

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., VIRTUAL MEETING
April 27, 2021**

**RICHARD BOSS, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
DUSTY WRIGHT, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM
JASON BALDWIN, COMMISSIONER
BRIAN CESAR, CITY MANAGER
PETRIA BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. Commissioner Baldwin was absent. City Clerk Hughs announced there was a quorum present. The Invocation was given by Commissioner Payne, and the Pledge of Allegiance was led by Mayor Pro-Tem Sikes.

APPROVAL OF AGENDA

Commissioner Payne moved to approve the agenda.
Commissioner Wright seconded the motion.
Motion carried with a vote of 6-0-0.

CITY MANAGER'S REPORT

City Manager Cesar made the following comments:

1. City Manager Cesar said the Commission received an email last week stating that their budget books were in their mailboxes, and Budget Hearings started next Tuesday evening at 6:30 p.m.
2. City Manager Cesar said today he had gone up to Bonito Lake to check on conditions from the forest fire (Three Rivers Fire). As of 4:00 p.m. today, the fire remained at 6,100 acres with no burn structures or injuries. The Forest Service said that last night the fire had crested into the South Fork of Bonito Watershed, but it slowed down when it hit the Little Bear fire scar. Burn scar aided, as well as overnight and morning snow and rain which had proved beneficial in helping to fight the fire. As of 1:45 pm it was reported that snow was still falling with accumulation in the higher elevations and light drizzle in the lower elevations. The majority of the evacuations had been lifted. There was no immediate threat to the campground or to the lake itself. The areas within the Bonito Watershed that had burned during the Three Rivers Fire were at the very high elevations and located at the furthest distance from our watershed. If conditions remained the same as they were right now, there should be very minimal impact as we hit the monsoon season. Of course, this was all subject to change when the moisture went away, and the winds came back. This fire had started at just 30 acres, and within four hours it was at 4,000 acres.
3. City Manager Cesar said tonight was Fire Chief LeClair's last Commission Meeting, and his last day at the City was this Friday. Starting next Monday, Fire Chief Adler would be on his own and that was also the week of Budget Hearings. He wanted to thank Chief LeClair for his time and service to the City.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Payne made the following comments:

Commissioner Payne said she was going to miss Chief LeClair and thanked him for his service.

Commissioner Payne commented that she was a little disappointed because staff had spent hours and hours setting up so that the Commission could meet in person and yet most of them were not here. She recognized that both Mayor Pro-Tem Sikes and Commissioner McDonald had previously stated that they would not attend in person, and she appreciated that. However, for the rest of them that were pretty vocal about meeting in person, we (she and Mayor Boss) were here at the Civic Center, and staff had spent tax dollars and a lot of time to try to figure it out and it was really disappointing that the others were not here to also meet in person. All this work had been done and it seemed kind of pointless.

Mayor Boss made the following comments:

Mayor Boss said he wished to thank Chief LeClair for his service to the City and wished him a happy retirement. He also wanted to welcome Chief Adler and thought it was super that we were getting someone from Holloman Air Force Base.

CONSENT AGENDA (Roll Call Vote Required for an Ordinance or Resolution)

All matters listed under the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. Approve the minutes for the April 13, 2021 Regular meeting. *(Rachel Hughs, City Clerk)*
2. Approve the statements related to the Executive Closed Session held on April 13, 2021. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, a new land lease at the airport for Preflight LLC of area E-12B3 to construct a hangar. *(Jim Talbert, Airport Manager)*
4. Approve grant funding from Thrive of Southern New Mexico for the Alamo Senior Center for the Home-delivered Meals program for FY22. *(Magdalena Morales, ASC Manager)*
5. Consider, and act upon, acceptance of grant agreement from USDOT Federal Aviation Administration to Alamogordo-White Sands Regional Airport in the amount of \$13,000.00 for Covid-19 related operational expenses. *(Jim Talbert, Airport Manager)*
6. Consider, and act upon, Resolution 2021-14 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of April 27, 2021 *(Evelyn Huff, Finance Director)* (Roll Call Vote Required)

Mayor Pro-Tem Sikes moved to approve items 1, 2, 3, 4, 5, and 6 of the Consent Calendar.

Commissioner Payne seconded the motion.

Roll Call Vote was taken.

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

UNFINISHED BUSINESS

7. Consider, and act upon, Resolution 2021-10 to Increase Convenience Center rates on water bills. *(Larry Garner, Public Works Director)* (Roll Call Vote Required)

Public Works Director Garner said the tipping fees at the landfill for members was \$15.97, and for non-members was \$25.28. This fee went up 2 percent every year. It was important to note that our landfill was the cheapest in the State as far as tipping fees were considered. We had people from all over the State and even from Texas who came to tip at our landfill because of those costs. In 2019 the Convenience Center hauled approximately 763 loads. These were in 40 cubic yard dumpster roll-off containers, which constituted about 4,385 tons of solid waste which cost the City \$69,363 in tipping fees for that year. In 2020, the Convenience Center hauled approximately 798 loads, for a total of 4,980 tons, which cost the City \$80,307 in tipping fees. The tipping fees at the landfill and the Convenience Center were recorded by physical year,

and not fiscal year. Starting in 2021 so far, the Convenience Center had hauled 240 loads and was projected to haul 960 loads. This had not shown any sign of slowing down and had increased a little bit. Staff was confident this would continue and would constitute about 5,777 tons, costing the City \$92,265 in tipping fees for the year. These tipping fees were not the only thing that was a cost to the Convenience Center. It did not take into consideration the operational costs which included the personnel to drive the transports including benefit costs, mileage costs, and wear and tear costs on the transports. The Convenience Center was located 20+ miles from the landfill, which meant that they were looking at a round trip of 40+ miles to get a container out there, dump it, and come back. The fuel was cheaper in 2020. In 2019 we used 4,266 gallons of diesel, costing the City \$11,687. There was also a 500-gallon tank at the site which the vehicles there used, bringing the total cost for diesel for that year to \$13,615. In 2020 we used 5,852 gallons of diesel, and the total cost for diesel that year was \$15,740. The estimated average paid out for that in 2019 was \$2.62 per gallon for diesel and \$2.46 for regular. In 2020 it was \$2.42 for diesel, and \$1.78 for regular. So far this year we had used 1,763 gallons of diesel fuel, costing us \$708. The estimated average was \$2.72 for diesel and \$2.30 for regular. We expected those prices to continue to rise. The new backhoe, which was a 2019, was paid for by a rebate the City received from the 2020 landfill budget. The Convenience Center did not have the funding to pay for such a piece of equipment at that time, so the rebate worked out well. This was a very necessary piece of equipment because it smashed the trash down, moved the roll-off containers, and cleaned the pits out. The transport, which was a 2020 model, was the last piece of equipment bought. Part of the reason we were able to buy it was because we were able to take the older vehicle, which was no longer safe, and use it as a trade-in. That knocked off a considerable amount from the price of the new transport. They did need two transports out there to keep up with the amount of solid waste they delivered out to the landfill. We currently had two transports, one being the new transport we got on the trade-in, and the other was a 2004 Mack Truck. However, the 2004 Mack was breaking down more than it was up. If they had two drivers and two reliable transports on the road all the time, they would not have a problem with keeping up. As a result of not being able to do that because the Mack was often down, we wound up having to rely on Southwest Disposal. If they went just a couple of hours without transport because the vehicles were down for servicing, it was a heavy impact on the Convenience Center and put them behind schedule. If both were down for several days, it put them several weeks behind. The 500-gallon fuel tank at the Center would usually last a year for all the equipment there, but last year it had to be refilled because of the exponential increase in waste. Also, the newer equipment required another kind of fuel called "Def Fluid". It came in 55-gallon drums and was not cheap. In 2020 we had to buy two drums, and we were slated to buy three drums in 2021. We currently had ten of the 40 cubic yard roll-offs and five of the 30 cubic yard roll-offs, all from the late 1990's. They were constantly having to be repaired so they could be hauled. That was just another cost to the operations as any holes and dings needed to be constantly welded to make transport safe. Other equipment included a pre-crusher compactor. Last week that piece of equipment went down, and we had to hire a specialized contractor to fix it. We also had a 2004 Chevy utility truck; a 2001 Sweeper, a 2002 Forklift, a 2002 Pup Trailer, a 2012 Chipper, a 2019 Ford utility truck, and a truck scale. The truck scale was extremely expensive to fix. We recently had it recalibrated and brought up to current operational standards. At the last meeting Commissioner Baldwin had mentioned a 20-year equipment replacement plan. Our consultant for the landfill and the Convenience Center was Joe Lewandowski, and he currently was developing such a plan. Once that plan was finished, he would distribute it to the Commission if they would like.

Public Works Director Garner said regarding the annual CPI increase, staff still recommended that remain in the approval of the Resolution. If they could obtain the \$1.00 increase, it should bring things back into alignment. The annual CPI increase would help to keep things aligned for future years and was totally transparent to the public and the Commission, and it would not allow staff to increase the budget more than what was needed. There was an automatic riser in both the Southwest Disposal contract and with the landfill tipping fees, which directly affected this budget. Increasing with the CPI would allow the Convenience Center to continue to serve the citizens of Alamogordo which was their goal.

Commissioner Rardin said regarding the budget figures for Fund 86, for the past four years expenditures were relatively the same, within a couple thousand dollars of each other. However, revenues varied greatly between \$200,000 and \$400,000 of each other. He asked where was the discrepancy in the revenues. Finance Director Huff said especially in 2020, they had highlighted that one cell for \$177,000. Commissioner Rardin said he did not have that sheet provided to him. They had \$2.2 million in revenues in 2019, \$2.4 million in 2020, and \$2 million projected for 2021 and 2022. However, the expenditures remained almost the same. He asked where was the discrepancy in that. Finance Director Huff said in 2020 they did see a

deposit in from the rebate for the landfill for \$77,000. That was a one-time shot in the arm of revenues for that. In the recap sheet they had, it went from actuals in FY2019 of \$2.2 million, to actuals in FY2020 of \$2.4 million. That was basically all that money which came in from the landfill. The \$2.9 million in revenues was the current year's budgeted revenues. The monthly average revenue was about \$190,000. She needed to point out that we used a modified accrual system which meant that when the bill was charged and sent out to the consumer, that amount was recorded on the revenue line. That did not necessarily mean that we got the cash in for that bill. So sometimes it overstated the revenue because it showed the revenue at the time it was accrued, and not when the bill was actually paid. With the pandemic we had a pretty good receiving rate as far as getting paid, but it had been going down as people were not paying their utility bills as regularly as they had been before. We were going to have to see an adjustment in between the actual amount that had been billed and the actual amount received. Commissioner Rardin said he still had a concern because of the adjusted cash balances. This increase would generate an additional \$156,000 per year. Government was not supposed to make money. He could understand a twenty or thirty cent increase, but doing a whole dollar was something he had a problem with.

Commissioner Payne said she understood it was at \$1.00 because it had been several years since they had done an increase. If they were to increase twenty cents per year over the past five years, that would equal \$1.00. He asked how many years it had been since the last increase. Public Works Director Garner said 2016. Commissioner Payne said that was five years, and at twenty cents per year, it would be \$1.00. She did not think \$1.00 was unreasonable. She felt it put us where we should be in terms of the increase because we had not done it for the past five years. She felt it was a testament to the City and that we had been good stewards with the money. And being in the middle of a pandemic, she did not see it unreasonable at all. We all had a duty to maintain our City and to contribute to things like the Convenience Center. She did not think this was about making money at all. Mayor Boss also felt it was a fair and reasonable increase, especially with the cost of fuel going up.

Commissioner Payne moved to approve.

Mayor Pro-Tem Sikes seconded the motion.

Roll Call Vote was taken. Commissioner Rardin voted "nay".

Motion carried with a vote of 5-1-0.

NEW BUSINESS

8. Consider, and act upon, award of Public Works Bid No. 2021-002 to CBKN Dirtworks, Inc. related to the Otero/Greentree Regional Landfill Cells No. 1 and No. 2 Closure project in an amount not to exceed \$617,662.48, including NMGR. (Bob Johnson, Engineering Manager)

Commissioner Rardin said on the bid tabulation there were bids that were lower. He asked if we end up rejecting those. Engineering Manager Johnson said that was correct. Within the recommendation to award issued by the engineer, there were a number of issues with the low bidder and second low bidder documents. The low bidder was Sturgeon Services. They did not have the licensing required within our bid documents. In addition, they did not complete their subcontractor listing for both the surveying services and geotechnical services. This project was heavy on surveying as well as on dirt work testing. Sierra Valley Contractors was correctly licensed, but they did not list their surveying or dirt work testing services or subcontractors. Because these were allowance items estimated to be well above the \$5,000 listing threshold, all bidders would have been required to list the geotechnical services and the surveying services. CBKN Dirtworks was the third low bidder. Their paperwork was in order and the engineer did contact their references and concluded that they were a responsible and responsive bidder capable of performing the work. They were out of Algodones, New Mexico. They had done work at other landfills in this region of the State. Commissioner Rardin asked what a straw wattle was. Engineering Manager Johnson said it was a tubular shaped glass which literally had straw in it, and it was designed to mitigate erosion. It moved erosion of water from where you did not want it to where you did want it. At the Indian Wells/White Sands Blvd. construction site, they were using fabric-covered looking tubular devices that were blocking inlets to the drain. Those were straw wattles.

Commissioner Payne said there was such a huge difference between the low bidders and the one selected. She asked if they go out to a rebid on this. Engineering Manager Johnson said it was within the

Commissioner's power to direct a rebid. He had been chairing bid openings since the mid-1980's, and this was one of the most unusual ones he'd ever been associated with because so many of the bidders, except for one, either did not complete their bid documents properly and/or were not properly licensed in accordance with the information we put out. That information was put out in several places as far as the licensing and the subcontractor listing requirements, which was in accordance with the State Subcontractor's Fair Practices Act. The bids were all over the map, and there was no competitive range whatsoever. He had no explanation for that, and it was highly unusual. Commissioner Payne said it was such a huge difference.

Mayor Pro-Tem Sikes said in looking at the numbers and the disparity between the numbers, she felt it would be a travesty for us to have to go with the amount of over \$617,000 when we had the ability right now to rebid it with possibly more information so that the second round of bids would include all the information we required. It was like we were paying a penalty for people's mistakes, when perhaps we should just start the process over again.

Commissioner Payne asked if that was feasible. Engineering Manager Johnson said it was, and it would not take much effort on staff's part or on the contracted engineer's part to make it happen. There was very little involved in rebidding. There were some tweaks staff was going to make in our bid documents to provide more emphasis than we already had relative to licensing types, to filling out the subcontractor listing properly, and in changing the performance period on the project. It was currently a five-month project, and they had received a lot of unofficial complaints from some companies that did not bid on it, and from a couple of companies that bid, that five months was not sufficient time to move nearly 90,000 cubic yards of dirt along a designated haul route. The haul route was designated because you could not access Cells 1 and 2 any other way because of the steepness. There was a combination of factors which could be changed within our bid documents that while it may not necessarily bring a lower bid, it should bring in consistent bids.

Mayor Boss reviewed the varying bid amounts and noted that we had never seen one that out of line. Commissioner Payne asked if part of that had to do with the timeline concerns that had been mentioned. Engineering Manager Johnson said the contractors would have to mobilize more equipment to do the work in a shorter amount of time, and not a lot of contractors own more than one or two scrapers. A similar contract like this one was done in Roswell within five months and that contractor had brought on four scrapers. Those scrapers were very expensive pieces of equipment which were hard to maintain. Commissioner Payne asked if they would expand the timeline if they went back out to bid? Engineering Manager Johnson said they would expand it from 150 days or five months to 210 days or seven months.

Commissioner Wright said usually if someone bid that much lower than the others, maybe they were missing something or did not have the proper licenses or paperwork. He asked what the timeline was to put this back out to bid, as well as the cost of materials and fuel increases. Engineering Manager Johnson said the cost of fuel may fluctuate because it had been all over the map. There was no cost of materials because they were using existing materials from Cell 8 and moving it to cap Cells 1 and 2. The City was also providing the water via the tank which was located at the landfill. It was primarily just fuel and labor. The wage rates would not change because they were set at the beginning of the year. He did not see a whole lot of additional costs other than the fuels rates, which we could not control.

Mayor Boss said the agenda report had a recommendation from staff for approval and asked if he still felt that way. Engineering Manager Johnson said he did not, he felt like rebidding it would be the best. Mayor Boss said he would be in favor of that.

Commissioner Rardin asked where B&R Trucking and Crosstown Construction & Trucking were each located. Engineering Manager Johnson said one of them was out of Las Cruces and the other was out of Carlsbad. At least one of the two was not properly licensed, and neither one filled out their subcontractor listing. Commissioner Rardin said if we were to do this correctly, we would basically kick out every bid except the one for \$617,663 and the one for \$739,538. Engineering Manager Johnson said Mesa Verde had incorrectly completed their subcontractor listing. They had listed no bids received for both categories of work, and under the Subcontractor's Fair Practice Act you could only state that for one category of work. Commissioner Rardin said part of what concerned him was that the engineer's estimate was at \$621,000 and they had received a competitive bid at \$617,000. If they did put it back out for a rebid, we may increase

our costs. A check had been done on CBKN Dirtworks' credentials and they all checked out. Engineering Manager Johnson said he had not understood this one. When we bid Cell 5 two or three years ago, we had four bids. It was a much larger project, but we had a competitive range then and not any issues. He had no clue as to why we had such skewed numbers and inappropriate bid documents. Commissioner Rardin asked if CBKN was the only company to have their bid documents correct. Engineering Manager Johnson said yes, they had everything correct. Commissioner Rardin asked if technically they would have been the only one that would not have been rejected. Engineering Manager Johnson said yes.

Mayor Boss asked for clarification that Engineering Manager Johnson was recommending that they rebid this. Engineering Manager Johnson said after having looked at it and having considered all the factors, it would be his opinion that it might be best to rebid this.

Mayor Boss moved that we do not approve Public Works Bid No. 2021-002, and that we direct staff to go back out to bid.

Commissioner Rardin seconded the motion.

Commissioner Rardin said we were the fiscal agent for Otero/Greentree Regional Landfill. He wondered if this would impact anything with any solid waste issues as well. City Manager Cesar said there would not be any issues with the landfill board. Operationally, Cells 1 and 2 were not used, and they were being capped off so we could take down the financial assurance which would save money for the members.

Mayor Boss called for the vote on the motion. **Motion carried with a vote of 6-0-0.**

9. Consider, and act upon, Resolution 2021-11, declaring 1113 Catalina, Alamogordo, New Mexico to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. (Petria Bengoechea, City Attorney, Jim LeClair, Fire Chief, and Richard Adler, Fire Chief) (Roll Call Vote Required)

City Attorney Bengoechea gave a PowerPoint presentation (included in agenda packet backup).

Commissioner Rardin asked if we were going to just tear the house down and lien the property if we did not hear from the owners. City Attorney Bengoechea said all State law allowed us to do was to remove whatever issue we found with the property. Case law was very clear that we had to make it a flat piece of property to remove the danger. Once we did that, State law gave us the ability to file a lien on it. We would foreclose on the lien to try and recoup the costs. Commissioner Rardin said we would not recoup the cost because it was just a vacant lot in an old neighborhood. She said this one was a big lot.

Commissioner McDonald asked how long it would take to get the demolition done. City Attorney Bengoechea said a best-case scenario was that we had no written objection from the owners and we could proceed forward in ten days. We had monies budgeted for all three of these demolitions, but because of the structural integrity would have to contract it out. We suspected there was asbestos and lead paint. They would have to tent the house and sort of collapse it in as they had done in the past. It would depend on how fast we could get the bid documents out, award it, and then into the contractor's schedule. It was a priority for staff so we would do it as soon as we could. But if the owner filed an objection, it would wind up in District Court. That said, any of these three properties on the agenda tonight could turn into the next Sahara Apartments issue.

Commissioner McDonald said she thought in District 5, there were a couple of houses that had also been put in the same category and they were still standing. City Attorney Bengoechea said the ones in District 5 were going to be taken down by in-house crews and that was where the delay was because of other issues, such as water breaks, potholes, etc. These three tonight would all be contracted out for demolition because of the asbestos in the homes and the severe damage. She did not expect any of them to come down before the next fiscal year began. They had initially started working on these cases back in late 2019 and early 2020, and then Covid hit and slowed everything down. Also, we were changing requirements to now look only at targeting the most vacant dilapidated structures and there were several they were working with

currently where the owners had come in once they were notified and were working to try and make them right.

Commissioner Rardin moved to approve.

Commissioner Payne seconded the motion.

Roll Call Vote was taken.

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

10. Consider, and act upon, Resolution 2021-12, declaring 2414 Telles, Alamogordo, New Mexico to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. (Petria Bengoechea, City Attorney, Jim LeClair, Fire Chief, and Richard Adler, Fire Chief) (Roll Call Vote Required)

City Attorney Bengoechea said Chief LeClair and Code Enforcement Supervisor Baker had been working on this property for years and had done everything they could to try and gain compliance from the owner. The property had been into Municipal Court five or six times and it had been prosecuted through the Appellate Court into the District Court, and the City had been victorious each time. They had even tried to talk with the owner about putting chicken wire in the home to help keep the pigeons out, but he was not interested.

City Attorney Bengoechea gave a PowerPoint presentation (included in agenda packet backup). She noted that in Code Supervisor Baker and Lt. Fire Commander Stroop's report, they noted significant structural damage and staff did not believe the home could be saved at this time. However, the owner was convinced otherwise.

Commissioner Payne said if this owner had been in Municipal Court several times previously and asked why he had not done anything to this point. City Attorney Bengoechea said he had always paid the fines. When she had talked to him about fixing the roof, he stated it would be like throwing good money after bad money. He also believed he could spend \$40,000 to \$50,000 to completely fix the home, but that it was "not a priority right now". He felt no sense of urgency at this time. It was his mother's home which was purchased in the 1950's. He did feel he would fix it up but did not have the means to currently do so. He believed it was worth about \$125,000 currently.

Commissioner Rardin said he had an investment property situated close to this property. He asked if anyone had a problem with him voting on this item or think it was a conflict of interest. The Commission did not have a problem with him voting.

Commissioner Rardin moved to approve.

Commissioner Payne seconded the motion.

Roll Call Vote was taken.

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

11. Consider, and act, upon Resolution 2021-13, declaring 704 Panorama, Alamogordo, New Mexico to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. (Petria Bengoechea, City Attorney, Jim LeClair, Fire Chief, and Richard Adler, Fire Chief) (Roll Call Vote Required)

City Attorney Bengoechea gave a PowerPoint presentation (included in agenda packet backup).

Commissioner Rardin asked if the owners had signed for the letters sent to them or responded. City Attorney Bengoechea said they had all been signed for, except for the ones sent to vacant 704 Panorama. The others sent to the address of record had all been signed for. They believed the address was a motel, and they had been signed for by a postal carrier. No one had ever called on any of these three homes discussed at tonight's meeting, except for Mr. Trexler on the previous item.

Commissioner Rardin said this house looked like it was built in the late 1970's or early 1980's. It looked bad, but from being in the trade he thought they could replace the roof and board the doors up. The problem he had was it winding up being just a vacant lot in the neighborhood that would probably never get built on

again. City Attorney Bengoechea said the neighbors were complaining about people going in and out of the house, using drugs, and stealing from them. There were needles in the backyard. So, this house was currently creating a menace for the neighborhood. City Manager Cesar said in the reports from staff, it noted that the front portion of the home had settled at least six inches, if not more.

Mayor Pro-Tem Sikes said we had gone through similar situations on all these houses tonight. The first picture of this home looked decent from the front, but it reminded her of the Rockwood Avenue house. It looked fine from the front, but horrible from the back. So, unless people saw the evidence, they were wondering why we were giving these locations priority. This was a serious matter to take over someone's property and to pass a Resolution to ultimately knock it down. If the owners had not personally signed for the letters, did we investigate and try to determine that they were not deceased or holed up somewhere in a nursing home. She asked if every avenue had been investigated to make sure that the people who owned it were still alive. City Attorney Bengoechea said staff did the best they could. She had received reports that some of the spouses who owned these homes were deceased and that there was only one remaining owner alive. She had done what she could to research them, using Google to search death records, etc. Staff did do that, and each time they sent letters out there was a request for someone to please call the City, even if it was not their property, and she usually did not get anything back. She believed that Ms. Fender, the wife from this property, was in town and that she had received the letters. She had spoken with the place she was currently living, and they believed she had received them as well. She also left voice messages on any phone number she had tried to call the owners at.

Commissioner Payne said it was incredibly unfair and disingenuous, especially with the Telles Avenue home, that the owner thought the neighbors should just have to put up with this because it was not a priority for him. She felt the City was doing all the neighbors a favor by tearing these houses down. She did not agree with Commissioner Rardin that no one would want to build on these empty lots. She thought it could happen, and we needed to be proactive in cleaning these areas up so that we could get people to take an interest in them. Let's face it that there were certain areas of town where if they had a home like this near them, they would be screaming even louder, and we would be listening. She felt we were absolutely doing the right thing with these homes. We had done everything we could on contacting these property owners, and how long did we allow this to go on and just let those homes sit there before we would take action for the good of the rest of the neighborhood. It was not fair to the neighbors and was just not good health wise.

Commissioner McDonald agreed with Commissioner Payne. She said she walked through her neighborhood and it was easy to spot these homes, where one day the door was closed and then the next day it was down. And then the next week the windows were out, etc. She could pick out about three in her neighborhood that were just left there for other people, such as squatters, to venture into. It had been frustrating looking at the length of time it took to get people to be aware that this was bringing down the value of everyone else's home in the area. She felt it was great that we were addressing some of these addresses. For one house she was seeing in her neighborhood, she could look all the way from the front door right through to the back yard. She knew there were houses that were equally bad on this side of town. She did not think we could really speak for the entire City of Alamogordo as to what would or would not be done. However, if we could just get some type of cost incentives for people to want to move here and build here, then that would be great. Everyone was a developer because they could use their abilities to build something which would be an advantage to the entire community, and it did not take big developers to do the job of building in town. There were other people who had the ability and could do it. If we took some of these houses that were in ruins down, that would give somebody an opportunity to build. City Attorney Bengoechea said if Commissioner McDonald would send her some addresses, then staff could put them on our list of houses to look at next. Commissioner McDonald said she would do that.

Commissioner Rardin asked if the bottles in picture Nos. 61 and 70 were CO₂ containers. Chief LeClair said yes, they were for soda machines.

Commissioner Rardin moved to approve.

Commissioner Payne seconded the motion.

Roll Call Vote was taken.

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

12. Appointments to Boards and Committees. (Richard Boss, Mayor)

Mayor Boss read the openings and reappointed Rita Moyra Robuck to the Parks and Recreation Board for her fourth term; reappointed Stephen Butler to the Senior Volunteer Programs Advisory Council for his fifth term; and appointed Rebecca Miller to the Senior Volunteer Programs Advisory Council for her first term. No one was opposed.

EXECUTIVE SESSION (Roll Call Vote Required)

13. Adjourn into Executive Session in compliance with 10151(h)(7) NMSA (as amended) to discuss threatened or pending litigation potential lawsuit regarding encroachment issues at 24th Street and Canal. (Roll Call Required)

Commissioner Payne moved to adjourn into Executive Closed Session at 7:51 p.m.
Commissioner Wright seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 6-0-0

ADJOURNMENT



ATTEST:



City Clerk Rachel Hughes



Mayor Richard Boss

(Prepared by Teresa Gutierrez, Deputy Clerk)
Approved at the Regular Meeting held on May 11, 2021.