

CITY OF ALAMOGORDO, NEW MEXICO
CITY COMMISSION REGULAR MEETING DRAFT MINUTES
6:30 PM, DONALD E. CARROLL COMMISSION CHAMBERS
December 3, 2024

SUSAN PAYNE, MAYOR
SHARON MCDONALD, MAYOR PRO-TEM
NICHOLAS PAUL, COMMISSIONER
STEPHEN BURNETT, COMMISSIONER
WARREN ROBINSON, COMMISSIONER

JOSHUA RARDIN, COMMISSIONER
MARK TAPLEY, COMMISSIONER
RICK HOLDEN, CITY MANAGER
ASHLEY SMITH, CITY ATTORNEY
RACHEL HUGHS, CITY CLERK

CALL TO ORDER & ROLL CALL

Mayor Payne called the meeting to order at 6:31 PM. Roll Call was taken by the Deputy City Clerk. Commissioner Paul attended by phone. Deputy City Clerk Aleshire announced there was a quorum present.

INVOCATION & PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Charles Bennet of the Christian Joy Center, and the Pledge of Allegiance was led by Mayor Pro-Tem McDonald.

APPROVAL OF AGENDA

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

PUBLIC COMMENT

1. Mark Werner said he wanted to express his interest in being on the Airport Advisory Board. He would bring a lifetime of experience and dedication to aviation as a professional and community advocate. He earned his degree in Aviation Technology from Eastern New Mexico University in 1971. He held a private pilot's license and an aircraft mechanics license. His career spanned thirty-two years in aircraft maintenance with Western and Delta Airlines, where he worked for years as a Regional Safety Manager. He was honored to currently serve on the F-4 Gateway Freedom Monument Committee, which contributes to the community's aviation heritage.
2. Chris Jensen said he was concerned about Item 5 and a back alley for rezoning. He did not want to lose the back alley because he had a camper there. If they took the back alley away, he would have to reconfigure his front yard for the camper.
3. Courtney McCary said she was here to represent With Many Hands, a grassroots organization in Alamogordo. In October 2023, she presented a public statement to the Parks and Recreation Board introducing the nonprofit organization and what they hoped to accomplish in partnership with the City. Our organization's focus is to unite working people across Alamogordo, Otero County, and southeast New Mexico. We seek to increase civic engagement by empowering community members through addressing local concerns. We seek to increase food sovereignty, strengthen the local food economy, and create productive spaces in some of the empty lots throughout town. After we petitioned for the ability to steward an empty lot at 601 Maryland Avenue, our organization gave public comment at a December 2023 Commission Meeting to express our gratitude and excitement for the official completion of a memorandum of understanding that allowed action to our words. By securing this memorandum of understanding, we were able to continue a grant agreement with our fiscal sponsor, which allowed for \$125,000 to be brought into the local economy. Residents were able to participate in over thirty volunteer events. We had over three hundred and fifty volunteer hours logged this year, and we are excited to continue our work into 2025.
4. Paul Daniels said he visited with John of SRC Construction and his crew. They are very good and have been open about what they will do. He said they will be upstanding and do the job they say they will. I feel comfortable with them doing construction on Cottonwood West.

CITY MANAGER'S REPORT

Acting City Manager Hernandez made the following comments:

1. None.

REMARKS AND INQUIRIES BY THE CITY COMMISSION

Mayor Payne said in last week's weekly report, Acting City Manager Hernandez stated there was a long conversation with people from Deming in Luna County concerning the Family Fun Center. I asked about that, and it

sounded very productive. They had said they were willing to come meet with us. I think we could have them come in early January. It sounds like they are having better luck running it themselves rather than hiring it out. The Governor is visiting on January 8th.

CONSENT AGENDA

- 1. Approve the minutes for the Regular Commission meeting on November 19, 2024. (Rachel Hughs, City Clerk)**
- 2. Consider, and act upon, Resolution 2024-71 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 December 3, 2024. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**
- 3. Consider, and act upon, the award of Public Works Bid No. 2024-011, Alameda Park Zoo Electrical/Cable Project No.IT2501, to Zuni Electric, Inc, related to the Alameda Park Zoo Electrical/Cable Project for an amount not to exceed \$378,187.80, including NMGRT. (Justen Boyle, Project Manager)**

Mayor Payne said Item 2 was to be pulled for discussion because Mayor Pro-Tem McDonald had some questions. Commissioner Rardin asked to pull Item 3 for discussion.

**Commissioner Burnett moved to approve the Consent Agenda as amended.
Commissioner Tapley seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.**

ITEMS REMOVED FROM CONSENT AGENDA

- 2. Consider, and act upon, Resolution 2024-71 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 December 3, 2024. (Evelyn Huff, Finance Director) (Roll Call Vote Required)**

Finance Director Huff said there is a new format, and what I presented for the last couple of budget revisions has looked different. It comes directly out of our ERP software used to do our accounting. If you look at this first revision, which is for the Best Friends grant, it shows you the lines being debited and credited. In this case, the credit line is the revenue that grants others the ability to add the new grant. The debited line is the contracted services to add the expense for the new grant. There is a note under the first line that comes directly from the departments, which here states that this grant was awarded by Best Friends to be used for reducing the costs of spaying and neutering. That is how all the Entry Proofs go. The next Entry Proof is a revenue adjustment for the REC Center, and the note there talks about projections for revenue increases and how that revenue will be spent. So this different format has the same information as before, but you can now see the accounting of it plus what the departments said when they entered it. The recaps in the front are the same, which includes the All Funds Summary and summary with all revisions listed.

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

- 3. Consider, and act upon, the award of Public Works Bid No. 2024-011, Alameda Park Zoo Electrical/Cable Project No.IT2501, to Zuni Electric, Inc, related to the Alameda Park Zoo Electrical/Cable Project for an amount not to exceed \$378,187.80, including NMGRT. (Justen Boyle, Project Manager)**

Commissioner Rardin asked where the normal comparison of bids was. Project Manager Boyle said this normally had an Excel sheet, but this one is different. The pricing was close, but the check marks show that the other contractor had documents missing. So, that was voided. You could not compare them equally with documents missing, and I wanted to show this differently because of that. Commissioner Rardin said he wanted to see the pricing breakdown. Project Manager Boyle said there were lump sums on the bidding part, but it is not something to compare since one had documents missing. Having your documents in order is part of the bidding process. I

wanted to show why I am rejecting one. Commissioner Rardin asked if those were the only two bidders. Project Manager Boyle said yes. Both showed up for the mandatory pre-bid and bid opening, but only one had all their documents. Commissioner Rardin asked what they were going to do. Project Manager Boyle said they would be boring through the ground to do cable and electrical from in front of the Gift Shop down to the Education Building. The Zoo currently does not have a fast responsive internet. This would help with the card reader on the register, which does not work sometimes. This will also be updating cables and lights along the sidewalk, which are important in winter when it gets dark earlier.

Commissioner Rardin moved to approve.

Commissioner Tapley seconded the motion.

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

NEW BUSINESS

4. Consider, and act upon, Resolution 2024-67 for the acceptance and approval of the FY23 Audit. (Alan D. "A.J." Bowers, CRI - Carr, Riggs & Ingram) (Roll Call Vote Required)

Mr. Bowers said he was a partner with Carr, Riggs, & Ingram, and he was the partner for the audit itself. He would briefly summarize the two-hundred and twenty-two page document.

Timeline

We started the audit in August 2023, did planning in September 2023, and did fieldwork in both November 2023 and July 2024. The exit conference was in September 2024, the audit report date was in October 2024, and it was released from the State Auditor's Office in November 2024. The gap between November 2023 and July 2024 was additional work that needed to be done as part of the Housing Authority transition. Housing is under new management as it was moved to the Eastern Regional Housing Authority, but it is still reported in your books, and there was a lot of work done to make sure that it was reported accordingly.

Auditor's Reports

The Independent Auditor's Report is before the Financial Statements, and it is the overall report. It is an unmodified opinion, which is the best opinion you can get. It means the Financial Statements are presented fairly in accordance with U.S. GAAP. The user of the financial was able to rely on those numbers to the material amount. We were able to substantiate all the numbers and transactions to the amount we tested, which we would call the clean opinion. Whether it is a hard number like a cash amount, we can substantiate that with a bank statement or confirmation. If it is an estimate, like PARA pensions or a depreciation expense, we look at the policies and procedures and audit those items as well. There were no errors where we could not render that opinion.

Moving on to the second report around Page 205. Every audit conducted under New Mexico state audit rules is conducted under government auditing standards. That means we report anything we find to you in this report on the Financial Statements. It is a negative assurance report, meaning we do not render an opinion on internal controls. It says here are items we found and others may exist that we did not identify. It summarizes the results of our testing controls, and we look at controls and compliance as it relates to determining additional audit procedures or any sort of compliance items we have to report to you. You will also have what we call any sort of findings; anything in the report we found as part of the audit would be reported there. There are three levels of findings under government auditing standards, and two are under the state audit rules, so there are five total. Material Weakness is the highest level and the biggest portion. The second would be a Significant Deficiency, meaning definitions do not rise to the level of material but still merit attention to the governing body. The next would be Material Noncompliance, which is when you do not comply with a grant, debt covenant, or something material. In the State of New Mexico, we also report Other Noncompliance or Other Matters. Things that do not rise to the level of Material Noncompliance like travel or procurement that was not material, or someone forgetting to sign a purchase order. There were eleven financial statement findings covered in detail at the exit conference. Those will tell you what happened, the cause, and our recommendation for what the City's response is.

The last report in Financial is the Uniform Guidance Report. This is over the major federal program. If the City

spends over \$750,000 in federal awards, we have to conduct a single audit. We tested two major programs this year: The Coronavirus State and Local Official Recovery, and the Public Housing Capital Fund. Both of those were tested for compliance requirements considered direct and material. We do render unmodified opinions on those grants. It is not a legal opinion because we are not attorneys, but it means you have complied in all material respects with those grants. There were two findings at the Significant Deficiency level related specifically to those grants. That will be in the findings around Page 200. You will be getting a full summary of the report itself, which I do not believe has been sent out. It will have our findings and our communications required by standards.

Auditor Responsibility

We are external and independent, so we are not part of your control system. We cannot make management decisions and are not part of monitoring.

Management Responsibility

The procedures and responsibilities are establishing and maintaining internal controls, the selection and application of accounting principles, fair presentation of the financial statements and results of operations, maintenance of complete and accurate accounting records, and the design and implementation of programs and controls to prevent and detect fraud.

New Standard Implementation

Four new standards were implemented that will be disclosed. None had a significant impact on the City. GASB Statement Number 96 is Subscription-Based Information Technology Arrangements. It is something you might see pop up in the future, but none this year. Five new standards will be coming out over the next few years.

Value-Added Suggestions

We are available to the City for questions and to provide training, if needed.

**Commissioner Burnett moved to approve.
Commissioner Robinson seconded the motion.
Motion Passed with a vote of 7 - 0 - 0.**

5. Consider, and act upon, Ordinance 1709 Case Z-2024-0006(A) for first publication of a map amendment to rezone Cottonwood West Replat B Subdivision Lots 13-15, 28-33, 36-41, 44-46 from R-1 Single Family Dwelling District to R-3 Two Family Dwelling District to construct residential duplexes and Lots 1-12 from R-1 Single Family Dwelling District to R-2 Townhouse Dwelling District to construct Townhomes. (*Stella Rael, City Planner*) (Roll Call Vote Required)

City Planner Rael said on the zoning map for the Cottonwood West Replat B, the entire subdivision is zoned R-1 Single Family Dwelling District. The request is not to change the zoning for the entire subdivision, but just certain lots within it. The first two rows of the subdivision, on the east side, will remain R-1. The next three lots to the west, the entire row, consisting of Lots 13-15, 28-33, 36-41, and 44-46 are being requested to change from R-1 to R-3 Two Family Dwelling District in order to construct residential duplexes. In the final row on the west side, consisting of Lots 1-12, the request is to change from R-1 to R-2 Townhouse Dwelling District to construct town homes. We currently have multiple mixed-use areas in town that work well. The application for the request was filed on November 13, 2024, and the legal notice was published in the Alamogordo News on November 19, 2024. Twenty certified/returns receipt letters were mailed to all property owners of record within two hundred feet from the property excluding public right-of-way. As of November 26, 2024, no letters were returned undeliverable and no letters of opposition were received. One email and two phone calls were received asking for more information. Mr. Jensen spoke of his concern in Public Comment about the alley being vacated. The alley he was referring to is between the Cottonwood West subdivision and the neighboring Cottonwood Heights subdivision. That alley will not be affected at all. Previously, former City Manager Rick Holden, myself, and Mr. Pacheco had met. At that time, Mr. Holden recommended vacating the alleys within the subdivision. So we are just talking about interior alleys. Staff recommends approval since this request will not be materially detrimental to surrounding property owners or the

public and will also assist in accommodating the growth of the city and provide additional housing.

Mayor Pro-Tem McDonald said on the design of the two-family units, on Lots 13-15 and 28-33, which are at the entry of the subdivision, it seems those units will be out in front. The garages are ten by twelve or eleven by fourteen. In the construction of most garages, a one-car garage would be at least twelve by twenty. So it is short. Regularly it would be two hundred and forty square feet, but these are two hundred and thirty-three square feet. You could probably get one car and a motorcycle in that. Most three bedrooms usually have two-car families. So how would that work with being in the front with traffic congestion? SUVs being made now are bigger. If someone were to buy a house with a smaller garage, they would not be able to fit a regularly-sized SUV in there. City Planner Rael said you are referring to the homes at the bottom of the home specification attachment. I cannot answer the questions regarding the sizes of the garages because I am not a contractor. However, along with the garage, there are driveways that will provide additional parking for those duplexes. Everyone is entitled to park along public right-of-way, which is the curbs. Mayor Pro-Tem McDonald said we have had a couple of things happen. Break-ins, damage to cars parked outside, and security for single families, like the wife or mother. Also, people who are driving late at night not having access to get into the garage. I brought this up because those different things have happened this year, so that might be looked at with a new development going in. City Planner Rael said she understood the concern, but we cannot control that crime. I believe the parking will be sufficient, but we can look into that more and report back to you.

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

6. Consider, and act upon, Resolution 2024-69 to finalize the City of Alamogordo Local Hazard Mitigation Plan Update. (Jerry Ramirez, Fire Chief) (Roll Call Vote Required)

Chief Ramirez said the Local Hazard Mitigation Plan is a five-year plan that the City adopted and has in place. The Plan substitutes within the event of a natural or man-made disaster. For example, if we had a wildfire here as Ruidoso did, then by having the Plan in place, we would be able to apply for FEMA funding. The first thing FEMA and the Department of Homeland Security will look at is the Plan itself and ensure it is updated to release funds for reimbursement. Currently, the Plan has been in the project for over a year. Right now we are on Task 27, which has been updated and adopted by the State of New Mexico, and the Department of Homeland Security, and is in the hands of FEMA. Task 28 would be to have it adopted by City personnel, the Commission, and then it would move forward with FEMA's approval. Once it solidified at that five-year timeframe, we would receive the books and binders to be presented to the general public, the Commission, or any staff that had an inquiry into the plan itself. The original Plan submitted five years ago was completed, and it only had about eighteen different projects in it. The Plan now has twenty-three projects in it. There may be added projects within the next five years. Regarding where we are now, we are hoping FEMA approves everything. They will go through it and submit anything they see as a discrepancy for change or a question for information. We will research it and give them the requested information so they can add it in, and then it gets submitted back. We are hoping to hear from FEMA by the middle of next week, or no later than the end of the month. The Plan expires December 31, 2024.

Commissioner Robinson said as it expires, do you go to the next phase? Chief Ramirez said yes sir. With the new phase going on, we are trying to beat the time to get the Plan updated and in place before the end of 2024. It was submitted to the Department of Homeland Security on September 27th, which finalized its submission on October 7th with minor deficiencies that have since been corrected and resubmitted. It was approved, so it moved on to FEMA.

Commissioner Rardin asked if Chief Ramirez thought FEMA would kick it back by the end of the year. Chief Ramirez said hopefully. They were sending a lot of personnel down to different states to help with flooding and hurricane recovery efforts. The Bold Planning Coordinator, Emily Long, notified us that people were back in the office now and there was no reason why, with minimal discrepancies, we could not have it submitted and completed in time.

Mayor Pro-Tem McDonald moved to approve.
Commissioner Tapley seconded the motion.

Motion Passed with a vote of 7 - 0 - 0.**7. Discuss Current Challenges in Law Enforcement and Policing for the Future: Transitioning to Real-Time Crime Centers (RTCC). (Stephanie Hernandez, Acting City Manager; David Kunihiro, Alamogordo Police Chief; Jeremy Story, Las Cruces Police Chief; Cameron Lewis, Flock Safety; Mark Solano, Flock Safety).**

Chief Kunihiro said he intended to discuss the current state of the Alamogordo Police Department with brief statistics. Afterward, he would turn it over to Chief Story of the Las Cruces Police Department to discuss their challenges and where they were moving toward. Lastly, Mr Lewis of Flock Safety will discuss some technology we are moving forward with.

Alamogordo Police Department

Chief Kunihiro said one of the challenges faced by the Alamogordo Police Department, or APD, is staffing. Our current staff are forty-two officers out of fifty-six positions. We are down twenty-five percent with officers. Around last July or August, the hiring incentives were implemented. They seem to be pretty successful. Since they were implemented, we have hired twenty-one officers. Twenty of those officers chose to take the hiring incentive, whether it be three years or five years. We retained eighteen of those. One voluntarily left, and one other involuntarily left. I believe the hiring incentive is working. Since last August, I have noticed lots of applications and interest, but a decline in actual turnout for the physical and written testing. Our last testing a month ago only netted four people for tryouts on the field, but none passed. It has been a steady decline, and we are hurting. To give you an idea of the overall calls for service, in 2021, we responded to twenty-six thousand calls. We are on pace this year to respond to thirty-five thousand calls for service. Mayor Payne said that is over one call per citizen in a year. That is a lot of calls. Chief Kunihiro said calls for service are trending up while our staffing levels are not doing the same. Regarding general crime statistics, in 2023 we had seven homicides. In 2024, we have had four. Some top reported crimes, by sheer number, are shoplifting, larceny, criminal trespass, criminal damages, and disturbances. Disturbances range from domestic to those that do not know each other. A statistic that I found alarming was regarding stolen vehicles. I ran data from the past four years, and we are averaging eighty-three stolen vehicles per year. The recovery rate is approximately fifty percent, meaning half the vehicles are leaving the jurisdiction and have not been recovered. A vision that I had, and one that other police departments like Las Cruces are moving towards, is for a Real-Time Crime Center. We are in the process of purchasing license plate readers and live-view Pan Tilt Zoom cameras, also called PTZs, to be strategically placed throughout the city. In your packet are three stories from the New Mexico State Police where the license plate readers helped solve a vehicle homicide, a kidnapping of five children, and a stolen vehicle. In November 2024, we partnered with the Border Patrol regarding two kidnapping suspects from Alamogordo we were looking for. Border Patrol entered it into their license plate reader and got a hit. A day later, we arrested the suspects.

Mayor Payne asked why and how the vehicles were stolen. Chief Kunihiro said there could be all kinds of reasons. She said when she reads about vehicle break-ins, it is usually an unsecured vehicle. He said a lot of our auto burglaries are unsecured vehicles. There was a Tik-Tok challenge that showed how certain vehicles could easily be stolen. My vision is to figure out how to police more efficiently, and how to better keep the community safe without us bringing in staff like we hoped.

Chief Kunihiro continued that he wanted to explain what a Real Time Crime Center, or RTCC, is. The RTCC's mission is to provide a law enforcement agency with the ability to capitalize on a wide and expanding range of technology for efficient and effective policing. Such efforts may allow officers to respond quickly or even immediately to crimes in progress or crimes that have recently occurred. These technologies allow law enforcement to respond to crime more efficiently with improved operational intelligence with a proactive emphasis on officer, citizen, and community safety. However, an RTCC is not a big brother or government overreach. It is the utilization of technology available to us to solve and prevent more crimes, and so police more efficiently.

Las Cruces Police Department

Chief Story said we are sister cities and crime does not respect borders. We get criminals from Alamogordo that come to Las Cruces and vice versa. Anything done to enhance the safety of Alamogordo also benefits Las Cruces. We have seen similar trends in Las Cruces. From 2019 to 2023, we have seen a seventy-one percent increase in

property crime and a twenty-five percent increase in violent crime. Regarding property crime, we have seen an increase in stolen vehicles. In 2022, we had over one thousand stolen vehicles, putting us at eighteenth in the country out of three hundred and ninety cities. Regarding the license plate technology mentioned earlier, we were the first in the state to adopt Flock Safety. In January 2022, we started with the license plate readers. We currently have eighteen of them in a seventy-seven square mile city, meaning that is not a lot. However, we took our recovery rate for auto theft from fifty to sixty percent up to eighty and ninety percent. We are moving towards an RTCC for the same reasons Chief Kunihiro mentioned. We have the same problems with staffing and getting qualified applicants, which is a nationwide problem. Fewer people want to be police officers now than ever. We are trying to do more with less, and looking for force multipliers. The technology we have today is a way to have a force multiplier with fewer resources. In a perfect world, we would still be fully staffed and have the technology, because that would be the best scenario for our citizens. But right now we have fewer officers and technology is being used to fill the gaps. The RTCC will probably be operational in February, but all the pieces of technology are still useful without that RTCC. The more you can implement right away, the greater the benefit to the City of Alamogordo will be. I will give you a few real examples using the license plate readers in Las Cruces. We had a shooting of a juvenile. Other kids tried to carjack him, and he fled, but he was shot in the back. He drove himself to the hospital, but all he could say was that it was a black charger. Using the license plate readers, we were able to identify one black charger that was in the area during the crime. That by itself will never be a cause for an arrest. It is a breadcrumb to explore and hopefully end up with an arrest after a lot of police work. We were able to find out that the black charger was stolen, and we located it with the suspect and rifle still in the car. There was a homicide this year where a body was dumped in a park. There was evidence that the victim's vehicle was on-scene at one point, so we used the license plate readers to figure out a timeline for when the homicide occurred and when the body was dumped. We also knew the vehicle did not leave the general area. We found the vehicle stashed in a neighborhood, and we were able to use other people's cameras to get a video of the suspect dumping the victim's car. There was another incident where a cyclist was shot by a motorist, and all he gave was a description of the vehicle. Based on that description, we found a match. After a lot of police work and investigation, we contacted the registered owner, who confessed to the shooting. Those three examples show the value of this technology. We have also recovered over two hundred stolen vehicles just using license plate readers. I am a big proponent of technology, and there are things we have to do to ensure we have checks and balances in place, just like any system that involves human beings. That way, we use it to have the biggest impact for citizens and avoid downsides.

Flock Safety

Mr. Lewis said he was the Territory Manager for Flock Safety here in New Mexico and West Texas. As both Chiefs have mentioned, across the United States, agencies are experiencing a shortage of staff and people who want to be police officers. Agencies are using technology to bolster staffing shortages and provide eyes to where a police officer would normally be. We collaborate with police departments to maximize staff and act as a force multiplier with the utilization of technology such as license plate readers and live video cameras. Our goal is to eliminate crime across the United States, and over two thousand crimes are solved per week nationwide using Flock technology. One of ten crimes solved in the United States was done using Flock technology. We work with over five thousand cities and agencies across the United States. We put sensors in the community to detect when an incident occurs. We would be a safety and service partner. We are a city-infrastructure light company, and most of our devices are solar-powered to be deployed where and when you need them. We handle the installation, maintenance, software upgrades, hardware upgrades, and permitting with NMDOT and the city's street departments. We also store the data in the AWS government cloud, which is the most encrypted service offered in the United States. The information is owned proprietary by the law enforcement agencies and Flock has no way of accessing that data or selling it. Every image taken is owned by the law enforcement agency we partner with.

Moving on to the products we are planning to deploy in Alamogordo, the first is the Falcon License Plate Reader. We can deploy these on any roadway, whether Highway 70 or White Sands Boulevard. It is a solar-powered option and no fees are being incurred for deploying this technology. There is no downtime, they take images twenty-four hours a day, three hundred and sixty-five days a year. These also have real-time alerts. They are ethically built without facial recognition or speed tracking. They just take images identifying the license plate and make, model, and body style of the vehicle, providing indiscriminate evidence to law enforcement. Going back to real-time alerts, when a vehicle entered into the FBI's NCIC, NCMEC, or Amber Alerts, enters the jurisdiction, law enforcement is notified immediately. We have Vehicle Fingerprint technology that allows us to identify vehicles without a license plate. These would be motion-activated cameras that capture an image as a vehicle passes by. This technology is

built with privacy in mind. All data is owned solely by the customer and will never be sold to third parties. By default, all data is hard deleted after thirty days and unrecoverable. No individual or personal data is collected or accessible. Whenever an officer uses this technology, a search reason must be entered. There is an audit trail for every search conducted. We offer the LPR Transparency Portal as a resource, so residents can see what the LPR policy for the department is, what searches are being conducted, and who the agency is sharing with. The Transparency Portal is customizable for each department we work with.

The next product is the Condor Live Video Camera. These are available hard-wired or in a solar option. PTZ was mentioned by Chief Kunihiro earlier, that is Pan Tilt Zoom, meaning these cameras can be manipulated and zoomed in. We also have fixed cameras that just look at a single intersection but cannot be manipulated. This camera is for active monitoring and investigative purposes. These are controllable from anywhere like a mobile device, laptop or desktop, or an RTCC. Permissions are distributed by admins within the department.

FlockOS is our RTCC technology. This pulls all the information from the cameras into one location to paint a bigger picture. So you would be able to see, when an alert happens, what live video cameras you have in the area, where officers may be, and how to deploy resources where needed. It is about getting real-time intelligence and information without limitations. FlockOS is scalable, meaning as the tech stack increases, we can take that information and display it. There is a Community Camera Registry program where we can work with individuals and businesses in the city to pull images for APD to utilize if they choose to provide that information. It gives the community the ability to raise their hand and say I want to provide information if needed. He gave three examples of the Flock system assisting with solving crimes in New Mexico.

Commissioner Robinson asked if the Flock system was part of APD's budget. Chief Kunihiro said we have some money now, but we will be looking to budget it in the future as well.

Commissioner Rardin asked what price we were looking at. Acting City Manager Hernandez said this item is here for discussion and I encourage questions. This is completely new for Alamogordo and we thought this would be a good way to be transparent with citizens. We take every complaint and crime seriously. Unfortunately, sometimes our hands are tied by staffing or statutory constraints. We are talking about a \$100,000 investment right now. That may seem like a large investment, but one officer costs about that much. We are not replacing officers as Chief Story said. This is a helpful tool for our officers and their investigations. We believe citizens will benefit from it. Commissioner Rardin asked how many cameras we would receive for the \$100,000 initial investment. Chief Kunihiro said he did not have an exact number, but over twenty-five for sure. Commissioner Rardin asked if those would be placed in various areas around town. Chief Kunihiro said yes sir. Commissioner Rardin asked if the cameras were wireless. Chief Kunihiro said the cameras are a mixture of license plate readers and live-view cameras. Commissioner Rardin asked if there were specific areas where we were to put the cameras. Chief Kunihiro said they had identified areas they would like to put them. Commissioner Rardin asked how much money APD currently had. You said some was set aside. \$100,000 is not that much in the grand scheme of things. Acting City Manager Hernandez said we have the \$100,000 to get started. I failed to mention that this is just one part of our approach. We also have the mobile LBT trailer that has been pretty successful. We are also putting cameras on Washington Park and Kids Zone. We are here because we want to move towards a Real-Time Crime Center, and this is our first step. We want to see how successful it is and gauge if it works for us. Eventually, maybe we can pull in some businesses and do community outreach. Mr. Lewis said the long-term goal, within a few years, is to have operators within an RTCC available immediately when a crime is committed. Commissioner Rardin asked if this was budgeted to be set up, what would that cost be? It would at least be staff and infrastructure. Is that a \$500,000 or \$1,000,000 project? Chief Story said his comparisons would not be apples to apples, but it would be cheaper to hire civilians and easier to find qualified applicants there than with commissioned officers. The salary range would be approximately \$50,000 to \$60,000 a year plus benefits. In Las Cruces, we made a significant investment, and we just signed a new contract with Flock in addition to our existing one. We had \$1,100,000 tied into renovations and technology to equip our RTCC. You will have the infrastructure you are putting out in the community plus wherever you house this, which will have to be renovated and equipped. The initial investment for you guys in Alamogordo would probably be \$500,000 to \$750,000, but after that, that investment would last for a while without putting more money into it. Commissioner Rardin asked if this could be incorporated into the existing Dispatch Center in the event it could be expanded. Chief Kunihiro said that was not a thought of mine at this point. My thought was the vacant dispatch area within the Police Department itself. I believe we have an area where we could incorporate this immediately without a huge cost, at least structure-wise. Commissioner Rardin asked if that was the station on Virginia. Chief Kunihiro said yes. Commissioner Rardin said budget hearings will be coming up in a few

months, and you are all already in that process. Personally, I support that. \$500,000 could be coughed up for capital outlay. Acting City Manager Hernandez said absolutely. That is the goal and why the conversation is being started early. When we start our ICIP listing or budget process, we don't want the Commission to be surprised with a huge investment in there. Commissioner Rardin asked if this was something that could be put on the ICIP list. The next session is coming up in January. Acting City Manager Hernandez said yes, it would have to go on the next ICIP listing. Commissioner Rardin asked if it was too late for this year. Acting City Manager Hernandez said yes.

Commissioner Burnett asked if Otero County's Sheriff Black had entertained this as well. Chief Kunihiro said he knew they were looking at license plate reading technology, but could not say if Sheriff Black was moving towards Flock Safety or an RTCC.

Mayor Payne asked that if a stolen vehicle entered a section of town, would it make an instant match? Mr. Lewis said correct. Mayor Payne said so we would have to get a notification of it first, right? Chief Kunihiro said it could be implemented in different ways. What I plan is to have our dispatchers alerted, then officers alerted, as soon as we have an NCIC hit. As soon as a stolen vehicle crossed an LPR. There is an estimated delay of ten to fifteen seconds for the signal to be sent to us, so we would know when that vehicle crossed that sensor. Mayor Payne asked if any was usable in criminal cases, or if it was just a tool. Chief Story said it was usable, but should never be the sole basis for charges. It is also a tool that helps us get to a conclusion. Without it, we would have had several cases we could have never solved. A lot of work needed to still be done after we used it. Mayor Payne said let's say you make an arrest and have a trial. Is there ever a time when something like this is used? Commissioner Burnett said so would it be admissible in court? Chief Story said it is admissible in court. There is transparency and a lot of times it will be in the charging document. From the beginning of arrest or charging, it will be right there. Chief Kunihiro said Mr. Lewis mentioned the thirty-day storage earlier, after which the data is purged from the Flock system. If we use it for an investigation, we download it and it becomes our record. Also, we could give access. For example, Chief Story could give us access to his Flock cameras, and we could have nationwide access potentially. As he mentioned before, we have a lot of people that go back and forth between our cities. We could get access to the Las Cruces LPRs. That wouldn't help us much from a distance, but we can call and say this or that person just crossed an LPR. Mayor Payne asked if that could be used to help construct a timeline. Chief Kunihiro said yes. Mayor Payne asked if this technology could be used for traffic accidents. Chief Kunihiro said sure. The initial plan is to try the cameras at major intersections, like 1st and White Sands, Panorama and White Sands, and 10th and White Sands. If there is an event within that camera view, we will capture it.

Commissioner Rardin asked if the cameras at the Courthouse on New York were from Flock. Chief Kunihiro said those would be considered a third-party system that belongs to the County. If they wanted to give us access to those, they could. They could let us know they want to participate. Commissioner Rardin asked if these cameras would just be mounted on stoplight arms. Mr. Lewis said we will use existing infrastructure where possible, whether that is a streetlight the city maintains or a PNM utility pole. If a pole cannot be utilized, we will install our own and go through NMDOT and city permitting requirements. It could be a break wave pole, a normal pole, behind barriers, or follow whatever the guidelines will be.

Mayor Payne said these were just her thoughts, but she would rather invest in this than PSAP. This will be an incredible tool that we need to find the money for. Commissioner Rardin asked staff to put together a top package of what they wanted, and also a scaled-down package. Give us your wishlist and then what you will settle for. Mayor Payne said it could be built on, and it does not need to be done all at once. Acting City Manager Hernandez said we are not trying to build Rome in a day, but we are trying to get there eventually. We have a wishlist and we are trying to look at putting something in the budget. Commissioner Rardin said in the grand scheme of things, \$500,000 is not that much money for the City and could be scrapped up from somewhere. I know you are asking for \$100,000, but if \$500,000 is needed for the first go around to see how this works, well. Acting City Manager Hernandez said we only started with \$100,000 but the Commission is taking to this better than expected. Commissioner Robinson said this is a good update. When will it come back to the Commission? Mr. Lewis said whenever the Commission wanted. Mayor Payne said if we do not pay attention to crime, Alamogordo will turn into something unrecognizable.

Commissioner Paul said regarding issues APD is facing, specifically the bonus and incentive program, my understanding is that Chief Kunihiro felt the program was effective to an extent. Would it be possible to pull data regarding staffing levels before the program was implemented, what it looked like during the program, and then after the program? It would give the Commission an idea if that program was something to revisit to get staffing

levels closer to where they need to be. The technology is great, and we need to make use of it, but it does not replace physical officers or boots on the ground. I would like to see information about that. I would also like to encourage city staff to get in contact with legislators about getting these items on next year's ICIP list and work out what the realistic asked amounts would be. Technology is only growing, and we need to start using it sooner rather than later. Chief Kunihiro said regarding staff levels, in July 2023, we were down thirty-seven officers. We implemented the hiring incentives after Officer Ferguson's death. We hired twenty-one from that point, and at a certain time, we were at about fifty officers. We slimmed back down to forty-two with four in the application/background process. We are likely to have forty-five to forty-six shortly, but we are hovering around that number. Mayor Payne asked if some of that was just attrition. Chief Kunihiro said yes, there have been several retirements and some others that simply did not want to do police work anymore. Acting City Manager Hernandez said the sign-on bonuses helped to stabilize things a little bit. We were getting a lot of turnovers where they would come to us, pass, and then leave. The sign-on bonuses keep them here for three to five years. Mayor Payne asked if we were still doing the sign-on bonuses. Acting City Manager Hernandez said through the end of this year, then we will reevaluate. We planned to do what Senator-Elect Paul had mentioned regarding the legislators. Chief Kunihiro said the hiring incentive is working now, and we retain them for three to five years, but we are working on how we retain them for a career. We have applied for law enforcement retention funds, which is money that the State passes for certain benchmarks in a law enforcement career. Retaining and recruiting are equally important. Mayor Payne asked if something was done regarding the return to work. Was it extended? Chief Kunihiro said yes, anyone who retired before January 1, 2024, can return to work for up to thirty-six months. Acting City Manager Hernandez said it would not affect their retirement.

8. Consider and act upon, Ordinance 1710 for first publication, an ordinance amending Chapter 11 of the Criminal Code, Articles 06-330 Obstructing Impeding, or Camping in Public Rights-of-Way and Adding Article 09-010-060 Regulating Camping on Public and Private Property. (Susan L. Payne, Mayor) (Roll Call Vote Required)

Mayor Payne said I asked for this to be put on the Agenda. Acting City Manager Hernandez said a concern we have is lots where the property owners are out of town. They may live out of town and so are not here to physically see their property. So when people are out on their property, it leaves the property owners with liability and our police force without a way to say, "You have to remove from this property, this is not your property". Some of the frustration we have is reaching the people, some is the property owners not being able to see what is happening on their property. So this ordinance is giving property owners their rights back, such as the right to say who is allowed on their property and who is not. That is where the private property portion of this comes from. Mayor Payne said we have issues with public property as well. There are times when people camp on public property or City streets. We need an ordinance in place to better define that. Part of the problem is the officer's hands were tied because we did not have a clear definition of what camping is, or what is permissible and what is not. This tightens and cleans that up, and it is better defined. We had a gentleman come by and speak to us regarding issues he had.

Commissioner Burnett asked if the penalties were for the property owner or the occupant. City Attorney Smith said it would be the occupant or whoever is doing the illegal camping if they do not have the written permission we will require. Commissioner Burnett said there was a new encampment on Florida across from the City Yard. Mayor Payne said that has been addressed. City Attorney Smith said it has been addressed several times. Acting City Manager Hernandez asked Commissioner Burnett if it was still there. Commissioner Burnett said he did not know. Acting City Manager Hernandez asked when the last time it was there. Commissioner Burnett said it was there on Saturday on an empty lot that used to be a trailer or RV park. I know that Beth Crabbe was notified that someone was there. Acting City Manager Hernandez said yes, they moved down the line. Commissioner Burnett yes they moved, there was a whole encampment built.

Commissioner Burnett asked how this ordinance would affect RV parks or the KOA. Are they potentially camping in an RV? Mayor Payne asked if he meant in a legally permitted campground. Commissioner Rardin said it does not say legally permitted campground. Acting City Manager Hernandez said they have permission from the owner by renting the space. That's a business. It should not affect them. Mayor Payne said that under (c) Owner Permission, it says, "Non-household members must receive written permission from the property owners to camp on private property." Commissioner Rardin said this is obviously to address homeless camping. If they have permission from the property owner to camp there, then essentially there is nothing we can do. Acting City Manager Hernandez said in that case, they would have permission to be there. It is up to the property owner. This gives the property owner

the right to say no, or us the ability to remove somebody without having to seek someone in Florida. Commissioner Rardin said property owners already have the right to trespass anyone from their property. Acting City Manager Hernandez said there are sometimes delays when we try to find that property owner. City Attorney Smith said even if they have permission, we do put limits such as camping in front yards or unenclosed areas is limited to a maximum of forty-eight consecutive hours within any seven-day period. Commissioner Rardin said at the KOA, they are allowed to stay there for thirty days. It says they can only do seventy-two hours. Mayor Payne said that under 11-09-040 Prohibited Camping Activities, there are certain things outlined, like camping with unreasonable noise, camping that poses a fire hazard, camping on properties without access to waste disposal facilities or sanitation, and campers on both public and private property must comply with all noise ordinances, fire safety code, public health regulation, including waste and sanitation requirements. Commissioner Rardin asked if the KOA would fall under (a) Enclosed Areas Camping. City Attorney Smith said it would. Additionally, section 11-09-060 lists our exceptions. We could add an exception to that for authorized campgrounds. Commissioner Rardin said if you have a property owner with property west of the tracks, and they give a homeless person permission to stay, I do not see a problem with that. This ordinance would prohibit that. The property owner should have the right to do whatever they want with their property and allow someone to stay there in a tent, camper, or trailer. City Attorney Smith said going back to the enclosed area and KOA, they would fall under enclosed camping. Commissioner Rardin asked where that was. City Attorney Smith said 11-09-030 section (a). The next section, (b), is front yards and unenclosed camping. Mayor Payne said another issue is by Basin Electronics, where there was a camper there. Commissioner Rardin said he had permission to be on the property. Mayor Payne said he had raw sewage going into the ground. Commissioner Rardin said that is a different issue, but they still had permission from the property owner. Mayor Payne asked if raw sewage going into the ground was problematic. Commissioner Rardin said yes. Mayor Payne said she agreed with Commissioner Rardin's example of a person west of the tracks, but if there is a health and safety issue for residents, that would fall under a prohibited camping activity regardless of private or public property.

Commissioner Paul said when it becomes a public nuisance, even if on private property, that is not a good look for the City. It does not encourage people to want to visit, stay, or spend money in the community. So there is a within reason if someone is parking an RV on property, but if it is a broken down piece of junk, it should not be allowed. Mayor Payne said there is a large motorhome continually parked by the library, and I have helped them several times. They do not have a place to hook up, and I have a concern it will become a health and safety issue for others if allowed. Commissioner Rardin asked if it was moved periodically. Mayor Payne said yes. Acting City Manager Hernandez said there was concern they were emptying sewage on the street. Mayor Payne said we are not targeting the less fortunate. The issue is that we have to think of all our residents. I get emails and calls from people concerned about this. Some will not even take their children to our parks anymore. I do not have all the solutions, but we need to address this issue before it gets worse. It is the City's job to maintain our properties and public spaces for all to enjoy. That is the point of this ordinance.

Commissioner Tapley said if a property owner invites someone else for a couple of days to camp in front of their house, but it turns into a six-month deal, is that what this ordinance is trying to prevent? City Attorney Smith said yes, we are trying to prevent someone from camping in a front yard for several months or long term. There are exemptions though. One of which is emergency situations, where camping is permitted during emergencies such as natural disasters. Or City-sanctioned events, or seasonal and religious activities. Commissioner Tapley said Ruidoso burned down and someone has room for their camper. Would that be considered an emergency situation? City Attorney Smith said we still have an ordinance that does not allow people to do RVs. It would have to come before the Commission for an exception. This ordinance doesn't get rid of that ordinance.

Commissioner Rardin said the definition of camping here does say tent, vehicle, or other temporary structure. That is technically a camper or RV, right? Acting City Manager Hernandez said the situation in Ruidoso was a declared emergency. So that would fall under an emergency order. We do understand those situations, but if two or three months turn into a year, it becomes another issue.

Mayor Payne said as we look at thirty-one thousand people in the City, some have real concerns that need to be addressed. We need to address the crime that we started seeing lately. We need to address seeing mattresses on the sidewalk. I think it is less compassionate to just drive by and think that's okay rather than address it. We have different organizations like 100% Otero that want to address the housing and lack of it. Someone tried to start a shelter at the old House of Prayer, and even he said he found it challenging. I do not have an answer, but I am looking at this from a City standpoint, and we need to address the issue.

Commissioner Rardin said under the current ordinance we have, we have teeth right now to prohibit anyone from camping on the public right-of-way or City-owned property. Someone was recently arrested at the Fairgrounds for being there too long. If they have permission to be on private property, I do not have an issue with it. We currently contact the property owner, and if they do not want them there, they trespass them. Acting City Manager Hernandez said that we sometimes cannot get a hold of the property owner in a timely manner. City Manager Smith said an issue with our trespassing ordinance is that it requires a person to have notice they are trespassed from the property. If someone comes onto your property, and they are camping without your permission, we can tell them they are now trespassing and need to leave, but we cannot charge them criminally at the time because of the notice requirement. So this ordinance would give us more teeth because we are not requiring notice. You do not have permission to be here. It would streamline things. Acting City Manager Hernandez said the objective is not to punish anyone by any means. It is giving property owners back their right to be able to have us do this, rather than waiting a time period. It also goes in line with Code violations like when you have a ton of vehicles or tires or anything in your yard, or a dilapidated structure. The future of Alamogordo is to grow and become a place to visit. We have to start efforts now, and there is a greater good.

Commissioner Paul moved to approve.

Commissioner Robinson seconded the motion.

Motion Passed with a vote of 6 - 1 - 0. Commissioner Rardin voted nay.

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

Mayor Payne said there were five applications for the one vacancy on the Airport Advisory Board. Acting City Manager Hernandez said that Jeff Rabon previously held that position for sixteen years and I want to thank him for his service. Mayor Payne appointed Mark Werner, who spoke during Public Comment, to the vacancy on the Airport Advisory Board. No one was opposed.

EXECUTIVE SESSION

10. Recess into Executive Closed Session in compliance with 10-15-1(H)(2)NMSA (as amended) to discuss: Limited Personnel Matters (City Manager).

Mayor Pro-Tem McDonald moved to recess into executive session.

Commissioner Tapley seconded the motion.

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

RECONVENE INTO OPEN SESSION

11. Take any action as a result of the Executive Closed Session.

Mayor Pro-Tem McDonald moved to reconvene into open session.

Commissioner Robinson seconded the motion.

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

Mayor Payne said the Commission concluded more time is needed to evaluate applicants. The Commission did not take any action at this time.

Commissioner Rardin moved to adjourn.

Commissioner Burnett seconded the motion.

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

ADJOURNMENT

ATTEST:

Mayor Susan Payne

City Clerk Rachel Hughs

(Prepared by Dylan Aleshire, Deputy Clerk)

Approved at the Regular Meeting held on December 17, 2024.

DRAFT