

**CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING MINUTES
6:00 P.M., VIRTUAL MEETING
January 12, 2021**

**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 6:00 p.m. Roll Call was taken by the City Clerk. City Clerk Hughes announced there was a quorum present. Invocation was given by Commissioner McDonald and the Pledge of Allegiance was led by Commissioner Rardin.

APPROVAL OF AGENDA

Commissioner Baldwin moved to approve the agenda.
Mayor Pro-Tem Sikes seconded the motion.
Motion carried with a vote of 7-0-0.

PRESENTATIONS

1. Update City Commission on the current City of Alamogordo Comprehensive Plan Adopted April 4, 2018. (*Stella Rael, City Planner*)

City Planner Rael said the Commission members had changed since the Plan was adopted in April 2018, so she wished to provide them with a brief explanation of the Plan. This would give the new Commissioners a chance to ask any questions and would refresh the memory of the Commissioners present in 2018. This Plan was a key document that assisted in establishing an overall vision for the community's future growth, development, and character with a planning horizon of twenty years. It also contained ten planning elements in addition to the executive summary and community context. Each of these elements described existing conditions, issues, opportunities, present goals, objectives, and strategies to support a community's vision and aspirations. A description of these ten planning elements was listed on the City's website. The ten elements are land use, economic development, housing and neighborhoods, infrastructure, transportation, community facilities, community services, greenhouse gas emissions, hazard litigation, and implementation. It was a twenty-year plan which could be updated sooner if there was significant growth or a change in the ten elements. In the case of the City, unfortunately there had not been much change due to the pandemic playing a major role within our City and throughout the country. Besides the website listing, she had downloaded the Plan onto thumb-drives for each of the Commissioners, which she would put in their mailboxes.

Commissioner Baldwin felt it was important to stay on top of this Comp Plan, and this past Covid year had affected, perhaps, the different ways to go through our vision statement for the citizens. What was the process to be able to make changes to this Plan? There were probably large sections of this Plan which were still good, but after this year, there may be changes they needed to consider. What were the steps in moving forward to potentially change some of the Plan? City Planner Rael said they would see what areas may need changing, and then put together an RFP to hire a consultant. Basically, it was a matter of getting feedback on what areas they felt needed changes, and just move forward to get an RFP. City Manager Cesar said there was a very wide timeframe before the 2018 update occurred. He agreed that once we got out of Covid, it might be looked at. There were other plans like the 40-year water plan that was updated every five years. Since the Comp Plan was really brought up to date in

2018, there should not be that many major revisions to it when we hit the five years or even when we got out of Covid. City Planner Rael agreed and said a good Comp Plan was usually updated every five to ten years. Once we got out of this pandemic, it should be looked at closely to see what needed to change.

Commissioner Baldwin wondered if we could ask staff to review the Plan and see if they felt there were really any areas that needed to be addressed immediately. Also, the Commission could go through it at the same time, and they could possibly look at the things they all agreed needed to be updated.

Mayor Boss thought the thumb-drives were an excellent idea. Also, he felt it would be awesome if they could do the same thing for the budget as well this year.

PUBLIC COMMENT

Deputy Clerk Gutierrez read the following summary of comments submitted by Mr. David Dewey:

"To Otero County and City of Alamogordo Commissions:

A National Health Care Crisis was declared on January 31, 2020 by the Secretary of Health of the United States. You are required by law to protect the welfare and health of citizens in your jurisdictions. There are things occurring in the County and Alamogordo that you fail to take action on.

According to 18 U.S. CODE 1038, a Federal law passed after 9/11 to prevent disinformation being distributed.

(a) Criminal Violation —

(1) general—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed can be fined, imprisoned not more than 5 years, or both.

On Friday 12-18-20 Trent Parker's Conservative News Talk show on KRSY, had a person named GREG from High Rolls telling people not to wear masks, that they provided no protection. This is spreading false information. He was falsely using the Spanish Flu Pandemic of 1917 and 1918 and said masks were useless. Yes, unlike the masks made today, those in 1918 were made out of sheer gauge, they provided no protection.

This GREG was also at Walmart on Indian Wells telling people this. Also on the show, they told people not to take the vaccine because the needles were large because 'they' were implanting microscopic chips to track people. My God, how ignorant! Every cell phone made in the last 5 years has a GPS chip in it. The phone does NOT have to be turned on to track - the battery simply has to be charged.

These types of hysterical lies need to stop. This had nothing to do with FREE SPEECH. IT IS NOT FREE SPEECH; it is lunatic lies from ignorant people creating hysteria! Local authorities need to use the Federal Law to warn these people to STOP and if they don't, they will be arrested!

Last, people need to be educated concerning masks thru PSA's. Paper masks CANNOT be worn forever. They MUST be thrown away after wearing once. Cloth masks must be washed after every use. Hospitals are finding by asking incoming patients (4 out of 10) of them wearing paper masks, have been wearing them for months on end. Cloth masks MUST be washed after each daily use, to prevent BACTERIA infections from the masks. Again, five out of ten people did not know this.

LASTEST CURRENT COVID NUMBERS IN OTERO COUNTY AND ALAMOGORDO.

As of 1-6-21, New Mexico hospitals are at 110% to 140% ICU capacity.

COVID-19 is now the leading cause of death in the U.S. If a person in Alamogordo needs specialized emergency surgery, there is no hospital within a six-state area that will take the patient.

OTERO COUNTY - 36% increase in Covid cases since 12-5-20.

542 new cases in one month. Total now 2,187 cases in Otero County. That is approx. 19 cases a day. TWO MONTHS ago, Otero County was seeing only 1-2 cases a week! This is an 800% increase from two months ago, nearly a 30% daily increase over the last two months. This has resulted in a 60% death rate, 30 deaths in the last month, one death a day.

And the cases are increasing daily. Despite the increase, Gerald Champion has been coping but will NOT be able to sustain a surge like El Paso has seen. People will die at home because there

will be no room at the hospital or medical staff to care for them. Holloman will only be able to provide limited help.

Mandate needed - no large social gatherings is NOT being adhered to in the area. Enforcement of the mandate needs to be done."

CITY MANAGER'S REPORT

City Manager Cesar made the following remarks:

1. City Manager Cesar said a PSA had gone out to the community, and he wanted to remind everyone that there was going to be a very large water outage happening in about 40 minutes, lasting from 7:00 p.m. until 7:00 a.m. It was going to reduce pressure, and possibly the upper part of the zone would be without water. The area affected was from First Street to Indian Wells, and from the west side of Scenic Drive all the way down to Washington Avenue.

2. City Manager Cesar also noted the following retirements from the City: Eric Barraza, Deputy City Clerk, had retired just prior to the new year; Mark Threadgill, Utility Billing Manager, was retiring on January 19th; Johnny Crain, Zoo Manager, would be retiring at the end of this month; and Jim LeClair, Fire Chief, would be retiring on April 30th.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Commissioner Baldwin made the following comments:

Commissioner Baldwin said he would like to thank all the retiring employees for their service to the City.

Mayor Pro-Tem Sikes made the following comments:

Mayor Pro-Tem Sikes said she would like to thank Mr. David Dewey for the public presentation comments he had supplied tonight. She knew she spoke for the Commission when she said that everyone appreciated the fact that he was doing that. She stated that she also would like to thank all the retiring employees.

CONSENT AGENDA

2. Approve the minutes for the December 15, 2020 Regular meeting. (*Rachel Hughs, City Clerk*)

3. Consider, and act upon, accepting a capital outlay grant agreement in the amount of \$300,000.00 to construct and/or renovate public restroom facilities at the City's public parks. (*Veronica Ortega, Community Services Director*)

4. Consider, and act upon, Case Z-2020-0003(A) for adoption and final publication of Ordinance 1623 amending the zoning map to change the zoning of property located at 407 New York Ave. from R-3 Two Family Dwelling to R-4 Multiple Family Dwelling. (*Stella Rael, City Planner*) (Roll Call Vote Required)

5. Consider, and act upon, Case Z-2020-0004(A) for adoption and final publication of Ordinance 1624 amending the zoning map to change the zoning of property located at 411 New York Ave. from C-3 Business to R-4 Multiple Family Dwelling. (*Stella Rael, City Planner*) (Roll Call Vote Required)

6. Consider, and act upon, Ordinance 1622 for adoption and final publication amending Chapter 7 of the Alamogordo Code of Ordinances regarding Animals at Large. (*Richard Denton, Chief of Police*) (Roll Call Vote Required)

City Manager Cesar asked to remove Item #7 from the Consent Calendar.

Commissioner Rardin moved to approve items 2, 3, 4, 5, and 6 of the consent calendar.
Commissioner Wright seconded the motion.
Roll Call vote was taken.
Motion carried with a vote of 7-0-0.

ITEMS REMOVED FROM CONSENT AGENDA

7. Approve the Resident Parking Only and Designated Mobility Disabled Resident Parking Only sign locations for the purpose of determining continuance of each location. (Teresa Gutierrez, Deputy City Clerk)

City Manager Cesar said Ms. Marcia Humble, property owner, was attending via telephone. He stated that Ms. Humble resided on the corner of New York Avenue and Third Street. The way the Ordinance was written, there really was no latitude for staff whether it was a Resident Parking Only sign or a Mobility Disabled Resident Parking Only sign. Ms. Humble had a driveway and parking on the New York side, but she did utilize a side entrance which was on the Third Street side, which was the side the signs were on. There was a business just to the west of her property that had limited parking. Part of Ms. Humble's request to maintain the sign was due to the loud noise and excessive parking coming from that business. There were currently three signs posted on the Third Street side which took up the entire side of the property on that side.

Ms. Humble said even though she did not like all the noise and traffic, she valued her house and her safety more. She carried all her trash out the side gate of her house to her vehicle, she carried one-gallon jugs of water under her arm one at a time into her home through that gate, as well as groceries. Her laundry room, kitchen, and dining room were all off that Third Street side. With her disability, part of her problem was stepping up onto a curb or step, especially when carrying any kind of weight with her. She had been disabled since October 2009, and she had an award letter from the Social Security office stating her disability.

Commissioner Payne clarified there was not a Resident Parking Only sign in front of the house on the New York Avenue side, and people had the ability to park on that street. Mayor Pro-Tem Sikes asked if the current signs on the Third Street side had helped her. Ms. Humble said yes, when no one was parked there. That was how she carried her items into the house. Removing it would cause her some issues.

City Manager Cesar clarified that there was an alleyway separating the property from the business west of it. Commissioner Payne asked why she needed to take her trash out on the Third Street side. Ms. Humble said she carried it to her car and then drove it up the alley to the dumpster because she was not able to carry it that far.

Commissioner Baldwin asked City Manager Cesar why we were recommending that these signs come down now, and why were they recommended to be put up to begin with. City Manager Cesar said when the request came in, there was a single sign up already that was either a handicapped or mobility resident parking sign. Ms. Humble was having issues because of the dispensary business that was to the rear of her property. With those signs, other vehicles are not supposed to park within 10 feet of either side of the sign. Multiple people would park on either side of the sign, and that prevented Ms. Humble from being able to access her property through the back. He had made a mistake in not reading the Ordinance a year earlier when he approved the signs, where it stated that there must be good cause listed by the resident regarding inadequate parking to meet the needs of the applicant. She did have parking to the front of her property, so the signage did not meet what was in the Ordinance. Due to the nature of the type of business which usually handled customer visits of no more than three to five minutes, by the time Ms. Humble notified PD, and by the time a response could be made by the police, the person had already finished their business and left.

Commissioner McDonald said she had been on the street and seen Ms. Humble take in her groceries through the back of the property, which was where her kitchen was. If she were to have to take her groceries in through the front of the New York Avenue entrance, she would have to walk clear through the house to access the kitchen in the rear. Because of her condition, she felt they needed to make sure the

quality of her life was good. Before this was not a problem until this new business came in. She also dragged her trash out to the car and drove it to the dumpster because she just could not carry it that far. What she was asking for was the ability to just be able to get her groceries in and not injure herself another time.

Commissioner Wright said there was a gate to the back of the house which he had not seen before. Would it not be an option to move those signs to the New York side or shorten up the parking length on the Third Street side?

Commissioner Rardin asked how long ago the resident disabled sign was put in? City Clerk Hughs said originally there were two residents who requested two mobility signs in February 2020. However, because of the nature of the traffic they had to go to a different kind of sign, and the Resident Parking Only signs were put up. City Manager Cesar stated had he reviewed the Ordinance at that time, he would have denied the request.

Commissioner Payne said if they allowed the signs to stay on Third Street, would she have a problem with people parking in front of her home on New York Avenue. Ms. Humble said normally she pulled her car up on her property because if she parked in her driveway off New York Avenue, cars would often block her in. It was a very busy area. Commissioner Payne asked if it would be a problem if the cars parked on New York Avenue and then walked around to the business? Because we could not put signs on both sides. Was the issue accessibility or that she just did not want them anywhere near her house. Ms. Humble said that was not the case. As long as they did not block her in, she had no problem.

City Clerk Hughs clarified that in speaking to Ms. Humble last week, she learned that Ms. Geraldine Roman no longer lived there. City Manager Cesar said because of this, where there were two signs, it should now be reduced to one.

City Manager Cesar said that the Commission could direct him to work with Ms. Humble and the business owner to see if they could come to a reasonable accommodation for both. Mayor Boss thought that was a great idea. City Attorney Bengoechea clarified that the Ordinance determined to post Resident Parking Only signs shall be made by the City Commission after good cause was shown by the applicant, and they must show the reasons why the residence had inadequate parking to meet the needs of the applicant. That was fine if the Commission decided that Ms. Humble needed this for reasons other than adequate parking, but then we would need to look at changing the Ordinance and the reasons why the Commission would like to allow restricting parking on a public right-of-way. That would then give the same opportunity to every citizen who lived near a business or a busy residence.

Commissioner Payne felt this was a reasonable request, but her concern was how many other residents would want the same type of thing. She wanted to make sure that we were doing it for the right reasons because it would set a precedent.

Commissioner Baldwin said basically we had a resident for whom the handicapped sign did not work, but the Resident Parking Only sign did. The fact that a resident sign would trump a handicapped sign remained a mystery to him, or at least they did not know the rules about parking on either side of the sign. He would recommend that they take the Resident Parking Only signs out and put in three handicapped signs. Could we also paint the curb blue to make people see that it was a handicapped area? Have we even heard from the dispensary that they were in favor of these signs coming down? City Manager Cesar said the business owner would prefer to have the area narrowed because they had limited parking and that was public right-of-way. So now with the one resident there, the area would need to be reduced anyway. He would look at removing the three signs, and then putting one handicapped sign back in. Commissioner Baldwin said this issue always seemed to be a matter of convenience as opposed to a matter of need. It sounded like the resident did not have adequate parking when the business was busy, which warranted a Resident Parking Only sign. City Attorney Bengoechea agreed and said that if we gave her three signs, instead of giving her a space for her to park her vehicle, we were giving her parking for half of the block.

Commissioner Rardin said the home was in a residential area and the business was in a commercial area, so really the patrons of the business should not even be parking in that area. There was ample parking in that lot. When this business moved into this building, they knew the parking. He would be in favor of

leaving the signs up. Based on past experiences with these types of businesses, the patrons did not necessarily treat the neighbors in the best way. Sometimes they could become overwhelming and it started to cause problems. There was ample parking right across the street in that parking lot. City Manager Cesar said that parking lot was private, and he understood that that business owner kicked people off their lot if they were not their specific customer. As for an area zoned for commercial business right next to a residential area, we did not have any rules on the books that stated if someone were there for commercial purposes that they could not park on public right-of-way. Public right-of-way was public right-of-way. Commissioner Rardin said he agreed, except when you have that type of business and customers constantly in and out, it was very busy. You could always tell when that type of business got a shipment because all the dispensaries became very busy. He could sympathize with the resident.

City Manager Cesar said the Commission could pass the reapproval of all the existing signs, the removal of the one which the resident had asked to be removed, and then direct staff to work and modify the existing request to meet what was in the Ordinance.

Commissioner Baldwin moved to pass the reapproval of all the existing signs, the removal of the one which the resident requested to be removed, and then direct staff to work with the resident at 301 New York Avenue to reduce the size of the existing block area.

Commissioner Rardin seconded the motion.

Mayor Pro-Tem Sikes asked if that would include having a discussion with the business owner to maybe acquire some cooperation. City Manager Cesar said yes.

Ms. Humble asked for clarification. City Manager Cesar said right now she had three signs. At the time of approval, there were two residents in the home that met the criteria and now there was only one. That would only qualify her for one sign. He would go down and actually meet with her. They would go back to the one sign, but he would have the City crews paint the curb blue. He would also like to get with her on the exact placement of the sign and the allowed ten feet on either side of it. Ms. Humble said she appreciated that.

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

NEW BUSINESS

8. Consider, and act upon, approval of Change Order no. 8, RFQ no. 2014-005, to Bohannon Huston, Inc. related to the engineering and design of the Bonito Lake Restoration project in an amount not to exceed \$57,275.65, including NMGR. (Bob Johnson, Engineering Manager)

Engineering Manager Johnson said this was a Change Order for Bohannon Huston, who had been the engineer of record for the Bonito Lake project since approximately 2014. We were in the process of engaging them to repackage all the permitted improvements to the lake. On October 27, 2020, the Commission had approved a construction loan to facilitate actual building of these improvements, the catwalk, dam replacement, intake tower, etc. This particular Change Order was for the engineering and design of those changes. They were originally designed several years ago but were combined with the current project involving sediment removal. They would basically repackage everything, update the design requirements to regulatory requirements, and then they would proceed with advertising and bidding all the improvements that were not funded several years ago. So, it was basically supplementing the current design with the additional information that the Dam Safety Bureau was asking for, which was for regulatory compliance. Commissioner Rardin said basically we were spending this \$60,000 just to appease the State and its requirements. It seemed like an awful lot of money for something that probably had not changed much. Engineering Manager Johnson felt it was kind of strange when they were asking for a lot of earthquake-related criteria be put into the design, but they were the regulating agency.

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

9. Consider, and act upon, approval of a new position in the Alamogordo Police Department for an Inspection of Public Records Act Records Clerk. (*Richard Denton, Police Chief*)

Police Chief Denton said in 2018 there were 351 public records requests going into the City Clerk's office, and that did not include what came directly into his department. Out of those, only 28 were for his department. But going into 2020, there were 326 records requests. Of those, 235 came to his department. That meant that only 91 were for the rest of the City. He did not have a count of the people that went into his lobby requesting records. His Records Clerks had to redact all reports before they could send them out to the public. Those requests were not even sent over to the City Clerk's office. And now they were dealing with the new body cam law, which required them to redact video. Using the worst-case scenario, if they had a homicide occur with four Detectives and three or four Officers out at the scene for ten hours, he was now looking at 70 hours of video. If someone came in and requested copies of that, it was now 70 hours of video which someone had to watch for redactions. It already was overwhelming for City Clerk Hughs, and this position was definitely needed. In all honestly, down the road he could be coming back and asking for another position like this. It was going to become very time consuming when everyone started requesting this body camera footage. Just from the numbers, you could see how many requests had already gone through the Clerk's office and so many people were asking for body camera footage on everything now. On every single call they went on, there was always going to be a minimum of at least one Officer and one camera on scene. If they were there for an hour, it was one hour of footage; but if there were two Officers there, it now became two hours of camera footage someone needed to go through. This was a very important position, and it was not going to go away.

Commissioner Rardin asked where the funding for this position was going to come from as it was almost \$50,000 per year. City Manager Cesar said it was coming out of the General Fund. Obviously, this was coming to the Commission because we were outside of our budgetary process. This was a new position. He did not ask the Chief to sacrifice one of his vacant Officer positions, but he did have through this fiscal year several openings. He did not see that changing in the new fiscal year. Staff was in the beginning stages of putting together next year's budget, and this position would be factored in. He was not recommending pulling money from the Clerk's area to support the new position. She had already lost a part-time position due to the Covid situation.

Finance Director Huff said for PD's operational line, which was where Officers and other admin staff were paid out of, right now the Police Department was at 33.8 percent while all other departments were between 50 and 55 percent. So, PD was seeing a substantial cost savings this year, and this would be factored into the budget. Commissioner Rardin said just because we had the cost savings, we still had to budget it all in. Mayor Boss said we had to budget it in, but he understood the Chief to say they were being overwhelmed. How did we avoid it? Commissioner Rardin said he just wanted to make sure we had the money because we were mid-year and he was not sure if next year was going to be any better, if not worse than this year.

Commissioner Payne said she recalled that last Fall the Sheriff's Department had added this same position. Police Chief Denton said that was correct. Commissioner Payne said that indicated this was a trend.

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

10. Appointments to Boards and Committees. (Richard Boss, Mayor)

Mayor Boss read the openings and reappointed Marianne Schweers to the Alamogordo Promotion Board, reappointed Michael Eshelman to the Alamogordo Public Library Board, and reappointed Andrew Gomolak to the Planning and Zoning Commission. No one was opposed.

Commissioner Rardin asked how long these terms were. City Clerk Hughs said they were two years. Commissioner Rardin pointed out that Mr. Gomolak had already served ten years, and after this term he will have served twelve years.

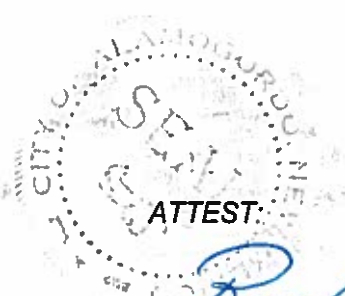
ADJOURNMENT

Commissioner Rardin moved to adjourn at 7:25 p.m.

Commissioner McDonald seconded the motion.

Motion carried with a vote of 7-0-0



Mayor Richard Boss
ATTEST:

City Clerk Rachel Hughs

(Prepared by Teresa Gutierrez, Deputy City Clerk)

Approved at the Regular Meeting held on January 26, 2021.