

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., DONALD E. CARROLL COMMISSION CHAMBERS
July 23, 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 6:29 p.m. Roll Call was taken by the City Clerk. City Attorney Smith was absent. City Clerk Hughs announced there was a quorum present. The Invocation was given by Pastor Anthony Torres of Mountain View Church, and the Pledge of Allegiance was led by Commissioner Burnett.

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.

PUBLIC COMMENT

Shari Atkinson said she lived at Desert Palms Mobile Estates on 1st Street. It is senior-only, meaning the age of fifty-five or over. On June 13th, a leak was discovered in our gas lines, and the State of New Mexico and New Mexico Gas shut off service to the entire park. There are seventy-four homes in the park. The gas provider is Desert Palms. We were billed monthly with space rental payments per our lease agreement. The corporate owners have been investigating options after discovering that reworking all the existing gas lines would take months or years. They investigated an option with Pinnacle Propane. A contract was negotiated, and the project could be completed before winter. Last Thursday, July 18th, the City of Alamogordo served notice to the park and tenants that installing propane in a mobile home park violated city ordinances. So, we are back at square one with no gas service or resolution in sight. At a tenant meeting, we were informed that upgrading to an all-electric home would require extensive installation of transformers in the park, and homeowners would have to purchase new appliances, wiring, and breakers. Few of the residents would be able to do that financially. It appears we are left with no viable options. We cannot connect propane per the City of Alamogordo, we cannot convert to electric service without expensive upgrades, and we cannot do a major repair of the current leaks in a replacement of the gas lines. It is unknown whether any of these could be completed before winter. We understand that White Sands Mobile Home Parks has been waiting for a contractor to repair their lines. They are in the same situation. They have been without gas service for five months and have not broken ground. We cannot ethically sell our homes with our substandard utilities. We are homeowners who only rent our spaces and cannot just walk away. We see two solutions available to us. One is repairing the existing leaks, testing them, turning service back on to the park, and replacing all gas lines in a phased manner. The second option is for the City Commission to grant an exception to the propane rule. Winter will soon be here, and senior citizens will be huddling around electric space heaters to stay warm.

Danielle Hill said her mother-in-law was a new resident of the park that Ms. Atkinson spoke of. We moved my mother-in-law here last October, and our family has over \$100,000 invested in the move.

She is an eighty-eight-year-old in a situation where she has no heat or hot water. I am her caregiver, and I am contracted to Vet Assist through the Veteran's Administration. At some point, I am going to have to report to the Veteran's Administration that my mother-in-law is living in substandard conditions. She has had no gas, hot water, or way to cook for a month. We have a person in hospice at the park and several with home health agencies. When does it become elder abuse? When does someone have to step in and do something? Ms. Atkinson spoke of the solutions. I would challenge the Commission and Mayor to be our advocates for the State and find conflict resolution with either the State of New Mexico or New Mexico Gas. This system has limped along for twenty years with two gas leaks. I understand this is a nationwide issue, and the State of New Mexico is shutting them down all over. Could we get the State and New Mexico Gas to agree to put a band-aid on the two leaks, have it pressure tested, come back, and monitor it every month? Then, get the owners and the State to come up with a comprehensive plan on how they are going to phase into a new gas system, or figure out a green energy solar system. I challenge you to turn this terrible thing into something positive and figure out how we get sustainable energy for these fifty-five-plus parks. How are we going to keep these people warm and comfortable? It was fifty-eight degrees this morning. The showers were ice-cold this morning. I would request that you put this on the agenda to discuss this in-depth, and we can find out what you have found out.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne changed the order of the agenda by having the Remarks and Inquiries by the City Commission take place before the City Manager's Report.

Mayor Payne said this started back in April with White Sands Community, which has had no natural gas since April. Neither White Sands Community nor Desert Palms owners have reached out to the City. To me, that's a huge issue. I do not see how this is the City's fault, and I believe it is the fault of the owners of the parks. In my opinion, our citizens deserve better. I find it hard to believe that the parks have not been able to get materials, supplies, or contractors since April. We had someone from the Attorney General's Office reach out to us, and I met with an investigator looking into this. I already called Adult Protective Services. In my opinion, it is elder abuse, but it is not their definition of elder abuse. I reached out to state legislators and had a long conversation with one, and I sent him a bunch of information and letters. I believe the propane solution was brought up because it is cheaper for the owner. You will spend more on propane, which is not safe. The owners or managers need to reach out to the City of Alamogordo. This needs to be fixed properly, and the propane goes against our ordinances. I have been watching this for months, and I am very disappointed it has not been fixed. Supposedly, they will start next month at White Sands Community. I think this is more about money than being unable to get a contractor, but I do not know for sure because they haven't reached out to us.

We just had the graduation for our first Ferguson Academy on Friday. There were fifteen graduates.

Commissioner Rardin asked if we are going to bring a plan forward regarding how we intend to spend the money from the water rate increase? I asked about it at the last meeting. City Manager Holden said yes sir. Commissioner Rardin asked if there was a timeline. On Facebook, some people's bills were considerably higher. Some were double or triple. City Manager Holden said he would share his remarks in the upcoming City Manager's Report.

The gas issue is a civil one between the owners and the gas company. The City should not get involved other than our ordinance. The only thing we could possibly do is put an item on the next agenda to give these two parks a variance on our ordinance for six months to a year, allowing them to switch to propane temporarily so the residents have heat, water, and a place to cook. Then, hold the owner's feet to the fire. I was talking to a guy from New Mexico Gas on a separate issue, and it is a substantial amount of money to do White Sands Community. As soon as you cross the city limits, it is legal to use

propane. It is not unsafe. Some areas in town do not have natural gas available, and they are allowed to use propane within city limits. If the owners do not have it fixed after our timeline, then we enforce our ordinance. It's a quick fix so the residents have heat and hot water. Mayor Payne said we do that too often. How does that work with their heater? Commissioner Rardin said the heater will still work. They change the orifice in their heater, stove, and water heater and switch over to it. She asked what would happen in the winter when they spent a ridiculous amount on propane. He said it is better than not having heat. It is safer to use propane than space heaters. We will have fires if we have space heaters in all their homes. She said she was aware of that, but the owners need to take responsibility. He said he agreed with the owners needing to take responsibility. She said the owners should have reached out to the City by now. They were served with a cease-and-desist letter. He said the City needs stay out of it, and it is not our place other than safety and welfare. She asked if he had gotten phone calls. He said he had not. She said she has received many. He said the easy fix we could give as the governing body is the temporary variance on the ordinance. The State does not care; the plumbing for natural gas and propane is the same. It uses the same lines. I don't understand why it is safe to use in the county but not in the city. Am I breaking the law if I am firing up my propane barbecue?

Commissioner Paul said I am not an attorney, but tenants have rights under State law. If you are not offered a habitable place, you can withhold rent. The quickest way to get an owner to address an issue is by not receiving income generated from an investment. Both Amber Skies and your park are investments for the owners. It is tough for the City to step in and provide a resolution because we are talking about private parties. I would suggest you, or as a group, reach out to legal counsel and see what remedies are available to you. When owners are unwilling to do stuff like this, it is a long slog until you get the group together to take action and show you are serious. Mayor Payne said we talked about that. There was the New Mexico Mobile Home Act, but nobody in the State knew how to enforce that or read it.

Commissioner Paul asked Mayor Pro-Tem McDonald if we know who won the trash cleanup. Mayor Pro-Tem McDonald said she would claim herself the winner. There were four roll offs filled at Dudley School and we were working on number five. One hundred and twenty yards of trash were collected on that day. The people doing work stayed and did up and beyond the work that was required. It was appreciated. From the bottom of my heart, thank you to everyone that made it possible.

CITY MANAGER'S REPORT

City Manager Holden made the following remarks:

1. Staff visited with Mr. Cerna last week, an investigator with the Attorney General's Office. He is investigating all three mobile home parks. That is good news.
2. We are not attorneys and cannot give legal advice, but the Mobile Home Act spells out that every owner of these parks is responsible for maintaining the utilities within those parks. That includes water, sewer, gas, and electric as required. There are definite civil penalties involved in those. From a staff standpoint, we will continue to look at those situations and figure out what will work. I have spent time in the gas business myself, and I have seen explosions and loss of life. I do not want to think about that happening here. That is why New Mexico Gas was specific in needing to turn the gas off. They can no longer afford to have gas going into homes, leaking, and creating those possible disasters. We will work on some things to try to get there. I will tell you that propane is not a good option for mobile home parks, especially because of its density and closeness. A lot of that is covered under the International Fire Code we use, as well as the ordinance which specifically deals with mobile homes.
3. Addressing Commissioner Rardin regarding money and water rates, we have met with the bond council and expect to have a project list ready in August. We are shooting for an October approval of the bonding capacity, which will roughly equal \$30,000,000 for the first issue. The Walker area, that quadrant of town, will be our first target area. The work will involve tanks, parallel lines, pressure, and pipeline issues. That will be coming to the Commission for approval during this coming period. The

first \$30,000,000 of that bond issue corresponds with the rate increase we just passed. The water bills are out for the new rates. We also saw a lot of the Facebook posts. Assistant City Manager Hernandez went through about thirty of those. We looked them up by name and usage. Yes, the bills went up, but you need to be aware that the water consumption also went up significantly between May and June. You would expect water bills to go up during this time of the year. Back to the bond council, the decision you make as a Commission is important because to even have the opportunity to get bonding capacity, you need to have a plan in place. We are in a position to begin to lock ourselves into that structure, which will be the basis for how we get this funding. If we start toying with the rate structure to modify it, we will severely interrupt that revenue stream to the point where we may have to put other assets out there to cover the bond capacity. The decision has been made, and we are moving forward with expediency. We have already identified many of the projects and will have them ready for the Commission to see.

4. The Great Blocks project for Downtown New York was estimated at about \$1,900,000. Bids will be coming in and open on July 31st. We expect the bids to be more than the amount funded. We have proactively met with MainStreet New Mexico and are looking at potential funding through them.

5. We have revised building plans for Patriot Point, the coming apartment complex. They had some of their funding take place and finally got approvals through HUD. Our Fire Department has worked with them and devised alternative ways to conduct fire suppression that work equally well and reduce some of their costs.

CONSENT AGENDA

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

2. Approve the statements related to the Executive Closed Sessions held on June 11, 2024, and on July 9, 2024. (Rachel Hughs, City Clerk)

3. Consider, and act upon, Ordinance 1703 for adoption and final publication, to amend Chapter 24, Articles 01-010; 01-020; 13-060 Additional Parking restrictions and 12-12-1.3 of the Alamogordo Code of Ordinances Concerning Schedule of Penalty Assessments, Penalty Assessment Misdemeanors; Additional Fees, Mandatory Fees upon Conviction, and Texting While Driving. (Ashley Smith, City Attorney) (Roll Call Vote Required)

5. Consider, and act upon, award of Public Works Bid No. 2024-005, E. 10th Street Remediation Project No. PW2404, to General Hydronics Concrete LLC, related to the Alamogordo E. 10th Street CBC Remediation project for an amount not to exceed \$518,394.47 including NMGR. (Justen Boyle, Project Manager)

6. Consider, and act upon appointing the Mayor as the Voting Delegate for the New Mexico Municipal League's 67th Annual Conference. (Rachel Hughs, City Clerk)

7. Consider, and act upon, Resolution 2024-49, declaring 123 Railroad 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 Tapley removed Item 4 from the Consent Agenda.

Commissioner Robinson moved to approve the Consent Agenda as amended.

Commissioner Tapley seconded the motion.

Roll Call Vote was taken.

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

ITEMS REMOVED FROM CONSENT AGENDA

4. Consider, and act upon, Ordinance 1704 Case Z-2024-0004(A) for adoption and final publication of a map amendment to rezone 916 & 918 South Florida Ave. from R-1 Single Family Dwelling to C-1 Neighborhood Business. (Stella Rael, City Planner) (Roll Call Vote Required)

Commissioner Tapley said he pulled this because he voted no last time. Commissioner Robinson said he would not vote on this. Mayor Payne said Commissioner Robinson would be recusing himself because he serves on the COPE board.

Commissioner Rardin moved to approve.

Mayor Pro-Tem McDonald seconded the motion.

Roll Call Vote was taken.

Motion carried with a vote of 5-1-1. Commissioner Tapley voted nay. Commissioner Robinson abstained.

NEW BUSINESS

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

Mayor Payne reappointed Cynthia Stevenson to her second term on the Alamogordo Public Library Board, and Linda Gilliland to her first term on the Parks and Recreation Board. No one was opposed.

Mayor Pro-Tem McDonald moved to adjourn at 7:14 p.m.

Commissioner Burnett 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 August 13, 2024.