

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
May 13, 2025**

**SUSAN PAYNE, MAYOR
SHARON MCDONALD, MAYOR PRO-TEM
CRYSTAL GUTHRIE, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER**

**JOSHUA RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
STEPHANIE HERNANDEZ, ACTING 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 Pastor Shelby Moon from Westminster Presbyterian Church, and the Pledge of Allegiance was led by Commissioner Guthrie.

APPROVAL OF AGENDA

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

PRESENTATIONS

1. Alamogordo Mainstreet Support of Rad Retrocade. (*Nolan Ojeda, Executive Director*)

Nolan Ojeda gave his presentation and said he supported Rad Retrocade's LEDA application.

Trisha Roberts said we have to get a variety of businesses downtown. We need service, entertainment, nightlife, food, and drinks. We need to get different people down there. I would like you to vote yes in support of the LEDA funds for Rad Retrocade.

Rachel Anderson said nightlife and entertainment options for kids, families, and adults are scarce in this community. Rad would not just be a business but a vibrant community hub that would breathe new life into our social landscape. Rad has the potential to attract tourism and bring in visitors seeking an entertaining night out. Please vote yes on the LEDA funds for them.

Mr. Ojeda read a statement on behalf of Samantha Romero. The statement advocated for the approval of Rad Retrocade.

Cruz Hernandez said he was here to advocate for Rad Retrocade. There is not much to do in this community after hours. Rad would boost traffic downtown, especially with high schoolers.

Commissioner Guthrie asked where the location for Rad Retrocade would be. Mr. Ojeda said in the 800 block. Mayor Payne said it is the old Broadway Fashions building.

Mayor Pro-Tem McDonald asked what else was going on downtown. Mr. Ojeda said things are going well with the construction, and sidewalks are going in. We created a matching grant program, where business owners downtown can apply with us. We are also planning to put historic placards around the district. We will host the New Mexico Mainstreet Institute in October from the 15th to the 17th.

Commissioner Robinson asked for completion dates regarding the construction. Mr. Ojeda said it was estimated for November.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne presented Mayor's Certificates of Recognition to the Alamogordo High School Lady Tigers for winning the Power Lifting State Championship.

Mayor Pro-Tem McDonald said we have our Annual Clean-up on July 19th from 7 AM to 12 PM. Districts One, Two, Three, Five, and Six will participate in the Clean-up. Our headquarters will be the Dudley School at 523 Maryland Avenue. Also, Channel 9 from El Paso visited the Zoo, the Dudley School, the Atari Site, and the Museum. They will air the footage on June 9th or 10th.

Commissioner Burnett said a woman at the Pool Hall told him they had concrete ramps leading up to the top step before we tore out the sidewalk. She asked if she was going to get those ramps back. Project Manager Boyle said she would not. The ramp she had was not an ADA ramp. It was just concrete poured on top of the right-of-way sidewalk. It would be difficult to do it, and then I would have to do it for everybody else's buildings. It would change elevations as well. She has called me at least five times. I told her multiple times that it is very hard to do because it is encroaching. It is downtown, so you only have six inches off your building. For me to put a ramp to her building, I am technically giving her private property.

PUBLIC COMMENT

Azar Rangel said he was a business owner in favor of Rad Retrocade. Multiple business owners are here tonight, and we all support this project.

Vivien Boyle said a downtown arcade would be amazing. She and her brother could ride bikes there and play fun games together.

Michael Hopkins said Otero County has more than a dozen cannabis dispensaries, yet our industrial park sits underdeveloped. There is prime land on La Luz Gate Road and a workforce that commutes out of town. Las Cruces used LEDA funds to attract Stampede Meat, which created over three hundred jobs. Roswell secured an aerospace manufacturer. Carlsbad is becoming an energy tech hub. We need a vision bigger than dispensaries. Manufacturing offers not just jobs, but careers. A single manufacturing plant can support dozens of households. Let's partner with the Economic Development Council and use our voice in Santa Fe to continue fighting for LEDA funds. Mayor Payne said we do not invite dispensaries here. Legally, the State says we are not allowed to stop them. I have asked for a moratorium. We are working on an infrastructure improvement and replacement plan that has not been done in decades. We recognize that the other things you talked about will not matter if we do not do that first. We have a \$350,000,000 plan to replace aging infrastructure. Once that is completed, we believe we can grow. We are working hard in the community to bring businesses.

Jerrett Perry said the Alamogordo Chamber of Commerce is proud to endorse the establishment of Rad Retrocade.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following comments:

1. The Senior Center celebrated its 30th Anniversary with over six hundred people.
2. With downtown, we are shooting for construction to be done in October, not November.
3. To give an update on 10th and Washington, we had a meeting with the on-call and structure engineers, and we had DOT help guide with this process. We believe a temporary fix can open it, so we can engage in our twenty-five-year flood plan. The plan itself will take up to a year. It is not feasible to keep the street closed for a year. They came up with a safe solution, and we will start on June 12th due to the contractor's schedule. We hope to have that opened up by July 19th.

CONSENT AGENDA

2. Approve the minutes for the Regular Commission meeting on April 22, 2025. (Rachel Hughs, City Clerk)

3. Approve the statements related to the Executive Closed Sessions held on April 22, 2025. (Rachel Hughs, City Clerk)

4. Consider, and act upon, Resolution 2025-12 requesting authorization to submit a grant application to the FAA; and to approve a cash match commitment for the Federal grant award for Phase 1 Preliminary Engineering Report for the Rehabilitate Runway 4-22 Project at the Alamogordo-White Sands Regional Airport. (Troy Orr, Airport Manager) (Roll Call Vote Required)

5. Approve Resolution 2025-13 designating the City Clerk as the Custodian of Records and the method of destruction of City records as witnessed shredding. (Rachel Hughs, City Clerk) (Roll Call Vote Required)

6. Consider, and act upon, the award of Public Works Bid No. 2025-002, Alameda Zoo Wall Improvements Project No. ZO2402, to Perimeter Ironwork Fence & Block LLC related to the Alamogordo Alameda Zoo Wall Improvements project in an amount not to exceed \$203,626.19, including NMGR. (Justen Boyle, Senior Project Manager)

7. Consider, and act upon, approval of Change Order 1, in the amount of \$247,695.44, excluding NMGR, to La Luz Dirt and Paving, to add additional concrete work, asphalt, striping, and waterline tie-ins for the new Natatorium all within the scope of work. (Justen Boyle, Senior Project Manager)

Commissioner Rardin said he wanted to pull Items 6 and 7.

Commissioner Robinson moved to approve the Items 2, 3, 4, and 5.

Commissioner Burnett seconded the motion.

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

ITEMS REMOVED FROM CONSENT AGENDA

6. Consider, and act upon, the award of Public Works Bid No. 2025-002, Alameda Zoo Wall Improvements Project No. ZO2402, to Perimeter Ironwork Fence & Block LLC related to the Alamogordo Alameda Zoo Wall Improvements project in an amount not to exceed \$203,626.19, including NMGR. (Justen Boyle, Senior Project Manager)

Commissioner Rardin said on the bid tab that the two bids are \$400,000 apart. Project Manager Boyle said KE&G is more of a horizontal company, but this is more of a vertical project. Perimeter Iron Work, which bid lower, has no subcontractors. They are doing everything themselves. KE&G has to have a lot of subcontractors. So that is where the price change was. Commissioner Rardin asked if these were the only two responsive bidders. Project Manager Boyle said yes. Addendums were put out, and they were the only two that bid. Commissioner Rardin asked how much money was in the fund for this project. Project Manager Boyle said that we had to spend the remaining grant for the fence. It was \$18,000 short of what is on here. Commissioner Rardin said so, another \$30,000, give or take. Project Manager Boyle said yes. This is only Bid Lot 1 from that project. It was designed all the way out to the full west side and south sides. We stopped at Bid Lot 1 where the duck pond ends and where the bird cages are. This will help get that part of the wall out of the Union Pacific right-of-way. Commissioner Rardin asked if Bid Lot Two would be the Duck Pond. Project Manager Boyle said no, the Duck Pond has its own separate design because that is a different grant. That would be put out for a separate bid. I have to do it this way because of the Duck Pond's design. Commissioner Rardin asked if we were confident they could do it for that number. Project Manager Boyle said yes. Commissioner Rardin asked if he felt confident they could do it. Project Manager Boyle said yes, especially given the fact that it is pretty simple. It is mostly old demolition.

Mayor Pro-Tem McDonald moved to approve.

Commissioner Robinson seconded the motion.

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

7. Consider, and act upon, approval of Change Order 1, in the amount of \$247,695.44, excluding NMGR, to La Luz Dirt and Paving, to add additional concrete work, asphalt, striping, and waterline tie-ins for the new Natatorium all within the scope of work. (Justen Boyle, Senior Project Manager)

Commissioner Rardin asked if we had a design for the drive aprons. Project Manager Boyle said we do. I have worked with the engineer for the Oregon project and the architect doing the Natatorium. The surveyor they are using for the pool is SMA. I have been working with both of them. Commissioner Rardin said he did not see anything in the

sewer lines. Project Manager Boyle said the sewer line was not part of this because it is in a different area. Commissioner Rardin said it was still in Oregon Avenue. Project Manager Boyle said he was unsure about the sewer and would need to figure out where it would go. I believe the sewer is on the east side, closer to the ditch. Commissioner Rardin said he thought that was an effluent line. Project Manager Boyle said there is effluent and the sewer on that side. Commissioner Rardin said so the reasoning is we won't have to cut into a brand new road when we build. Project Manager Boyle said exactly. I am planning ahead. Commissioner Rardin asked why drive pads were not part of the original scope of the Oregon Avenue deal. Project Manager Boyle said some things were, like certain drive pads and curbs, but not all of it. Commissioner Rardin said he was worried about something changing with the Natatorium, where we end up ripping things out. Project Manager Boyle said no. Both engineers have the same plans and coordinates. Commissioner Rardin asked if they were still designing the Natatorium. Project Manager Boyle said yes, but where the parking lot is, they are basing it off the dry pad first. Wherever the engineer is putting in those three lines, the architect is using those three lines to tie into the Natatorium properly.

Commissioner Burnett moved to approve.

Mayor Pro-Tem McDonald seconded the motion.

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

NEW BUSINESS

8. Consider, and act upon, Ordinance 1712 for the first publication to approve a Local Economic Development Project for up to \$1,000,000, Secured Assistance Proposed by Rad Retrocade. (Alex Macias, Owner) (Roll Call Vote Required)

Mr. Macias gave a presentation about what Rad Retrocade was, what it could do for the community, and asked for LEDA approval.

Acting City Manager Hernandez said they will have to cross-promote any LEDA-awarded and City events if this passes. There must be cross-promotion if there is an event at the 19th Hole or the Zoo. Cross-promotion will be in all the contracts.

Mayor Pro-Tem McDonald said on the LEDA application that the financial information you supplied shows the same projected rate of income each year from 2026 to 2030. Why would that be? Mr. Macias said he believed it would grow five to ten percent a year, but he had to be realistic. If the City grows, the income rate will grow. I was conservative because I did not know the growth rate of Alamogordo or what other businesses would be coming in. I kept it the same because I did not wish to speculate. The same projected income rate would be the worst-case scenario, but the LEDA grant would still be paid off within five years. Mayor Pro-Tem McDonald asked about what happened with the east side of El Paso. Mr. Macias said we are on the east side of El Paso, which is completely saturated with bars. New bars would draw people off for a while, then they would come back. The west side location has been there for ten years and has become a staple. It is a great location that everyone knows. Regarding east El Paso, our numbers dropped for a year when they constructed something like a freeway that goes over the street. A lot of people stayed away from the area.

Commissioner Guthrie asked how soon this could happen if the money was provided. Mr. Macias said it would take approximately nine to eleven months to complete construction, from start to finish. Mayor Payne asked if he was going to keep the mezzanine. He said he would put the retro arcade upstairs with full tables. The stuff for the kids will be downstairs. Mayor Payne asked what he would put on the third floor. Mr. Macias said that I will probably build that into a party facility during phase two if everything goes well. It would be too much to open the whole thing at one time. Our focus will be on the first floor and the mezzanine to start.

Commissioner Rardin asked what clawback provisions would be in the LEDA if this does not work. Acting City Manager Hernandez said we started putting clawbacks in all the LEDA agreements. We will also have either a mortgage or a surety bond that Mr. Macias must do to protect the investment. At the end of the day, we try to make it work before we do the clawback. We tried everything with the previous LEDA and are about to enact that clawback. The clawback will depend on where they are, like if they are closed, and it is also based on the job creation. He said we typically put financial requirements in LEDA agreements. How often will the audits be done? She said typically annually, but I am trying to keep quarterly updates to ensure we do not get to the point other others did, where there were problems we were unaware of throughout the year. Annual audits are a must, but we will probably reach out

quarterly. He said LEDA money was typically intended for brick-and-mortar manufacturing-type jobs, not a retail-type establishment. Has the State law changed to allow us to use it like this? She said the law was changed in 2022 to allow retail for communities under fifty thousand. He said our ordinance was written in a specific way. She said our ordinance allows the Commission to do what is best for the community.

Mayor Pro-Tem McDonald asked if there would be competitions within Rad Retrocade, like those where gamers would be coming in from around the country to participate. Mr. Macias said he thought there would be. If we have a pinball line-up, it will draw people from Albuquerque. That is what happened at our Las Cruces location. Our line-ups are a minimum of eight to ten machines in one spot. We have other competitions like Mario Kart Mondays and Mortal Kombat tournaments. Pinball tournaments are the biggest thing we do.

Commissioner Rardin said that there would be a bar there. Have you already secured a liquor license? Mr. Macias said no, but it will be a full liquor license. Three people already have some for lease, plus I can talk to my broker in Albuquerque, who has a couple for sale. Commissioner Rardin said he did not think they could transfer from county to county. Mr. Macias said they could. Commissioner Rardin said he did not believe any full liquor licenses were left to use within City limits. Mr. Macias said the one they are leasing in Las Cruces came from a gentleman in Albuquerque.

Commissioner Robinson moved to approve.

Commissioner Guthrie seconded the motion.

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

EXECUTIVE SESSION

9. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(2)NMSA (as amended) to discuss: Limited Personnel Matters (City Manager).

City Attorney Smith said it was her professional opinion as the City Attorney that the Commission should not adjourn into an Executive Closed Session to discuss the City Manager position at this time. We self-reported to the Department of Justice about a potential violation of the Open Meetings Act, for not giving appropriate notice when we conducted the City Manager interviews. The Department of Justice sent that self-report to the Attorney General, and we are currently waiting for the response to the potential violation. Until we hear back from the Attorney General about whether we violated the Open Meetings Act or not, the Department of Justice advises us not to make any decisions or take any actions pertaining to the City Manager position. This is to prevent any further potential violations. Once we hear back from the Attorney General's Office, we will know if we violated the Open Meetings Act. If we did, we would know how to cure it. After that, we can go into an executive session to discuss the next steps. I understand it is frustrating to have everything on hold, but to avoid a bigger issue, my advice is to wait until we hear from the Attorney General.

Commissioner Burnett asked if we had a timeline. City Attorney Smith said City Clerk Hughs received confirmation yesterday from the Attorney General's Office saying that they obtained the self-report and assigned it to an attorney in that office. Everyone is saying we should wait until we can correct that, but we do not know if it is even a violation or not. Commissioner Rardin asked how that was not a violation of the Act. City Attorney Smith said we have not been confirmed yet. We do not know how to cure it until they tell us. Mayor Payne asked staff to explain what the potential violation was. City Clerk Hughs said one of the ways to cure it is to bring it into open session. When there were City Manager interviews, there was a posting of a potential quorum. That was not the correct posting. There should have been a special meeting to go into that executive session, and then have those interviews. The DOJ has assigned an assistant attorney from its bureau to review this. I have not heard back. When I asked again, they said they were still in review. Mayor Payne said to be clear, it was the New Mexico Department of Justice.

Commissioner Rardin said he felt they needed to go back there and figure out what we are going to do. We need to get a City Manager hired or get the process started. We cannot wait for the State. We know we violated it. We need to put it on the agenda, correct the violation, and move forward. We have not had a City Manager since October. Mayor Payne said she was not inclined to go against legal advice. City Clerk Hughs said H-2 of 10-15, states that, for Limited Personnel Matters, so long as the matter is related to the discussion of hiring, promotion, demotion, dismissal, assignment, or resignation, or the investigation or consideration of complaints or charges against any individual public employee, such matters are for public employees under the supervision of the city commission.

Permissible, the Alamogordo City Commission oversees the work of the City Manager. That last sentence was from the Department of Justice. Commissioner Rardin said it sounded like Mayor Payne manipulated staff to kill this deal, so we cannot go back and talk about it. Mayor Payne said she had been gone for a week and just got back into town last night. I did not manipulate anything. Commissioner Rardin said we need to go back there and talk about it. Staff threw out all our applicants without the Commission's approval. Mayor Payne said she had nothing to do with that. He said that was the issue. She said you keep looking at me and blaming me, and I do not appreciate you questioning my integrity. The memo said that, subsequent to my making my public comments about outside interference, there has been an additional allegation against a Commissioner. He said you were the only one who had heard. She said the point is I have not heard a word, contrary to what you may think. I am not talking to people about it. I was told at 5:30 PM today about a statement. I am following the legal advice from our attorney, which you say I need to listen to. He said we threw out all our applicants and started over based on an allegation nobody else heard. Does anybody have a problem with that? She said nobody asked me what I thought. I had nothing to do with it. He said we had applicants and interviews scheduled, and then, based on a memo three weeks ago, we kicked the can down the road. She said that, based on a memo, there was an allegation made against a Commissioner. I do not know who that Commissioner is, but perhaps we can get this going when we find out. He said that is my question. Let's go back there and find out what the allegation is. She asked who would tell us. Commissioner Burnett asked if there was an ongoing investigation. City Attorney Smith said that would not be an appropriate executive session topic based on what we have here. Commissioner Rardin said it pertains to the City Manager. City Attorney Smith said it is still limited, and yes, I have asked to have an investigation started. We have hired C.B. Burns to investigate all the allegations that I have been receiving from different people. C.B. Burns will handle all of it. I am keeping it out of the City's hands because it is the Commission. Commissioner Rardin said he would like to know what the allegations are. Mayor Payne said she would, too, but she had not heard anything yet. Commissioner Rardin said staff took our authority away by throwing all the interviews out. Mayor Payne said she could not help that and had nothing to do with it. Commissioner Rardin said they need to take us back there and tell us why they threw them out. We have got to get a City Manager. City Attorney Smith said that throwing out the applicants is another thing we may have to self-report. I know that City Clerk Hughes has been in communication with the New Mexico Department of Justice to see if we have to self-report that. Commissioner Rardin asked what we were self-reporting for. Was it because you did not have direction? City Attorney Smith said to throw it out without the Commission's input. We have been in communication to see if we need to self-report on that, but we have not yet received guidance. That is a question we asked the DOJ as well. This is why I am saying going into executive session can just compound the issue and cause a bigger one. We already did one self-report and may have to do a second one. We do not know yet. I told the Mayor that I wanted to make this statement to protect the City and the Commission. Mayor Payne said for the record, I did not ask City Attorney Smith to make a statement. City Attorney Smith said no. I told you I have a statement I want to make, and to please allow me to talk before you vote. You did not ask me to speak. Mayor Payne said she did not set anything up.

Commissioner Robinson moved to adjourn into Executive Session at 8:39 PM.

Commissioner Rardin seconded the motion.

Motion failed with a vote of 1 - 6 - 0. Mayor Payne, Mayor Pro-Tem McDonald, Commissioner Burnett, Commissioner Rardin, Commissioner Tapley, and Commissioner Guthrie voted nay.

ADJOURNMENT

Commissioner Robinson moved to adjourn at 8:40 PM.

Commissioner Rardin seconded the motion.

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

ATTEST:


City Clerk Rachel Hughes


Mayor Susan Payne

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on May 27, 2025.