

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:30 P.M., VIRTUAL MEETING
July 28, 2020**

**RICHARD BOSS, MAYOR
SHARON McDONALD, COMMISSIONER
JOSH RARDIN, COMMISSIONER
DUSTY WRIGHT, COMMISSIONER
SUSAN PAYNE, COMMISSIONER**

**NADIA SIKES, MAYOR PRO-TEM
JASON BALDWIN, COMMISSIONER
BRIAN CESAR, CITY MANAGER
PETRIA BENGOCHEA, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK**

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

Mayor Boss called the meeting to order at 6:30 p.m. Roll Call was taken by the City Clerk. City Clerk Hughs announced there was a quorum present. Invocation was given by Commissioner McDonald and the Pledge of Allegiance was led by Commissioner Wright.

APPROVAL OF AGENDA

Commissioner Payne moved to approve the agenda.

Commissioner Baldwin seconded the motion. Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. Presentation update on 100 percent Otero, fighting childhood trauma and improving the health, safety, and success of children. (*Lisa Patch, APS Director of Health Services and Peg Crim*)

Ms. Yehle said Director of Health Services Patch gave a presentation to the Commission on March 10, 2020. They are both working on this project named 100 percent Otero. She also said this initiative started when they read a book called Anna Age Eight and it asked the question of "How numb are we to news about childhood trauma". She said they want to not be numb to this and try and reduce childhood trauma.

Ms. Crim presented a Power Point presentation on the 100 percent Otero Plan. She spoke about ACEs (Adverse Childhood Experiences) and childhood trauma. She explained the 100 percent Otero plan. She talked about the 10 Action Teams to be used, the Measurable Goals to be used and gave the 100 % Otero timeline. She gave information on how to help and gave their contact information for people who want to join. She asked if Otero County and the City of Alamogordo is ok with 20 percent of our kids having a rough time and maybe not being able to make it, or are we the kind of community that wants to give 100 percent of our kids the opportunity to be happy, safe and successful.

Mayor Pro-Tem Sikes said Ms. Yehle and Ms. Crim have given her the opportunity to attend the book club meetings and be apart of some of the teams, and things are really moving along well, there is a lot of enthusiasm. She thinks once they get the survey going, they will see a lot more participation.

Commission Payne added that they do not have good data here in our community and they need to be better about that. She said they cannot solve the problem if they do not know what the problem is. She said she is excited, and what they are doing is a great first step.

Ms. Yehle said the survey they will be doing is to find out what they are doing well and to find out where the gaps are. She said they have a lot of good services in the City and County, but for some reason some people are not able to access them, so they are going to try and find out where those gaps are for those services.

PUBLIC COMMENT

None.

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. He reminded everyone that on Tuesday August 4 at 1:00 p.m., they will be holding a virtual public meeting on their ICIP (Infrastructure Capital Improvements Projects) plan for the years 2022 through 2026. This is a meeting they hold every year, and further information can be found on their website or their Facebook page.
2. He will start to approve/disapprove the Temporary Expansion for liquor license applications unless there is an objection from the Commission.
3. He spoke about misinformation on social media. He said the City does not regulate outdoor dining permits; the New Mexico Department of Health regulates that. He also said the City has not cited any business. There is one Officer from the New Mexico State Police that has been specifically assigned for our area that is going around and checking the various businesses. He said as for the enforcement of masks, the local DA (District Attorney) has informed the Police Department and the Sheriff's Department, they would not be prosecuting the wearing of masks. The City's Police Department responds to every call they receive and what they have been doing if they get a call about enforcement of the masks is they have been informing the person or persons about the Governor's orders, they are actually carrying masks to offer to these people. If for whatever reason these people become belligerent, the business can request that they be trespassed from the property, or the City can also enforce any other laws out there, but they are not going out there looking for people to cite. He said he wanted to clear that up because that one page has quite a bit of misinformation, which gave the City much more authority than they really have. The City is bound by the Governor's order just like every other business, the authority is at the State level and not the City.

Mayor Boss asked City Manager Cesar and City Attorney Bengoechea if he can open the City up and tell everyone they do not have to wear a mask. City Attorney Bengoechea said that is something he or the City cannot do. Mayor Boss said he is getting bashed up because he did not sign a letter, that other Mayors signed, to set aside the face masks. He said it would have been worthless to have signed that letter.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Boss made the following comments:

He said the deadline for the 2020 Census is October 31, 2020. He explained how people can respond and said the door to door activity had been suspended because of the COVID virus, but he thinks they may resume next week. He explained the importance of completing the Census and encouraged everyone to fill out their paperwork.

Commissioner Rardin made the following comments:

He suggested passing a resolution similar to Roswell that will state that they are not going to enforce this nonsense anymore.

City Manager Cesar explained that Roswell passed a resolution directing the City Manager to not enforce the mask mandate or the Governor's order. He said he talked about this earlier and what Commissioner Rardin is asking to pass is something that they are already doing. Commissioner Rardin said it makes more of a political statement if the governing body does it as a whole. Mayor Boss commented they are not a partisan body; they are a governing body.

Commissioner Payne agreed with Commissioner Rardin in the sense that she is concerned about these businesses and the State. She said she is really concerned that the Governor made the comment that she would go after elected officials who did not adhere to her orders. Commissioner Payne said personally speaking, she is disappointed on how the Governor has handled this situation. She said she

spoke with someone from the Attorney General's Office today that works with internet sex crimes with children and she said that since COVID has started her case load has doubled. She also spoke with someone from Mesilla Valley Hospital and their adolescent unit is maxed out. She said those are the things that concern her when they talk about 100 percent community. She said the Governor has made the comment that if they cared about the citizens or elderly, they would wear a mask. Commissioner Payne said if we cared about our children, they would open the schools back up and if we cared more about our children our Health and Human Services Secretary would be paying more attention to the mental health hospitals adolescents are doubling right now and the internet sex crimes with children are doubling. She also said she represents all constituents and as much as she completely disagrees with our Governor and her actions, they cannot make a blanket statement and come out with a resolution based on their personal feelings and she will not take her direction from keyboard warriors and Facebook. She said she saw the other day where people were encouraged to send the Commission emails. There were 20 to 30 people commenting on these posts, but only received one email. She agreed with Commissioner Rardin that this has been devastating to our State, our community and most important to our children. She said she cannot put her personal feelings into this resolution which is non-binding and really a waste of their time because it really is not going to do any good. She also said they are asking their police officers to not enforce a face mask rule when the Governor has asked them to enforce a face mask rule, they are asking those police officers to put their certificates in jeopardy, and she is just not willing to do that.

Commissioner Rardin said the bottom line is when is enough, enough, and when are the people going to stand up. He said the people want their Representatives to stand up. He said enough of the smaller communities' band together and stand up and say enough is enough. He thinks as a Governing body if choose to say they are going to ignore the order, and get the County and the Sheriff on board, they would have the authority to do that.

Mayor Boss asked Commissioner Rardin if he thought they would get any help from Santa Fe, later, if they chose not to follow the order. Commissioner Rardin said they cannot base their decisions on repercussions, on what may or may not happen. Mayor Boss said the Governor has 100 percent authority to do exactly what she is doing. He said he agrees with about 99 percent of what Commissioner Rardin has said tonight, but the bottom line is there is nothing that they can do about this situation. Commissioner Rardin disagreed, as long as they got Otero County and the Sheriff on board.

Mayor Boss said the Sheriff's Office should be the ones doing this because the Sheriff is the ultimate law enforcement authority in the County. Commissioner Rardin said they have, he was in Cloudcroft and they had a State Police Officer that was harassing businesses up there. He said the Sheriff went up there and put a stop to it.

Mayor Pro-Tem Sikes said she is embarrassed that this Commission is bashing the Governor. She said based on the numbers, evidence and science, the Governor has put the State of New Mexico in a much better light than the surrounding States based on all the cautionary mandates that she has been putting out for the last four months. She said Commissioner Rardin must be speaking to people that she does not even come across in Otero County. She said just like Commissioner Payne, she received no calls, text, or emails. She said there is a faction of our community that feels strongly in wearing masks and there are businesspeople in the community that think keeping their businesses closed is precluding further disease. She said our numbers have gone up every day. She asked Commissioner Rardin, what it is about 150,000 deaths that he does not understand. She said the school system put out about 7,000 surveys asking which version of the hybrid return to school model they liked, and they received about 1400 surveys back and about 1000 of them said they are keeping their kids home for virtual learning.

Commissioner Rardin gave the percentages of infected people within New Mexico. Mayor Pro-Tem Sikes said if that was your dead wife, daughter, or mother, you might be thinking differently. Commissioner Rardin said no, he would not. He said they have the entire state shut down and the entire economy, if they would allow them to open their businesses back up to full capacity, they would

not need any State money. He said it is time to stand up and say something, and time to take action to get back up and rolling again.

Commissioner Baldwin said they need to have some kind of venue where they can meet and openly discuss this, because they are all over the map on information. They need to hear from the public. He said personal accountability is being stripped away from them by the Governor in these rules. He also said at some point, Commissioner Rardin is correct, they as a governing body need to do something for this community whether it is to completely agree with the order or take a stand and make a statement. He said not that they have the legal ability to do it, but he thinks it will be an important message to stand together in one direction or the other. Commissioner Rardin said maybe it is time to have a regular meeting at City Hall and allow 25 percent of the occupancy load.

Commissioner Payne said there are over 7,000 students in the Alamogordo School system and 1,000 surveys suggest to her that there is some work to do there to get an accurate idea of what parents want. She said she still maintains that a lot of the at-risk children are in a lot of danger. She is very passionate about this. She stated that she does not want to put the City Manager or the Police Officers in a position that they have to do something that they are not comfortable with or for something that could put them at risk legally. She said if Sheriff Black thinks he can make that happen he should be there talking to the Commission. She said she has not heard anything from the State Representatives and that is concerning to her.

Commissioner Wright agreed with Commissioners Rardin, Payne, and Baldwin. He said there are so many more factors they need to consider. He said they do not shut the State down over heart disease, obesity or much of these that have much higher death rates. He said his ex-wife tested positive for COVID and none of his kids tested positive for the virus, he stated he does not have any faith in the testing system. He thinks they are destroying the entire economy over something that has a much lower death rate and a much higher survival rate than many other viruses. He thinks they need to move forward.

CONSENT AGENDA

2. Approve the minutes for the July 14, 2020 Regular meeting. *(Rachel Hughs, City Clerk)*
3. Approve Resolution No. 2020-29 authorizing the Mayor to execute the agreement for membership in the Southeastern New Mexico Economic Development District/Council of Governments (SNMEDD/COG). *(Rachel Hughs, City Clerk)* (Roll Call Vote Required)
4. Consider, and act upon, a request related to the Alamogordo Fire Department applying for the FY21 Fire Protection Grant through the New Mexico Public Regulation Commission (PRC). *(Jim LeClair, Fire Chief)*
5. Consider, and act upon, the placement of a new "Resident Parking Only" sign for a home located at 1437 Vermont Avenue. *(Eric Barraza, Deputy Clerk)*

Commissioner Payne moved to approve item 2,3,4,5 of the consent calendar.

Commissioner Baldwin seconded the motion.

Roll Call vote was taken.

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

NEW BUSINESS

6. Consider, and act upon, Applebee's request for Temporary Expansion of Licensed Premises at 1355 S. White Sands Blvd., Alamogordo, NM. *(Carl Wilson, Director of Operations and Lisa Silcox, Area Director)*

**Commissioner Baldwin moved to approve.
Commissioner Wright seconded the motion.
Motion carried with a vote of 7-0-0.**

Commissioner Baldwin said in moving forward, these requests will be approved by the City Manager. He asked if that is the case, would they need to make that an actionable item on potentially the next agenda. City Manager Cesar said the way he is looking at this is that Commission has given staff the ability to approve temporary liquor licenses for other events, and to him this is sort of the same thing.

City Clerk Hughs said the Director of ABC of Alcohol did let her know, by email, that approval or disapproval could come from the Commission or the City Manager as long as it comes from the City of Alamogordo entity.

Commissioner Baldwin said his only concern is the way things have been going in reference to how they are adversing the rules in reference to COVID with masks and so forth, he does not want to give any agency, any more ammunition against the business. He just wants to make sure they are doing it the right way.

7. Consider, and act upon, the approval of Resolution No. 2020-30 amending the Preliminary FY 2020-2021 Budget with carry-over fund balances and adopting the Final Budget for 2020-2021. (Evelyn Huff, Finance Director) (Roll Call Vote required)

**Mayor Pro-Tem Sikes moved to approve.
Commissioner Baldwin seconded the motion.
Roll Call vote was taken.
Motion carried with a vote of 7-0-0.**

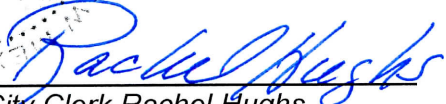
8. Consider, and act upon, Resolution 2020-31 approving the DFA Quarterly Report for the period ending June 30, 2020. (Evelyn Huff, Finance Director) (Roll Call Vote Required)

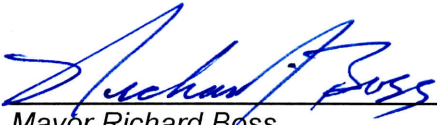
**Commissioner Baldwin moved to approve.
Commissioner Rardin seconded the motion.
Roll Call vote was taken.
Motion carried with a vote of 7-0-0.**

**Commissioner Rardin moved to adjourn at 7:45 p.m.
Commissioner Baldwin seconded the motion.
Motion carried with a vote of 7-0-0**

ADJOURNMENT

ATTEST


City Clerk Rachel Hughs


Mayor Richard Boss

(Prepared by Eric Barraza, Deputy Clerk)
Approved at the Regular Meeting held on August 11, 2020.