

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
October 24, 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. Invocation was given by Pastor James Forney, and the Pledge of Allegiance was led by Commissioner Karl Melton.

APPROVAL OF AGENDA

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

Items 1 and 2 were swapped in order by Mayor Payne.

PRESENTATIONS

1. Domestic Violence Awareness Month Proclamation. (Susan L. Payne, Mayor)

Mayor Payne proclaimed the month of October 2023 as Domestic Violence Awareness Month in Alamogordo and urged all citizens to participate in the domestic violence awareness events sponsored by the Center of Protective Environment (COPE) throughout the month of October 2023.

2. Swearing-In of Alamogordo Police Department Certified Officers Travis Jones, Adam Lem, Obed Marte, Jesus Diaz and Non-Certified Officers Christopher Padilla, Dylan Sullivan, Nathaniel Darby, and Tobey Kerlin. (David Overstreet, Municipal Judge)

Acting City Manager Hernandez gave some statistics from the Alamogordo Police Department. In four months, they hired eleven officers. Most have signed up for five years. By the end of the calendar year, we believe we will be at around fifty officers. We have not had that many officers since the last quarter of 2018. Equally as important, we have not lost any additional officers. She stated they had lost three officers; one was the death of Officer Ferguson, and the other two had retired. She wanted to thank the Commission for trusting staff.

Judge Overstreet swore in Alamogordo Police Department Certified Officers Travis Jones, Adam Lem, Obed Marte, Jesus Diaz, and Non-Certified Officers Christopher Padilla, Dylan Sullivan, Nathaniel Darby, and Tobey Kerlin.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following remarks:

1. A reminder that the Joint Meeting will be on October 31, 2023, and a regular Commission Meeting will be the next day on November 1, 2023.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner McDonald made the following comments:

She said the work at Dudley School was done on the inside, and they are currently inspecting and signing off on it. The outside is already painted, and they will be moving inside to do painting. They found out that the first two rooms of the Dudley School were built in 1901, making it one of the oldest buildings in Alamogordo. A bond in 1913 added the other rooms in the back. The building is incomplete, but we will put up two Christmas trees in the building. She just wanted to let people know that we are continuing. She thanked the Tularosa Basin Historical Society members and said they were putting everything into this.

She said she rode along with the Alamogordo Police Department on Sunday afternoon. They are getting training to deal with people, especially those with mental health conditions. She saw an officer in action that convinced someone to go to the hospital and get help. That was amazing. They are not on the force just to get the money. They are going through the process of getting certified and other programs that will help them be better on the street. She said she appreciated that.

Acting City Manager Hernandez said that if other Commissioners wanted to do a ride-along, they needed to get with Chief Kunihiro. Hand in hand with the tax, it is important that you see what they are doing upfront. Mayor Payne said she has done them in the past, and they are interesting. With our officers, it is not just about giving out tickets. Nowadays, they deal with a lot of mental health issues and those kinds of things. That is not always easy, and the lack of resources makes it even more difficult. They are doing a really good job under extraordinary circumstances.

CONSENT AGENDA

3. Approve the minutes for the Regular Commission meeting on October 10, 2023. (Rachel Hughs, City Clerk)

4. Approve the statements related to the Executive Closed Sessions held on October 10, 2023. (Rachel Hughs, City Clerk)

Commissioner McDonald moved to approve the Consent Agenda.

Mayor Pro-Tem Wright seconded the motion.

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

NEW BUSINESS

5. Consider, and act upon, Resolution 2023-50 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 October 24, 2023. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

Finance Director Huff said some of the revisions affect salaries and benefits. Revision 2 is to provide funding for the Assistant City Attorney position. That covers salaries and benefits. Revision 5 removes salaries and benefits that were incorrectly added to the 2024 budget. This was for a grant position that should not have been part of that projection. That should have been added only when the grant approval letter was received. We are just taking that off as part of an error. Revision 8 was related to when, as part of the budget process, we did not budget anything in the Cannabis Fund. Those funds were set aside to pay the sign-on bonuses for the new officers. We needed to get those budget numbers in there.

Commissioner McDonald moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

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

6. Information for joint collaboration with Alamogordo Public Schools to encourage youth participation in voting. (Stephanie Hernandez, Acting City Manager and Anna Alday, APS District Coordinator)

Acting City Manager Hernandez said this idea came up in 2019. She had approached former City Manager Cesar to see if we could do something to help youth get more engaged in voting. At the last mayoral race, there were about three thousand voters in a city of thirty thousand. Unfortunately, COVID happened, and we were unable to bring things forward. Kids were stuck at home. I envisioned that we get our youth engaged while at a high school age. I had wanted to go down to middle school, but I started with a small scope. We will have a full voting experience for the high school kids. The City's side is to plan the event. The kids will be voting on November 7th. If you look at the demographics of the 2020 election, the eighteen to twenty-nine-year-old group is the least that showed up to vote. We need to start changing that. We need youth engaged so that change can happen. When we approached the schools, we decided to come up with ideas. They approached their student council, and then we got back together to discuss narrowing it down and what was feasible. We want kids to see that the event you chose will come to life if you show up and vote. Three events are on the ballot: Winter Wonderland at the Zoo, Scavenger Hunt throughout the City, and a Valentine's Day Dance on MainStreet. She said MainStreet is fully on board with this. The event is already being advertised at the high school. Community Affairs Manager Vasquez will put the event together. We are trying to make this memorable and exciting so that next year and thereafter, they will get excited about voting and look forward to going to the polls. We will coordinate with the schools to follow protocols and ensure student safety is the top priority.

APS District Coordinator Anna Alday said they are committed to making sure voter turnout continues. It is extremely important for our kids to see the value of voting. We plan on using scantrons to count the votes. As soon as we are finished, we will get with Acting City Manager Hernandez and let her know our results. Hopefully, that will encourage kids to vote and show them their vote matters.

Acting City Manager Hernandez said we would take this to the school board at the next meeting and bring it here to let the Commission know what the kids chose, how we will do it, and the participation.

Commissioner McDonald said this was an excellent idea, and Mayor Payne agreed.

7. Consider, and act upon, reauthorizing the LEDA grant to Learn New Mexico for Ink Well Building. (Stephanie Hernandez, Acting City Manager and Michelle Perry, CEO-Learn New Mexico) (Roll Call Vote Required)

Ms. Perry said the last time she was here, she spoke about a building we would use LEDA funds to purchase. That purchase did not go through. We worked very hard to come to an agreement, but the inspection just revealed too many objections. We have far worse conditions in that building than anticipated. She said she paid out-of-pocket for the building inspection and sewer inspection. The gas was not able to be hooked back up. The reinstallation of the gas meter did not pass the pressure test, and we knew we would have to replace the gas lines. We would also have to replace a bunch of outdated electrics that were arcing inside the panels. There were issues with the roof and holes in the building. Bottom line, it did not work out.

Ms. Perry continued that she worked with Acting City Manager Hernandez to come up with a second, and her opinion, better, plan. The Ink Well property was built in 1950 to be a Safeway. It is around the corner from New York Ave. She said she proposed that we buy that. The information packet Acting City Manager Hernandez provided details about the purchase price and renovations. She said she would get another inspection for due diligence and pay for it. We believe we already know what we will find and have toured it multiple times with multiple contractors. We believe the remodel price is sufficient. The overall ask price is less than what was originally asked for. We hope to have this property as the Ink Well Innovation Center. It would no longer be the Alamogordo Innovation Center. We feel it is important to keep the traditional name because it was an office supply store from way back. We will put effort into creating a coffee bar, coworking, and small office rental spaces. We would have the large conference room, the front area, a display to sell boutique office supplies, the small conference room, multiple office spaces, and a covered east-side event patio. The model will be the same as before, with training, hosting events, and doing membership.

Acting City Manager Hernandez said this is a better plan for us to help bring in more of downtown. The Executive Director of Alamogordo MainStreet, Nolan Ojeda, was excited and onboard with having this there because it is a historic building. I have memories of going over there and getting paper. There is a lot of nostalgia in that building. The ordinance itself does not say the building, but she wanted to bring it in front of the Commission, so you are well aware of what we are planning.

Mayor Pro-Tem Wright asked what the square footage difference was and if that would affect things. Ms. Perry said this is three thousand square feet less. However, it is twice as tall. When we talk about walls, paint, stucco, and demolition, we have a little extra space to deal with there. Mayor Pro-Tem Wright asked if they were going back with the commercial kitchen. Ms. Perry said yes, we would add that. It has a small area where they had some hookups, but that will not do. We are going to demo all of that out. There will be an industrial kitchen on the west side. There will also be a walkup coffee window for the public.

Commissioner Burnett asked if there were any other buildings looked at. Ms. Perry said yes, she had scoured Alamogordo and talked to a lot of people about potential ideas. Sometimes, the money was just too much, and sometimes, the condition of the building was just too poor. We gave it a lot of thought, and it was just happenstance that she learned this one was about to go on the market, and we were first at the punch to land on Ink Well.

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.

8. Consider, and act upon, Resolution 2023-45 declaring the building or structure, or the premises located at 1401 Mountain View, to be ruined, damaged, and dilapidated to be a

menace to the public comfort, health, peace, or safety, and ordering its abatement. (Paul Bennett, Facility Maintenance Manager, and Richard Adler, Fire Chief) (Roll Call Vote Required)

Facility Maintenance Manager Bennett said we believe this structure is unfit for human occupancy, and we will show a video as to why. He said that as soon as you walk in, you get a strong ammonia smell, and it is hard to breathe. We are going off the IPMC definition 111.1.3, structure unfit for human occupancy. You are going to see that it is unsanitary in the video. There is imminent danger as well. I did not see this myself, but a couple of children were taken out of the structure on the day we showed up. On 10/19/2023, Officer Silva was conducting an investigation at the residence. Upon what he noticed and observed, he called the Alamogordo Fire Department and Code Enforcement. The Code Enforcement Officer arrived and spoke with Officer Silva, and then the Code Enforcement Officer went out to get an administrative search warrant, which Judge Jessen approved. The Code Enforcement Officer called me, and we executed the search warrant and walked through at approximately 1035 hours. We had to put on suits, masks, and gloves before we could enter this residence. Code Enforcement has two additional cases on this property and has received multiple complaints from the neighbors. We noticed more violations as we did the walkthrough. The accumulation of rubbish and garbage was extensive throughout. It was very difficult to walk through. There were over fifty cats scattered throughout the house. He then showed the 4-minute video taken from the bodycam of the Code Enforcement Officer.

Mayor Payne asked if we knew how old the kids taken out of the home were. Chief Kunihiro said they were elementary age.

Commissioner Rardin asked if there was a lock on the refrigerator. Facility Maintenance Manager Bennett said yes.

Mayor Payne asked why there was a smell of ammonia. Facility Maintenance Manager Bennett said it was because of all the cats, and they have been going all over and throughout the house. We had cat feces up our legs on both suits just from walking through the place.

Mayor Payne said the person who owns this place does not appear to be the person who lives there. Facility Maintenance Manager Bennett said he believed that was correct. Mayor Payne asked if it was a rental or something. He nodded his head. Commissioner Rardin asked if she knew if all this was going on. Facility Maintenance Manager Bennett said yes, our Code Enforcement Officer got a hold of her and let her know. Acting City Manager Hernandez said she believed they would try to do a three-day eviction or a similar proper term. She said that Code Enforcement Manager Sides has been in contact with the actual owner. If you recall, this was the house that she contacted the Commission about a month ago. CYFD was involved and could not get into the house.

Commissioner Rardin asked if the actual homeowner would get it cleaned up after she evicts. Facility Maintenance Manager Bennett said she had ten days from whatever we decided today to decide what she would do. He said we recommend that the structure is unfit for human occupancy, and she needs to get it cleaned. Mayor Payne asked if she had indicated a willingness to do that. Facility Maintenance Manager Bennett said he did not talk to her directly, so he did not have that information.

Commissioner Rardin asked what the prior complaints were for. Acting City Manager Hernandez said it was the same complaints for the smell and the outside of the property. For the specific complaints she did not recall. Commissioner Rardin said so the neighbors were complaining about the smell. Facility Maintenance Manager Bennett said that is what he was told, yes sir.

Commissioner Burnett asked what our course of action was if the owner did nothing. City Attorney Smith said that if she does not clean it, we can abate it and hire someone to get it cleaned. Then I would get the paperwork, and we would place a lien on the property. That is if she does not clean it. Obviously, we would work with the owner to try and figure something out. If she is making strides, we may extend it a little bit. Additionally, as to declaring this, it will actually help the owner in her eviction. It will give her more argument with the judges as to why these people should be evicted, and they should expedite the eviction process.

Acting City Manager Hernandez said the previous complaint was for weeds, outdoor storage, and graffiti. That happened a month ago. That is when they noticed that CYFD was trying to get a hold of them. She was not sure if there was a card outside the door that Code Enforcement saw. We will hire a contractor if the owner does not go in there and do something to clean it up. Mayor Pro-Tem Wright asked if that was what we did on Arapaho Trail. Commissioner Rardin said yes. Facility Maintenance Manager Bennett said that was correct, yes. Commissioner Burnett asked if we knew an estimate of the cost. Acting City Manager Hernandez said not at this time.

Commissioner Rardin asked if the property owner was here tonight or aware that we were doing this. Acting City Manager Hernandez said that Code Enforcement Manager Sides spoke to the property owner. He also tried to get a hold of the tenant today, and the tenant refused to come to the door. She said she thought he would try to meet with the tenant again. The property owner is not here. Mayor Payne said so they are still living in this house. Commissioner Rardin asked if the kids were still in the house. Acting City Manager Hernandez said the kids were not in the house, and she was unsure if anybody was living there. She said that for Arapaho it was about \$16,000.

Mayor Payne said the structure would probably be okay if not for the strong smell and disgusting conditions. Facility Maintenance Manager Bennett said yes ma'am. From what he observed, the structure itself looked like it was intact. Mayor Payne said so it would behoove the homeowner to clean it out, redo it, and move on. Facility Maintenance Manager Bennett said he believed so. Mayor Payne said so it sounds like the owner will probably do that. Commissioner Burnett said he did not know, but it would cost a lot of money. It stains the concrete and gets in the walls and insulation.

Acting City Manager Hernandez said the property owner was told this would be on the agenda today and that they should show up and speak if they could. However, they are not here.

Commissioner Rardin said he was wondering if we should give the property owner time to do something about this. He said he was sure that the owner probably did not know the condition of the interior of the property. Mayor Payne said she did not know how they could not know that. There were ongoing complaints. Acting City Manager Hernandez said there was an ongoing complaint, so the property owner was told back when I let you all know this was happening. Commissioner Rardin said that was several months ago. Acting City Manager Hernandez said it could have been, it was recently. It was when school was already in session. She said she thought the property owner was waiting on us to see what the action was tonight. Code Enforcement Manager Sides has been in communication with the owner, so it is not a shock or surprise.

Mayor Payne said that if we do this and you secure the property tomorrow, the tenants will not be allowed to live there, correct? Facility Maintenance Manager Bennett said that is normally how it would work, yes. Commissioner Rardin said you said they would have ten days to get cleaned up. Facility Maintenance Manager Bennett said once we issue this to them, they have ten days to act, whether that is getting an appeal to come before the Commission and talk or they start to work on the building and clean it up. Mayor Payne said so just to demonstrate they are starting to work on it. Facility Maintenance Manager Bennett said correct.

Commissioner McDonald said she was aware of this house. She had friends who lived on this street and had done a lot of investing in their home, so she did not know if she should not vote. Mayor Payne said she would not worry about it. Commissioner Rardin said that is not financial interests.

Commissioner Rardin said this is not actually condemning it; it is just ordering an abatement and cleanup. Facility Maintenance Manager Bennett said correct.

Commissioner Rardin asked if they were living in that camper. Facility Maintenance Manager Bennett said nobody could live in that camper. It was packed full, just like the house was. There was just a walkway to put more stuff in. Commissioner Rardin asked where the kids and everybody were sleeping. Facility Maintenance Manager Bennett said he only saw one bed on the walkthrough. Commissioner Rardin asked if it had a functioning restroom. Facility Maintenance Manager Bennett said he never made it to the restroom because he just had an N95 mask. Code Enforcement Manager Sides did, though. The water was running, but none of us would want to sit or shower in that. The kitchen was not functioning. The refrigerator was locked for who knows what.

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.

EXECUTIVE SESSION

9. Adjourn into Executive Closed Session in compliance with 10-15-1(h) 8, NMSA (as amended) to discuss Real Property - Fairgrounds Parking Lot appraisal and a potential sale. (Roll Call Vote Required)

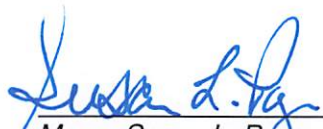
Mayor Pro-Tem Wright moved to adjourn at 7:25 p.m.

Commissioner Rardin seconded the motion.

Roll Call Vote was taken.

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 November 1, 2023.