

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
August 12, 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 6:29 PM. Roll Call was taken by the City Clerk. Mayor Pro-Tem McDonald was initially absent, but later attended the meeting by phone at 6:58 PM. City Clerk Hughes 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 Burnett.

APPROVAL OF AGENDA

Mayor Payne pulled Item 6 off the agenda at the request of Senior Project Manager Boyle

Commissioner Robinson moved to approve as amended.

Commissioner Tapley seconded the motion.

Motion with a vote of 6 - 0 - 0.

PRESENTATIONS

1. Letters of appreciation to Captain Michael Toscano, Captain Xavier Perches, Staff Sergeant Tanner Daniels, Staff Sergeant Joseph De Leon, Staff Sergeant James Fletcher, and Senior Airman Alexis Morris for their selfless efforts and heroic actions while volunteering at the Big Give project; they assisted citizens involved in a multi-vehicle accident.

The Mayor presented Letters of Appreciation to military members Captain Michael Toscano, Captain Xavier Perches, Staff Sergeant Tanner Daniels, Staff Sergeant Joseph De Leon, Staff Sergeant James Fletcher, and Airman Alex Morris. Members of the 29th's Attack Squadron's Big Give Team were at the Alameda Park Zoo working on a project, where there was a two-vehicle collision. They took swift action and provided assistance until emergency responders arrived.

PUBLIC COMMENT

1. Dean Hackett said the Fairgrounds Parking Lot is on the agenda tonight, and it looks like you are all looking to leave it alone for five years. I hope you vote that through. The Fair is growing, but we are not outgrowing anything except the parking lot. The amount of money spent to remodel and rebuild somewhere else will be astronomical. Maybe in five years, there will be something different on the agenda. I hope there will be more discussion on the use.

2. Clarissa Sheehan said the property management company, Future Rentals, is engaging in harmful, intimidating, and unlawful practices towards their tenants, myself being one of them. This company damages tenants' credit, threatens housing stability, and twists contracts to their advantage while operating outside the scope of the law. Tenants face harassment, retaliation, and intimidation for standing up for their rights. Many remain silent out of fear of losing their homes. I was one of those until I signed a lease in Texas, and only now do I feel safe enough to speak out. As a tenant, I endured numerous unsafe living conditions and felt deeply unsafe to push back or assert my rights. I am calling on this Council to take immediate action and launch an investigation into Future Rental's business practices. Strengthen local tenant protections to ensure no company can abuse its position without consequences, and create a clear reporting channel so tenants can safely document and report misconduct without fear of retaliation. If something is not done properly, my next step and action is to contact news outlets across the state, so the public is fully aware of what is happening behind closed doors.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following comments:

1. The 10th Street Bridge has finally been paved. The striping company could not come out for two weeks to get it striped. However, our Streets Department will stripe it tomorrow, and the bridge should be open on Friday.
2. We have been receiving questions about the new Natatorium. We will have final, engineer-stamped designs by December, and it will go out to bid shortly afterwards. In the near future, the Parks and Recreation Director will put out a survey regarding the naming of the Natatorium. Those ideas will come forward to the Commission to vote on.
3. Candidate Filing Day is on August 26th.
4. Hilton Chapman is our Dispatch Consultant, and he has done a phenomenal job working with the State and TBRDA and getting us up and going.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Burnett asked if we could clear debris out of the ditch on Jefferson Avenue. Acting City Manager Hernandez said we have been working on that one. It has gas lines running through it that are being exposed. We bumped it up on the priority list for when we get a contractor to come in and maintain it. That particular ditch is an overflow. We will clean it out, but it will be slow. The whole thing is at different grades and slopes, and it probably has not been worked on in twenty years. We also bumped it up on the priority list for the potential of shutting down that block. Commissioner Burnett said the alleyway is washing out.

Commissioner Guthrie asked if a traffic study had been done on Juniper Drive and Indian Wells. Acting City Manager Hernandez said no. That is the Streets Department, which is a bit busy, but we will get on that.

Commissioner Rardin asked why the Fourth Fridays were canceled a few times in a row. Acting City Manager Hernandez said that with the last one in July, Community Affairs Manager Gonzalez had to go out of town, and we did not have the staff or volunteers to set it up. I do not remember why we canceled June. Commissioner Rardin asked if the August one was planned to be canceled. She said not unless the weather is bad, or we do not have the staff. Commissioner Rardin said three officers responded to something on White Sands Boulevard this morning, around 7:35 AM, heading southbound. The first two were going at forty-five miles per hour, but the third was going about ninety to one hundred miles per hour. That seems excessive. Due to other lawsuits we are in, speed seems to be a factor. Also, I was walking around City Hall the other day, and all of City Hall was closed between 12 PM and 1 PM. I have an issue with that. City Hall should be open all day from 8 AM to 5 PM for people to come in. We should look at staggering lunches. There were only three employees in the entire building. I feel that having City Hall closed for a full hour is unacceptable so that staff can all go to lunch at the same time. I understand certain departments may not have enough people.

Commissioner Guthrie asked for an update on the Recreation Center parking areas. We still have parents with no clue as to where to pick up their children after school. Senior Project Manager Boyle said he put out a PSA before the west parking lot was closed, but we still have people going in and walking kids across the ditch. It is unsafe. We tried everything we could do. Police have even shown up to send everyone to the north parking lot, which is the only one open right now. On the PSA, I even put where to drive. She said she did not know if there was anything else we could do. He said they could have the contractor park their equipment right behind the closed sign. She said maybe. I do not know if people are getting out and moving barrels. I think there is still confusion about where the direct path is to go. Maybe move those road closure signs up and close them? He said we cannot move them up anymore because I want to ensure the people who live on 12th Street have access to parking. If I move them any further west, it will be an issue for them. She asked if more barrels could be put up and tied together. He said we could, but they will still move them. Maybe we could have the contractor start dumping material behind the sign. My Safety Specialist is out there every morning to try and help, but I have witnessed people yelling at the contractors and City employees. She said that with school, it is not so bad in the morning. We see trouble after school when people pick up their kids who go to the after-school program. He said the contractors cleaned up Oregon Avenue from 13th Street to the parking lot just for access. Commissioner Robinson asked if maybe a large vehicle could be put there. Senior Project Manager Boyle said yes, the excavator. She said they may jump the curb, but anything we can do to try. Senior Project Manager Boyle said he would try to figure out another solution. I have had police service aids out there to help, but it is still an issue. Commissioner Burnett said it needs to be filled in where it crosses over on 14th Street and Oregon Avenue. Senior Project Manager Boyle said 14th Street is going to be closed down at that intersection so we can tie the water line to close the hole. We held that detour open as much as possible because of 10th Street.

Commissioner Rardin asked if 18th Street would be open or if all of Oregon Avenue would be closed. Senior Project Manager Boyle said he had been trying to get a schedule from the contractor to see when they would pave up to 18th Street, but did not have any insight as to when that may be. They have sixty-six days left. Unfortunately, I cannot force them on how to do their job; I just ensure it is done correctly. Commissioner Rardin asked if we had jersey barriers. Could you put concrete jersey barriers there behind the signs? Senior Project Manager Boyle said he did not know if the City had those. Senior Project Manager Boyle said he would probably just have them dump material.

Acting City Manager Hernandez said to address Commissioner Rardin's earlier comment, just so everyone knows, we will have to close Water Billing from 8 AM to 12 PM starting on the 18th. We have one staff member, and they cannot keep up with everything that is happening. There are also two in the back trying to help. We are at a critical staffing level until we can get cashiers at the front. We will start blasting that out and getting signage up. Regarding lunches, we also have one person in Planning and Zoning. We allowed everyone to have lunch even before Covid because staggering lunches is extremely difficult when we do not have staff members. We ran into FLSA issues by not allowing them to have their hour away. Commissioner Rardin said the whole building is locked down at lunch. I feel that is unacceptable because we are here to provide a service. People take off their jobs during lunch to pay water bills, and they cannot. Acting City Manager Hernandez said we provide online and drop-off. We haven't gotten complaints about that, but the lunches have been going on for about five years. I think it is reasonable to allow staff dedicated time to go to lunch and come back. Commissioner Robinson asked if this was a staffing issue. Acting City Manager Hernandez said that Water Billing is a staffing issue with turnover. Commissioner Rardin asked why there was turnover. Acting City Manager Hernandez said you are customer service when you apply for this job. They think they are just taking phone calls and do not realize they will deal with a bunch of angry people yelling at them about their water bills. Commissioner Rardin said he has had several conversations with people about paying their bills. We need to make the best effort we can to make it accessible. They are here trying to pay us, and we are closed. I drop bills off. I do not pay online. I still write checks. Acting City Manager Hernandez said she understood that. We have a population that likes to pay in cash.

Commissioner Tapley said someone called him about the closure of the front nine at the Golf Course, but he knew nothing about it. Acting City Manager Hernandez said she met with Grant Dalpes and Jason about that. As you know, we are going to extend their contract from October to June. We are going to close the front nine. Mr. Dalpes agrees to it as long as we have the driving range and back nine open. That is going to be in the amended contract. It was a conversation, but I had not had the chance to sit down with Grant Dalpes, Jason, and Lori to discuss their concerns about it. So yes, we will close the front nine, and we discussed that just today. Commissioner Tapley asked if discounts would be given on trail fees and things people have already paid for. Acting City Manager Hernandez said Mr. Dalpes had that discretion. It is not a City decision. We could pose that question. We are extending his contract with an increase in price for the loss of revenue. The City would not object to him doing that. Commissioner Tapley asked about the cracking on Sedona Ridge. Acting City Manager Hernandez said we do not have the equipment to do that one, but there are several roads we need to fix. We are looking at renting and getting a list together. It is an issue. We will also see if there is money in the Capital Budget to buy our own. That issue will cause bigger ones once the water gets into it. Commissioner Tapley said a house on Tierra de Suenos and Hamilton had an issue with a water valve. Did you bring that up with Utilities Director Nunnelley? Acting City Manager Hernandez said yes, we spoke about it. That house gets flushed for this reason every quarter. Aaron went out there the day you reached out to me, checked the valves, flushed it, and looked for visible leakage. There was no visible leakage. They do not know if it is on the property owner's side. If he believes it is an issue, he can file a tort claim to have us investigate it.

Commissioner Burnett said regarding the Golf Course, what would be done to help water the greens and tee boxes on the front nine while it is down? The greens on the front nine are starting to go. Senior Project Manager Boyle said Mid-America Golf has one person designated to water the greens. They constantly water any holes without water. That is what they did with the back nine. The plans and contract show that the contractor is responsible for watering. They are watering it.

Commissioner Burnett said we did the Color Run last Saturday, and around one hundred and fifty people participated in our foundation's first fundraiser. My daughter passed away in May 2024, and we started a foundation in her honor to deal with epilepsy.

Mayor Payne said she attended the Big Give celebration about a week ago. It was good to see our military there. The grand opening of the Family Fun Center was great and a good time. I also attended a Leadership Conference by the Global Leadership Summit hosted at the Worship Center.

CONSENT AGENDA

- 2. Approve the minutes for the Regular Commission meeting on July 22, 2025, and the Special Commission Meeting on July 30, 2025. (Rachel Hughs, City Clerk)**
- 3. Approve the statements related to the Executive Closed Sessions held on July 22, 2025. (Rachel Hughs, City Clerk)**
- 4. Consider, and act upon, the City of Alamogordo becoming a member of National Purchasing Partners (NPP). (Barbara Pyeatt, Chief Procurement Officer)**
- 5. Consider, and act upon, an agreement with Otero County for Alamo Senior Center services to County residents. The total amount budgeted is \$51,279.00 (\$30,185.00 for home-delivered meals and \$21,094.00 for transportation). (Magdalena Morales, ASC Manager, and Veronica Ortega, Community Services Director)**
- 6. Consider, and act upon, the award of Public Works Bid No. 2025-003, La Luz South Reservoir Cover, Tower, and Catwalk Replacement No. UC2209, to Lone Mountain Contracting Inc., related to the La Luz South Reservoir Cover, Tower, and Catwalk Replacement project in an amount not to exceed \$3,989,869.53, including NMGR. (Justen Boyle, Senior Project Manager)**
- 7. Consider, and act upon, the City of Alamogordo becoming a member of the Purchasing Cooperative of America (PCA). (Barbara Pyeatt, Chief Procurement Officer)**
- 8. Consider, and act upon, the award of RFP 2025-008 Fire Flow Testing, Marking and Maintenance of Fire Hydrants. (Jerry Ramirez, Fire Chief)**

Commissioner Tapley said he wished to pull Items 4 and 7.

Commissioner Robinson moved to approve as amended.

Commissioner Guthrie seconded the motion.

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

ITEMS REMOVED FROM CONSENT AGENDA

- 4. Consider, and act upon, the City of Alamogordo becoming a member of National Purchasing Partners (NPP). (Barbara Pyeatt, Chief Procurement Officer)**

Finance Director Huff said Item 4 is entering us into a membership in a cooperative. This one is to purchase the software needed for Dispatch. This is the pivotal software needed to handle all calls that come in. We will miss our Dispatch go-live date if we cannot procure that software.

Commissioner Robinson moved to approve.

Commissioner Tapley seconded the motion.

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

- 7. Consider, and act upon, the City of Alamogordo becoming a member of the Purchasing Cooperative of America (PCA). (Barbara Pyeatt, Chief Procurement Officer)**

Finance Director Huff said Item 7 is entering us into a membership in a cooperative. We are looking at something called Infrastructure as a Service, and becoming a member would allow us to do that. We will bring it before the Commission in a few months once we do more research.

Commissioner Rardin asked what Infrastructure as a Service was. Finance Director Huff said it is where we purchase services that come in and improve our infrastructure. We pay it on a monthly basis, but it does not have interest like traditional debt. There are other caveats. If you default on it, there are ownership things that are different from traditional debt. Acting City Manager Hernandez said it is a new concept. Like if our roofs need to be replaced, and we do not have \$5,000,000, we can go with Infrastructure as a Service which finances it for us on a monthly payment we can afford. Commissioner Rardin asked if the RFP process for a contractor would stay similar. Finance Director

Huff said the RFP process would go through the company that we chose to do the Infrastructure as a Service. We would still have input. They handle everything from the design, project management, procurement of the contractor, construction, and construction management. We would be paying a full package instead of piecing it together. Acting City Manager Hernandez said we would look at what caveats we have and see if they would subcontract local vendors. We understand the concerns about the Yearout contract. Commissioner Rardin said so it is similar to a statewide price agreement, but nationwide? Finance Director Huff said correct. Commissioner Rardin asked what Infrastructure as a Service covers. Finance Director Huff said we have been looking at it mostly for water meters. Water meters do not fit the traditional debt model because they do not last for thirty years, and so I cannot go out and get a loan for water meters. This would allow us to do a debt-style replacement and make monthly payments instead of funding all the cash upfront. We could get all our water meters replaced at once instead of in phases. Commissioner Rardin said if we approve this, does it come back to us for approval? Would this cut the Commission out of the loop? Finance Director Huff said we would bring Infrastructure as a service to the Commission because it is a large contract. Other purchases under cooperative agreements would not come before the Commission. Commissioner Rardin asked if there was a dollar amount on those. Finance Director Huff said there was not. Commissioner Rardin said so you could do a \$20,000,000 with the Commission's consent. Finance Director Huff said we could if we went through a co-op, yes.

Commissioner Tapley asked how it would be cheaper for the City to do something like this. Finance Director Huff said, per my direction over the past years, we stopped using cooperatives as much as we used to. There was a point in time when we used cooperatives almost completely. There are situations where it can fit well, like software. Software is hard for in a traditional RFP because there are so many different companies and they do not have to respond. Most software is procured under a cooperative agreement because that is the preferred method of software companies. Another example is playground equipment, where there are only a few companies in high demand. Those companies would not respond to an RFP. We go through a cooperative to buy Dell computers at a greatly reduced rate. However, there are things cooperatives are not cheaper in, like construction. Competitively bid construction is better, opens more doors, and gives more information. We do not use cooperatives for construction projects unless there is an unusual mitigating circumstance. Cooperatives are huge and varied. Some work well, some do not. Commissioner Tapley said so Items 4 and 7 do not go hand-in-hand. Finance Director Huff said they are similar but separate entities.

Commissioner Rardin asked if there were membership fees on Items 4 or 7. Finance Director Huff said no.

Commissioner Rardin asked if the statewide price agreement and CES were similar to this. Finance Director Huff said yes, they are similar. Statewide pricing agreements are bids put out by the State Purchasing Office. CES puts out a procurement, and everyone responds to that. However, they do not cover everything, especially big national software, which is what Item 4 is focused on. There are so many options on the national level that the states do not issue those for software anymore. Commissioner Rardin said he was concerned because there was no cap on the dollar amount, like a statewide price agreement. Finance Director Huff said our purchasing ordinance specifically says that if it is purchased through a cooperative, it is considered competitively purchased and does not require Commission approval. So that would be an ordinance change.

Commissioner Rardin asked if this was the same as Item 4. Finance Director Huff said no. In this, we are joining specifically to look at Infrastructure as a Service.

Commissioner Robinson moved to approve.

Mayor Payne seconded the motion.

Motion Passed with a vote of 4 - 3 - 0. Commissioner Stephen Burnett, Commissioner Josh Rardin, Commissioner Mark Tapley voted nay.

UNFINISHED BUSINESS

9. Discussion and possible action on 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)

Commissioner Guthrie said this was from the last meeting, where we did not finish the discussion because we were looking into what we could and could not do. Has there been any progression? Acting City Manager Hernandez said as far as what was being asked originally, that goes against ordinances. A new letter from them was sent with what they were asking for. Commissioner Guthrie said the letter said an incentive grant, but we do not provide those. Acting City Manager Hernandez said correct. I am asking that we table this until we have our housing discussion. City Attorney Mori is working on things with the Otero County Attorney, and I am working on research myself. I think that if the Commission wants to do this, there needs to be a housing or incentive grant with an application process that is afforded to all developers. We could discuss what the criteria would have to be. We could discuss it further at the housing discussion. Commissioner Guthrie said she would prefer that as well. City Attorney Mori said in talks with the Otero County Attorney, they are looking at different options they could help with. They are leaning towards declaring it a redevelopment area, which would require an action from the City, where it would be labeled a blighted area, which would open up different funding. I am looking into the legal ramifications should the City declare an area blighted. We are still exploring options, and I am also talking to other city attorneys who have done redevelopment areas. Commissioner Rardin said Otero County is looking at a property tax freeze to keep it at the current level for a few years. Maybe we could retool our GRIP ordinance and bring it back. If we gave away sidewalks, sewer taps, and water taps, it would set a precedent. Acting City Manager Hernandez said she was looking into GRIP to see how we could bring it back better with a better application process. Commissioner Rardin said an actual dollar amount is needed. Acting City Manager Hernandez said yes sir. Mayor Payne said they would have to buy local. Commissioner Rardin said a project of that scope would be difficult to buy locally. We may have to tweak the ordinance due to the nature of that project. Commissioner Guthrie said deadlines were mentioned at the last meeting. Acting City Manager Hernandez said the workshop would have no action items.

City Attorney Mori said he was set to go to meet other city attorneys in Santa Fe about this and see what they have experienced. We want to promote development but not set a dangerous precedent. Mayor Payne said you cannot just go and declare a site to be built on blighted. Are you talking about the entire area? City Attorney Mori said he was looking into legal specifications for the Redevelopment Act, like the size of a blighted area. I am also in contact with a private attorney who has done many redevelopment projects in the state and will help walk us through them. We want to make sure people's property values do not drop or that there are no other ramifications to that approach. Mayor Payne said apartments are being built out in Mesa Verde. Are we going to do anything for them? We cannot declare it blighted. City Attorney Mori said New Mexico statutes state that the Redevelopment Act has ties to State funds. It is not commonly used, but it is an emerging practice.

Commissioner Rardin said we could also freeze our portion of the property tax if we go that route. Mayor Payne said if we do that for him, we have to do it for everyone. Commissioner Rardin said not necessarily. Mayor Payne asked how you could not, especially for local builders? I am not against these apartments, but I am against freebies. We cannot just pick and choose. Mr. Valencia has his funding now, so that is no longer the issue.

Commissioner Rardin moved to table this item.

Commissioner Robinson seconded the motion.

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

NEW BUSINESS

10. Consider, and act upon, Resolution 2025-24, updating the Notice of Right to Inspection of Public Records. (Rachel, Hughs, City Clerk) (Roll Call Vote Required)

City Clerk Hughs said the Acting City Manager wanted all public records requests under the Inspection of Public Records Act to be centrally located under the City Clerk. This is the reason for the Notice to Inspect Public Records amendment. There will now be only one custodian of public records under the Act instead of the City Clerk, the Alamogordo Police Department, and the Municipal Court. On September 15th, the notice before you to inspect the public records will take effect. It will include: the purpose of the Act, how to submit requests, including on the new portal, required information for a written request, the response time, broad and burdensome requests, the inspection hours, production of records, uncollected records, and the cost of records. The changes to the costs are, paper copies from \$0.50 to \$1.00, as the Act permits, some electronic records, including videos, audio, photographs, emails, and records over thirty-one pages, will be provided on a USB flash drive, USB flash drives will go from \$7.00 to \$10.00, and we will no longer put records on CDs and DVDs, as someone pointed out, who uses them anymore.

This is the overview of where we are with public records requests. The City Clerk: Since January, my office has received one hundred and three requests for public records, which my Deputy Clerk and I have filled. Twelve percent were for City Commission records, as you all know. Fifteen percent were for the Fire Department records. Twelve percent for Planning & Zoning records. Eleven percent for emails, and these are our most time-consuming requests. We have been working on one since May, which has over sixteen thousand emails, and we are more than half done. The two of us and my new IPRA Specialist who started last week, have been working on this request for 56 hours total. It takes so long because we open each email and attachments to ensure they can be released or need to be redacted, which is to black out information that cannot be released. Our biggest request for emails took over six months, with my Deputy Clerk and me working on it. Then, when it was completed, the requester said they did not want the emails anymore. The average time spent on a single request, other than an email search, is two to three hours.

Since January, the Alamogordo Police Department has received seven hundred and twenty-nine requests for public records. Of these, over fifty percent are for officers' body-worn videos. One twenty-minute lapel video can take at least an hour to watch and redact. If multiple officers are on scene, all their body-worn videos must be viewed for a single request. Currently, the two Records ladies from the Police Department have been working diligently on the numerous requests, but even then, they are backlogged by approximately sixty requests. Over forty-five requests for body-worn videos have been completed, but have not been paid for and picked up. Many requests that come to the Alamogordo Police Department are known as commercial requests. These are requesters that want the records, mainly police videos, to make a profit on social media. This is very unfortunate for the people in the videos. A family came to me years ago with tears in their eyes, to ask if anything could be done about these requesters posting videos of their loved one in a terrible incident. Sadly, I told them the Act does not prohibit such requesters from requesting these videos.

The Inspection of Public Records Act was created to increase government transparency. I strongly believe that in the last few years, it has evolved into something that it was not intended to be with these types of requests. Studies show there has been a two-hundred percent increase in public records requests in New Mexico. Moving forward, after gathering all the records and before sorting through them to extract and redact, we will advise the requester of the fees and collect payment, as listed on the notice. I do not have the numbers for the Municipal Court; they do not have many requests under the Act. They mainly do window requests when someone wants to pay for their citation. I would ask the Commission to approve this resolution.

Commissioner Robinson asked if this was customer service. City Clerk Hughs said we have to fill requests according to the Act. He said so State law. She said yes. He asked if we are being asked to have people pay for the work you do. She said no, we do not get paid for that work. He said so it was just the materials provided. She said yes. We are allowed to charge for the materials like flash drives, CDs, or DVDs. The Act says we can charge for the transmission of records, but we have not done that. He asked if anything else was being asked for, considering the alarming rate. She said that currently, with the new division under me, the IPRA Clerk from the Police Department was transferred to me, and another new employee, I will have two IPRA Specialists. However, with the requests coming in, I assure you we will need more people. Albuquerque has an entire division with the City Clerk and a Manager. The Manager has five IPRA Specialists. Each IPRA Specialist has four Tech Specialists. Under each Tech Specialist, they have part-timers. It is a huge operation.

Commissioner Rardin said regarding the whereas 203-240, it has the City Manager setting fees rather than the Commission. City Clerk Hughs said yes, that is in the ordinance. If you go under City Clerk duties, it talks about records being provided to the Commission. The City Manager can set fees for those that will be charged to the public. He said what about the Commission setting the fees. She said anything brought to the City Manager would not go outside the Act. He asked if there was a cap on how much we could charge. She said the cap is \$1.00. The only other cost it talks about is for an electronic method, which is the cost of whatever the device may be. We do not charge for the transmission. Commissioner Guthrie said that it was cheap for the amount of work being done. City Clerk Hughs said it was. There are times my Deputy Clerk and I work as much as we can, and it offsets both of us in our normal duties, like working the Commission, Front Office, and administrative work, plus public records requests. Although requestors may not be happy with the turnaround time, that can be considered burdensome because we have to do our own duties. Even though we will have two IPRA Specialists, the Deputy Clerk and I will still have to do this work. Commissioner Guthrie said we discussed this at the MOLI conference. There needs to be more than just two people. This is something that needs to be discussed. Acting City Manager Hernandez said we are moving IPRA under one department because there were inconsistencies with how it was done. The idea was to

have more, but because of the budget, we wanted to see what we are doing, how it is working, and then see what staffing levels need to be. The City Clerk originally asked for three people, one of whom would be a supervisor. These requests are crazy, and I believe more people need to be dedicated to it. Commissioner Guthrie said we need to revisit this topic once this is switched over. Acting City Manager Hernandez said we are also exploring software like Next Request, an online portal for requests.

Commissioner Guthrie moved to approve.

Commissioner Robinson seconded the motion.

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

11. Consider, and act upon, Resolution 2025-27, delaying the sale of the fairgrounds parking lot for five years to allow Otero County time to identify an alternate location and develop a phased plan. (Stephanie Hernandez, Acting City Manager, Priyam Chevawala, Intern) (Roll Call Vote Required)

Acting City Manager Hernandez said her Intern, Priyam Chevawala, would speak on this. Mr. Chevawala said this resolution would give Otero County time to make a phased plan to develop an alternate location for the Otero County Fairgrounds.

Commissioner Robinson asked if it was possible to move this faster, like in three years. Mr. Chevawala said that was a good idea, but realistically, developing the new Fairgrounds will be expensive. It could work, but we need to see the County's ideas.

Commissioner Guthrie said we never decided to actually sell this. So we are just talking about delaying a decision. Acting City Manager Hernandez said yes, no decision to sell the parking lot was ever made. This is just giving time to develop an alternative site and plan. Mayor Payne said we previously offered alternative sites. Commissioner Guthrie asked to clarify whether we are halting all conversations or halting a decision. It is important to continue discussing this with the County and the Fairgrounds Board. Acting City Manager Hernandez said here, it is a discussion as far as selling the parking lot. If a developer were to come and wanted to buy it, we could say there is a resolution to not sell this, and we would not enter those conversations. There have been three times I have had to bring this forward because someone wanted to buy it, but with this, I would not have to do that with a resolution in place.

Commissioner Rardin said this was being done in good faith with the County and Board. This says we are giving them time to develop a site and phase plan, and it sounds like we are forcing them to do that. Commissioner Guthrie said she did not like how it was written. Can we revise the resolution to make sure what we are stating is clear? Acting City Manager Hernandez asked for the wording. Mr. Chevawala said the wording does sound forceful but this has been an issue for decades. Commissioner Guthrie said it says at the Joint Meeting that the Commission stated the Fair and Rodeo had outgrown their location. That is a bold statement because they may not feel the same way. It also mentions the development and phase plan. Can we just take those out? Acting City Manager Hernandez said that was a statement at the meeting. Commissioner Guthrie said we are just holding off. We have not agreed to do anything. Commissioner Robinson said it needs to move down the road a bit. We will just get more pressure on that property. As much as I respect the County, there needs to be plans for the future. If you don't have a plan within five years, that would show they are not serious about this. Acting City Manager Hernandez said a portion of the title after the mention of five years needs to be struck. Commissioner Guthrie said also to strike the last whereas. Mayor Payne asked if this needed to be brought back. Acting City Manager Hernandez said we could approve it with those changes.

Mr. Chevawala said his father owns the hotel next to the Fairgrounds Parking Lot, and people have parked at our hotel during events. Right now it isn't an issue, but I can see it becoming one.

Acting City Manager Hernandez said for the record, the changes are, to the title, keeping "A RESOLUTION TO DELAY THE SALE OF THE FAIRGROUNDS PARKING LOT FOR A PERIOD OF FIVE YEARS.", and striking the rest. Also, striking the last whereas, "WHEREAS, the City Commission has agreed to give the Otero County Commission, staff, and fair board time to identify a site to develop a phased plan." Commissioner Guthrie said yes.

Commissioner Guthrie moved to approve as amended.

Commissioner Rardin seconded the motion.

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

12. Discussion on the Code of Ordinances sections 2-02-060 Code of conduct, 2-03-570 Code of conduct, and 2-02-050 City Commission use of social media. (*Josh Rardin, Commissioner*)

Commissioner Rardin said in doing research on this, we have two Code of Conducts in the ordinances now. One was passed in 2014, and the other in 2022. They contradict each other. I think we need to amend the Social Media Policy as well. I sometimes see things from staff members. I do not know if that just applies to staff or to the Commission. In IPRA discussions, whether we have disclosures on our pages or not, when you are discussing City business on Facebook or a social media page, then it is technically public record. I want the City Attorney and staff to take a look at these. Maybe combine them into one. Mayor Payne said I thought we rescinded the 2014 Code of Conduct. Commissioner Rardin said no, there was another in 2019. I had thought we had repealed it as well. There were actually three. We repealed one, and then another was put in place of the 2019 one. I guess we didn't realize we had another one because it was in a different section.

City Attorney Mori said two Codes of Conduct are on the books. One is older, and they are separate sections, which is likely why they got missed. The newest 2022 one did not repeal the 2014 one, so we could have situations where both apply, but there are different remedies. I do not believe that has yet come up, but it is something that could pose challenges. The Commission could do different things depending on what it wishes. I could present that to the Commission at a later date. Commissioner Rardin said when these were originally passed, they were for when the public had an issue with an elected official and to be utilized as a remedy, rather than for elected officials to use against other elected officials. We need to look at both and clean up the language. I think the 2014 ordinance is better than the 2022 one. It is clearer on complaints. Commissioner Guthrie said she agreed with cleaning this up, combining, and doing the differences. Mayor Payne said there needs to be a mechanism for everyone, whether employees or Commissioners. City Attorney Mori said absolutely. Both use different vehicles for remedies for things like breaches of conduct. Commissioner Rardin asked how long it would take before this could be brought back and presented. Acting City Manager Hernandez said the first meeting in September. City Attorney Mori said he could do that.

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

Mayor Payne appointed Stephen Butler to his seventh term on the Senior Volunteer Programs Advisory Council. No one was opposed.

EXECUTIVE SESSION

14. Recess into Executive Closed Session in compliance with 10-15-1(H)(8) NMSA (as amended) to discuss: Real Property: 1100 Michigan, Alamogordo, New Mexico and Parcel R023917 (Legal Description: S: 16 T: 16 R: 10 TR IN SE1/4) and 10-15-1(H)(2)NMSA (as amended) to discuss: Limited Personnel Matters (City Manager). (Roll Call Vote Required)

Commissioner Robinson moved to Recess into Executive Session at 8:24 PM.

Commissioner Tapley seconded the motion.

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

RECONVENE INTO OPEN SESSION

15. Motion to reconvene into open session.

Commissioner Robinson moved to reconvene into Open Session at 9:36 PM.

Commissioner Tapley seconded the motion.

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

16. Take action, if any, as a result of the Executive Closed Session concerning Real Property: 1100 Michigan, Alamogordo, New Mexico and Parcel R023917 (Legal Description: S: 16 T: 16 R: 10 TR IN SE1/4).

Commissioner Rardin moved to approve the purchase of Parcel R023917 for \$2,800.
Commissioner Robinson seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.

17. Take action, if any, as a result of the Executive Session concerning Limited Personnel Matters (City Manager).

Mayor Payne said the motion would be to open the search for the City Manager position, utilizing both Trifecta and Hiring Hub Executive Search.

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

ADJOURNMENT

Commissioner Rardin moved to adjourn at 9:39 PM.
Commissioner Tapley seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.



Mayor Susan Payne

ATTEST:



City Clerk Rachel Hughes

(Prepared by Dylan Aleshire, Deputy Clerk)
Approved at the Regular Meeting held on August 26, 2025.

