

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
September 26, 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 City Clerk. City Clerk Hughs announced there was a quorum present. City Attorney Smith was absent. Invocation was given by President of the Alamogordo Area Ministerial Alliance Stan Richardson, and the Pledge of Allegiance was led by Commissioner Nick Paul.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Swearing in of Code Enforcement Manager Josh Sides and Officers Jeremy Otero, Rocky Chavez, April Payan, and John Romero. (*David Overstreet, Municipal Judge*)

Judge Overstreet administered the Oath to Code Enforcement Manager Josh Sides and Code Enforcement Officers Jeremy Otero, Rocky Chavez, April Payan, and John Romero.

PUBLIC COMMENT

Michael Guebara said he wanted to talk about the condemnation of properties downtown. He had handouts from Pat Vandergriff of Vandergriff Code Consulting, who was the head of Code Enforcement here in Alamogordo for an extended period of time. Acting City Manager Hernandez said we do not allow handouts at the Commission meeting because it is both policy and for the protection of the Commission. We ensure that nothing corrupt is happening and is not available to citizens. If you want to email this to them, you are more than welcome to do so, and it would then become a public record. Mr. Guebara asked if he could get a copy of the Commissioner's email addresses before the meeting was over. Acting City Manager Hernandez said yes. Mayor Payne said they are on the website as well.

Mayor Payne asked Mr. Guebara if he would speak in general or on Item 9. Mr. Guebara said he would speak in general and on Item 9 about the policies and the fact that the City of Alamogordo does not have a qualified person to determine these violations when it comes to condemnation. He said he was going to refer to the handouts, but if you all do not have them, it will be hard for them to understand what he is saying. Some of you had ample opportunity to read it before the meeting if you got that far. The City does not have anybody qualified to make the decision. The City no longer has a Buildings Department, and without a building official, there is nobody qualified to make that. They would have

to be ICC Certified, and you do not have one at the City. The only person who is certified to make something along that line is Otero County's Patrick Vandergriff, who this letter came from. He used to be the head of Code Enforcement here and of Construction Industries Division in Albuquerque for many years. This letter basically says it is time to stop and get somebody certified before you move on to doing these things. You need to let people know what is going on. He said he would address the notification process on Item 9, which would become an issue. People are not being notified properly of the condemnation of their properties. He said he would address what the stipulations are for notifying someone properly. He said he agreed that we need to clean up Alamogordo, but we need a plan to clean up the necessary ones. Some are not necessary and are being condemned or threatened with condemnation. We need to readdress this and rewrite the whole deal. He said he did not want to see the City involved in a big lawsuit because the taxpayers end up paying these fines. He said he would rather err on the side of caution. We should halt any condemnations, and the City and Commission need to look at this and table this thing to a later date and get more informed before you move along with the vote.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following remarks:
None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

None.

CONSENT AGENDA

2. Approve the minutes for the Regular Commission meeting on September 12, 2023. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, the award of RFP 2023-004 Custodial Services to SMI Facility Services. *(Evelyn Huff, Finance Director)*
4. Consider, and act upon, approval of Change Order 2 in the amount of \$69,617.56, including NMGRT, to La Luz Dirt & Paving, LLC related to the FY21 Street Maintenance Program - Ridgecrest Drive project. *(Patrick Riele, Project Manager)*
5. Consider, and act upon, acceptance of FY24 capital outlay grant agreements from the NM Department of Finance totaling \$2,937,000.00. *(Debbie Osborne, Grant Coordinator)*
6. Consider, and act upon, approval of the At-Will Contract for Ricky D. Holden, as City Manager. *(Kim Torres, Human Resources Director)*

Item 4 was removed from the Consent Agenda by Commissioner Paul.

Commissioner Melton moved to approve the Consent Agenda as amended.
Commissioner Paul seconded the motion.
Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

4. Consider, and act upon, approval of Change Order 2 in the amount of \$69,617.56, including NMGR, to La Luz Dirt & Paving, LLC related to the FY21 Street Maintenance Program - Ridgecrest Drive project. (Patrick Riele, Project Manager)

Commissioner Paul said he was reviewing the contract change order, and the text here states that it will ensure three inches of asphalt is installed per City Technical Standards. Below is a graph with an item description that lists two inches. Is that a typo? Project Manager Riele said the two inches were the original, and that is what we are trying to upgrade to. Commissioner Paul asked if it needed to read three inches. He said he may be misreading this, but on the screenshot, the change order amount is \$64,535, but it has two inches. Do we need three inches? Project Manager Riele said yes, we are going to three inches. Mayor Payne said the change order was written up wrong. Commissioner Paul said we need to correct that.

Commissioner Rardin asked if this project was bid on before adopting the Technical Standards. That is almost a \$70,000 increase for the rules we changed about a year ago. Project Manager Riele said yes, it was. Commissioner Rardin said so, the old standards were in place when this project was bid on. Project Manager Riele said yes sir. Commissioner Rardin said he felt we should abide by the old standards because that is how it was bid instead of costing the taxpayers an additional \$70,000. That is up to the Commission as a whole.

Mayor Payne said there was a reason why they changed it from two inches to three inches. Commissioner Rardin said the industry standard was always two inches on most of these roads. I guess we changed it to three inches thick. Project Manager Riele said yes. Commissioner Melton said if it has anything to do with durability, he would say to keep it a three. Ridgecrest is long overdue. Commissioner Rardin said he does not think it makes much of a difference in our climate. There are six inches of asphalt on west 10th Street, and it is failing; it is between the railroad tracks and the bypass.

Mayor Payne said she was trying to remember how they funded this. Mayor Pro-Tem Wright said he thought it was regular SMP. Acting City Manager Hernandez said Fund 109 is the Street Fund. Mayor Payne said so the money is there.

Commissioner Rardin said we are essentially adding an inch of asphalt across the entire project. Project Manager Riele said yes.

Commissioner Melton moved to approve.

Commissioner McDonald seconded the motion.

Motion carried with a vote of 6-1-0. Commissioner Rardin voted nay.

Commissioner Rardin asked Acting City Manager Hernandez if we had any other bids based on the old Technical Standards. Acting City Manager Hernandez said she did not know. Project Manager Riele said no. Commissioner Rardin said that would be the last one, okay.

NEW BUSINESS

7. Consider, and act upon, the final plat for Case S-2023-0024(A), Replat B Pruitt Subdivision of Lot 1A Pruitt Subdivision. (Stella Rael, City Planner)

City Planner Rael said the property owner is requesting the City approve a five-lot subdivision for the property at 3190 Hamilton Road. The summary plat procedure is allowed as an administrative approval

as long as the number of total lots does not increase by more than two. In this case, it is going from one to five. Therefore, our ordinance says it must come before the Commission for approval or denial. We took this in front of the Technical Review Committee to ensure that it did not create any problems with Utilities or Fire, and everyone was fine with it. This property is just barely sitting within City limits. Staff recommends approval of the summary plat.

Commissioner Rardin said he thought City limits stopped at or just past Martin Luther Drive. City Planner Rael said according to our GIS map, that is where they end. Commissioner Rardin said just past Martin Luther Drive is in City limits according to the signs out there. City Planner Rael said she would have to get with GIS and see if the map was incorrect. Commissioner Rardin said a house on the map there belongs to Abe Moore, who is outside City limits. City Planner Rael said that Mr. Moore is inside City limits. She said she knew that from when we went through the review process for his new home out there. Commissioner Rardin said he believed we had some say, even outside City limits. City Planner Rael said within five miles.

Mayor Payne asked if the Stagners were here tonight. City Planner Rael said she never met them. She had only met their representative, Steve Sandoval from Construction Surveying Services, who was not here. Commissioner Rardin asked what their plans were out there. City Planner Rael said her understanding from the surveyor is they are just splitting up the lots to divide them for their children. There are no plans submitted at this time for any type of construction. Mayor Payne said they own Home Furniture, is that right? Commissioner Rardin said he thought so. Mayor Payne said in full disclosure her husband used to work for her brother. She said she knew them, but not really. She said she wanted to be totally transparent in case anyone has a problem with her voting on this. He has been retired for three years.

City Planner Rael said that once you pass this, she would take the plat to Acting City Manager Hernandez to sign it.

**Commissioner Rardin moved to approve.
Commissioner Paul seconded the motion.
Motion carried with a vote of 7-0-0.**

8. Consider, and act upon, Resolution 2023-48 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of September 26, 2023. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Finance Director Huff said this is our monthly budget revision. It was put under New Business instead of the Consent Agenda because she had been asked to highlight any revisions affecting salaries and benefits in the past. This one has a couple on there.

Revision #1 is a correction to the salary and benefits for Community Services. When bringing the carryovers to the new software, we went overboard and doubled one of the entries. This is just correcting that to actual amounts.

Revision #9 accounts for the GRT increment that was passed and the salary increases for the Police Department that were part of the GRT increment. That has the revenues that will begin in March and the salary and benefit expenses that have already begun.

Revision #20 adds the New Mexico Transportation Department's Clean and Beautiful Grant. This is the KAB, the Keep Alamogordo Beautiful, grant. They have a small salary and benefit component

because they do request to hire a part-time summer intern. This is adding that grant revenue and a little bit of salary and benefit expense.

Finance Director Huff said there are seventeen other revisions there.

Commissioner Burnett moved to approve.

Commissioner Melton seconded the motion.

Roll Call Vote was taken.

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

9. Consider, and act upon, Resolution 2023-46, declaring 801 Virginia 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.

Public Comment

Ms. Cruz Morales said the property was not abandoned, and she planned to demolish and rebuild it. She had someone contracted, but they left. She said she never got any letters. There is the post lane, and she gets letters for the water bill she pays every month. She said she needs a year to get it down and get someone who will do the job and not run away with her money.

Mayor Payne asked if she ever got a letter. Ms. Morales said no, she never did. She works 24/7; she goes to work at 9:30, gets off work at 9, and then goes to her second job. She said she had someone who cleans the property for her. That person got rid of the weeds and the cat living underneath the hole. The little shingles on the top and the holes on the roof were how she bought it. Mayor Payne asked if she bought the property like this. Ms. Morales said it was a teardown. There is no way to fix that. Mayor Payne said but you bought it like this. Ms. Morales said yes. It is not a fixer upper. The first person that she got to get it done left. She said she is learning and trying to do things the right way.

Commissioner Burnett asked what her timeframe was. Ms. Morales said at least a year. She learned that she needed to ask for a permit for a teardown. She cannot just hire somebody here to do it. She did not know that before.

Mayor Payne asked what the plan for the property was. Ms. Morales said it was to build a small house. This is not a home that will be built for resale; this will be for her, her mom, and her children. This is not for a business; it is for a home.

Commissioner Burnett asked if we knew the address to which the letter was supposedly sent. Ms. Morales said that is the thing. What was posted on the house has her address. She lives in Tularosa. Mayor Payne said she would assume that the letter was sent certified and all that. Code Enforcement Manager Sides said he did. Mayor Payne asked if he had that card returned. Code Enforcement Manager Sides said yes. Mayor Payne said there is proof that he mailed you, and he does have the card back from the Post Office that says you never signed for it. Ms. Morales said when it comes to Tularosa, and she does not mean to speak badly about it, but her marriage license got sent to a neighbor across the street. Mayor Payne said just so we are clear, Code Enforcement Manager Sides did try to contact you, and he does have proof. Ms. Morales said that regular mail would make it to her door. Mayor Payne said we cannot do that; he has to send it certified, and you have to sign for it.

Otherwise, there is no proof you ever got a letter. Ms. Morales said there was no proof that she ever got a thing, too. Mayor Payne said no, he does have proof. He has proof he tried to mail it to you. He has the card where it was returned unsigned. Ms. Morales said she never got the little slip. Mayor Payne said that is between her and the Post Office. Apparently, the Post Office says they tried to mail it, right? He did what she would do. She would have sent it certified return receipt requested. That is the only way to ensure that he tried to deliver it. It sounds like he did it. If you are very sincere about tearing this down and wanting to build on it, we need to talk about that. You can understand that it is unsightly for everybody around you. Ms. Morales said it is. Mayor Payne said and dangerous, too. At the vacant building next door to her office, someone kicked in the front door, smoked a bunch of fentanyl, went out into the street, and passed out. Last she heard; they did not think he was going to make it. She was telling Ms. Morales this because that is what is going on right now. She won't speak for the rest of the Commission, but for her, she has no hidden agenda other than she does not like drug addicts kicking in doors of vacant buildings, going in there, and OD'ing on our streets. This is an issue that needs to be addressed. Ms. Morales said there was a padlock. Mayor Payne said that does not really stop them, unfortunately. She commends Ms. Morales for wanting to tear this down and rebuild, which would be great for the neighborhood. Just understand that these kinds of things are going on all the time in our community now. We have got to do something. Ms. Morales said yes, but you cannot just take something she worked hard to get. Mayor Payne said she understood that and does not think we are just trying to take it. We are just trying to clean it up. Mayor Payne asked the other Commissioners if we could come to a compromise. To her, a year is a long time to wait. Does anybody have any suggestions?

Commissioner Burnett asked Ms. Morales if she had been in contact with a contractor since. Ms. Morales said right now, she is trying to build up the cash because it will be \$5,000 to \$10,000 to get it done. To be honest, she would do it herself, but she does not have the time or the proper permit. She said she wanted to do this the right way. Commissioner Burnett asked Code Enforcement Manager Sides if it is two years that Ms. Morales has. Code Enforcement Manager Sides said per the International Property Maintenance Code, if the building is boarded up, so there are boards on windows and doors, the property owner has one year to rehab or demolish. If it is not boarded up on the windows and doors, they have two years to rehab or demolish. Mayor Payne said that is if we pass this tonight, is that what you saying? Code Enforcement Manager Sides said if it is passed tonight, two years because there are no boards on the windows and doors. Mayor Payne said what Code Enforcement Manager Sides is saying is if the Commission passes this tonight and declares this dilapidated, Ms. Morales would still have two years to take care of this. If you had boards on the windows, you would only have a year, but if you did not have boards on the windows, and I am assuming you do not, then you would still have two years. We are saying it is not like we pass this and go out tomorrow and demolish your building. That is not going to happen. It is never the City's intent to take somebody's property just to be malicious. We have to think about the safety and health of the citizens around us. Ms. Morales asked how she would go about getting the right paperwork. Mayor Payne said so you were telling us you need a year. We are telling you; you have two. If said to you, we give you a year or two, and there is no accountability, then two years could go by with you doing nothing. Ms. Morales said she barely bought the property last year. Mayor Payne said right, but the two years start tonight, right? What it would do for the City is hold you accountable. Ms. Morales said okay, I got you. Mayor Payne said she would not speak for anyone else, but her experience is that if a property owner comes to us and they have a plan, she did not think we would want to tear down their buildings, stuff, and property. To her, they would be irresponsible not to address these issues. About seventy-five percent of the calls she gets are Code calls. Somebody is complaining about somebody's property, or there is trash or something. If we ignored everybody, nothing would ever get done right. What they are saying is, to be clear, even if we pass this tonight, you have two years to fix it. Ms. Morales asked how much she has to pay. Mayor Payne said you do not have to pay us anything. It is whatever it costs to tear it down, and you said you were going to tear it down, right? Ms. Morales

said yes, but don't I have to pay something because you are passing it? Mayor Payne said no. You just have to pay a contractor to tear it down and get your permits, just like you were talking about.

Mayor Payne asked Mr. Guebara if he wanted to say something. Mr. Guebara said he just wanted to make sure they had notification. Ms. Morales was not notified. He said he would read the notification process quickly so everyone knows the same thing. The notification will be in writing, and a copy will be delivered personally, or it could be copies sent by certified or registered mail address to the owner at the last known address, return receipt requested, or in any manner as prescribed by local law. He said he was just concerned that some people are not being notified. Ms. Morales had no clue that her property was going to be voted on tonight to be condemned. Mayor Payne said that is because she did not sign for the certified letter. Mr. Guebara said Ms. Morales said she never received it. Mayor Payne said right, but we have proof that it was sent. Mr. Guebara said his concern was people want to be notified properly because it happens sometimes. It falls through the cracks. In this case, she says she was not notified when he spoke to her. She received nothing, so she had no knowledge. He said he just wanted her to be informed and thinks people need to be informed. You cannot go and lead everybody by the hand up here to talk to the Commission. However, it is just important we follow the guidelines of proper notification to all parties involved. This is their house, their property, and you do not want to take the property in a wrongful manner where it ends up becoming a legal issue with the City. That is all he is concerned about.

Commissioner Rardin said the resolution needs to be corrected in section two. It has the wrong name. It has the name from the last one. Staff can change it. Mayor Payne said she did not know who does the resolutions, but you are right.

Mayor Payne asked Code Enforcement Manager Sides to email a copy of the card that says it was returned unsigned. Code Enforcement Manager Sides asked who she would like him to email. Mayor Payne said she would like a copy. Would anyone else? Commissioner Paul said sure. Mayor Payne asked Code Enforcement Manager Sides to email it to the Commission so we can verify you did. She said she had no doubt he did. Commissioner Melton said let's not let this imply that we do not trust Code Enforcement Manager Sides. Mayor Payne said she trusts him.

Commissioner Burnett asked if we just send the letter out one time. Code Enforcement Manager Sides said he certified mails the International Property Maintenance Code Letter. What was not read was that it was then posted. If it is returned, you then post it. That is part of the notification. Commissioner Burnett asked if that was on the house on the property. Code Enforcement Manager Sides said yes, that is part of the notification process. You either hand deliver it, certify mail it, or it could be posted. All of those are ors. They are not ands. Mayor Payne said okay, and you choose certified mail. Code Enforcement Manager Sides said that how we handle all of them we certified mail all of them. Mayor Payne said that makes sense to her.

Commissioner Rardin said that if the Post Office does not deliver the notice that they had the certified letter, and it gets returned, how does the property owner know that? Code Enforcement Manager Sides said he posted it on the front door of the property. Commissioner Rardin said he has rentals all over, and he does not go by them every day or month. Code Enforcement Manager Sides said the International Property Maintenance Code does not dictate. It just says you will hand deliver it or you will mail it. Or, well, there are a few different things in there. The other one is or if it is returned, you will post it. Commissioner Rardin said maybe we need to look at our policy and try twice. Mayor Payne asked Commissioner Rardin if his rentals were occupied. Commissioner Rardin said some of them, sometimes. Sometimes they are empty and sometimes they are not. We need to give the constituents the benefit of the doubt. Maybe send it twice. If it gets picked up, cool, if it doesn't, well. He said he has had certified letters and he gets one notice and forgets about it. He never gets a follow-up notice,

and then it gets returned. Commissioner Melton said he did not know what difference that would make with the dozens of similar situations we have seen in the last couple of years. It has been because they have just been in Texas or out of state. Sending it again to the same address when they are not going to visit it the first time, well. Commissioner Rardin said it is funny that she gets a water bill at that address from us every month, but she did not get the certified letter. Mayor Payne said she does not have to sign for the water bill. She had to sign for the certified letter. That is the difference. Commissioner Rardin said he is sure that everyone has had problems with the mail; he knows he has before. Something you mail to Las Cruces takes nine days to get over there. You have to give them the benefit of the doubt.

Code Enforcement Manager Sides said regarding the timeline, there were a few around this time that were interesting. On the timeline, if you noticed, I mailed it on June 28th and got it back on July 28th. He said he did not know if they tried multiple times to deliver it or why there was a month. He said he has never had a certified letter returned take a month. Mayor Payne asked Commissioner Rardin if he had said they tried three times. Commissioner Rardin said they try three times. They will deliver it with one notice, then wait a week, then give you a second notice, and then a final notice, and it is returned. Mayor Payne said isn't that the equivalent of trying twice? Commissioner Rardin said no, that is the same letter three different times. That mailperson is responsible for giving that person the notice. If the mailperson does not do their job and provide the notice three times, then they return it. Mayor Payne said so then the suggestion is they did not provide the notice three times. Commissioner Rardin said it could very well be. He has had it happen. Sometimes insurance companies send us notices certified, and we will get one notice, and that is it, and it gets returned. Commissioner McDonald said when the postman delivers it the first time, they leave a message that you have a letter at the post office. Commissioner Rardin said how many times have we had utility bills come before us where people did not even know they owed the money? Commissioner Burnett said they get their bill after the due date.

Mayor Pro-Tem Wright said that earlier, a comment was mentioned that we at the City do not have anyone certified to condemn these properties. Can you clarify that or confirm if we do or do not? Code Enforcement Manager Sides said he has been through the International Property Maintenance Code, through legal aspects of Code Enforcement, and is about three-quarters of the way through a very large book of International Residential Code. In none of those books has he found anywhere where it says that you have to be certified on any of this. Our ordinance says that the code official is appointed by the City Manager. In none of those three books, which are required for a certified code enforcement officer, has he been able to locate that. To anybody else who poses that question, he would genuinely ask them, if you can find it, please let me know so I can look at it. He has not had anybody bring it to him or find it. He said he had looked when that question first came up. To answer the second part of that, do we have anybody? Yes, we do. Facility Maintenance Manager Paul Bennett goes on every search warrant I do. Acting City Manager Hernandez said that Facility Maintenance Manager Bennett has his Property Maintenance and Housing Inspector certifications. Commissioner Rardin asked if he was a structural engineer. Acting City Manager Hernandez said no. Mayor Pro-Tem Wright asked Commissioner Rardin if that called for a structural engineer. Commissioner Rardin said if you go in and say a property is not structurally sound, and if you had to go to court and defend that, the only one that a judge would listen to would be a structural engineer. He said they would not take his opinion over the structural engineer even with his thirty years of experience in the trade and being a GB98 for twenty years. We need to be careful with these. When we used to do these eight or nine years ago, we notified them multiple times and made sure the property owner knew that we were looking at your property and you needed to get it cleaned up. That way, if it went to court, we could say we documented it and did it here, here, and here. Mayor Payne said she has been on the Commission for seven years, and in that time, she could not think of any time that she knew of that where we condemned a property, and somebody has come back and sued us for it. Do we know how many

times that has happened? Acting City Manager Hernandez said the Telles house, she could remember that one. Commissioner Rardin said the apartments took nine years. Acting City Manager Hernandez said the Sierra Apartments took nine years. Telles took a while. We still ended up winning those two. The frustration among staff is that we are told that beautification and tearing down dilapidated houses was the priority. We are doing everything we can by the rules we see, and when we say we are following the rules, we still get hammered. She said if we continue down this road, and if the objective is still tearing down these homes, there needs to be a separate discussion if you want us to follow the IPMC, which, as Code Enforcement Manager says, does not have that. Facility Maintenance Manager Bennett is not a structural engineer; nobody does it. If we require it when we get to that point, then that is when a structural engineer at the court would have to come in. There is frustration. We are trying to do what the Commission says, but we are always getting hammered and being told we are not doing the right thing. Maybe this is a separate discussion.

Commissioner Melton said he knows we are doing due diligence by asking these questions, but it is coming across as accusatory. He said that Code Enforcement Manager Sides has been doing a great job. We get one handout, and we are suddenly asking these questions. It casts the illusion that we do not trust staff. He and the Mayor have said this, but beautification and getting rid of derelict buildings is the top priority. He said he gets the appeal of sending it a second time, but that is just taking up more staff time. We have so many buildings we need to address. He said he did not see the logic in it.

Commissioner Rardin said we do not have to do it all overnight. We only allocate \$250,000 a year for demolition of buildings. Five houses are going to eat that up. Our budget last year was just for the hotel, where we spent \$250,000. What is the rush to condemn all of these when we know we only have \$250,000 to clean them up? We have spent several million dollars cleaning houses up in the last six or seven years. In the one that was sold on the courthouse steps, we made \$9000. Commissioner Melton said the point of this is not to make money. Commissioner Rardin asked how that was a benefit to the community. Commissioner Melton said it is a benefit to the neighbors that buy and for property values. Commissioner Rardin said it is cleaning the City up, and he is not against that, but where do we draw the line of spending a million dollars to make \$9000? It is not a matter of making money, but what is the full benefit to the community? Mayor Payne said it is quality of life. Commission Paul said the objective is this lady has two years to remedy this issue. If we do not take action now and give her another year, we are back potentially in the same place we are today, and she now has two years from that point. If we keep kicking the can down the road, the number one thing you hear from people who come through Alamogordo is, man, you guys have a ton of dilapidated structures as you come through White Sands Boulevard. If we want the outlook of our community to change and be able to attract people to our City, we have to do it community-wide. You can't just pick a certain section of town and say hey, we are only going after these people. The standards have to be the same for all. Mayor Payne said we are not doing it in just one district. Commissioner Rardin said the majority of this is all in one district. Acting City Manager Hernandez said in all fairness to the district question, it is the oldest district in the City.

Commissioner Rardin said he is just being the devil's advocate; we do not want to get the City in a huge lawsuit. It will just take one person. We are way off-topic; this is a whole separate discussion. Commissioner Paul said if our concern is that, let's task staff with the City Attorney to look into any legal ramifications from this and have her provide us some type of commentary. Commissioner Rardin said we would have to bring that back as a separate item because that is not the action item. Commissioner Paul said yes, we can go from there. Commissioner Rardin said we need a logical approach to how we are going to handle all of these.

Commissioner Melton moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

10. Consider, and act upon, Resolution 2023-49 supporting the second amendment of the United States Constitution and Opposing Governor Michelle Lujan Grisham's Executive Order 2023-130 ordering a public health emergency. (Susan Payne, Mayor) (Roll Call Vote Required)

Acting City Manager Hernandez said she just wanted to let the Commission know that through this, we took some of the County's resolution and looked through our old resolution passed in 2019. To be consistent with the conversations we are having, therefore, let it be ordained. We are tying it back to the conversations with Officer Ferguson, where we need bail reform, pretrial services, and monitoring. She just wanted to let everyone know we are still keeping the conversation going, and we are still asking for the same.

Mayor Payne said this is an important resolution, and she is glad Acting City Manager Hernandez added that to it because that solidifies our commitment to ensure that the death of our officer stays in the limelight. We are working hard and diligently to do everything we can so that the constitutional amendment is hopefully overturned.

Mayor Pro-Tem Wright moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

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

Mayor Payne read the openings and appointed Lara Bentley and Shonna Lawson to the Senior Volunteer Programs Advisory Council. No one was opposed.

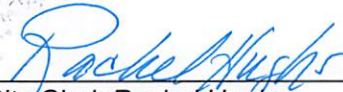
Commissioner Burnett moved to adjourn at 7:33 p.m.

Commissioner Paul seconded the motion.

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

ADJOURNMENT

ATTEST:



City Clerk Rachel Hughes



Mayor Susan L. Payne

(Prepared by Dylan Aleshire, Deputy City Clerk)
Approved at the Regular Meeting held on October 10, 2023.