

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
September 12, 2023**

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

**DUSTY WRIGHT, MAYOR PRO-TEM
KARL MELTON, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING 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. Deputy City Clerk Aleshire announced there was a quorum present. Invocation was given by Pastor Don Hoffman, and the Pledge of Allegiance was led by Mayor Pro-Tem Dusty Wright.

APPROVAL OF AGENDA

Commissioner Burnett moved to approve the agenda.
Commissioner Melton seconded the motion.
Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. Swearing in of Certified Police Officer Emilio Alonzo, Police Service Aides Don Brockett and Audie Swing, and Animal Control Officer Steven Howe. (*David Kunihiro, Chief of Police, and David Overstreet, Municipal Court Judge*)

Judge Overstreet swore in Animal Control Officer Steven Howe, Police Service Aide Gerardo Parra, Police Service Aide Audie Swing, Police Service Aide Don Brockett, and Police Officer Emilio Alonzo.

2. Constitution Week Proclamation. (*Susan L. Payne, Mayor*)

Mayor Payne proclaimed the week of September 17th through the 23rd as Constitution Week and presented the proclamation to Kathy Prater of the White Sands Chapter of the Daughters of the American Revolution.

PUBLIC COMMENT

Gary Stevens signed up to speak under Item 11.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following remarks:

1. No report; a comprehensive City Manager's Report is sent every week.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne made the following comments:

She said we should consider a resolution confirming our support for the Constitution and disapproval of the Governor's order this week. The County is doing something. We did not have time to get it on this agenda, but we need to consider it for the next meeting. Commissioner Rardin said he agreed; we need to get a copy of the County's resolution and maybe mirror it for the next meeting. Maybe we could authorize the Police Chief to put a letter out saying he will not enforce it either. Mayor Payne said the Attorney General put out a statement today saying he would not enforce it either. It is obviously very unenforceable, but when it comes to violating the Constitution, we need to take a stand and put out something that makes a strong statement. This is nonsense. Acting City Manager Hernandez asked if this was for the next meeting or a special meeting. Mayor Payne, Mayor Pro-Tem Wright, and Commission Rardin all said at the next meeting. Commissioner Rardin said he thought that Otero County already had a resolution drafted; maybe we could reach out to them and take theirs and get it to work. Mayor Payne said we should tweak it and affirm our support. Acting City Manager Hernandez said we technically had one ready because we saw it coming, but we will look at theirs and see if it is different. Commissioner Rardin asked if we could go a step further and make a resolution in favor of John Block's impeachment actions. He said he did not know if everyone would support that or not. Mayor Payne said we needed to be in solidarity on that, and we may not be.

Mayor Payne said Commissioner McDonald was working on the Dudley School, and it looked productive. Commissioner McDonald said it was.

CONSENT AGENDA

3. Approve the minutes for the Special Commission meetings on August 21, 2023, and August 28, 2023, and the Regular Commission meeting on August 22, 2023. *(Rachel Hughs, City Clerk)*

4. Approve the statements related to the Executive Closed Sessions held on August 21, 2023, and August 28, 2023. *(Rachel Hughs, City Clerk)*

5. Approve the weekly City Manager Reports for 8/18/2023, 8/25/2023, and 09/1/2023. *(Stephanie Hernandez, Acting City Manager)*

6. Consider, and act upon, agreement with Otero County for receipt of the \$50,000 reimbursable grant award for the Alamogordo Public Library services to County residents. *(Kim Underwood, Library Manager)*

7. Consider, and act upon, approval of Change Order No. 1 in the amount of \$61,054.45, including NMGR, to La Luz Dirt & Paving, LLC related to the FY21 Street Maintenance Program - Ridgecrest Drive project. *(Patrick Riele, Project Manager)*

8. Consider, and act upon, acceptance of the FY24 New Mexico Department of Tourism's Clean and Beautiful grant award in the amount of \$25,495.84. *(Sven Sears, Parks & Recreation Executive Assistant/KAB)*

9. Approve Resolution 2023-42 designating the Administrative Manager as the Custodian of Records for the Alamogordo Police Department and including the method of destruction of City records as witnessed shredding. *(David Kunihiro, Chief of Police)* (Roll Call Vote Required)

Deputy City Clerk Aleshire removed Item 3 from the Consent Agenda.

Commissioner McDonald moved to approve the Consent Agenda as amended.
Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

3. Approve the minutes for the Special Commission meetings on August 21, 2023, and August 28, 2023, and the Regular Commission meeting on August 22, 2023. (Rachel Hughs, City Clerk)

Deputy City Clerk Aleshire said an amendment needed to be made to the August 28, 2023, Special Meeting Minutes. He said he put that Commissioner McDonald was absent from the meeting, and that was not correct. Commissioner McDonald was late but present for the Executive Session, and that wording needed to be added.

Mayor Pro-Tem Wright moved to approve Item 3 as amended.

Commissioner Paul seconded the motion.

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

UNFINISHED BUSINESS

10. Consider and act upon Resolution 2023-20, declaring 308 N. White Sands Blvd. to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

Code Enforcement Manager Sides said he brought this property before the Commission in June, and it had been tabled until today. He said he was unsuccessful in contacting Mr. Douglas after that meeting and had left business cards at his residence. He could not make contact to go back inside the property at 308 White Sands. He said that he saw Mr. Douglas working on the roof throughout the summer and observed from the public rights-of-way that Mr. Douglas did work on the southwest corner. It looked like he patched where the cracks were, but no work was done on the northeast corner, where it is displaced by four to six inches, making it still structurally unsound.

Commissioner Rardin said that this gentleman put a brand-new roof on this building and had done a substantial amount of repairs to it. We gave him three months to see where he would go, and he has improved the face and the south side. Mayor Payne asked if Commissioner Rardin meant since then. Commissioner Rardin said yes. Commissioner Burnett said he drove by it today, and the west and south sides have been repaired, but the east side has not. Mr. Douglas has put work into this place. Commissioner Melton said but did we ask Mr. Douglas to put in work or to fix the structure and code violations. Commissioner Burnett said Mr. Douglas has been fixing what we asked him to start fixing, which was the roof and the cracks. Mayor Payne asked why Mr. Douglas was not returning calls or communicating. Commissioner Rardin said he had not seen Mr. Douglas down there in a couple of weeks, but right after we gave him the three months, Mr. Douglas was down there about every day working on this. There were ladders, buckets, and tar. He put a new roof on it.

Code Enforcement Manager Sides said that by passing the resolution, per the International Property Maintenance Code, that gives him two years to bring it back up to code. By passing it, it does not mean we are going to demolish it tomorrow. Per the International Property Maintenance Code, because the windows are not boarded, he has two years to correct the rest should the resolution pass.

Mayor Payne said he has not communicated. Commissioner Rardin said he was a schoolteacher, so that may be why we are not able to get in contact with him. Mayor Payne said we were clear about how critical it was to communicate, tell us what was going on, and get some of these items corrected.

Acting City Manager Hernandez said we discussed this, and by passing this resolution, it gives the City a little more teeth to reach out to him so that he has to reach out to us. As Code Enforcement Manager Sides said, Mr. Douglas has two years, but he has to be in communication. By not passing this, then by next month, he can just stop doing anything. This gives the City some wiggle room to contact. Mayor Payne said she agreed.

Commissioner Rardin asked if we contacted Mr. Douglas to let him know this was on the agenda. Did we try? Code Enforcement Manager Sides said he tried going by his residence in the City on Princeton and was not able to contact him at all. Commissioner Rardin said that Mr. Douglas has made substantial progress in his eyes. Mayor Payne said she did not want this to sit there for two more years and do nothing because all that progress goes down the tubes if he does. Commissioner Melton said that progress is half of it; the other half is communicating with us since this was a mutually arranged decision. Mayor Payne said her concern was that people do not think we are serious. Commissioner Rardin asked if we knew if Mr. Douglas's father passed away. Code Enforcement Manager Sides said he believed so and has come to understand that he did. Commissioner Rardin said he was the original owner of this building, and Mr. Douglas was the son that has control. There is another son somewhere. Code Enforcement Manager Sides said he believed that back in June, Mr. Douglas said that the building was left to his brother, and his brother let it dilapidate that bad, and now he has taken back control of it and is taking care of it. He said he spoke with Mr. Douglas after the Commission meeting in June and told him that he would need to meet with him again to sign the consent to enter form so we can go in there, and Mr. Douglas had said it was not a problem, and he would be by that week, but there has been nothing since.

Mayor Payne said her concern is that this will go another two to three years if we do not do something. If we pass a resolution, that gives us control over how far we can go with it. She said that she personally was not willing to let this go because it is another building on White Sands Boulevard that is falling apart. If Mr. Douglas does not get it fixed, it is just going to get worse. It is not fair to everybody else, such as property owners that invest and take care of their properties, people that live around or do business there, and quite frankly, it is not fair to us as a community when we have military driving through for the first time and that is what they see.

Commissioner Paul moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 5-0-2. Commissioners Rardin and Burnett voted nay.

NEW BUSINESS

11. Consider, and act upon, Ordinance 1681, Z-2023-0005(A) for first publication, a map amendment to change the current zoning of the property with the legal description of S: 8 T: 16 R: 10 TR IN N1/2SE1/4 from R-1 Single-Family Dwelling District, to R-4 Multi-Family Dwelling District. (Sean McGranaghan, Assistant City Planner) (Roll Call Vote Required)

Assistant City Planner McGranaghan gave his presentation and recommended approval of the rezoning. He said they sent out protest area mailings. Twenty-eight letters were sent out, four letters were returned undeliverable, and we received five letters of opposition.

Commissioner Burnett said there was not a sewer line there, correct? Assistant City Planner McGranaghan said a sewer line was on Walnut, the cul-de-sac street. We talked with Utilities Director Nunnelley, and he said they could tie into that. The cost of extending it to the property would be on the property owner. Commissioner Rardin asked if it was on Walnut or Pinon. Assistant City Planner McGranaghan said that Pinon was the street that ties into it. Commissioner Rardin asked if the sewer was on Pinon or if it stopped on Walnut. Assistant City Planner McGranaghan said he thought it was on Walnut. Commissioner Rardin asked Assistant City Planner McGranaghan if there was City water on it. Assistant City Planner McGranaghan said they could tie into City water, but the expense would be on the owner. Commissioner Burnett said there should be one on Princeton. Commissioner Rardin said it was recently County property back in 2010 or somewhere around there. Commissioner Rardin asked if the protest letters were from residents who lived on Walnut. Assistant City Planner McGranaghan said that within the two-hundred-foot buffer, there were three residents on Walnut and two on Pinon.

Commissioner Burnett asked if we knew where they were coming in to have access. Was it Pinon? Assistant City Planner McGranaghan said there is not a road but a driveway that connects Pinon to Princeton.

Mayor Payne asked the property owners to come up and explain what they wanted to do. Property owner Sean Little said he purchased this land a couple of months back to develop it. It is currently completely undeveloped and almost an eyesore part of town. He said he wanted to completely clean the entire thing, beautify that area, and then build permanent mini homes with the intent of short-term rentals targeting military and traveling nurses. If other people want to rent, then they can. He said he was retired military and understood how much of a challenge it was to move with a family, and he was trying to set up an affordable temporary place close to the base. He said he had friends who were traveling nurses complaining how hard it is to find someplace. You could hit the hospital with a rock from where he lives if you threw it hard enough. He said it is an investment plan for him. Mayor Payne asked if it would be similar to what is on Florida? Are you familiar with the tiny homes? He said he thought she knew what she was talking about, and somewhat, yes. They are going to be more spread out and not so tightly together. Mayor Payne asked if it would be those sizes. He said yes, between four and six hundred square feet and one-to-two-bedroom units. He said he wanted to start with four of them now and, over the next fifteen years, expand with time if business goes well. He said he had three and a half acres to work with and only planned on using half of it.

Commissioner Burnett said he believed the houses on Princeton were on septic, correct? Mr. Little said yes, and he lived on Princeton. He had a well and septic on his property, but he could tap into the City's water and sewer from the Pecan addition, which was his intention.

Assistant City Planner McGranaghan asked the Commission if they received the letters of opposition. Mayor Payne said yes. Commissioner Rardin asked if there were five total. Assistant City Planner McGranaghan said yes, there were five in total. Commissioner Melton said two complaints were about existing infrastructure capacity; is that going to be an issue? Assistant City Planner McGranaghan said that regarding drainage, which was a concern they had, when the property is developed, it would be addressed in the review process. In the Technical Standards, it would call for a detention pond, but he would need to talk with Public Works Director Beshaler because she makes the final decisions. The post-development flow can increase from pre-developed, that way, they address the drainage. Concerning utilities, he had spoken with Utilities Director Nunnelley, and he said that they could connect. Regarding the increase in the number of houses, he would have to check with Utilities Director Nunnelley again, but when we get to the development process, that will also be addressed. As far as increased traffic and congestion, he said he was not sure if there was a way to address that because people are driving there regardless. Concerning the housing density, the property owner

plans to spread them out. The property owner is also planning that if this is subdivided, it can be individual lots. Concerning views of the mountains, there is a height limit, and they cannot do over two stories. The property owner is planning on doing one story.

Commissioner Rardin asked if there was a possibility in the future for Mr. Little to allow those guys to attach to your sewer if you put in a main in? All those houses on Princeton do not have City sewer. Mr. Little said his septic is inside his property at 2611, as was his neighbor's. He said he was not planning on immediately bringing sewer into the property because the alley has a sewer. He can run a six-inch pipe or whatever the City requires directly into it, so there will be minimal sewage on his property. If he does expand closer, then absolutely, there are sewer lines people can tie into. Commissioner Rardin said that was an issue with all those houses. In one house, a tank was failing. At that time, the City looked at acquiring an easement and running a line across 2611 to get to Pinon, but it never came to light. All those homes have septic tanks, and it would be in the City's best interest to get them off septic. Mr. Little said he would love to work with the City to make that happen. As a septic owner, he understood that it has benefits but definite setbacks, and it would be nice not to have to worry about it. When that time came, if we pushed that way with City water and sewage, it was something he was willing to work with the City on. Commissioner Rardin asked if they were on City water at Princeton. Mr. Little said no, he was on a well. The City water ends at the corner of Pinon and Walnut, and then down at 26th and Princeton is where all the City water ends. It does not come any closer.

Public Comment

Mr. Gary Stevens said he lived at 1523 Walnut. When this lot was sold a couple of months ago, he was looking forward to getting construction done and getting a lot taken care of. It is three point two acres. He said he did not know how many acres Mr. Little would use up on this first section. If you are going to build a whole lot of homes, first of all, Princeton is gravel with no sidewalks or curbs. So, if you wash your car on Saturday, you are not using Princeton. You are heading down one street, which is Pinon. Pinon cannot have cars parked on both sides and have two cars drive down. It is a secondary street in Alamogordo and not wide enough. He said he was concerned with kids and everyone else in the neighborhood. He said he almost smacked one a while back because he was using his driveway as a runway in the middle of the street and did not see him, but luckily, he drove slowly. He said if people drive fast down there, someone will get hurt. Waterlines in the area now are the old poly; they are digging up streets there regularly, fixing the lines. He said he was concerned about traffic. If Mr. Little would limit it to ten houses, he would be happy, but if there are follow-ons, we do not know if we have the infrastructure. The sewer has been pumped twice in the last six years by the City. He respects Mr. Little's wanting to build and looks forward to it but wants to come to an agreement that there will not be thirty or forty mini homes back there. That is his concern.

Acting City Manager Hernandez said this is just the zoning part of it. Anything else would go through TRC, and they will look at traffic, drainage, and all of that. If it is not suitable, we will not sign off on it. Mayor Payne said she was just thinking that if it is not possible, it is not possible. She did not know if that was even a concern. Acting City Manager Hernandez said as far as parking, perhaps the owner can address if the lot is big enough to have parking on it instead of the side of the street. Mayor Pro-Tem Wright said tonight is just the zoning change, and after this, Mr. Little will have to coordinate with the City to develop the drawings and make sure they are improved with the infrastructure and setbacks. It would have to meet our new Tech Standards to be even possibly built on this land. Mr. Stevens said his concern was how many homes were going in back there and if we could afford the traffic. Mayor Payne said that if we do not rezone this, we are limited to single-family homes, which does not seem practical for a three-acre lot. What else would Mr. Stevens do with it? Mr. Stevens said if it was R-1, you could build houses and whatever you wanted. He just did not want forty mini-homes

in there. Once it turns R-4, there is no control, and the City cannot stop anybody if he sells the property down the road. Mayor Payne said that if we do not rezone to R-4, Mr. Little is very limited in what he can do, which does not make sense. Mr. Stevens said he understands what Mr. Little is doing and looks forward to it, but if we are going to get a large number of mini homes, well, Princeton has no infrastructure. We are on a dirt road and developing a lot without developing the area. That means there will be one street going down, and who is going to drive down a gravel road or paved road, which is Pinon. We already opened up the bridge at Pecan, and from 25th Street to Fairgrounds is the front stretch of the Coca-Cola 600. You have people flying down and passing you at seventy miles per hour. He said he has been passed numerous times down there at high speeds, and he does not want people on Pinon doing the same thing.

Commissioner Rardin said that on the zoning map, they usually give us a legend of the colors. Assistant City Planner McGranaghan said the blue on the map is R-1. Commissioner Rardin asked what the green and tan were. Assistant City Planner McGranaghan said the green is R-4, tan is C-3, pink is M-1, and light beige is C-1. Commissioner Rardin asked if the brown was County, and if we annexed that or not. Assistant City Planner McGranaghan said it is City. Commissioner Rardin said we are spot zoning that one piece to R-4. Assistant City Planner McGranaghan said yes, but just south of it is a storage unit place. Commissioner Rardin said it should be C-1 right, or is that County back there? Assistant City Planner McGranaghan said the storage unit is zoned R-1 because when it was pulled from the County, everything automatically goes to R-1, so that would need to be fixed at some point, so it is in the proper zoning. So, it would be like an R-4 parcel and a C-1 neighborhood business parcel. Commissioner Rardin said that is right; it was built before it was annexed in.

Commissioner Melton moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

12. Consider, and act upon, Resolution 2023-29, declaring 311 New York Avenue to be so ruined, damaged, and dilapidated that it is a menace to the public comfort, health, peace, or safety and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

Code Enforcement Manager Sides gave his presentation and recommended approving and ordering the property's abatement.

Mayor Payne asked if the owner lived here. Code Enforcement Manager Sides said he is the same owner of 313 that I took a month ago.

Commissioner McDonald moved to approve.

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

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

13. Consider, and act upon, Ordinance 1682 for first publication amending Chapter 26, Article 03, Sections 010 Definitions, 030 Unlawful growth or accumulation on lots, and 040 Unlawful growth or accumulation on tracts. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

Code Enforcement Manager Sides said that Code Enforcement had a property owner that they brought forth to Municipal Court. The Municipal Court rendered a guilty verdict on unlawful growth or

accumulation on lots. The defendant appealed to the District Court. District Court Judge Schneider ruled that our ordinance of unlawful growth or accumulation on lots is unconstitutional due to its vagueness. Nobody understood what the meaning of weeds would be, is what she said in her ruling.

Code Enforcement Manager Sides said he did a lot of research about other communities in New Mexico, and he did not change the verbiage much. He said that in definitions, we defined five weeds as weeds in the City of Alamogordo but allowed the City Manager to designate what were and were not weeds. Per ordinance, there were only five weeds on that definition. In definitions now, there are fifty-five weeds, which matches places like Albuquerque, Las Cruces, and Roswell that have those specific weeds as noxious. In definitions, it also includes whatever the New Mexico State University's Agricultural Department deems a noxious weed on their list because their list is over two hundred weeds long.

Code Enforcement Manager Sides said going on to unlawful growth or accumulation on lots, which is a parcel of land that is under half an acre, the only verbiage added was you could not have weeds that were over six inches tall. We are all from here and understand that goat heads will never grow six inches tall, so he added in width and spread to those six inches. So now, with this, you cannot have weeds that grow over six inches tall or a width or spread either to help get those goat heads on that list. He said there is also verbiage from our unlawful growth and accumulation on tracts, which is any parcel of land over half an acre, that states if the code official deems it a fire hazard, it shall be removed.

Commissioner Rardin asked if we wanted to add grass as well. Everything there is just weeds. Code Enforcement Manager Sides said that under the definition of weeds, grass is not on there, but there is verbiage that if it is very out of control, we can cite it under unlawful growth and accumulation. We can now, he did not add that, and it was already there. We don't, but it could be there. He said he is not going to go out there to measure if grass is over six inches. Commissioner Rardin asked if they were going to waste time going out there and measuring the spread of a weed. Code Enforcement Manager Sides said no. Commissioner Rardin asked if we were just going to go, eh, it is close enough. Code Enforcement Manager Sides said yes, none of his officers go out there with a tape measure to measure weeds. It is obvious if it is over two feet tall. Commissioner Rardin said our state building officials sometimes do check that.

Commissioner Melton said there is a line here that describes weeds as anything that is harmful, unhealthful, unsightly, or offensive. Are we worried those are vague, and someone with an allergy might claim it is unhealthful? Code Enforcement Manager Sides said that is verbiage that was already in there, and it is verbiage that is in a lot of the other ordinances throughout the other cities in the State of New Mexico. When it comes to complaints of weeds, prior to Judge Schnieder's ruling, we only really looked at five. Russian Thistle is a big one, that is the tumbleweeds. Silverleaf Nightshade is another one, and it has little purple flowers. We focus on those. If it is not a weed that we can enforce, then it is not a weed we can enforce. We this, it is not so much okay, I am allergic to it, and it is unhealthy and unsightly. It is more about what is deemed as a weed by the New Mexico State University Agricultural Department, by the people who study that and tell us they are weeds. Commissioner Melton said he just did not want feuding neighbors the ability to give someone's garden offensive. Code Enforcement Manager Sides said we have that all the time with weeds. City Attorney Smith said we pretty much deal with that on a daily basis.

Mayor Payne asked if they needed to take a test on these weeds. Code Enforcement Manager Sides said he did a lot of research, and if he saw a name on there he did not know, he Googled it. Mayor Payne asked if there was a picture book or something. Code Enforcement Manager Sides said he asked for someone from the New Mexico State University's Agricultural Department to come over and give our Code Enforcement officers a brief rundown of the list of weeds. He said that some of the

additions to the weeds list is like bamboo. That would be a weed now under this. Or the River Cane looking plants the Zoo has, that get out of control if you are not taking care of it. There are a few trees there, such as the Tree of Heaven, a noxious weed by Agricultural Department standards.

Commissioner Rardin said the County has been having problems with the African Rue. He said he did not mind that being on here, but he knew from his shop that if you kill that stuff with a weed eater, it comes back four times bigger. If you try to poison it, it does not work. He said he has found nothing that works on African Rue. That stuff is very noxious; even the County Extension Office had a deal with the County talking about that, and they did not have anything to kill it. Code Enforcement Manager Sides said that African Rue is a big problem statewide, and that is why he has tried to get the Agricultural Department to come over and educate us. Code Enforcement is enforcement through education. This is a weed, this is how you take care of it, and we are finding out firsthand how you take care of those kinds of things. Commissioner Rardin said that mechanically cutting just makes it spread more rather than kill it. Acting City Manager Hernandez said with NMSU involved, they also have an extensive program on how to kill some of these weeds, so it will be an overall education. We also have Belinda, a biologist who has done all of that, so she will be another resource we can use. Commissioner Rardin said if you find something that kills African Rue, please let him know. Acting City Manager Hernandez said absolutely, because we have some of that at the Airport. Mayor Payne said she remembered a big presentation on African Rue at the Airport and people saying that they could not get rid of it. Acting City Manager Hernandez said we could buy a bunch of goats. Commissioner Rardin said he thought it was noxious for animals too. City Attorney Smith said her goats like them. Mayor Payne said she felt like we would end up in court over that. Commissioner Rardin said the County was interested in it because it could kill cows.

Commissioner McDonald asked if Code Enforcement Manager Sides said that Silverleaf Nightshade was a weed. Commissioner McDonald said it is not on the list. Code Enforcement Manager Sides said it was. Commissioner Rardin asked what it looked like. Code Enforcement Manager Sides said it does not get very tall but will get over six inches and has purple flowers. He said he mainly saw it on sidewalks. Mayor Payne asked if it was on the original list. Code Enforcement Manager Sides said it was. Mayor Payne said she did not see it here either. This is a detailed list; thank you.

Mayor Pro-Tem Wright moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

14. Consider and act upon, selecting Rick Holden as City Manager and allowing Human Resources and City Attorney to begin contract negotiations. (*Stephanie Hernandez, Acting City Manager*) (Roll Call Vote)

Acting City Manager Hernandez said this is for the Commission to take official action and have your vote. Mr. Holden is here and would like to say a brief word.

Mr. Holden said this is a great honor. He said he has been here long enough tonight to realize he is at home already because we are going to rezone, deal with weeds, and tear down old buildings. He is where he needs to be. He said he appreciates the opportunity and vote of confidence from each of you, and he looks forward to being here on an ongoing basis. He said that Acting City Manager Hernandez spoke to him this morning about being in the audience, and she has a spot cleared out for him and a list of things a mile long. He said he has already begun to get his housing situation situated and will be here and ready to go once we get the contract taken care of. He said he would be available,

and as he has said before, the open door will be there, and he looks forward to it. Thank you very much again for the opportunity to serve.

Commissioner Paul moved to approve.

Mayor Pro-Tem Wright seconded the motion.

Roll Call Vote was taken.

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

15. Consider, and act upon approving 3 agenda items and 2 alternatives for the 10/31/2023 Joint City/County Commission Meeting. (Stephanie Hernandez, Acting City Manager)

Acting City Manager Hernandez said the potential item list of things to discuss came from the Commission with the exception of the last one. She said she put that on there to ask that the Commission consider securing the rocks in the pipeline off Highway 82. As you know, this is the second time the rocks fell and the second time we have had to replace our pipeline. Another thing not on here that she asked the Commission to consider was combining the EOC, the Emergency Operations Center.

Commissioner Rardin said that as far as securing the rocks and pipeline, is there anything we could do? That is NMDOT's area. Acting City Manager Hernandez said the County does go in there and do some. Commissioner Rardin said not on Highway 82. NMDOT will help in emergencies, but that last rockslide was right where they took all the rocks down to try and prevent another rockslide. Acting City Manager Hernandez said that in speaking with Utilities Director Nunnelley and Public Works Director Beshaler, we believe some coordination can happen.

Commissioner Rardin said that one of his big ones was the flooding on Scenic and Florida. That would be a perfect opportunity for Otero County and Alamogordo to get together. It is very important. Commissioner Burnett said the flooding in that area is the number one complaint he gets. Commissioner Rardin said that would be a joint effort that both of us would have to work on since they have part of it up in the canyon there, and we have part of it right there where the culverts and backups start. He said he wanted that one on there for sure as one of ours. Mayor Payne asked if anyone had an objection to that. Can we add that one?

Mayor Payne said that we need to work with the County to come up with some solutions to our housing crisis. It is just going to get worse. Maybe we could add that. Does anyone have any thoughts on that? Commissioner Melton said we definitely need more affordable housing, but we may be limiting ourselves to just focusing on the affordable part. We just need housing in general. Mayor Payne said she agreed, housing in general. Commissioner Rardin asked what steps the City or the County could take to help with that. We have looked at it in the past, and there is not a lot. We started our GRIP program and looked at property tax abatements, and even if we do those, it is not enough money to incentivize those builders to build. With GRIP, you spend \$1,000,000 and you get \$20,000 back. There is a big issue, but he did not know if there was anything we could do to help it. Maybe we could take all the properties we foreclosed on and give them at a rate to the builders or something. We have looked at how to incentivize it for the last twenty years, and there was just no good way for us to do it on our end, but he did not know about Otero County's side. He said he did not know if we could use capital outlay money or if there was a way to look at infield development programs. About thirty years ago in El Paso, they did some infield development where they took older areas, like his and Commissioner McDonald's. A government-sponsored program incentivizes builders to go into those areas and revitalize them. Acting City Manager Hernandez said we could look into that, absolutely. We could research it. Commissioner Rardin said we could look into that part of it. Mayor Payne said

let's set that aside for now. We need to make this productive, so if we do not think this will be productive, then let's not talk about it.

Mayor Payne said she was looking at efforts for mental health facilities to help with problems in our community. That is one area we can work together on, and they have something like health services. She said she thought that was more for helping with the financial side of it, but maybe we can talk about it and expand it. It is a huge issue for us and the County. Commissioner Melton said it is an issue, but his reservation is that it is controversial. People think if the government gets involved, it will involve taxpayer money. It is controversial compared to the other items on the list, like broadband. Mayor Payne said they have three they are going to pick, and she said she could guarantee that broadband will be at the top of Commissioner Barela's list. She is just looking at things that may not be on the County's list.

Commissioner McDonald said she suggested three, and those have already been discussed. She said she didn't talk about Scenic and flooding, but she plans to attend a conference for housing, period. It will be in October, before the meeting. She said she would like to see what they are saying because when she looked at the information, it talked about if we could not get housing, period, we are losing out on the working class of people coming into town. We do not have people to fill jobs. We need to look at housing, whether it is productive or not. We need a plan to see what we can do about it. She said she had counted the number of houses in District 5, between 1st and 10th, and we can come up with about seventy vacant houses. Mayor Payne asked if those were livable or not. Commissioner McDonald said some are livable and some are not. Commissioner Rardin said we could put this up as one of our alternatives. The problem is using taxpayer money to try to incentivize that is not real legal, I guess you could say. Mayor Payne said yes, but she has questioned that before. Other communities are doing something, so what are they doing? She said that she and Commissioner McDonald have been looking into that because we need to do something. We have people working here and living in Las Cruces and other areas. We are losing out on a huge tax base. For instance, Eddie Valencia is building in other areas and talking about other things we are doing. She said she understood that he builds in El Paso and we are in New Mexico. It is different, but new things do not start unless people create them. Maybe we need to get creative. Our State Representative is here, and he knows how critical it is. Maybe things need to start happening at the state level. We cannot stop talking about it. Affordable housing would be for purchase, but what about rentals? We just do not have enough affordable rentals in our community. We need to talk about this and keep it at the forefront, whether it is with the County or not.

Commissioner Melton asked Acting City Manager Hernandez if she recommended it too, that were off this list. Acting City Manager Hernandez said she recommended one that was off the list. She recommended securing the rocks and combining the EOC, Emergency Operations Center. She said to follow up on Eddie Valencia, we have been working with him, and we have another meeting scheduled at the end of this month. We are just trying to address Fire Code issues. She said she believed it was two hundred and twenty-two units. Mayor Payne said she apologized; she asked about everything but that.

Mayor Payne said that Mayor Pro-Tem Wright talked about homelessness prevention and support services, which she thinks goes along with mental health. Mayor Pro-Tem Wright said we have a list of Otero County items and City items. Is that what they suggested versus what we suggested? Acting City Manager Hernandez said that is the email Commissioner Barela sent us. She did not know if the County would end up with that. She said once the Commission makes its decision, she will reach out to County Manager Pamela Heltner to see where they are at.

Commissioner Rardin said he thought the animal control one would be good. They have a fairly nice facility and room to expand. If we can get a plan together to combine the two and get our State Representative to get us some capital outlay, then maybe we could get the County and City together. Typically, they give us half a million to six hundred thousand towards a project, but if the County gets some, and we get some, we get a larger pool of money and can make that happen. Same thing with solid waste. They have about ten facilities around the County, but we have one. Wouldn't it make sense for us to turn ours over to them and let them run it? Then we could just contribute the money. Commissioner Melton said with that, we also give up control. We have our own animal control ordinances, and they have theirs. How would that work under one? Commissioner Rardin said it would probably be structured simply, like our landfill. It is a little different because there are not as many ordinances and rules and laws, but basically, if the animal is picked in city limits, it follows one set of rules. The majority of animals in theirs come from Chaparral. That is stuff we would have to talk about it. Commissioner Melton said he did not know if their noise ordinances are the same as ours, what with Alamogordo being more dense. We can discuss and look into it, but that is his concern. Acting City Manager Hernandez said that as far as the Convenience Center, all our citizens get billed. She said she agreed with Commissioner Melton on that particular issue. Utilities Director Nunnally would have a lot to say about that. Commissioner Rardin said the Convenience Center has always been an issue in Alamogordo. We have the County one and ours right next to each other. A lot of the resident complaints he has heard are that it is easier for them to just go to Otero County because they just let them dump their trash. We want to weigh you, put this in the computer, and then you have to come back around and get weighed again. There is no need for that. The County is just easier to deal with on solid waste. Acting City Manager Hernandez said they are also closed often. Commissioner Rardin said they are open all the time we are they close on Thursdays out in La Luz. Acting City Manager Hernandez said they close on Thursdays, but speaking with Utilities Director Nunnally, they close often, and we have to take some of those citizens, which is unfair to our citizens because our citizens pay for it. Commissioner Rardin said that when this one is closed, what ends up happening is they go down the road in La Velle, and they go down Zuni or Mayflower, take it out in the desert, and dump it. It creates issues for the County as well. Mayor Payne said she did not know how comfortable she was combining that stuff. We are not the County; we are the City. We do things differently, and there is a reason why we do what we do.

Mayor Payne said we know we want the flooding for sure. Commissioner Burnett said that crime reduction and community safety are issues in his District and Commissioner Rardin's, especially between Indian Wells and Dexter. Acting City Manager Hernandez said that is the County's list. Commissioner Rardin said it goes hand-in-hand with the City and County. Commissioner Melton said they would select that. Commissioner Rardin said so, we will come up with three and two alternates. Acting City Manager Hernandez said yes sir. Commissioner Melton said they do not have broadband, though. We are the only ones. Commissioner Rardin said he thought they had that on there. Acting City Manager Hernandez said we have a committee that encompasses all the County already, so we are already working on the broadband issue. She said Commissioner McDonald has gone to several of those, which are already in the works. We may not want to put that on because we are already working on it.

Commissioner Rardin said that Senior Center improvements are on our end, but it is off the County's list, correct? Commissioner Melton said yes. Commissioner Rardin said that it is a pretty nice facility over there. Mayor Payne said she thought they were doing a great job over there and is unsure what that is.

Commissioner Rardin said maybe the mental health facility is one of ours. Mayor Pro-Tem Wright said we could combine homelessness and mental health. Commissioner Rardin said that is an issue, and a lot of people walk around Alamogordo talking to themselves. Commissioner Melton asked what the

solution to that was other than throwing money at it. That is what San Francisco does. Mayor Payne said we have CIT, which helps with the crime portion, but mental health and homelessness often go hand-in-hand. Commissioner Rardin said drug use. Mayor Payne said the issue is that they may not be committing a crime, but they are parked on our sidewalks, and there is no place we can take them. We have no facilities, nothing. It is worth a conversation with the County, so we are all on the same page. We need to figure out what to do. She said she works in this field with the homeless, and we are getting some interesting people coming in, and it is honestly a little bit scary. Some of our volunteers are older. It is not a crisis now, but it is going to be if we do not come up with a solution to deal with it. Commissioner Melton said we could include it on the list; he just has major reservations about it. There have been studies with cities showing that investing in homeless shelters and mental health facilities does not work. It does not improve anything. It just inflates the budget. Mayor Payne said she is not suggesting that we come up with a facility, but we need to talk about it to figure out how we handle it. How do you handle it? You cannot let it continue because it will grow exponentially if we do not do something. Commissioner Melton said work with churches and private charities. Keep the government out of it. Mayor Payne said there is not enough money. Commissioner Rardin asked if the one that Mr. Torres did was still open. Commissioner McDonald said yes. Commissioner Rardin said that maybe it is part of the discussion. The County and the City could pull money together to contribute and help that run. It may not be something we run, but a little bit to us is a lot to them. It is a private organization. Acting City Manager Hernandez said that one is just a men's facility, though. Commissioner McDonald said the issue is just even getting a cooling station set up. It would have taken a long time for the City to do it, but the Counseling Center was able to do it for a month. We do have some avenues, so those can be tweaked if we talk about them. Commissioner Rardin said that would be similar to COPE, wouldn't it? Mayor Payne said it is a domestic violence shelter, and they are full. They have people in hotels. Commissioner Rardin said maybe a 501(c)(3) such a COPE that we and the County could partner with. Acting City Manager Hernandez said we could put it as a combined effort if you all agree. We can have the flooding on Scenic and Florida, and have homelessness and mental health as one item. Mayor Payne said it was a good idea. Commissioner Melton said we could include it on the list. Mayor Payne said we just have to come up with a solution. It is getting worse. Commissioner Melton said it is a philosophical issue about the role of government and whether or not it should get involved. Mayor Payne said she is the last person that believes in handouts. Acting City Manager Hernandez said there may be opportunities for grants where either we or the County are fiscal agents on it. It may not necessarily be us putting money into it rather than us getting the money and pushing it out. Mayor Payne said it is worth talking about, but if it does not get anywhere, then it does not go anywhere.

Commissioner Rardin asked if Commissioner Paul had comments. Commissioner Paul said he was listening to everyone go back and forth. He felt housing and the Airport were important, but the Airport was not on the list. Things like that will grow the community and are worth discussing. Some of these things are good but not necessarily on-topic. Mayor Pro-Tem Wright said we kicked housing out of the way because there is not a lot we can do. Commissioners McDonald and Burnett said it is an alternative. Commissioner Rardin said we have to look at different programs. We could come in and have a big developer come in who wants to get industrial revenue bonds through us, but then we are on the hook for that. They have no feet in the fire on anything, and if it goes belly-up, they walk away, and we sit there holding the note. Mayor Payne said we have already looked into that, and that is not going to work. Commissioner Rardin said we have a few ways of doing that, but we are on the hook for it, not them. Regarding when the GRIP program was in place, they spent \$60,000,000 at the hospital for a \$1,000,000 rebate. In theirs, it is a big one, but you go spend \$500,000. They did not end up getting it because we had to close it due to COVID. You spend \$500,000 to get \$50,000 back, and it is really not worth the paperwork. Mayor Payne said unless they are doing it anyway. The hospital was doing it anyway, and they were doing it regardless. Commissioner Rardin said we do not have the means to offer anything. That is all we have to offer. Mayor Payne said maybe not talk about

it at this meeting, but she agreed with Commissioner McDonald that we need to look into it and not give up on it. Commissioner Rardin said that one of the County Commissioners is a builder. Maybe he has some ideas. He has been in the industry for close to fifty years. Commissioner McDonald asked if that was Commissioner Matherly. Commissioner Rardin said Gerald, yes. He has been a homebuilder for a long time. Maybe he would have ideas. In order to get affordable homes, a lot of builders will not build smaller square footage of homes because there is not enough profit. They want to go out and build these twenty-five hundred to three thousand square foot houses to get the profit they need. Maybe we need to look at getting twelve to sixteen or twelve to eighteen hundred square foot homes and figure out how to get those moving. Mayor Payne said she remembered one of the builders coming before us about setbacks, and they said they wanted to do it to build affordable homes, but at the time, she had said define affordable. What is affordable? For a lot of people in this market, not even \$200,000 is affordable. Commissioner Rardin said that those homes are going for double what they used to go for in areas like his, Commissioner Burnett's, and Commissioner McDonald's. They are in the \$150,000 range for sixty-year-old homes.

Commissioner Melton said we could discuss catch and release. The County and the City are on the same page, but it may be useful to discuss joint lobbying strategies. That is not something we can do in private. It has to be in public.

Mayor Pro-Tem Wright said it is not on this list, but have we ever discussed economic development or tourism strategies with the County, especially since we have taken those both in-house here? Acting City Manager Hernandez said we have not, but she is down for those too. Commissioner Paul said that is highly worthwhile.

Mayor Payne said so let's narrow this down. We want flooding. She said she likes the economic development aspect; it is not on the list, but we can add that, right? Acting City Manager Hernandez said of course, yes. Commissioner Rardin said like what, a five-year plan on that. Mayor Payne said yes, how we can work together to create more business and industry. She said she is big on manufacturing, but a lot of that would have to be done outside city limits. Acting City Manager Hernandez said definitely working with the State and County. The State is really big on manufacturing in this part of the State. Hopefully it would bring the City and County into other efforts as well. Mayor Payne said okay, we can add that. Is everybody okay with that?

Mayor Payne said the third one is homelessness and mental health. Is everyone okay with that? Commissioner Rardin said everyone was cool with that. Commissioner Melton said he personally thought we should do catch and release. Mayor Payne said he was right, too. We can't pick four, right? Commissioner Melton said mental health is on their list, so there is a chance they will pick it. Acting City Manager Hernandez said we could put homelessness and mental health as an alternative and catch and release on number two. Commissioner Melton said we should specify the catch and release to discuss lobbying strategies. Commissioner Rardin said the mental health one would be a lengthy discussion. He agrees it is very important, but it could take up the meeting, which is only two or three hours. Mayor Pro-Tem Wright said three and a half. Acting City Manager Hernandez said she put it for four. Commissioner Melton said that would be a meeting in itself. Mayor Payne said it is an important meeting, so if we are not going to add that, just remember it is critical and getting worse by the day. It is incredibly stressful. Commissioner Rardin said he sees new homeless people standing on corners daily now.

Mayor Payne asked if we wanted to add catch and release. She said she was all for it. Commissioner Rardin said we are all already working on catch and release. The County is, and we are. Commissioner Melton said separately, though. We all plan to do something once the session starts, but we have not discussed it as a combined group. Acting City Manager Hernandez said she thought we had the

support for Representative Block's letter, which went up to the State. Right now, we have different calls from citizens who are sending letters or calling the Governor's Office. That is where we are right now. It would not be bad to put it on there because we have a meeting in October with the pretrial services.

Mayor Payne said okay, so yea or nay. Somebody give me some thoughts. Commissioner Burnett said we are doing the flooding. Mayor Payne said not the flooding, we have economic development. Mayor Pro-Tem Wright said and the catch and release. Commissioner Rardin said those are our alternates. Commissioner Burnett said housing. Mayor Payne said housing and mental health. We made a decision. Acting City Manager Hernandez said the flooding, the economic development, and catch and release.

Commissioner Rardin made a motion to approve the three items we finally discussed and two alternates.

Mayor Pro-Tem Wright seconded the motion.

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

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

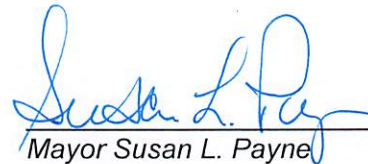
Mayor Payne read the openings and appointed Mark Alan Carter to the Mayor's Committee on Aging. No one was opposed.

Commissioner Rardin moved to adjourn at 8:03 p.m.

Mayor Pro-Tem Wright seconded the motion.

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

ADJOURNMENT



Mayor Susan L. Payne

ATTEST:



City Clerk Rachel Hughes

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on September 26, 2023.