Member Darden: A couple of questions. The airport general liability says generally (unintelligible) tenants, so I would assume that includes (unintelligible) hangar tenants?

Chairman Privette: Good question.
Mr. Hume: Mr. Chair, the requirements here on the insurance are the requirements of the City. To (unintelligible) tenants. If you sublease, it is recommended that these be included in the sub lessees, but for us, we can only hold our direct tenants with whom we have leases to these requirements. But we do recommend if you have subleases to also...

Chairman Privette: So...

Mr. Hume: ...have these.

Chairman Privette: So, with the City leasing the sunshades then, everybody in the sunshades is required to a provide a million dollars' worth of liability insurance?

Mr. Hume: Yes sir. All leases are required... they're required to provide insurance.

Chairman Privette: Okay.

Mr. Hal Kading: You really want to kill aviation.

Mr. Ratje: I'll second that.

Mr. Hal Kading: And then it says under airport liability "All vehicles driven on the airport premises" and I believe that premises should include all of the deeds on the airport. How are you going to enforce that?

Mr. Hume: Mr. Chair, those are... it only includes anything beyond the security gates. It does not include Zia, Wingspan, etc. that are on the land side.

((Crosstalk))

Board Member. Darden: Mr. Chairman, Paragraph 28 has a line that's all one sentence. It's a typical Risk Management paragraph. It ought to broken up and said a little bit better. We find it written like an IRS regulation - one paragraph with one period, 50 lines or something. This says, the way I look at it is, if I' an Operator, I'm still liable even if the sole...even if the liability is caused by the sole negligence of the City. And there's no way in hell that I would operate out here in a business-friendly environment if a City... if your guys truck ran into Hal's airplane or your airplane and did some damage to it and it exploded and damaged another airplane, this is saying that...

Chairman Privette: Hmm, the City can...

Board Member Darden: Whoever end the airplane that it hit, and it exploded, if that person is an Operator is going to be liable to John
Darden’s airplane that happens to be parked over on the side for whatever reason. And the liability would have been the City’s liability. I think you really need to take a look at... we can’t... the (unintelligible) Risk Management paragraph I looked at when I represented (unintelligible) versus the University, is that we try and pass the buck off to everybody else unless we’re negligent, we as an entity in this case. If the City’s negligent, then the City needs to man up. And if the City’s not negligent than of course it’s the Operator’s responsibility to deal with the mess.

Mr. Hume: Okay. Mr. Chair, Mr. Darden, if you wouldn’t mind, could you share that paragraph with me, ‘cause that makes a lot of sense. No, no, the paragraph you just mentioned, that other places use.

((Crosstalk))

Board Member Darden: All I’m just saying that the City should be re...I don’t have... I always... this is one of those things I’ve looked at stuff for...

Mr. Hume: Okay.

Board Member Darden: ... I’ve always looked at that and then I white line it and change it out...

Mr. Hume: Okay.

Board Member Darden: ...but it just needs to recognize the City’s responsible for its own negligence...

Mr. Hume: Sure.

Board Member Darden: ...period. And then beyond that it ought to be a readable paragraph...

Mr. Hume: Okay.

Board Member Darden: ...and that’s only one period in it.

Mr. Hume: Okay. We will... I’ll circle back with Risk Management with those comments in mind. Thank you, Mr. Chair. I don’t think that’s the intent of the paragraph to say if the City messes up, it’s everybody else’s fault. So, we’re gonna make sure that that gets cleared up.

Chairman Privette: You checked I think these streets are not normal streets, they’re airport premises.

Mr. Hume: Mr. Chair, they are City streets.

Chairman Privette: Everything on the air side as well...
Mr. Hume: No, just the land side.

((Crosstalk))

Mr. Hume: Everything on the land side are City streets, yes.

Chairman Privette: But is it not everything on the air side subject to City traffic laws? I think there's verbiage there somewhere.

Mr. Hume: There's some of it, but there's ones that are very specific. I mean, if we designate a travel lane way for vehicles, you're still gonna drive up the right side of that travel way. But as far as very specific things like our... the speed limit and you know, airports have right way, and all those types of things, there's a lot more specificity on items like that for the airport than there are for the City.

Chairman Privette: Well sure. Alright, so we're gonna reclarify everything especially Paragraph 28?

Mr. Hume: Yes sir, I am making those notes right now.

Chairman Privette: Alright, this is probably how we get from here to there (unintelligible) 4, 5, 6. Anybody have anything to say up till 6?

Mr. Hume: And, Mr. Chair, if I might say something, I mean it when I say, we are going to make the airport business friendly. So, if there is something that you disagree with, this is the forum to say...

Chairman Privette: Absolutely.

Mr. Hume: ... this item is not business friendly and with all due respect to the members of the public who are here I've heard it... some audible whispers about not being business friendly, this is the forum to make it business friendly. So, if there's any way to have those comments, we can go back and review...if there's something we need to review with Risk Management or things like that, please share those comments so that we can all work toward together toward that goal.

Chairman Privette: I will echo what you said. You know, I know that we discussed this many times and you've indicated that we're raising the bar and going to a different direction but certainly everybody here needs to speak their mind. This is where it's at. 6. How do I get to 6.239?

Ms. Irick: It is 329?

ChairmanPrivette: Yeah, I'm not seeing.
Board Member Baker It's this highlighted part on Page 6, Item 3 (unintelligible).

Mr. Wilcox: They don't correlate to each other, Dan.

Chairman Privette: Okay. We're on a revert, huh?

Mr. Hume: Page 6: Item 3.29

Mr. Wilcox They're not labeled that way on ours.

Mr. Frier: (Unintelligible) Three is on the previous page.

Chairman Privette: Where are we at... do we have not.

((Crosstalk))

Chairman Privette: Well, yeah, 219, 219.53, 53, I don't know. Like I said in the beginning, I mean, it just doesn't flow out well at all from one to the next. Okay, alright, I'm sorry.

Mr. Hume: So as far as 3.29 goes, Mr. Chair, one of the things that I'll refer back to my... my earlier comments in the opening, when the FAA says number one that they want to enhance the availability of services available on the airfield, and then also have a clear and objective distinctions between those who will provide services that will benefit and those who will not. Those are the criteria that we're going... that's the touchstone if you will that we will look at if somebody wants to come on with a fence operation. I'll use a good example – Snap-on Tools comes on quite often because they provide tools for mechanic shops and other uses. That is a through-the-fence commercial operation. In the determination of the Airport Manager that is beneficial to the City's purposes because it's matching up and helping us supply the goals that the FAA sets out. So, this is going to be on a case by case basis. It has to be because we... there's a lot of factors that have to be weighed in with, you know, if there's already a tool provider on the airfield then perhaps, perhaps having Snap-on Tools come on as a through-the-fence Operator, isn't in the best interest, okay? But those things have to be weighed as the airport continues to grow and those decisions have to be made at those times. So that's gonna be perhaps it needs to be more specific to say that maybe the Airport Manager makes that decision or Airport Manager in consultation with, you know...

Chairman Privette: Yeah, who decides... the question is who decides what's the best interest of the City? And Nathan likes Craftsman Tools and I like Snap-on Tools and he likes Matco Tools. Who gets to say who's the best tool distributor to be on the field?
Mr. Ratje: I think what you're talking about is terminology. So you're talking about vendors coming to the field to supply tools or toilet paper, whatever, and you should have terminology that describes them that is not through-the-fence or direct competition to any business on the field.

Chairman Privette: And that's an excellent point. I think part of more likely what is saying... somebody wants to come through-the-fence and do avionics repair. Somebody wants through-the-fence and do mechanical repair on an aircraft. Who decides whether or not that's in the best interest of the City?

Mr. Hahn: Andy, can I chime in?

Mr. Hume: Sure.

Mr. Hahn: I can address that. So, in the airport, the FAA's guiding document 5196B is the latest document. It was established in 2009 and the FAA at that point took a stance at the point against through-the-fence operators. So if you read just that 5196B which is the latest document would come to the conclusion that you can't have through-the-fence operators, But then in 2013, and I think many of you will remember that Senator Inhofe went to Congress and they put together a bill, and they had Congress pass a bill specifically and it became law that was an addendum to the through-the-fence that specifically allowed through-the-fence operators. Now it's a big, long multi-paged document but it actually completely reverses the FAA's position on that. So again, it's important to understand that are residential through-the-fence operators and there are commercial through-the-fence operators. Mr. Darden spoke of one earlier. If you have somebody who's based on this airport, either they own or they rent, that is a SASO Special Aeronautical Services Operator that's based here. If they're not based here, then they're a commercial through-the-fence operator and the CFI that you're describing as a Snap-on Tool truck, they're not based here, but they're still providing some economic business enterprise out here so they would be considered a through-the-fence operator. Now, it's very important to understand that 5190 is... one of the basic tenants of it is a document that guarantees nondiscrimination at airports. So, you cannot discriminate against the Snap-on guy or the Craftsman guy. You cannot discriminate against a person who wants to do business at this airport. You can't arbitrarily say "You can't be on this airport". And many, many airports have gone to battle over this, and they've lost. 'Cause the FAA always renders... a skydiving operation is a perfect example. There's been airports that say, "We don't want skydiving operations" and the FAA has always rendered a verdict in favor of the operation, the skydiving operation and their right to do business at the airport.

Board Member Darden: So, in the past then, we've had the transponder guy, the avionics guy come, and he'll hook up with the flying club
(unintelligible), really, he doesn’t need to hook up with anybody but the
word gets out, you know, schedule... I don’t know he... who brings first in
or talks him in... comes schedule and we on, the person comes checks
our transponder which has to be checked out every whatever...

Board Member Baker: Two years.

Board Member Darden: ...two years and then that person leaves, that’s a
through-the-fence guy, is he gonna have to pay... I mean, he usually
charges everybody 50 bucks or something to do the logbook. Does that
person also then have to pay to have a business license just to come in
and do that on the weekends?

Mr. Hume: Mr. Chair, if anybody is conducting business in the City of Las
Cruces, they need to follow the same rules as anybody else who has a
permanent location such as a through-the-fence operation. What I might
propose here, Mr. Chair, is adding the statement, after it says, “in the best
interest of the City”, add “as determined by the Airport Manager...

Chairman Privette: Well if...

Mr. Hume: …into that statement so that it’s clear that it’s, you know, I can
consult with other people on whether this is a good idea or not, but
ultimately the decision rests here at the airport with the Manager.

Chairman Privette: Well, if I understand, Mr. Hahn, that you don’t have the
authority that the FAA has decided that anybody who wants to business
through-the-fence can do business through-the-fence, so why does this
paragraph even need to be there?

Mr. Hume: So, there’s...

Chairman Privette: Mr. Hahn...

Mr. Hume: Let me redefine something here – when we’re talking about
discrimination, the phrase the FAA uses is called unjust discrimination. In
other words, there are circumstances where you can say from an objective
perspective, not ’cause I just feel like it, that I will allow this commercial
through-the-fence operator and not this one. But there needs to be an
objective determination as to why that’s the case. So, a determination can
still be made that somebody is not permitted to be on the airfield, but there
has to be certain reasons why.

Hahn: If I could add just one more thing to that Andy.
Mr. Hume: Mm-hm.

Hahn: …to that, Andy, so the cases the FAA will look at will be if there is
any operator or operation that creates an unsafe situation. That’s... that’s
what they would look... that would be what they would look at, specifically.
And the Airport Managers and the Airport Staff's, one of their
responsibilities is to not create a situation that's unsafe or would put the
City in legal jeopardy.

Chairman Privette: Well, it says nothing about safety. It just says, “in the
best interest of the City.”

Mr. Hahn: But it's covered in the 5190 document.

Mr. Wood: I think this goes back to what Mr. Darden said, “That's why
there's attorneys.”

Chairman Privette: Yeah.

((Laughter))

Mr. Wood: No, I mean this is clearly that point where the Airport Manager
makes a decision that they feel is discriminatory, obviously you need to
seek legal counsel and (unintelligible) proceed from there.

Chairman Privette: It certainly... anybody doing through-the-fence
business has to have all the proper business insurance and... licenses
and...

Mr. Hume: Yes sir.

Chairman Privette: ...business licenses and...

Mr. Hume: Yep, they've got to go through driver training, need to go
through all of the same criteria...

Chairman Privette: And so as we've talked about before, it would be your
decision if I decided I could do engine overhauls without having a building
to do that and I could prove to you I could do that out of the back of my
pickup truck, then it's your decision to say that “Dan is sufficiently qualified
to do engine overhauls out of the back of his pickup truck?”

Mr. Hume: Uh...

Chairman Privette: That's a through-the-fence operation.

Mr. Hume: I'm not saying that you're sufficiently qualified to the work. I'm
saying you've met the minimum standard to operate.

Chairman Privette: I have insurance...

Mr. Hume: You have insurance...
Chairman Privette: ... on my truck. I have parts in my truck...

Mr. Hume: That's correct.

Chairman Privette: I got a dirt pad over here in the corner, you okay with that?

Mr. Hume: If you can meet all of the codes that are available here, then yes, you can do business on the airfield. If there's no way that you're gonna be acting in a safe manner, I mean, there's a reason why these documents are not 500 pages long, because the codes that they refer to are 500 pages long.

Chairman Privette: Sure.

Mr. Hume: So, if you can show me that you've met everything in this document here, all of these minimum standards here, yes – come and do business on the airfield. I mean that's

Chairman Privette: I will.

Mr. Hume: ... that's the whole point of setting these minimum standards.

Chairman Privette: So, I guess we've got to (unintelligible). Do we need to reference 5190 6B on that paragraph?

Mr. Hume: It is referenced on Section 1, Item B on Page 3.

Chairman Privette: 740. You know, the question is, what agency decides whether or not a person needs to provide a current financial statement.

Mr. Hume: Are we on...

Chairman Privette: 7.

Mr. Hume: ...Page 7?

Mr. Mike Kading: 4E.

Chairman Privette: 4E?

Mr. Hume: You know, this is something really that I would love to have some weigh in on. Speaking as the Airport Manager and I suppose by extension a City employee, I do not want to know what your financial is. I don't want to. If you have gone and secured funding and you know, financing to open a business and you have through your due diligence of creating a business plan and all those types of things, I do not want to look
at your financial statements. To me, that is opening a huge can of worms
and providing, frankly, confidential information that I don't want. I don't see
a purpose for, excuse me, a purpose for this except that it was in the old
one under the discussion of doing the application to conduct business.
And I think you and I, Brett, have had a discussion for at least an hour on
this one topic alone, this one clause alone.

Mr. Hahn: Yeah, it's, I think, really more geared towards if you have a
large construction project. Let's say a millionaire comes in, they want to
put, you know, a 20,000 square foot facility and you know it is going to be
a 5 or 10-million-dollar construction project. What safeguards or
guarantees does the City have that they'll complete the project? And what
we discussed is that again, if we defer to the City, is that they require
completion bonds for construction...

Board Member Privette: Right.

Mr. Hahn: ...on things like that so there is a liability safeguard already built
in in the City ordinances. But other than that, Andy felt like, it seemed like
it was an invasion of privacy and certainly wasn't his job to...

Mr. Wilcox: Mr. Chair, do...

Board Member Darden: Do...

Mr. Hahn: ...to review financial documents.

Chairman Privette: Mr. Wilcox first.

Mr. Wilcox: No, I was just...

Chairman Privette: Okay. Hmm.

Board Member: Alright, Mr. Chairman, (unintelligible) why don't you say on
Page 7E, you can say "The City may ask for additional information instead
of current financial statements to evaluate the applicant's ability to provide
responsible, safe and adequate service to the public." Then you eliminate
all this crap about financial ability. What you're able to ask for if, and only
if, it's appropriate to the activity...

Chairman Privette: Yes

Board Member Darden: ...that's being proposed.

Chairman Privette: Such as surety bonds or something like that.
Board Member Darden: Well, you could do that, but I was saying, you would not necessarily ask for CFI’s, financial ability, all you really wanna know is if the CFI, does he or she have the right credentials?

Mr. Hume: Sure... so based on that input, I thank you Mr. Darden, what... what EU could read is “The City may ask for additional information in evaluating the applicant’s ability to provide responsible, safe, and adequate service to the public.” And so, we’d strike out the size of the business. We’d strike out from “a current financial statement” through on the next line “consider financial statements” and we if there is something that is deemed necessary, we can certainly ask for it in order to evaluate whether you can provide that service but we’re not specifically asking for necessarily your financial statements and things that... honestly, I don’t want to see what your bank account says. and I think as we’re looking at government overreach, I would think that is a way that we need to reduce our footprint on that.

Chairman Privette: Mr. Ratje?

Mr. Ratje: That’s it.

Chairman Privette: No? Alright so we’re gonna reword that.

Mr. Hume: Thank you for your input on that, Mr. Chair. That was a really difficult clause for us to review and figure out how to handle that.

Chairman Privette: And certainly, my page has A, B and C highlighted.

Mr. Hume: Yes sir, Mr. Chair. There currently is an application process for a SASO lease, a Facility lease and a Land lease. They're actually all the same document. Staff is currently reviewing that document because it may be asking for information that is not germane to what it is that we need to know on the airport, and actually Staff has also identified some items where it’s not... information is not being asked but it would be really helpful for us in evaluating a SASO agreement, excuse me. So, the first one was highlighted simply for, as a reminder to me to let you all know that we’re still undergoing that review and editing that document. Item B...

Board Member Darden: Excuse me before you...

Mr. Hume: Sure.

Board Member Darden: Mr. Chairman?

Chairman Privette: Yes sir.

Board Member Darden: I’d rather take out, are we talking about Page 8?
Mr. Hume: We’re talking about…

Chairman Privette: Yes.

Mr. Hume: Yes sir, Page 8.

Board Member Darden: Alright, I have one of my comments that I sent previously wasn’t in this. Submitted the Director of Economic Development for approval or rejection. We’ve had different… different entities with different managers responsible for the airport and my first question was “Is this an ordinance?” This is an ordinance as you’ve expressed that it is, and we should not be stating “The Director of Economic Development.” It’s going to be submitted to whoever the designee of the man… of the City Manager, and that could be Economic Development, and it could be Public Works, I don’t know, what the hell. I mean, it could be anything or it could not be anything. As this airport grows it could just… the Airport Manager could have a direct bead to… a direct line of authority with the Deputy Manager. So, who know? But if you’re gonna draft a document don’t draft it to be revised in a year in a year or two… whenever… whatever time, two years, five years, whatever Mr. Ed’s tenure is.

Mr. Hume: Sure. Thank you for bringing that point up, Mr. Darden. Mr. Chair, something… this has actually triggered something else that I remembered in reviewing this. If the… the review of the application is under the Airport manager. If the application is approved by the Airport Manager, then a subsequent lease is drawn up or a SASO agreement or what have you, and that actually is sent to the City Manager for approval. So, what I would submit is this clause actually needs to be broken up because this “submitted to approval” actually really applies to the lease that comes out of it, not the application. The application would be approved by the City Manager. So, I’m gonna make that clarification. The other thing, too is, in looking at Item C, I think it will help us smooth out and make that process go much more quickly because the application being given to me, I can review it in 5 or 10 business days and turn it around a lease for signature in another 5 to 10 business days. Instead of 2 months, we’re looking at 3 to 4 weeks.

Board Member Darden: Well you already have… the City Manager’s already expressed the building permits was a 24-or 48-hour turnaround, whether it’s realistic or not, that he’s expressed that that’s want he wants all the folks… the people to do. If that’s the case, 2 months is even a lot longer than the current Manager wants to have things sitting on people’s desks…

Chairman Privette: Right.

Board Member Darden: …getting dusty.
Mr. Hume: And also Item B fits in there a little bit, too, because Item B relates back to the previous page that we edited on E. when asking for additional information, it allows the Airport Manager or even the City Manager, to ask for additional information, but then some additional time will need to be added in order to evaluate...

Chairman Privette: Right, right.

Mr. Hume: ...that. So, there it gives us some flexibility if new information is provided, but 2 months is way, way too long to get an application and it’s SASO agreement approved. But I think if we split up the approval for the application to the Airport Manager and then the lease which has to go to the City Manager, I think we can speed that process up a great deal.

Chairman Privette: Alright, so we’re gonna work that...

Mr. Hal Kading: (Unintelligible) the City Manager, wouldn’t that just be an automatic internal and not in the ordinance?

Mr. Hume: Um....

Mr. Hal Kading: Everything should just be with the Airport Manager and then... his agreement with the City Manager does not belong in the ordinance.

Mr. Hume: Well, previously, actually City Council had to approve leases, but they did, they designated that responsibility to the City Manager and so I think... Here’s the reason why we have it in here. If you’re coming to create an application and you’re a business owner, having that step listed in here creates a level of expectation for you as the business owner so that you know it goes to the City Manager after the Airport Manager. I think it provides a better explanation. On the flip side, you know, Council could change that, and you know, maybe having a checklist with the application outlining the steps is a good approach. Mr. Kading had a good point about that.

Chairman Privette: Yeah, I think the checklist idea is very good. A checklist, and if all items are completed on a checklist, you should be able to hear back within a reasonable period of time...

Mr. Hume: Yeah.

Chairman Privette: ...whether you request more information or everything’s going smooth.

Mr. Hume: Yeah, I think that’s fair and so based on those comments what we’ll do is we will stick to ordinance being ordinance and then if there’s some things we’ve identified here that maybe we pull out as a checklist,
we’ll go ahead and pull that out of the ordinance and add that to the
application checklist.

Chairman Privette: Alright. So, we’re gonna rework all those.

Mr. Hume: Yeah, I think that based on the comments that were made
here, I think that’s a pretty easy fix.

Chairman Privette: I thank everybody for being here and working through
this. As far as we’ve gotten anyway.

Mr. Hume: Mr. Chair, it wasn’t added as a comment item, but I have it
highlighted in this draft about safety training.

Chairman Privette: Okay.

Mr. Hume: Staff felt it was critical to...

Chairman Privette: Alright.

Mr. Hume: …codify the safety training as per direction by our FAA
inspector last year and so what this does, it provides topics under which
safe… training will be provided. It’s including but not limited to these things
and it’s also not specifically naming any training modules or anything like
that in case those change. But, what it is saying is “Everybody who is
involved with a business on the airfield is going to go through these...
these trainings." So, again that’s part of raising the bar and providing good
training across the board.

Chairman Privette: I agree with that.

Mr. Hal Kading: If you refer to Page 10, 6…

Mr. Hahn: 9


Mr. Hume: Page 9. 6 is up at the top.

Chairman Privette: (Unintelligible)

Mr. Hume: And this will help us go a long way towards addressing the
concerns our inspector had last year.

Board Member Baker: I have a question for the FBO’s on Page 11, Item
D7. Do you offer a complimentary Wi-Fi now?

Ms. Irick: Yes.
Board Member Baker: Okay.

Mr. Hahn: If I may?

Chairman Privette: Yes sir.

Mr. Hahn: It's just a carryover...

Board Member Baker: Yeah.

Mr. Hahn: ...from the previous ordinance.

Board Member Baker: Hmm.

Mr. Hahn: Certainly, I can comment on it.

Mr. Hal Kading: I question would you rather have in 10-6B number (unintelligible).

Chairman Privette: Sir, it should read something to the effect of “all current fuel dispensing and storage, fuel handling…”

Mr. Hume: Okay

Chairman Privette: Something to the effect of “All current…”

Mr. Hume: “All current FAA advisors to…”

Chairman Privette: “All current and City and State and…”

((Unintelligible))

Mr. Hume: One if, thank you for bringing that up, Mr. Hahn. This... this chapter, this section here went into a tremendous amount of detail on fueling operations and safety techniques and procedures, and so on. And those really don't belong in an ordinance. Technology changes, safety procedures change, those types of things. So, the operational aspects of fueling and safety procedures regarding fueling were pulled out of this document and will go into the Fuel Farm Maintenance and Operations Manual that we're also working on editing. So, I just... Mr. Hahn, thank you for that. So, what's left in here is or should be things that are referring to regulations, they're the shells which are not part of procedural things which are part of ordinance. So that also dramatically changed the numbering system for the document which, anyway. I mean a little bit... I'll just point out a good example on Page 12 G2 “Provides or dispense FAA approved aviation fuel in sufficient types and quantities to meet the needs of the airport.” There's nothing specific, it's just saying “Do things the right
way.” And what maybe what we need to do is to create a reference in here if we don’t already have one at the beginning that says, “And look to the Fuel Farm Manual for those ways to do it correctly."

Chairman Privette: Brett?

Board Member Darden: Mr. Chairman, I have a Doctor’s appointment...

Chairman Privette: Okay, thank you for coming thank you for your input. On Page 10, 6B do we need to say, “records and qualifications will be provided monthly, yearly,” however on those records are kept and updated?

Mr. Hume: Um...

Chairman Privette: Say again?

Mr. Hahn: The specifics of that are covered in the other document.

Mr. Hume: I... just building off that, what I would say is, what this does is provide reinforcement to the FAR. The FAR here in this particular case 139.321 says what timeframe you should have. I think, correct me if I’m wrong, I think it said every 2 years. It’s biannual training.

Mr. Mike Kading: Yes.

Ms. Irick: Yeah.

Mr. Hume: And so, this just says “If you’re an FBO you will provide it to us.” So...

Chairman Privette: Well that’s part of my question, is it “will be provided” or “shall be provided?” Is that going to make a difference?

Mr. Hume: No, will or shall is the same thing.

Chairman Privette: Alright.

Mr. Mike Kading: Are you going to remove “as requested” down here?

((Crosstalk))

Mr. Hume: Actually, we can delete “upon request” because even if I don’t request it, it will still be provided because the FAA’s gonna ask for it.

((Crosstalk))
Mr. Wilcox: What does the FAA cert number say as far as that goes? Do you have to keep it on record, or do you have to provide it to the City?

Mr. Hume: Um:

((Crosstalk))

Mr. Frier: You have to have it on record. The 139 inspector will go there and inspect your records.

Mr. Wilcox: Right, so do you really want to create more paperwork for yourself? I mean, if it’s addressed in the prior document.

Mr. Hume: Well, typically what we do is when the inspector comes, we collect it in a binder to have in one spot.

Mr. Wilcox: So, you can just give it...

Mr. Hume: So, we can just give it to him. And we’ve had great cooperation from our FBO’s in providing any of that information, so...

Chairman Privette: So, you are going to strike “upon request?”

Mr. Hume: Yes, let’s strike upon request.”

Chairman Privette: I like that better. 12 7B. I think there was a question as to the size of the aircraft, too, I think.. Mike Kading had made a comment about that in the past - Group 1 aircraft.

Mr. Hume: What item are we looking at, Mr. Chair?

Chairman Privette: Well, we’re on F starting on Page 11F #2 FBO line services. Is that correct, Mike, didn’t you make a comment as to the group size of the aircraft?

Mr. Mike Kading: Yeah. In the previous document, I think it was Category 2 or 3 which was a much larger aircraft size. Category 1 is below the smallest category, so adding up to Category 1 doesn’t make sense.

Chairman Privette: Okay.

Mr. Hume: Okay.

Chairman Privette: Alright “up to Category 1”. Category 1 is the bottom. Okay.
Mr. Hume: Well and that's a good point because these aren't minimum standards. You have to at least provide service for C1, not up to. You can provide above that. So, okay. We will...

((Crosstalk))

Chairman Privette: So, it's actually on Page 11 #2. "Handling of aircraft up to"

Mr. Hume: "Up to could be at least" ...

Mr. Hahn: Up to and including.

Chairman Privette: Now. Yeah, number... Category 1 is the bottom of the pot, so... should "at least aircraft of Category 1 type" or something to that effect.

Mr, Hahn Yeah. Minimum category.

Chairman Privette: "Minimum category." "Minimally Category 1 aircraft." Goodness sakes, fun.

Mr. Hal Kading: I make exception to Page 12 3A.

Chairman Privette: Okay.

Mr. Hal Kading: I don't think that ought to be a FBO's responsibility...

Chairman Privette: On behalf of the City? Yeah.

Ms. Irick: I agree with that.

Chairman Privette: Okay.

Ms. Stager: I have probably a stupid question. You're leasing out a hangar space, correct? And the County or the City gets that revenue?

Chairman Privette: Correct.

Ms. Stager: Okay, Now do you feel a person leasing a space for X amount of dollars a month. All due respect if that person is operating not aviation or (unintelligible) activities, but activities that may be closed doors, and he's earning beaucoup dollars of revenue in his little space, that nobody is aware of, whereas if he took that revenue for that same business and went out into off-grounds besides other than the airport (unintelligible). He's making generally much more revenue for himself as opposed to just leasing and paying the revenue to the airport. Doesn't the airport want to know what's going on in his hangar that might be bringing him millions of
dollars every year and the County or the City is not getting anything of that
because they’re not aware of that business?

Mr. Hume: Mr. Chair, I can formulate an answer to that question, if I may.
All due respect, Ellie, it’s a little off topic of the question item that we’re on.

Ms. Stager: But I just wanted to present that…

Mr. Hume: Sure.

Ms. Stager: …because in my mind…

Mr. Hume: Sure.

Ms. Stager: …it seems like it’s not fair to the City to not know and then it’s
not fair to the person renting that private space to give up that information.

Mr. Hume: So, I’ll answer this in two quick items. Number 1 is we are
going to be resuming regular hangar inspections…

Ms. Stager: Mm-hm.

Mr. Hume: …so that will address your first point as opposed to whether it’s
an aeronautical versus non-aeronautical use, those types of things. To the
second point I will say this. If you are running a business illegally and
you’re not paying your taxes…

Chairman Privette: Hmm.

Mr. Hume: …you’re not registered with the state, that’s between you and
the State. As the Airport Manager, I’m not getting involved with that. If you
don’t have a valid business license for the City, then I can have Codes
come out and cite you for that. But as far as paying your taxes and all
those types of things, that’s sort on par with the financial statement thing
that we talked about earlier. I’m not interested in what you’re making. I’m
interested… I certainly want legal activities going on, but I think that’s
addressed with the State Taxation and Revenue Department if they’re,
you know, not properly licensed and so on. So, I think those that’s a fair
question but…

Ms. Stager: It’s a sticky area.

Mr. Hume: It is.

Ms. Stager: But I was just wondering. He has a 1,000-foot space that out
in the real world out there would cost him a whole lot more. The airport
provides it for very little and it just isn’t fair or is that just how it goes?
Mr. Hume: I think each of those situations have to be handled on a case by case basis. I don’t know that one blanket thing will cover all that. But it’s a fair point.

Ms. Stager: And again, I apologize if I am out of order.

Mr. Hume: It’s a fair point. I think it gives us something to chew on for the Rules and Regulations for sure.

Chairman Privette: I think we certainly recognize the potential for somebody to be doing bootleg business in a hangar and doubly because we’re in a gated community. So, certainly we’re trying to promote quality business with everybody doing business licenses and insurance and all that.

Mr. Wilcox: Aviation related too.

Chairman Privette: And aviation related. Yes, we want everybody inside of the fence.

((Crosstalk))

Ms. Stager: Yes.

Chairman Privette: Inside of the fence for sure, yes.

Mr. Hume: So, Mr. Chair, I’d like to go back to Page 13 3A. I want to explain a little bit of the reason behind this as proposed language. The City Council has approved certain rates and fees for aircraft that come in, you know, tie down fees and

Chairman Privette: You meant Page 12 3A, right.

Mr. Hume: Page 12 3A, yes sir.

Chairman Privette: Alright.

Mr. Hume: And we are not able to... we don’t the mechanism by which to collect those fees, bottom line. Staff is not out there recording when every single plane comes through, we’re just not able to. Whereas the FBO’s have interaction with every single pilot that comes through and operates with them and does business with them. So, what the City is proposing, and this is a proposal, is that the FBO’s collect those fees on our behalf. Fuel flowage fees are already collected on the City’s behalf, as an example. If there is a better way of doing it so that. You know. Fuel flowage is part of the FBO’s direct activity, if there’s a better way to collect items like landing fees and tie down fees and so on and so forth, Staff is all ears. We would love to hear how we can do that. But our proposal is,
since the FBO’s have that direct connection to the pilots coming and
going, the aircraft coming and going, that we work in this regard. So, that’s
why it was proposed. So, you raise a fair point, we’re not trying to make
any undue pressures or anything on our FBO’s, but that’s the reason for
this.

Ms. Irick: So, I think we discussed this here a few weeks ago whenever
we met, and I explained to you that we don’t always collect landing fees...

Mr. Hume: Mm-hm.

Ms. Irick: …so it would be like literally impossible for us to track and collect
landing fees when we’re not charging them, because landing fees are
waived under certain circumstances. So, I mean, it would create an
accounting nightmare for the FBO’s to collect landing fees from every
plane that hit the ground. At best, we could do it for the ones we are
charging landing fees on and at that point we would mark it up a certain
amount or percentage or whatever.

Mr. Hume: And you’re correct, we did have a conversation along those
lines. And to be fair, really the only landing fees the City collects according
to the resolution that the City Council passed are for commercial
operations anyway. They’re not for pilots coming and going or our own
pilots that are based here, private pilots or anything like that. Here’s the
problem. The airport needs the revenue. The City Council has said “These
are the fees. Collect them.” My question is “How do we do it?” This was
only a proposal as to how it might be done. If there’s a better way to do it,
like I said, I’m all ears, ‘cause you’re right, we had that conversation and
your point was well made. But I also need money to fix runways and do
improvements and all those types of things. I’m not going to say there are
significant numbers of revenue, but there certainly is revenue being lost on
a weekly, monthly, yearly basis because we’re not collecting those fees
that City Council says we should.

Chairman Privette: Mr. Hume?

Mr. Hume: Yeah.

Chairman Privette: Is there a fee schedule for one, and when did City
Council address that?

Mr. Hume: There is a fee schedule and it was adopted in 2004.

Mr. Wilcox: Well how do other airports do it?

Mr. Hume: That’s a good question. I have...

Ms. Irick: They don’t.
Mr. Wilcox: They don’t? No, I know that some do...

((Crosstalk))

Ms. Irick: Well, on the commercial side. On the FBO side there are not landing fees for general aviation, not that are reported back to the City.

Mr. Frier: That law was only recently passed to allow landing fees other than commercial service. So, Santa Fe would be your only – that’s not even a good example ‘cause they can’t charge, unless it’s the charters, so what is it, Part 125? The FBO’s collect those and pass them on to the City.

Ms. Irick: Right. Now, charters would be relatively easy. Unfortunately, we get so few of those that I understand that you need funds to repair things, but we don’t really get enough of them to do a whole lot of good. I mean, we could definitely do... we talked about that a couple weeks ago as well, but and last year what did we have? Maybe 10 charters?

Mr. Hal Kading: Well, we’ve had a lot more than 10 charters, but you don’t know that they’re charters.

Mr. Frier: Right. It’s hard to get the truth out of the pilot.

Ms. Irick: Right. Some of them are obvious, so the obvious charters we had...

((Crosstalk))

Ms. Irick: Right. (Unintelligible), Allegiant.

Chairman Privette: So, we’re doing it on a commercial basis and not on a weight basis, or category basis at all?

Mr. Hume: That’s correct.

Chairman Privette: Where is that fee chart? Can we make that available?

Mr. Hume: I will send it around to everybody. Yeah, I’ll send it around.

Ms. Irick: I mean, I’m not opposed to kicking in some more, I mean if we need to do it, we need to do it. I’m just saying from an accounting standpoint; it would be a nightmare.

Mr. Hume: And I’ll throw this out there too, this comment I’m about to make is much bigger than what we’re talking about here and for the purpose of moving this forward, I’m willing to pull 3A for discussion at another time. But maybe we need to rethink our entire fee structure if it’s
creating difficulty. Maybe there are other fee structures that we should
look at other than landing fees. A big reason why landing fees are charged
particularly for commercial charters is them hitting the pavement when
they’re coming in for a landing, I mean, it does damage to the pavement
and we need to collect funds to go back and repair that or replace it. For
now, I’m comfortable with pulling that so we can move this forward. We
can always revisit it later and add it back later if we come to some sort of
agreement but it’s a concern that as I’ve been here for almost a year and
a half now, and working through questions about our fee structure and
those types of things, I know we’re getting some commercial service
coming through here, not passenger service, but charter and stuff like that.
I don’t see the revenue on our revenue side of the ledger sheet reflecting
those things. So, it’s something that we can work more closely with our
FBO’s to gain that information and then we charge it to them later from the
City? Maybe that’s the case but I’m willing to pull it for the sake of moving
this forward.

Chairman Privette: Okay.

Board Member Soules: If I might, there was legislation this year and I
believe it passed, things get kind of muddied at the end. But it allowed
airports to charge landing fees but basically it was on size and weight, and
when I asked questions it was essentially nothing smaller than an 8 to 10
passenger twin falls under that, so that it really would pick up more of the
bigger airplanes, the charters...

Mr. Frier: It’s 12,500 pounds is the limit.

Board Member Soules: Okay. Yeah, so it really wouldn’t be that, you
know, that when I come in in my little 150 that somebody’s gonna run out,
put their hand out for a fee. You know, it really is going to be the bigger
ones that are going to do more damage but probably also are capable of
handling a landing fee as well.

Mr. Frier: And what I was trying to say before, and I hope I don’t have my
numbers mixed up, but you get on a large jet in with a lot of people and
you think it’s above 125, you can charge that landing fee, but it’ll say it’s a
Part 91 “It’s just me and my family, right?” And you can’t tell always.

Ms. Irick: Right.

Mr. Hume: Okay, so if that’s alright Mr. Chair...

Chairman Privette: Okay.

Mr. Hume: ... I’ll just go ahead and pull that.

Chairman Privette: Fees should definitely be a discussion item of its own.

Chairman Privette: Okay. We’re up to 14 A3.

Mr. Hume: So, are we on to Page 14?

Chairman Privette: 18.

Mr. Hume: So, the item here for Page 14…

Chairman Privette: Yeah. Is to add a H.

Mr. Hume: Is to add a H. So, the question is or the proposal to recommend that verbiage say, “T-hangars will not be appropriate for conducting an aircraft maintenance business?” And my question to that is “Why not?” We go back to if you can meet the code, if you can meet the building code, the fire code, the fire suppression code, etc., why would we prohibit somebody who can find a space in the T-hangar to conduct an aviation related business, why would we restrict that?

Board Member Baker: Yeah, the transponder check guy just comes to wherever the airplane is. To the T-hangar. He can do it in there.

Mr. Hume: And what about the avionics guy that wants to set up his shop in a T-hangar?

Chairman Privette: That’s what he was just referencing.

Mr. Hume: Oh, okay.

Mr. Wilcox: We’re talking permanent versus temporary.

Mr. Hume: But in either case, why would we prevent that from happening? And I’m not asking that like in a sarcastic way, as long as you’re following the codes, is there any valid reason to prohibit that from happening?

Chairman Privette: Well, you have digressed from the people in the past that you have said that they have to have minimum space to do that much business, and…

Mr. Hume: Oh, okay.

Chairman Privette: …so there is those businesses on the field already that have leased that much space to do that much business and now you’re going to allow somebody to come in with no space at all. So, that’s one consideration.
Mr. Hume: Well, so here’s... rather than looking at this as somebody’s had to follow the old code and now somebody else gets the benefit of the new code, keep in mind that the person who came in under the old code can now make the changes, too. I’m gonna pick on Oscar since he’s a great guy. Oscar came in under the old code, had to abide by square footages and has his shop here. Oscar says “You know what, I love tinkering, I love tinkering, I love doing little bits, I don’t want a full-on shop anymore. I want to downsize.” He now can downsize. And I present that as “Oh, the new guys are getting all the benefits.” The people who are currently here can have benefits, too. What I’m saying here is if there’s a T-hangar that is more suitable for the size of the business that the particular individual wants to engage in, why shouldn’t they be allowed to do that as long as they meet the codes? Now...

Chairman Privette: As long as fire and Codes said that that T-hangar was sufficient for doing ...

Mr. Hume: That’s correct.

Chairman Privette: ... that type of business for storing what he needs to store and all that.

Mr. Hume: Proper electricity, if they need to have a bathroom, access to a bathroom, all those types of things. Now do we have any T-hangars here that would currently meet that?

Chairman Privette: Yes.

Mr. Hume: That’s debatable, okay? It’s debatable. But there could be tomorrow, so I respect the proposal recommendation, but in looking at it and looking again with the foundation that we were talking about before, why would that need to be a restriction?

Chairman Privette: I guess in some respects, the whatever you would call the “fly by night. As long as the fly by night had all of their insurances and business licenses, they’re good to go then. Right? Is that what we’re saying?

Mr. Hume: If they meet all of the codes and regulations and laws, and abide by them, yes, they can conduct business.

Chairman Privette: So basically, throughout this thing we are eliminating minimum space for anything as long as we meet proper codes.

Mr. Hume: Well, the proper codes are the minimum standards.

Chairman Privette: Minimum space. Minimum space.
Mr. Hume: Oh, minimum space, yes. That’s correct.

Chairman Privette: We’re eliminating minimum space.

Mr. Hume: That is correct, yes.

Chairman Privette: Pretty much across the board.

Mr. Hume: Yeah.

Mr. Hahn: Andy, can I…

Mr. Hume: Sure.

Mr. Hahn: … chime in? The FAA didn’t establish any of that along sizes of anything. Those were determined by municipalities. A good case for being airport friendly would be, for instance, let’s say you just got you’re A & PP license and you’re a young guy/gal and you’re 27 years old but you’ve got a truck and a toolbox and you’ve got a FAA A &P license and you are going to start your own business. You come to an airport and you find that there’s no hangars available, there’s no big box hangers, there’s nothing available. All you can get to start your business is a T hangar and you can get a 172 or a 210 in a T hangar one at a time and so, are we discriminating against that young person or are we becoming business friendly by allowing him to get into something that he could not afford otherwise. Building a 60 by 60 hangar is a what, 200- 250,000- dollar deal? A 27- year old person might not be able to do that. There might be a shortage of hangars. There’s no place to rent a big box or a big commercial hangar, you know, something like Oscar has. So where does this guy go? What does this lady do? Does she just abandon her dreams of being an A & P or an avionics technician? Or do we figure out a solution for a young person to have a start-up at the Las Cruces Airport?

Mr. Wilcox: Or you’re gonna run up against the City.

Mr. Hahn: Well this is the City asking how they could be more business friendly.

Mr. Wilcox: You’re actually having a business in the City, they’re gonna demand ADA parking, I mean, there’s all kinds of standards they require.

Mr. Hahn: No, they is.

Mr. Wilcox: And I agree with… I’m just playing devil’s advocate. Right. ‘Cause the City up here is going to be bumping up against the City over there.
Mr. Hahn: ‘Understood. And those are all bridges that the City is going to have to cross. If the City and Andy is trying to figure out what’s the best way to attract business, what’s the best way to attract enterprise to the airport and providing, you know, incubator start-up businesses out here. You know, ‘cause small business can get big and wouldn’t that benefit the City?

Chairman Privette: Well, do you need to have that verbiage at all? T-hangars will be considered ‘cause we talked about that previously. The City Manager can decide whether or not you’re capable of doing business here, so do we need to have verbiage that says you can do it in a T-hangar if you feel like it?

Mr. Hahn: Well, there’s no verbiage in the proposed...

Chairman Privette: It says “Recommended T- hangars will not be…”

Mr. Hahn: No, this is adding new language. This language does not exist currently, and this comment was to add this language.

Chairman Privette: That’s what I just said. Do we need to add that at all?

Mr. Hume: Staff doesn’t think so.

Mr. Hal Kading: It’s not fair to the existing business when you do that. Because his expenses are much higher, and you can’t compete.

Mr. Hume: But keep in mind, this allows an existing business to downsize. So...

Mr. Hal Kading: Well, if he’s already got the investment, how’s he gonna downsize?

Mr. Hahn: He leases a new hangar.

Mr. Frier: Yeah.

Board Member Soules: What’s does he do with his old hangar...

((Crosstalk))

Chairman Privette: Hmm.

Mr. Hume: Sell it.

Mr. Hal Kading: Sell it to who? If nobody wants to buy it because they can’t compete with the guy. That’s why you have Minimum Standards is to make it an equal basis for everybody.
Mr. Hume: Actually, Mr. Chair, I’m gonna disagree with that comment. The purpose of Minimum Standards is to set a level playing field for everyone to... it’s not equal. Equal is not in here. It’s to set Minimum Standards. And again, I go back to... can I share a little philosophical thing? We have got to stop thinking of this as a zero-sum game. It is not a zero-sum game. Because when if we get somebody new starting a new business, don’t we all benefit? That brings potentially new activity to the airport so there’s benefits all the way around. And again, I will stress that if you are in a situation, I’ll pick on Oscar again. He subleases, he doesn’t own a hangar, if he wants to downsize and finds a hangar that meets code, that’s smaller, this now allows him to do that. He’s actually prohibited from downsizing under the current code. So, we’re adding additional flexibility for existing businesses to ebb and flow with their needs and what they want to do. If we continue to think about things in terms of “You’re putting a disadvantage on me” then number one, we forget the entire aspect of capitalization – free market. And we also lose sight of what we’re trying to accomplish with this code. Everybody now has flexibility now under this code. It’s not me versus them. So, that’s a little bit of a philosophical way to look at this, but I think it’s a critical way to look at this because we have been a very insular community for a long time now and if we want to grow, we have to change the way we are doing business in order to encourage that growth.

Ms. Irick: So, I have a question. When the City leases hangar space in T-hangars or any other hangars, what rate are you leasing it at?

Mr. Hume: I don’t know off the top of my head. I’d have to...

Ms. Irick: Okay, so my question is, are you leasing it at the same square foot for an aircraft, as you are for a business?

Mr. Hume: Are we talking about land or buildings?

Ms. Irick: We’re talking about hangars, T-hangars

((Crosstalk))

Ms. Irick: So, my point here is that regardless if somebody is leasing space in a hangar and they’re paying, say 35 cents per square foot,

Mr. Hume: Mm-hm.

Ms. Irick: ...and they go lease space in a T-hangar and they’re 35 cents a square foot, they’re essentially equal okay, but if that space was taken up by an aircraft then the aircraft would buy fuel and we would pay you flowage fees and more money would come back to the City.
Mr. Hume: Mm-hm. So, this I think goes back to 3A that we were talking about earlier. I think a serious look needs to be given to our fee structure. What we can do... so right now, other airports for instance, charge a 2 percent fee for all gross receipts that businesses do. I don't want to do that. We haven't done it...

Mr. Hal Kading: You already do.

Mr. Hume: Huh?

Mr. Hal Kading: You already do.

Ms. Irick: The gross receipts...

Mr. Hume: That was before me. We're not doing that, okay? But if we need to charge a different rate for somebody using a T-hangar for somebody storing an aircraft versus running a business, then let's examine that. If 35 cents per square foot for storing an aircraft is appropriate, but 3 dollars per square foot is more appropriate for somebody who has a commercial business then I think we need to explore those as fee options. That is a very fair point.

Ms. Irick: And the reason I bring this up, in one of the airports I've worked with in the past, it was sort of a similar thing. You had a guy who was washing aircraft, another one who was a mechanic, another one was doing avionics and they took up all the hangars because the rent was cheap at whatever...

Mr. Hume: Sure.

Ms. Irick: ...20 cents a square foot, or whatever it was.

Mr. Hume: Sure.

Ms. Irick: Then the aircraft had no hangar space and they wanted to go into a different airport because they could get hangar space and they're buying fuel and paying it to the Airport Commissioner.

Mr. Hume: Right.

Ms. Irick: So, I mean, we kind of... it's like the circle of life. We all feed each other here.

Mr. Hume: Sure.

Ms. Irick: So, I mean, I personally think that it's fair that if you're running a business that you're not paying the same rate as this guy who's storing a 172.
Ms. Irick: I mean, I personally think that's fair and...

Mr. Hume: That's fair.

Ms. Irick: ...not that I make the rules but...

Mr. Hume: That's actually what we're doing right here.

((Crosstalk))

Ms. Irick: If a guy's gonna buy fuel which is gonna support my business and I'm gonna pay you...

Mr. Hume: Mm-hm.

Ms. Irick: ...flowage fees which is gonna support the City. So...

Mr. Wilcox: And the other guy's gonna be paying gross receipts tax on work, avionics, so it's kind of a...

Ms. Irick: Well, yeah, you make a good point. I mean, it's just an idea, I mean I...

Mr. Frier ...business tax on...

Mr. Wilcox: Plus, all the hangars are privately owned out here, so it means the City can't really dictate what rates people charge...

Ms. Irick: Yeah.

Board Member Baker: The thing is if you put things in code then they become set in stone for a long time, right? And they become really difficult to change. Whereas if we have some kind of flexibility here that allows the Aircraft Manager and the Board with public input to make some changes here and there and actually manage things here, you could get a situation here if that comes up, some guy rents a T-hangar, we think he's gonna rent it for an airplane, it turns out he's running some kind of business in there making a lot of money. If you have the flexibility to make decisions about that and say we'd like to look at charging a different rate for a business, I'm worried that if we put too much stuff like that in here, you lose the flexibility.

Mr. Hume: That is exactly correct and that is why number one when Council approves fees they're done by resolution, not by ordinance. Because a resolution is much easier, everything can flow with the times
much more easily, and this is a very important topic and Mr. Chair, you
mentioned it sounds like we need a work session just to talk about fees.
But I think you have a very valid point – housing an aircraft is very different
than having a commercial enterprise in the same space and where I don’t
want to collect... you know, skim off the top of any profits that you make,
that’s not what I want to do. And City Council doesn’t have that, either, but
a higher lease rate because you’re a commercial enterprise versus storing
an aircraft makes much sense. What does that look like? And I think that
discussion needs to happen, but you’re correct, Mr. Baker, not here in the
ordinance.

Mr. Wood: I think what you’re talking about it zoning, though, and so
you’re going to start zoning the airport? In other words, in the city you
have zones, in other words you have commercial zones, you have
residential zones. So, if I’m a residential pilot here, and I want to start a
business, I can’t do it here ‘cause this isn’t a residential zone. That’s
basically what you’re saying. I don’t think you can do it on private property
if a person releases... like we don’t have any City owned hangars out here
that people are renting. They’re all private...

Mr. Hume: Sure.

Mr. Wood: ...and so you’re gonna dictate what a person does in their
property?

Chairman Privette: Actually, there are two City owned hangars and that
are rented and there’s two sunshades that are rented.

Mr. Wood: Well, to my understanding, it’s not an issue that we’re really
dealing with...

Chairman Privette: Well...

Mr. Hahn: If I may make a comment?

Chairman Privette: Sure.

Mr. Hahn: So, in our case with the exception of the two hangars that
you’re speaking of, the lease rates of all the other hangars are based on
what the market will bear...

Chairman Privette: Mm-hm.

Mr. Hahn: ...what the owners of the hangars can charge for them and that
fluctuates with the supply and demand. So, the City doesn’t have any
input into that. You know, they’re private hangars any more than if you
have a hoe that you leased, a rental property, you would charge whatever
the market would bear on that. You know, I understand what you’re saying
about fuel flowage fees, but couldn't that apply to box hangars, too, or corporate hangars? Because if the hangar that Oscar has, being a big box hangar, if it could store 3 or 4 airplanes for storage only, that would give you a lot more fuel flowage fees than using it as a maintenance facility where the airplanes are transient and they come and go.

Ms. Irick: Right.

Mr. Hahn: So I think that, you know, the scale slides in both directions and, you know, there's flowage fees as an income stream, there's gross receipt from sales as an income stream, and you know, the City obviously benefits from both of those income streams.

Mr. Hume: And I want to address Mr. Wood's comment. A very, very good question. The short answer is no, we are not interested in zoning. I would submit that if we added H, it would create zoning because we're saying T-hangars only can be used for private aircraft. By not including this, we're saying "You can run a business anywhere you want or you can store an aircraft anywhere you want, as long as you have complied with the codes and pay your lease and follow where we are headed. So, I think by leaving this one out, we actually address that issue and don't zone the airport.

Chairman Privette: I agree, I think we should leave it out. I think you comment, too, though, I could be conducting my business in a T-hangar, but have I complied with codes sufficiently? Do my neighbors have proper burn through protection for me conducting a business? And you know, that's where codes and those type of people... Am I blocking the taxi way with all these airplanes that I'm working on? You know, that becomes a problem and those are enforceable areas where you need to come to that person and you say "Hey, you need to step up and do something different. You don't sufficient fire protection, you don't sufficient electricity, you don't sufficient ventilation for what you're doing. You're blocking the taxi way for other people that are storing their airplane" and so, you know, I think that is kind of gonna prohibit the T-hangar business anyway. You know, some of these T-hangars don't... the dividing walls don't go all the way to the roof and so, you know, right away if I was a Codes person, I would think that that wasn't sufficient to running a business if you're creating fumes and things like that doing your business and the roof doesn't go all the way to the top. But you're right, it's a continually evolving circle where, you know, we all need airplanes to continue our business, but we need all these different supports to keep the airplanes running and moving to keep them flying and keep them buying gas right?

Ms. Irick: Right.

Chairman Privette: So, we all need each other. So, have we decided we're not going to add...? I'm for not adding it, alright?
Ms. Irick: Don’t add it.

Chairman Privette: Don’t add it.

Mr. Wood: Can I just say something?

Chairman Privette: Yes sir.

Mr. Wood: Since the one thing that Andy says is about discrimination against businesses, what he’s really referring to with the restaurant businesses in Las Cruces, if somebody wants to start a burrito truck, there’s no way, you know, the restaurateurs are gonna say “Hey, that’s not fair, he used to run it out of his truck but he abides by all the codes...”

Mr. Hume: Sure.

Mr. Wood: ...all the licensing and everything else and that’s the situation that we have right here.

Mr. Hume: Correct. That’s correct.

Chairman Privette: Yeah, and you can... Go ahead, Mr. Hahn.

Mr. Hahn: I’d like to segue just for a second here because along with what we’re talking about, parking is an issue and Andy has a very interesting philosophy on parking. Would you mind sharing that with us, Andy?

Mr. Hume: Sure, my philosophy is that there should be no numerical parking minimums, period. The market should dictate how much parking you need. We went through this downtown when we wrote the code for the Downtown Development Code. We removed all numeric parking requirements from the Downtown Development Code. Here’s the reason behind it. Number one, if you want to build a restaurant or an apartment complex in a particular area, are you not foolish if you do not provide parking? Where are your patrons gonna come? Where are your residents going to park? It’s driven by the use, not government telling you how many parking spaces you need. The only requirement should be of parking spaces for people with disabilities, and that’s set at the federal level, not the local level. The other part of it, too is, if you walked in with a proposal to get financing for your project, you will get laughed out the door because the person lending on that project wants to recoup their costs, and make their profit, but you’re providing usage with no parking to support your use. So really the market ought to drive parking, not the government telling you how many spaces. The other thing, there’s a whole 350-page book that goes into all this. What has been found is that all parking... if you look at all parking requirements, which I did this exercise at one time, they’re all the same. Everybody has regurgitated everybody else’s. It’s an inbred system. There actually is no factual data that supports any number of
parking spaces for any use. Period. So, if you let the market drive what
parking you need, then that’s the best way to go. The other thing, too, is I
have a parking lot out front that is never used. If we need to provide other
parking pockets, I know I’ve talked with some west ender folks that public
parking down there would be beneficial, because there is no parking by
the T-hangars, if there is other parking that we can keep together, ‘cause
again we’re talking about safety, we don’t want cars driving all over the
place, then let’s talk about how we provide that and allow the businesses
to take advantage of that as well, that is a preferable way than saying
“Dan, you need to provide me with 15 parking spaces for your A&P
business.” “Really? Where did I come up with that number?” So, that’s my
philosophy behind parking and that is what we have applied here to this
code is that there are no numerical parking requirements. You still have to
build an adequate space, you know, 20 by 10. It needs to be grouped
together properly and it be provided according to the needs of your
business. So, that’s my philosophy.

Chairman Privette: So how do you address that, what I previously said,
I’ve got my business and I’m blocking all the T-hangars with aircraft...

Mr. Hume: Well this is...

Chairman Privette: So how ...I don’t know if there’s anybody here from
The Shed, but...

Mr. Hume: Sorry, this is vehicular parking.

Chairman Privette: …but there’s many people on Brown Road who aren’t
excited about The Shed at all.

Mr. Hume: Sure.

Chairman Privette: You know, so how do you address that?

Mr. Hahn: The tow trucks roll.

Ms. Irick: Hmm.

Mr. Hume: That could be an issue, or an option. Let me address because
that is a very distinct issue. These streets are public property. They are
available to park alongside of. Just because I have a car parked in front of
my house going to The Shed, that’s too bad. That’s public property. So,
they can get upset all they want, but if they don’t want somebody parking
there, then they can put their car there, quite frankly. And I don’t mean to
be so blunt, but that’s the truth. Regarding the airport, if you have aircraft
blocking the taxi lanes, that’s already a rule and regulation that’s being
violated and we can redress that. As far as vehicular parking, I’ve talked
with actually several people in this room about what would be key
strategic places for additional vehicular parking, for EAA for instance, for the pancake breakfast. Instead of (unintelligible) strewing out all over the place. What opportunities do we have? Let’s concentrate them. Let’s focus them in an area. Let’s create a level of expectation that I better not see a car anywhere else, because this is where you park. And once we create those levels of expectation, safety will improve, security will improve. So, with those ideas in mind, that’s how we crafted this one dealing with vehicular parking.

Chairman Privette: Okay.

Mr. Hume: And I recommend if you have any questions, read the book "The High Cost of Free Parking."

Chairman Privette: Right.

((Unintelligible))

Mr. Hume: It’s a good book written by a University of UCLA Professor.

Chairman Privette: Well, we’ve already talked about business licenses and...

Mr. Hume: Yeah, we’ll make sure this is addressed more clearly.’

Chairman Privette: Alright. And do you include hangar inspections? I’m not sure where that fits into the big scheme of things.

Mr. Hume: Yeah, Mr. Chair, this really doesn’t belong in Minimum Standards. Stating that we’re going to have inspections goes in the Rules and Regulations. How we do those inspections, will come in a future hangar policy

Chairman Privette: Hangar use policy, yes. Alright, I think we made a lot of progress. Does anybody have any good comments, bad comments? Yes sir.

4. Public Input:

Mr. Frier: I don’t know what the right place or right document to put this is, and Andy probably already has an answer for me, but the one thing that I see that is a real regret for a lot of airports is, when you enter a lease agreement for, say 40 acres, and I know of one in Santa Fe, that you have a condition that they have one year to start the development, their construction, or else that lease reverts back to the airport ‘cause you have people waiting and waiting. And the one that I know about is sitting there for 10 years and it’s basically the competition owns it.

((Crosstalk))
Mr. Hume: Mr. Chair, that’s a very good comment. We don’t have that in our ordinance, but we do have it in our lease agreements. There’s time frames that you have to begin construction, so that’s a good point.

Chairman Privette: Mr. Kading?

Mr. Hal Kading: I commented earlier on ownership of property transferred to the City upon the end of the lease…

Chairman Privette: Oh yes.

Mr. Hal Kading: …because they have.

Chairman Privette: We should be able to convey our lease to whoever we’d like to. At the end of 40 years it should not automatically revert back. It should only revert to the City if there’s no other avenue.

Mr. Hume: Okay. That would be something that we would need to review in the lease agreements.

Chairman Privette: Yes.

Mr. Hume: As you can see, Mr. Chair, we have a lot of administration reviews that we have to do.

Chairman Privette: Oh, I know, I’m well aware of that, but it states something to the fact that at the end of the 40-year term, that it automatically reverts back to the City and you should be able to transfer that. If you’re in good standing with the City in lease payments and your building is upright and all of that, you should be able to convey that to whoever you’d like to.

Mr. Hal Kading: Or release it.

Chairman Privette: Yeah, that’s what I mean, yeah.

Mr. Hume: Yeah, again, that will be talked about predictability yet flexibility, I mean, as long as everybody knows what the rules are, let’s have opportunity to have flexibility within the rules.

Mr. Hal Kading: Page 5 number 15.

Chairman Privette: Yeah, I have it circled, I went right by it.

Mr. Hume: Actually, you know what? Let’s take that out…

Chairman Privette: Okay.
Mr. Hume: ‘cause it really doesn’t.

Chairman Privette: Eliminate it? Okay.

Mr. Hume: Yep, this belongs in the lease agreement.

Chairman Privette: Alright. I like that.

Mr. Hume: And then also, in the lease agreement we can build up the additional options that we discussed here.

Chairman Privette: Yeah, and that actually as I read it that “All construction improvements shall revert to the City” and so we’re gonna strike that completely then.

Mr. Hume: Yeah, we’ll strike it and we’ll address it more clearly in a different venue.

Chairman Privette: Alright. Anybody else? Thank you all for coming and working through...

Mr. Hume: Yeah, Mr. Chair, I want to echo that. Thank you all very much. These written comments show a deep passion and interest in improving what we’re trying to do here at the airport. If you know, later on this evening or next week or something like that, you say, hey, there’s another thing that I forgot. Please share it. We have one more draft that we’re gonna bring back and have discussion on and hopefully have an action for recommendation on by this board, so if you don’t have it in by that point in time, as Mr. Darden said “Changing an ordinance is awfully difficult.” So, let’s have those comments now, let’s address them now, and thank you very much for all y’alls review of work on this.

5. Future Presentation/Discussion Items - None

6. Next Meeting Date - None

7. Adjournment: Chairman Privette moved to adjourn the meeting. Meeting adjourned at approximately 3:29 p.m.

Dan Privette, Chairman

Approved: 5/23/19