

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
January 25, 2022**

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

**DUSTY WRIGHT, MAYOR PRO-TEM
VACANT, COMMISSIONER
BRIAN CESAR, CITY MANAGER
PETRIA BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Payne called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Reverend Warren Robinson and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. The Scenic Extension project is now in full swing; the contractor is working on a street to get that segment closed. A lot of work is going on from the bypass back towards the tracks. They have completed an issue under the railroad tracks and can now extend utilities across the railroad tracks and into the relief route.
2. On the 14th, he will begin the first review of the proposed budgets from various departments. Some of staff will be unavailable during that time.
3. The city had previously started to make progress in filling positions, but there are now 65 open positions. With an item at the end of this agenda, plus some other ideas that are still being worked on, we can fill the vacant positions.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

1. Former Commissioner John Robertson passed away. He sat in District 4 and was the Commissioner prior to Steve Brockett.
2. Clay Anderson passed away; he was a well-known businessman.

CONSENT AGENDA

1. Approve the minutes for the January 11, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*

2. Consider, and act upon, Resolution No. 2022-06 to adopt the Community Development Block Grant (CDBG) Annual Certifications and Commitments. (Debbie Osborne, Grant Coordinator) (Roll Call Vote Required)

Commissioner McDonald moved to approve the Consent Agenda.

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

3. Consider, and act upon, Ordinance 1646 Case Z-2021-0006(A) for first publication of a map amendment to change the zoning of the property located at 1215 Michigan Ave. from R-3 Two-Family Dwelling District to C-1 Neighborhood Business. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael presented a zoning map of the area that showed 1215 Michigan Avenue within the R-3 Zoning District, including two locations next to it at 1213 and 1209 that are C-1 Business District. The property owner is requesting this map amendment because they would like to open a small business at the rear of the property. City Planner Rael indicated where the main house is; towards the rear of the house another apartment could be seen where the business would be located. She showed site photos of that location and said that it would not impede with any traffic along Michigan Avenue, and they will have ample parking. The small business is going to be a barber shop.

She continued that under Findings of Fact, the application was filed on November 15, 2021. The legal notice was published on December 19, 2021. Twenty-one letters were mailed by certified/returned receipt mail to all property owners of record within two hundred feet from the property excluding public right-of-way, of that property. As of January 13, 2022, there has been one letter returned undeliverable, two letters returned unclaimed, and she has not received any letters or phone calls of opposition. Item was presented to the Planning and Zoning Board on January 6, 2022. Planning and Zoning Board recommended approval by a vote of 4-0-0. Staff recommends approval on this item.

Commissioner Rardin asked that if the property was rezoned and the business was at the back, what would the front be. City Planner Rael responded that the front was going to be their residence and that they were living at the front at this time.

Commissioner Wright moved to approve.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken.

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

4. Consider, and act upon, Ordinance 1647 Case Z-2021-0005(A) for first publication of a map amendment to change the current zoning designation of the property located at 1005 E. Ninth Street from C-3 Business District to MH-2 Manufactured Housing Park District to bring into zoning compliance and continue operating as a Manufactured Housing Park. (Stella Rael, City Planner) (Roll Call Vote Required)

City Planner Rael stated the owners were Alamo Estates LLC. She showed a Google Map of the property as it has looked for many years and stated that it has looked like this since the late 1950s. It has been handled as a mobile home park with 15 manufactured homes on there. She showed a zoning

map of the location with the color brown showing Business District, with the other color being R-3 to Family Dwelling district.

City Planner Rael continued to show a proposed park plan, and said anytime we are putting together a manufactured housing park, per ordinance it is required that they supply her with a park plan. She with Assistant City Manager Hernandez, Chief Adler, and the property owner to come up with a plan that worked, made it safe, and made it presentable. She continued that the property had not looked the greatest for many years and they worked hard on preparing this. There is going to be fifteen 12ft x 35ft park model homes. Park model homes are like what Mr. Harold put out on north Florida at Centennial Village. There is ample room for 14ft spacing in between, there is room for parking in front of each parked model homes, and a 24ft wide road gravel road that does not need to meet city standards. Highlighted in yellow at the left will be a placement for a standpipe; a standpipe will keep the fire trucks off that road. If need be, there is a fire hydrant at the left bottom corner. She continued that she had more information to go over if this item is approved, and that she would have to discuss more regarding the variance part of it.

City Planner Rael said that under Findings of Fact, the application was filed on November 23, 2021. The legal notice was published on December 19, 2021. Sixteen letters were mailed by certified/returned receipt mail to tall property owners of record within two hundred feet from the property excluding public right-of-way, of the property. As of January 13, 2022, there has been one letter returned undeliverable, two letters returned unclaimed, and I have not received an letters or phone calls of opposition. She has received some phone calls saying thank you, it's about time. Item was presented to the Planning and Zoning Board on January 6, 2022. Planning and zoning Board recommended approval by a vote of 4-0-0.

Commissioner Wright asked City Manager Cesar that if this passes and goes through, do they have to submit an infrastructure utility plan, and how is it going to be metered, or is that something that will be figured out down the road if this passes. City Manager Cesar referred to City Planner Rael. She stated that utilities were on there already, so when it gets to that point, if it needs to change, then they are all going to have to be upgraded in order to get those utilities turned on. When the property owner starts submitting blocking permits to place these homes, we will look at that. It doesn't have to be a full infrastructure; we would just need to make sure they comply with all the proper state permits to bring them up to current use.

Mayor Payne asked if these were going to be rentals or were people going to buy them. City Planner Rael responded that the property owner is present and would prefer if he answered that question. Mayor Payne replied that it wasn't necessary for the owner to come up to the microphone, she was curious as City Planner Rael has said that these were similar to Tony Harold's, and with those they buy and sell. City Planner Rael clarified that those were intended for sale and to rent the space, but he actually has a lot of those rented out. City Planner Rael introduced Adam Hoydysh as the owner.

Adam Hoydysh said that to answer the Mayor's question, as City Planner Rael alluded to, he thought that people recognized that it had been a less than desirable look and feel, perhaps a blight, to the community. He continued that the bigger picture for us is that we only invest in New Mexico across several different cities, and we realized that New Mexico is 30,000 homes short in the affordable and available category. The intention is to replicate the centennial look and feel; a clean, safe, secure, and affordable housing that people could buy whether first time homeowners or not. He said that this footprint, size, and price point gave people that pathway; that's the intention and idea behind it.

Mayor Payne asked if the plan was to buy it, Adam Hoydysh said that we would buy the homes and then provide financing to first time homeowners, or they could go get a loan. The idea is for

homeowners to be able to own their own house in Alamogordo and that area, and he hoped that answered her question. Mayor Payne said that yes it did, and she was so happy to see that lot cleaned up. As a Commissioner, she had gotten many calls about that area.

Adam Hoydysh said that it had enormous potential, and that he owed a huge debt of gratitude to City Manager Cesar, City Attorney Bengoechea, City Planner Rael, and Chief Adler for all the support and guidance in working with him to put something in front of the city that would be amenable to the people of Alamogordo.

Commissioner McDonald moved to approve.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken.

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

5. Consider and act upon Case V-2021-0004(A), property owner Alamo Estates, LLC is requesting a variance to allow the placement of fifteen (15) 12x35 Park Model Homes at 1005 E. Ninth Street. (*Stella Rael, City Planner*) (Roll Call Vote Required)

City Planner Rael explained that this portion is a variance. Per our current ordinance, all mobile home parks shall be a minimum of two acres in size and shall not contain more than eight manufactured homes per acre. This site is 0.80 acres, not even half of the required size that is mandated by our ordinance. Therefore, the variance is to allow these 15 park model homes to be within this smaller area. She recommended approval as staff because they worked hard to make sure that it was a place that looked really nice and kept safe for everybody. The variance would take care of that fact that there could be 15 of these homes there within that 0.80-acre parcel; that is all that is needed regarding the approval of the variance.

She continued that under Findings of Fact, the application was filed on November 23, 2021. The legal notice was published on December 19, 2021. 16 letters were mailed by certified/returned receipt mail to all property owners of record within 200ft from the property excluding public right-of-way, of the property. As of December 30, 2021, there has been one letter returned undeliverable, and she has not received any letters or phone calls of opposition.

Commissioner Rardin asked how many houses are currently on there, it looks like there is about 16 spaces currently. City Planner Rael replied that there was nothing there right now, they all have been removed, there was a total of 15 larger homes. Commissioner Rardin clarified that we were actually putting smaller homes, and City Planner Rael replied yes. She said we were putting smaller homes, and that because they are smaller homes, we have more space in between them than what was there currently, and it won't look as crowded. In fact, there wasn't room for a road before, they were entering from 9th Street or the alley to get to these homes.

Mayor Payne asked Adam Hoydysh if there would be a restrictive covenant or something that they says they have to maintain their space. Adam Hoydysh said that what they wanted to do was safeguard against what happened to the park over time, and that everyone mutually benefits if they can put in some guard rails or covenants that require people to take care of the asset and aspire to a certain look and feel that everyone, whether owners, passerby, local residents, or visitors can be proud of. He continued that they would be adamant and very in favor of making sure that there was a certain aesthetic that was a positive or value add to the community. In his opinion, it doesn't make sense to do it any other way. He understood what they have today and wants to transform the neighborhood. He said he was glad that Mayor Payne's memory was correct, there were 12 derelict homes out there, and they've worked very hard to donate those homes over the last couple of months to make them

free and clear to have this blank slate. He wanted something that would make people go wow, that's a valuable item, I wish I could live there.

Mayor Payne stated that the corner from that was the Friendship Teahouse, and that Kathy called Mayor Payne trying to sell it. Kathy would say that she can't sell this, they've lost two deals that they've backed out of twice, can't you do something about this. Mayor Payne wished to tell Kathy look; they did something. She continued that's something to consider 5-10 years down the road.

Adam Hoydysh said they wanted to make a positive impact, both on the community and financially, and wanted people that saw it every day to be proud of it, and have it be a lesson to other people that there is opportunity to turn things around and do the right thing for the community and for the people. He said he knew the housing is needed, and in its current state it can't deliver that. He was prepared to spend the money and put on the guard rails so that it's a place where people can be proud of and aspire to live there. Mayor Payne thanked Adam Hoydysh.

Commissioner Paul asked if there would ever be an opportunity for it to exceed 15 homes on that site, or would it be limited just because there is a variance. Adam Hoydysh replied that he deferred to Chief Adler and City Planner Rael from a safety and security standpoint. They wanted to maximize the plot, but they had to strike that balance and can't put 18, 25, or 30 homes out there. He repeated that he deferred to Chief Adler and City Planner Rael for their expertise and experience on how to make it safe but also create a density where you can create a fabric within it. He continued that the park plan seen is what they were committed to, and there would be no deviation from that without Chief Adler, City Planner Rael, and the Commission. They have already taken steps behind the scenes, provided this goes through, to work with local engineers to start thinking about the infrastructure. We're prepared to stick to that footprint and commit to it, because that is what he thinks makes sense, given the parcel size and what had been owned and operated for the last 50 years. There is no plan to go beyond it.

Commissioner Paul asked if there would ever be an opportunity, if the park was sold, for somebody else to. City Planner Rael replied no, the plan seen in front of you is what was worked hard on to make it safe. If they moved from that park plan, it wouldn't meet the requirements. As it is, it is already pretty tight, so if the park plan was approved with variance and rezoning, that is what is going in there, and that is going to continue to be there. City Planner Rael said she would never recommend approval of any more homes there because it would get too tight.

Commissioner McDonald stated that she had walked that area because she was the Commissioner for that district, and she had watched them move the mobile homes out of there, and that she wanted to say thank you because each day they would go and count the mobile homes sitting there. She continued that they have had a lot of comments and that she knew some were directed to other Commissioners. She thanked Adam Hoydysh for committing to the area and making it a better place to look at and live. Adam Hoydysh said that he can't take all the credit and owed a tremendous debt of gratitude to Chief Adler, City Planner Rael, and City Manager Cesar for working with him hand-in-hand every step of the way. He deferred 100% to their recommendations and guidance because he wanted to make this a place that works for the people of Alamogordo. He thanked the Commission for their patience and understanding of the opportunity and he appreciated it. Commissioner McDonald thanked City Staff also.

Commissioner McDonald moved to approve.
Commissioner Rardin seconded the motion.
Motion carried with a vote of 6-0-0.

6. Consider, and act, upon Resolution 2022-07, declaring 307 New York Ave. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. (Jim Baker, Code Enforcement Supervisor and Richard Adler, Fire Chief) (Roll Call Vote Required)

Code Enforcement Manager Baker stated that he would go over the history. Since 2006 we have sent 10 letters for weed violations. In 2021 we sent a certified letter for structure issues with an IPMC letter. On 01/25/22, we served an Administrative Search Warrant on that and inspected both the exterior and interior. He presented photos that showed the back side and south side, and said the door was on the south side. The back side showed the roof was collapsed and ruined with fallen beams, plus the adobe walls disintegrating. On the picture on the right, the flooring there has weakened, and you can see the fireman stepping over the area that is a hazard. Next were pictures of more flooring where you can see a gap at the front door. The interior ceiling was missing ceiling panels, had loose panels, and water damage. The wall above the window had cracks forming. Closeup photos of the cracks were shown above a door and window. More photos of the ceiling were shown with loose hanging material that went up to the metal roof, with water damage to materials up there. The rear door was shown boarded up but was not fully sealed off. The front of the interior that previously led out to New York was show bricked off; you can see cracking on the windowsill near it. The building is obviously dilapidated with the roof, ceiling, and walls disintegrating. It would be his recommendation to that the Commission approve the resolution.

Mayor Payne asked if the building was closer to 1st Street, Code Enforcement Manager Baker responded that this is at 3rd and New York, so it would be the second one from 3rd Street.

Commissioner Rardin asked if the homeowner expressed any interest in removing the structure on their own. Code Enforcement Manager Baker said that they had sent a letter to the owner in El Paso and received no response. Commissioner Rardin asked if we could only send it to where the registered owner was, and Code Enforcement Manager Baker responded that we sent it to where the County Assessor's office showed the address. Commissioner Rardin said that he felt that the structure needed to be cleaned up, but we also need to respect private property rights. He asked if we have had no responses to weed abatements. Code Enforcement Manager Baker responded that there had been no response on the most current weed abatements, then clarified that they had not done weed abatements but had sent letters for the weeds. In the older cases the weed issues were corrected but nothing recently. Commissioner Rardin said that made him wonder if the current owner had passed away. Code Enforcement Manager Baker said that he did not know.

Commissioner McDonald made a comment on the property that in the summertime, the weeds were so thick that if you looked at the Google Map it looks like a little forest inside the city. There have been a number of complaints about that property, and she'll lead the trail with approving the demolition of this property.

Commissioner McDonald moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

7. Consider, and act, upon Resolution 2022-08, declaring 322 Texas Ave. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace or safety and ordering its abatement. (Jim Baker, Code Enforcement Supervisor and Richard Adler, Fire Chief) (Roll Call Vote Required)

Code Enforcement Manager Baker said that this was another dilapidated structure that we have served a search warrant on. For this particular property they had sent 11 letters for weed violations since 2010. They have abated the property for weeds twice, in 2018 and 2020. We have sent three letters for IPMC violations, one in 2019 and two in 2020, and received no response of any of those. They served the search warrant this month and did an inspection on the exterior and interior. He showed photos of the backside of the structure with significant cracking, significant cracking around the south side window, the interior with missing or loose ceiling materials, gaps in the roof that showed light shining through, the floor and walls were trashed, and recent food items that showed the building had been entered and people were eating in there. He continued that something the pictures don't show but was noticeable for someone his size was that the floor tends to give. Another interior shot of the wall facing the south side was shown where you could see light coming through the cracks, plus the roof with gaps where you could see the roof shining through. He concluded his presentation and stated that this was a dilapidated structure that he felt needed to be abated.

Commissioner Paul asked if the property owner on 4th Street was the same owner, or appears to be, the same property of 322 Texas Avenue. Code Enforcement Manager Baker answered that owner of 322 Texas was Norman Antonio. Commissioner Paul stated that the property just to this east of this one is the same owner from his understanding. He knew Mr. Norman and that he was an investor, but he hadn't spoken to him in a matter of years. It was odd to him that Mr. Norman would let it get to this point when he owns a duplex right next door that appears to be occupied by tenants while this one is going by the wayside. Code Enforcement Manager Baker replied that they had sent three letters and they've all gone unanswered. Commissioner Paul stated that he was just curious and would send Mr. Norman a text that if he wanted to do something or just knock it down. Mayor Payne said that it was late for that, and Commissioner Paul agreed it was at this point.

City Attorney Bengoechea said that was still a viable option. If this resolution was approved this evening he has 10 days, but in those 10 days, he must correct it. He has 10 days to fix it at this point. Just so the Commission knows, both properties also were sent into her office via theblight@ci.alamogordo.nm.us email, and they've had multiple complaints on this one and the previous one. We are hearing from citizens via that email address, and this is one of the properties they hear about.

Commissioner Rardin, like Commissioner Paul, wondered if they were not getting in contact with the owners. Commissioner Rardin addressed Commissioner Paul stating that he at least knew the gentlemen that owned this one and could reach out to see if he has received any of the letters from Code Enforcement Manager Baker. Code Enforcement Manager Baker stated that they would letters to the addresses on the County Assessor website. Commission Rardin said that he knew the Assessor's office, but if we looked to see if these people might have water counts where we could get a different address or contact information. We know who owns the property, not that this one does not need to come down, but just to see if they will rectify the problem before we have to go and do it. Code Enforcement Manager Baker said that they checked for water billing on all the structures they deal with, he couldn't recall exactly, but was 99.9% sure that there is no water service to this structure. Commissioner Rardin asked that when Code Enforcement Manager Baker checked the Assessor's website, doesn't it pull up all the properties that this gentleman may own. He continued that Commissioner Paul mentioned this gentleman owns the property right next door, so he just wanted exhaust all avenues of contacting these guys before we go in and just tear down their properties. If they are willing to do it for us, that is better for everyone involved. Code Enforcement Manager Baker said that he wasn't sure what the owner information is for the property next door, but he knew what the owner information was for this structure. Commissioner Rardin said that he knew from something the last couple of weeks that on their GIS, you can click on various properties, and it will tell you who owns all those. It is based off the Assessor's stuff but it is right on the City of Alamogordo's website.

He just wanted to make sure that we were doing our homework and trying to get in touch with them as best we can.

City Attorney Bengoechea addressed Commissioner Rardin, stating that legally we do have to send it to the legal mailing address which is the County Assessor's address. She thought it was worth noting that this property has been abated twice in the past three years; we've actually had to go out and take care of the weeds and have filed liens against this property, that triggers several certified mailings being sent out to the address and all the addresses we can find. We have had no contact from this owner at all, even her office that has filed liens against the property. Commissioner Rardin said that it sounded like all options have been exhausted.

Commissioner McDonald said around two or three weeks ago someone had built a fire inside the house. She didn't know if the owners were talking about it, but their house could burn down. The resident living at 314 has a very nice property and anytime something happens there, he is at risk of losing his home. When we look at some of things that are happening there, she always asked if the taxes were being paid every year; if the taxes are being paid then we know that something is getting through to the people. This property has been sitting there for 10 years or maybe longer with things getting worse. We are getting squatters in that area and the owners or residents in that area are complaining in fear of losing their homes through a fire or something happening arbitrarily from the people coming in there because it's vacant. She knew it was hard to ask the owners, but the owners are not giving attention to the area, and it wasn't fair for the people who are keeping their property. The house at 314 is immaculate and just because these houses have been on either side of them, they have not failed to do with they do at their home. If the taxes are being paid, they you know something is getting through to the owner.

Commissioner Rardin moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

8. Consider, and act upon, first publication of Ordinance 1645, revising the City of Alamogordo Employee Manual. (*Kim Torres, Human Resources Director*) (Roll Call Vote Required)

Human Resources Director Torres said that they had the Employee Manual draft before them which has not been updated since June 2019, about two and a half years. In the packet there was a brief explanation of some of the major changes that were in the manual and was here for any questions that they may have.

Commissioner Wright asked Human Resources Director Torres to highlight the main changes that have come forward in the last two years. Human Resources Director Torres said that they put in certification pay for employees who get certifications that benefit the city outside of their job descriptions. They had been practicing it with the non-represented employees but it was never reduced to paper. Bilingual pay has not been increased in almost 17 years and has been increased. Included is a PTO conversation; when employees cash in PTO it was on a 2/3, so they earn a benefit and lose a portion of it when they cash in, it is now a 1/1 and increased the amount they can cash out per year. That will hopefully help us retain some people, be a good incentive for people they are recruiting, and keep the PTO balances down. Many employees have a lot of PTO on the books.

Commissioner Rardin asked Human Resources Director Torres about the recording devices and cameras in the workplace, is that something that changed as well. Human Resources Director Torres explained that was a new policy that was added and it is strictly just a sign of the times. We have

cameras that are going up throughout the city and it basically tells people that we have cameras and there is no right to privacy.

Commissioner Rardin asked Human Resources Director Torres about service animals. She explained that service animals are starting to come up as well. There haven't been any requests for service animals, but we have for emotional support animals. In the past, employees would bring animals to work with them, but that policy stopped that from happening. These were animals that were not emotional support or service animals.

Commissioner Rardin asked Human Resources Director Torres about community services, it looks like we took out use of city facilities for city employees. Human Resources Director Torres explained that it was still there, but she cleaned it up because it was one big paragraph. They separated it out so it would be easier to read; the changes to it were related to the golf course fees, retirees, and use of equipment at the REC center. These were minor changes other than the fees for the golf course. It was just cleaning it up and making it easier to read.

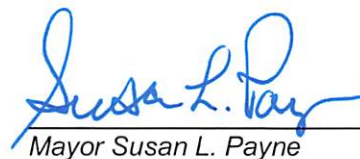
Commissioner Rardin asked about the Receipt of Workplace Violence Policy, assuming it was just another change of times. Human Resources Director Torres explained that they had the Harassment Policy, the Sexual Harassment Policy, the Anti-Bullying Policy, but we didn't have an acknowledgement for that one, so we added it. She continued that would be given to every new hire to sign when they go through their orientation.

Mayor Payne asked if anyone else had further questions, Commissioner Rardin commented that it was a lot to read.

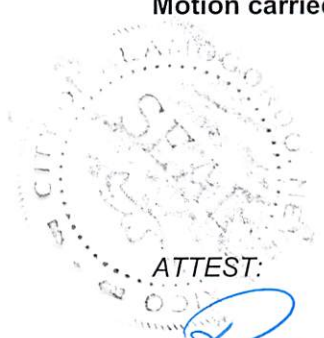
Commissioner Rardin moved to approve.
Commissioner Paul seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 6-0-0.

ADJOURNMENT

Commissioner Rardin moved to adjourn at 7:25 p.m.
Commissioner McDonald seconded the motion.
Motion carried with a vote of 6-0-0.



Mayor Susan L. Payne



ATTEST:



City Clerk Rachel Hughs

(Prepared by Dylan Aleshire)
Approved at the Regular Meeting held on February 8, 2022.