CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
September 24, 2024

SUSAN PAYNE, MAYOR
SHARON MCDONALD, MAYOR PRO-TEM
NICHOLAS PAUL, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER
JOSHUA RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
RICK HOLDEN, CITY MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK

CALL TO ORDER & ROLL CALL

Mayor Payne called the meeting to order at 6:30 PM. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Stan Richardson of Southern NM Outreach, and the Pledge of Allegiance was led by Commissioner Tapley.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

Bob Bergor said he noticed a thirty-five to forty percent increase in his water bill. There was an increase in water and sewer, and I ask if infrastructure money could have been used for that. Santa Fe has a billion dollars ready to be used. Maybe we could use that instead of the citizens. My trash increased on my water bill. I wondered if I could save money by doing that myself and asked Utility Billing about it. They said I could not do that. There were two phone calls, then crickets. There was a mention of an agreement between the City and Southwest Disposal and an addendum that says I cannot do it. I would like a callback about that. I have spoken to Commissioner Tapley about changing all the stop signs in Alamogordo to yield signs. I think it may be a good idea.

CITY MANAGER'S REPORT

Assistant City Manager Hernandez made the following remarks:

1. She read a statement from City Manager Holden regarding his resignation. "Honorable Mayor, City Commission, staff, and Community. As has been reported, I resigned late last week. Contrary to social media accounts, I want to make it clear that there has not been any conflict with the Mayor or any Commissioner that led to my decision. The Commission has been very supportive during my tenure. We have worked together well for the greater good of our city. City management can be a grueling and ongoing attempt at chasing one's tail. Outside influences, social media platforms, internal staffing issues, and expectations of a governing body can adversely combine, making it difficult to accomplish goals. I have done this for years, and it is simply time to take a step back. Thanks again for the broad level of community support and for being welcomed here in Alamogordo. I do plan to stay in the area, and who knows, I may become a familiar audience participant here in the Commission Chambers. Respectfully submitted, Rick Holden".
2. I want to thank the Commission for selecting Rick as the City Manager. After the summer of '23, he was what the City needed. That speaks highly of the Commission and their vision for moving Alamogordo forward. I work hand-in-hand with the City Manager daily on the phone, and he speaks highly of each one of you. He respects you and was grateful for the opportunity you provided for him. There has been no conflict. He is adamant there has been no conflict with anyone on the dais. I want everyone to know there was no abrupt exit. He is here until October 18th, and he named me Acting City Manager for continuity purposes until the City Commission can make a formal decision.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne said the day after the last Commission meeting, I had been gone since Sunday night and was not in New Mexico. I came back and found out Rick's decision along with everybody else. To be clear, I cannot speak to any specifics concerning personnel matters at this moment, and my comments should be considered my opinion and not that of any other Commissioner. I would like to address some concerns that have become an ongoing issue and have forced a good man to re-evaluate his position within our city. There are people within our city who genuinely love and care about the community in which they live. These people work tirelessly every day with the goal of making our city the very best it can be. Having said that, everyone likely has an opinion on how that should be done, what our priorities should be, and how we should get there. I have been on this Commission for over eight years and have seen, heard, and learned so much about our community and its members. I have had the privilege of working with the very best people but also the opportunity to deal with the worst people. People who seek to destroy the reputations of good, honest, hardworking people simply because of bitter envy or petty jealousy. People who believe that if it does not affect them, it should not be a priority. People who perceive themselves as more entitled than others, and do not believe our ordinances or policies should apply to them. I often refer to them as big fish in a little pond. They honestly believe there should be a different set of rules for them. People who want to tell others how dumb or useless they are but will never step up themselves to be a part of real solutions. People who sit behind a computer screen and join the masses who think that their city government is corrupt and throw baseless accusations but never once produce one shred of evidence to prove their ridiculous statements and will never show up to an actual Commission meeting or even go back and watch the live stream to verify their facts first. These people are content to read the garbage perpetuated on social media, often by irresponsible so-called journalists with a personal agenda and an axe to grind. I am always curious about why anyone would use their platform to say such horrible and factually incorrect things about people who are working so hard to make this community a better place. For example, Alamogordo Mainstreet and numerous volunteers associated with that organization have given up much personal time to plan and execute the revitalization of our downtown area, and it is going to be spectacular. I was on social media the other day and saw their post. The ugliness, the hatred, and pettiness were honestly embarrassing. The new Sacramento School of Science and Technology is an exciting and innovative idea that will give our students options for learning, yet the ugliness that has been spewed against good, hardworking people who just want to provide opportunities is incredibly disheartening. Then, of course, there is the age-old narrative that certain families rule the community, and they decide which businesses are allowed to come into town. Complete nonsense, I assure you. Finally, how about the personal attacks that have been posted on social media? I have been a victim of some of the most outrageous lies that were honestly almost comical. Sometimes I do not know whether to laugh or be insulted that people believe I am that petty and desperate. The latest ones are: the Mayor gets free water, the Mayor does not care about her constituents, and the Commission is lining their pockets with our money. Most of the people who say that probably do not pay taxes, to be honest. So, what is my point to all of this? As you just heard, this past week, our City Manager made the difficult decision to tender his resignation. I am incredibly disappointed by this news but I cannot say I am surprised. When Rick began his tenure with the City, he was fired up and ready to go. He was excited about the journey he was about to embark on, and I believed, and still do, that he was just the person to lead us forward. Unfortunately, I have personally seen that spark slowly fade over the past few months, and I have had some real concerns about his decision to continue. I was out of state when he submitted the resignation and was notified with all my fellow Commissioners of his decision. While I am saddened by the news, I am also angry at what led to this moment. On Sunday, a social media post came out from one of those irresponsible journalists I spoke about earlier, in which, the writer stated that his comments were corroborated by three sources. His comments suggested that Commissioner Rardin was the culprit, along with another Commissioner, which I find interesting. No one would have known anything unless it was an employee of the City or a City Commissioner who told him. My suspicion is that the person was dishonest in his statement, but I suppose we will never know. I do know, without a doubt, that was one of the most irresponsible pieces of trash I have ever read. I am not sure what was worse. The fact that he said it, or the fact that people were quick to believe it. In my graduate studies, I had a required reading of Democracy in America by Alexis de Tocqueville. He traveled America in the early 1800's, and one of the terms he spoke about that has always stuck with me is the Tyranny of the Majority, which is basically majority rule or the tyranny of the masses. Social media definitely applies here. We all want to cite the Constitution when it is convenient for us and disregard it when it does not fit our narrative. I think we can all agree that this absolute document provides us with certain freedoms unless you are an elected official. For example, the irresponsible journalist I mentioned earlier can hide behind the Constitution when he produces blatantly false information and cites an anonymous source. He does not have to prove anything, and he routinely takes advantage of many who are just too lazy to investigate the truth. It is what he counts on, and some people fall for it: hook, line, and sinker. On the other hand, an elected official is silenced by the law, leaving certain situations

open to speculation that the same journalist then takes advantage of. He knows we cannot say anything. There are times when they go way too far, and they need to be called out. There was one time when he suggested on social media that my husband, who is an incredibly hardworking man with a home renovation business, was unethical just because I am the Mayor. I guess we are not allowed to make a living. There were two days in April when he conveniently forgot to print police activity. He blatantly lies about individuals because he is so desperate for attention that the truth becomes obsolete. I think it is obvious that I do not always agree with my fellow Commissioners, and the same could be said about them with me, but I respect the fact they have stepped up to serve their community. The most recent garbage put out about Commissioner Rardin without any regard for the facts, or how it could harm him personally, demonstrates a clear lack of integrity when it comes to journalism. He is once again hiding behind the Constitution and his right to put in print whatever he wants. Unfortunately, that same Constitution gives us the inability to protect ourselves simply because we are elected officials. I cannot imagine any City employees are providing information to this man, however, if you are, then I have lost respect for you. On the other hand, I do find it suspect that he had such detailed versions of events, even if they were not true, and I do have to wonder where he got this idea. I know that talking about him so much is just feeding his ego because it seems he has this weird need for attention, even if negative, and making these comments will generate a plethora of comments from the Mayor is just looking for attention, to well, that is what they signed up for. Frankly, it is expected, so I will just have to consider the source. We cannot control individuals who commit crimes. That is a personal choice and not the fault of the city. We cannot force businesses to stay in our community. That is determined by the consumer's decision to shop there. We cannot fix the negligence of the past. All we can do is take our hits and try to ensure it does not happen again. Nonetheless, it is incredibly unfortunate that we have become a society that would rather believe lies than investigate the truth. Keyboard warriors feel empowered when they sit behind their screens and try to literally destroy the reputation of good people they have never met because of envy, jealousy, and a need for sensationalism and, yes, even pure hatred. They, along with the people that want to bully our staff with idle threats without giving them a chance to find a resolution before they start calling every Commissioner, Representative, and Senator to try and apply pressure, are the very reason why I say we cannot have nice things. It is also the reason why a good man made the difficult decision that it was just not worth it anymore. I hope Rick is watching because I could not agree with him more. I say the same thing to myself all the time, yet here I am, the crazy one coming back for more. Despite all the ugliness and lies, I am confident we are doing a great job. Personally, I have more supporters than detractors. Together with like-minded people such as the Center of Commerce, APS, Holloman Air Force Base, the F-4 Committee, and more, we are moving our City forward the best way we know how. Hopefully, if we do not let the social media critics discourage us, then one day, we will have nice things.

Mayor Pro-Tem McDonald said she attended the tribute for Willie Estrada. He was born in 1929 and became a sergeant in the US Army. He was killed in action on September 22, 1952, in North Korea. He was a member of the 245th Tank Battalion, 45th Infantry Division. He was awarded the Purple Heart, the Korean Service Medal, the United States Service Medal, the National Defense Service Medal, and the Korean War Service Medal. He also received the Distinguished Service Cross for extraordinary heroism in action. I know that members of the family, Pete and Virginia Estrada, worked with the American Armed Forces Museum on Highway 82. There was an open house there on September 21st and 22nd. I have been told that the museum is one of the best-kept secrets in Alamogordo. If you have the opportunity, go view the displays there. It is open from 10 AM to 2 PM. They also have a peace garden in the back representing every service branch. The museum has carried on with little support from donations, but they have dedicated volunteers. They are committed to keeping a record of every serviceman who is killed or dies.

I also attended the Day of Caring event by Thrive, which had one hundred and forty volunteers who took care of thirty properties. Most volunteers were from Holloman Air Force Base, which has partnered with Thrive for the past twenty years. I was there on Friday morning when they went out, and it was rewarding to see that while we have a commitment to Holloman Air Force Base, they also have a commitment to serve Alamogordo. I want to say thank you.

Commissioner Burnett said he spoke to Assistant City Manager Hernandez yesterday about a constituent's call. They wanted to change the herbicide currently used to one that is more eco-friendly. I do not know if she has more information about that. Assistant City Manager Hernandez said she would reach out to Parks and Recreation Director Bass about that and would have something for Commission Burnett later.

Commissioner Robinson said he has met staff and is impressed with their commitment. They do an excellent job. This Commission hired an excellent man. We were lucky to have him, and I am sorry this happened. We are behind Assistant City Manager Hernandez during this time.

Mayor Payne said there will be a Special Meeting on Tuesday, October 1, 2024, at 6:30 PM.

CONSENT AGENDA

1. Approve the minutes for the Regular Commission meeting on September 10, 2024. *(Rachel Hughs, City Clerk)*

2. Consider, and act upon, the award of Public Works Bid No. 2024-008, Street Maintenance Program FY2021 (Phase 1) Project No.UC2401, to La Luz Dirt & Paving LLC, related to the Alamogordo Street Maintenance Program FY2021 (Phase 1) project for an amount not to exceed $4,226,205.87, including NMGRT. *(Justen Boyle, Project Manager)*

3. Consider, and act upon, Resolution 2024-62 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of September 24, 2024. *(Evelyn Huff, Finance Director)* (Roll Call Vote Required)

4. Consider, an act upon, adoption and final publication of amended 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)

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

ITEMS REMOVED FROM CONSENT AGENDA

None.

NEW BUSINESS

5. Consider, and act upon, Ordinance 1707 Case Z-2024-0005(A) for first publication of a map amendment to rezone 1701 Cuba Ave. from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District. *(Stella Rael, City Planner)* (Roll Call Vote Required)

City Planner Rael gave her presentation on this requested map amendment, which included a zoning map, protest area, and her findings of fact. She said that someone had converted the garage into an apartment without permits. The current owners, Mr. and Mrs. Maiken, are trying to correct the zoning for what is on their property. No letters of opposition were received. Staff recommendation was to approve this request because it would not be materially detrimental to the surrounding property owners or the public, and it will correct the zoning designation for the two existing residential dwellings.

Commissioner Rardin asked if this was rented to two different tenants. City Planner Rael said it was not rented, and she was told by the representative, Anthony Maiken, that they were trying to correct it before moving forward with renting.

Commissioner Paul said it was mentioned that nothing was inspected. I am looking at it on Google Street View, and the windows are definitely not up to any type of code. My concern is that if this is converted, you are putting people who could potentially lease that space at risk. City Planner Rael said she researched all the years since 1996 when the Sungard system was put in place, and there were no records of any type of remodeling permits issued.

Commissioner Rardin said he agreed with Commissioner Paul. If it was never permitted, then there would be technically no CO for the garage portion. Are they going to have that done? City Planner Rael said she had a conversation with the applicant. From what I was told, they are trying to do everything correctly. I will have a further conversation with him to see if we can get some sort of inspection out there. Commissioner Rardin said they would have to have a permit pulled and a CO issued. City Planner Rael said correct.

Commissioner Robinson moved to approve.
Commissioner Rardin seconded the motion.

Commissioner Rardin said he also looked at it on Google Street View, and it still had a garage door. Is it closed off on the inside or still accessible as a garage? City Planner Rael said Mr. Maiken was not here. I did not enter the apartment, but he said it was completely redone on the inside. I do not have the right to enter and inspect.

Commissioner Tapley said if the Commission approved this, would the property owners start putting people in there tomorrow? City Planner Rael said they could. I do not want to steer the Commission, but it could be approved with the contingent that the proper permits are pulled and a CO is obtained and brought to the Planning and Zoning Department for the record. Commissioner Robinson asked if City Planner Rael would not do that unless the Commission made a contingency. City Planner Rael said I do not have that authority. Commissioner Robinson asked if she could suggest it. City Planner Rael said she could suggest it but cannot enforce it. Construction Industries Division would have to do that. Commissioner Rardin said that CID may not do that since it is an existing structure.

Commissioner Burnett asked when the property was purchased. City Planner Rael said she did not know. Commissioner Burnett said he could see that the last time it was sold was back in 2022. City Planner Rael said during her conversation with Mr. Maiken, he said he thought it was the latter part of 2021. Mayor Payne said it was mentioned that they did not make any improvement, so whatever is there was there. City Planner Rael said was purchased, yes. Commissioner Burnett said he was comparing the listing to the Google map, and it is obviously different now than then. It is in better condition now.

Commissioner Rardin asked City Attorney Smith if they could legally put stipulations on the rezone. Would it be better to table this until the questions are answered? City Attorney Smith said her recommendation was to table it because she was unsure if we could make stipulations, and she would rather err on the side of caution. Let me make sure we can do that.

Commissioner Robinson withdrew his motion.

Commissioner Robinson asked if City Planner Rael would get back to Mr. Maiken and let him know. City Planner Rael said that as a Commission, you can give me directions on what you would like me to do.

Commissioner Rardin made a motion to table this with no timeline.
Commissioner Robinson seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.

6. Consider, and act upon, Resolution 2024-63, declaring 1620 N. White Sands Blvd. 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, which included a timeline of events, photos, and twenty violations of the International Property Maintenance Code. He said this location was commonly referred to as Tinsley Trailer Park.

Commissioner Rardin asked if the cesspools were natural or dug. Code Enforcement Manager Sides said they were dug.

Code Enforcement Manager Sides said this trailer park had approximately forty trailers, but not all were occupied. All have code issues. I have been working on creating cases, but each trailer is individually owned and with property owners, so it is a tedious task. Commissioner Rardin asked how many families would be displaced. Code Enforcement Manager Sides said probably twenty-five to thirty trailers were occupied.

Commissioner Rardin asked why the New Mexico Environment Department had not gotten involved regarding the cesspools. Code Enforcement Manager Sides said they had tried, but typically, with complaints like this, the NMED kicks it back to us.

Commissioner Robinson asked what Code Enforcement Manager Sides recommended. Code Enforcement Manager Sides said the best course of action is to condemn it and give them the opportunity to bring it back to code, or there will no longer be a trailer park there. Commissioner Rardin asked if they had already been cited in court numerous times. Code Enforcement Manager Sides said yes. Mayor Payne said she regularly received emails from a gentleman living in the area, and the stories about this park are outrageous. It is so unfair to the residents in the area. Commissioner Rardin said this one needs to be addressed.

Commissioner Tapley asked if some trailers could be moved out of there. Code Enforcement Manager Sides said potentially, but I am not the person to ask if a structure or mobile home can be moved. All of them have some sort of code violation or another.

Commissioner Rardin asked if the owner of the park owned all the trailers or if they were individually owned. Code Enforcement Manager Sides said they were individually owned, but the park leases trailers. I am not sure how it all works, but I also have a rental lease agreement from them. Commissioner Rardin said that was weird.

Commissioner Burnett moved to approve.
Commissioner Paul seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.

Commissioner Rardin asked if there would be a two-year deal on this or if it was going to be hammered. Code Enforcement Manager Sides said the 2021 International Property Maintenance Code, or IPMC, allowed for two years, but the 2024 IPMC reworded that. The Code Official can allow that now. As I gave them their notice a year ago next month, they have had a year to correct it and have not. So, I would err on the side of caution by giving them two years from today to do that. Commissioner Rardin said so basically, we are going to start getting on them about that. Code Enforcement Manager Sides said yes.

7. Appointments to Boards and Committees. ***(Susan L. Payne, Mayor)***
Mayor Payne appointed Victoria Gailinas to her first term on the Parks & Recreation Board. No one was opposed.

EXECUTIVE SESSION

8. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(7) NMSA (as amended) to discuss Pending Litigation: Downtown Ventures. ***(Ashley Smith, City Attorney)***

Mayor Pro-Tem McDonald moved to adjourn into Executive Session at 7:26 PM.
Commissioner Burnett seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.

ADJOURNMENT

ATTEST:

Rachel Hughs

City Clerk Rachel Hughs

Mayor Susan Payne

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on October 8, 2024.