

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
July 9, 2024**

**SUSAN PAYNE, MAYOR
SHARON McDONALD, COMMISSIONER
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 City Clerk. City Clerk Hughs announced there was a quorum present. The Invocation was given by Pastor Justin Crispin of the Worship Center, and the Pledge of Allegiance was led by Commissioner Paul.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Swearing in Non-Certified Officer Pierson Villa and Police Service Aide Leo Garcia (David Overstreet, Municipal Judge)

Item removed and will be brought back at a later date.

PUBLIC COMMENT

Ken Lucas said he understood the City's options regarding the Family Fun Center but would ask the City to consider a variant with the City maintaining ownership. He asked the Commission to consider removing the existing freefall pinsetters, the traditional bowling machines, and replacing them with string pinsetters, the newest ones. There is a \$425,000 to \$475,000 upfront cost that would pay for itself with labor, utility, and cost savings within five years. The new machines are almost maintenance-free. Also, consider rebranding the Family Fun Center to Gordo's Mesa Ridge Fun Center or Gordo's A to Zia Fun Center because of the bad reviews associated with the current name. Lastly, if you maintain ownership but disregard my suggestions, I suggest you bring someone in to examine the equipment, lanes, and machines. The lanes did not work well even when the place first opened.

CITY MANAGER'S REPORT

City Manager Holden made the following remarks:

1. We did well at Bonito Lake. All twenty-two ponds are full of water and debris, but the debris has not yet made it to the Lake. It looks like the cost and effort was well spent.
2. We removed the pavilion from south Oregon Park because we decided to repurpose it. There is a request from all the property owners at the Silverado addition for a Park, and we will put the pavilion there. Today, someone made threats against staff and employees at City Hall. We made the Police Department aware, but the individual left on foot before the police arrived. Also, there are parking

issues up and down Oregon. We will put signs all along the east and west streets to keep kids from parking in the neighborhoods.

3. We hired Anna Martinez as the new Executive Assistant to the City Manager.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Rardin made the following comments:

Can you bring a plan for implementing spending money from the water rates and what we will start on? I want to know where we are heading. City Manager Holden said they would put together a plan. As you may recall, this will take place over an extended period of years. We will try to get that plan to you by possibly the next or first meeting in August. Commissioner Rardin said people will be getting their bills this month, but if they see action around town, it will be easier for them to swallow. City Manager Holden said there was another request regarding the sewer portion of the bill. We have been asked to look at that specifically and will address that as well.

Mayor Pro-Tem McDonald made the following comments:

The cleanup will take place from 7 a.m. to 12 p.m. on July 20th. The shredding will be from 10 a.m. to 12 p.m. at the Dudley School on Sixth and Maryland. Signs have gone up at all locations.

Mayor Payne made the following comments:

The 4th of July Parade turned out well; thank you to the Air Force Sergeants. There is a new rocket out at the Center of Commerce. This past Saturday, I attended the grand opening of the Christian Joy Center on Highway 54.

CONSENT AGENDA

2. Approve the minutes for the Regular Commission meeting on June 25, 2024. (Rachel Hughs, City Clerk)

3. Consider, and act upon, Ordinance 1696 Case Z-2024-0001(A) for adoption and final publication of a map amendment to rezone properties located at 181 & 243 Hamilton Ridge Road, 3100, 3150, 3180, 3190, 3192, & 3194 Hamilton Road, Reynolds Subdivision Replat G, Lot G, and Pruiett Subdivision Replat A, Lot 4A from R-1 Single Family Dwelling to RE-Residential Estates. The property owners request the zone change to comply with the current ordinance for keeping livestock. (Stella Rael, City Planner) (Roll Call Vote Required)

4. Consider, and act upon Ordinance 1697 Case Z-2024-0002(A) for adoption and final publication of a map amendment to rezone Somerset Subdivision Phase 1 from R-2 Townhouse Dwelling District to Planned Unit Development District (PUD). (Stella Rael, City Planner) (Roll Call Vote Required)

5. Consider, and act upon Ordinance 1701, Case Z-2024-0003(A) for adoption and final first publication of a map amendment to rezone 2350 Eudora St. from C-3 Business District to M-1 Light Industrial District. (Stella Rael, City Planner) (Roll Call vote required)

6. Consider, and act upon, the approval of an agreement with the New Mexico Economic Development District, Non-Metro Area Agency on Aging for the Nutrition Services Incentive Program (NSIP), the total amount budgeted is \$58,648.57. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

7. Consider, and act upon, grant funding from the Non-Metro Area Agency on Aging FY25 contract for Direct Purchase of Services for senior programs, the total amount budgeted is

\$548,187.49. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

8. Consider, and act upon, a \$2,500.00 1-time award from AmeriCorps Senior Companion and Foster Grandparent Programs for travel related for J. Rene' Reynolds, SVP Specialist and Magdalena Morales, ASC Manager to attend AmeriCorps Seniors National Convening in Baltimore MD from July 30 to Aug 1, 2024. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

9. Consider, and act upon, contract #25-624-4000-0014 between the City of Alamogordo and the State of New Mexico Aging and Long-Term Services Department for the FY25 Senior Companion and Foster Grandparent Program Grants. Senior Companion Program \$69,782.50. Foster Grandparent Program \$69,525.00. (Magdalena Morales, ASC Manager and Veronica Ortega, Community Services Director)

Commissioner Rardin removed Item 5 from the Consent Agenda.

Commissioner Robinson moved to approve the Consent Agenda as amended.

Mayor Pro-Tem McDonald seconded the motion.

Roll Call Vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

5. Consider, and act upon Ordinance 1701, Case Z-2024-0003(A) for adoption and final first publication of a map amendment to rezone 2350 Eudora St. from C-3 Business District to M-1 Light Industrial District. (Stella Rael, City Planner) (Roll Call vote required)

Commissioner Rardin said there may be a potential conflict with me voting on this. I have a contract where we are putting a building up, and the tenant is the permit holder. Mayor Payne asked if it was this building. He said no, it is a different building. Our contract is with the owner, not Shannon Wright, but Shannon Wright is the permit holder. She said it did not bother her.

City Planner Rael said the language on this should say final publication, and the word "first" should not be there. You will be voting on the final publication for this item.

Commissioner Robinson moved to approve, minus the word "first".

Commissioner Paul seconded the motion.

Roll Call Vote was taken.

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

NEW BUSINESS

10. Consider, and act upon, Resolution 2024-48, amending the fee schedule for copies of public records inspected and distributed under the New Mexico Inspection of Public Records Act. (Rachel, Hughs, City Clerk) (Roll Call Vote Required)

City Clerk Hughs said the main things added are increasing the media storage fee from \$5 to \$7, which will help with the cost to the citizen and the City. I looked at five other cities within the state, and their fees ranged from \$6.75 to \$20.00, so we are still among the lowest. I am also changing the language for the records larger than eleven by seventeen. Larger records normally come from Planning and Zoning. The language now says to be determined by size, and we say from this to price to that price.

Commissioner Paul moved to approve.
Mayor Pro-Tem McDonald seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7-0-0.

11. Consider, an act upon, first publication of Ordinance 1705, approving a loan from the New Mexico Finance Authority regarding the Yearout Contract and EPC project. (Evelyn Huff, Finance Director and Chris Muirhead) (Roll Call Vote Required)

Finance Director Huff said this was the next step in the process. At the last meeting, you approved the contract. Part of Tara Trafton's presentation at that meeting was about the project's finances. We have Chris Muirhead here as our bond council to secure the next step, financing through the New Mexico Mortgage Finance Authority. As previously discussed, this debt would be paid off from the savings we would see after the modifications are done on by the energy performance contract. In the meantime, we have to secure it with a gross receipts tax. We identified the unsecured gross receipts tax going into the General Fund.

Commissioner Rardin asked what the monthly debt service on the \$5,000,000 would be. Mr. Muirhead said he overshot the \$5,000,000, and it looks like it will be closer to \$3,500,000. Bosque Advisors ran your numbers. With the New Mexico Finance Authority, they would look at lender annual debt service of around \$210,000 annually over twenty years. The savings from a budgetary standpoint would cover this. From a lender's perspective, they need credit security to know there is a revenue source to pay it, which is why you are pledging a quarter percent of gross receipts tax. Commissioner Rardin asked if the whole quarter percent was being pledged. Finance Director Huff said no. The nice part about the New Mexico energy performance contract is that they are certified through the state, so Yearout must come in every year to certify that we have the savings to cover the debt service, and we did meet the savings they thought. Otherwise, Yearout is required to pay the difference. Mr. Muirhead said the New Mexico Finance Authority, as the lender, has no lien on any other City revenues; they have a lien solely on this one special limited pledge. Commissioner Rardin asked if they had a lien on the whole quarter. Mr. Muirhead said they take a lien on the full quarter, but it would only intercept the debt service of \$210,000. It wouldn't take the full larger number it produces. Commissioner Rardin asked what a quarter percent was. Finance Director Huff said about \$1,200,000. Commissioner Rardin said he thought that was an eighth of a percent. Finance Director Huff said no, the quarter does the \$1,200,000. Mr. Muirhead said this would approve an intercept agreement with the Finance Authority, and it's convenient for the City to do it that way. Taxation and Revenue will pull out the exact amount from that quarter percent for monthly distributions semi-annually and annually to pay that debt service. The rest of that quarter's percentage will come to the City. Commissioner Rardin asked if we knew the exact amount of what they should be withholding each month. Finance Director Huff said yes, we will have the debt schedule we agreed to in the agreement. Mr. Muirhead said it has the exact amount in Exhibit E to withdraw down. This ordinance approves the parameters, and the Finance Authority sets the interest rates. A debt service schedule will be presented to the Commission and tied to the intercept agreement.

Commissioner Robinson moved to approve.
Mayor Pro-Tem McDonald seconded the motion.
Roll Call Vote was taken.
Motion carried with a vote of 7 -0-0.

12. Discussion regarding recent break-ins. (Josh Rardin, Commissioner, and Gary Trinkle, Citizen)

City Manager Holden said there have been issues with break-ins. This one involved Mr. Trinkle, who wanted to visit with the Commission, as was discussed with Commission Rardin.

Mr. Trinkle said he was here months ago about people messing with his trailers. On the 14th, one of them was stolen. I got it on video. They did it at seven o'clock and took the time to saw off my lock. I recognized the guy; he didn't work for me but had been on a crew. I took the video down to the police and was told they did not recognize him. Well, I don't recognize everybody either, but somebody else will. If it takes them to recognize him, I do not know how that works. Later, the police told me they were looking into it. The officer came to my job and told me it was over, and they couldn't do anything. Then, the Police Chief texted me to let me know an active investigation was going on. I do not know what is going on right now because I have never responded. I have had numerous rentals broken into. I am sick of it. It's the same people with all the break-ins going on. I should have had a GPS system on the trailer. I didn't then, but I do now. Mayor Payne said she agreed that he should not have to spend all that money to keep his property safe. Mr. Trinkle said something needs to be done. We are being robbed blind, and it's the same people. Let's get some evidence and bust these guys. You can't pull them over for doing nothing, but you could put a bait trailer out and let them steal it. It's the same people riding around with backpacks and bicycles. Mayor Payne said they have no conscience. I run a non-profit, and my camera will go off. I will watch them jump the fence and go into the back of our building. These guys are quick. The contractors are affected the most. In fairness, it is hard to catch these guys and frustrating for our officers. It's a whole breakdown in the system. The police cite and arrest them, throw them in jail, and then these guys blink at the judge and are out the next morning. It's the whole system, but that's not an excuse. Everyone should feel safe knowing their stuff is secure. Mr. Trinkle said it's beyond frustrating. It's big ticket items. I have had rentals where they kicked in the doors. I lost tenants because of that. It's not school kids doing this.

Police Chief Kunihiro said the Police Department wants to catch and put the criminals away. We are headed in the same direction. Unfortunately for us, some things do not generate reasonable suspicion. We may see somebody out of place, but it does not legally give us the right to stop them. We can always approach them to ask for a consensual encounter, but if they tell us to pound sand and we have no report of something being stolen, our hands are tied. For us to charge somebody involves probable cause. We have to get to that level to criminally charge them. If we do not get to probable cause, we should not be making any arrests or getting to that charge. Some things that hinder us when it comes to burglary are DNA collection, fingerprint collection, and things of that nature. The State labs hinder us. They will not process DNA for felony crimes unless they are violent felonies. So hypothetically, in the past, we could have had a burglary where a coffee cup was left on a dashboard. We could send it up to the lab, and a year and a half to two years later, we can have a DNA hit and be able to charge the suspect. The State lab will not even accept that now. We can collect it but cannot do anything with it. It is frustrating that the victims in the community do not get justice. I would like to apologize to Mr. Trinkle for the earlier miscommunication; I was told the investigation was ongoing. I will look into that matter tomorrow. Mr. Trinkle said setting up a bait trailer out there to catch these guys makes sense. You can catch them red-handed. Mr. Kunihiro said depending on legal opinions, there are some operations we may be able to do. Whether bait trailers and bait cars are entrapment is a legal opinion. We want to see how we can add civilian staff to help force multiply with more eyes out there. I recently put an officer in community relations, and we are bringing back the Neighborhood Watch. We will soon see posts and communications with trying to form the Neighborhood Watch again. We used to have about twenty-two Neighborhood Watch districts, but they went away for some reason. We want the community's support and help with extra eyes, but we cannot be everywhere. A lot of people have cameras and things that can help. Mayor Payne said she thought there should also be a Business Watch. In a Neighborhood Watch, let's say a neighbor sees someone breaking into a home and calls the police. Then what? Police Chief Kunihiro said with a crime in progress, I urge you to call 911 or the Police Department. Do not go to your Neighborhood Watch Captain. Each neighborhood designates a Captain who acts as the go-between the Police Department for things like suspicious people. The Captains generate discussion topics within their Neighborhood Watch group, streamlining

things. Still, call the Police Department for a crime in progress because that is our best chance of catching somebody. Mayor Payne asked what if they were listening to the scanner. Commissioner Rardin said most of them do. There is a sort of Neighborhood Watch with ring cameras. Is there a way to have somebody at DPS that monitors Police Chief Kunihiro said he also gets the notifications because he has a ring. I was told they did away with it, but there was a program where ring cameras would give police access. I do not know if that is an option anymore. Commissioner Rardin said it tells you when somebody posts something and the general area it is at. Chief Kunihiro said that with suspicious activity, we must have reasonable suspicion that a crime was committed. If a crime was being committed, we can detain for investigation. Commissioner Rardin said there was a group of people out with a motorcycle. A guy was sitting on the motorcycle, holding onto a Ford truck being driven by a woman with two kids in the back. The guy was basically being towed by the truck, and the engine wasn't running on the motorcycle. I see the same kids with backpacks out at 5:30 in the morning, and I doubt they are heading for school. Chief Kunihiro asked if Commissioner Rardin had ever called that in. Commissioner Rardin said no. Chief Kunihiro said anyone could call it in and remain anonymous. We cannot be in that area if we do not know about it. I encourage you to let Dispatch know if you see it multiple times a week. The more you report it, the more we can build an investigation. Commissioner Rardin asked what was recommended to the public when they saw stuff. Police Chief Kunihiro said to please report suspicious activity or crimes. If you feel comfortable following or getting license plate information, the more information we get, the better. Only if you are comfortable with it.

Mayor Payne said the bail reform law was the worst thing that happened to our state. It has gotten out of hand. It is incumbent upon us to do what we can as a City. Do we still do everything we can, even if we know they will ultimately go in front of the judge who will just let them out? City Attorney Smith said it depends on the dollar amount. The Municipal Court only handles less than \$500. Anything above that is Magistrate or District Court. We have no control over what district attorneys do or how they prosecute. We take the few we get before the judge. Usually, you can plead no contest and state it to the judge or go to trial. Mayor Payne said we have some people who are a revolving door, making me wonder why we bother. It is a waste of time and resources, but if we don't do it, it makes us look bad as a city. At least we are doing everything we can, and then it is up to the judge. Am I wrong in thinking that? City Attorney Smith said all my office can do is take it to the judge. Sentencing is up to the judge. We are not afraid to go to trial, and neither is our contracted attorney. With something like theft and larceny, we typically do not offer many pleas on those cases unless it is a first offense, we have not seen this person before, and they have zero criminal history. Then, we may offer them a deferred sentence on our end, but this is still a conviction. As far as the ones you constantly see, we can only take them before the judge. Mayor Payne said that as a victim, the only way you feel vindicated is by knowing that somebody is doing something and fighting for it. Unfortunately, justice will not always be served the way it should be.

Commissioner Rardin asked if fingerprints and DNA had to go through the state's crime lab. Are there other entities that do that? Chief Kunihiro said private companies do, but we have rarely utilized them. They are very costly. Without a large budget for that, the state crime labs are our option. Commissioner Rardin asked if the private entities doing this still stands in court. Chief Kunihiro said potentially. You start to go into whether it is felony level in the District Attorney's Office and if they are willing to have them come to testify and pay the expert witness fee. There is a lot that revolves around money. Commissioner Rardin said so it is better to use the crime lab. Chief Kunihiro said that is our only resource for the most part unless we are dealing with the most violent crimes that need secondary testing. Commissioner Rardin said this is a big deal, but is it not in their eyes? Chief Kunihiro said he could not put words in their mouth. My understanding is that they have so many violent crimes that everything else is on the back burner. Violent crime doesn't stop, so they cannot take in nonviolent felony crimes. Commissioner Rardin asked how many labs in the state there were. Chief Kunihiro said there are labs in Santa Fe, Las Cruces, and Hobbs. I know there are at least three and maybe a fourth. Albuquerque has their own. Mayor Payne said some of this needs to be fought at the state level, and that is where I am concentrating my efforts. Neighborhood Watch is a great idea. I met with a group

that started a Businesses for a Safer Las Cruces, and they are making headway. They are watching out for each other and taking pictures. I think that is part of the direction we need to go. We need to watch out for each other. There is just no way our officers can do it all.

Mr. Trinkle said that when you can point the house out, there has to be some way to do undercover work or set up a drug bust. One thing leads to another. You may not catch them stealing a car, but you may catch them doing other things. Mayor Payne said she could not speak to that or the legalities.

Commissioner Rardin asked if we could do something on the City's website, where petty stuff like this can be reported so that the Police can look at it, but it doesn't take up time to physically go and look at it. Chief Kunihiro said online reporting does that. Commissioner Rardin asked if that was something business owners could go into. Chief Kunihiro said he was researching this and had thought we previously had a business community where all the business partners could communicate. It was explained to me that it is kind of like Neighborhood Watch, where you see them acting suspiciously but not committing a crime, but you pop a picture and share it with your business community. Someone else could recognize and identify them. It is just information sharing. Commissioner Rardin said it could help by taking different crimes and putting the pieces together so the police could identify them. Commissioner Rardin said he thought that was the answer. Mayor Payne said she also thought that was the answer. Car accidents take hours and resources to wrap up. The solution is to get our business owners to help each other. The key is knowing that they can go through all that, turn it over, and then something will be done. Chief Kunihiro said if it meets certain criteria. Mr. Trinkle said that was already happening to a certain extent. We share that information. Still, what good is it if everyone knows it is the same guy robbing everyone and nothing happens? Mayor Payne said it is more than that; it is watching out for each other, like a Neighborhood Watch. You cannot always be at your job site, but maybe somebody else working across the street could help keep an eye out. Mr. Trinkle said he understood that, but something must happen to shut these people down. Mayor Payne said she was not sure what the answer was. It is a matter of doing it while protecting the liability of the City. Mayor Payne said she appreciated Mr. Trinkle coming by to discuss this. Mr. Trinkle said no matter how he protects his stuff, he expects to get robbed.

EXECUTIVE SESSION

13. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(7) NMSA (as amended) to discuss Pending Litigation regarding various Tort Claims. (Roll Call Vote Required)

Mayor Pro-Tem McDonald moved to adjourn into Executive Session at 7:43 p.m.

Commissioner Tapley seconded the motion.

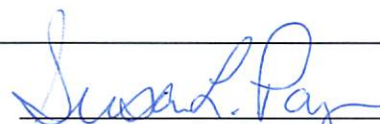
Roll Call Vote was taken.

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 July 23, 2024.