

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., COMMISSION CHAMBERS
July 12, 2022**

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

**DUSTY WRIGHT, MAYOR PRO-TEM
KARL MELTON, COMMISSIONER
BRIAN CESAR, CITY MANAGER
PETRIA PENNINGTON, 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. Commissioner Paul attended via phone. City Clerk Hughs announced there was a quorum present. Invocation was given by Pastor Anthony Torres and the Pledge of Allegiance was led by Commissioner Burnett.

APPROVAL OF AGENDA

Mayor Pro-Tem Wright moved to approve the agenda.
Commissioner McDonald seconded the motion.
Motion carried with a vote of 7-0-0.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. He said a number of PSAs had gone out back on July 7th and through the 17th; we do have a contractor that is out driving every city street in Alamogordo as part of the Street Assessment Plan. It is going to give us a ten-year Pavement Maintenance Plan and is also going to tie into our Master Water Plan, Sewer Assessment, and Drainage Master Plan. That is something we have not had in his time in the City, so it is a long time coming.
2. He said he would like to thank the Springer family; the Pavilion over at the Oregon Tennis Courts is now complete. The majority of the preparatory work was done by the Parks staff. We had a contractor come in and erect the structure that is now open and available to the public.
3. Two meetings ago, Joe Lewandowsky and Veronica Ortega gave a presentation about the Railroad Park. For those of you that may not have noticed, the majority of the concrete-work is done, the supports for the various displays are in place, and that is moving forward quickly.
4. This Friday, the Mayor will be signing on behalf of the City for the purchase of the Dudley School. The Historical Society, Joe Lewandowsky, and his group, have been very anxious to get started, clean out the building, and start the preparatory work; including the architectural firm being hired to go in and let them and us know what needs to be done in the building so that we can open that up to the community.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne made the following comments:

Mayor Payne wished to congratulate our newly married City Attorney Petria Bengoechea, who will now be known as Petria Pennington.

Eugene Downer passed away; he was a really good guy, very interesting to talk to, and he will be missed.

Joy Lane passed away; she was definitely well-known in our community, just remember that family in your prayers.

Mayor Payne said Commissioner Paul got a call this weekend; he went out there to cut up a downed tree for a constituent and hauled it off himself.

Commissioner McDonald made the following comments:

She said they are going ahead with the Second Annual Clean Up for the district next Saturday, July 23rd. The City has graciously given us two dumpsters. If you have any type of trash that you can wheel up, throw in, however you want to get it there to fill up, they will take it to the dump after it is done. We will also have the complete destruction there; they will take care of the actual disposal of your personal items; they will shred it on site. If not, they will put it in a container and shred it at their plant. There are nine people that have signed up for the lawn service. That will be something a volunteer group is going to care of. All the services on that day are free. We are asking people to come out and help us clean up our City. This is really in preparation for some of the things that are happening in our area, like the Dudley School being renovated. We want to have a nice-looking area when that goes up, we would appreciate any volunteers.

She said the Juneteenth event last month was very successful, and she has heard a number of comments and compliments on how it went. There were vendors out there in Alameda Park; they talked about how the Park looked really good. They are looking forward to maybe something else happening in Alameda Park because it was really nice.

Commissioner Paul made the following comments:

He said he thought our City did a great job with the 4th of July Fireworks Show; putting out notice to the community was extremely timely. He said he knew in years past it has been hard to notify the community of what is going on, he said he thought that City staff did an excellent job in getting the word out that it was going to be delayed due to weather.

CONSENT AGENDA

1. Approve the minutes for the June 28, 2022, Regular meeting. *(Rachel Hughs, City Clerk)*
2. Approve the statements related to the Executive Closed Session held on June 28, 2022. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, approval of the Annual Reports from City Boards, Commissions, and Committees for Fiscal Year 2022. *(Rachel Hughs, City Clerk)*
4. Consider, and act upon, adoption and final publication of Ordinance 1651 Case Z-2022-0001(A), a map amendment to remove the condition that was placed on the property in 1998. Property located at 1001 Scenic Dr. was rezoned from R-1 Single Family Dwelling to C-1 Neighborhood Business Case 1998-0574(A), with the condition that property could only be used as an ATM machine location. *(Stella Rael, City Planner)* (Roll Call Vote Required)

5. Consider, and act upon, adoption and final publication of Ordinance 1652 amending Section 3-1 of the Alamogordo Code of Ordinances concerning Compensation in the Employee Manual. (Kim Torres, HR Director) (Roll Call Vote Required)

6. Consider, and act upon, the contract between the Alamogordo Police Department and the Alamogordo Public Schools to have School Resource Officers. (Richard Denton, Chief of Police)

Commissioner McDonald moved to approve the Consent Agenda.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

7. Consider, and act upon, first publication of Ordinance 1653 reaffirming that the City's districts are compact in area and as nearly equal in population as possible. (Stella Rael, City Planner, and Rod Adair, NM Demographic Research, LLC) (Roll Call Vote Required)

Mr. Adair presented the three different plans for redistricting; Plan A which had the least change, Plan B which was the most compact; and Plan C which was the equal population option.

Mayor Payne said that Plan A will be the least changed, the biggest change on there would be between District 3 and District 6, right. Mr. Adair said District 6 had to lose at least one thousand people to come into compliance; it affected District 5 and District 3 because that population had to move out, so you are right in identifying District 3 and District 6 as the ones that had the biggest numbers movement.

Commissioner Rardin said he had been through this once before. He said that he did not know if you took this into account, but we do have lawsuit about the majority minority district; was that taken into account? He continued that it used to be District 5; District 5 and District 4 are close, but District 5 was always the one that had the most minority majority district. Mr. Adair said that is not a thing anymore. Commissioner Rardin said there was actually a lawsuit in Alamogordo way back when. Mr. Adair said that more recently, the findings are that you can't take any two minorities and say they share some sort of political goals and viewpoints and philosophies; it is no longer something that is discussed very much in the trials that he has been in. Now, if you have a Black minority, or a Hispanic minority, or a Native American minority, that, by themselves, appear to be disadvantaged, that becomes an issue. Commissioner Rardin said that it was it was about, he said he thought it was Hispanic minority, but it was a majority minority constriction, that is what they called it. He said that typically District 5 was the one that would always qualify for it, but he said he did not know if we need to keep a close eye on that or not. Mr. Adair said that is not really an issue, it is what you describe as a minority majority district right now, and it is 42% Hispanic and 43.6% Anglo as it is now. Commissioner Rardin said that the only one that would get a little bit closer would be Plan C, but it would actually move it from District 5 to District 4. He said he wanted to make sure he asked that questions to make sure that didn't come into play, since there was an actual lawsuit on it. He said he didn't remember if it was in the 60's or 70's, it was a long time ago. Mr. Adair said it makes sense, a lot of them were brought at that time about that very issue, but it has become a non-issue.

Commissioner Rardin said he thinks we should just do Plan A because it has the least change in the boundaries.

Mayor Payne asked what happens if, even if we go Plan A, if somebody that is representing a district falls out of that district once we approve this? Mr. Adair said that the people that hire me are never going to in front of them and have their people outside. Mayor Payne said so nothing would change there. Mr. Adair said that is nothing is going to change on that; if somebody moves, there is a State law that you lose your seat. Mayor Payne said so regardless of whatever one we chose, everybody will still fall within their district. Mr. Adair said yes.

Commissioner Rardin moved to approve Plan A.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

8. Consider, and act upon, Resolution 2022-32 authorizing and approving transferring Alamogordo Housing Authority to Eastern Regional Housing Authority. (Stephanie Hernandez, Assistant City Manager, and Chris Herbert, Eastern Regional Director) (Roll Call Vote Required)

Assistant City Manager Hernandez said she needed to make one change to the resolution, on the bold section at the top, the seventh line down or second to the last, where it says, "Of Alamogordo to the Northern Regional Housing Authority", it needs to say Eastern. If you approve, you will have to approve as amended.

Assistant City Manager Hernandez said tonight we have a lot of staff members here, she said also from Regional, Chris Herbert and a staff member. She said she also wanted to recognize that we have from the Board of Directors, Michael O'Hara and Pam Clarke who are on the Board and are also residents of Alamogordo. We appreciate them coming. We have Housing staff here. She said it was important to be transparent to staff, we have had meetings with everybody, and there really is no downside to this. She said that we feel it is a positive move for the City, for the staff, but more importantly for the community and the housing community.

Eastern Regional Director Chris Herbert said just to briefly let you know what the Region does, we represent twelve counties on the eastern side of the State. We were created as a part of a statute to provide regional housing authorities in rural areas so that, particularly in the case of smaller housing authorities, we could merge a transfer into the region to make for more efficient operations. We have been able to merge a number of housing authorities already into the region, so we have done this before. The process is pretty smooth, and we think that is a pretty easy process for a city to do.

Mayor Payne asked how long the process is. Eastern Regional Director Herbert said it has to be approved by HUD, and sometimes that takes several months. Mayor Payne said so we are looking at closer to the end of the year. Eastern Regional Director Herbert said there are two sections to it that usually everybody asks of the transferring Housing Authority, which would be the City of Alamogordo, would sign a management agreement with us to do the operations while the transfer is underway. The transfer itself is primarily based on the closing of the real estate of the real property.

Mayor Payne said just so everybody can understand, can you explain to us the benefits of doing this. Eastern Regional Director Herbert said the process has always been that the housing authorities that are smaller in size, and when HUD refers to smaller in size, they mean anything under five hundred units, that process is the same if the housing authority has one hundred units or if they have one thousand units, the reporting requirements and all the bureaucratic mechanisms are all the same. All of that work is required of the smaller housing authorities, as well as the larger housing authorities. So, the creation of the region allows us to allow for a larger entity with greater scale to be able to accomplish that more efficiently. Mayor Payne said obviously there could be opportunity for growth,

for our housing authority as well, is that correct. Eastern Regional Director Herbert said yes, we have an active development department. Mayor Payne said that was the appealing part to her, was that perhaps we would be able to offer more low-income housing for those that might need it; so, this is a great opportunity to do that.

Commissioner Paul said the only question he has is in relation to, if there are issues that are experienced that the City or resident come upon, and everything is directed to the Eastern Regional Housing Authority, what does that process look like and does the City have much ability to ensure that those properties are maintained for the residents that live there. Eastern Regional Director Herbert said that the Eastern Regional Housing Authority has all the same requirements that the Alamogordo Housing Authority does now, in all of the oversight that it has in regard to the upkeep, maintenance, and improvement of those units for the residents' purposes. So, we have been very successful over our tenure in our operations. We are a high performer under the HUD systems; we have had successful audits for more than a decade. He said he thinks they have a really good track record of operating those successfully, and if there are questions where constituents come to the City, he said he would be happy to give every person on the City Council his number so they can get a hold of him at any time through his cell phone. Mayor Payne said it was good to have that assurance for those that may be watching to know that nothing is going to change as far as that goes, because obviously the safety of our residents is the most important.

Commissioner Rardin moved to approve as amended.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

9. Consider, and act upon, first publication of Ordinance 1655 repealing Article 2-09 of the Code of Ordinances concerning the Department of Housing Authority. (*Stephanie Hernandez, Assistant City Manager, Chris Herbert, Eastern Regional Housing Authority*) (Roll Call Vote Required)

Assistant City Manager Hernandez said in our ordinances, we have one that creates the Housing Department, so because you approved the resolution to transfer, this is just striking it from our ordinances so that we are not responsible for having that Department.

Commissioner Rardin moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

10. Consider, and act upon, first publication of Ordinance 1654 to amend sections of Chapter 5 of the Code of Ordinances concerning Alcoholic Beverages. (*Rachel Hughs, City Clerk*) (Roll Call Vote Required)

City Clerk Hughs said it has been over 10 years since the last update of Chapter 5. The additions that staff is proposing are adding specific definitions pertaining to the ordinance, categories within the temporary beverage dispenser's section to match the State, hours of operation to mirror the State, and adding late renewals. The major changes to the current ordinance are changing the word license to permit in the temporary beverage dispenser's section because a permit is temporary where a license is for the year, and this is the way the State refers to them. Also, to add \$25 to the investigation fee to cover the cost of the two publications that are required by the State; the cost of the publications is between \$70 and \$85; the last one we did in 2021 cost \$78.50. Another change is the cost of the

alcoholic beverage dispenser's license from various costs to \$250 each. Also, decreasing the fees of the temporary beverage dispenser's permits from \$50 to \$25 for an outside city limit business with an alcoholic beverage dispenser's from the State, and no fee for a business within the city limits that has a license from the City. Lastly, amending the renewal dates to match the state.

Commissioner Melton asked how we came to that \$250 dollar figure for the fees. City Clerk Hughs said with the \$250, she did some research on various cities withing New Mexico. Ten cities, all except for one, charged \$250 each.

Commissioner Rardin said the \$250, is that like for local businesses. City Clerk Hughs said yes. Commissioner Rardin said they pay a one-time fee, then they can attend any of the events that we have in the City. City Clerk Hughs said that is talking about the special temporary liquor licenses. Let's just say that Carino's wants to do a special event, he has his license for the City where he has paid the \$250; instead of charging them \$50 like we have been, it is going to change that they are not going to have a fee to do that event, whereas in outside city limits we have been charging them, she said that has changed and she struck that out, so that a person that is outside City limits, like somebody from Cloudcroft, wants to come to an event, they have to first get their liquor license, \$150 for a brewery, and then they have to pay \$50 to come into the City to do something. So, we are striking out that they don't need to have a liquor license, however, instead of the \$50 to do an event, it will now be \$25, and the process for people to come to do events in our City is going to be a lot smoother and quicker.

Mayor Pro-Tem Wright moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

11. Consider, and act upon, approval of the land/property purchase at 101 Dale Scott Avenue for the purchase price of \$94,500. (*Brian Cesar, City Manager*)

City Manager Cesar said this lot has been vacant for as long as he has lived here in Alamogordo. In Washington Park, we have had an issue with parking spaces, there isn't a lot of area obviously for them to expand short of taking away green space. Staff looked at this as an opportunity to acquire a vacant piece of property, which definitely controls what can be placed there if it is owned by the City. Short-term, what we are looking at is what that lot has traditionally been used for, people parking there to utilize the Park in various events. Long-term, any changes or improvements will obviously be brought to Commission either at budget time, or as funds become available and we have plans to develop.

Commissioner Rardin moved to approve.

Commissioner McDonald seconded the motion. Commissioner Paul abstained.

Motion carried with a vote of 6-0-1.

Commissioner Rardin moved to adjourn at 7:20 p.m.

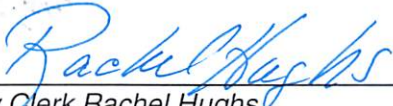
Commissioner Burnett seconded the motion.

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

ADJOURNMENT



ATTEST:


City Clerk Rachel Hughs


Mayor Susan L. Payne

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on July 26, 2022.