

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION REGULAR MEETING MINUTES  
6:30 P.M., COMMISSION CHAMBERS  
June 11, 2019**

**RICHARD BOSS, MAYOR  
AL HERNANDEZ, COMMISSIONER  
NADIA SIKES, COMMISSIONER  
JOSH RARDIN, COMMISSIONER  
SUSAN PAYNE, COMMISSIONER**

**JASON BALDWIN, MAYOR PRO-TEM  
DUSTY WRIGHT, COMMISSIONER  
BRIAN CESAR, INTERIM CITY MANAGER  
PETRIA SCHREIBER, CITY ATTORNEY  
RACHEL HUGHS, CITY CLERK**

**CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE OF ALLEGIANCE**

Mayor Boss called the meeting to order at 6:32 p.m. Roll Call was taken by the City Clerk. Commissioner Wright was absent. City Clerk Hughs announced there was a quorum present. Invocation was given by Reverend Harp and the Pledge of Allegiance was led by Commissioner Payne.

**APPROVAL OF AGENDA**

Commissioner Hernandez moved to approve the agenda.  
Mayor Pro-Tem Baldwin seconded the motion. Motion carried with a vote of 6-0-0.

**PUBLIC COMMENT**

**Eugene Downer commented on the following:**

He complimented Community Services Director Ortega on the appearance of the Civic Center. He asked the City to have something at the entrance of the Civic Center to describe Willie Estrada's heroic ventures. He asked if the plaque on the wall, near the ceiling, could be lowered so that people can see it. He said there are dying trees at the bowling alley and at Alameda Park. He mentioned that if the trees were purchased at Wal-Mart, Lowe's or Home Depot, they would exchange the trees for free within one year of the purchase. He recommended getting rid of the trees on White Sands Boulevard that don't look so good.

**CITY MANAGER'S REPORT**

**Interim City Manager Cesar made the following remarks:**

1. He said on June 4<sup>th</sup> there was damage throughout the City from strong winds. He thanked all the departments that responded during the event and gave a special thanks to the Parks Department.
2. He said utility construction, facility maintenance and the street department has completed construction on the new parking lot at the Zoo.
3. He said today they received the fully executed documents from the New Mexico Finance Authority (NMFA) for the \$50,000 planning grant for MainStreet. He said they expect to receive the money from NMFA by the end of the week.
4. He said on April 4, 2018, TLC was awarded LEDA monies in the amount of \$1.2 million to build and equip a call center in the White Sands Mall. He said the City Finance Department conducted an audit of the jobs created and the payroll of their first year of operations. He reported that their full obligation has already been met.

**REMARKS AND INQUIRIES BY THE CITY COMMISSION**

**Commissioner Sikes made the following comments:**

She said the newspaper published pictures of the citizens that received the certificates for keeping their yards beautiful, and as a result of those pictures she received several phone calls commending the City on doing that. She said Special Events Manager Sides tracked down a Grant that provides the funding

for what they are trying to do. She said now, Communications/Marketing Administrator Brideaux is going to take it over. Commissioner Sikes said she is hopeful the Commissioners will all buy into it even though the work will be done by City staff. She thanked Mr. Downer for all his suggestions. She said in the next couple of weeks they will have everything lined out and they will be able to present it as to what they are doing, and then get the information in the paper and the profile.

**Commissioner Payne made the following comments:**

She gave a shout out to Miss Otero County Misa Tran who is now Miss New Mexico.

**CONSENT AGENDA**

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1. Approve the minutes for the May 28, 2019 Regular meeting. *(Rachel Hughs, City Clerk)*
2. Approve the statements related to the Executive Closed Session held on May 28, 2019. *(Rachel Hughs, City Clerk)*
3. Consider, and act upon, Ordinance 1592 for final publication for a map amendment to the official zoning map of the City of Alamogordo to rezone the property located at 1900 S. US Hwy 54, Shawana Replat A, Case # Z20190002(A) from C-3 Business District to M-2 Industrial District. *(Stella Rael, City Planner)* (Roll Call Vote Required)
4. Consider, and act upon, approval of a Capital Outlay Grant Agreement in the amount of \$135,000 to plan, design and construct improvements at Alamogordo Public Library. *(Veronica Ortega, Community Services Director)*
5. Consider, and act upon, approval of a Capital Outlay Grant Agreement in the amount of \$145,750 to purchase and equip buses to comply with the requirements of the Americans with Disabilities Act of 1990. *(Brian Cesar, Interim City Manager)*
6. Consider, and act upon, Resolution No. 2019-26 removing uncollectible and unsecured Utility, Library, Public Housing Authority and other miscellaneous accounts from the City's accounts receivable. *(Stephanie Hernandez, Finance Director)* (Roll Call Vote Required)
7. Consider, and act upon, approval of the New Mexico Tourism Department (NMTD) Cooperative Marketing Grant Agreement No. 20-418-3002-02, for the purpose of tourism advertising. *(Michelle Brideaux, Communications & Marketing Administrator)*
8. Consider, and act upon, Resolution 2019-15 authorizing the submission of a New Mexico Community Development Block Grant (CDBG) program application and designating the Mayor to act as a signatory in all matters pertaining to the municipality's participation in the CDBG program for the City of Alamogordo ADA Sidewalk project. *(Debbie Osborne, Grant Coordinator)* (Roll Call Vote Required)
9. Consider, and act upon, Resolution 2019-28 requesting written approval from the Local Government Division of the Department of Finance and Administration, State of NM for the revised budget numbers computed as of June 11, 2019. *(Evelyn Huff, Budget Analyst)* (Roll Call Vote Required)
10. Consider, and act upon, the Alamogordo Police Department's application for the Community Driving While Intoxicated Program Funds (CDWI). *(Brian Peete, Chief of Police)*

Mayor Boss asked to remove Item #4 from the Consent Calendar.

Commissioner Hernandez moved to approve items 1,2,3,5,6,7,8,9,10 of the consent calendar. Mayor Pro-Tem Baldwin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-0-0.

#### **ITEMS REMOVED FROM CONSENT AGENDA**

4. Consider, and act upon, approval of a Capital Outlay Grant Agreement in the amount of \$135,000 to plan, design and construct improvements at Alamogordo Public Library. (*Veronica Ortega, Community Services Director*)

Eugene Downer commented on the following:

He thanked Library Manager Rowe for sharing his information about trees with the public. He said he wasn't sure how much input Library Manager Rowe had in this agreement and he wasn't sure how this agreement worked. He wanted to make sure that Library Manager Rowe was not put in the situation where she must do something that somebody else applied for or wanted to do. He thought that Library Manager Rowe should give her own feelings on improvements at the Library. He gave some ideas of new construction or remodeling.

Community Services Director Ortega reminded the Commission this was approved through ICIP last year. She said this is to replace the foyer, the entrance and the restroom. She also mentioned that there was a public hearing held and Mr. Downer did miss this hearing.

Commissioner Rardin moved to approve.

Mayor Pro-Tem Baldwin seconded the motion.

Motion carried with a vote of 6-0-0.

#### **NEW BUSINESS**

11. Consider, and act upon, first publication of Ordinance 1595 amending section 2-15-080 and 2-15-090 of Chapter 2 of the Alamogordo Code of Ordinances regarding the Gross Receipts Investment Program. (*Petria Schreiber, City Attorney*) (Roll Call Vote Required)

City Attorney Schreiber said this Ordinance changes two things in the current GRIP (Gross Receipts Investment Program) Ordinance. It extends the sunset date through 2025 and allows the City to change a little bit of the process for the reimbursement that maybe over \$100,000. She said the last meeting they had a rather large application from the hospital that presented the City with some unique challenges, so this is an amendment of the Ordinance in order to address those challenges so all parties can come up with an agreement that makes sense to them.

Commissioner Hernandez moved to approve.

Commissioner Rardin seconded the motion.

Roll call vote was taken.

Motion carried with a vote of 6-0-0.

12. Consider, and act upon, the Alamogordo Police Department's request to apply for a Grant from the Paso Del Norte Health Foundation. (*Brian Peete, Chief of Police*)

Police Chief Peete asked the Commission for permission to apply for this grant from the Paso Del Norte Health Foundation. He said this will be used for the Department to build upon its CIT program and to create a Mobile Crisis Response team. He gave a background of the Paso Del Norte Health Foundation. He gave a history of Behavioral Health providers, passed legislation and Federally mandated Descent Decrees. He gave some statistics on mental illness and said the little services that we have in the City are more geared towards adults and there is not much available for the younger folks. He explained what they would use the grant for, how it would work and who the team would be comprised of. He said the goal itself is to help, support and divert from criminal prosecution to

treatment when it is appropriate. He said many calls for service are repeat calls. He said as of June 5<sup>th</sup> they have had a total of 154 calls for service that they can directly attribute to Mental Health Crisis. He said this does not include the amounts of service calls they get that when the Officers respond and arrive on scene then make the determination that the individual is in Mental Health Crisis. He said 75 percent of these calls requires two Officers. He said on a good day they average five Officers on the street. He said on average the Officers are spending 58 minutes dealing with the call for service. Having one dedicated Officer for these calls would free up other Officers for any other calls of service. Since October of last year, they have had one incident that required external help and three Officers have been hurt in responding to Mental Health Crisis calls. He discussed the anticipated results. He said this is not going to be a continuous grant request. They can request the money for the salary and benefits to start the team and then they can request for years to continue to do this, but they will have to ween away from that and look for other options. He explained the other options. He is extremely confident in finding other funding sources. He said CIT programs show reductions in spending costs via less incarcerations, injuries to Officers, liability and lawsuits. He mentioned that Otero County sent him a letter of support.

**Jeanette Borunda commented on the following:**

She said she is the mental health Co-Lead for the CIT grant that they received in the program. She is also the Director of Clinical Services for the Behavioral Medicine Units at Gerald Champion for the inpatient and the out-patient. She stated they are the only rural community that received that grant. She said they have been asked to be the Beta Project for one of their other projects. She said in the mental health first-aid organization, one of the things you do when someone is experiencing a mental health crisis is call the mobile crisis unit. She said since we do not have that, the calls go directly to APD and often emergency services are dispatched. She said a lot of officers still need a lot of direction in terms of how to help people struggling with mental health issues. She stated in the community suicide prevention is key. She said it is not a secret that Holloman is in crisis, and it is not a secret that there are high suicide completion rates in Otero County. She said most suicides are time limited and if they can send services out to people when they need it, they can save lives. She said there are not enough services for the adolescents and kids in our community. She said what this team can do is help fill that gap in crisis services. She said there are no child psychiatrists in town, therefore they cannot give child assessments. She said the other part of the mobile crisis team that is beneficiary is that the people that are going are in plain clothes, including the Police Officers. She said the stigma for those with mental illness when you interact with a Police Officer who is fully clothed there is power differential and negative experiences that they have had. She said an Officer in uniform can escalate the situation.

**Janice Landry commented on the following:**

She said she is the mother of a 33-year-old son with mental illness. She said he is a casualty and a victim of not getting the correct help he needed in Mental Health Crisis and he has been incarcerated many times. She said her son was diagnosed with schizophrenia and deemed incompetent twice to stand trial. She stated this intervention would be wonderful. She said when someone suffers from psychosis repeatedly and they don't get the treatment they need; it makes it worse. She said her son is now deemed incapacitated. She said people with mental illness will self-medicate with drugs. Sometimes the medications they take for psychosis doesn't make them feel good either. She wants to encourage this.

Mayor Boss asked Police Chief Peete if he said he did not anticipate getting the grant for more than one year. He answered that is always the possibility. They could ask for the grant and ask for several years to help them stand up the program. Mayor Boss said he understands that, but he thought that Police Chief Peete felt that he wouldn't get it a second year. Police Chief Peete said he wanted to put the worst-case scenario for the Commission to fully understand what the options are on the table.

Commissioner Hernandez said he is probably the largest supporter of the CIT. He said he was the victim of a person with mental health, his father. He said every time a different police officer was called out there. Commissioner Hernandez said there is also a communication problem that was happening. He said it wasn't just with Police Officers, it was with dispatch and anybody that dealt with it. He said it

was like nobody talked to each other. He said the problem that he has, as a representative, is the repetitive \$186,000. He thought this is more important than the SWAT team and he is willing to swap this for the SWAT team. He referred to the Letter of Support from Otero County and said it is only worth the paper it is written on. He said the County is saying that they support it, but just like with our library, when he was first elected, the County was giving \$75,000. He asked where are they now \$25,000, \$20,000. He stated he understands all the different pieces and parts of it. There are other problems that they have. He said why has it escalated to the point that it is now. He said there are all other kind of things that has caused it, so there are other things they need to look at. He told Police Chief Peete that is not your issue, that is their responsibility. He said to get someone in that Position for \$90,000 is great, but if they are not sure that they are able to keep their job, they are going to have a difficult time keeping that position filled. He said when looking at the two different departments, the CIT versus the SWAT, most of the times, the CIT probably could have been taken care of the situation.

Commissioner Sikes mentioned that she has been part of the local collaborative that Ms. Borunda alluded to. She said the foundation that the Police Chief is applying to, they provide funding for other grants in Otero County. She said when the programs are successful and they determine that they are successful, she has seen them give money recurring years. She has also seen when a program is successful, other programs come to the table to support it. She said even though they are looking at funding one year, she says go for it. She said people in these jobs understand that the jobs aren't long term because they are funded via grant and they are used to that. She suggested to the Commission is to think about what they are doing; they are continuing what Police Chief Peete has started with the CIT training.

Commissioner Payne asked Police Chief Peete to explain how this works. He said if they get a call, when Officers arrive and realize that it is a Mental health Crisis type call, they can call back to dispatch to get the Mobile Crisis team on scene. Once the Mobile Crisis team arrives the police officer can go back to work and let the Mobile Crisis Team take over. He said he is going to have one officer dealing with the call for service anyway, therefore he can have someone that is very good at it. He said it would be a handoff to folks that understand the continuity. He said his officers do know repeat individuals that are in Crisis. Commissioner Payne asked if this will be a 24/7 thing. Police Chief Peete answered depending on the situation and how they write it up. Part of the Grant is to go do research on best practices, take it in and implement a plan. He said an option could be an on-call thing like their K9 Officers. Commissioner Payne agreed with Commissioner Hernandez on communication being a problem. She is concerned about what they are going to do after the following year. She said there have been times when the police did not know what to do when people where in her building. She stated she supports this.

Mayor Boss asked Police Chief Peete what communities in New Mexico that have a similar operational mode. He answered El Paso and Albuquerque.

Commissioner Hernandez said he supports the grant 100 percent. He said the way this is written; the Commission would be approving applying for the grant and then approving the fiscal impact of \$186,000, even if Police Chief Peete doesn't continue to get the grant. He asked if they can separate it. Mayor Boss said he thought all the Commission is approving is applying for the grant. Commissioner Hernandez said this has a fiscal impact of \$186,000. He said the City has a lot of things going on right now. He mentioned that their revenues are down. He said he would make the motion if it was just applying for the grant, but without funding it for the next year they would either must continue the grant or find other sources.

Mayor Boss asked Police Chief Peete if this was perpetual. Mayor Boss also said that he reads this as just applying for the grant. City Attorney Schreiber told Mayor Boss he is right. She also said that this Commission wouldn't necessarily be able to bind future Commissions to continuing this. She asked Police Chief Peete to correct her if she was wrong, but she thought that even though this item has a fiscal impact, that it was Police Chief Peete's attempt at transparency to let the Commission know that

this was ongoing. She told Commissioner Hernandez that he could make the motion to approve the application for the grant this fiscal year and have it come back next fiscal year.

Commissioner Hernandez asked if it must come back to the Commission next year or can Police Chief Peete continue to apply for it. City Attorney Schreiber said grants are brought back every application cycle. Commissioner Hernandez said he supports this grant, but his concern is the funding.

Mayor Boss asked Police Chief Peete if they don't get the grant, they are not going to do it, right. He answered correct. Mayor Boss said he could not see why they wouldn't apply for the grant put it motion and see if it is working and then deal with it. He said Police Chief Peete has indicated in his report that there are other sources that have possibilities for continuing. He told Police Chief Peete the budget is tight and there might not be funds for that. Police Chief Peete said it is definitely understood.

Commissioner Hernandez asked Police Chief Peete why they wouldn't not do it if they did not get the grant. He answered the funding issues. He said if this is the direction in which the Commission wants him to enact, he will find a way to enact it. Commissioner Hernandez asked Police Chief Peete if he thought this was that important. He answered yes, from the beginning he had said that he would go after every grant that he could and that is what he intends to do. He said through this they develop networking, contacts and learn best practices. He said in sustaining this effort, one of the options is to look at is a private contract. He said there are several different options out there and through this endeavor they have made numerous federal contacts and folks that have recommended them and pushed them into other locations to include private foundation funding for this grant opportunity. He is confident they can find other grant funding sources, but they would request years of funding. He said there is always the possibility of not getting the grant continuously.

Commissioner Hernandez said he believes they have one of the best teams. His concern is for the repetitive funding of it. He told Police Chief Peete he needs to dig deep and figure out which one is more important.

Mayor Boss asked if this opens up any litigation possibilities other than what they already have with Police Officers. City Attorney Schreiber answered no, when they can mitigate Mental Health issues, lawsuits tend to go down.

**Commissioner Hernandez moved to approve.  
Commissioner Rardin seconded the motion.  
Motion carried with a vote of 6-0-0.**

**13. Consider, and act upon, approval of Alamogordo Police Department submitting a grant application to the U.S. DOJ, Southwest Border Rural Law Enforcement Information Sharing and Interdiction Assistance Grants program, in the amount of \$200,000. (Brian Peete, Police Chief)**

Police Chief Peete said this grant is for technology and the ceiling for this grant is \$200,000. He said this grant is geared more for rural locations, border towns with preference going towards communities that are 25 miles from the border. He said the idea is to improve the technology. He said there are lapses in communication like Commissioner Hernandez said earlier, but this technological grant could aide them in procuring a case management/record management system then they could go with a joint answering point. They could also share information with Mescalero, the County and other surrounding agencies. He stated that there is no funding request or match for this grant. Mayor Boss said which makes this kind of a no brainer.

Commissioner Hernandez asked Police Chief Peete if there are no additional requests on top of this, for any of the projects that he might want to do. He answered this will pay for a good chunk of it. He said there is a potential need on a case management/record management system in conjunction on working with the County, which would go a very long way on working on that partnership with them. He said there has been conversations behind the scenes with the County Commission that the County has

this was ongoing. She told Commissioner Hernandez that he could make the motion to approve the application for the grant this fiscal year and have it come back next fiscal year.

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Commissioner Hernandez asked Police Chief Peete if there are no additional requests on top of this, for any of the projects that he might want to do. He answered this will pay for a good chunk of it. He said there is a potential need on a case management/record management system in conjunction on working with the County, which would go a very long way on working on that partnership with them. He said there has been conversations behind the scenes with the County Commission that the County has

procured the Spillman Case Management System. He said with the Case Management System it would lay the foundation for their Joint PSAP (Public Safety Answering Point). He said the County has made the offer for the department to come into a partnership with the City if they paid for the entire system and then to work with the City on no interest, how many years, to help them offset the cost. He said if that request comes to fruition it would cost in the area of \$330,000 that the County would request the City to make some type of agreement to help pay or offset the cost. Commissioner Hernandez said he knew about that, but he wanted the Commission to be aware of it.

Mayor Boss asked Police Chief Peete whether he gets this grant or not, he is still asking for that. Police Chief Peete said that was an offer that the County is going to extend. Commissioner Hernandez said it is part of that PSAP part. He also said they have a lot of money still laying on the table from not doing the PSAP. He said the \$200,000 is free money but there is a possibility for an additional request for an additional \$300,000 in the future.

Mayor Boss said but there is going to be that whether they get the \$200,000 or not. Commissioner Hernandez wanted to make sure that the Commission knew that it was going to come up.

**Commissioner Hernandez moved to approve.**  
**Mayor Pro-Tem Baldwin seconded the motion.**  
**Motion carried with a vote of 6-0-0.**

#### **14. Appointments to Boards and Committees. (Richard Boss, Mayor)**

Mayor Boss read the openings and appointed Bob Flotte to the Alamogordo Promotion Board and Rosanna Heath to the Mayor's Committee on Aging. No one was opposed.

### **EXECUTIVE SESSION**

**15. Adjourn into Executive Closed Session in compliance with 10151(h) (8)(7), NMSA (as amended) to discuss Real Property Land swap proposal from Michael Shyne regarding real property and Threatened or pending litigation Opioid litigation lawsuit offer. (Roll Call Vote Required)**

**Mayor Pro-Tem Baldwin moved to adjourn into Executive Closed Session at 7:56 p.m.**  
**Commissioner Rardin seconded the motion.**  
**Roll Call Vote required.**  
**Motion carried with a vote of 6-0-0.**

### **ADJOURNMENT**



*Rachel Hughes*  
City Clerk Rachel Hughes

*Richard Boss*  
Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)  
Approved at the Regular Meeting held on June 25, 2019.