

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
January 23, 2024**

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

**MARK TAPLEY, COMMISSIONER
WARREN ROBINSON, COMMISSIONER
RICK HOLDEN, 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. The Invocation was given by Pastor Charles Hanks of First Baptist Church, and the Pledge of Allegiance was led by Commissioner Burnett.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Annual State of the City address. (Susan L. Payne, Mayor)

Mayor Payne said it was her duty to present the State of the City address every year. The City of Alamogordo is comprised of ten departments with ten directors and, as of today, three hundred and fifty-five employees. We began 2023 with one hundred and thirty-five vacant positions; today, our current vacancy count is forty-five. For perspective, we began 2022 with over eighty vacancies. This indicates our positions are more competitive with the implementation of the salary increases in 2022.

The Commission took bold steps to increase the number of Alamogordo police officers. Following the State's legalization of cannabis, we voted to designate the revenue from the Cannabis Tax to our police department. The decision was made to designate those funds for recruiting in the form of sign-on bonuses that include a signed multi-year commitment. In addition, the Commission took the approach of significantly increasing police department salaries to be more competitive with surrounding departments. This appeared to be a winning combination, and we have had fourteen additional officers sign on since then. This summer, we were down to thirty-seven certified officers. Today, we are at a count of forty-eight sworn officers and on track to exceed the budgeted amount of fifty-six. This gives us greater law enforcement presence at any given time. Current policy within the police department dictates you must be at least twenty-one years of age to become a police officer. They are evaluating the possibility of creating an early pathway for police service aides to become certified police officers.

A child died in a City park last year, and juvenile crime and truancy have been an ongoing problem. Along with our law enforcement administration, I have spent much time combatting this ongoing issue. Through this process, several new ordinances were presented and aimed at curtailing juvenile crime and truancy within the city while holding parents accountable. The City has collaborated with the

County and other local agencies to change State legislation to help ensure safety for law enforcement and the community. This included pretrial detention and more effective communication with law enforcement. We are working diligently to ensure our legislators never forget the constitutional amendment that resulted in the disastrous bail reform laws, or what is more commonly referred to as catch-and-release. These two issues were my focus for the latter half of 2023. We must do more to protect our citizens and law enforcement, and we must demonstrate that our officers have the support of our community.

The Fire Department has twenty-seven budgeted personnel. Ideally, they would like to see twelve per shift or a total of thirty-six firefighters. Community involvement is one of the most notable components of the department. They have implemented a program in partnership with Alamogordo Public Schools to allow junior and senior high school students to experience real-world components of firefighting and training. We have four youths who spend their last class of the day with the department going through simulated training on firefighting procedures and a series of activities similar to what may be experienced in an actual firefighter's academy. The hope for this program is to engage youth and inspire them to consider a career as a firefighter.

There were key staffing changes in 2023. Community Services was split into two, resulting in the creation of the Parks and Recreation Department. We welcome Parks and Recreation Director Belinda Bass. Police Chief Richard Denton retired, and Deputy Chief David Kunihiro is the new Chief of Police as of July 2023. Police Chief Kunihiro named Lt. Ryan Glidden as the new Deputy Chief. Fire Chief Richard Adler retired, and Deputy Chief Jerry Ramirez was named the new Fire Chief and officially took the helm at the end of November 2023. After many years, City Manager Brian Cesar announced his retirement. The Commission unanimously voted for Rick Holden to be the new City Manager, who started on November 27, 2023. 2023 was an election year in which two new City Commissioners, Mark Tapley and Warren Robinson, were seated.

Many projects were either started or completed. Several renovations for the Alamogordo Public Library were approved, including HVAC, a Teen Room, and ADA-compliant website accessibility. The Public Safety Access Point, or PSAP, combined several dispatch centers into one central location now known as the Tularosa Basin Regional Dispatch Authority. This partnership allows for streamlining of public safety calls throughout Otero County. One of the most exciting complete projects was Bonito Lake. For the first time in ten years, the lake was filled. The City secured a \$12,000,000 loan for the first phase of the Well Transmission Line, a project that has been in planning for twenty-five years and is intended to move water from the Snake Canyon Well Field to the Desalination Plant. This is the most pressing issue towards making the Desalination Plant a reliable, independent water source, which will secure an uninterrupted water supply to Alamogordo. When completed, the total cost of the Well Transmission Line project is projected to be around \$30,000,000. Construction was completed on the Scenic Extension project, and it included the expansion of water and sewer services in that area. Alameda Park had irrigation renovations, which will allow us better water coverage, and it is planned to plant more trees for beautification and replace the old dying trees that were removed. That project's costs were around \$879,000. The work on ADA-compliance continues; it is a \$1,700,000 project to install sidewalks, curbs, and gutters, as well as ADA-complaint ramps, driveways, and asphalt patching between 2nd and 8th Street, from New York Ave to Texas Ave. The project was funded in part through the award of \$500,000 from the Community Development Block Grant.

Regarding Code Enforcement, the Commission approved several properties for abatement based on their condition, and the department has ensured that property owners are held accountable for their properties. Dilapidated structures are problematic and devalue surrounding properties, so it is important that the City make every effort to clean up these unsightly dwellings.

Plans have been underway for a Public Pool, and City staff are working with an outside company on a preliminary design. The indoor Natatorium design is complete, and if our bond counsel is here, we will receive a presentation at the Commission meeting on February 27, 2024.

The Commission eliminated the Lodger's Tax. While controversial, we believe it gave us more flexibility in terms of how we use our tourism dollars. Steps were taken to revamp the tourism program and increase events tailored to the citizens of Alamogordo, including the Balloon Festival, Gus Macker, and the upcoming Battle of the Bands. In addition, the City is increasing efforts to collaborate with partners and businesses to avoid competing events.

The City Clerk's Office streamlined its process for business registration and licensing. Several fees were removed, and temporary alcohol license requirements were eliminated so more businesses would have the opportunity to participate in events throughout the city.

The apartment complex is still moving forward. The City is working closely with the developer and has made significant progress towards breaking ground.

To get youth more engaged in and understanding of the importance of voting, the City teamed up with Alamogordo High School to hold an election. Voting booths were set up, and kids could vote for the event they would like to have. Of the three choices, the winner was a Winter Wonderland that the City will sponsor, and it will be held at Alameda Zoo on January 27, 2024.

We awarded a LEDA contract to Learn New Mexico to create the Inkwell Innovation Center. This facility is intended to assist with workforce development, employee training, and other needs the local business community is facing.

I want to address the tragedies that occurred in our community. No one wants to believe these things can happen in our rural communities, but unfortunately, evil knows no boundaries. The death of Joe Romo, a long-time City employee, affected many. It is important we always remember him and his service and dedication to our City. On July 15, 2023, Officer Tony Ferguson was shot in the line of duty while chasing a criminal who should never have been on our streets. We felt it was important to honor Officer Ferguson's legacy with something meaningful and lasting. He loved children and went above and beyond for them in our community. I am thrilled to announce that the City of Alamogordo, in collaboration with Alamogordo Public Schools, is creating the Ferguson Academy. This multi-week summer program is designed to engage our youth and allow them to explore the possibility of a future career within Police, Fire, and other government agencies. Through funding provided as part of the Alamogordo Public School's Innovation Zone Grant, students can earn \$15 an hour, up to \$300 a week. Students aged fifteen and older will complete an internship that will engage them in classroom activity and practical application. They will learn the importance of public service, garner an interest in law enforcement, and form positive relationships with our local Police Department. The tentative date for this program is July 8th through July 26th.

We have been working to ensure our community is the best it can be. We have things we can do better and things we do very well. I have had the opportunity to visit other communities, and I always use that as a learning opportunity, and I am grateful to get back home. As Mayor, I am most grateful for our City staff, who work daily to ensure everything runs smoothly.

2. Point In Time count presentation. (Peg Crim, President of 100 % Otero)

Ms. Crim said you may recall the Point in Time count, or PIT count. It is a nationwide count of individuals who are experiencing homelessness and housing insecurity. Last year, 100% Otero took that on for Otero County. We will make it happen again this year in partnership with community connections from the hospital. We will come back with the results and any trends. This is the fourth

year in a row it has been done in Otero County. The PIT count is based on where people sleep on Monday, January 29th. For the rest of that week, we will be out in the community, talking to people and asking them where they slept that night. If they slept in a location not meant for human habitation, then we ask them additional questions, like how long they have been homeless or if they are from here or traveling through. Hopefully, we can better understand that population and what we can do to help them.

I want to invite you to 100% Otero's 2nd Annual Summit on Thursday, February 8, 2024, at the Willie Estrada Memorial Civic Center. We nearly have one hundred people registered for it. We will be bringing people together and talking about some of these issues.

100% Otero is a nonprofit dedicated to eliminating childhood trauma in Otero County so that every child can grow up in a safe, healthy, and supportive environment. We do that by supporting families and ensuring they have access to ten vital services needed to succeed: food, housing, medical and dental care, behavioral health care, transportation, parent support, early childhood learning, community schools, youth mentoring, and job training.

During January and February, we are doing the 100% Otero Survey, where we ask families if they need those ten vital services, and if so, can you access them, and if not, what keeps you from accessing them. From that survey, we will get information about the barriers that people are finding to the services they need, and then we will try to eliminate those barriers. We have a website link and QR code for that. Please encourage your constituents to respond to that survey if they have kids.

On Thursday, March 21, 2024, we will be sponsoring a Housing Symposium and Community Conversation. We are going to have great speakers from the State, the Mortgage Finance Authority, and the Eastern Regional Housing Authority. There will be time to talk about what we can do here in our community to work on the housing issue.

PUBLIC COMMENT

No public comment.

CITY MANAGER'S REPORT

City Manager Holden made the following remarks:

Reports were sent on Friday and Saturday. I will be sending weekly updates on what we are doing. Let me know if you have any issues or questions on those.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne made the following comments:

We are kicking off the Volunteer Income Tax Assistance Program, or VITA, tomorrow at 11 o'clock at Love Inc. of Otero County. Thrive of Southern New Mexico and Love Inc. have partnered up with the Internal Revenue Service. We have trained people and will be able to provide free income tax preparation and e-filing to low-income families. If you are making under \$75,000 or under, you can get your state and federal taxes done for free. Our first day open will be Friday, but we are having a press conference tomorrow at 11 o'clock.

Several of us spent time in Santa Fe, and I felt it was productive. I got to talk to people at the State level I was hoping to, and I attended the Legislative Prayer Breakfast.

Mayor Pro-Tem McDonald and I were honored to judge the Desert Star Spelling Bee.

CONSENT AGENDA

3. Approve the minutes for the Regular Commission meeting on January 9, 2024. (Rachel Hughs, City Clerk)

4. Consider, and act upon, Resolution No. 2024-08 to adopt the required Community Development Block Grant (CDBG) Annual Certifications and Commitments. (Debbie Osborne, Grant Coordinator) (Roll call vote required)

5. Consider, and act upon, the approval of Resolution No. 2024-09 authorizing and approving the submission of a completed Drinking Water State Revolving Fund Loan application for financial assistance and project approval to the New Mexico Finance Authority. (Debbie Osborne, Grant Coordinator) (Roll Call Vote Required)

6. Consider, and act upon, Resolution 2024-10, declaring 1403 Incredible Ct. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

7. Consider, and act upon, Resolution 2024-11, declaring 2204 Walker Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

8. Consider, and act upon, Resolution 2024-12, declaring 136 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

9. Consider, and act upon, Resolution 2024-13, declaring 613 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

Commissioner Rardin removed items 8 and 9 from the Consent Agenda.

Commissioner Robinson 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

8. Consider, and act upon, Resolution 2024-12, declaring 136 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to public comfort, health, peace, or safety, and ordering its abatement. (Josh Sides, Code Enforcement Manager) (Roll Call Vote Required)

Commissioner Rardin said that the property looked like it had two or three different structures. If we declare the entire property dilapidated, do the people residing in the front house need to move out? It looked like there were three or four people residing in the home. Code Enforcement Manager Sides said not in this case because it is specifically intended for the accessory structure to be condemned, not the main structure. It is the one adjacent to the alley line.

Commissioner Rardin asked if we were going to evict these people out of their homes. Code Enforcement Manager Sides said no.

Commissioner Paul moved to approve.

Commissioner McDonald seconded the motion.

Roll Call Vote was taken.

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

9. Consider, and act upon, Resolution 2024-13, declaring 613 Delaware Ave. to be so ruined, damaged, and dilapidated that it is a menace to 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 condemnation and abatement.

Commissioner Rardin said the owner walked in after the Public Comment form was given to the Mayor, and he had pulled this to give them the opportunity to talk. They are members of the public and should be able to talk about it. Commissioner Paul said as a matter of procedure, we need to get away from allowing these property owners to speak in a setting they are not signed up to speak on. This matter was presented to us by Code Enforcement, and we all had a chance to review this. If the property owner wants to speak with Code Enforcement, they need to set up a time to meet before our Commission meeting. To me, this is nothing more than dragging the situation on. Mayor Payne said she agreed, and we are setting a precedent by doing that. It is very clear you have to sign up to speak. Commissioner Rardin said we are condemning somebody's property.

Commissioner Paul moved to approve.

Commissioner Robinson seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

10. Consider, and act upon, Ordinance 1691, Z-2023-0007(A) for first publication, a map amendment to change the current zoning of the property with the parcel number 01N4054097487344 (the parcel adjacent to 1901 S Hamilton Road) from MH-1 Manufactured Housing Subdivision District to C-1 Neighborhood Business District. (Sean McGranaghan, Assistant City Planner) (Roll Call Vote Required)

Assistant City Planner McGranaghan gave his presentation and recommended approval of rezoning. He said four letters were mailed by certified return receipt mail to all property owners within two hundred feet of the property, and as of today, there have been no letters returned undeliverable and he had not received any phone calls or letters of opposition.

Mayor Payne said she knew the owner, her nonprofit rented a storage unit from him, and she would abstain from voting. Commissioner Rardin said he would also abstain from voting.

Commissioner Robinson moved to approve.

Commissioner Burnett seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 5-0-2. Mayor Payne and Commissioner Rardin abstained from voting.

11. Consider, and act upon, repealing or revising Chapter 7, Section 7-05-30 of the Code of Ordinances concerning prohibiting feeding pigeons. (John Davis, Citizen and Josh Rardin, Commissioner)

Mr. Davis said one of the tenets of his religion is that he cares for the Earth and all living things. The ordinance, as written, precludes that. Last time, I asked the ordinance to be either repealed or amended. I would be okay with an amendment allowing for religious provision, but I would like to explain why it would be better to repeal it. Once a religious exemption is in there, the ordinance as written becomes unenforceable. It's a low priority for the police anyway. I have fed pigeons for a while now, and to the police's credit, they have never bothered or disturbed me. I do not think many people have a problem with it. There are people who do not like pigeons and me feeding them, but I think they are in the minority. Even if they were not, I have a religious right under the 1st Amendment. An outright repeal would take one low-priority item off the police, who have their hands full with much bigger things. I could stand here all day and sing the praises of pigeons. We are losing too many birds of all types, including pigeons. There are things we can do to control the number of feral pigeons and where they are.

Commissioner Burnett asked if the police had ever cited anybody for feeding the pigeons. Mr. Davis said not that he knew of. He said a person who said they were an off-duty Code Enforcement Officer wanted to give me grief on it one time. I did not stop feeding them, and he did not do anything about it. I do not think most people care, and there are other people who feed them. Pigeon power.

Commissioner Rardin asked what exactly Mr. Davis wanted to change in the ordinance. Mr. Davis said it is not illegal to feed pigeons, especially if you have a religious exemption. The tenets of my religion are: we are all connected, stronger together, love's hands in the world, called to create justice, and responsible for one another and the Earth. I am a member of the Unitarian Universalist Church, but I was U.U. before I knew they were these people. I have always felt that way and acted upon those feelings. Commissioner Rardin asked if somebody had said something to him about feeding them. You must feed them in your house or home. Mr. Davis said no, he does not and wants to be able to feed them on any public property. I have been feeding them in the Walmart parking lot for a while now, and I do not have a right to do that. Walmart has private property rights, and they tell me to leave, I have to leave. I am okay with that and do not want to cause anybody problems with it. The birdfeed birth control is expensive, and I cannot afford it. I want to say it is like \$200 for a fifty-pound bag of feed. It is not an expense I like to put on the city, but if one of you folks would like to make a presentation to the Center of Commerce, maybe there are businesses interested in doing that. I would be willing to work with anybody to help spread that feed. In bigger cities, there are things that stick up in awnings that prevent pigeons from roosting. Those are available to keep pigeons in areas. In Hobbs, an automotive business had pigeons pooping on cars, which is what I believe the ordinance is really about. We can put those up in certain areas, or you can take regular birdfeed to take them away from areas. They will become habituated to where there are no people or businesses around, and they will go there if that is where the meal is.

Mayor Payne asked Chief Kunihiro if we had ever cited anybody for feeding pigeons. He said not to his knowledge. She asked if his officers knew it was illegal to feed pigeons. He said probably not.

Commissioner Burnett asked Assistant City Manager Hernandez if this was revised back in 2019. Commissioner Rardin said we did something to it. Assistant City Manager Hernandez said there was an issue with the Telles House and pigeons. I do not remember when it came about, but there is a correlation between the two. City Attorney Smith did more research on all of this. Commissioner Rardin said it was revised in April 2019, but I do not remember what we did. Mayor Payne said we did some revisions of some of the animal ordinances, but it was mostly about cleaning up some of the language, not necessarily changing anything.

Commissioner Rardin asked if we wanted to table this. Commissioner Burnett said he did not see the reason for tabling this. It is what it is, and nobody has been cited for it. I do not see a group of pigeon-feeding people other than at Walmart, but that is on them. Mayor Payne said so we are taking no action. City Manager Holden said you are not required to take action. If you decide at some point that you want staff to take any action to bring any type of ordinance back, we can certainly do that for a formal action. Mayor Payne said we are taking no action.

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

Mayor Payne read the openings and appointed Lance Grace to his ninth term on the Airport Advisory Board, Robert Hicks to his fifth term on the Airport Advisory Board, Lee Scholes to his third term on the Airport Zoning Board, Sue Kent to her third term on the Mayor's Committee on Aging, Sandra Purrington to her first term on the Mayor's Committee on Aging, Richard Warren to his third term on the Alamogordo Public Library Board, and William Butler to his first term on the Senior Volunteer Programs Advisory Council. No one was opposed.

EXECUTIVE SESSION

13. Adjourn into Executive Session in compliance with Section 10-15-1(H)(7), NMSA 1978 (as amended), to discuss Threatened or Pending Litigation: (Adams vs City of Alamogordo), (Blackburn vs City of Alamogordo), (Cuellar vs City of Alamogordo), (Estate of Joe Romo vs City of Alamogordo), (Gilliland vs City of Alamogordo), (Michael vs City of Alamogordo), (Nelseon vs City of Alamogordo), (Noblitt vs City of Alamogordo), (Ochoa vs City of Alamogordo), (Randal vs City of Alamogordo), (Willard vs City of Alamogordo), (Williams vs City of Alamogordo), (Downtown Ventures), (Tort Claims with Self-Insurance). (Roll Call Vote Required)

Mayor Payne said that City Attorney Smith will join us via phone for the Executive Session.

Commission Robinson moved to adjourn into Executive Session at 7:30 p.m.

Commissioner Burnett seconded the motion.

Roll call was taken.

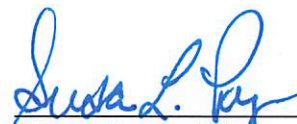
Motion carried with a vote of 7-0-0.

ADJOURNMENT



ATTEST:


City Clerk Rachel Hughes


Mayor Susan L. Payne

(Prepared by Dylan Aleshire, Deputy City Clerk)

Approved at the Regular Meeting held on February 13, 2024.