

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
July 22, 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
DARREL MORI, 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 Commissioner Robinson, and the Pledge of Allegiance was led by Commissioner Guthrie.

APPROVAL OF AGENDA

The order of Items 1 and 2 was swapped.

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

PRESENTATIONS

2. Presentation of EMT-B Certificates to Fire Staff. (*Justin Powell, ENMU Roswell EMS Program Director*)

Fire Chief Ramirez and the Lead Instructor of the Course, Melissa Carter, presented the EMT-B Certificates to Firefighters Liam Arnold, Antonio Flores, Jacob Lawrence, Billie Moore, Tyler Harrison, and Marcus Murray. Fire Chief Ramirez and Deputy Chief Lashley congratulated them on their accomplishment of passing the Eastern New Mexico University Emergency Medical Technician Basic Course.

1. Presentation to recap FY25 and explain work to be done in FY26 by Alamogordo MainStreet. (*Nolan Ojeda, Executive Director of Alamogordo MainStreet*)

Mr. Ojeda gave his presentation on the overview of FY25 and into the year ahead of FY26. Year ahead projects included: the Great Blocks project, Facade Squad Grants, NMMS Annual Institute & 40th Anniversary, Science Discovery Grant, Side Street Art 2.0 Opening, Murals & Memories Tour, and a District-wide Commercial. Year ahead events included: Side Street Art Ribbon Cutting, MainStreet Makeover Launch Event, Trick or Treat on MainStreet, Shop Small Saturday, and Christmas on MainStreet.

PUBLIC COMMENT

1. Kathy Denton said she was here representing Kitty City and requesting the Commission's guidance. We regularly work at the mall and have adoption events most Saturdays. We also do home visits to check where the cats go because of repeat adoptions. A number of cats were adopted this past Saturday. The couple I wish to speak about today has adopted from us before with no issues and always brought their cats for vaccinations. However, we received a report from neighbors that the cats would be in an environment where there was no electricity, no air conditioning, and the people would not be there. We went out to the site, and there is no electricity. There are three dogs, two ferrets, and two other cats. We returned their money and took the kittens back because we cannot have them in that kind of environment. This is a trailer that the couple owns in the Oasis Mobile Home Park. I do not know what the next step is. They are not connected to electricity. I thought if you rented space at a mobile home park, they

would have to provide the electricity, and you would have to pay for electricity and water with that space. Does anyone know about that ordinance? I know that Oasis said they would take care of up to \$600, and then the couple had to pay for the rest of the hookup. So right now, the couple is not living there, but their animals are there. Several neighbors have complained. Both the Alamogordo Police Department and Animal Control have checked, but we cannot get the owners to be there to check on the animals. They do hear barking and banging in the cages. When I was helping to get the kittens out, I noticed the two cats were emaciated from lack of food and water. I don't know what the next step is to help these folks and the animals. There was an odor in the trailer, as well as feces and urine. Animal Control is working with me, and officers are trying to contact the owners. I do not want to see the deaths of animals or these people not having a place to live. Acting City Manager Hernandez said let's have City Attorney Mori, Deputy Chief Glidden, and Code Enforcement work on this and get back with you. Mrs. Denton said Kitty City is willing to board animals, and I am working with dog rescues to board the animals to get them out of the situation until it can be resolved. We are willing to work with them so their animals are safe.

2. Ali Kassam said they are working on a project associated with an easement in a later agenda item. My partner and I bought a sixty-four unit mobile home park off Walker Avenue a year ago. You turn onto Mescalero to reach it, and it was called the Trail Winds once upon a time. We have gotten the plumbing plans approved by the City, and we've gotten plans with PNM finalized. We are going to redo the entire utilities for the entire park. We will be putting in new 2025 and beyond homes to help create affordable housing. We aim to have all construction done within the next year, and hopefully, the park will be filled with new homes within two years. At least twelve of the units will be double-wides.

CITY MANAGER'S REPORT

Acting City Manager Hernandez deferred her report to her intern, Priyam Chevawala. Mr. Chevawala made the following remarks.

1. The growth in this town is inspiring. Many projects are ongoing, and seeing people work on them is cool.
2. I think community engagement is rising overall. I see kids at my school getting interested as well. I think this town can grow very well.
3. Many people work for our city, which is very inspiring.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Pro-Tem McDonald thanked everyone for their help with the District 5 City-Wide Clean Up this past weekend.

Commissioner Robinson asked how the bridge was coming along. Acting City Manager Hernandez said it is coming along. There are scheduling issues with one of the contractors we are trying to work through. We are trying to push them to August 6th, but one contractor is holding things up.

Commissioner Burnett said he wanted to thank Acting City Manager Hernandez for helping him with a venue change. We are holding our first annual Color Run for our foundation. It was going to be in Ruidoso, but we moved it down here due to the flooding. It will start at the Zoo, walking around Alameda Park, and then back to the Zoo. It will be on August 9th. Registration will start at 7:15 AM, and the run starts at 8:00 AM.

Commissioner Rardin said back during the recent Joint City-County Meeting, I asked about a resolution to be brought at the next regular meeting. We have not seen anything. Acting City Manager Hernandez said it is coming. I am working with my intern, Mr. Chevawala, so he can put the resolution before you all. I am teaching him how resolutions and ordinances work. Commissioner Rardin said we told the County we would do it in good faith. Before tonight's meeting, I got a call from Harry Boom with Alamo Paint and Glass. Access to their business is right there, and he asked if we could do signage. Acting City Manager Hernandez said I have all the information; Mr. Boom was also upset they were not properly notified. I am sending that to Senior Project Manager Boyle; it is up to the contractor. He will get with the contractor tomorrow to get the signage, close the alley, communicate better how long the street will be closed for access, and how to route customers and vendors through that area. Commissioner Rardin said eighteen-wheelers come in with glass, so that can be tough.

Commissioner Guthrie said there have been a lot of complaints recently. Is there a way to conduct a traffic study on the intersection of Juniper Drive and Indian Wells Road, around where Juniper Drive and Walmart come together?

That intersection is cumbersome with the increased traffic. It is a worry when school is starting up. Acting City Manager Hernandez said we can put speed cameras that measure data there. Depending on the outcome, we have on-calls that can do a traffic study.

Commissioner Rardin said he would like to note Ozzy Osbourne's passing. He was an honorary member of the Alamogordo Chamber of Commerce, which happened back when he was filming his show. He was also a very good musician.

CONSENT AGENDA

- 3. Approve the minutes for the Regular Commission meeting on July 8, 2025. (Rachel Hughs, City Clerk)**
- 4. Approve the statements related to the Executive Closed Sessions held on July 8, 2025. (Rachel Hughs, City Clerk)**
- 5. Consider, and act upon, Resolution 2025-21 approving the agreement for the annual membership between the City and the Southeastern New Mexico Economic Development District/ COG, to include a contribution of \$9,125. (Rachel Hughs, City Clerk) (Roll Call Vote Required)**
- 6. Consider, and act upon, the award of RFQ 2025-01 On-Call Geotechnical Engineering Services to multiple vendors. (Justen Boyle, Senior Project Manager)**
- 7. Consider, and act upon, Ordinance 1716 for final publication to approve a Local Economic Development Project for up to \$1,000,000, Secured Assistance Proposed by White Sands Theater Entertainment Venue. (Stephanie Hernandez, Acting City Manager, and Troy Stegner, Owner) (Roll Call Vote Required)**
- 8. Consider, and act upon, Resolution 2025-22 authorizing the donation of a police vehicle to the Police Department of the Town of Hurley, New Mexico. (David Kunihiro, Police Chief) (Roll Call Vote Required)**
- 9. Consider, and act upon, Resolution 2025-23 authorizing a government-to-government transfer of assets from the Alamogordo-White Sands Regional Airport to Spaceport America. (Troy Orr, Airport Manager) (Roll call vote required)**

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

ITEMS REMOVED FROM CONSENT AGENDA

None.

PUBLIC HEARINGS

- 10. Consider, and act upon, the question of whether or not the Alcoholic Beverage Control Division should grant the applicant St. Clair Winery & Bistro VI, LLC DBA D.H. Lescombes Winery & Bistro a Winegrower Liquor License for the location at 261 Panorama Blvd. (Rachel Hughs, City Clerk) (Roll Call Vote Required)**

City Clerk Hughs said that the applicant is requesting a Winegrower Liquor License for the location at 261 Panorama Boulevard. The business already had this type of license, but there was a change in ownership, which is the reason for the new request. The application indicates that the nearest school and church are more than 1000 feet away.

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

NEW BUSINESS

- 11. Consider, and act upon, granting a 10-foot PNM electrical easement at the eastern and westernmost portions of the property, within the existing City of Alamogordo easement and City of Alamogordo Right of**

Way at 1101 Mescalero St. (*Erik Fortenberry, Acting City Planner; Baxter Patillo, Alamotero Land Surveyors*)

Acting City Planner Fortenberry said this is the same property Mr. Kassam spoke of during Public Comment earlier. In order to get power to the area, PNM is requesting a ten-foot easement grant on the eastern and western sides of the property to allow for PNM electrical work to commence. This will allow electrical connections for a multi-family mobile home park.

Commissioner Rardin asked if this would be an additional ten feet over and above the twenty-five feet the City already has out there? Baxter Patillo of Alamotero Land Surveyors said a grant within the twenty-five feet, yes. Commissioner Rardin said so really nothing is going change. Is this just making it official? Mr. Patillo said it was to allow the electrical easement to be within city-controlled property on the right-of-way. Commissioner Rardin said so we already have a twenty-five foot easement, and you are just asking us to be able to put electrical in the City's easement? Mr. Patillo said yes, and the right-of-way. Commissioner Rardin asked if those were actual dedicated roads out there. Mr. Patillo said Legends is a twenty-five foot easement that basically covers a portion of the road. It was dedicated to the City for ingress, egress, water, and sewer. We do want to confirm that. Commissioner Rardin asked about utilities. Mr. Patillo said we need to confirm that. Commissioner Rardin asked if the utilities were going to be overhead or underground. Mr. Patillo said those will both be underground lines.

Commissioner Burnett asked if Mescalero Avenue and Mesquite Street would provide access to the trailer park itself. Mr. Patillo said correct. You have two roads that go down the middle, but those are privately owned.

Commissioner Rardin asked if there were any plans to put any City or sewer water source in that easement. Mr. Patillo said he would defer to the owner. Mr. Kassam said no.

Commissioner Burnett moved to approve.

Commissioner Tapley seconded the motion.

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

12. Discussion on a request from Patriot Pointe Apartments that the City provide funding for perimeter sidewalks in the City right of way and to waive water and sewer tap and impact fees, along with the dedication of the infrastructure in the City. (*Crystal Guthrie, Commissioner, and Eduardo Valencia, Patriot Pointe Apartments Manager Member*)

Eduardo Valencia said he was the developer of this project. The initial idea was to bring forward a garden-style apartment project, but I encountered some barriers. A project of this size has not been built here in twenty-five years, and there is nothing comparable in the area. I could not get it appraised or get the project to work. We went back and decided to present a town-home project of about one hundred and fourteen units. This project has been approved by the Department of Housing. I received a commitment letter and approval to build this project for a loan of \$21,000,000. The commitment is an insurance policy by the federal government that insures me as a developer to successfully build, operate, and manage this project. One possibility is that we partner with a 501(c)3 to extend the possibility for lower-income housing here in the city. Another possibility is with the Sacramento Mountain Foundation. I met with John Wheeler this afternoon, and they are interested in helping out with the project by working with the City, but Mr. Wheeler said it needs to go through their Board. Mr. Valencia proceeded to give his presentation.

Mayor Pro-Tem McDonald said you mentioned the County made concessions. Mr. Valencia said no, they were not concessions. The County is looking at what I presented today, and there are some options. The County Attorney spoke about an Industrial Revenue Bond, or IRB. Mayor Payne said there was a similar meeting a few years ago where someone you knew talked about those bonds. Mr. Valencia said that it was a related law firm. Mayor Payne said she believed the County was limited to waiving the property tax somehow. Acting City Manager Hernandez said yes, we had that meeting several years back. Our attorney, Chris Muirhead, said that IRBs cannot be used for housing developments. Mayor Payne said that was her understanding as well. I remember this conversation. Mr. Valencia said that is what he remembers, but the County Attorney brought it up today and was looking at the statute. Another section was brought up, and I cannot remember the term, but the City of Albuquerque is using that right now. I would rather the City discuss that with the County as a possibility. Acting City Manager Hernandez said we

had that discussion with Mr. Muirhead. I'll talk with him again. There are other things we should discuss if you want to incentivize, but I do not see IRBs as one of those. I do not want to waste anyone's time because we have already gone down that road. Mayor Payne said yes, like I said, the County would be limited to waiving their portion of the property tax, so we would have the lion's share of whatever the requests are.

Commissioner Rardin said regarding the dedication of infrastructure, would you basically pay to put it in, and then you want us to maintain it? Mr. Valencia said yes. Commissioner Rardin said in a typical subdivision, the developer puts it in. Once it is dedicated, we will maintain it for however long it is needed. Is that how it typically works with our subdivisions? Acting City Manager Hernandez said not with apartment complexes. It works like that on our subdivisions. Commissioner Rardin said so those roads are dedicated to the City afterwards, but these would still be private? She said that is correct, just like Amber Skies and Alamo Apartments. We take care of up to the meter and everything else inside the roads. He asked if that was to the property line. She said yes sir. He asked how many lineal feet of sidewalks there were and the cost we were looking at. Mr. Valencia said the City would require all of the exterior perimeter sidewalks. I do not remember how many lineal feet that is, but I could get a cost estimate to the Commission. I tried to stay outside of the property line, and so the request I made is basically outside the property line on City right-of-way, which is the exterior sidewalks, driveway aprons, and utility taps. To expand on the earlier question of infrastructure, I have done that with other cities and entities. They have requested we do a loop-around system inside the property, so Fire has access all the way around, but it would be a dedication to the City for future maintenance. Commissioner Rardin asked if we had an idea of how much it would actually cost the City to do these things. Also, regarding sidewalks, would we install them or would you, but you cover materials? When you get into government contracting, costs go up tremendously. Us doing the sidewalk around those two sides would cost us three times what it would cost you. Mr. Valencia said he was here to ask, not make demands. If that is a possibility, I am open to it. Anything you all are willing to participate in is accepted. Commissioner Rardin said I would need to know what it would cost. Mr. Valencia said I have everything priced out, so I could send you an estimate to see what our cost is. Then you can say how you want to handle it if approved. Commissioner Rardin said in the event we cannot offer any of these, is that a deal-breaker for the project? Mr. Valencia said not necessarily. My deadline is December 15th. If I decide to ask for an extension, I am approved through the Southwest Office of the Department of Housing. If I ask for an extension, it has to go to Washington to be approved, which could take anywhere from six to nine months. Then I would restart the clock again. Commissioner Guthrie said so, when do you need an answer from the Commission? Mr. Valencia said as soon as possible. I can get the Commission whatever information is needed. Commissioner Guthrie said if we had a list of things to approve or deny at the next meeting in two weeks, would that give you enough time to work on whatever you need so you do not miss your deadline? When do you absolutely have to know if it is yes or no? Mr. Valencia said probably until the end of August. I am awaiting final endorsement, and once I have that, I can lock in the interest rate or make the decision to ask for extension and put this on hold until the following year.

Commissioner Guthrie said in full transparency, I am in big support of this. My job is in the real estate industry, and in working with the military, our City badly needs housing. Developers are leaving, and it does not look good for us. It would be a big mistake to lose something like this that could help our City grow. Even with this housing, the ones who are working do not have enough.

Mayor Payne asked what the taps would cost us. Senior Project Manager Boyle said just one water tap would be over \$8,000. Mr. Valencia said I would need two taps. They are in the City right-of-way now. The City has fees for the tap, right? Senior Project Manager Boyle said yes, there is a fee for each tap. Utility Maintenance has to come and do the tap themselves. Mr. Valencia said it also depends on whether or not you have to install a manhole, the depths you are working with, and that capacity. Senior Project Manager Boyle said the manhole depends on what line you are putting in. A two-inch line would have to have an actual manhole, and with that size apartments, it would have to be two inches. Mayor Payne asked for the worst-case scenario on pricing. Senior Project Manager Boyle said that for the water, just on our side, the tap feeds would probably cost \$20,000 to \$30,000. Contractors are responsible for their own taps. We do not really do sewer taps, which is a problem. Again, just a water tap would be \$20,000 to \$30,000. Commissioner Rardin said we should have staff put that together. Is Mr. Valencia doing a six-inch line for this? Mr. Valencia said I believe it is a six-inch water tap because of the pressure we need and fire lines. The sewer would be an eight-inch line. Commissioner Rardin asked if staff could give a ballpark estimate of what it would cost for staff to do two eight-inch lines for the sewers and two six-inch lines for the water. Mr. Valencia said there is also the installation of the manhole. Commissioner Rardin asked if there was an existing manhole. Mr.

Valencia said there may be, but may not be enough capacity. In other places where I have done this, utility companies can say I would have to replace it, or it needs to be bigger, or even the current one is unusable and a new one needs to be installed. Commissioner Rardin said Fourth Street does not have a lot of housing on that side. I do not know about Moonglow Street. Commissioner Rardin asked Mr. Valencia for the cost of the lineal feet of sidewalk and driving. Mr. Valencia said he believed the bid they got for flatworks, which is the sidewalks, was roughly \$50,000. Mayor Payne said we are up to \$80,000. Commissioner Rardin said that is for if they are doing it, not the City. We are probably talking about \$200,000 worth of donations.

Mayor Payne said in a previous presentation Mr. Valencia gave, I believe he said he did not own any of the projects he built. I had the impression he sold everything. Is that correct? Mr. Valencia said not necessarily. We own a lot of projects in El Paso, and I am currently developing and building one in Lovington for United Supermarkets. The other multi-family projects have been sold. Mayor Payne said so you do not own any of those. Do you plan to sell this? Mr. Valencia said not necessarily. Mayor Payne said so, possibly then. I just want to be clear about what your intentions are with the complex. Mr. Valencia said in getting into a HUD loan, my intent is to keep it long-term. I think doing this project would open up a market for you. I think it would be self-sustaining and give you all a very good base. My intent is to own it long-term. I own a lot of properties, but in these types of markets, developers from bigger companies come in and want to buy. Not many people are willing to come in and develop.

Mayor Payne said another concern she had was taking over the maintenance of the infrastructure inside the complex. We recently had a huge issue with Amber Skies where the Attorney General had to get involved because the infrastructure was so bad. Water was running out in the street. So, how do we justify one developer and not the rest of them? White Sands Community just had to replace all of their gas lines; they invested a ridiculous amount of money because the lines needed to be upgraded. We pushed that. I am concerned about setting a precedent. There is a mobile home park that is intended to go up. Are we going to take over the infrastructure in all these places? We are getting into millions of dollars, which I do not believe we have the budget for. Another question I have is whether anything will be bought locally. Are you going to use local contractors or subcontractors? Mr. Valencia said yes. I have a list of all the subcontractors that have submitted pricing from Alamogordo. We do not have the entire sub-base in Alamogordo, so I will be bringing in a lot from El Paso. Mayor Payne said it would be nice if local contractors and local suppliers could benefit. Mr. Valencia said the Chamber of Commerce has given us a lot of people who are registered with them, including subcontractors. We have reached out to many. We are looking at the possibility of solar energy. I know the Commander of Holloman Air Force Base was pushing for car chargers, so we are looking at doing that and solar car ports. At the end of the day, it is about how we make the investment work. Our investment is \$5,000,000, which does not compare to what I am asking for. I have \$1,300,000 invested right now.

Commissioner Rardin asked if staff could look back at Las Ventanas and Otero Village to see if the City did anything back when those were built, like if the City gave or did anything. City Attorney Mori said some of the requests here violate City ordinances, especially those with infrastructure utilities and sidewalks. The City taking some of the projects would be violating certain City codes. There is also litigation risk when it comes to dealing with different developers differently instead of having a uniform process. The litigation risk is from other developers who may seek the same type of treatment, or those who have been denied such treatment in the past. Commissioner Rardin said Las Ventanas and Otero Village were the last two that were built in a similar size to this. Mayor Payne said Otero Village is income-based, but not rent-adjusted. You can only make so much and live there. Mr. Valencia said it may be tax credit, which is income restricted. Mayor Pro-Tem McDonald asked if that is what we are going for with this project. Mr. Valencia said no, this is a market-rate product. Acting City Manager Hernandez said she has been involved with this since the beginning, back when former City Manager Cesar was with us. IRBs are not an option for us. I'll refer to City Attorney Mori regarding the legality of what is being asked for. Something that could be fair to all is if the Commission considered bringing GRIP back with a cap. GRIP is a Gross Receipts Investment Policy, where you get a portion of your gross receipts back that you spend within the city. It must be within the city because we are giving you the part we normally get. You could bring that back up to an amount, or go with state statutes that allow the Community Development Incentives Act. Chapter 3 allows the city to waive property taxes for up to twenty years, but only for that which is not dedicated to debt, meaning operational only. We have debt related to the bond and other things, but should the Commission wish to bring it forward, we could waive property taxes at a set amount or for twenty years. If the property sells, it nulls the resolution that would have to come forward. I believe it would be a better option to explore both staying in compliance and allowing other developers the same opportunity. Commissioner Rardin asked how much our portion of property tax was. Acting City Manager Hernandez said the

operational property tax is 4.99%. Commissioner Rardin said he did not think it was that much. She said it was around 9%, but the 5% is debt service, and the 4.99% is operational. He said bringing GRIP back could open up a can of worms, but we could look into that. How long would it take for staff to get the numbers for all this? She asked if he was talking about the numbers for the sewer taps, water taps, and what was done previously at the two other locations. He said yes, and we'll also need Mr. Valencia to let us know where the taps are, what we are doing, and whether there are manholes or not. We need to know the dollar amount of what we are looking at. She said she did not know the timeframe. Those two apartments were done a while ago. That may be digging into the archives. He said he just wanted to see what the previous Commission had done. She said it would be better for us to look through the Minutes rather than the archives then. He said he could call former officials and see if they remember when those places were built. We know the rough timeline. I believe it was around 1999. Mayor Payne said Otero Village was way after that.

Commissioner Guthrie asked for this to be placed on the next meeting for continued discussion. Commissioner Rardin asked if two weeks was enough time to gather all that information. Acting City Manager Hernandez said yes to the numbers part, but I cannot promise the research of the two apartment complexes. Commissioner Guthrie said we need to consider Mr. Valencia's timeline. We only have two meetings left until his timeline for us. Commissioner Rardin said he would reach out to Senator Ron Griggs to see if he remembers, as he was in office at the time.

Mr. Valencia said that based on his conversation with Mr. John Wheeler of the Sacramento Mountain Foundation, it seemed like they were willing to participate and make a donation to the City for some of this stuff, so it does not have to come out of pocket from the City. Mr. Wheeler told me it was not his decision and he would need to go to the Board for approval. Is that a consideration? Acting City Manager Hernandez said before we consider anything, we need to talk to our auditors. It could be given to the County instead.

13. Discussion, and possible action, on City Manager recruitment. (Josh Rardin, Commissioner)

Commissioner Rardin said he wanted to see where the other members of the Commission were on this and to get the process rolling. It was canceled in April, and we are now almost in August. We are no further along than we were last September. Commissioner Guthrie asked if all violations were cured. City Attorney Mori said the ones for the Open Meetings Act were cured. Proceeding with City Manager recruitment lies with the Commission. There has been some delay due to the investigation into the process of how the City went about that. That investigation is almost at a close, and it should be done by the next Commission meeting. The item can go to an executive session for discussion. Hurdles appear to be holding recruitment back, but we should be near the end. We should be close to presenting options to the Commission to proceed forward. I feel confident that it should be done by the next City Commission meeting. Commissioner Rardin asked what hurdles there were. City Attorney Mori said there were allegations of improper procedures. It was not just the Open Meetings Act violations. Practices need to be looked into to ensure City compliance with different State regulations. It is more protection for both the City and the Commission itself. That is why it has been taking so long. As the City decides to proceed, we wanted to ensure that it is doing so with the right foot forward and with as little litigation risk as possible. Commissioner Rardin said per the City Charter, staff has no involvement in the hiring process of the City Manager, correct? City Attorney Mori said correct. Commissioner Rardin said it solely falls upon us seven. City Attorney Mori said correct, that is your sole employee. Mayor Payne asked where the investigation stood. City Attorney Mori said it is finishing finalization. We will be able to present findings, go over where we stand, and how to proceed forward. Commissioner Guthrie said so we cannot proceed with opening up the position to take applicants at the next meeting. Commissioner Rardin said we could, but we should hire a firm for reasons of transparency and no bias. City staff ought to be completely out of the picture. Commissioner Guthrie asked if we could discuss that at the next meeting. Commissioner Rardin said it can be discussed tonight. City Attorney Mori said you can discuss that, and I will offer any legal opinions. Mayor Payne asked if that could be discussed tonight. City Attorney Mori said absolutely. Commissioner Guthrie asked if that could be voted on tonight. Commissioner Rardin said yes, that is a possible action. We can vote on it tonight if we want to. I feel we should hire a consultant and an outside attorney to consult us. That way, staff is not in the middle of this. They have no authority to hire for this position. Mayor Payne said considering everything that has gone on, I think we need to go out for RFP and hire an outside search firm. It is not a lot of money. Commissioner Rardin said we do, but do we need to go to RFP? She said yes. He said we just need three estimates. She said that with RFP, there are no accusations of it being tainted, and we picked this or that one because we liked them better. RFP is whoever bids on it. We can take the most qualified and lowest responsive bidder. That way, we are not picking

the firm. He asked if we really wanted the lowest responsive bidder. She said it's just a search firm; they are all good. I can think of at least five where all they do is municipalities. He said that under \$60,000 does not require an RFP. She said she understood that, but doing it by RFP means the City is not picking it, and Human Resources is not picking it. He said that kicks it down the road sixty days. She said putting it out on RFP means we can tell them exactly what we are looking for in a search firm. We set parameters and go out for RFP. It is just like any other search where you have to meet requirements. The people who bid are based on the requirements the Commission set forth. Can we do less than sixty days? Acting City Manager Hernandez said you could do fourteen days. Commissioner Guthrie said let's do the least amount of time possible. Finance Director Huff said what you are talking about is going out for RFQ. That is where you base it on qualifications and not the price. Depending on the scope of work, you are probably looking at more than \$60,000 if you want them to develop the job description, candidates, a national search, and other documents. All the different things you want need to be spelled out in the document, whether you are going out for a quote or RFQ. Do you want national mailers or a revamp of the job description through the company before they put it out? There is a lot of development to that. We can advertise it once on a Saturday. It does not have to have a pre-bid or anything like that; it will be pretty straightforward. The shortest timeframe you can do is fourteen days from the time you advertise it, and those documents would then come. We can do something similar to what was done with the Fun Center, where you all are the scorers and not anyone within staff is doing the scoring the proposals. Mayor Payne said that it is a good idea. Finance Director Huff said from there, a RFQ negotiation goes to the price. Then it is time to sign the contract and go forward from there. Commissioner Rardin said so we are looking at roughly thirty days at the quickest. Finance Director Huff said yes. The first step is developing a scope of work. There are some good ones out there already built that you could look at and decide on, but I would defer to City Attorney Mori or City Clerk Hughs if that has to be in a meeting. Commissioner Rardin asked if there were any headhunting firms that may potentially have a state contract or statewide price agreement? They would essentially already be there. Finance Director Huff said that is something we can look into. We did not look into state contracts. We are members of a lot of different cooperatives. Even if that is chosen as an option, you still have to develop the scope of work. You still have to go to whatever firm is chosen and say these are the menu items we would like you to do. Commissioner Rardin said once we decide on one, wouldn't the representative come down to talk to us behind closed doors to get that information from us? Finance Director Huff said they could, but having that information on the front end is still good. Sometimes they do not talk to you unless you have some sort of scope on the front end. The last time we tried to do this in 2015, we did not have a great response because of the shortness of the length of the City Manager's tenure. Chances are that it will increase the price as well. Commissioner Rardin asked staff to check on the statewide and let the Commission know who is on and available. Finance Director Huff said yes, if they are on a statewide pricing agreement or in one of those co-ops, they must submit their price. Statewide pricing agreements have to be laid out in a lot of detail, while co-ops are a bit more vague. We can check into that. Commissioner Rardin said it would streamline the process and not be biased if we have an entity from out of town helping us to get this done. Finance Director Huff said if you decide to go down that route, we probably would not be able to bring it back for award at the next meeting because you will have to have met with them to develop the scope of work or have provided it to them. Depending on what we can find, it is possible that you have an executive session at the next meeting to meet with that person if we find someone who is available. I cannot guarantee that. Commissioner Guthrie asked if we did not already have that scope of work developed. Finance Director Huff said not for a firm, but there are a lot of different options with that. Commissioner Rardin asked how long it would take for staff to see what is available. Finance Director Huff said she would have Purchasing start looking tomorrow. Then we can email the Commission our options. Commissioner Rardin asked if that would be a day or two. Finance Director Huff said yes, they are pretty quick with researching stuff. Commissioner Guthrie said I believe we should vote on what direction we want to go so we can start moving. City Attorney Mori said as far as the legal side of things and litigation liability, it is my opinion that an RFP is the way to go, whether it be thirty or fourteen days or whatever the Commission decides, to insulate both the City and the Commission. Keep the initial applicant gathering from any type of perceived bias so the Commission can make the sole decision-making, and it can be done without any shadow of a doubt. Commissioner Rardin said if it is a statewide or price agreement or state contract, it is essentially the same thing. It just cuts out the advertisement because they are already a certified vendor. City Attorney Mori said correct. That is another option that is available. Mayor Payne said she was not sure what City Attorney Mori was saying. City Attorney Mori said his personal thought is to go with RFP. Going the state agency route is an option, but going the RFP route is the highest legal protection. I would have to review the state agencies route to ensure we are insulated from any litigation liability. Commissioner Rardin said the state contract already has specialized people there who are certified and signed up with the state. It just cuts out paperwork in the middle. I guess it just depends on whether anyone is available on the state contract or if we need to do an RFQ and advertise it. City Attorney Mori

said there is also the option of calling special meetings if this process needs to go faster. Commissioner Rardin said let's wait until we hear back from Purchasing.

Mayor Payne said to clear the air, have I done anything to stall this process? City Attorney Mori said I have no knowledge. Acting City Manager Hernandez said City Attorney Mori has only been here a few weeks. City Attorney Mori said regarding my dealings regarding this process, I have not seen any action that would indicate that. Mayor Payne said she wanted to make it clear she is not stalling this process. This is not me. I am not doing this, and no one wants to get this over with more than I do. I did not do this, and I have nothing to do with this. I find out like everyone else does.

Commissioner Rardin said if staff finds out within a day or two, we can call a special meeting. Finance Director Huff said we have a special meeting next week on the 30th to approve the final budget and financials. Acting City Manager Hernandez said that notice had already been sent out. City Attorney Mori said if anyone is to blame for slowing things down, look to Legal. I would urge caution in going too fast. I understand the need for this process to start, but rushing things can lead to problems. It has caused problems in the past. Mayor Payne said we also need to close out the investigation. If there is nothing else to do, great. You are saying we can move forward, so I am assuming that is okay. City Attorney Mori said yes. The Commission is in a position to start the process of moving forward, where you can make decisions on how to proceed. Finance Director Huff said if we do start looking at different firms through co-op process or state contract, do you want us to contact them to see their availability before we bring the list to you? Or do you want us to bring the list, let you look at it, and then contact them? Commissioner Rardin said he would like availability first. Mayor Payne said if there is only one on the state list, I would not be comfortable with that. Commissioner Rardin said that still leaves us out of the loop. We do not have a choice another than that one. Finance Director Huff said we would look at all the different options. Mayor Payne said I want this as transparent as possible. Commissioner Rardin said we put out an RFQ for the worst-case scenario. Does staff have the direction they need? Do we need to vote? City Attorney Mori said that as far as seeking staff to start the process and looking before an official decision is made, a vote is not needed. You guys have the ability to authorize the start of that process. Commissioner Rardin said the general consensus is to get the process rolling. Mayor Payne said she was okay with that. To be clear, Finance Director Huff will look to see if there are any approved contractors with the state. We are going to consider that as an option. Commissioner Rardin said if need be, then call a special meeting. Mayor Payne said okay. Commissioner Rardin said the biggest issue is the election coming up. If this is not done by the end of the year, you could potentially have four brand new Commissioners up here that would need to do this process. Mayor Payne asked how many meetings were left. Commissioner Rardin said ten regular meetings after tonight. Mayor Payne said she just wants to do this right. It is important to our City. We need to make sure we are fair and that this process is transparent. City Attorney Smith to clarify things, Finance Director Huff will start working on getting quotes and availabilities of state, and possibly having to look out to different places. I will be presenting the Commission with a scope of work as well in the meantime to ensure everything is lining up. That is where we will get started.

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

Mayor Payne appointed Randel Wilson to the Airport Zoning Board and Pamela Vesey to the Senior Volunteer Programs Advisory Council. No one was opposed.

EXECUTIVE SESSION

15. Adjourn into Executive Closed Session in compliance with 10-15-1(H)(7)NMSA (as amended) to discuss Pending Litigation: Estate of Stone et al v. City of Alamogordo. (Darrell Mori, City Attorney)

Mayor Pro-Tem McDonald moved to adjourn into Executive Session at 8:43 PM.

Commissioner Rardin seconded the motion.

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

ADJOURNMENT

ATTEST:



Mayor Susan Payne



City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on August 12, 2025.

