

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
March 28, 2023**

**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
ASHLEY SMITH, 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 Deputy City Clerk. Mayor Pro-Tem Dusty Wright was absent. Deputy City Clerk Aleshire announced there was a quorum present. Invocation was given by Pastor John Krall and the Pledge of Allegiance was led by Commissioner Burnett.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Cliff Wilson said there are four real main ways to get around this town, walking, cycling, car, and public transit. He said that traffic engineers talk about three main things, safety, traffic flow, and cost. He said most people would put safety first, cost, and traffic flow. Old traffic engineers in the 1960's prioritized traffic flow, cost, then safety. Take our town, for example; we have a lot of right-hand turn lanes, which are extremely dangerous. When most people stop at a stoplight, they go into the crosswalk, so the person on the right side has to scoot in front to see who is coming. So that person is not looking for the pedestrian, in danger for looking left, and then people usually gun it. That is just one thing. Another thing was the child hit on Florida. He said there are many ways to design our streets that are safer, like you could make ten-foot-wide lanes. It should have been a school zone at that spot because it is only safe during school zone hours, but most people don't obey the school zone speed limits. He said it not the police's job to monitor everything, a better way would be raised crosswalks. It is safer and better. There are also ways to do curb extensions. He said he sent information to the City Commission but has heard nothing back.

Mayor Payne asked City Manager Cesar to talk about the upcoming Master Plan. City Manager Cesar said we had the draft in pavement condition, but it is not really talking about the things Mr. Wilson is discussing. City Manager Cesar said Mr. Wilson should send the things he previously sent to the Commission to his office, and he would get it to the Public Works Director and Engineering Department. Those are things that have been looked at in previous project, but it hasn't been incorporated until the last few.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. He said this Saturday, April 1st, the pool at the REC center will open with limited hours. As we get into the summer season, those hours will be expanded.

2. Easter in the Park is on Saturday, April 8th, from 10 AM to 1PM at Washington Park. There was some confusion regarding an old form on our website. The old form said that no items could be sold by vendors, but that was incorrect. The correct posting and a new PSA both went out. If you get any calls from people who want to do vending at Easter in the Park, yes, they can sell food, items etcetera.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

He asked if we have a current policy as far as patching and holes; if we don't, we need to implement one. He said there had been holes on Mountain View for three months. City Manager Cesar said it was supposed to have been patched last week. It alternates between street patching or filling the holes behind water breaks. He said he was aware of approximately eighty-four outstanding patches. A portion of those were done via contract to give the Department time to catch up. He said he asked about the patches on Mountain View, and those are now scheduled to be done on Monday. Commissioner Rardin said the constituent in that area called him before Christmas. City Manager Cesar said that water breaks and patching are prioritized. The ones on Mountain View are a lower priority compared to something on Washington or 10th Street. There are things in place to set a time. We could make guarantees if we had a batch plant and were making our hot mix and concrete, but we don't do that. At times, we are at the mercy of the supplier. He is not saying the supplier is the only reason these haven't been patched; we have had quite a number of main and service line failures. It is a lot quicker to tear something out, fill the hole, and move onto the next, then come back and do the finish work. The Street Department will be caught up, and hopefully, stay caught up. If they start to get behind, they will implement the contract earlier to one of the locals that can do that work.

Commissioner Melton made the following comments:

He asked for a status update on Paiute Park. Assistant City Manager Hernandez said that the equipment was deemed unsafe and costly to replace at Paiute Park. They are going to fill it in and make a green space with BBQ grills. It will no longer be a playground but a green space for people to gather. Commissioner Melton said so it wasn't the foundation that made it unsafe. Assistant City Manager Hernandez said no, it was the play structures. She said she believed Commissioner Melton sent an email, and the Public Works Director contacted the individual. Mayor Payne said she was disappointed that wouldn't be a playground anymore. It is utilized multiple times every day. Assistant City Manager Hernandez said we came up with a cost-effective solution in that green space, but with all the pocket parks and equipment that hasn't been maintained and ADA-compliance with anything we do to it, it just wasn't feasible for us to replace it. The green space will still be for families and kids. Commissioner Rardin asked how much money it would cost to replace it. Assistant City Manager Hernandez said she did not know. Mayor Payne said she thought we were replacing it and was telling everyone that. Commissioner Rardin said staff needed to get numbers and let the Commission decide. Commissioner Melton said he lived in that neighborhood, and the biggest feedback he heard was that it was the only kid-centric area. So making it a place for community BBQ is great, but we already have that with Desert Foothills. Assistant City Manager Hernandez said she believed they would put some concrete slabs for cornhole. Commissioner Rardin repeated that he wanted to see some numbers on that area. Assistant City Manager Hernandez said we could send those out. Commissioner Rardin said those structures aren't that expensive, and perhaps they could be scaled down. Mayor Payne said it was well-utilized and worth spending more money for something like that. Commissioner Rardin said now is an opportune time with budgets coming up.

Mayor Payne made the following comments:

She said the Mayor of Las Cruces invited her to his last State of the City Address. He has been the Mayor for the last sixteen years. She thought about some of the things he said, and we are doing a lot of those things here. Everything must be done in order, and she liked how we were doing it.

CONSENT AGENDA

1. Approve the minutes for the March 14, 2023, Regular Commission meeting. (Rachel Hughs, City Clerk)
2. Consider, and act upon, the approval of the application for the Law Enforcement Protection Fund. (Richard Denton, Chief of Police)
3. Consider, and act upon, acceptance of an NM DOT Aviation Division grant agreement in the amount of \$6,005.00. (Veronica Ortega, Community Services Director)

Commissioner Rardin 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

4. Consider, and act upon, Ordinance 1675 Case Z-2023-0002(A) for first publication of a map amendment to change the current zoning of C-3 Business to M-1 Light Industrial, the property location is 6061/2 US Hwy 70 West. (Stella Rael, City Planner) (Roll Call vote Required)

City Planner Rael presented the zoning case and process to the Commission to change the zoning from C-3 Business District to M-1 Light Industrial District. She said this request was because the property owners were looking to sell the property, and the new potential owners wanted to place a cannabis cultivation and manufacturing business there. She said it was 606 ½ because a new Lavelle address wasn't created when the original parcel was split, and they created two lots. She said she intended to correct that. She said the legal ad was placed in the Alamogordo Daily News, and three letters were mailed by certified return receipt to all property owners of record within two hundred and fifty feet, excluding public right-of-way. As of today, there were no letters or phone calls of opposition.

Mayor Payne asked if there was another property. City Planner Rael said yes, it was 1408 Black Street. Mayor Payne asked if this was the same business. The representative for the owners, Christian Lita, confirmed that it was.

Commissioner Rardin asked if they couldn't have cannabis growing under C-3. City Planner Rael said no. With the rewrite of Chapter 29, our zoning ordinance, we are changing cannabis cultivation and manufacturing to our light industrial or industrial area. She said she made the process of doing this so they can comply in the near future. Commissioner Rardin said they would comply anyway because it would be grandfathered in. City Planner Rael said yes, but we give the best advice we can to not cause any problems for new businesses coming into town.

Mayor Payne asked if the building had permitting from the City to be built. City Planner Rael said that was way before her time, but she was sure it was looked at.

Commissioner Melton said that in the letter sent to the surrounding property owners, were they notified this could result in a cannabis business? City Planner Rael said they knew what it was going to be. There were no phone calls or letters of opposition.

Commissioner Paul 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-2023-0001(A); property owners Donald & Evelyn Carlson are requesting to reduce the rear setback line from thirteen (13) feet to ten feet two inches (10'2") to accommodate the split of this parcel into two separate lots. (Stella Rael, City Planner)

City Planner Rael presented the case and said the area was at the corner of Alaska Avenue and Crouch. She said that the property owners are looking to split that parcel and want to sell one set of apartments. By splitting the parcel and meeting our requirements, everything worked except the ones facing Alaska. They will meet the front and side setbacks, but they won't meet the rear. The rear setback should be thirteen feet, and they can only get up to ten feet to accommodate the split, so that is what the variance is about. She said she sent out twenty-eight letters to surrounding property owners and didn't receive any back. She received one phone call where they only wanted clarification on what was happening.

Commissioner Rardin asked how far off was the property line on the section that said twenty-seven feet. City Planner Rael said five feet. He asked if that was a side setback, and City Planner Rael said it was.

Commissioner Paul moved to approve.

Commissioner Burnett seconded the motion.

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

6. Appointments to Boards and Committees. (Susan Payne, Mayor)

Mayor Payne read the openings and appointed Rebecca Miller, Stephen Butler, and Xochitl Valenzuela to the Senior Volunteer Programs Advisory Council. She also appointed Rosanna Heath to the Mayor's Committee on Aging. No one was opposed.

Commissioner Rardin moved to adjourn at 7:13 p.m.

Commissioner McDonald seconded the motion.

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

ADJOURNMENT



ATTEST:

Rachel Hughes

City Clerk Rachel Hughes

Susan L. Payne FOR
Mayor Susan L. Payne

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on April 11, 2023.