

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JANUARY 24, 2024

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 9:00 a.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

Upon calling the roll, the following Commissioners were reported present.

Hon. Rolf Hechler, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoepfner, Commissioner

Also Present: Angie Gonzales, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Luis Tavizon, Chief of Police
Tara Manning, Animal Shelter Manager
Tyler Knull, Code Enforcement Officer

There being a quorum present, the Commission proceeded with the business at hand.

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation.

Commissioner Hoepfner: On Monday, I got the sad news that our very good friend, Dr. Bob, passed away. He was an amazing person, and he was doing a lot of good in the community. As a doctor, he volunteered at the hospital, art hops and different events. He was the life of the party, and he will be missed. Please keep him in your thoughts and prayers.

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler called for City Manager Gonzales to lead the Pledge of Allegiance

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Forrister moved to approve the agenda as submitted. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PUBLIC COMMENT (3 Minute Rule Applies):

Gordon Edelheit addressed the Commission with comments related to the bond issue. (Comments attached hereto and made a part hereof).

Charlotte Janus read the remaining portion of Gordon Edelheit comments.

Cathy Mears Martin addressed the Commission with comments related to:

- I'm here to give an update on what Fiesta is doing. I sent an at-a-glance to the City Commissioners yesterday, which gave some highlights. We are working on Fiesta and collaborating with the Fiesta Committee. We presented Lodger's Tax application this week, which was quite successful overall. I'm working on high level timings for updates and advertising dates, as well as key dates, so we can start getting everything organized and available for people as soon as possible.
- We also have our e-commerce project, which was through a Leeds grant. The first workshop has been created, which is about Facebook Live. It is open to all business owners, and all aspiring business owners as well. The aim of these workshops is to help with online disability, marketing, and sales. They are going to be shared on social media, and we'll be putting it in the paper and sending emails to the MainStreet district as well. We are also collaborating with the Chamber of Commerce so we can get that out as soon as possible.
- We are hiring an intern who is going to assist us with various tasks. We are also hiring an Assistant Executive Director for help with current and future MainStreet projects. We're aiming to have both in place by mid to end of February.

Ron Fenn addressed the Commission with comments related to:

- On item 14. Can you repeal ordinance 756 today or must it go to publication first? If you go to publication, that means you can't repeal the ordinance until February 21st. Since that is usually a month's lag time between publication and action on an ordinance. How much does the city owe for putting on the special election at this point? How much would it cost as of February 21st? The County Clerk, Shelly Trujillo is mailing out special election ballots on February 22nd. It's likely the city will have already incurred the \$22,000 to \$25,000 cost of the election by February 21st. Lastly, what guarantee would the people have that you would not try to renovate the old armory for a PD again? At least if the people turn down the project by way of a special election, you must wait a year before you can bring it up again.
- On Section 15. Can you cancel the March 19th election or has that window already passed?

- Item H10, the Joe Cross from Mayor LLC lease. This is a clear violation of 3-54-1, the state's leasing laws for municipalities. The value under B is over \$25,000 and requires an appraisal from an independent appraiser. D must be done by an ordinance. There's nothing about short-term or anything else in there. It's all about if you lease the property, it must be done by ordinance. And E, this is a referendum item, and it requires only 15% of the voters this time, which is about 157 signatures, which I know that I could get within a couple of weeks. Think twice before you sign this lease without going through the proper procedures. What you'll end up doing is short circuiting the community that has rents that could be used for these people, instead of giving away the public's money to a profit-making organization.

D. REPORTS:

City Manager Gonzales reported the following:

- I love the rain. I just wish it wouldn't rain on McAdoo Street. They were setting up the forms for the concrete, and now there's a puddle.
- I have reports regarding the Dams. I'll work with our Street Department to see where we're at. It looks like the things that are not done are more on an administrative level. I'm not so sure that I can do it. I will double check to make sure we don't need an engineer stamp. I can fill out a template. I'll see how far I can go until I can't go any further.
- We are starting with a 30-day session that started last week. I know the elected officials are very involved in that.

City Attorney Rubin had no reports.

City Commission Reports:

Commissioner Fahl's goals:

- Get into compliance with the Dam Safety Bureau on our high hazard Dams, which are the St. Anne's Dam, Marie Dam, and the Morgan Street Dam.
- Develop a long-term sustainability plan by capitalizing on existing drill wells and transferring those water rights to the new wells. The moratorium is for new wells, but we can transfer the water rights from the wells that we do have.
- Implement a geothermal water monitoring plant for the long-term sustainability of our hot springs district.
- Complete a review of our Personnel Policies, so our employees and leadership are accountable, but also provide them with a method for a teamwork framed work environment.
- Update our Comprehensive Plan and use an identified action plan for the basis of our strategic planning.
- Have each department develop a 5-year strategic plan and do it in-house. We don't need to hire that out. We can use that plan to develop an annual plan of work prior to budget hearings, so we can see what the departments want to do. Then our budget will fall in line with that.

- Ensure that the City of T or C incident command system is utilized in response to wildland fires, and responding fire personnel have appropriate training for wildland fires.

Commissioner Mitchell's goals:

- I would like to work on communication with the public and continue to be transparent to help build a community connection.
- I really want to focus on recreation and tourism in the county, and work with all of the organizations that are already working really hard in our community to make us a better place and to move forward in as positive a light as possible.

Commissioner Hoepfner's goals:

- Infrastructure is priority one. Re-visit the master plans including the downtown masterplan, so we can update it to the newest numbers. This way when grants open, we can immediately apply for those funds, and when investors come to town, we can ask for it.
- Utilize our advisory boards, especially when it comes to public hearings.
- Have things for certain projects at the golf course and for the hot water district, and along the river. I want to see the Healing Waters Trail be extended.
- Have an education park so school classes from other towns can come to visit us, get educated, and have a summer camp.
- Tourism is important, but I want positive tourists. Sierra County has pretty much everything outdoor recreation. We can provide everything, and that is how we should focus as masterplan in form of tourism in entire Sierra County. Emphasis on relaxation and getting away from the bigger cities.

Mayor Pro-Tem Forrister's goals:

- Continue to keep a balanced budget and put something in place so that we can keep our money in the infrastructure funds, which are enterprise funds. That should happen sooner than later. Have something put into place where we hold ourselves accountable to keeping that money in those enterprise funds, so that we can continue to work on our infrastructure.
- The two major problems are our water system and electric infrastructure. I would like to see our plan as well as the master plan. I want to make sure those are more transparent to us and to the community on what we're going forward with on fixing, what our plan is, and what we do yearly. We want to prevent future issues with both the water and electric infrastructures. Budget and Infrastructure are top priorities.
- Focus on our advisory boards. We have lots of them, and I would like to see us streamline that somehow. It would be nice if we had maybe one or two advisory boards and combine them so we can get people on there that want to be on there, and want to stay. We have lots of turnover on our advisory boards. If we could have one or two that advise on everything instead of just being specialized. We could have a business savvy person, a golf course, airport etc. and bring them all on one board so they can advise us that way.

Mayor Hechler's goals:

- I would like us to deal with the Lee Belle Johnson Center. We need to renovate it, or we need to find the final disposition. We're in the process of doing that now and waiting for some more information. If it's going to cost us \$4 or \$5 million to renovate, we may not be able to do that. If it's a more affordable fix, it's an iconic building for our downtown area, and I'd love to be able to do that. When it gets to that point, our taxpayers will make that final decision.
- In 2006, the county presented a referendum to support Spaceport. They purchased bonds in order to do that. We've been paying taxpayer dollars ever since. It was a great benefit to our community the first few years. Our hotels were full, and restaurants had business while they were constructing. They're pretty much through constructing unless they're bringing in some new things. Every time they have a new company come in that does significant changes, we feel the impact. We haven't gotten a whole lot of communication with spaceport in the last couple of years. We're only paying about half a million dollars a year in our county to spaceport. Las Cruces is probably paying about ten. I want to analyze and figure out if the money is better served staying at home. We'll figure that out, and it'll be a community wide decision when we come to it. I'm in the process of getting that done. I called the New Mexico Municipal League, and I have attorneys looking at it. It's possible that we have to let the bond go to its maturity. I don't know when that's going to be. We're trying to figure that part of it out.
- Water Leaks: We're focused on that 110%. We have a grant application for 16 million dollars to the Water Trust Board. We have a \$1.6 million dollar match for that already in place from Senator Heinrich, who's given that to us. Yesterday, Santa Fe had a meeting regarding that, and it passed. We're recommended for funding. That's not the final hurdle. We've got more things to do and more things that will happen. To draw that into perspective, there were some folks that wanted us to claw back the funds for the police department, which is about \$400,000 a year, and put it into infrastructure. I understand it, and I get it. That's 40 years of what we might be getting. If we get the 16 million dollars, that's 40 years of the Police Department claw back. We don't need to de-fund the police. We need to support the police. They need to keep their funding. Fixing our water infrastructure is beyond the means of our community and our citizens. We need to get additional funding from other sources. That's from Santa Fe. It's looking better for us. We've got some other things happening including the WISPI 1 project that's putting some funds directly from our community into fixing our infrastructure. We're moving on it. We're aggressive with it. We'll continue to be aggressive with it. We're going to resolve this thing down the road.
- The recreation center and aquatic center are important additions to our community. We'll have to make some hard decisions about that. Between our golf course and our swimming pool, we generate about \$80,000 a year, and we spend over \$400,000 to have those two facilities open. We're serving very few people in this community directly. Is it fair for our citizens to pay for those few

people to enjoy those facilities? It's a hard sale for me. Are we better served building something using those funds that benefit every citizen in this community. Not only this community, but it should be a Sierra County recreation center. I would like to get the other entities within this county involved. We'll work on that. If the location works out to be near the schools, we've got some issues with that. We're working on that as well. If that works out, we may even go to the schools for some funding to help us out because of the proximity to the Police Department to the schools and the added security I think it represents for the schools. I think they would like that presence.

- We want to improve the local employment opportunities for our youth. They graduate high school, and they go away. Some come back later on to work. We need to keep them here. We'll be talking about an initiative later on called the Rise program that does some of that. I'm excited about that. I'm glad we're able to offer that in our community. That's a start.
- We need to decide the future of our electric company. We're going to be discussing that a little bit today. We may not come to the final conclusion on it. We'll have some more information today, and we'll see the direction that we want to go to see if it's a viable thing. We have some ideas that we might want to present that will keep us going.
- We want to develop our hot springs district. We've always wanted to develop the hot springs district. It's kind of an independent thing, and people have been very successful. As a whole and a hot springs community, we would be stronger. We need to figure that part of it out and work toward that.
- We need to continue to work on quality of life issues to include the Louis Armijo Park. We have already received a planning grant to get part of that done. You've seen what we've done with Ralph Edwards Park. It's now to move on. We'll get that done and get it finished all the way. It's a wonderful asset to our community. We need to do that with Louis Armijo if there's funding out there. If we don't ask for it, we don't get it. We'll be aggressive in asking for those funds. Hopefully, we'll get that done, and we'll have a 5 year plan or a plan to phase in the upgrades to Louis Armijo Park.
- We need to expand the relationship with Virgin Galactic with this community. Virgin Galactic has been a wonderful partner to this community. They've supported our Fiestas. Right now, they're talking about building a campus. This down-sizing thing they went through recently isn't an issue. He went through down-sizing when he worked at spaceport when the white knight had some issues. They sent it back to Mojave. They re-worked it and came back two years later, hired people back, and went back to work. He's very optimistic that's going to happen again. They're working on the next generation space flight vehicles. They're going to have a couple launches this year. We may have a little hiatus, but they'll be back. We want to make sure we expand and exploit that connection with Virgin Galactic.

- We worked on a collaboration between the Veteran's Administration and Sierra Vista Hospital. I originally met with the Mayor at Elephant Butte, our CEO, and the administrator at Veteran's Administration. We're trying to find ways we can collaborate together to keep the money in this community. If they're working together and they're sharing contracts. We're sending them doctors. We may have a contract for psychological treatment. We'll collaborate with the Veteran's Administration to get that done. Hopefully once we develop these contracts with them, and keep the money in town, we can bring Ben Archer into this thing as a unit and see if we can't keep our citizens from having to go out of town all the time for some of these services.

Commissioner Fahl reported the following:

- She will wait until next month.

Commissioner Mitchell reported the following:

- I enjoyed the newly elected officials training that we attended. I learned a lot of information. I found it very pertinent. The first year that I went not knowing anything. Now that I've been here two years, the re-iteration of that information made my job clearer. I thank the city for allowing us to go and my fellow commissioners.
- Fiesta is underway, and we have a lot of support from the community, businesses, Main Street, and Lodger's Tax was very generous in helping us get this event going. A reminder that next year will be the big 75. This year, it's really important that if anyone's interested in helping us make this weekend amazing, and gear up for next year, please attend our meetings. They are held every other Wednesday at the Chamber of Commerce around 4pm. It will be in the paper or online. Our theme this year is Cars & Stripes. It was a suggestion from the Facebook community on getting the schools involved. The stripes represent the Tigers. We're planning on doing lots of things with vintage cars, car shows, and hopefully gear up to bring back the Jeep races.

Commissioner Hoepfner reported the following:

- The trip to Santa Fe was amazing, and I learned a lot. I have a lot to work with. It is also for networking. I was able to make some contacts for the future. It was a lot of information to look at and work on. Thank you again for sending me. It helped me a lot to learn how things are done. I am looking forward to utilizing the information I got and move forward with all the projects we signed up to do, and to serve the people who live here.

Mayor Pro-Tem Forrister reported the following:

- I'm excited to serve on a new board also. We haven't had a meeting yet, but I'll report back after we have a meeting.

Mayor Hechler reported the following:

- On January 4th, I talked with an architect regarding the Lee Belle Johnson Center. We're trying to get the geotechnical engineering done. We're still working on that to determine what we want to do with that building.
- On January 9th -11th, I attended the New Mexico Municipal meetings. I learned some good things. A lot was a re-hash of other times I attended. I always like attending these things because I know we're doing things pretty much right here. I appreciate that from you Ms. Torres for your organization.
- January 12th is a response to our citizens that came here for the downtown traffic. I requested a meeting from the highway department to meet us here. They sent their engineers and planning staff. I also asked Jay and Angie from the SCCOG to meet us. We all talked about what we could do about the downtown area, and the traveling and flow through. We also talked about the water issues we have when it rains. We tried to figure out all those things. That's in the process. We know we have to do something. The highway department has a plan to come to our community within the next 15 months or so. They want to mill 3 inches off Main Street & Date Street, then lower it, and repave it, which is part of their project. They don't do drainage as part of their plan. That tells me we've got to get something going in the next few months to kind of figure that out. They will do something with the slope of re-milling or putting asphalt back down, which might help a little bit, but that's not going to solve our problems. We've got to figure out a way to get that water out of there. Anytime you drive downtown, and you see sandbags in front of business, that's not a good sign. It's not so much that the water pools up. It's when the vehicles drive across the water, it splashes up on the sidewalks and washes in the doors of our businesses. We've got to solve this problem, and we'll continue to try to do that.
- Tomorrow, we have a JPC meeting at Sierra Vista Hospital letting our commissioners know that signed up. Tomorrow from 1-3, we'll be there.
- Yesterday, I spent the day at the round house in Santa Fe. The primary reason I went, was to attend the House Agricultural and Acequias Committee meeting. I ran into Rebecca Bartoo who is the minority analyst for that committee. Gail Armstrong is also on that committee. This is the committee that is overseeing our \$16 million dollar grant application for our water infrastructure. There were 65 projects to be funded worth a total of \$275 million dollars. There's only \$120 million dollars in the fund. I'm pleased to say that they recommended funding for us as one of those projects, and we're going through from the committee to the next level. It looks positive for us, but you know it's not done until the governor signs off on everything at the end of the session. Whenever that happens, or if she doesn't sign, which means it's an automatic veto. We don't know, but it's looking very positive for us. There are enough communities in this state that have water issues that we need to support. I think that's going to happen this time. There is no use building roads everywhere if the understructure of those roads need work. I was able to speak to the committee and represent our community. I was a little bit nervous, but I got it done. I'm hoping that we move forward with that. 55 projects were recommended, and we were one of them. On the other side of the senate bill 95 for \$20 million dollars in additional funds for this

community. We're probably not going to get funded on that because that's on the senate side. The governor's going to have a little bit to say about that. She hasn't funded those in the past. We'll see, but you know what, we don't leave any stones unturned. We go after everything that we can. The other thing that's happening is there's another move for another \$150 million dollars into the Water Trust Board through funding. The state has a multi-billion-dollar surplus. These are cups in a bucket. If that initiative works, and there's another \$150 million dollars placed in the Water Trust Board, then we'll have plenty for next year as well. Things are looking okay for us to deal with this water issue. Nothing has been solidified yet. We'll know the first couple of weeks in March whether we've gotten it or not. I'm really looking forward to those dates.

Mayor Pro-Tem Forrister added the following:

- There is an event that Sierra County Farm Bureau is putting on. It's called the Not-So Newly-Wed game on February 16. You can pick up your tickets at the Farm Bureau, Western Fix, the Sentinel, or Rebel Roadrunner. It's \$50 per couple or \$30 per single including dinner and a cash bar. You must be 21 to attend. I hope to see a lot of our community out there. Farm Bureau does a lot for our community and sponsors anything they possibly can. Go show your support to them.

E. CONSENT CALENDAR:

1. **City Commission Regular Minutes, January 3, 2024**
2. **Acknowledge Regular Public Arts Board Minutes, October 17, 2023**

The Consent Calendar was approved with no objections.

Roberts Rule of Order for the Consent Calendar placed on an agenda.

"It is not necessary for a vote to be taken on the consent agenda. Instead, the items may be approved, pending the absence of any objections. and reports that were approved as part of the consent group, even though they were not reviewed at the meeting, but instead, before it by an individual. The presiding officer announces the items on the consent agenda, asks if any item should be removed, then declares the consent agenda adopted unless there's objection. Commonly, no debate is allowed on the consent agenda or on any item included in it.

F. PUBLIC HEARINGS (5 Minute Rule Applies)

1. **Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 762 TDS Franchise Agreement.**

Assistant City Manager Alvarez: This came before you at the previous meeting because the existing Franchise Agreement with TDS had expired. There's been no changes since publication. This is the public hearing portion and then final adoption for the agreement. It will increase their fees from 3% to 5% that they'll pay us.

City Attorney, Jay Rubin: I want to add a few more things.

- On paragraph 7a: This is the paragraph where the cable company, at their initiative, can provide us with complimentary programs for City Hall, Fire Station, and Municipal buildings. We added the sentence at the bottom that if they wish to cease the service, they have to give us 20 days notice. That's good. That way if there's a change then we would have plenty of notice.
- On paragraphs 8a & 8g: This is the probation to deal with a possible job or public educational or government use. This is now written in that we have the right to include that if we ever wish to and provide for a charge of \$3 per subscriber. Aside from that, the rest of the ordinance is identical to what we've been working with.

Mayor Hechler opened the public hearing.

Opponents:

Ron Fenn: My opposition is not necessarily to the proposition from TDS, but about public hearings in general. You all have spoken about transparency in this community and trying to increase it. Me standing here as the only person speaking at a public hearing shows that there is not very much concern or even knowledge that's going out in the community. Nobody knows what's going on. Otherwise, there would be people that would be in favor of things or not in favor of things. I recently went through the municipal league and looked and found that T or C is the only Commission/Manager form of government in the state of New Mexico that meets in a morning.

Mayor Hechler requested Mr. Fenn stay on topic for the meeting.

No other comments were made.

Proponents:

There were no proponents.

Mayor Hechler closed the public hearing.

Commissioner Fahl: This is certainly going to be a good thing for us. We're getting a little bit more income. How long is the term?

City Attorney Rubin: It's 10 years. Paragraph 3.

Commissioner Fahl: It's a win for us, and certainly a win for them too.

Mayor Hechler: Assistant Manager Alvarez, how much money do we get from this? I know it jumped from 3% to 5%, but what is it? Do you have any idea?

Assistant City Manager Alvarez: I don't. I apologize. I had that spreadsheet when we did the publication, but I didn't have it included in this agenda. I think our TDS fees run right around \$1000 a month. I'd have to double check. Please don't quote me on that. We get different payments from our franchise agreements. We have gas company, Windstream, TDS, and then we have our pole agreement, so I'm trying to remember off the top of my head – the spreadsheet. I'll bring that information to you.

Mayor Pro-Tem Forrister moved to approve Final Adoption of Ordinance No. 762 TDS Franchise Agreement. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 31 23/24 Budget Adjustment Request.

Assistant City Manager Alvarez reviewed the budget adjustments provided in the packet.

Commissioner Fahl moved to approve Resolution No. 31 23/24 Budget Adjustment Request. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Action: Authorizing Code Enforcement Officer Tyler Knull as designated representative to act on behalf of the City Manager and Designated Zoning Official for enforcement of the Municipal Code for Property and Building Violations and Appoint Tyler Knull as a Deputy of the T or C Fire Department for Fire Inspections.

Assistant City Manager Alvarez: When our Code Enforcement Officer is out in the field, there are sections of our municipal code that require the City Manager or his/her designated representative or they specify it's the duty of the designated zoning administrator or his/her designee to enforce various sections of the code as it pertains to property and building violations. Staff is requesting, we did this with Jamie Sweeney when she was code enforcement, as you know Officer Tyler Knull is now our code enforcement officer. We are requesting to designate him for those inspections and violations. As well as the municipal code, the Fire Chief can appoint a deputy, so he is requesting that we appoint Tyler as the deputy for the Fire Chief. That will pertain to not only the code

violations, but we do the short-term rental inspections. There are certain aspects to those inspections making sure they have the appropriate fire extinguishers and questions or concerns that may come up. He'll have training with the Fire Chief, and he'll have direct contact during those times. We are just requesting he is designated, so he can act on our behalf.

Commissioner Mitchell: Was this previously Jamie Sweeney? Tyler will get the training?

Assistant City Manager Alvarez: Yes. He's already been in great training with Jamie, but he will need to go out on some inspections with the Fire Chief as well.

Police Chief Tavizon: It's going to be a necessary process if we want to continue to include Code Enforcement to address these codes.

Mayor Hechler: Will there be a move to fill any vacancies? He'll fill that vacancy, but what position is he leaving?

Police Chief Tavizon: He vacated the animal control position. We do have 3 applicants, which we have interviews scheduled for tomorrow to try to fill those positions. We're working to make sure we're at capacity. We are there at the patrol level, so we just have these two to fill at the animal control level. Training will have to be done to get him up to date on code and procedures.

Mayor Pro-Tem Forrister: Just to go back to us talking about keeping our high school graduates here in our community. Tyler graduated from here. He's been working for the city, and I want to congratulate you on your new job title and wish you luck in all your training.

Mayor Hechler: Congratulations. I've always thought, when you work in a position and you exceed your expectations, there will be other opportunities. Congratulations, and keep working hard. There's some good stuff down the road.

Commissioner Fahl moved to authorize Code Enforcement Officer Tyler Knull as designated representative to act on behalf of the City Manager and Designated Zoning Official for enforcement of the Municipal Code for Property and Building Violations and Appoint Tyler Knull as a Deputy of the T or C Fire Department for Fire Inspections. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Update: Animal Shelter Expansion.

Tara Manning, Animal Shelter Supervisor: We received the grant to expand the shelter. Currently, we only have the 13 dog kennels. We have been diligently working for the past 4 years to determine the best options. Working with the engineer, we've come up with a plan to re-arrange the existing floor plan to add 11 more dog kennels. Storage is

currently all in the armory, so we are going to add a storage unit in the current building to avoid going to armory for supplies. We're also adding a dog washing room. Currently, the cats have mostly been in their kennels, so we're also converting the existing laundry room into a space for the cats – "cat-itat". Community members have been making donations. We also have a community member who is going to make some things to attach to the wall, so the cats can run and climb. My goal is to get them a window because sunlight is amazing for cat's mental and physical health. If we're going to spoil the dogs with a play yard, we should do the same for the cats.

Cross discussion ensued about the renovations and improvements.

Mayor Hechler: How often are you at full capacity?

Tara Manning, Animal Shelter Supervisor: Over the 4 years I've been here about 90%. Dec-Feb tends to be better until puppy/kitten season hits. Summer is bad because of visitors to the lake, and the fireworks. It's the worst time of the year. Over the last couple of years, we've been posting on Facebook a week before 4th of July, and that helped prevent lost animals from coming in.

Mayor Hechler: We all share respect for your empathy for these animals. That's part of the reason you're so successful. We really appreciate your effort. Please discuss your adoption and re-location success rate as well as euthanasia. Just talk with us briefly about the way you administer the animal shelter.

Tara Manning, Animal Shelter Supervisor: Our save rate is based on how many live animals come in. They don't pin us for animals that pass away and come into the building vs. the animals that die or get euthanized. To be a no-kill shelter, you have to be at 90%. When I started, our average save rate was 60%. They were putting down animals once they hit 30 days or they ran out of room. They were putting down half the dogs to make room for them. I pushed to work with them more. We don't really enforce the 30 day rule any more. We go based on the animal. Every animal is different. With that, we have worked on following the save rate policies on what no-kill shelters do. If it is for medical reasons, I don't want an animal suffering. It's not fair to them. It's painful to watch them suffer. If it's a court order, I'm not going against a judge. There are times that we get animals that are very aggressive. They try to attack myself and my staff. We work with them. Some are just scared, so we give them time to adjust, and we are able to help some, but sadly, some are just aggressive, and we have to euthanize. Our adoption rates did drop a little. I don't know how I'm going to beat the record for 2022 adoptions. We did 432 adoptions. Last year (2023) we did 381. The first year we opened it was 100. We were very active with adoptions in 2020 during COVID. After COVID, many shelters were overcrowded, and rescuers jumped in to help. Many have closed doors and gone out of business or even general changes and are unable to accept animals. Our rescues fluctuate based on availability. I've been in touch with another organization. They're going to help us transport and get rescuers involved again, so we can get animals to rescuers before getting kennel stress. Hopefully, we

can increase adoptions. My goal is to beat my record from 2022. I will. Then hopefully getting our rescues through the roof as well.

Mayor Hechler: So, I take it that the euthanization is very infrequent? Do you consult with a veterinarian when that does happen?

Tara Manning, Animal Shelter Supervisor: Yes, we bring the animal to the vet for his recommendation, which we follow. He also won't go against a court order. We also get the veterinarians recommendations for aggressive behavior, for medication treatment, behavior training, etc. We have been able to successfully treat kennel stress with holistic treatment such as hemp oil. We have been able to save quite a few with that. Our average save rate is 88.5%! We're almost there.

Mayor Hechler: Once an animal has been in the shelter for 72 hours, it becomes the property of the city. Personally, I've looked at some of the statistics in the past where animals were kept in the shelter over 100 days, sometimes it was because someone was incarcerated or something else happened. We didn't know how to re-locate the animal. I think that policy has saved many more animals than it's ever hurt. Occasionally things happen that may upset some folks, but the overall rule is still a good rule, right?

Tara Manning, Animal Shelter Supervisor: Yes, our main focus is the welfare of the animals. We want to look out for them in every way possible whether it's the physical/mental health. We don't want them to get to the point where they're struggling or suffering because that's not a life, I would want myself or my animals to live. You can walk into the shelter, and I am able to tell you about the information for every animal.

Commissioner Fah: This is to get to the root of a Facebook problem. Did they find the cat from the couple that wrecked their RV? Do you have an update on Noodles?

Tara Manning, Animal Shelter Supervisor: I don't know a whole lot of information about Noodles. I know they're getting involved with the different police departments to see if the cat is still in the RV. I've been in touch with the family's kids who sadly live in a different part of the county. We're staying in contact with them, and they call to check on updates. Hopefully, there is an answer soon. It's getting cold. I'm sure that cat is getting hungry. Hopefully, we can figure out where it is.

3. Discussion/Action: Board of Veterinary Medicine Animal Care and Facility Fund Grant Recipient Agreement.

Tara Manning, Animal Shelter Supervisor: In August, I went to a conference. They had a working lunch where a discussion of grant money for spay & neuter and parvo/rabies/distemper vaccines. I submitted the grant application and asked for the full

amount. I was shaking with excitement when I got the approval email. In 2020 our previous vet would only allow us to get one animal a month fixed. SCARS stepped up and offered to get one additional animal a month fixed. In 2020, we got 24 animals fixed. Awesome. I was excited. The following year, we got in touch with Dr. Allred, who is amazing. We started working with him. We went into a contract with SCARS. They were going to help us get the feral cats fixed. Because of them, we got 147 animals fixed. In 2022, because of SCARS helping us out and Dr. Allred allowing me to bring 26 animals in one day to get fixed. This took an animal control truck, our van, and the truck to bring them all over. Because of him, we were able to get over 400 animals fixed, in 2022. We got puppies, kittens, everything. Because of that, we've already seen a drop in feral cats, which can take up to 5 years, and we're already seeing a difference now. We've been seeing less puppies. Last year, we were able to get 347 animals fixed, which is still huge from where I started with 24. When we got this grant, I was beyond ecstatic. Think of all the animals we can help. We still want to work with SCARS. SCARS has been giving us so much money in order to get these animals fixed. I'm sure their funding is very low. With this, we want to be able to take over the cats, the ferals, everything. Give them a little break to build their funding back up, so they can help more people in the community. OJ and I are currently working on all the details – exactly what we're going to do with it. That's a lot of money, and we want to make sure we use as much as possible, so when I apply next year, it's not going to be a whole lot less.

Orrin Hechler, Director Community Services: I really want to give kudos to Tara. She did this all on her own. If you think of the impact this has on our community not only within our organization. Not only with our feral cat population. I live downtown. I see them all the time. I have seen a difference over the last couple years. Not only does this free up and help our organization and our community, this frees up other organizations like SCARS. They can now use that money for their own organization and what they need to prioritize. This will have a ripple effect for years to come. I greatly appreciate it, and like I said, Tara deserves a lot of kudos for this.

Mayor Pro-Tem Forrister made a motion to approve the Board of Veterinary Medicine Animal Care and Facility Fund Grant Recipient Agreement. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Hechler made a motion to move item H10; City of Truth or Consequences City Building (297 W. 3rd Ave) Tenant Lease Agreement to Executive Session since it is dealing with real property as per state statute 10-15-1 H8. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 4. Discussion/Action: Submission of a Concept Proposal and Grant Application to USDA RISE Grant by Sierra County Business Center Training Division in partnership with the City of Truth or Consequences.**

Assistant City Manager Alvarez: Two weeks ago, I was approached by Melanie with the Sierra County Business Center training division. They had come across the RISE grant and wanted to know if the city would consider entering into a partnership with them so they could potentially apply for the grant. I did some review of this. I think it does have really good idea moving forward. I think it would be very helpful within our community. We would have to come back to the commission with a partnership agreement. Then we would also have to come back to the commission if we were to receive an award on this. Everything will be back in the commission. The first step is submitting a concept proposal, which is due February 1st. What we are asking for at this time would be for us to go ahead and submit the concept proposal to USDA and then go from there to see what they say. I'm sure we'll have some contact and meetings with USDA prior to moving forward. If everything looks good within the concept proposal, then we will have to draw up the partnership agreement. We would address the cash match, which would be covered by Sierra County Business Center. All of that would come back to the commission for review. Before I ask the commission to move forward with any action, since they put together the concept proposal, I'd like to give Melanie the opportunity to explain what they want to do.

Melanie Feldkamp reviewed the Sierra County Business Center presentation. (Presentation attached hereto and made a part hereof).

Mayor Pro-Tem Forrister: For the partnership, are we just basically your fiscal agent?

Assistant City Manager Alvarez: Yes, from what I can tell, we would just be fiscal.

Mayor Pro-Tem Forrister: Is it a match that's coming in with that? If they get 2 million, do we give them the 2 million right off the bat, or do we filter that through?

Assistant City Manager Alvarez: It looks like it's going to be on a reimbursement request, and there is a 20% match, which they have said they will take care of.

Mayor Pro-Tem Forrister: It's under reimbursement, so it's not like you're going to come and say we need 2 million. I don't know if we could just hand over 2 million.

Melanie Feldkamp, Sierra County Business Center: It's over 4 years.

Commissioner Fahl: What you're saying is, the city is going to be the applicant, and then we're going to have an agreement with them in the scope of work with this group, and they will implement it. Is that correct?

Assistant City Manager Alvarez: Correct. The grant does require a partnership agreement in place, which means approved by our commission.

Commissioner Fahl: Could you tell us a little bit more about this group? I believe I've seen things about them in the newspaper, but are you a non-profit? Tell us about your group itself.

Melanie Feldkamp, Sierra County Business Center: We are not a for-profit or a non-profit. We are going to investigate the possibility of becoming a non-profit. We hold meetings periodically. You'll see it in the newspaper, or I'll post events on Facebook. What we are doing with that is inviting business owners/community leaders to meet with us to share what they feel the needs are specific to trade or specific to employees in general. One of the biggest problems we have in Sierra County, that I've identified by speaking with different business owners, is that nobody wants to work. We want to build self-esteem/confidence in these youth. Then they are motivated to invest in themselves. They will buy into, if you will, the need for additional training. I am the face of Sierra County Business Center training division. I've met with Bobbie Sanders, and I've met with Olive Tree and done a presentation at Olive Tree. I'm going to do a presentation at the high school. We would like to be able to have an internship relationship with them, so that we have students who will receive class credit for doing the classroom training with us. We are trying to work with students with truancy issues or perhaps students on juvenile probation, making our program a part of what they need to do to get out of trouble. Making it a requirement for what they need to do to get off of probation. We are working with different entities within Sierra County to make this happen. I'm so excited. We are currently partnered with The ACT non-profit organization, and that allowed me to generate 4 requests for donation, and what we were requesting. We need laptops. The 4 basic classes will cost \$700, and then the cost of laptops. If we don't get a donation for the laptops, we're going to piece it together. We're going to make this happen either way even if we have to go out for private donation. I'm not sure what that's going to look like at this point, but I believe it will benefit Sierra County, the City of Truth or Consequences in particular, as well as the residents, the youth, and the young adults, if we can make this grant happen.

Commissioner Fahl: Do you have a structured board and bylaws?

Melanie Feldkamp, Sierra County Business Center: No.

Commissioner Fahl: I'm supporting what you've done, and you might connect with Barry Ragsdale. He did that years ago, at the High School. They built homes and sold them, and they got college credits for that. My concern is that we're going to try and get a \$2 million dollar grant for an organization that is not structured. Yes, we totally need this, but maybe you can work with another group that is structured while you build up your reputation as an organization. A grant board isn't going to like that either. I'll support that, but you probably should be partners with a non-profit that has been around for a while, and is structured, and has a board. You can maybe get an agreement with them. You will still do this scope of work but you can work through an organization that's been in place for a while and has all those things together because that could be a problem.

Melanie Feldkamp, Sierra County Business Center: We are currently working to have a structured board. It will probably be an advisory board. We are registered with SOS.

Commissioner Fahl: You don't have the meats and bones of your organization together, and that's critical for any organization to be successful. Until you do, I would be nervous about entering into an agreement with somebody that is registered but is not a functioning board. That's why I'm saying, partner with somebody that is and has a reputation and has shown the capacity to manage things. Then I wouldn't be so worried. Are you going to conduct all the online courses at the facility on Date Street?

Melanie Feldkamp, Sierra County Business Center: Yes, ma'am. If I can show that we are an organized organization.

Assistant City Manager Alvarez: The Commission has to agree to the partnership agreement before the application can be submitted. We can submit the concept proposal and if we haven't got those questions answered for you, then you guys can, at that time, vote against the partnership agreement.

Mayor Hechler: Ms. Feldkamp, we can go ahead and approve the concept plan now, so you can get that part of it done, and then you can work on getting a sponsor or somebody to work through, and then you can come back to us so we can move forward with the entire process.

Assistant City Manager Alvarez: I would like to request that it come back to you at the second meeting in February, so I can have time to make connection with USDA.

Commissioner Fahl moved to accept the Submission of a Concept Proposal to USDA RISE Grant by Sierra County Business Center Training Division in partnership with the City of Truth or Consequences and consider the grant proposal down the road. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Update: PD Update.

Chief of Police Tavizon: I want to read some statistics for the last 16 days of January. The guys have taken 558 calls in just 16 days. That's not up to date. Instead of reading this I wanted to give the folks at home listening and the people in the gallery a little perspective of what public safety means and what it takes to be able to have public safety in your community. Public safety, as you're aware, is a necessity in any civilized society. It's required. You can't get away from public safety. Each community has its own challenges. Me being someone who came in from the outside. We have to make an initial assessment of the overall city limits within our jurisdiction. We look at what kind of challenges we have within our community.

- The interstate: Brings different commerce and smuggling and other crimes. We have a border patrol checkpoint that when they are open, the community sees a little bit of backlash when they have the pursuits, yields. The individuals from those pursuits bail out and enter our community.

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- The schools: challenges and culture across the country with active shooters and different situations.
- The river: I've never been in this community when the river was full. I was surprised and impressed by how full it gets. At the same time, it's a public safety challenge. Getting across to the other side to provide services to folks living on the other side of the river.
- Communications: we look at additional resources and other organizations EMS, Fire, and the Sheriff's office and what they have to provide. Part of what we talked about, Commissioner Fahl, ICS system. That's all incorporated. What capabilities do we have within our community in the event of a mass casualty or a mass situation?

These are all the things we have to look at, and then we start bringing it down to our agency. What can we provide as far as training and specialized equipment to be able to assist in these programs? The circle starts getting a bit smaller when we start to identify problems in our own organization.

- Lack of consistency due to turnovers with chiefs in the past – we have had difficulty with this.
- Lack of training – some of the main lawsuits that come across in any law enforcement organization are due to failure to train, failure to supervise. We have to address if our supervisors are adequately trained to supervise our manpower. Then address that issue once it's identified. Are our officers competent in doing their job and providing adequate services?

Once you're here, you're starting to minimize your public safety concerns. You can't discard public safety as a whole in your community from the federal and state levels. Police agencies have – it's hard to be a police officer in the state of New Mexico. Our legislators pass legislation that ties our hands. We're trying to take drugs off the street, and they're giving us obstacles to be able to adequately prosecute those cases when we come across them.

Example: We had legal precedence and the ability on the federal level to do a towing inventory. There were people who would claim to have valuables (money, jewelry, firearms, etc.) when their vehicles were towed without an inventory being done. Agencies were getting sued and having to pay large amounts because of these claims because we couldn't prove otherwise. We began inventory searches, and the Supreme Court allowed it. Well, in state, the Lee Sanders appeal court ruling minimized that, so if there's any kind of closed item, a duffle bag or anything, we can't inventory that. These folks can allege anything, and if it's missing, we're on the hook for it.

That's just one of the challenges not to mention the other prosecutorial challenges that we come across. We're influenced by federal policies.

- Migrant issues with border patrol opening the checkpoints - people crashing. We've eliminated our officers being involved in that because we have no business involving ourselves in federal laws. We're not a federal agency that can enforce those laws to keep those people out of our community and provide that safety for them if we can. We've blocked off the offramps from the interstate.
- Going back to the police department, one of the issues I had to tackle was the evidence vault and property room. It was a nightmare. There's a lot of things I can't disclose about it because it's a breach of security for the police department. It's law enforcement sensitive. When you have meth labs that are put in a tote and stored when they are volatile, we've had to contact state police to assist with disposal. Some of the lack of consistency we've had in the past and some of the challenges I've had since taking over.
- Infrastructure of the department itself: We don't have the luxury of being narrow-minded, single-minded, single trap-minded, in law enforcement. We have to take everything that's bombarded on us and address the challenges that are in front of us. There's that mindset in the community that we have to focus on just the infrastructure, just the waterlines, or this or that. The police department is part of that. Any police department in any organization is part of that.
- The Silver City Police Department settled a lawsuit for \$10 million dollars. What's the cap on our self-insurer's fund? A million dollars? After they depleted their reserves, they had to sell bonds for about \$8 million dollars, from what I understand, on something the community is never going to have anything to look at or benefit the community. It's to pay a lawsuit because they failed to do their job adequately. This resonates to any society, any community. That's what I've been trying to mitigate in my position here as Chief.
- The infrastructure at the Police Department, we had some issues with our electricity. I don't know what was going on. It seemed like every 4-8 hours to every other day, it was inconsistent, but we'd have power outages, which would knock our server down. We have malware to prevent people from coming in and stealing our citizens' personal information that we have in our database. It's one of those things we have to protect our citizens from that aspect as well.
- We need to provide a climate-controlled environment for our evidence. That way there is no evidence that is diminished whether it be blood evidence, narcotics, things like that.
- There's a lot of pressure we have from the federal level, with the attorney general's office here locally in the state, with our local community and our ordinances.
- We have a lot of working cops within our department. We have Animal Control, and that's a whole other ball game. We have Code Enforcement which is a whole other ball game as well. We have ordinances they have to enforce. We're trying to work on making it a little bit easier to be able to hold people accountable. Accountability is huge. Right now, we give them 30

days to comply with something we should be able to cite into court. In Deming, that's how we took care of it. We cited in court. We allowed the judge to make that determination and dismissal based off whether or not they were working on that violation. For me, giving someone 30 days to do something, before any kind of enforcement action, really ties our hand and lengthens the process longer than it needs to be. Those are two working areas.

- We have our Patrol Division. We've got to make sure our officers are following the law, and following any new case law that comes out. We have to keep them updated. We have to train, train, train. We've put close to \$20,000 now in training. That's going to be a continuous thing. There are new requirements that the state is putting on us. De-escalation training, dealing with the mentally ill.
- We have to stay within our operating budget. I looked at that budget and determined, in my professional opinion with my 18+ years of law enforcement experience, to include risk management and getting an opportunity to assess other agencies across the state through the accreditation process that our facility is not up to standard. There's a lot of areas that need some immediate attention. In looking at my budget, I looked at the quarter percent we get from GRT, and that's when speaking with some individuals and doing some research, that was an option that was once on the table was the armory. That's something we could keep within our budget with that quarter percent being there.

My job is to be efficient and effective for the community and to provide the best public safety services that we possibly can. That's why we went with that option. I understand there are individuals in the community that are against it. They want us to focus on the infrastructure. I don't disagree that that's an issue. I understand there was the possibility of just building a brand-new PD. I'm just here to say that we are public servants at the police department. We care about the betterment of the community. If the community decides they see it as the best fit to build a new facility, then that's fine. We'll go with whatever is available, and whatever direction we can go. If the community decides they want us to stay in the building and allow it to fall down around us, then we'll do the best we can. We're doers. We'll fix what we can, and we do what we can to make it work to provide the services that are necessary for our community to feel safe. It's important to feel safe when you go to Walmart, or when you go to pay your bills, or when you go to a restaurant.

Commissioner Mitchell: Mayor Pro-Tem, earlier you said that infrastructure was one of your priorities, and I just wanted to commend and agree with Chief that the Police Department is part of our infrastructure. I've been here my entire life, and how many times I've had to call the police. I once got my log and it was pages and pages long. Mainly it's because an incident at the pool, that had a robbery, a break-in, loose pets, dead animals on the side of the road, and that kind of stuff. People say we need to work on our infrastructure. Maybe they do focus on the water and that is a problem. The Police Department, even though it's just one department in the city, I personally feel they are

integral to our community and to our feelings of public safety. Whatever support we can give them, we need to give them.

Chief of Police Tavizon: I agree. We're supposed to complement the community and be there to provide those positive services and preventative services as well. Thank you for that.

Mayor Pro-Tem Forrister: I know this is coming up later, Mayor, that we're going to be discussing ordinance 756. I want to go ahead and say that no matter what, we aren't taking that GRT from you. That's still going to remain there, so why couldn't they have something nice? Yes, you are correct. That is part of our GRT. That is part of our infrastructure. They are probably the most important part of that.

Commissioner Fahl: Thank you for keeping us safe.

Mayor Hechler: My wife is on Facebook. I don't get on it because I would get heated. There were some comments made about the infrastructure and about the police department moving, taking the \$400,000 that the police department gets and using it for the infrastructure. I think that's small-mindedness. As I alluded to earlier, we need to go get the big bucks from the state. It's available. We need to go fight for it, claw for it, get it any way we can. For instance, if we get the \$16 million dollars, as I said earlier, that's 40 years of PD money. Throw that into context. We need to work on things like that. The WSPI-1 money we're applying for, the \$5-million-dollar grant loan that we want to get, and the \$2.5 million dollar grant on top of that, that's 17 years of PD money. Let's go after the big stuff. Let's not put it on the burden of our taxpayers. We need to get the state to help us here. The response to that person, and it was from the police department, "We can do more than one thing". We can do more than just fix our infrastructure. We can get out and fix things in our community that we can be proud of, that will serve us. We shouldn't be shy or be bashful about doing it. I'll be very interested to see what the Chief has to say down the line. I told the Chief one time, and I'll say it again, we're going to support you in what you want. You give us a direction, and we'll try to do what we can to make that happen. We need to see the big picture of those things. We need to be proud of our community. We need to have fixtures and things in our community we can point to and say "hey that's our community". This is what we're proud of. Hey, that's our law enforcement center no matter where it is or what it is. I'm tired of making excuses for having our police department in the morgue. It's been through several administrations, through several Chiefs, and it's time to do something with this thing one way or another and get it off our table and move down the road. I'll be looking forward to that discussion.

Chief of Police Tavizon: Just be aware that we are doing everything in our power as well to go after grant money as we've already gotten over \$200,000 from the state just for retention and recruitment. We recently got a donation from Dona Ana County. I know that should be a positive thing because it's a fixed asset worth \$79,000 that we don't have to pay for. We can turn around and sell it at auction if we're not happy with what we have. They'll be able to be re-purposed and used for a year or so to help with our

vehicle situation. I was looking at a grant recently for a domestic violence shelter. It's big money. It's a big program. It's over a 3-year period. I think the community needs a domestic violence shelter. It's going to be another one of those things, when we present it, whether or not the community feels that has priority over some other things. I hope they will see that, for those who have been victims of domestic violence, it is extremely important to have the proper facilities for those individuals that are victimized.

Mayor Pro-Tem Forrister: It would be nice for that to be a one-stop shop in the police department.

6. Discussion/Action: Approval of the Grant Agreement between the New Mexico Department of Transportation and the City of Truth or Consequences Police Department.

Chief of Police Tavizon: What you have in front of you is an MOU approving receiving \$12,212 to be directed for traffic safety specifically in the 3 different programs that they provide. These are NMDOT funds. Ultimately, they're federal funds but filtered through the NMDOT here.

- We have \$3,569 that will be specifically put toward DWI and trying to get those off the streets.
- We have \$1,075 that's going to be allocated to buckle-up. We'll be looking for seatbelt citations specifically.
- Selective traffic enforcement. That's all traffic safety. That's any violation that's out there. We have \$7,568 for overtime. These are all overtime reimbursement. Zero match grant.

I ask that you consider approving it then we can start taking care of some of our traffic safety concerns downtown and around our community.

Mayor Pro-Tem Forrister moved to approve the Grant Agreement between the New Mexico Department of Transportation and the City of Truth or Consequences Police Department. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Approval of Purchase Requisitions over \$20,000.

Assistant City Manager Alvarez reviewed the Purchase Requisitions over \$20,000 provided in the packet.

Commissioner Fahl moved to approve the Purchase Requisitions over \$20,000. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: State of NM Dept. of Economic Development Capital Appropriation Grant Agreement MainStreet Foch Street Project.

Assistant City Manager Alvarez: You previously approved the resolution to support this project for additional funding for Foch Street. We submitted that resolution of support, and they were almost instantaneous in providing us the grant agreement. This is just the grant agreement pertaining to the resolution grant is \$1,016,000 and no match on that. Hopefully, the finalized amount of funds that we'll need to go to construction. That puts them at a little over \$3 million total that we'll have for construction on this project.

Cross discussion of the positive impact of this project on our community.

Commissioner Mitchell moved to approve the State of NM Dept. of Economic Development Capital Appropriation Grant Agreement MainStreet Foch Street Project. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: USDA WSPI-1 (Water System Project Improvements PER 1) Construction Loan Offers.

Assistant City Manager Alvarez: We've exhausted our pre-development loan funds the commission previously approved. We are at the tail end of design and getting ready to go out to construction services. At this time, we'll take the pre-development loan, and we need to go out for the full loan of this project. I reached out to our local bank. We currently have our pre-development with Bank of the Southwest. I reached out to them, RCAC, and First Savings Bank. We did a little bit of back and forth because everybody has some high interest rates. The original offers came in between 8.5% & 7.5%. Whereas RCAC had come in at 5.5%, so I originally was going to be going with RCAC. When I let the other banks know what RCAC was interested in, we had a little bit of a back and forth with the banks. These are the final offers, so I am requesting the commission for direction or approval to proceed forward. This will all come back to the commission by loan ordinance with Chris Muirhead, our bond counsel. We'll go through that whole process and procedure. I'm just requesting a Commission decision on which bank you want me to go with.

Mayor Hechler: Ms. Alvarez, will you discuss briefly what these funds will be used for?

Assistant City Manager Alvarez: This is our WSPI-1 project. This is the preliminary engineering report that's going to cover some of the various pressure issues we have throughout different sections of the city by reducing the pressure and adding some pressure release valves. That will help with some of the leak issues and breaking pipes that we're having. We're also doing some additional waterline expansion kind of up

above the area of the old Pine Knot. There'll be an additional line in there, which will greatly increase the fire flow. Then also address some of our aging infrastructure lines.

Mayor Hechler: A lot of the water lines are going to get replaced with this, right?

Assistant City Manager Alvarez: Yes.

Mayor Hechler: That's the point I wanted to get across. In addition to that, once we apply for this loan, we also get a grant. Is that correct?

Assistant City Manager Alvarez: Correct. The Commission has already previously accepted this loan grant. This was originally done around 2019. You guys approved it. Anytime we get a loan grant from USDA, we have to go into pre-development loan funds first, for the design of it. That was the \$750,000 loan. This loan pays off that \$750,000 loan and takes us into the loan for that \$750,000 of pre-development plus full construction. Once the project is complete, then USDA steps in. They pay off Bank of the Southwest, and then we have our final loan with USDA.

Mayor Hechler: Final question I have, as we get these loan funds, we're only paying interest on the funds that we get as we get them, right? So, as the project progresses, the more we borrow, the more we have to pay on. It's accumulatively down the road.

Assistant City Manager Alvarez: Correct.

Mayor Pro-Tem Forrister: It looks like Bank of the Southwest is giving us the best terms.

Assistant City Manager Alvarez: I did reach out to our financial advisor, Mark Valenzuela. I submitted all of those to him and let him do a review. Bank of the Southwest and First Savings were both very close, but the kicker is the term. We anticipate full construction to be done hopefully, within 18-24 months because construction takes a while. With Bank of the Southwest, they're willing to go up to 36 months in case there are any construction delays. The big one is the loan origination fee of 1% vs. .75%. That is a considerable savings to the city. Way back when we did the USDA for the wastewater treatment plant, it used to be that the USDA would mandate. It was just automatic through RCAC. USDA has moved on from that. Now they would like us to try and work with our local banks and keep that money local.

Mayor Hechler: That's exactly the point I wanted to make. It's nice that if we're going to go through a process like this that we keep the money locally, and we use local vendors or banks. That's an important consideration here.

Mayor Pro-Tem Forrister moved to approve the USDA WSPI-1 (Water System Project Improvements PER 1) Construction Loan Offer to Bank of the Southwest. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: City of Truth or Consequences City Building (297 W. 3rd Ave) Tenant Lease Agreement.

This item was moved to Executive Session.

11. Discussion/Action: Flood Commission Project Funding.

City Manager Gonzales: I had the opportunity to meet with our Flood Commission. This is all new to me, so it's very interesting for me to listen to. We want to bring to the Commission that Flood Commissioner Jones has offered us some funding from his fund. Sierra County has a Mill from the property taxes that goes into his coffers, and he is offering it to the municipalities, Village of Williamsburg, City of TorC, City of and the City Elephant Butte for projects that you guys would like to do with that funding. It's in the amount of \$100,000, so it will get us started on some of these flood projects. We wanted to bring it to the floor for you to discuss.

Mayor Hechler: Our objective here is figure out how we're going to spend that \$100,000 and what is the best avenue. When we went to this meeting, I invited Commissioner Fahl to attend because she's our dam expert. I'd like to hear what you have to say. We've also got all our reports regarding the dams and what our shortcomings are. That was kind of interesting.

Commissioner Fahl: I kind of summarized them. I made copies. *(complete copy attached hereto and made a part hereof)*. I'd like to add to what Angie said. We own 4 structures. They are all technically high-hazard dams. The Dam Safety Bureau inspects the dams every 3-5 years to see if you're in compliance. If you're not in compliance, well then, we have certain things we're going to ask you to do. A high hazard dam is designated a high-hazard dam if there is a threat or loss of life or property if the dam breaches. Cantrell is not an inspected dam, so we just have these 4. I received the inspection reports a year or so ago. I wanted to go over this. The Flood Commission office would like us to spend the \$100,000 before the end of the fiscal year. I believe that a lot of these maintenance issues, which have been on inspections for quite some time, can probably be paid for and completed for most of them using that \$100,000. Because they're high-hazard dams, I noted in there, that you have to have an emergency action plan which is EAP, another acronym, and a new operation of maintenance manual. Emergency action plans are designed by an engineer. There is a template. They give you a template about what to do with this emergency action plan. The plan is basically working with the EMO, which would be Ryan Williams, in our case. If that dam is reaching to a certain level, and we have a certain rain event, they're going to be looking at it. As a raise of concern, if the dam is going to breach, then he will activate certain protocols to evacuate people. That's what you need an engineer for. The engineers create this inundation mapping. They take your water shed, and they look at this storm event, this is who's going to be flooded; a bigger storm event, these are going to be flooded. That's all part of the emergency action plan. That is where the

big cost comes from. They've been asking for these emergency action plans for a long time. I'm suggesting that we hire a firm to do that because the Dam Safety Bureau has not been very amenable to the countless emergency action plans that have been submitted. The Caballo District submitted one 14 times before they accepted it. Sometimes, they didn't like it because of the grammar. It just depends on the person who's reviewing them. They're very detailed. When we get ready to do that, we need to probably hire an engineering firm that has had them accepted by the Dam Safety Bureau. A lot of engineers think they can do inundation mapping, but we don't need to keep paying for them to do it over and over again. We need to find somebody at the Dam Safety Bureau who likes their format. The St. Anne's dam is the one that's most concerning to me because of its location. Those are very detailed things on what they wanted to get done. They've noted that in our inspections for quite some time. It's been ready to pour because of our lack of response. Where Marie Street goes, that's actually a dam. That's an inspected dam. That was concerning because I didn't even know that was an inspected dam. It talks about the problems on there. It's ready to pour, due to lack of documentation, because there's a sewer line passing through the dam. That would be bad. Cuchillo Negro, now that's a big structure, and if you guys remember, the city owns that. It was constructed from funds from the Army Core of Engineers. It's quite a way from town. I'm surprised it was a high-hazard dam because town is several miles below there, but it is a high-hazard dam. They wrote a number of items in there. Item #3, they're wanting a survey that since 2019, we haven't responded. They don't like that. The Dam Safety Bureau is very powerful, and you don't want to be on their bad side. That will be expensive. A lot of the things, and then Morgan Street, I didn't think that was a high-hazard dam because it's not really a dam Per se. It's more of a retaining pond, but if it overtops, then there's all of these homes below there. It is a high-hazard dam. The NRCS inspection was funded by the USDA NRCS office. That office is by where the extension office is. They inspect that every year. The other 3 are inspected on a rotation basis. The last time they inspected it was in 2019. They'll probably be contacting us.

City Manager Gonzales: I have the inspection report from March 10, 2022, for the Cuchillo Negro dam. The one for the Marie Street dam is from March 2022. I also have one for St. Anne's dam.

Commissioner Fahl: Maybe some of these things have been taken care of that's on that list. As I've said before, you're supposed to treat rodents because rodents burrow in. That affects the integrity of the structure. Also, if you have salt cedar, mesquite, and woody species, that affects it too. Removing that is what most people do for their maintenance. These are some more expensive items. Angie, maybe Buster can do some of these things with his own staff. You can probably hire a local contractor and get a lot of these things done, and we can get a lot of that money that they want to allocate spent to us by the end of the fiscal year. The Flood Commission said that we can put in a request for next year, and I would suggest we start getting our emergency action plans done. If you go to the Dam Safety Bureau, they have a template for one. The template is really about the call, like a calling tree on what to do if you're going to have a flood. The expensive part is the engineering. Like I said, it's very costly. It's 50-80

thousand dollars depending on the size of the structure. I would start worrying about Marie Street too because, with the roundabouts, they've directed all the water flows from that into that structure now. Now, we're going to have an increase in water flows and probably at a higher intensity than what it was before.

City Manager Gonzales: If it goes historical, we're due for another inspection here in 2024.

Commissioner Fahl: Marie Street is just, to me, because of where it's located, that's pretty scary. Most of these things are, like I said, if we have influx of money, and we can use that money to get a lot of those things done, and then focus next year on getting our emergency action plans. They also require an operation of maintenance manual. You have one for Morgan Street, I believe. I don't know if they submitted that to the Dam Safety Bureau for approval. They should have when they constructed it. You would have one for Cuchillo Negro. It says some of the documents missing for Cuchillo Negro. We should have those. Items #3 & #4, because when they built that, they should have had those things and sent them to the Dam Safety Bureau. What we have discovered as part of the Dam Owners Organization is that old records, a lot of these dams were built in the 50s and 60s. The Marie Street, they can't find a design for that, and we probably don't even have one. You had to get a permit even back in the 50s and 60s to construct a dam. They sent the records to the Dam Safety Bureau because they had to have them to approve them, but they lost them. Now, it's on us even though they've lost them, it's on us to locate them. I bet you we will not find Marie Street or St. Anne's, but we do have Cuchillo Negro. You could probably get some of those records up there. Item #5 and the Cuchillo Negro Dam. Their concern is that the County, and most counties do not have things in their zoning that doesn't allow homes to be built below a dam. So, when it is, then that's when they become high-hazard dams. There are 150 dams from the Caballo dam to the state line, and most of them are dirt structures like St. Anne's. When they were built, there wasn't anything below them. Now, there is. I would assume there are probably more residences in there, but maybe we can work with the county to try and curtail that.

Mayor Hechler: Commission Fahl, for now, what is your recommendation to spend this \$100,000? I assume we don't want to spend it on engineering reports or studies. We want to spend it on machines on the ground.

Commissioner Fahl: I would focus on working with Buster in the Streets Department for basic maintenance, and Casey Maguire with EDID, has been their maintenance guy for years and years. John Gwen is the Flood Director for the Dona Ana Flood Commission, and they're very active. They have a lot of projects. They could get you some estimates to start. We need to start with St. Anne's first using their estimates then find a local contractor. If Buster can't, contractors can probably do a lot of this. I think we should focus on getting St. Anne's done first and then Marie Street. Then if we have money left, we could start going with the issues on Cuchillo Negro. Morgan Street are pretty nominal, so I think Buster could probably do a lot of those himself. A lot of what they're writing, they're simple things. Basic maintenance things that we haven't been doing.

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We've been doing rodent control and the woody species control on most of them. It says "make arrangements to have overall inspection with outlet works can do it performed by the qualified contractors". That's going to be expensive. If we can do the other things, those would be a lot safer. Then we're also showing them, ok, now we're going to do our due diligence, and we're going to start getting those things done. If there's a problem, then that'll protect us some.

Mayor Hechler: Am I to understand, that the funding for any work that the city does is not going to get reimbursed. We have to contract this out?

Commissioner Fahl: Oh, that's right. She did say that.

Mayor Hechler: Which isn't bad, so we will do the contracting out. We'll get that done. We'll return the money back to the community in that way. The Street Department can also do some work on these dams later on. We're not going to get reimbursed for it, but we'll be able to do that work.

Commissioner Fahl: What's unfortunate is the Street Department did what they could, but they didn't give them the money that they needed to do that. It's been going on for years. It wasn't like they didn't want to do it, but they just didn't have the money to do it.

Mayor Hechler: So, what I'm hearing is that we're going to use the money to do basic maintenance to St. Anne's dam, and if we have extra money, we'll continue on down the list. Is that what you'd recommend?

Commissioner Fahl: Right. I would recommend that. Yes.

Commissioner Fahl: Well sure. I'll make a motion that we do the maintenance as detailed in the up-to-date Dam Safety Bureau report as far as the funds allow, and then ask to do emergency action plans the next fiscal year.

City Manager Gonzales: I was just thinking of procurement. We're just going to put together the specifications. I'll put together the specs and run it in the paper, and we'll get some vendors in. We will work very hard to get it on the first commission meeting agenda in March. I think that can be done through procurement.

Commissioner Fahl: Some of them may be on the state procurement list for some of those things.

City Manager Gonzales: They do. I will work through the procurement, and I will take care of it.

Mayor Pro-Tem Forrister: Just make sure that they will be doing things that we cannot do internally.

Commissioner Fahl made a motion to use the funds to do basic maintenance as detailed in the up-to-date Dam Safety Bureau Report, to St. Anne's Dam, Marie Street Dam, and if we have extra money, the other remaining Dams will be included as well. The motion also includes doing an Emergency Action Plan next fiscal year. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

12. Discussion/Update: Legislative Priorities for Our Representatives and Senators.

City Manager Gonzales: We're already a week into the Legislative session in Santa Fe. Most people know this. A lot don't. Elected officials are very important. Staff can go. It's an open meeting just like here. You can walk into the roundhouse, go to the committee meetings, and you can do what you want. You can also watch it online. I used to do that. Elected officials, you have a special power. You are one of them. Mayor Hechler spent the day up there yesterday, and it was very powerful. I heard back from the lobbyists, and they were thrilled that you took the time to go up there and eyeball them toes to toes with them. That is powerful for elected officials to go advocate for your community. You live here. You are here. This is your community. I cannot tell you enough how important it is to go to Santa Fe and attend those committee meetings to let them know what we need, and advocate for this community. That is very important. A lot of people send their managers. Managers are staff. We make sure that we get the projects done within the deadline, but you guys really speak their language, and you really are more important. I just really want to touch base with you.

Mayor Hechler: I am going to go back on the 7th of February. The objective is that I'm still trying to get into the Governor's office. I've tried 3 times yesterday, and I wasn't able to do it. The way to get it done I guess, is to go through the SCCOG and have Jay make an appointment. I tried to make an appointment for the 7th of February. That's the Municipal Day. I'm on the list to try to get into the Governor's office. I asked Jay to do the same thing, so he can get me an introduction to the Governor's office. I've called friends to see if they can text the governor to see if they can get me into the office. We'll figure it out. I'll try to get in there to talk to her. I want to talk about the Clancy Street project of \$1.5 million. This is the main that's right below the Veteran's Administration. It's also the replacement of 900 feet of sewer line, or so. The actual structure, the lift station, or whatever you want to call it. If we can get funded for that, it should be pretty easy. It doesn't take a lot of money. I'm hoping that she has the ability to get stuff like that done. I'm going to tie it into the Veteran's Administration because it's downhill from there. That's her baby. She just spent 60 million dollars in that location. If that lift station fails or has any issues, it will affect the Veteran's Administration. The Veteran's Administration is also going to add some additional units in the back. They're going to renovate the old units they had back there, and hopefully try to use it for staff. That's going to add more pressure to this station, so that's going to be my objective to try to get that done on the 7th if I can.

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Mayor Pro-Tem Forrister: I'm going to support what Rolf said.

Mayor Pro-Tem Forrister: Bruce and I went. Jay got us a meeting with the Governor's office. It was just one of her staff.

Mayor Hechler: I'll probably just stay the night of the 6th, spend the 7th and come home. I'll work that out with Tammy. If anybody wants to accompany me or go that way, I'll be glad to drive.

Commissioner Fahl: Do we know when. When you try to follow when they're having hearings on something, it is so hard. Is McKenzie still working up there?

City Manager Gonzales: You do have lobbyists who you can communicate with. And let them know what you want to follow and I want to be there when it hits that committee. You let them know. Just let them know.

Commissioner Fahl: Can you send us their contact info? I know you've given it to us before, but I don't remember.

Mayor Hechler: The lobbyists are very good by the way. I spent the day with Kathy, and we wore each other out going up and down those stairs and around in circles. I did get to see Senator Brantley and Gail Armstrong. I didn't get to see Jaramillo, but I got the things done I wanted to get done. Our lobbyist was very instrumental to that. The big thing that I already talked about was I was able to testify in front of that committee on the need for our community for that water. I think that helped. I was the only municipality there that spoke.

City Manager Gonzales: Just think. When you're up there, whenever you're doing your budget, and you're getting ready to do your budget. How impactful is it for somebody to stand right there at that (pointing out the podium). There's a lot more zeros behind that. If somebody's sitting right here asking for \$1000 out of your general fund, they darn sure better be here. Well, you're asking for 20 million. You darn sure better be standing there talking.

Mayor Hechler: The only thing is, I wish I would have had that section of pipe with me to show and tell.

City Manager Gonzales: I will let you have this, and you guys can take it up there. Think about your budget process. That's what they're doing right now.

Mayor Hechler: They did give a unanimous pass on it, so I'm hoping that we're going to be okay.

Cross discussion about what committee this goes to next as well as which committees Crystal Diamond is on.

Commissioner Fahl: I had to go up there quite a few times in my career. At first, I was very intimidated, but then after that, they're just people.

Mayor Hechler: Oh yeah, it's fine, and they're happy to see us. In fact, Senator Brantley said exactly what you said, about how important it was for us to be up there. I appreciated hearing that from her.

13. Discussion/Action: Discussion regarding the Sale of the City's Electric Infrastructure.

City Manager Gonzales: This has been hanging over the top of us since I've been here almost 10 months. Let's talk about it in public.

Mayor Hechler: I wanted to get moving on this thing one way or the other. It's been a while. First of all, the process basically was that we've had a couple closed meetings. That's because of the Sierra Electric Co-op folks. They had some proprietary information and we're dealing with real property. We had a study done by 1898, which is a company that went through all the infrastructure issues. I remember going through all that, looking at it, and trying to make a decision. Going through the process, what I've learned is that we still don't know enough. I know enough now to say, I want to first of all be very respectful of the work that the Sierra County Electric Co-op did in preparing for this thing. Because they weren't sure that they wanted to acquire this electric services or property in the first place. We didn't force them to the table, but we wanted to hear what was going on. They're very diligent. They did a good job. I really respect Denise and those folks for doing this for us and getting it together. What I've learned through the process is that I need to learn more, and that we need to learn more. That's just my opinion. I have some trepidations, and the trepidations are that our electric company is doing really well right now. We have a pretty good cash balance on hand. We haven't had to borrow from it for a couple of years. It makes me wonder if hanging onto it is a benefit or a hinderance right now. I don't know the answer to that yet. We're able to put that money back into our infrastructure, and we want to get ahead of this thing. That's kind of my feeling. If we do decide to sell it, I don't think we want to sell it just right now. There's a couple things I'd like to get accomplished is consider hiring an administrator over our electrical utility facility. The administrator can do some of the things we have questions about. For instance, maybe doing a 5-year plan on how to rebuild our infrastructure using the funds that we have. We recently increased our electrical fees. We can estimate the impact of what those are going to be for us down the road. Is it going to put us in a better position to continue to own our electrical facilities? I think we just need a little more time. I'd like a little more information in that regard. I don't know if we can find an electric department administrator to take over those utilities and do that for us. I'm sure they're few and far between. I don't know if we need to find a firm that'll do a 5-year study for us if that would be a better way to go. Those are just questions I have that I'd like to discuss with you folks to see the direction that we want to go. I don't think this process is over. We're moving through the process, but we've got some unanswered questions. Questions we already know that once we sell the facility, we're

going to become customers. It's going to cost us money. Money that we haven't paid before. We get a tremendous amount of service out of our electric department, things for our community that we may or may not get if it's the electric co-op. Those are important to our community. Those are important to us. We need to figure those things out. I'm a little bit hesitant to say yeah, let's go with the sale. We have kind of an offer. I don't know if it's a real offer. It's an offer for a certain amount of money. I don't know if that's the right amount of money. I don't know if we should accept an offer, if we should make a counteroffer. I think we need to go for more information and figure some things out, and then move forward further down the road if we need to. With that, I'll open it up to other comments or questions.

Mayor Pro-Tem Forrister: I just want to say first that that study is not ours. We don't have the study that they have. I'm in the middle as well, and we talked about it in closed session. I think it's time to bring it to the public too. I don't know. We don't have enough information. I don't know if we're going to have that information any time soon. We need to keep looking at it, and whenever it becomes a benefit that we are certain about, then we can pull the trigger or whatever. I don't have enough information to make that for our whole community. What we're losing and what we're gaining. It's hard to make a definite decision.

Mayor Hechler: That's why I said we need to bring an expert in to this situation on our side to advocate for us and let us know and give us recommendations. I know that's going to cost a little bit of money if it's a hired position or a firm that we contract with, but we need to get that figured out. Things are changing. It's doing pretty well right now. We've got a cash balance there. We can keep ahead of things if we need to. Is it a benefit or a curse to us right now? We're trying to figure that out. We need a little further information to get it figured out.

Mayor Pro-Tem Forrister: I think I said that earlier today is that we need to make sure, for years to come, that we keep that money in the electric company so that they can make sure our electric infrastructure stays and gets better and doesn't end up in the situation we are right now. We can't just think we have that cash balance in the electric department, and we can take it to support our general fund. We have to be very cautious of that. Also, just throwing that out there is that the offer that was given to us by Sierra Electric, it wasn't really an offer, they just threw out a number and we've never gotten anything in writing or anything like that either. That number they threw out was not one that we think is viable.

Mayor Hechler: I'm sure it was an offer that was meant well-intentioned, but I don't know what the answer is. I was expecting a little bit more, so that's what it is. I'm sorry we're not disclosing since some of this information is proprietary, so I'd rather air on caution. Any other comments or discussions?

Commissioner Fahl: As most of the commissioners know, I was not in favor of contemplating the sale of the electric company. I think the studies, that were completed by the contractor the co-op hired, were very enlightening to show what our inadequacies

were and what we need to do to improve. I think that the weight study that we approved, which was a long time way behind when it should have been, will certainly improve their cash flow. I believe something like what you had said, Rolf. I think that the community, and certainly myself before I became a commissioner, I didn't ever think of the utilities as like a company, but it really is. Here's our general fund that we pay for things. Then we have these companies over here that need to make money. They need to make substantial money because they need to pay for their infrastructure. Unfortunately, in the past, the commissioners saw fit to steal that money for whatever reasons that they thought they needed to do at the time. As Amanda said, I think we need to if there's some way we can put some process in place, that if the commission wants to take some, they can't take more than 50%. You couldn't say never, but you can put a percentage on there, so they still have money to operate. When you look at the utilities as a whole, our directors are great at what they do. Bo, he knows about power. Was he a business CEO? Is Arnie a business CEO? No. They're not, and we need to get a CEO for our utilities as a whole. That'll take a lot of money. That's where we failed.

Mayor Pro-Tem Forrister: I think that a lot of what that study brought to our attention is that we're lacking that administrative piece. Nothing against them.

Commissioner Fahl: No, they're good at what they do, but this is a business, and we need a CEO. We need to look at it that way instead of "well, he's a department head. He should know all about making money." No. He knows about electric. Arnie knows about water. Does he know how to make money? We need to learn more like if we sold it to them, what would it cost us? Maybe we're not really making money because we're gonna be paying for power. Before we make that move, we need to find somebody, like you said. Maybe they're a contract person. It doesn't have to be an employee. That is a CEO for utilities and they watch all of our utilities. It'll cost us some money up front, but in the long run, it's going to be the biggest benefit I think to electric and all the other departments.

Mayor Pro-Tem Forrister: I think if we can come back with that information and say we know what we have, we know what we're worth. We just don't have that information because we lack that administration piece. I think down the road, I don't think it's totally out of the question. I think it should be open to the free-market too.

Commissioner Mitchell: I think that two years ago when this came up, our electric department was in a different place than they are now. I think that they really have improved in the past two years. I think that it's something that the city, most municipalities don't own their own electric companies. They're regulated differently if they're not part of the municipality and things will have to be brought up to code. We don't have to deal with that right now because we're a municipality. I think initially, I was kind of scared to the point that we need to get rid of this. It's a burden. I think just in the past couple years, we do have great staff that is doing a good job and giving them that opportunity to keep making it better. This is a huge decision that should not be put on just 5 people. It should go to the community to get their input, but if we don't have enough information, how are we going to get everybody else the information they need

to make an informed decision? It's something that's not just a light casual thing. It's a really big life-changing event for the city of Truth or Consequences. Being here my whole life and every time the thunder storms come through in the summer time and the electricity goes off for 4 or 5 hours, you know. I'm used to that. I remember I went to visit a friend in Ohio, and a thunderstorm came through, and I said what do you do if the lights go out? They said you must be from a rural town. That doesn't happen up here in Ohio. I just think that we have been scared to think that there's issues that are insurmountable. I think it's been proven that we can surmount those. I think we definitely need more information, and we do need direction from city staff, from other people that are more informed than us. We need to make sure that we weigh this significantly with everybody.

Commissioner Fahl: I know the co-op may be anxious for us to come to a decision. I think they told us one time, this has come before the city several times. You can see some advantages to them and some disadvantages. Regardless of what their needs are, we need to focus on what we want to do. If we can't give them an answer then we just can't give them an answer.

Mayor Hechler: I think it's important to reach out to Denise and let her know what our discussion was and to really thank them for the process. It did provide enough information for us to know that we don't know what we want to do. I don't know if we have a diamond in the rough. I don't know if it's worth us managing for a while and upgrading things. In 5 years or so having put back the money into the situation, is it worth more to us? I don't know if it is or not. Or if we have \$30 million dollars of expenses out there to upgrade this system, are we just spinning our wheels? That's the hard question. I think we need to move ahead with no sale at this time, but keeping the item open after we've done our homework and gone to our Plan B. Is that okay with the people?

Commissioner Fahl: I just wanted to say, Rolf. We have talked about it, but as Destiny alluded to, when we're ready to make a decision, we're certainly not going to do it in the back room, and we're going to get the community's input because it effects all of you. Don't think that when you see it on the agenda that we're selling it today because we're not going to do things that way.

Mayor Pro-Tem Forrister: I think we were trying to gather as much information as possible and Sierra Electric has their own laws that they follow. That's just how it had to happen.

Mayor Hechler: As long as we're doing our own thing, and it's just us, it's going to be an open meeting. When we're dealing with other people that have proprietary that's how we deal with those things. Well, it is an action item, so it could be just to not make the sale right now until we gather further information.

Commissioner Hoepfner: I would recommend that we maybe do it with a contract between the Sierra Electric Co-op and the city. So that it is closer to that date a year prior, then we can start a negotiation, and work together. I also believe that we shouldn't go forward with selling because we are working on utilities, and we are upgrading utilities. It will be most beneficial in the future for our income. We have to always see upfront how we can operate our budget, and we need to look at what we do should at the end of the day to create revenue, so we don't have the pressure of not having the revenue. We have to re-think everything, and really move forward with seeing it as a entire infrastructure. I think it's beneficial for us, especially when we want to grow and have our own power company.

Commissioner Mitchell: I also wanted to add that I want to hear more too from our staff who have been working here for X amount of years. They know more because they're in the meat and potatoes of it. I value their opinion as much as I value the public's opinion.

Mayor Pro-Tem Forrister made a motion to not move forward with the sale of the electric at this time, and request that the city search for a Utility CEO to oversee the utility financial aspects and give us an administrative piece to get the information that we need. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

14. Discussion/Action: Consideration to rescind the action of the City Commission in approving Ordinance No. 756 authorizing issuance and sale of \$4,500,000 City of Truth or Consequences Gross Receipts Tax Improvement and Refunding Revenue Bonds, Series 2023 for the purpose of acquiring, constructing, furnishing, equipping, beautifying, and making improvements to a Law Enforcement Facility.

City Attorney Rubin: A quick little bit of history, back on November 15, the City Commission approved the passage of Ordinance No. 756. At our meeting on January 3, the City Clerk advised us that there was a requisite number of signatures that had been obtained in connection with a petition for a special election. The City Commission approved the resolution calling for a special election on March 19. At the agenda review meeting on January 17, 2024, I was informed that the city was going to be responsible for the cost of the election. Not the state. I think there had been some inclination that the state was responsible for the cost, but as it turns out, the city is responsible for it. The State Clerk estimated the cost to be approximately \$22,000. I was directed to research the question as to whether the City Commission still had the authority to rescind its action of November 15, 2023 whereby we approved the ordinance. Now, ordinarily, the general response would be "no." If you're repealing an ordinance, what you have to do is you actually have to go through the ordinance procedure again. You actually have to enact an ordinance which repeals an ordinance you already passed. That means you have to go through the whole process of publication, public hearing, the whole works involved with it with an ordinance. However, the difference here is that because the referendum election has not happened yet, the ordinance that you voted for, still has not

been enacted yet. You don't really have an ordinance to repeal. Therefore, the City Commission, it appears, does have the right to rescind its action you took on November 25. I want to be careful about this. Angela was nice enough to come to my office, and we called John Appell. He is our associate attorney. He agreed with my interpretation, and he even gave us some help in how to phrase an item on the agenda. By giving this information, please do not misunderstand me. I'm not sitting here saying "hey, I think you need to take action to rescind your action." I was asked to advise as to whether you had a right to do that, and that's what I've done. It's up to you. That's where we are.

Mayor Hechler: What we have right now is we have a mechanism to take the action if we want to take the action. That's what that is about. Assistant Manager Alvarez, how much money have we expended so far approximately in this thing? Have you guys determined that?

City Clerk Torres: So far, I want to say about \$4,300. That was about a week ago. It could be a little higher than that as of right now.

Mayor Hechler: What's the absolute drop date if we decided to do anything?

City Clerk Torres: We would have to do something at this meeting if you guys want to stop it. They still have to go through the entire election process. Once the ballots are sent out, we can't do anything. That will be mid-February. I don't have the exact date.

Mayor Hechler: What we have before us is if we wanted to rescind, we have a couple of questions. I'm going to put the Chief on the spot a little bit here, but we have a couple of options here. One option is to rescind this action on our part with the intention of possibly putting a new police station in with a recreational complex. There's a lot of things that still need to be done to get that figured out. For instance, the golf course initiative. We don't know if we can even use the golf course area right now because it was dedicated to us in 1956 with the idea of being and staying a golf course. We've got to get release from that if that's the direction we decide to go. Or we can go through with this whole thing and push for the initiative to get through the referendum and get the police station done at the Lee Tafoya building. There's a couple of options there. One other option just might be, as I read the language in the referendum, it doesn't actually mention the Lee Tafoya building. It just mentions for furtherance of law enforcement facility. You could go through the referendum and if it was successful in that it wasn't taken away, we could re-direct that money not into the Lee Tafoya building but direct that money into another facility as well. There's actually 3 options. With that in mind, I told the Chief a long time ago, I'll support what he wants to do. I guess I'm here to ask you, what do you want to do Chief? I hate to put this big thing on your shoulders, but it's important that we support our police department and figure this thing out.

Police Chief Tavizon: It is a big decision to make. Looking at the different options that we have, the Lee Tafoya building, if we decide not to go that route, the city is going to have to take some kind of action with it in the future because the building is just going to be at a point to where we're going to have to demolish it and take it down. I know

there's some success in renovating armories to become public safety buildings. I know that state police were interested in joining us in those public safety buildings. They just wouldn't commit because of what happened last time. They weren't going to put money or make promises if there was a chance that it wouldn't go through. Without that commitment, I came up with a contingency plan in the event even if it did go through and they decided to bow out, that we could provide our community with additional services such as maybe a mental health advocate, some counseling, substance abuse counselors, stuff of that fashion within that facility. One of the biggest reasons that I wanted it is because it's a fortified building, and the place that the evidence would be, would be secure and meet state and federal guidelines for evidence. Then it repurposes the building in a pretty centralized location. I'm here for the community. Whatever decision they want or feel is best, I'm ok with that. I would like to move forward with it with the Lee Tafoya building if at all possible.

Commissioner Fahl: First of all, I'm shocked by this notion that we were going to combine it with a rec center. I don't know where that idea even came from, and personally, as a parent, I don't know if I would want the police right next door to the high school. I think that the public didn't understand everything as we've said before about the money. They seem to think that we could use that money, the bond, for the water infrastructure, and as we've said repeatedly, there are certain pots of money that have to be used for certain things. You also have to pay the money back. There are loans. We're doing everything we can for the water. Now, here's an opportunity for the police department. Yes, we all know it needs to be moved. The public, I guess at one time thought we could use the old county admin money, so it hasn't been made clear on social media. Which is where you find out - everybody gets their news from social media. The sheriff's office is moving in there. I'm excited that you want to put that armory back to use. That building, means a lot to this community, and to put it back to use and use it again just re-emphasizes what that family did for us and what that building meant for our community. What better use for it than for a police department. To me, that's a total win-win. I think we need the community's help of promoting the true facts about what is going on, so they understand the money, the repayment, and the use of that building. I want it there too 100%. The First Savings Bank really wants you next door. I worked at a bank, and we were really happy when the police department was right across the street.

Police Chief Tavizon: Thank you, Commissioner. I think one of the things to bring up is the fact that going to the public market as opposed to using the DFA for the loan. If you use the New Mexico DFA for the loan, as you're aware, you're stuck with the entirety of that loan. There's no early pay off. You're stuck with the interest, and Jay correct me if I'm wrong, going to public market, if I can find money, I can put it toward that in the future and pay that off earlier than what is expected and save that money in the interest.

City Attorney Rubin agreed.

Police Chief Tavizon: There's always that option. There are monies out there. Sometimes, maybe congressional funding that becomes available, grants, that you may be able to apply toward that.

Commissioner Fahl: It's just a win situation with the funding, and you've been able to pay for it out of funds already dedicated to your department, so you are not spending money out of somebody else's coffers that it's meant for. I think it's a great opportunity. I want it at the armory. I don't want it any place else, but I'm just one voice.

Commissioner Mitchell: Rolf and I had discussed about we possibly could use the bond money for another department, but it's coming out of the police department, and the police department has to pay it back. It would behoove us to use it for the police department especially if we're going after all of these funds at the state level. The armory, to me, it's centrally located. It's close enough to all parts of the town. I don't like not having law enforcement downtown especially for Fiesta weekend. If the Sheriffs are moving in down there, that's a good thing too. I just think that I've seen this on the agendas before over the years. I've heard the discussion. We had how many people come to our meetings in support of this? We've had how many people in the community writing us letters and giving us their opinion that they want this. Then we have one or two people that don't.

Mayor Pro-Tem Forrister: A lot of people came and wanted to get their name off of it.

Commissioner Mitchell: It's one of those things. The community supports it. The police department supports it. The city initially supported it, and now we're being cowed into not going forward with it. I don't think that's right, and I don't think that's how it should work.

Mayor Pro-Tem Forrister: I have a couple of different thoughts. When I saw the paper about this. I thought, I kind of entertained that idea, if nothing else, at least we could get you a building. The more you think about it, I will have kids at that high school not far from now. When you arrest somebody, you take them to the police station, and people are swimming or working out in there. It's right next to the high school. Yeah, that kind of becomes a problem. The second problem is, even if we wanted to do it at the golf course, I don't know if we can. I don't know if we can do anything there at this point. That's very iffy. I understand that there was enough signatures to go to referendum. I know it's going to cost us money, and that's unfortunate because it's coming out of their funds still. We're not taking that GRT away. We've made that pretty clear up here. We're not taking that away, so that is your money to spend however you see fit. I want to support you as well. If that's what it is, that's what it is.

Mayor Pro-Tem Forrister: How many people who live around the golf course are going to be in here because they don't want to hear sirens, and they don't want to have police cars flying out of there every moment in their neighborhood?

Commissioner Fahl: The police next to the high school especially the middle school, that's such a formative thing. It would be intimidating to them, I think. Then they would be exposed to things that maybe they shouldn't be exposed to because it's right next door. I personally think that's a ludicrous idea. I won't tell you how I really feel about it.

Commissioner Hoepfner: For me is it here yes here I definitely support here that we need a police station and I'm always here when somebody newer right now in the older building I would like to see you to have a new building somewhere because then you can really plan it out what works for you when you have existing building there's where the problem is you're pretty much confined to exactly that layout and armory building is fortified and all that so you can say quickly hey I take this one out and put this one in it's not built and meant for that to happen so I'm here more for investing in a new police building where we can work and get different departments and every money that it is not just your money what is up for the funds in the now DWI different departments can join and then we can get more funding.

Mayor Pro-Tem Forrister: They would just rent from you, correct? Yeah, they wouldn't be involved in the process of paying for it. They would just be renting. They're going to rent regardless.

Police Chief Tavizon: Yeah, we'll rent out the spaces.

Mayor Pro-Tem Forrister: And the armory is just a big square building anyways. It's already erected. It just doesn't have walls in it at all.

Commissioner Hoepfner: I never went to the armory building myself. It's a warehouse for the border and everybody's department and the police force.

Cross discussion about the armory currently being used for storage.

Mayor Hechler: I told the Chief I'd support him, and I will. We'll work on that. We'll work on getting this done. I know that some other folks in our community spent a lot of time trying to do some other things. I really acknowledge and respect that effort. We can do two things here. We can do more than one thing. More than one thing is we can have a police station in one location, and we can have a rec center in another location. If they're not meant to be together, and I hear some opposition to that, that's okay. We'll figure that part of it out. I ran on the idea that we wanted that rec center somewhere. I think there's a mechanism to try to do that. We should try to do that. I don't want to see the impetus behind that fall. I think we need to focus on that and go down the road with that. I was ready to go either way for whatever you guys wanted to do. It sounds like you guys want to go ahead and stay with the Lee Tafoya building. That was a plan in 2017. We didn't get through it for whatever reason. It's a plan again now. I'm hoping we dispelled some of the idea that we can't do two things at once. We can use the police department's money for infrastructure. We can make an ordinance, and we can change it, and we can claw back that money. We can put it back to use, but do we really want to do that? I don't think that's the right move. I told you earlier, if we're successful in getting

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our water infrastructure funds, that's 40 years of funding from the police department. It makes no sense to me. You're right. We're not going to do that. The police Chief gets his money. I think he's made a very articulate reason on how he wants to spend it. I think that's important. For that reason, we need to move forward and support that. I want to make sure that we can do both those things. We'll work really hard to find the revenue and the money to get that rec center done. I know that's an important issue for some folks here. Mr. Edelheit, I understand. Let's move ahead and make a decision here.

Commissioner Mitchell: So, if we vote to rescind it, then we lose that bond money, correct?

City Manager Gonzales: If you vote to rescind this, we pay the county off on where they're at, and everything stops.

Commissioner Mitchell: Can we start immediately, or do we have to wait a year or something like that?

Mayor Pro-Tem Forrister: We don't have to wait at all.

Mayor Hechler: Because we're going to do something different.

Mayor Pro-Tem Forrister: If we want to go ahead and move forward and push and go into the Lee Tafoya, then it has to go to vote.

Commissioner Mitchell: But the ordinance doesn't even mention Lee Tafoya. It just says moving forward with the law enforcement facility. If people were to vote 'no' on that, it's saying 'no, we don't want the city to get any money whatever they're going to use it for'.

Mayor Hechler: That's interesting.

Commissioner Mitchell: This is not moving forward with the law enforcement facility at Lee Tafoya. This is moving forward for getting that bond money for a law enforcement facility regardless of where it is. So we move forward with this. We go to election, and then all the people who vote against it is just saying we don't want the law enforcement to have any money to do anything with.

Commissioner Fahl: You know, the perception is out there what we intended to do, so how to dispel that or maybe you capitalize on that. I think Chief, you said you were going to do town hall meetings or something like that.

Police Chief Tavizon: Yes ma'am.

Commissioner Fahl: Could you do those sooner rather than later like in February? I think the more information we get out there from ourselves and our friends that can get that information out there. I saw some names on that petition. I'm going to be making

some phone calls and asking them what they, what were their thoughts when they signed that. Or can I do that?

Mayor Hechler: This is very disturbing because you're right. The terminology in this thing refers to not the Lee Tafoya building. This is a way to keep us from doing anything, then that's totally inappropriate. We have to move forward and get this thing done. We have to get something done for the police department.

Mayor Pro-Tem: But if it doesn't say anything about the Lee Tafoya, it's just saying about the money, then that's really crafty, people.

Commissioner Fahl: Maybe between now and then some other wonderful idea pops into your head.

City Clerk Torres: I guess a good way to see it, is that all the ballots are going to be mailed directly to the registered voters, so if you are supporting this, and you can get the word out then it wouldn't take them going all the way to the county to vote.

Commissioner Fahl: I think getting this message out there is really going to make a difference. You do a really good job, Chief, of articulating that, so if you can have some in February. Like we said, the sooner, the better. We just need to educate the public about the money, how we can use the money, and what it's for. A new building or an old building, repurposing a wonderful building that has historical significance to our community. It's very important.

Police Chief Tavizon: It was up to 4.5, I mean obviously, he gave a little bit of leeway for cost of construction in the event that it went up. We wanted to update it with some up to date entry points or whatever. It may not take that entire amount you know. It may be 3.8, 3.5 it's just max at 4.5.

Mayor Pro-Tem Forrister: Do we know what it says on the ballot yet?

City Clerk Torres: It's going to say exactly the wording on the ordinance right here. It's going to say for or against.

Mayor Pro-Tem Forrister: Mayor Hechler, even what you were talking about and trying to make this a different place. You can't use that anyway, right?

Commissioner Fahl: I don't get it. What are you saying? We have said that we would like to use the armory, but the bond itself will not refer to a particular location.

Mayor Pro-Tem Forrister: So this is saying, no, we don't want to use the police GRT for any money whatsoever.

Commissioner Fahl: Correct. That's what it's going to say. "Do you want to support the police department to go to a new location or not?" No... constructing, furnishing,

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equipping, beautifying, and making improvements to a Law Enforcement Facility. That's what it'll say.

Mayor Pro-Tem Forrister: So we couldn't even use it to go build something at the golf course.

Cross discussion about the implications of a yes or no vote.

Commissioner Hoeppe: We have to re-visit everything anyways.

City Clerk Torres: If you guys decide to stop the election right now, this is no longer valid. You are going to have to go through the steps all over again.

City Attorney Rubin: It'd be the same thing if you hadn't passed the ordinance to begin with.

Mayor Pro-Tem Forrister: Our question was, can we pull this back and use it for something else? We can't do that.

City Clerk Torres: Can't they go through the, so say they don't want to go through the publication again.

Mayor Pro-Tem Forrister: We can go through the publication again.

City Clerk Torres: Yeah, you can do that again to be more specific.

Commissioner Fahl: Or a bond for something else, but it's trying to pay for it. I think that's what people get confused about – let's go get a bond for the rec center, but we can't.

Mayor Hechler: If this is defeated then we can not go forward again for another year.

Commissioner Hoeppe: That's what I'm saying here that would make more sense when we stop it right now because right now, we would do a town hall. People say they make up their mind we spent \$22,000. It gets voted down, and then for another year, we can't apply for anything else because of that. It would make more sense to bench it right now, do the town halls, get a new ordinance going, and then here go from there but already having the public included. We are pretty much safe. My problem is the \$22,000.

Mayor Pro-Tem Forrister: Jay, can you please give us some direction here?

Commissioner Fahl: We can still go get another bond if this failed. Not for the same purpose, but we could apply for bonds for other things, or no bonds ever for a year? Clarify that.

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City Attorney Rubin: I didn't really research that question carefully. I'd have to say the answer is yes.

Mayor Hechler: Because this bond is specifically for to construct, furnish, equip, beautify, and improve a public facility building for benefit of the city and its residents.

Mayor Pro-Tem Forrister: So, in my mind, we should vote it to rescind right now.

Commissioner Fahl: Why?

Mayor Pro-Tem Forrister: Because if they go and we vote no, we don't get to re-visit it for a year. So if we rescind it.

Commissioner Hoepfner: We can immediately go ahead.

City Clerk Torres: If they vote it down, you can't use this money for a law enforcement facility for an entire year.

Commissioner Fahl: Yeah I get that part, but why are you going to rescind it. What is more time going to get you?

Commissioner Hoepfner: The bond will not move forward when you vote it down. So we lost \$22,000 and passed not the bond at all.

Commissioner Fahl: What are you going to do next? You rescind this, and then what?

Commissioner Hoepfner: Get it on the agenda again and do it again.

Commissioner Fahl: Get it on the agenda to do what?

Commissioner Hoepfner: With public hearings here with town halls sit together and then do for the police station to say...

Commissioner Fahl: Then we still wouldn't vote on it though until March because that's when special elections are held are in March.

Commissioner Hoepfner: But then we stop it. It is not happening at all. It's like that negotiation never happened.

Commissioner Fahl: Let's just do it. The people that care. That's going to send us a message too about what they think about law enforcement apparently. If they vote against it, then they don't want the law enforcement to get improved because that's what that's saying. "I am not for the law enforcement getting a better facility."

Mayor Pro-Tem Forrister: That's true. The wording on the ballot. I get that part too. That's not misinformation on there. Chief, you want to go forward, let's roll?

City Attorney Rubin: I have a financial question. In addition to the money, the \$4300 that was spent already, what about the money invested in putting the ordinance together and everything. How much more is that involved?

Cross discussion about the investment already made into this ordinance that would be lost if it was rescinded.

Commissioner Fahl: They flew over there. I mean, let's just go for it. If we can do a good job, which we should. We as a community, as the commissioners, as the police. Ok, this is really what it's about. If we can't sell that to this community, then shame on all of us.

Commissioner Fahl made a motion not to rescind the action of the City Commission in approving Ordinance No. 756 authorizing issuance and sale of \$4,500,000 City of Truth or Consequences Gross Receipts Tax Improvement and Refunding Revenue Bonds, Series 2023 for the purpose of acquiring, constructing, furnishing, equipping, beautifying, and making improvements to a Law Enforcement Facility, and continue with the election. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

15. Discussion/Action: Consideration to repeal Special Referendum Election Resolution No. 29 23/24.

Commissioner Fahl made a motion not to repeal Special Referendum Election Resolution No. 29 23/24. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

16. Discussion/Update: Update on city website redesign.

City Clerk Torres: I just wanted to kind of give you guys an update on our new website. As you can see, it's a lot nicer. It's easier to navigate. One thing that I really did like is when you go to the Advisory Boards, now, it shows the advisory board and the minutes are under each board instead of having to scroll all the way through them. If you go back here to "recent news", they made it to where we can add a lot more items, which I really like. If you click on the Advisory Boards, it shows all the vacancies that we have. You can put flyers or anything on there. We also have fillable forms that will be added and when you fill out the forms, they can be emailed directly to the department, so that's another way it will help our community. I really like this accessibility function. You can make the text bigger, you can do all kinds of stuff. That's kind of a neat thing.

Mayor Pro-Tem Forrister: I'd like to point out that it's very hard for someone looking for a job to navigate to employment opportunities. I'm very tech savvy and it took me a good 5-8 minutes to find it, so is there a way to make one of those big tabs 'employment opportunities'?

City Clerk Torres: Yes, I can go ahead and do that.

Commissioner Fahl: Are you the person who will be updating it?

City Clerk Torres: Yes, I'll be updating for the most part. The departments do have access to update their own page. The more technical things like adding pages, I'll be doing that.

Discussion about the visuals and design of the site.

Commissioner Fahl: Oh, I like that. It's wonderful.

City Clerk Torres: That's all I have.

Mayor Pro-Tem Forrister: The update looks beautiful, and if we can get the employment opportunities up a little easier to access, then I will be very happy.

I. EXECUTIVE SESSION

- 1. Limited Personnel Matters (Water/Wastewater) Pursuant to 10-15-1(H.2).**
- 2. City of Truth or Consequences City Building (297 W. 3rd Ave) Tenant Lease Agreement**

Mayor Pro-Tem Forrister made a motion to go into executive session at 1:13 p.m. to discuss Limited Personnel Matters (Water/Wastewater) Pursuant to 10-15-1(H.2) and City of Truth or Consequences City Building (297 W. 3rd Ave) Tenant Lease Agreement Pursuant to 10-15-1(H.8). Commissioner Fahl seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Hechler reconvened the meeting in open session at 1:36 p.m.

Mayor Pro-Tem Forrister certified that only matters pertaining to Limited Personnel Matters (Water/Wastewater) Pursuant to 10-15-1(H.2) and City of Truth or Consequences City Building (297 W. 3rd Ave) Tenant Lease Agreement Pursuant to 10-15-1(H.8) was discussed in Executive Session and no action was taken in executive session.

Mayor Pro-Tem Forrister made a motion approve item H10. the City of Truth or Consequences City Building (297 W. 3rd Ave) Tenant Lease Agreement. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

J. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 1:38 p.m.

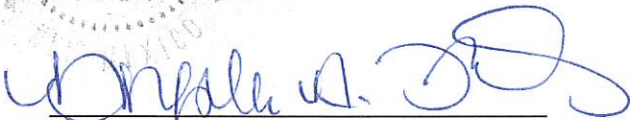
Passed and Approved this 14th day of February, 2024.



Rolf Hechler, Mayor



ATTEST:



Angela A. Torres, CMC, City Clerk

My Name is Gordon Edelheit , Member of the board of Directors of the TorC Chamber of Commerce and Resident of our Community.

Good Moring , Honorable Mayor, Honorable Commissioners , Chief of Police Louis Tabavson, City Manager, All of the City Employees present and a Shout Out and Thank YOU to all of the Community Members who have taken part of there Lives to be here today.

1. I am here to speak about several MAJOR issues Regarding the pending bond referemdum, will do my best to stay with the time limit , please excuse me if this important information and requests runs slightly long.

Vote taken at last meeting Commission

#1 Having met with many of the City leaders including the Mayor, Commissioners, past city managers, and most importantly our City Police Chief. There are solid answers and The Focus and Direction of OUR Community has a better Way to Resolve this bond vote and MOVE Forward to a MOST Positive WIN WIN result for our Community .

Revised the Bond with \$15 million on this new plan because we can do it

2. The Answers are to Make Public and Official the PLAN for a NEW EXPANDED Recreation COMPLEX that will be built on a CENTRIAL PROPERTY that is currently the Municipal Golf COURSE.

With New Police Station adjacent

3. The plan and VISION that is already in discussion includes a new Police Stasjon that will have and provide the Security most needed and have greater access to Entire Community, The propery will feature an INDOOR and OUT DOOR swimming POOL, that allows for Swim Tourments for our High School and Water Park features , Dis Golf Courses.

4. Outdoor and Indoor courts for Pickle Ball and other sports, Several Buildings built including a state of the ART GYMnasium ,that our Community will feel the safety and PRIDE IN OUR COMMUNITY.

For OUR COMMUNITY CAN AFORD THIS COMPLEX and this development will INCREASE the value of ALL OF Properties, We will have a permanent place for YOGA, and Health Classes, , and for a Pubic Community Gathering Space ,including Retail space for Juice Bar , Indoor and outdoor courts for games.

This project is a Sports Complex and MUCH MORE and will be developed over a 10 to 15 ACRE area on the top end of the 44 ACRE Location. This is also going to be a well funding project , There are great savings also from redevelopment of the old swimming pool into a new Private/ public Health location in downtown and will be considered in the longterm downtown master plan that already our newest Commissioner is actively working on.

5. The New Rec Complex is intened to become a PUBLIC and PRIVATE venture. It should not surprise anyone that I have already received THOUSANDS OF DOLLARS IN PLEDGES to make this happen from COMMUNITY MEMBERS.

The city

increase trust tax

Really part with New Police Station

6. We don't need to waste \$22,000 on a vote. That is not progress and I suggest there are people in our community that DON'T WANT PROGRESS and are HAPPY to KEEP DO the same old " STOP , the PROGRESS VOTE' I say look around this room and most importantly ASK YOURSELF. WE CAN AND MUST DO BETTER AS A COMMUNITY and FOR OUR CITY . I asked the CHIEF and MOST of the CITY LEADERS and THEY SAID YES. The renovation of a 13,000 ft warehouse is not the best option for our Police or our community.

Thousand

7. The Chamber of Commerce board has voted against moving the Police from Downtown and most of the public was not aware of the major recent change in the Facts that the EMPTY Serria County Buildings at the Corner of Van Patten and Broadway are currently being renovated to become the new County Sheriff Headquarters. This is a major new piece of the puzzle and this fact will definitely impact the property security for the downtown area in the future.

8. In my discussions with The Chief of Police this becomes another major reason why moving up to the location near the Recreation Center will enhance the time that an officer from either the Tor C police or the County Sheriff Department can be covered in less than two minutes. That is when the new station is manned. BUT what is very important today to our Chief is to have total CREDITATION AND HAVE SOME RELATIVELY MINOR COSTS TO IMPROVE OUR CURRENT POLICE STATION, I HAVE GONE THROUGH THESE IMPROVEMENTS YESTERDAY AND CAN SAY ALL OF THESE IMPROVEMENTS CAN BE DONE VERY QUICKLY WITHOUT MAJOR RENOVATION EXPENSES. What the Chief wants is clearly to become a long term member of our COMMUNITY and DO THE BEST OPTION POSSIBLE.

The LONG TERM VALUE that I have heard from our City Leaders is that this plan will insure our Police Station the most efficient place in our City for a long term vision.

This Rec Center is a Complex, much like many people who have lived in larger cities, This is much like a YMO JCC Health Complex, Recently one Commissioner said to look at the Rec Center at the Halderman Airforce base as a model.

9. The FUNDing and Improvement of City with a property place for Water Arobics for our Seniors, a real pool for a youth competitive swim team that will bring tourists to TorC, and place to insure health and Exercise located with the safety of a new properly sized Police Station is what we are talking about and was and is my passion to see this project through. Today is a new day for the people that COUNT < OUR COMMUNITY can and will do better, and I ask on behalf of Our community to "stop the madness of a vote on the Referendum" that is a minor savings compared with the Realization that WE need to do better and will bring about change from any NEGATIVE reasons NOT to move FORWARD on BEHALF of ALL of the CITIZENS of Truth and Consequences.



Sierra County Business Center- Training Division

Concept Proposal

Sierra County Business Center - Training Division is part of the industry defined as Trade & Technical Schools in the US. This industry includes schools that offer vocational and technical training in a variety of technical subjects and trades. Training often leads to job-specific certification. Instruction may be provided in diverse settings, such as the company's training facilities, the workplace, the home or through distance-learning methods.

Online courses as a teaching medium continue to trend upward

Vocational schools are set to continue benefiting by introducing online classes. These classes are cheaper to run, as they instruct more students per instructor and don't require physical locations. This is set to keep profit high through 2028.

Through online courses, vocational institutions can offer classes to a greater number of students without incurring higher rent expenses or employing more instructors. Online courses also enable students to save time and money on commuting. The success of this format has enabled trade schools with the ability to teach online to boost profit by cutting costs.

Unemployment trends have had a mixed effect on demand

Unemployment spiked in 2020 as many industries faced pandemic-related pressures that forced them to lay off many workers. When unemployment rises, finding a job becomes more difficult and many jobless consumers look to improve their skill set and marketability to employers through attending a vocational school.

US Census Bureau

According to the US Census Bureau (2022), 22.4 % of Sierra County residents are living in poverty. Living in poverty is associated with lower life expectancy, high infant mortality, poor reproductive health, higher rates of infectious diseases (notably tuberculosis and HIV infection), higher rates of substance use (tobacco, alcohol, and illegal drugs), higher rates of non-communicable diseases, depression and suicide, and increased exposure to environmental risks. Poor children are more likely to die by the age of five years and to suffer from acute respiratory infections, diarrhea, congenital anomalies, and chronic diseases.

Quarterly Economic Summary

Released September 2023 Quarterly Economic Summary provided by New Mexico Economic Development Department (EDD)

Q4 FY23-largest industry as a percentage matched taxable gross receipt (MTGR) was construction by 40% of the total MTGR in Sierra County.

Certified Training Programs

Training 360, Savvas Learning Center & National Center for Construction Educational & Research, (NCCER) are online training programs that will promote job readiness, our on-the-job training with licensed contractors offers young adults the necessary experience in the construction trades.

Timeline

FY1 successfully complete all of the coursework provided by Training 360 (approximately 13 hrs. & 10 min) Complete five projects successfully (approximately 90 hrs.) of on-the-job training, complete all coursework provided by SAVVAS Learning Center- Introduction to basic construction (approximately 72.5 hrs.) & begin coursework – carpentry level 1 provided by the National Center for Construction Education and Research, and (a grade of 70% or higher for NCCER to award a certificate of completion).

FY 2 & 3 complete coursework- carpentry level 1 (approximately 162.5 hrs.) & level 2 (approximately 210 hrs.), and (a grade of 70% or higher for NCCER to award a certificate of completion).

FY 4 complete coursework- carpentry level 3 (approximately 160 hrs.) & level 4 (approximately 161 required hrs. & 25 elective hrs.), and (a grade of 70% or higher for NCCER to award a certificate of completion).

Sustainability

The Rural Innovation for Stronger Economy (RISE) Grant, a minimum award of \$500,000-maximum award of \$2,000,000 will provide stability for Sierra County Business Center-Training Division vocational /training programs.

In Conclusion

- The evidence supports the need for a local vocational/training program in Sierra County. Sierra County Business Center-Training Division is committed to serving the underserved youth in our communities through certified training programs, mentorships, and on-the-job training by licensed contractors to prepare young adults ages 16-24 for employment opportunities therefore reducing the poverty level in our county.

Thank you

Office of the State Engineer, Dam Safety Bureau (DSB)
O&M deficiencies that have to be addressed
(last inspection is dated 2019; there should be another planned soon)

I believe that funding this FY from the County Flood Commission office could address a majority of these concerns except for Emergency Action Plans and a required new Operation and Maintenance Manual. Those average between \$50,000 to \$80,000 each depending on the size of the watershed. We could request annual funding from the Flood Commission for these items until we get those completed. I would recommend that when we begin doing our EAP that we utilize an engineering firm that has had those plans accepted by the Dam Safety Bureau. It is a very arduous task, and few have been approved. Those firms will know how the DSB wants to report to look and the data necessary. I am not including those on this list because EVERY high hazard structure has to have these items in place.

(This will be listed via structure and does not include the basic maintenance of rodent control and woody vegetation control. Also, the monitoring of the effective width of the dam crest that the practice of back dragging the embankment slopes for woody vegetation removal and erosion backfilling is not reducing the cross-sectional area of the dam as originally designed, which is done on both Marie and St Anne's dams)

I would recommend getting estimated costs for these repairs from either Casey McGuire at EBID, Hatch yard, or from John Gwynne, the Dona Ana County Flood Commission Flood Director. They are very familiar with these repairs and would be able to provide estimates quickly, rather than using an engineering firm to acquire estimates. Some of this work will need engineering services but a lot can be completed in-house or using a local contractor.

St. Anne's Dam

This is recognized by the DSB as a high hazard dam due to the risk to life and property
Issues with this structure should increase because outflows from the new Round-a-Bouts are being directed to this structure

1. Address the erosion that is occurring at the left downstream groin at the east end of the dam
2. A trash rack needs to be placed over the inlet of the outlet conduit to assure the orifice does not become clogged by debris or trash washed down from the watershed during a rain event.
3. Outlet Conduit 24" diameter Corrugated Pipe is corroding and scouring along the invert. The full extent of the corrosion and scour needs to be determined by having the interior of the entire length of the outlet conduit inspected. This issue will need to be addressed before the pipe collapses.
4. The downstream end of the spillway channel is aligned such that potential scouring of the downstream slope of the dam could occur during severe precipitation events. The city needs to ensure that the flood discharge is directed away from the downstream toe of the dam by realigning the downstream end of the spillway channel.
5. The orifice plate welded to the upstream end of the outlet conduit diminishes the outlet conduit capacity. It needs to be removed and replaced with a ported intake riser similar to what is used for the majority of the NRCS designed dams.
6. Make arrangements to have an overall inspection of the outlet works conduit performed by a qualified contractor or professional civil engineer licensed in NM with experience in dam

engineering. Once completed provide the Inspection documentation of the Dam Safety Bureau. This has been a continues problem.

7. **This structure has been rated poor due in part to the City's lack of response to past inspections and lack of design report on file.**

Marie Street dam

This is recognized by the DSB as a high hazard dam

1. Spillway capacity is judged inadequate based on lack of current hydrologic and flood routing analysis in combination with diminished reservoir routing due to partial loss of storage capacity. Overtopping of the dam has occurred in the past.
2. Make arrangements to have an overall inspection of the outlet works conduit performed by a qualified contractor or professional civil engineer licenses in NM with experience in dam engineering. Once completed provide the inspection documentation of the Dam Safety Bureau. This has been a continuous problem.
3. Repair existing erosion and monitor and repair future erosion.
4. The outfall conduit needs to be maintained as exposed; not covered by vegetation as in past inspections.
5. **This structure is rated poor in part due to lack of documentation for the sewer line passing through the dam and lack of design report on file.**

Cuchillo Negro dam

This is recognized by the DSB as a high hazard dam

1. Repair/patch deteriorated concrete where applicable to various sections of the dam and auxiliary spillway.
2. Remove all debris from the ports and trash racks for the inlet structure to lower outlet conduit and confirm that all ports below the sediment level are adequately sealed.
3. Provide a copy of survey results for horizontal/vertical survey monuments as requested by this office **since 2019** and have not yet been received. If not available, City must make arrangements to collect such data and submit it to DSB. (this could potentially be in the engineering designs of when this was constructed. *Recommend looking through our records or call the construction firm/engineering firm who completed this . This should have been completed prior to receiving approve from the DSB for construction*
4. Prepare and submit a Hydrologic and Hydraulic analysis to evaluate the spillway capacity. *Recommend looking through our records or call the construction firm/engineering firm who completed this structure. This should have been completed prior to receiving approve from the DSB for construction*
5. Work with Sierra County to assure no additional residences have been constructed within the maximum flood pool of the dam. It appears from the last inspection that this has occurred.
6. Make arrangements to have an overall inspection of the outlet works conduit performed by a qualified contractor or professional civil engineer licenses in NM with experience in dam engineering. Once completed provide the inspection documentation of the Dam Safety Bureau. This has been a continuous problem.
7. **This dam is rated Satisfactory but can be downgraded due to lack of response.**

Morgan street dam and outlet structures

This structure is recognized by the DSB as a High Hazard Dam

1. Large rill on Morgan Street side needs repair. Cuts are over 6 feet deep
2. The Soil cement Auxiliary Spillway overflow structure that is upstream of the sediment basin has damage and the soil cement on the downstream floor and sides-it needs repair
3. Remove woody debris new Principal Spillway inlet and auxiliary spillway inlet
4. Repair sealant on joints on bottom of concrete inlet of the Auxiliary Spillway
5. Need to remove section of concrete drop structure near Simpson Street